

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 19, 1983

PRESIDENT:

The hour of eleven having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Our prayer this morning by the Reverend Victor Kaltenbach, St. Patrick's Catholic Church, Springfield, Illinois. Father.

REVEREND VICTOR KALTENEACH:

(Prayer given by Reverend Kaltenbach)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journals of Thursday, May the 12th; Tuesday, May the 17th and Wednesday, May the 18th, in the year of 1983, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries, and it's so ordered. Committee reports.

SECRETARY:

Senator Berman, chairman of Elementary and Secondary Education reports out the following House Bills: 11, 233, 236, 264, 427, 520, 626, 810 and 999 with the recommendation Do Pass. 286 with the recommendation Do Pass as Amended.

Senator D'Arco, chairman of Insurance, Pensions and Licensed Activities Committee reports out the following House Bills: 240, 295, 346, 376, 377, 379, 380, 483, 562, 564, 755, 776 and 949 with the recommendation Do Pass. 366 with the recommendation Do Pass as Amended.

Senator Savickas, chairman of Assignment of Bills Committee reports the following House Bills have been assigned to committee: Agriculture, Conservation and Energy - 461 and

791; Elementary and Secondary Education - 609, 622, 625, 627, 782; Executive - 439, 454, 455, 604, 605, 710, 768, 796; Executive Appointments and Veterans' Affairs and Administration - 1191; Insurance, Pensions and Licensed Activities - 409 and 519; Judiciary I - 773 and 958; Judiciary II - 433; Labor and Commerce - 582 and 694; Local Government - 398, 761 and 1091; Public Health, Welfare and Corrections - 401, 495, 537, 538 and 1337; Revenue - 644 and 730; Transportation - 695 and...763.

PRESIDENT:

Message from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives passed bills with the following titles, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 250,...261, 345, 385, 391, 395, 428, 452, 487, 502, 663, 666, 670, 673, 674, 700 and 719.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 170 offered by Senator Kelly, and it's congratulatory.

PRESIDENT:

Consent Calendar. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, very much, Mr. President. We have some guests with us today in the...in the President's gallery. The City of Bloomington, Illinois has a...a sister city agreement with the City of Asahikawa, Japan. And in the President's gallery is...are Mr. and Mrs. Earl Kingman who are the parents, incidentally, of Linda Kingman, who are on your staff, Mr. Presi-

dent, and Mr. and...Mr. Kingman is the chairman of the Sister City Committee in Bloomington, and they have with them today Mr. and Mrs...and I'll do my best to...Osamu Tsuji from Asahikawa, he is a pharmacist, and their daughter, Masako, who is a student in...in the...in Bloomington this year and a junior, and her friend, also from Asahikawa, who was a member of the sister city exchange, and her name is Maki Watanabe, I think. Would please stand and be recognized. We're delighted to have you with us today.

PRESIDENT:

Will our guests please rise and be recognized. Welcome to Springfield. With leave of the Body, we'll move to Page 67 on the Calendar, Page 67. House Bills 1st reading, Mr. Secretary.

SECRETARY:

House Bill 43, Senator Nedza is the Senate sponsor.

(Secretary reads title of bill)

61, Senator Demuzic.

(Secretary reads title of bill)

186, Senator Hall.

(Secretary reads title of bill)

238, Senator Schuneman.

(Secretary reads title of bill)

House Bill 241, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 247, Senators Netsch and DeAngelis...or Etheredge.

(Secretary reads title of bill)

270, Senators Etheredge and Netsch.

(Secretary reads title of bill)

321, by the same sponsors.

(Secretary reads title of bill)

477, Senator Bruce.

(Secretary reads title of bill)

524, Senator Netsch.

(Secretary reads title of bill)

531, Senator Carroll.

(Secretary reads title of bill)

554, Senator Lemke.

(Secretary reads title of bill)

610, Senator Kelly.

(Secretary reads title of bill)

613, Senator Vadalabene.

(Secretary reads title of bill)

614, Senator Vadalabene.

(Secretary reads title of bill)

619, Senator Buzbee.

(Secretary reads title of bill)

620, Senator Buzbee.

(Secretary reads title of bill)

621, Senator Lemke.

(Secretary reads title of bill)

630, Senator...Kustra.

(Secretary reads title of bill)

655, Senator Lemke.

(Secretary reads title of bill)

676, Senator Netsch.

(Secretary reads title of bill)

708, Senator Jerome Joyce.

(Secretary reads title of bill)

709, same sponsor.

(Secretary reads title of bill)

749, Senator Smith.

(Secretary reads title of bill)

754, Senator Maitland.

(Secretary reads title of bill)

771, Senator Schuneman.

(Secretary reads title of bill)

775, Senator Bruce.

(Secretary reads title of bill)

798, Senator Vadalabene.

(Secretary reads title of bill)

801,...Senator Vadalabene.

(Secretary reads title of bill)

806, Senator Bruce.

(Secretary reads title of bill)

812, Senator Darrow.

(Secretary reads title of bill)

House Bill 815, Senator Luft.

(Secretary reads title of bill)

828, Senator DeAngelis.

(Secretary reads title of bill)

835, Senator Vadalabene.

(Secretary reads title of bill)

836, Senator Vadalabene.

(Secretary reads title of bill)

821, Senator Netsch.

(Secretary reads title of bill)

House Bill 946, Senator Holmberg.

(Secretary reads title of bill)

House Bill 954, Senator Grothberg.

(Secretary reads title of bill)

House Bill 944, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 945, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 960, Senator Kustra and Keats.

(Secretary reads title of bill)

House Bill 975, Senators Jerome Joyce and Etheredge.

(Secretary reads title of bill)

House Bill 1029, Senator Fuzbee.

(Secretary reads title of bill)

House Bill 1061, Senator Kelly.

(Secretary reads title of bill)

House Bill 1073, Senator Egan.

(Secretary reads title of bill)

House Bill 1074, Senator Egan.

(Secretary reads title of bill)

1082, Senator Carroll.

(Secretary reads title of bill)

House Bill...1084, Senator Eerman.

(Secretary reads title of bill)

House Bill 1179, Senator Collins.

(Secretary reads title of bill)

House Bill 1308, Senator Hall.

(Secretary reads title of bill)

House Bill 1315, Senator Eerman.

(Secretary reads title of bill)

House Bill 1316, by the same sponsor.

(Secretary reads title of bill)

House Bill 1317, same sponsor.

(Secretary reads title of bill)

House Bill 1319, by the same sponsor.

(Secretary reads title of bill)

House Bill 1320, by the same sponsor.

(Secretary reads title of bill)

House Bill 1670, Senator Holmberg.

(Secretary reads title of bill)

House Bill 1918, Senator Schuneman.

(Secretary reads title of bill)

House Bill 1927, Senator Coffey.

(Secretary reads title of bill)

House Bill 1941, Senator Schuneman.

(Secretary reads title of bill)

House Bill 2000, Senator Hall.

(Secretary reads title of bill)

House Bill 2060, Senator Hudson.

(Secretary reads title of bill)

House Bill 2070, Senator Kent.

(Secretary reads title of bill)

House Bill 2176, Senator Nedza.

(Secretary reads title of bill)

House Bill 615, Senator Welch.

(Secretary reads title of bill)

1st reading of the foregoing bills.

PRESIDENT:

If I can have the attention of the membership, we have with us today a special guest, and the Chair will yield to the Minority Leader, Senator "Pate" Philip.

SENATOR PHILIP:

Probably the only time this year, too. Anyway, with...well, I got the microphone away from him again. You know what I did to his speech last night. Anyway, we're very, very fortunate to have with us today a young man by the name of Jeff Soukup who is the Illinois Youth Governor. So, he is down here...believe it or not, he resides in my legislative district, he's from Medinah, Illinois, and believe it or not, I went to high school with his uncle and his father. So, it's nice to see a young man by the name of Jeff Soukup, that's kind of a famous name in my area. We have the Soukup's Hardware Store and we have about four or five of them throughout my community. So, without further ado, it gives me great pride and...privilege to introduce Jeff Soukup.

JEFF SOUKUP:

(Remarks made by Jeff Soukup)

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Rock arise?

SENATOR ROCK:

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

Senate. There has been some discussion about the schedule for the balance of the week. As you are painfully aware, there are in excess of two hundred bills on the Order of 2nd Reading and over five hundred on the Order of 3rd Reading. We will work this afternoon, we will begin on 3rd reading and we will work straight through this afternoon until approximately six o'clock. Tomorrow we will reconvene at 9:00 a.m. and work until approximately two o'clock. The House will be working from nine till four, we will work from nine to two and hopefully be able to accommodate those who wish to leave the city by aircraft. But it's absolutely imperative that we be here tomorrow, and we will be on the Order of 3rd Reading tomorrow, so I urge all the members to get ready. In addition, I might point out that once we begin on the Order of 3rd Reading, I would urge the members not to rely too heavily on the fact that we may get around twice. We may or may not, depending on the time. We have until next Friday, the 27th, and that's all she wrote.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Luft arise?

SENATOR LUFT:

Thank you, Mr. President. I'd like leave to be listed as a hyphenated sponsor of Senate Bill 803, 804,...805.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there...803, 4 and 5. Is there leave? Leave is granted...is there leave to go to the Order of Committee Reports? Leave is granted. Committee reports.

SECRETARY:

Senator Vadalabene, chairman of the Committee on Executive Appointments, Veterans' Affairs and Administration to which was referred the Governor's Message of April 27th, 1983, reports the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR BRUCE)



Senator...Senator Vadalabene. Are we ready to go into Executive Session, Senator?

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointment set forth in the Governor's Message of April 27, 1983.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is that we resolve ourself into Executive Session. On the motion, those in-favor say Aye. Opposed Nay. The Ayes have it. The Senate is in Executive Session. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. With respect to the Governor's Message of April 27, 1983, I will read the...the salaried appointment to which the Committee on Executive Appointments, Veterans' Affairs and...and Administration recommends that the Senate do advise and consent.

To be director of the Department of Mines and Minerals for a term expiring January 21, 1985, Bradley N. Evilsizer of Christopher.

And Mr. President and members of the Senate, having read the salaried appointment, will you put the question as required by our rules.

PRESIDING OFFICER: (SENATOR BRUCE)

Just the single appointment, Senator?

SENATOR VADALABENE:

That's it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene has placed the name in nomination. Is there discussion? The question is, shall the Senate advise and consent to the nomination just made. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Be all

voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is that the Senate arise. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate does arise from Executive Session. Is there leave to go to the Order of Senate Bills 3rd Reading? Leave is granted. It's on Page 11 of your Calendar. Senator Hall, for what purpose do you arise?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen. I would like leave to show on House Bill 1045, it should be Marovitz-Hall, and I would like leave for that to be shown like that. It's...

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave for...

SENATOR HALL:

...it was read in yesterday.

PRESIDING OFFICER: (SENATOR BRUCE)

...on House Bill 1045 to show the sponsorship in the Senate as...as Marovitz-Hall? Leave is granted. Senator Buzbee, on Senate Bill 2. Senator Jerome Joyce, on Senate Bill 3. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 3.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. We have talked about the Kankakee River Commission for many years here. I...I hope that this year it goes through and...and this happens. It is a...a problem, particularly in that area where the Kankakee River is. In Indiana it starts by South Bend and...and comes together with the Des Plaines at Morris to form the Illinois River, and...the best way I can explain it to you is that in Indiana they treat water as the enemy, Illinois treats it as a friend. They have many...they are dredging, cleaning and what have you in Indiana, straightening, and in Illinois the stream wanders around and it is a...in its natural environment. It...but it is, consequently, filling up with silt. Indiana has a commission, they have the authority to tax now and they are dredging and cleaning and straightening more and more and causing more of a problem in Illinois. We need someone to be able to deal with them, we need counterparts in Illinois to deal with them. And one of the problems with the Kankakee River, it's in one legislative district, it starts in the 43rd and ends in the 43rd. So, I would appreciate a favorable roll call on this.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 3 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 3, none voting Present. The Senate...the bill having received the required constitutional majority is declared passed. Senate Bill 5, Senator Jerome Joyce. Senate Bill 10, Senator Groberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 10.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GIBTBERG:

Thank you, Mr. President and fellow members. This is a simple bill that allows handicapped persons to have snow tires, studded snow tires, and it is now an agreeable concept with the Department of Transportation, the Secretary of State and both sides of the aisle in that we've restricted it to those with rural addresses. This goes back to a friend of mine who got stuck in a snowstorm out on his farm, a paraplegic, and got stuck in a snowbank and nearly froze to death, and he urged that we pass this bill for all people in his condition. So, I...

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion?

SENATOR GIBTBERG:

...ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 10 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate...the bill having received the required constitutional majority is declared passed. Senate Bill 12, Senator Mahar. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 12.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senate Bill 12 amends the State Police Act to authorize district commanders with the advice and consent of the superintendent to appoint an auxiliary police for a limited service. It allows the auxiliary to aid and direct in traffic, aid and control of natural or man-made disasters and do administrative work. They cannot carry firearms, they must be trained, they must have separate and distinct identification uniforms, they cannot ride with the troopers, they receive no pay. This auxiliary force has been used in District No. 4 for a number of years. It's supported by Lodge 41 and by the superintendent. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 12 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The bill having received the required constitutional majority is declared passed. Senate Bill 13, Senator Geo-Karis. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate...Senate Bill 13.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill, which was approved by unanimous...consent of the Committee on Pensions and Insurance, is a bill that says, in effect, that it authorizes employers to exclude from the

definition of employee anyone employed under Federally funded military contracts. This has arisen...is a bipartisan bill for Representative Matijevich on the other side and all the other Representatives from Lake County. It is a...kind of a special circumstances surround us at Great Lakes Naval Training Program administered by the College of Lake County and it's supported by the community colleges. And makes it imperative that this bill be approved so that employees working under the special contract with the Navy would not have to become...participants of the State Universities Retirement System...in this way we'll save money for the State. And I urge its approval.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 13 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none Voting Present. Senate Bill...Senate Bill 13 having received the required constitutional majority is declared passed. Senate Bill 20, Senator Jerome...Jeremiah Joyce. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 20.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 20 amends the Chicago Teachers Pension Fund and provides that before the...the investment authority can be transferred, it would be necessary to secure the consent of the contributors. There is a favorable report from the Pension Laws Commission. I know of no opposition, the trustees

*SB 25  
2nd Reading*

are in favor of this and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 20 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 20 having received the required constitutional majority is declared passed. Senate Bill 25, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 25.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this bill does is allow employers to set up voluntary work share programs. In explaining what a work share program is, if they have five employees and they have work for...for only four, each employee takes one day off a week and he works out on a work share basis, and each employee gets one day of unemployment comp. and four days of pay. This does not affect the trust fund, it's strictly voluntary, set up on a strictly voluntary fund. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the passage of Senate Bill 25. Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I was going to say, just for the Republicans, this came out of Labor and Commerce, and, in fact, the only opposition came from the...the Democrat not from the Republicans. The only problem with this bill is that the Federal Government has not yet approved the trust

fund system, but I think that's a Federal problem we can't deal with, and the bill certainly does try to deal with the problem that we ought to insist on keeping skilled workers working part-time. So, I would ask the Republicans to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall Senate Bill 25 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 25 having received the required constitutional majority is declared passed. Senate Bill 26, Senator Vadalabene. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 26.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The original Act required a commission to report by August 9th, '83, and was automatically repealed on that date. What this bill does, Senate Bill 26 allows the commission to report periodically and provides no repeal date. And I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is on the passage of Senate Bill 26. Discussion? The question is, shall Senate Bill 26 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 1, 1 voting Present. Senate Bill 26 having received the



required constitutional majority is declared passed. Senate Bill 29, Senator Watson. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 29.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This bill amends the Bingo and Licensing Tax Act. It raises the maximum amount of prize money in merchandise or prize money from the current twenty-two hundred and fifty dollars to twenty-seven hundred dollars. The problem arose when we lowered the prize money a couple of years ago from...in the last Session, in fact, from thirty-four hundred to twenty-two fifty. This was a drastic cut, it was...affected our area of the State and many of the...many areas of the State, bordering areas, that deal with other states having bingo and larger prize money, it affected the amount of play in our area in a very negative manner. I'll be glad to answer any questions, otherwise, I'd move for its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Wasn't there a report made by the Investigating Commission last year that made that specific recommendation that that dollar amount be limited to approximately twenty-two

hundred dollars?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

...this is...your correct, this is a recommendation of the Bingo Study Commission.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

No, actually, it was...it was a reduction. They recommended that it be reduced to twenty-two hundred dollars and that's why Senator Lenke's bill, which came out of this Senate last year and went into the House, that dollar amount was pegged at that rate. It's based upon their recommendation to this General Assembly. Now, what this bill does is, you're raising from twenty-two hundred to twenty-seven hundred dollars, is that correct?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

That is correct. We're raising...we're raising...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, Ladies and Gentlemen. Senator Watson.

SENATOR WATSON:

...we're raising it from twenty-two fifty to twenty-seven hundred dollars. It was dropped from thirty-four to twenty-two fifty, and...and you're correct, as I mentioned, it was a recommendation of the...the commission to do...to lower it, my bill just raises it back.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, the reason why the commission...the Investigating

Commission specifically recommended that was based upon a thorough investigation conducted State-wide by the Chicago Tribune in trying to clean up the Bingo Acts, not only in the City of Chicago but State-wide. And they were very specific and very adamant about the importance of making sure that the dollar amount is fair and equitable State-wide, and it is important to the parishes in the City of Chicago in order for them to compete fairly that there be a limit set in the twenty-two...twenty-two hundred dollar figure. And I believe that this bill is a step in the wrong direction. There was a lot of pressure last year in the House in trying to maintain that thirty-four hundred dollar figure, and that pressure was not listened to because of the fact of the Investigating Commission report. I think this bill should be defeated, I believe the Investigating Commission was correct last year, and I think this is a step in the wrong direction, and I encourage a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The following Senators have sought recognition: Senators Lemke, Netsch and Schaffer. Senator Lemke.

SENATOR LEMKE:

Thank you, Mr. President. Last year we amended the Bingo Act on the specific recommendations by the Legislative Investigating Commission, and the reason for cutting the prize limit was to get organized crime out of bingo. We had two decisions to make, both of those recommendations. One was to limit the number of games at a particular facility and the other one was to cut the prize to twenty-two fifty so that there'd be smaller bingo parlors in existence. This is not just a problem in the City of Chicago, this is a problem the Legislative Investigating Commission found throughout the State of Illinois, that there was organized crime getting involved in bingo. We're talking about bingo games being conducted twenty-four hours a day at a high prize limit. We

talked about pressure being put on legitimate charities to go into these bingo palaces, otherwise, they would put them out of business. This is what we're talking about. The purpose of bingo in this State was not for bingo palaces to make money and not for...to get...and to get rid of the crime syndicate. When bingo was passed, that was one of the objections to passing bingo was that the crime syndicate was involved. And one of the reasons the original Act set the prize at this limit was to make sure there was no profit for people in this bingo law. It was there only to help charities profit with their own workers. Now, we have gone a step further by having large bingo palaces that go twenty-four hours a day and get eight hundred dollars a session rent and sometimes get thirty-two hundred dollars in one day for rent at a facility, which is wrong. Now, the arrangements were made with certain people, and I know Senator Watson is talking with the...the volunteer firemen. The decision was made, either we limit the number of games at a facility or cut the prize. This law has not been in effect too long yet, and I would suggest that we wait to see how the Department of Revenue is operating with the new laws that we gave them so they can properly police bingo and get organized crime out of bingo, because I will tell you this, that if organized crime gets into bingo, bingo will again cease to be a game in this State. And I do not want that to happen for many senior citizens. I want them to be allowed to play bingo, and I want them to be allowed to play bingo within their homes and with their neighbors to help their local parishes, to help their local veterans' groups, to help their local liberty, their little leagues and help their senior citizens' groups. That's all we're asking here is to see if the law works for a couple of years and let the Department of Revenue enforce it. When the Department of Revenue shows us they can properly enforce this law, then maybe we can raise the prizes, but

right now, they are not doing their job as well as they should do. And I ask a No vote on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would rise in opposition to the bill, although, perhaps, not with quite the fervor of the preceding speaker, and would point out a couple of things. One, is that as the bill was originally introduced, Senator Watson, I believe it did not apply in Cook County and then the amendment that was placed on the bill in committee changed both the amount of the maximum prize and eliminated the in counties of one million or more provision, is that...is that correct to begin with?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Watson.

SENATOR WATSON:

Yes, ma'am.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

That's of some significance I think, because I recognize that there apparently is a particular problem that is being had in your county, your home town, with respect to the maximum size because of your nearness to an area where they can indeed have a different kind of limit, across the river I gather, and that is a point of some legitimate concern, and it...if you'd addressed only that, I think some of us would have felt more comfortable. The problem is that this was a major issue last Session for the Revenue Committee. You were not involved, as...as far as I know, in any of the negotiations, but Senate Bill 1289 was the result of...of extensive hearings and extensive negotiations among the various people who were concerned about it. I think we felt that we had...I

AB 44  
3rd Reading

think we felt we had resolved the issue for some period of time, and I would concur with Senator Lenke's statement that we ought to give it an opportunity to work in that form, unless, perhaps, there were a way of addressing your particular problem without undoing the structure State-wide. There is no question that bingo, which I don't think is such a hot idea anyway, but that it was designed primarily to help out certain kinds of schools and other charitable institutions and it ought not to be a form of profit for anyone other than those for whom it was initially designed; otherwise, the State ought not to be in the business of legalizing it and making it as acceptable as it is. So, it seems to me that it is not fair to change that carefully worked out structure from last Session, and for that reason, I would oppose the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Watson arise?

SENATOR WATSON:

The lady brings up some legitimate points, I'd like for this to be taken out of the record and I'll be glad to work...

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to take it out of the record? Leave is granted. Take it out of the record. Senate Bill 30, Senator Maitland. Senate Bill 33, Senator Collins. Senate Bill 41, Senator Lenke. Senate Bill 42, Senator Holmberg. Senate Bill 44, Senator Chew. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 44.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew is recognized.

SENATOR CHEW:

Mr. President, thank you, and Gentlemen and Ladies. I thought this bill would have appeared on the Agreed List Bill because we have no opposition whatsoever on it, sir. If this is a permissive...proposal, it can only be instituted by an enactment of local ordinances. I move its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 44 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 5, 1 voting Present. Senate Bill 44 having received the required constitutional majority is declared passed. Senate Bill 46, Senator Kustra. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 46.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTIBA:

Thank you, Mr. President and members of the Senate. There is in the Election Code a glaring inconsistency of voter service which is provided in the odd numbered years and is not provided in the even numbered years. That voter service is called, "in person absentee balloting." Someone who does not wish to trust the mails can go in the nonpartisan elections in the odd numbered years to their local village hall or township hall and vote in person absentee. The law does not apply in the even numbered years. What this bill does is make the consolidated election law uniform and extend that voter service to the even numbered years, thus making the consolidated election law uniform. I would be happy to answer any questions, I'd ask for the bill's favor-

able consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 46...Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Rock.

SENATOR ROCK:

My recollection, when the consolidation of election concept was being talked about in the abstract and then a few years ago in the concrete, was that this matter was not a question of having been overlooked, it was a deliberate choice on the part of the Election Laws Commission and those who were interested in consolidation of elections, because as you know, we spread the election calendar effectively over two years, even numbered and odd numbered, and deliberately did not so provide for this kind of in-person registration because it, frankly, is against centralization, against consolidation. And so, it seems to me that this proposal flies in the face of and is in deliberate disregard of...of the "election reform consolidation of elections." I, for one, oppose this. We have deliberately provided that in the odd number election years this will be available, but in a county-wide election, in the general primary and the general election it was the thought of the election authorities that if I wish to vote in person absentee, I would have to go to the authority who was, in fact, charged with the responsibility of administering the election, namely, the county clerk. And so I urge opposition to Senate Bill 46.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Kelly.

SENATOR KELLY:



Yes, Mr. President, I'd like to ask the gentleman a question.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Kelly.

SENATOR KELLY:

Senator Kustra, I'd like to ask you about one of the logistics, or one of the problems that were raised in committee as getting these...these absentee ballots back to the counties in time. If you would go in, like on a Monday, and vote absentee, have you done anything in the way of an amendment, because we did say that possibly there should be something to accommodate that procedure. Maybe it would be like ended on Friday instead of on...on Monday so the least the number of days to get it back and forth; otherwise, you're going to have the county people running around with the...with their...with these absentee ballots the day of the election.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Yes, I have no objection to providing for such an amendment, and we could add it in...in the House. I don't really think that's a problem which is serious enough at this stage to address in this particular legislation now, but I...I understand that there has been some concern. I've talked to city clerks all over Cook County and many areas of the State. No one has voiced this concern, the fact is, they can opt out. I think that's the important thing to bear in mind about this legislation. We are not forcing any city, village or township to do anything they don't want to do. They can...they can waive out of the in-person absentee ballot procedure. So, I think that's the...the main answer to your problem, but when this gets to the House, I would be more than happy to deal with a specific problem if it comes up at

that time. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

I have the following Senators: Senators Zito, Geo-Karis, Schaffer and Macdonald. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members of the Senate. As one Democrat out of two that's been elected solely from districts in the suburb, I rise in support of this legislation. This will enable people in suburban residence to have the same opportunities to vote in person at their local municipalities. We've experienced, certainly in my district, the inopportunity or the difficulties of travelling all the way to the City of Chicago if that individual wants to vote in person for elections. Why shouldn't this be allowed? Why shouldn't we give the people in suburban area an opportunity to vote in person versus voting through the mail at their municipalities? I think it's a good piece of legislation, it's permissive, if local townships and local municipalities want to provide that service to their residents, they should do so. It will afford us, as candidates, an opportunity to include more voters in...in this election process, and I strongly urge an Aye vote on this legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the...the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senate...Senator, is this the...I...we had some information from our County Clerk in Lake County, and I believe...did you have any communication from her on this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

I don't believe so.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEC-KARIS:

'Cause that...I think she also recommended that this go through because she felt it would be a convenience. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Well, Mr. President, as someone who represents a rather large downstate county, several of them, frankly, I rise in support of this bill. There are many people who discover at the last minute, a few days before the election, that they are going to be out-of-town, or hospitalized, or not able to vote in person, they miss the deadline in a practical sense for voting by mail, and when their option is to drive clear across county to the county seat, in some cases a round trip of fifty to sixty miles, it...it is a deterrent for participation in the election process. I think this would be a boon to any of us downstate that want to maximize voter participation. Again, it's optional and only those townships that wish to provide the service would do it. I think those of us in the elective process that run for office are always trying to do things that encourage...voter participation, and I know in my area this will, in fact, increase the number of votes that are cast in each election simply by making it more convenient and possible for the citizens to participate, and I think that's what this country is all about, and I rise in support of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald.

Page 28 - MAY 19, 1983

END OF REEL

REEL #2

SENATOR MACDONALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I was advised to support this bill for many of the same reasons that have been espoused before. I would like to say that Senator Kustra made an excellent presentation before our committee, and that's why the bill was voted out of committee. It is permissive. It is a good piece of legislation to encourage voter participation and also to provide convenience for those voters in suburban...downstate areas also. So, because it's permissive and because I think it is a boon to the voters, I urge your support of this fine bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President, and Ladies and Gentlemen of the Senate. First of all, I think it's important to bear in mind that this system is in place now. It's been tried. It works. There have been no complaints in the odd numbered years; this just extends it to the even numbered years. In answer to Senator Rock's concern about the original intention of the consolidated election law and the people who worked with it, I have checked with many of the people who put together that law, including David Epstein and others at the State Board of Elections, who worked long and hard on that law. No one has told me that when that law was written, this...the even numbered years was specifically excluded. That may be possible, but I'm certainly not aware of it, and I think they would have called that to my attention. I would only add that in suburban Cook, I have been contacted by city clerks across the county who feel that the trip to down

is just too much for anybody to make to vote in person absentee. The League of Women Voters support this; I've heard from many municipalities downstate, as Senator Schaffer has already alluded, who would also like this option. As far as I'm concerned, it's extending the franchise, the privilege of voting, in...in a way that's even superior to a mail absentee process. This is in person absentee which minimizes the fraud that you might get by mail. I would ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 46 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 3, 1 voting Present. Senate Bill 46 having received the required constitutional majority is declared passed. Congratulations, Senator Kustra. I believe...informed that that was your first bill. We make it easy on you. Senate Bill 47, Senator Kustra. Are you on a roll? Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 47.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, and members of the Senate. This is a bill which deals with college loans, trying to expand the access students have to college loans. The bill increases the bond purchase limit of the Scholarship Commission for the student loan secondary market by seventy-five million dollars, from one hundred million, which is the present statutory limit, to a hundred and seventyfive mil-

lion. It also authorizes the Illinois Designated Account Purchasing Program, that is the secondary loan market which buys loans from your local banks, it would authorize them to purchase any guaranteed student loan. Under the current law, the IDAP, that agency of the Scholarship Commission which purchases these loans, can only purchase delinquent loans. This expands their ability and allows them to purchase loans of any category. They claim they need that in order to make the market more available to more students. The bill is a bill that has come out of a concern on the part of many of us that with Federal cutbacks in student aid, there should be some effort by the State Government to make more college loans available to students. Now, the important thing to bear in mind about this particular piece of legislation is that it does not in any way represent an obligation on the General Revenue Fund. It's an increase in bonding authority, but it's only an increase in revenue bonding authority, and the way these bondholders would get their money back is on the promise of the State of Illinois...

