

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 13, 1971

PRESIDENT:

Reading of the Journal. Moved by Senator Laughlin that the reading of the Journal be dispensed with. All in favor signify by saying aye, contrary minded. Motion prevails.

SECRETARY:

Senator Fred Smith, Chairman of the Committee on Committees, reports that the following appointees have been made to fill Committee vacancies caused by the death of Senator William Lyons. Agriculture and Conservation, Senator Knuppel will be Chairman. In addition, Senator Hall. Financial Institutions, Senator Bruce. Transportation, Senator Knuppel. Welfare, Senator McCarthy. Commission to Visit and Examine State Institutions, Senator Smith.

PRESIDENT:

For what purpose does Senator Smith arise?

SENATOR SMITH:

May I ask a question, please? Is a motion necessary for the adoption of that report?

PRESIDENT:

No.

SENATOR SMITH:

Thank you.

SECRETARY:

The Committee on Rules met on October 13th pursuant to call and authorize introduction of bills with the following titles: Senate Bill 1270, introduced by Senator Groen. "A bill for an Act to add Section 3-801.1 to the Illinois Vehicle Code." First reading of the Bill. Senate Bill 1271, introduced by Senator Knuepfer. "A Bill for an Act to amend Section 11-135-2 of The Illinois Municipal Code. First reading of the Bill.

PRESIDENT:

If you will turn to page 3 of your Calendar. Senate Bill 64. Senator Egan. Hold O.K. 67. Senator Laughlin. Hold. 97. Is any-

one--Senator Donnewald.

SENATOR DONNEWALD:

Yes. Mr. President and members of the Senate. Senate Bill 97 was the Bill which our recently deceased colleague was the principal sponsor, wherein it appropriated a sum of \$5,500.00 to the Collinsville Chamber of Commerce for a loss of income while the real property was held by the State of Illinois, and they subsequently turned it back, and they suffered interest loss in that sum. Now, the Governor did veto this Bill in its entirety, and the argument in his vetoing of said legislation was that it should be properly considered by the Court of Claims. Now, Mr. President, the bill passed the Senate by a very substantial majority during the regular Session, and of course, this argument that the Governor has was apparently overlooked by we, as well as the principal sponsor, our beloved colleague, Bill Lyons, and, therefore, Mr. President, I would move that the Governor's veto be overridden by a Constitutional majority. I would ask for a favorable roll call.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

The position we take is that this, of course, should belong in the Court of Claims and for that reason we take a position supporting the Governor's veto.

PRESIDENT:

Is there further discussion? Senator Donnewald moves that Senate Bill 97 do pass the veto of the Governor to the contrary notwithstanding. On that question the 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.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Yes. Mr. President and members of the Senate. I was talking to my colleague, Senator Vadalabene, at the time this bill was explained and I did not hear the explanation that Senator Donnewald gave. We in the Senate here, I think, find it difficult to attempt to explain our votes in behalf of a sponsor who is no longer here who had the expertise to do a better job because the legislation came from his office, no doubt requested and designed for the people in his district. So, in explaining my vote, I cannot go into the details of the merit of this legislation. All I can do, really, is to attempt to urge the members of this Senate to consider the fact that the legislative score, what the legislature did, on this bill was to cast it in the House, pass it into the Senate, and to present it to the Governor for his approval. Now we know that the Governor has the constitutional right to veto the legislation--he has done that. But we are now, as a body, faced with the proposition of how do we move to effectively override the Governor's veto when there is a vacancy of the sponsor. So that is the situation. Strikes me, Mr. President and members of the Senate, that we should figure that what we did in May is just as valid and just as good a reason for voting affirmatively as it is today. And so I just call the attention of this body to the fact that we can't precisely represent the people of the district that this bill was designed to help. But on the sound principle of legislative determination, this bill should pass the Governor's veto to the contrary notwithstanding. I vote aye.

PRESIDENT:

Secretary call the Roll.

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 Cherry, Aye. Senator Sours, No. Senator Vadalabene. Request for call of the Absentess. The absentees will be called.

SECRETARY:

Arrington, Baltz, Davidson, Gilbert; Groen, Harris, McBroom, Mohr, Neistein, Newhouse, Palmer, Soper, Swinarski, Walker, Weaver.

PRESIDENT:

On that question, the yeas are 24, the nays are 18. The motion does not prevail. 131. For what purpose does Senator Coulson arise?

SENATOR COULSON:

A point of parliamentary inquiry. I think we have no rule to cover it. Would the chair entertain a motion to postpone consideration in a situation such as this? Can we clarify that for the future? I would urge the chair to rule that a vote once taken cannot be postponed or second chances. I have not discussed this with anyone.

PRESIDENT:

That there has been no motion to postpone consideration.

SENATOR COULSON:

I will make a motion to reconsider the vote by which it failed, then for the purpose of locking this one in.

PRESIDENT:

Why can't we reach agreement here, rather than going through these motions, that once a roll call is taken that is final action? Would that be satisfactory with leadership on both sides? Senator Partee.

SENATOR PARTEE:

I think that a postponed consideration motion that we get involved with them on all of these vetoes is going to be unfortunate. I would think the way to handle it would be for a person to ask that a matter be taken out of the record before a final vote is recorded. That would keep it live and viable, I would think.

PRESIDENT:

No, the question is raised by Senator Coulson is whether someone now can make a motion to reconsider the action taken by the body, and if we can reach agreement, then we will simply, because otherwise, we are going to go through on every motion--we are going to go through all this paper work and...

SENATOR PARTEE:

So, we have to make a motion?

PRESIDENT:

Can we reach agreement that we will--that a motion to reconsider on overriding a veto is not in order...

SENATOR CHERRY:

Well, see what it is.

PRESIDENT: (Continued)

a motion to reconsider and then a motion to table that motion.

If we don't agree...

SENATOR PARTEE:

That is the only way to finalize it. Yes, I am sorry I missed part of what you said because I have two ears and I was listening to you and two other people. I needed one more ear, to, you know, to be able to comprehend everything that was said.

PRESIDENT:

You look better the present way, I assure you, Senator. The question raised by Senator Coulson if a motion to reconsider can be made then following each motion we are going to have to go through this. The Secretary will have to record it, you will have to journalize it; it will automatically be made by one side or another. If we can agree that once a vote is taken on overriding a veto, then we will not have to go through all this...

SENATOR PARTEE:

Yes, we have no problem with that and I think that is the way to handle it.

PRESIDENT:

All right. For what purpose does Senator McCarthy arise?

SENATOR McCARTHY:

To raise a point of order. My point of order is that the rules do cover this situation. My point of order is that the motion to pass a

bill the Governor has vetoed to the contrary not withstanding is covered by the rules because the bill is on passage stage and the rules of the Senate do apply in that once the Roll Call is announced, if there is a motion for reconsideration with the table it is at that time reconsidered and tabled and finally dead. And I raise that point of order that the rules do cover this.

PRESIDENT:

Well, I think technically if someone makes the motion to reconsider, we have to take that motion. We can save a lot of paper work if we can by unanimous consent kind of agree that we are not going to go through this and that there will be no motions to reconsider. Do we have unanimous consent on that? Senator Coulson.

SENATOR COULSON:

Mr. President, I think maybe we should solve this within a framework of a noncontroversial bill so that if there is later controversy, we will have established a precedent. A unanimous agreement may not be binding on someone who is not here at this moment. We may still run into trouble with someone who wants 3 and 4 and 5 cracks at an override and this is the only thing I would want to avoid, so, for the record, I will make a motion to reconsider the vote by which the motion was defeated.

