

78th GENERAL ASSEMBLY
Regular Session
October 31, 1973

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Regular Session of the 78th General Assembly will
3. come to order. ...Soper.

4. SENATOR SOPER:

5. Mr. President I move that we postpone the reading
6. and the approval of the Journals of October 29th and
7. October 30th pending the arrival of the printed Journal.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Is there any discussion? All in favor signify by
10. saying aye. Opposed nay. Motion carries. ...from the
11. House.

12. SECRETARY:

13. (Secretary reads Message from the House)

14. PRESIDING OFFICER (SENATOR WEAVER):

15. These are all concurrences in the Governor's Veto,
16. require no Senate action.

17. SENATOR HARRIS:

18. Mr. President.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Harris.

21. SENATOR HARRIS:

22. Have you completed the order of business you were on?
23. Are we in the Regular?

24. PRESIDING OFFICER (SENATOR WEAVER):

25. We're in the Regular Session Senator.

26. SENATOR HARRIS:

27. Mr. President I would like to receed...Mr. President,
28. I would like to request unanimous consent of the Senate
29. to reopen the Third Special Session for the sole purpose
30. of the introduction of a series of bills, after the reading
31. of that series a first time I would then seek to suspend
32. the rules and have those bills set for hearing in the
33. Transportation Committee next Tuesday, the 6th of November

1. at 3:00 p.m. Is there leave of the Body to take that action?
2. PRESIDING OFFICER (SENATOR WEAVER):
3. You've heard Senator Harris' request. Is there leave?
4. Hearing no objection, leave is granted.
5. SENATOR GRAHAM:
6. Mr. President, I ...think we have to recess the Regular
7. ...do we. All right.
8. PRESIDING OFFICER (SENATOR WEAVER):
9. Senator Harris.
10. SENATOR HARRIS:
11. Now, having received unanimous consent, I now move that
12. the Regular Session recess for fifteen minutes in order to
13. reopen the Third Special Session.
14. PRESIDING OFFICER (SENATOR WEAVER):
15. You've heard Senator Harris' request. All in favor
16. signify by saying aye. Opposed nay. Motion carries.
17. ...recess.
18. (RECESS)
19. PRESIDING OFFICER (SENATOR WEAVER):
20. ...Session of the 78th General Assembly will come
21. to order. ...messages. Concurrence in House action on
22. Total Vetoes, Senator Conolly are you ready on 652?
23. Floor ...concurrence in House action on Amendatory
24. Vetoes, Senator McCarthy are you ready on 1471?
25. SENATOR MCCARTHY:
26. ... Yes, Mr. President, it's on 1471 which was
27. placed on postponed consideration. Oh, all right, then
28. if I shall proceed...Mr. President and Members of the
29. Senate, you may recall yesterday this bill was called,
30. it deals with the subject of Unemployment Compensation.
31. And there was some question raised by Senator Sours and
32. others as to the reason for the Governor's Amendatory
33. Veto. We have discussed that matter. It is understood...

1. I understand at the present time that there is no objection
2. from any...from either side of the aisle to passage of this bill.
3. I would encourage you to concur in the Governor's Amendatory Veto.
4. What this means, is that if you concur in the Governor's Amendatory
5. Veto that on November 4th, which I believe is Sunday, the new
6. rates would go into effect. I'd be happy to answer any
7. questions you have, if there are none I would ask for a most
8. favorable roll call.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Is there any discussion? Senator Sours.

11. SENATOR SOURS:

12. Mr. President, Ladies and Gentlemen of the Senate,
13. the bill referred to by Senator McCarthy ought to be
14. cleaned up in this Session, this day. And the affirmative
15. vote on this side is quite proper inasmuch as without the
16. affirmative vote this would fail and there would be a gap
17. of six or seven weeks in time where under the laws of
18. Illinois no unemployed person could receive unemployment
19. compensation. Accordingly, we should support Senator
20. McCarthy.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. ...McCarthy moves to accept the Governor's recommenda-
23. tions as to HB 1471. Upon that question the Secretary
24. will call the roll.

25. SECRETARY:

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

1. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
2. Weaver, Welsh, Wooten, Mr. President.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Senator McBroom, aye. Senator Keegan, aye. Savickas,
5. aye. On that question, the ayes are forty-three and the
6. nays are none. The specific recommendations of the Governor
7. as to HB 1471 having received the required majority vote of
8. Senators elected are declared accepted.