PRESIDING OFFICER: (SENATOR BRUCE)

...can we have some order, please.

SENATOR KUSTRA:

...that they would...that the State of Illinois would recover these dollars. I think most of you have heard from your local banks around this State. I have a stack of...of letters which have come from all the small banks across Illinois, who loan these dollars out to students, they're in favor of this legislation, and I would ask your favorable consideration. I'd be willing to ask any questions, if necessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 47 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted

who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, Nays are none, none voting Present. Senate Bill 47 having received the required constitutional majority is declared passed. Senate Bill 53, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 53.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

First of all...I'd like to add...it should read Lemke-Barkhausen as the sponsors of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to add Senator Barkhausen? Leave is granted. Senator Lemke.

SENATOR LEMKE:

What this bill does is, is a problem we've been working on in the State for the last three or four years of our Ride Sharing Program in...in the State. This excludes employees in a ride sharing agreement from the Illinois minimum wage during the period of their...of their...the period they're in the program of ride sharing, and excludes any compensation they...receive from taxes. I think it's a good bill. It's requested for by private and corporate ride sharing programs to induce people to get into these programs and to assist. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. This came through Senate Labor and Commerce Committee, I would mention to my Representatives, the Governor opposes the bill, but it came out of committee



6-0 with all the Republicans voting for it. It does have one particular hang-up, it does cut our tax base, which the Governor would oppose, but I happen to think it is a reasonable enough bill, and I personally do intend to support it, although I would not expect unanimous Republican support. I would appreciate your consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTERBERG:

Thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield. Senator Grotherg.

SENATOR GROTERBERG:

Senator...it...I...where does money change hands in ride sharing, other than buying gasoline? What does...whose...who gets a salary for ride sharing? What's the anomaly?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

It really isn't a salary. That's what we're talking about. The employer gives the employee a reimbursement for the gases; therefore, that would be included as income and then they would have to deduct it. It would create problems. What we're doing here is saying they don't have to do it. There is no income involved...there is no salary involved. But, under the Minimum Wage Law, you also deal in hours. You know, so you don't have to pay overtime because the guy's actually in a ride sharing program for an hour in the morning and an hour in the evening. He's not actually working ten hours a day, he would only be working eight. So, this is the reason for the exclusions.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTEBERG:

For my own understanding, Senator, thank you for that answer, but does the corporate...is there an...corporate or some kind of employer incentive for their employees...if I own a business and my employees are in ride sharing, do I as an employer pay somebody...you know, I just...just...where...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR GROTEBERG:

...where does the money come from?

SENATOR LEMKE:

What the employer...say you have six employees...employees that drive every day to work, in six different cars but they all live in the same town. This is an incentive where employers have set up ride sharing programs and put all six people in one vehicle, okay, with one driver he drives them to work, he drives them home. They...they all get there at the same time, they all get home at the same time. It gives the employer the convenience of...of this problem. It also solves some of his parking problems and so forth.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Groteberg.

SENATOR GROTEBERG:

I hate to...take the Body's time, but you haven't told me a word about an employer giving money. You know, we can all get our rides together. What the hell has that got to do with...with somebody getting money for getting together on a ride?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

...the only money the employer gives is the reimbursement sometimes for the gas.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Yeah, the bill also says, other benefits. It gets...oh, you had a good thing going on ride sharing, if we're going to complicate it and get the government involved, I'd say, let's get out of it. You know, where you erode the tax base a little bit, I can't see any purpose...I support you on the ride sharing thing all the way. All of a sudden we're getting into a technical matter that isn't worth the effort. I would just recommend a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Question.

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield, Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Who is the cosponsor of this legislation?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LENKE:

The cosponsor of this legislation is Lemke-Barkhausen, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Marovitz. Further discussion? Senator Lemke may close.

SENATOR LENKE:

I ask for a favorable adoption of this bill to assist in helping business get...and supply transportation to their employees.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 53 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open.

Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 6, 1 voting Present. Senate Bill 53 having received the required constitutional majority is declared passed. Senate Bill 54, Senator Lemke. Criminal extradition, Senator. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 54.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Lemke.

SENATOR LEMKE:

When we passed the Uniform Extradition Act, we passed an Act as to the fees of the...of the attorney, but we failed to say fees and expenses. What this bill does is allow the various counties when they...when prisoners are extradited to collect both the attorney's fees and their expenses. I think it's a good bill.

PRESIDING OFFICER: (SENATOR ERUCE)

Is there discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I think probably the only thing wrong with this bill is that it's going to cost in excess of five hundred thousand dollars and there is no money; and while it may be appropriate sometime, it doesn't seem to me it's appropriate at this time that we would support this legislation because of the cost. I would ask for a No vote.

PRESIDING OFFICER: (SENATOR ERUCE)

Discussion? Further discussion? Senator Lemke may close.

SENATOR LEMKE:

I think in...in this category what we're finding is

counties are not extraditing...extradition proceedings on...on prisoners and since we are leaving people out of the penitentiary because we don't have money, we should, at least, bring them back and put them in for awhile, instead of having them run around in different states or getting stuck with...with prisoners here from other states. I think this is a good bill. I think the...we...these counties should be reimbursed, and I don't think the sum of five hundred thousand dollars, which I think is high, is...is too much to pay to take care of these...we're talking about felons, we're not talking about misdemeanors. We're talking about felons, we're talking about Class X Felons and people that we want to prosecute and have extradited back to Illinois, and people from Illinois to go out, and I think it's a good...a good bill and I think it's necessary to protect us in...in the law enforcement field. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 54 pass. Those in favor...Senator Grothberg, he was closing. Senator Grothberg, go ahead. We're...we're trying to roll here but...

SENATOR GROTHBERG:

Thank you. I just wondered Senator, is that an appropriation to the Department of Corrections or to the...Department of Law Enforcement to back this thing up? Because I just sat all day with Senator Sangmeister and some others, we're letting people out of jail so fast now that we don't know where to go next to...to keep the prison system open. If this is law enforcement money, where is the money?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

According to the staff, there is an appropriation. It's been reduced from last year but there is the money there for extradition in the Department of Law Enforcement.

AB57.  
3rd Reading

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 54 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 21, 1 voting Present. Senate Bill 54 having received the required constitutional majority is declared passed. Senate Bill 57, Senator Lenke. Oh, for what purpose does Senator Sangmeister arise?

SENATOR SANGMEISTER:

A quick matter of personal privilege. My local grade school from Mokena, Illinois is down here with their teacher, Mr. Richard Quinn, former mayor of the village of Mokena, and I would like the Senate to recognize their presence.

PRESIDING OFFICER: (SENATOR BRUCE)

Would the students from Mckena please rise and be recognized by the State Senate. Welcome to Springfield. Senator Lenke, on 57. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 57.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke:

SENATOR LENKE:

What this bill does is amends the Probate Act, provides that one who intentionally or unjustify causes the death of another cannot inherit from the descendant. It becomes effective immediately. We put a clause in to satisfy the real estate people and the title companies which says that the bill does not affect real estate that has been sold to VFP's. I think it's a good bill. I think it's necessary and I don't think people should inherit from killing some ancestor...or causing their death. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...discussion? Senator Bloom.

SENATOR BLOOM:

Question.

PRESIDING OFFICER: (SENATOR BRUCE)

He indicates he will yield. Senator Bloom.

SENATOR BLOOM:

Senator Lemke, you know, the purpose of the bill is laudable, but as I understand the bill, it would change the present law so that if you were acquitted in a criminal proceeding, they could...there could then be instituted a civil proceeding where they could essentially, with a different standard of proof, adjudicate your responsibility for at least inheritance tax purposes whether or not you...the defendant killed the person or not. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

Not for inheritance tax, Senator Bloom. You remember, we don't have inheritance tax anymore, but for inheritances, yes. This sets up the thing that in some incidents where the party is found not guilty, but he unjustify if he causes a death he might not be guilty of murder but he might have been guilty of...of another crime which is not what he was tried for. This would allow a procedure for that where he could not collect for his inheritance.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bloom.

SENATOR BLOOM:

To the bill, just briefly, I...I wonder whether we want to go down that road at this time. I don't know, I just raised the issue for the Senate.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any further discussion? Senator Lemke...Senator

DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The sponsor indicates he will yield. Senator Lemke.

SENATOR DeANGELIS:

Under current law...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

...under current law, can a person who murders somebody receive any benefit from the estate of that person?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

If he's found guilty of murder, no.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Then, what is the purpose of this bill?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

According to the...Judge Dahl and the...and the probate people and the bar association, the purpose of this bill is to cleanup an ambiguity in the law which allows people to inherit when they're not found guilty of murder but they're found guilty of a lesser defense, but they unjustifiably caused the death of this individual. And the courts have recommended this change in the law to get around this and...and this should be a fact in determining inheritance in...in Probate Court. I think it's a good bill...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Eerman.



SENATOR BERMAN:

In answer to the last question that it not only includes murder, it's involuntary manslaughter, and as Senator Elcom pointed out, you have a civil cause of action that can also be instituted. The present law, I think, is limited to the criminal murder, so this...this bill expands on both of those counts.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lenke to close.

SENATOR LEMKE:

I think we should...I ask for the adoption of this bill to...to prevent people who unjustifiably cause the death of another from inheriting as a heir under their estate. I think it's a good bill, and I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. The question is, shall Senate Bill 57 pass. Those voting...those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 4, 2 voting Present. Senate Bill 51 having...Senate Bill 57 having received the required constitutional majority is declared passed. Senate Bill 58, Senator Lenke. Senate Bill 60, Senator Darrow. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 60.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President and Ladies and Gentlemen of the House. Senate Bill 60 allows drivers sixty-nine years of age

and older, who have a good record, who don't have any motor vehicle accidents or any moving violations, to obtain a renewal of their driver's license without taking the written exam. Two years ago we passed similar legislation that provides that if you were under sixty-nine, you would not be required to take the driver's exam or the...the drive itself. This bill extends the right to have a license renewed without taking the written exam to those over sixty-nine.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Davidson.

SENATOR DAVIDSON:

I rise in support of this legislation. This came out of the Motor Vehicle Laws Commission and has support of all the different law enforcement bodies involved, and I recommend it to you as a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Chew.

SENATOR CHEW:

Yes, Mr. President, we went through this quite carefully and we got several thousands of pieces of mail on it and it is supportive all the way.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Senator Eerman.

SENATOR EERMAN:

Just one question. On the explanation of the bill, if this bill passes then anyone over sixty-nine does not have to take either the written or the driving?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Darrow.

SENATOR DARROW:

No, what this bill provides is the person sixty-nine years of age or older does not have to take the written exam. That person will still have to get out in that car and take the drive portion of the exam.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question...indicates he will yield. Senator...

SENATOR COLLINS:

Yes, Senator Darrow...Darrow, you said that if their license had expired over a year, they would have to take the exam?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

No. If you recall, two years ago we passed legislation that said that if you have a good driving record, if you don't have a moving violation for three years, if you're not involved in a traffic accident for three years, you needn't take the written exam nor the driving exam. All you need do is go down and have your eyes tested. That did not apply to those individuals sixty-nine years of age or older. What we are doing with this legislation is saying that if you're sixty-nine years of age or older and you have that good driving record, you need not take the written exam. You still have to take the other portions of the test.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Darrow to close.

SENATOR DARROW:

I would merely ask for a favorable vote on this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall Senate Bill 60 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question

SB 61  
3rd Reading

the Ayes are 59, the Nays are none, none voting Present. Having...Senate Bill 59 having receiving the...Senate Bill 60 having received the required constitutional majority is...is declared passed. Senator Johns, what purpose do you arise?  
SENATOR JOHNS:

I had the pleasure of cosponsoring this same type of legislation with, then House member Clarence Barrow, and I would like to be shown as one of the sponsors of this particular bill, also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted? Leave is granted. Senate Bill 61, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 61.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What this bill does is create the Illinois Parentage Act and it involves a situation where a woman is artificially inseminated. And the situation arose and it became questionable as to whom was the legal father of the child that was conceived through artificial insemination. In the McFadden Decision, the courts seem to indicate that the natural father was legally the father of this child, and that obviously does not make sense, in lieu of the fact that it should be the husband of the wife that was artificially inseminated. So, what this bill does is set out the legal procedure to be employed when this technique is used by a woman and her physician and her husband, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? The question is, shall we

SB 66  
2d Reading

Bill 61 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, none voting in the negative, none voting Present. The...Senate Bill 61 having received the required constitutional majority is declared passed. Senate Bill 62, Senator DeAngelis. Senate Bill 63, Senator Netsch. Senate Bill 66, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate...Senate Bill 66.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 66 was initially suggested last Session, as I recall, by Judge Schneider of the Circuit Court in Cook County, and has been affirmed and confirmed in the annual report of the Supreme Court to the General Assembly. It...the Supreme Court has requested us for several years to remove judges from electoral boards. That is clearly the requirement of the...Constitution as adopted in 1970, and as the court has pointed out, it is most inappropriate for judges to be sitting on electoral boards, when the matters before them may later come to them in their judicial capacities, and in addition, in some cases, it has tied up judges for long periods of time on matters that could well be handled by others. This bill is in response to that request. It has now been looked at and worked over, if you will, by both the State Board of Elections and the County Clerks' Association, and I believe is acceptable to everyone who has been interested in it. Basically, it does remove the judges from the electoral boards. It gives to the State

Board of Elections the authority to pass on objections to nominations of candidates where they are Statewide candidates, congressional, State legislative, and judicial covering more than one county and other elected officers who are multicounty in nature. It gives to the county officers electoral board the similar power and to pass on those offices which are within or coterminous with a particular county, and it names the members of those boards, again excluding judges, which is the principal purpose of the amendment. I would be happy to answer questions. I believe there is no objection to the bill in its present form, and I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any questions...any discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsors indicates he will yield.

SENATOR GROTEBERG:

Senator Netsch, I've been in and out of elections for many, many years and I would like you to explain what is the State Division Electoral Board? Who are they and what do they do before we remove them or something?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I believe that is the old and by now really obsolete language for indicating that agency at the State level that hears those kinds of objections to nominating petitions and otherwise. I think that is perhaps one reason why that section is being removed. I don't think it has any useful purpose any longer.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Grotberg.

SENATOR GROTEBERG:

I still don't know who they are. If I knew one, I'd be reminded. But, give me a for instance...one in existence. It refers to county board member, and it refers to this and that, does every...does every local unit of government have a State Division Electoral Board, congressional, legislative, judicial offices? It's confusing. It must be very simple, but I don't know what the heck it does.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Netsch.

SENATOR NEISCH:

Well, I...I can read you what the Statutes said it was supposed to do before the language removes it, and again I don't think it had been effectively used for some time. "The State Division Electoral Board will hear and pass upon objections to the nominations of candidates for officers to be elected by the voters of a political subdivision or district, except a municipality less than a state and greater than a county, composed of one resident judge from each county," and so forth. This was the part of the machinery, if you will, that I...at least prior to this bill, passed upon the objections where someone was being challenged whose district...whose area covered more than one county, as I understand it, and that is being eliminated, because the membership of those boards consisted of primarily of judges; and that, as I explained earlier, is the primary purpose of the bill to remove judges from electoral boards. What we have done now is, we have spread whatever hearings that particular division used to have into either the State Electoral Board or the county electoral boards, which existed under the present law, in any event. I don't know whether that fully answers your question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotherg.

SENATOR GROTEBERG:

To the bill, it must be very good, the courts are for it.  
Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates she will yield.

SENATOR MACDONALD:

Yes, if the State Board of Elections, will they hear school or community college district objections if the school is in more than one county?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH: .

Let me read you the extent of their jurisdiction, as the bill has been amended, and you may not have the amended language in front of you. "The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices, nominations of candidates for congressional, legislative and judicial offices of districts or circuits situated in more than one county, nominations of candidates for the offices of state's attorney or regional superintendent of schools to be elected from more than one county." That is the scope of their jurisdiction in the bill, as amended, and this was what...then when you have a multicounty school district or multicounty anything else, it will go to a county electoral board and the makeup then is the rest of the language that is in the...the proposed bill, as amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)



Senator Geo-Karis.

SENATOR GEC-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm a little concerned about this bill because I do feel there should be a judge involved in these elections, and a judge has a great duty and maybe some of the judges don't want to be bothered with that duty, but you have situations in different counties, for example, where the longest term member on a county board may not always be the wisest, and I do think we'd be doing a better service for the public to include a judge in the...these elections, and I don't feel we should be eliminating the State Division Electoral Board, and I really feel that we'd be doing an injustice to...to ethical and equitable and fair voting rights if we do not include a judge in these elections.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, perhaps you can discuss that in your closing remarks.

SENATOR NETSCH:

Well...was it a question? There...I would just call to your attention one thing. The major member of the county board, that language has been eliminated from the bill by the amendment that was put on on the Floor awhile ago, so that is no longer there at all, Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Gec-Karis, she was closing. Senator Geo-Karis.

SENATOR GEC-KARIS:

In...in response, just to...my question is then, if you've eliminated it...you've eliminated a regular judge from these deliberations, and this is what I object to, and that's why I cannot support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch to close.

SENATOR NETSCH:

Let me respond to that because that is precisely the purpose of the bill. The Constitution that was adopted in 1970 makes it clear that judges should not and...and appropriately cannot serve on electoral boards. That is the reason why the Supreme Court has asked the General Assembly for several years, would you please, in effect, implement that provision of the Constitution which makes it inappropriate for judges to serve on electoral boards. What we have done is then take that basic objective, which must be met, we have got to do that at some point or else the boards themselves are going to be subject to legal challenge and we have attempted to work out the best device for substituting for the old law. This is...the present form of Senate Bill 66 is that which has been looked at by the State Board of Elections, by the county clerks, by the administrative officer of the Supreme Court and others, and they feel it best solves the problem. But, the basic objective is one, Senator Geo-Karis, that we must do. So, I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIC)

The question is, shall Senate Bill 66 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 13, 2 voting Present. Senate Bill 66 having received the required constitutional majority is declared passed. Senate Bill 71, Senator Sangmeister. Senate Bill 77, Senator Friedland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 77.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Friedland.

SENATOR FRIENDLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 77 would permit federally chartered...that is federally charter savings and loans to change their name to Federal Saving Banks, as authorized by the Garn? St. Germaine Federal legislation passed in 1982. The bill was passed unanimously in committee, after an objectionable amendment was removed and it...it's supported by the Illinois Savings and Loan League. Appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, Senator...if not, the question is, shall Senate Bill 77 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 77 having received the constitutional majority is declared passed. Senate Bill 78, Senator Rigney. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 78.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

The subject of Senate Bill 78 is chlorination of drinking water, which is not a new subject to either House of the General Assembly. What we're attempting to do here under Senate Bill 78 is to give small towns throughout the State of Illinois a certain measure of self-determination on the subject of chlorination. These are small communities that have been very well served by their public water supply for many, many

years. They are drawing from a very safe deep well source, have experienced no problems whatsoever with the health in their communities. The problem is that without a Statute on this subject, the Illinois EPA, by department regulation has mandated a chlorination program for these small communities. What Senate Bill 78 seeks to do is to lift this mandatory regulation under certain, very carefully controlled conditions. First of all, small communities, those under five thousand population, would have to have an underground source into a properly constructed confined geological formation. They would have to have no history of contamination for the last five years. They would have to have a plan approved by the EPA to educate consumers on preventing contamination. They must have certified operators, and I think the real clincher is that prior to the decision to not chlorinate, a referendum...a public referendum in that community must be held. When they have met all of the above conditions, then they would be eligible not to chlorinate their drinking supply.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 78 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 8, none voting Present. Senate Bill 78 having received the constitutional majority is declared passed. I understand it's Senator...Rigney's first bill. With leave of the Body, we had a...Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you. On a point of personal privilege, in case Treasurer Donnewald is listening. I did vote Aye. It was Senator Rigney's first bill, and I was mandated to vote Aye by former Senator Jim Gitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Your explanation will be noted and sent to Senator Donnewald. With leave of the Body, we have to return back to Senate Bill 77 and have another vote on it. We had a little malfunction in the record, and we have no record of it. So, the vote was 58 to 0. So, with leave of the Body we'll call for Senate Bill 77 on 3rd reading, and...all those in favor of supporting Senate Bill 77 again will vote Aye. Those opposed will vote Nay. The voting is open. It seems we've lost a few...have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 77 having received the constitutional majority is declared passed. Senate Bill 84, Senator Luft. Senate Bill 86, Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 86.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 86 amends the Sanitary District Act of 1936 to provide by petition of fifty percent of legal voters and fifty percent of landowners in a given area to purchase and operate a water system...a supply system in a given area. We...that became a necessity in our county because it was a port...portion of the beach by the sanitary district, which was in need of an alternative water supply system. It passed unanimously out of the...Senate Committee on Local Governments, and the chairman of the Local Governments is here to verify that, and I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. Chairman, and Ladies and Gentlemen...Mr. President, Ladies and Gentlemen of the Senate. The bill was specifically designed to solve a problem in Senator Geokaris' district. There is a referendum for approval by the voters, there is a petitioning, the financing of the special assessment is limited to the affected area. It will also affect forty-four of the hundred and twenty-nine sanitary districts in the State and it will give them the same opportunity. There was an amendment put on the bill to clarify some language on condemnation. Other than that, the bill is in pretty good shape.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? If not, the question is, shall Senate Bill 86 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 86 having received the constitutional majority is declared passed. Senate Bill 87, Senator Rock. Senator Bill 90, Senator Grothberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 90.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President, and fellow Senators. Senate Bill 90 again deals with the county school trustees. And this...each county has at least four or five of them, volunteers, who, in fact, hold title to all school property,

and in these days of changing, closing of schools, selling of property, they become quite busy. Last year we arranged for the state's attorneys to be their attorneys. They never had a specific attorney and legal counsel before. This year they're asking for indemnification, and that's what this bill does, because...so that they won't be held...won't be held personally liable for...for action, and that's what Senate Bill 90 does. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The gentleman will yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR ROCK:

As I understand Senate Bill 90, as amended, instead of allowing the counties to indemnify...and might I ask just for my own information, how many regional...how many people does this apply to...how many regional boards of school trustees do we enjoy in this State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTEBERG:

To my...fifty-nine is the number according to staff, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bock.

SENATOR BOCK:

Thank you. I just was unaware. But the original bill would...would allow the counties to indemnify, which doesn't sound so bad, frankly. I don't know what these boards do, but that's my problem. But, this amendment, or the bill as amended, now mandates the State to indemnify, and I'm just

curious as to why we are moving from a permissive county indemnification to a mandated State indemnification.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTEBERG:

I think I can be helpful on that, Senator. As I got...as we got into it, we found out that they don't belong to anybody. Okay? No more county mandates is a fair proposition in this General Assembly, so as we offered...we asked for the State Board of Education to do it. They found out that they couldn't indemnify anybody but State employees. They are not State employees. The facts are there's about a twelve thousand dollar appropriation being added to the Central Management Services, they've got to go out and buy coverage for that...they're nomads in this world of...of unrelated folk, and that is the...that...the Department has agreed to proceed and get bids, and it's...they estimate from twelve to fifteen thousand dollars, Senator. But, then they would manage the policies under the State umbrella of indemnification.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

No, thank you. I, frankly, being nonknowledgeable about what their duties are, I don't know what we're indemnifying them from, so I'm kind of at a loss here. I do not intend to vote affirmatively until I find out what they're suppose to do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eruce.

SENATOR ERUCE:

I was just aware of this amendment when Senator Rock brought it up. The Regional Board of School Trustees, as far as I know, own no State property, whatsoever. They hold title to school district property and...and exactly what you



know, they are a...a group of people drawn together by specific school district lines, and so, why are we indemnifying them? I don't know anybody else in State Government or anybody else in the State of Illinois that we indemnify when they are not performing State acts. This is certainly a new idea to...to indemnify people who were holding school district funds, performing school district functions, and indemnify them out of State...State funds. It just doesn't make any sense.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR WEAVER:

Senator Grotberg, could not the school district indemnify them or have an umbrella policy over their activities rather than the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

Thank you, Senator Weaver. The...my answer to that question is, these are not school districts, these are county trustees who in all the land transfers of every piece of real estate by all schools, between districts closings, openings and it's getting to be a very busy field, and it's a non-partisan...non-paid, and as I suggested to Senator Rock, Senator Weaver, they're kind of orphans in the storm, they are State-wide. I, too, found out that they belonged to no one, but mandating, for instance, the county board...to underwrite them would be one thing, but to pass it to the school districts you would have to divide it, there is no umbrella other than the State of...they happen to be all over

the State of Illinois, and I guess that's why we took that approach, but, they are orphans in the storm. I assure you I have worked this matter out with the...Senator Weaver, are you still on my question, am I going on too long? Go ahead, I'm sorry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Well, let me ask this, Senator Grotberg, are the school trustees in multicounty regional school districts...are there...are there school trustees in each county or one set of trustees for the multicounty districts?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

They dovetail with the regional superintendent's boundaries. There are multicounty, there are only fifty-nine in the State, the same number that we have of regional superintendents, like...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Weaver.

SENATOR WEAVER:

So, you're saying then that there may be three or four sets of trustees in each regional district.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTBERG:

I'm saying there's one set of trustees for each regional district. For instance, Kendall and Grundy are...are a regional district and they have their set of trustees. Kane County is one county and it's a jurisdiction and has four or five of them, et cetera. Correct, Senator Bruce? Yeah. And, I think it's just...there is no largess at stake here. If there's no money, the Governor will veto both bills, but

we're trying to solve that problem in this...in this heirarcy of...of orphans in the storm. To mandate the counties to do it, then you've got divided counties; it get's so complicated, it isn't worth it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR HALL:

Senator Grotberg, as the designated hitter for the Governor, now you're always talking about there's not money here, there's not money there, did I understand you to say there is twelve thousand dollars going to be put in Central Management for this? It's unbudgeted, and, now you come up here with a time like this? My other question is, we got along with all this time without it, now why are you coming up with something like this at this hour?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg.

SENATOR GROTEBERG:

Well, thank you, I'd be glad to respond to my designated hitter's question. The question is, sometimes you have to respond to what people want, and the trustees are asking for it and the regional superintendents, as a body State-wide, are asking for it, as many of the things that you do. I will leave it to the discretion of the available dollars as to whether or not this thing lives or dies, but until we were to pass such an Act, there's no decision to be made. They would still remain orphans in the storm of...of liability and for jobs for which there's no...you can't even find people to run for the job, but they do, in fact own...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR GROTEBERG:

...all those schools.