PRESIDENT:

Motion to reconsider motion by Senator Horsley to table. All in favor of the motion to table, signify by saying Aye. Contrary minded. Motion to table prevails. May I suggest that the Rules Committee maybe ought to consider this so we don't have to go through this on every------(BLANK)-----

PRESIDENT: (Continued)

bill then. 131 Senator Ozinga. 167 Senator Groen. 309, that whole series, Senator Horsley. 455 Senator Clarke, Senator Clarke.

SENATOR CLARKE:

Mr. President, I have filed a motion with the Secretary. This

bill in its entirety has been signed by the Governor in the House form, and I would move that this be stricken from the calendar.

PRESIDENT:

The motion applies to both bills. Motion by Senate Clarke to strike 455 and 456 from the calendar. All in favor signify by saying Aye. Contrary minded. Motion prevails. 549, Senator Vadalabene. 549.

SENATOR VADALABENE:

Mr. President, and members of the Senate. In attempting to ask the indulgence of the members of the Senate to override the Governor's veto on Senate Bill 549, I really did know how to approach this subject this morning. And then this morning, I received a special delivery letter from the City of Woodriver in regards to their serious problem and also Senate Bill 549, which was vetoed by the Governor, and I am going to read the letter from the City of Woodriver which says in fact: "I was very displeased to hear of Governor Ogilvie's veto of the bill, since I have a copy of a letter from Mr. John Gallou addressed to former Senate Merle Ottwein, dated October 30, 1970, stating the Office of the Governor Ogilvie has approved and are preparing draft legislation which would authorize and fund our activity in the Woodriver East Alton area. It appears that the people in Woodriver and the surrounding area have been caught in a political shuffle and for a mere \$20,000 appropriation being vetoed, will have to endure the dangerous and unlivable conditions of being flooded annually. I ask, how can we get others like yourself and former Senator Merle Ottwein interested in local problems that do not get statewide publicity, but do effect the people of this State. As I have told you in the past, every effort has been exhausted in an effort to correct the flooding conditions. We have asked for help from the Corp of Engineers, the Woodriver Drainage and Levee District and the City



has even had a private engineering study prepared by the firm of Russell, Achson, and Associates. Since the problem is not unique for the City of Woodriver and does include other incorporated and unincorporated areas, I had every hope that relief could be gained through the State of Illinois. Maybe the next approach will be to wait until the homes are flooded and streets are blocked off due to high water and charter a bus, train or plane to bring some of the people not familiar with our problem to Woodriver, so that they can get a first hand view of the water mixed with sewage flowing into the people's homes and their children playing in the mess. I suppose you have heard enough regarding this problem, but I would appreciate any effort you might give forth toward another approach to help the people of this area and their surplus water problem." And now, my colleagues here in the Senate, and Mr. President, I am going to refer to the political shuffle that Ron Sans, the City Manager of Woodriver, is talking about. You have had passed to you a letter that was hand delivered on October 30, 1970, to Senator Merle Ottwein, and it says "Dear... PRESIDENT:

Just a moment. Let's have some order! Proceed.

SENATOR VADALABENE: (Continued)

This letter was hand delivered to Senator Ottwein. The Office of Governor Ogilvie has approved our prepared draft legislation which would authorize and fund our activity in the Woodriver East Alton area. Enclosed for your use is a copy of the suggested legislation," and, mind you this was on October 30, 1970. He says to Senator Ottwein, "should you wish to consider attempting to introduce a legislation during the November meeting of the 76th General Assembly the emergency clause presented on page 2 might well be included with the filing. Should you prefer to introduce a legislation during the regular session of the 77th General Assembly, we would suggest that

the emergency clause on page 2 be discarded." And as I said when you passed this Bill 44 to 2 in the regular session, and if my memory serves me right, it was on the consent calendar in the House and it passed unanimously, that now I am a pallbearer for the legislation of Senator Ottwein and Governor Ogilvie approved of to hear and have the Governor veto this important legislation for the people of the East Alton and Woodriver area. So, Mr. President and members of the Senate, I would appeal to you on this important piece of legislation which you pass unanimously on a favorable vote, to override the Governor's veto. Thank you.

PRESIDENT:

Senator Palmer. For what purpose does Senator Palmer arise? There is a motion pending to override the veto. Is there any further discussion. The 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, Lathewrow, 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.

PRESIDENT:

Saperstein, Aye. Rock, Aye. Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate, in explaining my Aye vote, what you are demonstrating here this morning is that under Senator Merle Ottwein and under the present Governor Ogilvie, you have demonstrated to me that you were interested in passing a non-budgeted item for Senator Ottwein and that for me, a Democratic Senator, the Governor has seen fit with correspondence that I have

from his office to sustain his veto. The people of the Woodriver area have lost, but the Republican party will hear plenty about this type of legislation. I vote Aye.

SECRETARY:

Walker, Weaver.

PRESIDENT:

Arrington, No. Carpentier, No. On that question the yeas are 25 and the nays are 23. The motion having failed to receive the necessary 35 votes is declared defeated. Motion to reconsider by Senator Coulson. A motion by Senator Mitchler to table. All in favor of the motion to table, signify by saying Aye. Contrary minded. Motion to table prevails. 560 is Senator Tom Lyons, 560 hold. 576. Is Senator Baltz on the floor? 652, Senator Graham. Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate, I am prepared at this time to make a motion to strike 652.

PRESIDENT:

Motion by Senator Graham to strike. All in favor signify by saying Aye. Contrary minded. Motion prevails. 715. Senator O'Brien. Senator O'Brien.

SENATOR O'BRIEN:

We had a motion to strike 715 from the calendar yesterday and I think it is just a misprint that it appears today.

PRESIDENT:

All right. We will correct the calendar. 719. Senator Graham.

SENATOR GRAHAM:

Yes, a point of parliamentary inquiry with regard to 719. Yesterday, I indicated that there has been a need for some radical changes in this concept as a result of the action of the United States Congress and others last year with regard to the 18-year-old voting, and in consequence thereof, I did introduce a reconstructed 719 bill. Now, I think it is important that we consider this measure.

I would like to know what is the status of the reconstructed bill that will support some of the content of the prior 719 bill. Will this have a new number? Where are we on this? I think I need to know.

PRESIDENT:

It is referred to the Rules Committee, and would have a new number. Now what the Rules Committee has done on that, I don't know.

SENATOR GRAHAM:

Then, I will pass 719 for today.

PRESIDENT:

All right. 802, Senator Kosinski. 849, Senator Mohr. Senator Mohr.

SENATOR MOHR:

Mr. President, I filed a motion with the Secretary. A motion to strike Senate Bill 849 from the calendar.

PRESIDENT:

A motion to strike 849 from the calendar. All in favor signify by saying Aye. Contrary minded. Motion prevails. 916, Senator Weaver. Hold. 1017. For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I arise on a point of personal privilege.

PRESIDENT:

Senator Horsley is recognized.

