

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 12, 1971

We do not have a Chaplain but Senator Knuppel has indicated a willingness to have the opening prayer.

PRESIDENT:

Chair notes with pleasure the presence in our chambers once again of Senator Arrington, we're very pleased to have you back with us, Senator. When the applause is that great they mean it, Russ.

SENATOR PARTEE:

Well Mr. President I was just going to say about what you said; that we are very happy to have Senator Arrington back this morning. I think his presence here this morning in light of his illness signifies, I think, the tough fibre of men in public office and I am delighted that he has made this comeback and is here in these chambers to help us solve these innumerable problems of government with his fine facile mind and wit we are just pleased and delighted to see him on the road to recovery and back with us this morning. May God bless you.

PRESIDENT:

Reading of the journal in the perfunctory session that was held last week, we did not approve the journal. The motion would be to approve the journal from the 26th of June through the last session that just met. Senator Knuppel moves the journal...reading of the journal be suspended and be approved. Message. Senator Partee, do you wish to have a rules meeting before we receive messages from the Governor?

SENATOR PARTEE:

Yes I do. If we could recess for a few moments we should be able to do this rather quickly -- its a rules meeting and we will be right back to the floor.

PRESIDENT:

The motion is to recess for how long?

SENATOR PARTEE:

I think 15 minutes would be absolutely adequate.

PRESIDENT:

Motion is to recess for 15 minutes so the rules committee can meet.

SENATOR PARTEE:

In my office.

PRESIDENT:

Senator Coulson. All in favor signify by saying aye. Contrary minded. Senate stands in recess for 15 minutes.

JOEY MACK:

All persons not entitled to the floor please retire to the gallery.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate we have just had a meeting of the rules committee and before we move to adopt these rules we would like to make some explanation of them. Have they been passed out to the membership?

PRESIDENT:

Has the membership received the rules yet? There is an indication they have not, Senator Partee.

SENATOR PARTEE:

I think they are being...would you pass them out now please? What? They are being brought out, but while they are being brought out let me just start with them. It is rule 76 and I want you to know Gentlemen that we are in complete agreement on both sides of the aisle as respects them; but I wanted to make an explanation of them because this is a new concept through which we are going pursuant to our new constitution, and we are doing it for the first time and we want to try to do it in a way that is proper. We realize that there are one or two areas where there may be questions arise where we may have to perhaps readdress ourselves to these rules at a later time, but for

the present time we think that these will suffice.

Rule 76 reads = upon receipt by the Senate of any bill returned by the Governor under any of the provisions of section 9 of Article 4 of the Illinois Constitution the Secretary of the Senate shall enter the objections of the Governor on the journal. No questions about that at all.

77 - Motions with respect to bills returned by the Governor may be made by any member who voted on the prevailing side on the vote on final passage of the bill in question. Such motion shall be filed in writing and shall be called for a vote within 15 days after receipt of such bills by the Senate. If more than one motion is filed with respect to any bill, such motion shall be called in the order in which they were filed and all such motions shall be heard at the time the bill is called.

78 - The vote to override a bill vetoed in its entirety shall be by roll call vote and shall be entered on the journal. The form of motion with respect to such bills shall be - I move that blank bill blank do pass. The veto of the Governor to the contrary notwithstanding. Then the other sections of rule 78 are the forms which are to be used in all the individual cases. One where it is an entire veto, one where it is an item veto, one where there is restoration of a reduction which has been made by the Governor, and then we get on to D. A bill returned together with specific recommendations of the Governor may be acted upon in either of the following manners...and then we have provided two manners or two ways in which it may be approached...and there will be forms for the insertion of the bill number in that instance.

79 - In the event of a bill is returned by the Governor containing more than one veto, reduction, specific recommendation or combination thereof; the bill shall be acted upon in its entirety before the bill is released from the custody of the Senate.

80 - When a bill or item receives the affirmative vote of at least 3/5 of the members elected, as to outright vetos and item vetos, or a affirmative vote of at least the majority of the members elected, that relates to reduction of bills returned with specific recommendations for change; the presiding officer shall declare that the bill or item has been passed or restored over the veto of the Governor, as the case may be. The bill shall then be so certified by the Secretary who shall note thereon the day the bill passed. Such bill and the objections of the Governor thereto will then be immediately delivered to the House. When specific recommendations have been accepted, then such accepting language shall be attached to the original bill, which bill shall be delivered to the House. Those are the rules which we feel will be necessary to enact in order to accommodate our new situation in terms of the handling of vetos and reductions. As you know the new language of the Constitution gives the Governor a much larger roll in how he may treat a bill and how ...and the manner in which he may return it to us. If there are no questions or any other statements to be made, Mr. President, I move that these rules be adopted.

PRESIDENT:

The motion is for the adoption of the rules, is there any discussions? Senator Coulson.

SENATOR COULSON:

Yes, Mr. President, we have of course some misgivings but for the present, since they are rules which can always change by majority vote I would urge the members of this side of aisle to go along with these rule changes. I would call your attention to the fact that these require that motions be made in writing...if you wish, as the Secretary from day to day will read the veto messages of the Governor, anyone who wishes to make a motion to override or a motion to modify or a motion to change should file that motion in writing. If it is not presented that day then again the next day that bill and that message will be referred to and you will have a continuing opportunity to do this. As I say, we

have some technical questions as to how this is going to work out. We are not sure the constitutional implementation is satisfactory; but I think we have no objection to this procedure at the present time and I would urge the members of this side of the aisle to vote for it.

PRESIDENT:

Is there further discussion. Senator Groen. Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Horsley no. On that question the yeas are 51 the nays are 4. The rules are adopted. If you will turn to page 3 of your calendar we will then go down the list and as there are motions available we will consider them. If you are passed up today it does not mean you lose your right to have this considered at some future date. Number 10, Senator Vadalabene. No. 25 Senator Coulson.

SENATOR COULSON:

Mr. President, I think we have a difficulty already; under the constitution and under the rules we have adopted. Suppose I agree to the veto because an identical bill was signed. There ought to be some way to remove this from the calendar by my asking if anybody desires to override the veto and pass a second bill on the same subject. There ought to be some parliamentary procedure by which we take this off the calendar.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I think that is absolutely correct. This is a bill, for example, which is passed into law...two bills passed on the same subject, one was signed by the Governor and this one was vetoed. It would occur to me the way to handle it would be to when we reach these on the calendar, such as we have reached this one, the principle sponsor could make a motion to strike it from the calendar on the basis that a bill of a kindred the subject matter had passed and he had no desire to override the veto. I think that the journal should show that, however, so that we would know when the bill left the calendar and the circumstances under which it was removed. I think probably we should wait at least for it to be read 3 days before we do that because someone else who voted on the prevailing side might want to make some attempt to over-ride. I think that after the 3rd time it was read, after the first 3 days here, the principle sponsor could make such a motion to strike it from the calendar.

SENATOR COULSON:

I hate to nit pick, but why 3 days and who says 3 days? Are we going to get into a difficulty where somebody has an objection on the fourth day or...it ought to be in the rules shouldn't it?

SENATOR PARTEE:

Well, why don't we do this. The principle sponsor can make a motion to strike it from the calendar the first time it is called. The only thing I was seeking to avoid was; someone else who may at a subsequent time file a motion, although it is struck from the calendar, they could still file a motion within a 15 day period to restore it. So we wouldn't really be accomplishing anything but I think if we did strike it or if the principle sponsor did strike it the likelihood of someone giving it re-birth would not be very great. So it is alright with me. I would think, probably, we could have a motion made at this time to strike it from the calendar any bill which is of the same subject matter and if someone wants

to bring it back up, they can.