SENATOR HALL:

Well, I just want to suggest to the Body is that we ought to give this the proper vote by all being read, and shame on you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Thank you. Just to clarify exactly what these duties of these trustees are, I happen to have a...a former relative of one on...on one of the boards. What they do, they settle...they settle disputes inbetween the school districts, they do have title to these buildings. The problem is, I think the reason they want to be identified is...is the simple reason that a lot of parents get very, very upset when their particular school is closed and are running around looking for somebody to sue, so they can make sure that that...the school stays open. There are a lot of schools nowadays in the districts that have to be closed. We are asking these people to go ahead and...and set themselves in a position where whether it's a nonsense suit or not, it nevertheless will have to be defended by somebody, and this is a...it is a nonpaying position. Senator Groteberg is right, they have a devil of a time trying to even find somebody that's going to run for it because nobody understands what they do, but there's about seven or eight in each regional district, and I don't think it's unreasonable if we're asking these people to do the work for nothing and spend a lot of time trying to...to make parents happy when their schools are being closed and listen to disputes between school districts, when one wants to either leave or come into another one, I don't think it's asking too much to...to at least cover them

with some kind of...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill was heard by our Judiciary I Committee and it received...unanimous vote. The problem is that, as Senator Grotberg and Fawell...Senators both said, the school board trustees do not get any pay and the Attorney General's office indicate in the absence of specific statutory authority, counties cannot agree to indemnify members of regional board of school trustees. At the present time, the State already is required by Statute to indemnify all State employees and officers, and all this amendment...this bill does is an amendment which adds the school trustees to the list, and I would urge favorable consideration because there is a need for it. What are you going to do? You're not going to have people run for school board trustees, what are you going to do?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. Well, I would just suggest to Senator Grotberg, why don't we just put legislation in abolishing these posts. Let the school boards hold title and we'll indemnify the school boards and...and abolish these. As it's been pointed out many times before...and I have looked on the ballot everytime, by the way, in my area and when these folks come up for election, I have never known one of these persons whose names appears on the ballot. Now, that doesn't make it either bad or good, but I think what Senator Fawell just said is that nobody understands what they do, you can't get anybody to run for them, why don't we just abolish them? It's something that came out of the...the nineteenth

or eighteenth century that was established in this State, and I don't think it has any function anymore. Why don't you amend your bill to abolish the whole post and we'll let the ESR and the school boards split up the duties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, does Senator Grotberg wish to close debate or...

SENATOR GROTEBERG:

Oh, I think I'd better say something good about this bill. The...the...the negative reaction of the opposition, who fail to realize that those of us who believe in local control of schools but won't come forth with any backup system for the...the system that's in place, the least we can do is cover them, and we've found a way. Nobody ever found it before since 1818, Senator Euzbee, and if you want to sponsor such a bill, I'll probably cosponsor it with you; but until that time, let's put a little umbrella over them, so they can go ahead and buy and sell and trade without having some local person who becomes irate to take them to court and spend it on lawyers, they can spend that much on one case and any circuit court in this State on trying to get rid of a problem school. And, I think it just makes sense that we do it, and again for those of you...and Senator Hall, Senator Hall with your grave concern over my wild spending, I...I'm taking that into consideration and have prearranged to have both items vetoed if there's nothing there. Okay? I would ask you to pass the bill. Let's get it over to the House and maybe we can accommodate Senator Buzbee and abolish the whole system over there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 90 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays

are 26, none voting Present. Senate Bill 90 having failed to receive a constitutional majority is declared lost...Senator Grotberg.

SENATOR GROETBERG:

We...we may need a vehicle for Senator Euzbee's bill. Will you put it on postponed consideration?

PRESIDING OFFICER: (SENATOR SAVICKAS)

We would ask leave of the Body, since the roll call was already announced, to rescind the vote and put this on postponed consideration. Is leave granted? Leave is granted. Senate Bill 92, Senator DeAngelis. Read the bill, Mr. Secretary.

END OF REEL

REEL #3

SECRETARY:

Senate Bill 92.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. Senate Bill 92 eliminates the exclusive requirements that the director of mental health be a psychiatrist. It does not eliminate the possibility of the director being a psychiatrist, but it does not exclude anybody else from being considered. As we all know, the Department of Mental Health is a vast agency. With a budget of approximately five hundred and fifty million dollars it cuts across more than just mental illness. It...deals with the developmentally disabled, drug and alcohol related illnesses. There are many community based agencies. It is a vast empire to administer. I think we ought not to restrict the director of this department to be a psychiatrist, we ought to look for the most qualified person and if a psychiatrist is such, that's fine. If not, we ought to get the best person. I urge your support for Senate Bill 92.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Now we have quite a few that are seeking recognition. We are using the timer. Our last bill has dragged along quite a bit so our first speaker is Senator Schaffer, the light is on.

SENATOR SCHAFFER:

Mr. President, if the Senator would yield for a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)



He indicates he'll yield.

SENATOR SCHAFFER:

When we drafted the Mental Health Code and there's still a few survivors of that committee which met ad nauseam up in Chicago in Senator Rock's office. The code is...is filled with references to the chairman of the department based on the assumption that that person is a clinical...psychiatrist with a certain level of expertise. The Kempener's Bill, which I sponsored a number of years ago, which did the same thing in the Department of Public Health, so that the concept itself doesn't particularly scare me, created a special medical board to address these problems. But if you read the Mental Health Code from start to finish, I'll bet there are fifteen to twenty clear-cut references to the director based on the assumption that he has a certain level of expertise and that he's qualified to make decisions. Also in the code, not clearly spelled out, but in numerous other places, there are other direct responsibilities of the director that are based on that assumption. And I don't see that this bill addresses that. Appeals for placements, all sorts of things will go right to the director based on the assumption that that person is, in fact, a psychiatrist. I don't think this bill addresses that problem, and I think it could end us...in just endless lawsuits if we don't address the rest of the Mental Health Code.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in support of Senate Bill 92 and while I have a great deal of respect for, on a continuing basis, the Illinois State Medical Society, I, too, believe that the current provision is really too restrictive. This is a department that demands true administrative ability, and I think that

the chief executive is in a position to find someone who will take on this onerous task, he ought to be a good administrator. There are enough professional psychiatrists in the department to provide the necessary medical expertise, but truly the job is one that demands a good administrator, and I urge support for Senate Bill 92.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I, too, rise in support of Senate Bill 92. I think the time has come when you have to have an administrator. I think a classic example of what's happened is what's happened in Region 2 where they have tried to reorganize three times in the last two years and there's nothing but chaos there. It just seems to me that while a clinical psychologist may have some importance, the fact that you have an administrator in charge of an agency as large as this is most important. I think we've seen it by the way Pavkovic has run Region 2 in the last couple of years. So I think it's time that we get a person in there who can do the job and if he's a...a psychiatrist, fine, but if he isn't, that's important too.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. I would just point out that the director of the department prior to Dr. Pavkovic, one reason that he left was his salary is set statutorily. And the salary of the director of the Department of Mental Health and Developmental Disabilities is, I think, fifty-one thousand dollars a year. Now, there is not any self-respecting doctor in this State that would work for fifty-one thousand dollars a year. Whether you like it or whether you don't, that's the facts of life. One reason that the previous

director left was he had eighteen people on his payroll that made more money than he did. Now, you and I know that we're not about to raise the director's salary for awhile. There are a lot of salaries that probably need to be raised in State Government and that is one of them, but that one is not going to be raised. And for us to say that you've got to be a psychiatrist to head an agency with a five hundred million dollar budget, with all the thousands of employees, the ability to grant two to three hundred million dollars in grants to local agencies, and then to run all of these institutions, to say that that person has to be a psychiatrist is absolutely ludicrous. You don't need a psychiatrist there, you need an administrator, you need a tough nut, you need a guy with a hard nose, a guy that'll stand up and make the hard decisions and then back it up. You don't need a psychiatrist. Psychiatrists are the people that treat mentally ill, hopefully. They are not the people that deal with the running of a department. This is something that needed to be done years ago. Governor Oglivie recognized that this needed to be done years ago. In 1969, it's my understanding that his director of the Department of Mental Health at that time, for either two or perhaps as long as four years, was not a psychiatrist. He had him in the role of acting director so he wouldn't have to comply with the exact letter of the law and the department was run very well then. It can be run very well again, and you don't...you don't have to have a psychiatrist to do it, and I applaud Senator DeAngelis in putting this bill in and I support your bill wholeheartedly, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR D'ARCO:

Since you're eliminating the requirement that the director be a psychiatrist, what qualifications will the person who is going to be the director have to have in this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator D'Arco, the bill reads, "The director of Mental Health and Developmental Disabilities shall be qualified by professional education and experience to administer the department."

PRESIDENT:

Well, Ladies and Gentlemen of the Senate, I wonder if you'd join us in a moment of silence for the young man's speedy recovery. Thank you. We will now return to the Order of Senate Bills 3rd Reading. Under discussion is Senate Bill 92. Senator DeAngelis, I understand you were...further discussion? Senator Hall. Senate Bill 92.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield, Senator Hall.

SENATOR HALL:

Senator, that...what is the salary now that the...is it set by Statute? I think I understood Senator Fuzbee said it was set by Statute. The reason I want to know this...that...is the salary going to remain the same or will this cause something between some other directors who are heading departments? What is his salary in line with the others?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Hall, there's nothing in this bill that deals with the salary. I don't know what the director is paid in relation to other directors, I have no idea.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I think, Senator DeAngelis, you were indicating what the qualifications were for a person to be the director and would you...you want to read those?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator D'Arco, it's qualified by professional education and experience to administer the department.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Do you have any idea what that means? I mean, that could be anybody, I would think, I mean...I'm not...my point is that it may not be necessary to have a psychiatrist at the head of the department, but you should have somebody who is definitely experienced in the administration of mental health to be the director of the department; and you should have somebody with professional qualifications to be the director of the department. Now, your bill is so loosely worded that just about anybody could qualify to be the director. You do not really set out any specific qualifications for a person to be a director.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator D'Arco, I'm...I'm sorry, I read to you the...the first LBE, it's a person who has a general knowledge of

mental health and developmental disabilities and administrative experience in work connected with the field.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

That...that's even worse, I think. That...that doesn't even include the word, professional. I mean, that could...that could be somebody who doesn't even have a high school education. You know, I think your...your idea is okay but you've got to rewrite this bill.

PRESIDENT:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. I rise in support of this measure. I think that Senator...the Senator has an excellent measure here. I would...in listening to the arguments against it, I go back to the House and I remember when we were debating a change of this kind in the Department of Public Health. Almost the identical arguments were used, but the conclusion arrived at by most of the legislators at that time was that the job was administrative, that has been pointed out here by Senator Kock and others. It probably is maybe ninety percent administrative. And it seems to me that the points have been made to indicate that what we're looking for is a capable administrator and leave it to those making the decision as to the selection here whether or not that administrator also has enough medical expertise and...and knowledge to carry adequately the responsibilities in that area. So I think that Senator DeAngelis has a...has an excellent bill, and I would rise, too, in support of the measure.

PRESIDENT:

Further discussion? Senator Lenke.

SENATOR LENKE:

Senator DeAngelis, I have a question.

PRESIDENT:

Indicates he'll yield, Senator Lemke.

SENATOR LEMKE:

Who...who wants this bill, is this a department bill?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I hardly think so, Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

The reason being is, this is the same department a few years back that came in with recommendations when...to get rid of limited licensed doctors and those doctors we had, some of them were professors. I remember one of them we had, Doctor Sid was a teacher, Ph. D. Degree, a teacher of cardiac surgery in Poland, and he was not qualified to treat people with cuts and stitch people up but now we want to go to somebody that's not even...didn't even go to medical school or in...into anything to do in the mental health field, now we want to put somebody else in as administrator. This is the same department and if...if we could not use these limited licensing physicians who are getting paid something like twenty-five dollars...twenty-five thousand dollars a year. Okay, we had to get rid of them, and then we were forced to go out into the private field and we're spending a hundred thousand dollars for the same job that this limited licensing physician did, but these people were not qualified, but at least they had medical degrees from foreign medical schools and some of them were professors over there and everything else. But now we want to go around and say, you don't have to be a...a medical man or a person schooled in the medical field in mental health, you just go out and any

kind that could be an administrator. In other words, you can put some political hack in there or anybody, there's no requirements, and we can say he's qualified. Now I think this is kind of foolish on the part of the department, on the part of the Governor to say in one breath that a guy is not qualified because he...does...can't pass the American...or the Illinois Medical Society's licensing exam and then in the same breath come around and say a few years later, well, you know, we don't need a medical doctor in here, we just put any hack in there that's political and that the Governor wants to appoint. I don't think that this is a good bill. I think what's good for one group of people is good for everything...everybody else. And I mean we had a lot of qualified Polish doctors that couldn't...that lost their jobs after twenty-five years in the State of Illinois. And I cannot see going with this change. I think that we do need a qualified medical man, that's what the Department of Mental Health told us, and I don't think there should be any changes in any place else. And I ask for a No vote.

PRESIDENT:

Further discussion? Any further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

Thank you, Mr. President, rather quickly. Senator Lenke, the department is not recommending this, but I recall what you're talking about, the General Assembly made that decision. In fact, one of the first...vote...bills I voted on was to try to override that particular program because I agree with you, there were...there were good qualified doctors in that system that were taken out because they were foreign doctors. In answer to Senator D'Arco, Senator D'Arco, you have to remember that the Senate has the right to advise and consent to any appointment. If, in fact, the Governor's Office would choose to bring in a hack, then I



AB 101  
3rd Reading

think we should have the diligence to, in fact, stop it. But in closing, I think we ought not to be limiting ourselves to just a single or few people for this very, very important position for this very large agency, particularly when the need for administrative services is so great. I urge your favorable support for Senate Bill 92.

PRESIDENT:

The question is...the question is, shall Senate Bill 92 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 7, 1 voting Present. Senate Bill 92 having received the required constitutional majority is declared passed. 94, Senator Watson. 97, Senator Luft. 101, Senator Joyce. On the Order of Senate Bills 3rd Reading, at the bottom of Page 13, is Senate Bill 101. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 101.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senate Bill 101 restores the assessment practices on pollution control facilities to those prior to 1980. I think we are aware of this bill, we had it here last year, it was House Bill 69. There are many, many areas in this State, for instance, this...piece of paper that I had...bunch of pieces of paper that I had passed around, they're having a dramatic effect, this bill is, when it was...when it was purported to make technical changes. I don't think anyone had any idea what...what would be construed as technical changes. The Pollution Control Board has

ruled that things are pollution control and they go down to practically off of the tax rolls such as, doors, windows, levies, gravel, dikes and what have you. On this handout it shows the various counties in the State that are affected. If you will look at column five it shows the Departments of Revenue's estimated original cost of the pollution control facility. And then if you go to column seven, you'll find out what they are actually assessed at due to this act. They go down from...say, the original cost would be seven million six hundred thousand on this first one, down to thirty-eight thousand is what is actually assessed. We're asking that this be turned back. The...utilities can recoup this and it is...and they're billing...they are not being penalized...other...any way...more than anyone else is because they can pass along the cost the same as...as any other private entity can do. I'd be happy to answer any questions if anyone has any.

PRESIDENT:

Any discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. We often like to say to each other what is fair is fair and there can be no fairer piece of legislation than this. Senator Joyce has passed around to you a...a printout that he indicated and I want you know that we need some help on this, Ladies and Gentlemen. What this has done to Will County and a lot of other counties, just take a look at the printout, is unbelievable. Briefly, before the change in the law these pollution control devices were assessed at thirty-three and a third percent. By changing a couple of words in the Statute they are now assessed at one half of one percent. Do you know what that means to my county and to my taxing bodies in that county? We lost thirty-two million four hundred and fifty-one thousand and fifty-three dollars of assessed valua-

tion. I now have school districts that I think Valley View owes about a million and a half dollars back to Commonwealth Edison because of that simple little change. Which incidentally I think we ought to remind ourselves, you know when this was done, it was done...we don't cast any aspersions on who done it, but we certainly do on why it was done. Commonwealth Edison had lost their case in the trial court; and while their case was on appeal, this bill was put through and signed by the Governor, and of course, then the appellate court said, well, now the intention of the Legislature is now very clear that that is what they meant and as a result we lost this. Unfortunately, as I see it, this is going to do nothing for the taxing bodies in my district who are going to have to repay this money. The law is the law and it has to be obeyed. And as a result, where they're going to get the money to pay Com. Edison back, I don't know. But I would say to you, if you help us here, if we can get this back for the future, perhaps then they will be able to take some of their future revenues and repay Com. Ed. all the money they owe them. Please help us, we need it on this bill.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in strong support also of Senate Bill 101. And since I don't think it comes as any great surprise to anyone this issue has been before the Senate before. I have now, over a period of several years, listened carefully both in hearings in Springfield and in hearings in other parts of the State to the testimony about the impact of what happened in the bill that was passed in 1979 and it is indeed devastating. As Senator Sangmeister and Senator Joyce pointed out, this no longer affects only Zion Township and Will and Grundy Counties. It has an effect on many, many other areas of the State. There is no question

in my mind that whether it was deliberate or not, the bill that was passed in 1979 and represented to be essentially a housekeeping bill was a dramatic change in the law and a dramatic change in the policy that the Department of Revenue itself had advocated with respect to the assessment of...of pollution control facilities. The department itself had taken the position that because they were included in the rate base they were economically productive and, therefore, subject to the provisions of the law. That is what was changed. We were told that it was a merely bill, it was not a merely bill, it had, as has been pointed out, a dramatic effect. So there are two reasons at least why Senate Bill 101 should pass. One, is just a matter of simple fairness to those counties that were caught up in that web of a couple of years ago. The second is, that on the merits this...this particular approach is absolutely correct. The...the equipment is in the rate base, it is by any standard economically productive, it should be returned to that status. I would strongly urge, all of you, whether you have these power plants in your area or not, to recognize the importance of this issue and support Senate Bill 101.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Will the sponsor yield to a question?

PRESIDENT:

Sponsor indicates he'll yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Will this bill correct the inequities between the tax assessments between Zion, Oak Park and Chicago?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

I don't know the...the inequities between Zion, Oak Park

and Chicago.

SENATOR LECHOWICZ:

Well, let me just point out to you that I believe what Senator Netsch is referring to that a bill that passed in '79 affected and made provisions for additional relief to utilities in reference to certain townships that they may reside in as far as the amount of tax that they're paying. And the difference is as far as the local rate of assessment on real estate in those townships now reflects the change as adopted in '79, I think your bill corrects that. Is that correct?

PRESIDENT:

Senator Joyce.

SENATOR JOYCE:

I wish I could say yes, I'm not sure.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Very briefly then Mr. President and members of the Senate. I believe that in '79 an error was really foisted upon, probably in...as an error based upon a technical amendment that was adopted and approved. And I believe that Senator Sangmeister is absolutely correct in all fairness and inequity. In comparison when you're making the difference on real estate taxes in those respective areas everybody should pay their fair share, no more and no less, that's what Senate Bill 101 is trying to rectify; an error that caused...that caused additional tax relief to be granted to public utilities, and in all fairness for the people that reside in those respective areas, this bill should pass.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senator Lechowicz is absolutely right. Let us understand

what this bill tries to do. It tries to take these pollution control devices in these utility companies and put them where they should be taxed properly. To give you an example, the...the loss that we've already suffered in Christian County, the Department of Revenue estimated the net original cost as seven million dollars...seven million six hundred thousand dollars on the...the pollution control utilities. The estimated assessed value was two and a half million, actual assessed value was thirty-eight thousand dollars approximately, the difference was about two and a half million dollars. Let's give you the example, Cook County. In Cook County, if you look at the handout...printout that was given to you, you'll find that pollution control facilities that should have been assessed much higher, should have been assessed at thirty-three and a third...percent value, was assessed at .5 percent value, and in Cook County just the...plant alone of Commonwealth Edison the estimated assessed value was two million three hundred and twenty-eight thousand sum, actual assessed value was thirty-four thousand nine twenty-two. This applies, you'll find in Crawford...the...the plant at Crawford in Cook County, same situation and...like situation. And you'll find this applies in every county where there is a public utility company. This bill should be supported because these pollution control devices are in the utility rate base, they do derive a profit and should be...fairly taxed. During this time when aid to education is being cut, restoring the pollution control device to the tax rolls would make up part of this loss. When a tax base is eroded away a school district's share of State-aid goes up. Restore this property to tax rolls in order that this portion of State-aid can, and it should be, go to other school districts in the State and lessen the burden on the residential taxpayers and small business. I speak in favor of the bill.

PRESIDENT:

Further discussion? Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. As I did last year and when I passed the original bill, I stand in opposition to Senate Bill 101 for a...a few reasons. For all of you...the arguments that have been brought forth up until now, I think probably apply to eleemosynary institutions also, that could be the next argument. But the basic fact is that nobody slipped anything through originally, everybody was aware of the...of the...the law as it presently is at that time. The consequences of which may have changed because of subsequent facts. However, the point is, and the basic point should be told, the bill if passed will have to pass on again for all of you who want elected commerce commission and all of you who want consumer protection from the...from the...the Commonwealth Edison and the...and the gas company, just remember that the consequence of this bill will be that the rate is going to go up in Cook County just like it's going to go up every place else. And the consumer is going to pay for it more directly that they do now. So I urge you to...to defeat Senate Bill 101.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I was not going to get up and speak on this bill because I had a lengthy debate in committee on this. At that time I pointed out that in the school districts that were in these utility rich areas, they were spending anywhere from five, six, seven, eight thousand dollars per student. And I pointed out that I do not feel it was necessary for them to have additional revenues. In fact, I question how they could spend that much money. And the only reason I'm getting up is I received a letter from one of

those school districts and the letter went like this, and I'm not going to identify the school district, but whoever wants it, I will give a copy of the letter. The man said to me, the reason they are spending fifty-six hundred dollars per student is that in this poor community, who, by the way, the electrical companies seek out because they find that they can manipulate the communities. They chose to build a small community, a new eleven million dollar school. And they thought that they were showing good judgment and were prudent businessmen who received no salary because they are now paying off that school at the rate of two thousand dollars per student per year. Now I would submit to you, there are not too many school districts in the State of Illinois that would have that opportunity. But to justify the...the assessments and the rate, based on that, seems to be rather illogical. Let me just read to you some of the...and I'd like to have the people from Chicago pay attention to this because I'm going to tell you, the people that are going to pay this property tax are going to be everybody who pays for utilities. It's not going to be Commonwealth Edison 'cause it's going to be used in the determination of the rates. We have one school district, seven-seven hundred and eighty-seven dollars per student. Now, that's about twice what the University of Illinois costs to educate a student. Here's another one, sixty-two hundred and twenty-four. And I find no fault with people trying to get more revenue, but they really don't need it and the people that are going to pay for it is everybody who isn't in this district, and I might point out that my school district stands to benefit at the cost of other districts in the State of Illinois if this bill goes through.

PRESIDENT:

Further discussion? Senator Johns.

SENATOR JOHNS:



I think it ought to be noted by the General Assembly, especially this Senate who is voting on a bill concerned with utilities, that at a time when there's the highest unemployment in the...in the nation, that these utilities are making record profits, Commonwealth Edison, for sure one of the biggest ones; CIPS, one of the biggest ones, making more money than they've ever made before. And certainly we ought to take a look at that in the decision of this bill.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR BARKHAUSEN:

Mr. President, it's Senator Barkhausen, I'm using my colleagues microphone because there's...my seems to be malfunctioning.

PRESIDENT:

...Senator Fawell's light was on also and she was recognized.

SENATOR BARKHAUSEN:

Could I be recognized, Mr. President?

PRESIDENT:

You...she has yielded. Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you. I would just like to respond for a moment, if I may, to the comments that were made by my Republican colleague, Senator DeAngelis, because I have had an interest in this bill since I was a House member and was a cosponsor a couple of years ago of House Bill 69 which passed the House and...and lost by one vote here in the Senate. Some of the...the comments that Senator DeAngelis made could be well justified depending on what school district you're in. I have a feeling that there is hardship on the part of a number of school districts and maybe some others are better off. But I think the point that he makes begs the question, because, if, in fact, a school district is lucky enough to be

rich in property tax revenue because it has a utility plant or an industrial plant or another rateable that brings in a substantial amount of revenue, then perhaps that calls for consideration of how that property tax revenue is distributed. But the question that's really before us is whether...is whether property, substantial, highly valued property that...that brings economic value to a commercial facility, here a utility, should be or should not be on the tax rolls. And the fact of the matter is...as the sponsor has pointed out is that pollution control equipment is computed or used in the base upon which the rate of return is calculated. And if you're talking, for example, about a nuclear power plant, a substantial portion or all of the containment structured in a nuclear power plant is defined by the Department of Revenue as pollution control equipment and thereby escapes property taxation. So I think as a matter of fairness because this is highly valued property because it is used in the base upon which the rate of return is calculated, it...it belongs on the tax rolls. And if we want to, through some other bill, get to the question of how property tax revenue is distributed to school districts and other local governmental units, that's a separate question. But the point of this bill is that that...that this property, in all fairness, belongs on the tax rolls and I urge your support for the bill.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill, and one who voted against it last time. In response to my colleague about school districts, let's talk about the school districts who was paying off bonds, of which I happen to have three of them in my district, when this change was made, who now cannot hardly make their bond

interest payment much less operate their school district. When you take the change of a thirteen million dollar less evaluation on three small school districts that went off of the property tax roll, you're talking about a jolt most of them can't survive. In fact one of them will not survive if we do not correct this problem. I think on some fair and equitable basis about this, let's do what's right. Whoever said that pollution control such as a stack, a lake, riprapping, the dikes is not real estate change and improvement, to say it's a personal property is a lot of baloney. I urge you all to vote Aye.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. I believe that everything that can be said on this bill has been said. It is reasonable that utility companies pay their fair share of local real estate taxes. No one anticipated the bill that was passed several years ago would lead to a...tremendous reduction. I have legislation on the Calendar that will help some of those districts in the way of the Kaneland case, allowing them to levy bonds to pay off some of the penalties. Some of these districts, ninety percent of their total base has been eroded, and so I hope that we can help those districts with this bill by paying them back, and I should also point out, my own personal conflict of interest in that my law firm is representing one of the districts, it, in fact, has taken a property tax appeal board appeal on this very matter.

PRESIDENT:

Any further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. A lot has been said, but I might point out that the...the higher figure when these

AB 107  
3rd Reading

facilities are being built is what is figured into the rates, and not what the taxes are paid on them afterwards. In fact, they were paying taxes on these before 1980, so that...that part of it, you know, just doesn't hold water. Also, Senator DeAngelis, you can pick out a couple of figures out of a thousand and ten school districts, but you can take Valley View School District in Will County and I...I submit to you if you look up what they...what they're doing, if they have to pay the money back that they now owe, it'll bankrupt them. So you can...you can pick out a couple; you can pick out a couple of school districts anywhere around the State where there's shopping centers and what have you and...and it will show very high. So we do need help in this. There are districts that are in desperate straits, and I would certainly submit that I would hope to get an Aye vote. Thank you, very much.

PRESIDENT:

The question is, shall Senate Bill 101 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 11, 4 voting Present. Senate Bill 101 having received the required constitutional majority is declared passed. 107, Senator Zito. On the Order of...on the Order of Senate Bills 3rd Reading, top of Page 14, is Senate Bill 107. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 107.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and colleagues in the Senate.

Let me initially explain to you what the bill does and my reasonings for introducing it and urging its passage. The bill permits township boards of trustees to license persons engaged in the business of providing adult entertainment within the boundaries of townships but outside the limits of cities, villages and incorporated towns. Certainly several years ago, you remember the notorious Parker Case in which a U. of I. employee had spent some six hundred thousand dollars at a business known as a Club Toray, which is my district. The problem with these businesses that reside in the unincorporated areas or do business in the unincorporated areas is simply because there is no licensing procedures to prohibit their operations or to define times of operation, to make sure that the fire codes and safety codes are upheld, and we have had a continued problem with having some kind of local control. My feelings on this legislation, after talking to some of my colleagues, it was evident that in other unincorporated areas throughout the State of Illinois these same types of businesses find a harbor. What we're interested in doing with Senate Bill 107 is to license...give the township boards of trustees or the elected officials of these unincorporated areas to license these businesses. I realize, fortunately or unfortunately, that these businesses are legal, but I think that they should come under some kind of control. And having the local township board trustees have ordinances and provisions to...monitor their operations is desperately needed. I ask for the support of Senate Bill 107, not only for my district and the township that's experiencing this very difficult problem, but also for the entire State of Illinois so that these adult entertainment establishments can once and for all come under some local controls. I urge for the passage and would be happy to answer any questions.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

This is something that relates to Cook County townships?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

That's correct.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Now...now, I'm under the impression that those townships don't have a whole lot to do. Is this an attempt to give them something to do to promote pornography?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Senator Schaffer, it's an attempt to bring these types of businesses under control of some form of government. Right now, the County of Cook, which I reside in, has liquor licensing powers but don't have business license...Statutes, and so while these businesses operate with liquor license controls under the county, I think that they should operate as well under business license procedures and that's why I've asked for this legislation.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Is this a revenue generating measure, is this a...how are you going to put meters on all this activity?

