

78th GENERAL ASSEMBLY

May 1, 1973

1. PRESIDENT:

2. Will the Senate please come to order? Will the
3. Senate please come to order? The prayer will be
4. delivered by the Reverend James Barge, Minister of
5. the Westminster Presbyterian Church of Springfield.
6. Reverend Barge.

7. (Prayer given by Reverend Barge.)

8. PRESIDENT:

9. Reading of the Journal.

10. SECRETARY:

11. Saturday, April 14, 1973.

12. PRESIDENT:

13. Senator Soper.

14. SENATOR SOPER:

15. Mr. President, I move to dispense the further reading
16. of the Journal of April 14th and unless some Senator has
17. corrections to offer, the Journal stand approved.

18. PRESIDENT:

19. Senator Soper moves to dispense with the further
20. reading of the Journal of April 14th. All in favor
21. signify by saying aye. Contrary nay. The motion carries
22. and the Journal for April 14 is approved. Senator Soper.

23. SENATOR SOPER:

24. Mr. President, I move to postpone reading and approval
25. of the Journals of April 24th, April 25th and April 26th
26. pending the arrival of the printed Journal.

27. PRESIDENT:

28. Senator Soper has moved postponement of the reading
29. of the Journals of April 24th, 25th and 26th until the
30. arrival of the printed Journal. All in favor of the
31. motion signify by saying aye. Contrary nay. Motion
32. carries. Those Journals are postponed until the
33. arrival of the printed copies thereof. Committee reports.

1. SECRETARY:

2. Senator Knuepfer the Chairman of the Committee
3. on Public Health, Welfare and Corrections reports
4. SB 361 with the recommendation the bill Do Pass as
5. Amended. House Bill 251 with the recommendation
6. the bill Do Pass.

7. Senator Soper, Chairman of the Committee on
8. Local Government reports SB 236, 242, 243, 362, 497
9. and 508 with the recommendation the bills Do Pass.
10. Senate Bills 364, 385, 504, 505, 506, 507 and 678
11. with the recommendation the bills Do Pass as Amended.

12. Senator Conolly, the Chairman of the Committee on
13. Transportation and Public Utilities reports Senate
14. Bills 191, 228, 464, 465, 570 and House Bills 12 and
15. 187 with the recommendation the bills Do Pass. Senate
16. Bills 423 with the recommendation the bill Do Pass
17. and be re-referred to the Committee on Appropriations.
18. SB 387, 422, 491 and 514 with the recommendation the
19. bills Do Pass as Amended. SB 128 with the recommenda-
20. tion the bill Do Not Pass.

21. PRESIDENT:

22. Message from the Senate.

23. SECRETARY:

24. To the Members of the Senate. I hereby appoint
25. Senator Edward McBroom to be a member of the Senate
26. Operations Commission for the term ending January 1975.

27. Sincerely,

28. William C. Harris, President.

29. PRESIDENT:

30. Messages from the House.

31. SECRETARY:

32. A message from the House by Mr. Selcke, Clerk.

33. (Secretary reads message).

1. PRESIDENT:

2. Senate Bills on second reading. Senator Partee, 38.
3. Senator McBroom, 55. Senator McBroom.

4. SECRETARY:

5. SB 55.

6. (Secretary reads title of bill).

7. 2nd reading of the bill. The Committee on Local Govern-
8. ment offers one amendment.

9. PRESIDENT:

10. Senator McBroom.

11. SENATOR MCBROOM:

12. Mr. President, the...these bills were amended in...in
13. Local Government to exclude Cook County out of...of the
14. bills, Mr. President. Apparently, I'm not going to be
15. able to pass them that way, so we...we'll try another
16. direction. ...Do I move to reconsider the vote...
17. taken in Committee, Mr. President? What is the proper
18. parliamentary motion?

19. PRESIDENT:

20. Yes. Well, all you need to do is make a motion
21. to...Table the Committee Amendment and...put it to a
22. motion.

23. SENATOR MCBROOM:

24. ...I so move, Mr. President, on the whole series
25. or must it be done individually?

26. PRESIDENT:

27. ...It must be done as we consider each bill after
28. it has been read a second time. Senator Graham.

29. SENATOR GRAHAM:

30. ...Mr. President, I'd like to ask the sponsor a
31. question. The amendment that you...mean to delete from
32. this was the amendment that excludes Cook County? Now
33. is that on...

1. PRESIDENT:
2. Senator Graham.
3. SENATOR GRAHAM:
4. Is that on all the bills in the series?
5. PRESIDENT:
6. Senator McBroom.
7. SENATOR MCBROOM:
8. Yes, it is.
9. SENATOR GRAHAM:
10. Senator, I have a.... Well, I...I have no
11. interest in them except 55. If you want to do the
12. rest of them except SB 55, I'm perfectly happy to...
13. SENATOR MCBROOM:
14. Let hold 55, Mr. President.
15. PRESIDENT:
16. All right take 55 out of the record. Let's proceed
17. with SB 56.
18. SECRETARY:
19. SB 56.
20. (Secretary reads title of bill).
21. 2nd reading of the bill. The Committee on Local Govern-
22. ment offers Amendments 1 and 2.
23. PRESIDENT:
24. Senator McBroom.
25. SECRETARY:
26. Amendment #1 is the two million population amendment.
27. SENATOR MCBROOM:
28. Is the Cook County Amendment? That's the one I...I
29. move to Table.
30. PRESIDENT:
31. All right. Senator McBroom moves to Table Amendment
32. #1. All in favor signify by saying aye. Contrary nay.
33. The motion to Table carries. Senator McBroom. Amendment #2.

1. SENATOR MCBROOM:

2. ...Well, Amendment #2 is the language amendment, isn't
3. it, Mr...

4. SECRETARY:

5. Amendment #2 is...yes, it's a substantive amendment.

6. SENATOR MCBROOM:

7. Yeah...I...I want to leave that amendment on and
8. move on to SB 57 then.

9. PRESIDENT:

10. Well, you have to move to adopt the amendment.

11. SENATOR MCBROOM:

12. ...I, all right, I move to adopt the Amendment #2.

13. PRESIDENT:

14. Senator McBroom moves to adopt Committee Amendment
15. #2. All in favor signify by saying aye. Contrary nay.
16. The motion carries. Amendment #2 is adopted. SB 56.
17. I'm sorry, 57. Yes. 3rd reading for SB 56.

18. SECRETARY:

19. SB 57.

20. (Secretary reads title of bill).

21. 2nd reading of the bill. The Committee on Local Govern-
22. ment offers Amendments #1 and 2.

23. PRESIDENT:

24. Senator McBroom.

25. SENATOR MCBROOM:

26. ...I'd like to...I move to Table Amendment #1...Mr.
27. President.

28. PRESIDENT:

29. Senator McBroom moves to Table Committee Amendment
30. #1. All in favor signify by saying...Senator Dougherty.

31. SENATOR DOUGHERTY:

32. In that SB 57, Sir, I know we've...

33. PRESIDENT:

Just a minute....

1. SENATOR DOUGHERTY:

2. ...Had a great deal of rhetoric here about the...

3. PRESIDENT:

4. Senator Dougherty. ...Senator Dougherty,...just
5. a minute, please. Now there is just too much disorder.
6. Senator Dougherty is...discussing a bill with the
7. sponsor and he's going to have some order in which
8. to be heard. If you have to have these discussions,
9. please take them off the Floor. Senator Dougherty.

10. SENATOR DOUGHERTY:

11. Well, as far as SB 57...this concerns a subject...
12. which has been a great deal of rhetoric around this
13. State House for some time. It takes away...the... Cook
14. County out of the fact wherein the General Assembly
15. sets up a local mass transportation district. Now,
16. that's a highly controversial subject and I would
17. suggest at this time, let's stick with the bill...
18. and the...and the tradition of the Senate at this
19. time until we work out this program about local mass
20. transportation districts. We all know it's contro-
21. versial. The program envisioned now takes in about
22. six counties... I would prefer to leave the amend-
23. ment on there until such time as we decide the entire
24. program of local mass transportation districts. Not
25. to belabor the subject or hinder it in any way, but
26. this is a very...I think...

27. PRESIDENT:

28. Senator McBroom.

29. SENATOR McBROOM:

30. I...that's agreeable with me Senator Dougherty.
31. I'm holding one for Senator Graham, I'll talk to him
32. about it and I'll talk to you about this one. That...
33. that's fine, we'll move on to the next one, Mr. President.

1. PRESIDENT:

2. All right, take...SB 57 out of the record. SB 58.

3. SECRETARY:

4. SB 58.

5. (Secretary reads title of bill).

6. 2nd reading of the bill. The Committee on Local Govern-
7. ment offers Amendments #1 and 2.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Senator McBroom, what is your...

10. SENATOR MCBROOM:

11. Yes, I move...I move to Table...One? Move to adopt...
12. Committee Amendment #1.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. ...Let's deal with them one at a time. Senator
15. McBroom moves to adopt Committee Amendment #1 to SB 58.
16. Are we dealing with... All in favor will signify by
17. saying aye. Opposed. The amendment is adopted.

18. Senator McBroom.

19. SENATOR MCBROOM:

20. ...Does that have two amendments, Mr. Fernandes?

21. ...I move to Table Committee Amendment #2.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator McBroom moves to Table Committee Amendment
24. #2 to SB 58. All in favor will signify by saying aye.
25. Opposed. The ayes have it, the amendment is adopted.
26. Any amendments from the Floor? 3rd reading. Gentlemen,
27. gentlemen, gentlemen and ladies, let's discontinue our
28. caucuses or take them off of the Floor, please. Or
29. we'll recess and have a joint caucus, maybe that will
30. solve the whole thing. SB 59, Senator McBroom.

31. SECRETARY:

32. SB 59.

33. (Secretary reads title of bill).

1. 2nd reading of the bill. The Committee on Local Govern-
2. ment offers Amendment #1.
3. PRESIDING OFFICER (SENATOR GRAHAM):
4. Senator McBroom.
5. SENATOR MCBROOM:
6. Move to Table Amendment #1, Mr. President.
7. PRESIDING OFFICER (SENATOR GRAHAM):
8. Senator McBroom moves to Table Amendment #1 to SB 59.
9. All in favor will signify by saying aye. Opposed. The
10. ayes have it and the amendment is Tabled. Any amendments
11. from the Floor? 3rd reading.
12. SECRETARY:
13. SB 60.
14. (Secretary reads title of bill).
15. 2nd reading of the bill. The Committee on Local Govern-
16. ment offers one amendment.
17. PRESIDING OFFICER (SENATOR GRAHAM):
18. Senator McBroom.
19. SENATOR MCBROOM:
20. Table.
21. PRESIDING OFFICER (SENATOR GRAHAM):
22. Senator McBroom moves to Table Committee Amendment #1
23. to SB 60. All in favor will signify by saying aye.
24. Opposed. The ayes have it. The amendment is Tabled.
25. Any amendments from the Floor? 3rd reading.
26. SECRETARY:
27. SB 61.
28. (Secretary reads title of bill).
29. 2nd reading of the bill. The Committee on Local Govern-
30. ment offers one amendment.
31. PRESIDING OFFICER (SENATOR GRAHAM):
32. Senator McBroom.
33. SENATOR MCBROOM:

1. Move to Table.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Senator McBroom moves to Table Committee Amendment
4. #1 to SB 61. All in favor will signify by saying aye.
5. Opposed? The ayes have it amendment is Tabled. Any
6. amendments from the Floor? 3rd reading. SB 62.

7. SECRETARY:

8. SB 62.

9. (Secretary reads title of bill).

10. 2nd reading of the bill. The Committee on Local Govern-
11. ment offers one amendment.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator McBroom.

14. SENATOR MCBROOM:

15. Table.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator McBroom moves to Table Amendment #1 to SB 62.
18. All in favor will signify by saying aye. Opposed. The
19. ayes have it, the amendment is Tabled. Any amendments
20. from the Floor? 3rd reading. SB 63.

21. SECRETARY:

22. SB 63.

23. (Secretary reads title of bill).

24. 2nd reading of the bill. The Committee on Local Govern-
25. ment offers Amendments 1, 2 and 3.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator McBroom, what is your desire for...with re-
28. gard to SB...to Amendment #1?

29. SENATOR MCBROOM:

30. Move...move to Table Committee... Move to adopt
31. Committee Amendment #1.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Senator McBroom, moves to adopt Committee Amendment #1

1. SB 63. All in favor will signify by saying aye. Opposed.
2. The ayes have it, the amendment is adopted. Amendment #2.
3. Senator McBroom, moves to Table Amend...Committee Amend-
4. ment #2 to SB 63. All in favor will signify by saying
5. aye. Opposed. The ayes have it, the amendment is Tabled.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. You better get some help over there, this audience
8. is getting a little tight on this.

9. SENATOR MCBROOM:

10. Move to adopt Committee Amendment #3, Mr. President.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator McBroom moves to adopt Committee Amendment
13. #3 to SB 63. All in favor will signify by saying aye.
14. Opposed. The ayes have it the amendment is adopted.
15. The Amendment #3 was adopted. Any amendments from the
16. Floor? 3rd reading. SB 64.

17. SECRETARY:

18. SB 64.

19. (Secretary reads title of bill).

20. 2nd reading of the bill. The Committee on Local Govern-
21. ment offers one amendment.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator McBroom.

24. SENATOR MCBROOM:

25. Move to Table.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator McBroom moves to Table Committee Amendment
28. #1 to SB 64. 64. All in favor will signify by saying
29. aye. ...I didn't know we were up that far. How many
30. bills do we have in the Senate? The ayes have it,
31. the amendment is Tabled. Any other amendments? Those
32. opposed will vote in the negative. The ayes still have
33. it and the amendment is Tabled. SB 65.

1. SECRETARY:

2. SB 65.

3. (Secretary reads title of bill).

4. 2nd reading of the bill. The Committee on Local Govern-
5. ment offers one amendment.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Senator McBroom moves to Table Committee Amendment

8. #1 to SB 65. All in favor will signify by saying aye.

9. Opposed. The ayes have it, the amendment is Tabled.

10. Ladies and Gentlemen of the Senate, if...if I am

11. interfering with your caucuses out there at the point

12. you can't hear each other, if you will please advise

13. me, I'll try to turn down the microphone, but if...

14. I'm not interfering, I would wish again that you

15. would cooperate with the Chair and keep the noise

16. down to a screaming level, at least. SB 66.

17. SECRETARY:

18. SB 66.

19. (Secretary reads title of bill).

20. 2nd reading of the bill. The Committee on Local Govern-

21. ment offers one amendment.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator McBroom.

24. SENATOR MCBROOM:

25. Move to Table.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator McBroom moves to Table Amendment #1 to SB 66.

28. All in favor will signify by saying aye. Opposed. The

29. ayes have it, the amendment is Tabled. There's two voting

30. over there now. Do you have another amendment?

31. SENATOR MCBROOM:

32. I hope not.

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. 3rd reading. Oh did...I forgot to ask you Senator
2. Welsh, did you have an amendment from the Floor on 66?
3. No amendments, so it's on 3rd reading, yes, sir. Where
4. are we now? That series has...has been handled adequately
5. we will now go to SB 120, Senator Don Moore. We will
6. now go to SB 148, Senator Jack Schaffer. We'll now go
7. to SB 194, Senator Swinarski. We'll now go to SB 210,
8. Senator Bell. He indicates he'd like to have his bill
9. read a second time.

10. SECRETARY:

11. SB 210.

12. (Secretary reads title of bill).

13. 2nd reading of the bill. No committee amendments.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Are there any amendments from the Floor? 3rd
16. reading. Senator Bell..

17. SENATOR BELL:

18. Mr. Chairman, SB 210 was heard in Committee, was
19. proved in Committee with the idea in mind that there
20. would be a Floor amendment prepared and that amendment
21. has been prepared in compliance to what the Committee's
22. directions were...therefore, I would like to move it
23. on to 3rd reading.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. What do you plan on doing to the amendment, has it
26. been put on the bill?

27. SENATOR BELL:

28. I move for the adoption of the amendment as agreed
29. upon by...

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Well, we had already...you missed your opportunity
32. there, but we will take from the record. It went to
33. 3rd reading. And you do move, Senator Bell moves the

1. the adoption of Amendment #1 to SB 210. You care to
2. explain...your amendment Senator Bell, any further?
3. We could have some order..the Senator, who might be
4. willing to tell you what the amendment contains.
5. Could we have some order, please?

6. SENATOR BELL:

7. Yes...Mr. President this...this amendment is in
8. relation to a bill...SB 210 that seeks to establish
9. physical education in the junior colleges as a...
10. reimbursable State item just as any other subject
11. taught in the junior college system. It has been
12. recently setup whereby physical education did not
13. come under the sixteen dollars and fifty cents per
14. hour reimbursement and SB 210 seeks to address it-
15. self to make that correction...the amendment is
16. giving each junior college district the opportunity
17. to...either decide whether they want to have physical
18. education or whether they want to...set physical
19. education as a requirement aside and if they decide
20. they do want it they will be able to collect from
21. the State. It's State funding just as in any other
22. subject matter. Thank you, Mr. President.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. All in favor of the adoption of Amendment #1
25. to SB 210 will signify by saying aye. Opposed?
26. The ayes have it, the amendment is adopted. Any
27. further amendments from the Floor? 3rd reading.
28. SB 238, Senator Knuepfer.

29. SENATOR KNUEPFER:

30. ...Jack, when we're through with seconds, I want
31. to have leave to take a bill from Committee for the
32. purposes of Tabling.

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. All right. I've got a note on my desk down there
2. on...on House Bill 233, would you...I'll send a page
3. down or do you want to slip it up to me? ...It's
4. tacked...tacked right in my...it's on a piece of note-
5. paper. SB 274, Senator Regner. Yes. He wishes his
6. bill read a second time.

7. SECRETARY:

8. SB 274.

9. (Secretary reads title of bill).

10. 2nd reading of the bill. The Committee on Appropriations
11. offers one amendment.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator Regner, moves the adoption of Amendment #1
14. to SB 274. All in favor of the amendment will signify
15. by saying aye. Opposed. The ayes have it, the amend-
16. ment is adopted. Any further amendments from the Floor?
17. 3rd reading. SB 280. SB 293. SB 293, Senator Buzbee.
18. Can't see you.

19. SECRETARY:

20. SB 293...

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Oh there you are.

23. SECRETARY:

24.

25. (Secretary reads title of bill).

26. 2nd reading of the bill. No committee amendments.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Any amendments from the Floor? 3rd reading.
29. SB 298, Senator Fred Smith. He desires that it be read
30. a...no, no, he has a desire, would you express your
31. desire?

32. SENATOR SMITH:

33. I want to explain it. I wonder if you would pass

AB 303
2nd Reading
5-1-73

1. it temporarily. I want to converse with Senators on
2. the other side, they have an amendment to which I am
3. opposed. Will you hold it just a moment?

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. I'll hold it as long as you want me to Senator.
6. SB...303, Senator Regner.

7. SECRETARY:

8. SB 303.

9. (Secretary reads title of bill).

10. 2nd reading of the bill. No committee amendments.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Any amendments from the Floor? 3rd reading.
13. SB 321, Senator Carl Berning. No. SB 326, Senator
14. John Conolly. He would desire his bill read a
15. second time.

16. SECRETARY:

17. SB 326.

18. (Secretary reads title of bill).

19. 2nd reading of the bill. The Committee on Revenue
20. offers one amendment.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Conolly moves the adoption of the Committee
23. Amendment #1 to SB 326. All in favor will signify by
24. saying aye. Opposed. They ayes have it, the amend-
25. ment is adopted. Any amendments from the Floor?
26. 3rd reading. SB 327, Senator Regner. Pass. SB 337,
27. Senator McBroom. SB 342, Senator Wooten. SB 383,
28. Senator Don Moore. I have no desire to come back over
29. these bills, gentlemen. SB 384, Senator Don Moore.
30. SB 393, Senator Jack Walker. SB 401, Senator Fawell.
31. He...read the bill a second time.

32. SECRETARY:

33. SB 401.

1. (Secretary reads title of bill).

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

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Are there any amendments from the Floor? 3rd
5. reading. Senator McCarthy, for what purpose do you
6. arise?

7. SENATOR MCCARTHY:

8. Well, Mr. President, I rise on a point of personal
9. privilege.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. You are recognized. Will you explain your point.

