

TRANSCRIPT -- 77th GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 21, 1971

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

PRESIDENT:

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

SECRETARY:

Senator Donnewald, Chairman of Assignment of Bills assigns the following committee: Executive, Senate Bill 1298. Appropriation Division the Committee on Public Finance, Senate Bill 1299. Transportation, Senate Bill 1297. Senator Saperstein, Chairman of Education Committee, reports out the following: Senate Bill 952 with the recommendation do pass as amended. House Bill 1183 with the recommendation do not pass. House Bill 2167 with the recommendation do pass as amended. Senator Romano, Chairman of Labor and Commerce Committee, reports out Senate Bills 1281, 1282 and 1283 with the recommendation do pass. Senator Course, Chairman of Revenue Division, Revenue Committee, reports out Senate Bills 498, 489 and 1292 with the recommendation do pass. Senator Dougherty, Chairman of Local Government Committee, reports out House Bill 284 with the recommendation do pass; House Bills 283, 285 and 286 with the recommendation do pass as amended.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 233 introduced by Senators Kosinski, Kusibab, Rock, Swinarski, Lyons, and Course. Congratulatory goes to the Consent Calendar.

PRESIDENT:

Messages from the House.

SECRETARY:

Message from the House. Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted the following Joint Resolution in the adoption of which I am instructed to ask the concurrence of the Senate to wit. House Bill Joint Resolution 96. Resolved by the House of Representatives of the 77th General Assembly of the State of Illinois, the Senate concurring herein, that when the House adjourns on Saturday, October 23, 1971, it stands adjourned until Tuesday, October 26, 1971 at 1 O'clock p.m.; and when the Senate adjourns on Thursday, October 21, 1971, it stands adjourned until Tuesday, October 26, 1971 at 12 O'clock noon.

PRESIDENT:

Senator Cherry moves for the adoption of the adjournment resolution. We would adjourn until noon on Tuesday. No session on Monday. All in favor signify by saying aye. Contrary minded. Resolution is adopted. Introduction of bills. On Page 2 of your calendar, last column, concurrence in executive amendments to House Bills. 1516, Senator Bruce. Senator Bruce, 1516. OK. 1628. Is Senator Fawell on the floor? Senator Fawell, 1628.

SENATOR FAWELL:

I have not had the opportunity of talking to Senator Partee. He did raise some question about this bill and wanted to look into it. Senator, I don't know if you have had the opportunity of doing so. This is House Bill 1628. Representative Hoffman's bill that was the subject of an amendatory veto by the Governor; and he suggested amendatory language, which would clarify the fact that the assessed valuation,

which is to be utilized for the grants in concern, is to be frozen as of the 1968 assessed valuation. And that is the affect of the amendatory, suggested amendatory language of the Governor.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I don't think we have any problem with it now.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill,

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President for hopefully the benefit of the memory of some of our members. This is the bill which establishes a precedent wherein the state will step in and help underwrite the cost of a district which finds itself suffering through loss of income as the result of State acquired land. I submit that this is not unique to Weston..., and if we start this in one place we are going to have to start it in others, including my district where we have Fort Sheridan. I think it is completely discriminatory and I vote No.

SECRETARY:

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:

Senator Horsley, Clarke aye. Senator Horsley.

SENATOR HORSLEY:

How am I recorded?

PRESIDENT:

You are not.

SENATOR HORSLEY:

Well Mr. President, I would like to explain my vote. We have had this matter up before. It is a matter that has been brought about by action taken by an administration in Springfield which did not see fit to levy taxes or to levy a payment in lieu of taxes to compensate for land taken away for fire protection and all the other things that go with it, including schools. I think we owe this to this district and I want to be recorded aye.

PRESIDENT:

Merritt aye. Request for a call of the absentees.

SECRETARY:

Baltz, Bidwill

PRESIDENT:

Just a moment. Senator Baltz.

SENATOR BALTZ:

Mr. President and members of the Senate. I would like to draw your attention to the fact that there are a great many areas in the State of Illinois where...