PRESIDENT:

Senator Schaffer. I mean, Senator Zito.

SENATOR ZITO:

I think it was a facetious question, but I'll answer it seriously. We have in the legislation provided for a fee, I

believe, not more than one hundred dollars to be issued by the township in order for them to collect some kind of revenues. I did have a...a companion bill, Senate Bill 106, that would have licensed all businesses in unincorporated areas. I think that that procedure, however, would be too difficult at this point for townships to undertake, and so I've asked for at least the adult entertainment establishments to be licensed. We're not particularly concerned with raising revenues but we are concerned with having these businesses once again brought...under some type of restrictions.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, I...I guess in the final analysis this is a real tribute to the expertise of township government in your area, and I...I guess maybe its not too bad an idea.

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I may disagree slightly with Senator Schaffer, it might be the expertise of the sponsor in the area. But I was wondering if this bill creates a regulator of pornography in the township. If so, would it be an elected office and if so, does the Senator expect to run?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

I don't have a comment, Mr. President. I could discuss that with Senator Carroll at a more private time.

PRESIDENT:

Further discussion? Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. Senator Zito, I just want you to know after the campaign that I went through last fall, I

want to make one thing perfectly clear, I am in strong, unmitigated, complete support of your bill.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the House. I am strongly in support of Senator Zito's bill and I would like to clarify one point that was made by a...a previous speaker and that is that township governments...indeed do have a number of responsibilities and very serious responsibilities. They're not...they're not asking or looking for additional responsibility but they are taking it because of a great need that exists in those unincorporated areas that need to have the supervision and the enforcement of this kind of legislation. I strongly support it.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Well, I was just wondering, under the home rule powers of Cook County, couldn't they regulate and license these establishments?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Senator Weaver, I'm...I think you may be correct; however, we've had a tremendous problem with getting Cook County or any other county to undertake this responsibility. My personal feeling is that I think the township, because they're the closest form of government to the people and...and the needs in that area, should, in fact, undertake this responsibility and that's why I'm asking for this so it would free and lessen the burden on the county government.

PRESIDENT:

Further discussion? Senator Kustra.



SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I followed Senator Zito's work on this matter. As a matter of fact, my district lies just to the north of this area. I am familiar with the area, at least I've heard about it from other people. I can...I can only...I can only say that it's important to me that this bill passes. My district being so close my constituents might be tempted otherwise to travel in that direction and I'd want proper controls. I think township government is the place to do it.

PRESIDENT:

Further discussion? If not, Senator Zito may close.

SENATOR ZITO:

Well, I think the issue has been discussed thoroughly and I would appreciate a favorable roll call.

PRESIDENT:

The question is, shall Senate Bill 107 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 107 having received the required constitutional majority is declared passed. 108, Senator Zito. Quit while you're ahead, that's a good attitude. 112, Senator Buzbee. On the Order of Senate Bills 3rd Reading is Senate Bill 112. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 112.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Buzbee.

SENATOR EUZEEE:

Thank you, Mr. President. This is a measure that was

before this General Assembly last year. We...we passed it overwhelmingly in the Senate and in the House. The Governor vetoed it at the behest of the Department of Revenue and as happens so many times, I think it was because the Department of Revenue, really didn't understand what the bill did. It provides an income tax credit for corporations which; one, support research in Illinois coal utilization or, two, purchase equipment intended to increase the use of Illinois coal at facilities owned, leased or operated by the corporation. The research expenditure credit is equal to twenty percent of the amount spent during the tax year on research that has been approved by the Illinois Coal Research Board. The equipment credit is equal to five percent of the amount spent during each year on equipment purchase to increase the use of Illinois coal including equipment used for combustion, liquefaction, gasification, beneficiation and pollution control. As far as the fiscal impact is concerned, revenue losses from both types of income tax credits granted to corporations are likely to be limited during the initial years and specific recommendations...rather specific projections for long-term revenue effects are not possible. The degree to which the corporate tax credit stimulated additional coal production will determine the proportion of corporate tax losses that will be off-set by increases in other tax revenues. And I think that the bottom line on this bill is that tax incentives are an effective means of stimulating a given market or industry. The Illinois Coal Industry needs additional support so as not to lose future coal sales. A reduction in the total cost of pollution control would further enhance the economics favoring Illinois coal. And I would be glad to try to answer any questions.

PRESIDENT:

Any discussion? Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. It's a privilege to be a cosponsor to Senate Bill 112. I'd just like to point out to the people listening in the Senate and whereabouts in the Capitol, it's up to us as...as a legislative body to form a policy and a leadership in the development of coal. I don't think the Governor is doing the job of finding answers to the removal of high sulfur from coal. With the advent of acid rain legislation in the Federal Congress, if that were to take place due to northeastern interest and western interest who have all the low sulfur coal, you will see chaos in southern Illinois and in the coal fields that you've never seen before. If you think unemployment is high now in that...in that industry, wait till you see the acid rain legislation and what it would do to us. I would say that this bill, which I am happy to be a cosponsor, with a twenty percent tax break on research would cause the coal companies to endeavor to work with people like Dr. Ladd Pearson in the Pearson Peck Process which removes the sulfur from coal. It's a highly innovative invention and made from Illinois people, Illinois institutions, funded by Illinois in the past of a half a million dollars, and I would say that this is a...a step in the right direction. If the Governor lacks the leadership, maybe it's because we haven't stepped forward and told him how important it is. But I think that this is a step in joining him in an effort to bring the end to the high sulfur coal problem in Illinois. And I hope that you will vote for it in good conscience.

PRESIDENT:

Any further discussion? Any further discussion? Senator Euzbee may close.

SENATOR EUZBEE:

Thank you, Mr. President. Again, the only objection that the Department of Revenue had last year was...potential loss of revenue to the State. I am extremely sensitive to the

AB 125  
3rd Reading

potential loss of revenue to the State. But I would point out that if every utility in the State of Illinois converted to coal burning, it's our estimation that over a ten-year period, it would cost the State two million dollars per plant that would be converted, over a ten-year period. So I would suggest that it is not a major loss of revenue from the tax credit, and the income tax and the sales tax that would be generated to the State of Illinois through the increased use of Illinois coal, through the increased payrolls for coal miners, through the increased investment...capital investment that the coal companies would make in this State would fantastically overcome that small amount of revenue loss. And I would ask for a favorable vote.

PRESIDENT:

The question is, shall Senate Bill 112 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 5, none voting Present. Senate Bill 112 having received the required constitutional majority declared passed. 125, Senator Chew. On the Order of Senate Bill 3rd Reading, Senate Bill 125. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 125.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. This is a bill that was agreed on by Judge White of Chicago and the Secretary of State. It deals with driving under the influence of alcohol. It requires forty-eight hours of incarceration on a second or a

subsequent offense or ten days of community services. I know of no opposition to the bill and I would move its passage.

PRESIDENT:

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Senator Chew, is this a mandatory sentence for second conviction, is that...is that, again, is that mandatory, is there any discretion with the judge, is it nonprobational, is it nonsupervisory, is there any discretion whatsoever or is total discretion taken away from the Judiciary?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

No, Senator, the judge has the discretionary authority to do what he deems necessary. It's so included in the bill. It's "either or."

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Either alternative service or forty-eight hours? One...but...but it must be one of those two. Is that correct?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

No, it doesn't have to be either one. That discretionary power is left to the judge that's hearing the case, but the alternative is to forty-eight hours or ten days services. We...we know our crowded condition in the...institutions now and we have a discretionary power by the judge, the ten days, forty-eight hours or some other discretion that he may use to give...equal to forty-eight hours or ten days in community services. Community services, at this present time, the institutions would be the Chicago Rehabilitation Institute

where it will be dealing with persons that have been injured because of drunken driving, so he does, in fact, have that discretionary power.

PRESIDENT:

Any further discussion? Senator Lemke.

SENATOR LEMKE:

Charlie, you said that these weren't mandatory sentences? Apparently our staff review is wrong then 'cause it says a mandatory sentence.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

The amendment to the bill, sir, addresses that penalty...the mandatory portion of it. And the bill has been amended.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 125 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 125 having received the required constitutional majority is declared passed. 127, Senator Vadalabene. On the Order of Senate Bills 3rd reading is Senate Bill 127. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 127.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

Page 95 - MAY 19, 1983

END OF REEL

REEL #4

SENATOR VADALAENE:

Thank you, Mr. President and members of the Senate. Senate Bill 127, as amended, is a provisional drivers license for sixteen and seventeen year olds. It is the result of almost two years of study by several State entities, many safety oriented agencies, and the Motor Vehicle Laws Commission, and also the Secretary of State. The amendatory changes in this bill are just part of the total of scenario of this concept. Contrary to popular belief, the minimum legal driving age in this State is eighteen not sixteen; however, if a sixteen or seventeen year old desires to exercise the privilege of operating a motor vehicle, in this State they can receive a drivers licenses but they must fulfill the following requirements: receive written parental or guardian consent; successfully complete an approved driver education course and successfully pass the drivers license test. However, if the applicant is just sixteen years old, such an applicant is not permitted to drive during the times when the State curfew law is in effect. Senate Bill 127, as amended, adds another caveat by clarifying the drivers license issued to a sixteen or seventeen year old is provisional contingent upon complying with the above requirements plus, if there is a conviction of one moving violation prior to age eighteen, there will be three months suspension of driving privileges. For a second convention, a suspension of twelve months. This is designed to impress upon our youth the importance of placing into practical application the theory of safe driving they received in driver education, and I would appreciate a favorable vote.

PRESIDENT:

All right, any discussion? The Chair has been asked to



announce, for those of you who office on the sixth floor, that the telephone system has momentarily broken down and we have contacted the phone company and we are attempting to make...necessary repairs at this moment, but if you can't get through up to six...leave them off, okay. Senator Gec-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and ladies and Gentlemen of the Senate, for a point of personal privilege...

PRESIDENT:

State your point.

SENATOR GEO-KARIS:

...I would like to have us welcome in the President's gallery, up there, the students from the Millburn School in Lake Villa Township, Illinois, who are here with Pete Septas, and Mrs. Gil Day, as their instructor, Mr. Gary Cybul, C-Y-B-U-L, their principal, and there are forty-eight students, and the volunteers, and the parents, Mrs. Schuth and...Mrs...S-C-H-U-T-H, Mrs. Umrine, Mrs. Hagan, and Mr. Slickting, and I'd like us to welcome them here. Mr. Supses happens to be the son of an old boyfriend of mine. So, I'm delighted to have you all here.

PRESIDENT:

Will our guests in the gallery please rise and be recognize. Welcome to Springfield. The question is the passage of Senate Bill 127. Discussion? Senator Davidson. There are twenty-four people who've indicated they want to talk, Max. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, before I make my remarks on Senate Bill 127, I would like to show for the electronic record that I'd been called off the floor, and if I had been present, I would have voted Yes on Senate Bill 112. I rise in support of 127. This is the bill which came out of the Motor Vehicle Laws and

joint studies between the State Police Law Enforcement, local chief of police, the Motor Vehicle Laws Commission and the Secretary of State. The amendment put on for Senator Berman removes any...so that no present person would have any jeopardy of losing his license from a conviction or they would have had on a moving violation now. I think this is an excellent bill. The thirty-three states which already have this type of legislation in some form in force show that it has been...successful in reducing or lowering the rate of accidents and injuries and death among the affected teenagers. I'd appreciate your favorable vote.

PRESIDENT:

Further discussion? Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. The provisional portion of this bill is a safeguard, and it does serve toward informing that provisional driver that safety is up to him or he suffers the consequence then. It came through my committee with a unanimous vote, and I ask that it pass on this Floor likewise. Thank you.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President and members of the Senate, I would like to have...ask a question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Coffey.

SENATOR COFFEY:

As I understand...in the legislation it says for a three months suspension of a license with a first conviction of a reportable offense. My question is, what is a reportable offense?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

A reportable offense is a moving violation or speeding.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

What does that cover under a moving violation? How many categories is there?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

If I recall, it covers several categories like running through a stop sign, running through a...red light and so forth.

PRESIDENT:

Senator Coffey.

SENATOR COFFEY:

Well, Mr. President and members of the Senate, you know, I rise in opposition to this bill and I'd like to very quickly tell you just why. There's about sixty categories, if I recall, under the moving violation and some of those I don't think is a serious offense. Earlier when this bill was in committee, when it passed out, I asked that if we were to address two of the more serious offenses, and one of those being DUI and the other being wreckless driving, I could support such a measure. The accidents that we have talked about that's happening with the young people about...between fifty and sixth percent of those accidents are happening from DUI's, and we have addressed that problem with legislation earlier which I did support. And another large percent of that is from wreckless driving. And wreckless driving is when a person is doing a combination of two or more moving violations, such as high speed, running stop signs, illegal usage of the...lane usage, illegal signals, and others. But some of the violations on here that I don't think is a

serious offense that a young person in our community that's using their vehicle for transportation to and from school or to and from work is going to lose their license for such things as backing out of a driveway and if a...an officer determines that it's an illegal backing out of a driveway, that's a moving violation. Crossing a sidewalk and that could be crossing the sidewalk in your front yard...and pulling up in your own lawn, that's a moving violation. There are sixty of those offenses and many of them aren't serious offenses. I think it...it's a...it's punishing the young people today. We've passed a lot of legislation to try to save their lives, and that DUI was one of them, we've tried to strengthen the penalties on reckless driving, and I think that's well and good, but I think...becomes some point that we have to stand on the side of the young people and give them credit where credit is due. I think this legislation doesn't do that. I think that...that this Body should take a real serious look at this and...and vote No on this issue.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. Would the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Jones.

SENATOR JONES:

Yes, Senator Vadalabene, you indicate in your legislation that fifteen percent of the sixteen year olds had a first offense in their driving record. Could you tell this Body what percent of the persons between the age of twenty-five and thirty had a first offense of their driving record?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Do you have another question?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, I want you to answer that question since...we're dealing with the percentage of sixteen year olds and seventeen year old with first offense, I'd like to know what other age category and what percentage of that particular group had a first offense on their driving record.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Approximately sixteen to seventeen percent.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, since you say approximately sixteen or seventeen percent, does your legislation call for a suspension of their driving privileges for the first offense?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

In that category, if I understand that, would be charged against their drivers license, and if they had three in one year, they would be suspended. Now don't forget you're talking about a drivers license and not a privilege.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well...well...well, currently, you know, this is the same provision is it provided for the sixteen, seventeen year old, and eighteen year olds, but for you to pick on a particular group saying that they cause most of the accidents or have a worse driving record than the older group, I think is...is totally unfair. And the bill did not pass out of the Trans-

portation Committee, Senator Chew, on a unanimous vote, 'cause I opposed it then. And let me ask you another question, Senator. Are you aware that...in local units of government that the police issue tickets on a quota system?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

I'm not aware of it. I've heard of it...Senator Jones, and you know, we've all heard about the quota system but none of us can prove it.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, it is true that the police must, in some local units of government, must issue a certain number of tickets. They must write...their superiors dictate that they write a certain number of tickets. This legislation is totally discriminatory against the young drivers in the State of Illinois, and as the Senator pointed out, this particular age groups do not have any higher percentage of traffic violation than any other age group. So, to put this type of language into the law to pick on this particular group of people, I think, is totally unfair and this...this bill should be resoundly defeated by this Body.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I'm going to rise to support this bill, 'cause I feel that the sponsor is truly trying to do something about the large number of accidents and deaths that are occurring on the roads by young drivers. And contrary to my colleague on this side of the aisle, there is a larger percentage of accidents and deaths which occur during the teenage years and certainly

during the twenty's. When you get into the thirty's and forty's and fifty's and even...even the senior citizens' records are much better than the...than the younger drivers, that's a fact. I think there is some problem, Senator Vadalabene, with the...with the particular one and two time...getting a ticket the first and second time, but I'd like to at least give you the opportunity to get your bill into the House, and I would hope by then you would be able to come up with an amendment which would make it a much better bill and one that everyone would feel like they'd like to support.

PRESIDENT:

WICA-TV has requested permission to videotape the proceedings. Is leave granted? Leave is granted. Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator Vadalabene, do you have any intentions of amending the bill?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Senator Collins, I don't know what you mean when you say, "Do you have any intentions of amending the bill?" Amending it to what?

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

To...on the section that deals with the one moving violation.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

I have no intention of amending that portion of it or the second violation. Let me tell you, in consideration of the parents who get the provisional license for their sixteen and seventeen year olds, two blocks away from home, they don't have any control over that sixteen and seventeen year old kid, and then all the accidents happen. Now, they say to that kid, you're grounded for a month; and you know what mothers and fathers do, within forty-eight hours that kid is back on the road. Now, here, we, in the State of Illinois, we take that responsibility of doing some safety driving when those children get away from the house, and we'll do the work for those parents. Those parents can say, you're not... you're grounded now by the State of Illinois. You won't listen to us, there's teeth in it now. You go out there and drive safely, 'cause you'll be grounded for three months and on your second offense for a year. Let's take care of those sixteen and seventeen year olds. Make better drivers out of them, and they'll learn the rules of the road when they get their drivers license at the age of eighteen.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Does the moving violations...are they qualified or are you just talking about making the wrong turn, or driving too slow, or driving a little too fast in a...in a school zone, or moving violations that...that involve some type of accident?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Well, as Senator Coffey enumerated, I think he said there's about sixty different categories, I don't know if



there's that many or not. What we're talking about running through a stop light...illegally passing, wrong lanes...also, Senator Collins, before they get a provisional license, they don't get it just because they're sixteen. They don't get it because they're seventeen. They have to go through a training course. And some of the rules of the road will be given to them during this training before they get the provisional drivers license.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes. I...I reluctantly rise in opposition to this bill, and I think Senator Emil Jones touched on one of my primary reasons. He indicated that this type of law would discriminate against the youth. It would also insure in the City of Chicago that minority youth would, in fact...license would be revoked while other kids the same age would be reprimanded, sent home and never given a ticket. If we lived in a real fair world, maybe this kind of law would be fair but we don't. The reality of the circumstances in the City of Chicago, minority kids license would be revoked and other kids from other communities would never be issued a ticket. And that is the tragedy of this kind of law, and it's unfortunate that we have to even consider things of that nature when we are attempting to try and do something to prohibit the...the rate of accidents among that category of drivers, but in all fairness, this law is not going to be enforced equally and; therefore, I have to rise in opposition to it.

PRESIDENT:

Further discussion? Senator Johns.

SENATOR JOHNS:

A question of the sponsor, Mr. President.

PRESIDENT:

Indicates he'll yield, Senator Johns.

SENATOR JOHNS:

Maybe through your aide there, you can tell me, in my area at sixteen many of the young people become more or less part of the labor force of their families in farming. And at sixteen, as it is presently made up, they can start driving and helping get gasoline, and get food, and get seed, and get grain, and so forth. Now, under the mandatory...is it mandatory on this three months suspension, can they still get a type of release for driving privileges to...to help their families?

PRESIDENT:

Senator Vadalabene, before you answer, I want to just get ready. UFI has asked permission to take some pictures. Now, lay it on them, Sam. Senator Vadalabene.

SENATOR VADALABENE:

Where are they located, Mr. President?

PRESIDENT:

Right here...right here.

SENATOR VADALABENE:

...Senator Johns, there is a provision in the event of a hardship case, and they have to prove there's a hardship case, that I understand that this type of legislation will be reconsidered to give that...give them that opportunity.

PRESIDENT:

Further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. It occurs to me that we have not discussed one aspect of the bill, Senator, and that's its imminent, obvious reduction on insurance premiums. Would you say something about that?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Well, I'm not going to get into the category of reduction

of insurance premiums. I have found that insurance premiums regardless of...of what you do on your automobile or your casualty or whatever, I keep seeing them on the rise. I'm not going to stand here and say your premiums are going to drop. You'll have to...you know, at the proper time maybe we'll discuss that, but I don't...I'm not going to give that kind of an answer that insurance premiums are going to drop.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. A question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

Senator, do any other states have this kind of a provisional license for the...the youngest category of drivers? And if so, what specifics do they put into their law regarding the drivers, and what sanctions are in the law for...for first offenses for the youngest category of drivers?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes...yes, let me answer that in the reverse, Senator Marovitz. We have patterned our legislation after seventeen other states in the two-year study. So, most of the things that you're asking me now have already been incorporated in the seventeen other states and we are using them as a model.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Okay, in those...in those seventeen other states...have those been on the books for sometime?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, they've been on the books for several years.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Having been on the books for sometime, we should have some empirical evidence about how...what's happened in those states, and what the...the accident rate and the conviction rate, and perhaps even the insurance premiums are in those other states where we've done that. Can you give me the evidence...the results...ramifications in those seventeen other states?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yeah, I can't give it to you here offhand...the...the secretary, Lou Lower, of the Motor Vehicles Laws Commission will supply you with that information. But I do know this, that this law has helped the other states.

PRESIDENT:

Further discussion? Further discussion? We have three members who have indicated a desire to speak for a second time. Senator Bruce.

SENATOR BRUCE:

Senator Vadalabene, I truly don't know how I'm going to vote on this one, and I want you to help me decide. First of all, you've listed all the states that have provisional requirements for licensing. Do any of them require that a child lose their license for one year?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Well, the...the bill is modeled after some of the seven-

teen states, so I think I could, without knowing...you know, without guaranteeing you that answer, I could say, yes.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

See, part of my problem is that I, like every other member of this Body, have all kinds of kids who come in, they've lost their license. I've got parents who've lost their license for all kinds of incidents, and the question immediately comes to my mind that as soon as this bill becomes effective, each one of us will be down at the Secretary of State's Office trying to get the kid's license back because his father comes in and says, Johnny goes back and forth to school everyday, and he works at the local IGA store and I can't pick him up; and can you write a letter saying that little Johnny is a good student. The principal does the same thing. And we're all going to be spending a good deal more time undoing exactly what we're about to do. The second thing is, what is the logic? I...I can see that for sixteen to eighteen year olds a penalty that says, three months. I think that's a sobering influence to say, you get one ticket, we take your license for...for three months. What was the logic of the Secretary of State and the committee to say, if I'm seventeen in eight months and I've had one traffic ticket, and I blow a yield sign and in my community, and I think every other community, quite possibly you can, not knowing, you have an accident, they give you a ticket now because insurance companies want that because they can then stick you for higher rates, and they are all hand in hand...on that operation, so you get the second ticket. You then at seventeen and nine months lose your license for a year. Now, if you had been picked up in my district for drunken driving...if you had been picked up for drunken driving in my district, the worst thing that you would have to

you is the judge would put you on supervision. You wouldn't even...you wouldn't lose your license for a day. You get put on supervision and the judge would say, don't get into any more trouble, come back in twelve months, we'll expunge the record. And so, it seems to me, what is the logic of saying that a kid loses his license for a year as opposed to, say, a second three months penalty?

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Was that a question?

PRESIDENT:

It sounded like it. Yes.

SENATOR VADALABENE:

All right. First of all, we're not talking about the eighteen year old...you mentioned in there sixteen and eighteen. It's the sixteen to seventeen. Again, we're not talking about a drivers license being revoked. We're talking about a provisional license for the sixteen and seventeen year old who can be afforded the opportunity to drive a vehicle in the State of Illinois. The alternatives has come to us on the Motor Vehicle Laws Commission and in other hearings that we raise the drivers license to eighteen years old and not have a provisional drivers...or a provisional license. What we're doing here is an attempt to see that the sixteen and seventeen year old does have an opportunity to drive, and as you, as a lawyer, you can cite any other kind of cases that are nonrelated to this as if...as if it is this, or if it is that. We are protecting the sixteen and the seventeen year old in this legislation, and if there is a hardship, we'll see that he gets to drive. Little Johnny will get to go wherever he wants.

PRESIDENT:

Further discussion? I'm sorry, Senator Bruce.

SENATOR ERUCE:

Now...now, I wonder if you would answer my question. My question is, what is the logic between having a one year suspension for a child seventeen and nine months and a guy that's a DUI both having a one year penalty? And let me just make a personal comment, Senator Vadalabene, if you want to put in a bill that raises the driving age to eighteen, we're open for business. Bring it in here and it won't get out...it won't see the light of day, I don't believe. So, I mean, we're talking about this bill saying to sixteen and seventeen year olds, a guy that's seventeen and nine months, about to leave for college, that he does not have the right to go and drive a car because he's gotten a second minor traffic violation. I...I want to know the logic behind that one year suspension on the second one. I've got no problem with the first three months, good bill. It's the one year that really bothers me.

PRESIDENT:

Senator Vadalabene. Senator Vadalabene. Your on, Sam.

SENATOR VADALABENE:

The logic in regard to what I think Senator Eruce is talking about is the DUI versus the...the three months and plus a year's suspension. Again, we're talking about teenage kids, sixteen and seventeen, and I think you're talking about an age group in another category, and if you want the logic in regard to that, I don't have the answer.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Before the Secretary introduced this bill, I was going to introduce one very much like it with just a little different twist. Rather than keying the suspension and probation period to young drivers, I was going to key it to

the inexperienced driver. And for the most part, we're talking about the same people here. And for the most part, the inexperienced drivers are the young drivers, the teenage drivers. And I think it makes very good sense to start out teenage drivers with a probationary period because the driver's license is a privilege and not a right. And when people are beginning to learn how to operate on the highways, they should not be allowed the same kind of latitude that older, more experienced drivers have. But the Secretary decided to introduce the bill on an age basis and... and I have no particular quarrel with that. There's one other point I want to make. Several members have alluded to the effect, if any, that this is going to have on insurance rates. And I'd like to point out to you that most insurance rates in this State are not dependant upon how many tickets you have. Standard insurance risks in this rate...in this State are generally not rated on the basis of how many tickets you have. The number of tickets does apply if you happen to be in that non-standard situation where maybe you've had several accidents, or something like that, but I...I don't think that you should vote against this bill with the idea that your going to raise the insurance rates of kids who may be put on probation. I think it's a good concept and one that we ought to try.

PRESIDENT:

Further discussion? We have five members who've indicated a desire to speak a second time. Senator Chew.

SENATOR CHEW:

Thank you, Mr. President. I wanted to speak the second time because there have been some references to what occurred in Transportation Committee. Let me hasten to add, Senator Jones, I intended to say the Motor Vehicles Laws Commission. One of the problems that we ought to study is if a person here serves on a committee and he finds something objectionable to a peice of legislation, it should be...incumbent upon



him to talk to the sponsor and offer an amendment. Just to say, I object to a certain portion of it and having the authority to offer amendment, the amendment was the solution, the conversation is nothing. This has gone through law enforcement, Department of Transportation, Secretary of State's Office, Motor Vehicle Laws Commission. We are amenable to do what is basically right. No one is out here to create accidents, but since we do not have the right for driving as of now, we felt to put some penalties that were different from others would give that young driver a total warning of what his privileges are. The other problem we're dealing with, Mr. Jones, I live in Chicago. I've heard of the quota system. I know it is in effect, you do too. That quota system does not rely solely or apply solely to sixteen, seventeen, eighteen, nineteen, it applies to all drivers. We understand if an officer has failed to write a certain number of tickets, he can be transferred or demoted, we understand that. It's not good. We've been trying to do something about that over the years, we have not succeeded, but all drivers should come under the same category. I have no problems with that, but that sixteen and seventeen, we're giving them a privilege to do this. It...this has been requested. We have not had one ounce of opposition to this bill. Everybody that testified, testified in favor of it, in the committee, Mr. Jones and you were there. So I would ask...an Aye vote on this. Everything we do is provisional. If we find that it doesn't work, we have the right to repeal legislation here, but for God's sake, let's give it a chance to work.

PRESIDENT:

Further discussion? Senator Coffey, for the second time.