12. SENATOR MCCARTHY:

13. Yes...I think some of you will notice here that
14. the...that the...shades...the shades on the windows
15. ...shades on the windows have been opened and they
16. began on the west side of the building and now I
17. see the shades are open on the east side and there's
18. a lot of light in this Chamber. I think you ought
19. to know that one of our freshman Senators came to
20. me not too long ago and asked how she could get some
21. light in the Chamber and so I directed her to Jerry
22. on the west side and...she was able to accomplish the
23. blinds being opened and...she, Senator Netsch, as-
24. sured me that her action in getting these blinds
25. open doesn't have any implication that there are
26. shadowy characters around here. No implications
27. along that, she just merely wants some vision.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Thank you, Senator McCarthy, and for Senator
30. Netsch, there are several Senators in here I think
31. that have been looking for some light in these
32. Chambers. SB 408. Senator Ozinga. Senator Ozinga, 408.

33. SECRETARY:

1. SB 408.

2. (Secretary reads title of bill).

3. 2nd reading of the bill. No committee amendments.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. Any amendments from the Floor? 3rd reading.

6. SB 416. SB 419, Senator Sours. Read the bill.

7. SECRETARY:

8. SB 419.

9. (Secretary reads title of bill).

10. 2nd reading of the bill. The Committee on Judiciary

11. offers one amendment.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator Sours desires to move the adoption of

14. Committee Amendment #1 to SB 419. All in favor will

15. signify by saying aye.

16. SECRETARY:

17. Committee Amendment.

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. It was announced as a Committee Amendment and he

20. moves the adoption. All in favor signify by saying aye.

21. Opposed. The ayes have it, the amendment is adopted.

22. Any further amendments by the Committee? Amendments

23. from the Floor. 3rd reading. SB 426, Senator Mitchler.

24. SB 427, Senator Vadalabene. SB 429, Senator Bell.

25. Read the bill.

26. SECRETARY:

27. SB 429.

28. (Secretary reads title of bill).

29. 2nd reading of the bill. No committee amendments.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Amendments from the Floor? 3rd reading. SB 448,

32. Senator Bartulis. SB 451, Senator Fawell. 451.

33. Read the bill.

1. SECRETARY:
2. SB 451.
3. (Secretary reads title of bill).
4. 2nd reading of the bill. No committee amendments.
5. PRESIDING OFFICER (SENATOR GRAHAM):
6. Any amendments from the Floor? 3rd reading.
7. SB 456, Senator Nimrod. Read the bill, please.
8. SECRETARY:
9. SB 456.
10. (Secretary reads title of bill).
11. 2nd reading of the bill. No committee amendments.
12. PRESIDING OFFICER (SENATOR GRAHAM):
13. Any amendments from the Floor? 3rd reading.
14. SB 471, Senator McBroom. Read the bill, please.
15. SECRETARY:
16. SB 471.
17. (Secretary reads title of bill).
18. 2nd reading of the bill. No committee amendments.
19. PRESIDING OFFICER (SENATOR GRAHAM):
20. Any amendments from the Floor? 3rd reading.
21. SB 475, Senator Bell. Read the bill, please. 475.
22. SECRETARY:
23. SB 475.
24. (Secretary reads title of bill).
25. 2nd reading of the bill. No committee amendment.
26. PRESIDING OFFICER (SENATOR GRAHAM):
27. Any amendments from the Floor? 3rd reading.
28. SB 492, Senator Sours. Senator Chew, would you let
29. Senator Sours call his bill, please? 492 on 2nd
30. reading. 492... Can't we...we can't take it out of
31. the record, can we? There has been an amendment while
32. Senator Sours is getting ready, offered from the Floor
33. on SB 475. Senator Bell, would you care to explain

1. your amendment?

2. SENATOR BELL:

3. ...Yes, Mr. President, SB 475 addresses itself
4. to the need for some revisions in the...in the Public
5. Defender's Act and...this particular bill was heard
6. in Judiciary Committee and the concept was approved
7. by the Judiciary Committee with...an amendment being
8. offered from the Floor that...will seek to give more
9. flexibility to this particular bill. ...The amendment
10. in reference to page 1 line 21 by inserting after
11. county the following:

12. "Or if appointing the public defender would result in
13. a conflict of interest, or if sufficient cause is
14. shown for not appointing the public defender"...

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Gentlemen...

17. SENATOR BELL:

18. "the Court may"...

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. ...Let's show the Senator some respect; he is trying
21. to explain an amendment and it is very difficult for
22. him to do it and it's equally as difficult for me to
23. hear it.

24. SENATOR BELL:

25. Then it goes on to say: "The Court may appoint
26. as counsel a licensed attorney at law in this State".
27. Mr. President, all this amendment seeks to do is to
28. give more flexibility to a bill that the Judiciary
29. Committee heard and basically approved on and agreed
30. should go the Senate Floor with this amendment attached.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator Bell moves the adoption of Amendment #1
33. to SB 375, all in favor will signify...475. All in
favor will signify by saying aye. Opposed. The ayes

1. have it, the amendment is adopted. No amendments
2. from the Floor. The bill will now be placed on the
3. order of 3rd reading and we will ask Senator Sours
4. if he would like to have SB 492 read a 2nd time. He
5. says he will.

6. SECRETARY:

7. SB 492.

8. (Secretary reads title of bill).

9. 2nd reading of the bill. No committee amendment.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Any amendments from the Floor? 3rd reading.

12. SB 510, Senator Carroll. He like...would like it read.

13. SECRETARY:

14. SB 510.

15. (Secretary reads title of bill).

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

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Any amendments from the Floor? 3rd reading.

19. SB 521, Senator Carroll. We did that one. SB 521.

20. SECRETARY:

21. SB 521.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Please, please, please. I know it's not...

24. SECRETARY:

25. (Secretary reads title of bill).

26. 2nd reading of the bill. The Committee on Education
27. offers one amendment.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. All in favor of the adoption of Committee Amendment
30. #1 to SB 521 will signify by saying aye. Opposed. The
31. ayes have it, the amendment is adopted. Any further amend-
32. ments from the Floor? 3rd reading. I'll recognize you...I got
33. some more business to do then too. SB 537, Senator Knuppel.

1. SB 541, Senator Knuepfer. Oh, yes. ...Well, I think
2. it's proper that you get your microphone, I can't hear
3. what you're saying, Senator. SB 541. 537. Yes, SB 537.

4. SECRETARY:

5. SB 537.

6. (Secretary reads title of bill).

7. 2nd reading of the bill. The Committee on Education
8. offers one amendment.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Knuppel. Moves the adoption of Committee
11. Amendment #1 to SB 537, all in favor will signify by
12. saying aye. Opposed. The ayes have it, the amendment
13. is adopted. Any amendments from the Floor? 3rd reading.
14. 541, Senator Knuepfer. You want your bill read, Senator?

15. SECRETARY:

16. SB 541.

17. (Secretary reads title of bill).

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

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Amendments from the Floor? 3rd reading. 543,
21. Senator Harber Hall.

22. SECRETARY:

23. SB 543.

24. (Secretary reads title of bill).

25. 2nd reading of the bill. The Committee on Revenue
26. offers one amendment.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Hall moves the adoption of Committee
29. Amendment to SB 543, all in favor will signify by
30. saying aye. Opposed? The ayes have it, the amendment
31. is adopted. Are there any amendments from the Floor?
32. 3rd reading. 547, Senator Howard Mohr. SB 550,
33. Senator Jack Walker. SB 579, Senator McBroom.

1. Read the bill.

2. SECRETARY:

3. SB 579.

4. (Secretary reads title of bill).

5. 2nd reading of the bill. No committee amendments.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Amendments from the Floor? 3rd reading. Now,
8. gentlemen, I would like to...or some motion to be
9. made with regard to bills in committees and I would
10. entertain that at this time and I would like to have
11. the privilege of making the first motion that House
12. Bill 233 now assigned to the Committee on Judiciary.
13. I'd like to move that that Committee be discharged
14. from any further consideration of this bill and that
15. it be transferred to the Committee on Licensed Activities
16. and Credit Regulations. All in favor signify by
17. saying aye. House Bill 233, it was a clerical error
18. and I...and I apologize. House Bill 233 from
19. Judiciary to Licensed, Regulations. Senator Partee
20. has a motion.

21. SENATOR PARTEE:

22. Yes, Mr. President, Senate Bills 728 and 729 are
23. companion bills. 728 is in Executive and 729 is in
24. Judiciary. Due to the large load in Judiciary, be
25. my suggestion that Judiciary be discharged on my
26. motion of 729 and that it be reassigned to Executive.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. All in favor of the motion by Senator Partee will
29. signify by saying aye. Opposed. No. The ayes have
30. it and your motion carries. I have...recognized
31. Senator Dave Shapiro and then Senator Weaver.

32. SENATOR SHAPIRO:

33. ...Mr. President, I would like unanimous consent

1. of the Senate to...discharge SB 391 from the Senate
2. Education Committee for purposes of Tabling.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. He moves that the Committee on Education be dis-
5. charged from further consideration of SB 391, all in
6. favor will signify by saying aye. The Committee is
7. discharged. Senator Shapiro now moves to Table
8. SB 391, all in favor will signify by saying aye.
9. Opposed? And they don't and the bill is Tabled.

10. Senator Weaver. We'll get to all of you gentlemen.

11. SENATOR WEAVER:

12. Mr. President, I would move to discharge the
13. Committee on Revenue from consideration of SB 807 for
14. the purpose of Tabling.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Hear the motion of Senator Weaver, that SB 807
17. be discharged from the Committee on Revenue for the
18. purpose of Tabling. All in favor will signify by
19. saying aye. Opposed? Senator Weaver now moves that
20. SB 807 be Tabled. All in favor will signify by saying
21. aye. Opposed? The ayes have it, the bill is Tabled.
22. Senator Sours. I'll get to you.

23. SENATOR SOURS:

24. Mr. President, Ladies and Gentlemen of the Senate,
25. I should like to refer to SB 586 presently in Transporta-
26. tion and Public Utilities. I make the proper motion to
27. discharge the Committee from any further consideration
28. of this bill for the purpose of Tabling it.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Sours moves that the Committee on Transporta-
31. tion be discharged from any further consideration of SB 586,
32. all in favor will signify by saying aye. Senator Sours
33. now moves that SB 586 be Tabled, all in favor signify

1. by saying aye. Opposed? The ayes have it, the bill
2. is Tabled. Senator Sours.

3. SENATOR SOURS:

4. I have another bill...Mr. President, Senators,
5. SB 519 which vacates a right-of-way easement in Peoria
6. County. Presently, in Local Government Committee, I
7. talked with Senator Soper last week on this. I should
8. like to make the proper motion to have the Committee
9. discharged...from other...from all further consideration
10. of this bill and have it placed on 2nd reading.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator Sours moves that SB 519 be discharged from
13. the Committee on Local Government and be placed on
14. the Calendar on the order of 2nd reading. All in
15. favor will signify by saying aye. Opposed? The ayes
16. have it and the bill will be so shown. Senator Jack
17. Knuepfer.

18. SENATOR KNUEPFER:

19. ...I would like to move to discharge the Committee
20. on Revenue from further consideration on SB 771 for
21. the purpose of Tabling.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Knuepfer moves that Senate...that the Committee
24. on Revenue be discharged from further consideration of
25. SB 771. All in favor of the motion will signify by saying
26. aye. Opposed? The ayes have it and the Committee is
27. discharged. Senator Knuepfer now moves that SB 771 be
28. Tabled. All in favor will signify by saying aye. Opposed?
29. The ayes have it and the bill is Tabled. Senator Knuepfer.

30. SENATOR KNUEPFER:

31. ...I have one other motion and that is...I think I...
32. I'm going to make...make this properly to...discharge
33. temporarily SB 955 from the Public Welfare Committee

1. for the purpose of having it...heard in a Committee
2. of the Whole.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Is that the bill...is that this big bill?

5. SENATOR KNUEFFER:

6. Yes.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. I think it had been generally agreed...hadn't it,
9. Senator Partee, that we would have a Committee of the
10. Whole bill...meeting on this...

11. SENATOR PARTEE:

12. Reorganization bill.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. ...reorganization of these various departments,
15. Senator Partee.

16. SENATOR PARTEE:

17. Is that the reorganization of the social agencies?

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Yes.

20. SENATOR PARTEE:

21. Yes.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. He moves, Senator...well, I think that if the
24. Committee is discharged, then that doesn't say that we
25. have set a date for the Committee of the Whole hearing.
26. This bill then would come back on the Secretary's desk
27. subject to a motion by Senator Knuepfer at the time
28. decided upon for a Committee of the Whole hearing
29. and the motion is that the bill be taken from the
30. Committee and placed on the Secretary's desk and all
31. in favor of that will signify by saying aye. Opposed?
32. The ayes have it and SB 955 is now on the Secretary's
33. desk. Senator Partee.

1. SENATOR PARTEE:

2. I was off the Floor when we were on the order of
3. 2nd reading, I move...

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. I have some more business there, too.

6. SENATOR PARTEE:

7. Oh, fine.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. But I'll recognize you. Gentlemen, if I might have
10. your attention, the Ladies are always listening. If I
11. might have your attention for just a moment, I had some
12. requests to go back on some bills on 2nd reading.

13. Senator Knuepfer.

14. SENATOR KNUEPFER:

15. ...Can you hold off a minute until I resolve this
16. problem. It...it...

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Just let me know what the...

19. SENATOR KNUEPFER:

20. ...If SB 955 is on Secretary's desk, I understand.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. It's on the Secretary's desk.

23. SENATOR KNUEPFER:

24. Can we leave it there temporarily, until I...

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Yes...it'll be left there until you move to do
27. otherwise, Senator.

28. SENATOR KNUEPFER:

29. Thank you, Sir.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. ...I would like to clean up the order of 2nd readings
32. Senate Bills on 2nd reading and then I would like to
33. proceed to the order of constitutional amendments

1. and try to get something off this Calendar and for that...
2. for purpose of going back to the order of 2nd reading. I
3. recognize Senator Partee for the...

4. SENATOR PARTEE:

5. I move we go back to the order of 2nd reading, Mr.
6. President, for SB 38 which is on 2nd reading.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. It's been moved that we go back to the order of 2nd
9. reading. We have leave, we do, we are on the order of
10. 2nd reading, and what is your motion, Senator?

11. SENATOR PARTEE:

12. That it be moved in...to 3rd reading.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. What bill? What's the number?

15. SENATOR PARTEE:

16. SB 38.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. SB...Senator Partee moves SB 38 be read a 2nd time.

19. SECRETARY:

20. SB 38.

21. (Secretary reads title of bill).

22. 2nd reading of the bill. The Committee on Revenue offers
23. one amendment.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. All in favor of the amendment will signify by saying
26. aye. Opposed? The ayes have it, the amendment is adopted.

27. Are there further amendments to SB 38? 3rd reading.

28. Now, Senator Smith, Senator Fred Smith, I'm still holding,
29. do you want me to continue? He's going to pass that.

30. Then I recognize Senator Howard Mohr who was in the
31. President's office and he would desire that Senate Bill

32. 383 be read a 2nd time and 385. Don Moore, yes.

33. Senator Don Moore.

1. SECRETARY:

2. SB 383.

3. (Secretary reads title of bill).

4. 2nd reading of the bill. The Committee on Elections
5. and Reapportionment offers one amendment.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. ...Any amendments? I missed that...

8. SECRETARY:

9. One Committee amendment.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. ...And...Senator Don Moore move the adoption of the
12. Committee Amendment. Any amendments from the Floor?
13. 3rd reading. SB...He moved the adoption of the
14. amendment, all in favor will signify by saying aye.
15. Opposed? No. The ayes have it and the Amendment is
16. adopted, the bill goes to 3rd reading. SB 385. He...
17. he only asked for 383 and 385. I didn't hear you...
18. all right, 384.

19. SECRETARY:

20. SB 384.

21. (Secretary reads title of bill).

22. 2nd reading of the bill. No committee amendment.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Any amendments from the Floor? 3rd reading. 385.
25. SB 385. ...There, it's 384, Senator Moore gave me the
26. wrong game plan up here. Now, gentlemen, you're going
27. to be penalized 50 yards, Senator Moore. I would...I
28. would think...if the Senate is desirous of this sug-
29. gestion, that we handle the Constitutional Amendments
30. on the Calendar and that we get prepared to adjourn
31. for lunch because we need not remind you again that we will
32. be back here this evening at six fifteen. So, let's
33. go to the order of Constitutional Amendments. Senator

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1. Glass, yes, he wants and...

2. SECRETARY:

3. House Joint Resolution Constitutional Amendment 7.

4. (Secretary reads Resolution)

5. 3rd reading of the resolution.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Ladies and Gentlemen of the Senate, the question is,

8. now, shall House Senate Joint Resolution #7 pass? Upon

9. this roll call there would be a necessity of obtaining

10. 36 votes for the passage and on the question, the

11. Secretary will call the roll. ...No one had indicated

12. debate, that's all you have to do. I put the question

13. and Senator Knuepfer you are recognized.

14. SENATOR KNUEPFER:

15. Well, I...I'm sorry I...

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. ...I'm sorry Senator Knuepfer.

18. SENATOR KNUEPFER:

19. Can we recognize Senator Glass first?

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator Knuepfer yields to Senator Glass and then

22. you're going...and then you're going to pick up the

23. argument. Senator Glass.

24. SENATOR GLASS:

25. Well, thank you, Mr. President and...Senators, House

26. Joint Resolution Constitutional Amendment #7 would

27. amend the constitution to change the present amendatory

28. veto power of the Governor and limit it to matters of

29. form and substance. At the present time, the language

30. of the section in question states that the Governor may

31. return a bill together with specific recommendations

32. for the House in which it originated. The amended

33. language states that the Governor may return the bill

1. with specific recommendations for the corrections of
2. technical errors or matters of form to the House in
3. which it originated. And...I think this is an essential
4. amendment because we have seen two specific instances
5. where important legislation...the amendatory veto, it
6. was exercised in important legislation. I...in the...
7. in the one instance that of parochiaid was thrown into
8. the courts and the other, the recent PTA aid where...
9. there was an obvious abuse of this...gubernatorial
10. amendatory veto power. Now I think that...the intent
11. of the Constitutional Convention and I have and I'm
12. going to quote briefly from...the minutes in the
13. report...was to limit this particular veto to two
14. matters of form and substance and I will quote briefly
15. the proposed section which has no counterpart in the
16. Illinois Constitution offers an alternative to the
17. veto which will be especially helpful when the Governor
18. finds reason to object to portions of a bill whose
19. general merit he recognizes. For example, he is now
20. with some degree of regularity compelled to veto some
21. measures merely because of a technical flaw in their
22. wording. ...So I...I believe, Ladies and Gentlemen
23. of the Senate, that the intent of the Constitutional
24. Convention was certainly not to give broad...leeway
25. to the Governor to rewrite legislation which
26. unfortunately is what's...been happening. Now...I
27. think that there is very little doubt also that the
28. present practice and the present system does great
29. violence to the legislative process. We can have a
30. piece of legislation that has been fully debated in Com-
31. mittee in one House...amended perhaps on the Floor, passed,
32. gone over to the other House, amended there, in a con-
33. ference committee and finally...the Legislature reaches

1. a conclusion and passes the bill and yet with a stroke
2. of his pen, the Governor can rewrite that legislation.
3. ...And we, then, in the Legislature are put in the very
4. difficult position of having to accept that...change or
5. else overriding it with a...with a two-thirds vote. And I
6. think it's a...a very serious...and unfortunate provision
7. in the Constitution; this Amendment, I think would...would
8. correct it by limiting his power to amend matters...his
9. amendatory veto power to matters of form and technical
10. changes and I would urge your support.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. ...Senator Knuepfer.

13. SENATOR KNUEPFER:

14. Well, I, Senator Glass, I...I was neither a member
15. of the Constitutional Convention nor...am I any great
16. expert on the Constitution. I think it serves, however,
17. as the Courts have defined, the amendatory veto a fairly
18. useful purpose. If the Courts had construed that what a
19. former Governor did with the Parochial Bill was accept-
20. able under the new Constitution, I would certainly have
21. supported the concept that you're standing for...because
22. we're all aware what happened is the only thing left of
23. that Bill by the time Governor Ogilvie got through amenda-
24. tory vetoing it was to leave the title. And I think the
25. Courts told us, told the Governor in this case, that
26. this kind of an action was above and beyond what had
27. been conceived by the Constitutional Convention. I think
28. there is, however, a very important power in the Governor
29. and a power which may cause him to veto a bill for a rea-
30. son that is not very substantial. About two years ago, the
31. Governor was confronted with a bill which mandated all
32. areas in the junior...all areas in the State of Illinois
33. to be in some junior college district...there was con-

1. siderable debate on the Floor. The bill passed in any
2. case, it went to the Governor and the Governor by
3. amendatory veto put in a backdoor referendum in the bill
4. ...that backdoor referendum was accepted by this Body...
5. I don't know whether the Courts have ruled on this, but
6. this is the kind of amendment I think the Constitutional
7. Convention may have been addressing themselves to.
8. Certainly it wasn't the kind of thing we discussed in the
9. Parochiaid, but I suggest to you that I think this does
10. give the Governor some flexibility...some ability to be
11. able to suggest that the bill that you had in the Legis-
12. lature is a good bill with a few additional proviso...
13. with a minor change here and there and I don't think
14. that minor change has to be grammatical, punctuation or
15. spelling... It seems to me that where we are now is
16. the Courts have put us in a fairly desirable place to be
17. and it gives both the Legislature and the Governor latitude
18. without putting the Governor in the position of legislating
19. for this Body.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator McCarthy.

