

JUNE 2, 1977

1. PRESIDENT:

2. The hour of twelve o'clock having arrived, the Senate
3. will please come to order. Prayer will be by Father Jerome
4. Feldman of St. Theresa Parish in Marydale. Will our guests
5. in the galleries please rise.

6. FATHER FELDMAN:

7. (Prayer by Father Feldman)

8. PRESIDENT:

9. Reading of the Journal. Senator Johns.

10. SENATOR JOHNS:

11. President Hynes, I move that reading and approval of the
12. Journals of Thursday, May the 19th, Friday, May the 20th, Monday,
13. May the 23rd, Tuesday, May the 24th, Wednesday, May the 25th,
14. Thursday, May the 26th, Friday, May the 27th, Tuesday, May the
15. 31st and Wednesday, June the 1st in the year 1977 be postponed
16. pending arrival of the printed Journals.

17. PRESIDENT:

18. You've heard the motion. Is there any discussion? If
19. not, all those in favor signify by saying Aye, opposed. The
20. Ayes have it. So ordered. Committee Reports.

21. SECRETARY:

22. Senator Donnewald, Chairman of the Committee on Assign-
23. ment of Bills, assigns the following House Bills to committee:
24. Appropriations I - House Bill 2163; Executive - House Bills
25. 297, 1055, 1268 and 2243; Judiciary II - House Bill 1500;
26. Labor and Commerce - House Bill 1406 and 1995; Local Govern-
27. ment - House Bills 893, 1209, 1416, 1946, 2113, 2161 and
28. 2287; Pensions, Personnel and Veterans Affairs - House Bill
29. 2264.

30. Senator Carroll, Chairman of the Appropriations I
31. Committee, reports out the following House Bills: House
32. Bills 969, 983, 1035 and 1037 with the recommendation Do
33. Pass.

1. Senator Kosinski, Chairman of the Committee on Elections
2. and Reapportionment, reports out the following bills: House
3. Bills 213, 681, 703, 1192 and 1216, with the recommendation
4. Do Pass. House Bill 1217 and 1805, with the recommendation
5. Do Pass as Amended.

6. Senator Demuzio, Chairman of the Committee on Finance
7. and Credit Regulations reports out the following bills: House
8. Bills 548, 550, 734, 783, 1019, 1579, 1644, 1691, 1735, 1826,
9. 1827, 1831 and 2232 with the recommendation Do Pass. House
10. Bill 1829 with the recommendation Do Pass as Amended.

11. Senator Hickey, Chairman of the Committee on Higher
12. Education, reports out House Bills 112, 679 and 1557 with the
13. recommendation Do Pass. House Bills 1198, 1277 and 1415 with
14. the recommendation Do Pass as Amended.

15. Senator Netsch, Chairman of the Committee on Judiciary II
16. reports out the following House Bills: House Bill 91, 92,
17. 110, 197, 234, 270, 286, 1010, 2069, 2185 and 2283 with the
18. recommendation Do Pass. House Bill 289 with the recommendation
19. Do Pass as Amended.

20. Senator Berman, Chairman of the Committee on Elementary
21. and Secondary Education reports out the following House Bills:
22. House Bill 517, 594, 601, 677, 685, 816, 930, 1113 and 1625
23. with the recommendation Do Pass. House Bills 490, 591, 683,
24. 691, 1117 and 1742 with the recommendation Do Pass as Amended.
25. House Bill 690 with the recommendation Do Not Pass as Amended.

26. PRESIDENT:

27. Messages from the House.

28. SECRETARY:

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

30. Mr. President - I am directed to inform the Senate
31. that the House of Representatives has adopted the following
32. joint resolution and the adoption of which I am instructed to
33. ask concurrence of the Senate, to-wit: House Joint Resolution
34. No. 1.

1. PRESIDENT:

2. Executive.

3. SECRETARY:

4. And House Joint Resolution 25.

5. PRESIDENT:

6. Executive.

7. SECRETARY:

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

9. Mr. President - I am directed to inform the Senate
10. that the House of Representatives has passed bills with the
11. following titles in the passage of which I am instructed to
12. ask concurrence of the Senate to-wit: House Bills 409, 1115,
13. 1226, 2368, 2370, 2371, 2383, 2384, 2391, 2396 and 2398.

14. PRESIDENT:

15. Resolutions. On the Order of Resolutions, is the
16. Resolutions Consent Calendar. Mr. Secretary, have any objec-
17. tions been filed by any members with respect to any of the
18. resolutions contained on that Calendar?

19. SECRETARY:

20. I received no objections.

21. PRESIDENT:

22. No objections having been filed, the Resolutions Consent
23. Calendar is before the Senate. Senator Vadalabene moves that
24. the Senate adopt the resolutions listed on the Consent Calend-
25. ar. All those in favor signify by saying Aye, opposed. The
26. Ayes have it. So ordered. House Bills, 1st reading. House
27. Bill 1061. Senator Schaffer. Read the bill.

28. SECRETARY:

29. House Bill 1061.

30. (Secretary reads title of bill)

31. 1st reading of the bill.

32. PRESIDENT:

33. House Bill 1099. Senator Nimrod. 1098. Senator Nimrod.

1. SECRETARY:
2. House Bill 1098.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. PRESIDENT:
6. House Bill 1099. Senator Nimrod.
7. SECRETARY:
8. House Bill 1099.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. PRESIDENT:
12. House Bill 1272. Senator Ozinga.
13. SECRETARY:
14. House Bill 1272.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. PRESIDENT:
18. House Bill 1343. Senator Philip.
19. SECRETARY:
20. House Bill 1343.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDENT:
24. House Bill 1595. Senator Davidson.
25. SECRETARY:
26. House Bill 1595.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. PRESIDENT:
30. House Bill 1772. Senator Egan.
31. SECRETARY:
32. House Bill 1772.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDENT:
3. House Bill 1998. Senator Vadalabene.
4. SECRETARY:
5. House Bill 1998.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDENT:
9. House Bill 2198. Senator Schaffer.
10. SECRETARY:
11. House Bill 2198.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDENT:
15. House Bill 2367. Senator Vadalabene.
16. SECRETARY:
17. House Bill 2367.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. PRESIDENT:
21. House Bill 2373. Senator Guidice.
22. SECRETARY:
23. House Bill 2373.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. PRESIDENT:
27. House Bill 2331. Senator Grotberg.
28. SECRETARY:
29. House Bill 2331.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. PRESIDENT:
33. House Bills, 2nd reading. House Bill 20. Senator Demuzio.

1. House Bill 53, Senator Rhoads. House Bill 134, Senator
2. Merlo. House Bill 135, Senator Merlo. Do you wish to pass
3. that entire series, Senator? Senator Merlo.

4. SENATOR MERLO:

5. Mr. President. There are six amendments on six differ-
6. ent bills. So I think I better hold them, if we could re-
7. turn a little later to these. I appreciate it. So hold it.

8. PRESIDENT:

9. Senator Merlo, you wish to go back to those bills later
10. today? ...If we have the opportunity. Is leave granted for
11. that purpose? Leave is granted. House Bill 53. Senator
12. Rhoads. Read the bill.

13. SECRETARY:

14. House Bill 53.

15. (Secretary reads title of bill)

16. 2nd reading of the bill. No committee amendments.

17. PRESIDENT:

18. Any amendments from the Floor? 3rd reading. House Bill
19. 192, Senator Lemke. House Bill 232, Senator Rock. House
20. Bill 250, Senator Maragos. House Bill 255, Senator Knuppel.
21. House Bill 250, Senator Maragos. Read the bill.

22. SECRETARY:

23. House Bill 250.

24. (Secretary reads title of bill)

25. 2nd reading of the bill. The Committee on Judiciary I offers
26. 1 amendment.

27. PRESIDENT:

28. Senator Maragos.

29. SENATOR MARAGOS:

30. Mr. President and members of the Senate. I move for the
31. adoption of Amendment No.1 to...House...House Bill 250.

32. PRESIDENT:

33. Is there any discussion? Senator Maragos moves the
34. adoption of Amendment No. 1. All of those in favor signify

1. by saying Aye. Opposed. The Ayes have it. Any further
2. amendments?
3. SECRETARY:
4. No further committee amendments.
5. PRESIDENT:
6. Any amendments from the Floor? 3rd reading. House Bill
7. 258, Senator Coffey. House Bill 312, Senator Joyce. House
8. Bill 321, Senator Guidice. House Bill 342, Senator Netsch.
9. House Bill 359, Senator Lemke. Read the bill.
10. SECRETARY:
11. House Bill 359.
12. (Secretary reads title of bill)
13. 2nd reading of the bill. No committee amendments.
14. PRESIDENT:
15. Any amendments from the Floor? 3rd reading. Senate...
16. House Bill 462. Senator Lane. Read the bill.
17. SECRETARY:
18. House Bill 462.
19. (Secretary reads title of bill)
20. 2nd reading of the bill. No committee amendments.
21. PRESIDENT:
22. Any amendments from the Floor? 3rd reading. House Bill
23. 342. Senator Netsch. Read the bill.
24. SECRETARY:
25. House Bill 342.
26. (Secretary reads title of bill)
27. 2nd reading of the bill. No committee amendments.
28. PRESIDENT:
29. Any amendments from the Floor? 3rd reading. House
30. Bill 595. Senator Vadalabene. Read the bill.
31. SECRETARY:
32. House Bill 595.
33. (Secretary reads title of bill)

1. 2nd reading of the bill. No committee amendments.
2. PRESIDENT:
3. Any amendments from the Floor? 3rd reading. For
4. what purpose does Senator Glass arise?
5. SENATOR GLASS:
6. With reference to that bill, Mr. President, I wonder
7. if we could have an agreement to call that back. We will
8. have an amendment and I was trying to get your attention.
9. PRESIDENT:
10. Senator Vadalabene. Senator Vadalabene indicates he
11. will bring the bill back. House Bill 686, Senator Berman.
12. House...House Bill 725, Senator Johns. Read the bill.
13. SECRETARY:
14. House Bill 725.
15. (Secretary reads title of bill)
16. 1st reading of the bill. ...2nd reading of the bill. No
17. committee amendments.
18. PRESIDENT:
19. Any amendments from the Floor? 3rd reading. House Bill
20. 732, Senator McMillan. House Bill 741, Senator Joyce. House
21. Bill 744, Senator Walsh. House Bill 747, Senator Buzbee.
22. House Bill 1001, Senator Guidice. House Bill 1144, Senator
23. Vadalabene. House Bill 1145, Senator Weaver. Read the bill.
24. SECRETARY:
25. House Bill 1145.
26. (Secretary reads title of bill)
27. 2nd reading of the bill. No committee amendments.
28. PRESIDENT:
29. Any amendments from the Floor? 3rd reading. House Bill
30. 1148, Senator Buzbee. House Bill 1152, Senator Weaver. Read
31. the bill.
32. SECRETARY:
33. House Bill 1152.

1. (Secretary reads title of bill)

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

3. PRESIDENT:

4. Any amendments from the Floor? 3rd reading. House Bill

5. 1155. Senator Donnewald. Read the bill.

6. SECRETARY:

7. House Bill 1155.

8. (Secretary reads title of bill)

9. 1st reading of the bill. 2nd reading of the bill. No committee

10. amendments.

11. PRESIDENT:

12. Any amendments from the Floor? 3rd reading. Senate Bill...

13. House Bill 1148. Senator Buzbee. You wish that bill read? Read

14. the bill.

15. SECRETARY:

16. House Bill 1144.

17. (Secretary reads title of bill)

18. 2nd reading of the bill. No ...

19. PRESIDENT:

20. Mr. Secretary, what is the number of the bill you are

21. reading?

22. SECRETARY:

23. 1148.

24. PRESIDENT:

25. House Bill 1148.

26. SECRETARY:

27. 2nd reading of the bill. No committee amendments.

28. PRESIDENT:

29. Any amendments from the Floor? 3rd reading. House Bill

30. 1144. Senator Vadalabene. Read the bill.

31. SECRETARY:

32. House Bill 1144.

33. (Secretary reads title of bill)

1. 2nd reading of the bill. It says retrocession. Okay. 2nd
2. reading of the bill. No committee amendments.
3. PRESIDENT:
4. Any amendments from the Floor? 3rd reading. House Bill
5. 1157. Senator Donnewald.
6. SECRETARY:
7. House Bill 1157.
8. (Secretary reads title of bill)
9. 2nd reading of the bill. No committee amendments.
10. PRESIDENT:
11. Any amendments from the Floor? 3rd reading. 11...House
12. Bill 1165. Senator Donnewald.
13. SECRETARY:
14. House Bill 1165.
15. (Secretary reads title of bill)
16. 2nd reading of the bill. No committee amendments.
17. PRESIDENT:
18. Any amendments from the Floor? 3rd reading. House Bill
19. 1166. Senator Donnewald.
20. SECRETARY:
21. House Bill 1166.
22. (Secretary reads title of bill)
23. 1st...2nd reading of the bill. No committee amendments.
24. PRESIDENT:
25. Any amendments from the Floor? 3rd reading. House Bill
26. 1167. Senator Donnewald.
27. SECRETARY:
28. House Bill 1167.
29. (Secretary reads title of bill)
30. 2nd reading of the bill. No committee amendments.
31. PRESIDENT:
32. Any amendments from the Floor? 3rd reading. House Bill
33. 1169. Senator Donnewald.