9. SENATOR NIMROD:

10. Mr. President and Fellow Senators, on HB 18 which we
11. had some previous discussion on and we asked that this
12. be held up and removed from the record so that we could
13. clarify a question that was brought by Senator Partee.
14. I have endeavored to determine the exact status of the
15. conditions that prevail and what had transpired, so I
16. might briefly like to relate to you a little bit of the
17. record that transpired pertaining to the changes on HB 18
18. that were made prior to the House voting. I think it is
19. rather important and certainly is...that these...this
20. particular conversation be put into the record because
21. of the gravity of the subject matter of this particular
22. legislation. Subsequent to the Governor returning HB 18
23. to the General Assembly the sponsor, the main sponsor in
24. the House, the Representative Hyde had contacted the
25. Governor's Office relating to two aspects of the Governor's
26. recommendation. First was in the question...related to
27. compelling reasons by the three judge panel which could
28. defer the capital punishment. It was recommended that
29. this section be clarified and include the language for
30. mercy in...at the particular spot of compelling reasons.
31. So it now reads compelling reasons for mercy. And the
32. second aspect of this...was for the final adjudication
33. and here the Governor of course referred to this term

1. in his recommendation but he did not define it. And what
2. has happened here in...in our message here and our
3. presentation is that there is a definition and it has
4. been defined specifically in the words that were...
5. written in that case as for the purpose of this section
6. final adjudication means, the completion of the ordinary
7. appellate process in a single case and does not contemplate
8. the exhaustion of all available remedies. Now these...the
9. changes in themselves are certainly not the important thing.
10. I think what we're concerned with at this particular time
11. is that, how does this effect this legislation and what
12. is the interpretation, so ...the Legislative Reference
13. Bureau to determine the...we went to the...to the Bureau
14. to determine the proper procedure for modifying the Governor's
15. specific recommendations and I think what is important
16. here is the Legislative Reference Bureau advised that
17. the General Assembly is not bound by the specific wording
18. of the Governor's veto message. The only stricture in
19. their opinion was that the General Assembly must return
20. the revised bill to the Governor and that the revision
21. be consistent with the Governor's wishes. I think we
22. find that the integrity of the legislative process is
23. guaranteed by the fact that the Governor must approve
24. any modification which is adopted by the General Assembly.
25. Now there have been some previous...bills which...vetoed,
26. which have had this particular process and been amended and
27. one of course was when Senator Glass was a Representative
28. in the House and it pertained to a bill that had to do
29. with the School Code, and the Governor of course certified
30. the modification procedure in the General Assembly and the
31. bill was signed into law. There also was a bill in ref-
32. erence to that, Representative Hoffmar which was HB 4469
33. which was amended and this you'll find in your digest on

1. page 1097 from 1972. I think that what we are saying is
2. that it's not required to duplicate verbatim by either
3. House and the Governor sends back the suggested amendment
4. and we find here that nothing is inconsistent with the Gover-
5. nor's message and certainly nothing here is inconsistent
6. with what was said. I think this pretty well will define
7. Senator Partee the questions which you so rightly brought
8. up and it was not only in one particular instance but in
9. two as we have related. Now, as to the bill, the death
10. penalty bill itself, I think that we all certainly have
11. had ample opportunity to become aware of this. We have
12. made up our minds, but just let me review just briefly
13. what the changes are and that is that we are reducing
14. the number of murder forms which would call for the
15. death penalty from 11 to 6, as I have described previously.
16. And there is a limitation on the discretion for the three
17. judge sentencing panel on matters of compelling reasons
18. for mercy and nothing else. And also the clarification
19. that no one can be executed under this case until a test
20. case has been fully adjudicated. I think those are the
21. things that we have to be concerned with. And I would
22. certainly urge each of us at this time to support this
23. measure which has in the manner of a referendum at the
24. time our Constitution had the overwhelming support and
25. I would hope that...I'd be able...glad to answer any
26. questions at this time, otherwise I would call for a
27. vote Mr. President.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Is there any discussion? The question is, shall the
30. Senate accept the specific recommendations of the Governor
31. as to HB 18 in the manner and form just explained by
32. Senator Nimrod. Upon that question the Secretary will
33. call the roll.