22. SENATOR McCARTHY:

23. Yes...Yes, Mr. President, Members of the Senate, I
24. rise in support of this resolution. I think it does not
25. contribute to the debate to guess what the delegates of
26. the Constitutional Convention had in mind when they wrote
27. the article under consideration. The issue, Mr. President
28. and Members of the Senate, is what do we think is a proper
29. amendment to submit to the people a year from next November.
30. If that is the issue, I can think of nothing more important
31. to the people at the next General Assembly...General
32. Election than to decide this question of separation of power
33. between the Executive in this State and between and the

1. Legislature. That conflict as you know, Mr. President,
2. the conflict between the Executive and the Legislature
3. is not unique to this State; it's not unique to the other
4. 49 states. Presently, it's quite an issue at the national
5. government, it's been an issue in Germany during the time
6. of Hitler. He had a legislature, but not much power, and
7. so I think the public is very much interested in expressing
8. themselves on the question of proper compartmentalization
9. between the Legislature and the Executive. Now, there
10. will be comments made and Senator Glass has made them.
11. There will be instances recited as to specific legislation,
12. Senator Knuepfer referred to one. But I want to point out
13. this question to the Members of this Body, it relates to
14. the provision that before any bill may become a law that
15. bill must be read on three separate occasions in the
16. House and then read on three separate occasions in this
17. Chamber before it is submitted to the Governor. Why do
18. we have the three separate readings in the House? Why
19. do we have the three separate readings in the Senate?
20. For good reasons. Because you can't run a bill through
21. in one day if it has to be read on three separate times,
22. and three times two is six. Under the present situation,
23. Chief Executive of this State both the former holder of
24. it, Governor Ogilvie, and the present occupant may be
25. tempted to think that they have the Executive power because
26. the Constitution granted to them, and the Courts have not
27. delimited them, that they can pass legislation through
28. the amendatory veto process with one day's reading in
29. the House and one day's reading in the Senate, and in fact,
30. it can take place on the same day. So, Mr. President,
31. all of you members are aware of this problem. I point out
32. what I think are some serious reasons why it should be
33. submitted. Number one, the public interest in the

1. problem. Number two, the subversion of the constitutional
2. guarantee of six separate readings through this technique.
3. I think this is a resolution that should receive an over-
4. whelmingly majority and thank the members of the Senate
5. for allowing me to speak on the subject.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. ...Further discussion? I think members of the Con-
8. stitutional Convention that omit...no, Senator Netsch,
9. we recognize you first.

10. SENATOR NETSCH:

11. Thank you, Mr. President, it was inevitable that we
12. would have something to say on this subject, I...

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. ...I thought so.

15. SENATOR NETSCH:

16. ...Both pro and con...I was not aware that...Senator
17. Glass was going to call HJR 7 today and as a result of that
18. you will be happy to know that most of my voluminous notes
19. that I had intended to use in discussing it...are not with
20. me, and so my remarks will be considerably briefer than
21. they might otherwise have been. ...I'm also not unaware of
22. the attitude of the Legislature toward the amendatory veto
23. and I strongly suspect I could predict the vote on this
24. matter...fairly accurately right at this present time.
25. But I think it is a very important question and one that
26. should not be...sent through hurriedly and without real
27. consideration of...what is involved and on the basis of
28. some very hot political issues...one of the...the... I
29. suppose I should confess a semi-conflict of interest in this
30. as some members may know and...and I sometimes prefer to for-
31. get I was the original sponsor of the amendatory veto in the
32. Constitutional Convention and I was the one most interested
33. in its development and adoption. I do not think the

1. language that was used was as good as it ought to have
2. been and I felt very regretful about that, but I found
3. the idea a very important one and a very useful one and
4. I think it is terribly important to make one thing clear
5. and that it is not intended and is not a vehicle for
6. giving the Governor additional power. It was always
7. thought to be a means of accommodation...between the
8. Governor and Legislature. And let me illustrate that by
9. the example that always occurred to me and still occurs
10. to me...for...for the useful use of the amendatory veto.
11. I can remember an occasion and I might incidentally point
12. out I guess I'm the only one sitting in this Chamber who
13. has also sat on that other side and had to read all the
14. legislation that...was passed in sometimes a great
15. hurry by the State Legislature and I know that some...
16. some of the kinds of things that can occur to bills be-
17. fore they actually get to the Governor's desk. Let me
18. mention one, this goes back several years ago, a very fine...
19. Republican Representative named Hoover had introduced and
20. secured the enactment of a bill that was designed to reduce
21. the residency for voting in presidential election, that was
22. all that we could reduce at that time under the old
23. Constitution. ...The Legislature passed it overwhelmingly;
24. the Governor was for it; there just was not great dispute
25. that that something should have happened; the only problem
26. was that somewhere between the introduction and the time
27. the bill reached the Governor's desk someone had put on
28. an amendment the same way we adopt amendments around
29. here...which no one had noticed...which would have made an
30. administrative nightmare out of that bill. There was no
31. question that it could not work in that form, and given
32. that set of circumstances, either take it all or leave it
33. all; the Governor felt that it had to be vetoed, the

1. sponsor agreed it was a very unfortunate thing. It was
2. possible later in another legislative session to correct
3. it, but if the amendatory veto had been available, it
4. would have been possible to make just that one correction
5. without in any way touching the substance of the bill.
6. That, I think, is one of the major purposes of the
7. amendatory veto and that would not fall within Senator
8. Glass' language, a technical error or a...a correction
9. of form. I fear and regret to say there are many such...
10. provisions that creep into bills that are not really
11. thought about and noticed until they reach the Governor's
12. desk that would not be technical errors or matters of form,
13. but which do not go to the heart and substance of the bill.
14. I fully agree and I guess as much as anyone after the amenda-
15. tory veto was adopted in the new Constitution, I prayed that
16. the first Governor who had the opportunity to use it would
17. not overuse it so that it would create tensions instead of
18. accommodation. I think it was overused by Governor Ogilvie
19. and, of course, most notably in the Parochiaid case which
20. involved a major substantive issue that the Legislature
21. had really struggled with...and that I think was not
22. appropriately susceptible to the amendatory veto. I am
23. quite willing to say that I have the same attitude toward
24. Governor Walker's use of the amendatory veto on the CTA
25. bill. I think you do not use it to totally to change the
26. mind of the Legislature about the substance of what it did.
27. What you do is to put a...an agreed upon principal into a
28. form where it is better...a reflection of both the Legis-
29. lative and Executive views and in that context, believe me,
30. the amendatory veto is a useful tool, it could continue to
31. be a useful tool and it is not either a...a destruction of
32. the separation of powers or a derogation of the Legislature's
33. power, so on that basis, I would just simply plead with

1. you, please think about this before you throw out what
2. I think is one of the...the best and most promising
3. forms of accommodation between the Legislature and the
4. Executive.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Netsch, I'm surprised that you're going to
7. predict the outcome of this vote; I've been around here
8. a long while and I wouldn't attempt it at all. Senator
9. Knuppel.

10. SENATOR KNUPPEL:

11. Well, Mr. President, I've heard talk here about what
12. the...what the intent of the Constitutional Convention
13. was and I've read the debates in detail, I don't believe
14. you can really tell what the intention of the Constitu-
15. tional Convention was because of the questions and answers,
16. but there was one specific question and one specific answer
17. to the effect that, was the amendatory veto intended only
18. to make those technical corrections, and the answer was,
19. no, that it was broader than that but there was do definition
20. how broad it was. I feel certain, however, that it was
21. not the intent of the Constitutional Convention that the
22. amendatory veto should be used in the manner in which it
23. has been used by successive governors of two different
24. political persuasions. Now it may be a useful...useful
25. provision in the Constitution but we have to realize that
26. it is going to be used by humans and it's going to be sub-
27. ject to human frailties and I don't think that the Court
28. should have to interpret every time a Governor decides to
29. wield a pen, I'm very much in favor of this amendment.
30. However, I think at the present time, it's somewhat inart-
31. fully drawn and I call attention to the final sentence which
32. I find entirely unnecessary where it says: "If he does not
33. so certify, the Governor should return it as a vetoed bill

1. to the House in which it originated". He has already
2. returned it with specific recommendations. The House
3. and Senate have approved them, and then returned it to
4. him and then he has a second shot at this own language
5. to return it to the originating House as if it were
6. a vetoed bill to be overridden. And I think this...
7. I think this is entirely unnecessary in Constitutional
8. language, the final sentence because I think that if
9. he...if they accept his language and if there's one
10. thing that's ...that's clear from the Constitutional
11. debates, it is that the House and Senate have no right
12. to even change a punctuation mark that he puts in there
13. with that amendatory veto, so he shouldn't be allowed to...
14. to wield the amendatory veto, return it to the originating
15. House, have it passed through both Houses and then have
16. the right to turn it down. So, if we accept it, it should
17. become law, it shouldn't go back to him again and...and
18. I think that it is inartfully drawn in this respect. Now,
19. if there is a weakness, as I see it, in the new Constitu-
20. tion, it lies in the...the myriad form of...of veto power
21. which is available to the Governor and he has...the right
22. he has the reductionary veto, a line item veto, a general
23. veto, and an amendatory veto and at the time, we debated it
24. in the Constitutional Convention; I characterized this as a
25. veritable smorgasbord of veto power and I feel that this
26. necessary to an effective Executive branch of government. I
27. think that to restrict it to what it was really intended to
28. be, what I feel the...the tenor or sentiments of the Con-
29. stitutional Convention were, will not in any way hamper a
30. strong Executive in this State. What we're really struggling
31. with in Illinois and what we struggled with in the Con-
32. stitutional Convention is the fact that State Legislatures
33. generally throughout the United States or the lowest form,

1. the lowest man on the totem pole in the tripartite form
2. of government and I think we must do everything and we're
3. experiencing it at the Federal level where the...where the
4. Congress is now fighting with the President, we must do
5. everything we can in this Body to restore the Legislative
6. branch of government to a full partnership in the tripartite
7. form of government. The Courts are legislating, the
8. Executive branch of government is legislating and we are
9. the only people that are not given an opportunity to
10. discharge our full responsibility, so I'd ask the Senator
11. to review the language and the necessity of the final
12. sentence; he has my vote if he'll strike that final
13. sentence. I think it's unnecessary in there and...and I'll
14. support it. Now, he can...he can get it stricken in the
15. House; I'll support it here...it's a House bill isn't it?
16. But I feel that that's unnecessary, that it...that it...
17. gives him a second look at something he's done himself,
18. and I think that's unnecessary. I think it's inartful, but
19. I'm in support of the...of the concept that it attempts to
20. embody.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Weaver.

23. SENATOR WEAVER:

24. Mr. President, I move the previous question.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Weaver has moved the previous question. All in
27. favor will signify by saying aye. Opposed. The quest...
28. The ayes have it, the question is then, now shall House
29. Senate Joint Resolution #7 pass? On that question, the
30. Secretary will call the roll. It takes 36 votes.

31. SECRETARY:

32. Bartulis, Bell, Berning, Bruce, Buzbee,

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. Senator Buzbee.

2. SENATOR BUZBEE:

3. Mr. President, I was trying to get your attention
4. but...we were previously questioned rule there...I think
5. the reason that Senator Netsch gave of sometimes bad
6. legislation getting passed through this Body and...and
7. through the House of Representatives hurriedly without
8. perhaps sometimes adequate consideration being given.
9. To me that argument is not persuasive enough to get me to
10. vote no on this particular resolution, I think that argu-
11. ment should be persuasive enough to get this Body to
12. finally face the light of day and vote ourselves enough
13. money to give each individual legislator adequate staff so
14. that we wouldn't have these kind of problems and this kind
15. of legislation getting through to the Governor and then
16. let him act as the ultimate legislator. I vote aye.

17. SECRETARY:

18. Carroll,

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Senator Carroll.

21. SENATOR CARROLL:

22. Thank you, Mr. President, very briefly by way of
23. explanation of vote... I, too, agree with most of the
24. debate as Senator Glass knows, we had debated the...this
25. provision of the Con-Con when we were new members in the
26. House and at that new members conference and I think it's
27. important that we do, as members of the Legislative
28. branch of government, recognize the necessity of three
29. strong but three very equal branches of government and I
30. think that we cannot be asked to vote on legislation. We
31. cannot be asked to vote on legislation, where we do not have
32. the expertise or the committee system or anything else when the
33. Governor strikes his pen to a piece of legislation, we have

1. nothing by way of input and that's either governor and that
2. I might add, when I was in the House, I had the amendatory
3. veto used on a piece of legislation of mine that I welcomed,
4. it struck an amendment I did not want on that legislation.
5. But that also could have been done by other means, it
6. could have been done in a little more time-consuming way
7. but in the overall good, I think this is important. I
8. think we have to talk about not the intent of Con-Con but
9. what is the practical effect of this section of the
10. Constitution. What is the practical effect of Governors
11. of both parties doing what I think is an abuse of the
12. Executive power by interferring within the Legislative
13. branch? I think that the situation that they put us into
14. of a take-it-or-leave-it situation is something that we,
15. as Legislators, we, with the mandate from the people to
16. be an equal and strong branch of government, cannot accept.
17. We must allow legislation to have six readings, must have
18. the input of the citizens and of the experts through the
19. Committee process and limit this particular power to
20. merely any corrections of technical errors, any corrections
21. of punctuation but not of the substantive content, and
22. with reference to one of the other Senators, if this were
23. the intent, and if Governors have abused this, I think
24. that in and of itself is reason enough for us to ask the
25. people to deny them that power even though she did not
26. think that that was nature and extent of the power. I
27. would urge all members of the Senate to vote aye.

28. SECRETARY:

29. Chew, Clarke, Conolly, Course, Daley, Davidson,
30. Donnewald, Dougherty, Fawell, Glass, Graham, Harber Hall,
31. Kenneth Hall, Hynes,

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Senator Hynes. We're having trouble hearing

1. your name...your response to the roll call, gentlemen.
2. For two reasons, first, it's noisy; secondly, you have
3. your volume control turned down. Senator Hynes.

4. SENATOR HYNES:

5. Mr. President, Members of the Senate, my vote is
6. aye. The problem, I think, both at the Federal level and
7. throughout the United States at the State level has been
8. the attempt by State legislators, by the Federal Congress
9. to check the ever diminishing power of those Bodies...to
10. check the...the rapid decline or the influence of State
11. Legislatures in determining and influencing State policy.
12. It seems to me, that the amendatory veto, the overly
13. broad amendatory veto, as adopted by the Constitutional
14. Convention flies in the face of...of our efforts to make
15. the Legislature truly a co-equal branch of government.
16. I think that the amendatory veto is a ...an undesirable
17. tool in its present form, I think that it is highly
18. desirable, however, for technical corrections so that
19. a bill need not die because of a...an inadvertant
20. omission, but I think in its present form, it's un-
21. acceptable and I vote aye.

22. SECRETARY:

23. Johns, Keegan, Knuepfer, Knuppel,

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. I just one slight...one short thought, and that is
28. we cut off debate on this and I know there were a lot
29. who wanted to speak on it, it's kind of interesting to me
30. how a Body like this sometime can debate for hours how
31. long the leash ought to be on a dog and we can't spend,
32. you know, thirty minutes debating something as important
33. as a Constitutional amendment. I've already spoken on the
merits of the bill; I vote aye.

1. SECRETARY:

2. Kosinski, Latherow, McBroom, McCarthy,

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator McCarthy.

5. SENATOR MCCARTHY:

6. Yes, thank you, Mr. President, I won't repeat what
7. I said in arguments for the bill. I think it might be
8. well, and I'm going to do it in explaining my vote, to
9. sort of answer some of the questions that were raised
10. by Senator Dawn Clark Netsch. Senator Netsch says that
11. she saw some legislation that was fatal...because of the
12. form in which it reached the General...Chief Executive
13. and she added that ...of course, it was later corrected
14. by subsequent legislative enactment. I think that states
15. the case pretty well as to why we should, as we appear
16. to be doing...affirming this proposition, because the
17. question is this, Mr. President, is it best in the
18. public interest to allow an idea that has passed the
19. Legislature to fail in its operation for a period of
20. one or possibly two years because of a defect or is it
21. better to allow the Chief Executive of...of the State
22. to put into law a bad bill through the use of this
23. amendatory process? To me, if that is a question
24. raised by Senator Netsch, I think the public is much
25. better off, much better served, if my bill's not in
26. form and the Governor vetoes it, I can get it in form
27. a year from that time because, we know, Mr. President,
28. you and I know, once the bill is on the statute, the
29. one that somebody wants on there to try to get a
30. Constitutional majority to repeal it, on six different
31. readings in both the House and the Senate, and then to
32. get a Governor who may favor its bill to not exercise its
33. amendatory veto means that bad bill is locked in

1. perpetuity contrary to the Constitutional guarantees
2. to the people. Accordingly, I vote aye.

3. SECRETARY:

4. Merritt,

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Continue the roll call.

7. SECRETARY:

8. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Netsch.

11. SENATOR NETSCH:

12. I won't go down without a fight...I want to respond
13. really just very briefly to two points. My vote...it won't
14. surprise you to know is no...one has to do with the question
15. of...submitting a lot of legislation to Court despite
16. because it has been subjected to the amendatory veto and
17. the question of whether or not...the use of the amendatory
18. veto under the present Constitution has fallen within
19. the somewhat open-ended guidelines of the Supreme Court
20. has indicated thus far....I agree that is a...a matter of
21. some concern, I would suggest to you only this, that the
22. language that is in Senator Glass' proposal...for...
23. correction of technical errors or matters of form I am
24. convinced and I promise you will cause as much ...legal
25. dispute as to whether or not the amendatory veto has been
26. properly used as the present language and perhaps even
27. more. That issue will not be set to rest. The second thing
28. that I wanted to respond to was the question of to whether
29. this has weakened the Legislature or violated separation
30. of powers and rather than using my own language this time,
31. if I could hear myself think, Mr. President..I would like
32. to...

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. You make a good point, Senator. Gentlemen, we can
2. help a lot if we do our debating either on the Floor or
3. off of it and some of it preferably would be off. The
4. Senator is entitled to your attention, please.

5. SENATOR NETSCH:

6. Thank you, Mr. President. I really am directing
7. this particularly to the other side of the aisle because
8. my final point is simply quote someone who I think is
9. well known to all of you...Joseph Tecson...who was the
10. Chairman of the Executive Committee of the Constitutional
11. Convention. This is his quote: "There seems to be a
12. separation of powers battle between the Legislative and
13. the Executive branches. It's a long standing misconception
14. to believe that by strengthening one branch of government...

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Gentlemen, please.

17. SENATOR NETSCH:

18. I decline to have deducted from my time the...that
19. which is necessary to put the Body in order..."It is a
20. long standing misconception that...to believe that by
21. strengthening one branch of government, another branch of
22. government would necessarily be weakened. Those of us
23. on the Executive Article Committee of the Constitutional
24. Convention who drafted this provision had in mind that
25. both the Legislative and Executive branches of government
26. would be strengthened. Furthermore, our most important
27. goal was to benefit the people of Illinois with a flexible
28. tool of government which could reflect current changes
29. and conditions." So said Mr. Joseph Tecson. Thank you.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. ...Senator, when you addressed your comments to the
32. other side of the aisle, at this point in time, I'm sitting
33. in the middle. Continue the roll call. She voted no, I think.

1. SECRETARY:

2. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,
3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator Partee.

5. SENATOR PARTEE:

6. The posture in which we find ourselves causes me
7. to say something. I am equally as concerned as all of
8. you about not shutting off debate, but I would point out that there are
9. two descriptive words that describe our debate. One is
10. quality and the other is quantity. I think sometimes
11. they are confused, I recall here one day when we had a
12. certain bill up, forty persons on this Floor spoke on
13. that bill, eight of them explained their vote. It was
14. significant to me and I pointed it out then and I point
15. out again that after the first three had spoken, not
16. one new idea came forward. I suggest to you that it is
17. May first, I suggest to you that we will be leaving here
18. June 30th and there are a lot...of bills on this Calendar.
19. I want everybody to know that you should not be personally
20. piqued if I vote to shut off debate when it occurs to me
21. we have reached a point where the debate is repetitious.
22. I think certainly every member of this Body ought to have
23. all the time necessary to expound and elucidate his
24. ideas and notions, but I think there is a difference
25. between quality and quantity. I vote aye.