1. SECRETARY:
2. House Bill 1169.
3. (Secretary reads title of bill)
4. 2nd reading of the bill. No committee amendments.
5. PRESIDENT:
6. Any amendments from the Floor? 3rd reading. House Bill
7. 1201. Senator Rupp. Read the bill.
8. SECRETARY:
9. House Bill 1201.
10. (Secretary reads title of bill)
11. 2nd reading of the bill. No committee amendments.
12. PRESIDENT:
13. Any amendments from the Floor? 3rd reading. House Bill
14. 1279, Senator Knuppel. House Bill 1325, Senator Joyce.
15. House Bill 1330, Senator Lemke. Read the bill.
16. SECRETARY:
17. House Bill 1330.
18. (Secretary reads title of bill)
19. 2nd reading of the bill. No committee amendments.
20. PRESIDENT:
21. Any amendments from the Floor? 3rd reading. House Bill
22. 1001. Senator Guidice. Read the bill.
23. SECRETARY:
24. House Bill 1001.
25. (Secretary reads title of bill)
26. 2nd reading of the bill. No committee amendments. Amendment
27. No. 1 offered by Senator Joyce.
28. PRESIDENT:
29. Senator Guidice.
30. SECRETARY:
31. Senator Guidice.
32. SENATOR GUIDICE:
33. I've got the amendment.

1. SECRETARY:
2. Senator Guidice's amendment.

3. SENATOR GUIDICE:
4. Thank you, Mr. President. Amendment No. 1 just allows
5. the police department also to share in the investigation
6. procedures by the insurance companies and I would move it's
7. adoption.

8. PRESIDENT:
9. Is there any discussion? If not, Senator Guidice moves
10. the adoption of Amendment No. 1. All of those in favor
11. signify by saying Aye. Opposed. The Ayes have it. The
12. amendment is adopted. Any further amendments?

13. SECRETARY:
14. No further amendments.

15. PRESIDENT:
16. 3rd reading. For what purpose does Senator Chew arise?

17. SENATOR CHEW:
18. Mr. President, I'd like for the record to show that
19. Senator Earlene Collins is off today because of illness. She
20. will report to your office the finding of the physician.

21. PRESIDENT:
22. Thank you, Senator. The record will so show. House Bill
23. 1392. Senator Rhoads. Read the bill.

24. SECRETARY:
25. House Bill 1392.
26. (Secretary reads title of bill)

27. 2nd reading of the bill. No committee amendments.

28. PRESIDENT:
29. Any amendments from the Floor? 3rd reading. House Bill
30. 1414, Senator Schaffer. House Bill 1627, Senator Grotberg.
31. Read the bill.

32. SECRETARY:
33. House Bill 1627.

1. (Secretary reads title of bill)
2. 2nd reading of the bill. No committee amendments.
3. PRESIDENT:
4. Any amendments from the Floor? Senator Grotberg.
5. SENATOR GROTBORG:
6. Yes,...I would like to inform the Chair that there
7. will be some Floor amendments. I'd like to move it to
8. 3rd with provision to bring it back.
9. PRESIDENT:
10. There are no Floor amendments to be offered at this
11. time?
12. SENATOR GROTBORG:
13. No.
14. PRESIDENT:
15. And you will bring it back?
16. SENATOR GROTBORG:
17. Right. I..I just wanted to announce that I would be
18. bringing it back.
19. PRESIDENT:
20. 3rd reading. House Bill 1858. Senator Kosinski.
21. Read the bill.
22. SECRETARY:
23. House Bill 1858.
24. (Secretary reads title of bill)
25. 2nd reading of the bill. No committee amendments.
26. PRESIDENT:
27. Any amendments from the Floor? 3rd reading. House Bill
28. 2042. Senator Knuppel. Read the bill.
29. SECRETARY:
30. House Bill 2042.
31. (Secretary reads title of bill)
32. 2nd reading of the bill. No committee amendments.
33. PRESIDENT:

1. Any amendment from the Floor? 3rd reading. House Bill
2. 2052, Senator Joyce. House Bill 2100, Senator Kosinski.
3. Read the bill.
4. SECRETARY:
5. House Bill 2100.
6. (Secretary reads title of bill)
7. 2nd reading of the bill. No committee amendments.
8. PRESIDENT:
9. Any amendments from the Floor? 3rd reading. House Bill
10. 2101, Senator Knuppel. House Bill 2233, Senator Knuppel.
11. Read the bill.
12. SECRETARY:
13. House Bill 2233.
14. (Secretary reads title of bill)
15. 2nd reading of the bill. No committee amendments.
16. PRESIDENT:
17. Any amendments from the Floor? 3rd reading. House
18. Bill 2235. Senator Kenneth Hall. Read the bill.
19. SECRETARY:
20. House Bill 2235.
21. (Secretary reads title of bill)
22. 2nd reading of the bill. No committee amendments.
23. PRESIDENT:
24. Any amendments from the Floor? 3rd reading. We have
25. a request for permission from several TV stations to film
26. the proceedings today. Is leave granted? Leave is granted.
27. House Bills 2nd reading. We will return now to the series
28. of Senator Merlo that we passed earlier. House Bill 134.
29. Senator Merlo. Read the bill.
30. SECRETARY:
31. House Bill 134.
32. (Secretary reads title of bill)
33. 2nd reading of the bill. No committee amendments.

1. PRESIDENT:
2. Any amendments from the Floor? 3rd reading. House Bill
3. 135. Senator Merlo.
4. SECRETARY:
5. House Bill 135.
6. (Secretary reads title of bill)
7. 2nd reading of the bill. No committee amendments.
8. PRESIDENT:
9. Any amendments from the Floor? 3rd reading. House Bill
10. 136. Senator Merlo.
11. SECRETARY:
12. House Bill 136.
13. (Secretary reads title of bill)
14. 2nd reading of the bill. No committee amendments.
15. PRESIDENT:
16. Any amendments from the Floor? 3rd reading. House
17. Bill 137. Senator Merlo.
18. SECRETARY:
19. House Bill 137.
20. (Secretary reads title of bill)
21. 2nd reading of the bill. No committee amendments.
22. PRESIDENT:
23. Any amendments from the Floor? 3rd reading. House
24. Bill 138. Senator Merlo.
25. SECRETARY:
26. House Bill 138.
27. (Secretary reads title of bill)
28. 2nd reading of the bill. No committee amendments.
29. PRESIDENT:
30. Any amendments from the Floor? 3rd reading. House
31. Bill 139. Read the bill, Mr. Secretary.
32. SECRETARY:
33. House Bill 139.

1. (Secretary reads title of bill)
2. 2nd reading of the bill. No committee amendments.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. Are there amendments from the Floor? 3rd reading.
5. House Bill 140. Read the bill, Mr. Secretary.
6. SECRETARY:
7. House Bill 140.
8. (Secretary reads title of bill)
9. 2nd reading of the bill. No committee amendments.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Are there amendments from the Floor? 3rd reading.
12. House Bill 141. Read the bill.
13. SECRETARY:
14. House Bill 141.
15. (Secretary reads title of bill)
16. 2nd reading of the bill. The Committee on Judiciary I offers
17. one amendment.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Senator Merlo.
20. SENATOR MERLO:
21. Mr. President and members of the Senate. This amendment
22. will place the bill in conformity with the Senate bill that
23. was passed...
24. PRESIDING OFFICER: (SENATOR DONNEWALD)
25. Just...just a moment, Senator. The noise is...the noise
26. level is ...way above normal. Would the members please
27. be in their seats. Proceed.
28. SENATOR MERLO:
29. Mr. President and members of the Senate. The amendment
30. ...places the House Bill 141 in conformity what we
31. passed out in Senate Bill 47. It sets out a procedure
32. for reapportionment of the condominium proportioned shares
33. upon sale of the proportion of the condominium and I move

1. its adoption.
2. PRESIDING OFFICER: (SENATOR DONNEWALD)
3. Is there further discussion? Question is, shall
4. Amendment No. 1 to House Bill 141 be adopted. Those
5. in favor indicate by saying Aye, those opposed. The
6. Ayes have it. Amendment No. 1 is adopted. Are there
7. further amendments?
8. SECRETARY:
9. No further committee amendments.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Are there amendments from the Floor? 3rd reading.
12. House...House Bill 142. Read the bill, Mr. Secretary.
13. SECRETARY:
14. House Bill 142.
15. (Secretary reads title of bill)
16. 2nd reading of the bill. No committee amendments.
17. PRESIDING OFFICER: (SENATOR DONNEWALD)
18. Are there amendments from the Floor? 3rd reading.
19. House Bill 143.
20. SECRETARY:
21. House Bill 14...
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Read the bill.
24. SECRETARY:
25. House Bill 143.
26. (Secretary reads title of bill)
27. 2nd reading of the bill. No committee amendments.
28. PRESIDING OFFICER: (SENATOR DONNEWALD)
29. Are there amendments from the Floor? 3rd reading.
30. House Bill 144. Read the bill, Mr. Secretary.
31. SECRETARY:
32. House Bill 144.
33. (Secretary reads title of bill)

1. 2nd reading of the bill. No committee amendments.
2. PRESIDING OFFICER: (SENATOR DONNEWALD)
3. Are there amendments from the Floor? 3rd reading.
4. House Bill 145. Read the bill, Mr. Secretary.
5. SECRETARY:
6. House Bill 145.
7. (Secretary reads title of bill)
8. 2nd reading of the bill. Committee on Judiciary I offers
9. one amendment.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Senator Merlo.
12. SENATOR MERLO:
13. This merely corrects a technical error in the correct-
14. ion of the spelling and I move the adoption of the amendment.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Is there further discussion? Question is, shall Amend-
17. ment No. 1 to House Bill 145 be adopted. Those in favor
18. indicate by saying Aye. Those opposed Nay. The Ayes
19. have it. Amendment No. 1 is adopted. Are there further
20. amendments?
21. SECRETARY:
22. No further committee amendments.
23. PRESIDING OFFICER: (SENATOR DONNEWALD)
24. Are there amendments from the Floor? 3rd reading.
25. House Bill 147. Read the bill, Mr. Secretary.
26. SECRETARY:
27. House Bill 147.
28. (Secretary reads title of bill)
29. 2nd reading of the bill. No committee amendments.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Are there amendments from the Floor? 3rd reading.
32. House Bill 148. Read the bill.
33. SECRETARY:

1. House Bill 148.
2. (Secretary reads title of bill)
3. 2nd reading of the bill. No committee amendments.
4. PRESIDING OFFICER: (SENATOR DONNEWALD)
5. Are there amendments from the Floor? 3rd reading.
6. House, Bill 149. Read the bill, Mr. Secretary.
7. SECRETARY:
8. House Bill 149.
9. (Secretary reads title of bill)
10. 2nd reading of the bill. Committee on Judiciary I offers
11. one amendment.
12. PRESIDING OFFICER: (SENATOR DONNEWALD)
13. Senator Merlo.
14. SENATOR MERLO:
15. This amendment merely corrects a technical error and
16. it's a correction in spelling, I believe, and I move its
17. adoption.
18. PRESIDING OFFICER: (SENATOR DONNEWALD)
19. Question is, shall Amendment No. 1 to House Bill 149
20. be adopted. Those in favor indicate by saying Aye. Those
21. opposed Nay. The Ayes have it. The amendment is adopted.
22. Are there further amendments?
23. SECRETARY:
24. No further committee amendments.
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. Are there amendments from the Floor? 3rd reading.
27. House Bill 150. Read the bill.
28. SECRETARY:
29. House Bill 150.
30. (Secretary reads title of bill)
31. 2nd reading of the bill. No committee amendments.
32. PRESIDING OFFICER: (SENATOR DONNEWALD)
33. Are there amendments from the Floor? 3rd reading.

1. House Bill 151. Read the bill, Mr. Secretary.

2. SECRETARY:

3. House Bill 151.

4. (Secretary reads title of bill)

5. 2nd reading of the bill. The Committee on Judiciary I
6. offers one amendment.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Merlo.

9. SENATOR MERLO:

10. Mr. President and members of the Senate. This brings
11. the bill in conformity what we passed out in the Senate.
12. What it does, it consolidates 149 into House Bill 151
13. which deals with the same subject matter so that this
14. subject matter will be treated in the Statute as a whole
15. and I move the adoption.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there further discussion? Question is, shall
18. Amendment No. 1 to House Bill 151 be adopted. Those in
19. favor indicate by saying Aye. Those opposed. The Ayes
20. have it. Amendment No. 1 is adopted. Are there further
21. amendments?