SENATOR COULSON:

Mr. President I will then make a motion to strike this from the calendar on the grounds that an identical bill has been signed into law by the Governor and this will serve no further purpose by remaining on the calendar.

PRESIDENT:

And the chair, Senator Partee if I may have your attention also - the chair will suggest since we have no rules on this particular matter that the majority voting on the question, since it is the principle sponsor, by voice vote would carry. Is that satisfactory, Senator Coulson? Senator Partee? Senator Partee.

SENATOR PARTEE:

I have no quarrel with that but I think Senator Coulson, maybe we ought to say that the motion to strike it from the calendar be in writing so that we would have the journal protected. So it is just a very short motion that could be filed with the Secretary and journalized. I think it ought to be in writing. Senator Coulson, you can submit it a little later we understand.

PRESIDENT:

Senator Coulson has moved to strike Senate bill #25 from the calendar. All in favor signify...is there any discussion? Senator McCarthy.

SENATOR MCCARTHY:

It is a point of inquiry, Mr. President. Do I understand that by you putting the motion to the chamber that for the motion to carry it would require a majority of the members elected?

PRESIDENT:

That is not correct. The majority of those voting on the question.

SENATOR MCCARTHY:

So that effect would give everyone who had a contrary opinion to express it at that time.



PRESIDENT:

That is correct.

SENATOR MCCARTHY:

Thank you.

PRESIDENT:

Motion to strike from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. What purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

For an identical motion on Senate bill 10. I would like to make a motion to strike that from the calendar.

PRESIDENT:

Now again you are going to have to submit it in writing. If you will do that right away to the Secretary we will take your motion with the understanding that you will do it right away. Motion is to strike Senate bill 10 from the calendar. Is there any discussion? All in favor signify by saying aye. Contrary minded. Motion prevails. 28 Senator Savickas.

SENATOR SAVICKAS:

Mr. President, Ladies and Gentlemen of the Senate I have filed a motion in writing with the Secretary of the Senate that Senate bill 28 do pass, the veto of the Governor contrary notwithstanding. I would like to read for just a moment the veto message that the Governor entered on Senate bill #28 and explain to you why I feel that we should over-ride his veto. This bill provides for reimbursement of \$25.00 annually per child to a recognize schools for furnishing special equipment for handicapped children. He goes on to say Senate bill 209 which I have approved today expresses a similar intent therefore no legislative purpose would be served in permitting this bill to become law. Well, I think we can say that Senate bill 209 and Senate bill 28 are similar in one line only. That is where Senate bill 28 and Senate bill 29 put in, in section 14-108 of the school code, the words including special equipment. After that the

similarity ends. It ends because Senate bill 209 does not provide money for this purpose. Right now the school boards have the authority to purchase the equipment. What they do not have is the money. What the school boards are doing is using the money given to them by the state for the purchase of services and by this I mean for the teachers pay. No money is being expended for equipment. Senate bill #28 went on to provide \$25.00 per pupil in a handicapped school for the costs of purchasing, leasing, or installing special equipment including costs of interest or rental of such equipment that is required for children of the type described in section 14-102. That is \$25.00 annually per child if such equipment is approved by the Superintendent of Public Instruction.

PRESIDENT:

Just a moment. The #28 Senate bill 28. That is if the equipment is approved by the Superintendent of Public Instruction and the child is eligible under this article and the regulations of the Superintendent of Public Instruction. Along with his veto message we received a copy of a news press release that the State was getting \$250,000.00 to study this problem. Ladies and Gentlemen I say that for \$225,000.00 annually, and this is what the \$25.00 per child the break down would be, for 225,000 dollars we would not only help solve the problem and help the physically handicapped receive an education to which they are entitled to under our new constitution; but it would make them self sufficient. Self sufficient and keep them off welfare rolls. Keep them off aid to the handicapped rolls. We can by passing over the veto of the Governor Senate bill 28. Aid not only the physically handicapped to a better life and to an education, but also aid them in self supporting themselves. I move now that you will give me a favorable vote in over-riding the Governors veto.

PRESIDENT:

The motion is that Senate bill 28 do pass the veto of the Governor to the contrary notwithstanding. Senator Coulson.

SENATOR COULSON:

Mr. President, I rise in opposition and wish to urge those whom I can

influence to support the Governors veto. This is an unnecessary bill because Senator Fawell's bill is now pending on second reading in the House. Most school districts already use the regular reimbursement to pay costs for this equipment - there is no need for a special appropriation and I urge a vote of no or a passed vote.

SENATOR SAVICKAS:

May I close the debate?

PRESIDENT:

You may close the debate.

SENATOR SAVICKAS:

Well, Senator this is the problem. The board of education in the city of Chicago does not use this money to purchase special equipment for the physically handicapped. I am talking about wheel chairs, training tables, therapeutic equipment that is needed right in the classes, right in the school. It is true that some schools do this but on the majority they don't. We're asking for the 225,000 dollars to make it mandatory to be used just specifically for the purchase of this equipment under the direction of the Superintendent of Public Instruction. The money cannot be used in any other area, it cannot be used to pay teachers salaries, it cannot be used in any other form by the board of education. I think this is necessary legislation I think it is responsible legislation and I do solicit your support.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, no, Baltz, Berning, Bidwill, Bruce, aye, Carpentier, nay, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

In explaining a no vote on this. Certainly the school board in the

city of Chicago should recognize this problem. Other school boards use the money to buy this type of equipment and there is not any reason why the city of Chicago should have something special for them just because of that. I know it would apply State-wide but most of the school districts are using it. I do not think this is a necessary legislation - the money is available if they will just use it for that purpose and not put it all in salaries. I vote no.

SECRETARY:

Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

On that question the yeas are 27 the nays are 25. The motion having failed to receive the necessary 35 votes is declared defeated. Senator Egan, do you wish to by pass 64 today? 67 Senator Laughlin? Senator Partee, on 97 Senator William Lyons bill. How will that be handled?

SENATOR PARTEE:

There is going to be someone who will move with that tomorrow.

PRESIDENT:

Alright. 131 hold. 167 Senator Groen. 309 that whole series, Senator Horsley. Just hold. 455 and 456 Senator Clarke. 549 Senator Vadalabene. Hold. 560 hold. 576 Senator Baltz. 591 Senator Bruce.

SENATOR BRUCE:

Mr. President and members of the body. Senate bill 591 is identical to House bill 1346 which was signed by the Governor and I now make a motion to have a Senate bill 591 stricken from the calendar. I take it that would have to be in writing.

PRESIDENT:

Yes it will. You will provide it in writing to the Secretary. The motion is to strike Senate bill 591 from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 650 Senator Saperstein. Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President, Gentlemen, I move to strike Senate bill 650 from the Senate calendar. An identical bill, House bill, dealing with the same subject and the same format was signed by the Governor. Therefore, I move to strike this; and you will get a written request shortly.

PRESIDENT:

The motion is to strike from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 652 Senator Graham. Alright. 715 Senator O'Brien.

SENATOR O'Brien:

I would like to make a motion to strike Senate bill 715. The similar House bill, house bill 331 was signed by the Governor and is law.

PRESIDENT:

The motion is to strike from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 719 Senator Graham.

SENATOR GRAHAM:

Mr. President, and members of the Senate. In order to clarify this problem existing with the veto of 719 I think we have prepared and are going to do what the intent of the Governor in his veto message indicated we should do. I think his veto message indicated with 719 that in our efforts to clarify all the sections of the election code which applies to 18 year old voting which answers the mandate of the con-

stitutional convention; he indicated it was sort of a messy way to do it, wasn't clear, and in order to uncomplicate the uncomplicated...or the complicated I would like to leave that bill in its current position and introduce the reconstituted version of 719 which I think answers the Governors objection in regard to the 18 year olds vote.

