

FIFTH SPECIAL SESSION  
of the 78TH GENERAL ASSEMBLY  
November 14, 1973

1. PRESIDING OFFICER (SENATOR WEAVER):

2. ...Special Session of the 78th General Assembly  
3. will come to order...of the Journal.

4. SECRETARY:

5. Thursday, November the 8th 1973.

6. SENATOR GRAHAM:

7. Mr. President, I move you that we do approve the  
8. Journal of Thursday of November the 8th 1973 of the  
9. Fifth Special Session of the 78th General Assembly.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. All in favor signify by saying aye. Opposed nay.  
12. Motion carries. Senator Soper. Senator Soper.

13. SENATOR SOPER:

14. Tell me what we're doing right now. What are we...  
15. what special session?

16. SENATOR GRAHAM:

17. We're in the Fifth Special Session and we have...  
18. oh, I'll tell ya. Can I have a five minute recess to  
19. talk to Senator Soper?

20. SENATOR SOPER:

21. Yes. After the Journal of November 13th I move...I  
22. move that we postpone the...reading of the Journal of  
23. Tuesday, November the 13th pending the arrival of the  
24. printed Journal.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. All in favor of Senator Soper's motion signify by  
27. saying aye. Motion carried. Chew on the Floor? Senator  
28. Carroll? ...Senator Carroll, do you have an amendment  
29. for SB 2 in the Fifth Special Session? Senator Carroll.

30. SENATOR CARROLL:

31. Yes, Mr. President there's an amendment on the  
32. Secretary's desk. It's a revisory amendment bill correct-  
33. ing a defect in the correction of a defect in a piece of

1. legislation.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Carroll...

4. SENATOR CARROLL:

5. Move its adoption.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. ...Amendment No. 1 to SB 2. Is there any dis-

8. cussion? Excuse me, Senator Carroll, ask leave to

9. recall SB 2 to the order of second reading for the

10. purpose of an amendment. Leave? Leave is granted.

11. SECRETARY:

12. Amendment No. 1 by Senator Carroll.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator Carroll is...

15. SENATOR CARROLL:

16. I move the adoption of Amendment No. 1.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Is there any discussion? All in favor signify by

19. saying aye. Opposed nay. Amendment's adopted. Any

20. further amendments? Third reading. ...Bill 1.

21. Senator Chew request permission to bring SB 1 back to

22. the order of second reading for the purpose of amendment.

23. Is there leave? Leave is granted.

24. SECRETARY:

25. Senator Smith.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Smith.

28. SENATOR SMITH:

29. ...Mr. President, I take it this is Amendment No. 1...

30. this amendment Mr. President, members of the Senate strikes

31. the minimum age portion of this bill which reads as follows

32. at least 30 years of age and leaves the eligibility requirements

33. to read a person shall be a citizen of the United States

1. a registered voter as provided in the Election Code  
2. as heretofore...hereafter amended and so forth. Now  
3. this...this bill relates only to the City of Chicago.  
4. It's part of the public school code and in Chicago,  
5. Mr. President, members of the Senate, the general trend  
6. has been toward availing of the City of the abilities  
7. and the skill and the preparation of members of the so-  
8. called younger set. And we in Chicago have learned and  
9. are learning more and more that the youth of today  
10. properly trained and properly guided can and will develop  
11. the knowledge and know-how to meet the problems of the  
12. nation. Now there's no desire on my part and certainly  
13. not on the part of the leadership of the City of Chicago  
14. to take babes and thrust them forward into positions of  
15. honor and trust and so forth and that would not be done  
16. I'm sure under the present leadership there in the City  
17. of Chicago. But we do believe that the talents and the  
18. abilities of the younger citizens of that great City  
19. should be encouraged, implemented and made use of. I  
20. can't believe that the Senate sponsor of this bill has  
21. any objection, do you Senator? And I move the adoption  
22. of the amendment.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Is there any discussion? Question is shall Amendment  
25. No. 1 to SB 1 be adopted. All in favor signify by saying  
26. aye. Opposed nay. Motion carries. Any further amendments?  
27. Senator Chew.