26. SECRETARY:

27. Regner, Rock, Roe, Romano, Saperstein, Savickas,
28. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,
29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Sours.

31. SENATOR SOURS:

32. Mr. President, Ladies and Gentlemen of the Senate,
33. I think any debate on this subject would necessarily be

1. limited to the philosophy of the separation of powers.
2. I don't think one can be half legislative and half executive.
3. I don't think one can be half judicial and half executive.
4. You can carry that equation on forever; I think there ought
5. to be a line of demarcation between the Legislative and the
6. Executive and the Judiciary market. I'm always interested
7. in the comments of the professors in the Chamber here, we
8. have two of them, Senators Netsch and Hynes. Perhaps, I
9. could recall a little Supreme Court history for each of
10. them or both of them, though it's been so many years since
11. I read it that I may not be accurate but I think I can be
12. fairly close. Charles Warren in his greatest treatise on
13. the United States Supreme Court always contended that the
14. supreme battle between the Executive and the Legislative
15. was in the tenure of Office Act which resulted ultimately
16. in the attempted impeachment of President Johnson. The
17. Hamlet in the tragedy was a man named Henry M. Stanton who
18. privately referred in his earlier years to Abraham Lincoln
19. as a baboon. The Court finally triumphed in that litigation
20. that followed and President Johnson was declared not im-
21. peachable because they lacked one vote, a Senator by the
22. name of Ross from Kansas. Now, I have to differ from some
23. of these members today when they feel there should be a
24. blending of official opinion between a Legislature and
25. an Executive, I think if we were to test which would be the
26. more dangerous of the two, considering the Legislature in
27. the time of Oliver Cromwell or the Executive in the time of
28. Adolf Hitler or Stalin or Mussolini or Julius Caesar, we
29. would have to conclude finally that these two departments
30. must be separated regardless of the attitude of Governor
31. Walker or Governor Ogilvie or Governor Kerner and you can
32. go back to Shadrack Bond if you want to, this Chamber ought
33. to be free if it is going to be worth its salt as a

1. Legislature.
2. PRESIDING OFFICER (SENATOR GRAHAM):
3. Your time is up, Senator.
4. SENATOR SOURS:
5. Similarly, the Governor ought to have the absolute
6. unrestricted un...almost unlimited, but not unlimited be-
7. cause that's infinity.
8. PRESIDING OFFICER (SENATOR GRAHAM):
9. Your time is up, Senator.
10. SENATOR SOURS:
11. Right to veto for those reasons and hoping that we
12. can keep the departments separate, I vote no. I vote aye.
13. SECRETARY:
14. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
15. PRESIDING OFFICER (SENATOR GRAHAM):
16. Senator Wooten.
17. SENATOR WOOTEN:
18. Mr. President, I feel impelled to make a comment I
19. wanted to offer in debate. My vote on this measure is aye
20. as one of the handful who voted to sustain the Governor's
21. veto in the CTA override, I want that clearly registered.
22. But I think it also ought to be said that for years I was
23. dealing in part in sampling public opinion and the support
24. which came for giving the Governor this kind of power was a
25. feeling of a lack of confidence in the Illinois Legislature.
26. Whether this feeling is justified or not, it is a very palpable
27. thing among our citizens and I vote for this in the hope that
28. we will continue to move to make ourselves responsible
29. there is an ...admonition which we ought to take very seriously,
30. that by doing this we make ourselves responsible for our
31. own errors, our own mistakes in judgment. I hope that we
32. continue to move toward more responsibility, toward clearer
33. and better legislation and I'm happy to support any effort

1. that takes us in that direction. I vote aye.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. While we are tallying the votes, the Attorney General's
4. in the back of the room and he didn't even engage in any
5. debate...in the debate. For what purpose do you arise
6. Senator Hall? Hall, aye. On this question the yeas are 52.
7. The nays are 4 and House Senate Joint Resolution #7 having
8. received the constitutional three-fifths majority is there-
9. fore declared passed. The leadership has prevailed upon
10. me against my will that we'll continue...that we will continue
11. to work until two o'clock and with that thought in mind
12. I would like to suggest that we are going at that time,
13. hopefully, to recess until six-fifteen this evening and also
14. to announce to you something that will make you very gleeful,
15. that we are intending to convene Thursday night also at
16. six-fifteen. So we'd be working Wednesday night and
17. Thursday night. ...Tuesday and Thursday, I'm sorry.
18. Wednesday night Judiciary will be working. Senator Glass,
19. move...

20. SENATOR GLASS:

21. Thank you, Mr. President, having...voted on the
22. prevailing side, I move that the vote by which...House...
23. Joint Resolution Constitutional Amendment...7...passed, be
24. reconsidered.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Berning moves to Table the motion by Senator
27. Glass. All in favor of Senator Berning's motion to Table
28. will signify by saying aye. Opposed? The ayes have it,
29. the motion prevails and Senator Glass' motion is Tabled.
30. We shall now...Senator Knuepfer.

31. SENATOR KNUEPFER:

32. ...I...I think I've got my parliamentary procedure
33. straightened out on the bill that was...I had asked

1. to be removed...to the Secretary's desk from the Public
2. Welfare Committee. Can I amend the motion to move that the
3. Committee on Public Health Welfare and Corrections be dis-
4. charged from the consideration of SB 955 until after the
5. hearing of the Committee of the Whole on Monday, May 7th,
6. after which I would like it to revert to the Committee on
7. Public Health, Welfare and Corrections?

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. That motion is in order. We have heard the motion
10. by Senator Knuepfer with regard to SB 955. All in favor
11. will signify by saying aye. Opposed? The ayes have it
12. and the motion carries. Senator Knuepfer.

13. SENATOR KNUEPFER:

14. The second motion that I would like to make is that
15. move...to move that SB 955 be set down as a special order
16. of business before a Committee of the Whole at 3:30 p.m.
17. on Monday, May 7th, '73.

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. ...You...have you cleared this with the leadership,
20. I presume?

21. SENATOR KNUEPFER:

22. Yes, that has been cleared.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. The motion is now that SB 955 will be set down for a
25. hearing of the Committee of the Whole at 3:30 Monday, May 7th.
26. All in favor will signify by saying aye. Monday, May the 7th,
27. we'll have a Committee Hearing of the Whole and Senator...the
28. Secretary has a notice on his desk that he'd like to read at
29. this time if we can have your attention please, he might even
30. mention your name.

31. SECRETARY:

32. To the Members of the Senate: I do hereby appoint
33. the following to serve as members of the Senate Rules

1. Committee: Senators Harris, Partee, Graham, Weaver
2. and Donnewald.

3. Sincerely,
4. Howard R. Mohr, Chairman
5. Committee on Committees.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Ladies and Gentlemen, we will now proceed to the
8. order of Senate Bills on 3rd reading. And, again reminding
9. you that if I happen to skip over a bill inadvertently,
10. it'll be because I think it's controversial and if it's
11. close to two o'clock and we'll start with SB #2, Senator
12. Berning. Senate Bills on 3rd reading. He passes. SB #20,
13. Senator Latherow. And tomorrow we'll pick up where we
14. leave off today, hopefully, if we get anywhere today. SB 21
15. Senator Chew. Senator Latherow wants 20. Read the bill.

16. SECRETARY:

17. SB 20.

18. (Secretary reads title of bill).

19. 3rd reading of the bill.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator Latherow, you wish to explain your bill, please?

22. SENATOR LATHEROW:

23. Mr. President,...SB 20 as amended provides that the
24. investigators of the Secretary of State's Office shall be
25. able to make arrests but it restricts them only to the
26. administrative....those administered enforced only by the
27. Secretary of State's Office. I move for a favorable roll
28. call.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Any further discussion? The question is shall...
31. Senator Rock. With the light we have shining in over there
32. I have trouble seeing. Senator Partee.

33. SENATOR PARTEE:

1. Just want to ask one question, the Secretary of State
2. indicate desire...a burning desire for the passage of this
3. bill?

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. ...Senator Partee, you are directing a question to
6. Senator Latherow?

7. SENATOR PARTEE:

8. Senator Latherow.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Latherow.

11. SENATOR LATHEROW:

12. I...I wouldn't say a burning desire, no sir. They
13. gave me the bill and...and...I understand they are ...are in
14. support of it, at least that's the way it's given to me.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Partee.

17. SENATOR PARTEE:

18. ...Thanks for your answer; I got a more direct answer
19. from a member of his staff who says they do want it, yes sir.
20. I have no objection.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Any further discussion? The question is, shall SB 20
23. pass? Upon that question, the Secretary will call the roll.

24. SECRETARY:

25. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,
26. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,
27. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes,
28. Johns, Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom,
29. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,
30. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner,
31. Rock, Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,
32. Shapiro, Smith, Sommer, Soper, Sours, Swinarski, Vadalabene,
33. Walker, Weaver, Welsh, Wooten, Mr. President.

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Aye. Nudelman, aye. Clarke, aye. Senator
3. Don Moore, aye. Senator Jim Bell, aye. Senator Scholl, aye.
4. Another roll call. Senator Nimrod, aye. Senator Merritt,
5. aye. Senator Vadalabene, aye. Senator Kosinski, aye.
6. Senator Carroll, aye. Senator Netsch, aye. No, Senator
7. Netsch, no. I didn't know that the President of the
8. Senate was supposed to call the roll but that looks like
9. what I'm doing. Mitchler, aye. You're not doing what we
10. asked you to do, be a little more cooperative on roll call.
11. We waste a lot of time on this gentlemen and...this is
12. May 1. You're recorded aye. Sours was recorded as aye.
13. On this question, gentlemen before I announce it, I will
14. announce it. On this question the yeas are 43. The nays
15. are 4. The bill having received its constitutional required
16. majority is therefore declared passed. Gentlemen and Ladies
17. of the Senate, if I may once again plead with you to get
18. on the roll call when your name is called because if you
19. try to keep score as a Secretary does up here with all of
20. these late voters, you would become more exasperated and
21. I'm sure glad that he has an even temperament. Please try to
22. cooperate with the Secretary. SB 20 is therefore declared
23. passed and we will proceed to SB 21. Not today, he says.
24. SB 24, Senator Latherow. Senator Latherow you want 24
25. read a 3rd time? He does.

26. SECRETARY:

27. SB 24.

28. (Secretary reads title of bill).

29. 3rd reading of the bill.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Senator Latherow, care to discuss his bill?

32. SENATOR LATHEROW:

33. Mr. President and members of the Senate, the amendment

1. on this bill merely clarified a drafting error that was
2. there and this moves this particular section into Vehicle
3. Code from Section 15-107 to a more identical one...identifiable
4. one 15-114. Appreciate a favorable roll call.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Any further discussion? The motion is then shall
7. SB 24 pass? And the Secretary will call the roll, the
8. first time.

9. SECRETARY:

10. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,
11. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,
12. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes,
13. Johns, Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom,
14. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,
15. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner,
16. Rock, Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,
17. Shapiro, Smith, Sommer, Soper, Sours, Swinarski, Vadalabene,
18. Walker, Weaver, Welsh, Wooten, Mr. President.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Hynes, aye. Hynes, aye. On this question,...
21. Senator Buzbee. Buzbee, aye. The yeas are, you got voted
22. aye. Netsch... Bruce, aye. Now we are trying to retotal
23. the totals, just I...I don't know what I have to do. Yeas
24. are 49. The nays are none and the bill therefore having
25. received the Constitutional majority is passed. Senator
26. Buzbee.

27. SENATOR BUZBEE:

28. A point of personal privilege, Mr. President, the
29. reason I did not vote on the initial roll call was because
30. I was outside of the Floor and the bell was not rung for
31. that roll call vote.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. We'll take that up with the Sergeant-at-Arms.

1. He's sitting...before you leave again, check with Sweeney.
2. ...Senator Scholl, for what purpose do you arise?

3. SENATOR SCHOLL:

4. Mr. President, members of the Senate, I'd like to
5. introduce a school from my district and John Nimrod's
6. district. St Paul of the Cross, they're leaving now.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. We were a little late but we're glad to have you.
9. Thank you. We'll now proceed to the order of SB 47, if the
10. ...gentleman from Springfield is ready. Senator Davidson.

11. SECRETARY:

12. SB 47.

13. (Secretary reads title of bill).

14. 3rd reading of the bill.

15. SENATOR DAVIDSON:

16. Mr. President, I would like leave of the Body to
17. bring this bill back to second reading for purpose of a technical
18. amendment to change 1971 to 1973 and the amendment is on
19. the Secretary's desk.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Your proper motion would have been to have that done
22. before you read the bill, but there is a motion now that
23. SB 47 be returned to the order of second reading for the
24. purpose of considering an amendment, and the amendment
25. is offered by Senator Davidson. Would you explain your
26. amendment please?

27. SENATOR DAVIDSON:

28. This makes a correction from 1971 to 1973 was a typo-
29. graphical error from the Reference Bureau. Adopt the
30. amendment please?

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. All in favor of the adoption of the amendment will
33. signify by saying aye. Opposed? The ayes have it, the

1. amendment is adopted. Any further amendments? Third
2. reading. We'll have to have some more...some other
3. business. SB 51 and I am not purposely missing you but
4. even though the lady had light subjected to the Senate,
5. it is extremely difficult from the President's Chair
6. to see you gentlemen on the Floor. SB 51. No. SB 68,
7. Harber Hall. Senator Harber Hall, would you like it
8. read a third time? He indicates that he would.

9. SECRETARY:

10. SB 68.

11. (Secretary reads title of bill)

12. 3rd reading ...3rd reading of the bill.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Senator Hall.

15. SENATOR HALL.

16. Mr. President, fellow Senators, SB 68 amending the
17. Recreational Area Licensing Act it simply attempts to
18. address...a problem wherein farmers sometimes have areas
19. that they have prepared with a lake and they permit people
20. to come on and fish or something like that, not for profit,
21. they don't charge but...under the Recreational Licensing Act,
22. ...the State can inspect these areas and charge a fee of a
23. hundred dollars per year for this. This bill would exempt not
24. for profit corporations, religious associations, and farmers
25. from having to pay the fee. It will not exempt them from...
26. subjecting, having their property and their operation
27. inspected, but they won't have to pay the hundred dollar fee.
28. The Department of Health says that the loss in revenue
29. is very minimal and they do not object to this bill and I
30. would move for a favorable roll call on SB 68.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. If there are no further discussion, the question will
33. be put. The question is, shall SB 68 pass? Upon that

1. question the Secretary will call the roll and the
2. Sergeant-at-Arms will ring the bell.

3. SECRETARY:

4. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
5. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
6. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
7. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
8. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
9. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
10. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
11. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
12. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver,
13. Welsh, Wooten, Mr. President.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. On this question, they yeas are 45. The nays are none.
16. The bill having received the constitutional required majority
17. is therefore declared passed. SB 71...Gentlemen, Senator
18. Dougherty and I have a problem over this next bill and we
19. have no desire to pass it over and not be able to consider
20. it either this evening unless Senator Dougherty wants to
21. consider it now. It seems to be a shortage of members, we
22. ...if we do not call it now, we'd like leave of the
23. membership if the attendance is here this evening to call
24. it because this bill is of great importance to both of us
25. and to the State. Do we have leave to back up and call it
26. this evening or should we call it early in the evening Session.
27. Any objections? Leave is granted, we'll call it this
28. evening, Senator. SB 84...SB 84...SB 47 back to Senator...
29. or Senator, yeah, Senator... SB 84, then we'll return to
30. SB 47. Senator Regner.

31. SECRETARY:

32. SB 84.

33. (Secretary reads title of bill).

1. 3rd reading of the bill.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Senator Regner, care to explain your amendment?

4. SENATOR REGNER:

5. ...Mr. President, Ladies and Gentlemen of the Senate,
6. SB 84 does to the Illinois Housing Development Authority
7. what we did about four years ago to Nipsey, all it does
8. is say when this authority is working and approving of
9. any projects within our districts that they will inform us
10. of that, the members of the General Assembly and all
11. members of various local governments that are in the area,
12. that their projects are being considered and I would ask
13. for a favorable...vote on SB 84.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Discussion? Senator Partee. I think I'm going to
16. have to ask for a lot of order, not a little order, a lot
17. of order. Gentlemen. Please. Please. Please.

18. SENATOR PARTEE:

19. While it seems to me...

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. That goes to the assistant Sergeant-at-Arms.

22. SENATOR PARTEE:

23. It seems to me, Mr. President, that this is a not so
24. devious method of trying to obviate a court decision. Judge
25. Austin in the Federal Court in Chicago pursuant to federal
26. laws entered a decision last year which many people have felt
27. was onerous and burdensome to them. I happen to agree with the
28. decision and I think that what we attempt to do here obviates
29. that decision. I think certainly that it is in a measure
30. a test of a rather basic and fundamental philosophy as to
31. whether when one buys one house in a neighborhood, he has
32. the right to determine who else lives in the neighborhood.
33. I think it's as simple as that. I think the bill in its

1. present form would never have my support and I am not
2. unmindful of the reason that the Senator gave birth to
3. this bill. I'm just going to say simply that it is,
4. I think, a bill which denigrates what I consider to be
5. a constitutional right of freedom of choice of residence,
6. and I'm going to oppose it.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. If there are no further discussion, the question will
9. be put. And the question is, shall SB 84 pass? If we can
10. act on this and SB 47 before we adjourn, we will have
11. accomplished more than we did all last week on Senate
12. Bills third reading. Shall, the question is, shall SB 84 pass?
13. On that, Secretary will call the roll.

14. SECRETARY:

15. Bartulis, Bell, Berning, Bruce, Buzbee,

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. No, Buzbee voted no.

18. SECRETARY:

19. Carroll, Chew, Clarke, Conolly, Course, Daley, Davidson,
20. Donnewald, Dougherty, Fawell, Glass, Graham, Harber Hall,
21. Kenneth Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel,
22. Kosinski, Latherow, McBroom, McCarthy, Merritt, Mitchler,
23. Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
24. Ozinga, Palmer, Partee,

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Partee.

27. SENATOR PARTEE:

28. ...Mr. President, and especially Senator Regner.
29. Senator Regner, I owe you an apology; I'm looking at my
30. file which has information in it which relates to another
31. bill. I owe you an apology, I will support this bill
32. I've confused it with another and I want you to know that.

33. PRESIDING OFFICER (SENATOR GRAHAM):

Continue the roll.

1. SECRETARY:

2. Regner, Rock, Roe, Romano, Saperstein, Savickas,
3. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,
4. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
5. Mr. President.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Course, aye. Kenney Hall, aye. Senator Palmer, aye.
8. We've got our signals straight now. Senator Fred Smith, aye.
9. Senator Kosinski, aye. Senator Johns, aye. Senator
10. Tom Hynes, aye. Senator Daley, aye. Senator Carroll, aye.
11. Senator Dougherty, aye. Senator Roe, aye. You missed
12. Partee's signal, too, huh? On this question, Senator Regner
13. says he's grateful you found the right file, I think, Senator
14. Partee. Senator Regner, on this roll call, the yeas are 49.
15. The nays are 1. The bill having received more than the consti-
16. tutional majority required is therefore declared passed.
17. Senator Sours.

18. SENATOR SOURS:

19. I cannot refrain, Mr. President, from commenting on
20. lack of scholarship in this Chamber.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. ...We will, I'd like to...Senator Berning, you...for
23. what purpose do you arise?

24. SENATOR BERNING:

25. At the...at the proper time, Mr. President, I would
26. like to make a motion relative to suspension of the rules
27. to hear a bill tomorrow.

28. PRESIDING OFFICER (SENATOR SOURS):

29. ...I'd like to call SB 47 first, you'll be recognized
30. for that purpose. SB 47 was returned to 2nd reading,
31. amended, back on third reading and we need the printed
32. bill, Senator Davidson. Secretary will read SB 47 as
33. amended a third time.

SECRETARY:

1. ...7

2. (Secretary reads title of bill).

3. 3rd reading of the bill.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. ...On, Senator Davidson, would you like...explain
6. your bill.

7. SENATOR DAVIDSON:

8. Mr. President, Ladies and Gentlemen of the Senate,
9. SB 47 is a series of bills that all the county officials
10. will be sworn in at the same time on the first of December
11. or whatever legal date the County Board or Statute requires
12. it to be legally open and I appreciate your most favorable
13. roll call vote.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Any further discussion? If not, the question will
16. be shall SB 47 pass? And upon that question the Secretary
17. will call the roll.

18. SECRETARY:

19. Bartulis,

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. The first time.

22. SECRETARY:

23. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
24. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
25. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
26. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
27. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
28. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
29. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,
30. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer, Soper,
31. Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,
32. Wooten, Mr. President.

