

80TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 1, 1977

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senate will come order. Will the guests in the galleries  
3. please rise. Prayer by Father Jerome Feldman, St. Teresa's  
4. Parish, Marydale, Illinois. Father Feldman. Reading of  
5. the Journal. Senator Johns.

6. SENATOR JOHNS:

7. Mr. President, I move that reading and approval of the  
8. Journals of Thursday, May the 19th, Friday, May the 20th,  
9. Monday, May the 23rd, Tuesday, May the 24th, Wednesday, May  
10. the 25th, Thursday, May the 26th, Friday, May the 27th, and  
11. Tuesday, May the 31st in the year 1977, be postponed pending  
12. arrival of the printed Journal.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. You've heard the motion. All those in favor indicate by  
15. saying Aye. Those opposed. The Ayes have it. Motion carries.  
16. Committee Reports.

17. SECRETARY:

18. Senator Donnewald, Chairman of the Committee on Assignment  
19. of Bills, assigns the following bills to committee: Agriculture,  
20. Conservation and Energy - House Bill 1411 and 1972; Appropriations  
21. I - House Bills 48, 767, 798, 885, 954, 991, 994, 1008, 1034, 1037,  
22. 1038, 1071, 1102, 1127, 1220, 1391, 1393, 1418, 1462, 2341, 2358,  
23. 2360, 2362, 2363, 2365, 2366 and 2376; Appropriations II - House  
24. Bills 107, 688, 964, 1039, 1064, 1065 and 1106; Elementary and  
25. Secondary Education - House Bill 2105; Executive - House Bills  
26. 399, 709, 993, 1218, 1219, 1390, 1502 and 1741; Executive  
27. Appointments and Administration - House Bill 1754; Finance and  
28. Credit Regulations - House Bills 1450 and 1638; Insurance and  
29. Licensed Activity - House Bills 279, 797, 1472, 1474 and 2329;  
30. Local Government - House Bills 252, 272, 829, 1626 and 2260;  
31. Revenue - House Bills 1111, 1183, 1212, 1991.

32. Senator Vadalabene, Chairman of the Committee on Executive  
33. Appointments and Administration, reports out the following House

1. Bills: House Bills 1144, 1145, 1148, 1152, 1155, 1157, 1165, 1166,
2. 1167, 1169, 1414, 1627, 2233 and 2235 with the recommendation
3. Do Pass.

4. Senator Guidice, Vice-Chairman of the Committee on
5. Judiciary I, reports out House Bills 53, 134, 135, 136, 137,
6. 138, 139, 140, 142, 143, 144, 147, 148, 150, 192, 321, 342, 595,
7. 1330, 1392, 1858, 2042, 2100 and 2101 with the recommendation
8. Do Pass; House Bills 141, 145, 149, 151, 152, 153, 154 and
9. 250 with the recommendation Do Pass as amended.

10. Senator Knuppel, Chairman of the Committee on Agriculture,
11. Conservation and Energy, reports out the following House Bills:
12. 20, 232, 258, 359, 528, 725, 747, 1201 and 1279 with the
13. recommendation Do Pass; House Bills 732 and 2052 with the
14. recommendation Do Pass as Amended.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. A Message from the House.

17. SECRETARY:

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

19. Mr. President - I am directed to inform the Senate
20. that the House of Representatives has passed bills with the
21. following titles in the passage of which I am instructed to
22. ask the concurrence of the Senate, to-wit: House Bills 1595,
23. 1822, 2355 and 2393.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator D'Arco, for what purpose do you arise?

26. SENATOR D'ARCO:

27. Point of personal privilege, Mr. President.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. State your point.

30. SENATOR D'ARCO:

31. To my left is Peter F. Fasco who is the regional manager of
32. the Laborer's International Union of North America and a long-
33. time friend, and I wish he would be recognized by the Senate.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Please stand and be recognized.
3. PRESIDENT:
4. Resolutions.
5. SECRETARY:
6. Senate Joint Resolution No. 45...45 offered by Senator
7. Rock.
8. (Secretary begins to read SJR 45)
9. That's a type error. That can't be. That's the June the 3rd...
10. (Secretary reads SJR 45)
11. PRESIDENT:
12. Senator Rock.
13. SENATOR ROCK:
14. Thank you, Mr. President, Ladies and Gentlemen of the
15. Senate. This is Senate Joint Resolution 45. It's the adjourn-
16. ment resolution which recites that when we leave tomorrow,
17. we will return on Wednesday, June the 8th at the hour of one
18. o'clock. I would move to suspend the rules for its immediate
19. consideration and adoption.
20. PRESIDENT:
21. You've heard the motion. All those in favor signify by
22. saying Aye. Opposed. The Ayes have it. So ordered. May I
23. have the attention of the members. The Speaker of the House
24. informs us that there are many Senate Bills on the House Calendar
25. without House sponsors and the deadline for House action on
26. Senate Bills is approaching. If you have a bill that is in such
27. a posture, would you please see to it that the House sponsor picks up the
28. bill, so that it can be moved into the House committee process.
29. For what purpose does Senator Berman arise?
30. SENATOR BERMAN:
31. Mr. President, I have three motions in relation to three
32. bills that have been assigned to one committee and should be
33. assigned to a different one. Is...may I make the motions to

1. discharge at this time. I've checked with the...the appropriate  
2. people, namely the chairman of the respective committees...

3. PRESIDENT:

4. All right...

5. SENATOR BERMAN:

6. ...because I'm the sponsor on the bills. As to...

7. PRESIDENT:

8. ...Have you...have discussed it with the Chairman of the  
9. Assignment of Bills Committee?

10. SENATOR BERMAN:

11. Yes.

12. PRESIDENT:

13. All right. The motion is...to discharge...

14. SENATOR BERMAN:

15. House...on House Bill 945, I move to discharge the Committee  
16. on Elementary and Secondary Education and re-refer to the Higher  
17. Education.

18. PRESIDENT:

19. You've heard the motion to discharge Elementary and  
20. Secondary Education from further consideration of House Bill 945  
21. and re-refer it to the Committee on Higher Education. All those  
22. in favor signify by saying Aye. Opposed. The Ayes have it.  
23. So ordered.

24. SENATOR BERMAN:

25. On House Bill 1003, I move to discharge Committee on Public  
26. Health, Welfare and Corrections and reassign it to Committee on  
27. Insurance and Licensed Activities.

28. PRESIDENT:

29. Senator Berman moves to discharge Public Health from further  
30. consideration of House Bill 1003, ...re-refer the bill to  
31. Committee on Insurance. All those in favor signify by saying  
32. Aye. Opposed. The Ayes have it. So ordered.

33. SENATOR BERMAN:

1. And on House Bill 2339, I move to discharge Finance and  
2. Credit Regulations and re-refer that bill to Public Health,  
3. Welfare and Corrections.

4. PRESIDENT:

5. Senator Berman moves to discharge the Committee on Finance  
6. from further consideration of House Bill 2339 and re-refer  
7. the bill to the Committee on Public Health, Welfare and Corrections.  
8. All those in favor signify by saying Aye. Opposed. The Ayes  
9. have it. So ordered. Senator Smith.

10. SENATOR SMITH:

11. What I sought to do as of yesterday. He hasn't conferred  
12. with me. You did not grant my request, and I'm wondering why  
13. he would bring a bill from another committee into a committee  
14. that I chair without conferring with me as you suggested as  
15. late as yesterday that I should do in order to transfer a bill  
16. against which no one could possibly....

17. PRESIDENT:

18. Senator Berman.

19. SENATOR BERMAN:

20. Senator Smith, if you recall it was last week I indicated  
21. to you that the bill dealing with hospital rate review...there  
22. was a House Bill that came over. We, in our committee...your  
23. committee had studied the Senate version of that bill, and the  
24. House Bill had come over and that it had been assigned to a  
25. committee other than yours, and I had indicated...asked you  
26. if you...that you wanted to keep that bill in your committee  
27. because of the work that had been done on it. You indicated  
28. that it...that it should stay in your...come...come to your  
29. committee and that is what this motion is, to take the House  
30. Bill dealing with rate review...the bill...the House Bill dealing  
31. with hospital rate review that was assigned to Finance and  
32. Credit Regulations and reassign it to your committee. I had  
33. spoken to you last week about it. Thank you.



1. House Bill 1209
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. PRESIDENT:
5. House Bill 1268, Senator Netsch.
6. SECRETARY:
7. House Bill 1268
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. PRESIDENT:
11. House Bill 1416, Senator Netsch.
12. SECRETARY:
13. House Bill 1416
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. PRESIDENT:
17. House Bill 1500, Senator Sangmeister...Senator Sangmeister
18. and Egan.
19. SECRETARY:
20. House Bill 1500
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDENT:
24. House Bill 1946, Senator Carroll.
25. SECRETARY:
26. House Bill 1946
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. PRESIDENT:
30. House Bill 1995, Senator Netsch.
31. SECRETARY:
32. House Bill 1995
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDENT:
3. House Bill 2113, Senator Bowers.
4. SECRETARY:
5. House Bill 2113
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDENT:
9. House Bill 2161, Senator Rock.
10. SECRETARY:
11. House Bill 2161
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDENT:
15. House Bill 2163, Senator Netsch.
16. SECRETARY:
17. House Bill 2163
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. PRESIDENT:
21. House Bill 2243, Senator Harber Hall.
22. SECRETARY:
23. House Bill ...2243
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. PRESIDENT:
27. House Bill 2264, Senator D'Arco.
28. SECRETARY:
29. House Bill 2264
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. PRESIDENT:
33. House Bill 2287, Senator Rock.



1. SECRETARY:
2. House Bill 2287
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. PRESIDING OFFICER: (SENATOR KENNETH HALL)
6. House Bill 893, Senator Leonard. Senator Leonard, House Bill
7. 893. Read the bill.
8. SECRETARY:
9. House Bill 893
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. PRESIDING OFFICER: (SENATOR KENNETH HALL)
13. House Bill 1055, Senator Leonard.
14. SECRETARY:
15. House Bill 1055
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. PRESIDING OFFICER: (SENATOR KENNETH HALL)
19. House Bill 297, Senator Knuppel.
20. SECRETARY:
21. House Bill 297.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. PRESIDING OFFICER: (SENATOR KENNETH HALL)
25. House Bill 1406, Senator Lemke.
26. SECRETARY:
27. House Bill 1406
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. PRESIDING OFFICER: (SENATOR KENNETH HALL)
31. For what purpose does Senator Merlo arise?
32. SENATOR MERLO:
33. Mr. President, to ask leave of the Senate to remove myself

1. as the sponsor of three bills...three House Bills. The three  
2. bills will...will be turned to over Senator Lane who has  
3. agreed...agreed to be the sponsor of these of theses, and  
4. namely they are House Bill 1348, 1424 and 1562.

5. PRESIDING OFFICER: (SENATOR KENNETH HALL)

6. Is...you've heard the motion. Is leave granted to  
7. Senator Merlo on House Bills 1348, 1424 and 1562.

8. SENATOR MERLO:

9. 1562...