SENATOR COFFEY:

Thank you, very...Mr. President and members of the Senate. I apologize for rising the second but there has been some things mentioned here that we're trying to do with this

legislation I don't think is necessary. I heard earlier in a statement made by the people supporting this bill that parents are having trouble keeping their kids from driving their cars. I thought they were still at sixteen and seventeen years of age under the supervision of their parents. We ought to be passing legislation to make them responsible for their children instead of coming down here and passing legislation and...dealing with a person on their first offense. And many of us, at least in this more...more rural areas, know that many of our law enforcement people are nonprofessional law enforcement people, and they get their kicks out of going around and harassing and picking on teenagers, because they're not professional, we're not talking about the Illinois State Police, we're talking about nonprofessional law officers. They give them a gun and a badge and put them on the streets, and all they can find to do is chase the kids up and down the street. They don't do anything about the burglaries or anything about the adults, and I think we need to take that into consideration. And there is already warnings for that...that teenager that get's his first violation. It says now on his first violation he gets a fifty dollar fine; his second violation, he gets a fifty dollar fine; his third violation, he loses his license. So, I think we already address that, and I said earlier...it was said that we ought to come up with an amendment. I said when this bill was in committee that I would support an amendment, and I would draft an amendment if it was okay with the sponsor to say that their license would be removed on these situations if it was for DUI's and reckless driving, that's where our children are being killed from; not from crossing a sidewalk or backing out of a driveway illegally, or not seeing a yield sign. These aren't all the serious problems we have with our teenagers, and if we're going to address it, we ought to dress it where the problems are.

Thank you.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. I apologize, also, for rising a second time on this bad piece of legislation, but I think Senator Coffey hit the nail right on the head. There's no sense in passing out a piece of legislation if it has problems, and it has serious, serious problems. In the City of Chicago, Senator Chew, and you admit it, there is a quota system. If a person was to come to this country from a foreign land and go to the traffic court in the City of Chicago, they would think that only blacks lived in the State of Illinois because that's all you see in the traffic court. So if there is a quota system in the City of Chicago, I don't want my child to be caught in that situation. I live on the corner and if my son was to back out of the garage onto the street, and that's the only way he can out...out of the garage, he can be given a ticket for such which is a moving violation. But Senator Coffey wanted to amend this legislation and the sponsor did not. There are sixty categories, but the sponsor keep talking about accidents, but I see nothing about accidents in the analysis of this legislation. It should be defeated. And when you talk about insurance, we all know that insurance is not based on your driving record, it based on the geographical area where you reside. I haven't had a...a traffic conviction in I don't know how many years, but my insurance go up because I happen to reside in the City of Chicago. So this bill should be defeated because it is discriminatory against the young people, and the sponsor did not wish to amend the bill as we wanted the bill amended, and it should go down to defeat.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MARCVITZ:

Thank you, Mr. President. I'm sorry to speak on this a second time. I'm the sponsor of the mandatory auto insurance bill in the Senate. And it's going to be very, very interesting to take a look at this roll call and hear people who have said driving is a privilege, not a right. And then take a look at the roll call on mandatory auto insurance, where again, driving is a privilege and not right, and see people who have voted Yes, but somehow can't vote Yes for mandatory auto insurance.

PRESIDENT:

Further discussion? Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. My information tells me that when they apply at sixteen, they have to pay eight dollars? They have how many fees? Well, anyway, they have...they have fees at...sixteen and then at eighteen they've got to come back in a renew the whole process and pay another eight dollars. Well that's not right. None of us pay twice. Why should they pay twice? So, I...I think that ought to be brought to attention. I do feel, as Senator Emil Jones has said, "this can become one of the easiest forms of harassment by deputy sheriffs, county officials and law officers all over the place to harass young people and get them off the street. So, I don't think that's right at all.

PRESIDENT:

Further discussion? Senator Lemke.

SENATOR LEMKE:

I feel it compelled to rise in defense of the police in the State of Illinois. I am sick and tired of hearing people criticize people that give their life everyday and take a bullet from some teenager or get his legs knocked off...from teenagers. And I'm sick and tired of certain people of ethnic background accusing police officers from

racial discriminating. That would be as bad as me saying that an Irish policeman gives a Polish kid a ticket because he's Polish. It's a bunch of BS. If kids get tickets in the City of Chicago, they deserve them. Because I can tell you, there is no police officer that wants to give a kid a ticket, but most of these cases that go before the court is not one ticket for traffic violations, but are probably five or six for the same offense in driving and driving because these kids are driving around and their parents don't care, and the first thing they get arrested, you bring up their racial background and you say, we're discriminating. The police in the City of Chicago do not discriminate. Do not discriminate. Because the police in the City of Chicago are made up of every ethnic background, and I'm sick and tired of it, being a son of a former police sergeant that served many years and died. I am not...I am very critical of anybody criticizing the police in this State, whether they be State police or local police.

PRESIDENT:

Further discussion? Senator Barkhausen. Put Senator Barkhausen on Senator Fawell's mike, Mr. Electrician.

SENATOR BARKHAUSEN:

I...I hesitate to speak, Mr. President, in the...in the wake of the last remarks, but if I could try to get back on track here for a moment. I know that one of the points that's been made is that people feel that a loss of license for one offense could be a very serious sanction, particularly for youngsters who may depend...may depend on their license for a summer job and getting to and from school or whatnot. I would simply point out that those of us who...who practice any law or go in and out of traffic court or even who have been on the receiving end of...of judges in traffic court recognize, I'm sure, that most of us when we go into traffic court the defendants are placed on supervision, per-

tainly for the first offense and often for repeated offenses. So, I would suggest that before this potentially severe sanction is imposed, the...the young defendants would...would, in most cases, be placed on supervision at least once, and in many cases more than once. So, the sanction that many of us might otherwise think is...is too serious, I think is really quite reasonable, and I would urge support for the bill.

PRESIDENT:

Any further discussion? Senator Vadalabene may close.

SENATOR VADALABENE:

Thank you, Mr. President. I never thought you'd ever get back to me. There's been a lot of discussion in regard to this bill, and I believe, being a mild-mannered man that I am, that a lot people got carried away on different areas of...of argument. This is a good bill. I think the sixteen and seventeen year old, when he becomes eighteen and nineteen, I think will...thank us...us legislators for providing that kind of discipline, and I move for a favorable vote.

PRESIDENT:

Question is, shall Senate Bill 127 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 14, 3 voting Present. Senate Bill 127 having received the required Constitutional majority is declared passed. If I can have your attention, for a...in a little lighter vein, we have some distinguished young guests with us who have traveled to Springfield with their parents, and I would like to yield to Senator Frank Watson for the proper introductions.

SENATOR WATSON:

Thank you, Mr. President. Each year the Council on Nutrition has a poster contest State-wide in Illinois, and this year there was some fourteen thousand entries in three

different age categories, and we're fortunate to have the three winners with us here today. And one of the winners happens to be from my district, from Carlyle, and his name is Sean Cunningham. He's in the third grade at Carlyle Grade School and his parents are here with him, who are in the gallery back here on the right, Mr. and Mrs. Gerald Donaldson, if you don't mind standing. And his teacher is also here, Mrs. Carol Moler, Carol. And we're pleased to have them and, of course, here is Sean right here. I don't know if you can all see him, maybe we'll just get him up here where you can take a good look at him. We welcome him to Springfield and we're glad to have him.

SENATOR MAITLAND:

Thank you, very much, and I have the winner of the fourth through sixth grade. Her name is Mary Ann Lober. She's a fifth grade student at Calvary Baptist Academy in Normal. Her mother and father are here with her, Mr. and Mrs. Darrell Lober of Lexington, and her mother is also her teacher. Would you please rise and be recognized, and this is Mary Ann.

SENATOR RUFF:

And somehow or other, I think it's appropriate that I'm up here on a nutritional type thing. This is Jody Schmidt. Now, were you...did you...were you...did you pose for the poster or what? No. Oh...you drew it. Oh, I thought you were so beautiful that you were actually the model. Wasn't that nice? Just think and I have to wait for...how many years? Eight years to get her vote. Her parents are here. Would they please stand, and they're from the same..says here from the same town as you are, isn't it? She has two teachers here, Marie Hurtis and Ivan Jones. Would they please stand. Thank you.

PRESIDENT:

Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

On a point of personal privilege, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR WEAVER:

I would...I would like to introduce my sister and three of her friends, also from Carlyle, Illinois, in the President's gallery.

PRESIDENT:

Please stand and be recognized. Welcome to Springfield. Senator Carroll, it appears we are now in the proper frame of mind to go the order of kosher meat. On the Order of Senate Bills 3rd Reading, Senate Bill 128. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 128.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes, thank you, Mr. President. It is true that if this bill passes everything will be kosher. Some have suggested, if you'll pardon the expression, that this may be my Christmas tree bill. But, in fact, it is a consumer protection measure to allow for a registration of the certifying officials so that the consumer can know whether or not the products contained in the manufactured process are in fact...kosher. I would ask for a favorable roll call and attempt to answer any tref questions.

PRESIDENT:

Any discussion? Senator Demuzic.

SENATOR DEMUZIC:

I'd just like to ask a question of the sponsor, if he



will yield. And that is, does this have anything to do with food for Century Three?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Demuzio, as you and Senator Weaver remember, we brought in a ten pound salami when that bill was being called in the Appropriations Committee and that was, in fact, a kosher salami.

PRESIDENT:

Question is, shall...Senate Bill 128 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 128 having received the required constitutional majority is declared passed. 130, Senator Euzbee. On the Order of Senate Bills 3rd Reading is Senate Bill 130. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 130.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. Senator Carroll and I at one point thought maybe we might combine our bills and make this a kosher-veterans' bill, but we decided that we would not do that since this bill affects more...more people than just those who are interested in kosher foods. It has been the long-time policy of this State since, as best I can tell, sometime after World War I or at least in the early thirties that the State of Illinois provide a scholarship to commu- nity

colleges or universities to those students who were residents of Illinois prior to their entry into the military service, and then providing they got an honorable discharge and came back to the State of Illinois and attended and public university or community college. There have been a tremendous number of veterans of the U.S. military who have...are Illinois residents who have been able to go to college on this kind of a scholarship. I took advantage of this one semester myself when I went back to graduate school several years ago, and it has been the long stated policy of this State that we simply do this. In 1981, the Department of Veterans' Affairs had put on a Senate bill in...in the House...had put on that bill an amendment which eliminated this veterans' scholarship. When it came back to the Senate, the Senator who was handling the bill was told that this was simply a date change and explained it. I have the...I have the transcript from the debate on that day and nobody on...in the Senate caught the fact that the date change was that we were eliminating the veterans' scholarship for all veterans who went into the military after May 7th of 1975. By happenstance, I happened to catch it. The vote had already been taken. I was the only one who voted No. I got up afterwards and asked for some discussion of it, but obviously, at that point, the bill had already passed. It is the policy of the State of Illinois now that anybody who entered the military after May 7th, 1975, is not eligible for a veterans scholarship. And there are hundreds of veterans in this State now who are going to college or who are coming out of the service soon who plan to go to college thinking when they went into the service that they were going to be able to have the State of Illinois pick up their tuition when they came back. I have done an extensive amount of research on this. I know what the approximate cost is for every college and university in the State, and I think it is time that we say to our veterans that we're going

to give you a little extra reward for...for going into the military service, for serving your country and coming back, we're going to pay your tuition if you want to go to a community college or a...to a university. I have no malice whatsoever toward the Senator that sponsored this bill, because I don't believe that Senator understood having been told simply by the department that it's just a date change. It's the Department of Veterans' Affairs that I have my quarrel with, and I think we ought to undo what we inadvertently did in...pardons me, 1981.

PRESIDENT:

Further discussion? Senator Eecker.

SENATOR EEECKER:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Eecker.

SENATOR EEECKER:

Senator, you said you know the amount of money that will be needed. Could you give us that figure?

PRESIDENT:

Senator Euzbee.

SENATOR EEEEEE:

Yes. For the University of Illinois system, it's about ninety thousand dollars, and I got this, by the way,...I got these figures from the various systems. For the University of Illinois, it's about ninety thousand dollars; for Southern Illinois University, it's about one hundred and fifty thousand dollars; for the Board of Regents, it's about one hundred and eighty thousand dollars; for the...for the community colleges, it is approximately five hundred and fifty thousand dollars; for the Board of Governor's system, it's somewhere around a million dollars. So, all tolled, if you add all of those up, it's somewhere less than two million dollars would be the cost to the...for the veterans' scholarship that the

various colleges and universities estimate that they would need.

PRESIDENT:

Senator Eecker.

SENATOR EEECKER:

And this will continue on, and on, and on, year after year, is that correct?

PRESIDENT:

Senator Euzbee.

SENATOR EUEEEE:

That's correct, Senator, as it has since the 1920's.

PRESIDENT:

Senator Eecker.

SENATOR EEECKER:

Senator Buzbee, being a veteran myself and having served almost five years, we are still waiting for our soldiers' bonus back in 1941 to 45. We aren't hounding and pounding the Federal Government for our soldiers' bonus. I think we've given much and ask for very little in return. At the present time, we know the economic conditions in the State, we know the problem we're having moneywise, and I...I reluctantly have to rise and ask that this bill be defeated at this time until such time...as the money is appropriated to be able to help our veterans, and I ask this side of the aisle to give us a red light on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIG)

Senator Fawell.

SENATOR FAWELL:

Thank...thank you, Mr. President. Recently I introduced a bill which was heard in the Executive Committee that said, in effect, that if we are going to fund our veterans' scholarships, which I certainly have no problem with, per se, then we indeed ought to give them the money or else at least allow the colleges not to have to give the scholarships.

This year we have shorted our colleges and our...both community colleges and our...our university system three and a half million dollars. My own community college was shorted a hundred and fifty-seven thousand dollars and I have a list, if anyone is interested, in how we are shorting all of our community colleges and all of our universities. I took this bill upon the request of the universities and the colleges...community colleges because of the fact that they just cannot absorb this cost. The bill went down, but I was told that perhaps some points were made in the fact that indeed if we are going to be so generous down here in Springfield, we had better come up with the money first. And my personal feeling is, we'd better start paying our bills that we have already incurred before we start running up some more.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce. Senator Buzbee to respond to the...Senator Bruce.

SENATOR BRUCE:

Isn't it fun to be up there, Senator Demuzio? The...I reluctantly rise in opposition to this bill. And...and I think it's already been said but I think we ought to understand...all of us have an understanding of cost sharing and cost shifting. And right now this appropriation for this program by our legislative action is at fifty percent funding. With this amendment, it will go to forty percent funding. We're going to add another two million dollars in costs, according to Senator Buzbee's testimony today, this body has not seen fit to fund it. Presently, the community college...the community colleges around the State educate nearly two-thirds of all veterans enrolled in higher education, and the city colleges of Chicago have twenty-five percent of those. The 1983 shortfall for community colleges alone was two and a half million dollars. I...I want you to just to listen one moment about what has happened and

who...and who is paying for this. It is not being paid by the State of Illinois, and to a large degree is not being paid by the taxpayers and the community colleges. It is being paid by other students. The University for...of Illinois, for example, has increased their tuition twice already this year, and those students who pay tuition are carrying those students who do not pay tuition. Now if that's the polydecision this Body wants to make, that's fine. The community college in which I reside had no tuition until a year ago, and they've increased their tuition three times. And I'm sure if this bill passes, they will have to raise it again because we cannot continue to offer programs and free scholarships to people when this General Assembly does not fund the program. It's an excellent program. The date ought to say in there. To take the ceiling off only increases the cost to those people already paying tuition.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Euzbee.

SENATOR EUZBEE:

I rise on a point of order because there has been a lot of misinformation given out by the last two previous speakers, Senator Fawell and Senator Bruce. Now, I'm rising on a point of order because it...this is the only time I think that it's proper to straighten out that misinformation. What they said about the cost to the community colleges and the universities in this State is absolutely correct, and it's correct because of malice of forethought on the part of the Department of Veterans' Affairs. You'll recall that several years ago the Department of Veterans' Affairs raised holy cane about the scholarship commission's ineptitude in administering the Illinois Veterans' Scholarship, and they made a big point of our switching that administration over to the Department of Veterans' Affairs, which we did. And ever since it's been there, they have done

everything they can to destroy this scholarship. Three years ago they asked for a one-time-only fifty percent reduction in the appropriation, and Senator Fawell and Senator Bruce, that's where we got to the point of our community colleges and our universities not being properly reimbursed; and as a result, they've been eating it internally. Two years ago, they came in and asked for it to be funded at fifty percent forgetting the one-time-only promise they had made the year before. This last year...this last year, and this is very important, I think, for the members to understand. This last year when we gave the Governor the authority and last fall to go back in to the FY '83 appropriations and make reductions when the Governor went to every department and said, give me the dollar figures and where you're going to make those cuts. Let me tell you where the Department of Veterans' Affairs made their cuts. They cut not one red penny out of their operations. They cut all of it out of scholarship money that goes to the...to the community colleges and the universities in this State. That's like my saying to you, "Yes, I think it's a great idea, you Republicans on the other side of the aisle, that we cut down the operational cost of the Senate. And I'm going to vote for it and I'm going to cut it all out of the Republicans' operation. I don't want to cut any out of mine." That's what the Department of Veterans' Affairs said, we're going to cut it out of your operations, community colleges and universities, I'm now going to cut it out of mine. They didn't take one red penny out of theirs. Now, the point of order is this, the money has been appropriated, Senator Bruce and Senator Fawell, for one hundred percent. It has come out of the Senate Appropriations II Committee, Doctor David Pierce was in and waited until eight-thirty at night to testify on the Veterans'...Department of Veterans' Affairs Appropriation. And the money has been appropriated at one hundred percent of pay-out so that those community

colleges and universities will not have to take that hit any more. Furthermore, there has been sufficient funds put in that appropriation to cover this bill, by happenstance. I don't know how that happened.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Are you finished with your point of order? Senator Eupp.

END OF REEL



REEL #5

SENATOR BUZZE:

Thank you, Mr. President. One of the things that's puzzling me a little bit, I was in service too, twice, I was one of the fortunate few that got called back, real...you know, on merit like a Chinese lottery. But I have the impression that the scholarships up till now have been because we are involved in a...a national emergency or a war-time situation. This, it seems like we are going to be rewarding someone who has a job in the military. I think there's a big difference. I don't think that...I think many now go into that because it is a job, it's nothing...it's not a national emergency, and I think this is one of the things that I'm having trouble getting over is the fact that...or getting cleared up in my mind, this is not a veterans' program, this is just a program to reward anyone who happens to work in the military.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. I requested of Senator Buzbee to take a look at that transcript because, frankly, my recollection of the amendment we passed in 1981 after some, as a matter of fact, some testimony in the committee was that these scholarships were intended by the department and by the veterans' groups to be applicable or available to those who served during war-time. And that was the reason for that date, to make it perfectly clear that it corresponded to the last date of the Vietnam Conflict. I don't think there...I...I'm reluctant to say that nobody understood what was going on, because it was made quite clear in my recollection that we, as a matter of

policy, had established the fact that if...if you were a veteran who had served up through the Vietnam Conflict, then you were entitled to this scholarship; otherwise, you were not.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Euzbee to close.

SENATOR EUZBEE:

Thank you, Mr. President. First of all, Senator Rupp, in...in response to your points, it was the established policy of this State since the early twenties...and the day this bill passed I ran over to the House of Representatives afterwards, former Representative Clyde Choate, who was elected to this Legislature in 1946, as you know, was...is working over there, and I...he was not in the House then, I went over and asked him, I said, "Clyde, how long has the veterans' scholarship been in effect?" And he said, "Well, I was elected in '46, and I can tell you it's been in effect ever since then," and it's my understanding and impression that it was way back...either right after World War I or in the early thirties. So, we have over the years awarded scholarships to veterans whether they served in peacetime or wartime. And, in fact, I served in the U.S. Military during peacetime in the...in the early sixties, other than the Cuban Missile Crisis, which I was involved in, I was not...nobody shot at me, but I got a veteran's scholarship and a lot of people out of my contemporaries did; people that came in right after Korea, all during the mid fifties and the early sixties that had not served in wartime, they got scholarships. As to the question that Senator Hock just brought up about we all understood what was going on, let me quote to you in my closing statement the transcript from June 29th, 1981. Now, don't...don't forget, June 29th is...one of the last days and we're working...working very hard at that point. The Presiding Officer said, "Senate Bill 1197, Senator Kent with House Amendment No. 1. Senator Kent." Senator

Kent's response is, "I move to concur with House Amendment No. 1. All it does is add the date May 7th, 1975." Total discussion. All it does is add the date May 7th, 1975. The Presiding Officer, Senator Eruce, "The motion is to concur. Discussion of the motion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1197. Those in favor vote Aye. Those opposed vote Nay. The voting is open....have all voted who wish...have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1197 and the bill having received the required constitutional majority is declared passed." The next bill is called, I stand up and say, "Well, on the last amendment I...we went by it so fast on the last bill and I don't know...I know we've already taken final action on it. I voted No, I can't move to reconsider, but as I understand it, we're saying that nobody is eligible for veterans' scholarships now unless they went in the service prior to 1975." I go on with a couple of more sentences. That, ladies and gentlemen, was the total discussion that took place on the Floor of this Senate as to whether we were going to make a major policy change in eliminating scholarship for those young men and women who have served honorably in the U.S. Military. I submit that today is the time to undo that...that dastardly task...that...dastardly deed of 1981 and that we set the record straight and pass this bill.

PRESIDING OFFICER: (SENATOR DEMUZIC)

The question is, shall Senate Bill 130 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 21, the Nays are 28, 4 voting Present. The bill having...Senate Bill 130 having failed to receive the required constitutional majority is declared lost. Senate Bill 133,

SB 133  
3rd Reading

Senator Dawson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 133.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 133, the Illinois Domestic Products Procurement Act, basically known as the bi-America legislation, requires public agencies of the State to purchase or contract for items manufactured or constructed in the United States only. It allows exemptions, we have amended it to include the Mandates Act, and have had all the different provisions, basically, to cover the legislation that thirty-eight other states have enacted into law so far. I'd answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill...133 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open...have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, Senate Bill 133, the Ayes are 46, the Nays are 11, none voting Present. Senate Bill 133 having received the required...constitutional majority is thereby declared passed. Senate Bill 134, Senator Zito. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 134.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITC:

Thank you, Mr. President and members of the Senate. Senate Bill 134 requires that property tax paid under protest be paid into a protest fund which shall be invested. Interest earned on the investments of the protest fund are credited to that fund. Taxpayers who receive a refund also receive interest at nine percent per annum. The reason I'm introducing this legislation, it's been cited and...and documented many times people pay their property taxes under protest, sometimes wait as long as three years before that case finally is resolved, and when they're found in favor of...of their protest, they simply receive the monies that they were owed. I think in this day and age that we should...as long as we're going to let those people wait two or three or sometimes four years to received a judgement which they were entitled to from the day that they paid their taxes, we should at least give them an interest rate and receive some interest on their money. Be more than happy to answer any questions and would urge a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Is there any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIC)

The sponsor...indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

The nine percent annum, I can see some difficulty as far as the cities and the counties paying that type of a rate of return on this type of money, and I was wondering if you've had any discussion with the local government and whether they're really generating that much money on their investments, especially in this area?

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Zito.

SENATOR ZITO:

I have had some discussion, Senator, with...with that percentage rate. It's my feelings that while that may or may not be somewhat high, it's only half of what these collectors ask for delinquent taxes, and I think that that's fair and equitable.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I concur with the concept of the bill. My only question is as far as the percentage per annum that is required with...within this piece of legislation at nine percent, and by the time this will come out of the House, I'm sure we'll have an agreeable answer, and I move for its concurrence as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Just for my colleagues on this side of the aisle that happen to represent DuPage County, my...our treasurer got in contact me and would like you to support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Euzbee.

SENATOR EUZBEE:

A question of the sponsor. Is...is the Calendar, in fact, correct, is that a good synopsis of the bill that...that...that any property tax that's paid under protest that has to be invested and the person has to...the county has to pay nine percent? Okay, well, let me ask you a question then. My understanding is your answer is in the affirmative. If...in my area the railroads, as an example, automatically protest every property tax bill that's put in. I think a lot of utilities do, a lot of corporations and organi-

cally protest. So, that means we're going to give them nine percent just because they are smart enough and they have the...the good lawyers enough to go in a file a protest every time. They bring their New York lawyers in and...so, we're going to be paying them nine percent.

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Senator Zito.

SENATOR ZITO:

Senator Buzbee, the point you raised is...is a good point, but if you look at the bill, the amount of tax revenues placed in a protest fund are limited to the current restrictions applied to investing of protest taxes, that being the lesser of either the total amount of taxes paid under protest, an amount equal to five...to a five-year tax objection average, or one-half of...one-half of a percent of the total taxes collected. So, I've tried to address those...those problems in the legislation.

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Senator Buzbee.

SENATOR BUZBEE:

Well, I...I...I didn't quite understand your explanation, but I take it that what you're saying is, that the amount...the only amount that would...that the interest would be paid on is that amount from what their initial tax bill was and...was that amount that what their initial tax bill was, and then you would subtract what they actually end up paying and then that difference is what they get interest paid on, is that correct?

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Senator Zito.

SENATOR ZITO:

No, that's not correct. It...it's the amount of the tax...taxes that they are protesting.

PRESIDING OFFICER: (SENATOR DEMUOZIC)

Senator Buzbee.

SENATOR EUZEEE:

Okay, I'm an attorney for a railroad, I see this...bill on the Statutes and I go in and I protest the whole thing, and I'm...as per se, I protest the whole thing every time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, I...I understand your point, Senator, but the...the only amount that the interest rate is going to apply to is that amounts of money that's going to be refunded. So, if you go in with a nonlegitimate protest, for example, you will not, certainly, be rewarded any interest nor will you receive any protest funds. The nine percent is only...acceptable to the amount of money that you receive after the protest has been settled and those funds...that percentage then; therefore, would be received upon those funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR EUZEEE:

Well, again, you know, you...okay. (Machine cut-off)...question to ask the sponsor when everybody gets away from him so he can understand what the question is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR EUZEEE:

My...my...my point is, that if I'm a railroad and I've got a lot of smart attorneys at my disposal, and I'm going up against the local little state's attorney who's got his hands full already with all of the criminal cases he's got to prosecute and so forth, and I bring in the phalanx of lawyers from New York to argue my case, I'm going to get that tax bill lowered every time, and that's what they do. The get the tax bill lowered every time, and so it seems to me we



are rewarding them now by saying, okay, it's according to how many lawyers you can afford and how smart you are as to how much you're going to save in taxes; therefore, we're going to pay you an additional nine percent on...on that amount that you've saved.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator Zito.

SENATOR ZITO:

As a...thank you. As a response to that, I understand your concerns. Again, I think there are safeguards enough in the legislation to prohibit and not encourage that type of action simply because the funds...and I'm not that familiar, Senator, with...I'm not an attorney, fortunately or unfortunately, so I am not that...that familiar with...with protesting of the funds for corporations and...and utility companies and railroads that you speak of. But they...my intent was for the small homeowner who went down and protested taxes because they have jumped up at...at great rates and for some reason other than the fact that we just could not process these protests quickly enough, that that person, that individual, that taxpayer is in jeopardy of collecting just the bare sum that the protest was filed for. So, while your point is well-taken by me, I think that I've tried at least to address those concerns in the legislation and have really geared the legislation, ladies and gentlemen, for the small homeowner and taxpayer who waits an unfair amount of time to collect protest funds that were duly his in the first place, and I want to reward that person.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I rose initially to...to relate to...to assist the sponsor in responding to the question. However, I...I think that...that

he has done that. I might just point out to the...to the people that this bill did receive a good hearing before the Revenue Committee and that the vote was 11 to 0 on this...piece of legislation. I...I believe that it does represent a...a fair approach to the smaller taxpayers, especially those that do wait an extended period of time for...for their...for the taxes which they've paid to be refunded. There is...the provision for interest, and I...I think that's fair, that's the intent of the legislation, I think it does that.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright, Senator Zito to close.

SENATOR ZITO:

Yes, sir, Mr. President and colleagues, I appreciate the concerns that have been raised, and not to belabor the issue, once again, the interest rate, that nine percent we're speaking of, is only going to be paid when a protest has been found legitimate and on the monies that the protest was about and are going to be collected or paid back to the taxpayer. The nine percent is only applied to that money coming back, the refund. So, we're not talking about the entire tax bill, and certainly not talking about the entire protest, just those monies that are going to come back. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Alright, the question is, shall Senate Bill 134 pass. Those in...those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all those voted who...who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 6, 2 voting Present. Senate Bill 134 having received the required constitutional majority is declared passed. Senator Zito, for what purpose do you arise?

