

78th GENERAL ASSEMBLY

MAY 14, 1973

1. PRESIDENT:

2. Will the Senate please come to order? The prayer  
3. will be delivered by the Reverend LaVon Bayler, of St.  
4. Timothy United Methodist Church of Litchfield. Reverend  
5. Bayler.

6. (PRAYER GIVEN BY REVEREND LAVON BAYLER)

7. PRESIDENT:

8. Reading of the Journal.

9. SECRETARY:

10. Friday, May 4, 1973.

11. PRESIDENT:

12. Senator Soper.

13. SENATOR SOPER:

14. Mr. President I move to dispense with the further  
15. reading of the Journal for May 4 unless there's some  
16. corrections to be made by some Senator the Journal stand  
17. approved.

18. PRESIDENT:

19. Senator Soper moves that we dispense with further  
20. reading of the Journal of May 4, if there are no corrections  
21. or addition by any Senator. All those in favor of the motion  
22. signify by saying aye. Contrary no. The motion carries  
23. and the Journal for May 4 is approved.

24. SECRETARY:

25. Monday, May 7, 1973.

26. PRESIDENT:

27. Senator Soper.

28. SENATOR SOPER:

29. I move to dispense with the further reading of the  
30. Journal of May 7 and unless some Senator has corrections  
31. to offer, the Journal stand approved.

32. PRESIDENT:

33. Are there corrections? Senator Soper moves to dispense

1. with the further reading of the Journal of May 7 and  
2. moves its approval. All in favor signify by saying aye.  
3. Contrary no. The motion carries. The Journal for  
4. May 7 is approved.

5. SECRETARY:

6. Tuesday, May 8, 1973.

7. PRESIDENT:

8. Senator Soper.

9. SENATOR SOPER:

10. I move to dispense with the further reading of the  
11. Journal of May 8, unless there's some corrections by a  
12. Senator, the Journal stand approved.

13. PRESIDENT:

14. Are there corrections? Senator Soper moves to dispense  
15. with the further reading of the Journal for May 8...and  
16. that the Journal stand approved. All in favor signify by  
17. saying aye. Contrary no. The motion carries. The Journal  
18. is approved.

19. SECRETARY:

20. Wednesday, May 9, 1973.

21. PRESIDENT:

22. Senator Soper.

23. SENATOR SOPER:

24. I move to dispense with the further reading of the  
25. Journal for May 9, unless there's some corrections by some  
26. Senator, the Journal stand approved.

27. PRESIDENT:

28. Are there corrections? Senator Soper moves that we  
29. dispense with the further reading of the Journal for May 9  
30. and that the Journal stand approved. All in favor signify  
31. by saying aye. Contrary no. The motion carries. The  
32. Journal of May 9 is approved. Senator Soper.

33. SENATOR SOPER:

I move to dispense...to suspend...to postpone the reading

of the Journal for May 10, 11, and 12 pending the arrival of the printed Journal.

PRESIDENT:

Senator Soper moves to postpone the reading of the Journals of May 10, 11, and 12 until the arrival of the printed Journals. All in favor...is there discussion? All in favor of the motion signify by saying aye. Contrary no. The motion carries. So ordered. Lets proceed with House Bills on first reading. We will proceed with House Bills on first readings. HB 288, Representative Martin. Yes, HB 368, Representative Catania.

PRESIDING OFFICER (SENATOR WEAVER):

HB 468, Representative Washington. HB 468. Representative Kenney Hall, HB 44...

SECRETARY:

HB 468 (Secretary reads title of bill)  
1st reading of the bill.

PRESIDING OFFICER (SENATOR WEAVER):

Representative Kenney Hall. HB 446, Representative Choate. HB 553, Representative Taylor. HB 554, Representative Giorgi and Hanahan. 555, Giorgi and Hanahan. HB 616, Representative Kelley and Choate. HB 625, Representative Kosinski. HB 630, Representative Gibbs and Duff. 631, Representative Gibbs and Dyer.

SECRETARY:

HB 631 (Secretary reads title of bill)  
1st reading of the bill.

PRESIDING OFFICER (SENATOR WEAVER):

HB 675, Representative Rayson and Rose. Rayson and Rose, 675. HB 695, Representative Houlihan and Brandt. HB 749 Representative Catania and Washington. HB 706, Madigan Representative Savickas.

1. SECRETARY:  
2. SB 706 (Secretary reads title of bill)  
3. 1st reading of the bill.  
4. PRESIDING OFFICER (SENATOR WEAVER):  
5. HB 788, Representative Kelly and Choate. HB 6...866,  
6. Representative Ewell and Choate. Resolutions. Any  
7. Resolutions? Senate Bills 2nd reading. SB 1, Senator  
8. Merritt. SB 55, Senator McBroom. SB 83, Senator  
9. Vadalabene. SB 124, Senator Berning. 124, Senator Berning.  
10. SECRETARY:  
11. SB 124 (Secretary reads title of bill)  
12. 2nd reading of the bill. The Committee on Transpor-  
13. tation and Public Utilities offers two amendments.  
14. PRESIDING OFFICER (SENATOR WEAVER):  
15. Senator Berning moves the adoption of Committee Amendment  
16. No. 1. All in favor signify by saying aye. Opposed nay.  
17. The amendment is adopted. Any amendments from the Floor?  
18. Senator Berning do you have another amendment, a Committee  
19. Amendment 2, a number two? Senator Berning moves the  
20. adoption of Committee Amendment No. 2. All in favor signify  
21. by saying aye. Opposed nay. Amendment is adopted. Any  
22. amendments from the Floor? 3rd reading. SB 131, Senator  
23. Ozinga. SB 191, Senator Berning. SB 192, Senator Berning.  
24. SB...Senator Soper. Senator Soper.  
25. SENATOR SOPER:  
26. Yes Senator Berning...is he calling 192? Ok.  
27. SENATOR BERNING:  
28. What?  
29. PRESIDING OFFICER (SENATOR WEAVER):  
30. Are you holding 192 Senator Berning? 321 Senator  
31. Berning. 337 Senator McBroom. 342, Senator Wooten.  
32. 349 Senator Chew. Senator Chew.  
33. SENATOR CHEW:  
That amends various acts with regards to robbery and theft.

1. Mr. President we heard this in committee, got a good vote  
2. out, and it merely raises the penalty for...I want to  
3. move it.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Will you read the amend...is this a committee amendment  
6. Senator?

7. SECRETARY:

8. SB 349 (Secretary reads title of bill)

9. 2nd reading of the bill. No Committee Amendments.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Any amendments from the Floor? Senator Rock.

12. SENATOR ROCK:

13. Mr. President I think if the Senator wishes to move it  
14. he ought to move it with the understanding it can be called  
15. back. If you'll recall in Committee he did agree to put  
16. an amendment on it.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. SB 349. Senator Mohr.

19. SENATOR MOHR:

20. Senator Rock, I wonder if that's the amendment that  
21. Senator Sours had? Would that be the same amendment?

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Rock.

24. SENATOR ROCK:

25. Our notes indicate that Senators Glass and Roe in  
26. addition to Senator Sours asked for an amendment and the  
27. Senator agreed he would put it on.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Any amendments from the Floor? 3rd reading. Senator  
30. Berning.

31. SENATOR BERNING:

32. Thank you Mr. President. Far be it from me to ever  
33. infringe on the indulgence of this Body but as you may know

1. Senator Conolly is not here because of the necessity of  
2. surgical work on his little daughter. Therefore, it  
3. becomes my extreme pleasure to represent Senator Conolly  
4. at this time and ask that the Waukegan Grade School Concert  
5. Band and Concert Orchestra, which is visiting the City of  
6. Springfield to give concerts in the Springfield schools  
7. and is now visiting the Illinois Senate to observe the  
8. operations, to rise and be recognized by this Body.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Donnewald.

11. SENATOR DONNEWALD:

12. While we're on that sort of business, Mr. President,  
13. I'd like to have...let the Journal show that Senator  
14. Vadalabene is on legislative business on the Sub-committee  
15. on Elections, and I think probably the gentlemen on the other  
16. side might do that for Senator Regner and Senator Moore also  
17. and Senator Knuppel by the way also included in that. I'd  
18. like to have the Journal so show.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Moore, Senator Regner, Senator...Knuppel, and  
21. Senator Vadalabene are on official business for the Senate.  
22. The record will show...so show. Senator Mohr.

23. SENATOR MOHR:

24. Yes Mr. President I...would like the record to also...  
25. also show the...that Senator Conolly is off this afternoon.  
26. His daughter is being operated on and hopeful that he will  
27. be back here tomorrow.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. SB 447 Senator Dougherty. SB 447.

30. SECRETARY:

31. SB 447 (Secretary reads title of bill)

32. 2nd reading of the bill. The Committee...the Committee  
33. on Public Health, Welfare and Corrections offers one amendment.

1. PRESIDING OFFICER (SENATOR WEAVER) :

2. Senator Dougherty moves the adoption of Committee Amendment  
3. No. 1 to SB 447. All in favor signify by saying aye.  
4. Opposed nay. The amendment is adopted. Any amendments from  
5. the Floor? . 3rd reading.

6. PRESIDING OFFICER (SENATOR WEAVER) :

7. SB 477 Senator Mitchler. SB 534 Senator Berning.  
8. Senator Berning 534.

9. SECRETARY:

10. SB 534 (Secretary reads title of bill)

11. 2nd reading of the bill. The Committee on Local  
12. Government offers one amendment.

13. PRESIDING OFFICER (SENATOR WEAVER) :

14. Senator Berning moves the adoption of Amendment No. 1.  
15. All in favor signify by saying aye. Opposed nay. The  
16. amendment is adopted. Any amendments from the Floor? Senator  
17. Rock.

18. SENATOR ROCK:

19. Just a question, Mr. President, if the sponsor will yield.  
20. Is that the Home Rule Amendment, Senator Berning?

21. PRESIDING OFFICER (SENATOR WEAVER) :

22. Senator Berning is that the Home Rule Amendment?

23. SENATOR BERNING:

24. Yes it is.

25. PRESIDING OFFICER (SENATOR WEAVER) :

26. 534 SB 534 3rd reading. SB 539 Senator Sommers.  
27. SB 580 Senator Mitchler. 580.

28. SECRETARY:

29. SB 580 (Secretary reads title of bill)

30. 2nd reading of the bill. No Committee amendments.

31. PRESIDING OFFICER (SENATOR WEAVER) :

32. Any amendments from the Floor? 3rd reading. SB 404  
33. Senator Graham.

SB 634  
2nd Reading  
5-14-73

1. SECRETARY:
2. SB 404 (Secretary reads title of bill)
3. 2nd reading of the bill. No Committee Amendments.
4. PRESIDING OFFICER (SENATOR WEAVER):
5. Any amendments from the Floor? 3rd reading. SB 567
6. Senator Sours. 567. SB 567. SB 640 Senator Shapiro.
7. Excuse me SB 634, 35, 37, 38.
8. SECRETARY:
9. (Secretary reads title of bill)
10. 2nd reading of the bill. No Committee Amendments.
11. PRESIDING OFFICER (SENATOR WEAVER):
12. Any amendments from the Floor? 3rd reading. SB 635
13. SECRETARY:
14. SB 635 (Secretary reads title of bill.)
15. 2nd reading of the bill. No Committee Amendments.
16. PRESIDING OFFICER (SENATOR WEAVER);
17. Any amendments from the Floor? 3rd reading. SB 637.
18. SECRETARY:
19. SB 637 (Secretary reads title of bill)
20. 2nd reading of the bill. No Committee Amendments.
21. PRESIDING OFFICER (SENATOR WEAVER):
22. Any amendments from the Floor? 3rd reading. SB 638.
23. SECRETARY:
24. SB 368 (Secretary reads title of bill)
25. 2nd reading of the bill. No Committee Amendments.
26. PRESIDING OFFICER (SENATOR WEAVER):
27. Any amendments from the Floor? 3rd reading. SB 640
28. SECRETARY:
29. SB 640 (Secretary reads title of bill)
30. 2nd reading of the bill. No Committee Amendments.
31. PRESIDING OFFICER (SENATOR WEAVER):
32. Any amendments from the Floor? 3rd reading.
33. SB 653 Senator McCarthy. SB 653.