PRESIDENT:

We have some other bills up here they will be...

SENATOR GRAHAM:

Well, I will send it down later, Mr. President.

PRESIDENT:

Alright. Do you wish to just hold 719 or do you wish to --

SENATOR GRAHAM:

I think we ought to keep a vehicle there and it would be my desire to let it sit right there now.

PRESIDENT:

Alright. 796 Senator Carpentier.

SENATOR CARPENTIER:

The companion bills, the House bills were signed therefore I move that these bills be stricken and the written notice will be sent up to the desk.

PRESIDENT:

Senator Carpentier moves to strike 796 and 797. All in favor signify by saying aye. Contrary minded. Motion prevails. 802 Senator Kosinski. Hold. 828 Senator Egan.

SENATOR EGAN:

Mr. President, Members of the Senate. I have filed with the clerk a written motion --

PRESIDENT:

Just a moment please lets maintain some order. Proceed.

SENATOR EGAN:

I have already filed with the clerk a written motion to strike Senate bills 828 and 829 from the calendar in so far as the Governor has signed identical House bills.

PRESIDENT:

Motion to strike Senate bills 828 and 829 from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 849 is Senator Mohr on the floor? 916 Senator Weaver. Hold. 960 Senator Knuepfer.

SENATOR KNUEFFER:

The Governor vetoed 960 on the grounds that funds were not available. I tend to agree with him, therefore, I would move to strike Senate bill 960 and I will provide the proper written motion.

PRESIDENT:

Motion to strike Senate bill 960. Senator Partee.

SENATOR PARTEE:

I am sorry I just didn't hear you, Senator Knuepfer.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEFFER:

The reason for the Governor's veto was that funds were not available. I suggested that I agreed with the Governor. I would therefore move to strike the bill and not attempt to override the veto and I will provide the proper motion in writing.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well it isn't a duplicate bill. It is just a bill that he said there was no funds available for. Isn't that right?

SENATOR KNUEPFER:

It is not a duplicate bill. It was a bill for my district Senator. 960, would have affected my district only. It didn't affect anybody else.

PRESIDENT:

All in favor of the motion to strike indicate by saying aye. Contrary minded. Motion prevails. Senator Mohr while you were off the floor 849. Hold. 964 Senator Latherow. Hold. 978 Senator Merritt.

SENATOR MERRITT:

Yes, Mr. President, members of the Senate --

PRESIDENT:

Just a moment. Lets maintain some order if we can please.

SENATOR MERRITT:

The Governor vetoed Senate bill 978 not because he did not believe in the principle that was involved, but because we were involved in the wrong section of the act. For that reason I would make a motion that we strike Senate bill 978 from the calendar. I will file a written motion and then will, later this week, introduce proper Senate bill under the proper section to take care of this.

PRESIDENT:

Motion to strike from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 1005 Senator Carpentier.

Senator Carpentier.

SENATOR CARPENTIER:

Mr. President, I wish now to strike Senate bill 1005.

PRESIDENT:

Motion to strike Senate bill 1005. Is there any discussion? All in favor signify by saying aye. Contrary minded. Motion prevails. 1017. Is Senator Groen on the floor? 1088. Senator Newhouse on the floor? 1128 Senator Vadalabene. 1198 Senator Graham.

SENATOR GRAHAM:

Mr. President, members. I have not had an opportunity to discuss this bill with the Governors staff. I think it has some merit. I have



no real intention to violate the real intent of the Governor in the veto of some of these bills, so if I may I would like to let this ride for a day or so and I imagine I will make the appropriate motion at the appropriate time.

PRESIDENT:

1221 Senator Partee, Senator Soper do you wish to pass on 1225?

SENATOR SOPER:

I filed a motion on this but we will hold the motion till a later date. I have got some additional information I want to pass out to the members of the Senate. I would appreciate your consideration.

PRESIDENT:

Will be held. 1243 Senator Merritt.

SENATOR MERRITT:

Yes, Mr. President, and members of the Senate. The Governor in vetoing Senate bill 1243 made it quite clear that there were moneys available through other sources. It would be my feeling that we would attempt to either introduce a bill in this Senate or in the next session in January for this purpose but for the time being I would make a motion that this be stricken from the calendar and I will so make a written motion later this week,

PRESIDENT:

The Secretary would like to get that motion today here.

SENATOR MERRITT:

I will make the motion now and I will file a written motion --

PRESIDENT SIMON:

We have to have it in today's journal so you will have to have the written motion in today if you are going to make the motion today.

SENATOR MERRITT:

Alright. I will have it in today.

PRESIDENT:

Motion by Senator Merritt to strike Senate bill 1243. All in favor --Senator Partee.

SENATOR PARTEE:

For the convenience of the members we have prepared some motions to strike and you will find them at the desk if you will just come up and put your bill number and your signature on it you will have accomplished what you wanted. So they will be at the Secretarys desk.

PRESIDENT

Motion to strike Senate bill 1243. All in favor signify by saying aye. Contrary minded. Motion prevails. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Mr. President, members of the Senate. Would I be out of order to ask you to move to strike Senate bill 1128 from the calandar?

PRESIDENT:

1128 Motion by Senator Vadalabene to strike Senate bill 1128 from the calandar. Is there any discussion? All in favor signify by saying aye. Contrary minded. Motion prevails. 223 Senator Merritt.  
Senator merritt;

Yes, Mr. President, members of the Senate. I quite agree with the reasons for the Governors veto...or partial veto in Senate bill 223 as concerns Rend Lake and I would move that this be stricken from the calandar and I will so file a motion...a written motion today.

PRESIDENT:

I am sorry Senator - Just a moment. Senator Merritt.

SENATOR MERRITT:

I don't want to strike...I would concur, I mean. I didn't realize we were in the vetoes in part. I would concur in that partial veto.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

So that we can keep ourselves in focus it seems to me that where there is a veto in part and where the sponsor accedes to the veto in part it is not necessary to do any affirmative act. If he just lets it

sit there it becomes law. That is my understanding.

PRESIDENT:

That is correct. We ought to have some procedure to take from the calendar, however, so that we don't have this here—you are absolutely correct in what you say, Senator Partee. I don't know whether we want to have motion to...Senator Partee.

SENATOR PARTEE:

I can understand you wanting to take it from the calendar but I think it ought to stay on the calendar because within the 15 day period anyone else who voted on the prevailing side may desire to file a motion concerning it, so it ought to remain on the calendar.

PRESIDENT:

Right. It will — Senator Merritt.

SENATOR MERRITT:

Mr. President. Then I do withdraw my motion and it will reside on the calendar.

PRESIDENT:

475 Senator Baltz - you are the sponsor, yes.

SENATOR BALTZ:

How does it happen my name doesn't appear.

PRESIDENT:

This was not intentionally done, I don't believe, by the Secretary.

SENATOR BALTZ:

Mr. President, I was dictating my motion to my Secretary and was there some clarification as to what type of motion to make as to these vetos in part?

PRESIDENT:

Well, if you exceed to the Governors veto in part - No. Motion is necessary.

SENATOR BALTZ:

Alright I would then like to address you and the Senate and say that no motion is necessary this veto in part is a duplication of a amount in

the Public Health budget and the bill remains intact in its original intent.

PRESIDENT:

It will remain on the calendar.

SENATOR MERRITT:

Do I file now a written statement to that...