SENATOR HORSLEY:

I was just called out into the corridor to meet with a group from Eastern Illinois University. I don't propose to stay in this chamber and take abuse from people of that kind of character and ilk. I tried to explain to these people that I didn't care for what they were doing over there. I tried to explain that I thought the Governor's veto would be sustained and I intended to vote for it because they will not agree to take their non tax dollars and let them be handled as other dollars should be and that money is being wasted

and we are trying to get this matter under control to where it can be handled and the taxpayer satisfied. But, in the middle of my explanation, trying to be reasonable and explain, this long-bearded professor turned to me and he shook his finger and he said, "I am on the faculty at Eastern" and he said, "you talk like you represent Soviet Russia". I merely turned to him and told him to go to hell! And that is my response to people who are like that--if they intend to come here and talk like reasonable people, I will be glad to talk to them. When they come here and threaten and use such tactics as that, I think they better go home and stay there.

PRESIDENT:

1017, Senator Groen. 1198, Senator Graham. Senator Graham, 1198. 1221, Senator ParTEE.

SENATOR PARTEE:

Mr. President and members of the Senate: This is a veto of a bill which we considered quite important at the time that we introduced it. I think the bill was made even better and was more pointedly in the direction of good government when we accepted an amendment by Senator Harris; and we are distressed, to put it mildly, that the Governor has vetoed this bill. All we were trying to do was make sure that appropriation bills came into the legislative hopper at a time where the legislature would have ample time to consider them in depth. I think it is an obligation that we owe to the taxpayers, to ourselves, and to posterity, to have the time to study these bills--particularly those bills relating to appropriations. I was complimentary of the Governor in the first instance in that he had more than most Governors who preceded him, brought in his budget at an early time. But it was not in our best interest in terms of evaluating, assessing and correlating the budget, if there was at the same time a proliferation of bills coming in at later dates relating to that same subject matter. And all we thought to do by the bill was to make certain that we got the appropriations and the budget early enough to make a

proper and intensive evaluation of them. The bill has been vetoed, I suppose there is not too much else that ought to be said about it, except that, this is in my opinion, a bill which this legislature should veto. I think we should override the veto of the Governor, and on that basis I earnestly solicit your vote.

PRESIDENT:

I am sorry, Senator Partee, the chair was discussing something here--your motion is to override the veto? Is there discussion?

Senator Coulson.

SENATOR COULSON:

Mr. President, there is a number of technical objections to the bill in addition to the objections on the merits. One for instance requires the Governor to introduce bills and, as we are taught in high school, the legislators introduces bills, the Governor doesn't do it. That bill is defective, fatally, for that reason alone. We urge that the Governor's veto be sustained.

PRESIDENT:

Any further discussion? Senator Partee may close the debate.

SENATOR PARTEE:

I always have deep and abiding admiration for my friend, Senator Coulson, but I think that is sort of an auspicious argument. The Governor has the where-with-all to see to it that persons who he employs, who he appoints, come with their recommendations as to appropriations on time and that is all it amounts to. Now if he can't get them in on time, we certainly can't. He is a man who hires and fires them. And if he can't get them to come in with their appropriations on time, in time enough for us to look at them carefully, certainly the legislature can't. It is his obligation, it is his duty, it is implicit in the office that he have those people under his jurisdiction and domain bring their budget requests into the legislature at a time when we can give them ample and full consideration. I certainly wouldn't expect anyone other than the Governor to be able

to do that. But he certainly has the power to do it; he has the morale obligation to do it, and there is nothing suggested here that would be contrary to that. It seems to me all he would have to do is send out a memorandum to them, telling them to bring their budgets in on time, there wouldn't be any problem at all.

PRESIDENT:

The motion is that Senate Bill 1221 do pass the veto of the Governor to the contrary notwithstanding, and on that question, the Secretary will call 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:

Saperstein, Aye. On that question the yeas are 27, the nays are 25. The motion having failed to receive the necessary 35 votes is declared defeated. The motion by Senator Horsley to reconsider motion by Senator Coulson to table. All in favor of the motion to table, signify by saying Aye. Contrary minded. The motion to table prevails. Senator Soper on the floor? 223, Senator Merritt. 223. 475, Senator Baltz. You will note your name is there on the calendar today, Senator Baltz.

SENATOR BALTZ:

I thought we took care of that yesterday.

PRESIDENT:

All right. We are just going through here and if you wish to call one...

SENATOR BALTZ:

Well, I move to concur it, there is no motion necessary.

PRESIDENT:

There is no motion necessary. That is correct. 717, Senator Weaver. Senator Hynes.

SENATOR HYNES:

Mr. President and members of the Senate, this is the appropriation bill for the University of Illinois and I have filed a series of motions in connection with this bill, Senate bills 742, 1190, and 636, which deal with the other systems in our higher education organization. These motions are an attempt to restore money that was cut.

PRESIDENT:

Just a moment. May we have some order, please? Proceed, Senator.

SENATOR HYNES: (CONTINUED)

Money that was cut by reduction vetoes by the Governor from the budget for higher education in Illinois for the coming fiscal year. We have been asked by some members on the other side for time to consider the position which we have taken. So that I would like only briefly to explain our position. What we intend to do today and then tomorrow we will call for a vote on these motions to restore. I think it is important that we have at least a brief background on what we consider to be very tragic and shortsighted cuts in the budgets for higher education. The original package of bills that was introduced into the General Assembly involves some 865 million dollars. The task force of the Democratic caucus reviewed those bills, held expensive hearings, and eliminated 155 million dollars from the budget request for a total package of 710 million dollars to finance higher education in Illinois for the coming fiscal year. That recommendation of our task force was bought almost in total by the General Assembly. The final package of bills passed by this body,



concluded in by the House of Representatives, amounted to 712 million dollars, so that there was a clear-cut determination by the General Assembly that the minimum necessary level of funding for higher education was the 712 million dollar figure. The Governor, upon his review of these appropriation bills, saw fit to make further reductions amounting to 55 million dollars. This 55 million dollar cut, in my judgment, is wrecking havoc on our system of higher education. It threatens the quality of the higher education that we are able to offer the students in our state. In particular, with respect to the day to day operations of the Universities and Colleges, the Governor has claimed that this is a hold the line budget. It is not in fact a hold the line budget, but it is a cut, a reduction from last years level, in the face of rising costs in the face of inflation. The operating budgets of the senior public institutions have been reduced by 6 million dollars from last years level and indeed if we did not consider Governors State and Sangamon State, two emerging institutions, who had higher levels of expenditures this year, the cut would amount to 10 million dollars compared to last years level, not compared to what the General Assembly passed. We propose to restore 23 million dollars of the 55 million dollar cut. We propose to restore 3.2 million dollars to the Illinois State Scholarship Commission, to put back the money to provide scholarships to 6 thousand students who have demonstrated need and who were deprived of scholarships because of this unfortunate cut. We propose to restore 11 million dollars to the Junior Colleges of the State of Illinois to keep that program in operation; and this is particularly important in the local level because more than 50% of the financing for Junior Colleges comes from local sources particularly the property tax. And finally, we intend to restore 7 million dollars to the operating budgets of the senior public institutions. A level which we think will enable the colleges to give a nominal--a 4.6