28. SENATOR CHEW:

29. ...Mr. President, now it goes on Third. Could I  
30. respectfully suggest after intervening business that it  
31. would be called for passage please? Thank you.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Third reading. Are there other bills that need

1. amendments on the...in the Fifth Special Session?  
2. On the order of third reading there is SB 2, Senator Carroll.  
3. Senate bills on third reading, Fifth Special Session.

4. ACTING SECRETARY (MR. WRIGHT):

5. SB 2. (Secretary reads title of the bill).  
6. 3rd reading of the bill.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Carroll.

9. SENATOR CARROLL:

10. Thank you Mr. President. Just as the synopsis says  
11. this bill is to restate a section of the Uniform Commercial  
12. Code. In the 77th General Assembly we had adopted that Code  
13. with certain language, a drafting error by the Reference  
14. Bureau's spitted out of the computer's wrong during the  
15. 78th General Assembly when the Governor signed Public Act  
16. 78-238 it had language in it that was not law. So this  
17. is to restate the law as it properly is so that the statute  
18. books of Illinois will be correct. And I would move the  
19. adoption. I would move for passage of Special Session No.  
20. 5- SB 2.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Is there any discussion? Question is shall SB 2 pass  
23. and upon that question the Secretary will call the roll.

24. ACTING SECRETARY (MR. WRIGHT):

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

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

2. PRESIDING OFFICER (SENATOR WEAVER):

3. For what purpose does Senator Sours...arise?

4. SENATOR SOURS:

5. To make an inquiry Mr. President. I'd like to know  
6. if this applies strictly to Chicago School Board. No  
7. more, no less.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. This is SB 2, Senator Sours. Senator Buzbee, aye.  
10. Saperstein,...Saperstein, aye. Buzbee, aye. McBroom,  
11. aye. Roe, aye. Bartulis, aye. On that question the  
12. ayes are 41 the nays are 1. SB 2 having received the  
13. constitutional majority is declared passed. SB 1.

14. SECRETARY:

15. SB 1. (Secretary reads title of the bill).  
16. 3rd reading of the bill.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Chew.

19. SENATOR CHEW:

20. Mr. President, I would call for passage of this bill.  
21. It has been explained and it's been on the Calendar, now  
22. it's been amended and it does require 36 votes. It is  
23. urgent and I urge passage of it.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Is there any discussion? The question is shall SB 1  
26. pass and upon that question the Secretary will call the roll.

27. SECRETARY:

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

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,  
2. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
3. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,  
4. Weaver, Welsh, Wooten, Mr. President.  
5. PRESIDING OFFICER (SENATOR WEAVER):  
6. ...Savickas, aye. Kenneth Hall, aye. Partee, aye.  
7. Rock, aye. Vadalabene, aye. Graham, aye. Sours, aye.  
8. Palmer, aye. ...Partee.  
9. SENATOR PARTEE:  
10. I inadvertently left Senator Smith's name off of this  
11. bill which the record show...which permit unanimous consent  
12. for the record to show Senator Smith as a co-signer...co...  
13. sponsor of this bill.  
14. PRESIDING OFFICER (SENATOR WEAVER):  
15. Is there leave? Leave is granted. On that question  
16. the ayes are 47. The nays are none. SB 1 having received  
17. the constitutional majority is declared passed. Senator  
18. Chew.  
19. SENATOR CHEW:  
20. ...The name of Richard H. Newhouse to that bill as a  
21. co-sponsor.  
22. PRESIDING OFFICER (SENATOR WEAVER):  
23. Richard H. Newhouse. SB 3.  
24. SECRETARY:  
25. SB 3. (Secretary reads title of the bill)  
26. 3rd reading of the bill.  
27. PRESIDING OFFICER (SENATOR WEAVER):  
28. Senator Fawell.  
29. SENATOR FAWELL:  
30. ...Mr. President,, members of the Senate this is a bill  
31. that is primarily of concern to DuPage County. Senator Dougherty  
32. is very familiar with the bill and is a co-sponsor of it but  
33. it allows any county which establishes a county board of

1. election commissioners to proceed to levy annually a tax  
2. not to exceed .04%. As you know many of the counties downstate and  
3. certainly DuPage County that may desire and discretionary  
4. over whether they want to go into this program but those  
5. that do desire to go into the program of having an county  
6. board of election commissioners find that financially they  
7. can't do so. So this bill is simply introduced at this  
8. point so as to enable DuPage County to be able to form a  
9. county board of election commissioners. So 3 and 4, I'm  
10. giving an explanation of the two put together. That is  
11. the explanation to these bills. 3 and 4 both.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Is there any discussion? The question is shall SB 3  
14. pass and upon that question the Secretary will call the roll.