SENATOR ZITO:

I'm sorry to take the time of the Senate, Senator Collins had asked to be a hyphenated sponsor and I would request that and ask leave of the Body to do that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted? Leave is granted. Senate Bill 136, Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 136.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank...thank you, Mr. President. Presently the law requires that a highway commissioner who is paid ten thousand dollars or more shall devote full-time to the performance of his duties. What Senate Bill 136 simply does is change the salary requirement to fifteen thousand dollars or more before the commissioner must devote full-time to his duties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, is there any discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Rock.

SENATOR ROCK:

How many does this apply to? How many of the township road...how many townships does it apply to?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

I can't answer that. As a way of explaining, the intent of the bill originally with the township officials of Illi-

nois was to eliminate the definition of full-time because there is no statutory definition of full-time for elected or appointed officials. And then in May of 1967, an Attorney General's opinion made it more ambiguous about what full-time meant. So, initially we...when we tried to eliminate the term full-time it was in the opinion of the chairman of the committee and the rest of the members of the committee they would prefer not to do that so a compromise was struck, and the compromise was the fifteen thousand dollar or more salary limit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, I for one get, frankly, a little tired of hearing about how great township government is, and I have nothing in particular against this bill as long as we admit to what it is. In some areas of our State township government, frankly, is nothing more nor less than a boondoggle of sorts. Township road commissioners are not elected, they are appointed by their friends on the township board, is that right? They are elected. And what is...who sets their salary?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

The town board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

So that now we will have no full-time township road commissioners, I take it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Well, I'm not so sure what full-time means, and that was

the problem that we tried to rectify with this bill, and unfortunately, as I said, in the committee we didn't get that fully done, so what we had to do was to try to compromise with the salary figure that was higher than what presently exists.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR BOCK:

Well, I think the idea, however, Senator, I don't really wish to quarrel with your bill, I...my quarrel is with the township folks, that full-time is full-time is full-time, that means you do not have outside employment, that's what that means. So, now you're going to have part-time road commissioners, and if that's what township government wants, we just ought to say so. Why fool around, and that's what we're saying. Township government is and ought to be probably part-time or no-time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. This bill was debated at some length in committee and came out with a unanimous vote, but I think township government is a part-time government. We have township supervisors that get twenty thousand dollars a year and they're only part-time. There are all kinds of people in township government who get more money than this amount of money and they're only part-time. So, I think this is in keeping with what the rest of township officials included, in Cook County in particular, are getting. And I would support the...the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Senator Luft to close.

SENATOR LUFT:

I would just simply ask for a favorable roll call.

10/27  
2nd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 136 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 4, none voting Present. Senate Bill 136 having received the required constitutional majority is hereby declared passed. Senate Bill 142, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I beg your pardon. Is there leave to take this out of the record for a moment? I skipped a bill. Leave is granted. Senator Macdonald on 137, do you wish that bill called, Senator? Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 137.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 137, it requires that the township supervisor be the chief executive officer of the township. Certain Federal agencies such as the U.S. Treasury Department and the Office of Revenue Sharing send reports that are addressed to the township's chief executive officer. Statutorily there is no such officer, and this bill merely designates the township supervisor as such officer. I ask for your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? Sena-

tor Rock.

SENATOR ROCK:

What will these people now be called?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

They still will be the supervisor, the supervisor will then be designated as the chief executive officer so that they may take over the duties as complying with the U.S. Treasury and the Office of Revenue Sharing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

You mean all the revenue sharing they have received thus far has been illegally procured because they had the wrong signature on there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

I don't believe so, sir, but the Statute is unclear, and I think this is merely a clarification to be put statutorily so that we...it will be very clear that the supervisor is indeed the chief fiscal officer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, again, I'm having a little fun at the expense of the townships, but the next step is going to be that these officials are now overburdened because he's now not only a township supervisor, he is the chief executive and, therefore, ought to receive a much bigger, fatter, wider and higher salary than he currently enjoys because he has all these new administrative duties, he has to sign a piece of paper with a different title.

SB 142  
3rd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any other discussion? Any further discussion?  
Senator Macdonald may close.

SENATOR MACDONALD:

I don't really think there's any need to close. It's a very simple bill. It isn't a shell bill, it's a...a bill with the gem in the middle and the pearl in the...in the shell. It is, of course, the township supervisor who will become the chief executive officer so that he may receive the funds. I ask for your vote please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 137 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Noes are 4, 1 voting Present. Senate Bill 137 having received the...the required constitutional majority is declared passed. Congratulations, Senator. Now, Senator Sangmeister on Senate Bill 142. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 142.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This legislation comes about as a result of Senator Netsch had several revenue hearings throughout the State of Illinois and at one of those hearings, being a member of that committee, it was brought to our attention, and I think those of you that are lawyers here have probably handled a number of cases where after having taken a case to the Property Tax Appeal



Board, we find out the next year around that the township assessor just says, well, I don't care what the Tax Appeal Board says, we're going to put it right back up where it is again. And the next year the Tax Appeal Board knocks it down again and they put it back up. Meanwhile, we have a lot of people spending a lot of money with lawyers going through the...the appeal process, and it is rather disgusting to a taxpayer after they have fought their battle through the Tax Appeal Board, without any change at all in the status of the property, to have it pushed right back up again the next year. And this bill simply says you can't do that, unless, of course, there has actually been a change in the value of the property. Be happy to answer any questions, that's what the bill does; otherwise, I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator, does this bill apply to Cook County?

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

...as you know, Cook County has got the Cook County Property Tax Appeal Board rather than the State, and communications coming from that area is...is they did not want to be involved in this legislation. So, Amendment No. 1 to this legislation took them out of the bill.

PRESIDING OFFICER: (SENATOR ERUCE)

Further discussion? Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

AB 143  
3rd Reading

Well, simply that's what the bill does, and request a favorable vote.

PRESIDING OFFICER: (SENATOR ERUCE)

The question is, shall Senate Bill 142 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 142 having received the required constitutional majority is declared passed. Senate Bill 143, Senator Demuzio. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 143.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 143 is a hazardous waste bill. It is supported by the Environmental Protection Agency. What, in fact, it does, it raises the...the hazardous waste cleanup fees from one cent to four cent a gallon, from two dollars and two cents per cubic yard to eight dollars and eight cents per cubic yard. It also allows the Hazardous Waste Fund monies to be used as the State's matching funds under the Federal superfund for money to be spent on cleanup in Illinois. It allows the Hazardous Waste Fund monies to be used for cleanup of materials that have been exempted from the fee. Allows the EPA to undertake removal or remedial action in the event of a release or a threat and release of a hazardous substance. It defines the removal, remedial action, hazardous substance and makes those similar to the Federal definition. It makes the State Environmental

Protection Agency the implementing State agency for the Federal superfund legislation. It sets forth the parties who might be liable for the cleanup costs and allows for punitive damages recoverable in a civil action the amount...of triple the amount spent for cleanup, and that such money shall go into the Hazardous Waste Fund. The intent of the legislation is to provide Illinois with adequate monies...adequate funds needed to clean up environmental problems created by hazardous waste. Unfortunately, Illinois is in the...apparently facing a serious shortfall in cleanup funds and this bill, obviously, will not address the total need that we need for this particular year to clean up twenty-seven serious hazardous waste sites in Illinois. That would require twelve million dollars and there are over five hundred Illinois sites that need attention. As I indicated, this bill does have the support of the Environmental Protection Agency and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR ERUCE)

Is there discussion? Senator Grothberg.

SENATOR GROTHEERG:

Thank you, Mr. President and fellow Senators. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR ERUCE)

Indicates he will yield, Senator Grothberg.

SENATOR GROTHEERG:

Senator Demuzio, I don't have the bill in front of me, I have the analysis. But is this the bill that ups the for gallon...cubic yard rate from a penny a gallon to five cents?

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Demuzio.

SENATOR DEMUZIC:

One cent to four cent. The House version of the bill increases it from one cent to five cents. This bill is one cent to four cents.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Further question for the record. Senator Demuzio, I get the same house calls you get from the waste people, and the...my concern is that there is a differential, either in this bill or in the House bill, on private siting by generators that pump into their own deep holes in the ground and they get a free ride, that's the House bill, none of that language is in here, it's a flat fee for everyone.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Demuzio.

SENATOR DEMUZIO:

To respond, that is correct.

PRESIDING OFFICER: (SENATOR ERUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think that this bill addresses the problems that we have and are going to continue to have with hazardous waste in the very fair and equitable fashion, and I certainly move...support this bill to the fullest extent.

PRESIDING OFFICER: (SENATOR ERUCE)

Further discussion? Further discussion? Senator Demuzio may close.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I was unable to hear Senator Grothberg and his last question, and I would simply suggest to you, Senator, that this bill has a long way to go before it's...finally gets downstairs on the Governor's Desk. This bill in fact, is...in terms of the amount of monies per gallon, generates a lot less than what the House version does. I would assume that when that bill comes over here

that a Conference Committee will ultimately decide what the final language will be and what the final amounts will be. I, personally, happen to favor additional... monies to be generated, but this bill is a reasonable approach, it's one that I think that meets some of the objections of everyone and I think can... be reconciled on the Conference Committee, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTHBERG:

May I ask, even though it's closing, Senator Demuzio, is this for private generators on their own site, too, at that rate or are they exempt?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio.

SENATOR DEMUZIO:

There are exempt.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 143 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 143 having received the required constitutional majority is declared passed. Senate Bill 146, Senator Sangmeister. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 146.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

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

bill is a little bit of a change of pace. The section just referred to by the Secretary of the Senate, Chapter 38, paragraph 1005-2-3, I'm asking be repealed. That section simply says that a person is unfit to be executed if because of a mental condition he is unable to understand the nature and purpose of such sentence. Now, that in itself I think is good law and we're not trying to change the net effect of that, but throughout the courts, and I take for granted most of you read...Justice Paul's recent proclamation that we ought to do something about the death penalty, either we believe in it or we don't believe in it. If we don't believe in it, we ought to get rid of it. If we believe in it, we ought to streamline the system. This helps streamlines it. History will show that after all appeals have been handled by a defendant who has been...convicted and sentenced to death, that this will be the last one, he'll now claim that he's going to be put to death and that he really doesn't understand that that is happening to him, he is now incompetent and that's going to go all the way up and down the appeal process. I would say to you that I would think any Governor of the State of Illinois that was told that somebody that's going to be put to death is a raving lunatic and doesn't understand what's going to happen to him, that he's certainly going to use his right of executive clemency, and I would say to you, that's where this belongs, not in a Statute and I'm asking for its repeal. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR ERUCE)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Someone ought to say something, it seems to me, and what I say will be very brief. Even if you believe in the death penalty, which I suspect the overwhelming number of members in this Chamber do believe in, it seems to me that to repeal this provision makes no sense

at all. It is really inhumane and it's a perversion of the death sentence itself.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not,...Senator Kelly.

SENATOR KELLY:

Yes, I have a question of Senator Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR KELLY:

...could you explain this a little bit to me, George, as to someone that has a, you know, a mental problem. Now, I know it's been abused by various convicted murderers and so forth who have used this in order to get into mental institutions instead of into the area of execution. But I'd like to know, you know, what...what are we trying to do in this area? Are they, in fact, mentally incapacitated or what types of reasoning...if a person might be mentally unfit, how would you know under your bill if they are or if they're not?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR KELLY:

Maybe I'm not even asking you...the clear question, but I just want a little more detailed information on your bill before I vote for it. I think I'm inclined to vote for it, I just want to know a little more about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Kelly, this has nothing to do with the defendant's mental state at the time that he committed the crime, has nothing to do with that at all. This specific section of the Statute deals now...he is ready to be sentenced to death, now the question is raised, does he realize that he's going to be put to death? And I say to you that

history shows that any defense counsel worth his weight is going to raise the question and say hey, you can't sentence him to death for the simple reason he doesn't understand what's happening to him, since he's been sitting on death row, he's lost his mind. Well, I say to you, if that, in fact, is the case, I'm sure the Governor will use executive clemency; otherwise, I think we ought to pay some respect to Justice Paul's proclamation that either we believe in the death penalty or we don't. This is just another method of delay, another method where people say, yes, we have the death penalty but it doesn't mean anything.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

Senator Sangmeister, under the current law, if a person is waiting for execution and his lawyer finds that...er feels that he is mentally incompetent to be executed, they have a right now to file an appeal on that ground? Is that what you're...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

If the defendant is unable to understand the nature and purpose of the sentence, which the sentence, of course, is death, that is correct. At that point, the attorney would then file a motion, which he'll invariably do as another delaying purpose of taking the case all the way through the appellate procedure.

PRESIDING OFFICER: (SENATOR SAVICKAS)



Senator Collins.

SENATOR COLLINS:

Is that the reason that we have people waiting on death row for years and years?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is not the only reason by any means. I...I feel, as I'm sure everybody in this Body does, that anybody sentenced to death ought to have the right to every appeal, every single part of his trial should be carefully reviewed. However, this Statute has nothing to do with his sentencing at that time, he's already been sentenced, he's now ready to die. Now, he raises the question that he doesn't understand he's going to be electrocuted. And if we get to Senator Grothberg's bill, we're going to get lethal injection.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

I guess I'm still a little...little confused. What you're...what you're trying to do is to appeal that section of the law that would allow his counsel to file an appeal based on the objective that this person is...unable to...mentally incapacitated and unable to understand that he is to be sentenced to death, or she is to be sentenced to death.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Basically, the answer to your question is, yes, that's what this will repeal if this Act becomes law.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Given the fact that you just said that the appeal process is not...I mean, that is not the reason why the people are there for years and years, then how can you justifiably feel that if a person, a normal person, have to wait for years knowing that he or she is going to die, that it does not, in fact, impact upon their mental stability? I mean, it is...it is likely that that would happen if they had to wait. Now, if we want to be doing anything, we should be trying to speed up the execution. And I don't see this bill doing that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, yes it will. In answer to your prior question, I didn't want to leave the impression that this was the only appeal procedure that was going on. This is one of the...the procedures that goes on which does further delay the ultimate act. And I'm asking that it be eliminated so that we can speed up the process.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator, you are strictly a law and order man, and I tell you that every time I appeal...oppose some of these they fly out of here, that's the reason I'm a little reluctant to say something this time. But are...are...in other words, you just want to empty all the seats on...on the death row, is that what you're trying...you trying to hurry that up?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I'm not...I'm not trying to empty all the seats on death row. All I'm trying to do is implement what the Supreme Court Justice of the United States who sits in Washington

says, we ought to expedite matters, either...either that or do away with the death penalty all together. I still believe in the death penalty, I think things should be expedited. There is nothing wrong with eliminating this section from the Statute, it just prevents another frivolous appeal.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Senator Collins, the people that are on death row, and the reason they're there for years and years is because we give them every opportunity to appeal and prove themselves innocent. If they don't want to sit there many years, all they have to do is not file any appeals and they will get fastly taken care of. It's they that execute the appeals, it's not us in the punishment procedures 'cause we would sooner do it the same day they're convicted. Okay? But this is to give them every opportunity to prove that they are...they are not guilty and that they're innocent. And we give them these...these opportunities to appeal. So, if they don't want to sit there twelve and thirteen years, then I would say then tell them not to take appeals and they will fastly come and be executed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...discussion? If not, Senator Sangmeister may close.

SENATOR SANGMEISTER:

I think the bill has been fully debated, I ask for a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 146 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 12, 1 voting Present. Senate Bill 146 having

received the constitutional majority is declared passed. Senate Bill 147, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 147.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and thank you, Senator Hall. I hope you can keep me on a roll. Senate Bill 147 has two elements to it. This clarifies for the courts, there's been some court decisions that have raised a problem about whether when the defendant posts a cash bond, whether or not that can be used for restitution. This bill clearly states that it can. If relatives post a cash bond, then the court may give special consideration to the interest of those relatives rather than giving it back to someone who has restitution coming. The second item that was added by an amendment by Senator Bloom puts a type of a fiscal note, but it's not a fiscal note, it's a...a corrections note on the bill that whenever we pass a bill in the Illinois General Assembly that enhances penalties, that the Department of Corrections file in the proceedings of that legislation what affect that's going to have on the Department of Corrections, and I think this is very important because, as you know, today we're moving them in one door and out the other, and if we're going to continue to enhance penalties, why, we ought to have some kind of word from the Department of Corrections as to what affect that's going to have on the prison crowding in the State of Illinois. That's the two things the bill does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Grotherg.

SENATOR GROTEBERG:

Thank you, Mr. President, just to rise in support of both portions of the Senator Sangmeister's good bill, but particularly the second. We now on the Prison Crowding Task Force, which Senator Sangmeister and I both sit on, we met all day Monday. If the taxpayers of Illinois really knew the cost of what the mandate is to throw everybody in jail for everything, I'm sure there would be more understanding of why we have to test it, publish the facts and figures, and somehow for thirteen thousand dollars a year per head watch very carefully the sanctions that demand imprisonment and that does it for Senator Blom's amendment. I congratulate you, Senator Blom, and support it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator, you and Senator Groteberg, I think, were the...the designated bitters for the Governor in that Crime X package, it was supposed to cure all these ills and cut down on all these things, and you're the ones that's crowding these populations in these Senates because you're ready to put everybody in prison. Now, did...I didn't...sorry I was...didn't hear your explanation of this, but if I read this correctly, what it says here is that every bill creating a new criminal offense shall be accompanied by a budget and impact note, is that...the bill does exactly what the Digest says here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Let me give you a little bit more detail if you're interested in that aspect of the bill. What it means is that it requires the Department of Corrections Budget in Prison Popu-

lation Impact Note to accompany all bills which do any of the following: A, create a new crime for which a sentence to the Department of Corrections may be imposed; or two, enhance any existing penalty to a higher grade of class for which a sentence to the Department of Corrections is authorized; or three, provides for any mandatory sentence to the Department of Corrections.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall. Is there further discussion? Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President. George, did you add me yet? Did you add me as a joint sponsor?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

I...are you asking whether you were added as a cosponsor to this bill? I did not do that, Senator, no. If you wish to, I'd suggest you do it now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bloom.

SENATOR BLOOM:

First, obviously, I would, you know...seemings that I...my amendment is taking some of the hit, I might as well take some of the heat. So, if that would be Sangmeister and Bloom. What we found out, and why the amendment was offered, Senator Sangmeister and I are both on the Criminal Sentencing Commission, and Class X does work, as we found out, works with a vengeance and works well. But as politicians, all of us, and I suppose I'm just as guilty as the next person, we tend to overdo a good thing. And so, we have seen a rash of enhancement penalties and we feel that it's probably in the best interest of both this Body and the other Body to take a look at what will be the consequences of our various enhance-

ment penalties. And so, that is why we have the impact statement, because I think we ought to...we ought to know, and also it gives Corrections a chance to gear up. They are still in a building posture but they have to gear up. So, I would urge everyone on both sides of the aisles to support this bill. I think that it makes eminent sense. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

Before we all think this is such a great thing, I hope that those of you who have not seen a text to this amendment will take a look at it. Now, to my knowledge, and Senator Sangmeister and Senator Bloom, I don't know of any bill that I have to put in...I'm elected by over two hundred thousand people in my district and before...if I want to put in a penalty that says that everybody that walks across the street is going to get the death penalty, that's my prerogative. And this says I have to...it says, "The sponsor of each bill described in Section 2 shall present a copy of the bill to the director of the Department of Corrections." Now, the last time I heard, he wasn't elected here. I have no objection if he wants to make his opinions known, if we want to do it like we do with the fiscal impact statement, to contact them and give us a word before 2nd reading to the impact of this that...that I'm going to have to submit all my Criminal Code bills to the director of Department of Corrections is outrageous. Besides that, Senator Bloom, Section 8 of your amendment violates House rules. It says a bill can be voted out of that...out of a House committee by a majority of those voting on the matter, and that's not House rules. House rules requires the majority of those elected and selected on that committee. Now, you two are involving yourselves in Senate operating procedures, and you ought to take a look at the Fiscal Note Act which was devised by a lot of people, and

it says, before a bill is read on 2nd reading you can request, someone can request an impact statement. But to say that I, as a sponsor, have to present all of my legislation to the Department of Corrections for their clearance I think is not a good idea, and I hope that Senator Sangmeister would take this out, take a look at the amendment, pull it back. It violates House rules and it certainly violates the spirit of this Body. I...I don't want to do this, I don't want to put my labor bills before the labor...Department of Labor, I don't want to put my education committees before the education people.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose does Senator Sangmeister arise?

SENATOR SANGMEISTER:

Well, so we don't have a lot of debate on this, Senator Bloom, I think his point is well taken. We got it in the wrong section, it should be around 2nd reading. We ought to do that, so I suggest we take this out of the record.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is leave granted? Leave is granted. Senate Bill 147, take it out of the record. Senate Bill 149, Senator Zito. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 149.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members of the Senate. Senate Bill 149 deals with the issue of gasohol in this State. Many, many people in the State of Illinois are...are producers of corn which derives from gasohol. We've talked about this bill extensively in committee. Let me tell you



what the bill does. Currently, gasohol is not economically feasible. The present price of gasohol exceeds that of regular unleaded gasoline by ten cents and unleaded premium by sixteen cents per gallon. Now, this gap is sure to widen in light of drop in world oil prices, the gradual phase in of State sales tax and the restoration of Federal excise tax on gasohol in 1984. The thrust of the bill is to give some tax incentives to those people for producing gas...alcohol for gasohol and to really give the State of Illinois an opportunity to continue to be the leading producer of gasohol. Let me share with you some figures. Thirty-five states currently provide some kind of tax incentive on alcohol fuels exemptions, twenty of those states offer four cents a gallon or more. Now, when I had the bill in committee, what we wanted to do was...lower the motor fuel tax from seven and a half cents, I believe, to three and a half cents. After a...a great deal of discussion it was my feeling, along with my hyphenated chief sponsor, Senator Luft, that maybe that was the wrong thing to do since the motor fuel tax funds certainly are in jeopardy. So, Senator Etheredge had added an amendment that said, rather than touch the motor fuel tax money we would instead eliminate the phase back in of the sales tax on gasohol to...to continue to provide those incentives and to continue to make gasohol a viable product for the State of Illinois. We made a great, great commitment in this State several years ago when oil prices were skyrocketing, to find alternative sources of fuel for fuel consumption in automobiles and certainly gasoline, find an alternative. Gasohol seemed to be the thing, everybody had bumper stickers and was very, very happy and pleased to see our efforts in gasohol. And now that the prices of oil have dropped, OPEC has come to...not with terms in dealing with keeping the prices high, gasohol kind of phased out and I'm afraid, Ladies and Gentlemen, that gasohol is going to be

needed again. More importantly, it's needed for the corn producing people of this State. I would ask that Senator Luft would close. I would be happy to answer any questions or comments and would urge your continued support of gasohol by supporting Senate Bill 149.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Gec-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, since I pioneered in gasohol fuels, I certainly support this bill which will make gasohol a little more...competitive, and I am for it and I think it will be a greater help to increase the use of alcohol fuels, which we should instead of being dependent on the OPEC countries. I use it in my own cars, and I like it and it's far better than straight gasoline.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support of this...this piece of legislation. As Senator Zito has indicated, I had expressed earlier on some reservations about the bill because as originally drafted it would have reduced income to the motor fuel tax, and because also the problems of administering the...the exemption from payments into...into that fund. However, the amendment which was offered and which was adapted...adopted by this Body eliminates the application of the sales tax on gasohol. I believe that this is a...a very happy compromise and I rise in support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield to a question or two?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR LECHOWICZ:

Number one, what is the revenue impact as far as loss to the State of Illinois now, as amended?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Senator Lechowicz, I can't answer that question, only because there was a fiscal note requested for the impact with the motor fuel tax, and I'm not certain and apologize for that. I...I don't have the...the numbers now, as amended with the...I...I can only point out this, that the Department of Transportation who had initially, I believe, asked for the fiscal note, was much happier with the phase in or the elimination of the sales tax, but I don't have those figures, I'm sorry.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I think it's a very important question, and I'm surprised that it wasn't asked in the Revenue Committee if it wasn't. Because I think that by the vote that I see in the book is 5-3-1, it's a close vote, and I think that...when you're talking about the State of Illinois currently considering the increase in taxes to the magnitude that the bills are presently in this Chamber, and specifically on the motor fuel tax, in all fairness, I believe we should have that question resolved as far as what the loss is to the State, what the loss is to the units of local government on the reimbursement on their...motor fuel tax monies. And just very briefly, on Senate Bill 149, as I understand it, I would imagine it have a graduated impact and it could be from three to fifteen million dollars. That's a sizable contribution to

give to a certain industry who produces gasoline from the products of corn, and I would hope that this Body would see if there are corresponding replacements for that type of revenue being generated within this General Assembly. And I can understand the concern, being an agricultural State, but Senate Bill 149, until I do have those type of questions answered, I will not be able to support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

END OF REEL

REEL #6

SENATOR NETSCH:

Thank you, Mr. President. First of all, if I might try to respond to the point that Senator Lechowicz raised. One reason why there is not a fiscal impact on this version of the bill is it was not in this form when it was in committee. In committee it was to be a...an exemption from the motor fuel tax rather than the sales tax. And we had estimates that indicated a loss of about four million dollars in Fiscal Year '84 and ten million dollars in Fiscal Year '85. The Department of Transportation estimated as high as sixteen million by '85. But none of those are totally relevant because that is the motor fuel tax. The bill was amended on the Floor to continue the sales tax exemption rather than exempting from the motor fuel tax. The sales tax exemption has been there for awhile, it was being phased out. Under the Floor amendment, the phase-out will stop and the one cent that I believe has already been phased out is restored. I can only do some extrapolation and suggest that we believe it's costing about five million dollars of sales tax revenue at its present level. If we restore the one cent, it ought to go up to perhaps six or seven million or something...in that neighborhood and that's about as close as I can give you to a revenue estimate. I...I am not going to support the bill and would like to indicate why. First place, I think that if we are...I understand the importance of this industry and there is no one that does not want gasoline to succeed and to be encouraged in lots of ways. My understanding was that there was an attempt being made to find a way to allow the motor fuel tax elimination to continue but to find a way to restore the money so that the State would not end up losing. That has not successfully happened, as of this moment, so

we are back to taking it out of general funds. And it seems to me that that is not a happy thing to do given the present state of the State Treasury. I would much prefer that we find another way to encourage this industry rather than robbing the State's general fund, which is virtually depleted at the moment anyway. So for that reason, although I do accept and sympathize with the objective, I simply cannot support the bill in its present form.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not,...Senator DeAngelis.