PRESIDENT:

Just a second. You are not drawing anyone's attention right now I'm afraid. Lets have some order. Will the members be in their seats. We have about six people. Senator Vadalabene, Senator Hall, Senator Cadigan, Senator Mohr. Gentlemen. Proceed.

SENATOR BALTZ:

Well, Mr. President and members of the Senate. I would like to draw your attention to the fact that there are a great many areas in the State of Illinois where lands have been acquired by the Federal

Government for purposes, whatever they might want to use them for.

I have some 33,000 acres in my district that are off the tax rolls for the Joliet Arsenal. There has never been any special legislation put through to enable the State of Illinois to make any additional grants to school districts that have been affected by this area. Weston is a prime example of an area, I think. There was a tax valuation by the mere fact that they built this large atomic plant there, the mere fact that it is there is going to attract a great deal of satellite industry that will enhance their tax assessed valuation. It seems to me that this type of legislation is unconscionable because it is asking the people all over the State of Illinois to make a contribution to one particular school district, and I am vitally opposed to this type of legislation and I want to be recorded as No.

SECRETARY:

Bidwill, Cherry, Chew, Davidson, Donnewald, Dougherty, Egan, Hall, Hynes, Johns,

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

We passed this bill in June and I checked the amendment and it simply clarifies what we intended to do and I vote aye.

SECRETARY:

Johns, Knuppel, Kosinski, Latherow, McBroom, Mohr, Neistein, Newhouse, Nihill, Ozinga, Palmer, Rock, Romano, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Weaver.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I move to postpone consideration.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying

aye. Contrary minded. Motion prevails. 1753, Senator Kosinski.

SENATOR KOSINSKI:

Mr. Chairman, Honorable Senators. The amendment regarding House Bill 1753 permits security guards to carry their weapons to and from their place of employment, and in this respect the bill is similar to Senate Bill 515, which the Governor previously approved. In order to bring House Bill 1753's language into confirmation with Senate 515, I move now for the amendment's adoption.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I'd like to address a question to Senator Kosinski. We've got a law, the law has been signed by the Governor. Is there a necessity; what are we doing with another one of the same thing?

PRESIDENT:

Senator Kosinski.

SENATOR KOSINSKI:

This is just adding the paragraph of having a loaded gun within the municipality. Now the original bill states that it would be illegal to carry a gun--a loaded gun, within the municipality. Instead of a concealed weapon, this would be carrying a weapon with one bullet... or its the only one that can carry a loaded gun; and can carry a gun, is a police officer in the city of Chicago, for one.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I'm--I'm not getting to the point. What difference between the bill you've got there and the one that the Governor signed? Does this add some language thats important to the --

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President. To answer Senator Knuepfer--we've talked about this before, there was an Appellate Court decision in which the court threw out the charge of unlawful use of a weapon because a person was apprehended, but the weapon was not concealed. So this law now says you just can't carry a weapon, whether concealed or unconcealed--you can't do it.

PRESIDENT:

Senator Knuepfer. Is there further discussion. Senator Soper.

SENATOR SOPER:

Senator Kosinski, you spoke about security guards. Does this cover security guards or everybody or what? You said that this concerns security guards. I know we discussed this thing in... Judiciary, I think for hours, about guards and different railroad guards. Is this the bills or is this...I'd like to know you know..., what am I talking about?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President. No, this hasn't anything to do with the enlargements of the exceptions. We did in fact enlarge the exceptions to the charge of unlawful use of weapons. It is unlawful to carry a weapon, except policemen, security guards, private detectives, and from the place of employment; so this has nothing to do with that. This amends a separate section. All this says is, as the law now reads, you cannot carry a concealed weapon; this one says you can't carry any weapon at all, whether its concealed or not.