increase as all other state employees have gotten to restore student jobs which have been slashed wholesale from the budget, to restore other services, and to restore some courses that have been eliminated. We think that this is a matter of highest priority; that it must be acted upon immediately. The tragic thing is, however, that the semester is already under way, some of the damage has been done, some of it can not be rolled back since the plans that went into effect in September cannot be modified for the balance of the semester. I urge you to consider favorably the position that we have taken. We will call for a roll call tomorrow on these motions to restore.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I just want to say, Mr. President, that I am quite aware of the seriousness of the issue involved, and I am cognizant of Senator Hynes' real interest in this subject matter. He has worked hard and diligently in this field, and it is a complicated area, commencing with last Spring when he and other of the Education Committee had a subcommittee looking into the question of tuition increases. And I would like to say that he is following a wise and judicious course this morning, which is reflective of statesmanship to not call these bills for the override this morning, although he had planned to do so. I am given to understand, Mr. President, from members on the other side of the aisle that this is a question which was discussed this morning among them, and that an appointment has been made with persons in the bureau of the budget and with others in the field of higher education so that they could finalize their position, and it is perfectly obvious and clear to all of us that it is not a matter where the veto is going to be overridden by the votes of one party or the other. It's a veto which, if overridden, will be by a combination of persons on both sides of

the aisle. Taking that into consideration, it is obvious and clear that the only course to take this morning is to hold these bills today and do not ask for a recorded Roll Call and to proceed with them tomorrow. I would certainly make it crystal clear that there will be no further delays and that this series of bills will be called tomorrow. Hopefully, in whatever conferences or conversations that are held today, there will be some enlightenment spread and edification of our brothers on the other side of the aisle and we can have some help in correcting what is a horrendous situation. Now I recognize that there is a lot of money involved here, and I recognize that we do have some fiscal problems. But this is an area of such vast importance, of such gargantuan proportions that we cannot afford, it seems to me, to just let it go by the boards. And I certainly hope and wish for those of you who desire to join us a successful conclusion to your conferences this afternoon so that when these bills are called tomorrow we can do something for the young people in this State, many of whom are now without scholarships because of these very unfortunate cuts. Thank you.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President, I assume that while we are not actually debating a bill that it is proper to direct a question to the sponsor of motions to override. Is that correct?

PRESIDENT:

Well, if we can save the questions till the motion is before us I think it would be better. If you wish to be recognized on a point of personal privilege, the chair will recognize you.

SENATOR BERNING:

I'll defer.

PRESIDENT:

742, Senator Harris. 1109, Senator Gilbert. Is Senator Gilbert on the floor? He was here just a moment ago. 1213, Senator Partee. Hold. 277, Senator Fawell. 636, Senator Walker. 1140, Senator Harris. 1142, Senator Harris. 1216, Senator Carroll. 177, Senator Clarke. Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate, Senate Bill 177 is the comprehensive drug bill and in examining it after it was passed in concurrence with the other bill that was sponsored by the Crime Commission there were several technical defects. It was for this reason that it was returned to have these corrected. The proposal that has been given to the Secretary is the essence of the entire bill as it was originally passed and amended and agreed upon in conference committee along with these changes, really only two changes that correct these defects. And the motion in effect is to accept the changes that the Governor has recommended so that this can be returned and made the law with these changes.

PRESIDENT:

I am sorry the chair was in conversation with Senator Partee. Your motion is to...?

SENATOR CLARKE:

Accept the changes as recommended and that is included in the motion.

PRESIDENT:

Is there any discussion? Senator Dougherty.

SENATOR DOUGHERTY:

I would like to direct a question to Senator Clarke. As a member of the Crime Investigating Commission, these two bills were the product of the study made by the Commission. As I see these bills, I would assume, it looks to me like they are completely redrafted bills. Is that true or not?

PRESIDENT:

Senator Clarke:

SENATOR CLARKE:

Senator, they are not redrafted bills they are essentially... now if you will recall, during the session there were extensive amendments to both bills to make them conform and both bills were signed by the Governor. But there were some other changes of a technical nature that were needed and that is why these bills happen to be back here. But the other bill was signed into law and this, in essence, conforms with the other bill so there is no conflict between the two.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Mr. President and members of the Senate. Will the sponsor of the motion or the new vamp yield to a question?

PRESIDENT:

Indicates he will.

SENATOR ROCK:

As I understand it, Senator, the bills which were sponsored by Senator Sours, the Illinois Crime Commission and Narcotics bills, were signed into law. The two changes that the Governor made in Senate Bill 177 now conforms this bill to those bills so that we will have a uniform narcotics law. Is that correct?

PRESIDENT:

Senator Clarke. Is there further discussion? Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning,

PRESIDENT:

The chair will point out we need 30 votes on this.

SECRETARY:

Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Some of the Senators may not have been listening but these are technical changes to the comprehensive drug bill and there is no argument on them. We need 30 votes and I urge an Aye vote. I vote Aye.

SECRETARY:

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,

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

I am going to support the motion of Senator Clarke, but I would point out...I have in my possession an analysis of the veto message of Governor Ogilvie on Senate Bill 177, and I note that the Governor has amended Senate Bill 177 by striking everything after the enacting clause and inserting in lieu thereof the following, which is basically a complete new reconstructed bill. I have also researched the best I can to substantiate my vote that this does incorporate...

PRESIDENT:

Just a moment. Senator Mitchler is entitled to be heard. Let's have some order. Proceed Senator.

SENATOR MITCHLER: (Continued)

that this does contain material that has been heard in various committees of the Senate and House prior to the passage of similar legislation...

PRESIDENT:

Just a moment. We are going to have...we have about 12 caucuses going on on the floor. If we may--Senator Gilbert, Gentlemen, all--please. Senator Mitchler proceed.

SENATOR MITCHLER: (Continued)

Yes. The material contained therein; now it is some 58 pages in length, legal size, double spaced; and I know I...most...none of us could digest the material contained therein, unless we had the assurances of the staff on both sides of the aisle and our knowledge as to the generalities contained therein. But it points out...my point is the fact that yesterday and today we have had some very minor changes recommended by the Governor in legislation returned for our approval, little technical changes word language and so forth. But when we approve the Governors position on this with amended legislation as proposed by him returned to the legislature, we will be enacting upon almost an entirely new piece of legislation. I just point that out as a matter of information.

I vote Aye.

SECRETARY:

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

PRESIDENT:

Ozinga, Aye. Davidson, Aye. Palmer, Aye. Baltz, Aye. Bruce, Aye. Hall, Aye. On that question the yeas are 49, the nays are none. The motion prevails. 236, Senator Fawell.

SENATOR FAWELL:

Mr. President, I have a motion, which is still being prepared, which will move to accede to the Governor's amendatory recommendation and I should have it on the Secretary's desk.

PRESIDENT:

We will get back to it shortly here. 349, Senator Horsley.

SENATOR HORSLEY:

Mr. President and members of the Senate, I have filed a motion in writing that we concur in the Governor's recommendation here. It is a mere technicality. The Reference Bureau drew this bill and it was one of the series of revisory bills, and in the draftmanship they omitted part of a paragraph that should have been included in the bill. And for that reason, the Governor sent it back with the recommendation that it be inclusive of the matter that was left out. I therefore move that we concur with the Governor's recommendation and repass the bill.

PRESIDENT:

Is there any objection to the use of the same Roll Call?

Senator Partee.

SENATOR PARTEE:

Senator, is this the language difficulty only, or does it in any way change the concept?

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

It is my understanding and I have read it, Senator, it does not change anything but the language that is incorporated in the present law and was omitted in the draftmanship.

PRESIDENT:

Is there further discussion? Senator Coulson.

SENATOR COULSON:

Mr. President, I think I should object to the use of the same Roll Call under any circumstances during this session. We are being recorded and I just don't think it looks right. We are apt to have some uncertain disputes and it might be better...it won't take too much time to have a separate Roll Call. There aren't many of these matters. I do, therefore, object to the use of the same Roll Call.