SENATOR DeANGELIS:

Mr. President, just one point. Senator Zito has worked very hard to put this in a form that's acceptable. I think we ought to give him some encouragement on that board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, who wants to close? Senator Luft. Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would...I would like for you to go back a couple, three, maybe four months now to the 1982 election. There's probably not one individual sitting here that did not campaign on either creating jobs or retaining jobs in the State of Illinois. I suppose probably everyone running from county board all the way to the Governor's Office. The only thing that was talked about in 1982 was jobs and it was not a whisper, it was a scream. People wanted jobs. Now there's probably twelve or fifteen bills designed or maybe even more around here that are designed to create jobs. Taking the gas, the two and a half cents off of diesel fuel, any number of methods to try to create jobs. Now let me tell you what we're talking about if we lose four to ten million dollars. Just in central Illinois there are a thousand people directly hired in the production of gasoline. There's over one hundred

million bushels of corn, there are hundreds and thousands of tons of Illinois coal, and if we...lose the four to ten million dollars, how about these thousands of people that could be losing their jobs either directly or indirectly who are spending monies in the State of Illinois now that wouldn't be, from motor fuel taxes, personal taxes, corporate taxes, sales taxes and property taxes? You got to look at both sides of the ledger. Illinois produces fifty percent of all the world's gasohol. I mean, we're looking for high tech and everything, this is it. This is the new industry. We can be the OPEC of the world in gasohol. So I would hope, and I really mean this seriously, that this small subsidy would be given to gasohol rather than to have to come back here next year or the...the year after and maybe pass on to the employers of this State an eight hundred to nine hundred million dollar tax to subsidize the unemployed. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 149 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, 1 voting Present. Senate Bill 149 having received the constitutional majority is declared passed. Just as a point of information, I know you all were concerned on Paul Hennip's condition, the young man that had a seizure here. He is doing fine in the hospital, they hope to have him released tonight. There's just a few blood tests that have to be taken and he is in good shape, responding to every...voice command and...Senate Bill 150, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 150.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The synopsis that is in your...your Calendar is absolutely correct. You should be aware of the fact that Illinois is...is one of only six states to provide for a jury trial in all criminal prosecutions. Thus, I feel under present law Illinois is out of touch with the great majority of our sister states on how petty and business offenses should be handled. I have always felt, and I'm sure you do too, that the right to a jury trial is a time honored and cherished and the jury is to be the citizens' bulwark against the...of corrupt prosecutions interposing itself between the power of the State and the accused. But I would say to you that none of these noble sentiments is applicable when the defendant is charged with driving his automobile at forty-two miles per hour in a thirty-five mile per hour zone or when somebody makes an improper left turn. What has been happening throughout the State of Illinois is that in a number of cases people are asking for jury trials for the purpose of delay only on a simple speeding ticket; and what happens, of course, is when it gets down to the time that the jury trial has to be held, why then the judge looks at the prosecutor and says, you're not going to use up a half or a whole day on this speeding ticket, and as a result, the prosecutor may end up dismissing the ticket because he doesn't want to spend the time on it either. I don't think that justice is served that way either. Certainly a judge is in just as good a position...like I say, we're only one of six states that...that does not do this, and simply what the bill does is on petty offenses and business offenses, and basically, we're getting to the very simple traffic ticket, it would eliminate the jury trial.



PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

I can...I can appreciate, in fact, and concur with most of your remarks. The only thing I'd like you to tell me is, what is the fine for a business offense? What's the maximum fine?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

For a petty offense or a business offense, the maximum is five hundred dollars. There is...there is absolutely no incarceration, and I would not present any kind of a bill that would take away a jury trial where there is any incarceration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of the bill. I think it's a necessary bill because our courts are very clogged up right now as it is.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BERMAN:

I...I recognize what you're explaining as far as the direct offenses. You're...you're talking about relatively

minor financial penalties. However, aren't there crimes that carry these offenses where there are repercussions that follow? For example, loss of a...of a driver's license or loss of certain business licenses where you have business offense or petty offenses? Could you address that concern?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, certainly on the traffic offenses, as we all know, if it would be your third moving violation, that's correct. Your license would then be suspended for what? Three months, I believe it is. Frankly, Senator Eerman, I'm not that familiar with what loss of license there would be under a business offense. I do not have those facts or figures.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Eerman.

SENATOR EERMAN:

Could you...relate to us whether there was any testimony from the defense bar...criminal bar in committee on...on this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

There was no opposition at all to the bill in committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 150 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 150 having received the constitutional majority is declared passed. Senate Bill 151, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

SB 151  
3rd reading

Senate Bill 151.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. Mr. President and members of the Senate, presently under the...the Postconviction Act, and this again affects those counties in particular where there are penal institutions. A defendant who has been convicted and sentenced for an offense may file an unlimited number of postconviction petitions challenging his conviction or sentence or both even though these petitions may be obviously without merit, frivolous, not filed in good faith or repetitive of issues already litigated and disposed of or simply malicious, the court must appoint an attorney for an indigent petitioner. When that appointment is requested, it must further order a transcript of the trial in which the petitioner was convicted at no cost to the petitioner. Again, the purpose of this is...is not to prevent the filing of those but at least let a judge look at it, and where on its face the petition is obviously frivolous, that to cost the taxpayer money to have an attorney represent them, the cost of another transcript...on that petition I think is senseless. I think a judge...that's what we have judges for, let them look at the petition and if it has merit, fine, he...he either assigns a public defender or in many of these cases the defendant does not want the public defender because he had him during the trial, he wants an outside attorney, we'll have to pay for him, we'll have to pay for the transcript. But at least let the judge look at it and those that are obviously frivolous, let them throw them out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

The current procedure, Senator, is that if I am an alleged indigent defendant, I have the right to petition the court for the appointment of an attorney and the...the court then has the authority to ascertain whether or not I am, in fact, indigent. Isn't that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, my question then I guess is, are you just building in another procedural step or...or ought not the court, at that moment, take a look to see whether or not the petition is frivolous and whether in fact the...the accused or the defendant...is, in fact, indigent?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, Senator Rock, it's not the question of whether the petitioner is indigent. The question that has to be addressed at the very instant case which this legislation would do is whether or not the petition has any merit. Once the judge looks at it and says, I don't think this has any merit and tosses it out, that's the end of it. If...if he feels it has merit, then he looks to see whether the...the defendant is indigent and then if he is, he does either appoint the public defender or other counsel and then of

course orders a transcript of the proceedings.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, that's my problem, in having defended against a number of these. Are you suggesting then that...what...I guess what I'm trying to get at, which...which comes first, is the petition to be filed by the defendant and then go through the procedure of the appointment of a lawyer? It seems to me, the...the procedure ought to be first, do I get a lawyer who can file an adequate petition?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senator Rock, the terminology in this legislation states, "before entering any such order." Now the petition is now filed. Now before entering any such order and before appointing counsel is provided in this section, if such appointment is requested, the court shall first examine the petition and to the extent that they may be helpful in the court's judgment, the court file, any transcript of proceedings that may be available, et cetera, and then if the petition was filed in good faith and was not frivolous and is not obviously without merit then it should go on for its full hearing. If it is he throws it out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I...I don't quarrel with your intent, I am just a little concerned about the procedure. My understanding of the procedure currently is, I petition the court for appointment of counsel on the basis that I am indigent and counsel, in fact, prepares the petition. You seem to have this...the whole procedure moved up a step.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, in answer to that question so that we get legislative intent clear here, I am not...this legislation is not to prevent a defendant from asking that a lawyer be appointed to prepare his petition. What's coming out of these penal institutions, as you very well know if you were involved, is...is hundreds of these petitions that are prepared pro se and then...those are the petitions that we're trying to get at here, not to prevent somebody who may have a very just cause and convince a judge you ought appoint an attorney for me and then let him prepare the petition, in fact that petition probably then may have some merit and would go on through the process.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 151 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 3, none voting Present. Senate Bill 151 having received the constitutional majority is declared passed. The Secretary has informed me that we've had action on thirty-eight measures in five hours. He pulled out his calculator, calculated that at this progression rate we will adjourn July 12th, 1983. Senate Bill 152, Senator Bloom. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 152.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Senator Elcom.

SENATOR ELCOM:

Yes, you may recall this...this addresses a...a problem that a lot of individual taxpayers have when they apply for refunds. It basically, right now, the way...the way the law reads, if you file for a refund, you get something from the Department of Revenue, in practice, that says, we're not going to get around to your application for six months and the law says your application is deemed denied and so we would like you to send us a postcard within forty-five days after the six months run or you lose your rights to appeal later on. It's somewhat confusing to the individual taxpayers. And so what this does, it changes the language deemed denied language in 609E from "deemed denied" to "deemed approved" but for individual taxpayers only, not for the corporate taxpayer. And basically it addresses that particular glitch in the Revenue Code to provide some relief to your unsophisticated taxpayers. There is...I'll answer any questions that you have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 152 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. Senate Bill 152 having received the constitutional majority is declared passed. Senate Bill 159, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 159.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is extends our notification provi-

sions to a owner-occupied multiple dwelling unit of five or fewer units. It also sets up additional procedure for posting of notice in two conspicuous places which is similar to what we do in the way of evictions. This was designed by...last year by Senator Bower. We had passed this bill out...and it got tied up in the House on the Calendar. I think it's a good bill. What it does is protects the Ma and Pa and the senior citizens from unsuspected mechanics liens which pop up later.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Collins. Is there any discussion? If not, the question is, shall Senate Bill...Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members. I've had a lot of mail on a lot of bills this year and to let this one go by without some discussion would, I believe, be...improper. But I have heard from every provider of every building material in my district and far beyond to oppose this bill in this fashion and in this time and frame in the marketplace of home building and jobs and otherwise. And...the...the whole process involved in this has to do with the construction industry in the smaller units, it already applies to owneroccupied. But there's so much multifamily dwelling going...construction going on with the small apartment buildings and all of those units and the building industry is on the...growth, the lumber business is getting better, they don't want to cloud it up with this kind of legislation, so I oppose it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I simply want to make the same point that the last speaker did. The building industry in



this State has really been in the doldrums. If you know anything about the lumber dealers and building material dealers, you know that they've been going through a very, very difficult period. Now there may be some instances of where this bill has been needed, but the vast majority of the building material dealers in my district have been telling me that for goodness sakes, don't give us any more headaches than we've already got, we don't need this kind of legislation in our part of the State and reject this bill. And I would rise in opposition to the bill and...and ask that we defeat it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Lemke may close.

SENATOR LEMKE:

It's a simple decision that we must make. The mechanics lien law is a...probably a law which makes another person liable for someone else's debts. The material supply company and the lumber company knows if a general contractor is corrupt and takes the money and enscones with the money. The individual that has a home, especially Ma and Pa, don't know that contractor is corrupt, but the guy that deals with him day in and day out knows he can't pay his bills and he knows one day he's going to go bottom up and somebody is going to get gypped. What we're saying here is...we're just simply saying that you post a notice on two conspicuous places that you are a material service man in that you have a lien and they should make sure that you get a release of that lien before you pay the general contractor all the money. And we're not talking in new industry, because in new homes this is a requirement by every savings and loan and bank that the general contractor comes in, he...provides an affidavit of who his...subcontractors are. The bank and savings and loan does not pay out the money until they receive the release of lien. This is only in incidents of remodeling when the

corruption occurs. And it's corrupt remodelers that are involved in this situation, they go in and prey on our older senior citizen who generally, generally, pay for these repairs, all in cash. And all we're asking for the protection is, just simply when you deliver the materials, you post the notice that you're going to have the lien in two conspicuous places, and I think it's only proper that we should give notice to these people. And we're not talking about other buildings, we're only talking about buildings where people are living in them, owner-occupied. And that's all we're asking about. I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 159 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 14, the Nays are 42. The bill having failed to receive a constitutional majority is declared lost. Senate Bill 161, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 161.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is gives a...a lien to a...a utility company such as a water company or a electric company or a gas company and...on homes that are more than single family dwellings. The reason being that we have found out that in these situations people are in the business of renting apartments in...then not paying their utility bills, and therefore, what happens is the utility company goes to collect, they find out that the property is sold, they have no way of

collecting their money because the individual has already collected the sale price. So what happens is that this money that's noncollectible is shipped...the burden is shifted to those people like us that pay our utility bills. And therefore, our utility bills are increased because these bills are not paid. We have incidents in, I know, in the Department of Water in the City of Chicago and other places where these bills we're talking about are five and six thousand dollars. And this money is spread out, spread out amongst the people that pay, because if there's a loss we all pay. And I think it's only good legislation that if a owner of a building is in the...in the...process of renting apartments and furnishing utilities and has a deal with the utility companies that they're collecting the rent and they should at least pay their bills. And I think if the man is delinquent that the lien should be put against that multiple dwelling income raising property. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I think I know the answer but I'm not sure, in the case of an apartmentowner who does not pay utility bills, that is, he's not responsible for the bills, the utility company deals directly with the occupants, what provision is in the bill to make sure that the utility company cannot place a lien against the owner if the tenant fails to pay?

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Lemke.

SENATOR LEMKE:

That is taken care of by an amendment to the bill which we adopted in committee which was suggested by the realtors. I think it's Amendment...No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Could...could you explain what the amendment says, Senator?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

It specifically says that the...it has to be the owner that contracts not the tenant. If the tenant contracts with the utility company there's no lien, it's strictly owner.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schaffer. Senator Geokaris.

SENATOR GEC-KARIS:

I put on that second amendment and that's the one that says...utility which furnishes services to a tenant does not have a lien against the landlord for the tenant's unpaid bill. And I urge favorable consideration of this bill as amended.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lemke, do you wish to close?  
SENATOR LEMKE:

Just ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 161 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3, 1 voting Present. Senate Bill 161 having received the required constitutional majority is declared passed. Senate Bill 162,

SB 167  
3rd reading

Senator Lemke. Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 162.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lemke.

SENATOR LEMKE:

What this does is set up a escrow fund similar to any other insurance broker in regards to the selling of inhouse warranties. What we're doing here is saying that if you collect the money for a warranty...and some used car dealers what they do with the money is they just simply do not buy the warranty insurance and they hold on and they choose to be a self-insurer. Okay, what happens is these people go on this basis that there's a warranty and then the dealership goes bottom up and the money is not there. What this does is just sets...simply sets it up similar to a broker where this money is in escrow account and is...only can be touched as it is used. I think it's a good bill, I think it's necessary in the present times.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall Senate Bill 162 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cut-off)...all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 162 having received the required constitutional majority is declared passed. Senate Bill 167, Senator Grotherg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 167.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTHERG:

Well, thank you, Mr. President and fellow members. For those of us who have been in the Senate for awhile this not an unfamiliar bill nor is it to those of you who have come over from the House. This is the lethal injection concept as it would replace the electric chair as a means of execution in the State of Illinois. We've had a little dialogue on previous bills of Senator...Sangmeister on the concept of the death penalty. I would start by asking all of you who are not in favor of the death penalty, I understand that, we are not debating the death penalty per se, we are debating the manner in which it would be carried out. The death penalty is the law in the State of Illinois. To quote Senator Rock, "I have caused to be placed before you a recent reminder of some of the things that can go wrong in the case of the Ala...bam...bam...bama case, the electric chair is not itself without some flaws." It has been an insufferable indignity bill upon mankind and society that such a method should be used or even entertained as a method of execution in these modern days when there are better and more efficient methods and probably more humane. The humaneness of this subject matter is what brought it to my consideration, somewhat like the questions about the interminable period spent on death row, this bill has had its appeals from time to time. It has always successfully passed this Body. I have yet to go around and solicit your vote or take an individual roll call as to where you are on the matter, and one time it got killed in the House; last year we got it through the House and I found out we had a third stay of execution down on the second floor. After much dialogue with the Governor on this matter,

he is willing to reconsider. He has not said that he will sign it anymore than he would say he would sign the tax bill that comes to him depending upon what happens to it up here, but the fact of the matter is, I think it is very timely. I think we have proven in the Texas incident with Mr. Evans that the manner of execution that is...in style here is absolutely...I...I used the wrong reference, it was Alabama, Mr. Evans, but the lethal injection in Texas at the same time has since happened and proved the difference, as I suggest, taking a life in a more humane manner. Society has punished itself long enough, it does not need the indignity of...of brutal...brutal, yes, and archaic way of taking a life. The power of the government to take a life is serious enough without hanging, drawing, quartering, burning and all of those things that have gone on before. I would be glad to answer any questions and close at the appropriate moment.

PRESIDING OFFICER: (SENATOR BRUCE)

The following Senators have sought recognition: Senators Kelly, Collins, Hall, Eloom and Gec-Karis. Senator Kelly.

SENATOR KELLY:

Yes, Mr. President and members of the Senate, I don't have any questions, I would just like to say that I sponsored a bill providing for an optional way for the death penalty to be carried out, and I happen to think that it is an area of a great importance and that it should be for a person who's on death row to be able to, within reason, determine the type of execution they would like to have provided that the warden has the facilities and the availability to carry it out. Capital punishment, even though I support it, I do not feel that it deters crime; particularly, if you're not implementing the death penalty. I'm going to support this bill, but I've got some reservation whether or not this is the best way to terminate a convicted murderer.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator Grotherg, by changing to this process of execution will it save the State money?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTHEERG:

I would certainly think that the fifty-two incidents that are waiting on death row, any savings to this would be an infinitesimal amount in the spectrum of State Government, but it certainly is...in a much less spectacular and therefore a more reasonable and, yes, economic way to take a life.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins. May we have some order, please. Senator Collins.

SENATOR COLLINS:

If you...if you have the electric chairs now in place, how then will it cost more money? I mean, what is the cost factor as it relates to one way of killing versus the other?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTHEERG:

Senator Collins, I have never entertained an economic factor, you are raising one. The...the...the cost of wheeling a hospital gurney into the chamber instead of wiring up the electric chair and turning on the current and administering probably a dollar and ninety-eight cents worth of...of lethal fluids is the total cost. I think the ultimate cost is the indignity to society and to mankind that we can't find a better way.



PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes,...Senator, I...I thought that most proponents of the death penalty felt that it was a deterrent to crime. So, why...why do you want to try and make it neat, nice, right or humane?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotherg.

SENATOR GROTHERG:

Senator, the record shows historically that there is not a great reduction in crime, the deterrent factor is that it deters this person forever and it deters one, one hundred percent. And that is the deterrent factor of the death sentence and the message it sends out to society that crime of the magnitudes of the sentence of death are...not very popular in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

I...I rise in opposition as I did before to this legislation, because I feel that it's an attempt to ease the conscience of some who feels that the death penalty is the only way to solve the problem of crime in this country and that is not true. I do not feel that the State of Illinois or any other state or the U.S. Congress can justify or have the right to take someone's life no matter what. We have a responsibility to get those people out of society so that they can no longer hurt other people, but we most certainly do not have the right to kill; and if we set that example because that individual has offended the State of Illinois, then there's no way that we can tell our children that it is unjust or unfair or inhumane to take a ball bat and bust open the head of his playmate when he offend him or her. Those

are double...conflicting standards and values, and it is the primary reason why we have so much crime in America today.

So I ask all of you to vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator Grotberg, I listened very carefully to you as I always do 'cause I always am proud to have and listen to the designated hitter. But, now did I clearly and concisely understand you to say that this has nothing to do with capital punishment? Did you say that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTEBERG:

I said that capital punishment is the law in Illinois. Those who want to do with it...away with it, please introduce a bill to abolish it. This changes the method of execution.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Well, you know it's been rightly said that this is your yearly exercise to alter the method of execution from elec- tion...from...from...from the lethal...to the lethal injec- tion...from electrocution. Now, let me ask you this, suppose that your bill is found unconstitutional, then we go back to electrocution?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTEBERG:

Absolutely.

PRESIDING OFFICER: (SENATOR ERUCE)

Further discussion? Senator...Senator Blcom.

SENATOR ELGGM:

Well, thank you. I'm minority spokesman on the Criminal Judiciary Committee and we heard this bill and I just wanted to inform the members that it came out with strong support and that the concept is not new to us and that most people are on death row are on death row not because...they offended somebody, they're there because they killed somebody and they committed some pretty heinous crimes. And finally I'd add that Socrates, at least, was given the alternative of taking hemlock. I see nothing wrong with this bill.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm a little tired of worrying about people who kill without justification and how badly they're going to feel. This bill, in effect, takes out all of the glamour...from executions, it removes the Garry Gilmores that go to the circus...aspect of media coverage. I think it's high time to recognize that the State of Illinois overwhelmingly by referendum supported the death penalty and overwhelmingly we've got to do what we think is right. And what we...I feel is right is when someone takes a life without cause someone should pay for it, and certainly in this manner of lethal injection it is a very humane thing to do. Number two, as Senator Grotberg says, this party who goes and kills without any justification, without any consideration of the victim or the victim's family should be punished accordingly. And I'm certainly supporting this bill, and I think it's far more humane than the murderer who rapes and murders someone else and the treatment that they gave.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Becker.

SENATOR BECKER:

Thank you, Mr. President. I rise in opposition...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please. Excuse me, Senator Becker, if we can just...we've done very well today, if we can take our conferences off the Floor. Senator Becker.

SENATOR BECKER:

Thank you, Mr. President. I rise in opposition to this bill, and I only wish today that the galleries were loaded with the members of the families of the thirty-two children that Gacey murdered. I wish they were filled with the family members of the little Degnan girl and listen to a debate that we're listening to here today. They would possibly be yelling and screaming in the galleries, take him over the State in Madison and shoot him and let everybody in the City of Chicago or the State of Illinois come and witness the execution. Now we're going to baby them by putting a needle in the arm and create a bubble and take their life in just a couple of seconds. I look at this little handbill passed out to the members of this Senate today about the person from the newspaper who witnessed the execution and the body turned brown. But it took ten minutes to put this man to death. How many minutes did it take for the little Degnan girl when the arm was cut off, when part of the leg was cut off? Maybe it took a hell of a lot more than ten minutes for her to die. I have no sympathy for everyone of them sitting in regardless of what jail it is in the United States and I wish they'd hang them. Or I wish they'd take them before a firing squad. Let's keep the electric chair and let's forget about sticking the needle in the arm and in two seconds they're gone.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. I rise in opposition to this legislation, not that I oppose the death penalty because I know it is the...the law of this land...but I...I arise in opposition because it will lessen the...the deterrent to criminal...activity and murder. I believe those of us who believe in the death penalty believe because it's supposed to serve as a deterrent, but this bill lessens the deterrent and persons are more likely to commit a capital offense if we had this piece of legislation. So I oppose it solely on those grounds.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grothberg may close. May we have some order, please.

SENATOR GROTHBERG:

Well, thank you, Mr. President and fellow Senators. I respect each and every one of your opinions, including yours, Senator Becker. We have a situation with someone who is going to be put to death that dead is dead. Dead happens to be forever. If that isn't punishment enough, what more can you ask for? I, too, for years believed in all of the methods of...of antiquity and dramatically society putting on a side-show as they took this grave responsibility in hand. What has happened, is it that many of the appeals that you have heard about and discussed on earlier bills, many of the delay is because of the time factors that judges and juries resist carrying out the final act and have invented and produced, time after time, reasons for not executing. It is my sincere feeling and in the district that I just left representing we had seven prisons, including three maximum security prisons. The wardens of the State of Illinois have to carry out this, they are our employees. To a man, they have told me over the years that if there was a more expeditious way, please be my guest. They don't want to be identified by

name, but they were unanimous. Now, I suggest to you, Ladies and Gentlemen, in the interest of getting the job done and getting on their way with carrying out what is the law of the land that anything on the side of humanity that shows that justice has triumphed is worth the trip. We now have had both models of execution excellently portrayed. The Texas lethal execution, the first one, the news was just as great, the coverage was just as great, the gentleman in question is just as dead. The Alabama...bam...bam incident, the gentleman is dead. He is no longer. He has been deterred from further crime or anything else. That is the thrust of this bill. And I just ask you to vote your conscience. Let the record again, I have never solicited a member in this Body for your support, but it's gone out 55 zip practically the last three times. I think this is the year for it, and I would appreciate a favorable roll call, but each one on your own conscience. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 167 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 10, 6 voting Present. Senate Bill 167 having received the required constitutional majority is declared passed. Senate Bill 171, Senator Lemke. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 171.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Senator Lemke.

SENATOR LEMKE:

What this does is...is removes the Metropolitan Sanitary

District special exemption from complying with local zoning ordinances. What this says is that the sanitary district, if they're dumping sludge, that they must observe reasonable local zoning ordinances. This is a problem we're having in our area amongst...it crosses the political boundaries of about nineteen different villages, it's growing in other areas and it's a response to a...a case that was involving, I believe the City of Des Plaines were they said that the sanitary district does not have to observe local...zoning ordinance. What this amendment does is just makes the sanitary district like anybody else. If they want to get into the hazardous waste or sludge business, they must observe reasonable local zoning ordinances. I ask for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. I rise in support of this measure. I agree with Senator Lemke in that the time has come for some more control on the local level as far as zoning in this area. Municipalities, I think, have the right to...to know what's going on roughly within their boundaries or within the mile and a half radius adjacent to it, and that's exactly what this bill does and I ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lemke, do you wish to close? Excuse me, Senator Lemke. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you. Question of the sponsor if he'll yield, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Rock.

SENATOR ROCK:

What is the current status, if you know, of

the...litigation? I understand the Metropolitan Sanitary District is currently involved in litigation on this subject matter.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LENKE:

Well, what we have here, that...that is correct. In 1950 we had litigation where the sanitary district and the Village of Willow Springs and Summit enter into a...a...an agreement that they wouldn't dump additional sludge in the area. What they did is, they started...building new areas there without permission of the local authorities in violation of the court authority so the local governments have filed a lawsuit. Now what we're saying here...so this case is, I believe, still pending in the courts but that is in regards to the violation of that particular court order. The question is whether they're sludge ponds or whether they're holding beds, whether a pond can be above the ground or below the ground. But...it has nothing to do with zoning.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Question is, shall Senate Bill 171 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 171 having received the required constitutional majority is declared passed. Senate Bill 172, Senator Smith. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 172.

(Secretary reads title of bill)

2nd reading of...or 3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Smith.



SENATOR SMITH:

Thank you, Mr. President and members...of this august Body. Senate Bill 172 creates the Adelbert B. Roberts Memorial Statue Committee which will be composed of legislative members appointed by our leadership. Mr. Roberts was the first black Republican to serve as State Senator here in this Chambers, and he was an attorney and he was active in civic affairs and a biography of Mr. Roberts can be found in our Illinois Blue Book and other historical facilities here in our Capitol. The membership of this committee is to be six legislators; three from the Senate, two appointed by the President, one appointed by the Minority Leader, and three from the House; two appointed by the speaker, one appointed by the Minority leader. I'd like to also state that members of this commission shall receive no compensation. The committee shall make recommendation to the director of the Department of the Central Management Service and to our Secretary of State...by September the 1st, 1983. I'd like to ask and request the passage of this bill. This year will begin to give a sense of impotence to those who travel here to our State Legislature and on the grounds that they will know that there was a black man who served for three terms in the Senate and it would give them pride and enjoyment and it also would add to our legislative Capitol here. So I'm asking for your adoption of this.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is, shall Senate Bill 172 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 3, none voting Present. Senate Bill 172 having received the required constitutional majority is declared passed. Congratulations, Senator Smith. Senate Bill 173, Senator Vadalabene. Read the bill, Mr. Secretary,

AB 173  
3rd Reading

please.

SECRETARY:

Senate Bill 173.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 173 is another product of the Motor Vehicle Laws Commission working in conjunction with the Secretary of State. Senate Bill 173 would delete reference to person and create separate provisions prohibiting driver and passenger from carrying or having possession of alcoholic liquor in open containers within any passenger area of the motor vehicle, and I move for a favorable vote.

PRESIDING OFFICER: (SENATOR ERUCE)

Is there discussion? Senator Kelly.

SENATOR KELLY:

Yes, Mr. President. I'd like to ask the sponsor a question and that is, what is the penalty on this?

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. It's a moving violation for the driver.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Kelly.

SENATOR KELLY:

That sounds reasonable. Thank you.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Euzbee.

SENATOR EUZBEE:

I...I have a question of the sponsor. Does this mean?

that if they're...somebody is traveling in a...in a recreational vehicle, as an example, one of those big motor homes, and somebody is sitting in the back drinking a can of beer, and the driver is pulled over, let's say for speeding, that he can also be charged because there's a passenger sitting in the back with...with a violation because of...of the open can of beer?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, we took care...I mean, no, he will not be charged. We took care of that with Amendment No. 2.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee.

SENATOR EUZBEE:

So, then what you're really referencing here is automobiles with open cans in an automobile...are, but...but it would...it would not apply to any kind of recreational...vehicle where the...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

It applies to any recreational vehicle or a motor bus or a chartered bus. It applies to the driver and not the people who are riding in the bus.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Euzbee.

SENATOR EUZBEE:

Okay, so then...how about in...in an automobile? If...if an automobile is being driven and then a passenger has a can of beer, is that...is that a violation under this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Just the driver, the passenger is exempt.

PRESIDING OFFICER: (SENATOR ERUCE)

Further discussion? Senator Becker. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill. This bill came out of the Motor Vehicle Laws public hearing, it's a combination of the law enforcement, Secretary of State and prosecutors because we had some over-zealous policemen in different areas when they pulled over a recreational van, just like Senator Euzbee mentioned, that if the person was in the back had not been driving, had an open can of beer, he...under the present law, that person and the driver could be given a ticket for a open can or open alcoholic beverages. This is to prevent that, apply only to the driver. All of this section does not have anything to do with automobiles. It's...if you are driving an automobile and someone else has an open can in the automobile, that's...you're in trouble. But this applies to chartered buses, recreational vehicles and et cetera, which were not meant, no one drives that's in...back in that end and to prevent some over-zealous policeman, which...has happened, from giving a ticket to the driver for something he had no control over. This is a good bill and I, as a nondrinker, are supporting this and I ask you to vote yes.