22. SECRETARY:

23. No further committee amendments.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Are there amendments from the Floor? 3rd reading.
26. House Bill 152. Read the bill.

27. SECRETARY:

28. House Bill 152.

29. (Secretary reads title of bill)

30. 2nd reading of the bill. The Committee on Judiciary I
31. offers one amendment.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Merlo.

1. SENATOR MERLO:
2. Mr. President and members of the Senate. This amend-
3. ment merely brings the bill in conformity with the Senate
4. Bill 58. It raises the period in which the developer must
5. divest himself of control of the condominium from two to
6. three years. I move its adoption.
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Is there further discussion? Question is, shall
9. Amendment No. 1 to House Bill 152 be adopted. Those in
10. favor indicate by saying Aye. Those opposed. The Ayes
11. have it. Amendment No. 1 is adopted. Are there further
12. amendments?
13. SECRETARY:
14. No further committee amendments.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Are there amendments from the Floor? 3rd reading.
17. House Bill 153. Read the bill.
18. SECRETARY:
19. House Bill 153.
20. (Secretary reads title of bill)
21. 2nd reading of the bill. The Committee on Judiciary II offers
22. two amendments.
23. PRESIDING OFFICER: (SENATOR DONNEWALD)
24. Senator Merlo.
25. SENATOR MERLO:
26. This amendment, Mr. President and members of the Senate,
27. deletes the phrase or other relief. The amendment is designed
28. to make the provision on this...on the tenants remedies and
29. conversion condominiums compatible with the provisions of the
30. tenants rights and I move its adoption.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. I...I'm advised that you are explaining Amendment
33. No. 2, Senator.

1. SENATOR MERLO:

2. That's correct.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator, would you explain Amendment No. 1?

5. SENATOR MERLO:

6. The No. 1 deletes the provision which requires the
7. developer to record his intent to convert a rental unit
8. to a condominium with the County Recorder and I move its
9. adoption.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there further discussion? The question is, shall
12. Amendment No. 1 to House Bill 153 be adopted. Those in
13. favor indicate by saying Aye. Those opposed Nay. The
14. Ayes have it. Amendment No. 1 is adopted. Amendment
15. No. 2.

16. SENATOR MERLO:

17. All right. The Amendment No. 2 is the one that I
18. already related, which deletes the phrase or other relief.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Is there further discussion? The question is, shall
21. Amendment No. 2 be adopted. Those in favor indicate by
22. saying Aye. Those opposed. The Ayes have it. Amendment
23. No. 2 is adopted. Are there further amendments?

24. SECRETARY:

25. No further committee amendments.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Are there amendments from the Floor? 3rd reading.

28. House Bill 154. Read the bill, Mr. Secretary.

29. SECRETARY:

30. House Bill 154.

31. (Secretary reads title of bill)

32. 2nd reading of the bill. Committee on Judiciary I offers
33. one amendment.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Merlo.

3. SENATOR MERLO:

4. Here again, this brings it in conformity with
5. Senate Bill 60. It sets up the entire condominium pack-
6. age, as the minimum code throughout the State...which
7. may be supplemented by Home Rule Municipalities and I
8. move its adoption.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Is there further discussion? The question is, shall
11. Amendment No. 1 to House Bill 154 be adopted. Those in
12. favor indicate by saying Aye. Those opposed Nay. The
13. Ayes have it. The amendment is adopted. Are there further
14. amendments?

15. SECRETARY:

16. No further committee amendments.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Are there amendments from the Floor? 3rd reading.
19. House Bill 232. Read the bill, Mr. Secretary.

20. SECRETARY:

21. House Bill 232.

22. (Secretary reads title of bill)

23. 2nd reading of the bill. No committee amendments.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Are there amendments from the Floor? 3rd reading.
26. Proceeding to the order of House Bills on 3rd. House
27. Bill 277. Senator Vadalabene. You wish to return House
28. Bill 277 to the order of 2nd reading for the purposes of
29. amendment. Do we have leave? Leave is granted. Senator
30. Vadalabene.

31. SENATOR VADALABENE:

32. Yes, Mr. President and members of the Senate. What
33. I want to do is return House Bill 277 for the purpose of

1. withdrawing Amendment No. 2 to House Bill 277. So, at this
2. time I want to move to reconsider the vote on which Amend-
3. ment No. 2 was adopted to House Bill 277.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Question is, shall we reconsider the vote by which
6. Amendment No. 2 to House Bill 277 is adopted. All those
7. in favor indicate by saying Aye. Those opposed. The
8. Ayes have it. The matter is reconsidered. Senator
9. Vadalabene.

10. SENATOR VADALABENE:

11. Yes, in reference to withdrawing Amendment No. 2 to
12. House Bill 277...

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Just a moment, do you want to Table Amendment No. 2?

15. SENATOR VADALABENE:

16. Yes. That's what...

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Why don't you make that motion?

19. SENATOR VADALABENE:

20. That was my last four words. Now I want to Table
21. Amendment No. 2.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Question is, shall Amendment No. 2 be Tabled. Those
24. in favor indicate by saying Aye. Those opposed. The
25. Ayes have it. Amendment No. 2 is Tabled. Are there
26. further amendments?

27. SECRETARY:

28. No further amendments.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. 3rd reading. Senator Egan. Senator Egan. As to the
31. Order of 3rd reading House Bill 10. Do you wish it return-
32. ed to the Order of 2nd reading for the purpose of amendment?
33. Senator Hynes. Resolutions, Mr. Secretary. Senator Hynes.

1. Just a moment. Senator Hynes, for what purpose do you
2. arise?

3. SENATOR HYNES:

4. I have placed on the Secretary's Desk a Senate Joint
5. Resolution sponsored by myself and Senator Shapiro dealing
6. with the establishment of the Joint House-Senate Rules
7. Committee and I would ask the Secretary to read that
8. resolution.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Read the resolution, Mr. Secretary.

11. SECRETARY:

12. Senate Joint Resolution...

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Just...just a moment. Will the members please be
15. in their seats? This is a matter of adopting temporary
16. joint rules. Will the members please be in their seats?
17. Proceed.

18. SECRETARY:

19. Senate Joint Resolution No. 45 offered by Senators
20. Hynes and Shapiro.

21. (Secretary reads S.J.R. No. 45)

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Hynes.

24. SENATOR HYNES:

25. Mr. President and members of the Senate. This resolu-
26. tion is important in that it is a start toward Joint Rules
27. for the operation of the House and Senate. The House prev-
28. iously rejected a similar resolution. I have every hope
29. that this one will meet a better fate. But I think it is
30. extremely important that we establish a Joint Rules Committee
31. at this time. For one thing, it is necessary that we have

32. Continued on next page.

33.

HB 10
Recalled
6/21/77

1. consultation with respect to Conference Committees and the
2. rules that will govern. And secondly, after the adjournment
3. of this Session. Hopefully, that committee will be able to
4. work out a program and...and rules to guide us in next year's
5. Session. So I think that it is important we adopt this
6. today and get it over to the House so that we can get
7. that under way. And I would move the adoption of the
8. Resolution.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. We're going to take a roll call on this. Those in
11. favor of the adoption of Senate Joint Resolution 45 vote
12. Aye. Those opposed Nay. The voting is open. Have all
13. those voted who wish? Have all those voted who wish?
14. Take the record. On that question, the Ayes are 52, the
15. Nays are none. One Voting Present. Senate Joint Resol-
16. ution 45 is adopted. Senator Egan. Senator Egan...asks
17. leave to return...on the Order of 3rd reading...Senator
18. Egan requests that House Bill 10 be returned to the Order
19. of 2nd reading for the purpose of amendment. Do we have
20. leave? Leave is granted. Senator Egan.

21. SENATOR EGAN:

22. Yes, I believe Senator Knuppel has an amendment. I
23. think it's No. 3 and if he would explain the amendment
24. I will respond.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Knuppel:

27. SENATOR KNUPPEL:

28. Well, this is the amendment which I thought I had
29. yesterday, but it had some additional material in ahead of it.
30. This is what's known as the Smrekar Amendment, which provides
31. that if a person who has not yet cooperated with law en-
32. forcement officers and is killed, even though...even though
33. they might have...otherwise, the bill says that if they

1. have cooperated and are killed, then...then the person
2. is subject to the death penalty. This says whether
3. they've cooperated or not, in effect. There's still
4. ...person who would kill a material witness is still
5. subject to the death penalty. That's what the bill
6. amounts to.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Egan.

9. SENATOR EGAN:

10. Well, Mr. President, I, and members of the Senate.
11. I would support the amendment insofar as the language
12. could be interpreted in my opinion, as many ways as
13. there are courts to interpret it and it...it certainly
14. expresses the desire of the drafter of the bill, the
15. intent of the bill, the spirit of the bill and I...I
16. support the amendment.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there further discussion? The question is,
19. shall Amendment No. 3 to House Bill 10 be adopted?
20. Those in favor indicate by saying Aye. Those opposed.
21. The Ayes have it. Amendment No. 3 is adopted. Are there
22. further amendments?

23. SECRETARY:

24. No further amendments.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. 3rd reading. House Bills on 3rd reading. House
27. Bill 131, Senator Don Moore. Read the bill, Mr. Secretary.

28. SECRETARY:

29. House Bill 131.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Moore.

1. SENATOR MOORE:

2. Thank you, Mr. President and members of the Senate.
3. House Bill 131 is an addition to the Illinois Boat Regis-
4. tration and Safety Act. The bill specifically provides
5. that no person under ten years of age may operate a
6. motorboat and persons, that are ten years of age, but
7. less than twelve, may operate a motorboat if accompanied
8. by a parent or person of eighteen years of age. Persons
9. twelve to seventeen may operate a motorboat only if they
10. are accompanied on the boat by a parent or a person of
11. eighteen years of age or are in possession of a boat safety
12. certificate issued by the Department of Conservation
13. Division of Law Enforcement. This is similar to mandatory
14. language that... mandatory Acts that we already have deal-
15. ing with snowmobiles operators of the same age group and
16. hunters obtaining their first hunting license in this
17. group. Sister states that have adopted similar legis-
18. lation are Indiana, Michigan, Wisconsin, Iowa. The bill is
19. endorsed now by the Department of Conservation, the U.S.
20. Coast Guard, et cetera. I know of no objection to the bill.
21. I'd appreciate a favorable roll call.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Is there further discussion? Question is, shall
24. House Bill 131 pass. Those in favor vote Aye. Those
25. opposed Nay. The voting is open. Have all those voted
26. who wish? Have all those voted who wish? Take the record.
27. On that question, the Ayes are 51, the Nays are none. House
28. Bill 131 having received a constitutional majority is de-
29. clared passed. House Bill 168. Senator Savickas. House
30. Bill 171. Senator Clewis. Read the bill, Mr. Secretary.

31. SECRETARY:

32. House Bill 171.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Clewis.

4. SENATOR CLEWIS:

5. Mr. President, members of the Senate. House Bill 171
6. changes the period of time which money undistributed or
7. unclaimed is a rebate or refund can be held by a munici-
8. pality until transferrable to the unclaimed rebate fund
9. from eight years to four years or more.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there further discussion? Question is, shall
12. House Bill 171 pass. Those in favor vote Aye. Those
13. opposed Nay. The voting is open. Have all those voted
14. who wish? Take the record. On that question, the Ayes
15. are 51, the Nays are 1. 1 Voting Present. House Bill
16. 171 having received a constitutional majority is
17. declared passed. House Bill 206. Senator Knuppel.
18. House Bill 222. Senator Rock, would you handle that
19. bill for me?

20. SECRETARY:

21. House Bill 222.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Donnewald.

26. SENATOR DONNEWALD:

27. Yes, Mr. President. This bill...through this bill the
28. Governor can complain...can proclaim a weather emergency
29. or energy emergency and during the period of such emergency
30. the Pollution Control Board can put regulations into
31. effect without hearing and without economic in...without
32. economic impact study. Both the hearings and the study
33. shall be conducted while the regulation is in effect.

1. This passed the committee by a unanimous roll call and I
2. would ask the same here.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Is there any discussion? The question is, shall
5. House Bill 222 pass. Those in favor will vote Aye.
6. Those opposed will vote Nay. The voting is open. Have
7. all voted who wish? Have all voted who wish? Take the
8. record. On that question, the Ayes are 48, the Nays are
9. 1. 2 Voting Present. House Bill 222 having received the
10. constitutional majority is declared passed. Senator Johns,
11. for what purpose do you arise?

12. SENATOR JOHNS:

13. I hope I'm not out of line, but would it be all right
14. if I joined in sponsorship with that past bill with
15. Senator Donnewald?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. You've heard the request. Is leave granted? Leave
18. is granted. So ordered. Senator Moore. On the Order
19. of House Bills, 3rd reading. House Bill 235. Read the
20. bill, Mr. Secretary.

21. SECRETARY:

22. House Bill 235.

23. (Secretary reads title of bill)
24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Moore.