PRESIDENT:

There is an objection to the use of the same Roll Call. The



Secretary will call the roll. Just a moment. Senator McCarthy.

SENATOR McCARTHY:

A question of Senator Horsley. Would you yield, Senator? Does the bill as changed by the Governor do what it says on the calendar here?

PRESIDENT:

Senator Horsley:

SENATOR HORSLEY:

Well, yes it does that now, but in the draftmanship by the bureau they omitted the last portion of the old law which the constitution says you have to put a whole section in when you amend it and that is all in the world it does. If you will read the veto message, it merely says that it does that.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Mr. President and members of the Senate. I would point out that Senator Horsley is exactly right. On page 43 of the Journal of October 5, the Governor's veto message does state quite clearly that this is just a correction of a technical deficiency and I don't see any point in arguing about this.

PRESIDENT:

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

PRESIDENT:

Carpentier, Aye. Collins, Aye. On that question the yeas are 47, the nays are none. The motion prevails. 710, Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. I'm in full agreement with the changes made by the Governor in this bill, Senate Bill 710. There was a form given to me by the Reference Bureau which I find is not the correct form, and I am having the--one of the aids here fill out the correct form and will be on the Secretary's desk in a short time. So I am in full agreement and I make a motion to accept Senate Bill 710 in it's amended form.

PRESIDENT:

The Secretary has the motion now. Is there any discussion on the motion? 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:

Lyons, Aye. Collins, Aye. Clarke, Aye. Bidwill, Aye. Horsley, Aye. Walker, Aye. McBroom, Aye. Egan, Aye. Romano, Aye. On that question the yeas are 47, the nays are none. The motion prevails. Senator Gilbert, 909. Senator Gilbert, 909. Hold. 1096, Senator Bruce. Senator Bruce.

SENATOR BRUCE:

Senate Bill 1096 required that after the suspension of a State

employee that within 60 days a decision must be rendered or he would be restored to his position. Also included in Senate Bill 1096 was a provision that any award granted that that award would not be reduced because of outside earnings of the State employee pending his hearing on the suspension. The Governor has seen fit to strike from the bill that portion that related to the full compensation award. At this time, I would move to accept this specific recommendation of the Governor as to Senate Bill 1096, and will enter a form which struck out that part relating to the full compensation.

PRESIDENT:

Have you given that motion in writing to the Secretary? Is there any discussion? 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:

On that question the yeas are 39, the nays are 1. The motion prevails. 1098, Senator Bruce. Hold. 1195, Senator Cherry. Senator Cherry.

SENATOR CHERRY:

Members of the Senate...

PRESIDENT:

Just a moment--Please Gentlemen...we have about 4 caucuses going on. Senator Cadigan and O'Keefe.

SENATOR CHERRY: (Continued)

I am preparing a copy of the Governor's recommendations so that

each member will have an opportunity to review the recommendations that the Governor has made. And a copy of such changes...

PRESIDENT:

Just a moment--if anyone can hear you it is amazing! Just a moment, please, let's break up right in back of Senator Savickas. Gentlemen! Proceed.

SENATOR CHERRY: (Continued)

A copy of these recommendations will be on the desk of each Senator by 2 o'clock this afternoon. They are presently being prepared. I will file the motion and argue it tomorrow.

PRESIDENT:

Two Senators were not prepared with their motions as we were going through the list. 560, Senator Lyons. Are you ready now?

SENATOR LYONS:

Yes, Mr. President and members of the Senate. Senate Bill 560 was the--is the so-called anti-strikebreaking bill, which has been offered by consideration by the General Assembly in every session since 1965 that I am aware of, and possibly even before then. It was passed by, I would say, a comfortable margin certainly in the House, it enjoyed bi-partisan support in this chamber. As a matter of fact, it enjoyed bi-partisan sponsorship; myself and Senator William Harris, having joined as the co-sponsors of the bill. It is a matter of ultimate significance to a large number of residents of this State. Indeed, possibly some of you may have read, that at the A.F.L.C.I.O. convention in this city, (I believe it was last week), the number one item discussed was the Governor's veto of Senate Bill 560. To the point where the A.F.L.C.I.O. convention unanimously went on record imploring the General Assembly to override the Governor's veto of this bill. Why the Governor ever vetoed this bill is beyond my power of comprehension. I have read the veto message and to say that it is unintelligible, might be a bit harsh, but certainly to say that the arguments induced therein are auspicious, off the point, and unpersuasive is certainly true. This law is in effect in 17 other states in many municipalities around the country, it is not even vigorously resisted; and in fact (Continued page 28)

not resisted at all, by many segments of the mercantile and the manufacturing industries. And really the Governor's veto of this bill, as far as I am concerned, is inexplicable, and I ask that this body now vote to override the veto by the Governor of Senate Bill 560. I so move.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, how many votes does this require?

PRESIDENT:

35.

SENATOR SOURS:

Well, I would like to make this comment. I haven't changed my stripes since we were here last June. This completely emasculates the free enterprise system from protecting itself in many proper situations.

PRESIDENT:

Is there further discussion? Senator McCarthy.

SENATOR McCARTHY:

Mr. President and members of the Senate. I would like to make a couple of remarks in favor of passing this bill and preparatory to the remarks that are germane to this bill which has been vetoed, and we must again consider with the vote of 36 as opposed to 30. I want to point out to the supporters of this legislation that there are two ways that the Governor could have treated this legislation. The Governor could, if he had wished, sent back to this body his recommendations for language change. And I note in his message on page 1, paragraph 3, that his excellency states that in order for a proposed statute with criminal penalties to be enforceable and understood, it must define with reasonable certainty what persons and acts are included within its scope. The Governor goes on to say that the bill is ambiguous in that it also could, (this is on page

2 paragraph 1), be used to fine or imprison a person who hires as strikebreaker for a job whether or not the job for which he was hired is in any way connected with the labor dispute. He points out that defect. He also points out a defect in this legislation that the person could be penalized subject to criminal sanction, regardless of whether or not the employer knew that the person hired is a strikebreaker. Well, Mr. President and members, I bring that to your attention because we have pointed out by Senator Mitchler in Senate Bill 177, which apparently the Governor wished the legislature to consider by a vote of 30 and send to him to become a law. We noted in Senate Bill 177 that the Governor struck everything from the enacting law enacting clause and legislatively introduced from his branch a new bill. So members, I think the point has been made that the Governor does have options as to how he wants to use his clarifying language. It's clear to me that if he is objecting to this bill because of ambiguities in the language, he could have clarified it such as he did in Senate Bill 177, but be that as it may, the Constitution which was adopted by the people of the State of Illinois with fanfare, and I voted for it, gives him that alternative. But never-the-less, the issues in this bill...the issues in this bill strike me to be so persuasive that the legislature, having considered voted affirmatively in both branches to send it to the Governor for his signature, now can consider whether or not the issues are so valid that we shall overcome the extra hurdle of the 6 additional votes. That, realistically, is the immediate issue at this time. Now, Mr. President and members of the Senate, the bill to ban the importation of strikebreakers is highly desirable in this society, this society, in Illinois, because we have experienced, employer and employee alike, the benefits obtained for the community as a whole through collective bargaining. I have talked to Presidents and other high corporate officials of employers in the State of Illinois that have one bargaining unit in their plant. Caterpillar Tractor Company,

which Senator Sours and myself and others have the pleasures of having in our districts. Officials of Caterpillar Tractor Company have told me that they believe that the public sector has been well served by having one bargaining unit among the hourly employees and most of the Caterpillar plants that bargaining unit happens to be The United Auto Workers. So, if we take the value that has been gained by collective bargaining, we see a crying need to prohibit that which would undo the benefits of collective bargaining. And since the statutes in the State of Illinois are silent on this activity of importing strikebreakers. It strikes me and other members of the legislature that this is the type of remedy that is needed in the State of Illinois. As a corollary concomitant to this proposal, I think that it would only be fair that if management or the employer would like to codify the rights that they have to peacefully operate their business and restrict mass picketing which is a technique they have, exerciseable in the courts...