33. PRESIDING OFFICER (SENATOR GRAHAM):

SB 303
5-1-73

1. On this question, the yeas are 50. The nays are none
2. and we have just passed Senator Davidson's first bill.
3. ...Now we're going to try to clean up our business here,
4. Senator Berning has a motion and Senator Regner has one.
5. Senator Berning, would you like to put your motion now?
6. SENATOR BERNING:

7. Mr. President, I move to suspend the rules to...
8. which require the six day notice to allow SB 267 to be
9. heard tomorrow. This is a pension bill which has the
10. approval of Pension Laws Commission. There should be
11. no...difficulty with it and therefore we'd like to
12. hear it tomorrow.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Is...Do we have leave to have SB 267 heard in
15. Pensions tomorrow? Leave is granted, it shall be so ordered.
16. Senator McBroom has an announcement.

17. SENATOR MCBROOM:

18. Yes, Mr. President, members of the Senate, this...
19. this announcement is directed to members...Senate Appropriations
20. Committee, the Republican members. There was to be a
21. a brief meeting in my office immediately following adjournment.
22. That meeting will not take place because of the press of
23. time. Secondly, the Senate Appropriations Committee will
24. meet this afternoon at four fifteen on the Senate Floor,
25. Mr. President; thank you.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator...Dave Regner. I'll get to all of you, gentlemen.

28. SENATOR REGNER:

29. ...Mr. President, I'd like to move to return SB 303
30. to the order of second reading for the purpose of considering
31. an amendment.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. It has been moved by Senator Regner, that SB 303 be

1. moved back to the order of second reading for the
2. purpose of considering an amendment. All in favor will
3. signify by saying aye. Opposed? The ayes have it and
4. SB 303 is on the order of second reading and do you have
5. the amendments, Senator? Senator Course has the amendment.
6. Who has...someone has the amendment. Oh, the Secretary...
7. Senator Course, would you like to explain the amendment?
8. And the reason for it.
9. SENATOR COURSE:

10. ...Yes, Mr. President. Mr. President, this is proposed
11. by...Senator Hynes, It...amends House Bill 390.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. ...Senator, we're working on 303. The motion was
14. SB 303, I thought, was it not, Senator Regner?

15. SENATOR COURSE:

16. Oh I'm...I'm sorry, go ahead. No, I...Mr. President,
17. regarding the amendment to...SB 303, this was an...amendment
18. agreed upon in the...Revenue Committee and...I would suggest
19. its adoption, please.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator Course moves the adoption of Amendment #1
22. to SB 303. All in favor will signify by saying aye. Opposed?
23. The ayes have it and the amendment is adopted, the bill
24. will be returned to the order of third reading. Did you,
25. Senator Course, did you have a motion with regard to 390?

26. SENATOR COURSE:

27. Yes, Mr. President, this is House Bill 390. I'd like
28. it returned to the order of second reading for the purpose
29. of amending it and...Senator Hynes has proposed the amendment
30. I think he will explain it, please.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Let us get it back to second reading before we
33. listen to Senator Hynes. There's been move by Senator Course.

1. that Senate...House Bill 390 be returned to the order
2. of second reading for the purpose of considering an
3. amendment. All in favor will signify by saying aye.
4. The bill is now on the order of second reading and
5. Senator Hynes will offer the amendment and does the
6. Secretary have a copy? I hope.

7. SENATOR HYNES:

8. Mr. President, members of the Senate, this
9. amendment amends SB 189 which provides a fifty dollar
10. bonus to any Illinois...

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. ...Senator...Senator Hynes, I thought we were working
13. on House Bill 390. On what bill are you working on?

14. SENATOR HYNES:

15. House Bill 390, I have the same amendment for SB 189.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. I see.

18. SENATOR HYNES:

19. And I confused them...

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Well, this tape recorder is whistling...

22. SENATOR HYNES:

23. House Bill 390 provides a fifty dollar a month bonus
24. to...military personnel who were prisoners of war. It does
25. not include civilian employees of the government who were
26. captured and held as prisoners of war and this amendment
27. will include civilian employees. There is one...civilian
28. employee who is also a resident of the State of Illinois
29. who was a prisoner of war for a period of five years and
30. the Veterans' Commission has approved this amendment, and
31. I move its adoption.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Senator Hynes moves the adoption of Amendment #1

1. to...House Bill 390. All in favor will signify by
2. saying aye. Opposed? The ayes have it and the
3. amendment is adopted and House Bill 390 is back on the
4. order of 3rd reading and we have other times that we
5. can move those House Bills: We're trying to work on
6. Senate Bills, but we haven't done...who else...
7. Senator Hynes.

8. SENATOR HYNES:

9. Mr. President, while we're on the subject, if we might
10. bring SB 189 which is Senator Bartulis's bill back to
11. 2nd reading. It isn't on 3rd reading and I have the same...

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator Hynes moves SB 189 be returned to the
14. order of 2nd reading for the purpose of considering
15. an amendment. All in favor will signify by saying aye.
16. Opposed? The bill is now on the order of 2nd reading
17. and Senator Hynes will explain his amendment.

18. And moves its adoption.

19. SENATOR HYNES:

20. It is substantially the same amendment, this deals
21. with exclusion of income from the income tax and I would
22. move the adoption of the amendment.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. I hope not. I'm trying to quit. I'm trying to
25. learn how to quit. Secretary, do you have the amendment
26. in your possession?

27. SECRETARY:

28. Yes.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Hynes moves...Senator Hynes moves the adoption
31. of Amendment No.1 to SB 189 as explained. All in favor signify
32. by saying aye. Opposed? The ayes have it, the amendment
33. is adopted. The bill will be returned to the order of 3rd

1. reading. Senator Latherow.

2. SENATOR LATHEROW:

3. Mr. President, I'd just like to bring to the
4. attention of the Ag-Conservation and Ecology Committee;
5. we are in M-1 this week. So...happened to get turned
6. around a little, we're...meeting is in M-1 instead of...

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Agricultural and Conservation will meet in M-1.
9. Senator Sours, did you have an announcement? We're
10. getting ready to adjourn, gentlemen.

11. SENATOR SOURS:

12. Yes. Mr. President, Ladies and Gentlemen of the
13. Senate, the Judiciary is meeting twice tomorrow; we're
14. favoring all sponsors of bills in the afternoon and also
15. in the evening. We're meeting till 6 o'clock, adjourning
16. for the evening meal till 7:30 and back here until
17. infinity tomorrow night.

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Your lawyers be alert. Senator Donnewald.

20. SENATOR DONNEWALD:

21. Yes, Mr. President, this is the appropriate time,
22. there will be a Democratic caucus at 9:30 tomorrow
23. morning upstairs.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. All Senators invited?

26. SENATOR DONNEWALD:

27. If you wish, as long as they vote with us.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator...Senator Rock. Senator Weaver.

30. SENATOR WEAVER:

31. Mr. President, there...there will be a Republican
32. caucus at 10 o'clock, M-1 in the morning.

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. Senator Berning.

2. SENATOR BERNING:

3. Mr. President, it's come to my attention that the
4. notices from the Pension Committee have not been carefully
5. examined. Please note at the bottom of the notice any
6. bill not heard tomorrow morning at the 8:30 meeting will
7. be held in the 8:30 meeting Thursday morning in M-1.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Senator Davidson, did you have any further
10. announcements?

11. SENATOR DAVIDSON:

12. Yes, Mr. President. I...like to bring 168 and 169
13. back to 2nd reading for the technical amendment of 1971
14. and then inserting 1973 or...you want to go tonight?

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Why don't we do it this evening, Senator?

17. SENATOR DAVIDSON:

18. Okay.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Senator Vadalabene, you don't want us to work any-
21. more...aren't you hungry? Senator Vadalabene.

22. SENATOR VADALABENE:

23. Thank you, Mr. President, I would like to have my
24. name put on as a co-sponsor of SB 4.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Vadalabene and Senator Carroll would like to
27. have the Journal show that they are now co-sponsors on SB 4.
28. Do they have leave? Leave is granted, we've so shown.

29. Senator...we're trying to adjourn, gentlemen. Senator Merritt.

30. SENATOR MERRITT:

31. ...Mr. President, members of the Senate, very briefly,
32. ...we have a revised and corrected notice posted for
33. Insurance and Financial Institutions Committee hearing on

1. Thursday morning. There are no additional bills added but
2. the sponsor, Senator Rock, wanted five bills taken off and
3. the corrected notice is up and I thought the record should show.
4. Thank you.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Gentlemen,...Senator Davidson.

7. SENATOR DAVIDSON:

8. Would you also have the Journal show that I as co-sponsor
9. with...on number 4...SB 4, please?

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. If the Secretary heard it and you have leave. Is
12. leave granted that Senator Davidson may be on SB 4? Any
13. objection, leave is granted and the Journal will so show.
14. Now, gentlemen, again, we're planning on recessing until
15. 6:15 this evening and...Thursday night we will reconvene
16. again at 6:15. Both times, hopefully, we'll be working
17. until around 8 o'clock, so your prompt attendance at the
18. early part of the evening meetings will be greatly
19. appreciated so we can get the wheels turning. The
20. Senate will stand in recess until 6:15 this evening.

21. AFTER THE RECESS

22. PRESIDENT:

23. The Senate will come to order. Will those not
24. entitled to the Floor, please vacate the Senate Floor.
25. Messages from the House.

26. SECRETARY:

27. A message from the House by Mr. Selcke, Clerk.

28. (Secretary reads House Message and House Bills).

29. PRESIDENT:

30. Resolutions.

31. SECRETARY:

32. Senate Resolution 122 by Senator Ozinga and it's
33. congratulatory.

1. PRESIDENT:
2. Senator Ozinga.
3. SECRETARY:
4. ...Home town.
5. PRESIDENT:
6. Senator Ozinga moves to suspend the rules for the
7. immediate consideration of the adoption of the resolution.
8. All in favor of the motion to suspend signify by saying
9. aye. Contrary nay. Motion carries. On the motion to
10. adopt the congratulatory resolution. Senator Partee.
11. SENATOR PARTEE:
12. I didn't know...didn't know who this was for.
13. Was this for a Dumkey or what?
14. PRESIDENT:
15. All in favor of the motion to adoption...the resolution
16. signify by saying aye. Contrary nay. The motion is
17. carried. The resolution is adopted.
18. SECRETARY:
19. Senate Resolution 123 by Senator Vadalabene and
20. it's congratulatory.
21. PRESIDENT:
22. Senator Vadalabene moves to suspend the rules
23. for the immediate consideration of the adoption of the
24. resolution. All in favor of the motion to suspend
25. signify by saying aye. Contrary nay. Motion carries.
26. The motion...the motion to suspend is carried.
27. Senator Vadalabene.
28. SENATOR VADALABENE:
29. I just wanted to make one comment that this is
30. ...a birthday...a hundredth year birthday of a practicing
31. attorney. The oldest practicing attorney in the country.
32. He's one hundred years old.
33. PRESIDENT:

1. Thank you, Senator Vadalabene. On the motion
2. to adopt, all in favor signify by saying aye. Contrary
3. nay. The motion to adopt is carried and the resolution
4. is adopted.

5. SECRETARY:

6. Senate Resolution 124 by Senator Daley. It's
7. congratulatory.

8. PRESIDENT:

9. Senator Daley moves to suspend the rules for
10. the immediate consideration of the adoption of the
11. resolution. All in favor signify by saying aye. Contrary
12. nay. The motion to suspend is carried. On the motion
13. to adopt, all in favor signify by saying aye. Contrary
14. nay. The motion to adopt is carried and the resolution
15. is adopted.

16. SECRETARY:

17. Senate Resolution 125 by Senators Mitchler, Knuepfer,
18. Fawell, Graham and Clarke. It's congratulatory.

19. PRESIDENT:

20. Senator Knuepfer.

21. SENATOR KNUEPFER:

22. ...I move the...adoption of...the suspension of the
23. rules, first of all, and following that the...

24. PRESIDENT:

25. Motion to adopt.

26. SENATOR KNUEPFER:

27. ...motion to adopt.

28. PRESIDENT:

29. Senator Knuepfer moves to suspend the rules for the
30. immediate consideration of the adoption of the resolution.
31. All in favor signify by saying aye. Contrary nay. The
32. motion to suspend is carried. On the motion to adopt.
33. All in favor signify by saying aye. Contrary nay.

1. The motion to adopt is carried and the resolution is
2. adopted. Senator Palmer. Senato Bills...Senate Bills
3. on third reading. Senator Palmer, SB 93.

4. SECRETARY:

5. SB 93.

6. (Secretary reads title of bill).

7. 3rd reading of the bill.

8. SENATOR PALMER:

9. ...Go ahead, we got enough votes. I don't know.

10. Or Mr. President and members of the Senate...

11. PRESIDENT:

12. Senator Palmer, would you wait, please? Will
13. the Sergeant-at-Arms ring the bell, please? Proceed,
14. Senator Palmer.

15. SENATOR PALMER:

16. ...Senate Bill 93 places a five year statute of
17. limitation on foreclosures of special assessment liens
18. assigned prior to January 1st 1958. The purpose of
19. this bill is to pick up the...or to comply with an
20. Illinois Supreme Court decision. The Illinois Legis-
21. lature passed a statute of limitation to, for those
22. who have the...certificates of special assessment to
23. enforce their lien by...filing of foreclosure within
24. five years which became effective January 1st, 1958.
25. However, by Supreme Court decision, in passing on this
26. legislation, upholding this legislation, however, they
27. said it does not apply to any assignments that became
28. effective or who had...had it before that date. So what
29. this Act does is give those holders of certificates
30. prior to January 1st, 1958, five years from the date of
31. this Act upon passage. Anybody know...any questions?
32. Senator Kosinski asked for a favorable roll call, and
33. so do I. Any questions?

1. PRESIDENT:

2. Is there further discussion? The question is,
3. shall SB 93 pass? The Secretary will call the roll.

4. SECRETARY:

5. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
6. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
7. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
8. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
9. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
10. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
11. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
12. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
13. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
14. Weaver, Welsh, Wooten, Mr. President.

15. PRESIDENT:

16. Buzbee, aye. Senator McBroom, aye. Senator Merritt,
17. aye. Senator Bartulis, aye. Senator Palmer, aye. On
18. that roll call, the yeas are 44. The nays are none.
19. The bill having received a constitutional majority is
20. declared passed. SB 107, Senator Saperstein.

21. SECRETARY:

22. SB 107.

23. (Secretary reads title of bill).

24. 3rd reading of the bill.

25. SENATOR SAPERSTEIN:

26. ...Mr. President, Gentlemen of the Senate, this
27. bill was introduced at the request of the Illinois
28. Chaplains Association...these Chaplains are full-time
29. chaplains employed by the State of Illinois...it amends
30. Section 14 of the Finance Act by the following: If no
31. home is furnished to a...a person who is a full-time
32. chaplain employed by the State, twenty percent of the
33. salary paid to him where the...to employ, ...who is

1. employed by a...as a chaplain, that person may...ask
2. for a twenty percent...deduction on his income tax
3. for domicile purposes. This would put the chaplains
4. who work for the State of Illinois on the same basis
5. as those chaplains in the private sector. I...this
6. does not...cost any money, it will not cost the
7. State any money but will help the State Chaplains
8. receive the same consideration for tax deduction, I...

9. PRESIDENT:

10. Is there further discussion? Senator Course.

11. Senator Course.

12. SENATOR COURSE:

13. Yes, Mr. President, will yield to a question?

14. Where are these...chaplains employed?

15. SENATOR SAPERSTEIN:

16. They're employed in the...in the prisons, boys
17. camps, State hospitals, mental institutions and other
18. ...State hospitals. They are fulltime and receive no
19. ...allowance for domicile.

20. PRESIDENT:

21. Is there further discussion? Senator Bartulis.

22. SENATOR BARTULIS:

23. Senator...what are their base salaries?

24. SENATOR SAPERSTEIN:

25. ...The chaplains who testified say their salaries
26. range from eighty-five hundred dollars to ten thousand.

27. SENATOR BARTULIS:

28. And utilities in the center, right?

29. SENATOR SAPERSTEIN:

30. Pardon me?

31. SENATOR BARTULIS:

32. Get any of the utilities paid with that? They
33. usually do.

1. SENATOR SAPERSTEIN:

2. It may be, but not necessarily so.

3. SENATOR BARTULIS:

4. That reminds me of a little joke I heard. I think
5. this is a bad bill.

6. PRESIDENT:

7. Senator Mitchler.

8. SENATOR MITCHLER:

9. Mr. President, members of the Senate, I rise in
10. support of this bill. We heard it in Committee, there
11. was a lot of reservations about it but these chaplains
12. who do serve in the various State institutions are
13. worthy of receiving this and I think the Senator has a
14. very good bill and I would recommend a favorable roll
15. call be had and I move the previous question.

16. PRESIDENT:

17. Senator Mitchler has moved the previous question.
18. All in favor signify by saying aye. Contrary nay. The
19. motion is carried. The question is, shall the main
20. motion now be put? Senator Saperstein may close the debate.

21. SENATOR SAPERSTEIN:

22. ...I believe this is a...a fair request. The
23. Internal Revenue Service provides that...a clergyman is
24. entitled to this allowance, however, the issuing agency
25. must indicate in some way and this means that the State
26. of Illinois...and this does not result in an increase in
27. salary, this is not an increase.

28. PRESIDENT:

29. All in...the question is shall SB 107 pass? Those
30. in favor shall vote aye, those opposed nay. The Secretary
31. will call the roll.

32. SECRETARY:

33. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,

1. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
2. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth Hall,
3. Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski, Latherow,
4. McBroom, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore,
5. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,
6. Regner, Rock, Roe, Romano, Saperstein, Savickas, Schaffer,
7. Scholl, Shapiro, Smith, Sommer, Soper, Sours, Swinarski,
8. Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

9. PRESIDENT:

10. Latherow, aye. Keegan, aye. Senator Netsch, aye.
11. Senator Knuppel, aye. Senator Ozinga, aye. Senator
12. Berning, aye. Senator Bell.

13. SENATOR BELL:

14. Yes,...Mr. President, I'd like to rise, point of
15. personal privilege...we're privileged this evening to
16. have here in the Senate Chamber the wife of one of our
17. fine freshman Senators, Mrs. Ingeborg Nimrod, wife of
18. Senator John Nimrod. And I propose that we rise in
19. recognition.

20. PRESIDENT:

21. On that roll call, the yeas are 45, the nays are 2.
22. SB 107 having received the constitutional majority is
23. declared passed. SB 114, Senator Knuppel. SB 116,
24. Senator Knuppel.

25. SECRETARY:

26. SB 116.

27. (Secretary reads title of bill).

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. Mr. Chairman and members of this Body, SB 116 is
33. designed to take away the...conflict that exists in the

1. present law with respect to involuntary manslaughter
2. and reckless homicide. A person who is charged can be
3. charged with both and it has happened. There is a
4. decision out of Third Appellate District where the
5. individual charge was found not guilty of one but
6. guilty of the other when they are identical offenses.
7. The purpose of this is to remove the conflict which
8. if it exists and make the killing with an automobile a single
9. crime punishable as a Class Four Felony. This meets
10. with the approval of...Senator Roe who questioned the
11. bill as originally introduced in the Judiciary Committee.
12. It's a good bill. It removes the confusion in the criminal
13. law, a person found guilty would be found guilty of...of
14. reckless homicide but he would be punished as a Class Four
15. Felony.

16. PRESIDENT:

17. Is there further discussion? Senator...Soper.

18. SENATOR SOPER:

19. ...Senator Knuppel,...you say that this has been amended
20. so that it's a Class Four Felony now instead of a misdemeanor?

21. SENATOR KNUPPEL:

22. That's correct. If you'll look in your book, you'll
23. find a yellow sheet that amends it.

24. SENATOR SOPER:

25. Well, then it's all right with me, if it's a Class
26. Four Felony.

27. PRESIDENT:

28. Is there further discussion? The question is, shall
29. SB 116 pass? Those in favor shall vote aye. Those opposed
30. vote no. The Secretary will call the roll.

31. SECRETARY:

32. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
33. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

1. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
2. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
3. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
4. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
5. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
6. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
7. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
8. Weaver, Welsh, Wooten, Mr. President.

9. PRESIDENT:

10. Weaver, aye. Senator Conolly, aye. Senator
11. Swinarski, aye. On that question, the yeas are 45.
12. The nays are 2. SB 116 having received a constitutional
13. majority is declared passed. SB 130, Senator Knuepfer.

14. SECRETARY:

15. SB 130.

16. (Secretary reads title of bill).

17. 3rd reading of the bill.