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.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I rise to a point of order. We've got a very peculiar situation here in this House. It was raised yesterday and I acceded and agreed to it. We're being asked to vote on a matter that we do not have on our desk and do not have before us. I've talked to the Secretary about this, he's not to blame--he can't help it. He has no knowledge that these things are coming over this morning or last night from the House. He can't possibly get these bills printed and put on our desks. I do not want to vote on this bill without having a copy of it on my desk. And I think the Consitution of the State of Illinois guarantees to me that I have it on my desk and printed when I'm called upon to vote for it. I have some of these motions myself and I talked to the Secretary this morning and I can sympathize with the position he's being placed. That he does not have these matters, he cannot get them. All of these matters ought to be delayed until tomorrow to see if we can get them printed and on our desks. So as a point of order I raise this; that we should not be asked to vote on this bill without having it in front of us so we can read it, know what it does, then vote intelligently.

PRESIDENT:

The... for what purpose does Senator Kosinski ... Pardon.

SENATOR KOSINSKI:

Postpone. I move to postpone.

PRESIDENT:

Motion to postpone consideration. It doesn't take care of the point of order. And the point of order--the Constitution says the bill shall be read by title on three different days in each House. The bill and

each amendment thereto shall be reproduced and placed on the desk of each member before final passage. Now, my understanding is that each member has the amendment placed, but not the bill itself. I think the point is well taken. Senator Horsley.

SENATOR HORSLEY:

I don't want to take unfair advantage of Senator Kosinski by putting this on postponed consideration, then having to bring it back and requiring the number of votes. I don't think that would be fair and I would merely suggest it be taken out of the record, like we did yesterday or the day before, and just cancel the thing and then go when we get the bills printed. And I would suggest this procedure be followed in all of these where the bills are not on our desks.

PRESIDENT:

Do we---

SENATOR HORSELY:

I'd ask unanimous consent that we take it out of the record so he doesn't have to call it back from postponed consideration.

PRESIDENT:

Do we have unanimous consent? Leave is granted. Senator Neistein, are you ready on 24? Senator Neistein--your not ready. Alright. Senate Bills on Third Reading are...does any member want to call any of the Senate Bills on Third Reading? Any of the Senate Bills on Third Reading? House Bills on Third Reading. Are there members desiring to call House Bills on Third Reading? Does any member desire to call a House bill on Third Reading? Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate. I would like to call House Bill 1787 back to Second Reading for purpose of an amendment.

PRESIDENT:

1787 is not on Third Reading. It's on consideration postponed, I see. Senator Vadalabene wishes to amend House Bill 1787 on considera-

tion postponed. Can you explain your amendment, Senator Vadalabene?

SENATOR VADALABENE:

Senator Frank Savickas has the amendment. He's offering the amendment.

PRESIDENT:

Senator Savickas, can you explain the amendment?

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate. What the amendment does, in setting up this advisory council, it changes the word Director to the word Governor and conforms with the other councils where the Governor appoints the members. And on Page 4 of Lines 17 and 18, it strikes the wording certified plumbing contractors and inserts in lieu thereof licensed plumbers. The United States Supreme Court held that the certified plumbing contractors were unconstitutional and just to keep in line with the Supreme Court ruling, we're changing the words to licensed plumbers to serve on this council. I solicit your support of this amendment.

PRESIDENT:

Is there any discussion? Senator Nihill. Senator Nihill.

SENATOR NIHILL:

Mr. President. Senators. Will Senator Savickas yield to a question, please?

PRESIDENT:

He indicates he will.

SENATOR NIHILL:

Did you take this up with the union? Are they satisfied with this? The Plumbers Union?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

This amendment was drawn up with the advice and consent of Dick

Weldon and the plumbers of 130.

PRESIDENT:

Is there further discussion. All in favor signify by saying aye. Contrary minded. The amendment is adopted. Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate. I would like at this time to take House Bills 1788 and 1789 and strike it off the calendar.

PRESIDENT:

Motion to strike 1788 and 1789 on the calendar on postponed consideration. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Harris.

SENATOR HARRIS:

I'm sorry...Senator Smith just contacted me about a bill that I have in his committee. I don't know what order we're on, but might we move to the order of motions and I will move to discharge from the Committee on Welfare further consideration of Senate Bill 1141, for the purpose of then making a striking motion of that bill.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. Motion prevails. The bill is tabled. House Bills on Second Reading. There... Senator Saperstein, Senator Gilbert and Senator Harris. Senator Saperstein you wish to...2209. House Bills on Second. House Bills on Second, on Page 2 of your calendar. 2209.