1. SECRETARY:
2. SB 653 (Secretary reads title of bill)
3. 2nd reading of the bill. No Committee Amendments.
4. PRESIDING OFFICER (SENATOR WEAVER):
5. Any amendments from the Floor? 3rd reading. SB 654
6. Senator McCarthy. SB 654.
7. SECRETARY:
8. SB 654 (Secretary reads title of bill)
9. 2nd reading of the bill. No Committee Amendments.
10. PRESIDING OFFICER (SENATOR WEAVER):
11. Any amendments from the Floor? 3rd reading. SB 658,
12. Senator Saperstein. SB 658 Senator Saperstein.
13. SECRETARY:
14. SB 658 (Secretary reads title of bill)
15. 2nd reading of the bill. The Committee on Public
16. Health, Welfare and Corrections offers one amendment.
17. PRESIDING OFFICER (SENATOR WEAVER):
18. Senator Saperstein moves the adoption of Committee
19. Amendment No. 1. All in favor signify by saying aye.
20. Opposed nay. The motion carries. Amendment is adopted.
21. Any amendments from the Floor? 3rd reading. SB 668
22. Senator Schaffer. SB 668.
23. SECRETARY:
24. SB 668 (Secretary reads title of bill)
25. 2nd reading of the bill. The Committee on Public
26. Health, Welfare and Corrections offers one amendment.
27. PRESIDING OFFICER (SENATOR WEAVER):
28. Senator Schaffer offers Amendment No. 1 to SB...
29. Committee Amendment, excuse me, to SB 668. Senator Schaffer.
30. SENATOR SCHAFFER:
31. Would the Secretary please read the synopsis of that again.
32. SECRETARY:
33. It's the wrong bill. I'm sorry.

1. SENATOR SCHAFFER:

2. Yeah, that's what I thought.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. SB 668.

5. SECRETARY:

6. SB 668 (Secretary reads title of bill)

7. 2nd reading of the bill. No Committee Amendments.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Any amendments from the Floor?

10. SECRETARY:

11. Amendment No. 1 by Senator Schaffer.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Schaffer do you care to explain the amendment?

14. SENATOR SCHAFFER:

15. It was pointed out during the committee meeting that  
16. while we had increased the size of the state...downstate  
17. teachers pension...Retirement Board, we had and required  
18. a larger quorum, we had not allowed for the transition  
19. period and the amendment simply reduces the needed necessary  
20. number of people needed for a quorum from five to a majority  
21. of the members. Otherwise we'd have a five man board  
22. operating with a need for a five man vote to pass something.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Any questions on the amendment? Senator Schaffer moves  
25. the adoption of Amendment No. 1 to SB 668. All in favor  
26. signify by saying aye. Opposed nay. Amendment is adopted.

27. Any amendments from the Floor? 3rd reading. SB 711,

28. Senator Donnewald. SB 711.

29. SECRETARY:

30. SB 711 (Secretary reads title of bill)

31. 2nd reading of the bill. The Committee on Executive  
32. offers two amendments.

33. PRESIDING OFFICER (SENATOR WEAVER):

Senator Donnewald moves the adoption of Committee

1. Amendment No. 1. All in favor signify by saying aye. Opposed  
2. nay. Amendment No. 1 is adopted. Committee Amendment No. 2  
3. is moved by Senator Donnewald for its adoption. All in favor  
4. signify by saying aye. Opposed nay. Amendment No. 2 to  
5. SB 711 is adopted. Are there amendments from the Floor?  
6. 3rd reading. SB 720, Senator Romano. SB 720.

7. SECRETARY:

8. SB 720 (Secretary reads title of bill)

9. 2nd reading of the bill. No Committee Amendments.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Any amendments from the Floor? 3rd reading. SB 746,  
12. Senator Shapiro. SB 746.

13. SECRETARY:

14. SB 746 (Secretary reads title of bill)

15. 2nd reading of the bill. No Committee Amendments.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Any amendments from the Floor?

18. SECRETARY:

19. Amendment No. 1 by Senator Shapiro.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Shapiro.

22. SENATOR SHAPIRO:

23. ...Mr. President and members of the Senate, Amendment  
24. No. 1 to SB 746 amends it on...page 13, line 4 by deleting  
25. 50 and inserting in lieu thereof 40. This is to bring the  
26. bill into conformity with the other pension funds and it  
27. raises from 33 and a 1/3% of the amount of the fund that  
28. can be invested in common stocks to 40%. I urge its  
29. adoption.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Senator Shapiro offers Amendment No. 1 to SB 746.

32. Moves it adoption. All in favor signify by saying aye.

33. Opposed nay. The amendment is adopted. 3rd reading.

1. SB 747. SB 747.

2. SECRETARY:

3. SB 747 (Secretary reads title of bill)

4. 2nd reading of the bill. No Committee Amendments.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Any amendments from the Floor? Any amendments from

7. the Floor? 3rd reading. SB 759, Senator Shapiro. SB 759.

8. SECRETARY:

9. SB 759 (Secretary reads title of bill)

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

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Any amendments from the Floor? 3rd reading. SB 760,

13. Senator Shapiro. 761. SB 776, Senator Donnewald. Senator

14. Donnewald 776. 776 Senator.

15. SENATOR DONNEWALD:

16. Move it.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. SB 776.

19. SECRETARY:

20. SB 776 (Secretary reads title of bill)

21. 2nd reading of the bill. The Committee on Agriculture,

22. Conservation and Ecology offers one amendment.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Donnewald moves the adoption of Committee

25. Amendment No. 1 to SB 776. All in favor signify by saying

26. aye. Opposed nay. The amendment is adopted. Any amendments

27. from the Floor? 3rd reading. SB 744 Senator Romano.

28. SECRETARY:

29. SB 744 (Secretary reads title of bill)

30. 2nd reading of the bill. No Committee Amendments.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Any amendments from the Floor? 3rd reading. SB 745.

33. SECRETARY:

SB 745 (Secretary reads title of bill)

1. 2nd reading of the bill. No Committee Amendments.  
2. PRESIDING OFFICER (SENATOR WEAVER):  
3. Any amendments from the Floor? 3rd reading. SB 777,  
4. Senator Scholl.  
5. SECRETARY:  
6. SB 777 (Secretary reads title of bill)  
7. 2nd reading of the bill. The Committee on Executive  
8. offers one amendment.  
9. PRESIDING OFFICER (SENATOR WEAVER):  
10. Senator Scholl...moves the adoption of Committee  
11. Amendment No. 1 to SB 777. All in favor signify by saying  
12. aye. Opposed nay. Motion carries. Any amendments from  
13. the Floor? 3rd reading. SB 779, Senator Scholl.  
14. SECRETARY:  
15. SB 779 (Secretary reads title of bill)  
16. 2nd reading of the bill. No Committee Amendments.  
17. PRESIDING OFFICER (SENATOR WEAVER):  
18. Any Amendments from the Floor? 3rd reading. SB 790,  
19. Senator Mitchler.  
20. SECRETARY:  
21. SB 790 (Secretary reads title of bill)  
22. 2nd reading of the bill. No Committee Amendments.  
23. PRESIDING OFFICER (SENATOR WEAVER):  
24. Any amendments from the Floor? 3rd reading. SB 794,  
25. Senator McCarthy.  
26. SECRETARY:  
27. SB 794 (Secretary reads title of bill)  
28. 2nd reading of the bill. No Committee Amendments.  
29. PRESIDING OFFICER (SENATOR WEAVER):  
30. Any amendments from the Floor? 3rd reading. SB 809  
31. Senator Johns.  
32. SECRETARY:  
33. SB 809 (Secretary reads title of bill)

1. 2nd reading of the bill. No Committee Amendments.
2. PRESIDING OFFICER (SENATOR WEAVER):
3. Any...any amendments from the Floor? 3rd reading.
4. SB 815 Senator Partee. 815.
5. SECRETARY:
6. SB 815 (Secretary reads title of bill)
7. 2nd reading of the bill. No Committee Amendments.
8. PRESIDING OFFICER (SENATOR WEAVER):
9. Any amendments from the Floor? 3rd reading. SB 817,
10. Senator Partee.
11. SECRETARY:
12. SB 817 (Secretary reads title of bill)
13. 2nd reading of the bill. No Committee Amendments.
14. PRESIDING OFFICER (SENATOR WEAVER):
15. Any amendments from the Floor? 3rd reading. SB 831,
16. Senator Glass. Do you want to move 831? SB 857 Senator
17. Buzbee. Senator Buzbee 857. Senator Buzbee 857.
18. SECRETARY:
19. SB 857 (Secretary reads title of bill)
20. 2nd reading of the bill. No Committee Amendments.
21. PRESIDING OFFICER (SENATOR WEAVER):
22. Any amendments from the Floor? 3rd reading. SB 884
23. Senator Fawell. 884. SB 886 Senator Mohr. Howard Mohr.
24. SECRETARY:
25. SB 886 (Secretary reads title of bill)
26. 2nd reading of the bill. No Committee Amendments.
27. PRESIDING OFFICER (SENATOR WEAVER):
28. Any amendments from the Floor? 3rd reading. SB 887.
29. SECRETARY:
30. SB 887 (Secretary reads title of bill)
31. 2nd reading of the bill. No Committee Amendments.
32. PRESIDING OFFICER (SENATOR WEAVER):
33. Any amendments from the Floor? 3rd reading. SB 888.

S.B. 896

1. SECRETARY:

2. SB 888 (Secretary reads title of bill)

3. 2nd reading of the bill. No Committee Amendments.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Any amendments from the Floor? 3rd reading. SB 890.

6. SECRETARY:

7. SB 890 (Secretary reads title of bill)

8. 2nd reading of the bill. No Committee amendments.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Any amendments from the Floor? 3rd reading. SB 891

11. Senator Saperstein.

12. SECRETARY:

13. SB 891 (Secretary reads title of bill)

14. 2nd reading of the bill. The Committee on Executive  
15. offers one amendment.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Saperstein moves the adoption of Committee  
18. Amendment No. 1 to SB 891. All in favor signify by saying  
19. aye. Opposed nay. The motion carries. The amendment is  
20. adopted. Any amendments from the Floor? 3rd reading.

21. SB 895 Senator Rock.

22. SECRETARY:

23. SB 895 (Secretary reads title of bill)

24. 2nd reading of the bill. No Committee Amendments.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Any amendments from the Floor? 3rd reading. SB 896.

27. SECRETARY:

28. SB 896 (Secretary reads title of bill)

29. 2nd reading of the bill. The Committee on Judiciary offers  
30. one amendment.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Rock moves the...Senator Rock.

33. SENATOR ROCK:

Yeah, very briefly I can explain the amendment. The

1. amendment just merely corrects an error that was not  
2. caught in the Reference Bureau and it proceeds to under-  
3. line the new material. I move its adoption.  
4. PRESIDING OFFICER (SENATOR WEAVER):  
5. Senator Rock moves the adoption of Committee Amendment  
6. No. 1 to SB 896. All in favor signify by saying aye.  
7. Opposed nay. The Amendment is adopted. Any amendments from  
8. the Floor? 3rd reading. SB 905 Senator Fawell. 907. SB  
9. 915 Senator Merritt. SB 918, Senator Buzbee.  
10. SECRETARY:  
11. SB 918 (Secretary reads title of bill)  
12. 2nd reading of the bill. No Committee Amendments.  
13. PRESIDING OFFICER (SENATOR WEAVER):  
14. Any amendments from the Floor? 3rd reading. SB 926,  
15. Senator Romano.  
16. SECRETARY:  
17. SB 926 (Secretary reads title of bill)  
18. 2nd reading of the bill. No Committee Amendments.  
19. PRESIDING OFFICER (SENATOR WEAVER):  
20. Any amendments from the Floor? 3rd reading. SB 927.  
21. SECRETARY:  
22. SB 927 (Secretary reads title of bill)  
23. 2nd reading of the bill. No Committee Amendments.  
24. PRESIDING OFFICER (SENATOR WEAVER):  
25. Any amendments from the Floor? 3rd reading. SB 930  
26. Senator Merritt. SB 937, Senator Howard Mohr.  
27. SECRETARY:  
28. SB 937 (Secretary reads title of bill)  
29. 2nd reading of the bill. No Committee amendments.  
30. PRESIDING OFFICER (SENATOR WEAVER):  
31. Any amendments from the Floor? 3rd reading. SB...943,  
32. Senator Saperstein.  
33. SECRETARY:  
SB 943 (Secretary reads title of bill)



1. 2nd reading of the bill. No Committee Amendments.  
2. PRESIDING OFFICER (SENATOR WEAVER):  
3. Any amendments from the Floor? 3rd reading. SB  
4. 953 Senator Scholl. 953.  
5. SECRETARY:  
6. SB 953 (Secretary reads title of bill)  
7. 2nd reading of the bill. The Committee on Judiciary  
8. offers one amendment.  
9. PRESIDING OFFICER (SENATOR WEAVER):  
10. Senator Scholl offers Amendment No. 1 to SB 953.  
11. Committee Amendment No. 1. All in favor signify by  
12. saying aye. Opposed nay. The amendment is adopted.  
13. Any Amendments from the Floor? Senator Rock.  
14. SENATOR ROCK:  
15. Yes, Mr. President I do have an amendment I wish to  
16. offer. It is not yet, however, been typed. Amendment No.  
17. 1 which was just adopted struck everything after the  
18. enacting clause and in effect put a new bill in. I...I  
19. will agree certainly that should be moved...with the  
20. understanding...can we call it back with the attempt to  
21. put my...fine ok.  
22. PRESIDING OFFICER (SENATOR WEAVER):  
23. That is the understanding. 3rd reading. SB 960  
24. Senator Howard Mohr.  
25. SECRETARY:  
26. SB 960 (Secretary reads title of bill)  
27. 2nd reading of the bill. No Committee Amendments.  
28. PRESIDING OFFICER (SENATOR WEAVER):  
29. Any Amendments from the Floor? 3rd reading SB 962  
30. Senator Mohr.  
31. SECRETARY:  
32. SB 962 (Secretary reads title of bill)  
33. 2nd reading of the bill. No Committee Amendments.

