

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 20, 1971

PRESIDENT:

Prayer by the Chaplain, Reverend Milton Q. Konnett, Pastor of the London Mills Methodist Church. Pastor Konnett.

PRESIDENT:

Reading of the journal. Moved by Senator Egan that the reading of the journal be dispensed with. All in favor signify by saying aye. Contrary minded. The motion prevails. Committee reports.

SECRETARY:

Senator Donnewald, Chairman on the Assignment of Bills, assigns the following to Committee: Executive, Senate Bills 1278, 1279, 1280, 1293 and 1296; Judiciary, House Bill 1855; Labor and Commerce, Senate Bills 1281, 1282 and 1283; Appropriations Division of the Committee on Public Finance, Senate Bills 1274, 1275, 1276, 1277, 1284, 1286 and 1287; Revenue, Senate Bill 1292; Constitutional Implementation, Senate Bills 1285, 1288, 1289, 1290, 1291, 1294 and 1295. Senator Cherry, Chairman of the Executive Committee reports out the following: House Bill 3033 with the recommendation do pass and re-referred to the Appropriations Division of the Committee on Public Finance. House Joint Resolution No. 11, recommend adoption. Senate Joint Resolution No. 3, recommend adoption as amended. Senate Joint Resolution No. 4, recommend adoption. Senate Joint Resolution No. 35 recommend adoption.

PRESIDENT:

Introduction of bills.

SECRETARY:

Senate Bill No. 1297, introduced by Senator Sours. A Bill for an Act to amend Section 3-808 of the Illinois Vehicle Code. Senate Bill No. 1298, introduced by Senator Horsley. A Bill for an Act to amend Section 30 of the Illinois Plumbing License Law. Senate Bill No. 1299, introduced by Senator Weaver. A Bill for an Act to amend Section 1 and 6 of an Act making certain appropriations and reappropriations to the Board of Trustees of the University of Illinois. First reading of the bills.

PRESIDENT:

If you will turn to page 2 of your calendar. Senate Bills returned following action by the Governor. 67, Senator Laughlin.

SENATOR LAUGHLIN:

Well, Mr. President, I don't really know how to get rid of this, whether I let it alone or whether I make a motion; but whatever we have to do to get rid of it and have no action on it or kill it or whatever is what, I want to do.

PRESIDENT:

You can make..., do we have a motion on it?

SENATOR LAUGHLIN:

No, you don't have a motion.

PRESIDENT:

I understand...I'm just advised Senator McCarthy has filed a motion on it.

SENATOR LAUGHLIN:

Oh.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Just to clarify it. Senator McCarthy has filed a motion which may or may not go. So we'll just hold it. Something has to happen to it today anyway, so.

PRESIDENT:

It dies today if no action is taken. Senator McCarthy has...Do you wish to take up your motion on 67?

SENATOR MC CARTHY:

What I would like to do is call it later in the day, if it is to be called.

PRESIDENT:

Alright. You let the chair know.

SENATOR MC CARTHY:

Do I have the consent for that, to call...

PRESIDENT:

You have the consent of the Body on that. Leave is granted. 131. Is Senator Ozinga on the floor? 576, Senator Baltz. 576. So there is no misunderstanding, today is the final day for any Senator to take any action on any of these measures. 719, Senator Graham. 719. 223, Senator Merritt. 223. 475, Senator Baltz. Senator Baltz. 475. 717, Senator Weaver. 717. 1213, Senator Partee.

SENATOR PARTEE:

We're going to go on it today, but not at this precise moment.

PRESIDENT:

Alright. We will refer to that later. 277, Senator Fawell. 636. Is Senator Walker on the floor? Senator Carroll. Okay. On the previous column, may I have your attention. On the previous column, on page 2, Concurrence in Executive Amendments to House Bills, previous column on page 2, Concurrence in Executive Amendments to House Bills. 687. Is Senator Horsley on the floor? 1516, Senator Bruce. 1628, Senator Fawell. Senator Fawell, I think you'd better move next door. Senator Fawell is recognized on Senator Horsley's mike there. Will the members be in their seats. Senator Fawell is recognized.

SENATOR FAWELL:

Yes, Mr. President and members of the Senate, the amendatory veto in this bill clarifies...evidentially what happened was that Amendment No. 1 somehow didn't get attached in the House, and Amendment No. 1 was the amendment which made it certain that the tax equivalent grant would be based upon the 1968 assessed valuation, so it would be frozen to those assessed valuations. Evidentially that wasn't clear. The Governor felt it wasn't clear and his amendatory veto suggests those words and the House has already concurred in that, and I would move to concur in the...

PRESIDENT:

You will have to make your motion in writing. If you will do that for the Secretary. You can do it later. Senator Laughlin. Just a moment...will the members be in their seats. Gentlemen, Senator Carroll, Senator Egan, Senator Newhouse, Senator Collins. Gentlemen, Senator Neistein. Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President and members of the Senate, would Senator Fawell yield to a question?

PRESIDENT:

He indicates he will.

SENATOR LAUGHLIN:

It seems to me when this bill passed, it had a provision either in its original form or by amendment that said there was a cut-off period beyond which there would be no equivalency payment. Is that still right?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL

Yes...yes, that is right. The grants authorized by this Act shall be paid to qualifying school districts for five consecutive years from the effective date of this Act.

PRESIDENT:

Is there further discussion? Senator Dougherty.

SENATOR DOUGHERTY:

What are they talking about, Mr. President?

PRESIDENT:

1628, House Bill 1628.

SENATOR DOUGHERTY:

1628.

PRESIDENT:

Right. It's on page 2, Concurrence in Executive Amendments to House

Bills, column 3. Is there further discussion? Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I have a little staff hiatus here this morning. I was wondering if we could just hold this one for a minute. I think it is alright, but there is one thing I would like to find out. Would you just hold it a minute. I think it is okay, though.

PRESIDENT:

We have to have a unanimous consent on that because we can't hold a bill once there is a roll call. Is there unanimous consent to have it held? Is that acceptable, Senator Fawell? We will get back to that. 1753, Senator Kosinski. Alright now, just a second. Let me remind the Senators again today is the last day that we can act upon these bills. Yes, Senator Clarke, I'm sorry, we are not limited to today on these.

SENATOR CLARKE:

Mr. President, I just want to bring up a point of procedure. Last week we agreed, without much argument, to waive the six day rule on committees. Mr. Pro Tempore, I am addressing my remarks to you so I'd like... last week we agreed to waive the rules on bills being heard in committee being posted for six days. We did agree, however, on a 24-hour notice so that we at least would know what bills were coming up so that our staff would have an opportunity to provide our members with the necessary material to intelligently vote on them. And, of course, this is an exercise in futility anyway with the overweighted committees in your favor. But this

morning, let me point out that a very important bill dealing with the subject of personal property tax, Senate Bill No. 1292, was reported out at 8:30 of the Revenue Committee. At 10 o'clock on this floor it was assigned to the Revenue Committee, and if we are going to play these kind of games, then I would suggest that we either vote all the bills out of committee; let's put them on the floor and we will discuss them here at length and forget about the committee structure or else let's just kill them all and go home. Now I think this kind of thing is really terrible, and I would just suggest that let's be more careful and give us the notice on bills, or let's just forget about the committees.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I'm sorry, I didn't really hear the part of your statement that causes you the pain. What was it that happened this morning? What was the number of the bill?

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Senate Bill 1292 was voted out of the Revenue Committee at 8:30 this morning. At 10 o'clock it was assigned to the Revenue Committee. So they voted a bill out that they'd never even had assigned, and I just suggest that our members were not aware it was coming up. I was five minutes late and missed it, and it is really meaningless to have a committee hearing under those circumstances.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, I don't know where this information comes from. The bill was assigned yesterday. The announcement was made today that the bill had been assigned yesterday. The Committee on the Assignment of Bills met yesterday, assigned the bill to the Revenue Committee; Senator Donnewald

got up and said that the bill was going to be assigned to Revenue and it would be heard in Revenue this morning. Senator Course, Chairman of the Revenue Committee, got up yesterday afternoon and said Senate Bill 1292 would be heard in Revenue Committee this morning. Senator Sours, the minority spokesman on the Senate Revenue Committee, came over to me and said, what does the bill do? I told him what it did. So, there was no attempt on the part of anybody to be at all covert about this. The problem is that we're operating on a short schedule, but everybody who had any interest was informed by me, by Senator Donnewald and Senator Course yesterday that this bill would be heard this morning in the Revenue Committee.

PRESIDENT:

Senator Sours. Excuse me, Senator Lyons.

SENATOR LYONS:

I said in the Committee this morning that we had to get the bill out of there because we are facing a dead line, but that I would hold it on second reading for a few days to talk with anybody who had anything to say about it.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I should like to make this statement which I think is indicative of the situation prevailing in the Senate. I didn't bother to attend that meeting today because we don't have enough in our committee to kill the bill anyway. It's a bill that plainly violates the last clause of the first paragraph of the 14th amendment, so I think we'll put our best efforts here on the floor rather than waste time in that committee.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I hope, Senator Sours, that we never reach a point that we will only attend committee meetings if we feel that our position is going

to preponderate. I think to do otherwise aborts the entire committee system. For several years in this body, I attended meetings of committees where the votes were 2 to 1 against my position in many instances. I did not lose hope; I did not lose faith. It is an American tradition to always present your position and try to persuade people to your position. I find you an eloquent man and I would hope that you would never subjugate your eloquence to any belief that you cannot persuade people to follow your viewpoint.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

In reply to the good Senator Partee, I would like to make this statement, too. As we look over the last session and some of the horrible legislation that got through those committees, believe me, sometimes it makes some of us feel we would rather go and yell down a sewer. That's how we feel. We will put our good licks on the floor where everybody can hear it.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I wonder if Senator Partee would yield to a question?

PRESIDENT:

He indicates that...let the Chair add that all of this is out of order and we are going to get back to the point of order very shortly. Senator Horsley.

SENATOR HORSLEY:

You mentioned that you sat in this Senate when the ratio was 2 to 1. Sir, wasn't that because there was twice as many Republicans as there were Democrats, and the ratio was exactly proportionate to the number of senators, which is contrary to the way it is now on an 8 to 5, where you have a tie vote? Is that correct, Sir?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I will answer what purports to be a question, but what is really an affirmative sentence. Yes, that was the ratio, Senator, and that, of course, is ancient history.

PRESIDENT:

Senator Laughlin, and then we are going to proceed.

SENATOR LAUGHLIN:

Mr. President, I would like to make this point and I would like to make it to Senator Partee and anyone else. I was there at 8:30 this morning. I didn't hear this announcement, but I am sure they were made as its been stated. But you over-looked the point that there are people in the public sector who have an interest in these bills who would be there to testify for or against, and you are depriving them by this means of a chance to be heard. And that is wrong.

PRESIDENT:

Senator Lyons, we will let you respond and then we'll try to get back to business.

SENATOR LYONS:

Well, I didn't set up the schedule for this abbreviated session of the General Assembly. All I know is that we have a rule to the effect that October 28th is the last day for action on bills introduced in the Senate. I would have introduced this bill last spring except for the court decision which prompted me to introduce it was not handed down until the summer. In the month of August, if you please, so the fact that there are a lot of people who might be interested is probably a fact. But that doesn't mean that we must defer action on this. I have an idea that the personal property people, the people who are interested in the personal property tax, are well-schooled in the ways of communicating their desires to members of this body. They have been doing it for about 20 years that I am aware of and with a great degree

of success, I might add.

PRESIDENT:

2063, Senator Hall. Do you wish to take action on that now? 2063. We're on page 2, last column, second to the top bill listed there. If you want, Senator, we can come back to that if you please.

SENATOR HALL:

Would you please.

PRESIDENT:

We'll do that. 2769. Is Senator Gilbert on the floor? Also, on the Secretary's desk are Nonconcurrence in Senate Amendments. 247, Senator Neistein. 247 on page 2, column 3. Nonconcurrence in Senate Amendments. Bill by Representative Hart. You are the Senate sponsor of it.

SENATOR NEISTEIN:

We're trying to work it out with the Bar Association and their... Austin Fleming is going to be down here. He wants to talk to me about it.

PRESIDENT:

Alright, 248, the same. 1121, Senator Rosander. Senator Rosander.

SENATOR ROSANDER:

Is that House Bill 1121?

PRESIDENT:

That is House Bill 1121.

SENATOR ROSANDER:

I move that the Senate does not recede from the Senate amendment and that a Conference Committee be appointed.

PRESIDENT:

The motion is that the Senate refuse to recede from its amendments on House Bill 1121. We're on page 2, column 3, Nonconcurrence in Senate Amendments. Senator Rosander moved that the Senate refuse to recede. 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:

Senator Rosander, there seems to be a little confusion here based on the questions asked me by some of my membership. But is the situation that grew out of Rockford, particularly where a bus driver who had contracted with parents, and skipped town and left them with no service? Now, what does this bill do now to prevent this kind of eventuality?