10. PRESIDING OFFICER: (SENATOR KENNETH HALL)

11. ...Oh, 1562, the sponsorship be changed to Senator  
12. Lane?

13. SENATOR MERLO:

14. Right.

15. PRESIDING OFFICER: (SENATOR KENNETH HALL)

16. Is leave granted? Leave is granted. For what purpose  
17. does Senator Johns arise? Senator Johns, you're on.

18. SENATOR JOHNS:

19. Mr...Mr. President, would I be in order to ask Senator  
20. Graham to join him as cosponsor of House Bill 36 and 37?

21. PRESIDING OFFICER: (SENATOR KENNETH HALL)

22. Senator Graham.

23. SENATOR JOHNS:

24. Would that be all right with you, Senator?

25. SENATOR GRAHAM:

26. Mr. President.

27. PRESIDING OFFICER: (SENATOR KENNETH HALL)

28. Senator Graham.

29. SENATOR GRAHAM:

30. I'd love to have you, Senator. I need all the help I can  
31. get right at this time.

32. PRESIDING OFFICER: (SENATOR KENNETH HALL)

33. Leave for cosponsor? Leave is granted. For what purpose

1. does Senator Carroll arise?

2. SENATOR CARROLL:

3. Why, thank you, Mr. President. I would like to waive the  
4. Six Day Posting Requirements as to certain bills that were  
5. just assigned to Appropriations I and II. Specifically, I would  
6. like to waive the Six Day Rule on House Bills 1037, 1038, 1071,  
7. and 1102 that will be heard in Appropriations I today. Additionally  
8. the Six Day Rule on House Bill 1039, 1064, 1065 and 1106 which  
9. will be heard in Appropriations II.

10. PRESIDING OFFICER: (SENATOR KENNETH HALL)

11. Is leave granted to Senator Carroll on the following  
12. bills that he has so announced? Leave is granted. Six  
13. Day Ruling. What...one moment. Senator Davidson.

14. SENATOR DAVIDSON:

15. Yes, Mr. President, I'd like of the Senate to waive the  
16. Six Day Rule so as House Joint Resolution 41 can be heard in  
17. Executive tomorrow. It's a congratulatory resolution dealing  
18. with the Grant's March which we need for next week..

19. PRESIDING OFFICER: (SENATOR KENNETH HALL)

20. For what purpose does Senator Wooten arise?

21. SENATOR WOOTEN:

22. Well, Mr. President, Senator Davidson has spoken to me  
23. about this and I join him in asking that the Six Day Rule be  
24. waived so that this resolution may be heard. It is a timely  
25. resolution and if we don't address it this week, it will be of  
26. little value, so I move...I join him in asking the Six Day  
27. Rule be waived.

28. PRESIDING OFFICER: (SENATOR KENNETH HALL)

29. You've heard the motion. Is there leave for this  
30. with the approval of the Chairman of the committee? Leave is  
31. granted. House Bills 2nd reading. House Bill 96, Senator  
32. Vadalabene. Read the bill.

33. SECRETARY:

1. House Bill 96
2. (Secretary reads title of bill)
3. 2nd reading of the bill. No committee amendments.
4. PRESIDING OFFICER: (SENATOR KENNETH HALL)
5. Are there any amendments from the Floor? 3rd reading.
6. House Bill 206, Senator Knuppel. Senator Knuppel, I have a
7. notation here. Is there a possible amendment by Senator
8. Kosinski for this bill? House Bill 206, Senator. We'll...
9. let's skip that for the time being. We'll come back to it.
10. House Bill 255, Senator Knuppel. All right, read House Bill
11. 206, then.
12. SECRETARY:
13. House Bill...
14. PRESIDING OFFICER: (SENATOR KENNETH HALL)
15. Have a little attention, please.
16. SECRETARY:
17. ...House Bill 206
18. (Secretary reads title of bill)
19. 2nd reading of the bill. No committee amendments.
20. PRESIDING OFFICER: (SENATOR KENNETH HALL)
21. Are there any amendments from the Floor? 3rd reading.
22. House Bill 255, Senator Knuppel. Also, the next...also.
23. House Bill 259, Senator Roe. Senator Roe, House Bill 259.
24. Read the bill.
25. SECRETARY:
26. House Bill 259.
27. (Secretary reads title of bill)
28. 2nd reading of the bill. No committee amendments.
29. PRESIDING OFFICER: (SENATOR KENNETH HALL)
30. Are there any amendments from the Floor? 3rd reading.
31. House Bill 312, Senator Joyce. Senator Joyce, what...House
32. Bill 363, Senator Roe. Read the bill.
33. SECRETARY:

1. House Bill 363
2. (Secretary reads title of bill)
3. 2nd reading of the bill. No committee amendments.
4. PRESIDING OFFICER: (SENATOR KENNETH HALL)
5. Are there any amendments from the Floor? 3rd reading.
6. We'd like to have a little order here, so...you know, we don't
7. operate by sign language here. Now, we're on 2nd reading and
8. we'd like to have your attention. House Bill 462, Senator
9. Lane. House Bill 481, Senator Nimrod. Read the bill.
10. SECRETARY:
11. House Bill 481
12. (Secretary reads title of bill)
13. 2nd reading of the bill. No committee amendments.
14. PRESIDING OFFICER: (SENATOR KENNETH HALL)
15. Are there any amendments from the Floor? 3rd reading.
16. House Bill 584, Senator Guidice. House Bill 686, Senator
17. Berman. House Bill 698, Senator Glass. Read the bill.
18. SECRETARY:
19. House Bill 686
20. (Secretary reads title of bill)
21. 2nd reading of the bill. No committee amendments.
22. PRESIDING OFFICER: (SENATOR KENNETH HALL)
23. Are there any amendments from the Floor? 3rd reading.
24. House Bill 741, Senator Joyce. House Bill 744, Senator Walsh.
25. House Bill 990, Senator Bloom. House Bill 1001...back up.
26. Read House Bill 990.
27. SECRETARY:
28. House Bill 990
29. (Secretary reads title of bill)
30. 3rd reading...or 1st reading of the bill. 2nd reading of the
31. bill.. No committee amendments.
32. PRESIDING OFFICER: (SENATOR KENNETH HALL)
33. Are there any amendments from the Floor? 3rd reading.

1. House Bill 1001, Senator Guidice. House Bill 1325, Senator  
2. Joyce-Senator McMillan. House Bill 1728, Senator Schaffer.  
3. Read the bill.

4. SECRETARY:

5. House Bill 1728

6. (Secretary reads title of bill)

7. 2nd reading of the bill. No committee amendments.

8. PRESIDING OFFICER: (SENATOR KENNETH HALL)

9. Any amendments from the Floor? 3rd reading. May I have  
10. your attention, please. We're going to 3rd reading. We're  
11. going to passage stage, so would...Senator Carroll, for what  
12. purpose do you arise?

13. SENATOR CARROLL:

14. Before you get to that order, Mr. President, if we could,  
15. I would like to have three bills re-referred. I've talked to  
16. the Chairman of the Committee on the Assignment on Bills as the  
17. chairman of the recipient committee, and I would ask that House  
18. Bills 2348, 2349 and 2350 be discharged from the Senate Committee  
19. on Executive and re-referred to the Senate Committee on Appro-  
20. priations I.

21. PRESIDING OFFICER: (SENATOR KENNETH HALL)

22. You've heard the motion by Senator Carroll that House Bills  
23. 2348, 2349 and 2350 be re-referred...

24. SENATOR CARROLL:

25. From Executive to...

26. PRESIDING OFFICER: (SENATOR KENNETH HALL)

27. ...from Executive...

28. SENATOR CARROLL:

29. ...Appropriations I...

30. PRESIDING OFFICER: (SENATOR KENNETH HALL)

31. ...to Appropriations I.

32. SENATOR CARROLL:

33. Yes...

1. PRESIDING OFFICER: (SENATOR KENNETH HALL)

2. Is there leave for this? Leave is granted. For what  
3. purpose does Senator Rock arise?

4. SENATOR ROCK:

5. Thank you, Mr. President. On the Order of House Bills  
6. 1st reading a few moments ago, House Bill 2373 was picked up  
7. by Senator Schaffer. I'd ask leave of the Body at the request  
8. of the House sponsor to have Senator Guidice shown as the  
9. lead sponsor. I spoken with Senator Schaffer. ...He has no  
10. objection, so he should be withdrawn and Senator Guidice  
11. shown as the chief sponsor.

12. PRESIDING OFFICER: (SENATOR KENNETH HALL)

13. Is leave granted? Leave is granted. For what purpose  
14. does Senator Vadalabene arise?

15. SENATOR VADALABENE:

16. Yes, thank you, Mr. President and members of the Senate.  
17. Before you get to House Bills on 3rd reading, I have House  
18. Bill 277 which I would like to be brought back to 2nd for the  
19. purpose of an amendment.

20. PRESIDING OFFICER: (SENATOR KENNETH HALL)

21. Is...is leave granted to return to 2nd reading?

22. SENATOR VADALABENE:

23. Leave.

24. PRESIDING OFFICER: (SENATOR KENNETH HALL)

25. Leave is...leave is granted.

26. SECRETARY:

27. Senator Vadalabene, I have two amendments from you.  
28. They're very short. I'll read them. One of them is to...  
29. on House Bill 277 on page 3, line 28, by changing "compile"  
30. to "publishing"...okay, and the other one is on...okay, you  
31. want to...

32. PRESIDING OFFICER: (SENATOR KENNETH HALL)

33. Senator...

1. SECRETARY:  
2.           Amendment...  
3. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
4.           ...Vadalabene...  
5. SECRETARY:  
6.           ...No. 1 offered by Senator Vadalabene.  
7. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
8.           ...Senator Vadalabene.  
9. SENATOR VADALABENE:  
10.          Yes, I'd like...it's just a word change from "compile" to  
11. "publish" and I move for the adoption of Amendment No. 1.  
12. to House Bill 277..  
13. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
14.          You've heard the motion for Amendment No. 1 to House  
15. Bill 277. What's...all in favor say Aye. Those opposed Nay.  
16. The Ayes have it.  
17. SECRETARY:  
18.          Amendment No. 2 offered by Senator Vadalabene.  
19. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
20.          Senator Vadalabene.  
21. SENATOR VADALABENE:  
22.          Yes, Amendment No. 2 to House Bill 277 merely takes the  
23. word "yield"...strikes out the word "yield" in Section C and  
24. puts...in lieu, the word "interest obtained by lender under  
25. this bill", and I move for the adoption of Amendment No. 2 to  
26. House Bill 277.  
27. PRESIDING OFFICER: (SENATOR KENNETH HALL)  
28.          Senator Vadalabene has moved for the adoption of Amendment  
29. No. 2 to Senate...to House Bill 277. Is there leave? All in  
30. favor. Opposed. The Ayes have it. For what purposed does  
31. Senator Rhoads arise?  
32. SENATOR RHOADS:  
33.          Mr...