18. PRESIDENT:

19. Senator Knuepfer.

20. SENATOR KNUEPFER:

21. This is a vacation bill, a vacation of land that
22. has been approved by the Highway Department, if anybody
23. wants an explanation, I'll be happy to give it to them,
24. otherwise, I... Senator Hall wants an explanation...
25. Let me address...you want an explanation, Senator Hall?
26. This is some property...along the Eisenhower Expressway
27. that originally was intended for a possible access...
28. they no longer want this for an access to the expressway
29. and they are now willing to sell this to a nursing home
30. who happens to be nearby. The Highway Department de-
31. termined the price, not me.

32. PRESIDENT:

33. Is there further discussion? All in favor

1. of SB 130 will vote aye. Those opposed nay. I might
2. caution there is a little bit of frustration in the
3. performance of Senators who fail to answer on the first
4. time through the roll call. We've been trying to evaluate
5. the time consumption of adding members who are present
6. to the roll at the conclusion of the roll call. We cal-
7. culate that in most instances this takes 45 to 50 seconds;
8. it takes about two and a half seconds for just uninterrupted
9. roll call...two and a half minutes. So you see that it
10. adds almost two-fifths to three-fifths additional time
11. if the members fail to respond to the roll call when they
12. are here, when they determine to vote aye. So if you
13. could be helpful to the just orderly procedure and judicious
14. use of our time, it would be appreciated. The question
15. is, shall SB 130 pass? Secretary will call the roll.

16. SECRETARY:

17. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
18. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
19. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
20. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
21. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
22. Mohr, Don McCore, Netsch, Newhouse, Nimrod, Nudelman,
23. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
24. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
25. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
26. Weaver, Welsh, Wooten, Mr. President.

27. PRESIDENT:

28. On that roll call, the yeas are 50. The nays are
29. none. SB 130 having received a constitutional majority
30. is declared passed. SB 132, Senator Ozinga.

31. SECRETARY:

32. SB 132.

33. (Secretary reads title of bill).

1. 3rd reading of the bill.

2. PRESIDENT:

3. Senator Ozinga.

4. SENATOR OZINGA:

5. Mr. President,...SB 132 amends the Dead Man's Act.
6. The proposed bill would narrow the scope of a statute
7. by preventing an interested...adverse party or interested
8. person from testifying on his own behalf to any con-
9. versation with the deceased or incompetent person or to
10. any event that took place in his presence with certain
11. exceptions. Thus, a person would be permitted to testify
12. to an event which took place during a lifetime but out
13. of the presence of the decedent. In addition, the exceptions
14. would permit testimony to rebut the testimony of any
15. witness testifying on behalf of the estate to matters
16. admitted in evidence on behalf of the estate. To testimony
17. under Act...Section 3 of the Act and to tax relating to
18. the heirship of a decedent. An interested person does not
19. include all...one solely interested in a fiduciary capacity.
20. Whether or not he expects to receive or receives compensation
21. for acting as such. I would appreciate a favorable roll call.

22. PRESIDENT:

23. Senator Rock.

24. SENATOR ROCK:

25. Mr. President, members of the Senate, I think that in
26. this instance at least, Senator Sours and I are in agreement.
27. ...This bill was presented by the Bar Association last session
28. in the 77th General Assembly, I opposed it then, and I rise
29. tonight in opposition to it again. I think that...the
30. Dead Man's Act, as we know it, has been subjected to in-
31. numerable case interpretations and to attempt to rewrite
32. and codify this statute, it might be a valid attempt, but
33. I think this statute, this bill, the way it's drawn

1. falls far short and I would urge opposition of this
2. SB 32.
3. PRESIDENT:
4. Is there further discussion? Senator Graham.
5. SENATOR GRAHAM:
6. I would like to have Senator Weaver's evaluation
7. of this bill.
8. PRESIDENT:
9. Senator Weaver is...indicating...(foreign phrase).
10. Senator Fawell. Senator, Senator Fawell, do you yield
11. to Senator Weaver?
12. SENATOR FAWELL:
13. ...Yes, I would yield.
14. PRESIDENT:
15. Senator Weaver.
16. SENATOR WEAVER:
17. Mr. President, I'm a licensed mortician, the same as
18. you are.
19. PRESIDENT:
20. Senator Fawell.
21. SENATOR FAWELL:
22. ...I...I...want to rise in support of this bill, it's
23. a very intricate piece of legislation, but the Dead Man's
24. Statute has been on the books, of course, for hundreds and
25. hundreds of years and I think it has all..all of the
26. attorneys have wondered why in the world simply because
27. you happen to be adverse to a decedent's estate, for
28. instance, you're totally estopped from testifying and
29. this tries to streamline it. I think puts in some very
30. rational points, so that it's only when you're actually
31. testifying as to the conversations or direct actions of
32. the deceased during his life, of course, or the incompetent
33. prior to his incompetency. I think it's long overdue

1. and I think it's a good piece of legislation.

2. PRESIDENT:

3. The question is, shall SB 132 pass? Those in
4. favor will vote aye. Those opposed vote no. Secretary
5. will call the roll.

6. SECRETARY:

7. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
8. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
9. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
10. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
11. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
12. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
13. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
14. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
15. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
16. Weaver, Welsh, Wooten, Mr. President.

17. PRESIDENT:

18. Senator Ozinga.

19. SENATOR OZINGA:

20. ...I..I'm not recorded, am I? This bill, for the
21. benefit of those who haven't voted is a bill that was
22. sponsored last year by the both Bar Associations and
23. fell by the wayside at the end of the Session. It was
24. promulgated at the time and was going all right to the
25. end until it fell by the wayside by way of shortness of
26. time. I would urge all of you that haven't voted to vote
27. for it; I think there's about five votes short right now.
28. However, I would vote aye in any event that there are not
29. enough, would ask to have the absentees called.

30. PRESIDENT:

31. The sponsor has asked for the call of the absentees,
32. they will be called. The Secretary will call the absentees.

33. SECRETARY:

1. Bruce, Chew, Course, Donnewald, Dougherty, Harber
2. Hall, Kenneth Hall, Hynes, Johns, Knuppel, Kosinski,
3. McCarthy, Merritt, Newhouse, Romano, Saperstein, Savickas,
4. Soper, Sours, Swinarski, Vadalabene, Walker, Wooten.

5. PRESIDENT:

6. Senator Ozinga moves to postpone consideration.
7. All in favor signify by saying aye. Contrary nay. The
8. motion is carried. SB 139, Senator Sours. SB 155,
9. Senator Palmer, ...Do you wish it called, Senator Palmer?
10. No. All right. SB 161, Senator Mohr.

11. SECRETARY:

12. SB 161.

13. (Secretary reads title of bill).

14. 3rd reading of the bill.

15. PRESIDENT:

16. Senator Mohr.

17. SENATOR MOHR:

18. Mr. President, members of the Senate, this bill...
19. this bill has been approved by the Pension Laws Commission
20. and has been amended to include the policemen as well as
21. the firemen in granting...them a...a disability, a post
22. retirement adjustment of two percent per year...in the
23. form of increment of two percent a year...say, the Pension
24. Laws Commssion has approved it and I know of objection...
25. no objection to it and I ask for a favorable roll call.

26. PRESIDENT:

27. Is there further discussion? The question is, shall
28. SB 161 pass? Secretary will call the roll.

29. SECRETARY:

30. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
31. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
32. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
33. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

1. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
2. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
3. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
4. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
5. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
6. Weaver, Welsh, Wooten, Mr. President.

7. PRESIDENT:

8. On that question, the yeas are 53. The nays are none.
9. SB 161 having received a constitutional majority is declar-
10. ed passed. SB 163, Senator Don Moore.

11. SECRETARY:

12. SB 163.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDENT:

16. Senator Moore.

17. SENATOR MOORE:

18. Thank you, Mr. President, members of the Senate,
19. SB 163, the little synopsis on the Calendar is not cor-
20. rect. ...The original bill that I introduced was to
21. allow the board of Auditors to appoint the Library...
22. Township Library District Trustees. ...In Committee
23. we heard from the Illinois Association of...Library
24. Districts, they did prefer to be elected, but presently
25. there're elected every two years and what we are endeavor-
26. ing to do in Downstate Illinois is to have one election
27. starting in 1977 when all township officials will be elect-
28. ed; this is true with township supervisors, township high-
29. way commissioners starting in 1977. So this bill was a-
30. mended to allow for the election of the township library
31. trustees for a term of four years commencing in 1977. It
32. does not apply to coterminous townships...they were taken out
33. to take care of Senator Walsh..Welsh and Senator Soper...I

1. know of no objection to the bill. I'd appreciate
2. a favorable roll call.

3. PRESIDENT:

4. Is there further discussion? The question is,
5. shall SB 163 pass? Secretary will call the roll.

6. SECRETARY:

7. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
8. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
9. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
10. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
11. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
12. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
13. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
14. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
15. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
16. Weaver, Welsh, Wooten, Mr. President.

17. PRESIDENT:

18. On that question the yeas are 49. The nays are 1
19. and 1 present. SB 163 having received the constitutional
20. majority is declared passed. SB 165, Senator Vadalabene.

21. SECRETARY:

22. SB 165.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. SENATOR VADALABENE:

26. Thank you, Mr. President and members of the Senate,
27. SB 165 appropriates fifty-five thousand dollars to the
28. Department of Conservation for the purpose of purchasing
29. the Benjamin Stephenson House in Edwardsville as a memorial.
30. I would just like to give you a little bit...of background
31. information in regard to Benjamin Stephenson. He was
32. appointed receiver of the land office of Edwardsville
33. in 1860 and on the 6th of August, 1819, Stephenson,

1. Auguste Chouteau, Ninian Edwards, negotiated a treaty for
2. the United States to purchase from the Kickapoo Indians
3. a large part of the...land of Central Illinois. Benjamin
4. Stephenson was a delegate to the convention in Kaskaskia,
5. Illinois for framing the State Constitution of Illinois
6. which was adopted in Congress in 1818. He was also a
7. Representative Congressman when Illinois was a territory
8. and I would appreciate a favorable vote.

9. PRESIDENT:

10. Is there further discussion? Senator Knuepfer.

11. SENATOR KNUEPFER:

12. Senator Vadalabene, is that the same tribe that
13. makes Kickapoo Joy Juice?

14. PRESIDENT:

15. Senator Vadalabene.

16. SENATOR VADALABENE:

17. Thank you...Senator Knuepfer, I was wondering if
18. someone would ask that question. Yes.

19. PRESIDENT:

20. Is there further discussion? Senator McBroom.

21. SENATOR MCBROOM:

22. Senator Vadalabene, could Senator Weaver and I have
23. a copy of that speech after we adjourn, please?

24. SENATOR VADALABENE:

25. Senator McBroom, I'm glad you asked, yes both of you
26. can have a copy of that speech.

27. PRESIDENT:

28. Would...would you send a copy also to the Commissioner
29. Lanigan and Senator Neistein?

30. SENATOR VADALABENE:

31. Yes, and a...and a bottle of Kickapoo Juice to all
32. the members of the Senate.

33. PRESIDENT:

1. Is there...Senator Berning.
2. SENATOR BERNING:
3. Just one quick question, is there any estimate
4. as to what the annual maintenance cost is going to be
5. for this memorial?
6. PRESIDENT:
7. Senator Vadalabene.
8. SENATOR VADALABENE:
9. I really don't have that...answer Senator Berning
10. ...what the estimate of the cost would be on that but
11. I would approximately say probably fifty dollars a month.
12. SENATOR BERNING:
13. Is...is the house in fifty dollars a month won't
14. even heat it. What...what's the...what's the...
15. PRESIDENT:
16. There's nothing wrong with trying.
17. SENATOR BERNING:
18. What's the condition of the building right now?
19. SENATOR VADALABENE:
20. The...the condition of the building is in unusually
21. good condition for being built in 1820.
22. SENATOR BERNING:
23. In other words, it's a pile of rocks.
24. SENATOR VADALABENE:
25. Bricks.
26. PRESIDENT:
27. I'm reluctant...but, Senator Soper.
28. SENATOR SOPER:
29. I move the previous question for this wigwam.
30. PRESIDENT:
31. All in favor of Senator Soper's motion moving the
32. previous question, signify by saying aye. Contrary nay.
33. Motion carries. The question is, shall the main motion

1. now be put? Senator Vadalabene, do you wish to close
2. the debate?
3. SENATOR VADALABENE:
4. Roll call.
5. PRESIDENT:
6. Secretary will call the roll.
7. SECRETARY:
8. Bartulis, Bell, Berning,
9. PRESIDENT:
10. Senator Berning.
11. SENATOR BERNING:
12. In explaining my vote, I...I just want to point
13. out that this is...a very nice contribution to Southern
14. Illinois, to the extent of at least a hundred thousand
15. dollars, with perhaps that much every other year for
16. maintenance, but as a gesture of good-will, I'm going
17. to vote aye.
18. SECRETARY:
19. Bruce, Buzbee, Carroll, Chew, Clarke, Conolly,
20. Course, Daley, Davidson, Donnewald, Dougherty, Fawell,
21. Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns,
22. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom,
23. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore,
24. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer,
25. Partee, Regner, Rock, Roe, Roe, Romano, Saperstein,
26. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer, Soper,
27. Sours,
28. PRESIDENT:
29. Senator Sours.
30. SENATOR SOURS:
31. ...I must have an uncanny proclivity for picking
32. up ill-wishers, but this is a bill that will...set a very
33. startling precedent. There isn't an area in the State

1. of Illinois that doesn't have a...an old home. The
2. Flannigan residence in the City of Peoria was con-
3. structed in 1837. It sits on the brow of the hill
4. in Carmi, for example, is loaded with old structures
5. that need State money. Now, the trouble with this
6. bill, Senator Vadalabene, is that we will be creating
7. a precedent to the extent that everyone, by precedent,
8. will come in and want the same kind of treatment. Now,
9. it just...it just so happens that I am one of the three
10. trustees of Illinois State Historical Society and
11. Governor Walker is our tenant in the State House. We
12. operate also, the old Capitol downtown and as much as
13. I'm attuned to the real value of historical things, I
14. think we ought to have a selective situation here rather
15. than just going piecemeal up and down the Mississippi.
16. Up and down the Wabash. Up and down the Illinois River.
17. I think we're establishing something here that the
18. Governor truly ought to veto at least until we find some-
19. thing rather than hopscotch. For that reason, I'm going
20. to vote present.

21. SECRETARY:

22. Swinarski, Vadalabene, Walker, Weaver, Welsh,
23. Wooten, Mr. President. Mr. President.

24. PRESIDENT:

25. On that roll call, the yeas are 47, the nays are
26. none, 2 voting present. SB 165 having received a
27. constitutional majority is declared passed. SB 168,
28. Senator Davidson.

29. SENATOR DAVIDSON:

30. Mr. President, I'd like leave of the Body to
31. bring 168 back to order of second reading for the purpose
32. of a technical amendment which is on the Secretary's
33. desk. It's to correct a typographical error from 1971 to

1. 1973.

2. PRESIDENT:

3. Is there leave? To recall to second reading.
4. Senator Rock, you have an amendment changing the date,
5. I believe.

6. SECRETARY:

7. Amendment #1 by Senator Rock.

8. SENATOR ROCK:

9. No, Mr. President, I...I gave the amendments as
10. we prepared them to Senator Davidson, it will be his
11. amendment.

12. PRESIDENT:

13. All right. Okay. All right. Senator Davidson
14. moves to adopt Amendment #1. All in favor signify by
15. saying aye. Contrary nay. Motion carries, the amendment
16. is adopted. SB 1...3rd reading. SB 169, Senator
17. Davidson.

18. SENATOR DAVIDSON:

19. I'd like permission...Senate to take 169 back to
20. second reading for the...same technical amendment, change
21. 1971 to 1973.

22. PRESIDENT:

23. Is there leave? So ordered. SB 169 on the order
24. of second reading. Senator Davidson is recognized. He
25. moves the adoption of Amendment #1 which changes the date
26. from 1971 to 1973. All in favor of the adoption of the
27. amendment signify by saying aye. Contrary nay. Motion
28. carries, the amendment is adopted. Third reading. SB 170.
29. Is there leave to recall SB 170 from third to the order
30. of second reading? No amendment necessary. All right,
31. on SB 170, Senator Davidson is recognized.

32. SENATOR DAVIDSON:

33. Mr. President, ladies and...

1. SECRETARY:

2. SB 170.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Davidson.

7. SENATOR DAVIDSON:

8. Mr. President, Ladies and Gentlemen of the Senate,
9. SB 170 takes the swearing in dates out of the Election
10. Code pertaining to all the county offices that we're now
11. amending and puts it into the dates that they're being
12. sworn in, in the amendments that we're putting together
13. so that all eight offices will be together and I'd
14. appreciate a most favorable roll call.

15. PRESIDENT:

16. Is there further discussion? The question is,
17. shall SB 170 pass? Secretary will call the roll.

18. SECRETARY:

19. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
20. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
21. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
22. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
23. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
24. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
25. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
26. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
27. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
28. Weaver, Welsh, Wooten, Mr. President.

29. PRESIDENT:

30. On that roll call, the yeas are 50. The nays are
31. none. SB 170 having received a constitutional majority
32. is declared passed. Senator Glass, SB 179. SB 180.

33. SECRETARY:

1. SB 180.

2. (Secretary reads title of bill).

3. 3rd reading of the bill.

4. PRESIDENT:

5. Senator Glass.

6. SENATOR GLASS:

7. Thank you, Mr. President, and Senators, SB 180
8. would enact the...Uniform Management of Institutional
9. Funds Act. This Act was drafted by the National
10. Conference of Commissioners on Uniform State Laws
11. of which the Chairman of our Legislative Reference
12. Bureau, Pete Bobbitt, is one of the commissioners.
13. ...It...it is favored by a number of the universities
14. and...other charitable and eleemosynary institutions
15. in the State, would give them an opportunity through
16. this uniform law to manage and invest their funds
17. ...produce a more...a larger rate of return, I don't
18. know of any opposition to the bill and I would urge
19. your support.

20. PRESIDENT:

21. Senator Knuepfer.

22. SENATOR KNUEPFER:

23. ...Just explain one thing, Senator Glass, I can't
24. say I understand this bill, but you said it would give
25. them an opportunity to receive a greater rate of return
26. on their investment. Now, how so?

27. SENATOR GLASS:

28. I would hope that would be...true...Senator Knuepfer,
29. because the standard that they would...would be established
30. for investment of funds by these universities and other
31. institutions would be that applicable to...director of
32. a business corporation...and...there...there has been a feeling
33. that some of the funds that have been donated to private

1. universities and...other private institutions are very
2. restrictive in...in the investments that can be made
3. and it was the opinion...is the opinion of...these various
4. institutions that with this uniform legislation which
5. ...would establish this standard of...of...a director of a
6. business corporation...which they feel is more appropriate
7. than the rule applicable to private trustees would...would
8. enable them to achieve...this flexibility and...then I
9. think perhaps produce a...a greater return than they now
10. do.

11. PRESIDENT:

12. Senator Knuepfer.

13. SENATOR KNUEPFER:

14. I...I'm not sure I got what I was looking for.
15. If a donor some twenty years ago provided ten million
16. dollars to a university and said that that money was to
17. be invested only in government bonds would this bill then
18. permit the universities to ignore the wishes of that donor
19. and speculate in common stocks, anything they might de-
20. sire to speculate in which would be approved under that
21. bill. Are you, in effect, overruling the wishes whatever
22. they may have been of the donor and establishing a statute
23. that would then supersede the wishes of those...of that
24. donor?

25. SENATOR GLASS:

26. I would say no, Senator, and...would refer you to,
27. I want to get the correct Section of the bill, I will read
28. you the...provision on that with the...written consent
29. of the donor, the governing board may release in whole
30. or in part a restriction imposed by the applicable gift
31. instrument on the use or investment of an institutional fund.
32. If the written consent cannot be obtained by reason of
33. his death, disability...or impossibility of identification

1. the governing board may apply in the name of the institution
2. to a court for a release of a restriction imposed by
3. the applicable gift instrument or on the use or
4. investment of the fund. The Attorney General shall be
5. notified and be given an opportunity to be heard and if
6. the Court then finds that the restriction is obsolete,
7. inappropriate or impracticable, it may order the release.
8. So I...I think in answer there is ample protection for
9. ...an unwise or...a bad use of the funds. I think that
10. is built into the bill and was very carefully drafted
11. ...and as I mentioned earlier has...broad support of
12. the University of Illinois and other institutions of
13. the State.

14. PRESIDENT:

15. Senator Knuepfer.

16. SENATOR KNUEPFER:

17. I...I...I'm sorry I'm not getting what I'm looking
18. for, what are the present restrictions that would be
19. obviated by this bill, that's what I'm trying to ask
20. you...and..and I keep going around in circles, maybe
21. I'm not asking the right question. What will they
22. be able to do if this bill passes that they can not do
23. now?