PRESIDENT:

Senator Rosander.

SENATOR ROSANDER:

Well, the amendment in question is that particular contracting bus company must file, with the Superintendent of Public Instruction, a bond assuring performance of the contract by the school bus company. And, this was brought up in the Senate Education Committee, and that was the recommendation of the Committee, that that type of amendment be put on. I accepted the amendment to make it a better bill and it was passed on in the Senate. My understanding is that in the last remaining days of the session, that apparently there was a misunderstanding when that amendment was brought up for concurrence, and it along with some others, was placed on a nonconcurrence. I have already talked with the House sponsor. I don't think there is any problem in getting the House to accept the amendment.

PRESIDENT:

Senator Partee.

SECRETARY:

...Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours,

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Donnewald, aye. Graham, aye. Baltz, aye. Sours, aye. Latherow, aye. Ozinga, aye. Gilbert, aye. On that question the yeas are 40, the nays are none. The Senate refuses to recede. Senator Rosander, if you can mention this to Senator Smith, I don't see him right now, that a Conference Committee has to be appointed on this. Is Senator Carroll on the floor? Senator Carroll, 2867.

SENATOR CARROLL:

Mr. President, Senators, House Bill 2867. I would ask that the Senate not recede from Senate amendment No. 1 and that a Conference Committee be appointed.

PRESIDENT:

The motion is that the Senate refuse to recede. Incidentally, the Chair was in error in calling for a roll call. We don't need a roll call unless it is demanded on the motion to refuse to recede since that is not final action. Is there any discussion? All in favor of the motion to refuse to recede signify by saying aye. Contrary minded. Senate refuses to recede. Senator Hall, are you ready on your motion? On Concurrence in Executive Amendment to House Bills. 2063. Senator Hall is recognized.

SENATOR HALL:

Thank you, Mr. President. Mr. President and members of the Senate, I move to accept the specific recommendation of the Governor as to House Bill 2063 in the manner and form as follows: Amend House Bill 2063 on page 2, line 8, by deleting the word truckster. That's all there is to it.

PRESIDENT:

Is there any discussion? Senator Laughlin.

SENATOR LAUGHLIN:

Not knowing for sure what a truckster is, Senator, will you tell me the significance of the change suggested by the Governor?

PRESIDENT:

Senator Hall.

SENATOR HALL:

I will be happy to, Senator. The Governor returned this. He said, pursuant to the authority vested in me under Article IV, Section 9, in the Constitution, I am returning this for the recommendation of the word change. This bill will add the classification of truckster to those vehicles exempted from safety tests. The Department of Law Enforcement informs me that they are presently testing trucksters and feel that they should continue to do so. With the maximum permissible...So that's the whole thing.

PRESIDENT:

Is there further discussion? The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, 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:

Senator Groen.

SENATOR GROEN:

Mr. President, before this roll call is announced, I would apologize to the Senate sponsor. I was not listening. I was distracted. Could he tell me what this amendment does.

PRESIDENT:

Senator Hall, there is a question being directed to you.

SENATOR GROEN:

Senator, I apologize to you. I was being distracted and did not hear your explanation, if you made one. Can you tell me what this amend-

ment does?

PRESIDENT:

Senator Hall.

SENATOR HALL:

What this does, Senator, is simply deleting the word truckster. And I explained it, that this bill would add the classification of truckster to those vehicles exempted from safety tests. The Department of Law Enforcement informs me that they are presently testing trucksters and feel that they should continue to do so. So, by deleting this it will allow them to continue on testing these trucksters.

PRESIDENT:

Is there any...? Senator Groen.

SENATOR GROEN:

In other words, this would not eliminate them from being tested, but would continue to require them to be tested.

PRESIDENT:

Senator Hall.

SENATOR HALL:

That is correct, Senator.

PRESIDENT:

Carroll, aye. Senator Berning.

SENATOR BERNING:

I don't interpret this in that fashion, and, Mr. President, I rise on a point of personal privilege, already having voted. But, it seems to me that this is adding trucksters to the exempted list. Isn't that correct?

PRESIDENT:

Senator Hall, you have another question over here. Can you recognize Senator Hall on Senator Groen's mike?

SENATOR HALL:

Senator...Could you hold that? I'll go over to the Senator and we can...

PRESIDENT:

Well, we're on roll call.

SENATOR HALL:

Oh! We're on roll call? Now what was your question Senator?

PRESIDENT:

I think if you re-read the Governor's message, as you did before, that this will clarify it for Senator Berning.

SENATOR HALL:

This amends House Bill 2063 on page 2, line 8, by deleting the word truckster. This bill would add the classification of truckster to those vehicles exempted from safety tests. The Department of Law Enforcement informs me that they are presently testing trucksters and feel that they should continue to do so. Does that clarify that for you, Senator?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

That seems to me to be absolutely contradictory. The amendment strikes trucksters from those examined and you say the police department wants to examine. These are contradictory positions. I don't know what you are trying to do here, really.

PRESIDENT:

Senator Groen. Let's have some order. Just a moment. Please.

SENATOR GROEN:

In reply to Senator Berning, I did not vote for this bill when it was previously considered by the Senate. The reason I didn't is because the bill in it's original form exempted small trucks of under 5 thousand pounds. I wanted those to continue to be tested. Now they added the word truckster in the House and this would also eliminate them. The Governor said he wants trucksters to continue to be examined rather than have them also eliminated, and that is on the recommendation of the Department of Public Safety. So, Senator Hall is correct in his interpretation and if you favor the retention of trucksters in that category to be required to

continue to be inspected, then you vote aye on this.

PRESIDENT:

On that question the yeas are 46, the nays are none. The Senate concurs in the executive amendment. Senator Gilbert, would you want to take up 2769 now? Senator Gilbert, 2769.

SENATOR GILBERT:

I have filed a proper motion in relation to 2769, have I not there...

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I move that we concur with the Governor's amendment with this and the action of the House, because this merely brings this bill in the same conformity with House Bill 1149, which passed in the spring session and signed by the Governor; and also, there is a correction in the spelling of one of the words in the bill. This deals with the statewide library system and, as I say, is in conformity, to make this bill conform, with the language and makes no substantive change in those entitled to state library services.

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

PRESIDENT:

Berning, aye. Groen, aye. Hall, aye. On that question the yeas are 40, the nays are none. Senate concurs in the executive amendment. Senator Horsley, you were off the floor when 687 was called. Do you wish to take that up? Concurrence to Executive Amendment to a House Bill. Sen-

ator Horsley.

SENATOR HORSLEY:

I have filed the motion. The House has already concurred in the executive amendment and I have filed a motion asking that we also concur in the amendment. In drafting the bill, we set the age at 18 for executors, but we did not change it to 18 for administrators. So the Governor sent it back with the recommendation that the law be made uniform as to administrators and executors both, and since the law now has been signed by the Governor making 18 the age of majority for both men and women; why, he suggests that we have administrators and executors uniform so I would move that we concur and ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Sours.

SENATOR SOURS:

I don't want to oppose the good Senator on this, but there is a vast distinction between an executor, who is named by the testator, and an administrator, who in many instances is a pure accident...a pure accidental appointment. I would be inclined to vote against agreeing with the Governor in this case because of those two differences..., because the two people are different. One is designated, and certainly the testator ought to know whom he wants to handle his affairs; whereas, the other, as I say, may be just some fortuitous appointment.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. I think Senator Sours is correct. We had this bill in the Judiciary Committee, as I recall, and we talked about this particular aspect of it; and I thought we deliberately did not want to include this other group. It's one thing to ask for uniformity, but this has been through the Committee hearing and that was the feeling of the committee. We could have just as easily put it on in the Committee hearing, and I think that Senator Sours and Senator Knuppel and,

if I recall, Senator Laughlin, we discussed this.

PRESIDENT:

Senator Laughlin. Senator Laughlin.

SENATOR LAUGHLIN:

Well, Mr. President, I'm sure that we did discuss it. I don't happen to share the feeling of Senator Sours. I share the feeling of Senator Horsley that it should be uniform. Obviously, too, if you're an administrator, you are required, under all circumstances, to be bonded. Very often the testator in a will makes a provision, which he has a right to do, to say that bond shall be waived or that security in a bond shall be waived. The Court also has grounds within the statutory designation of preference to pick and choose. And, so, while it's possible that in a given situation you might have someone that the Court would rather not appoint, the Court is not bound to appoint someone who is completely irresponsible, and I don't believe the distinction warrants the difference in the vote.

PRESIDENT:

Is there further discussion? The Secretary will call the roll.

Senator Horsley?

SENATOR HORSLEY:

Senator Rock, I do not have the same recollection of the Judiciary meeting that you have.

PRESIDENT:

Just a moment. We are faced with a problem of that sandblasting out there that doesn't help anything at all. If we can keep the noise in the body to a minimum. If we could get that State Treasurer to keep a little more silent there now. Senator Walker, do you think you can help on silencing the State Treasurer? Alright. Senator Horsley.

SENATOR HORSLEY:

As I said awhile ago, I do not have the same recollection you do; because, as being the sponsor of the bill, it was not done deliberately and was an oversight. Now, I can see all the reason in the world where

it should be maybe just the opposite, because the administrator will probably be the wife of the decedent or, if he doesn't have a widow, then it will be his children and why shouldn't the 18 year old be his child. If he didn't want that child to be the administrator, he then would have a will nominating somebody else to be an executor of his will. So, I think it's very equitable to let the same child who could be an executor nominated by the testator to be the administrator because it's purely within the control of the decedent, and if he didn't want that child to be the administrator he could make a will and nominate somebody else. And as further pointed out, that child is going to have to be under bond because, here again, if the decedent wanted him to serve without bond he could say so in his will. So, I see nothing wrong with this, and I urge a yes vote on it.

PRESIDENT:

The Secretary will call the roll. Just a moment. Senator Knuppel is recognized.

SENATOR KNUPPEL:

Just a parliamentary inquiry. Does an aye vote mean that 18 year olds can serve?

PRESIDENT:

The...An affirmative vote means concurrence in the Executive Amendment. The chair doesn't want to...

SENATOR KNUPPEL:

Then that means that an 18 year old could serve.

PRESIDENT:

Senator Horsley will have to answer that question.

SENATOR HORSLEY:

That is correct. Yes.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

My recollection of the bill was that we passed it out of here that

way when it left the Senate and that it must have been amended in the House, because I opposed -- here on the floor -- I opposed lowering in the age for administrators and executors to 18 and I'm sure I did not prevail. And, I think this was amended in the House at a later time.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Senator, it was not amended in the House. By inadvertence, it applied only to executors and not administrators, and that's why the Governor sent it back saying that if you are going to allow an executor to be 18, then the administrator should carry the same age, and that's why we have the matter back before us.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

It's all well and good to say that he could have drawn a will, but the fact of the matter is many wealthy people, many people who ought to have wills, don't have them. And, I think that it is a good thing to have a person, when he's able to name somebody it's fine to say if he wants to name somebody 18 years old, but I think it takes more business experience, it takes something more than just being 18 years old, something more than the right to vote to serve in a position of trust, such as this, even though the person is under bond. We have many public officials under bond who go out of the country and leave many serious doubts surrounding them where they've left from. That bond thing don't mean so awfully much. And, I personally feel in this case, that there's a difference between where a man says I want my 18 year old son to serve and someplace where he hasn't drawn a will, because many important people, many people with a lot of business experience, don't bother to draw wills. And, I don't think that if they could come back that they would want an 18 year old to serve as an administrator. But where they have expressly expressed themselves, that's difference. So, I will not vote to

allow, and I will encourage others here, please, not to vote to allow 18 year olds to serve as administrators.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz; Berning...

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President, I would just like to suggest to the members of the body that there are certain instances where age and the accumulation of wisdom which does occur is still recognized as being a valid breaking point. If my recollection serves me, the right to serve in the Legislature is still contingent upon achieving the age of 21. If that is defensible, certainly then there are other situations. It would seem to me that the right to be an administrator or executor ought to also be contingent upon a certain degree of maturity and I would like to vote no.

SECRETARY:

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

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, on this bill, as Senator Horsley so carefully stated, accurately so, that the bill was returned to the Legislature because the word administrator was left out, and the Governor's veto message was if he can be an executor he can be an administrator, which makes sense. Now, as we all know that age 18 is eligible to vote, and they've been fighting our wars for years gone by; and, we are going to have to treat these people as they are human and sort of get our feet off their necks, it seems to me that we can trust them to drive our automobiles, we can trust them to keep this Country in peace, we can trust them to work and have the ability to start their savings and many, many other things, and

I think it would be a neglect of our duties if we were to defeat this bill. I think it's an excellent suggestion from the Governor, and there aren't many times that I am in agreement with him, but just yesterday when we overruled a veto of the Governor's, Senator Soper, which I opposed, the fact of the matter that the will of this Senate will stand in spite of opposition in which some of us offer. But we may as well go on across the board, because they are here to stay. And we may as well start treating them like they are human because they are going to be a part of this system and they are going to fight from within the system to correct the many ills, and I vote aye.