27. SENATOR MOORE:

28. Thank you, Mr. President and members of the Senate.
29. House Bill 235 provides the grants made under the Senior
30. Citizens and Disabled Persons Property Tax Relief Act
31. does not affect the eligibility or the amount or nature
32. of such assistance to the Statutes relating to the aid
33. to the aged, blind, disabled, aid to dependent children,

1. general assistance, et cetera. This is currently the policy
2. of the Illinois Department of Public Aid. There is no
3. fiscal impact on the Department of Public Aid. I know
4. of no objection to the bill. I'd appreciate a favorable
5. roll call.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Is there any discussion? The question is, shall
8. House Bill 235 pass. Those in favor will vote Aye.
9. Those opposed will vote Nay. The voting is open. Have
10. all voted who wish? Have all voted who wish? Take the
11. record. On that question, the Ayes are 51. The Nays
12. are none. None Voting Present. House Bill 235 having
13. received the constitutional majority is declared passed.
14. Senator Wooten. 241. Senator Hynes. 243. All right. On the Order
15. of House Bills, 3rd reading. House Bill 243. Read the
16. bill, Mr. Secretary.

17. SECRETARY:

18. House Bill 243.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Hynes.

23. SENATOR HYNES:

24. Mr. President and members of the Senate. This bill
25. increases the office staff allowance for individual members
26. of the General Assembly from twelve thousand to seventeen
27. thousand dollars. I think it is a...an increase that is
28. justifiable and necessary. The demands that have been placed
29. on the members of this General Assembly by constituents
30. for services have increased dramatically over the past
31. several years. Costs have accelerated. I think even at
32. seventeen thousand dollars it is, from any point of view,
33. obviously inadequate to do the kind of job that is necessary.

1. And I think it's important to note that the members are
2. required out of this amount to cover telephone, rent,
3. secretarial help, all other assistance, postage and so
4. on. That is not provided from any other account. And
5. twelve thousand dollars is simply inadequate, as is
6. seventeen. But I think this is a modest increase which
7. will allow members to provide the kind of service that
8. I think the people of this State want. And I would urge
9. your support.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Buzbee.

12. SENATOR BUZBEE:

13. Thank you, Mr. President. Mr. President, I have
14. some very strong feelings about this bill, because, for
15. several years now, I've been spending money out of my
16. own pocket. Over and above the twelve thousand dollars
17. to provide the services to the constituents of my
18. district that I think that they deserve and that they
19. need and that they want. This is the sort of thing that the
20. press loves to take out after the legislature for.
21. Another one of the fantastic emoluments that State
22. Legislators get. I just got off the phone with a
23. reporter that was writing a story about legislators
24. and their travel...and their use of State planes and
25. so forth. I pointed out to her that I have a friend that
26. drives a truck. I went to high school with him. He
27. makes thirty thousand a year. I make twenty thousand
28. at this. That's fine. I...I'm here because I want
29. to be here. I like it. I think I'm good at what I
30. do and I...I love being here and I plan to stay for
31. awhile. However, for all of this poppy-cock that is
32. constantly in the press about the fantastic emoluments
33. and all the privileges and so forth that legislators

1. get, is simply that. Poppy-cock. Twelve thousand dollars
2. a year...I ask anyone of them to, the members of the press,
3. to run their office on that kind of money or anyone of these
4. editors who want to editorialize all the time about how the
5. legislators like to rip-off the State in their own behalf.
6. I'd like for them to run an office for twelve thousand
7. dollars a year. I have a lady who runs my local office,
8. who, her salary ought to be that much money. However, it
9. isn't, because I simply can't afford to pay her that much
10. money. I'm paying...I'm spending about fifteen thousand
11. dollars a year now, three thousand of it...out of my own
12. pocket. Or, the device we have gotten around to in the
13. last couple of years is going around begging people
14. for money. And we've been successful in our begging
15. efforts. We raised three or four thousand dollars a year
16. now, so I don't have to take it out of my own pocket to
17. keep my local office running. I think it's about time
18. that the press of this State starts standing up and
19. saying that maybe those guys down there aren't all a
20. bunch of rip-off artists. That, in fact, they do do
21. a lot of hard work and they have a lot of expenses, which
22. are not reimbursable. For instance, the travel expenses
23. in my district, I get reimbursed for approximately one-
24. sixth, one-sixth of the expenses that I have in travel
25. within my district. So, I think this is a good bill.
26. I think it's high time, and perhaps, we ought to raise
27. it a little bit more again next year.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Shapiro.

30. SENATOR SHAPIRO:

31. Well, Mr. President and Ladies and Gentlemen of the
32. Senate. I certainly want to lend my support to the pass-
33. age of this bill. Even though I, personally, do not maintain

1. a district office, I do use my allowance for postage and
2. the payment of the telephone bill. However, those Senators
3. and Representatives who do maintain district offices need
4. this extra allocation in order to provide more and better
5. services in the view of rising costs to their constituents.
6. I think it should be noted that none of this money accrues
7. personally to the Representative or the Senator. It is
8. money that is used strictly to provide the service to their
9. constituents. It is a good bill. The increase is justifi-
10. able and it should be passed.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Graham. Senator Hickey.

13. SENATOR HICKEY:

14. Thank you, Mr. President and fellow Senators. I was
15. talking about the kind of money that we have in Illinois
16. for...staff and for home office and other expenses that
17. we incur. Last weekend in Wisconsin. Up there, where
18. they only pay legislators, I think it's seventeen thousand,
19. instead of the twenty that we get, they have twenty-six
20. thousand available for office staff, plus a secretary,
21. that is a secretary is an addition to the twenty-six
22. thousand available to them for office staff. And then
23. they also have a nine thousand dollar amount for con-
24. stituent mailing and that way they can do the work that
25. needs to be done for their home offices. I, too, like the
26. rest...like most of the rest of you...take money out of
27. my pocket for my home office in order to serve my consti-
28. tuents. I can see no way that your constituents can crit-
29. icize you for voting for this. Because this is money that
30. will be all vouchered. You'll never see a nickel of it
31. in cash and you have to prove that it's...that it's gone
32. for the purpose that it's supposed to go for, for the
33. bills to be paid. I really think that it's very, very

1. important that this bill pass.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Graham.

4. SENATOR GRAHAM:

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

6. I know it's kind of difficult sometimes, to fly in the face
7. of...popular opinion among your colleagues. I want to
8. remind them that we've reached a time, I believe, in our
9. country where the taxpayers and the population are not convinced
10. that we're doing the kind of a job that we're doing. I
11. think it's time, when we're asking them to cut back Mental
12. Health and many other areas of our State budget. I think
13. it's very inappropriate. Even though this can be used
14. and can be justified by the individual legislators in
15. their own districts. I'm not quarreling with that. I want
16. to tell you something, Ladies and Gentlemen of this Senate,
17. you haven't convinced that poor old stiff on the street
18. as, Senator...Senator Hudson Sours used to say. And I, for
19. one, am not going to be criticized for voting this five
20. thousand dollar a year pay raise for legislators that
21. will be interpreted when we call the roll, I'll be opposed
22. to the bill.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Netsch.

25. SENATOR NETSCH:

26. Thank you, Mr. President. I think most of the points
27. have been made now and just adding a simply a different
28. perspective. For those of us who have to maintain separate
29. offices in Chicago and some of us who believe very firmly
30. that we should have a place in the district where people
31. can come to receive help, assistance, information, what-
32. ever and who, if I may put it this way, do not have avail-
33. able some of the party organization offices that are avail-

1. able to some people. ...I find that we simply cannot
2. do it in Chicago and I think this is probably true in
3. other parts of the State on twelve thousand dollars a
4. year. Like many other members, I have used a fairly
5. substantial part of my legislative salary to support
6. my legislative office and I think that is absolutely
7. immoral. I don't think anyone should be required to
8. do that, which is a significant part of their responsibility
9. out of the money which ordinarily they would have to live on. I resent
10. doing it myself. I know that some others would not even
11. be in a position to do it. And, I don't think, under any
12. circumstances anyone should be asked to do that. There is
13. no way you can maintain a legislative service office on
14. this amount and I think this additional amount will still
15. not cover it all, but will help and it is a perfectly,
16. not just defensible, it is a...perfectly right thing for
17. us to do to add this additional sum.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Kenneth Hall.

20. SENATOR KENNETH HALL:

21. Thank you, Mr. President and Ladies and Gentlemen
22. of the Senate. I rise in support of this legislation.
23. I just wanted to call and I know the same thing that many of
24. you had. I got a number of letters from a school here awhile
25. back and the first thing the little children said is, Dear Senator,
26. please answer. I got so many of them I had to call the
27. principal and finally he called me and wanted to know why
28. that I hadn't answered the letters when my Congressman had.
29. So, I explained to him that Congressmen have frank
30. privilege, which we do not have. And I said I can't possibly
31. answer all of these letters when they descend on you. Of
32. course, little children...and school kids don't realize
33. this because they're wondering why...their Senator and their

1. Representatives do not answer their mail. And often times
2. we just don't have enough money left, so this is a worth-
3. while bill and I urge your support.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Knuppel.

6. SENATOR KNUPPEL:

7. If you don't need it, don't voucher it.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Vadalabene.

10. SENATOR VADALABENE:

11. Thank you, Mr. President and members of the Senate.
12. I do also happen to be like the Minority Leader, Senator
13. Shapiro. My office is in my home, so consequently I do
14. not get reimbursed for those expenses. However, I don't
15. have any problems and this is not in rebuttal to Senator
16. Hall. I have got numerous letters from students and
17. school children. I find no problem answering those
18. letters. I have cut down my expenses by not having a
19. district office. Now I'm not complaining about district
20. offices, but how many times do I go through my district
21. and I never see...the legislator even in his office.
22. But he has a big name on the window. District office of
23. so and so. I don't think this type of...an increase
24. is needed and I'm not going to support it.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Any further discussion? Senator Harber Hall.

27. SENATOR HARBER HALL:

28. Well, I hope all the points haven't been..
29. made. I'd like to make this one that I'm going to oppose
30. this because I think it's another step to a full-time
31. ...legislature with with full-time legislators who do
32. in the interim, nothing more than solicit further support
33. for their up-coming election from their offices. I haven't

1. seen an overpowering demand from the constituency to
2. answer their letters and get involved. It's we who are
3. creating that demand, if there is indeed, any demand
4. like that. We passed better laws ten years ago than
5. we do today and we have a more of a...a difficult task
6. getting through a Session. Even with all of the
7. amenities that we've provided for ourselves including
8. this one that we're going to increase by five thousand
9. now. We had better law ten, fifteen, twenty years ago
10. than we do today. No one knows what the laws are any
11. more. We pass them so fast down here. I opposed this
12. bill.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Any further discussion? Senator Hynes may close
15. the debate.

16. SENATOR HYNES:

17. Mr. President and members of the Senate. I think
18. the arguments both for and against this bill have been
19. put forth in great detail. To sum it up as briefly as I
20. can, I believe that this increase is justified. I believe
21. that the kind of service and...and response to inquiries
22. that our constituents are demanding necessitates this
23. increase and I would urge your support.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. The question is, shall House Bill 243 pass. Those
26. in favor vote Aye. Those opposed vote Nay. The voting
27. is open. Have all voted who wish? Have all voted who
28. wish? Take the record. On that question, the Ayes are
29. 31, the Nays are 23. None Voting Present. House Bill
30. 243 having received the constitutional majority is declared
31. passed. For what purpose does Senator Berning rise?

32. SENATOR BERNING:

33. Mr. President, I rise on a point of personal privi-
34. lege, if you please.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. State your point.

3. SENATOR BERNING:

4. All of us in this Body recognize that, that the great
5. American pastime is ridicule, castigation, and other such...
6. adjectives of our political system and more particularly
7. those of us, who participate in it. I can see the head-
8. lines already as the result of this roll call which was
9. just taken. There is never any effort made to differen-
10. tiate between what you and I are entitled to as compensa-
11. tion and what is allotted to us for use in providing service
12. to our constituents. So Mr. President, I wanted to call
13. to the attention of the Body an editorial or a column, which
14. appeared in the Journal-Register of May 25th.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Berning, would you please get to your
17. point of personal privilege.

18. SENATOR BERNING:

19. My point of personal privilege, Mr. President, is
20. simply this. We can expect a replay, very likely, of
21. what occurred in this issue of May 25th under a heading
22. State Capitol Attracts Students and it goes on to describe
23. the tour of students by the guide and then explains how
24. a bill...

25. PRESIDING OFFICER: (SENATOR ROCK)

26. For what purpose does Senator... Excuse me, Senator Berning.

27. SENATOR RHOADS:

28. Mr. President, Mr. President.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Rhoads.

31. SENATOR RHOADS:

32. Senator Berning had risen on a point of order. There
33. were a few of us who are about to ask for a verification

1. of that last roll call. Now if he'd get to his point
2. of order we could quit delaying on the verification.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Berning, would you conclude your remarks,
5. please?