PRESIDENT:

Just a moment please. Let's get some order here!

SENATOR McCARTHY: (Continued)

Thank you, Mr. President. I was trying to draw in my mind a type of legislation that if management asked for I would unhesitatingly support. An example that comes to my mind is that if the employers came in and said, we want the State of Illinois to put on it's statute books, legislation that would prohibit mass picketing, I would favor such legislation because mass picketing impairs the collective bargaining system and results, I think, is a detriment to the product of the people. But we have clear...

PRESIDENT:

Just...just a moment...let's get some order, Gentlemen!

SENATOR McCARTHY: (Continued)

clear and convincing evidence that this bill, irrespective

of it's language deficiencies which has been here-to-fore pointed out that there was a remedy within the Governor's office that this bill is designed to implement and supplement collective bargaining procedures by prohibiting employers from hiring and bringing in professionals, contractors--contractors in the sense that they are brought in not to do a job in the production in the employers business; but brought in to destroy the legitimate and legal procedures of collective bargaining which include the right to strike. And, Mr. President, because the Governor has vetoed the legislation does not make his objections sacrosanct. The need for this legislation still exists. I do not happen to recall whether any members of the Republican side of the aisle supported this legislation when it was on final passage. Those of you who opposed it, such as the distinguished Senator from Peoria, will be perfectly consistent in your position if you vote to oppose the motion to override. But to you people on the other side of the aisle and some of us over here who perhaps did not support this legislation...or did support this legislation. It strikes me that this is a matter that if it was good in June--it's good in October. Mr. President, by way of conclusion, I don't know that this is a vehicle but it might as well be. I want to call your attention back to May 28, 1957 when you and I, among others I believe Senator Partee, Senator Harris, were all in the House of Representatives, and we were considering a motion to (Sam Romano was there) pass a bill the Governor's veto the contrary notwithstanding. The bill had to do with allowing out-of-state heirs to nominate an administrator in the State of Illinois where that domain had been under the tight control of the politically appointed public administrator. We were able to override the Governor's veto on May 28, 1957, because the bill was right. It strikes me that this bill is right today. And sort of extemporaneously on that occasion, not much of a poet, but something came to my mind which I would like to repeat just for memory to...in remembrance of the men and women I had the



pleasure to serve with (Senator Saperstein was there) as to what was said on that day with reference to the sanctity of a Governor's veto-- it went something like this, Mr. President, I don't know if you remember it or not. It said this: Is there a member with soul so dead who never to his Governor has said--I am going to vote as I should do rather than the way that you told me to. I move Aye.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Mr. President, at the time this bill was considered for passage it received 35 affirmative votes and 14 negative votes, and it now needs again 35 votes. For those of you who do not recall the circumstances, I spoke against it then and my objections still exist. I asked the sponsor of the bill if he would consent to an amendment which would exempt public employees and he said no. Then we cited the experience in Waukegan and Lake County where we had a strike of the County Sheriff's office and the State Police were called in to man the stations to preserve order for a period of some 18 days. At the same time and about a month thereafter, we had a strike of the City Police force in Waukegan and the State Police were called in to man the police station and to man the squad car during that strike. If you don't exempt public employees from operation of this bill, then half of your State Police Department is guilty of a felony. This is what you are enacting. This is what you in all seriousness propose to do. Let me give you another illustration. I served sometimes as a substitute school teacher; under the ethics code which we are so virtuously going to adopt I probably will not be able to do that any longer. But I did. On two occasions I served as a substitute teacher in districts where there was a labor dispute between teachers and the school board. I did it twice. I asked the sponsor of the bill how he would define repeated and he said more than once. I am not going to vote for a bill that is going to send me to jail just be-

cause I served as a substitute school teacher twice. I am not going to vote for a bill that sends the State Police to jail because they man police departments when there is a police strike. If you would exempt public employees, this bill might make sense. This was the source of your original antagonism, this is what makes this a futile exercise now, and I believe makes it a completely improper bill. We had some publicity a week or so ago about a grave diggers strike out in California, which we may well have around here one of these days. And you catch some poor fellow digging two graves while there is a strike going on and slap him in jail and see how many friends you make that way. You may make friends with the A.F.L.C.I.O. and with International Harvester Employees Union, but my goodness, people have to survive. We have got to have police services and public services continue during a strike and any proposal to send people to jail for doing that is to me perfect nonsense. I urge you to vote to sustain the Governor's veto.

PRESIDENT:

Senator Laughlin.

SENATOR LUAGHLIN:

Mr. President and members of the Senate. I thought this would be an appropriate time to repeat some of the comments that I made when the bill was being considered earlier this year. As a matter of fact, I was trying to get used to the idea of talking at all as a lame duck Senator. And now, Senator Coulson has taken most of my talk. I just want to say that I do recall discussing this and opposing it. And if you don't want to oppose it for the very legitimate reasons which Senator Coulson has presented, you together with myself, are very concerned about the rights of individuals and to permit people to be prosecuted, fined and jailed under the language embodied in this statute is a travesty upon the rights of the individual. It is so vague--it is so uncertain that it doesn't deserve to be a

criminal statute with criminal sanctions. So it's nice to be for labor but part of our job is not only to be for labor but it is to be for everyone. And there are individuals in this State and in this community engaged in public occupations and in private occupations who could be seriously harmed by this. And for that reason, it is a mighty poor piece of legislation and the Governor's veto should be sustained.

PRESIDENT:

Senator Graham:

SENATOR GRAHAM:

Mr. President, I was convinced after listening to the filibuster by the Senator from Decatur and the introduction of this argument by the Senator from Chicago, that perhaps after talking to Mike Howlett, the most significant action in the last convention of the A.F.L.C.I.O. was their opposition to this bill. I also am convinced that; despite the fact that those who think the A.F. of L. and C.I.O. have the carpeted path into heaven; that we have to remember, I believe, that in our changing society when anyone objects to anything that they start a march, sit down, strike or something, and the general public is not supposed to have anything to say about it and we are not supposed to have any forces anywhere to counteract a minority, a percentage of our civilization, if they are civilized to do whatever they damn please with regards to their free enterprise system of this great country of ours. We're not supposed to object. We're supposed to impose legislation that can hurt the harmless and help those who would harm us. I think the Governor in his decision to veto this bill performed a wise act. In the preservation of a society that has born...was born, has fostered, has grown, and has thrived upon the preservation of the free enterprise system and I submit to you that the A.F. of L. and C.I.O. as a body are not the fellows that are paying the bill. They are not signing the pay checks. They are leaching upon them--they are not signing them. I don't think they need any additional support with the passage of this bill and I am