SECRETARY:

...Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. Whether or not it's a mistake of the Page, I don't even have this bill in my binder.

PRESIDENT:

Just a moment. Let's get some order.

SENATOR EGAN:

I don't have the Governor's message. I don't have the bill in my binder. I can't remember what we did in the Judiciary Committee, and I feel totally inadequate because of that to even discuss the bill, let alone vote on it. It's a shame, if we don't vote this amendment then the bill is vetoed, is my understanding. What we are doing is vetoing a bill without knowing what we are doing, as far as I can see. Could somebody suggest, Senator Horsley, what exactly we are doing, please?

PRESIDENT:

A copy should have been distributed to every Senator, Senator Egan. Senator Horsley, you should have had copies of this bill on your desk. Were they distributed to the members of the Senate? Do you know?

SENATOR HORSLEY:

I can't answer that, I don't know. I presume it was. If not, then we will hold it up for a little while and have them distributed. Wait a minute. What about...Mr. Wright, were they distributed?

PRESIDENT:

They were put on your desk this morning, apparently.

SENATOR HORSLEY:

Well, I thought they were, I have one on my desk. I presume they were.

PRESIDENT:

They are being distributed now. Senator Egan.

SENATOR EGAN:

Could I make a point of inquiry please. Why aren't these bills in the House binder?

PRESIDENT:

The Chair can't answer...I'm advised by the Secretary that the procedure is that any bill that is passed has been removed from the binders. Now in reality, probably any bill on which there is some modification should not be removed from the binders. Senator Egan.

SENATOR EGAN:

Well, I don't really know where to go from here. I'd like to have the bill in the binder the next time we deliberate on it.

PRESIDENT:

Senator Egan does not cast his vote. Continue with the roll call.

SECRETARY:

...Fawell...

PRESIDENT:

Senator Horsley. Just a ...For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I think Senator Egan has raised a very valid point. I took it for granted because I have a copy that was furnished to me that it is in the

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binder. And, I think we are entitled, this is final action on a bill, and I think when we take final action on a bill every Senator is entitled to have a copy of that bill, together with the amendment, together with the veto message on his desk. Now, I think his point is valid and I'd ask the Secretary, do we have enough copies of the bill in the Clerk's or in the Secretary's office - the Bill Room - that it can be distributed and put back on our desks? Well, then, Mr. President, I would ask that you take this out of the record for the moment and that these bills be distributed, together with a copy of the Governor's recommendation. The proposed amendment has already been passed out, and when they are there we just go back on this matter as though we hadn't started the roll call. I think his request is valid.

PRESIDENT:

We have a motion to postpone consideration. We are on roll call. Unless there is unanimous consent...There is a request for unanimous consent to have this pulled out of the record and remain on the calendar. Is there objection? Leave is granted. Senate bills on second reading. 1272, Senator Laughlin. Senator Laughlin.

SENATOR LAUGHLIN:

Is it...I have to ask Senator Partee. Is it alright to move this to third reading, if there is a question, we bring it back...Yes? Then go ahead and call it.

PRESIDENT:

1272.

SECRETARY:

Senate Bill number 1272. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1273.

SECRETARY:

Senate Bill number 1273. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. Senate bills on third reading. Senator Partee.

SENATOR PARTEE:

I didn't want to belabor that last discussion, but here is the problem. Senator Horsley...Senator Horsley and Senate Egan, particularly, I wish you gentlemen would listen to this. I, too, have been concerned about that, but one of the problems has been, the staff does not know which bills are going to come over from the House on a day by day basis. They can't..., you know, they don't have them. So what I'm suggesting is that the members, probably, who have new matters that come over from the House or otherwise, will have to take personal responsibility of letting us know what you are going to call so that we can reproduce it and make certain that every member has a copy. It isn't a question of knowing what's going to be, because they come over on a day by day basis, and on a day by day basis we have to adjust ourselves to particular matters. And when they come over we don't know if the Senate sponsor is going to call them or not, so the Senate sponsor is going to have to take some responsibility to make certain that everybody gets a copy.

PRESIDENT:

That is correct. Senate bills on third reading. 491. Senator Ozinga? 492. 1052. Senator Partee. 1052, that series through 1055.

SENATOR PARTEE:

Oh, no. No. Pass it.

PRESIDENT:

1062. Is Senator O'Brien on the floor? 1164. Senator Berning? 1194, Senator Cherry? 1224, Senator Donnewald. Is Senator Donnewald on the floor? 1263, Senator Partee? 1266. Senator Partee?

SENATOR PARTEE:

Yes, sir.

PRESIDENT:

1266.

SENATOR PARTEE:

Now, Mr. President and members of the Senate. This bill is a bill which would provide for the creation of legislative committees in the various legislative districts to fill vacancies in the General Assembly. By way of history, and very brief history, let me say that in the last session...

PRESIDENT:

Just a moment. For what purpose does Senator Clarke arise?

SENATOR CLARKE:

I don't want to interrupt, but on this bill we do have a proposed... another amendment. We don't have it in hand as yet, and we would like to defer action until we have a chance to talk about it. If that would be alright with you, Pro Tem.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

When is it contemplated this amendment will be ready?

PRESIDENT:

Senator McBroom?

SENATOR MCBROOM:

Today.

PRESIDENT:

Yet today, I'm advised. If you can advise the Chair when you have the amendment ready, and then we will go back to that particular bill.

Senator Partee.

SENATOR PARTEE:

I just want to have the understanding that we will have it in sufficient time before we adjourn so that we can address ourselves to this bill today. Thank you.

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

We'll make every effort. I certainly hope so, Senator. (Louder)

We'll make every effort. I would certainly hope so.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I have no objection to an agreement between Senators Clarke, Partee, and McBroom about some may be amendments that might be submitted and agreed upon today, but I have deferred and had the unanimous consent of this body to call at a later time today, out of order, my motion to... with reference to Senate Bill 67. Now, my concern is, and I don't want to be part of this agreement, is that if they don't have their amendments ready and action is not taken on the bill under consideration, I'm not going to be bound to postpone my motion on 67 because if I wait until tomorrow it's all gone. Am I correct in thinking that?

PRESIDENT:

That is correct...

SENATOR MCCARTHY:

Alright.

PRESIDENT:

You will be recognized on your motion at any time you wish. Senator Hynes, you wish to make a motion?

SENATOR HYNES:

Mr. President and members of the Senate. With respect to Senate Bill 1213, which is the appropriation for the Office of the Superintendent of Public Instruction, the Governor vetoed line items amounting to approximately \$850,000, and I have filed a motion with the Secretary with respect to one of those items for the Comprehensive Health Education Program in the amount of \$250,000. And, I therefore move that the item on page 11, lines 29 thru 32 and page 12, lines 1 and 2 of Senate Bill 1213 be restored. The item veto of the Governor to the contrary notwithstanding. By way of brief explanation, it is my feeling that possibly this veto, this item veto, was inadvertent, in that the Governor pointed out in his message that the grant-in-aid items being vetoed are not established as

specific statutory programs imposed by the General Assembly. Unlike other grant-in-aid programs, there is no indication of the terms for qualifying for aid or to whom the aid is directed. At the time these reductions were made, there had been passed House Bill 2547, which was awaiting the Governor's signature. Approximately a month later the Governor signed that bill into law, and that bill is the Comprehensive Health Education Act, which mandates the State's first comprehensive drug education program as well as offerings in fields such as alcoholism and venereal disease. This appropriation is necessary to implement that program, and without it the program will not be implemented for this fiscal year. The funds involved are \$80,000 for the development of a health education curriculum, \$45,000 for programs in the areas of sex education, venereal disease, etc., and \$125,000 for intensifying drug abuse education in our schools. I suggest that this is a very important item and I would urge your support for the restoration.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I rise in opposition to the restoration of this sum of \$250,000. And some of the reasons which I will give: First, when the Superintendent of Public Instruction submitted his budget request section 1 to the Governor's office and the Bureau of the Budget, over \$1,000,000..., over \$1,000,000 was allotted above that expended last year to the Superintendent's office for various programs that were not itemized. The bill which Senator Hynes refers to calls for a comprehensive health education program and establishing of an advisory committee most of whom are already State officers. Let me read you what this program calls for. The program established hereunder shall include, but not be limited to, the following major educational areas as a basis for curriculum in all elementary and secondary schools in this State: human ecology and health, human growth and development, prevention and control of disease, public and environmental health, consumer health, safety education and disaster survival,

mental health and illness, personal health habits, alcohol, drug use and abuse, tobacco, nutrition and dental health. Now many of the things that are set out in this program to be developed are already a part of our program in our schools and many of these things have not been neglected. This would merely be a program which they would be coordinated and expanded. Now the advisory committee, for which a major part of this money or \$80,000 would be used, it consists of 11 members: the Chairman of the Illinois Commission on Children, the Director of the Illinois Department of Public Health, the Director of the Illinois Department of Mental Health, the Director of the Illinois Department of Children and Family Services, the Chairman of the Illinois Joint Committee on School Health and six members appointed by the Superintendent. It is the contention of the Governor's office, I have been in touch with them two times this morning in relation to this matter, is that in the over \$1,000,000 in section 1 appropriated to the Superintendent of Public Instruction that there are sufficient funds to take care of the necessary things that would be necessary in establishing this committee. Certainly they would not be in a position to do much more than to organize and meet and establish the programs. There would not be an opportunity before July 1st of 1972 to expend large sums of money that could not be obtained by transfers within the Superintendent as we have asked the universities...

PRESIDENT:

Just a moment. Just a moment. Senator Gilbert has been a courteous member of this body and is entitled to be heard.

SENATOR GILBERT:

...that there is sufficient opportunity within the department for transfers of funds that would allowed to develop this program that the program then would be implemented and funded at the request of the Superintendent in the next biennial..., or in the next annual session on the basis of programs that they have worked upon and established. I urge the members of this side of the aisle to oppose the restoration of this sum. We do not feel that we are crippling the program. It is a new pro-

gram, we think that there are ample funds available to get it started, that by next year we will know what we need and that it will then be put into full implementation.

PRESIDENT:

Is there further discussion? Senator Hynes may close the debate.

SENATOR HYNES:

Well, very briefly. The monies allocated to the Superintendent of Public Instruction have been committed and are going to be committed for this year. There is not additional money available in the Superintendent's budget to finance this program. The Governor cut approximately \$850,000 from the budget. We are seeking a restoration of less than one third, namely \$250,000, for this very vital program. And I would suggest that unless this money is restored the comprehensive drug education program is not going to get off the ground for this fiscal year. I do believe that the original veto was inadvertent and I am at a loss to understand why the refusal to reconsider is being maintained. I would urge your support for this motion to override.

PRESIDENT:

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, Vadala-bene, Walker, Weaver.

PRESIDENT:

O'Brien, aye. Newhouse, aye. Palmer, aye. Request for a call of the absentees. The absentees will be called.

SECRETARY:

Arrington, Baltz, Carroll, Collins, Coulson, Groen, Harris, Horsley, Knuepfer, Latherow, McBroom, Merritt, Mitchler, Ozinga, Sours, Weaver.

PRESIDENT:

Smith, aye. On that question the yeas are 29, and the nays are 16. The motion does not prevail. Senator Gilbert.

SENATOR GILBERT:

Having voted on the prevailing side I move to table.

PRESIDENT:

Senator Gilbert moves to reconsider. Senator Laughlin moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. House bills on third reading. We had a couple of requests yesterday. If there are other requests, they...submit them to the Chair, they will be honored at this time. 205, Senator Chew.

SENATOR CHEW:

Yeah, Mr. President, 205 is a House Bill that is designed to allow liquor establishments to remain open on national and local election days. It was debated here in the Senate before, but in the ending of the session we held it over for the fall session, and I would appreciate a favorable vote on it, please.

PRESIDENT:

Is there any discussion? Is there any 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, 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:

O'Brien, aye. On that question the yeas are 30, the nays are 9. The bill is declared passed. Senator Chew moves to reconsider. Senator Smith moves to table. All in favor of the motion to table signify by saying aye, contrary minded. Motion to table prevails. 1564, 1-5-6-4, Senator Berning.

SENATOR BERNING:

Mr. President and members of the body, House Bill 1564, by Representative Kipley, would clarify the rights of municipalities to exercise control over the location and placement of mobile homes within the municipalities. This is a measure that stems from the Sparta case, the Supreme Court decision in the Sparta case, and seems to be mandatory that it be passed in order to give the municipalities the right to control their own destinies in this regard. It is a Municipal League sponsored and supported bit of legislation. I highly recommend it to you. It does not do violence to our recently passed mobile home control, mobile home part control legislation, but does actually supplement it. I ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Rock. Just a moment. Please. Senator Rock.