SECRETARY:

House Bill 2209. Second reading of the bill; no committee amendments.

PRESIDENT:

Any amendments from the floor? Third Reading. 2374, Senator Gilbert. You have the bill? No. OK. 2727, Senator Harris. 2727.

SECRETARY:

House Bill 2727. Second reading of the bill; no committee amendments.

PRESIDENT:

Any amendments from the Floor? Third Reading. House Bills on First Reading. We need Senate sponsors on 1070. Representative Telsor. Senator Berning are you going to take that? Senator Berning. 2128. J.J. Wolfe. 2346. Representative Collins. 2347. Senator Walker, do you wish to make a motion?

SENATOR WALKER:

Yes. On House Bill 11...Senate Bill 1155 is before the Local Government Committee and I would like unanimous consent to take it away from Committee and table it here on the floor.

PRESIDENT:

Bill is tabled.

SENATOR WALKER:

Thank you.

PRESIDENT:

1155 is the number. Is that correct?

SENATOR WALKER:

1155.

PRESIDENT:

Senate Bill 1155. On the Consent Calendar there are three resolutions: 224 by Senator Knuepfer, 225 by Senator Berning, 229 by Senator Soper. Is there any discussion of these resolutions? All in favor of the adoption of the resolutions on the Consent Calendar signify by saying aye. Contrary minded. Resolutions are adopted. Resolutions or other business to come before the Senate? Are there any announcements? Senator Palmer.

SENATOR PALMER:

Mr. President. There's a bill on Third Reading that seems to be by agreement. It was on the consent calendar and all it does is update changes and deletions to bring it up to date with the Judicial article. House Bill 456, and we might act on that to get it off the calendar. It keeps coming up.

PRESIDENT:

House Bill 456 is on Third Reading. Senator Palmer wishes to take it up at this time. House Bill 456. Can you explain the bill, Senator Palmer.

SENATOR PALMER:

Well, what it does is amends the State Housing Act. It makes various changes and deletions to update the Act and just brings it in harmony with the Judicial Article of 1964. All it does is update it to comply with the language of the Judicial Article.

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

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

I've noticed a little silence on the other side, but I would like to ask Senator Horsley to please look at this bill. It's a similar bill that he had. Senator, will you look at 456 and advise your colleagues as to what this bill does. It is similar to 457 that you passed out, and I think if you would advise your colleagues that it is just a change of language, we could get this off the calendar. It is not a party issue, it is something correcting it.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President, in response to Senator Palmer, I passed my vote in order to read the bill and I see nothing wrong with this bill. I think its a good bill and I want to be recorded aye on this bill.

PRESIDENT:

Baltz Aye. Laughlin Aye. Clarke Aye. Carpentier Aye. Harris, Latherow Aye. Sours Aye. Rosander Aye. Berning Aye. Carroll Aye. Smith Aye. Lyons Aye. Nihill Aye. Graham Aye. Kosinski Aye. Swinarski Aye. Hynes Aye. Partee Aye. Groen Aye. Senator Rock.

SENATOR ROCK:

Senator Palmer stood to explain his vote. We have not completed the roll call.

PRESIDENT:

I think we've completed it informally here now. Saperstein Aye. On that question, the yeas 37; the nays are none. The bill is declared passed. Is there further business to come before the Senate? Any announcements? Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President, members to the Committee on Financial Institutions; there has, heretofore, been scheduled a meeting at 2 O'clock this afternoon involving one House Bill 2766, and after consultation with the spokesman for the Republican party...he overruled the objection of one of his members and he has agreed to a cancellation of the meeting. So the members on the Financial Institutions will not meet at 2. You will be notified as to the next meeting. Besides that, Mr. President, the House sponsor of the bill has left town.

PRESIDENT:

We have a resolution.