1. ACTING SECRETARY (MR. WRIGHT):

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

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Harris, aye. Howard Mohr, aye. ...aye. ...question
14. the ayes are forty, the nays are two, five present. The
15. specific recommendations of the Governor as to HB 18 having
16. received the required majority vote of the Senators elected
17. are declared accepted. HB 213, Senator Don Moore.

18. SENATOR DON MOORE:

19. Thank you Mr. President, Members of the Senate. The
20. Governor's Amendatory Veto or amendatory action on HB 213
21. which the House concurred in. I have checked with Senator
22. Dougherty and he and I are both...both filed this particular
23. motion. What it does it adds the word challengers
24. immediately following the word watchers, so that watchers
25. and challengers are recognized in the bill. I know of no
26. objection to the bill. And I would at this time move that
27. the Senate concur with the House in the adoption of the
28. Governor's amendment to HB 213.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Dougherty:

31. SENATOR DOUGHERTY:

32. What Senator Moore says is true, sir. I agree.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Is there further discussion? The question is shall
2. the Senate accept the specific recommendations of the
3. Governor as to HB 213 in the manner and form just explained
4. by Senator Moore. Upon that question the Secretary will
5. call the roll.

6. SECRETARY:

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

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Course, aye. On that question the ayes are
19. fifty and the nays are none. The specific recommendations
20. of the Governor as to HB 213 having received the required
21. majority vote of the Senators elected are declared accepted.
22. HB 273, Senator Rock.

23. SENATOR ROCK:

24. Yes Mr. President, Ladies and Gentlemen of the Senate
25. I have filed a motion and I am moving that the Senate concur
26. with the House in the adoption of the Governor's Amendatory
27. Veto to HB 1273. The change made by the Governor was
28. suggested by the Commissioner, the Savings and Loan
29. Commissioner and it changes the word on, o-n to the
30. word or, o-r. I think the change is a necessary one.
31. I think the Governor was correct and I would move that
32. we, the Members of the Senate concur with the House
33. in the adoption of the Governor's amendment.

HB 1282
Approved
of the
10-31-73

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Is there any discussion? The question is shall the
3. Senate accept recommendations of the Governor as to HB
4. 1273 in the manner and form just explained by Senator
5. Rock. Upon that question the Secretary will call the roll.

6. SECRETARY:

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

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Shapiro, aye. ...question the ayes are fifty and
19. the nays are one. The specific recommendations of the
20. Governor as to HB 1273 having received the required
21. majority vote of Senators elected are declared accepted.
22. 1282, Senator Harber Hall.

23. SENATOR HARBER HALL:

24. Mr. President, HB 1282 is the product of two...
25. two years work on the Illinois Purchasing Act by the
26. Legislative Audit Commission and others. It's a
27. comprehensive rewriting of the Illinois Purchasing
28. Act. The Governor in his Amendatory change to the bill
29. of...made two constructive changes that I would bring
30. to your attention. They are first of all that...they
31. change the performance escrow accounts where contractors
32. ...monies due contractors are put into an escrow account,
33. the investment of which producing income is likewise sent

1. to...given to the contractors. The Governor would not do
2. this. The second provision relates to increased cost of
3. contractors who do business with the State wherein because
4. of Environmental Protection Agency requirements additional
5. costs are placed on the contractors that he did not...that
6. were not upon him when he made a bid for the State contract
7. and the State would reimburse the contractors for these
8. proven costs not attributable to him. The Governor would
9. do away with that provision likewise. I now move that the
10. Senate concur with the House in the adoption of these two
11. Governor's amendment to HB 1282.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Is there any discussion? The question is shall the
14. Senate accept the specific recommendations of the Governor
15. as to HB 1282 in the manner and form just explained by
16. Senator Harber Hall. Upon that question the Secretary
17. will call the roll.

18. SECRETARY:

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

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Hall:

31. SENATOR HARBER HALL:

32. On a point of personal privilege Mr. President, I'd
33. like to draw the attention of the Members of this Body to

1. the today's announcement of the retirement of Mr. Tom
2. Blanco. Tom Blanco is the State Purchasing Agent, long
3. time, 29 years in fact, loyal, respected employee of the
4. State of Illinois. In respect to the bill we just con-
5. curred in 1282 the Purchasing Act, Mr. Blanco provided
6. a lot of good input for us in the development of this
7. Act and in the improvement of it. And I would like to
8. acknowledge and show the appreciation of this Body to
9. Mr. Blanco and wish him well in his retirement.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. On that question the ayes are forty-six, the nays
12. are none. The specific recommendations of the Governor
13. as to HB 1282 having received the required majority vote
14. of the Senators elected are declared accepted. ...Conolly, 652.