1. PRESIDING OFFICER (SENATOR WEAVER):  
2. Any amendments from the Floor? 3rd reading. SB 973  
3. Senator McBroom. SB 992 Senator Rock. 993 Senator Rock.  
4. SB 994 Senator Partee.  
5. SECRETARY:  
6. SB 994 (Secretary reads title of bill)  
7. 2nd reading of the bill. No Committee Amendments.  
8. PRESIDING OFFICER (SENATOR WEAVER):  
9. Any amendments from the Floor? 3rd reading. SB 995  
10. Senator Johns.  
11. SECRETARY:  
12. SB 995 (Secretary reads title of bill)  
13. 2nd reading of the bill. No Committee Amendments.  
14. PRESIDING OFFICER (SENATOR WEAVER):  
15. Any amendments from the Floor? 3rd reading. SB 996  
16. Senator Saperstein. 996.  
17. SECRETARY:  
18. SB 996 (Secretary reads title of bill)  
19. 2nd reading of the bill. The Committee on Education  
20. offers one amendment.  
21. PRESIDING OFFICER (SENATOR WEAVER):  
22. Senator Saperstein moves the adoption of Committee  
23. Amendment No. 1 to SB 996. All in favor signify by saying  
24. aye. Opposed nay. The amendment is adopted. Any  
25. amendments from the Floor? 3rd reading. SB 996, 998.  
26. SB 998. Senator Partee.  
27. SECRETARY:  
28. SB 998 (Secretary reads title of bill)  
29. 2nd reading of the bill. Committee on Education offers  
30. one amendment.  
31. PRESIDING OFFICER (SENATOR WEAVER):  
32. Senator Partee moves the adoption of Committee Amendment  
33. No. 1 to SB 998. All in favor signify by saying aye.  
Opposed nay. The amendment is adopted. Any amendments from

1. the Floor? 3rd reading. SB 1008, Senator Harber Hall.  
2. 1008. Do you wish to hold it Senator? 109...1009.  
3. Move it.  
4. SECRETARY:  
5. SB 1009 (Secretary reads title of bill)  
6. 2nd reading of the bill. No Committee Amendments.  
7. PRESIDING OFFICER (SENATOR WEAVER):  
8. Any amendments from the Floor? 3rd reading. SB 1010  
9. Harber Hall. Hold? SB 1011. Senator Davidson asked us  
10. to move SB 1019.  
11. SECRETARY:  
12. SB 1019 (Secretary reads title of bill)  
13. 2nd reading of the bill. No Committee Amendments.  
14. PRESIDING OFFICER (SENATOR WEAVER):  
15. Any amendments from the Floor? 3rd reading. SB 1014  
16. Senator Nimrod.  
17. SECRETARY:  
18. SB 1014 (Secretary reads title of bill)  
19. 2nd reading of the bill. No Committee Amendments.  
20. PRESIDING OFFICER (SENATOR WEAVER):  
21. Any amendments from the Floor? 3rd reading.  
22. SB 1015.  
23. SECRETARY:  
24. SB 1015 (Secretary reads title of bill)  
25. 2nd reading of the bill. No Committee Amendments.  
26. PRESIDING OFFICER (SENATOR WEAVER):  
27. Any amendments from the Floor? 3rd reading. SB 1067  
28. Senator Howard Mohr.  
29. SECRETARY:  
30. SB 1067 (Secretary reads title of bill)  
31. 2nd reading of the bill. No Committee Amendments.  
32. PRESIDING OFFICER (SENATOR WEAVER):  
33. Any amendments from the Floor? 3rd reading. SB 1068.

1. SECRETARY:
2. SB 1068 (secretary reads title of bill)
3. 2nd reading of the bill. No Committee Amendments.
4. PRESIDING OFFICER (SENATOR WEAVER):
5. Any amendments from the Floor? 3rd reading. SB 1069.
6. SECRETARY:
7. SB 1069 (Secretary reads title of bill)
8. 2nd reading of the bill. No Committee Amendments.
9. PRESIDING OFFICER (SENATOR WEAVER):
10. Any amendments from the Floor? 3rd reading. SB 1070.
11. SECRETARY:
12. SB 1070 (Secretary reads title of bill)
13. 2nd reading of the bill. The Committee on Local
14. Government offers one amendment.
15. PRESIDING OFFICER (SENATOR WEAVER):
16. Senator Mohr moves the adoption of Committee Amendment
17. No:1 to SB 1070. All in favor signify by saying aye.
18. Opposed nay. The Amendment is adopted. Any amendments
19. from the Floor? 3rd reading. SB 1089 SENator Bartulis.
20. SB 1089.
21. SECRETARY:
22. SB 1089 (Secretary reads title of bill)
23. 2nd reading of the bill. No Committee Amendments.
24. PRESIDING OFFICER (SENATOR WEAVER):
25. Any amendments from the Floor? 3rd reading. SB 1090
26. Senator Bartulis.
27. SECRETARY:
28. SB 1090 (Secretary reads title of bill)
29. 2nd reading of the bill. No Committee Amendments.
30. PRESIDING OFFICER (SENATOR WEAVER):
31. Any amendments from the Floor? 3rd reading. SB 1091
32. SECRETARY:
33. SB 1091 (Secretary reads title of bill)

1. 2nd reading of the bill. No Committee Amendments.  
2. PRESIDING OFFICER (SENATOR WEAVER):  
3. Any amendments from the Floor? 3rd reading. SB 1092.  
4. SECRETARY: .  
5. SB 1092 (Secretary reads title of bill)  
6. 2nd reading of the bill. The Committee on Pensions  
7. and Personnel offers one amendment.  
8. PRESIDING OFFICER (SENATOR WEAVER):  
9. Senator Bartulis moves the adoption of Committee  
10. Amendment No. 1 to SB 1092. All in favor signify by  
11. saying aye. Opposed nay. The Amendment is adopted.  
12. Any amendments from the Floor? 3rd reading. SB 1093  
13. Senator Bartulis.  
14. SECRETARY:  
15. SB 1093 (Secretary reads title of bill)  
16. 2nd reading of the bill. No Committee Amendments.  
17. PRESIDING OFFICER (SENATOR WEAVER):  
18. Any amendments from the Floor? 3rd reading. 1095  
19. Senator Bartulis.  
20. SECRETARY:  
21. SB 1095 (Secretary reads title of bill)  
22. 2nd reading of the bill. No Committee Amendments.  
23. PRESIDING OFFICER (SENATOR WEAVER):  
24. Any amendments from the Floor? 3rd reading. Graham...  
25. Senator Graham 1011...10. SB 1138 Senator Mohr.  
26. SECRETARY:  
27. SB 1138 (Secretary reads title of bill)  
28. 2nd reading of the bill. No Committee Amendments.  
29. PRESIDING OFFICER (SENATOR WEAVER):  
30. Any amendments from the Floor? 3rd reading. Senator  
31. Daley do you want to call 1020? SB 1026.  
32. SECRETARY:  
33. SB 1026 (Secretary reads title of bill)

1. 2nd reading of the bill. No Committee Amendments.  
2. PRESIDING OFFICER (SENATOR WEAVER):  
3. Any amendments from the Floor? 3rd reading. 1027  
4. Senator Daley. Senator Carroll do you wish to move 920?  
5. 522. Any Senator here wish to call any bills from...on  
6. 2nd reading? ...On to Senate Bills 3rd reading. Senator  
7. Berning SB 2. We will revert back to Senate Bills  
8. on 2nd reading. Senator McBroom would like to call  
9. SB 1048.  
10. SECRETARY:  
11. SB 1048 (Secretary reads title of bill)  
12. 2nd reading of the bill. No Committee Amendments.  
13. PRESIDING OFFICER (SENATOR WEAVER):  
14. Any Amendments from the Floor? 3rd reading. Senate  
15. Bills on 3rd reading. Senator Walker SB 26. Senator  
16. Walker.  
17. SENATOR WALKER:  
18. ...here and thank you.  
19. SECRETARY:  
20. SB 26 (Secretary reads title of bill)  
21. 3rd reading of the bill.  
22. SENATOR WALKER:  
23. Does just what the synopsis of the bill says. It  
24. amends the Environmental Protection Act by removing  
25. the prohibition against the open burning of leaves. It  
26. puts it back under local control. The Board can still  
27. prescribe standards for the operation of refuse collection  
28. disposal sites. That's an amendment I took from the EPA.  
29. I think it's a good bill and I'd appreciate your support.  
30. PRESIDING OFFICER (SENATOR WEAVER):  
31. Any further discussion? Senator Glass.  
32. SENATOR GLASS:  
33. As reluctant as I am Mr. President, Ladies and...

1. Gentlemen to...oppose a bill sponsored by Senator Walker,  
2. I...I'm going to have to do so in this instance. I think  
3. that the main reason is that the Environmental Protection  
4. Agency...excuse me, the Pollution Control Board is right  
5. now in the process of considering a regulation that would  
6. in fact accomplish what this bill seeks to accomplish.  
7. Those of us who served in the House with former Representative  
8. Don Henss are aware, I think, that he is now a member of the  
9. Pollution Control Board. And in that capacity he wrote me  
10. and I think some of the other Legislators and...sent us a  
11. copy of the regulation that he is proposing. The effect  
12. of which, without going into great detail would be to say that  
13. except in times of emergency weather conditions, temperature  
14. inversions and the like, open burning of leaves would be  
15. permitted. ...I...believe that we ought to give the Pollution  
16. Control Board an opportunity to pass that...Resolution  
17. or regulation and thereby accomplish themselves what...  
18. I think this legislation seeks to do. I'm a little bit  
19. concerned about the Legislature removing the authority from  
20. the Board and I say particularly at a time when the Board seems  
21. to be aware of what the people in the State are concerned  
22. about and doing something about that itself. And for that  
23. reason I would hope that this bill would not pass.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Senator Wooten.