going to register my same opposition to it that I did in the last session.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, of course this bill says one simple thing. It doesn't talk about strikebreakers; it talks about professional strikebreakers-- those men, those people, who customarily and repeatedly offer themselves for employment to replace an employee involved in a labor dispute. It talks about the prostitute of labor negotiations; those people who would sell themselves on human misery to the detriment of the public in securing good sound collective bargaining. Now, I don't see how anyone could vote for prostitution in labor negotiations. This doesn't talk about ordinary strikebreakers or hiring people to try to overcome what may be the legitimate negotiations between labor and management. It talks about those people who feed; those parasitical prostitutes in the labor movement. Please remember they are the professional strikebreakers not just strikebreakers--the professional strikebreakers; those people who feed on this....on this type of refuse. I will have to vote to override the veto.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate: I would like to comment upon the remarks of Senator Coulson. He stated that he suggested an amendment to this bill to include public employees, and I would call Senator Coulson's attention, I know he is a good lawyer, to the recent decision of the United States Supreme Court where they ruled invalid the right of a governmental public employee to strike. Now to incorporate that as an amendment in this bill would completely destroy it in my opinion, it would make it innocuous because the Supreme Court said they have no right to strike. And how we would legally include

public employees in this bill I couldn't understand because it is unlawful according to the decision of the United States Supreme Court. It doesn't belong in this bill. I think it would emasculate it and obviously that conceivably could be the intent and purpose of those who oppose this bill.

PRESIDENT:

Senator Lyons may close the debate.

SENATOR LYONS:

Thank you, Mr. President, members. I, a...Senator Cherry anticipated some of what I would have said in response to the notions ventured by Senator Coulson. I should point out, however, that the case of the police strike that the Senator talks about these were not strikebreakers. They were police officers who were sent in by the State to perform police functions in the City where the police had gone out on strike. And I do not think, therefore, that they would fall within the ambit of this bill, because they weren't paid by... or hired by the City in question. I should also point out that what Senator Cherry says, I think, is correct. That such an exclusion is unnecessary and probably illegal. But I will say this to Senator Coulson for his reassurance: if this bill passes and if it develops that some protection is needed in the public sector where strikes impinge upon the public health and safety, such as police, fire and so forth; I would not object to sitting down with the Senator and trying to work out some language that accomplishes that, and that alone. I don't want to see the bill gutted. As Senator Cherry pointed out, it is probably unnecessary and possibly illegal to put an exclusion for public employees in, but insofar as it is necessary, and insofar as it would impinge only on the public health and safety, I for one would not be adverse to incorporating such language into the law in the event that this bill passes. I also would like to point out that some of the arguments ventured by the gentlemen in opposition to this measure were made at the time the bill came up the first time.

They are not the reasons that the Governor has said that he opposes the bill for, the reasons he vetoed the bill for. I have mentioned that I don't understand those particularly, and I ask for a favorable vote of the membership on this motion.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

In casting my vote, and I am going to vote the affirmative, I would like to remind members of the other side of the aisle and those who are in opposition to this motion to override that they are totally unfamiliar with the use of the professional strikebreaker. The right to negotiate by labor unions won, after many many years. The passage of The Wagner-Conary Labor Dispute Act of the early days of New Deal did bring about to some degree the death knell of the use of professional strikebreakers. Calm heads in the business field and industry have realized that nothing is to be gained by bringing in professional strikebreakers. But there are some industries and some short-sighted people who feel this is the way we are going to do it. The labor busters, the people who have no use, who try to evade the rights of their collective bargaining. This has been done consistently in the past. I might point out the fact one of the tragedies in the State of Illinois was perpetrated by the use of strikebreakers almost 50 years ago down in Herron, Illinois. And these things could be averted or repetition of these things could be averted, if we uphold the motion to override. I vote Aye.

SECRETARY:

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,

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

In explaining my Aye vote to Senator Coulson and you members  
who are voting to sustain the Governor's veto. If you have not wit-  
nessed what damage professional strikebreakers do to labor, to manage-  
ment and to the community itself what happened here in our Alton area  
not to long ago; then you should talk to some of these people--I am  
sure you would change your mind.

SECRETARY:

Walker, Weaver.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

May we call the absentess, Mr. President?

PRESIDENT:

The Secretary will call the absentees.

SECRETARY:

Arrington, Berning, Bidwill, Carpentier, Carroll, Fawell, Gilbert,  
Groen, Lyons, Mohr, Newhouse, Nihill, Soper.

PRESIDENT:

On that question the yeas are 30 the nays are 17. The motion  
having failed to receive the necessary 35 votes is declared defeated.  
Senator Fawell are you ready with your motion? Senator Fawell, 236.

SENATOR FAWELL:

Mr. President and members of the Senate. Senate Bill 236 was the

subject matter of an amendatory veto by the Governor and all parties, the fire fighters of Illinois and through work in the Governor's office and all interested party this particular amendment was agreed upon. It basically makes no substantive changes but sets forth a different committee membership which is agreed to by all, and I thus would move to accept the specific recommendations of the Governor as to this bill.

PRESIDENT:

Is there any discussion? 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.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I was busy, Senator Fawell, doing something and I probably missed the explanation; but there is appropriation in this bill is there not?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Yes, there is.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

The appropriation which was in the original bill was reduced by the task force and the Governor has further reduced that by 2 million dollars. Is that correct?

PRESIDENT:



Senator Fawell.

SENATOR FAWELL:

No. The appropriation in the bill as passed was 184,000, this has been reduced to the nominal amount of 30,000 dollars.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I am sorry, I thought this was a Mental Health bill. You are satisfied with this one. Thank you. I vote Aye.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Bruce, Aye. Neistein, Aye. Chew, Aye. Course, Aye. Nihill, Aye. Baltz, Aye. Graham, Aye. Cherry, Aye. On that question the yeas are 50 the nays are none. The motion prevails. Messages from the House.

SECRETARY:

Message from the House. Mr. Selcke Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in their adoption to an amendment to a bill of the following title. To wit. House Bill 247.

PRESIDENT:

Just a moment. Before the Secretary reads these. If I may have the attention of the body. This message from the House relates to action from the June session. So, if the Senators will note--All right. Proceed and the Secretary will indicate the sponsor.

SECRETARY:

House Bills 247 and 248, Senator Neistein, House Bill 1121, Senator Rosander. House Bill 2867, Senator Carroll.

PRESIDENT:

Now, these will go on the Secretary's desk unless there is a motion to the contrary immediately. For what purpose does Senator Horsley arise? Senator Horsley.

SENATOR HORSLEY:

I filed a written motion to strike from the calendar 309, 361, 23, 75, 86, 430, 440, and 446.

PRESIDENT:

That whole series there?

SENATOR HORSLEY:

That whole series.

PRESIDENT:

All right. Is there any discussion? All in favor of the motions indicate by saying Aye. Contrary minded. Motion prevails.

SECRETARY:

Messages from the House by Mr. Selcke Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted the following preamble and joint resolution in the adoption of which I am instructed to ask the concurrence of the Senate to wit. House Joint Resolution 91.

PRESIDENT:

It is a Columbus Day Resolution. Senator Romano, do you want to be the Senate sponsor on that? Or Senator Vadalabene, either one. Senator Vadalabene, all right. You wish to move for immediate consideration and adoption of the Resolution. All in favor signify by saying Aye. Contrary minded. Motion adopted.