PRESIDENT:

You do not. Do not file any motion at all. And it will remain on the calendar and we will get your name on the calendar, too, Senator Baltz. 717 Hold. 742 Senator Harris. 1190 Senator Gilbert. 1213 Senator Partee.

SENATOR PARTEE:

Pass

PRESIDENT:

277 Senator Fawell. 636 Senator Walker. 1140 Senator Harris. 1142. 1216 Senator Carroll. Hold. 177 Senator Clarke. Hold. 236 Senator Fawell. 262 Senator Mitchler. Senator Mitchler.

SENATOR MITCHLER:

Mr. President, members of the Senate. I move that Senate bill 262 ...that we accept the specific recommendations of the Governor in the manner in which he presented them. Now, all that this does, the purpose of the bill is to include Dentists in our present law authorizing---

PRESIDENT:

Just a moment, Senator Mitchler, do you have this in writing? Just a moment lets make sure the Secretary has it.

SENATOR MITCHLER:

The purpose of this bill, Mr. President, members of the Senate, is to include Dentist---

PRESIDENT:

Just a moment - The Secretary advises me that he does not have this motion. I think when we are getting down to specific language here unusual language we ought to have a copy before we act. We will hold off

on that till we have the actual motion if you don't mind. Senator Mitchler. 349 Senator Horsley. Senator Horsley. 349. Now you have to- if I may have the attention of the entire body. On these motions you have to file a motion in writing that says, "I move to accept the specific recommendations of the Governor as to, for example, Senate bill 349 in manner and form as follows", and then you spell out the language that you want in the bill in writing - that is correct. There is a form here for it. Pardon, Senator Horsley.

SENATOR HORSLEY:

Let me have the form and I will sign it now.

PRESIDENT:

It is not a standard...in other words you have to fill in the language. Why don't we temporarily pass over your bill, Senator. Are any of the bills that follow, are any of the Senators ready with their motions on those?

SENATOR CHERRY: (PRESIDING OFFICER)

Members of the Senate if their are no motions ready to be debated or filed then we will consider Senate bills 458, 710, 909, 1096, 1098, 1195, 1196, 1197 held. Are there any objections? Senator Newhouse.

SENATOR NEWHOUSE:

No objection, Mr. President. There is a bill on the calendar I would like to make a motion to strike at the appropriate time.

PRESIDING OFFICER:

You may do so now Senator.

SENATOR NEWHOUSE:

Mr. Chairman Senate bill 1088, of which I am sponsor, was vetoed by the Governor for the reason that there is a similar measure already in existence and since that is the reason I would make the appropriate motion to strike and I will file the written motion.

PRESIDING OFFICER:

Is there any objection to Senator Newhouse's motion to strike Senate bill 1088? That will be the order. Senator Latherow.

SENATOR LATHEROW:

Mr. President I will prepare the motion but I would like now to strike Senate bill 964 from the calendar. I will have that motion prepared.

PRESIDING OFFICER:

Senate bill 964. You heard Senator Latherow's motion. Is there any objection? Senate bill 964 will be stricken. Senator ParTEE.

SENATOR PARTEE:

Is that the end of the call?

PRESIDING OFFICER:

That is the end of the call on the calendar, Senator.

SENATOR PARTEE:

Well, now, Mr. President, several members on both sides of aisle have indicated to me that they have in their possession some analysis of certain of the other veto messages, those that might be a great deal more controversial than those we have addressed ourselves to already. And on that basis I would feel it would be in keeping with reality if we adjourned at this point so that the members could have some additional time to read the analysis of the various vetoes. On that basis I think the arguments and debates tomorrow will be a great deal more meaningful because they will have had a chance to study them a little more. We would like to announce that there will be a meeting of the committee on committees immediately after adjournment in my office. We have the task of assigning persons to fill the vacancies left by Senator William Lyons on various committees and that would be the subject matter of that meeting. I think Senator Dougherty has something to say. Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, before we adjourn I would like to move that the Senate committee on local government be discharged from further consideration at this time of House bills 283, 284, 285, and 286. That these bills be placed on the order of second reading for the purpose of offering amendments. I am the chairman on the committee on local government.

PRESIDING OFFICER:

You heard the motion. Senator Soper.

SENATOR SOPER:

Senator Dougherty, what are these bills? What is involved in these bills?

PRESIDING OFFICER:

Senator Dougherty.

SENATOR DOUGHERTY:

These bills have to do with reapportionment of county boards in the 84 townships downstate. They are vitally necessary and I would like to have them amended and put in the proper form as suggested by various public official and the press.

PRESIDING OFFICER:

Senator Berning.

SENATOR BERNING:

Mr. President, my question is directed to the Chairman of the local government committee. Is there any urgency about this, Senator, or could we not at least have one meeting. I know there are vastly divergent positions on these bills and many persons desire to be heard on both sides.

PRESIDING OFFICER:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, I would be perfectly willing to have another hearing of the committee, certainly I would. But they are vitally important and I want to revive them. I want to bring them back on the order of second reading for the purpose of offering amendments. That I believe will be palatable.

PRESIDING OFFICER:

Where are the bills now, Senator?

SENATOR DOUGHERTY:

They are recommitted to this committee. And instead of having a hearing right now I would like to bring them back at the urgent request of many

public officials; particularly the Secretary of State who is concerned with the costs of the elections under the present legislation. Which, to the best of their knowledge, will be to the cost of in excess of 6 million dollars.

PRESIDING OFFICER:

Then your motion, Senator Dougherty, is to take them from the committee and place them on second reading.

SENATOR DOUGHERTY:

Yes Sir.

PRESIDING OFFICER:

For the purpose of amendment.

SENATOR DOUGHERTY:

Then we can have a hearing on the amendments. What ever you like - I don't care. Anyway you wish it.

PRESIDING OFFICER:

Is there any objection to Senator Dougherty's motion to have the bills taken from the committee on Local Government and placed on the Calandar and advance to second reading...or brought to second reading?

SENATOR DOUGHERTY:

Thank you.

PRESIDING OFFICER:

Hearing no objection. Senator Horsley votes no. A roll call has been requested. The clerk will call the roll. The motion is to recommit... do you want to state the numbers of the bills? To take from the Senate. Local government committee and place them on the calandar on second reading. What are the bills numbers, Senator.

SENATOR DOUGHERTY:

283, 284, 285, and 286.

PRESIDING OFFICER:

The clerk will call the roll. May we have some quiet please,

SECRETARY:

Baltz.



PRESIDING OFFICER:

Senator Arrington request what the motion is. Is that your question? Motion to discharge a committee on local government on the bills 283, 284, 285 and place them on the calandar on second reading, Senator Arrington. Senator Arrington votes no.

SECRETARY:

Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty,

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

In explaining my vote, I don't think the people on the other side realize what they are doing.

PRESIDENT:

Why don't you explain it to them, Senator.

SENATOR DOUGHERTY:

I will explain it to them. Under the county reapportionment act of 1969 it called for the reapportionment of county boards. They had to do it by the action of the board itself. They reapportioned in the nature of no less then 5 or no more 29 members on each county board either by districts or at large. I have been informed that the 84th counties have done this. Now the '69 legislation also provided that they would be nominated in a primary in February and elected in an election in April. We have a election...we have a ordinary primary for county offices in March. And these men are no longer Supervisors - they are County Officials. They should be elected in the fall - in November. And this is an attempt to put it in the proper form because if you fail to follow the suggestions we are going to make it is going to cost 6 million dollars in local money. And with the loss of revenue I don't know how you are going to do it. Frankly that's it. A vote against these bills is a bad bill for local Government. It is necessary to be done. You will know it. It is vitally necessary. I urge a favorable vote. I am willing to have them discussed

in the committee. I don't care one way or the other; but I think they should be amended to their proper form.