PRESIDING OFFICER: (SENATOR ERUCE)

Senator Coffey.

SENATOR COFFEY:

Yes, Mr. President and members of the Senate, I rise in favor of this bill also, but I'd like to remind my good friend that just spoke that he's talking about this over-zealous police officers, that was the same thing I was talking about a few minutes ago, and he didn't vote that way but I'll support the thing anyway.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator...Senator Chew.

END OF REEL

REEL #7

SENATOR CHEW:

All of the nice things have been said on the bill, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor. Under the current law, isn't it a violation to have open liquor in a passenger car while you're driving?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene...

SENATOR COLLINS:

...any place in the car?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, there is a law in regard to having an open bottle in...in a passenger car. However, there is also some confusion between the passenger and the driver and we're trying, with this legislation, to straighten that out.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

So this bill would allow the open liquor to be in the car as long as the driver did not have it in his hand on...in the front seat when the police stops him. Is that what you're doing?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Well, I have a yes, I think so. However, the question,

Senator Collins, is not clear to thee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Well, Senator Vadalabene, and...and to all of you who voted...to suspend the teenage licenses because you were saying that it would cut down on accidents on the highway, but if this bill passed, you've just given them incentive for them to drink openly on the highway because what difference does it make or what teenager sixteen years old is crazy enough wants...the...the...he sees the siren goes off and light flashing, he knows he's going to be caught. All he has to do is pass his bottle in the back. Well...so, it doesn't make any sense because right now he would be fined if he found...stopped and that bottle was found in that car open. So, you better understand what you're doing now. You're...you're really making it worse.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Am I closing?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald is up, Senator. I...I didn't know whether you wanted to respond to that?

SENATOR VADALABENE:

No...well, I can respond. I ought to.

PRESIDING OFFICER: (SENATOR BRUCE)

Why...why don't you hold...why don't we hold it. We have several other people and perhaps...Senator Macdonald.

SENATOR MACDONALD:

I...I thought I understood one of the former speakers to say this was recreational vehicles and not passenger automobiles. Now how do we define recreational vehicles and how does...how does this bill differ? Can someone enlighten me?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

The recreational vehicles, the way I understand it, are like the minibuses, and the campers, and the chartered buses, and so forth, and...and the...and the vans, and so forth.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Macdonald.

SENATOR MACDONALD:

Is that spelled out in the bill? I'm sorry, I don't have the bill in front of me.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

It is definitely spelled out in the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kenneth Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator...

SENATOR HALL:

My understanding is, Senator Sam, that some year...I don't know when it was, that we made it legal for you to have liquor or beer or anything that was uncapped, if it is open as long as it is within the trunk of the...of the automobile. Now are we eliminating that and allowing a person to be inside? Are we doing that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator...

SENATOR HALL:

Well, I hear some talk that you can now have it as long as they're sitting in the back of the car.



PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I think we are...we are getting a little confused again. We're not talking about the passenger cars, we're talking about the buses, the chartered buses, the minibuses, and the vans where the driver is driving these bunch of...I'm sure you...that the people who take the bus to St. Louis to see the St. Louis Cardinals play...you know, they're enjoying some levity. However, those who...the driver is not allowed to enjoy this type of a privilege and we're trying to separate the driver from the passengers and we're getting carried away with passenger cars. That is right, we're suppose to have...if you have an open container in a passenger car, I remember that bill, you have to have it in the trunk of the car.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

That's all...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Chew.

SENATOR CHEW:

Pass, Mr. President. He answered the question.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

If I might, would the sponsor listen and let me repeat what we think this does and see if this is correct because there has been some confusion. In a passenger automobile, no one, no passenger, no driver, no nobody can have a...an open bottle of alcohol, beer, liquor, whatever, number one. Correct? Secondly, in any vehicle, no matter what it is, the driver may not have in possession a...an open bottle of alco-

hol. The exception for the possession of open alcohol is limited to a chartered bus, ordinarily...which is being used for the purposes for which a chartered is ordinarily used, in which case, the passengers may have open alcohol but not the driver. And secondly, in a so-called recreational...let's see, they call it a motorhome or minimotorhome as defined in some other part of the code, the passenger may have open alcohol but not the driver. Is all of that correct, Mr. Sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene...Senator...

SENATOR NETSCH:

All right. That's fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator...Senator Vadalabene.

SENATOR VADALABENE:

So, Senator Dawn Netsch is exactly right. And...and again with this bill, like the other bill, the sixteen and seventeen year old bill, you got carried away into other categories. You know, you get a sixteen and seventeen year old kid in a car, you know, I don't care if he's in an airplane or...or in a boat, or whatever, where in the hell did he get the beer or the liquor? He's not supposed to have it in the first place, the sixteen and seventeen year old. But that's not an argument to defeat this bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Bruce.

SENATOR BRUCE:

Well, we're...we're cracking down on drunken drivers, every bill we've passed. We're getting tough on everybody. We've...we're not going to let them have any court supervision for five year convictions. One conviction and you lose your license and everything else. Right now the law is

that if you're in a car you can't have an open beverage container. If you're...and the present law says if you're in a charter bus you can. What this bill says that everyone that has got one of those little recreational vehicles running up and down the highway with an RV license plate on it, if...if they have a passenger compartment separated from the driver they can all drink. Now, if you don't think the driver's not going to drink, you haven't been in those rascals. And those are large vehicles, those are motorhomes and minimotorhomes. I'm not going to support it. If those guys want to run up and down the highway and drink, do it some other place. Charter buses, fine. That guy gets picked up, he's drinking, it's not just a little violation that they put on your card, he loses his job. And I'm sure that Greyhound Bus Company and all the other charter bus companies, if that driver even sniffs a little alcohol, he's out. I'm not sure that the guy out on a Sunday afternoon, going to the Cubs ball game, rolling down Route 66...and all the guys in the back are having one, I'm not confident that he's really worried about not having one. And this bill ought to stay right here.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Bock.

SENATOR BOCK:

Thank you, Mr. President. Again, so...I hope we're all talking about the same bill. This says, as I understand it and having just looked up the cross reference, it says very specifically, "No driver may," and then except as applies to Section C, the driver cannot and now...now the exempt out of the illegal transport certain vehicles. We are exempting out, it appears, charter buses and we are exempting out motorhome or minimotorhome as defined in Section 1-145, which says, "Motorhome, minihome or van/camper, self contained motor vehicle not used commercially designed or permanently converted to provide living quarters for recreational camping

or travel use with direct walk through access to the living quarters from the driver's seat." So the purpose of this is to just take those out of the...out of the prohibition against having alcoholic beverages in that...to allow those who ride in the back of a camper to have a beer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

I couldn't have explained it better than Senator Rock, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones. Oh, wait a minute. I'm sorry, Senator...Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, I just have one question...all of this, the minivans, is it anything with an RV plate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

No, I don't think it applies to an RV plate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones. Senator Jones passes. Senator Egan.

SENATOR EGAN:

Yes...I...I would just like to...someone to answer a simple question. Does the bill merely make the existing violation a moving violation? The existing violation is not a moving violation. All this does is make it a moving violation, so you are assessed points. Isn't that all it is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, it's a...violation and you're assessed points.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew. Senator Eruce for the

second...Senator Bruce for the second time.

SENATOR EBUCE:

Yes, I just want to make it clear for those of you who don't understand vans and RV license plates, the Secretary of State will license as an RV vehicle any van that has a permanently attached facility for sleeping in it, and if you take and nail in a bed in the back, they will give you an RV plate, that's a minivatorhome and anybody that drives in those rascals can drink, not the driver. And if you think he won't drink, vote for this bill. If you think he will drink, you ought to take a look at it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. This bill was heard in Transportation Committee and I did have some objections. And the objection that I had to the legislation is that if you...if you have a motor vehicle home, you may decide to take your family and go on vacation. You may have in the living quarters there some open liquor. No one may not even...may not even be drinking at that particular point in time -but, however, just the transportation of that liquor at that point you can be charged...I mean prior to this particular piece of legislation, you could be charged for transportation of open beverages...alcohol beverages in that motorhome. So, I was the one that recommended to Senator Vadalabene that we have this amendment. However, as...as a previous Senator pointed out, this legislation will make it a moving violation for the driver which is currently not part of the law. So, it's a very good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Chew is the last speaker.

SENATOR CHEW:

Thank you, Mr. President. Most of the things that have

SB 175  
3rd Reading

been said, I think Senator Egan capped it off, and secondly we're not dealing at all with automobiles. The bill does not state automobile anyplace in it. So the questions that have been asked about automobiles, the question is mute cause this legislation does not deal with it. Secondly, we have current statutory laws on our books to deal with one who drives and consumes alcohol. And if the bus driver of the vehicle...or recreational vehicle driver is involved in drinking alcohols...alcohol we currently have laws to deal with that. So this is just to tighten up what has been loosely described. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Vadalabene may close.

SENATOR VADALABENE:

Yes, thank you, Mr...this is a good bill and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 173 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, 4 voting Present. Senate Bill 173 having received the required constitutional majority is declared passed. Senate Bill 174, Senator Chew. Read the bill, Mr. Secretary. All right. That's on the recall list...is there leave to take it out of the record? Leave is granted. Senate Bill 175, Senator Chew. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 175.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and Ladies and Gentlemen. This bill permits...court supervision once in a five-year period for DUI offenders. We have amended that to say, "DUI offenders that were convicted." That's all it does. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Earkhausen.

SENATOR EARKHAUSEN:

I'm not sure any further explanation is wanted or needed, but just to second what Senator Chew has said, and as the hyphenated sponsor of the bill. This is aimed at situations where...where DUI defendants...offenders have repeatedly been placed on supervision, and in order for us to go on record as to how we feel about the seriousness of this offense, we want supervision if it's going to be given at all, to be limited to just once in any five-year period, not only for those who have been convicted of DUI but also for those who have been placed on supervision before within the five-year period. I think it's a...important that we take at least this step. As many of you know, there is legislation elsewhere in the process which would require a record to be kept of all occasions when a DUI defendant is placed on supervision, not only when a remedial program is...is part of that supervision, but any instance in which a defendant is placed on supervision. So together with that legislation, I think this will be a significant step forward in getting tough with DUI defendants, and I would ask your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I have a question pertaining to the provision in the bill which would permit court supervision only one time within a five-year period for DUI. As I understand the present situation, if a person is on court supervision and goes through, for example, a one-year probationary period without any other offenses, the...the record is expunged. And I'm curious to know how some other court in the State would know whether or not an offender might have had an offense within a five-year period?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Chew.

SENATOR CHEW:

Yes, thank you, Senator. The bill clearly states that the five-year period would apply to the expungement of their record and that record being kept would be available for other arresting officers or courts to inspect, and they would know that it has happened within a five-year period. It is not one year as it is now. It's two years, not one, but now it will be five years before that record would be expunged in order to maintain the purity of the five-year period.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, you may have answered my question, but I didn't...I didn't catch it if you did. My...my concern is this, Senator, that someone might be put on court supervision in a court in Cook County, for example, and a year or so later have an offense out in DuPage County or some other county, and since the original court does not keep a record nor...well, they may keep a record of that, but I don't think there's any way that send that record to any clearinghouse so that the subsequent court would know whether there is an offense within five years, and I'm curious as to how that



would be worked out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

Yes, sir, that is sent to the Secretary of State's Office now. So that's the agency that would have that record available.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Under the bill...under the provisions of your bill...it has to be reported then to the...the Secretary of State. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

That's correct, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Kenneth Hall.

SENATOR HALL:

Thanks, Mr. President and members...Senator, I want to get this straight. What did you say...I mean, what are you saying that it is sent to the Secretary of State? The supervision is not sent to the Secretary of State, I'm sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Chew.

SENATOR CHEW:

The question of supervision was not discussed by the Secretary of State, Senator Hall. He said the record to ascertain whether that person had been under supervision within the period so described in this bill. Not supervision but the record itself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

How...how did you arrive to go to a term of five years?  
Why...why such...so excessive?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Chew.

SENATOR CHEW:

The State's Attorney of Cook County, the chief...judge of traffic court, the Secretary of State, State of Illinois and other state's attorneys held a news conference and four days of hearings to ascertain the period that would be comparable to what all of the agencies agreed upon, from two to five. Now this doesn't mean that he's incarcerated for five years or two. It's just that these records will be kept and the clearing agencies, sir, would be the Secretary of State's Office which again would answer the question that you're probably going to ask, which I've already answered, and that is that there is an agency that will maintain the record of this offender. And the five years was determined through state's attorneys and chief judges of traffic courts, and they brought the bill to us, went through Motor Vehicle Laws and Judiciary, and that's the answer to your question, sir.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall.

SENATOR HALL:

Well, I have one other question. Does this remove the courts from the right to provide supervision? Does this do that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Chew.

SENATOR CHEW:

No, sir, it does not.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President. And Senator Schuneman, if you would pay attention, I think we got the answer to your question. You ought to look further down the Calendar. Senator Chew's got another bill, it's 468, that requires everybody to report supervision to the Secretary of State's Office. You're correct. Today there is no requirement. Many of the clerks of the courts have voluntarily turned in this report to the Secretary of State but they are not mandated by law to do so. Senator Chew's bill, 468, will make them do that. So, if that bill passes then everything tracks. It's two bills, that's correct. It's not in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any further discussion? All right, Senator Chew...to close.

SENATOR CHEW:

Thank you, for the time, Mr. President, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 175 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are zero, none voting Present. Senate Bill 175 having received the required constitutional majority is hereby declared passed. Senate Bill 176, Senator Schaffer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 176.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill gets

into a fairly controversial area, property tax assessment, and into an even more controversial area in that particular portion of government, that which involves assessment equalization and the multiplier. Those of us who had the honor to serve in either House last year will recall in the campaign the State multiplier was a very hot issue. This bill attempts to resolve that problem. It is not a tax relief bill, I'm not billing it as that. I'm billing it as a tax reform bill. If you're familiar with the assessment situation downstate, and I should mention this bill only effects downstate, we have a fairly simple system when it works and it's based on some very simple premises. One, that the township assessors equalize and assess property within the confines of their townships; that the county supervisor...assessment and the board of review equalize...in townships within the county and that the State equalize as counties. What has happened with the current multiplier is that we have inadvertently created a system whereby the locals assess far below the legal limit and then wait for State Government to come in with the multiplier and we get to be the heavies. Well, us being the heavies isn't the most offensive part of it. The two most offensive things that I think this bill will resolve are; one, that the counties are not equalizing between townships which creates glaring inequities in property tax assessment and tax revenues throughout downstate Illinois. And, two, it effectively denies the property owner downstate the right to protest their taxes because by the time the property owner finally figures out what the real assessed value of his property is, the time for protest has come and gone because he doesn't find that out until after he sees what the State multiplier is. This bill would simply mandate the county supervisor of assessment to equalize townships to approximately the thirty-three and a third target. It's mathematically pos-

sible to hit it exactly, so we give them a couple of percentage points leeway either way. It would give the supervisor of assessment an additional stipend to his salary for taking this additional burden, and controversial burden I might add. That's the the carrot. The stick...there's a stick and a fairly heavy one. The first year that a county failed to do this...in some cases, by the way, it is not the supervisor of assessment, it is, in fact, the reflection of the county board policy, they would be denied the half salary stipend that we send to the county general funds for the supervisor of assessment. The second year we would take the county revenue sharing money that would normally go to the county and redistribute it to the school districts within the confines of that county. I believe it's an effective way to solve the property tax controversy in downstate Illinois. I believe that it would provide equity and justice in the downstate assessment practices. It does not affect Cook County. In all candor, I think it's presumptuous for a downstater like myself to tell Cook County how to run assessment. I would be happy to respond and support any consensus program that the County of Cook had. I think it's a good bill. In my county, the supervisor of assessment tells his assessors to assess at 17.65 percent. Then we come in, put big multiplier on and he Xerox off forms telling people to write their legislators about the State multiplier. Well, they wrote me, I got the message and here's the response. Be happy to answer any questions you have.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Is there any discussion? The question is,...Senator Schaffer, do you wish to close? The question is, shall Senate Bill 176 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that ques-

tion, the Ayes are 54, the Nays are 4, none voting Present. Senate Bill 176 having received the required constitutional majority is declared passed...Senate Bill 185, Senator Chew. Senate Bill 186, Senator Buzbee. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 186.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is the bill that deals with what is known as the Casual Deficit Act. It would require the General Assembly to authorize by law three hundred million dollars in FY '83 from the General Revenue Fund to met casual deficits. It also sets the interest rate on borrowed funds at the standard rate for government bonds. The Casual Deficit Act was enacted in 1897, at that time the General Assembly met only once every two years and, therefore,...the Act was established to allow the Governor to borrow money in the event that the State got into dire financial situation. This...this public policy was restated in the 1970 Constitution by saying that the Governor, and the Comptroller, and the Treasurer could borrow up to fifteen percent of the State's fiscal year appropriations to meet casual deficits for emergencies that were not accounted for in the budget. So the fifteen percent limit in borrowing...power is sanctioned by the Constitution, Article IV, Section 9. This would delimit that ability by the Governor to the tune of saying only fifteen percent of the General Revenue Fund could be borrowed. This inserts the General Assembly in its rightful place in keeping control over the expenditures of the State and keeping control over the

authority of the Governor and...and his ability to borrow. Now...to the best of my knowledge, the Governor has no opposition to this bill. It is simply stating, clearly, once and for all and succinctly, that, yes, Governor, and Comptroller, and Treasurer, you can borrow money to get through an unforeseen financial situation; but that the General Assembly will have the final say on your ability to so borrow. This year, for the first time, again, I believe in the history of our State, we are borrowing short-term to get through the fiscal year...to get through the...yes, to get through the fiscal year. This is legislation that would again give the General Assembly the final say. It also...it...it restricts...it does five basic things. It restricts to three hundred million dollars the ability of the Governor to borrow. Secondly, it establishes that fifteen percent applies only to the General Revenue Fund. Thirdly, it sets the interest rate on funds borrowed to either the greater of nine percent or one hundred and twenty-five percent of the rate for the most recent date shown in the twenty GO bonds index of average municipal bond yields in the most recent addition of the bond buyer. Four, it provides that repayment of the loan be made pursuant to appropriations for that purpose. And, five, it says if the General Assembly fails to make appropriations for repayment of principle and interest on the loan, the Comptroller and the Treasurer are authorized to make the necessary transfers and payments. I would try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? The question is, shall Senate Bill 186 pass. Those...in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 7, none voting Present. Senate Bill 186

having received the required constitutional majority is declared passed. Senate Bill 188, Senator Marovitz. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 188.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICE: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. Senate Bill 188, in its present form, responds to a request by the Executive Committee, a bipartisan request from both sides of the aisle, to release certain salaried employees from the requirement to file ethic statements. It, of course, maintains those elected officials those...confirmed by the Senate, but it would release people like firemen, plumbers, policemen, teachers, sign printers and those other individuals for whom the expenses in the counties are...are very large for space requirements, for...to keep people to file these documents, to maintain these records. In the County of Cook alone, there are nearly seventy thousand statements filed, and most of these, other than elected officials and those who were subject to Senate confirmation and in policy positions, are never, never requested. Those who are elected officials, this does not affect them at all. Those who are in policy positions and subject to Senate confirmation, this doesn't affect them at all. But Senator Bock and the Republican side of the aisle said it's a...we keep increasing the level; first it was twenty thousand, then twenty-five thousand, the bill went in at thirty-five thousand, why don't we just exempt those that this was never intended to apply to and keep those we are...really we need to find out what the status of their ethic statement is, and I would ask for your



favorable support of Senate Bill 188.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Is there any discussion? Senator...Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

A question of the sponsor if...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

If...if you know when this...when the original legislation was enacted, was there some discussion of the likelihood that people would come in under...under this? Was this thought of at the time, do you know?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I am told, and I was told today, that when this was originally enacted, and I was not here when it was originally enacted, it was not intended to cover ordinary public employees in nonpolicy positions, not elected officials and those not confirmed by the Senate, but the language was broad and, therefore, did include those that we would now attempt to exempt by this legislation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, wait...wait, you know, I mean, it seems to me that there must have been some discussion at that time. They...someone must have foresaw what was happening. There must have been some reason for this.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I don't remember the voting on the original legislation, but I don't know of any particular reason to have thousands

of school teachers, and firemen, and plumbers, and sign painters, and et cetera, et cetera file these statements when we keep escalating if...if...unless we keep escalating the level...the salary level, more and more and more people will come under this and we will have to expend more money in county government for people to provide space to maintain these records, to...and...and the expenses...has become exorbitant, and I do not believe that the individuals that we would be exempting here were originally intended to be under the...the legislation. Those people who...run government and are involved with the running of government, positively should remain under this legislation and will. And there's...this doesn't change their responsibility to file ethics statements one iota.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, under your legislation, for example, would a police commander in the City of Chicago file a statement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, he would not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

But wait...wait, Dawn, let him answer the question, or do you want to get over and stand next to him? Answer the question again...I'm confused. Presently, a police commander in the City of Chicago files a statement the same as we do, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Now, if we pass this legislation, police commanders will not file these statements. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Are there other persons similarly situated who would not...who presently file ethic statements who would not file a statement other than, you know, you say; sign painters, well, we don't want sign painters and all that, but...but are there other people similarly situated who, you know, the great concern is that we have our statement in there, are...are there other people similarly situated? The police commanders who are...is...is liable to be off the...off the straight path as we are, I suppose, who would be exempt under your legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I'm not sure what you mean by off the straight path, but...but...but...but firemen, and teachers, and other public employees who, in my opinion and the opinion of the Executive Committee from both sides of the aisle, this Act should not cover...would...would heretofore be exempted. What has happened under this Act is...as it was originally put in it, covered only a certain segment of people, and then as salaries escalated, more and more people that never were

intended to become under the Act, came under the Act. School teachers, plumbers, and sign painters, whether you say...we're going to worry about them...but they do have to file that ethic statement, and someone has to...someone has to maintain those records and someone has to find space for those thousands, and thousands, and thousands of records. Now if you think that...that those people should do it, that's fine. And I...you know, if...if you're...if you don't want the legislation, that's fine, too. This is...the legislation as I originally introduced it, just raised the level from twenty-five thousand to thirty-five thousand. That is the way the bill was introduced. The Executive Committee said, and Senator Rock said, and it was agreed to by the Republican side of the aisle, why don't we just exempt all those people who...who...who really we're not interested in their...in like teachers, and policemen, and plumbers, and firemen, and those kinds of people, keep the elected officials, the government employees, those who are subject to Senate confirmation in, instead of keeping...escalating the...the level of salaries so that we don't get the people that we originally didn't want to get. That was the bill that was originally introduced. I amended it to comply with the request of the Executive Committee.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well...well, you know, let's focus in on what we're talking about. The reason that we have this is because the public wants to know if someone is doing something or getting something from somewhere or someplace that they're not supposed to be getting something from, right? Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Then why are we any different than police commanders in Chicago, than deputy commissioners in Chicago, all these other people that we've been reading about in the newspapers over the years as much as we've read about State legislators? Why should they be any different than us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

We are in a policy making position. Okay? If...if you don't want this legislation...I'm...I answered the question. I answered the question. I answered the question, if you don't accept my answer, I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce, are you through? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yeah. To...to...to the bill, okay. No question of the sponsor, to the bill. I'm trying to make the point that the clamor for this thing that we have this...ethic statement, the clamor from this thing came out there because of the conduct of primarily people other than members of the General Assembly. Now, we are going to take those people out who were in a large part responsible for this in the first place and we remain under it. I have no problem being under it, but I say, what's good for us, is good for them. They, in fact, were the cause of it in the first place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you. I might add another version of why so many

people were included when the bill was first passed, and it's not a particularly nice explanation, but I think it was made as broad as it was in part because there were some who were voting on it who didn't want it at all, and they thought if it included the whole world it would lose some of its effectiveness. So, by that token, I think it makes some sense to eliminate a large number of the people for whom I think it...admittedly it was not designed. The only thing that concerns me is you may have eliminated just a few too many. I think the idea of...just ordinary State employees, university teachers, or whatever, simply because they are over that amount is fine. No one really wants to see...in fact, as far as anyone knows, no one has ever looked at any of their ethic statements, but there may be some policy making positions that are still...that are going to be exempted by your bill. That's the one thing that concerns me. Let me just quickly...it would still include, of course, members and candidates for the General Assembly; members and candidates of...of the Executive Branch, the elected officers, I assume; the board of trustees of the University of Illinois; members, candidates or nominees of any commission or board created by the Constitution; persons subject to Senate confirmation, which would include all of our cabinet members, our commerce commission members and people at that level; members and candidates of any Judicial position; and members and candidates of local school boards, community college boards and appointed members of zoning boards, planning commissions and any board of review, although it would presumably exclude elected members of a...for example, the Board of Appeals of...in Cook County which is why I'm suggesting that it may go a little bit farther than it really should.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR NETSCH:

That was in part a question...when I got down to the end.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Marovitz.

SENATOR MAROVITZ:

In addition to the...the ones that you included and perhaps maybe you mentioned this. It says, "Members and candidates of local school boards, community college boards, appointed members of zoning boards, planning commissions and any...and board of review." I would...I would assume that the board of tax appeals is a board of review and would include that. So, it...what...what I'm not trying to do is exclude anybody that really we should find out about their ethic statement and whether they...they in fact are doing anything untoward to the...to the people of the State of Illinois. What we're trying to do is to exclude people like teachers, like firemen, like policemen, those people who really probably should not have been included in the first place, and for whom it is a greater burden for the county, cost-wise, to include rather, than exclude.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator Netsch, your time has expired. Senator Netsch.

SENATOR NETSCH:

Just one point on that. Again, I...I agree with what you are basically trying to do, and I think I would just suggest that whether it passes or not, and I assume it may, that you look at it carefully again because it seems to me that those who are involved, for example, with reviewing tax assessments, an elected board of appeals in Cook County or the appointed boards of review in the counties, it seems to me, are people who might well be...continue to be subject to it, and I'm not sure that you have not eliminated some part of that, and I think that ought to be checked very carefully.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. As Minority Spokesman on the Executive Committee, the...this bill really didn't receive very much of a hearing in committee. It was one...one of many, many bills that were voted out in a hurry. I voted for the bill that night in the belief that it could be put in proper order. But listening to the debate here, I really don't think it is in proper order and I think the sponsor ought to either take it out of the record and do some work on it or...I, personally, am going to vote against the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any further discussion? Any further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I...okay, we'll pull it out of the record and...and I'll pull it back to 2nd and just make it the original bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, take it out of the record. Senate Bill...Senator Rock.

SENATOR ROCK:

In fairness to the members, we had indicated six o'clock was the bewitching hour. It has arrived. If there is some paper work to be done, I think we ought to do it. I'd ask the members, please, we will adjourn until nine o'clock tomorrow morning, and if we can be prompt and present, we will conclude promptly no later than two o'clock tomorrow afternoon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Resolutions.

SECRETARY:

The following resolutions are congratulatory.

Senate Resolution 171, Senator Zito.

Senate Resolution 172, Senators Lemke, Iechowicz and



others.

Senate Resolution 173, Senator Becker.

Senate Resolution 174, Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

SECRETARY:

Senate Resolution 175, by Senator Vadalabene.

And Senate Resolution 176, by Senator Geo-Karis.

Senate Joint Resolution 43, by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

...I have Senate...Resolution 166 which was sent to committee and I think we should adopt it. What this is, is a resolution concerning the University of Illinois Art Exhibit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, if it's in committee...

SENATOR LEMKE:

(Machine cutoff)...in committee I talked to the chairman, he is agreeable, and I think we should send the resolution now to the University of Illinois so the art exhibit will cease and they don't start up again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock has moved to adjourn till nine o'clock tomorrow morning, Thursday, May 20th...Friday, May 20th. Senator Pruze, do you seek recognition? All right. Senator Rock has moved to adjourn until nine o'clock morning. All in favor signify by say Aye. Opposed. The Senate stands adjourned until tomorrow morning, nine o'clock.

END OF REEL