6. SENATOR BERNING:

7. Yes, thank you, Mr. President. This particular
8. article whether the writer was drunk or not, impugns
9. the integrity and the character of every member of the
10. General Assembly, including me. And I want...and I
11. want to personally announce that I resent and take issue
12. with this insulting remark. And let me particularly
13. point out the issues, the remarks that I call attention
14. to. It says and I quote, the insiders, without defining
15. them, but I assume that's Mr. Manning...

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Berning. Senator Berning. I...the Chair
18. is going to rule that your comments are out of order
19. and, and we will continue with the order before the
20. Senate. Senator Berning, we have not, in the past,
21. allowed reading from newspaper articles in length
22. and...and the debate on the bill has concluded. The
23. roll call has been taken. We have left that order of
24. business. Perhaps, after the Session is over some...
25. some members can be requested to stay in and you may
26. read the paper to them. For what purpose does Senator
27. Berning rise?

28. SENATOR BERNING:

29. Mr. President. I merely want to emphasize that this
30. kind of irresponsible journalism ought to be called to task
31. by every one of us and I think it's an insult to not only
32. the members but indirectly then to every citizen of this
33. State of Illinois and I am prepared to take issue if necessary.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. For what purpose does Senator Knuppel rise?

3. SENATOR KNUPPEL:

4. ...Senator Berning just has to learn to consider the
5. source and realize Al Manning is not going to win any
6. Pulitzer prizes and let...overlook it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. On the Order of Special Order of Business. For
9. what purpose does Senator Rhoads rise?

10. SENATOR RHOADS:

11. Mr. President. I had asked for a verification. I
12. don't know whether it's too late or if you've left that
13. Order of Business, but I did ask for a verification.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Well, Gentlemen, frankly the Chair thought that that
16. was Senator Berning's reason for rising, but he has un-
17. fortunately had intervening business and if the Body
18. wishes we can have a verification. We have not had a
19. verification after intervening business has occurred.
20. For what purpose does Senator Graham rise?

21. SENATOR GRAHAM:

22. Mr. President. Senator Rhoads was up and Senator
23. Berning was out of order and I think his request to have a
24. verification, is in order and I think we ought to oblige
25. him by having a verification.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Well, Gentlemen, the problem is on a time lapse
28. and I will ask, is there leave of the Senate to have a
29. verification on Senate Bill, on House Bill 243. Is there
30. leave? Leave is not granted. Senator Graham. Senator
31. Graham. Could we have some order, Gentlemen? Senator
32. Graham is recognized.

33. SENATOR GRAHAM:

1. There was no intervening business. Senator Berning
2. was making a personal speech and that isn't intervening
3. business, Mr. President. And I still say that Senator
4. Rhoads request is in order and that he should be granted.
5. And if because...people make more noise than are for it
6. than those who do against it. Right is right and he
7. has a right to ask for that verification.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Mr. President, in asking for a verification, it was
12. not my intent to embarrass any member of the Chamber...We
13. do routinely request verification of roll calls...I had a
14. doubt in my mind that some of the members who were recorded
15. on the vote were actually present in the Chamber. That's
16. all I'm asking for. I don't mean to...to insult any
17. member of the Chamber. I'm simply asking for a verification.
18. I did not realize that Senator Berning's point of order
19. was intervening business.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. All right. The Chair will rule that the request for
22. the verification is in order. I would caution you as...as to
23. the procedure that if this occurs from time to time, the
24. abuse of this privilege is certainly very possible. There has
25. been a great deal intervening time. We have never allowed,
26. to my knowledge, a verification of a roll call with the
27. amount of time that has lapsed as we have in this instance.
28. We have cleared the board. The Chair recognized Senator
29. Berning for whatever purpose. That was intervening business.
30. He rose on a point of personal privilege, but the Chair is
31. going to say that we...we will have a verification of the
32. roll call and on that...on that question the Secretary will
33. call the members who have voted in the affirmative. Senator

1. Hall, for what purpose do you arise? Kenneth Hall.

2. SENATOR KENNETH HALL:

3. Well, I just want to ask. Now, some members have
4. left their seats. Well, now, how are we going to determine
5. what has happened since this time? We...we...we had some
6. people present here that have walked off the Floor. So...

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Hall, that's exactly the point that the Chair
9. has addressed. And that is that intervening business has
10. occurred. I have ruled that the verification will be in
11. order. Is it...For what purpose does Senator Knuppel rise?

12. SENATOR KNUPPEL:

13. Well, I've seen this happen before and you, you'd be
14. surprised at how many people can catch Lake Michigan
15. diarrhea.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. All right. The Secretary will call the...Senator
18. Shapiro.

19. SENATOR SHAPIRO:

20. Mr. President. I certainly agree with your original
21. ruling. I'm wondering though, if it wouldn't be more
22. proper to suspend the rules to allow for the verification.
23. Be...because there evidently was intervening business.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Well, my Parliamentarian points out to me and we have been
26. working with the rules with Senator Glass that there are no
27. rules on verification that we could suspend. It is unclear
28. in our rules as to the procedure and I think this points
29. out a very good reason why we should adopt the rules on
30. verification. The Secretary will call those who are re-
31. corded in the affirmative.

32. SECRETARY:

33. The following voted in the affirmative: Berman,

1. Berning, Bruce, Buzbee, Chew, Clewis, D'Arco, Demuzio,
2. Donnewald, Egan, Glass, Guidice, Kenneth Hall, Hickey,
3. Johns, Knuppel, Kosinski, Lane, Maragos, Merlo, Mitchler,
4. Netsch, Newhouse, Rock, Roe, Schaffer, Shapiro, Smith,
5. Washington, Wooten, Mr. President.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Rhoads, do you challenge the presence of any
8. member on...who voted in the affirmative?
9. SENATOR RHOADS:
10. Senator Chew.
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Is Senator Chew on the Floor? Strike his name.
13. SENATOR RHOADS:
14. Senator Daley.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Is Senator Daley on the Floor?
17. SECRETARY:
18. He's recorded absent.
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. Senator Daley is not recorded.
21. SENATOR RHOADS:
22. Senator D'Arco.
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Is Senator D'Arco on the Floor? Strike his name.
25. SENATOR RHOADS:
26. Senator Maragos.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Is Senator Maragos on the Floor? Strike his name
29. from the roll. On that question, there would be 28
30. Ayes. Senator Hynes.
31. SENATOR HYNES:
32. Mr. President, I move to postpone consideration.
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Hynes moves...further consider of House Bill
2. 243 be postponed. It will...placed on the Order of Post-
3. poned Consideration. For what purpose does Senator
4. Kenneth Hall rise?
5. SENATOR KENNETH HALL:

6. Well, Mr. President, I simply want to say that this
7. sets a bad precedence. Because we're going to have this
8. happen again and someone is going to have some bills
9. lost because somebody has...has walked off the Floor
10. since intervening business. I just want to call that
11. to your attention.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. I...I think that point has been made. Senator Vadalabene.
14. SENATOR VADALABENE:

15. It is, in my opinion, that when you leave the Senate
16. before we adjourn, it's your fault and not anybody
17. else's fault. We haven't adjourned yet. We are doing
18. business here on the Senate Floor.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. On the Order of Special Order of Business on page
21. 16 of your Calendar. For what purpose does Senator Harber
22. Hall rise?

23. SENATOR HARBER HALL:

24. Well, I...I think we need to have a question answered.
25. Maybe not at this point, but I think there's a definite
26. question. There is in my mind. About whether a point of
27. order taken by a member on...a point of order or personal
28. privilege is intervening business. It would certainly
29. and I think the Chair ruled properly. But it would be
30. my thought that that is not business before the entire Body in the...
31. in the connotation of business that is journalized.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Hall, the Chair has ruled that that was, in fact,

1. intervening business and I recognize Senator Berning on
2. a basis that he, in fact, would request a verification.
3. But it was to my surprise that he rose on a point of
4. personal privilege, which makes it intervening business
5. and I have so ruled. Senator Harber Hall.

6. SENATOR HARBER HALL:

7. Then...then...then would it be in order that I
8. suggest that the Rules Committee try and adopt some
9. current rules for us and include...that in part of
10. the rules.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. In fact, that is under consideration.....

13. Senator Clewis.

14. SENATOR CLEWIS:

15. Mr. President. I move we adjourn.

16.

17.

18. (The following typed previously)

19.

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33.

AB 10
3rd reading
6/2/77

- 1. PRESIDING OFFICER: (SENATOR BRUCE)
- 2. The motion is that we adjourn. It is in order.
- 3. On the question. All in favor say Aye. Opposed
- 4. Nay. The Ayes...the Nays have it. The Senate will
- 5. not adjourn. On the Order of Special Order of Business,
- 6. there's been a request for a roll call. The question
- 7. is on the motion to adjourn. Those in favor vote Aye.
- 8. Those opposed vote Nay. The voting is open. Have all
- 9. voted who wish? Have all voted who wish? Take the
- 10. record. On that question the Ayes are 13, the Nays
- 11. are 27, none Voting Present...37. The Ayes are 13,
- 12. the Nays are 37. The motion to adjourn is lost.
- 13. Special Order of Business, page 16 of your Calendar.
- 14. There was leave to go to this Order of Business at
- 15. 1:00 o'clock today. The hour is now 1:25. House
- 16. Bill 10. Read the bill, Mr. Secretary.
- 17. SECRETARY:
- 18. House Bill 10.
- 19. (Secretary reads title of bill)
- 20. 3rd reading of the bill.
- 21. PRESIDING OFFICER: (SENATOR BRUCE)
- 22. For what purpose does Senator Shapiro arise?
- 23. SENATOR SHAPIRO:
- 24. Have we given leave for the televising of the
- 25. proceedings?
- 26. PRESIDING OFFICER: (SENATOR BRUCE)
- 27. Yes, we have, Senator Shapiro. Senator
- 28. Hynes was presiding at the time. Senator Egan.
- 29. Senator Rock.
- 30. SENATOR ROCK:
- 31. Can I, Mr. President and Ladies and Gentlemen of the
- 32. Senate.
- 33. PRESIDING OFFICER: (SENATOR BRUCE)

1. May we have some order, please?

2. SENATOR ROCK:

3. Can I...

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Rock.

6. SENATOR ROCK:

7. Can I suggest to our friends in the media that
8. they film only those who do not speak.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Egan.

11. SENATOR EGAN:

12. Thank you, Mr. President and members of the Senate.
13. At long last, indeed. We have waited patiently through
14. all kinds of stormy interruptions to get this bill called
15. and I'm glad that we have finally come to it. I would like
16. to make just a prefatory remark before we get involved
17. in the substance of the bill and that is to point
18. out that this bill was the product of a great deal of
19. work in the House by Senator Sangmeister in the last
20. Session who was unable to be with us today because of
21. illness and I'd like to point out that he and I sponsored
22. the Senate bill which is now in the subcommittee allowing
23. the House Bill to pass, these bills all being the same.
24. They would all be the same today with the same amendments
25. if they were progressing in their order. Instead
26. we thought that it would be better if we proceeded with the
27. House Bill, that bill being the product of a great deal of
28. work that Senator Sangmeister devoted to its development.
29. The bill everybody is familiar with, allows for the penalty
30. of death for the seven certain enumerated crimes.
31. In 1972, the Supreme Court of the United States handed
32. down the Furman decision against the State of Georgia
33. Death Penalty Statute holding it unconstitutional on the

1. grounds that it was in violation of the eighth and the
2. fourteenth amendments to the United States Constitution
3. insofar as it was held to be cruel and unusual punishment.
4. In 1976, as of July 2nd of that year, the court in
5. three different decisions refined the '72 ruling in
6. the Furman case to hold that the Georgia Statute
7. that passed subsequent to the Furman decision was indeed,
8. constitutional and it was not in violation of the
9. eighth and fourteenth amendments or any other of the
10. amendments or any of the other provisions of the United
11. States Constitution, and that it indeed was constitutional
12. and was upheld. In the Gregg versus Georgia case,
13. in the Proffitt versus Florida case, in the Jurek versus
14. Texas case, all delivered to us on July 2nd, of 1976.
15. Since then, Illinois has been, that is since 1972...
16. and the...the '76 date, Illinois has been without
17. in my considered opinion, a defense to the attack on its
18. society in the enumerated crimes in House Bill 10.
19. I would suggest that this bill is not a retribution,
20. it is not vindictive, it is not designed as a blood
21. thirsty measure which it has been so called. This bill
22. is designed to protect, to self-protect our society.
23. It is...my opinion is not in violation of the moral
24. standards of any organized faith. It is not in violation
25. of the Constitution. It certainly has the expression
26. of the people of this State insofar as their favor
27. in the matter and I commend it to the attention and
28. to your support.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there discussion? Senator Netsch.