15. SECRETARY:

16. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
17. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
18. Dougherty, Fawell, Glass, 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,  
22. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,  
23. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
24. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,  
25. Weaver, Welsh, Wooten, Mr. President.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Newhouse, aye. Hynes, aye. Johns, aye. Berning, aye.  
28. ...Question the ayes are 47. The nays are none. SB 3 having  
29. received a constitutional majority is declared passed. ...SB 4.

30. SECRETARY:

31. SB 4. (Secretary reads title of the bill).

32. 3rd reading of the bill.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Fawell.

2. SENATOR FAWELL:

3. Yes, Mr. President. I've already given the explanation

4. this is a companion bill to SB 3 and I ask for the favorable

5. roll call of the Senate.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Is there any discussion? The question is, shall SB 4

8. pass. Upon that question the Secretary will call the roll.

9. SECRETARY:

10. Bartulis, Bell, Berning...

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Excuse me just a minute. Senator Berning, did you

13. seek recognition? I'm sorry I didn't see you.

14. SENATOR BERNING:

15. I'd like...well, my voice isn't very strong Mr. President.

16. ...I have a question on SB 4. If I read this correctly it

17. establishes a four cent tax rate and I assume that the explanation

18. is that this applies DuPage County but I'd like to know how

19. we are assured that this does apply only to DuPage County.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Fawell did you hear the question?

22. SENATOR FAWELL:

23. ...Senator it applies to a county which in its own

24. discretion determines that it wishes to establish a county

25. board of election commissioners and that is DuPage County.

26. And I've indicated that Bill Redmand and Pate Philip of the...

27. representing the two parties in DuPage County as well as the

28. county officials - I think most of the populace in DuPage -

29. recognize that this is a step that should be taken and it

30. is something that DuPage County very much needs and desires.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Berning.

33. SENATOR BERNING:



1. But is there any assurance that any other county will  
2. not or can not avail themselves of this merely by establishing  
3. a county board of election commissioners?

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Fawell.

6. SENATOR FAWELL:

7. No. Any county at their discretion may if they wish  
8. to go into a board of election commissioners may be able to  
9. utilize this.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Berning.

12. SENATOR BERNING:

13. Then I submit that this does actually become a new tax  
14. without a referendum available to any county and certainly  
15. any county would be unwise or ill-advised not to avail them-  
16. selves of it since they can say the State Legislature has  
17. given us this taxing authority. Certainly it would be...  
18. a laudable gesture on their part, an action on their part  
19. of the county to shift part of the cost of elections and  
20. election commission activities through the use of a new tax.  
21. And I submit this is a new tax and is contravening every-  
22. thing that not only this Legislative Body has stood for in  
23. this Session but so has the Governor. There shall be no  
24. new taxes. I believe this is a wrong approach. This ought  
25. to be by referendum.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Dougherty.

28. SENATOR DOUGHERTY:

29. Mr. President, members of the Senate, I would like to  
30. respond to Senator Berning in this respect. This Body passed  
31. this bill sometime ago. The...the legislation putting in being  
32. a county board of elections is now part of our...of our  
33. governmental achievement. We have done this. And I do

1. believe based upon the situation exist...in many counties  
2. where they have a county clerk but they do not have a board  
3. of election commissioners. This is...this is proper. Now  
4. since the legislation is being...is already been passed.  
5. It's established we must have...there must be the money to  
6. support it and I think that in a county as wealthy as DuPage  
7. having a huge proliferation of voters since it is a large  
8. county I do believe that they would...regardless of a  
9. referendum I do believe it would pass in a referendum - there  
10. is need for it. The need is now. They need it next Spring.  
11. I urge support of this bill.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Is there any other discussion? Senator Berning.

14. SENATOR BERNING:

15. May I respectfully suggest that the sponsor amend this  
16. to restrict it to counties over 500,000 then so as to make  
17. it applicable to his own county.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Berning we were at roll call when I backed off  
20. and let you ask some questions. Do you wish to take it out  
21. of the record Senator Fawell? Any further discussion?  
22. Senator Fawell.