PRESIDING OFFICER:

Continue with the roll call. Senator Dougherty, how do you vote?

SENATOR DOUGHERTY:

Aye.

SECRETARY:

Egan, Fawell, Gilbert, Graham, Groen.

PRESIDING OFFICER:

Senator Groen.

SENATOR GROEN:

Mr. President, before casting my vote, a point of parliamentary inquiry. How many votes does it need to carry this motion?

PRESIDING OFFICER:

This motion needs 30 votes, Senator Groen.

SENATOR GROEN:

I vote no.

SECRETARY:

Hall, Harris, Horsley,

PRESIDING OFFICER:

Senator Horsley.

SENATOR HORSELY:

These bills have some merit, although it is very debatable how much merit they have. There is a great deal of argument on these. These bills are so technical; having to do with the 30 day closing of the machines, and freezing them and overlapping and all; that they need to be heard in committee where you can sit down and work out these necessary details. Now, I may want to vote for these bills eventually - I don't know. But believe me we can't even find out what the law is today. Applicable.

PRESIDING OFFICER:

Pardon me, Senator Horsley. May we have attention. The members of the Senate that Senator Horsley's comments. Please. You may continue,

Senator.

SENATOR HORSLEY:

These are important matters that need to be studied. We need an opinion from the Attorney General. We need a lot of work on these bills because something needs to be done in this area. Senator Dougherty, I agree with the principle that something should be done. But it should not be done out on the floor of this Senate. It ought to be done in Committee where you can sit around and kick this around and get legal opinions and do a good job the way it should be done. For that reason I vote no.

SECRETARY:

Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy.

PRESIDING OFFICER:

Senator McBroom.

SENATOR MCBROOM:

Mr. President and members of the Senate. I only want to ingest and thank Senator Dougherty for the deep interest that he has in downstate Illinois. It appears to me that most people who are interested in these bills are not affected by them at all. I think Senator Horsley hit on the heart of this matter. There probably should be something done to implement these elections but it certainly should be done in committee and I strongly urge every member on this side to vote no. I am delighted to vote no.

SECRETARY:

McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I am going to vote aye. But I just wanted to take this moment since a member on the other side of the aisle mentioned it to me. I think all of you ought to know that pursuant to the mandate of the new Constitu-

tion all of our proceedings now are being recorded and I would hope that you would use your mikes effectively and make certain that what you say gets into the record because it is in fact recorded. I vote aye.

PRESIDING OFFICER:

Record Senator Neistein a voting aye. Senator Newhouse votes aye.

SECRETARY:

Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDING OFFICER:

The vote on Senator Dougherty's motion is 28 Yeas, 26 Nays. The motion having failed to receive the necessary number of votes is declared to have failed. Senator Coulson.

SENATOR COULSON:

Mr. President, I have a similar motion in regard to House bill 3030. This is the bill which appropriates a 100,000 dollars for the judicial inquiry board. There have been numerous public comments about the fact that the board has been appointed there are judges under some criticism. The board cannot function without the appropriation. I would urge the members to join with me in voting unanimously to suspend the rules to place this on the order of second reading without further reference. That is House bill 3030.

PRESIDING OFFICER:

Your motion, Senator Coulson, I believe is not to suspend the rules but to take from the committee...to discharge committee and place the bill on second reading on the calendar. Is that correct?

SENATOR COULSON:

I would defer to you, Mr. President. I am not sure whether it has been assigned to a committee. I think it is in the hands of the committee on assignment of bills. But to discharge what ever committees have it. And to do what ever is lawful, Christian, proper, and necessary to place it on the order of second reading.

PRESIDING OFFICER:

Lets just stay with lawful, Senator. Ok. Senator Lyons.

SENATOR LYONS:

Well, this bill is presently in a committee on a assignment of bills. And I guess the proper thing would be a motion to suspend the rules, but I would object to any motion to discharging a committee. Let me just say this, speaking about whats lawful and what is unlawful, the appointments made by Governor Ogilvie to the judicial inquiry board are in flagrant, open, errant, and arrogant violation of the Constitution of 1970. Whether or not he knew that when he made the appointments is beside the point. The ultimate fact is - they are. And this bill belongs right where it is, in committee, because a lot more deserves to be said about it than just to waive it to second reading as though it were noncontroversial. It is very hotly controversial, always was, and that degree of controversiality was heightened by the Governor's appointments, which are in contravention of the explicit principles of the new Constitution.

PRESIDING OFFICER:

Senator Knuppel.

SENATOR KNUPPEL:

I must concur in everything that Senator Lyons has said. And as a delegate to the Constitutional Convention I was one of the first, one of the very first to propose that there be laymen and people who were not motivated by politics or other things, appointed to a judicial inquiry board because the commission that had been appointed under the 1960 Constitution had totally failed to function. We were very careful to provide that no more then four of that board should be of the same political persuasion. Instead of providing that it be a bi partisan board as we probably should have, and having consideration for a great number of people in the State of Illinois who are independents; we provided that no more then 4 should be of one political party. The Governor has chosen to disregard this mandate and to ignore - ignore the Democratic party and to not appoint one single identifiable Democrat to that body. In view of the

partisanship displayed in the Congressional remap no one in the State of Illinois today can say that the judiciary is above politics. Therefore, and I am the first and was the first in the Constitutional Convention to require...request an inquiry board. The Governor, when he had an opportunity to be a Statesman, was a sophomoric high school politician. And refused to appoint one identifiable Democrat but appointed 5 - 5 identifiable Republicans to this board and placed the functions of this board in jeopardy in any action that they might take. And until that matter can be cleared up I personally cannot support such partisan politics nor can I support a compromise of the principles of the people of the State of Illinois in the view of the crisis in confidence that exist in the Courts. It is the most ridiculous type of politics - the most irresponsible type of politics that has been played with the Constitution that was adopted by the people of the State of Illinois on December 15, 1970. And I am sure that was a nonpartisan Convention. It is the most irresponsible type of politics that has been played with the constitution that was adopted by the people of the State of Illinois on December 15, 1970. I'm sure that all of the people of the State of Illinois are behind me and behind those who want to see a body that is responsible - a body that will not be answerable to the Governor when charges of irresponsibility may arise against judges as it did against Justice Klingbiel and Justice Solfisburg. And I would implore the other side of the aisle - right now and here. This whole session here this fall can degenerate into a partisan struggle without any results for the people of the State of Illinois. And I beseech you as well as the people on my side of the aisle that we not let this happen - that we not get engaged in this kind of partisan politics and that we try to be a responsible legislators for the people of the State of Illinois.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Would the Senator from Menard yield to a question, Mr. President?

PRESIDENT:

Senator Knuppel?

SENATOR SOURS:

Would you name several or one or more identifiable Democrats, Senator?

SENATOR KNUPPTEL:

Yes. I am an identifiable Democrat.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I am thinking of the various breeds such as the limosine liberals. Are they Democrats?