26. SENATOR WOOTEN:

27. Yes, Mr. President and colleagues, I too rise with the  
28. same degree of reluctance in deference to the sponsor  
29. but I must oppose this bill for substantially the same  
30. reasons that Senator Glass has already alluded to. I would  
31. like to point out that while I'm very much in favor of...  
32. to the maximum degree of local control, that our experience  
33. in my community is such that we know firsthand you simply

1. cannot deal with problems of air pollution on a local  
2. basis. We have worked long and hard to set up a...a  
3. Pollution Control Board dealing with problems of air  
4. pollution that cover Scott County and Iowa and Rock  
5. Island County in Illinois. We feel this is absolutely  
6. essential to have some regional approach to the problem.  
7. The difficulty with this particular legislation is that  
8. it leaves the EPA powerless to do anything in those  
9. conditions which Senator Glass has already mentioned.  
10. Temperature inversions have a way of covering a broad  
11. geographic area and if you do not have the authority  
12. to quickly move in and put a stop to all kinds of  
13. burning, you can have a very serious problem developing  
14. in a relatively short period of time. Now the regulation  
15. changes, put forward by former Representative Henss of  
16. my district, seemed to meet all the objections which  
17. have been raised and which have produced this particular  
18. bill. What they do, however, is retain in the EPA the  
19. authority to impose a forty-eight hour ban. on open  
20. burning of all kinds in the event that a condition such  
21. as I have referred to, arises. And these are not all  
22. that uncommon. Temperature inversions occur every year  
23. and they can be a very serious matter. I ask you to  
24. remember that many of our citizens are troubled with  
25. asthma, with emphysema and we have found that they  
26. are a very direct and accrual index of what such  
27. temperature inversions and open burning can produce.  
28. They suffer terribly and there is really no recourse for  
29. them. And this is not an insignificant number of people  
30. their number is growing every year. ...  
31. (BAD TAPE)  
32. SENATOR BUZBEE:  
33. ...There would be hearings and possibly the changes of



1. the regulations that Senators Wooten and Glass have  
2. talked about and that I said at the time that we heard  
3. this bill in Committee I was going to cast a negative  
4. vote on the bill at that time, in order to give the  
5. Pollution Control Board adequate time to get together,  
6. have their hearings, and possibly change and put into  
7. effect their regulations they have proposed. Now I  
8. was certainly hoping that the sponsor would wait until  
9. the Pollution Control Board had had a chance to do this.  
10. Since he has decided to go ahead and call the bill today,  
11. I find myself in a position of having to be opposed to  
12. the bill as I was in Committee. Now, Mr. President, I  
13. know that there are a lot of people in my district that  
14. are opposed to the concept of no leaf burning in their  
15. communities. However, I think a lot of this is a false  
16. fear as communities under 2500 right now do not have the  
17. ban against leaf burning in their towns. I think we  
18. have certainly seen a lot of...a lot of information to  
19. indicate that we should not allow indiscriminate open  
20. leaf burning. And I for one, do wish that the sponsor  
21. would have waited until a member of his own party, Mr.  
22. Donald Henss, had had a chance to get these hearings heard  
23. and until we had a chance to put these new proposals  
24. into effect. I would ask for a negative vote on this  
25. bill, Mr. President. Thank you.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator McCarthy.

28. SENATOR MCCARTHY:

29. Will the sponsor yield to a question?

30. PRESIDING OFFICER (SENATOR WEAVER):

31. He indicates that he will yield.

32. SENATOR MCCARTHY:

33. Senator Walker I haven't looked at your bill but I  
know the one that Representative Borchers passed. I think reposed

1. authority in the municipal...authorities in each of the  
2. municipal corporations to put this ban on if they  
3. thought that there was an inversion problem or some  
4. other problems were there would be pollution. Does your  
5. ...does your bill allow the municipalities to control  
6. this problem?

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Walker.

9. SENATOR WALKER:

10. Yes, Senator McCarthy, it does. My bill is not...I would  
11. say not quite as rough a bill as Representative Borcher's bill.  
12. Municipalities still control the burning under this bill.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator McCarthy.

15. SENATOR MCCARTHY:

16. Then Mr. President...I believe that I'm going to vote  
17. yes on this bill and I would urge my colleagues to vote  
18. yes on this bill. I don't think there's a great deal of  
19. enlightenment that might be given here to the members by  
20. talking about how the people want it. We've all heard.  
21. We've all heard many times that this is legislation that  
22. the people want. That is a good reason for passing it.  
23. I think perhaps a couple of comments on some of the points  
24. that have been raised by the opponents might be an order.  
25. Comment on point number one, that the Pollution Control  
26. Board is now about to adopt a regulation that will take  
27. care of the problem. I don't care if it's the Pollution  
28. Control Board or the Department of Revenue or any of the  
29. departments of Illinois State Government. A regulation is  
30. not as good as a law. An agency that has power to impose  
31. a regulation has the power to take it off, change it,  
32. modify. And if the...if the desirability of the legislation  
33. is not contested the best way to guard against the aspects

1. in this case the regulation of people in their burning  
2. of leaves is to legislate them with the regulation  
3. reposing ultimately in the municipal authority. So I...  
4. I'm not persuaded by a proposed regulation by the Pollution  
5. Control Board. It's my judgement, Mr. President, that if  
6. had there not been such an out cry from the public and  
7. legislation such as this introduced, that there wouldn't  
8. have been any change or proposed change in the regulation.  
9. So it strikes me that here we have a target that we want  
10. to achieve legislation, is a way of doing it. We meet  
11. in annual Sessions. If we find that we make a mistake  
12. we can change our bill and we can do it a lot more...  
13. responsibly to the people because we're directly  
14. connected with them as opposed to a bureau, a board,  
15. or an agency. Second thing I believe, is Senator Wooten  
16. said the municipality maybe doesn't have the power to  
17. quickly react to an inversion situation that defies  
18. municipal lines. Well that may be true but yet I can't  
19. imagine under the way this bill is structured where the  
20. municipalities do have the power that the municipalities  
21. will not act quickly if a condition does arise. It is  
22. left with the repose of local control and so far as I know  
23. in his area, that if there's a problem there...I don't see of  
24. any reason why a responsible elected public official in  
25. Moline, Rock Island, so forth...all can't act in concert  
26. to impose a prohibition in the event this meteorological  
27. accident may occur. So on those two points the question  
28. of whether or not we the Legislator should act as opposed  
29. to a bureau or a board proposing a regulation that they  
30. can change later on. I think the Legislature's the one  
31. to act and I find that the argument for...for local  
32. control persuasive. And just let me add this final...  
33. this final act...this final addition to my statement. During

1. the campaign of 1972 the Environmental Protection Agency  
2. and the Pollution Control Board was asked on many occasions  
3. how it was. They were asked on many occasions how it was  
4. that they impose this ban on leaf burning. I read their  
5. printed reply. That agency and that bureau said, we didn't  
6. impose that ban, it was the Legislature of the State of  
7. Illinois that imposed the ban on you people. That's  
8. what they said during the campaign and now that the  
9. campaign's over now they're saying it's a matter of regulation  
10. that they have the power. And so I point that out to you as  
11. a third argument which is, I think, persuasive. The ability  
12. of the faceless people that man, the bureaus and departments  
13. to shift responsibility to, we, the elected Legislators. We  
14. have an opportunity right here this day to take the  
15. responsibility by enacting this law. I would ask...urge  
16. a yes vote.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Merritt.

19. SENATOR MERRITT:

20. Mr. President and members of the Senate, I'll be  
21. brief. I also, as a co-sponsor of this legislation, rise  
22. in support of it. If you had to live in the rural areas  
23. I've lived in for all of my life, taking all the telephone  
24. calls all week long during that burning period when the  
25. leaves are falling, then maybe you might begin to understand  
26. some of us on the side that support this. We don't preempt  
27. municipal ordinance in any way. In fact, it's about time  
28. that those of us in the Legislature begin to stand up and  
29. say we want to preempt the EPA and the PCB who we've already  
30. granted way too wide of powers. It's about time they knew  
31. that in giving them those powers by the same token we can  
32. take them away from them. Now we all know that this leaf burning  
33. period only occurs during about a six week's period in the fall.

1. I just happen to be one that still believes in good old  
2. John McCutcheon's cartoon Injun Summer that the EPA and  
3. the PCB...have killed for all of us. There's nothing  
4. wrong with this bill. It's in the people's interest.  
5. We don't preempt municipal ordinance, we don't attempt  
6. to in the bill. But let's be on the people's side for  
7. once. If the farmer can burn on his land, the children  
8. can go out and have a weeny roast and burn leaves, then  
9. what's wrong with the little widow down the street that  
10. takes a great deal of pride in her property, has no  
11. place to put those leaves. They're scattered over  
12. the whole community. This is good legislation and I hope  
13. that we get strong support on it.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Palmer.

16. SENATOR PALMER:

17. Mr. President, I move the previous burning question.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Walker...Senator Palmer has...moved the  
20. previous question. All in favor signify by saying aye.  
21. Opposed nay. The motion is carried and Senator Walker  
22. may close the debate.

23. SENATOR WALKER:

24. I thank you Mr. President, members of the Senate. I'll  
25. have to watch the light up there and be as brief as I can.  
26. From the Chicago Trib, Tagge's Column, November the 25th,  
27. even in downstate cities with disposable truck available  
28. the entire winter is needed to haul away the 30 to 100  
29. large, expensive bags of leaves from a single house. I  
30. use that to...and also a letter from the City of Mattoon,  
31. South Beloit. The one from...they're practically the same.  
32. Mattoon says we're vitally concerned about the leaf burning  
33. problems. It puts a financial burden on every community

1. through the expense of picking up leaves, dispose  
2. of them, and tying up equipment, plus the manpower  
3. cost. I might say in regards to Senator Glass that there  
4. is a municipal attorney up there that's been in business  
5. a long time, Willis Overholster, a municipal attorney  
6. who likes this bill. I may say to Senator Wooten, a  
7. lady from Moline says first we can't burn leaves, the  
8. environment is so much better with mountains of plastic  
9. bags of trash laying around than a bushel of ashes which  
10. could be used as fertilizer. Now you must have a permit  
11. for a household incinerator. What next? You'll recall  
12. municipalities of 2500 or less can now do this. This  
13. doesn't take it away from municipal control, it leaves it.  
14. Mary Leahy has fought to eliminate the nonsensical ban  
15. on leaf burning. There's a lady that wasn't confirmed  
16. but yet she expressed her feelings on it. During the  
17. campaign the Governor said he wasn't worried about  
18. what went on in the south forty. Here's a recent article  
19. here. Gentleman in Homewood, Illinois, which is in Don  
20. Moore's district has an acre of ground over there. He'd  
21. like to burn his leaves. Maybe Homewood will let him,  
22. maybe Homewood won't permit him to do so. In closing,  
23. I will only say this, for three years it's been regulated  
24. from Springfield. Not all the people in my district but  
25. the majority of them are opposed to this ban on leaf burning.  
26. I don't know what my own town will do on it, the Village of  
27. Lansing. We're adjacent to other communities. I don't  
28. know what some of the other communities in my district will  
29. do but at least this will give them the opportunity to  
30. control it if they so desire and take it out of the hands  
31. of Springfield or the EPA where in my humble opinion hasn't  
32. been very well handled for the past three years. I think  
33. it's a good bill. I realize that the membership isn't at

1. full force but I thought I'd give it a whirl and I'd  
2. appreciate 30 votes. Thank you.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. The question is shall SB 26 pass. And on that  
5. question the Secretary will call the roll.

6. SECRETARY:

7. Bartulis, Bell...Bell, Berning, Bruce, Buzbee,

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Buzbee.

10. SENATOR BUZBEE:

11. Thank you Mr. President. Mr. President, in explaining  
12. my vote I think that one...a couple of other things ought  
13. to be pointed out. One that is, if we in the Legislature  
14. will wait just long enough for former Representative Henss and  
15. Pollution Control Board to set these standards there would  
16. only be twelve communities according to Representative  
17. Henss' correspondence. Only twelve communities in the  
18. State of Illinois that would not be able to burn leaves.  
19. And of those twelve, ten of them now have a ban against  
20. leaf burning. So we're talking about two communities  
21. that would not be able to burn leaves under normal conditions  
22. in the whole State of Illinois. The other thing that I  
23. think should be pointed out, Mr. President, is the fact that  
24. this bill is aimed at past arrogances, past sins of the  
25. Pollution Control Board and the Environmental Protection  
26. Agency. Now Senator Walker just said, Mary Lee Leahy said  
27. that she thought that the EPA ought take a more sane, sensible  
28. approach to these problems and consider the problems of the  
29. small communities across the State. Now I don't know who  
30. her successor is going to be but I'm sure that her successor  
31. will also take that same sensible approach. I don't think  
32. we in the Legislature ought to punish people who have asthma  
33. and other diseases of the respiratory system simply because we're

1. mad at some people that used to run the Pollution Control  
2. Board and used to run the Environmental Protection Agency.  
3. I vote no.

4. SECRETARY:

5. Carroll, Chew, Clarke, Conolly, Course, Daley,  
6. Davidson, Donnewald, Dougherty, Fawell, Glass, Graham,  
7. Harber Hall, Kenneth Hall, Hynes, Keegan, Knuepfer,  
8. Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,  
9. Mitchler,

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Mitchler.

12. SENATOR MITCHLER:

13. Mr. President, members of the Senate, I see nothing  
14. wrong in the General Assembly taking action to give  
15. power and to relinquish power on any State agency.  
16. Now those of us that were here in 1970 when we passed  
17. the Environmental Protection Act, know only too well that  
18. the minute the bill passed the House and before the  
19. Clerk of the House could get over to the Secretary of  
20. the Senate we were deluged with phone calls and pressures  
21. and everything. The editorials came out in the paper that  
22. the Senate was going to emasculate the Environmental  
23. Protection Act and oh what we weren't going to do to  
24. stop this great...