SENATOR ROCK:

Yes, Mr. President, will the sponsor yield to a question?

PRESIDENT:

He indicates he will.

SENATOR ROCK:

I am wondering, Senator, is the Dougherty home rule amendment on this bill?

PRESIDENT:

Apparently there is Senator Rock. Is there further...Senator Cherry.

AB 2680
3rd reading
10-20-77

SENATOR CHERRY:

Senator Berning, I would like to ask you a question. Why is this legislation necessary in view of the fact that every municipality under the new Constitution has the authority to do what you are attempting to do under the home rule theory. I'm not saying that there is anything wrong with it, but I am saying that you may do violence to the theory of home rule where every municipality has the right to do it. This is the way I look at it, as enabling legislation, but we have enabled them to do that under the home rule authority of the new Constitution. Would you explain that to me, please?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

As you know, Senator, not all municipalities qualify as home rule units and may I just briefly read this to you. The corporate authorities of each municipality may regulate mobile homes, house trailers, or similar portable structures used or so constructed as to permit their being used as a dwelling place for one or more persons. The corporate authorities may also locate or prohibit such structures which are not within the confines of a mobile home park as authorized by law. This amendatory act of 1971 does not apply to any municipality which is a home rule unit. In other words, this does not infringe upon the autonomy of the home rule units, but gives the non-home rule units the same perogatives as home rule units would have.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I would like to read this provision in the bill. Could you hold that for a moment?

PRESIDENT:

He indicates that he will. Senator Hall, 2680. Is Senator Hall on the floor? Are there other majors to be..., other House bills that mem-

bers want to have brought up? Is there additional business to come before the body? Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President and Senators, there is a series of bills here. Senator Graham, there is a series of bills here that have to do with the licensing act and I know that you handled some and I am wondering if, starting at 637, House Bills, if these are duplicates of ones that you have handled. If not, I would like to call them and get them out.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

...informed they are dealing with the same subject matter as those that have already been passed and signed.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

In which there would be no purpose served by calling them on this floor.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

I would think that is true, Senator Newhouse. We did have to delete from my original bills three or four that dealt with private detectives and so forth. I think we have pretty well covered the field and those bills have been signed with regard to former convicts being allowed to apply and get a license to cover the various areas. I think we are in good shape on that.

PRESIDENT:

The...Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, then the sponsors have asked me to call these bills and I wonder if we can dispose of them one way or another. I wouldn't

like to table them in the face of the sponsors' request. If we are sure that they have already been called, then why don't we just vote them up or down. If they have not been signed by the Governor then I would like to get them out of here and get them off the Calendar.

PRESIDENT:

Why don't you check, Senator Newhouse, to make sure that they..., whether or not they have been and then we can get them off the Calendar.

SENATOR NEWHOUSE:

Okay, Mr. President. Fine. Thank you.

PRESIDENT:

Senator Hall has requested 2680.

SENATOR HALL:

Mr. President and members of the Senate. House Bill 2680 is introduced in the House and it creates a new and proper claim protective section. It is designed to give the Department of Insurance tools to safeguard the public against those companies which have committed, in the words of this act, improper claim practices without just cause and perform with such frequency as to indicate a general business practice. House Bill 2680 is an administration bill. It makes it clear that we are dealing with a company practice, not just an isolated case. The enforcement provisions of Article 24 were inadequate as providing any remedies for defaults or any remedies against a company and referred to powers to subpoena a person who made no reference to the term company. House Bill 2680 clarifies and gives the authority to the Director to act when a company fails to appear at a hearing. There are six areas that are reason to find improper claim practice and they are as follows:

- a. Knowingly misrepresent the coverage of a policy;
- b. failing to acknowledge with reasonable promptness pertinent communication with respect to claims;
- c. failure to implement reasonable standards for prompt investigation;
- d. failure to effect prompt, fair and equitable settlement of claims where there is reasonable clear liability;
- e. forcing policy holders to bring suits in order to recover the amount due

under their policies where the company has offered substantially less than the amount that should be paid. And, finally, any other practice which constitutes an unreasonable delay or unfound refusal to pay a settle claim due under the policies of the company. House Bill 2680 concludes that any order made by the Director falls with the judicial review sections as set forth in Section 407. I ask your favorable support of this bill.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke...

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

I just want to say that I think this is a good bill and ought to be supported, and 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, Merritte, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Latherow, aye. Senator Groen.

SENATOR GROEN:

Mr. President and members. I would hope that this bill would have the necessary number of votes. It is a good bill and I would call to your attention that the right of the judicial review is preserved in the bill in the case that a company feels that the Director has abused his power or has made an injudicious decision in the complaint that is filed. I vote aye.

PRESIDENT:

McBroom, aye. Horsley, aye. Palmer, aye. Cherry, aye. Berning, aye. On that question the yeas are 50, the nays are none. The bill, having received a constitutional majority, is declared passed. 501, Senator Walker.

SENATOR WALKER:

Thank you, Mr. President. House Bill 501 has sponsorship in the House -- Palmer, McPartlin, Chapman, Friedland, Redman, Craig, and Boyle; and the bill affects only library districts, the 35 library districts in the State. The present law established the ceiling on tax rates at 12 percent. A referendum is required to increase this up to 40. All other libraries in municipalities and townships have a 15 percent ceiling. This bill increases the 12 percent to 15 percent that if the library district receives any income tax allocation, the tax is abated up to .03 percent. The districts are entirely reliant upon property tax for the support and the loss of personal property taxes would be felt even more in the future. In other words, what this bill does is to put these 35 districts on the same footing, the same basis as the municipal and township libraries. Taxpayers Federation has no objection, the Illinois Municipal League has no objection to the bill and I would appreciate a favorable roll call.

PRESIDENT:

Is...Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, would the Senator yield to a question?

PRESIDENT:

He indicated that he will.

SENATOR LAUGHLIN:

As a matter of fact, Senator Walker, what this amounts to is the authority to levy an additional tax without a referendum. Is that not correct?

PRESIDENT:

Senator Walker.

SENATOR WALKER:

As I stated, it permits them to go from 12 to 15 the same as they can now do in the municipalities and townships, a 3 cent increase without a referendum. It places them on the same basis with the other library districts in the state; effects only 35 of them.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator Walker is right. As a matter of fact, the rate was raised from 12 to 15 cents under the aegis of the special..., the Full Assessment Rates Commission. And this bill permits them to go from 12 to 15 without a referendum and then also permits that those areas that have levied a rate over and above the 12 cents prior to that, may go to the additional 3 cents. Right, Senator, that's precisely what it does. The bill got a full hearing in the Local Government Committee, there were no objections raised at any time, and I recommend..., join with Senator Walker in recommending a favorable vote.

PRESIDENT:

Is there further discussion? Senator Latherow.

SENATOR LATHEROW:

Mr. President, I think my point is already brought out. This is an increase without a referendum.

PRESIDENT:

Senator Walker may close the debate.

SENATOR WALKER:

I'd appreciate a favorable roll call. I already stated it permits a 3 cent increase without a referendum; places these library districts on the same basis as the other library districts in the State.

PRESIDENT:

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:

Groen, no. Newhouse, aye. Bidwill, aye. Johns, no. On that question the yeas are 32, the nays are 6. The bill having received a constitutional majority is declared passed. We have the amendment now on 1266, Senate bill on third reading. Senator McBroom has the amendment. Senator McBroom, do you wish to explain the amendment?

SENATOR MCBROOM:

Mr. Chairman and members of the Senate. Would...yes, I'd be happy to explain the amendment. The bill is on third reading and I presume Senator Partee is willing to call it back to second reading.

PRESIDENT:

It has been brought back to second reading.

SENATOR MCBROOM:

It has been brought back. Well, Senator Partee's concern and my concern was simply this. That if the Representative Committee, which is now defunct with the Senate and the House members being in coterminous districts, if they did not meet, that it is conceivable that three candidates would run for State Representative as Republicans and 3 as Democrats. If I may just read this to you, Mr. President. The election code provides that the Representative Committee shall fix the number of candidates to be nominated by each party for representative. Under the Constitution this may not be less than two and, of course, could be three. If such action is not taken, in other words if the committee does not

meet, the courts would probably hold that three candidates should be nominated. Senator Partee and I are endeavoring to circumvent this possibility in giving the committee the opportunity to meet and set their own number, and that is the thrust of this amendment, Mr. President. I move it's adoption.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye, contrary minded. Motion prevails. House Bill...We need intervening business before we can take the matter up...391, Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate, House Bill 391 is a very simple bill. It was introduced by Representative Pierce and others in the House. It just provides a county or a municipality..., it sets up what is known as a local environmental conservation area, and it provides and sets forth the power of general supervision over all activities in the area of the protection and environmental control, watersheds, and so forth. There is no money involved in this. It is done under what you might term home rule. It is just a very permissive bill. I urge your favorable consideration.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President. Senator Dougherty, would you answer one question please? If this bill passes and the municipality takes advantage of this, what effect does that have on the State...the jurisdiction of the State under the Environmental Protection Agency?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

As I understand the bill, Senator, I did discuss it with the House sponsor, it will coincide with the State activities. That's the way I understand it, that the way it was explained to me, sir.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

The reason I asked is, you will recall that when we had the Environmental Protection Act debated here, Senator McGlooin at that time proposed that the City of Chicago be exempt and my recollection is that that wasn't accomplished; that the act we passed covered all municipalities. So what you're saying is that the local people can do it, too, so we may have more confusion. Okay.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Senator Dougherty, I am wondering if we aren't creating a Scenic Rivers Bill here for every governmental body.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I thought that, too, Senator, but in looking this over, I think it is merely permissive; there is no money involved and any municipality or county would have to do that...would have to extend a rate and I would suggest it would be a referendum.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Well, under the philosophy that I see, I think in here as well as the others that I may have mentioned, they could create this right upon a man's property with...by merely saying we have this Local Environmental Conservation Commission selected by the group, or however they are selected -- I haven't noticed closely -- and say, well, this is a scenic spot, this has natural resources, it needs to be protected, it has aesthetic areas and so on; and can take that right upon them and take an easement on that particular property. I think we are creating some-

thing that is going to be a bonanza to, to and against...to a body and against the individual person who may, by right of ownership, have some value in a property.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator Latherow, I agree with much of what he says, but however, I do believe that there is enough jurisdiction and there is enough leeway in the bill that provides that they cannot go too far as they do in the Scenic Rivers Bill, because it would provide for only a county or a municipality. They would have to join with more than one municipality or more than one county to produce what is called a Scenic Rivers Bill.

PRESIDENT:

Is there further...Senator Latherow.

SENATOR LATHEROW:

Mr. President, I don't like to belabor this problem, but I think here again we are creating a new body in these areas that have the ultimate built-in-right to take from a property owner his possible well-earned beings and create them under these different descriptive elements in the interest of property for general public use without any compensation whatever. Now, I haven't found in this bill, in close...in, rather, hurried scrutiny, anyplace where it says that there shall be monies appropriated by these different organizations to pay for what they might take and so on, and I think without us saying that this is a right of an easement on a man's property, that this bill should be defeated. So I certainly...

PRESIDENT:

Is there further discussion? Senator Dougherty may close the debate.

SENATOR DOUGHERTY:

I anticipated there might be some objection to this, but I do believe that the purpose of the bill is merely to provide that counties or

municipalities may, if they deem it necessary, set up this Conservation Committee to preserve the waterways and the open lands in those areas within the municipality or county which they deem are necessary to a good environmental community, in the community. I'll ask for a roll call.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz...

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Mr. President and members of the Senate, I can't help but agree with Senator Latherow that this bill is probably the Scenic Rivers Bill Act in disguise. I think the intent of both this bill and the Scenic Rivers Bill is well grounded that there are certain areas in the State that ought to be preserved by some authority. However, the way the Scenic Rivers Bill is presently written, it preempts all county zoning in counties and establishes, by an act of the Legislature, additional river banks throughout the State at any time that it pleases the Legislature...any river bank may be added. Yet, although it violates county zoning by it's preemption, it excludes municipal authorities that do have municipal zoning. I think that this is a real weighty question. It has certainly been under serious consideration by the subcommittee of the Scenic Rivers...the name for the Scenic Rivers Bill. I think this bill ought to be defeated and whatever recommendation comes out of the Scenic Rivers subcommittee, if it is adopted by the Agriculture Committee and adopted by the Senate, ought to be the prevailing bill. I think this bill would simply confound the issue and certainly, in it's present form, I rate it as an invasion of property rights and I am not about to invade property rights, and I would urge all the other Senators to join me in opposing this concept of invasion of the regular citizens rights to own and control his property. I vote no.

SECRETARY:

...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:

Latherow, no. Collins, no. Swinarski, aye. Bruce, no. Nihill, aye. Mohr, aye. Request for call of the absentees. The absentees will be called.