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPTEL:

I believe that we have a record and for those people who are interested in politics and take it seriously - they vote in primaries. This information is available. The Governor in his appointments identified 4 of his appointments as Republicans and 3 as independents. I would call his attention to the fact that one of those he identifies as an independent has voted 4 out of 5 times in Republican primaries and the last time that party voted in a primary was in 1968 in the Republican primary. That's the way I identify Republicans and Democrats.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

May we assume then that the records of the election clerk solely determine whether or not one is an identifiable Democrat or an identifiable Republican. Of course excluding the former - I mean the recent and present Mayor of New York.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPTEL:

Well, I'm not familiar with that but I don't think he can lift himself up by his own boot straps anymore than the party who is here identifying herself now as an independent. I think that you know...a cow gives milk and a horse kicks and trots and paces. And I don't think you can change a cow to a horse by hanging a different sign on the side of it.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

And I can conclude this very briefly. I have watched some of you on the other side improvise as you go through life considering today's exegeses and the pressures of today and I have seen principles slide and almost become almost indistinct to my vision and I know how to count money and read through a pair of glasses too. But I've seen that for 10 years now and when someone says to me an identifiable Democrat. I say malarky.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I feel since I am the one that said identifiable Democrat that I've been here for 10 years and I thank God I haven't been. I haven't got all the problems that Senator Sours has. But I will say this. I was in the Constitutional Convention and the record there will bear me out that I was one of the first to cry out for a judicial inquiry board that was not partisan, that was not marked by the bar association, that was not answerable to the courts or the courts or the Governor and the constitutional convention backed me in this and adopted such a proposition and I don't want to see it aborted or compromised.

PRESIDENT:

Are you ready for the question? On the motion, Senator Coulson.

SENATOR COULSON:

I would like to close the debate. It seems now that we have come



full circle and now the rule is we do not appropriate money if we do not like the people who occupy the positions. Especially if our party principles are involved. I have heard that there is a large city in Illinois which makes many partisan appointments and I would assume that you gentlemen being the sincere, honest, conscientious, loyal, searchers for truth that you are - you would agree with me there should be no more appropriations for the city of Chicago until there are an equal number of Republicans holding city offices under the Mayor. This is the point to which your own logic forces you but even apart from that because I know that won't prevail - I know the extent of your captivity - I know how wrenching this vote must be for some of you. Here we have a program to explore the misconduct of the judicial branch of Government. Here we have a numerous amount of grievances against judges which cannot be heard, which cannot be disposed of until there is an appropriation made. You and I know in our hearts that you are going to pass this appropriation sooner or later. Surely you are not that malignant in your attentions. It's a matter of whether we do it this week or next week or the week following. It is a matter of whether you run through the captivity of the committee sessions and then do it. It is a matter of whether you have 3 opportunities for oratory instead of one. I would urge you to get this particular item of business out of the way. Every responsible government group that I have heard from has indicated that this board needs to be budgeted, it needs to be funded. The members are appointed, the grievances are there, the cases are pending and the only thing that is stopping it - even the members of the House passed the bill - is the Democratic members of the Senate. If you want to make that a party issue. Bless you - you are welcome to it; but I would urge the members on this side of the aisle for heaven sake let this judicial inquiry board begin its operations and I would like a roll call, Mr. Chairman.

PRESIDENT:

On Senator Coulson's motion to take from Committee House bill 3030. The clerk will call the roll.

ROLL CALL:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Just so nobody will be confused as to what is happening. Illinois Courts Commission is still in existence. It exists to hear complaints about judges. It is fully capable of processing complaints about judges as it has in the past since its inception. The judicial inquiry board is a brand new entity created out of nothing by the...by an act of the new constitution. The only thing I know of - in the new constitution which says there is created anything. The reason for that being the people who were pushing it at the convention had so little confidence in their ability to get it through the General Assembly since it is an absolute duplication of the powers and functions and duties of the Illinois Courts Commission. Now all we want to do is get this bill in committee and find out where this 100,000 figure come from, what it is suppose to do and whether or not a hundred thousand dollars is the appropriate figure. The bill was rushed through the house it will not be rushed through this body and it certainly not be rushed through the appropriation committee as long as I am chairman of it. The reason for that being is the need for this money has not yet been demonstrated to anybody. I vote no.

SECRETARY:

Roll Call - McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse Nihill, O'Brien, Ozinga, Palmer, Partee.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

A vote of no on this motion does not in any way indicate any less concern about the sanctity, the honor and the integrity of our courts than does an aye vote. The plain simple truth is that this is a bill which ought to go to the committee so that it can be documented and established why the figure of 100,000 dollars was chosen. We want to know what the expenditures are likely to be and to just pick a figure out of the air which has a vague familiarity to another figure that I think of is just simply not in the best interest of sound and judicious legislation. There is nothing that is going to stop moving that is now moving. Certainly we want to have a board look at questionable practices of judges be they Democrats or Republicans. But to push and shove this through without a proper analysis is not in keeping with a judicious attempt to understand the legislation and the amount of the appropriation. The Governor has said time and time again that he is bereft of funds to fund many very important parts of State Government. If there is a possibility to save money here for him we want to address ourselves to that possibility. We will not be stampeded into taking this legislation to second reading. We simply want to take it to committee and have the case documented for the amount of money involved. There is of course the peripheral question as raised by Senator Knuepfer with reference to the appointment. We find them distastful, we find them violently out of line with what should have been in terms of a non-partisan or bi-partisan board. To find 7 persons appointed to a board of this calibre or that have this kind of very serious considerations to undertake to be all of the same party, we find very distastful, very wrong and almost a dishonorable kind of approach to a subject matter in which we are all deeply and seriously interested. So we will get to funding this board. It will be funded; but there will be some accomodation made before it is funded. I vote no.

SECRETARY:

Rock, Romano, Rosander, Saperstein, Savickas.

PRESIDENT:

Senator Saperstein votes no, Savickas votes no.

SECRETARY:

Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I kept a close check on the roll call and I observed that we were unable to secure a single democrat vote. I will therefore, not belabor you with a long speech to stall for time so Senator Harris can get here. We cannot get the 30 votes, I vote aye.

PRESIDENT:

The motion of Senator Coulson to discharge a committee on House bill 3030. The vote is 28 yeas, 24 nays. The motion having failed to receive the constitutional majority is declared defeated. Senator Mitchler.

SENATOR MITCHLER:

A while ago, Mr. President, we were considering Senate bill 262 on page 3 of the calendar under returned for change. The last column on page 3. I have now presented to the Secretary of the Senate a written motion and I would like at this time with your permission to take that up and dispose of it from the calendar. I don't think that there is any controversy upon this.

PRESIDENT:

What is your motion, Senator.

SENATOR MITCHLER:

Mr. President, and members of the Senate I move to accept the specific recommendations of the Governor as to Senate bill 262 in manner and form as follows. On page 1 line 13 by striking "Dental" and on page 1 line 14 and 15 by striking "or a dentist licensed to practice dentistry" and inserting in lieu thereof "or a dental procedure by a licensed dentist" and on page 1 line 22 and 23 by striking "or a dentist licensed to practice dentistry" and on page 1 line 23 by inserting the following language immediately after "aid" or a licensed dentist renders

emergency dental treatment" now just basically what that is - the purpose of this bill was to include Dentist in our present law authorizing emergency service on minors without parental consent. However, the literal reading of the bill as passed would permit a dentist to perform not only dental but medical and surgical services as well and I am advised that the change made by the Governor changes that to protect it, that only emergency services on minors without parental consent by the Dentist. I would so move.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Mr. President, this is in the nature of parliamentary inquiry. Let me preface my inquiry, by making a couple of statements and perhaps you, the chair, can correct me. This is, I think, the first bill...

PRESIDENT:

Senator Partee. May we have some order please.

SENATOR PARTEE:

Could we get a little order for the gentleman? It is just difficult to hear and I think we are getting back into some of our undesirable habits.

PRESIDENT:

You are correct, Senator Partee. Every member of the Senate would appreciate the attention given to the person who has the floor. You may proceed Senator McCarthy.