25. PRESIDING OFFICER (SENATOR WEAVER):

26. For what reason does Senator Walker arise?

27. SENATOR WALKER:

28. Point of personal privilege. I've cooperated with  
29. Mike Duncan from the Governor's Office but I don't want  
30. him...working the Floor when I've got a bill called. So  
31. will the Sergeant at Arms please escort him back there  
32. where he's not bothering Bartulis here. ...

33. PRESIDING OFFICER (SENATOR WEAVER):

Senator Mitchler may continue. Senator Mitchler may



1. continue.

2. SENATOR MITCHLER:

3. The...the idea was that the General Assembly...

4. PRESIDING OFFICER (SENATOR WEAVER):

5. For what purpose does Senator Donnewald arise?

6. SENATOR DONNEWALD:

7. I'd like to ask Senator Walker if he's ever heard

8. of Ron Swanson?

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Mitchler you may continue.

11. SENATOR MITCHLER:

12. Ok. If it's good for the good, good for the gander.

13. The...the EPA, the Environmental Protection Act was

14. passed. And this was an Act that was passed by the

15. Illinois General Assembly and I might say had the

16. most far reaching power of any EPA Act in the entire

17. United States. Now we all know that there has been a lot

18. of criticism and Senator Buzbee I believe you alluded

19. to that in your last remarks. The criticism of the PCB and

20. the EPA and the manner in which they conducted themselves.

21. They had extensive powers that could go even above and

22. beyond what normally would be delegated. But it was at

23. a time we had to do something. Now this area of open

24. burning, let me tell you, you know I have a tree trimmer in

25. my district and he's a licensed fellow under the State's

26. statutes and he trims trees. He takes down a tree in

27. a city or a municipality in Aurora and he used to take

28. these trees out into a farmer's area. He had a big

29. sort of a pit. He put them in there and when...when

30. it was proper not when he had a foggy day or the weather

31. conditions were such he'd burn these off and dispose

32. of them. Now the Pollution Control Board comes along,

33. no open burning. So, in order to do any burning, he has to

1. get what is known as a variance. Well, this goes  
2. through like an Act of Congress or the Legislature to  
3. get that done. It takes 21 days because they have to  
4. have all these hearings. So he takes these tree  
5. trimmings and tree trunks to a landfill operation  
6. and it costs him about 20 to 25 dollars a load. That's  
7. what he gets charged. Well, it takes four or five loads.  
8. Well, he has to pay more to dispose of the stuff than he  
9. gets for cutting the tree down. That doesn't make  
10. sense. That's what this is all about. And you know  
11. that Governor Walker got the biggest hand of entire  
12. speech when he said he wasn't so concerned about that  
13. burning down in the farmer's south forties as he was  
14. about the smoke coming out of the stack in the big  
15. City. Chicago had an ideal, a model ordinance  
16. against burning of leaves for years way before the EPA  
17. ever came into effect. And the cost of the City to dispose  
18. of all these leaves instead of burning them and having the  
19. control over the disposal of them through burning is  
20. something that is very costly. This is a good bill and  
21. I don't see why the EPA or the Administration or anybody  
22. else should get so excited when the General Assembly,  
23. which the people are coming through trying to give  
24. corrective legislation to make life a little bit easier  
25. with which to live in these great States in the State  
26. of Illinois. And I urge a favorable vote for SB 26.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. How does the Senator vote?

29. SENATOR MITCHLER:

30. The Senator votes aye.

31. SECRETARY:

32. Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,  
33. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,

1. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer, Soper,
2. Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,
3. Wooten, Mr. President.
4. PRESIDING OFFICER (SENATOR WEAVER):
5. Clarke, aye. There's been a request for a call of
6. the absentees. The Clerk will call the roll.
7. SECRETARY:
8. Bell, Bruce, Chew, Conolly, Course, Dougherty, Fawell,
9. Harber Hall, Kenneth Hall, Hynes, Keegan, Knuepfer, Kosinski
10. McBroom, Don Moore, Newhouse, Nimrod, Nudelman, Regner,
11. Rock, Roe, Saperstein, Savickas, Schaffer, Smith, Soper,
12. Swinarski, Vadalabene, Walker, Welsh.
13. PRESIDING OFFICER (SENATOR WEAVER):
14. Senator Walker.
15. SENATOR WALKER:
16. I vote aye.
17. PRESIDING OFFICER (SENATOR WEAVER):
18. Senator Walker votes aye.
19. SENATOR WALKER:
20. Period.
21. PRESIDING OFFICER (SENATOR WEAVER):
22. On that question there are 23 yeas and 7 nays. SB 26
23. having failed to receive a constitutional majority is
24. declared lost. The Chair last week made the announcement
25. that... SB 173 would be the first one called and I omitted
26. it so we'll go to SB 173, Senator Fawell.
27. SECRETARY:
28. SB 173 (Secretary reads title of bill)
29. 3rd reading of the bill.
30. PRESIDING OFFICER (SENATOR WEAVER):
31. Senator Fawell.
32. SENATOR FAWELL:
33. Mr. President and members of the Senate, SB 173 does just

1. as the Calendar has indicated it adds wording to the  
2. Revenue Act which clarifies that public school property  
3. is exempt from the date that it is purchased so long  
4. as it is not rented with an intent for profit. The  
5. reason for the bill is that under wording that is in  
6. the Revenue Act at the present time there is a construction  
7. that is made by some Boards of Review downstate that until  
8. such time as the real estate which is purchased for public  
9. schools is actually used for school purposes, until that  
10. time it cannot have an exempt status and thus we have the  
11. irony where in some of the downstate counties you have the  
12. public school districts actually being obligated to pay  
13. taxes on real estate until such time as school actually  
14. opens. And of course this can be quite costly in some  
15. instances. So it makes it clear that as in the case of  
16. cities and villages and as in the case of park districts  
17. from the date that the real estate is acquired by a public  
18. school district it will be exempt.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Is there any discussion? Senator Rock.

21. SENATOR ROCK:

22. Well...there have been I take it two amendments to  
23. this. I can see the purpose of what you're trying to do.  
24. I'm just not so sure that what this bill says accomplishes is...  
25. that purpose.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Fawell.

28. SENATOR FAWELL:

29. Well I don't know what more I could say. The...the  
30. reason for the amendments was that Senator Hynes did not...  
31. would prefer that the amendment be in another section other  
32. than the section in which I had put it. And, so I placed  
33. it in the section along with park districts but what it

1. literally says Senator Rock, is quite clear that the  
2. property upon...upon the school district owning real  
3. estate it becomes exempt except in instances where it  
4. is leased by the district or otherwise used with a  
5. view to profit.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Senator Rock do you have any further questions?

8. SENATOR ROCK:

9. Well...Amendment No. 2 then is what we're dealing  
10. with which states very simply, all property of public  
11. school districts not leased by such districts or other-  
12. wise used with a view to profit, period. That's...now  
13. we are in no way then amending 19.1 section...the one  
14. you started out with. So that stays the same and we...ok.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator Fawell do you care to close debate?

17. SENATOR FAWELL:

18. No I...I think I explained it.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Mitchler.

21. SENATOR MITCHLER:

22. Ask the sponsor how many amendments do we have on  
23. this Senator Fawell?

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Senator Fawell.

26. SENATOR FAWELL:

27. There's only...there's only one amendment. The first  
28. one was Tabled and the second one actually says the same as  
29. the first but we just used a different section. That's all.  
30. And it merely states that all property of public school  
31. districts not leased by such districts or otherwise used  
32. with a view to profit are exempt.

33. PRESIDING OFFICER (SENATOR WEAVER):

The question is shall SB 173 pass? Excuse me...Senator

1. Rock.

2. SENATOR ROCK:

3. One...one further question Senator Fawell.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Fawell.

6. SENATOR ROCK:

7. If the sponsor will yield, Mr. President.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. He will yield.

10. SENATOR ROCK:

11. Do we have...what about private school property. Is  
12. that in any way dealt with or circumscribed.

13. SENATOR FAWELL:

14. No...no this is what Senator Hynes was concerned  
15. about that it in no way would effect private schools.  
16. And it in no way does. We've bent over backwards to...  
17. that's why we took it out of that section. So that  
18. it would not have any implication in...by amending  
19. that particular section that it would in any way alter  
20. the exemption granted to...to private schools for  
21. property...utilized for school purposes.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. The question is shall SB 173 pass? And on that  
24. question the Secretary will call the roll.

25. SECRETARY:

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

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

2. PRESIDING OFFICER (SENATOR WEAVER):

3. On that question there are 38 yeas and no nays. SB  
4. 173 having received a constitutional majority is declared  
5. passed. We will...Senator McCarthy.

6. SENATOR McCARTHY:

7. Yes Mr. President I just talked to Senator Soper  
8. and I'd like to go out of order to say the Easement  
9. Bill he told me about. If I could make a motion to  
10. ...bring it up. I was just talking to Senator Soper  
11. and he told me to make a motion to discharge his  
12. committee from...further consideration of SB 1155.

13. That's an Easement Bill that was introduced on May 10.  
14. To keep the bill alive I make the...ask consent of the  
15. Body to have the bill discharged from the Committee on  
16. Local Government. Advanced to 2nd reading without...  
17. placed on the Calendar on the order of 2nd reading.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Well, Senator McCarthy we're not on motions but as  
20. long as you've identified the bills, HB 11...

21. SENATOR McCARTHY:

22. SB 1155.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. SB 1155 has been requested to discharge Local Government  
25. Committee and place it on the Calendar on 2nd reading. Is  
26. there any...Senator Soper.

27. SENATOR SOPER:

28. That's...that's ok because it's only an Easement Bill  
29. and...and we want to pass it out.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. All in favor signify by saying aye. Opposed nay.  
32. So ordered. The bill is discharged from Local Government  
33. and placed on the Calendar on the order of...Mr. President.

1. SENATOR HARRIS:

2. Well Mr. President I don't think this motion is going  
3. to be needed ultimately, because this is one of the bills  
4. under consideration by the Committee on Rules to be  
5. exempted from that section of Rule 5. So might I ask  
6. Senator McCarthy...it was Senator McCarthy's motion,  
7. was it not? To hold it in tomorrow...until tomorrow  
8. to make this motion. Because I don't think it's going  
9. to be necessary.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator McCarthy indicates he will withdraw his motion.  
12. Strike it from the records. We will revert to the beginning  
13. of Senate Bills on 3rd reading. SB 29, Senator Partee.  
14. SB 63, Senator McBroom. SB 71, Senator Sours. SB 89,  
15. Senator Walker. Senator Walker.

16. SENATOR WALKER:

17. ...Thank you Mr. President, members of the Senate.  
18. SB 89 is amended.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Walker we will let the Secretary read the  
21. bill please.

22. SECRETARY:

23. SB 89 (Secretary reads title of bill)  
24. 3rd reading of the bill.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Walker.

27. SENATOR WALKER:

28. SB 89 is amended. It allows for a member of the  
29. State Employees Retirement System, who has rendered  
30. service to the General Assembly or any committee or  
31. commission of either House to pay into the retirement  
32. system for contractural services rendered to the General  
33. Assembly and receive creditable service. This is the  
important part in my estimation. At the present legislation



1. was passed during the last General Assembly allowing  
2. an individual his first pay for contractual service  
3. and then later personal service to pay in the retire-  
4. ment system. This bill says that if an individual  
5. is first paid for personal services and then contractual  
6. services, he or she may pay into the retirement system  
7. for the period of contractual work. In other words,  
8. it just reverses what we did the last time. If they  
9. were first on the contractual, went to personal and  
10. that applies to our employees who have served as committee  
11. clerks, who have served as administrative assistants,  
12. just reverses what we're doing at the present time. And  
13. it seems just to me and I'd appreciate your support.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Is there any discussion? On that question...the  
16. question is shall SB 89 pass? And on that question the  
17. 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, Ozinga,  
25. Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,  
26. Savickas, Schaffer, Scholl, Shapiro,

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator Shapiro.

29. SENATOR SHAPIRO:

30. Mr. President, I realize we're on a roll call and in  
31. lieu of explaining my vote I'm wondering if I could ask  
32. the sponsor a question on this bill?