1. PRESIDING OFFICER: (SENATOR KENNETH HALL)

2. Hold...hold it just a minute, Senator Rhoads. Are there  
3. any further amendments?

4. SECRETARY:

5. No further amendments.

6. PRESIDING OFFICER: (SENATOR KENNETH HALL)

7. All right. 3rd reading. What purpose does Senator  
8. Rhoads arise?

9. SENATOR RHOADS:

10. ...Mr. President, I spoke to you a moment ago on a point  
11. of personal privilege.

12. PRESIDING OFFICER: (SENATOR KENNETH HALL)

13. State your point, Senator Rhoads.

14. SENATOR RHOADS:

15. Mr. President, many times we have introductions of guests  
16. in the gallery and today I have a very special introduction,  
17. not simply because I have a...a grade school from my district  
18. from the town of LaGrange seated in the gallery but because  
19. this school has a very, very special meaning to me. And that  
20. is that this school was named after someone that I loved and  
21. admired very much, my grandfather, William F. Gurrie. And I'd  
22. like to introduce the students from the Will F. Gurrie Junior  
23. Central High School with their principal, Paul Harvey and one  
24. of their teachers, Marge Long, and they're seated in the gallery.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Will our guests in the gallery please stand and be  
27. recognized by the members of the Senate. Yes, Senator Glass,  
28. for what purpose do you arise?

29. SENATOR GLASS:

30. While there's a lull, I wonder if I might seek leave of  
31. the Body, Mr. President, to be shown as the chief sponsor in the  
32. Senate of House Bill 2163 replacing Senator Netsch. She has  
33. agreed to this substitution.

HB 10  
2nd Reading  
6-1-77  
6 Recalled

1. PRESIDING OFFICER: (SENATOR ROCK)

2. You've heard the request. Is leave granted? So ordered.

3. All right, if I can have...if I can have the attention of the

4. membership. Mr. Sergeant-at-Arms, ring the bell. We will

5. with leave of the Body go to Order of House Bills 3rd reading.

6. Senator Egan, House Bill 10. Do you wish to...Senator Egan.

7. SENATOR EGAN:

8. Thank you, Mr. President and members of the Senate. I

9. agreed when we passed House Bill 10 onto 3rd reading that I

10. would recall it for amendments if there were any to be offered.

11. I'm not aware that there are any with the Secretary.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Secretary indicates that three have been placed on his

14. Desk.

15. SENATOR EGAN:

16. Are you then...may call them, Mr. President, in whatever

17. order...desire...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. All right, Senator Egan seeks leave of the Body to bring

20. House Bill 10 back to the Order of 2nd reading for the purpose

21. of an amendment. Is leave granted? On the Order of House

22. Bills 2nd reading, House Bill 10, Mr. Secretary.

23. SECRETARY:

24. Amendment No. 1 offered by Senator Knuppel.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Read the amendment, Mr. Secretary.

27. SECRETARY:

28. It's a larger amendment, Senator Knuppel. House Bill...

29. amend House Bill 10 is amended by Senate...no this is going...

30. has to be the other one. One...one amendment amends the

31. other one.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Mr. Secretary, which...which one are we dealing with first?

1. Senator Knuppel, what's your pleasure?

2. SENATOR KNUPPEL:

3. Well, I just want to know on...there's two amendments  
4. down there, and...whether...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. That is correct.

7. SENATOR KNUPPEL:

8. ...whether it's...

9. PRESIDING OFFICER: (SENATOR ROCK)

10. ...Could be taken in whatever order you...you wish.

11. SENATOR KNUPPEL:

12. ...Well, all right. I'd like to take the first one,  
13. is the short one. It says, so long as the death were the  
14. result of either an intent to kill more than one person or  
15. of separate premeditated act. The short one.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. All right, Senator Knuppel...Mr. Secretary, read the  
18. amendment.

19. SECRETARY:

20. Amend Senate...House Bill 10 is amended by Senate  
21. Amendment No. 1 with reference to page and line numbers on  
22. that amendment on page 2, line 20 by inserting before the  
23. semi-colon, the following: so long as deaths were the result  
24. of either an intent to kill more than one person or separate  
25. premeditated acts.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. All right, Senator Knuppel.

28. SENATOR KNUPPEL:

29. All right. House Bill 10 as amended provides in paragraph  
30. three, thereof, that the defendant...when the defendant has  
31. been convicted of murdering two or more individuals, this is  
32. without reference to what his intent was or how it happened.  
33. Now, you've got a possibility of three situations. You got the

1. possibility of a man who kills two people with two separate  
2. premediated acts, you've got the situation where a man intends  
3. to kill two people as a result of one premeditated act, or you've got the  
4. case of an individual who intends to kill one person but as  
5. a result of his act, kills two. Now, the person who intends to kill  
6. only one person and we have a recent case in Carthage or over  
7. in that vicinity where a gentleman murdered a mother, an  
8. expectant mother, and there was a seven month old child in  
9. her womb. That person actually, I'm sure, must have intended  
10. to kill only one person, or it's possible that I could aim a  
11. ...a revolver at someone that I intended to kill...planned  
12. to kill and as a result of that shot, killed some innocent  
13. person who walked between there. Now, the result would be  
14. that I had one...premeditated intention to kill one person,  
15. but I, in fact, killed two. Now, I think that person is  
16. entitled to some kind of...of clemency because you've got  
17. the felony provisions where if he kills someone in the act of  
18. a felony, he still may be...he still may be guilty of a crime  
19. which would be punishable by death, but if he intends only to  
20. kill one person and accidently kills two, I say his crime is  
21. no more heinous than the person who tends...intends to kill  
22. one person and actually kills one person. I think this amend-  
23. ment would strengthen the bill because it specifically now  
24. provides, so long as the deaths were the result of either an  
25. intent to kill two...kill more than one person or of separate  
26. premediated acts. It would take out of this classification  
27. that person who...who intended to kill one but through in-  
28. advertence killed two. I think it makes the bill stronger. It...  
29. it...it strengthens it on the equal protection provisions.  
30. I think it makes a good death penalty better.  
31. PRESIDING OFFICER: (SENATOR ROCK)

32. Any discussion? Senator...Senator Egan.

33. SENATOR EGAN:

1. Yes, well, Senator Knuppel, I think that your amend-  
2. ment is consistent with the...the...the premeditation of the  
3. bill itself. I think that it's consistent with the intent.  
4. I would not oppose this amendment. I don't think that...  
5. that exculpating anyone who murders is the best thing to  
6. do, but I think that it's consistent with the intent of the  
7. bill, and so for that reason, I would not oppose it.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Any further discussion? Senator Knuppel has moved the  
10. adoption of Amendment No. 2 to House Bill 10. All those in  
11. favor signify by saying Aye. All those opposed. The Ayes  
12. have it. The amendment is adopted. Further amendments?

13. SECRETARY:

14. House...Amendment No. 3 offered by Senator Knuppel.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. Amendment No. 3 is directed to the situation which  
19. allegedly and was...and of which occurred in Logan County,  
20. and the language with respect to disposition of a material  
21. witness. In Section 7, the bill as...now amended provides  
22. that if you...that you be subject to being executed if the  
23. murdered individual was a witness in the prosecution against  
24. the defendant or gave material assistance to the State in  
25. any investigation or prosecution of the defendant. Now, I  
26. think that...that a person could escape the noose on that  
27. if...on the basis if he killed a person who was an eye...who  
28. visually saw what happened, but had not appeared in a case  
29. against him, but who, in fact, had not cooperated at that point  
30. yet with law enforcement officials for the very reason that  
31. they were afraid of their life. For example, let's assume  
32. that a man and his fiancée undertook to dispatch his wife,  
33. and that the fiancée knew that her boyfriend had, in fact,

1. dispatched the wife and was guilty of murder, that she out  
2. of love or respect or fear had refused to cooperate with  
3. law enforcement officials and the trial had...not yet arrived, and  
4. that the boyfriend knowing she knew became terror stricken.  
5. that she might cooperate and therefore, dispatched her.  
6. She does not fit...her murder does not fit within this  
7. classification as the type of a death that would be subject  
8. to the death penalty. Now, for example, it's not a death  
9. penalty case, but just recently there was rape case tried,  
10. if you followed it in the paper, in Logan County, where a  
11. man was found guilty of raping a woman and some of the crucial  
12. evidence were some baby shoes in the car. His cousin  
13. or somebody else appeared and said those shoes belonged to  
14. his children. His wife held her tongue until she appeared  
15. as a rebuttal witness, at which time she said those...those  
16. shoes did not belong to her children. That tied the noose  
17. around his neck, and he was convicted of rape. I say that the...  
18. the bill as now drawn could give someone grounds to dispose  
19. of a person who is a material witness but who had not cooperated  
20. yet with law enforcement officials out of fear, love or respect  
21. who still might do that to dispose of someone we intend to  
22. execute because of his misconduct or someone who had committed  
23. murder. Now, we very well know about the Smrekar case over  
24. there where a person apparently methodically disposed of wit-  
25. nesses who might have appeared against him in misdemeanor  
26. cases. Now, this...the bill as now drawn says that the murder-  
27. ed individual was a witness... It doesn't say an eye witness,  
28. it doesn't say what kind of a witness, and it could leave the  
29. implication since the bill would have to be construed in favor  
30. of the defendant that the person had actually testified. The  
31. amendment which I now offer would correct this by providing  
32. that the person was an eye witness or...or possessed other  
33. material evidence against the defendant. Now, if they had

1. been an eye witness to a crime or possessed other material  
2. ...other material evidence against the defendant, that ...  
3. would be the type of a person like the man's wife who knew  
4. that those shoes in her husband's car were not the shoes  
5. of her children but who did not speak until she spoke on  
6. rebuttal because, you know, rape is a very serious offense,  
7. and I don't know what that wife might of gotten in the way...  
8. you know, she could have been taken for a ride or dispatched,  
9. I think this language again strengthens the bill. I am in  
10. favor of a very stiff, but a very fair death penalty bill, and  
11. I think that we that we ought to close every loophole we  
12. can so that a person cannot, like Smrekar, or...or like  
13. someone else in the...in the case that I consider analagous  
14. that I cited the...the fictional case, would close the  
15. door on these people who had not yet..and protect those  
16. people who had not yet, maybe, testified, who had material  
17. knowledge but had not yet cooperated with law enforcement  
18. officials. That's the reason...that's the intent of the bill,  
19. is not to...not to in anyway destroy the bill. I think,  
20. Senator, I've said from the time I voted against the bill  
21. without time to study it here when we came back in the Veto  
22. Session, that I was in favor of a stronger bill, but a...a  
23. a bill that's as fair as possible and protects as many  
24. people as possible, and I think this is a good amendment,  
25. and I'm going to move the adoption of Amendment No. 3.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Is there any discussion? Senator Egan.

28. SENATOR EGAN:

29. Yes, except that, Senator, I...I would agree with that.  
30. I...I find no fault with that language in lines 12 and 13 of  
31. your amendment, however, it does more than that. And it  
32. removes from the category number 6 which requires that the  
33. murdered individual was killed in the course of another felony...

1. I will. Now, to explain to the Body what Senator Knuppel  
2. is doing. He is going to take part of the amendment out  
3. so that he adds the language "or was an eye witness or  
4. possessed other material evidence against the defendant" in  
5. the category number 7, and that's acceptable to me.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Bowers.