SENATOR MCCARTHY:

Thank you, Mr. President. Members of the body I believe this is the first bill - that has come to my attention, under the new constitution, where if we adopt Senator Mitchler's motion we are taking final action on this legislative matter. Now, I have no quarrel with the Governors recommended changes; but I make this observation and ask for some parliamentary advice because I looked in my book and Senate bill 262, as a for instance, is not there. I do not have in my possession a copy of the

Governors message and I bring this point up on what appears to be a non-controversial bill to inquire from the chair if we were to vote in the affirmative on Senator Mitchler's motion is that the last we see of the bill?

PRESIDENT:

It is the last this body will see of the bill. It will then go to the house, Senator McCarthy, for action by it with respect to the changes recommended and supported by Senator Mitchler's motion. Subsequent to the house action, if it exceeds to the amendment, it then goes back to the Governor for certification. As to whether or not the amendatory language conforms with his recommendations.

SENATOR McCARTHY:

Well, just this further inquiry and that is does the chair have any rule that it wants to operate under as to whether or not the bill as passed and Governors message should be available to the members.

PRESIDENT:

I don't think there need be any rules with respect to that Senator. I think perhaps you might inquire of Senator Mitchler for a copy of the amendatory message or it is available from the Secretary of the Senate. He has every amendatory message submitted to this Senate by the Governor. And you certainly have the right to review it, analyze it if you so see fit. Senator Mitchler has seen fit to now make his motion and we are on debate as to whether or not we are going to accept the amendatory language he is proposing. Senator ParTEE.

SENATOR PARTEE:

Yes, the Secretary has prepared copies for all members of the Senate of all of this amendatory language. They are in the Secretary's office and I think perhaps we will just simply make a packet of all of them for everybody so that you could have it at your desk so that the language as sent back by the Governor would be present, available and in your possession. So this has been accomplished and we will pass them out to you so that you will know precisely what you are voting on.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

I think the point raised by Senator McCarthy is well founded and it points out that this is the first such bill we're acting on this way. I might point out that on page 42 of the Senate journal October 5, 1971, appears the message from the Governor to the members of the Senate and 77th General Assembly pointing out the changes. So we do have this before us, as we would all of the other messages in our journal that have been so recorded. I move the previous question.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I don't want to interpose any objection to Senator Mitchler's action because I have every reason to believe that there is nothing in his motion that probably wouldn't reflect the will of the overwhelming majority of this body. But Senator Cherry, Mr. President Pro Tempore...Senator Cherry, I bring this just because we are going to be facing this problem and some of us will be in a position of trying to figure out what the changes are in respect to the product that left both legislative chambers to the Governor and I presume that Senator Partee and the rules committee will address themselves to that if they deem it to be necessary.

PRESIDENT:

Senator Mitchler and members of the Senate. I have a question, if you will allow me to ask it, which I am a little confused on with respect to the Governor's recommendation. Is there any objection to my...the chair asking Senator Mitchler question for clarification. Senator, as you explained the amendatory language of the Governor, does the bill now provide that emergency medical services can be given to a minor by a dentist without permission of the parents?

SENATOR MITCHLER:

Senator, the bill as passed would give the dentist authority to pra-

ctice medical and surgical services as well as dentistry...emergency dental service on a minor without parental consent. The reason we are changing it is to prohibit a Dentist from practicing medical and surgical services as well as dentistry.

PRESIDENT:

Even in an emergency?

SENATOR MITCHLER:

Yes.

PRESIDENT:

In other words a dentist cannot perform medical services of any nature what-so-ever and he is confined to emergency dental services only.

SENATOR MITCHLER:

That is correct.

PRESIDENT:

That clears up my confusion. Any other questions? Are you ready for the vote? The clerk will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Mr. President, and members of the body. I believe this is the first time now that I have had an opportunity to vote on legislation that comes from the chief executive. Here-to-fore and since 1955 all of the legislation that I have voted on has had its genesis from the legislature. Now I understand that under the new constitution the Governor can make recommendations and changes in the product of our legislature; but when we have to pass bills it takes 3 days in the Senate 3 days in the House and then you have rules that sometimes the bills require the close scrutiny of committee. I think this is a memorable time to observe that the chief executive who was not elected as a legislator, has by his message sent to us some recommended changes in our product and we without having the 3 legislative days are now disposing of it finally. I am not going



to object to the Governor legislating. Some people may say, and I don't want to say that I said it, that he has the effect of being influential in the legislature at any respect. But I just wanted to think that I don't particularly care to cast a final vote on gubernatorial initiated legislation without having some sort of rules that would give us some time to consider it. So I will vote present.

SECRETARY:

Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Hall? The vote on Senator Mitchler's motion on this bill is 44 yeas, no nays, 2 present. And the Governor's recommendation is accepted by the constitutional majority of the Senate. Is there any other business before the Senate? Senator Groen.

SENATOR GROEN:

Mr. President, and members of the Senate. I have placed on the Secretary's desk for introduction a bill which covers the appropriation for the pension laws commission which through complete inadvertence was an oversight during the session previously concluded. I have discussed this with leadership on both sides and Senator Partee, Senator Clarke, and with Senator Harris. There is no objection I would therefore move that the committee on rules be discharged from consideration of this bill and the bill be placed on the order of second reading without reference.

PRESIDENT:

You heard Senator Groen's motion. Is there any objection? Leave is granted and the bill will be filed and placed on second reading without reference. Senator Partee - did you wish recognition?

SENATOR PARTEE:

Oh, I think there are some other bills on the Secretary's desk that will be going to the rules committee. I think they should be numbered

and read.

PRESIDENT:

Would the Secretary read the bills in his possession? Senator Carpentier? On this question? We are going to read the bills in possession of the Secretary, then we will recognize you, Senator Carpentier.

SECRETARY:

Senate bill 1266---A bill for an act to amend section 8-1, 8-4, 8-5, 8-8, 8-9, 8-10, 8-11, 8-12, 8-17, 25-6 of and to repeal section 8-5.1, 8-5.2, 8-6 of the election code. First reading of the bill.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

If - Might I have the attention of the membership; this is a piece of legislation about which I think you will find some real interest. As you know in the last session of the legislature there were two bills introduced; one in the House by Representative Choate and one in the Senate by Senator Laughlin; which addresses themselves to the question of filling of a vacancy of a member of either house. Both of those bills were vetoed. This is a bill that has been prepared subsequent to the veto which has the approval and approbation of the Governor's office and of both sides as far as I know. Senator Laughlin has not yet read it. He may well be a co-sponsor if he finds it has his approval. In any event we are asking to bypass committee with this bill because it is a subject which we want to get over with and as quickly as possible and we are going to ask to move it to second reading without reference to a committee. Now we are going to hold it on second reading until the question has been finalized in the House. As I understand there is a move there to override the veto. I suspect it will not be successful and then we can go forward with this bill. So I make that motion, Mr. President.

PRESIDENT:

You heard Senator Partee's motion. Any objection? The bill will be

placed on second reading. Senator Carpentier do you wish recognition?

SENATOR CARPENTIER:

Mr. President, I was off the floor on 458. I move now to accept the specific recommendations of the Governor on Senate bill 458. In the manner and form as follows: Amend Senate bill 458 on page 2 line 20...

PRESIDENT:

Pardon me, Senator, do you have a written motion?

SENATOR CARPENTIER:

Yes, On page 2 line 20 by striking 500,000 and inserting in lieu of 200,000.

PRESIDENT:

We are on Senate bill 458. This was a amendatory veto and a reduction of the appropriation, Senator?

SENATOR CARPENTIER:

Thats right, Mr. President.

PRESIDENT:

Senator ParTEE.