33. PRESIDING OFFICER (SENATOR WEAVER):

Senator Walker.

1. SENATOR SHAPIRO:

2. Senator Walker, did this bill have an amendment on it  
3. whereby the person who was going to transfer the credits  
4. would pay up the State share also?

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Walker.

7. SENATOR WALKER:

8. It...it has an amendment but the amendment covered  
9. the General Assembly or any committee or commission  
10. of either House thereof. It had...it said nothing  
11. about who was to pay...the employee naturally would  
12. pay their share. That would subject the State in my  
13. opinion to their share.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Shapiro.

16. SENATOR SHAPIRO:

17. But that's all. Just...just their own share?

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Walker.

20. SENATOR WALKER:

21. That's my...that's my understanding, yes.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Shapiro.

24. SENATOR SHAPIRO:

25. Well Mr. President, members of the Senate evidently  
26. this matter was considered by the Pensions Commission and  
27. the Pensions Commission did disapprove this bill. Now  
28. my memory is just a little hazy on this particular matter.  
29. I...I do recall though that there is another bill that  
30. looks at this particular matter from my...another angle  
31. and until I'm absolutely sure I'm going to vote no on  
32. the bill.

33. PRESIDING OFFICER (Senator Weaver):

Continue roll call.

SB 197  
200  
5-14-73

- 1. SECRETARY:
- 2. Smith, Sommer, Soper,
- 3. PRESIDING OFFICER (SENATOR WEAVER):
- 4. Senator Soper.
- 5. SENATOR SOPER:
- 6. There's another bill pending that cures the defects
- 7. of this bill. Senator Shapiro is right. To pass this out
- 8. of committee with the proviso that all the...all the protection
- 9. in the...that the commission asked for would be put in this
- 10. bill well, that hasn't been done. I think we ought to wait
- 11. for the next bill that we can pass that makes it necessary
- 12. for the participant to put into state share to bring this
- 13. thing up to a fiscal responsibility. Now the membership
- 14. can do what they want with it. I think that should be
- 15. done in order that the...the pension plan should be protected
- 16. with this proviso.
- 17. PRESIDING OFFICER (SENATOR WEAVER):
- 18. How do you vote Senator?
- 19. SECRETARY:
- 20. Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,
- 21. Wooten, Mr. President.
- 22. PRESIDING OFFICER (SENATOR WEAVER):
- 23. Daley no. Fawell no. Aye. Fawell aye. Buzbee no.
- 24. PRESIDING OFFICER (SENATOR WEAVER):
- 25. Senator Walker.
- 26. SENATOR WALKER:
- 27. ...Please place...SB 89 on postponed consideration.
- 28. PRESIDING OFFICER (SENATOR WEAVER):
- 29. SB 89 will be placed on postponed consideration.
- 30. SB 98, Senator Knuppel. SB 139, Senator Sours. SB 155
- 31. Senator Palmer. SB 176, Senator Donnewald. SB 179, Senator
- 32. Glass. SB 187, Senator Fawell. SB 197, Senator Glass.
- 33. SECRETARY:
- SB 197 (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Glass.

4. SENATOR GLASS:

5. Thank you Mr. President and Senators. SB 197 would  
6. incorporate provisions that are normally found in every  
7. well drafted trust agreement. Into all trust agreements,  
8. unless they're specifically excluded, would...I think make  
9. it a lot easier for...trust agreements to be drafted without  
10. overlooking important provisions. The bill has had an  
11. amendment as a result of the testimony in the Judiciary  
12. Committee and some suggestions by Senator Sours. Also  
13. at the request of Senator Rock we have deleted from the bill  
14. inclusions of the provision allowing investments in mutual  
15. funds. I think it should now be in the form that is  
16. satisfactory to most of the members and I would request  
17. a favorable roll call.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Is there any discussion? On that question...Senator  
20. Berning.

21. SENATOR BERNING:

22. Yes, I would like to direct a question to the sponsor.  
23. And I should say it's purely academic because I'll never  
24. have anything to do with trusts. But Page 6, Section 7  
25. seems to me to be very, very vague when it says, the  
26. trustee shall be reimbursed for all proper expenses  
27. incurred and the management and protection of the trust  
28. and shall be entitled to reasonable compensation for  
29. services rendered. Who establishes what is a reasonable  
30. compensation? Is there any control at all?

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Glass.

33. SENATOR BLASS:

Senator Berning I would say that it generally states in

1. the law now that the trustee is entitled to reasonable  
2. expenses for his services and to the extent you have  
3. banks and trust companies in the business. They are  
4. competitive and their fees must be agreed to in advance  
5. so that I think that this doesn't make any change in the  
6. law to my knowledge as it presently exists.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Berning. Any further discussion?

9. SENATOR BERNING:

10. Pardon?

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Did you have another question Senator?

13. SENATOR BERNING:

14. Well, I don't think I got an answer. Are you saying  
15. this is a section that's already in existence? Don't  
16. I read this correctly that this is a new section? And  
17. you say it's agreed to in advance that may be if it  
18. involves living persons but once a person is deceased  
19. and the trust is still there who controls this compensation?  
20. It would seem that there ought to be some kind of...

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Glass.

23. SENATOR GLASS:

24. Well, the various trust companies do publish their  
25. fees and I...somebody by will designates a bank as a  
26. trustee presumably they do so with a knowledge of what that  
27. schedule of fees is. And as I say they are competitive.  
28. I...I...I do believe this statement is merely a statement  
29. of the existing policy at the present time. I mean I  
30. don't think it's...if a trust company had to have their  
31. fees approved by a court this I think would be the standard  
32. reasonable compensation for services rendered which is  
33. I think, what everyone is entitled to. But I just repeat

1. I...I don't think this bill attempts to set any new  
2. policy with regard to fees.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Senator Sours.

5. SENATOR SOURS:

6. Mr. President and Ladies and Gentlemen of the Senate,  
7. this is one of the...of the two trust bills Senator Glass  
8. has that merits approval. The other one merits a state of  
9. immorality and morbidity. However, it's alright to vote  
10. on this one.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Is there any further discussion? The question is  
13. shall SB 197 pass? And on that question the Secretary  
14. 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, Graham, Harber Hall, Kenneth  
19. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,  
20. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
21. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga,  
22. Palmer, Partee, Regner, Rock, Roe, Romano,

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Rock.

25. SENATOR ROCK:

26. Yes, Mr. President, members of the Senate, as Senator  
27. Sours so aptly said this is one of the two bills at least  
28. on the Calendar dealing with trusts. I think they both  
29. have merit. I'm delighted to vote aye.

30. SECRETARY:

31. Romano, Saperstein, Savickas, Schaffer, Scholl,  
32. Shapiro, Smith, Sommer, Soper, Sours,

33. PRESIDING OFFICER (SENATOR WEAVER):

Senator Sours.

1. SENATOR SOURS:

2. This is a good bill Mr. President. I'm voting for  
3. it. I vote aye. As for the other bill it is based upon  
4. man's oldest unhappy attribute, greed.

5. SECRETARY:

6. Swinarski, Vadalabene, Walker, Weaver, Welsh,  
7. Wooten, Mr. President.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Johns, aye. Buzbee, aye. Donnewald, aye.  
10. Senator Merritt, aye. On that question there are 35 yeas  
11. and no nays. SB 197 having received the constitutional  
12. majority is declared passed. SB 254, Senator Palmer.  
13. 254, 255. SB 268, Senator Johns. SB 268.

14. SECRETARY:

15. SB 268 (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Johns.

19. SENATOR JOHNS:

20. I'll try to do this without my notes. Because of  
21. the night Session in coming in early like I have, but anyway  
22. this is a particular bill that has two options in it for  
23. the State Police Retirement Program and it has met the  
24. approval of the Pension Laws Commission and it has been  
25. amended and has met all the requirements of anyone  
26. that has approached us on it. It is to reduce the  
27. retirement age from 55 to 50 after 25 years of service  
28. and it has an option in there for 20 years of service  
29. at the age of 55. And I'd be glad to try and entertain  
30. and answer any questions that would put forth.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Is there any discussion? Senator Wooten.

33. SENATOR WOOTEN:

Will the sponsor yield to a question?

1. PRESIDING OFFICER (SENATOR WEAVER):  
2. He indicates he will.  
3. SENATOR WOOTEN:  
4. About how many people presently employed will be  
5. affected by this, Senator?  
6. PRESIDING OFFICER (SENATOR WEAVER):  
7. Senator Johns.  
8. SENATOR JOHNS:  
9. Thank you Mr. President. Sorry to rush you. The  
10. total number involved will be about 100 State Policemen.  
11. 14 have indicated they will consider retirement.  
12. SENATOR WOOTEN:  
13. Do I understand from that then that there will be  
14. only about 14 policemen who will be forced into retirement  
15. by this change or is this purely a permissive thing?  
16. SENATOR JOHNS:  
17. It's strictly voluntary, Senator Wooten.  
18. SENATOR WOOTEN:  
19. Thank you.  
20. PRESIDING OFFICER (SENATOR WEAVER):  
21. Any further discussion? Senator Berning.  
22. SENATOR BERNING:  
23. Would the Senator refresh my memory. I thought there  
24. was an amendment considered for this bill.  
25. PRESIDING OFFICER (SENATOR WEAVER):  
26. There is an amendment on it, Senator Berning. do you  
27. have a question of the sponsor?  
28. SENATOR BERNING:  
29. I don't have the amendment in my book and that's  
30. why I was questioning it. I think this is the amendment  
31. that we were...were anticipating.  
32. PRESIDING OFFICER (SENATOR WEAVER):  
33. Do you have a question on the amendment, Senator Berning?



1. SENATOR BERNING:

2. No. I didn't realize the amendment was on. It's  
3. not in my book. And that's what I was questioning, if  
4. we had placed the amendment on to require 25 years  
5. of service.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Any further discussion? Senator Nimrod.

8. SENATOR NIMROD:

9. Will the sponsor yield for a question? Senator is  
10. this the only pension fund then that will be at age 50  
11. or are there others that are...this is reducing it down  
12. to 50 and down to a pretty age where we're starting to  
13. build up quite a bit of money in there.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Johns.

16. SENATOR JOHNS:

17. Senator Nimrod I caught part of a second question  
18. there but first, let me say, this is probably the only  
19. one I know of that reaches the age of 50. This is an  
20. aim to make the force much younger and to offer incentive  
21. for many of the people to enter into this profession.  
22. It's a very strenuous occupation requiring holidays,  
23. weekends, alertness, physical stamina, and so forth.

24. SENATOR NIMROD:

25. All right. I don't happen to think that 50 is very  
26. old but that's...

27. SENATOR JOHNS:

28. I don't either.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Bruce do you have a question? Any further  
31. discussion? On that question...the question is shall  
32. SB 268 pass? And on that question the Secretary will  
33. call the roll.

1. SECRETARY:

2. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
3. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
4. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth  
5. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,  
6. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
7. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,  
8. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,  
9. Saperstein,

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Romano.

12. SENATOR ROMANO:

13. Mr. President, members of the Senate, originally  
14. the Pension Laws Commission did disapprove this bill.  
15. But I think it was last week in committee this bill  
16. was amended and now does have the approval of the  
17. Commission. The old bill had a 20 year, I believe  
18. at 50, and we amended to 25 years at 50. Under this  
19. amendment I would vote aye for the bill.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Continue the roll call.

22. SECRETARY:

23. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
24. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver,  
25. Welsh, Wooten, Mr. President.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator...Senator Rock aye. Senator Daley aye. Senator  
28. Fawell aye. Senator Bruce aye. Carroll aye. Senator Bell  
29. aye. Carroll aye. Senator Course aye. Senator Johns aye.  
30. On that question there are 35 yeas and 1 nay. SB 268  
31. having received the constitutional majority is declared  
32. passed. Senator Wooten.

33. SENATOR WOOTEN:

Mr. President having voted on the prevailing side I

1. move that vote be reconsidered.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Wooten moves, having voted on the prevailing  
4. side, moves to reconsider the vote by which SB 268 passed.

5. Senator Johns moves to lie that motion upon the Table.

6. All those in favor signify by saying aye. Opposed nay.

7. The motion carries. The motion is Tabled. It is the

8. intention to go until about 6:15 on Senate Bills 3rd

9. and then move to Resolutions and Motions. Senator Palmer  
10. 267. Senator Palmer.