31. SENATOR NETSCH:

32. Thank you, Mr. President. I apologize to Senator
33. Rock for speaking on this issue, but for those of us who

1. are about to die, it's the only comfort we get in
2. discussing House Bill 10. We have already learned it's
3. not possible to have any significant impact on the
4. substance of the legislative proposal and so all I can
5. do is raise a couple of general points. There are really
6. only two valid reasons which can...or two reasons which
7. can be raised for supporting the death penalty. One,
8. is the question of deterrent effect and I would submit
9. to you that there is no credible evidence ever anywhere
10. that the death penalty has any deterrent effect at all.
11. Even a good many of the witnesses who appeared before
12. our committee who were strong proponents of the death
13. penalty acknowledged that, in fact, there is no evidence
14. of its deterrent effect. The statistical studies that have
15. been made, for example, one that compared the States
16. of Illinois and Michigan from 1950 to 1964 when
17. Illinois had a death penalty and Michigan did not,
18. showed that, in fact, Illinois' homicide rate
19. was 5.5 which was higher than Michigan's at 4 and yet
20. one had the death penalty and the other did not.
21. Moreover, as most of us know, the vast majority
22. of the homicides that, in fact, do occur in this country
23. are not the street related type of homicides. They
24. are interfamily, they are among friends or acquaintances
25. or homicides that take place in the heat of some form
26. of passion. There is no repetition of those homicides.
27. There is virtually no recidivism in homicide
28. and therefore, the argument does not hold on that
29. ground, also. I would suggest that one person who has
30. studied every single survey and study that has ever
31. been made of the deterrent effect has summarized
32. those in this quotation, this is from Hunt-Zeisel,
33. the University of Chicago. "The review, that is of all the

1. surveys that have ever been made, I believe shows
2. convincingly that neither judges nor legislators
3. can any longer assume that the evidence on
4. the deterrent power of the death penalty is
5. ambiguous. The evidence which consists of an
6. extraordinarily large number of independent studies
7. is now clear. The deterrent effect, if it exists at
8. all, must be minute. Not one of the many research
9. approaches was able to find it. There is even the
10. possibility that on balance, the existence of
11. the death penalty is an enticement to murder.
12. So the purpose, therefore, if it is not deterrence
13. is, in fact, retribution or vengeance." It is, and I...
14. I mean this, it is an understandable human motivation
15. but I also believe very deeply that it is an unacceptable
16. motivation for reinstating the death penalty. It is
17. legalized taking of human life, legalized murder
18. and there is no other way of describing it. I like
19. to think that a society and...and its people are judged
20. by a number of things. They're judged by their
21. political institutions, they're judged by their capacity
22. to produce creative people, creative arts. They
23. are judged by the sophistication of their technology
24. but most of all, I would hope they are judged by their
25. people, by their compassion, by their humanity, by their
26. respect for the integrity of an individual human life.
27. The death penalty is incompatible with those qualities.
28. For our own self-respect, I hope we would not reinstate
29. it.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Here are the Gentlemen and Ladies who have sought
32. recognition so you know the order in which you will
33. speak: Senator Washington, Glass, Davidson, Leonard, Knuppel

1. and Shapiro. Senator Washington.

2. SENATOR WASHINGTON:

3. Mr. President and members of the Senate. Just
4. for the record, and I will be brief because
5. having debated this issue for over thirty years
6. in one form or another, I have never seen anyone's
7. mindschanged by debate on the issue of capital
8. punishment. Yesterday, the Governor, when confronted
9. with a statement from a reporter that there was no
10. evidence to support the deterrent value in capital
11. punishment, countered by saying that there is no
12. evidence to the contrary. Also yesterday, Senator
13. Knuppel in his debate and I gather he supports
14. capital punishment, I hope I don't misparaphrase him,
15. Senator Knuppel said that he saw no value in the
16. deterrence in capital punishment was that he was
17. responding because he felt that society wanted to
18. get such people off the street. At least Senator
19. Knuppel's rationale is honest and candid and had that
20. been the rationale of this discussion of capital
21. punishment over the centuries, we may have arrived at
22. a different conclusion. I, for one, don't believe
23. that the good people of this State are crying at the
24. gates begging for us to invoke capital punishment.
25. What they are doing and I think quite vociferously
26. and logically and rightly so, they are requesting that
27. the Legislature address itself to the whole administration
28. of criminal justice and per chance come up with some
29. answer to why we have rapists, murders, et cetera in
30. an increasing number. I don't think we've done that.
31. And I think we escape between the dilemma...or the horns
32. of the dilemma when we resolve an issue this controversial
33. under the false rationale that it will be a deterrent.

1. I'm afraid of capital punishment, not only for the
2. reasons enunciated by Senator Netsch, which I subscribe
3. to completely, but I'm afraid of its misuse and abuse.
4. And throughout the years that I have lived in my adult
5. life in this country, I have seen that the victims
6. of capital punishment have fit certain classes, status,
7. ratio, economic and otherwise. I see no reason why this
8. will change if capital punishment is invoked again in this
9. State. As a matter-of-fact, I see no reason for a change
10. in climate based on the strong and almost overwhelming
11. and vicious attitude I see, strike vicious, toward
12. the invoking of capital punishment in this State.
13. I want to say this, if you are bottoming your reasoning
14. for...for voting for capital punishment on the illusive
15. value of deterrence I think you're bottoming on a false
16. issue. If you want to confront the issue squarely, I think
17. you have to admit, as Senator Netsch said, that you want
18. vengeance. But if you want vengeance, what you're
19. doing is unleashing onto society and the State of
20. Illinois, an attitude which I don't think we, at this time,
21. in this country, State and city, are prepared to accept.
22. This is a dangerous road you're traveling. I think
23. it will inure to the benefits of the people of this
24. State. It isn't only through television that we
25. garner certain attitudes and our children pick up
26. certain anti-social attitudes. They also get it from
27. the high levels and the austere chambers of the courts
28. and the Legislature. I, for one, predict
29. that if you invoke capital punishment in this State,
30. it will simply be one more wedge, one more step in
31. a direction of dehumanizing our children, making them
32. put life at a very low ebb. I think what this
33. Legislature should do if it does nothing else, is to
34. sanctify life and make it clear that under no circumstances

1. except in rigid self-defense. In no circumstances should
2. life be taken. I don't think this will solve any
3. problem. I think the problem is bigger than this.
4. I think there are social problems, psychological
5. problems, physiological problems which have to be
6. addressed in order to solve the problem which we...
7. which you want to get at. I think you're making
8. a grave, grave error if you adopt this bill or any other
9. capital punishment bill. And I, too, suffer for those who
10. I think will suffer if you pass it, the downtrodden,
11. the racial minorities, the economic wastrels. I
12. oppose this bill.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Glass.

15. SENATOR GLASS:

16. Thank you, Mr. President, Ladies and Gentlemen
17. of the Senate. I can add very little in opposition
18. to what...to this bill to what has been said by Senator
19. Netsch and Senator Washington. I would observe that the
20. trend this Session by this Body is toward more severe
21. penalties for criminals. We have passed a bill requiring
22. determinate sentences. There is a piece of legislation
23. that provides life sentences, I believe, for three time
24. losers. In fact, we have a very tough anti-crime
25. package. I think this is most appropriate and I...I do
26. believe that that is the direction for the State to go
27. and I think it will bear results. But as has been said
28. several times and as Senator Knuppel mentioned yesterday in...
29. in his debate, the capital punishment law will not
30. deter crime and that seems to be well substantiated and I
31. think we ought to face up to the fact that the motive,
32. therefore, for passing this bill is vengeance against
33. the criminal and that...that simply is wrong. I don't think there

1. is any justification for the State killing a person.
2. It's wrong for one man to kill another. There is nothing
3. that makes it right when the State does the killing and...and
4. I would say that of all of the correspondence against
5. the death penalty I have received, perhaps none is more
6. eloquent than this letter sent in 1976 from Reverend
7. Thomas Ventura of the Chicago Association of Priests
8. who closes by saying, "the Catholic Church is also
9. a community of hope. Some may claim that there is little
10. realistic hope for the rehabilitation of many criminals,
11. but there is absolutely no hope for rehabilitating a dead man."

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Davidson.

14. SENATOR DAVIDSON:

15. Mr. President and members of the Senate. As the
16. chief sponsor of the other death penalty bill, Senate
17. bill 174, which resides in the same Judiciary Committee
18. with Senator Egan's bill, and have been part of that
19. working subcommittee when it first started to put these
20. two bills in with the House Bill. I'd like to rise in
21. support and urge you to vote favorable...for this bill.
22. Apparently, the people, who have responded to me
23. from this area, must be out of tune or out of step with
24. one of the others because one of the greatest demands
25. that I've ran into, whatever social event or political
26. rally is, the people who are saying, when are you going to
27. restore the death penalty? Maybe it is vengeance. But
28. if you've been one of those parents as that group was
29. here from Rockford whose son was killed by somebody who had
30. been in prison twice, then released and now that man's
31. fourteen year old innocent son was dead, maybe you would want
32. vengeance, too. Maybe we should call the truth out and lay
33. it on the line. Some people want to go back to an eye for
34. an eye and a tooth for a tooth, the Old Testament.

1. May not be correct, but it certainly gives the people who
2. have been the innocent victim, that person who got killed
3. didn't ask for his life to be shortened just because someone
4. wanted to take him from among the living. I think this is
5. a good bill and I urge you to vote Aye.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Leonard.

8. SENATOR LEONARD:

9. I'd like to say a word or few about some common
10. threads which I think touch all of us here. I think
11. everybody in this room at a time has been angered
12. by something they have seen in the paper or something
13. they have watched on television. I would guess that
14. everyone of us in a moment has said, they ought
15. to shoot the so and so, numerous times every morning
16. at dawn. I'm sure everyone of us has seen that kind of
17. a story. Somebody has senselessly murdered somebody
18. else and we are enraged and I think everybody,
19. no matter how they feel on this, has had those moments.
20. I think everybody here understands Senator Davidson
21. when he talks about vengeance. I think it's an emotion
22. in us. I think also if we were not public and we
23. would sit down, the overwhelming majority of us in
24. this room would say, well, it isn't going to do any
25. good. We've all seen the statistics. We've all
26. seen the results. The best means that it doesn't make
27. any difference if you have a death penalty. As many
28. people get killed as don't get killed. But the
29. statistics indicate it isn't going to change anything
30. and we all way down in our gut know that. And we all have
31. a common thread which says, we are going to do something.
32. It isn't the people we meet at the fair and it isn't
33. our constituents. There's fifty-nine of us in this room

1. have got to vote. Now, yesterday, Senator Collins
2. came forth with an amendment which people said, well,
3. she wasn't sincere and said well, if there was going
4. to be a death penalty, six of us ought to go by raffle and
5. watch it and some said, well, that was irrelevant
6. and it had nothing to do with it. It really does.
7. We're going to vote today on whether people will be
8. executed. Sometime if we vote for it, some real people
9. are going to die and the warden is going to say, well,
10. I'm not the one that threw the switch. I am simply
11. doing my job. This afternoon, it is not our constituents,
12. it is us that make that decision, fifty-nine of us.
13. My personal feeling is and I am not against taking
14. life, but I think if we take life it ought to do some
15. good. And as I stand here this afternoon, the only good
16. I can think of is it might get me reelected and then I
17. have that interesting dilemma, should I order people to
18. death just to get reelected? And I think that is a
19. question that everyone of us has got to face this afternoon.
20. Thank you.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Knuppel.