8. SENATOR BOWERS:

9. Thank you, Mr. President. I suppose I should hesitate  
10. to get into this conversation, but I would like to point out  
11. to both Senators Knuppel and Senator Egan that one of the  
12. reasons that Senator Walsh and I offered the first amendment  
13. to redraft the purpose of the language in that bill was because  
14. there were some problems with the language and we all know  
15. that this bill is going to go to the Supreme Court some day and we  
16. thought we ought to have the best language possible, and I  
17. just point out to Senator Knuppel, number one, that the  
18. amendment that he's offering, I think is already covered in  
19. the bill because if he reads the rest of the sentence that  
20. he was talking about, it says or gives material assistance  
21. to the State or any individual...or any investigation or  
22. prosecution. I think that would cover. Number two, when you  
23. read the language of...of the amendment that Senator Egan has  
24. not raised any objections to, you find that...that it says or was  
25. an eye witness against the defendant, and I think...you know,  
26. I think there needs to be some clarification of that,  
27. because what I'm afraid we're doing is...is again ruining the  
28. syntax of this bill, because as I read that..the way you have  
29. to read it, eye witness against the defendant is...is not  
30. interpretable language as far as I'm concerned.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Knuppel.

33. SENATOR KNUPPEL:



1. Well, I'm not arguing about authorship or the use of  
2. words. Maybe there's a better way to word it, and Senator  
3. Walsh is certainly welcome to the opportunity to help, but...  
4. but I say, I have...I have read the sentence, and it only  
5. protects that person who has already given material  
6. assistance and there...as I say, many times the witness  
7. that you want is a witness who is not going to appear until  
8. rebuttal.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Egan.

11. SENATOR EGAN:

12. I'm working, Senator Bower, from the yellow copy of  
13. Senator Walsh's amendment, and I don't read that language  
14. here. And I...I certainly would agree that that's correct, except  
15. that in my copy, it's...it's not there.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Knuppel, what's your pleasure? Do you wish  
18. to move the adoption of this amendment? Do you wish to  
19. move it...move its adoption or are you...

20. SENATOR KNUPPEL:

21. No. I don't want to...I don't want to adopt it until  
22. it's in form and the Senator has given me his...his assurance  
23. he'll bring it back for one moment tomorrow before he goes to  
24. put that on.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. All right. That assurance has been given. Amendment  
27. No. 3 will be withdrawn. We will...renumber a proposed 4 to  
28. make it 3. Further...

29. SECRETARY:

30. Amendment...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. ...Further amendments?

33. SECRETARY:

1. ...Amendment No. 3 offered by Senator Collins.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right, we have another amendment before the Body.

4. Senator Collins.

5. SENATOR COLLINS:

6. Mr. President...Mr. President...am I on...

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Collins... Yes, your...your microphone seems  
9. to be operating.

10. SENATOR COLLINS:

11. Okay. Mr. President and members of the Senate, I  
12. placed on the desk...on each of your desks an amendment,  
13. and it is a very important amendment, and I do...let me make  
14. it clear that this amendment has no intentions of being  
15. sarcastic or even humorous. This is a very serious amend-  
16. ment. The intent of this amendment...

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Excuse me, Senator. Senator Maragos, for what purpose  
19. do you arise?

20. SENATOR MARAGOS:

21. Would the Senator be so kind to identify the amendment  
22. by the LR number because we have several amendments to...  
23. House Bill 10, and...

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Yes, Mr. Secretary. Will you indicate which is Amend-  
26. ment No. 3, please.

27. SECRETARY:

28. Amendment No. 3 is LRB number 2413aml.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. It's the two page amendment, I think, is correct.

31. All right. Senator Collins.

32. SENATOR COLLINS:

33. ...Although I am opposed to Senate Bill 10, but in

1. all likelihood, the bill will pass. What this amendment  
2. hope...hoped to do is to bring out in the opening the  
3. execution of those convicted of a crime. Secondly, it intends  
4. to hold the Legislatures responsible for the action, and  
5. secondly...it third, it is to show mercy to those who have  
6. been sentenced to death. What the amendment does, it...this  
7. amendment attempts to bring the execution in the opening and  
8. will capital crime punishment really be a deterrent to crime  
9. when nobody...actually sees the convicted put to death. By  
10. dramatizing of the execution, it may raise the level of awareness  
11. of the citizens in this State to the agony and pain of those  
12. murdered by the State as a consequence for having committed  
13. a crime. It is more remote and less impressive if the executions  
14. are to...to be continued...carried out late at night or early in the  
15. morning with no one observing except the prison officials.  
16. Secondly, this amendment attempts to hold the...the General  
17. Assembly responsible for the actions by mandating that they  
18. be witness to the execution. Certainly those of you who believe  
19. in legalized murder should not only be willing to observe  
20. but should be equally willing to carry out the sentences  
21. yourselves. If...again if we are to go back in history and  
22. find in methods for curbing crime, then I think we should go  
23. all the way. We should bring back the hanging gallery, scaf-  
24. folds, the guillotine, and we should bring back the electric  
25. chair, and we should do it right and do it well. In fact, if  
26. there is any validity at all to the argument that capital  
27. punishment or legalized murder is a deterrent to crime, then  
28. we should make a soap opera of it and we should show the  
29. citizens of the State of Illinois just what can happen to them  
30. if, in fact, they commit certain crimes, therefore, I move  
31. the adoption of this amendment.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. The question is the adoption of Amendment No. 3. Is there

1. any discussion? Senator Chew.

2. SENATOR CHEW:

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

4. First of all, I believe the Supreme Court ruled that the  
5. death penalty was left in the hands of those of us that  
6. serve in Legislatures, which eventually regardless of what  
7. we pass...if we pass a bill, it will eventually end up in  
8. Supreme Court here in the State of Illinois. I hate crime..  
9. As a matter-of-fact, if I have any capacity in my heart,  
10. I hate criminals. I don't find any justification for people  
11. taking lives, whether it's we as lawmakers or those that are  
12. out in these streets or backrooms taking other lives. I'm  
13. totally, violently against anything that deals with taking  
14. one's life. I'm so against it until I feel that one who defends  
15. himself in self-defense could have had another way out. But  
16. as the sponsor of this amendment has said, if we want to be  
17. killers of mankind, and we do say it is a deterrence to crime  
18. which I don't believe. Knowing something about criminal  
19. activity and the criminal mind, there has to be a cause for  
20. anyone to commit an act, not saying a justifiable cause but  
21. a...a cause that has been put upon that person who commits it  
22. and at the time of committal, it is not a thought of right or  
23. wrong or the after affect.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Pardon me, Senator. May we have some order in the  
26. Chamber, please. Senator Chew's remarks are relevant to  
27. Amendment No. 3. He deserves to be heard.

28. SENATOR CHEW:

29. ...And be the cause as it may, there is a cause that  
30. causes people to do certain things or commit certain acts.  
31. I think we can deal with them more in the form of try...trying  
32. to rehabilitate them, than to take their lives, an eye for an  
33. eye and a tooth for a tooth, but if we elect to do it, let the

1. world see it, bring back all of the cruel instruments that  
2. were here... were here in the yesteryears, let the poor  
3. people go on death row because they don't have means of  
4. employing the better kind of counsels that will, in fact,  
5. not allow them to go, but bring the poor who do  
6. not know that counsel is available or who cannot avoid  
7. competent counsel but let us have public showings, let us  
8. have last words from those culprits, let us have six members  
9. of the Legislature, and there's not one here who would want to  
10. participate in that kind of execution, taking one's life.  
11. If we are so enraged about the death penalty, why not pass  
12. a law that would require those of us that serve here and those  
13. of us that are making this law actually do the execution.  
14. That's a good way not to ever get the bill passed. And,  
15. Mr. President, you ought to confine it to those that are voting  
16. for it, and I'll assure you that the bill would never leave  
17. the Senate. We are eager to have others to do what we would  
18. not do ourselves. There's not a man on this Floor that would  
19. be willing to pull the switch. Not one of us. Not one,  
20. woman or man. Senator Hickey wouldn't want to do it. Senator  
21. Knuppel wouldn't want to do it...

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator, your time is running short. Would you conclude  
24. your remarks.

25. SENATOR CHEW:

26. ...I support the amendment, Mr. President, and I would  
27. urge its passage, especially the part that includes the  
28. Legislators to participate, so let us pull the switch if we're  
29. going to make the law, so, I support the amendment.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Further discussion? Senator Newhouse.

32. SENATOR NEWHOUSE:

33. Thank you, Mr. President. Senator Chew, I'm afraid that

1. you might lose that bet on people willing to pull the switch.  
2. I'm...I think that you might have several candidates here in this  
3. Body. I'm not one of those. If we're going to talk about  
4. ...I wasn't looking at Senator Soper. If we're going to  
5. talk about restoring the death penalty and we're going to  
6. talk about the deterrent affect, it seems to me that we have  
7. to reduce it to its lowest terms. If we reduce it to lowest  
8. terms, I think we need to talk about public executions. If  
9. we talk about public executions, we may talk also about  
10. mandatory attendance. Now, where are those minds which will  
11. be most vividly affected by a public execution. Why, I think that  
12. there are infants and our babies, and perhaps we ought to do  
13. this on public school...a network hookup. The facts of life  
14. are that we're talking about is going back again to some very  
15. barbaric practices. There may be those who would propose that...  
16. that...that capital punishment resolves crimes. I...I...I know I am  
17. repeating myself when I say to you that in the old days, that  
18. the best place for a pickpocket to work was at those crowds  
19. that attended executions. And picking pockets was then a....a  
20. ...an offense for which...which was punishable by death. It  
21. seems to me that we're looking at the wrong end of the telescope  
22. when we're talking about resolving the criminal problem. There  
23. are an awful lot of ills of the social system that have to be cured,  
24. and I'm not talking...I'm not talking the...the bleeding heart kind of  
25. thing. I'm sitting on a forty percent unemployment rate among  
26. young people, going higher every day. A lot of things happen  
27. in a circumstance such...such as that. Idle people, time on  
28. their hands, a little provocation This past Sunday, we had an  
29. outbreak in one of the forest preserves. Unfortunately, but  
30. several things could have happened out that, and the kinds of  
31. things that could have happened would have been punishable by  
32. a death penalty. Crimes of passion and all the rest. It  
33. seems to me that an amendment of this sort while certainly I

1. will vote for it, I would be very reluctant to see it put  
2. into effect and to see it enforced. I do not believe public  
3. executions would do much of anything. I don't believe the  
4. bill is going to do anything. Now, the professionals are  
5. still going to do what they've done, hire good lawyers and  
6. get away with it. Right, lawyers? The amateurs are...are  
7. going to go to jail, and the poor people are going to go  
8. to death, and that's the way it's going to be. There hasn't  
9. been...I think that the...the recent...and I hate to refer to  
10. this, but the recent case out in California where there was  
11. a series of events that lasted over a long period of time  
12. involving some people who got killed, a bank robbery and all  
13. the rest of it. What happened? The person who had the money  
14. got off with a probationary sentence. The people who didn't  
15. have the money are about to serve ten to twenty years and  
16. probably would be serving more if that sentence hadn't been  
17. handed down to vitiate the kinds of results that come out of  
18. the criminal justice system. We aren't doing anything with  
19. this bill. The amendment ought to go on, and the bill ought  
20. to be killed. I vote for the amendment, and against the bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Further discussion? Senator Glass.