SENATOR PARTEE:

I just have the message before me and I think what Senator Carpentier says is exactly right. This is a bill that had an appropriation of 500,000 dollars and it was unrealistic. And as the Governor points out, 200,000 dollars is as much as should be here because they have never spent even that much; so 500,000 would be unrealistic and I would agree with his motion and would vote in accordance with that agreement.

PRESIDENT:

I don't think we have established unanimous roll call... affirmative roll call. I think perhaps we will call the roll call on Senator Carpentiers motion to accept the Government...approve the Governor's recommendation. The clerk will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,

Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper.

PRESIDENT:

Groen, aye. Chew aye. Swinarski, aye. Bruce, aye. Collins, aye. Harris, aye. McBroom, aye. Soper, aye.

SECRETARY:

Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Donnewald, aye. Senator Ozinga, aye. On this motion the Yeas are 51 the Nays are none. And the Governor's recommendation having received the constitutional majority is declared approved. Senator Horsley votes aye - that is 52. Have you read all the bills that are in your possession, Senator...or Mr. Secretary?

SECRETARY:

Senate bill 1267 introduced by Senator Coulson. A bill for an act to create the Illinois Supplemental Educational Association for the purpose of conducting horse and harness racing meets and for the depositing funds received as a result of the racing meets in the common school fund or any other state fund or funds as the general assembly may direct. First reading of the bill. Senate bill 1268 introduced by Senators Groen, Soper, Rosander, Romano and Nihill. A bill for an act to provide for the ordinary and contingent expenses of the Illinois Public Employees Pension Laws Commission. First reading of the bill.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President that is the bill to which I referred earlier and I presume the action will be journalized.

PRESIDENT:

It will be journalized and referred to the proper committee. You made a motion to advance it to second reading without reference, Senator Groen. Any objection to Senator Groen's motion to advance this bill to second reading. So ordered.

SECRETARY:

Senate bill 1269 introduced by Senators Partee, Donnewald, Cherry, Clarke, and Coulson. A bill for an act in relation to the transcribes of the debates of the General Assembly. First reading of the bill.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

This bill has the sponsorship of the joint --- leadership.

PRESIDENT:

May we have some order, please.

SENATOR PARTEE:

And it only implements the constitution in terms of the recording of the debate. So I ask that it be moved to second reading without reference to committee.

PRESIDENT:

Senator Partee moves this bill be advanced to second reading without reference. Any objection? Leave is granted. You have read all of the bills? We have two death resolutions in the possession of the Secretary of the Senate. Is there any other business by any member of this body before we proceed with those resolutions? Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President, I sent a bill down to be introduced and I am wondering what the difference is between it and the other bills...

PRESIDENT:

Senator Horsley I think the rules committee met and the bills in possession of the Secretary of the Senate were those bills approved to be filed by the rules committee. Under our rules that's where all of the

bills which are being....

SENATOR HORSLEY:

And this bill will be heard by the rules committee?

PRESIDENT:

I am sure - Senator ParTEE.

SENATOR PARTEE:

Yes, Senator, and while I am on my feet let me say that both parties are having a caucus at 9 tomorrow morning from 9 to 10 and at 10 o'clock the rules committee will meet tomorrow. And we won't come in session until 10:30. So there will be a meeting of the rules committee tomorrow at 10 o'clock.

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

Mr. President, I would like to announce a republican caucus at 9 o'clock in MI tomorrow morning - at 9 o'clock in M I - a republican caucus.

PRESIDENT:

A republican caucus in room M I at 9 a.m. Senator ParTEE.

SENATOR PARTEE:

And I just said and let me say again for those who sit nearest me, who didn't hear me, that there will be a democratic caucus tomorrow morning at 9 o'clock in the usual place and we'll come in session at 10:30.

PRESIDENT:

There will be a democratic caucus at 9 a.m. on the 6th floor. We will proceed now with the death resolutions. Will all of the members be in their seats please during the reading of the death resolutions out of the respect for the persons involved. Thank you. Senator ParTEE.

SENATOR PARTEE:

This is a death resolution and I would ask that you ask that all members be in their seats and persons not entitled to the floor please

leave the floor. This is a death resolution. One of our departed members it relates to. And certainly he is entitled to that last moment of respect.

PRESIDENT:

All persons not entitled to the floor will be removed and all members will be in their seats. Mr. Secretary would you read the resolution?

SECRETARY:

Senate resolution 220 introduced by Senator Partee and all members. Whereas this body was especially saddened to learn of the death on August 26, 1971, of one of its more prominent members, our respected colleague the Honorable Senator William (Bill) Lyons, Democrat from Macoupin County representing the 52nd Illinois Legislative District and, whereas, Bill's career in the Illinois Legislature spanned 21 years while he served on the committees on agriculture, banking, traffic safety regulation, and public health...public welfare. And, whereas Bill's early experience in mining coal and milling steel enriched both his own background and this body with a storehouse of knowledge found vital to the sound legislation and whereas Bill was an active member of the Knights of Columbus, Order of the Eagles, Moose Lodge, Progressive Mine Workers of America, Local #1 of Gillespie, and an honorary member of the State - Steel Workers local 1222 of Granite City. And whereas he leaves a proud heritage to mourn his passing in the presence of his wife Edith, two sons Francis William and David Alan, two daughters Diana Marie and Mrs. Carolyn Leonard, two sisters, one brother and 4 grandchildren. He will also be sorely missed by all those who had the honor and privilege of knowing and working with him. And, Whereas, in his memory, the Mayor of Gillespie requested that the citizens and merchants of that city to fly our nation's flag at half mast until after his funeral - therefore, be it resolved by the Senate of the 77th General Assembly of the State of Illinois that we reopen this session in an expression of mourning and deep regret upon the death of our beloved friend and colleague, the Honorable Senator William B. Lyons. One of our more exemplary legislators whose outstanding and lasting contri-

butions to society, labor and state government will long be cherished by the citizens of Gillespie and the State of Illinois. And be it further resolved that a suitable copy of this preamble and resolution be forwarded to his widow, Mrs. Edith Lyons and to the Mayor of Gillespie, Illinois, the Honorable Howard Carne.

PRESIDENT:

You have all heard the resolution. Motion for the adoption by Senator Partee. All those in favor say aye. The resolution is adopted. All members will rise and respect the memory of our late colleague Senator William Lyons. Next resolution Mr. Secretary.

SECRETARY:

Senate resolution 221, introduced by Senators Harris, Arrington, Coulson, Clarke, Partee, Cherry, Donnewald, and all Senators. Whereas the Senate joins the people of the State of Illinois in mourning the death of Senator Albert E. Bennett and Whereas Senator Bennett made noteworthy contributions to the society as teacher, lawyer, accountant and public servant. And Whereas Senator Bennett served with quiet distinction and special industry in the 70th, 71st and 75th and 76th Illinois General Assemblies, therefore be it resolved by the Senate of the 77th General assembly that we express our profound sorrow to the death of Albert E. Bennett, that we join with his family and friends in mourning the loss of this sincere and genuine person and that a suitable copy of this resolution be forwarded to his wife, Evangiline Corlotta Bennett.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President and members of the Senate. I just want to make this one observation about our friend and former colleague Al Bennett. Truly Al Bennett was a gentle man, a kind person, and one I know this body, and all who had been touched by him in anyway, truly will mourn. I move for the adoption of the resolution.



PRESIDENT:

Senator Harris moves the immediate adoption of the resolution. All those in favor will please rise. Resolution is adopted. Lets bow our heads for a moment. Any other business before the Senate? Senator Partee moves the Senate stand adjourned until 10:30 tomorrow morning. All in favor say aye. Senate stands adjourned.