SECRETARY:

Senate Resolution 234. Introduced by Senator Palmer.

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

Mr. President and gentlemen of the Senate and lady of the Senate. This is a Death Resolution. On Monday past, Thomas Matousek, Chief Title Examiner of the Torrents Office of Cook County passed and he is being laid to rest today.

PRESIDENT:

Senator Palmer asks for immediate consideration to adopt the resolution. All in favor signify by saying aye. Contrary minded. Resolution is adopted.

SENATOR PALMER:

Thank you, Mr. President.

PRESIDENT:

All Senators will be shown on the resolution. Senator Partee.

SENATOR PARTEE:

Yes, Mr. President. I have a series of... a bill on the subject of ethics, which I would like to have unanimous consent to introduce today. It is a bill which contains some of the components of the other bills that have been introduced, but it has one rather significant difference and it is a provision, which requires that all persons running for State or public office, who earn over \$15,000 a year, will file a duplicate original of their Federal Income Tax Returns. It also contains a provision for a newly created governmental accountability commission. Those are the two variances from the raft of bills which are in, and I wanted leave to introduce it.

PRESIDENT:

Request for a Leave to introduce a bill a little later today. To journalize...leave is granted. If there...Senator Clarke.

SENATOR CLARKE:

Mr. Pro Tem, were going to consider those bills in the Rules Committee, I presume.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Yes, I was going to ask that we have a Rules Committee. There are several bills we have to look at which have been presented both yesterday and today, so I would like to have a Rules Committee in my office immediately after we adjourn here today.

PRESIDENT:

Senator Bruce moves that Senate stands...just a minute. Senator Partee.

SENATOR PARTEE:

I'm not sure that everybody heard your announcement earlier-- that we will not be in Monday. The schedules which have been passed out, heretofore, had Monday on them for a Senate day. We're not going to meet Monday and we have prepared new schedules, which we will pass out at this time.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, I just wanted to add to Senator Partee's remarks. All the meetings of the Constitutional Implementation Committee and the Appropriation Committee, which have been set for Tuesday, will therefore, be set back until Wednesday.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I would like to add also that the Local Government Committee, which was scheduled to meet on Tuesday, will be...will meet on Wednesday.

PRESIDENT:

All committees dates..., meetings will be moved back one day, I'm advised by the Secretary. Senator Johns advises the Chair that he

has a non-controversial bill he'd like to have taken up before everybody leaves. Senator Johns.

SENATOR JOHNS:

This bill is House Bill 1099 and it is strickly just as it reads. It amends the municipal code, it reduces the population requirement for cities to be allowed to conduct commercial studies and surveys and it eliminates the population requirement. And I would ask for a favorable roll call.

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 checked and this is a really, very nominal bill.. I urge we support it. I vote Aye.

SECRETARY:

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

PRESIDENT:

Hall Aye. Romano Aye. On that question the yeas are 43; the nays are none. The bill is declared passed. Senator Hall.

SENATOR HALL:

I'd just like to announce that the Transportation Committee will meet on Wednesday, instead of Tuesday, from 2 to 4.

PRESIDENT:

Any further announcements? Senator Knuppel moves that the Senate stands adjourned until Noon on Tuesday. All in favor signify by saying Aye. Contrary minded. Just...just hold it. Senator Harris..

SENATOR HARRIS:

Senator Partee, I've inquired about that matter of the meeting of the Rules Committee. Are we going to be able to get that worked out so that numbers might be assigned and printing take place over the weekend or not.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

The Rules Committee is going to meet immediately after adjournment and those bills are going to be considered.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Might it be possible to provide for the uncontested introduction of bills beyond our adjournment of....

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I would say that any bills that the Rules Committee today says is proper under our rules for filing, we could have unanimous consent to file them today and give them a number.

PRESIDENT:

Right, I think it is a good suggestion, Senator Harris. Is there objection to that? Leave is granted. We'll try again. Senator Knuppel moves that the Senate stands adjourned until noon on Tuesday. All in favor signify by saying Aye. Contrary minded. Senate stands adjourned.