23. SENATOR GLASS:

24. Thank you, Mr. President, Ladies and Gentlemen. The  
25. General Assembly is often criticized for passing legislation  
26. creating commissions and agencies and...and then turning its  
27. back and...and not following up on what the agencies are doing.  
28. In other words, the legislative oversight is lacking. I think  
29. Senator Collins' amendment to this bill might cure some of  
30. that. Probably the most serious thing this General Assembly  
31. is going to do this Session, and I'm going to oppose it, is...is...  
32. is to pass this bill. What could be more important and signifi-  
33. cant in our State than...than reinstating the death penalty.

1. I think the executions if there are going to be executions  
2. ought to be public, and it seems to me that those who favor  
3. the legislation should not be afraid to make them public.  
4. If this is right thing to do, then let it be done in the  
5. public. I urge the adoption of the amendment.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Knuppel, there are a couple in front of you.  
8. Senator Bowers.

9. SENATOR BOWERS:

10. Well, Mr. President, I rise to oppose the amendment. I  
11. think if there was ever an amendment designed to make this  
12. bill unconstitutional, this is it. Obviously if...if we do  
13. what the sponsor of the amendment suggests we do, which is  
14. to make a public spectacle of this type of an execution, no  
15. court in the world is going to uphold its constitutionality.  
16. I think that's the purpose of the amendment obviously, and  
17. I would hope this General Assembly would in its wisdom vote  
18. down this amendment. Thank you.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Walsh.

21. SENATOR WALSH:

22. Well, Mr. President and members of the...of the Senate,  
23. I just echo what Senator Bowers said. The members of the  
24. House and members of the Senate Judiciary Committee labored  
25. long and hard in drafting the Amendment 1 to this bill, and  
26. I think the bill is in as good form as it...as it can be.  
27. There's no question but what this bill is going to be reviewed  
28. by the Supreme Court of the United States. I think it is  
29. constitutional in form now. I think that it would be unconstitutional  
30. if this amendment were adopted. I think that this would just be...is  
31. an effort on the part of the sponsor to make a spectacle of  
32. a very serious situation, and I would oppose the amendment.

33. PRESIDING OFFICER: (SENATOR ROCK)



1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Well, I...I respect the person who's offered this  
4. amendment and her intent, and her desire to spotlight the  
5. fact that...that the death penalty is no deterrent to crime.  
6. At one time, England had five hundred and twelve crimes which  
7. were punishable by death, and as she said, they had public  
8. hangings. Everybody came and brought their lunch and sat  
9. on the hillsides all around, and it did not deter crime.  
10. They had more executions and more crime than any other nations  
11. ever had, despite the fact they had five hundred and twelve  
12. different crimes that required the death penalty. However,  
13. I don't support the death penalty on the basis that it has a  
14. deterrent affect. I support the death penalty on the basis  
15. that society has a right at times to protect itself. What  
16. are you going to do, as this bill has pointed out.. what are  
17. you going to do when someone kills the prison guards entrusted  
18. with his custody after he's already killed someone? What do  
19. you do with someone who's so callous that he will kill a  
20. witness that saw him steal a piece of meat? What do you do  
21. with these people? Do you just slap them on the wrist? I  
22. personally thought at first when the Senator offered it, she  
23. was making the provision that...that there not be any public  
24. hangings. Look what Gary Gilmore has done. He has probably  
25. incited more crime because he has become probably a national  
26. figure, than he has deterred. As I say, I don't believe that  
27. the death penalty has a deterrent affect. I think that to...to  
28. dress the death penalty up with...with a tux and go public  
29. will only cause those people who want to attract attention and  
30. to become national figures to commit crimes in the hopes that  
31. they can do this through this means as...as has been so  
32. vividly illustrated by those people who would hijack airliners  
33. and so forth. I appreciate the Senator's sentiment to spotlight

1. the fact that...that...that what she believes and what I  
2. believe, too, that the death penalty has no deterrent affect,  
3. but I don't think this...that this, other than to spotlight  
4. that fact, in fact, has any constructive value.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Further discussion? Senator Graham.

7. SENATOR GRAHAM:

8. Yes, Mr. President and members of the Senate, I can't  
9. really believe that the sponsors and supporters of this  
10. amendment are serious to the point that they think this  
11. obligation would be fulfilled and that the public would  
12. participate. This, as many others have said, is a means I  
13. think to try to destroy the bill, and to...attempt to  
14. spotlight a very bad scene for our American people to  
15. witness. I want to also suggest to you that the people that  
16. go to stock car races and don't always go to see the cars,  
17. they go to see someone get killed. They still go, and also...  
18. also suggest that when we spotlight incidents of this nature,  
19. we're doing the same thing that we do when people go to  
20. visit our prisons and only go for one purpose, to pick out  
21. one individual who has gained the spotlight in newspapers,  
22. have them recorded on the news...on the television and the  
23. newspapers and everytime they do it. We don't deter crime,  
24. we don't help ourselves at all. All we do is incite more...  
25. more riotous spirits among the prisoners and...and...they  
26. eventually tear up our prisons.. I just can't believe and I respect  
27. Senator Collins, too. I can't believe that's she really  
28. serious in thinking this amendment could be adopted, would  
29. stand a court test, and if we're going to destroy the bill,  
30. let's don't do it this way. Let's muster our support and defeat  
31. it on 3rd reading.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Guidice.

1. SENATOR GUIDICE:

2. Thank you, Mr. President. Just a couple of observations  
3. of some of the comments that were made regarding this particular  
4. amendment. The public place, I...I think, should be designated  
5. by the Governor and that might cause a problem. So, I was  
6. going to suggest to the sponsor of the amendment that we  
7. designate Soldier's Field in Chicago, and then perhaps maybe  
8. we can also designate the Fairgrounds down here in Springfield  
9. depending on what part of the State that the particular crime  
10. happened. I also wanted to observe that in the...the various  
11. types of execution that we would have, we include electrocution,  
12. hanging, firing squads, guillotine, and gas chambers. I don't  
13. know if it's...if it's bad enough maybe we could include  
14. draw and quartering the particular individual and it would  
15. be a...a better scene to observe. Senator Newhouse had  
16. made a comment regarding the fact that when we gather all these  
17. people together, that we have the...the pickpockets, and  
18. back in the time of the early common law, he's right, they...they  
19. did execute these particular individuals, but then they got  
20. modern and what they would do is they would take the hand that  
21. ...you know, that pickpockets and then they would cut it off.  
22. So, maybe if we...considering this type of legislation, we  
23. can regress all the way back into the common law and prior to  
24. it. I think this is a good amendment.

25. PRESIDING OFFICER: (SENATOR BRUCE).

26. Senator Egan.

27. SENATOR EGAN:

28. Thank you, Mr. President, members of the Senate. I find  
29. it interesting, I think, for two reasons that this amendment  
30. is offered. Number one, I find it interesting to find that the  
31. opponents of the bill itself are in favor of the amendment, and  
32. I think that some of them have probably read Gregg versus  
33. the State of Georgia, the first of three or four cases that were

1. handed down in 1976, that legitimized the use of death as a  
2. penalty in certain enumerated crimes. I also find it interesting  
3. that just last week Senator Collins, I think, castigated us  
4. because of an attempt to amend a bill that she was working on,  
5. and I remember, Senator, that I tried to...to gain a little  
6. bit of wisdom from what you had said, and I did have sympathy  
7. with your position. I did then, but I do not now. I rise in  
8. opposition to this amendment, and I'll tell you why. This...  
9. this subject matter was addressed in that case and I want to  
10. read just a short paragraph from the case, and I know from  
11. whence the idea comes, and I think it's from this paragraph  
12. in Gregg versus the State of Georgia. The court said in the  
13. earliest cases arising...or raising the 8th Amendment claims  
14. the court focused on particular methods of execution to  
15. determine whether they were too cruel to pass constitutional  
16. muster. The constitutionality of the sentence of death it-  
17. self was not at issue, and the criteria used to evaluate the  
18. mode of execution was its similarity to torture and other  
19. barbarous methods. The subject matter has been carefully  
20. weighed, Senator Collins, by the drafters of this bill,  
21. and by those of us who think that the death sentence is one  
22. that should be available. I know of none of us who want to  
23. use it. I know, though, that all of us want to protect the lives  
24. of the innocent in the State, and not just the lives of the  
25. guilty. I find it interesting, also, that you don't allow  
26. the defendant who's being executed the right to deny the  
27. access of the press and the television to his execution. You give  
28. him that right to determine that method. You do not give him  
29. that right to foreclose the TV cameras from focusing on his  
30. death. I submit, Senator, that you're trying to gum up the  
31. works. I don't think you're sincere and I'm against your  
32. monkey wrench.

33. PRESIDING OFFICER: (SENATOR BRUCE)

6/1/77  
Introducer  
by Graham

1. Is there further discussion? Senator Collins may close.

2. SENATOR COLLINS:

3. In response to Senator...in response to Senator Egan,  
4. I must say that all of the methods here outlined in this  
5. amendment brings about quick and sudden death. There is no  
6. torture in either method used here. So, therefore, I don't  
7. see how you can say that this is a means of torture, and  
8. secondly, I want you to know that this is not an attempt to  
9. gum up the monkey wrench. I'm merely trying to add some  
10. validity to the argument, and the possibility which most of  
11. you cling onto that crime...that by legalizing murder or by  
12. killing by the State, that it is, in fact, a deterrent to  
13. crime, and that's for...I move the adoption of this amendment.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The question is on the adoption of Amendment No. 3 to  
16. House Bill 10. Those in favor vote Aye.. Those opposed vote  
17. Nay. The voting is open. (machine cutoff) all voted who  
18. wish? Have all voted who wish? Take the record. On that  
19. question, the Ayes are 11, the Nays are 37, 2 Voting Present.  
20. Amendment No. 3 is lost. Further amendments?

21. SECRETARY:

22. No further amendments.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. 3rd reading. For what purpose does Senator Graham arise?

25. SENATOR GRAHAM:

26. On a point of personal privilege, Mr. President.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. State your point.

29. SENATOR GRAHAM:

30. Mr. President and members, I wouldn't rise to break the  
31. rules in the Senate, and I wouldn't do it by introducing a friend  
32. of mine and a woman who was very instrumental in my election last  
33. year, sitting in the President's Gallery, Mrs. Carol Graesser,

1. from Palatine, Illinois.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Would she please stand and be recognized by the  
4. Senate. On the Order of House Bills 3rd reading, House  
5. Bill 13, Senator Egan. Read the bill, Mr. Secretary.

6. SECRETARY:

7. House Bill 13

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Egan.