SECRETARY:

Arrington, Bidwill, Carroll, Coulson, Groen, Horsley, Johns, Ozinga, Smith, Walker.

PRESIDENT:

On that question the yeas are 27, the nays are 19. The bill having failed to receive a constitutional majority is declared defeated. Senator Latherow.

SENATOR LATHEROW:

I vote to reconsider.

PRESIDENT:

Senator Latherow, having voted on the prevailing side, moves to reconsider. Senator Carpentier moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 1266. Senate Bill 1266 on third reading. Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate. The subject matter of this bill has been discussed from time to time from various viewpoints in these legislative halls and I am certain that the members are familiar with the subject matter herein. It happens, Mr. President...

PRESIDENT:

Just, just a moment. Let's...

SENATOR PARTEE:

It happens, Mr. President, that in the first session in this session of Legislature, there were two bills introduced in the Legislature on the subject of vacancies. These were bills that were necessary to implement the Constitution in terms of filling vacancies so that our offices would not be vacant until the next general election. On this side of the rotunda, Senator Laughlin had a bill, and on the other side, Representative Choate. Both of those bills were passed and both of those bills arrived at the Governor's desk. The Governor vetoed outright both of them and suggested by his veto that there were some deficiencies in both of those bills. In any event, we talked to the Governor's office concerning them and we have prepared a bill, which is Senate Bill 1266, which now cures all of the alleged difficulties in the other bills. I would just suggest to you that this bill requires 35 votes and it takes care of any situation which may arise with reference to a vacancy, and it is non-partisan in the aspect that it will cover both of us, and there are four amendments, one of which you heard Senator McBroom put on this morning which we think makes it an even better bill. But on behalf, particularly of those persons who reside in Calhoun County and Jersey County, and Macoupin County, and in parts of Madison County, and in parts of St. Clair County, those parts of those latter two counties and all of the first three comprises what has been known and described as the 52nd Senatorial District. That District and that 204,981 people are without representation because such a bill has not been passed. I think those people who are citizens of this state, who pay their taxes and participate in government at the same level that we do, are entitled to representation as soon as is humanly possible and as is feasible. I would ask you, on behalf of yourselves, on behalf of the implementation mandate, and on behalf of all the people of this State, to pass this bill out with the 35 required votes to give representation in this body to that 204,981 people who reside in the 52nd

Senatorial District. The bill now is in acceptable shape and form for the Governor, we have no quarrel with it on this side and those on the other side have no quarrel, as far as I know, with the bill. It is now embracive of every concept mentioned by the Governor in his veto message. I earnestly solicit your support.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President, I wonder if the sponsor would just make some clarifying statements for me relative to page 14 and page 15. They seem to be identical language in the new portions, and I'll read to you the part that confuses me and see if I misunderstand. Starting, skipping the first part of the new section on line 10, but go down to 13, each committeeman and the chairman, which then means several people, of each County Central Committee shall, each committeeman and the chairman shall be entitled to cast one vote for each ballot voted in that portion of his county or ward and township and so on in the district. Does this mean that there will be more than one person casting identical numbers of ballots for previous ballots cast by individuals? It seems to me that if you have one chairman and let's say three committeemen, they each will cast the total vote. Is that your intention, Sir, or do I misunderstand this?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I think you misunderstand it. It would not be any duplication of votes for persons from the same county or ward, as the case may be.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

How do you explain the statement, each committeeman and the chairman shall be entitled to cast one vote for each ballot voted. It seems to me that if there was even only one committeeman and one chairman, they would

be casting votes for the same ballots.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, Senator, you have to read those words that you have just uttered with the words which follow it. When you read them all together, it makes sense. It says, each committeeman and the chairman of each County Central Committee shall be entitled to cast one vote for each ballot voted in that portion of his county or ward or township. Now, that simply means that those persons who are members of the committee can cast a vote for and relating to that portion of the county in which they represent...that portion of the township that they are there for. It doesn't mean for all of them, certainly.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I submit that every township in my county is also a part of the county and if the township or the precinct committeeman or the township chairman is to vote the votes in that township, and the county chairman is going to vote the same, that is a duplication.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Senator, I think probably we might just have to become a little retrogressive and back up and just give you this by way of explanation. You are familiar with the old Representative Committee and Senatorial Committees that we have had heretofore. You're familiar with those? All right. All this bill does is substitute for the old Representative Committee and the old Senatorial Committee a Legislative Committee which is chosen in essentially the same way and votes in the same way. So this really is nothing new, it's nothing different except that we don't have the old Legislative Committees and the Senatorial Committees. We have a new commit-

tee which comprises both areas known as a Legislative Committee, and in the same way that those persons on the older committees which are being abolished by this Act voted, they will vote under this particular bill. It doesn't give any like, any obligation, any duty, any different than they've had before. This is the same it's been done all the time except that we have a joint committee at work, called a Legislative Committee, rather than having it separated into senatorial and legislative districts.

SENATOR BERNING:

Thank you, Mr. Pro Tem, I will accept your explanation and assume that this does accomplish what you say it accomplishes. My other question, then, if I may be so bold, is to ascertain whether or not, in your opinion, this is a weighted vote on the part of this committee-man.

PRESIDING OFFICER (Newhouse):

Senator Partee.

SENATOR PARTEE:

Yes, it is weighted on the same basis that it has always been weighted, on the strength of the particular area within the district based on the vote in the primary. Perhaps yesterday, you may have heard the discussion about whether or not it should be based in a weighted fashion on the primary vote or on the results of the general election, and it was the sense of this body that it should be weighted on the primary vote. There were considerations of some moment on both sides of the question, but we happened to vote that it's a primary and it's weighted on that basis.

PRESIDING OFFICER (Newhouse):

Senator Berning.

SENATOR BERNING:

I do recall the debate and I just wanted to clarify the salient point here that you, Mr. Pro Tem, and apparently a good many of the members of this body do subscribe to a weighted vote. Thank you.

PRESIDING OFFICER (Newhouse):

Senator Horsley.

SENATOR HORSLEY:

I wonder if Senator Partee would yield to a question? This is a very serious matter and this is quite a lengthy bill, and I must confess that I am confused with the amendments and all, just exactly what we've done, and I wonder if you would yield to 2 or 3 or 4 questions to clear up. Now, under the Constitution, as I understand it, the power is given to fill the vacancy with a member of the same party as the senator who resigned or died. What we're trying to do here is to say who shall do it. Is that correct? Now is there any provision--let's say that I... well, not me, I don't intend to die for a while, but let's assume that somebody dies within a month after he's sworn in. Is the appointment then to last for an entire 4 years, or is there a provision for an election to be held? In other words, with judges, we've always had a provision that if they died with less than one year of their term to run, it could be by appointment. Otherwise, it had to be done by election. Now what would we do in case of a senator who dies with three years and 10 months to go on his term? Can that be done by this bill by appointment or is there a provision for an election?

PRESIDING OFFICER (Newhouse):

Senator Partee.

SENATOR PARTEE:

In that eventuality, Senator, we would make reference to the Constitution, Article IV, Section 2d, which reads: Within 30 days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a senatorial office with more than 28 months remaining in the term, the appointed senator shall serve until the next general election, at which time a senator shall be elected to serve for the remainder of the term. And then it goes on to say that if it's in a representative office what it does, but it's spelled out pretty clearly in the Constitution.

PRESIDING OFFICER (Newhouse):

Senator Horsley.

SENATOR HORSLEY:

That's been a question that's been asked around and I wanted to clear it up and I wanted you to state that so that many of them would have that clear in their minds. Now, under your bill the county chairman and these representative or senatorial committeemen, legislative, or whatever you call them, would meet and fill the vacancy, but the county chairman, let's say in my county which is split where they took my good Republican area away from me and part of my county, he cannot cast their votes, but only the weighted vote of the people who live in the area that I represent? Thank you.

PRESIDING OFFICER (Newhouse):

Senator Latherow.

SENATOR LATHEROW:

Senator Partee and Mr. Pro Tem, I wonder why these districts don't coincide with the new legislative districts.

SENATOR PARTEE:

Well, I think they do, don't they? I think they do...or will, eventually.

PRESIDING OFFICER (Newhouse):

Senator Latherow.

SENATOR LATHEROW:

They don't now, the way I read them, even with the old district nor with the new one.

SENATOR PARTEE:

Maybe I don't understand your question. Now I'm trying to hear it.

SENATOR LATHEROW:

I had assumed with this legislation that these...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Until the next primary the old representative districts are, and the old senatorial districts are in effect. After the next primary, then we will be coextensive with the new districts.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

But that doesn't read that way in here. When I look at a district number I find the district, and there's no outline in there relative to any present district or any future district.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

On page 15 of the bill is this language at the very bottom. For the purpose of making appointments to fill vacancies of the offices of Representatives of the 77th General Assembly until the day of the primary for the General Election in 1972, the Legislative Committee shall be the Representative Committee as constituted on the effective date of this amendatory act of 1971. And we put the same language in for the senatorial, so that, by way of amendment...so that covers that, Senator. You have to, because of these changes in districts, have in a situation that accommodates the present districts until the next election. Then after the next election, it then becomes coextensive with the new districts. Then there is no problem.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Senator Partee, I have one question here, too. I'd like to pose a question which would be based upon the new district in which I reside, which is totally within DuPage County except a small portion which is in the County of Cook. And I gather that there is a difference in the selection of the Legislative Committee insofar as Cook and downstate is con-

cerned, and I gather that that also is applicable to a Legislative Committee which is representing a legislative district which is comprised of any portion...of any portion of the County of Cook. I am a bit confused as I read this. It appears to me that if it's a...if my district, for instance, were totally within DuPage, the Legislative Committee would evidently be the chairman of the County Central Committee plus two other representatives. On the other hand, in as much as there is a small portion of Cook County, which is a portion of Hinsdale which is in Cook County, we then fall under the provisions set forth in page 14, which apparently states that the Legislative Committee would be comprised of the respective chairmen of the Central Committees of Cook and also DuPage, plus evidently, all of the precinct committeemen involved who, I gather, would vote the voting strength of their particular precincts. And, it's further compounded by the fact that we have precincts that are cut in half here, too, because of the new boundary line. I...I don't understand really the procedure in a situation where you have got a legislative district that spills over into the County of Cook. It seems to be then quite confusing, at least it is to me.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I hope my answer won't be as confusing as your question, Senator, or as long. I think we have to look at this philosophically, then we can really understand it; and by the way, I am happy to know, sir, that your district now comes into Cook County because we have a lot of problems there and we can use your help on some of them. The philosophy and theory of the entire situation is to give a weighted vote to the committeeman who makes the selection, no matter where the district is and no matter what its components are. In other words, if a district lay all within one county, it would be easy to understand; if it lay partly in one county and partly in another, the vote itself in the selection would be based and premised upon the strength of the party representative making the selection for that part of the district from which he comes, based on the pri-

mary vote in the election preceding. So I have read it, and I don't know how to explain it any differently; I have read it and I don't have this confusion because I think I understand the underlying philosophy which is what I have just said, and I apologize for such a lengthy answer.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I...no, I think the answer is very fine, and my only...and I personally have no objection at all to the committeeman having that weighted vote, and I...I gather that that is what, on page 14, it does state, although it is a little bit vague. But, as I read on page 2, it seems to me that it states that in the remainder of the state the Legislative Committee of the political party for each legislative district, wholly or partially therein, shall consist of the chairman of each County Central Committee in a portion of whose county is included within the legislative district, but if a legislative district comprises only one county or part of a county, its Legislative Committee shall consist of the chairman of the County Central Committee and two members of the County Central Committee elected by the County Central Committee, so that in that instance it appears as though the precinct committeemen do not have that right to make the selection. I...it's a moot question as far as I am concerned. I am more concerned about how it directly effects my district, and you have explained that, but it does appear to me that downstate, where you have primarily districts that are within a county, a single county or many of them, anyway, that you have got just a three-man legislative committee. Is that incorrect?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Unfortunately, that is incorrect. It happens, I think, Senator, that some of the hang-up on this question may hinge on the fact that the County Central committeeman was mentioned. Now that doesn't mean, at all, that he is going to be chairman of the committee even. The committee is com-

M. 15 minutes
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posed of those persons who represent specific areas within that legislative district. The ideal situation, of course, would be that all of our districts would lay within one county, or two counties for that matter, and would not overlap from county to county. It happens, as a matter of fact, that many of us, and particularly downstate, there are parts of counties that comprise districts, like the one we are talking about, 52. There are parts...hold it down, would you, gentlemen...there are parts, there are parts in the district we are talking about right now, 52. Madison County, there is only a part of Madison County within that district. There is only a part of St. Clair County in that district, but there are all of the three other counties, Jersey, Macoupin, and Calhoun. All three of those whole counties are in that district, but only parts and rather insignificant parts of those other two counties. So it is going to happen that way all over the State because we do not have districts wholly within a county or a two county area. Something had to be done to accommodate adequate and equal representation in the selection process for each of the areas within the district which would make the selection.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Senator Partee, may I direct this question to you or some member of your staff? I can't remember and I don't have all the provisions of the House Bill and the Senate Bill which I sponsored. It seems to me there was a provision in there that no member of the Legislative Committee could be appointed to fill the vacancy. Is that correct?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