15. SENATOR CONOLLY:

16. Mr. President, I would move that we concur in the
17. House action on the override of the Total Veto. This has
18. been pointed out to the Governor and the Governor did understand
19. that this...and there was no malice in this override. It
20. will save the...any continuing effluent being dumped
21. into the Lake Michigan. All we need is time. We have
22. the money to do it, and this bill did pass both Bodies
23. obviously and I'd appreciate your support for the over-
24. ride.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Is there any discussion? Senator Knuepfer.

27. SENATOR KNUEPFER:

28. Well, I can only say I for one did not support this
29. concept when it originally passed. Giving the quick-take
30. power is what the bill is all about. It is an immense
31. power. It is I think, I think there is some very substantial
32. controversy in the area about that and its effects...the
33. only district I know of that has the quick-take power right

1. now is the...Sanitary District is the Chicago Metropolitan
2. Sanitary District. I don't think this is the kind of power
3. that ought to be given lightly to any local government,
4. and I for one will continue to resist this.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Rock.

7. SENATOR ROCK:

8. Thank you Mr. President, I rise in support of Senator
9. Conolly's motion. When this bill was heard in the Senate
10. I did in fact favor it. I favor it now. The power that,
11. about which Senator Knuepfer speaks is limited in time and
12. I think it's worthy of our support and I would urge a
13. favorable vote.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Is there further discussion? Senator Conolly may
16. close debate.

17. SENATOR CONOLLY:

18. I'd just like to point out that we're in the major
19. construction of a complete new sewer system. This power
20. expires in two years time when the job will be completed
21. and there'll be no more effluent going into Lake Michigan,
22. the North Shore Sanitary District. There is no controversy
23. in the area on this matter. I move for a favorable roll
24. call.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. The question is, shall HB 652 pass, the veto of the
27. Governor to the contrary notwithstanding? Upon that question
28. the Secretary will call the roll.

29. SECRETARY:

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

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

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Nimrod, aye. McBroom, aye. Carroll, aye. ...aye.
9. Saperstein, aye. Vadalabene, aye. David...Vadalabene, aye.
10. Davidson, aye., aye. ...aye. On that question, the
11. ayes are thirty-seven, the nays are three, HB 652 having
12. received the required 3/5's vote is declared passed, the
13. veto of the Governor to the contrary notwithstanding.
14. ...House action on Amendatory Vetoes, Senator Knuppel, 541.
15. ...on the Floor? Senator Wooten. ...further business?
16. The Second Special Session...the Regular excuse me, the
17. Regular Special Session will reconvene at 2:00 o'clock.
18. ...Special at 2:00 o'clock. Senator Graham.

19. SENATOR GRAHAM:

20. No further business to be brought before this Session,
21. I move that we adjourn pursuant...

22. PRESIDING OFFICER (SENATOR WEAVER):

23. You'll hold it just one minute, Senator Ozinga I think
24. has an announcement.

25. SENATOR OZINGA:

26. The only announcement that I've got is that Executive...
27. Ok, either way, just, if everybody's at the Executive Session
28. at...promptly at 2:15 we'll go ahead quick and get it over
29. with quick. We hope. 2:15, room 212, Executive Committee.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Senator Clarke.

32. SENATOR CLARKE:

33. Mr. President, and if they get it over with promptly

1. at...starting at 2:15 then we can start promptly at
2. 4:00 o'clock in the same room with the Revenue Committee
3. hearing on the lottery and be through by 4:45.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Graham moves that the Senate now adjourn
6. pursuant to the Adjournment Resolution. All in favor
7. signify by saying aye. Opposed nay. We are adjourned.
8. ...Partee.

9. SENATOR PARTEE:

10. I know all our Members are intelligent but last
11. week...last week there was some misunderstanding although
12. it was announced twice what time we were coming into the
13. various meetings. We just go over that once more,
14. sometimes our fellows are talking when you're telling it.
15. Would you go over it once more when we come in Tuesday?
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