SECRETARY:

Message from the House by Mr. Selcke Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has passed a bill of the following title. In the passage of which I am instructed to ask concurrence of the Senate to wit. House Bill 1070. A bill for an act to amend section one of the Workman's Occupational Disease Act.

PRESIDENT:

1070. Its a bill passed. Do you wish to become the Senate sponsor of it? We will just put it on first reading. Senate Bills on second reading. Senate Bills on second reading, 1255, Senator Bidwill. 1255.

SECRETARY:

Senate Bill 1255, second reading of the bill--no committee reports.

PRESIDENT:

Any amendments from the floor? Third reading. 1266, Senator Knuppel, do you wish to...Senator Partee is off the floor, do you wish to advance that? 1266, Knuppel.

SECRETARY:

Senate Bill 1266. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1268, Senator Groen. 1268. Just a moment. For what purpose does Senator Coulson arise?

SENATOR COULSON:

On 1266, was it not understood that that would be held on second reading indefinitely?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Coulson, this...and Senator Partee said that if there are any amendments or any discussions with respect to this bill, he will hold it for the proper time. Anytime, Senator Coulson, you want to move it back to second reading for any purpose that will be...

SENATOR COULSON:

Wasn't this the one they just introduced yesterday and moved to second reading without reference to committee with the specific clear,

unequivocal language that it would be held indefinitely?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Ah, Senator, do you have any objections to moving this bill to third reading?

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I have objection to having the pledged word of a Senator violated the following day. Yes.

PRESIDENT:

The chair...I was not presiding when this came up yesterday. Was this the understanding, that it would be held on second reading, Senator Cherry?

SENATOR CHERRY:

That was the understanding and I am simply saying to Senator Coulson that this bill,,if he has any objection to moving it to third reading, we will hold it on second reading.

PRESIDENT:

He apparently has--

SENATOR CHERRY:

I don't know what his objections are and unless they are stated that will be the first time I know; but if he has objections we will hold it on second reading. We don't violate any agreements that were made.

PRESIDENT:

The bill will be held on second reading. 1268, Senator Groen.

SENATOR GROEN:

Senate Bill 1268. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1269, Senator  
Donnewald do you wish to advance that? 1269, Senator Donnewald.

SENATOR DONNEWALD:

Senate Bill 1269. Second reading of the bill. No committee  
amendments.

PRESIDENT:

~~Any amendments from the floor?~~ Third reading. Senate Bills on  
third reading. Are there any bills that any Senator wishes to call  
up? On House Bills on third reading are there bills which any Senator  
wishes to call up? We have some resolutions. Senator Knuepfer.

SENATOR KNUEPFER:

I have some bills on third reading House Bills. I am not in a  
hurry for them, but if they are in the proper order of business, I  
can take them at any time.

PRESIDENT:

You may take them. Just a moment. The.....Senator Bidwill just  
asked if we are going to get off for lunch. I think we will be ad-  
journing before too long unless.....Senator Knuepfer, do you wish to  
call...

SENATOR KNUEPFER:

Well, I am beginning to gather that it is not in the game point  
at the moment, and I am willing to play the game. I am ready anytime  
that I get the word to pass them; but for the moment, No.

PRESIDENT:

All right. Resolutions.

SECRETARY:

Senate Joint Resolutions, 52 introduced by Senate Knuppel. It's  
pertaining to article 9 and...

PRESIDENT:

Constitutional amendment. It's the Executive Committee.

SECRETARY:

Senate Resolution 222 introduced by Senators Rock, Lyons, Egan,

and all Senators. It's a death resolution.

PRESIDENT:

Do you wish to move for the immediate adoption of this resolution? Suspension of the rules. This is a death resolution for Bus Hogan. I'm sure that all Senators would want to be on it. All those in favor of the adoption of the resolution, indicate by saying Aye. Contrary minded. Resolution is adopted.

SECRETARY:

Senate Resolution 223 introduced by Senator Carroll and Arrington, and it is a death resolution.

PRESIDENT:

Senator Carroll, it is a death resolution. Do you wish to have it adopted at this time?

SENATOR CARROLL:

I move the adoption.

PRESIDENT:

All right. All in favor signify by saying Aye. Contrary minded. Resolution is adopted.

SECRETARY:

Senate Resolution 254 introduced by Senator Knuepfer.

PRESIDENT:

Consent calendar.

SECRETARY:

Senate Resolution 225, introduced by Senator Berning. It is congratulatory.

PRESIDENT:

Consent calendar.

SECRETARY:

Senate Resolution 226, introduced by Senator Romano, and it is congratulatory.

PRESIDENT:

Senator Romano.

SENATOR ROMANO:

Mr. President, members of the Senate. This is a congratulatory resolution for a former member of the General Assembly, who is being honored as man of the year by the Marshall Square Chicago Boys Club. That's Vito Marzullo, and I would like to move to suspend the rules for the immediate adoption of this resolution, and all Senators be included.

PRESIDENT:

All Senators will be shown. All in favor signify by saying Aye. Contrary minded. Resolution is adopted. We have one other important resolution, which I am going to ask Mr. Fernandes to read.

Mr. Fernandes:

Senate Resolution 227, by Senator Donnewald. Whereas our highly esteemed...

PRESIDENT:

Just a moment, please, can we have some attention from the body?

MR. FERNANDES: (Continued)

Whereas our highly esteemed and able Secretary, Kenneth Wright, and his lovely wife, the former Clara T. Graubner, celebrated their silver wedding anniversary on September 22, 1971; and whereas this fine couple have shown an inspiring dedication to the institution of marriage and have been a blessing and inspiration to their three children and their two grandchildren; and whereas Kenneth, in addition to his duties as Secretary of the Senate, an office he fills with talent and enthusiasm, is a member of the Springfield Ansar Shrine Temple and a participant in the award winning National Ansar Drill Team and a member of the Masonic Lodge of Pawnee, a past member of that lodge and a past member and President of the Pawnee School Board; and whereas Mr. Wright is a--Mrs. Wright is a member of the Eastern Star and has been a beautician in Pawnee for many years; and Mr. & Mrs. Wright are members of the Zenobia Baptist Church of Pawnee, Illinois. Therefore, be it resolved by the Senate of the 77th General Assembly of the State of Illinois, that we extend our warmest congratulations to our able Secretary, Kenneth Wright, and his lovely wife, Clara, on their 25th wedding anniversary...That we also extend our best wishes for their continued happiness and that a suitable copy of this preamble resolution be forwarded to Mr. and Mrs. (Continued on page 47)

Mrs. Wright.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Mr. President and members of the Senate. I would ask for the suspension of the rules and the immediate adoption of the resolution and also that all members of the Senate be joined as co-sponsors of that resolution.

PRESIDENT:

All Senators will be shown as co-sponsors. All in favor of the adoption of the resolution indicate by saying Aye. Contrary minded. Resolution is adopted. Is there...we have a message from the State Superintendent that we can journalize. Is there...Senator Bidwill.

SENATOR BIDWILL:

Mr. President, I would like to announce a Republican Caucus tomorrow at 9 o'clock in M 1; 9 o'clock, a Republican Caucus.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Democratic Caucus, 9 o'clock tomorrow morning. Same place.

PRESIDENT:

Is there any further business to come before the Senate? Senator Partee, we adjourn to 10 o'clock. Motion by Senator Partee that the Senate stands adjourned until 10 o'clock tomorrow morning. All in favor signify by saying Aye. Contrary minded. Senate stands adjourned.