24. SENATOR GLASS:

25. With...with...in answer to your question, I...
26. in what I just read you I outlined the procedure for
27. having certain restrictions waived. There now is no
28. procedure for doing that other than what is known as
29. the Cy Pres Doctrine..of the Court, there is no specific
30. statutory authorization for doing it.

31. PRESIDENT:

32. Senator Knuepfer.

33. SENATOR KNUEPFER:

1. I don't want to take this Body's time, but if there
2. is no...problem now, why do we need a bill to handle it?

3. SENATOR GLASS:

4. Well, that is...that is the problem now. There is...
5. there is no procedure other than this general intention
6. doctrine of...of the courts to...to...change the...
7. provisions with regard to investment and if they are
8. obsolete or impractical and..the return that is being
9. realized on these bonds is extremely low it seems un-
10. reasonable to prohibit the...the university or the other
11. institution from seeking...review of those provisions
12. ...by the court with notice to the Attorney General
13. ...if...if the Court agrees that they are then in per-
14. mitting other investments in accordance with the prudent
15. businessman Rule.

16. PRESIDENT:

17. Senator...Senator Wooten. Senator Knuepfer, do you
18. wish to respond? Senator Knuepfer.

19. SENATOR KNUEPFER:

20. Just close with one thing, I...I would only like to
21. remind you that during the period of '69 and '70 a great
22. many universities who...had decided to play things the
23. speculative way and invest in some fairly volatile common
24. stocks...also lost their shirt in their investments and
25. their investments declined very rapidly. Now, whether
26. this bill would have the...potential for creating that
27. kind of a situation, I don't know, but I think we...that
28. that was a situation that existed and it sounds to me
29. as if this may be the direction this bill is going, so
30. be it.

31. PRESIDENT:

32. Senator Wooten.

33. SENATOR WOOTEN:

1. ...Will the sponsor yield for a question? How...
2. does this apply to real estate that is left in institution
3. in perpetuity to be used as a recreational area or land
4. that is not used for speculative purposes. Would this
5. apply equally to real estate as to investment funds and
6. so on?

7. SENATOR GLASS:

8. Well, Senator Wooten, ...the bill would apply to any
9. restrictive provision imposed by the person making the gift
10. and...if, for example, in a...in a trust instrument somebody
11. gave funds or property to a university...this bill would
12. provide that the...the university or the other institution
13. if it wished to use the property in some other fashion
14. would first have to get Court approval...or if the donor
15. were living his approval. Now, there is no specific
16. reference to...to real estate...and I think generally
17. their...their interests are in securities and...
18. investments of that type.

19. PRESIDENT:

20. Senator Soper.

21. SENATOR SOPER:

22. Mr. President, members of the Senate,...this is a
23. very important bill and...it seems to me that where
24. someone donates a piece of property or a building or
25. something that he owns in his lifetime and he wishes
26. that a university should have this building and that
27. should be maintained with his funds in his manner for
28. posterity, I don't think that we should give anybody
29. the privilege of changing his wishes. If the university
30. or the...or the...or the Body that receives this donation
31. doesn't want the building, let it go back to his heirs,
32. but why should we mess around and tell somebody what...
33. what should be done with a piece of property if someone

1. during his lifetime felt that he worked for something.
2. For instance, he had a beautiful building with a lot
3. of paintings in it and...and then...some...public body
4. or private university got it and said, well, we don't
5. care about these paintings; we're going to sell them,
6. we're going to put in this or that, do something else
7. with it. This man didn't want that, he wanted some-
8. thing to be done with it and I...I would feel that...
9. that if I wanted to leave my money in a certain way
10. and if the university and some...some body or some...
11. some...some private...private school took...took the
12. donation, they should respect my wishes and I don't
13. think we should...we should have any gateway for
14. anybody to...to violate that wish. Do you know
15. what's going to happen with this? People will think
16. twice before they donate anything or put any provisions
17. in if we open these gates and these people who want
18. this are...are going to regret it, because many people
19. aren't going to leave a nickel to anybody if they feel
20. that after they die, it can go to a court and say, well,
21. the law says we can change it; we've got a board here
22. and the board says we should do it this way and then
23. the judge will say, well, if that's what you want,
24. the law says you can do it and I think this is a bad
25. bill and I think it should get a nice graceful demise.

26. PRESIDENT:

Senator McCarthy.

27. SENATOR McCARTHY:

28. Thank you, Mr. President, this is not intended...
29. as a criticism at all but I think it kind of supplements
30. what Senator Soper says; it appears that this is a bill
31. that might properly be considered by the Judiciary
32. Committee because it involves the Doctrine of Cy Pres
33.

1. because there are indications the possibilities the
2. reverter are extinguished because of the application
3. to a court with notice to the Attorney General. I
4. don't want to take the time of this Body to...get into
5. it, I've read it during the debate but it seems to
6. me that I have to kind of reinforce the arguments
7. of Senator Soper...Soper that if we passed a bill
8. like this where possibilities of reverter are extinguish-
9. ed where the object of the donor is frustrated by court
10. action with...with notification only to the Attorney
11. General that it may become counterproductive insofar as
12. the funding of these institutions. So I just make that
13. comment with the one, maybe, this one Judiciary ought to
14. take a look at it.

15. PRESIDENT:

16. Senator Latherow.

17. SENATOR LATHEROW:

18. ...Mr. President, I...I just wonder if the
19. sponsor would yield to a question. The old proverbial
20. question that I thought Senator Soper was going to ask,
21. is who wants this bill?

22. SENATOR GLASS:

23. Well, Senator Latherow, in response to your question
24. who wants this bill?...it first of all was presented to me
25. by the...Commission on Uniform State Laws, and specifically
26. in Illinois, it's been endorsed by the Federation of
27. Independent Colleges and Universities representing
28. fifty-two private colleges. It's...also supported by
29. the University of Illinois and other...other universities
30. in the State. I think a specific answer, the...the...
31. people that want the bill are those involved in
32. administering these funds who find that they are unable
33. to invest them in a reasonable way in order to get

1. a...a decent return and I think...those are the people
2. that want them and I...I submit that we should give
3. them this leeway.

4. PRESIDENT:

5. Senator Latherow.

6. SENATOR LATHEROW:

7. I...I might suggest the fact that in listening
8. to those that desired this piece of legislation, I
9. didn't notice you mention anything about those people
10. who were considering leaving estates to any... of the
11. universities and private colleges and so on. I didn't
12. notice you name any private individual who might be
13. an endower to it.

14. PRESIDENT:

15. Senator Glass.

16. SENATOR GLASS:

17. Well, I don't know any of those, Senator, that
18. are planning on leaving estates to private colleges
19. or else I could probably name a few.

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. Just one question, Mr. President, the sponsor
24. will yield. It seems, Senator Glass, most of the
25. discussion concerns itself with Section 8 and the
26. question I have is Section 8B, specifically, can a
27. governing board, in fact, do that, which this
28. section allows, can they do it today without this
29. law?

30. SENATOR GLASS:

31. What...what page is that on, Senator?

32. SENATOR ROCK:

33. I have the printed bill; it's on page 4

1. of the printed copy.

2. SENATOR GLASS:

3. Well, at the...at the present time according to
4. the information I have and I think this is true, that
5. ...in the event, they wish to...invest the funds in
6. some fashion other than is specifically limited by the
7. donor, they can go into court and possibly obtain this
8. relief under this Cy Pres Doctrine. In other words,
9. if the court can construe the intention of the...
10. donor as including the different usage. They feel
11. they can do it, but they do feel greatly restrained in
12. ...in their ability to...and in fact I might read...
13. might read this brief statement which I think explains
14. it,...too often the desperate need of some institutions
15. for funds to meet current operating expenses has led
16. their managers contrary to the best long term judgment
17. to forego investments with favorable growth prospects
18. to have a low current yield. It would be far wiser to
19. take capital gains as well as dividends and interest
20. into account and investing in the highest overall re-
21. turn consisting in the safety and preservation of the
22. funds invested. I think this is the kind of investment
23. policy they seek to follow and the...the limitations
24. under the law now have convinced them they don't have
25. the freedom to do this, so I think we would permit a
26. better return and...wiser investments by adopting
27. this uniform act.

28. SENATOR ROCK:

29. Well, no, but...the thrust of my question, Senator
30. Glass, is that this is the concern that is shared by
31. Senator Soper, Carroll and a number on our side is that
32. if, in fact, the instrument, the gift instrument, put
33. some restriction on the gift, can a board, now, without

1. this law, go in? Get that restriction released in
2. whole or in part?

3. SENATOR GLASS:

4. Well, I think they could do that under this
5. Doctrine that I mentioned...but there is the Cy Pres
6. Doctrine and that's pretty it...it is unlikely that
7. they could get it done and therefore if you read
8. section 8...I submit to you that contrary to what
9. Senator Soper said and some of the other Senators...
10. we're really not throwing these funds to the wolves.
11. There is a...a large there are significant safeguards
12. ...built into this bill.

13. SENATOR ROCK:

14. Well, I...I don't think it's a question of throwing
15. the...principle or the...interest or anything else to the
16. wolves. The question, if I, in fact, give something
17. with...with a hook or with some restrictions and you
18. are the donee, how, then, do you have a right to go in
19. and remove my restrictions?

20. SENATOR GLASS:

21. Well, I...I think the bill...applies if the restrictions
22. for some reason are...are obsolete...impractical or in-
23. appropriate, and I think that...is something that you
24. are giving the court the right to determine, which I
25. think it has only remotely at the present time and that's
26. ...that's the main reason for the bill. I have no
27. further questions.

28. PRESIDENT:

29. Senator Howard Mohr.

30. SENATOR MOHR:

31. Mr. President, I move the previous question.

32. PRESIDENT:

33. Senator Mohr has moved the previous question, all

1. in favor signify by saying aye. Contrary nay. The
2. motion carries. The question is now, shall the main
3. Motion now be put? Senator Glass may close the debate.

4. SENATOR GLASS:

5. Well, I...I...I think I have had an adequate opportunity
6. to explain his bill, Mr. President, and I...I submit to
7. you many of these concerns expressed here are simply...
8. simply not well founded. I think that the bill has been
9. very carefully drafted to preserve any rights and restrictions
10. of significance that may...be wished by the donor, but they
11. also give institutions the opportunity not to let funds lie
12. idle and...be subjected to obsolete and impractical restrictions;
13. the protection of the Attorney General and the Courts are
14. built into the bill and I would urge your aye vote.

15. PRESIDENT:

16. The question is, shall SB 180 pass. The Secretary
17. will call the roll.

18. SECRETARY:

19. Bartulis, Bell, Berning,

20. PRESIDENT:

21. Senator Berning.

22. SENATOR BERNING:

23. Mr...Mr. President...I call your attention and the
24. sponsor to a question, 180 seems in the...in the Calendar
25. seems to indicate we are creating the Uniform Management
26. of Institute Funds Act. The bill seems to indicate that
27. we already have the Act and the amendments are to an
28. existing act, so my point is simply, are the amendments not
29. improper when they refer to the Uniform Act as established
30. by the 78th General Assembly? Specifically, I refer you to
31. the first instance, page 4...page 6, line 6. Now does this
32. not make the amendment improper?

33. PRESIDENT:

1. ...Senator, we are on roll call...

2. SENATOR BERNING:

3. Well, I couldn't get recognized...

4. PRESIDENT:

5. ...this, this is a new Act. Well, the Body has

6. expressed itself to...restrict debate.

7. SENATOR BERNING:

8. ...This is not a new Act.

9. PRESIDENT:

10. The bill...the bill creates a new Act.

11. SECRETARY:

12. Bruce, Buzbee, Carroll, Chew, Clarke, Conolly, Course,

13. Daley, Davidson, Donnewald, Dougherty, Fawell, Glass, Graham,

14. Harber Hall, Kenneth Hall, Hynes, Johns, Keegan, Knuepfer,

15. Knuppel, Kosinski, Latherow, McBroom, McCarthy,...McCarthy,

16. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,

17. PRESIDENT:

18. Senator Netsch...Oh, present.

19. SECRETARY:

20. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,

21. Regner, Rock, Roe, Romano, Saperstein, Savickas, Schaffer,

22. Scholl, Shapiro, Smith, Sommer, Soper, Sours,

23. PRESIDENT:

24. Senator Sours.

25. SENATOR SOURS:

26. Mr. President, Senators, I wouldn't want Senator

27. Glass to think I'm opposing this capriciously...Professor

28. Austin Wakeland Scott, Senator Hynes will remember him

29. and Senator Netsch being professors, wrote the finest treatise

30. on trusts. One article was Education and the Dead Hand

31. in the Harvard Law Review. Now, I think we should insist

32. upon the right of a testator in a will and a settlor in a

33. ..in a intervivos trust to fix any restrictions he wants

1. in connection with his bequest or his devise. I, too,
2. am a little concerned about the crap game that South LaSalle
3. Street engages in the big Board...on the big Board with the
4. fruits of and the efforts of some of these donees to the
5. public institutions. I believe that the testators word is
6. final. I believe that the settlors word is final. And they
7. should not be changed by any law. If a judge has the
8. occasion to change it in the proper case, that's fine, so
9. I vote no.

10. SECRETARY:

11. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
12. Mr. President.

13. PRESIDENT:

14. Senator Glass.

15. SENATOR GLASS:

16. Move to postpone consideration.

17. PRESIDENT:

18. Senator Glass moves to postpone consideration. All
19. in favor signify by saying aye. Contrary nay. The Motion
20. is carried. Senator Davidson, SB 168.

21. SECRETARY:

22. SB 168.

23. (Secretary reads title of bill).

24. 3rd reading of the bill.

25. PRESIDENT:

26. Senator Davidson.

27. SENATOR DAVIDSON:

28. Mr. President, Ladies and Gentlemen of the Senate, this
29. bill gets the swearing in date of the County Clerk in order
30. with all the other county offices that we passed one already
31. this morning and there's one-six...169 as another series bill
32. that goes...appreciate a most favorable roll call.

33. PRESIDENT:

1. Is there further discussion? The question is,
2. shall SB 168 pass? The Secretary will call the roll.

3. SECRETARY:

4. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
5. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
6. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth Hall,
7. Hynes, John, Keegan, Knuepfer, Knuppel, Kosinski, Latherow,
8. McBroom, McCarthy, Merritt, Mitchler, Howard Mohr, Don
9. Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer,
10. Partee, Regner, Rock, Roe, Romano, Saperstein, Savickas,
11. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,
12. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
13. Mr. President.

14. PRESIDENT:

15. On that question, the yeas are 51. The nays are
16. none. The bill having received a constitutional majority
17. is declared passed. SB 169.

18. SECRETARY:

19. SB 169.

20. (Secretary reads title of bill).

21. 3rd reading of the bill.

22. SENATOR DAVIDSON:

23. Mr. President, Ladies and Gentlemen of the Senate,
24. this gets the Recorders' swearing in date along...as the same
25. date at the same date with all the other county offices...
26. appreciate a most favorable vote.

27. PRESIDENT:

28. Is there further discussion? The question is, shall
29. SB 169 pass? The Secretary will call the roll.

30. SECRETARY:

31. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
32. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
33. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

1. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
2. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
3. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
4. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
5. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
6. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
7. Weaver, Welsh, Wooten, Mr. President.

8. PRESIDENT:

9. On that roll call, SB 169, 54 yeas and no nays. The
10. bill having received a constitutional majority is declared
11. passed. SB 181, Senator Nimrod.

12. SECRETARY:

13. SB 181.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. SENATOR NIMROD:

17. Mr. President, Ladies and Gentlemen of the Senate,
18. this bill creates the Workmen's Compensation Study Com-
19. mission and it's in line with the National Report. This
20. bill has been presented to the Industrial Commission to
21. members of labor and management and it has been amended
22. to incorporate the...Commission to have the Legislators
23. incorporated with it. And I would ask for a favorable roll
24. call on this bill.

25. PRESIDENT:

26. Is there further discussion? The question is,
27. shall SB 181 pass? Secretary will call the roll.

28. SECRETARY:

29. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
30. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
31. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
32. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
33. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
2. Saperstein, Savickas, Schaffer, Scholl,

3. PRESIDENT:

4. Senator Schaffer.

5. SENATOR SCHAFFER:

6. I...I'd like to wish Senator Nimrod happy Birthday.

7. I vote no.

8. SECRETARY:

9. Scholl, Shapiro, Smith, Sommer, Soper, Sours,
10. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,
11. Mr. President.

12. PRESIDENT:

13. Senator...Senator Mitchler.

14. SENATOR MITCHLER:

15. ...I conferred with the sponsor and I find out I'm
16. a sponsor...a co-sponsor of this bill with Senator Nimrod
17. and here I was questioning it. I've got to vote aye.
18. I've got to vote aye.

19. PRESIDENT:

20. ...The Chair suggests...that Senator Mohr, Howard
21. Mohr...

22. SENATOR MOHR:

23. Yes, Mr. President, I've talked to Senator Rock
24. on this bill earlier and we thought this was 182, we don't
25. have any objection, we cleared that up, I...I...

26. PRESIDENT:

27. It's the suggestion that...

28. SENATOR MOHR:

29. ...It was an honest mistake, Mr. President, I would
30. encourage everybody to vote aye.

31. PRESIDENT:

32. Senator...Mohr makes a valid point there was some

33.

1. serious confusion here. It seems to me that it might be
2. a more orderly procedure for the Secretary to take a new
3. sheet and call the roll.

4. SECRETARY:

5. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
6. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
7. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
8. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel,

9. PRESIDENT:

10. ...Senator Keegan.

11. SENATOR KEEGAN:

12. With the sympathy that's due one new Senator from another,
13. I vote aye. Also, with a great hope and expectation of a
14. yes vote from my colleague on ERA.

15. SECRETARY:

16. Knuepfer, Knuppel, Kosinski, Latherow, McBroom,
17. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,
18. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner,
19. Rock, Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,
20. Shapiro, Smith, Sommer, Soper,

21. PRESIDENT:

22. Senator Soper.

23. SENATOR SOPER:

24. Senator Nimrod, at this time, the President was kind
25. enough to tear up the first sheet. I...I'll assure you
26. that sometime or other you'll...you'll wish that one
27. sheet that was recorded would be torn up and..you...if
28. you're going to trade votes with a few people on this Floor,
29. you're going to be in dire trouble. I vote aye for your
30. Happy Birthday.

31. SECRETARY:

32. Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,
33. Wooten, Mr. President.

1. PRESIDENT:

2. On that roll call the yeas are 50, the nays are none.
3. SB 181 having received a constitutional majority is declared
4. passed. SB...Senator Howard Mohr.

5. SENATOR MOHR:

6. Yes, Mr. President, just want the members of the Senate
7. to know that...our generous friend, Senator Soper, in a true
8. Bohemian custom bought the birthday cake tonight.

9. PRESIDENT:

10. For the entire Senate?

11. SENATOR SOPER:

12. ...Senator Nimrod, please blow out that candle, we've
13. got other birthdays coming.

14. PRESIDENT:

15. Senator Nimrod.

16. SENATOR NIMROD:

17. Y'know, when I, Mr. President, when I first introduced
18. this bill and it went to the wrong Committee, I thought that
19. was just a mistake, but there's been a series of mistakes
20. for three weeks now; they've been avoiding getting to this
21. bill and today I wasn't sure I was in the right Senate. But
22. I do thank you and appreciate it very much.

23. PRESIDENT:

24. Good. Senate...SB 182.

25. SECRETARY:

26. SB 182.

27. (Secretary reads title of bill).

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Nimrod.

31. SENATOR NIMROD:

32. Mr. President...this bill...provides the twenty-five
33. thousand appropriation for SB 181, I would ask for a favorable vote.

1. PRESIDENT:

2. The question is, shall SB 182 pass? Secretary
3. will call the roll.

4. SECRETARY:

5. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
6. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
7. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
8. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
9. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
10. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
11. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
12. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
13. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
14. Weaver, Welsh, Wooten, Mr. President.

15. PRESIDENT:

16. On that roll call, the yeas are 50. The nays are
17. none. SB 182 having received a constitutional majority
18. is declared passed. SB 173. Senator Fawell. Senator
19. Fawell.

20. SENATOR FAWELL:

21. ...Mr. President, I do have an amendment being
22. prepared on that, another one, other than the one I have
23. on the Secretary's desk. I thought it would be here by
24. now, it hasn't arrived, so apparently I'll have to pass.

25. PRESIDENT:

26. Okay. All right. Fine. SB 189. Senator Bartulis.
27. Senator Soper, Senator Bartulis has a bill immediately...

28. SECRETARY:

29. SB 189.

30. (Secretary reads title of bill).

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Bartulis.