23. SENATOR FAWELL:

24. Yeah. I...I simply want to close by once again stating  
25. it is entirely discretionary. The amount of the cost of the  
26. referendum would just about be the....the amount of money  
27. that we're asking for here. Again may I point out that both of  
28. the parties in DuPage County - Bill Redmond, Pate Philip as I've  
29. indicated believe that this is an absolute necessity if we're  
30. going to avoid chaos and crisis there. And I think that we  
31. have to have some confidence in our county officials. To  
32. attempt to pull all the strings down here in Springfield and  
33. not grant them the discretion in...in order to take care of

1. new legislation as Senator Dougherty has pointed out.  
2. We also...you just can't say that you can do this and then  
3. not give them any funds whatsoever. We have taken from  
4. them remember the 3% tax they previously had. So there's  
5. been quite a decrease and I think it's only reasonable  
6. that this legislation therefore be passed. And I do hope  
7. we have a majority vote. Thank you.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Question is shall SB 4 pass. Upon that question  
10. the Secretary will call the roll.

11. SECRETARY:

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

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Sours, aye. Bell, aye. On that question the ayes are  
24. 48 and the nays are 2. SB 4 having received the constitutional  
25. majority is declared passed. Fifth Special Session will stand  
26. in recess subject to the call of the Chair. Senator Davidson.

27. SENATOR DAVIDSON:

28. Mr. President, a point of personal privilege. I'd like  
29. to introduce the other half of my son's school, Franklin  
30. Middle School in the gallery.

31. SENATOR HARRIS:

32. Mr. President, I now move that the Fifth Special Session  
33. stand in recess subject to the call of the Chair following

1. the putting of that motion or before it I will announce  
2. that...following that recess we will immediately have a  
3. very brief Republican caucus and then return. It will  
4. be back within 10 minutes.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. All in favor signify by saying aye. Opposed nay.  
7. Motion carries.

8. AFTER THE RECESS:

9. PRESIDING OFFICER (SENATOR WEAVER):

10. ...Special Session will come to order. Be brought  
11. before the Fifth Special Session. If not, Senator Harris  
12. moves that the Fifth Special Session...excuse me, Senator  
13. Rock.

14. SENATOR ROCK:

15. I just wonder...the bills 5, 6 and 7 had they been  
16. moved to third with the...we...there were amendments being  
17. prepared by both Senators Scholl and Senator Hynes. I wonder  
18. if we could move those with the understanding they'll be  
19. called back.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. They're on third reading.

22. SENATOR ROCK:

23. Are they on third already? That's fine.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Any further business? Senator Harris moves that the  
26. Fifth Special Session adjourn until 11:30 a.m. tomorrow  
27. morning November the 15th. Senator Harris.

28. SENATOR HARRIS:

29. My records do not show that we have adjourned until  
30. tomorrow the Regular Session. Is that the case? Yes.  
31. When we get into the Regular I want to make an announcement.  
32. OH. You've adjourned. Okay. All right. Then we're squared  
33. away on our procedures for adjournments for the Sixth Session.  
Six, is that correct?

1. PRESIDING OFFICER . (SENATOR WEAVER):  
2. Senator Harris we have adjourned the Regular, the  
3. First, the Second, Third, Fourth and Fifth.  
4. SENATOR HARRIS:  
5. Very good. Then that's fine. I just wanted to be sure.  
6. I had the understanding that we had not adjourned the  
7. Regular...but...fine. Now I want to announce there  
8. will be a meeting of the Rules Committee at 8:30 tomorrow  
9. morning in my office. 8:30 tomorrow morning. Rules.  
10. President in the...of the Office of the President.  
11. PRESIDING OFFICER (SENATOR WEAVER):  
12. Senator Ozinga.  
13. SENATOR OZINGA:  
14. Okay, Finally we got to it. The Executive Committee  
15. will meet immediately in Room 212. It will only be a short  
16. time. Now it's 25 to 7. The Visitation Commission dinner  
17. meeting that was scheduled for 7 o'clock at the Mansion View  
18. is still on. Come as soon as you can get there.  
19. PRESIDING OFFICER (SENATOR WEAVER):  
20. Any further announcements? Stand adjourned.  
21.  
22.  
23.  
24.  
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