My recollection is that there was such a provision, but I think the House took it out; my recollection is that the House took that provision out.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, it seems to me that it was a wise provision, especially where you have the county chairman where you have a legislative district entirely within a county. And I don't know why someone should seek to be chairman on the hopes that somebody might resign or die and he could therefore be appointed to fill a legislative vacancy.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

My staff tells me that the Senate took it out instead of the House. I wasn't sure, but in any event, it was taken out. But let me just say to you, that you will perhaps remember that over in the House there were committees structured for the appointment of judges and one of the things that the media was concerned about was that certain members of that committee over there were going to appoint themselves judges. We took it out over here, because we think you are right.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, first of all as I look at the complicated method that is going to be used in the event some of our Senators may be called to the Great Beyond, it does cause some concern. In my district now, where I will be running intrastate, I am hoping that the good Lord will not impose upon our people sometime this problem. But it seems to me, like Senator Partee, that one of the confusing facts surrounding this bill is the fact that you not only have the township or ward committeemen, or what the case may be, voting their weighted vote, it seems there is a provision also that the county chairman does that, too. Now it just seems to me like that everybody can't be in on the act and if the county, the township officials, or the ward committeeman are going to do it, then I don't see where their authority should be superceded by a county chairman who could probably thwart the will of the people at the grass roots level if he so

desired and I think it's bad.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President and members of the Senate. Senator Partee, as a result of this, well, schizophrenic-minded map that Bob Blair seemed to be wedded to, Tazewell County has three small townships taken from that county and are placed in another district. Now, in the eventuality that the Senator from that district should die, what would be the voting power of those three townships in Tazewell County as it relates to the replacement in that district?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Just what they cast in the primary.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Do you consider that a one man-one vote rule in determining how these people shall have this Senator replaced?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, before I tell you whether I consider it to be, I think I should say to you that the one man-one vote principle has never, in any document or any court decision that I am aware of, ever been applied to parties.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, are you indicating by that statement that it should not apply to representation in the House and the Senate?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Pardon me, I'm sorry, someone was talking to me and I missed your question.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, by that statement the only conclusion I can reach is that you do not feel that the one man-one vote rule should apply to elections in the House and the Senate.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, I would not gather that kind of a result from what I said, not at all. I didn't say that. But, the districts are one man-one vote to begin with. They are one man-one vote to begin with, and they are elected on a one man-one vote basis, and they are proportionately shared by each component of the election district, and on the weight that each bears to the other persons will then be selected. So it doesn't alter the concept of one man-one vote at all.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, as Senator Laughlin just pointed out, it certainly doesn't as far as the primary election is concerned. Now, as far as I am concerned, what you have said to me is that, in the original instance, you feel that the one man-one vote rule should apply when the electorate determines at the polls who shall represent that district; but, if that person dies and he is going to be replaced by a bunch of politicians, and that is what you are providing for here, then in that event, one man-one vote seems to go right out the window and I can't see the logic of that conclusion.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I shrink from your remark about politicians. I would think, sir, that it would only be persons engaged in politics who would make the selection. I don't think the Library Board or the Sanitary District members of the Board ought to make the selection. It's a political decision and it's only meant to facilitate an office not being vacant until the next election. Politicians are naturally the persons who are going to make those selections.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Senator, my experience has been that you have chosen the worst possible means and the worst possible course of implementing the Constitution in this case.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

All I can say in response to Senator Groen's remarks are, is that if he has a better solution, he is a member of this Body, he had every opportunity to prepare and submit an amendment.

PRESIDENT:

Senator Partee may close the debate. Senator McCarthy. Senator McCarthy.

SENATOR MCCARTHY:

Mr. President and members of this body. I don't have to call Senator Partee's attention to my remarks because I'll talk to him later about it. But, Senator, as you were explaining the bill and you were questioned by members of the other side, something very interesting happened and it results from the question that Senator Sours usually asks, "Why is this bill necessary?". This bill, Senator Sours, is necessary because the Constitu-

tion says that the Legislature shall pass legislation implementing the Constitutional mandate. And it is further necessary because of the action of the Chief Executive of the State of Illinois in finding defects with legislation that was passed by both bodies and submitted to him, where he took his option of vetoing the bill in full, as opposed to using amendatory language which he utilized in other bills; such as the aid to parochial schools, which have now been disposed of and are now in the process of becoming law without his signature. But, Senator Partee, as you were being questioned by members from the other side, I was reading the message from his Excellency of the State of Illinois as to why, as to why House bill 3042 didn't meet his approval and why he chose to exercise the full veto. And if I may read from his message, I would like to give you my observations of the debate this morning in order to give you a prognosis as to the vitality of your proposed legislation. In the Governor's message, September 27th, page 1, paragraph 3, he says the approach taken, in these bills, gives no consideration to the rights of independent candidates or the interests of voters supporting such candidates. Senator Partee, no member from the other side asked you a question on that matter, so I presume it can be stated, up until now, that you have satisfied the Governor as to point one. The next paragraph in the Governor's criticism reads as follows: The bills give no procedure for the giving of a notice of a vacancy. That question was not raised in debate this morning so I think it is fair to assume, Senator, that you have satisfied the Chief Executive as to his second point in objection. Now, on page 2 the Governor further goes on, it's his third point, and he says the bills give no mechanism for the official certification or confirmation of the person appointed. There were no questions raised as to that so I presume you have satisfied the Chief Executive. We come to the fourth point, however, and the Governor says Senate Bill 67 (even though he's vetoing a House Bill) makes no provision for a legislative committee in those districts... get this...which overlap the Cook County line. Now, Senator Partee, Senator Fawell asked you that very question and so I'm not certain that

Senator Fawell is convinced that your legislation corrects the fourth objection that the Governor used in his veto message. The fifth objection that the Governor cited in his veto message was this. He says neither bills provide a procedure for filling a vacancy of a member-elect. Senator Horsley raised that question, as I recall, and you answered his question, but apparently Senator Horsley was not yet convinced until your answer was given, that that objection had been cured. The sixth point that was raised was this. In the Governor's objection, he said that the bills are ambiguous in providing for the membership of a legislative committee for districts that comprise less than one county. And if my recollection is correct, Senator Groen asked that precise question as to three or four townships in Tazewell County. So he still has the question in his mind that the Governor did when he vetoed it. The Governor goes on, for the seventh reason, and he says while both bills make specific provisions for continuing the present representative district committeemen for purposes of vacancies, the bills are silent on the continued status as to the future Senate. Senator Latherow raised that question that the Governor also raised. And you get down to the eighth point by permitting a weighted vote in certain districts while utilizing the one man-one vote principle in others, the bills may be unconstitutional. And Senator Graham raises that question again, which the Governor put in his veto message. Now the only question that wasn't raised was the reason that the Governor didn't give in his veto, which was the ninth reason, and we all know what that was; and the ninth reason, of course, was pure mathematics. That there is now one district in the State of Illinois that has been disenfranchised. I raise that, Senator Partee, because I'm in support of your bill. I hope this bill passes because it is necessary in the Constitution mandate. I regret that it is necessary because there were other techniques available. The techniques of the Governor using his amendatory power, the technique of overriding his veto, the technique of setting forth a simple bill that would correct the defects and still allow a Democrat to be sitting in this cham-

ber at this time. Senator Partee, I think you've conducted your debate... you've done your best in approaching this in a statesman-like manner and if I have departed from that tradition, I am sorry. But, everyone knows that on the at-large elections of 1964, there were no provisions for Independents and these arguments that are given on the veto, I think, fall of their own weight. But I had to bring that out because it looks to me like we're getting a re-run in unison, of the same questions that the Governor gave heretofore. I urge an affirmative vote on this legislation because it is necessary because of the Governor's action.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, a lot of questions have been raised here this morning and there's a lot of confusion on this bill. I think that we should hold up on voting on it til we have time to examine it further. I ask for a delay of a day so that we could talk about it in our caucus tomorrow morning and if that's not agreeable, which the Pro Tem indicated it wasn't--he wants to vote on it today, I suggest that we just withhold our votes on this side so that we do take that time to give it the serious consideration that it's entitled to.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

The tactic which is now being employed is abhorrent to me. Several things have happened in the course of these vacancy bills which I have not heretofore mentioned. I was not happy with the way the Governor vetoed these bills. He might have sent these bills back with the recommendation that the language be changed, but there was an out-and-out veto. I have not said anything about a conversation I had with him about these bills prior to his veto. I've relegated that to history. We put this bill in only after we went to the Governor's office and had the assurance of his office and staff that the bill was then in the form that he felt it was a

good bill. We agreed with that. We introduced the bill and held the bill on second reading for several days in order to give you the opportunity to cogitate it, to ruminate it, and to discuss it. Now at this late date, after accepting all amendments you've offered, you want another day to caucus on it. I will not stand here another moment and see the people of those counties disenfranchised...204,981 people disenfranchised. My friend, my own personal history tells me something about disenfranchisement. I think it's wrong; I think it's vile what you're doing to these people and what you're trying to do to the spirit of this Constitution. Now I know that there are some of you who have second thoughts about the Constitution, but it is a reality and all we are doing is implementing the Constitution as written by those persons who spent \$10 million doing it. You wanted it. The Governor says, "I've given this state a new Constitution and here it is!". And here you sit, as his representative, saying, "We don't want to fulfil the requirements and mandates of that Constitution.". Let me say to you that I hope you do not take softness as a sign of weakness because I don't intend to hold this bill another moment, and if you don't want to give the votes which your Governor said you would give to this bill, so be it! But let me say this to you, you are creating a rather ruinous situation, you are creating a situation which is not good for the people of this entire state, and you are disenfranchising needlessly 204,000 people who each day make their contribution to this state and to it's success, who pay the taxes, who helped buy the red chairs you're sitting in, who helped pay for the electricity that runs the microphones over which we speak...204,981 people; people of this state, who need representation, who are entitled to representation. Do as you please.

PRESIDENT:

Senator Knuepfer...Roll call.

SECRETARY:

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

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Mr. President and members of the Senate. This is a question that affects not one of us, or not one party, but, gentlemen, I heard Senator Horsley say he doesn't intend to die, but we don't have that control... none of us do. The Almighty above has that control. You may be in that position, gentlemen, the next few months, days, or weeks, or years. We've tried, we've tried hard, to implement the Constitution. There are many words spoken on this bill today, but we do, Mr. President and members of this Senate, need to implement the Constitution to give those people and, by the way, part of those people are in a district which I would serve if I'm fortunate enough to be elected if I choose to run. They've been calling and asking; they have no one to go to now. That portions of St. Clair and Madison Counties now lie in the new 55th District. Those people, Mr. President and members, indeed, need and want a Senator to represent them, just as you, over in your areas, if one of you go, they'll want representation in the Senate! I vote aye.

SECRETARY:

...Dougherty, Egan, Fawell, Gilbert...

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I'm going to vote present today. I think that we should...must pass some legislation in this field, and I certainly am not going to say that I'm not going to support even this particular bill. It's been asked to continue it for a day, I do not think that's unreasonable. But I'm voting present today, but I certainly am in favor of something in this field. Senator Laughlin and I sponsored the bill the Governor vetoed, it's certainly apparently that I do believe we should do something. I do not want my action today to be interpreted as not being in favor of this type of legislation.

SECRETARY:

...Graham...

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, I think Senator Gilbert partially explained my position with regard to this bill, but when I hear the hew and cry from the other side of the aisle about people not being represented; I'm reminded of Alderman Hubbard's Ward in the City of Chicago.

SECRETARY:

...Groen...

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I wouldn't vote for this particular bill in it's present form if it had been handed down as an 11th commandment. I vote no.

SECRETARY:

...Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

As I said probably in the first speech I made from this floor, I came here to be a responsible Senator. I voted for an implied consent bill that was sponsored from the other side of the aisle when many of those people on my side felt differently about it. There's no question that the right to vote and the right to be represented is the greatest right the American people have; our whole Constitution, our whole country, is founded on the principle of no representation, no taxation...the Boston Tea Party. I would ask those men on the other side of the aisle who are withholding their votes today, to think responsibly when the absentees are called, and to realize that through a plane tragedy or something else, we may have a situation in this body where we need every possible member we can get.

That was the thinking of the Constitutional Convention, the Governor has taken credit for it, although there's Democrats and Republicans both supported it; the mandate is clear, and I would hate to have the impression go forth from this body today that the people who live in that district that was represented by Senator Lyons have been denied that representation purely because of the highly partisan, extremely partisan position that they have taken, because the position they take is reparable to their leader, the Governor. And no other implication can be put on their act, except that they are taking this action with the approval of their Governor. I called to their attention last week that the extreme partisanship that has been displayed on numerous occasions detracts from this man as a statesman. Please, he is the Governor of our state, he is my Governor, give him the strength and the backing that is needed to make him appear, at least, to be a statesman...not a petty politician. I vote aye.

