

79th GENERAL ASSEMBLY

REGULAR SESSION

JUNE 26, 1976

1. PRESIDENT:

2. The hour of ten having arrived, the Senate will come to
3. order. Will our guests in the gallery please stand as we have
4. prayer by Father Kevin B. Sullivan, Cathedral of Immaculate
5. Conception, Springfield, Illinois.

6. FATHER SULLIVAN:

7. Almighty and eternal Father, You know the longing of
8. men and women's hearts and You protect their rights. Accept
9. the prayers we offer You this day for our State and our Nation
10. by the wisdom of our leaders in government and the integrity
11. of our citizens. May we serve You with justice and honor.
12. Long may our land be bright with freedom's holy light. Protect
13. us by Your might for You are our great God and our King. Amen.

14. PRESIDENT:

15. Reading of the Journal. Senator Johns.

16. SENATOR JOHNS:

17. Mr. President, I move that reading and approval of the
18. Journals of Friday, June the 11th, 1976, Monday, June the 14th,
19. 1976, Tuesday, June the 13th...15th, 1976, Wednesday, June the
20. 16th, 1976, Thursday, June the 17th, 1976, Friday, June the
21. 18th, 1976, Monday, June the 21st, 1976, Tuesday, June the 22nd,
22. 1976, Wednesday, June the 23rd, 1976, Thursday, June the 24th, 1976
23. and Friday, June the 25th, 1976 be postponed pending arrival
24. of the printed Journals.

25. PRESIDENT:

26. You've heard the motion. All in favor say Aye. Opposed
27. Nay. The Ayes have it. The motion carries. Committee reports.

28. SECRETARY:

29. Senator Donnewald, Chairman of Assignment of Bills, assigns
30. the following bills to committee: Labor and Commerce, Senate
31. Bill 2013.

32. Rules Committee met on June the 25th, 1976 pursuant
33. to notice. The following members were present: Senators
34. Partee, Rock, Donnewald, Howard Mohr and Harris. By unanimous vote

1. the following bills were reported out of committee, ordered
2. read a first time and referred to the Assignment of Bills:
3. House Bill 3191, 3637, 3903.
4. PRESIDENT:
5. House Bills, 1st reading.
6. SECRETARY:
7. House Bill 3191.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. PRESIDENT:
11. Senator Rock.
12. SENATOR ROCK:
13. Thank you, Mr. President. This is the bill we spoke
14. about yesterday in the Rules Committee. I would move at this
15. time that the Committee on Assignment of Bills be discharged
16. from further consideration of House Bill 3191, that the bill be
17. advanced to the order of 2nd reading without reference.
18. PRESIDENT:
19. You heard the motion. All in favor say Aye. Opposed
20. Nay. The Ayes have it. Motion carries.
21. SECRETARY:
22. House Bill...House Bill 3637.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. PRESIDENT:
26. Senator Rock, would you make the motion on that bill?
27. That's Senator Daley's bill. He hasn't arrived yet.
28. Senator Rock.
29. SEANTOR ROCK:
30. Oh, on House Bill 3637, again, this was reported out
31. of Rules. It is in the nature of an emergency. Representative
32. Shea has asked that the Committee on Assignment of Bills be
33. discharged from further consideration with respect to this bill

1. and that it be placed on the order of...on the order of
2. 2nd reading on the Calendar.

3. PRESIDENT:

4. You've heard the motion. All in favor say Aye. Opposed
5. Nay. The Ayes have it. The motion carries.

6. SECRETARY:

7. House Bill 3903.

8. (Secretary reads title of bill)

9. 1st reading of the bill.

10. PRESIDENT:

11. That's Senator Carroll's bill. Senator Rock, would
12. you make the same motion? This is the one that Senator
13. Carroll had on the Court of Claims.

14. SENATOR ROCK:

15. Yes, this is a FY '76 apparent deficiency. It is an
16. administration bill and I would move that the Committee on
17. Assignment of Bills be discharged from further consideration
18. with respect to House Bill 3903 and that that bill be placed
19. on the Calendar on the order of 2nd reading without reference.