11. SENATOR PALMER:

12. SB 267 has...

13. SECRETARY:

14. SB 267 (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Palmer.

18. SENATOR PALMER:

19. SB 267 provides the extension from six years to eight  
20. years the period of pension credit. Now this conversion plan

21. will affect primarily judges, the members of the General...

22. Assembly. Therefore it is extremely limited and permissive

23. and optional with the employer. Now this bill was approved

24. by the Pension Commission and favorable approval of the

25. Pension Committee. And I ask for a favorable roll call.

26. And I'd ask Senator Shapiro to read the report on the

27. Commission.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Is there any discussion? Any further discussion?

30. The question is shall SB 268 pass? ...267 pass? And on

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

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Partee aye. Senator Johns aye. Senator  
12. Kunppel aye. Palmer aye. On that question there are 39  
13. ayes and no nays. SB 267 having received the constitutional  
14. majority is declared passed. Senator Mohr SB 267...276.

15. SENATOR MOHR:

16. Yes Mr. President. SB 276 I'd like to bring that  
17. back and offer an amendment if I may.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Mohr has asked permission to bring 276  
20. back to the order of 2nd reading for the purpose of  
21. amendment. Is there leave? So ordered.

22. SENATOR MOHR:

23. Now Mr. President I'll briefly explain the amendment.  
24. This is the bill that deals with the appointment of a  
25. police or fire chief and this amendment would permit village  
26. managers who now make the appointments or the mayor to  
27. continue to do so. And the second change in the bill is,  
28. the appointment of the chief of either department shall  
29. have, not may, but shall have the consent of the council  
30. or board of directors. It would be mandatory to have  
31. the entire board make the appointment. I move the  
32. adoption.

33. PRESIDING OFFICER (SNEATOR WEAVER):

Senator Mohr's...moves th adoption of Amendment No. 2

1. to SB 276. All in favor signify by saying aye. Opposed  
2. nay. The amendment is adopted. 3rd reading. SB 280,  
3. Senator Harber Hall.

4. SECRETARY:

5. SB 280 (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Hall.

9. SENATOR HARBER HALL:

10. Mr. President this bill simply clarifies the statutes  
11. in several places in regards to the filing of economic  
12. interest, the ethic statement. I think it will make it  
13. clear for those in the future who are filing for public  
14. offices at all levels exactly what they have to do and  
15. ...and make their filing comply with the intent of the  
16. eithics and the...the other requirements in the Election  
17. Code and the School Code and Governmental Ethics Act.  
18. I know of no opposition. I solict your support.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Sours.

21. SENATOR SOURS:

22. Mr. President I just have one question. Specifically  
23. Senator what does this bill do? Seems to me I've only  
24. heard about it. I haven't had a chance to examine it  
25. carefully.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Hall.

28. SENATOR HARBER HALL:

29. Senator this is, as you're familiar with, when a  
30. candidate for local government files his ethic statement, which  
31. he must do, he does not always...he's not required to file it in  
32. all cases with the person who he must file his application for  
33. office with. Often times he has to file...He's required to file it

1. with the County Clerk but he doesn't file his petitions  
2. for office with the County Clerk. This simply says  
3. that when he does file his ethic statement that he has  
4. ...he gets a receipt for filing his ethic statement so  
5. that when he does file his petitions for office and his  
6. application for office with the petitions with a unit  
7. of local government or the City Clerk or whoever it may  
8. be, he can also file this receipt showing that he has  
9. complied with the Ethics Law and that his petitions for  
10. office are properly meeting the requirements of the Ethics Code.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Sours does that satisfy you? Senator Wooten.

13. SENATOR WOOTEN:

14. Will the sponsor yield for a question?

15. PRESIDING OFFICER (SENATOR MOHR):

16. He indicates he will.

17. SENATOR WOOTEN:

18. Does this have the effect then of requiring that  
19. you can't get your nominating papers in unless you have this  
20. receipt or unless you are filing...statements concurrently?

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Hall.

23. SENATOR HARBER HALL:

24. Well, you would be able to file but the...the proper  
25. officer to receive your petitions for office and candidacy  
26. for office would be required to state that you hadn't fulfilled  
27. the requirements of the Ethics Act because you had not filed  
28. your statement of economic interest. With the receipt from  
29. the County Clerk that you had then they would be properly  
30. filed.

31. SENATOR WOOTEN:

32. In other words the County Clerk must let you know that  
33. there's something missing? Is that it?

1. SENATOR HARBER HALL:

2. ...When you file with the County Clerk, if he is  
3. not the office which properly receives your petitions  
4. for office, he simply says...he doesn't look it over to  
5. see if it's properly filled out. He just accepts it and  
6. gives you a receipt that it has...that a...an ethic  
7. statement has been filed with him.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Wooten.

10. SENATOR WOOTEN:

11. We talked about this in your earlier bill that the  
12. real problem is to...is to have someone telling him. The  
13. candidate goes to file his nominating papers and the County  
14. Clerk or someone who should be, I thought, required to tell  
15. him you don't have your eithic statement in or where is  
16. the receipt for ethic? Is that what this accomplishes?

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Rock.

19. SENATOR ROCK):

20. Well Mr. President, Members of the Senate, the only  
21. provision of this amendment, which I don't particularly  
22. like and stand opposed to, says that if in fact this  
23. receipt saying I have in fact filed my disclosure state-  
24. ment or the disclosure statement itself does not accompany  
25. petitions for nomination, the petitions are void and  
26. invalid. Now under the present Ethics Law, let's  
27. assume there are 20 days within which one might file  
28. nominating petitions. Under the present Ethic Law it  
29. seems to me that we have until, or a candidate has until  
30. day 20 within which to file his ethic statement. Assume  
31. he's filed his nominating petitions on day 1 so that he  
32. can be first on the ballot and there are in fact 10  
33. or 20 days open. He has until day 10 or day 20 within

1. which to file his ethic statement. This makes no  
2. provision for that. If I don't file this receipt  
3. or my disclosure act the minute I file or accompany  
4. my nominating petitions those petitions are void  
5. and invalid. And I think that's a little...I...I  
6. don't think that's what you intended but that's what  
7. this says. For that reason I'm against this.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Berning. Any further discussion? Senator Nimrod.  
10. SENATOR NIMROD:

11. This bill seems to be getting to the problem where we...  
12. when we have candidates we are forcing the County Clerks,  
13. in the case of county offices or local offices, to furnish  
14. receipts and we are then requiring those receipts then to be  
15. furnished when you file your petitions. Well, it's the  
16. duty of the Election Board to determine whether or not  
17. petitions are qualified or not, based on a challenge. And  
18. I think what we're doing is getting involved to what was  
19. related here a few weeks ago, and that was spoon feeding  
20. candidates. I think we have set up laws and I don't think  
21. we have to put the restrictions on those laws in order  
22. which to make the person qualify, remind him of what's  
23. required. I know that's a new act. We did make some  
24. emergency provisions here to take care of it for the one  
25. year. Now we're making provisions to lock it in so that  
26. there's no way they can miss out on performing a provision  
27. which is stated in the law. If we were to do this with  
28. every law we had the job would be endless and we'd certainly  
29. never get anywhere.

30. PRESIDING OFFICER (SENATOR MOHR):

31. ...Fawell.

32. SENATOR FAWELL:

33. Well, I...I think this is reasonable legislation for one



1. reason and that is that many of our people in local  
2. government still are not aware that our Constitution  
3. has a...a very fatal clause insofar as, well, all local  
4. government is concerned. And that is if they do not  
5. actually have this ethic statement on file they...they're  
6. ineligible and there's nothing you can do about it. I  
7. think we're doing a favor if we make it clear that they  
8. can't file the petition for nomination at least at that  
9. time and if the deadline hasn't gone by they can go back  
10. and fulfill their...their commitment But I think you  
11. will find right now that newspapers all over the State  
12. are once again reporting that many, many people in our  
13. various local governmental entities are ineligible and  
14. there's nothing that we can do about it. The Constitution  
15. is a self-executing document and has been so held by  
16. the Attorney General's Office so that anyone who goes  
17. ahead and files a petition for nomination and does not  
18. have the ethics statement on file in the County Clerks  
19. Office or in a state wide position, the same thing insofar  
20. as the Secretary of State's Office is concerned or  
21. anybody who's holding office. So that right now I think  
22. you're finding that many, many people throughout the  
23. State did not, by April 30th file their ethics statement  
24. that is incumbent. So anything we can do I think to  
25. let the people know that this is not simply a statutory  
26. law you're dealing with. It is the Constitution and it's  
27. self-executing. And if you have not done it you're just  
28. out of the ball game. There's nothing that can be done  
29. and at that point you are ineligible if you're a nominee  
30. and if you're an incumbent you have forfeited your office.  
31. And it's just that simple. So that it's an extraordinary  
32. remedy I think that we ought to be thinking about here. Anything  
33. we can do to apprise the nominees and the incumbents of what

1. they have to do. I would not doubt that there's some  
2. Legislator who has failed, for instance, to file his  
3. ethic statement prior to April 30th. That Legislator,  
4. if there's anyone, then we've been...we've been pretty  
5. well apprised, has forfeited his office. And the  
6. mistake as you go farther down the line into local  
7. government, you'll find hundreds and hundreds of local  
8. government incumbents who now have forfeited their  
9. office because as of April 30th they simply did not  
10. have the ethic statement on file. So I think this  
11. legislation is reasonable.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Any further discussion? The question is shall SB 280  
14. pass? And on that question the Secretary will call the roll.  
15. I'm sorry, Senator Hall do you want to sum up?

16. SENATOR HARBER HALL:

17. ...Thank you Mr. President. This is a simple bill  
18. and the procedure in it is relatively simple. It will  
19. not require decision making by the County Clerks, or by  
20. City Clerks or by Township Clerks. All it does is insure  
21. that wherever someone files someone has been able to say  
22. to them, don't forget your ethic statement. I can't receive  
23. your petition for office without an ethic statement. Now  
24. whether that's to be filed in...with the County Clerk or  
25. with the Secretary of State...the candidate at that time  
26. will know, since he hasn't one and has been told he hasn't  
27. one, will know to check on it and find out. I don't...it's  
28. no surprise to us that somebody needs to tell us. We got  
29. a letter from the President of the Senate reminding us that  
30. ethic statements had to be filed by a certain date. They did  
31. ...all the House members did and I would presume all the offices  
32. under the Executive were reminded. But in the case of people  
33. running for local office at the local level, they have no one

1. to tell them unless when they file somebody points  
2. out here's something you haven't done. You'll have  
3. to do it with the County Clerk and get a receipt,  
4. otherwise I can't consider your application for  
5. office as valid. I would like a favorable roll call  
6. if I may.

7. PRESIDING OFFICER (SENATOR MOHR):

8. The question is, shall SB 280 pass? And on that question  
9. the Secretary will call the roll.

10. SECRETARY:

11. Bartulis, Bell, Berning, Bruce, Buzbee,

12. PRESIDING OFFICER (SENATOR MOHR):

13. Senator Buzbee.

14. SENATOR BUZBEE:

15. Mr. President in explaining my vote on this bill,  
16. I'm a co-sponsor of the bill, and the reason I'm a  
17. co-sponsor is that it's my understanding of the bill  
18. that this would require a receipt to be handed to the  
19. candidate when he turns his petition in to the county  
20. clerk or the Secretary of State. A receipt saying  
21. that there is a financial disclosure statement on  
22. hand. Either having been given to them with that  
23. petition or having been received prior. So therefore,  
24. I vote aye.

25. SECRETARY:

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

1. Welsh, Wooten, Mr. President.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Hall.

4. SENATOR (HARBER) HALL:

5. I'd like postponement of this bill please.

6. PRESIDING OFFICER (SENATOR MOHR):

7. The bill shall be put on postponed consideration,

8. SB 280. Senator...President Harris.

9. SENATOR HARRIS:

10. Mr. President we have on the Secretaries desk, I  
11. don't know what the Senate Joint Resolution number is.  
12. 48? 38? There is on the Secretary's desk Senate Joint  
13. Resolution 38. The effect of this Resolution is to  
14. direct the Transportation Study Commission, which was  
15. mandated under the provisions of Senate Joint Resolution  
16. 25, to evaluate the need for a permanent Northeastern  
17. Illinois Transportation Authority and a permanent policy  
18. for Mass Transportation Subsidy by the State of Illinois.  
19. We've developed some serious problems in that Commission  
20. of meeting the mandated bill introduction date of  
21. tomorrow, May 15. Senate Joint Resolution 38 relaxes  
22. that mandate and provides the Commission an additional  
23. week to work out some technical drafting problems in the  
24. development of that very important legislation. Senator  
25. Partee, and the Democrat leadership, and the remaining  
26. Republican leader...and the Republican leadership, join  
27. me in the co-sponsorship of this Joint Resolution which  
28. gives the Commission an additional week to meet its  
29. directive from the General Assembly to have the legislation  
30. prepared. I know of no one who opposes this but I would be  
31. happy to respond to any questions, otherwise I would move  
32. to suspend the rules for the immediate consideration and  
33. adoption of Senate Joint Resolution 38. I so move to suspend.