1. SENATOR BARTULIS:

2. Thank you, Mr. President, members of the Senate,
3. SB 189 amends the Illinois Income Tax Act and it is necessary
4. to make certain that Vietnam Veterans captured by the enemy
5. or missing in action are exempted from the tax on the back
6. pay and repatriation they receive upon their return
7. home. In 1970, the General Assembly enacted legislation
8. exempting service men on active duty from the State income
9. tax. However, the Act does not make specific provision for
10. income tax earned prior to that time. I want to make certain
11. that our men returning, some of them after long...captivity
12. do not have to fight through government red tape or a court
13. case to get exemption they rightfully deserve. And I expect a
14. favorable roll call, thank you.

15. PRESIDENT:

16. Is there further discussion? Senator Rock.

17. SENATOR ROCK:

18. Mr. President. Just a point of inquiry, Mr. President.
19. There was an amendment adopted this afternoon on this bill?
20. Fine. We...urge everybody's support.

21. PRESIDENT:

22. The question is, shall SB 189 pass? Secretary will
23. call the roll.

24. SECRETARY:

25. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
26. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
27. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
28. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
29. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
30. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
31. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
32. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
33. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,

1. Weaver, Welsh, Wooten, Mr. President.

2. PRESIDENT:

3. On that roll call, the yeas are 51. The nays
4. are none. SB 189 having received a constitutional
5. majority is declared passed. Senator Glass, SB 195.

6. SECRETARY:

7. SB 195.

8. (Secretary reads title of bill).

9. 3rd reading of the bill.

10. SENATOR GLASS:

11. ...Mr. President and Senators, SB 195 would amend
12. the Illinois Municipal Code with regard to the incorporation
13. of cities. ...At the present time, I believe through a con-
14. flict in the statutes, the Courts have held that it is not
15. possible for a group of persons of seventy-five hundred or
16. greater residents within a four mile population to have a
17. right to vote on the question of whether they wish to incor-
18. porate into a municipality without the consent of the nearest
19. city or village lying within one and a half miles of this...
20. the boundary of the territory. So what this bill does...
21. simply states that a group of seventy-five hundred or more
22. residents within a four mile population are entitled to bring
23. the question to a vote on whether they wish to incorporate
24. into a new city. I would ask for your favorable support.

25. PRESIDENT:

26. Senator Knuepfer.

27. SENATOR KNUEPFER:

28. I didn't support this in Committee and I think there
29. is some very substantial reasons why it shouldn't be sup-
30. ported. One of the things we are trying to do is to prevent
31. the proliferation of municipalities. This Legislative Body
32. has enacted over the past six years that I have been here,
33. rules, regulations, statutes of designed basically to prevent

1. the proliferation of smaller...municipalities. There are
2. some very specific procedures in which an area desiring
3. annexation...has to, or desiring to...to incorporate,
4. desiring to become a municipality has to ask its neighbors
5. within a one and one-half mile boundary, will you take me
6. in? And that legislation serves a very specific purpose
7. and that is to prevent again the smaller municipalities
8. from...from growing up. I've got them in my...in my
9. county, so small that they cannot provide urban services
10. which the residents desire, only unfortunately, most of
11. the residents do not know this until it is too late. So
12. we have set up protective devices and those protective
13. devices would be ignored by this bill. This bill is
14. opposed by the Illinois Municipal League for at least
15. some of the reasons I am suggesting as well as others.
16. I think it is an undesirable concept; it will apply to the
17. whole State of Illinois and I think it's taking us in
18. the direction of the small municipality again where we
19. should not be going.

20. PRESIDENT:

21. ...Senator Berning.

22. SENATOR BERNING:

23. Thank you, Mr. President and members of the Body, I...
24. I think that it's...appropriate to comment in favor of this
25. bill. We have been committed under the new Constitution to
26. enhance the concept of local home rule, and in my opinion, this is a
27. step in that direction. There seems to be little justification
28. to deny a sizeable group of people to take action which they
29. in their own wisdom determine best for their future. I would
30. suggest an aye vote.

31. PRESIDENT:

32. Senator Wooten.

33. SENATOR WOOTEN:

1. Yes, Mr. President, I rise in opposition to this
2. bill. In our area, principally on the Iowa side of the
3. River, I've had an opportunity to see first-hand what
4. advantage can be taken of a situation in which any group
5. can incorporate into a city. We've had specific examples
6. of large industries moving in and in effect creating
7. their towns under highly favorable situations and the people
8. in that community pay the piper from that point on. I
9. might also point out whether we like it or not, portions of
10. Illinois are rapidly becoming part of the great megalopolis
11. which stretches from New York all the way out to Minneapolis.
12. One of the principal difficulties we have in such urban
13. concentrations is obtaining the responsible participation
14. of all citizens in the very real problems that accrue in
15. such urban densities and I'm afraid one of the evasions
16. of responsibility open to us is the creation of smaller
17. communities. It actually penalizes the members of those
18. small communities, particularly those which are adjacent
19. to larger urban areas and at the same time they...they serve
20. a somewhat parasitic function, I believe. I...I believe that
21. the safeguards that are written into the present law are
22. needed. I...really think it's...it's a step backward to
23. adopt the provisions of this bill and I earnestly request
24. the members of this Body to vote no.

25. PRESIDENT:

26. Senator Nimrod.

27. SENATOR NIMROD:

28. Mr. President, the community ...in particular that
29. I see that's involved in this kind of a situation is one
30. that when there are seven or eight or nine or ten thousand
31. residents left within a community, that means that they must
32. ...they cannot form for themselves, they have to be torn
33. with two, three or four municipalities that..which they

1. are surrounded by. Now these people should not have to be torn
2. and torn apart within a community. They should have the
3. right, if they so choose to go ahead and select and have
4. their own community within that area and it is of the utmost
5. importance; I cite this particular area that exist in
6. several pockets within Cook County which I know these people
7. want to incorporate. And they've had several referendums
8. already which have denied them the right and causing
9. neighbor to fight with neighbor. And I think this would
10. certainly solve a problem and I would urge that we consider
11. this favorably in face of...in support of local government.

12. PRESIDENT:

13. Is there further discussion? The question is, shall
14. SB 195 pass? Secretary will call the roll.

15. SECRETARY:

16. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
17. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
18. Dougherty, Fawell, Glass,

19. PRESIDENT:

20. Senator Glass.

21. SENATOR GLASS:

22. Well...well, Mr. President, explaining my vote, I
23. would just like to respond briefly to some of the comments
24. of Senator Wooten and Senator Knuepfer...I...I don't think
25. there's any question but what a group of people of seventy-
26. five hundred or more within a...an area of four square miles
27. ought to be entitled to a home rule, local government decision
28. on how they should be governed. We have a specific example
29. of this within our district where a group that size or
30. larger which wishes to have the right to vote on incorporation
31. is being deprived of it, they are, in fact, faced with the
32. loss of revenue sharing because they are not incorporated,
33. they are unable to come to terms with a number of the...

1. the local municipalities...this situation has gone on
2. for many years and I think it's inconceivable that this
3. large a number of citizens should not have the right.
4. Thank you, Mr. President, to at least vote on this question
5. so I am going to vote aye.

6. SECRETARY:

7. Graham, Harber Hall, Kenneth Hall, Hynes, Johns,
8. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom,
9. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore,
10. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,
11. Regner, Rock, Roe, Romano, Saperstein, Savickas, Schaffer,
12. Vadalabene, Walker, Weaver, Welsh, Wooten,

13. PRESIDENT:

14. Senator Welsh.

15. SENATOR WELSH:

16. Mr. President and members of the Senate, sitting
17. behind me in the gallery, the rear gallery is a distinguished
18. political leader from Cook County, County Commissioner John
19. Strojer.

20. SECRETARY:

21. Mr. President.

22. PRESIDENT:

23. How does the Senator vote?

24. SENATOR WELSH:

25. I vote aye.

26. PRESIDENT:

27. Senator Wooten. For what purpose does Senator
28. Dougherty arise?

29. SENATOR DOUGHERTY:

30. How am I recorded, Mr. Secretary?

31. SECRETARY:

32. You are not recorded.

33.

1. Mr. President, as a strong advocate of home rule,
2. having voted affirmatively in Committee, I...I not wishing
3. to change anybody else's vote, but I believe I'm going
4. to vote aye. I like to be recorded as aye.

5. PRESIDENT:

6. Senator Vadalabene? Aye. Mr. President, aye.
7. Senator Don Moore, aye. Senator Keegan, no. There's
8. been a request to call the absentees. The absentees
9. will be called. Proceed with the call of the absentees.

10. SECRETARY:

11. Bruce, Carroll, Course, Donnewald, Fawell, Kenneth
12. Hall, Hynes, Johns, Kosinski, Latherow, McCarthy, Newhouse,
13. Nudelman, Palmer, Partee, Rock, Roe, Romano, Saperstein,
14. Savickas, Smith, Sommer, Soper, Walker.

15. PRESIDENT:

16. Senator Glass, did you wish to make a motion?

17. SENATOR GLASS:

18. I...I would move to postpone consideration.

19. PRESIDENT:

20. Senator Glass moves to postpone consideration.
21. All in favor signify by saying aye. Contrary nay. Motion
22. carries. Further consideration is postponed on SB 955.
23. Senator Graham.

24. SENATOR GRAHAM:

25. Mr. President, earlier in the day, I announced and
26. pledged to Senator Dougherty we would return to the order
27. of SB 77 this evening. It would seem to me this one,
28. Senator, at least that we're getting close to adjournment
29. time, some of the membership is starting to leave the
30. Senate. I'm wondering if we could honor my pledge to
31. Senator Dougherty that I made this afternoon...

32. PRESIDENT:

33. SB 77.

1. SECRETARY:

2. SB 77.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDENT:

6. Senator Dougherty.

7. SENATOR DOUGHERTY:

8. Mr. President, members of the Senate, SB 77 is the
9. bill introduced by myself and Senator Graham as the bill
10. being offered on the behalf of the Election Law Study
11. Commission. This bill is precisely the same bill as
12. passed this Senate last Session with a vote about 53 to
13. nothing, where it went over to the House and became bogged
14. down in the closing days of the Session. This bill
15. further does precisely what we're required to do under the
16. new Constitution to establish a State Board of Elections
17. which will have general supervisory...supervision over all
18. the elections in the State of Illinois. The bill further
19. does precisely what the law requires that it shall be a
20. nonpartisan body, by that meaning that nobody shall have
21. partisan control of it. That's why it's composed of four members,
22. two of each party, whose names are presented to the Governor
23. in a series of eight for the selection of four members to
24. make up this board. Now, we of the Commission worked
25. hard and long on this particular bill, I don't believe that
26. there's a line of this bill that hasn't been gone over several
27. times and had the merit of the consideration of every member of
28. the Body and this is the result. There is some talk that we
29. should need a tie breaker, there is no such thing as a tie
30. breaker for this reason, that it would be named by the
31. Governor and that would mean that he would then have control
32. of the Board because it would then be a partisan board which
33. we are trying to avoid. We are trying to follow what the

1. Constitution requires us to do. Now, it says an independent,
2. what is an independent? I believe each and everyone of us
3. will agree that there is no such precise person as a political
4. independent. Every citizen of the United States who votes
5. in any election, has some sense of party loyalty of one kind
6. or another to one or the other two parties. And this I
7. believe is true and this was pondered over, it was the
8. cause of much rhetoric among us who are members of the
9. Commission. The bill is sufficiently strong to provide
10. investigative powers of the Commission in order that any
11. area of the law that may need investigation may be done so by
12. this Commission and return a proper report. If there is not,
13. there is always the Attorney General to whom the Committee re-
14. ferred to get an interpretation of the law. The fact is this
15. here, we leave the local jurisdiction to the elected County
16. Clerks of the State of Illinois, all 102 of them, and the City
17. Boards of Elections, all ten of them who were selected by
18. referendum of the people of the various cities having them, thus
19. retain the local authority; the Board of Elections were established
20. by the Cities. There is reason for a bipartisan board or
21. a nonpartisan board, call it what you want. In the 1964
22. at-large election, this Commission of which Senator Graham
23. and myself are members, I happened to be the Chairman at
24. that time, were belabored to take over the counting of the
25. at-large election. In the course of that election, we were
26. able to manage or write a set of rules that provided every
27. county that...in the State of Illinois the rules were pre-
28. cisely the same; the methodology devised was precisely the
29. same, and furthermore, we went through the whole realm of cost
30. and I am quite proud to say and we were lauded by it that we saved
31. several millions of dollars and this can be done by people
32. working together as a nonpartisan group. This I think can be
33. done. The Sub-Committees did a remarkable job; I would like to

1. point out to you that the bill must be passed at this
2. time for the reason, that it is going to go over to the
3. House where I am quite sure there will be some amendments
4. offered to it thus forcing it into a Conference Committee
5. to work out every problem that may be solved. But we are
6. required by the Constitution of the State Board of Election,
7. I might point out to you that this is the month of May, that
8. later on this fall, within a few months will be obliged to
9. get set up the problems of 1974 General Election. This is
10. the Board that will have charge of it and I ask for a most
11. favorable roll call in order that it may be received well
12. in the House. Thank you.

13. PRESIDENT:

14. Senator Graham.

15. SENATOR GRAHAM:

16. Mr. President and members of the Senate, this is one
17. of our more important measures this year and I'll only take
18. up about a minute. The old Gentlemens' convention, as
19. Senator Sours refers to many times, mandated upon us that we
20. do in fact establish a State Board of Elections. There
21. happens to be a couple of versions existing with regard to
22. this measure. There are some across the rotunda that feel
23. that there should be a tie breaker involved in a five man
24. membership. It has been suggested that a tie breakers
25. qualifications be that he does or has not voted in a primary
26. for the last four years. My position on that issue is if
27. a man or woman does not choose to vote in the primary and
28. become involved in our election processes, he has no business
29. on the Board of Election Supervisory Committee of the
30. State of Illinois. There are some other alternatives. I
31. don't think that the Senate has a monopoly on intelligence
32. with this neither and do I think the House does. But I do
33. think the two Bodies have the courage and the intelligence and

1. the ability to comply with the Constitution as handed
2. down to us and voted upon by the people of the State of
3. Illinois before and I think we have to proceed forthwith
4. because if we don't, gentlemen and ladies of the Senate,
5. someday there will be an election challenged by someone
6. and in that election some hundred and seventy members
7. of this General Assembly may be involved and they'll wonder
8. what happened to them on December the 10th. I ask for a
9. roll call and let's get this show on the road.

10. PRESIDENT:

11. Senator Knuepfer.

12. SENATOR KNUEPFER:

13. Well, I...I recognize that the new Constitution has
14. mandated an election board...what...however,...disturbs me
15. is you have created a eunuch, you've got an election board
16. with in effect no power at all, now I'm going to support
17. this because I guess I don't have much other alternative
18. but when you create a State Board of Elections and you
19. still have a hundred and two county officials that are a
20. law under themselves, all that you've done is meet the
21. mandate of the Constitution, the new Constitution without
22. meeting the spirit of that Constitution.

23. PRESIDENT:

24. Is there further discussion? Senator Keegan.

25. SENATOR KEEGAN:

26. I...I don't think discussion on this should be
27. continued because...the issues were well discussed last year.
28. This is no eunuch that has been created; we have long in
29. this State utilized adversary principle in the election
30. process and that's what we're doing...what we will be
31. doing. ...This bill is not going to stand alone, it's a
32. preliminary bill and those of us who worked for a long time
33. and I count myself lucky enough to...to have been a colleague

1. of Senator Graham and Senator Dougherty since the early
2. years of 1960 and I...I just wish, I just wish that all
3. of you could understand what these two men have done.
4. I...I well remember one meeting in which the political
5. division was so sharp that upon the death of one member
6. another member was not allowed to take his place because
7. he didn't have his Commission in his hand. This is the
8. literal truth, now Senator Dougherty and Senator Graham
9. have come a long, long torturous path together and they've
10. brought many of us with them, and when Senator Dougherty
11. refers to the at-large election of 1964, what he is saying
12. then, not then, about that is in actuality the Election
13. Laws Commission served as a central administrative body.
14. It probably shouldn't have done so, but it did so, it
15. also did so in the auditing of the county bills that came
16. in. It also did so when the electronic devices were
17. being analyzed. So I ask you and plead with you...to honor
18. not only the work that is conspicuous in this bill but I
19. ask you to recognize in Senator John Graham and Senator
20. Dan Dougherty the...the kind of work that is not verbalized,
21. it's not put down on paper, but it is a matter of spending
22. time and hours...and every effort possible to reach agreement.
23. This is the most sensitive of legislative areas and they
24. have done a tremendous job a simply tremendous job. In the
25. future, it can be improved on if wiser heads come along, but I
26. think this is about as good as we can get right now and I
27. would like not only a vote, but a unanimous vote. Thank you.

28. PRESIDENT:

29. Is there further discussion? The question is shall
30. SB 77 pass? Secretary will call the roll.

31. SECRETARY:

32. Bartulis, Bell, Berning, Bruce, Buzbee,

33. PRESIDENT:

Senator Buzbee.

1. SENATOR BUZBEE:

2. Mr. President, I just wondered after those very
3. favorable comments Senator Keegan that Senators Graham
4. and Dougherty if she'd extracted a vote for ERA from
5. them in exchange for those comments? I vote aye.

6. SECRETARY:

7. Carroll, Chew, Clarke, Conolly, Course, Daley, Davidson,
8. Donnewald, Dougherty, Fawell, Glass, Graham,

9. PRESIDENT:

10. Senator Graham.

11. SENATOR GRAHAM:

12. Just in...just in passing, Ladies and Gentlemen
13. of the Senate, if you think this little thin bill is a
14. eunuch, we have some supporting evidence in a complete
15. code of elections which will be considered, amended and
16. kicked around and wisely so by this General Assembly in
17. the near future and when we get all through we're hopeful
18. that no part of it will be a eunuch and I vote aye.

19. SECRETARY:

20. Harber Hall, Kenneth Hall, Hynes, Johns, Keegan,
21. Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy,
22. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch,

23. PRESIDENT:

24. Senator Netsch.

25. SENATOR NETSCH:

26. Mr. President, my vote is present with all due respect
27. to the human effort that has been put into this it does not
28. represent a State Board of Elections as I think it ought to
29. be.

30. SECRETARY:

31. Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Partee,
32. Regner, Rock, Roe, Romano, Saperstein, Savickas, Schaffer,
33. Scholl, Shapiro, Smith, Sommer, Soper, Sours, Swinarski,

Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

1. PRESIDENT:

2. On that roll call the yeas are 50. The nays are 1.
3. 1 voting present. SB 77 having received a constitutional
4. majority is declared passed. Senator Dougherty. Senator
5. Dougherty.

6. SENATOR DOUGHERTY:

7. We wish to thank the Body, thank you.

8. PRESIDENT:

9. Well, this Body owes a great deal to both of you
10. gentlemen. Senator Johns.

11. SENATOR JOHNS:

12. Mr. President, would it be in order to state that
13. having voted on the prevailing side that I move.

14. PRESIDENT:

15. That motion is in order. Senator Carroll...
16. Senator Johns moves to reconsider Senator Carroll's move
17. to Table. All in favor of the motion to Table signify
18. by saying aye. Contrary nay. The motion to Table
19. carries. I made a commitment to a good many members that
20. we would adjourn as close to 8:30 as possible. We did
21. begin consideration of this bill slightly thereafter but
22. we had the commitment...the prior commitment to Senator
23. Dougherty to call it. I might just point out that this
24. evening we have disposed of fourteen bills. Earlier today
25. we disposed of four. Last week we disposed of four in the
26. entire week, so this has been a productive day. I con-
27. gratulate the Body for their diligence here this evening.
28. Are there any announcements? The Senate stands adjourned...
29. I should call attention to the Republican caucus 10 o'clock
30. tomorrow morning. Senator Rock.

31. SENATOR ROCK:

32. Yes, Mr. President, there will be a Democratic caucus
33. at 9:30 tomorrow morning on the sixth floor.

1. PRESIDENT:

2. Democrat caucus on the sixth floor at 9:30 tomorrow
3. morning. Republican caucus in M-1 at 10 o'clock.

4. Senator Chew.

5. SENATOR CHEW:

6. Yes, Mr. President, we have a Committee meeting
7. at 8:30 in the morning and we have several bills..

8. PRESIDENT:

9. Democrat caucus at 9:30. Senator Vadalabene.

10. SENATOR CHEW:

11. I didn't finish, Mr. President.

12. PRESIDENT:

13. All right, Senator Chew. Proceed.

14. SENATOR CHEW:

15. If I am not at the caucus, I will be officially
16. excused because I will be in M-1 to Licensed Activities.

17. PRESIDENT:

18. Senator Vadalabene.

19. SENATOR VADALABENE.

20. ...Yes, Mr. President, I would like to have leave
21. to have my name put on SB 460.

22. PRESIDENT:

23. Is there leave? So ordered. Senate...are there
24. further announcements. Senate stands adjourned until
25. 10:30 tomorrow morning.

26.

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