20. PRESIDENT:

21. You've heard the motion. All in favor say Aye.
22. Opposed Nay. The Ayes have it. The motion carries. Messages
23. from the House.

24. SECRETARY:

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

26. Mr. President - I am directed to inform the Senate
27. that the House of Representatives has refused to concur with the
28. Senate in the adoption of their amendments to a bill with the
29. following title: House Bill 3374, with Senate Amendments 3 and 4.

30. PRESIDENT:

31. Secretary's Desk.

32. SECRETARY:

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

1. Mr. President - I am directed to inform the
2. Senate that the House of Representatives has refused to adopt
3. the First Conference Committee report on House Bill 3116
4. and request a Second Committee of Conference to consider
5. the difference between the two Houses in regards to Amendments
6. 1 and 2. I am further directed to inform the Senate that the
7. Speaker of the House has appointed as such committee on the part
8. of the House, Representative Lyons, Hart, Greiman, Epton, and
9. Deavers. Action taken by the House, June the 25th.

10. PRESIDENT:

11. Senator Rock.

12. SENATOR ROCK:

13. Yeah, I see Senator McCarthy is here. I'm sure
14. he would move to accede to the House' request.

15. PRESIDENT:

16. Question is Senator McCarthy moves that the Senate
17. accede to the request of a House...of a Conference Committee
18. be appointed? That is the question. All in favor say Aye.
19. Opposed Nay. The motion carries and the Senate accedes to
20. the request to appoint a Second Conference Committee.

21. SECRETARY:

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

23. Mr. President - I am directed to...I am directed
24. to inform the Senate that the House of Representatives has refused
25. to adopt the First Conference Committee report on House Bill
26. 3115 and request a Second Conference Committee to consider the
27. difference between the two Houses in regard to Amendments 1, 2,
28. 3, 4, 5, and 6 and the same committee is appointed as relative
29. to 3116.

30. PRESIDENT:

31. Senator Rock.

32. SENATOR ROCK:

33. Yes, this is the companion bill to 3116 and I'm sure

1. Senator McCarthy would move and I do move that we accede
2. to the House' request.

3. PRESIDENT:

4. The question is, shall the Senate accede to the request
5. of the House that a Second Conference Committee be appointed?
6. All those in favor say Aye. Opposed Nay. Ayes have it.
7. Motion carries and a Second Conference Committee will be
8. appointed.

9. SECRETARY:

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

11. Mr. President - I am directed to inform the Senate
12. that the House of Representatives has accepted the Governor's
13. Specific Recommendations for change to a bill with the following
14. title, in the adoption of which I am instructed to ask the con-
15. currence of the Senate, to-wit:

16. House Bill 3844.

17. I am further instructed to deliver to you the...the
18. objections of the Governor which are contained in the attached
19. copy of this letter to the House of Representatives.

20. PRESIDENT:

21. Place it on the Calendar on the Order of Amendatory
22. Vetoes.

23. SECRETARY:

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

25. Mr. President - I am directed to inform the Senate
26. that the House of Representatives has concurred with the Senate
27. in the passage of a bill with the following title:

28. Senate Bill 1967 along with House Amendments
29. 1 and 2.

30. PRESIDENT:

31. Secretary's Desk.

32. SECRETARY:

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

1. Mr. President - I am directed to inform the Senate
2. that the House of Representatives has concurred with the Senate
3. in the passage of a bill with the following title:

4. Senate Bill 1613 together with House Amendment No. 1.

5. PRESIDENT:

6. Secretary's Desk.

7. SECRETARY:

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

9. Mr. President - I am directed to inform the Senate
10. that the House of Representatives has passed bills with the
11. following title in the passage of which I am instructed to
12. ask the concurrence of the Senate, to-wit:

13. House Bills 3802, 3932, 3946, 3966, and 3970.

14. PRESIDENT:

15. Rules Committee. House Bills on 2nd reading. House
16. Bill 3062, Senator Fawell. House Bill 3810, Senator Carroll.
17. House Bill 3831, Senator Carroll. House Bill 3841, Senator
18. Davidson. Well, let's try something. Let's see if we can get
19. to page six on the Secretary's Desk on the Order of Concurrences.
20. Let's see if we have some we can move. Senate Bill 1498,
21. Senator Hynes. Senate Bill 1500, Senator Lane. Senate
22. Bill 1600, Senator Hickey. Senate Bill 1603, Senator Bruce.
23. Senate Bill 1637, Senator Hynes. Senate Bill 1650, Senator Bruce.
24. Senate Bill 1684, Senator Brady. Senate Bill 1795, Senator
25. Kosinski. Page seven. 1650. On the Order of Concurrences.
26. For what purpose does Senator Davidson arise?