23. SENATOR KNUPPEL:

24. Mr. President and members of the Body. Wisconsin
25. and Michigan have proved beyond any reasonable doubt
26. that the death penalty has no deterring effect on crime.
27. Why then the death penalty? Senator Netsch says there
28. are two reasons. One of them is...is for justification
29. and one is for revenge. But she does ignore the other
30. basis and that's the right of society to defend itself,
31. and to defend its members and its servants. Society does have the
32. right of self-defense to send armies marching off to kill
33. armies marching toward them. It also has the right to kill

1. people who would kill the members of that society.
2. Yes, society has the right to protect itself, to protect
3. itself against creeps like Charles Manson, Gary Gilmore,
4. Richard Speck, Smrekar and Graber. That is the only
5. basis that we can justify the death penalty. But so
6. help me, that is grounds enough and this bill does
7. that. It has the right to defend itself against people
8. who would place bombs in airliners, people who
9. would murder in mass proportions. There's no reason
10. that we should have to expose our public servants to
11. guarding and keeping people like Charles Manson,
12. Richard Speck or Smrekar. A man who would kill several
13. people who would appear as material witnesses to his
14. theft, his petty theft of a few slices of meat. And to see
15. that these people never again endanger any member
16. of our society. This is not revenge. It's nothing more
17. than defense. You can say yes, you can put them in a
18. prison. But you have no assurance that they'll
19. always remain there, or that they won't kill other members...
20. people who have committed lesser crimes who are confined
21. there. What are you going to do with men who kill
22. guards as they did at Menard State Prison a few years ago?
23. If you cannot dispatch those kind of people, you put them
24. back there for your servants to watch after slapping them
25. on the hand. I submit that this is not what the people
26. of this State want, nor the people of this country. I'm
27. not espousing it as a cure or as a protection or as
28. a deterrent. You can't justify it on that basis.
29. But as Senator Washington said to me yesterday, Knuppel,
30. your theory is at least direct. Let's get rid of the creeps.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Shapiro.
33. SENATOR SHAPIRO:

1. Well, Mr. President and members of the Senate. My
2. own personal feeling is that the courts and juries
3. should have the option of imposing the death penalty in
4. cases involving heinous and horrible crimes. And the
5. imposition of the death...penalty should be an option
6. and not mandatory and House Bill provides just exactly
7. that. I'm sure many in the Chamber have mixed emotions
8. about the bill and I personally have agonized every time
9. I have had to vote on the issue. But each time I've
10. come to the conclusion that capital punishment does serve
11. as a deterrent. The issue has been with us a long time.
12. Its constitutionality has been tested in the courts
13. many times. And most recently the United States Court
14. has held that legislation similar to what we are considering
15. is a deterrent. Without commenting on all the provisions
16. of the legislation, let me point out that we are
17. proposing that capital punishment can be invoked
18. for the commission of a horrendous and horrible crimes.
19. We are clearly experiencing the day when criminal activity
20. concerns us all and it is one of our biggest concerns
21. amongst the citizens of the State and this nation. Just
22. last week, we passed a series of laws and bills that
23. called for sweeping reforms in our criminal justice
24. system. They were designed to get tough with the unlawful.
25. They are a direct result of the public outrage over rampant
26. crime. These bills received overwhelming support. It would
27. make little sense to crack down on one hand and then on the
28. other, remove the ultimate deterrent by defeating this bill.
29. Let me summarize, House Bill does not mandate imposition
30. of the death penalty for certain crimes. It provides for
31. an option to our judges and juries and let me say that in
32. a sense if we do not pass House Bill 10, we, in effect, are
33. serving as judge and jury for years to come. What I want to

1. make...the point I want to make is that if we do not
2. pass a capital punishment bill, and have it become
3. the law of the State, we are saying to every potential
4. mass murderer, every murderer, every rapist who commits
5. that type of a crime in this State, that they will not
6. face the ultimate deterrent which I consider to be
7. capital punishment. In effect, we are saying to our
8. judges and juries that you cannot impose capital punishment
9. and in effect, are stating and are acting as the judge
10. and juries for time immemorial. Provides an option
11. and I urge your support of this legislation. Thank you.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Newhouse.

14. SENATOR NEWHOUSE:

15. Thank you, Mr. President. I will be brief. To
16. reinstate the death penalty is an act of blindness.
17. It's a distraction. It's a distraction from exercising
18. the kind of ingenuity that we do possess to solve some
19. very pressing social ills. We're retreating to the whole
20. concept of bread and circuses. No one in this room
21. can forget what happened with the public execution of
22. Gary Gilmore. It was a spectacle and it was a spectacle
23. that distracted us from concerning ourselves with the
24. very practical problems of what do we do with a large number
25. of people. A large number of people who are unemployed,
26. a large number of people who are lonely, a large number
27. of people who are not getting those social services that
28. we ought to be providing. Those are the issues that we ought
29. to be addressing ourselves to. Instead, we're talking now
30. about a retreat from civilization, a specific retreat
31. from civilization. And let no one in this Body be confused.
32. The death penalty is a divisive class action. No one
33. will suffer the death penalty except the poor and the deprived.

1. Those people for whom we ought to be trying
2. to find the solutions to raise their standards. To
3. integrate them into a social system that is truly
4. civilized. This is a retreat and I want no part
5. of it. I'll vote No on this bill.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Hickey.

8. SENATOR HICKEY:

9. Thank you, Mr. President. First of all, I want
10. to set the record straight about the parents of the boy
11. from Rockford. I think that they would feel very bad
12. if this group felt that they were interested only in
13. revenge in supporting the death penalty. I know them
14. very well and I feel that their chief concern is to
15. try to find some kind of a deterrent so that the kind
16. of thing that happened to their son will not happen
17. again, but they are not vengeful. We all know that
18. crime rates continue to increase. Some people explain that,
19. in part, perhaps too simplistically, that one of the...
20. one of the reasons for this may be the amount of violence
21. that's portrayed on television. Many of us deplore
22. this television violence. I deplore violence by anyone
23. and now I abhor the possibility of the State of
24. Illinois participating in violence, perpetuating
25. violence. The death penalty is contrary to all of the
26. Judeo-Christian traditions which we have honored
27. through centuries. As responsible adults, I want to join
28. the parents from Rockford in finding ways to solve our
29. problems. But not in violating the best traditions
30. of our background. I also will vote against this.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Lemke. Senator Graham.

33. SENATOR GRAHAM:

1. Thank you, Mr. President and members of the Senate.
2. I am always interested in giving the viewpoints of other
3. people regarding this very emotional issue in the minds
4. of some. I just say to you that some nineteen years
5. ago and not by my own choice, the leadership of this
6. Senate in their wisdom or lack of it, appointed me
7. to the commission to visit and examine State institutions
8. and thusly, I was assigned to prisons. I have spent
9. a considerable amount of time. I have talked to the
10. Roger Specks...Richard Speck and Crump, Bill Herrons and
11. others. Perhaps that is important. I was at Menard
12. on that evening in 1965 when those guards were stabbed.
13. I was there before the blood was cleaned up in the
14. dining room. I had an opportunity to go in the waiting
15. room and talk to the wives and families of those who were
16. in tears wondering about the outcome of their fathers
17. and loved ones. It depends upon who you're talking to
18. whether you think this is or is not a deterrent.
19. What about the inmate in the penitentiary who is afraid
20. of Herrons and he shouldn't be. Bill Herrons isn't
21. going to hurt anybody, but, who is afraid of another inmate
22. sentenced for life? What about him? If he gets killed
23. by his cell-mate, his cell-mate only gets life. If he
24. kills a guard, your uncle or mine, he only gets life.
25. I never hear the people that are crying out about this
26. saying anything about the victims. What about the victims?
27. Who thinks about the victims? They are forgotten.
28. While the inmates...while the convicted felon is sent
29. to the penitentiary, receive better medical treatment
30. for his entire life than he ever got at home, perhaps,
31. perhaps better food and gets an education and that victim
32. sometimes relegated to Public Aid and can't survive,
33. who says anything about the victim? No, we don't talk about

1. that. We forget that because the felon keeps continuing
2. to make the headlines because of some spectacular
3. thing he has done in prison. Ladies and Gentlemen
4. of this Senate, there could be a cure. We are unwilling
5. to do it. We're unwilling to reconstruct our courts
6. and say to them, as they have in Wisconsin, where they
7. say that it is not a deterrent, let's go towards the
8. Wisconsin method more. We can't because we haven't
9. got the guts to reconstruct the thinking of our courts,
10. we haven't got the courage to stand up and demand quick
11. and sure justice so we get them off the street. We
12. haven't got the courage to do it. We have them parolled.
13. We have them put out on probation. We had them put out
14. on everything in the world so they can continue their
15. way of crime then we say, there's no deterrent.
16. There's no deterrent because we haven't got the guts
17. to tell the courts of this country that we want action.
18. We haven't got it and we haven't been doing it. Ladies
19. and Gentlemen, I told my minister that came down with
20. me nineteen years ago when the death penalty was up,
21. he said, Senator, are you for the death penalty? And
22. I knew he wasn't. I said, yes, I'm going to vote for
23. it. Well, do you believe in it? I said, no, I don't
24. like it really, but it's something I'm afraid to be without.
25. There's only one thing wrong with the imposition of the
26. Death Penalty Statute is the fact that we probably won't
27. use it. And that it is a mockery. If we're not going to do
28. that, let's go to a...or justice system. Let's get
29. them off the street. Let's send them to the penitentiary
30. and let's keep them there. And above all, let's remember
31. the victims. I, too, Senator Hickey, met with the parents
32. of those...that youngster in Rockford, in Peoria and I
33. understand their feelings, too. I've talked to more felons

1. and criminals than any man in this General Assembly.
2. And you can't convince some of them who are inside the
3. penitentiary that the death penalty is not a deterrent.
4. I'll tell you you can't. If you talk to the spectaculars,
5. you won't find that out. Go through the cell blocks.
6. Go through the yards. Sit down and talk to them
7. before you become an expert on whether or not it's a
8. deterrent.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Grotberg.

11. SENATOR GROTBORG:

12. Thank you, Mr. President. Two points on this bill.
13. I look around this Chamber and I see an age group of men
14. and women who in their formative years were in the
15. 1930's. It was before television, but we had radio.
16. I had the blessing of being twenty miles out of town
17. on a farm in North Dakota, the only connection to society
18. was a radio and a weekly newspaper. And in my formative
19. years, the biggest news was Joe Lewis and his boxing
20. and the current executions of the day. And I'll tell
21. you, I can't speak for anyone but myself, out of executions,
22. in my formative years, the fear of God was put in
23. me about murder. I know of no better or other way to drive
24. home a point to a young person, then to let him know the
25. finality of his dasterdly deeds. It did the job for me.
26. I don't know that I would have become a killer without it,
27. but I'll tell you it drove the point home. My second
28. point follows, Senator Graham, to this respect, in the 38th
29. legislative district, we have our famous six prisons and
30. over two thousand guards plus our State Police and
31. correctional officers and I say to you that I stand up
32. here year after year, I do not believe in collective bargaining,
33. I do not believe sometimes that we can go with no money and offer

1. big pay increases, but the one thing we can deliver
2. to some of those people annually the way it's been going,
3. is their life. And I would be chagrined if I were to sit
4. here and not say to my constituents who work for the
5. State of Illinois and put their life in our hands every
6. day on behalf of society, that if anyone extracts
7. your life, they are done. And with that fear of God
8. in them, perhaps your life will be saved. I certainly
9. recommend an Aye vote for this bill.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Guidice.

12. SENATOR GUIDICE:

13. Thank you, Mr. President, members of the Senate.
14. I rise in opposition to this bill. I've got two fears.
15. One fear that we make the mistake and it's going to be
16. us making the mistake when that particular individual
17. was executed and this I fear the most. The second
18. fear I have is in regards to this particular bill and I think
19. Senator Graham made a remark regarding it, and he indicated...
20. well, that cell mate who kills the...the guard, well,
21. he has the immediate possibility now of being executed.
22. But, that same cell mate who kills another cell mate
23. he doesn't fall under this provision of this Act. In fact,
24. there's many people not covered under this Act. So, we give
25. these guides to the people of Illinois that we're going to
26. have a death penalty and the fact of the matter is, it's only
27. for a very few. It's only going to cover a very few people.
28. It's not going to cover my children, it's not going to cover
29. my wife. And I am opposed to this bill.

30.

31.

32.

(The following typed previously)

33.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Smith. Senator Smith.

3. SENATOR SMITH:

4. Mr. President and Ladies and Gentlemen of the Senate.

5. I just spoke with the Assistant Majority Leader and I
6. assured him that I was fearful as he approached the
7. spot you now occupy because something propels me to
8. enter the course of this discussion and I knew how quickly
9. and how handily he is with that gavel after I will have spoken
10. one or two minutes as I contend and he says that my time
11. is up. I'm not trying to bias you because I don't
12. propose to speak at length. Something was said by Senator
13. Newhouse, however, that caused me to believe that I should
14. enter the course of this discussion. I can't say whether
15. I'm speaking for the bill or against it. But, certain
16. thoughts entered my mind as he said and I quote, "the
17. passage of this bill would be a retreat from civilization."
18. I quote you correctly. I wrote it after you had said it.
19. I don't think there's anyone in this Body that knows me,
20. however, that could possibly think that I could or would
21. vote for the passage of a bill of this type. I recall
22. years ago a man who was a lawyer and a good lawyer.
23. He was a brother, friend, advisor and all rolled into one
24. to this, your humble servant. I make reference to the late
25. Clarence Darrow, who was the Nestor of the criminal
26. bar here in the State of Illinois, at least at that time.
27. And I recall something that he said to me on one occasion
28. with reference to just this particular subject when I walked
29. into his office. He said in that peculiar drawl of his
30. that every man, now this is, I think, an indictment of some of
31. you good gentlemen who are practitioners at the bar, but
32. he said that every so called criminal or individual in a penal
33. institution waiting for the carrying out of the death

1. penalty in his or her case, is there because they did not
2. have competent counsel to speak for and to represent them.
3. I've listened here today to statistics with regards to
4. certain states beginning with Senator Netsch and I enjoyed
5. her remarks and agree with all that she said and then
6. Senator Leonard quoted statistics. That didn't overly
7. impress me and this is no boast, I can take any set of
8. statistics that you give me and give a little time to it
9. and I will convince you or prove to you that they mean
10. exactly the opposite to that for which they were
11. intended. But when Newhouse said that it's a retreat
12. from civilization I motioned to him and then went to the
13. Chair and asked the Chair to put my name down to have just
14. a few minutes to say what possesses me. I'm wondering
15. if you learned men and women, able, competent, as efficient
16. as you are, are really thinking, really and truly and
17. definitely thinking as you stand here and make the various
18. and differing arguments that have been made here today.
19. I've heard you refer to individuals as criminals and their
20. acts as crimes. And I've had to wonder as I sit here,
21. if, in actuality, any one of us know what really after
22. all is a crime. I've heard of these horrible things that
23. you've said with reference to the killing here and the
24. killing there, the killing in various parts of the State.
25. Horrible? Yes. But, who I, repeat, actually knows what is
26. a crime or whether that which we commonly call a crime is merely
27. a weakness inherent in the scheme of things? For an example,
28. a man or a woman or a boy or a girl, Mr. Chairman...or President,
29. he may read, he may study, he may be observant and he will
30. learn something about the tides and the currents of the
31. sea. He or she may learn something about the circuits of the
32. wayward winds, but there is not a man living that knows where
33. the storms are born that wreck and rend. What is my point?
34. Just this, which one of us knows in the final analysis