SECRETARY:

...Kosinski, Kusibab, Latherow, Laughlin...

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President and members of the Senate. Senate Bill 67 was introduced early in this session. Nobody paid a bit of attention to it. I assure you I was aware of this problem. Finally, Representative Choate came with his and there became a contest, in which I didn't particularly contest, as to who's bill would get there and who's bill would be signed, and I could care less about that. I quite agree that something has to be done; but if we're talking about disenfranchising people for the period of 24 hours, I think that, in and of itself, means nothing. And I think it is essential that this matter be given careful attention. I want to make it expressly and abundantly clear; the fact that I was not successful in defeating the amendment yesterday on the primary vote does not mean that I will vote for this bill..., or in whatever form it's presented. I most certainly will. Now, there have been questions raised here today. And

this bill, when it was introduced, was said to correct all the troubles that the Governor had, and then we've had three or four more amendments offered to it. I don't think perfection has arrived at a particular point in time. Now, frankly, the question raised by Senator Fawell disturbs me. Now maybe I should understand it, maybe I should comprehend it, maybe I should be able to say yes, I know this is alright; but, gentlemen, at the risk of having a better bill, I see nothing wrong with waiting until tomorrow and taking a better look at it. I don't think any further disenfranchisement of a citizen for 24 hours is that material when we're considering an important bill. For that reason, today I vote present.

SECRETARY:

...Lyons...

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, Mr. President and members. The thunder of silence on the other side on this matter at least restores us to the path of consistency anyway. I had thought there for awhile, last summer, that the Governor was suffering from an attack of statesmanship when he said that he was going to sign one or both of these bills. That unfamiliar condition was quickly suppressed, however, when he vetoed both of them. Now the proclivity of this man to put the partisan politics ahead of everything is now, I think, becoming so obvious that it's practically impossible to miss the import of every Act that he posits down there on that second floor. I have to say that Senator McCarthy hit the nail right on the head in his remarks this morning, when he took eight infantile reasons that the Governor had specified in what is presumably referred to as a veto message, and took them apart piece by piece, and said the real reason that the Governor vetoed the bills was the unexpressed ninth reason, pure, blatant politics of the most crass variety. Now we're getting this in practically every instance of this amendatory veto procedure. He could have done that, he

didn't do it. All he had to do was take the stuff that he had in the veto message and send up another one of those reconstructed bills that are all over the building now under the so-called amendatory veto procedure, where we have the Governor's staff doing the Legislature's job for it. He could have done that, but he didn't. And the reason he didn't, naturally, he was afraid somebody might accede to his wishes and we would then have another man in this body, and we would have passed... and we would have overridden his reduction veto for the University of Illinois appropriation, as we said the other day. I'm voting aye on this. I don't expect that the bill is going to make the grade today, because nobody on the Republican side of the aisle is voting for it. And I suppose that the reason that they are not is that they are yielding to the leadership of the Governor and playing politics with this thing as he is playing with everything else. I vote aye.

SECRETARY:

...McBroom, McCarthy...

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President and members of the Senate. I heartily concur with what Senator Lyons has said and I would state this to be a fact...a legislative fact that is beyond dispute, this simple fact: there is no such thing as a perfect bill. That's the reason we have the thousands of bills, Mr. President, being presented each and every session of the Legislature; is to correct and refine areas where the original thrust of the legislation perhaps has been subject to some refinement. And so we must decide this morning, I think, whether or not we should pass this bill from the body. Viewed, viewed, Mr. President, in this context: if ultimately we pass this bill, it still will require the Governor's signature, and the record is crystal clear on that. In the Illinois State Journal on September 28th, when he vetoed the bill, it was reported, and Ira Tinowitz asked him the question, it was reported that Ogilvie earlier told a news

conference he would sign legislation to fill vacancies; but changed his mind, Senator Lyons, after discovering the problems with the bills, according to John Kolbe, K-o-l-b-e, Assistant Press Secretary to the Governor. Now even if we pass this imperfect legislation some down the line, it won't become a law until the Governor signs it. But we must pass it today, it seems to me, or else we have only one option open to fill the vacancy sometime, sometime before the next general election, and that would be to take action on Senator Laughlin's bill which would require the same number of votes, 35 votes, that it would then become law, Mr. President, without the signature of the Governor. That bill, which may be next on the call, would not require the signature of the Governor and would be the conscious deliberation of this body, which was introduced on February 9th, and the legislative history shown in the digest measures over three inches of consideration by that body. So I'm suggesting to the members of this chamber, I'm suggesting to the members of this chamber, that you've got your choice now. Put 35 votes on this imperfect bill and trust that the Governor will comply with the Constitution and keep his promises, or else you're forcing us into the position of attempting to override his veto where we comply with the Constitution and his signature is not necessary. I would prefer to do it this way, but if the votes aren't there, the next avenue is open. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

In explaining my vote. I thought for a few moments about something I learned a long time ago. When I asked my grandfather one day why people do things for one reason and do opposite things for a different reason, he said, "Son, it all depends on whose ox is being gored." I suppose as we live we look back on those happy childhood days when we learned some of our philo-

sophy from our elders and in later life we have an occasion to know how much basic philosophy is contained in some old expressions we learned from the old folks. Now, let me just tell you that it does depend here on whose ox is being gored. I have in my hand a press release from the office of Governor Richard B. Ogilvie: For immediate release, Springfield, Illinois, October 20.

Governor Richard B. Ogilvie today, Wednesday, called special elections to fill the seat of U.S. Representative Charlotte T. Reid, Republican, of Aurora. The Governor set February 15 for the Primary and April 4 for the General Election. That district embraces DeKalb, LaSalle, Kane, Kendall, and Grundy counties or parts of them.

Here is an election being set by the Governor which is going to cost the taxpayers money. We're asking you to vote for a bill to fill a vacancy which costs not one dime of the taxpayers' money. I suppose you can, because of your superior wit and intelligence, explain to the people back in those counties that the monies expended for this specially called election are necessary and that to vote no on an election or an appointment or a filling of a vacancy where no money is involved is a different situation. But it just depends on whose ox is being gored. We know--we're not naive--that he is anxious, as are you, to fill that seat in the Congress from the 15th District where a lady made an individual choice to leave her elected post as Congressman and accept an appointive post in the Federal Communications Commission. That is, of course, her prerogative. We only say to you that those persons in the counties in the 52nd District, too, need representation. It costs you not a dime to give it to them. I just had a note brought here to me by one of the Pages and it says, "Senator, I am from Gillespie, the late Senator Lyons' home town. Thank you for recognizing our needs for representation and for working to obtain it for us." Mrs. Robert...I won't call the last name. It might embarrass her. She's sitting in the gallery, I suspect. Let's help this lady and all the other 204,000 people there, and let's give an election...let's give a vacancy fulfillment here. I vote aye.

SECRETARY:

...Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper...

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Mr. President, members of the Senate. I must dry my eyes because when Senator Partee, the honorable Pro Tem, made that statement about whose ox is being gored; I said "That's right, whose ox is being gored?". He knows and we know that legislation is going to come out to cure this situation which we have, but right today it's not gonna be done. Now, you've milked this thing as far as you can milk it. You've got everything on the record, you've cried, you've told us all about it; so I'm gonna vote present. I like the concept of the bill. I voted for Laughlin's bill, I voted for Choate's bill, and I'm gonna vote for this bill; but not today. I vote present.

SECRETARY:

...Sours...

PRESIDENT:

For what purpose does Senator Cherry arise?

SENATOR CHERRY:

A point of personal privilege, Mr. President. I personally resent the remarks made by Senate Soper because when he voted for those bills there was no Democratic vacancy in existence. Now there is.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators. It's always a matter of deep amusement on this side, among some of us here, that when we look over on the left side and gaze upon the scribes and the Pharisees. Today we hear an argument that we ought to follow the mandate of the new Constitution. Last week and yesterday we tore up Section 3 of Article X with Cherry bills. Yesterday we heard the argument, let the courts decide. You know, we

get these specious arguments all the time. I think we're sent here to use our heads and not put everything in litigation hoping that a Supreme Court decision will favor or kill something. How would some of those who feel, let the Court decide...how would they vote if we said; "Here's a bill to reintroduce slavery."? I can hear the howls right now, "What about the 13th Amendment, Senator? Why, we abolished slavery, that's in the Constitution." I'd say, "Oh, no, let's have the Court tell us whether we can reintroduce slavery." Now, Senator, I'd like to finish this and I'll give you the podium the rest of the afternoon. I'm going to refer to you men on the other side, the scribes and the Pharisees, the home rule position you've taken to license everything, almost to the inclusion of animal wardens...that's a common way of saying dog catchers. Then I hear, "We're going to be economical. How about the cost of the election?". Well, I've been here 11 years and I've seen the spenders on your side. You have voted for every goofy, silly, expensive appropriation bill, you fed them, you voted them, and finally, when the cupboard is bare, you say, "Now let Uncle Sam pick it up." Christ referred to the Pharisees and the scribes as hypocrites; I vote present.

PRESIDENT:

What is your point of parliamentary inquiry?

SENATOR KNUPPEL:

If we're supposed to use our heads, I wonder how the good Senator got here.

SECRETARY:

...Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Request for a call of the absentees. The absentees will be called.

SECRETARY:

Arrington, Baltz, Berning, Bidwill...

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President and members of the body. More has been said on this bill than needs to be said, I'm sure. However, I feel constrained to respond somewhat to some of the irresponsible comments that have been made on the other side directed to us as members on this side. I want to tell you over there I was prepared to vote today for this bill. I know as well as you do that something has to be done, but I resent the implication that we are irresponsible and infantile. I beg to point out that this is an infantile action on your part. A simple, courteous request for one day's delay. Many of us have not had the opportunity to seriously analyze this bill. You and I know...

PRESIDENT:

Senator Berning has the floor.

SENATOR BERNING:

You're not recognized. I don't care how many days it's been in there, Senator Knuppel or anybody else on this floor, you nor I cannot read every bill prior to the time we have to consider it. Maybe I'm alone, but, frequently, the first time I can seriously spend time on a measure is when the sponsor decides now you have to consider it. So I say to you, in analyzing it briefly, there are serious questions; but, I repeat, I was prepared to vote for this bill today and would have had it not been the determination by the leadership on this side that, in deference to the serious, conscientious, responsible concern on the part of some members on this side that the matter really ought to be held over for one day. This one day in no way implies that any member of this State of Illinois is going to be indefinitely denied being represented in the body here. You're not recognized either. I resent the implication that the Governor has injected himself into this and is playing cheap politics, because this is absolutely not true. I categorically reject this implication. I beg to remind the members on the other side that when the unfortunate demise occurred of one of your members, we on this side, gave our word we would respect the leadership as established

at the outset of the session. We intend to be responsible, we intend to meet our obligations; but we intend, at the same time, to demand our rights for a little consideration even if it does pain you and, perhaps, give you a political forum to sound off like the clanging bells. I vote present, Mr. President.

SECRETARY:

...Carroll, Clarke, Coulson, Fawell, Graham, Harris, Horsley, Latherow, Mitchler, Ozinga, Rosander, Walker.

PRESIDENT:

On that question the yeas are 28, the nays are 1; 18 present. The bill, having failed to receive the constitutional majority, is declared defeated. Senator McCarthy.

SENATOR MCCARTHY:

Mr. President, I'd like to be recognized on a motion that has heretofore been filed on SB 67. If I could have the attention of the body.

PRESIDENT:

The Senator is recognized for that purpose.

SENATOR MCCARTHY:

Mr. President and members of the chamber, I filed this motion yesterday which would ask that this body pass SB 67, the Governor's veto to the contrary notwithstanding. Now, since that time, there have been a couple of things happen that have led me to conclude that the hard crucial questions contained in this motion perhaps have already been resolved. The hard, crucial question being: Shall the Constitution be implemented or shall pious objections be sustained? Mr. President, members of the body. I'm informed that Representative Choate, in the House this morning, attempted to pass his bill, 2364 or whatever the number might be...I'll find it... 3042. Representative Choate attempted to pass HB 3042 which dealt with the same subject matter and that the vote on that was 83 in favor and 62 against, or, if we interpolate the 60% necessary on the 177 members, which would be 107, Representative Choate fell short in the House 24 votes of being able to pass the bill that was vetoed by the Governor...over his

veto. And, as Senator Soper has wisely said, by way of introspect, I think the matter has been aired. If the Governor can be sustained in his action with the people, he has the people to do it. If he is legitimately subject to criticism for his action, I think we have the people to make the legitimate criticism. The matter here in pursuing this motion to override the veto of Senator Laughlin's bill, which I hesitate to intrude in because of his authorship of it, I think it would be nonproductive and maybe counterproductive and, therefore, I wish to table the motion that I made.