1. PRESIDING OFFICER (SENATOR MOHR):

2. ...President Harris moves to suspend the rules for  
3. the immediate adoption of Senate Joint Resolution 38.  
4. Is there leave? ...are suspended. ...Motion to adopt,  
5. all those in favor signify by saying aye. Opposed?  
6. Senate Joint Resolution 38 is adopted. Senator Donnewald.

7. SENATOR DONNEWALD:

8. Yes Mr. President...if this is the appropriate time  
9. for announcements I would like to announce that we have  
10. a Democratic caucus at 9:30 tomorrow morning, which should  
11. be an hour before the regular Session. And I presume...  
12. or I assume that the regular Session is at 10:30.

13. PRESIDING OFFICER (SENATOR MOHR):

14. The regular Session will be at 10:30. Caucus...  
15. Democratic caucus at 9:30.

16. SENATOR DONNEWALD:

17. That's right.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Shapiro.

20. SENATOR DONNEWALD:

21. Sixth floor.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Shapiro.

24. SENATOR SHAPIRO:

25. Sir, on the Secretaries desk is Senate Joint Resolution  
26. 28 which I would like called.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senate Joint Resolution 28 is on the calendar? It is  
29. on the Calendar? Senator Shapiro.

30. SENATOR SHAPIRO:

31. Mr. President, members of the Senate, Senate Joint  
32. Resolution 28 was approved unanimously by the Executive  
33. Committee. All it does is ask the Department of Mental

1. Health to require that all State and State Licensed Private  
2. Health Care facilities, including Day Treatment programs  
3. for the mentally retarded insure that each resident or  
4. patient participates in a daily oral hygiene program  
5. conducted by the institutional staff, that each resident  
6. receive an annual dental examination as the law now  
7. requires, and that each resident receive the necessary  
8. minimum dental treatment required to eliminate activity  
9. in the oral cavity, and that a copy of this Resolution  
10. be forwarded to the Director of the Department of Mental  
11. Health. And I would urge the adoption of the Resolution.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Senator Shapiro moves the adoption of Senate Joint  
14. Resolution 28. All those in favor...signify by saying  
15. aye. Opposed. The Resolution is adopted.

16. SENATOR ROCK:

17. Mr. President and Members of the Senate on the  
18. Secretary's desk I have today filed two motions in writing  
19. which I would like the Secretary to read so that they could  
20. be properly journalized today. I would then ask leave of  
21. this Body to defer action on these motions at the request  
22. of some of the other Senate members until possibly Wednesday  
23. or Thursday of this week, whenever there is a time convenient  
24. to the President.

25. PRESIDING OFFICER (SENATOR MORH):

26. Is there leave? President Harris.

27. SENATOR HARRIS:

28. Well I think Senator Rocks motion which I believe  
29. is in order but it ought to be expressed specifically  
30. rather than the abstract of Wednesday or Thursday. I think  
31. the motion that you are laying...placing before the Senate  
32. now ought to be specific. And...on what bill is it that  
33. you are acting now?

1. PRESIDING OFFICER (SENATOR MOHR) :

2. Senator Rock I believe the motion should be read  
3. first.

4. SECRETARY:

5. (SECRETARY READS MOTION IN WRITING)

6. PRESIDING OFFICER (SENATOR MOHR) :

7. Senator Rock.

8. SENATOR ROCK:

9. Yes Mr. President, members of the Senate, SB 934  
10. addresses itself to the question of branch banking. I  
11. would ask leave of this Body to move that this...hearing  
12. on this motion and its companion motion dealing with  
13. SB 935 be deferred until Wednesday of this week, if that's  
14. alright.

15. PRESIDING OFFICER (SENATOR MOHR) :

16. Senator...Senator Clarke.

17. SENATOR CLARKE:

18. I'd just like to make one thing perfectly clear  
19. while we're discussing this. I understand a letter  
20. went out to all the bankers indicating that Senator Rock  
21. and I were going to make this motion jointly. And I  
22. want to make it perfectly clear that I am not joining  
23. in this motion and I'm going to have a few words to  
24. say about the manner in which my name was lent to the  
25. sponsorship of this bill when the motion is argued.

26. PRESIDING OFFICER (SENATOR MOHR) :

27. I'll have the Secretary read the other motion.

28. SECRETARY:

29. Motion in writing...

30. PRESIDING OFFICER (SENATOR MOHR) :

31. Excuse me...President Harris.

32. SENATOR HARRIS:

33. Well I think we ought to dispose of the motion before

1. us now and it seems to me that under our rules we've  
2. got three considerations now. And that is to deal  
3. with the motion Senator Rock has had read now, or  
4. seek unanimous consent and if there is objection to  
5. that then for him to make a motion to suspend the rules.  
6. Now I'd like to have the Chair rule on that evaluation  
7. of how to dispose first of the motion relating to SB 934.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Rock.

10. SENATOR ROCK:

11. Well, Mr. President I don't mean to disagree with  
12. Senator Harris but it seems to me that in the past when  
13. one files a motion in writing and asks that it be journalized,  
14. one has had in the past the opportunity to defer or  
15. postpone that motion to a date certain. See we have  
16. to...I'm just trying to cover my...935 was reported  
17. out of that committee Do Not Pass. I have one  
18. legislative day which is today to journalize that  
19. motion and ask that it be postponed to a date certain  
20. so that everybody's aware that it's there and we can...  
21. everybody's ready to go on it.

22. PRESIDING OFFICER (SENATOR MORH):

23. President Harris.

24. SENATOR HARRIS:

25. I...personally I do not intend to object but I  
26. just think that the members of the Senate ought to know  
27. what is being done and I said there are three options  
28. open to us now. One to deal with the question..the question  
29. you've placed before us immediately or to seek unanimous consent  
30. and in the absence of that to move to suspend the rules. Now  
31. I personally am not going to object. ...But I just...we  
32. all know that this is an issue that has critical concern  
33. for lots of us and we have had all kinds of communication



1. on it and I think that there ought to be a clear under-  
2. standing of what is involved. I personally believe,  
3. dealing with it on Wednesday is acceptable and makes sense  
4. but I...I would hate for people to have this issue further  
5. confussed by an adoption on the basis of unanimous consent.  
6. This provision and then people subsequent to it saying I  
7. didn't realize that was what was involved.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Partee.

10. SENATOR PARTEE:

11. Well I think, as far as I can remember here in the  
12. Senate, whenever a member files such a motion the motion  
13. was at the option of the member as to the time of hearing.  
14. So long as that was consistent with and not upsetting to  
15. the regular Calendar. And I've never heard members express  
16. themselves in terms of desiring that the...matter be dealt  
17. with immediately if the sponsor didn't desire it. The  
18. courtesy is and the mandate is to file the motion one  
19. legislative...on the next legislative day which he has  
20. done and then he's indicated that he'd like to...

21. PRESIDING OFFICER (SENATOR MOHR):

22. ...President Harris.

23. SENATOR HARRIS:

24. Well, I think you are talking about a situation  
25. where a bill has been reported unfavorably. We're dealing  
26. now with 934 on which there was no definitive action in  
27. the committee and it remains in the committee. The motion  
28. to discharge committee, in my judgement is...is in order  
29. at any time. So we really are talking about that  
30. question now. Not the embargo on Senator Rock to take  
31. action as regards to 935 on the next legislative day.  
32. He's under that restriction as relates to 935. 934  
33. did not have decisive action by the committee and remains

1. in the Committee. So there is the distinction between  
2. the two bills.

3. SENATOR PARTEE:

4. There is, of course, that technical distinction?  
5. The only that makes sense to me is, sense they are  
6. companion bills that they be dealt with together. That's  
7. the only thing I'm suggesting.

8. SENATOR HARRIS:

9. No, they deal with different subjects.

10. PRESIDING OFFICER (SENATOR MOHR):

11. They are two separate bills and two separate  
12. subjects. Senator...

13. SENATOR ROCK:

14. How...howsoever the Chair feels it should put the  
15. question let's get to it. I would ask unanimous consent  
16. that this motion be journalized today and be postponed  
17. until Wednesday.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Rock is asking that...that consideration on  
20. SB 934 be journalized today. And acted upon Wednesday.  
21. Is there leave?

22. SENATOR ROCK:

23. Now, Mr. President, I would ask that we deal with  
24. the second motion in writing which relates to SB 935.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Just...just one minute. Senator Merritt.

27. SENATOR MERRITT:

28. Well, Mr. President, I don't believe that's been  
29. disposed of and it's true. We're dealing with completely  
30. two different issues here. You can't call them companion  
31. bills in anyway. 934 is branch banking, 935 is holding  
32. companies. Now I don't have any objection to what you're  
33. trying to do here, Senator Rock, as to your method. I have

1. objection but then as to the method I think it's probably  
2. correct. And if you're seeking unanimous consent  
3. for that and if I understand it correctly till Wednesday,  
4. and it must be dealt with on Wednesday. Is that my  
5. understanding, Mr. President?

6. PRESIDING OFFICER (SENATOR MOHR):

7. That is what Senator Rock is asking for.

8. SENATOR MERRITT:

9. Is that correct, Senator Rock? It will be dealt  
10. with Wednesday? As relates to the only bill before us  
11. right now...I mean the only motion before us right now  
12. on 934?

13. PRESIDING OFFICER (SENATOR ROCK):

14. Senator Rock.

15. SENATOR ROCK:

16. Well, yes...yes that is what I am requesting. Now  
17. you...you know as well as I that it happens in this Chamber  
18. at some point that on a particular legislative day things  
19. happen and we don't get to certain orders of business. I  
20. would request that it be done Wednesday. I will not seek  
21. to postpone it. Ok?

22. SENATOR MERRITT:

23. That's...that's good enough for me. We'll get to it.

24. PRESIDING OFFICER (SENATOR MOHR):

25. President Harris.

26. SENATOR HARRIS:

27. Mr. President, I might further say that unless someone  
28. objects I will give my assurance that this motion will be  
29. dealt with on Wednesday.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Is there any objections? ...hearing no objection  
32. the motion will be heard on Wednesday on Senate Bill 934.  
33. And on SB 935 do you have a motion on that Senator Rock?

1. SENATOR ROCK:

2. I do. I have filed a motion in writing on...it  
3. relates to SB 935. Asking that this be taken from the  
4. Table and placed on the order of Senate Bills on 2nd  
5. Reading. Mr. President and members of the Senate, I  
6. would ask unanimous consent or leave of this Body to  
7. also defer action and postpone this motion till Wednesday  
8. at the same time.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Is there leave? Senator Merritt.

11. SENATOR MERRITT:

12. I have no objection to that again with a full  
13. understanding of Senator Rock. It will be dealt  
14. with as Senator Harris has pointed. We will get to  
15. that on Wednesday. I personally would not have any  
16. objection. That doesn't preclude any others that might  
17. have.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Hearing no objection, Senator Rock's motion for  
20. SB 935 will be heard on Wednesday. Senator Glass.

21. SENATOR GLASS:

22. Mr. President and Senators, a reminder that Diamond 4  
23. at Lincoln Park is reserved for soft ball practice immediately  
24. after adjournment.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Weaver.

27. SENATOR WEAVER:

28. Mr. President there will be a Republican Caucus  
29. at 9:00 in the morning in M-1.

30. PRESIDING OFFICER (SENATOR MOHR):

31. ...Please be in their seats. We have one Death  
32. Resolution.

33. SECRETARY:

Senate Resolution 155 by Senator Shapiro and Roe.

(Secretary reads Resolution)

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Shapiro.

3. SENATOR SHAPIRO:

4. Mr. President, I would like unanimous consent of  
5. the Senate for the suspension of the rules for the  
6. immediate consideration of this Resolution.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Shapiro moves for the suspension of the  
9. rules. Is there leave? Senator Shapiro now moves the  
10. immediate adoption of the Resolution. All those in  
11. favor please rise. The Resolution is adopted. The  
12. Senate stands adjourned until 10:30 tomorrow morning.

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