12. SENATOR EGAN:

13. It follows hard upon the other, Mr. President, but  
14. I commend House Bill No. 13 to the Body. We've all heard,  
15. I think, at one time or the other of the many choking deaths  
16. that occur, and I don't think that...I don't think we're aware entirely  
17. enough how easy it is to prevent this type of death. But let me  
18. tell you a story. I...the last time...the reason I thought  
19. that it...it would aid in...in...in preventing death by  
20. choking, the last time I had dinner out, I...I asked the waitress  
21. if she could perform the Heimlich maneuver. She hit me.  
22. So I thought well, I better explain it to her. This bill will,  
23. in fact, explain to all the waitresses and...and the personnel  
24. in restaurant by posting a...a method by the Department of  
25. Public Health in a prominent place in every restaurant. Con-  
26. sequently those of us who are choking and not joking can  
27. be aided and hopefully save many lives, and I commend it to  
28. your attention.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there further discussion? Senator Donnewald.

31. SENATOR DONNEWALD:

32. Well, just to comment, or maybe Senator Egan might answer  
33. this. Would help any of the Senate members that choke once in

1. a while on bills?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Egan.

4. SENATOR EGAN:

5. Well, perhaps we could have someone give us a demonstration.

6. I...I'm altogether certain but if there was time, I...I'd

7. make the suggestion that I do think it will help.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Berning.

10. SENATOR BERNING:

11. Thank you, Mr. President. I'd like to pose a question

12. to the sponsor and preface it by indicating that there seems

13. to me at least some possibility that a so-called victim of

14. choking may be an individual who is subject to other kinds

15. of attacks or seizures - a diabetic attack, a...the term escapes

16. me right now, epilepsy attack, thank you, or some kind of

17. wild heart attack or stroke. My question then is, will the

18. posting of notice requiring assistance in this Heimlich

19. manuever have any indication for those called upon to provide

20. this service with a degree of understanding as to how to

21. differentiate since it does occur to me that some considerable

22. damage could be done to certain individuals under certain instances

23. and thereby perhaps hangs a...an unfortunate tale? My question,

24. I repeat, is, how would the provider of this manuever have...

25. any understanding of other kinds of attacks and what kind of

26. protection would that individual be given in order to be

27. protected from suit?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Egan.

30. SENATOR EGAN:

31. Senator, I'm not sure I understand your question.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Berning to repeat your question.

1. SENATOR BERNING:

2. All right, let me attempt to simplify it. Supposing  
3. there is a...an individual in the restaurant who appears to  
4. be in need of...

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Berning, you have one minute left....

7. SENATOR BERNING:

8. ...Heimlich maneuver attention, so someone approaches  
9. and applies this...this pressure system, but let's assume that that  
10. individual is a...a victim of some other kind of attack, what  
11. adverse impact might occur and how would the practitioner of  
12. this pressure system be protected from compounding the diffi-  
13. culty of another type of attack?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Egan.

16. SENATOR EGAN:

17. Well, Senator, I think just as in any other cases, but there are  
18. enumerated symptoms that will be published and those people  
19. that are careful in their persual of those instructions would  
20. know the type of symptoms that would be as a...a result of  
21. choking. I...I see no conflict if the...the...the maneuver it-  
22. self is very simple. It's...it's...if it doesn't work, it does  
23. do no harm to my knowledge. I've...I don't know of any. I...  
24. I think that Senator, under those...the problem with choking  
25. is, you die within three or four minutes, and the other symptoms  
26. that you acknowledge, I don't think death is that sudden and in the  
27. meantime, a doctor can be called. The problem with choking is,  
28. that there's no time for a doctor. Whoever is there must act  
29. immediately. I'll give you an example. I had a dinner party  
30. and my sister-in-law was...was choking on a piece of meat. It  
31. was a buffet and the people were gathered in...in my house and  
32. wandering about. It was not a...a table party. We...the guests  
33. were not seated, and she was turning blue and in fact, had no



1. oxygen coming into her lungs. A neighbor performed this Heimlich  
2. maneuver and for those of us who love our sisters-in-law she  
3. is with us today and I am happy over that fact. If she were  
4. dying from a heart attack, I think that a doctor could have  
5. been called. Had she...had she not...had that Heimlich maneuver  
6. not been performed, she would have died. It's...

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Thank you, Senator Egan, for your brief response.

9. Senator Johns.

10. SENATOR JOHNS:

11. Well, I'm living proof of the Heimlich maneuver. My  
12. wife saved my life. I'm very grateful. She's been regret-  
13. ful at times. I think some of the...my colleagues on the Floor  
14. have been regretful of her having done so at times, but the  
15. symptoms, Senator Berning, are very apparent once it starts.  
16. I was having Thanksgiving dinner with my family and my son  
17. cracked a joke and I had a piece of turkey in throat and trying  
18. to laugh and cry at the same time, the...these symptoms are  
19. very, very apparent and very quick, and believe me, it's one  
20. of the most frightening things that can happen to you, the  
21. lack of being able to breathe. And she realized what was  
22. happening and she came around behind me. My children stood in  
23. shock and watched her perform this method, and it saved my  
24. life, and Senator Berning, there won't be any...there won't  
25. be any hesitation on the part of those who know how. There won't  
26. be any lack of symptoms because the...the patient will be  
27. groping at his throat trying every way in the world to...to tell  
28. people that there's something lodged within it and believe me, I urge  
29. your favorable consideration of this legislation, because I  
30. saw it happen in the Caucus Room the other night Lindberg saved  
31. the lady. I was a witness to that, and I...I told him on the  
32. Floor that I witnessed it, and it's really true...it's very,  
33. very necessary. There's nothing that you can do for yourself.

1. It must be done by someone near you, real quick like because  
2. you don't have but seconds to act, and I'm very proud of you,  
3. Senator Egan, for this legislation.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Hickey.

6. SENATOR HICKEY:

7. Thank you, Mr. President. I'll make this quick in this  
8. long list of self testimonials. I'd be a widow today if it  
9. hadn't been that our son had known about this. About three  
10. years ago when it happened to my husband in a...in a hotel  
11. when we were...where we were all eating. But at that time,  
12. I prepared just such a bill and started to move it through  
13. the Legislature and then talked to the Public Health Department about it  
14. and they thought this was a good idea and were going to  
15. promulgate in their own rules. But that did not develop and  
16. so it is necessary I feel to do it legislatively and I support  
17. this bill wholeheartedly.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Grotberg. Senator Graham, I'm sorry. Senator  
20. Graham. Senator Grotberg.

21. SENATOR GROTEBERG:

22. Just to say that I certainly am not in conflict on this  
23. one with my usual restaurant conflict. I think it would be  
24. nice to have about fifty thousand restaurant employees in  
25. Illinois prepared to save our lives a lot better than they are  
26. now, and I can't think of a restaurant operator that wouldn't  
27. welcome this one and vote Aye.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there further debate? The question is, shall House Bill  
30. 13 pass. Those in favor vote Aye. Those opposed vote Nay.  
31. The voting is open. (machine cut off) voted who wish? Take  
32. the record. On that question, the Ayes are 57, the Nays are  
33. none, none Voting Present. House Bill 13 having received a

1. constitutional majority is declared passed. Is there leave to  
2. go to the Order of Resolutions? Leave is granted. Resolutions.

3. SECRETARY:

4. Senate...Senate Resolution 157 offered by Senator Grot-  
5. berg. It's congratulatory.

6. Senate Resolution 158 offered by Senator Ozinga. It's  
7. congratulatory.

8. Senate Resolution 159 offered by Senator Mitchler. It's  
9. congratulatory.

10. Senate Resolution 160 offered by Senator Mitchler. It's  
11. congratulatory.

12. Senate Resolution 161 offered by Senator Mitchler. It's  
13. congratulatory.

14. Senate Resolution 162 offered by Senator Harber Hall, Rupp  
15. and Weaver. It's congratulatory.

16. Senate Resolution 163 offered by Senator Hynes and all  
17. Senators, and it's congratulatory.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Is there leave that these resolutions be placed on the  
20. Resolutions Consent Calendar? Leave is granted. Is there  
21. further business to come before the Senate? Senator Daley.

22. SENATOR DALEY:

23. A...Mr. President and fellow Senators, a point of personal  
24. privilege. I'd like to introduce a group of students, seventy-five  
25. students from my district, from Hamline School who are down for  
26. the day.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Would they please stand and be recognized by the Senate.

29. Is there leave to return to the Order of House Bills 3rd reading?  
30. Leave is granted. House Bill 23, Senators Bowers. thRead the bill,  
31. Mr. Secretary.

32. SECRETARY:

33. House Bill 23

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Bowers.

5. SENATOR BOWERS:

6. Thank you, Mr. President. House Bill 23 seeks approval

7. of this Body to permit the Capital Development Board to grant

8. an easement or a dedication to the Village of Woodridge for

9. fifty feet of street in front of the Jefferson School. The

10. Capital Development Board is in favor of it. The Village is

11. in favor of it, as is the school. And I know of no opposition,

12. would appreciate a favorable roll call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there further discussion? The question is, shall

15. House Bill 23 pass. Those in favor vote Aye. Those opposed

16. vote Nay. The voting is open. Have all voted who wish?

17. Have all voted who wish? Take the record. On that question,

18. the Ayes are 57, the Nays are none, none Voting Present. House

19. Bill 23 having received the constitutional majority is declared

20. passed. House Bill 31, Senator Knuppel. House...House Bill

21. 40, Senator Davidson. Read the bill, Mr. Secretary.

22. SECRETARY:

23. House...excuse me. House Bill 40

24. (Secretary reads title of bill)

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Davidson..

27. SECRETARY:

28. 3rd reading of the bill.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. Mr. President and members of the Senate, the bill does

33. exactly what it says on the synopsis. This is by request of

1. the National Guard because the present Air Force General will  
2. be retiring next year. There will be no fiscal impact on  
3. this Fiscal '79 and due to the arrangement of... particularly  
4. of the headquarter group in O'Hare Field and the F4-Fighter  
5. planes here, it's necessary they have this additional ones  
6. to keep their contract with the Air...U S Air Force. I'd ask  
7. for a favorable roll call.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion? Senator Kenneth Hall.

10. SENATOR KENNETH HALL:

11. Would the sponsor yield to a question?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Indicates he will yield...

14. SENATOR KENNETH HALL:

15. ...Senator Davidson, for my edification, I just...if I  
16. remember, why are we putting two adjutantgenerals on now?  
17. Do we have two right now?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Davidson.

20. SENATOR DAVIDSON:

21. We have one assistant. This is putting on a...another  
22. assistant when...because presently the individual who is  
23. serving as the assistant adjutant general for the Air Force is  
24. a career Air Force member and he also happens to be a member  
25. of the Air National Guard of Illinois and is serving dual  
26. capacity. He retires next year in the Air Force. To keep the  
27. contract with the Air National Guard, is said there has to be  
28. a...a assistant adjutant general in charge of the Air Force  
29. branch of the Air National Guard.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there further discussion? The question is, shall  
32. House Bill 40 pass. Those in favor vote Aye. Those opposed  
33. vote Nay. The voting is open. Have all voted who wish?