PRESIDENT:

The Senator is withdrawing his motion. Alright. Senator Horsley, you wish to take up 687? This is a House Bill returned by the Executive.

SENATOR HORSLEY:

Yes, Mr. President. That bill has now been placed on every member's desk, the amendment has been placed on the desk and I think a copy of the Governor's message has been placed on each desk. Now, as the law stands, and if you vote no or don't vote yes on this matter, it will mean that a girl 18 can be an administrator or an executor and a boy will have to be 21 to be an executor or an administrator. This bill, as it passed both Houses and went to the Governor, said that to be an executor under a will they could be 18; but to be an administrator the age of the girl was raised from 18 to 21 and they both had to be 21. So that the Governor has suggested that an amendment should be introduced lowering the 21 to 18 on administrators; and it would then be uniform so that executors and administrators could all be the same age...18. It's just that simple...if we want to take care of the 18 year old people and we want a boy to have the same right as a girl at 18 as being an executor or administrator. I would ask you to vote yes. The House has already adopted the provision suggested by the Governor and it is now up to us in this body as to whether or not we want to go along and have the uniform age, 18, apply to executors and administrators alike.

PRESIDENT:

Is there discussion? Senator Egan. Just a moment. Let's break up...Senators Romano, Sours and Rock. Senators Savickas and Palmer. Senators Soper, Neistein, and Dougherty. Gentlemen, let's...Senator Egan.

SENATOR EGAN:

Senator Horsley, will you yield to a question or two, please?

PRESIDENT:

He indicates he will.

SENATOR EGAN:

On the second page of the printed bill, which we have on the desk, there is an underlined number 21, which indicates to me that that bill was originally 18 was amended in the action that was taken prior to sending this bill to the Governor's office for signature. Is that correct?

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

That is correct that that was done. I don't know whether it was inadvertently done or how it was done. I do not know it. But, if that was done in the House, they have changed their minds and have agreed to go along with the 18 and they did that this morning. I could get the Journal out and research that, Senator Egan, but...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

My curiosity is this. If we passed this bill out of the Senate leaving it 18 years old, and they change that in the House to make it 21 years old. Now the Governor wants to change the House version to make it 18, which we concurred in here, which we passed out...that's what I would like to know.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I'm sorry but I don't know the answer as to which House put that in, but at any rate the House has already agreed to make it 18 this morning.

PRESIDENT:

Senator Egan.

SENATOR HORSLEY:

I...excuse me.

PRESIDENT:

Oh! Excuse me, Senator Horsley.

SENATOR HORSLEY:

Senator Egan, I've just been informéd by one of the assistants that it was done by a House amendment. So that they have, in effect, receded from that House amendment this morning by overriding their own amendment, and we passed it out of here at 18. So we've already passed the bill once, but the Governor wants it in the form that we passed it in this body. So, the researcher who checked it said it was done by an amendment in the House and they have receded from that amendment this morning by agreeing to go along with the Governor's suggestion.

PRESIDENT:

Is there 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, 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:

Request for a call of the absentees. The absentees will be called.

SECRETARY:

Arrington, Baltz, Bidwill, Carpentier, Clarke, Collins, Coulson, Course, Davidson, Dougherty, Groen, Harris, Horsley, Hynes, Kosinski, Kusibab, Lyons, McCarthy, Merritt, Mitchler, Mohr, Newhouse, Ozinga, Partee, Rock...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, we've gotten ourselves into a little bit of a tizzy here. I think part of the reaction to this bill goes out of some retributive action and Senator Horsley's handling of this bill. But let me just say this. I think we owe it to ourselves and to our constituents to address ourselves to each of these on the individual...on the merits of these bills. Now if you read the Governor's message here, it is a very sensible one. I don't always agree with him, as I just let you know a few minutes ago; but, when he is right I say so, and he's right on this one because all it does is remove the disparity that exists between the 18 and 21 year old factors. We can't say 18 in one instance and 21 in another, and all he is doing is making it even, which makes sense. Now if it appeals to your judgment, and it should appeal to your judgment because it is a sensible provision, I would ask that this bill be voted for. Let's not, on the basis of other things, kill good legislation. This is a good bill. I vote aye.

SECRETARY:

...Rock, Rosander, Savickas, Soper, Sours, Swinarski, Walker, Weaver.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I would like to explain my vote. We have previously passed legislation that has been signed into law by the Governor making an 18 year old liable for his debts, allowing him to contract, having all the responsibilities of a man at 18, the same as a woman at 18. We have voted in this

House once...in this Senate once to pass this bill in its...the form that the Governor has asked for. I don't understand the changes that have taken place, but if we are sincere in telling the 18 year olds in the State of Illinois that now you are men, now you can contract, now you are liable, now you can be an executor or an administrator, we'll vote yes for this bill. I've done my duty and that's, if you don't care to vote for it, that's entirely up to you because I feel strongly about it. I think it is absurd to say to a girl of 18 you can be an administrator, but if you are a boy of 18 you can't. I think it is ridiculous. I think it's time that we made the law consistent. For that reason I want to be recorded aye on this matter. We need one vote, and I wish somebody would give us that one vote so we can concur. One Vote. You didn't vote, did you?

PRESIDENT:

On that question the yeas...Senator Newhouse.

SENATOR NEWHOUSE:

I am sorry, Mr. President, I was trying to get your attention. I didn't mean to be discourteous. I did want to...I wonder if the sponsor would yield to a question.

PRESIDENT:

He indicates he will.

SENATOR NEWHOUSE:

Senator, let me see if I understand what is happening here. Are we saying that all youngsters at age 21 can be executors, and at age 18 can be administrators? Is that the idea?

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

If we don't vote yes on this, this bill dies, and it reverts back to the present law that says a girl 18 can be an administrator or an executor, and a boy would have to be 21 to be an administrator or an executor. What was done when the House amended it...they changed the administrators

to 21 and the executors to 18, and the Governor says that is wrong and he sent it back and he says it ought to be uniform. So if we don't vote yes and we let it die, we go back to the present old law of 18 and 21. By voting yes, we merely say that girls and boys over 18 can be both executors and administrators.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE.

I want to thank the sponsor for that explanation. I vote aye.

PRESIDENT:

On that question the yeas are 32, the nays are 8. The Senate concurs in the Executive amendment. Senator Walker is recog... Senator Horsley moves to reconsider. Senator Chew moves to table. All in favor of the motion to table signify by saying aye, contrary minded. The motion to table prevails. Senator Walker is recognized for the purpose of tabling a bill.

SENATOR WALKER:

Thank you, Mr. President. I'd like to table House Bill 531 and House Bill 628.

PRESIDENT:

Motion by Senator Walker to table House Bills 531 and 628. He is the Senate sponsor of both. All in favor signify by saying aye, contrary minded. Motion to table prevails. Are there other measures members want to call at this point? Senator Berning.

SENATOR BERNING:

Yes, Mr. President. We started to consider House Bill 1564. I believe the questions on the part of the assistant leader on the other side have been resolved. As far as I know there is no other dispute on 1564. It is a bill that is requested by the Municipal League and I would hope that we would be able to get a favorable vote.

PRESIDENT:

Is there any discussion? Senator Cherry, this is the bill that you

were discussing with Senator Berning before. Is there any discussion?

Senator Latherow.

SENATOR LATHEROW:

Senator Berning, I have one question now. Does this give them the rights to move about those that have been stationed in there for a considerable length of time?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

It would grant the municipalities the right to control the locations, yes.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Otherwise someone who has been located on a property there, let me say for instance 10 years, the city possibly had their zoning and so on like...we might say, now they come along with this and under this they can "move your trailer", right?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I doubt that the city would be able to exercise that type of ex post facto control. This would control the placement of mobile homes in the cities from this point on, as I interpret it.

PRESIDENT:

Is there further 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...

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President. Senator Berning, would you explain to me the significance in the amendment which says the corporate authorities may also locate or prohibit such structures which are not within the confines of a mobile home. Do you mean somebody comes in and gets permission to be at 1234 South Grove under certain circumstances, or somebody else comes in later and wants to go out in some other street, and that in each case the city council or the city authorities determines where a mobile home can be located?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Under the interpretation of the Sparta case, as a result of the Supreme Court decision, that is precisely what the city cannot do now. Anyone can locate anywhere. This is intended to give the municipalities the right to designate where individual mobile homes may be placed.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

I'm not familiar with the case, Senator Berning. But does that say that in a zoning ordinance, for example, of a municipality, that the city or the municipal corporation has no authority to control the location, generally, through zoning of mobile homes.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

This does not impair the right of the municipality under the zoning enabling legislation.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

I simply wish to vote no.

SECRETARY:

...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:

Senator Berning.

SENATOR BERNING:

It is obvious the members of the body are not paying attention to a rather serious matter. Obviously, in deference to their better judgment, I would request that this matter be postponed.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion to postpone consideration prevails. Senator Neistein.

SENATOR NEISTEIN:

How many times has this bill been postponed? Is this the first time?

PRESIDENT:

This is the first time.

SENATOR NEISTEIN:

And how long is he postponing it until?

PRESIDENT:

It is postponed indefinitely until he calls it up again.

SENATOR NEISTEIN:

Thank you very much.

PRESIDENT:

Resolutions. We have an important one I will ask the Secretary to read. Senators be in their seats. Just a moment, let's...before we proceed on the resolutions I am going to ask that the Senators be in their seats. Senators. Proceed.

SECRETARY:

Senate Resolution 232, introduced by Senator Latherow and all members. Whereas our highly respected colleague, the Honorable Tom Merritt, celebrates his 60th birthday on October 22, 1971, and Whereas he has served meritoriously in the Senate for four terms, bringing to this body a wide knowledge and experience in the world of finance and insurance, and has served with distinction on the Executive and Financial Institutions Committees, and Whereas the Honorable Tom Merritt is a credit to this body and to his community of Hoopston, Illinois, and exemplifies those American ideals to which we are so deeply committed, therefore be it resolved by the Senate of the 77th General Assembly of the State of Illinois that we heartily congratulate our esteemed colleague, Senator Tom Merritt, in the celebration of his 60th birthday, that we extend our sincere best wishes for a long life and good health, and that a suitable copy of this preamble and resolution be forwarded to the Honorable Tom Merritt.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, I might want to say that on this particular occasion, I am doing this for a fellow that is rooming with me, or we have an apartment together. And, also, I want to say that I thought maybe with this, if I would brag on him a little, it might help things. I want the body to know there have been times when even I've had some thinking of possibly trying to get myself appointed administrator for him, but with maybe this resolution and a little action and bragging on him for a little commemorative area of today's birthday, I thought maybe it might help. So I move the adoption of the resolution.

PRESIDENT:

All Senators will be shown as the sponsor of the resolution. All in favor of the adoption of the resolution indicate by saying aye. Contrary minded. Resolution is adopted, Senator. Senator McBroom.

SENATOR MCBROOM:

Mr. President and members of the Senate. I just wanted to tell my seatmate that I was not remiss. I also had a resolution drafted, but your roommate beat me to it, Senator Merritt, so I will just give you my typewritten resolution here. Happy Birthday.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, my colleagues in the Senate. It would be the first time, I guess, that I would ask for an amendment to a resolution. I would like to strike that notorious out of there, and certainly I would like to change the date to the 20th. It's today. My roommate isn't very observant. I would just say this, though, those of you who know me the best here, I can't begin to compete with Senator Mitchler on the number of resolutions that I have ever offered here; but, when I did, never thinking that the day would come when I would be honored like I have here today. It...in my 60 years, I can truthfully say that the most happy were spent right here in this body where I have certainly enjoyed the friendship and close association with all of you. The years have been kind to me, people of my district have been kind, and you have been even kinder down here. I just...I can't say anything more but thanks...thanks a million, fellows.

PRESIDENT:

Are there announcements? Senator Saperstein..

SENATOR SAPERSTEIN:

The Education Committee will meet immediately after adjournment in Room M-1.

PRESIDENT:

Senator Bidwill, do you want to announce anything? Where is Senator Bidwill? Here he comes running. Say, you're getting faster, Senator Bidwill.

SENATOR BIDWILL:

Thank you, Mr. President. I wish to announce a Republican caucus in 419 at 9 o'clock tomorrow morning. 419.

PRESIDENT:

If you keep moving that fast, we are going to have you to the St. Louis Cardinals, Senator. Senator Cherry.

SENATOR CHERRY:

The Executive Committee meeting scheduled for today will be cancelled because there are no bills to be considered.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate. The Committee on Local Government will meet at 2 o'clock on the Senate floor.

PRESIDENT:

Motion by Senator Davidson to adjourn until 10 o'clock tomorrow morning. All in favor signify by saying aye, contrary minded. Senate stands adjourned.