1. in what strange rim of the mind, the mist and clouds are
2. formed that darkens all of the heavens of the mind and
3. holds that individual in its firm embrace until the so
4. called frightful crime is done? You say that you will
5. put a man to death. When I was a lad I saw hangings,
6. horrible thing, but we have advanced and we now cook
7. them alive in an electric chair. I've seen that, too.
8. I've seen men go to the chair. I've heard their cries.
9. I know you're getting up and I don't blame you. I don't
10. blame you. Neither I or no one else is going to change
11. a single vote here today. Your minds are made up.
12. My mind was made up when you spoke, Dick. When you said
13. that it is a retreat from civilization. I believe it to be.
14. I think that the supporters and it doesn't mean you,
15. my friend, you know I think highly of you, Senator,
16. you're merely a vehicle in this instance and in this
17. case, but I frankly think that the real true honest
18. to God supporters of that damnable, if I may call it,
19. theory of putting a man in a chair and holding him there
20. while you cook him alive, I think rather that it was
21. meant for the wild and the savage state of the world and
22. they have, not you again, Senator, but that they have unluckily
23. been born too late. I've been down in the valley in the
24. shadow. You know you older members here. My son was killed
25. as fine a lad as ever walked the streets of the City of
26. Chicago. I knew that my family was not agreeing
27. with me while they were selecting the policemen to ferret
28. out the perpetrators of that crime...so called crime.
29. When the then Mayor, whose son is absent here today,
30. called me in and asked what I wanted done, I said I want
31. the killer caught. He says, what then? I said I'd like for
32. you to keep him, move him from court to court, from jail to
33. jail. He says, why? I want my hair to grow out. I want my

1. mustache to grow out. I want my beard to grow out.
2. He says, what then? I said, then if you have him
3. apprehended, I want you to allow me to put on some of the
4. worst clothing I can find. And then what? Put me in
5. a cell with him or him in a cell with me and don't
6. let him know who I am, that I am the father of the deceased.
7. He says, what then? How long? I says, for perhaps
8. six weeks. He says, what do you want to do? You're
9. making the mistake of your life. He says, you couldn't
10. fight one of these so called criminals. I says, I know
11. I couldn't. I don't want to fight him. I want to talk
12. with him. I want to try to reason with him. I want
13. to see what it is if I can, that causes a man to commit
14. such a hellish, such a fiendish, such a damnable crime as
15. that. My family said nothing until we had returned
16. home. I worried the man, the father of the lad that sits
17. over there nearly to death. I was with him a short while
18. before he died. Perhaps my constant attendance there at his
19. office may or may not, I don't know, have hastened his
20. demise from this that we call life and that's another thing.
21. I don't know whether I'm alive or dead. I know we use
22. certain terms, but we use terms so frequently. We are
23. so given to talk that's one of the reasons you see me
24. sitting here day after day never saying anything. You make
25. your arguments. Any man, any man that thinks could tear
26. them to pieces, tear them to shreads, but we...do we ever
27. stop really to think? I had three...no two relatives killed
28. in the year nineteen hundred and thirty-three and when they
29. finally caught and killed the lad that killed my son,
30. upon whom my life's efforts was centered, my boy, who is
31. a policeman, wanted me to go down and see the body. I didn't
32. go, I didn't want to see it. I don't consider it good police
33. work, six or eight men and in this instance of electric chair, one

1. turning...I've seen them turn the button and press the
2. lever and so forth and the smoke ascend and the body shake
3. forward and back and then he is no more. You've been kind.
4. You didn't rap me down. I rather appreciate...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. I...I am about to.

7. SENATOR SMITH:

8. I know you are. I know that and I sensed it when
9. Donnewald came down and Washington and I were talking
10. and I told him, I'm glad you're not taking the Chair.
11. I know I wouldn't have a chance to say anything and I
12. haven't said anything yet. I could wish that I might have the
13. time to discuss it and it needs discussion. But
14. I cannot and you who know me know, you know it,
15. there's no way under high Heaven that Fred Smith could
16. vote or by my vote aid in putting any individual to
17. death cooking him there in the...I just couldn't
18. do it and you know it.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Nimrod.

21. SENATOR NIMROD:

22. Mr. President and fellow Senators. In speaking
23. with Senator Coffey this morning at the hospital,
24. he asked me to convey the fact and make it a matter
25. of record that had...if he were able to be here today,
26. that he would vote to support...Aye on the death
27. penalty. I would like just briefly make a comment
28. pertaining to this very important issue. This
29. issue is one that searches all of our souls and
30. for me, it's one which really does get down to
31. the very fibers of what life is all about.
32. I have come to the conclusion that this is morally
33. right. I have spent six years of my life learning and

1. training for my Country to defend it. If it meant to
2. take other lives, it was right. We have a very
3. serious problem that we face today and that is crime.
4. We have also the case of deciding whether or not we
5. have the right to protect those about us. There comes
6. a time when we make decisions that we must search
7. down to our moral beliefs. I sincerely believe this
8. is a deterrent. I believe it is morally right for
9. me and each of us must decide for ourselves. Thank
10. you.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Hynes. Senator Hynes.

13. SENATOR HYNES:

14. Mr. President, members of the Senate. I rise in
15. support of House Bill 10 and not...not without having
16. carefully considered the matter, considered this particular
17. bill and the underlining issue. I think that the bill
18. in...as it is drafted, satisfies the requirements of
19. the Unites States Supreme Court. I think it is as
20. narrowly and tightly drawn as it can be. It is the
21. work product of two years of careful study by those
22. involved in its drafting and sponsorship. In my
23. judgment it will have a deterrent effect, it will
24. allow society to protect itself and I note specially
25. the limited categories which are covered by this
26. legislation. The murder of a prison guard, the murder
27. of a police officer, murder by contract, the most
28. heinous, serious crimes imaginable. I think that the
29. people of the State of Illinois have repeatedly expressed
30. themselves on this issue and it is their overwhelming
31. sentiment that the death penalty should be restored in
32. Illinois and I intend to support this legislation.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Newhouse for the second time.

2. SENATOR NEWHOUSE:

3. Thank...thank you, Mr. President. Senator Earleen
4. Collins is absent from the Chamber today because of
5. illness. She asked if I would read into the record a...a
6. statement that she would like to be on the Floor to make
7. today and I'd like to do it at this point, Mr. President.
8. "I regret not being able to be in Springfield today to
9. express my opposition to the death penalty. Yesterday,
10. some of you expressed dismay over the amendment I
11. introduced mandating that Legislators be witnesses
12. to the executions. It was clear by your actions that
13. few of you were willing to take part in the executions
14. yourselves, yet you were willing to enact the law that
15. would require that murders be carried out by someone
16. else. Today I ask that you examine your consciences
17. before you'd push the green button. Because that
18. button is, in fact, the switch that will put to death
19. those who are condemned to die. What then do you tell
20. your children when they come to you and say that one
21. of their friends has committed a willful, wrongful
22. act against them. Do you tell them that they have
23. the right to take revenge by doing to that friend
24. what was done to them? Equally important, what do
25. people you've employed to carry out the executions
26. tell their children about their job or profession?
27. Do they tell them that they are employed as hired
28. professional murderers? Is that an acceptable
29. role model for the children in a highly civilized
30. society? It is inconceivable for me to believe
31. that men and women of this Body with great minds
32. and great wisdom could believe that the outcry
33. from the people to reinstate the death penalty

1. is, in fact, a sanction for legalized murder. I would
2. like to inform you that the majority of the people
3. in the State are not blood thirsty. Their support
4. for the death penalty is, in fact, a plea to those
5. who...those of us who have been entrusted with the
6. safety and security and their wellbeing to seek
7. positive, constructive, solutions to the ever growing
8. crime problems. That is our charge and we must
9. accept the challenge if there is hope for the survival
10. of our civilization. I appeal to you to vote No on
11. House Bill 10."

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Any further discussion? Senator Egan to close
14. the debate.

15. SENATOR EGAN:

16. Thank you, Mr. President, and members of the Senate.
17. Let me just say in closing that after the careful
18. consideration that this bill has received, after
19. the deliberations by the United States Supreme Court,
20. in not just one, but three cases. And after the time
21. that we have...devoted to this bill, I know that the
22. sponsors of this legislation do not intend it to
23. be an act of vengeance. They intend it to be an act
24. of deterrence. I think that fear is a deterrence. I
25. know armed robbers who use toy pistols have been deterred
26. from using real guns because of fear, fear of the
27. electric chair. I think that it is a deterrence. I
28. firmly believe that. If we can save but just one
29. innocent life with this bill, I think it will have
30. been a monument to our society. We know that the
31. people want the bill. I ask you, join together in
32. self defense for our society and I ask for your
33. support.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. The question is shall House Bill 10 pass. Those
3. in favor will vote Aye. Those opposed will vote Nay.
4. The voting is open. Have all voted who wish? Have
5. all voted who wish? Have all voted who wish? Take
6. the record. On that question the Ayes are 40, the
7. Nays are 13, none Voting Present. House Bill 10,
8. having received the constitutional majority is
9. declared passed. Any further business to come
10. before the Senate? Senator Joyce, for what purpose
11. do you arise?

12. SENATOR JOYCE:

13. Yes, Mr. President, I would like to waive the
14. Six Day Rule so that House Bill 1012 could be heard
15. in committee this afternoon, Local Government.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. You heard the request. Is leave granted? So
18. ordered. Senator Berman, for what purpose do you
19. arise?

20. SENATOR BERMAN:

21. Thank you, Mr. President. On House Bill 2243,
22. it came over a couple of days ago. Senator Hall
23. is shown as the principal sponsor and with leave
24. of the Senate, I'd ask that I be shown as principal
25. sponsor of House Bill 2243. That's with the consent
26. of Senator Hall.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. You heard the request. Is leave granted? So
29. ordered. Senator Wooten.

30. SENATOR WOOTEN:

31. I would like leave of the Body to have my name
32. taken off as principal sponsor of House Bill 2240 and
33. have Senator Rock's replaced and also announce Committee

1. on Executive will meet at 2:30.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. You've heard the request. Is leave granted?

4. So ordered. Senator Graham.

5. SENATOR GRAHAM:

6. Is Senator Johns on the Floor? Senator Johns. On
7. House Bill 640, it shows Senator Johns as the lead
8. sponsor, he was a...request of the House sponsor that
9. I be shown as the lead sponsor and that Senator Johns
10. if he so desires would be Graham-Johns as sponsors
11. on the bill.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. You've heard Senator Graham's request. Is leave
14. granted? Leave is granted. So ordered. Senator Rupp.

15. SENATOR RUPP:

16. Yes, I would like to ask leave, Mr. President, to
17. discharge House Bill 1202 from Judiciary I and assign
18. it to the Local Government. I've talked with the
19. chairman of the two committees and the Chairman of
20. the Assignment Committee.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. The Chairman of Assignments indicates that request
23. is in order. You've heard the request. Is leave
24. granted? So ordered.

25. SENATOR RUPP:

26. ...waiver too, Six Day waiver, please, Mr. Chairman.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Yes, Senator Rupp seeks waiver of the Six Day
29. Posting requirement for House Bill 1202. Is leave
30. granted? So ordered. Senator Smith.

31. SENATOR SMITH:

32. Mr. President, I merely wish to state that the
33. Committee on Health, Welfare and Corrections will

1. be held immediately in Room 400.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Further announcements? All right. Mr. Secretary.

4. SECRETARY:

5. This morning on the committee report from Elementary

6. and Secondary Education, House Bill 1203 was inadvert-

7. ently left off and it will be reported on 2nd reading

8. tomorrow.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Is leave granted? So ordered. Any further

11. business...Senator Graham.

12. SENATOR GRAHAM:

13. I have one more announcement to the colleagues on my

14. side of the aisle. I called you this morning and requested

15. you to drop by my office. There's a couple of ladies that want

16. to talk to you in there. I suggest you do that forthwith.

17. Thank you, Mr. President.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Any further business to come before the Senate?

20. Further business to come before the Senate? If not,

21. Senator Donnewald moves that pursuant to the adjournment

22. resolution, the Senate stand adjourned until Wednesday,

23. June the 8th at the hour of one o'clock. The Senate

24. stands adjourned.

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