1. Take the record. On that question, the Ayes are 53, the Nays  
2. are none, 1 Voting Present. House Bill 40 having received a  
3. constitutional majority is declared passed. Senator Maragos.

4. SENATOR MARAGOS:

5. Sorry, I was called to the phone, and I was not here  
6. when the time House Bill 40. If I was at my desk, I would have  
7. voted in favor of it.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The record will so show. House Bill 86, Senator Graham.  
10. Read the bill, Mr. Secretary.

11. SECRETARY:

12. House Bill 86

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Graham.

17. SENATOR GRAHAM:

18. Mr. President and members of the Senate, this is one of  
19. our few merely bills. This bill is a much needed provision for  
20. a northeastern area of Illinois. It would permit fire districts  
21. to maintain their contiguous territories while villages are  
22. springing up within them, provides for the disconnecting  
23. parties and the connecting parties however...whatever the  
24. situation may be, will be caused by referendum and those being  
25. disconnected will maintain their liabilities in the area to  
26. which they are being annexed if there's any bonded...indebtedness  
27. incurred, so there's no...no opposition for the bill. It's a  
28. much needed bill, and I urge its passage.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there further debate? The question is, shall House  
31. Bill 86 pass. Those in favor vote Aye. Those opposed vote  
32. Nay. The voting is open. Have all voted who wish? Have all  
33. voted who wish? Take the record. On that question, the Ayes

HB 117  
6-1-77  
3rd reading

- 1. are 55, the Nays are none, none Voting Present. House Bill
- 2. ...86 having received the constitutional majority is declared
- 3. passed. House Bill 117. For what purpose does Senator
- 4. Philip arise?

5. SENATOR PHILIP:

6. Well, thank you, Mr. President. Point of personal

7. privilege.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. State your point. Senator Philip.

10. SENATOR PHILIP:

11. In the south gallery are the new mayor of Lombard,

12. Marty Pollard and her husband Bill. I'd like to have them rise

13. and be recognized by the Senate.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Would they please rise and be recognized by the Senate.

16. Senator Donnewald.

17. SENATOR DONNEWALD:

18. That happens to be a former 55th District resident.

19. Welcome Bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Philip.

22. SENATOR PHILIP:

23. I...I might say that we're very happy that he graduated

24. to the northern county. We're very, very happy to have him as

25. a constituent. He certainly has moved up the ladder.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. House Bill 117, Senator Netsch. Read the bill, Mr.

28. Secretary.

29. SECRETARY:

30. House Bill 117

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Netsch.

2. SENATOR NETSCH:

3. Thank you, Mr. President. I think it is fair to call  
4. this, essentially, a... a revisory bill although perhaps makes a  
5. choice revisory alternatives. The existing statutory law in  
6. Illinois still requires a six months residency for voting.  
7. Durational residency periods of that length of time and of  
8. that duration have been invalidated by the Supreme Court,  
9. and I think, even beyond that. Most state Legislatures have  
10. reached policy decisions that such long residency requirements  
11. for voting are not necessary. This bill, therefore, changes  
12. the law to accord with what, in fact, is the practice in the  
13. State of Illinois right now, and that is to recognize thirty  
14. days residence in the State as the maximum required in order  
15. to qualify for voting in the State of Illinois. I...Senator  
16. Davidson and I went through this together last year when, in a  
17. revisory bill, we were attempting...we were asked to clean up  
18. this language. As a matter of fact, I think it was called  
19. to our attention, Senator Davidson, by a member of...of your  
20. staff. We did try to insert the language, but it just ran into  
21. so many complications because the bill got to be so long and...  
22. and there was concern that somehow it was making major sub-  
23. stantive changes, and so we withdrew it at that time. And  
24. this bill is an attempt to rectify that oversight in...in the  
25. legislation last year.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there further discussion? Senator Davidson.

28. SENATOR DAVIDSON:

29. Just other than to rise in support of this bill. This  
30. does in the Statute by what Federal law and court said we had  
31. to do. We tried to do this last year and got caught in the  
32. crush of time.

33. PRESIDING OFFICER: (SENATOR BRUCE)



1. Is there further discussion? Senator Berning.
2. SENATOR BERNING:
3. One question of the sponsor.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Indicates that she will yield. Senator Berning.
6. SENATOR BERNING:
7. Does this present any conflict with the legislation we
8. recently passed terminating registration thirty-five days
9. before election?
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Netsch.
12. SENATOR NETSCH:
13. To the best of my knowledge, it would not, Senator
14. Berning. This has to do with the residency requirement for
15. qualifying to vote in the State. I suppose in order to answer
16. your question with absolute conviction, I'd have to check through
17. each of the many, many places in which all of those provisions
18. appear, but in concept, it should not present a problem.
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. Further discussion? The question is, shall House Bill
21. 117 pass. Those in favor vote Aye. Those opposed vote Nay.
22. The voting is open. Have all... have all voted who wish?
23. Have all voted who wish? Take the record. On that question,
24. the Ayes are 47, the Nays are 6, none Voting Present. House
25. Bill 117 having received a constitutional majority is declared
26. passed. House Bill 120, Senator Rhoads. Read the bill, Mr.
27. Secretary.
28. SECRETARY:
29. House Bill 120
30. (Secretary reads title of bill)
31. 3rd reading of the bill.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Rhoads.

1. SENATOR RHOADS:

2. House Bill 120 does exactly what the synopsis says. The  
3. purpose here is to clarify existing traffic laws relating to  
4. burned out traffic signals, and simply says that they will  
5. treat these intersections as if they were four way stop signs.  
6. Supported by IDOT, the State Police, and the Chicago Motor  
7. Club. I do not know of any opposition.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there further discussion? The question is, shall  
10. House Bill 120 pass. Those in favor vote Aye. Those opposed  
11. vote Nay. The voting is open. Have all voted who wish?  
12. Have all voted who wish? Take the record. On that question,  
13. the Ayes are 56, the Nays are none, none Voting Present. House  
14. Bill 120 having received the constitutional majority is declared  
15. passed. House Bill 131, Senator Moore. Read the bill, Mr.  
16. Secretary. No, Senator Moore.

17. SENATOR MOORE:

18. Mr. President, I'd like leave to bring this bill back to  
19. the Order of 2nd reading for the purposes of Tabling an amendment  
20. and putting on an amendment.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there leave? Leave is granted. The bill is on the  
23. Order of 2nd reading. Senator Moore.

24. SENATOR MOORE:

25. Thank you, Mr. President, I...having voted on the pervailing  
26. side, I would move to Table Amendment No. 1 that was added a few  
27. days ago to House Bill 131.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Moore moves to reconsider the vote by which Amendment  
30. No. 1 to House Bill 131 was adopted. All in favor say Aye. All  
31. opposed Nay. The Ayes have it. Amendment No. 1 is reconsidered.  
32. Senator Moore now moves to Table Amendment No. 1. All in favor  
33. say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is

1. Tabled.

2. SECRETARY:

3. Amendment No. 2 offered by Senator Moore.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Moore, to explain the Amendment No. 2.

6. SENATOR MOORE:

7. Thank you, Mr. President. Amendment No. 1 attempted to  
8. clarify the penalty section. It was in error. Amendment No.  
9. 2 puts the penalty section in the...or makes reference to the  
10. penalty section as it should be, and the bill would be now in  
11. proper order upon the adoption of Amendment No. 2. I would  
12. move that we adopt Amendment No. 2.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. You've heard the motion to adopt Amendment No. 2. Is  
15. there discussion? Senator Maragos.

16. SENATOR MARAGOS:

17. Mr. President, I'm sorry, I didn't get the explanation of  
18. the amendment. Would he please repeat it.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Don Moore.

21. SENATOR MOORE:

22. Thank you. Amendment No. 1, Senator Maragos, was the  
23. penalty section. There was an error that was brought out  
24. in committee that they asked me to change. We had an amendment  
25. drawn, but it was not the...did not make reference to the  
26. proper section, so we Tabled that, and with Amendment No. 2,  
27. we now make reference to the proper section whereby the penalty  
28. will be not less than twenty-five nor more than a hundred  
29. dollars.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Rock.

32. SENATOR ROCK:

33. Thank you, Mr. President. Just a request of the sponsor,

1. I have no objection to the adoption of the amendment. I just
2. wonder if he would hold it then until tomorrow or till we get
3. a chance to look at it.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Senator Moore.
6. SENATOR MOORE:
7. I would have no objection, Senator Rock. If we would
8. adopt the amendment, move it to 3rd reading, and we'll leave
9. it sit until you have an opportunity to look at it.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Is there further discussion? On the motion to adopt
12. Amendment No. 2, all in favor say Aye. Opposed Nay. The
13. Ayes have it. Amendment No. 2 is adopted. Further amendments?
14. SECRETARY:
15. No further amendments.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Amendments from the Floor? 3rd reading. Senator Philip
18. on the Floor? ...Is there leave to go to the Order of Reso-
19. lutions? Resolutions.
20. SECRETARY:
21. Senate Resolution 167 offered by Senator Nimrod and it's
22. congratulatory.
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Is there leave to place this on the Resolution Consent
25. Calendar? Leave is granted. Is leave to return to the Order
26. of House Bills 3rd reading? Leave is granted. House Bills
27. on 3rd reading. House Bill 770. Read the bill, Mr. Secretary
28. SECRETARY:
29. House Bills 770
30. (Secretary reads title of bill)
31. 3rd reading of the bill.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Philip.

1. SENATOR PHILIP:

2. Thank you, Mr. President and Ladies and Gentlemen  
3. of the Senate. Senate Bill 770 is the supplemental appropria-  
4. tion for the Attorney General to the tune of five hundred and  
5. sixty-three thousand nine hundred dollars. I'll be happy to  
6. answer any questions.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there discussion? Senator Netsch.

9. SENATOR NETSCH:

10. Since it is a fairly sizable sum of money, what is it  
11. needed for, Senator Philip?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Philip. Gentlemen, can we have your attention,  
14. please. Senator Philip.

15. SENATOR PHILIP:

16. Due to the prosecution of the U. S. Steel - Milwaukee  
17. cases, there's some...additional costs there of a hundred and  
18. ninety-nine thousand four hundred dollars. Personal service  
19. which would be made up of underestimating the part-time  
20. personnel in the office, and the increase of some two and  
21. a half percent. That would come to two hundred and forty-seven  
22. thousand nine hundred dollars, and prosecution assistants,  
23. which is some ninety-one thousand dollars.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Netsch.

26. SENATOR NETSCH:

27. Does some of the supplemental go for the payment of out-  
28. side counsel on some of the lawsuits that you...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Philip.

31. SENATOR NETSCH:

32. ...referred to?

33. SENATOR PHILIP:

1. Yes, Senator Netsch, I understand that is correct.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Netsch.

4. SENATOR NETSCH:

5. Do you know how much of it is involved in that?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator...Senator Philip.

8. SENATOR PHILIP:

9. I don't have that figure right at my fingertip.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Netsch. Is there further discussion? Senator

12. Maragos.

13. SENATOR MARAGOS:

14. Mr. President and members of the Senate, since I was in  
15. favor of the U. S. Steel plant developing on...was at one  
16. time my district, and since this is Senator Dougherty's bill  
17. that allowed him at that time to...say...I said the Attorney  
18. General's Office could have better used that money to make  
19. sure that the ecological environmental protections were added  
20. to the...to this particular site rather than fight it all the  
21. way, and therefore, deprive our economy of jobs.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Is there further discussion? The question is, shall  
24. House Bill 770 pass. Those in favor vote Aye. Those opposed  
25. vote Nay. The voting is open. Have all voted who wish?  
26. Have all voted who wish? Take the record. On that question,  
27. the Ayes are 52, the Nays are 1, 1 Voting Present. House Bill  
28. 770 having received the constitutional majority is declared  
29. passed. House Bill 805, Senator Lane. Read the bill, Mr.  
30. Secretary.

31. SECRETARY:

32. House Bill 805

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Lane.

4. SENATOR LANE:

5. Thank you, Mr. President and members of the Senate. This  
6. is a supplemental appropriation of twenty-five thousand dollars.  
7. It's of an emergency nature, and I'd appreciate a favorable  
8. roll call.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there discussion? The question is, shall Senate...  
11. House Bill 805 pass. Those in favor vote Aye. Those opposed  
12. vote Nay. The voting is open. Have all voted who wish?  
13. Have all voted who wish? Take the record. On that question,  
14. the Ayes are 47, the Nays are 8, none Voting Present. House Bill  
15. 805 having received the constitutional majority is declared  
16. passed. Senator Hynes.

17. SENATOR HYNES:

18. Before the motion to adjourn, I have one announcement,  
19. Mr. President. Would the following Senators please meet in  
20. the President's Office at...at 2:15: Senator Rock, Senator  
21. Netsch, Senator Hickey, Senator Daley, Senator Collins, Senator  
22. Berman, Senator Glass, Senator Weaver and Senator Roe, and  
23. ...and at the appropriate moment, I would move that we stand  
24. adjourned until twelve noon tomorrow, Mr. President, whenever...  
25. whenever that moment arrives.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Well...announcements, Gentlemen. Senator...Senator Harber  
28. Hall...or Senator Philip.

29. SENATOR PHILIP:

30. Thank you, Mr. President. I'd like to announce that our  
31. softball game for Thursday night has been cancelled and we're  
32. going to be playing the softball game tonight at six-thirty in  
33. old Diamond 2 in Lincoln Park. I understand that this old

1. Diamond 2 is near the swimming pool. It's going to be at  
2. six-thirty at night, this evening, versus the media. So,  
3. I hope that everybody would be there. We have our uniforms,  
4. and we're going to pass out the uniforms tonight, so let's all  
5. be there, six-thirty, old Diamond 2 in Lincoln Park.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Gentlemen, we are still in Session. We will have...

8. Senator Hynes.

9. SENATOR HYNES:

10. Mr. President, my motion was premature. We do have a  
11. report from the Executive Committee, and I think we ought to  
12. dispose of that, so if...if we could go to that order...

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there leave to go to the Order of Committee Reports?  
15. Leave is granted.

16. SECRETARY:

17. Senator Vadalabene, Chairman of the Committee on Executive  
18. Appointments and Administration, report that the committee  
19. recommends that the Senate do advise and consent to the appoint-  
20. ments to the Governor's messages to the Senate of May the 3rd,  
21. 1977, and May the 24th, 1977.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Vadalabene. May I have your attention, Gentlemen.  
24. We are still in...in Session. Senator Vadalabene.

25. SENATOR VADALABENE:

26. Yes, thank you, Mr. President. I move that the Senate  
27. resolve itself into Executive Session for the purpose of acting  
28. on the Governor's appointments set forth in the Governor's messages  
29. of May 3rd and May 24th, 1977.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Motion is to resolve ourselves into Executive Session.  
32. All in favor say Aye. All opposed Nay. The Senate is now in  
33. Executive Session. Senator Vadalabene.



1. SENATOR VADALABENE:

2. Yes, thank you, Mr. President and members of the Senate.

3. With respect to the Governor's messages of May 3rd and May 24th,

4. 1977, I will read the names of the unsalaried appointments

5. which the Committee on Executive Appointments and Administration

6. recommends that the Senate advise and consent to. After reading

7. the names, I intend to ask leave to consider all of the un-

8. salaried appointments on one roll call unless any Senator has

9. objection to any particular name. To be a member of the

10. Waukegan Port District Board for a term expiring May 31st,

11. 1979, James E. Evoy, of Waukegan, to be a member of the

12. Waukegan Port District Board for a term expiring May 31st,

13. 1977, Frank A. Nolan of Waukegan; to be a member of the Board

14. of the Higher Education for a term expiring January 31st,

15. 1977, Ray Brune of Rock Island, John Gilbert of Carbondale,

16. Dr. Diego Redondo of Deerfield, and James F. Unland of Pekin;

17. to be a member of the Oil and Gas Advisory Board for terms

18. expiring January 15th, 1979, N.A. Baldrige of Ashley,

19. Richard K. Rudy of Clay City, and Richard D. Thomas of Olney;

20. and to be a member of the Board of Banks and Trust Companies

21. for a term expiring January 1, 1980, Sherwin Willins of

22. Glenview; and to be a member of the Illinois Community College

23. Board for a term expiring June 30th, 1979, Sharon Sharp of

24. Arlington Heights; and to be a member of the Advisory Board on

25. the Necropsy Service to Coroners for a term expiring January 16th,

26. 1978, Thomas H. Hanlon, of Palatine; and to be a member of the

27. Advisory Board on the Necropsy Service to Coroners for a term

28. expiring January 21, 1980, Welland Hause of Decatur and Ronald

29. Kowalski of Peoria; and to be a member of the Advisory Board on

30. the Necropsy Service to coroners for a term expiring January

31. 16th, 1978, Norman T. Richter of Springfield; and to be a member

32. of the Advisory Board on the Necropsy Service to Coroners for

33. a term expiring January 21, 1980, Grover L. Seitzinger of Danville;

1. and to be a member of the Lottery Control Board for a term  
2. expiring July 1, 1977, Joseph Engebretson of Rockford; and  
3. to be a member of the Capital Development Board for a term  
4. expiring January 21, 1980, Robert B. Oxtoby of Springfield;  
5. and to be a member of the Illinois Building Authority for a  
6. term expiring January 18, 1982, John Edward Birch of Oak Brook  
7. Terrace; and to be a member of the Illinois Building Authority  
8. for a term expiring January 17, 1983, R. Neil Scott of  
9. Rochelle. Mr. President, having read the names of the un-  
10. salaried appointments, I now seek leave to consider these names  
11. on one roll call unless some Senator has objection to a specific  
12. name.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. You've heard Senator Vadalabene's motion. Is there leave  
15. to consider these gentlemen on one roll call? Leave is granted.  
16. Senator Vadalabene.

17. SENATOR VADALABENE:

18. Mr. President, will you put the question as required by  
19. our rules.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The question is, does the Senate advise and consent to  
22. the nominations just made. Those in favor vote Aye. Those  
23. opposed vote Nay. The voting is open. Have all voted who  
24. wish? Take the record. On that question, the Ayes are 58,  
25. the Nays are none, none Voting Present. The Senate does  
26. concurring by record vote, the Senate does advise and consent  
27. to the nominations just made. Senator Vadalabene.

28. SENATOR VADALABENE:

29. Yes, thank you, Mr. President. With respect to the...with  
30. respect to the Governor's message of May 24th, 1977, I will read  
31. the names of the salaried appointments which the Committee on  
32. Executive Appointments and Administration recommends that the  
33. Senate advise and consent to. After reading the names, I intend

1. to ask leave to consider all of the salaried appointments  
2. on one roll call unless any Senator has objection to any  
3. particular name. To be Director of the Department of Labor  
4. for a term expiring January 15th, 1979, William M. Bowling of  
5. Carbon Cliff; and to be Commissioner of the Banks and Trust  
6. Companies for a term expiring January 18, 1982, William C.  
7. Harris of Pontiac; and to be a member of the State Mining  
8. Board for terms expiring January 15, 1979, Dale C. Biby  
9. of Pinckneyville, William R. Cook of Tuscola, William S.  
10. Smith of Collinsville, Frank W. Turner of Carrier Mills, and  
11. J. B. Wiley, of Harrisburg; and to be Public Administrator of  
12. Champaign County for a term expiring December 5th, 1977,  
13. John J. Bresee of Champaign; and to be Public Administrator,  
14. Guardian and Conservator of St. Clair County for a term ex-  
15. piring December 5th, 1977, Dale M. Funk of O'Fallon; and to  
16. be Chairman and member of the Parole and Pardon Board for a  
17. term expiring January 17th, 1983, James R. Irving of Aurora.  
18. And Mr. President, having read the names of the salaried  
19. appointments, I now seek leave to consider these names on  
20. one roll call unless some Senator has objection to a specific  
21. name.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Vadalabene has asked leave to have the nominations  
24. just made considered on one roll call. Is there leave? Leave  
25. is granted. Senator Vadalabene.

26. SENATOR VADALABENE:

27. Mr. President, will you put the question as required by our  
28. rules.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The question is, does the Senate advise and consent to  
31. the nominations just made. Those in favor vote Aye. Those  
32. opposed vote Nay. The voting is open. Have all voted who wish?  
33. Have all voted who wish? Take the record. On that question, the

1. Ayes are 50, the Nays are 1, 4 Voting Present. A majority of  
2. Senators elected concurring by record vote, the Senate does  
3. advise and consent to the nominations just made. Senator  
4. Vadalabene.

5. SENATOR VADALABENE:

6. (machine cut off) Mr. President, before I move that the Senate  
7. arise from Executive Session, there was some inquiry by  
8. Senator Hickey and others of Necropsy meant. I thought at  
9. that particular time, it had something to do with agriculture,  
10. but it doesn't. The dictionary defines Necropsy as a  
11. postmortem examination or an autopsy. Now, Mr. President,  
12. I move that the Senate arise from Executive Session.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. ...Senator Vadalabene has moved that the Senate arise from  
15. Executive Session. All in favor say Aye. Opposed Nay. The  
16. Ayes have it. The Senate does arise from Executive Session.  
17. Senator Netsch.

18. SENATOR NETSCH:

19. When you're ready, I have an announcement, please, Mr.  
20. President.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. We are ready.

23. SENATOR NETSCH:

24. May I have the attention of members. We'll try to get  
25. additional notice to you, but by popular demand, Judiciary II  
26. has moved its meeting once more from 7:30 to 5:30 this afternoon.  
27. We will have to meet here on the Floor of the Senate, because  
28. Room 212 may not be vacated by that time. For all you who  
29. have a bill held over from this morning or originally set  
30. this evening, we will meet at 5:30 today on the Floor of the  
31. Senate, and we should be finished within an hour and a half,  
32. I would think. 5:30 today, Floor of Senate, Judiciary II.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further announcements? Senator Hynes moves that the
2. Senate stand adjourn until twelve o'clock noon tomorrow.
3. Those in favor say Aye. Opposed Nay. The Ayes have it.
4. Senate is adjourned until twelve o'clock noon tomorrow.

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