27. SENATOR DAVIDSON:

28. I was out of the Chamber over at the House on a bill
29. when you took House Bills, 2nd reading. Could we revert that
30. order and move 3841 to 3rd reading, please?

31. PRESIDENT:

32. Just as soon as I can determine what we're going to do
33. with this one.

1. SENATOR DAVIDSON:
2. Okay.
3. PRESIDENT:
4. Then I'll get to you. Senator Kosinski, you want to
5. go with 1650?
6. SENATOR KOSINSKI:
7. Yes.
8. PRESIDENT:
9. All right. Take 1650 out of the record. I'm sorry.
10. It's Senate Bill 1795, Senator Kosinski. Senator Kosinski.
11. SENATOR KOSINSKI:
12. Mr. President and members of the Senate. I wish to
13. concur on Amendment No. 6 on the Judiciary appropriation.
14. PRESIDENT:
15. Any discussion? Senator Kosinski moves that the
16. Senate concur in House Amendment No. 6 to Senate Bill 1795.
17. Senator Soper.
18. SENATOR SOPER:
19. Well, all I know is that House Amendment No. 6, what does
20. it do? Senator Kosinski. Senator Kosinski.
21. SENATOR KOSINSKI:
22. The staff isn't available. I'm waiting for them.
23. PRESIDENT:
24. Senator Regner, maybe he knows. Senator Regner.
25. SENATOR REGNER:
26. Yes, it's a...it's really just technical wordage changes
27. on the fifty percent amendment that Senator Partee has been
28. putting on. Some of the wordage was wrong and it was changed
29. and there is no dollar amount affected.
30. PRESIDENT:
31. Senator...the question is, shall the Senate concur
32. in House Amendment No. 6 to Senate Bill 1795? Those in favor
33. vote Aye. Opposed vote Nay. The voting is open. Have all

1. voted who wish? Take the record. On that question the
2. Ayes are 39, the Nays are 1 with none Voting Present.
3. The Senate does concur in House Amendment No. 6 to Senate
4. Bill 1795. And the bill having received the required constitutional
5. majority is declared passed. Now, is there leave to revert
6. to the order of House Bills on 2nd reading for the purpose
7. of picking up a bill, 3841. Leave is granted. House Bills
8. on 2nd reading. House Bill 3841, Senator Davidson. Read
9. the bill.

10. SECRETARY:
11. House Bill 3841.
12. (Secretary reads title of bill)
13. 2nd reading of the bill. No committee amendments.

14. PRESIDENT:
15. Any amendments from the Floor? 3rd reading. For what
16. purpose does Senator Schaffer arise?

17. SENATOR SCHAFFER:
18. Mr. President, I don't know if there's a lull here,
19. I had a motion I was trying to make just before we adjourned
20. to discharge a bill from committee. I don't believe it's
21. controversial.

22. PRESIDENT:
23. Senator Schaffer is recognized.

24. SENATOR SCHAFFER:
25. There is in the Revenue Committee, House Bill 3918
26. sponsored by Representative Geo-Karis involving park districts
27. abilities to lease or enter into agreements to lease tennis
28. courts, et cetera, with other governmental units. I don't
29. believe the bill is controversial. It cleared the Rules
30. Committee too late to make the last Revenue Committee meeting.
31. I've talked to Senator Carroll and Senator Nimrod and I believe
32. everyone has been checked out and that we do have permission
33. to move the bill from the order of...from the Revenue Committee to

1. 2nd reading.

2. PRESIDENT:

3. Senator Nimrod and Senator Carroll have approved it,

4. I don't think you have any problems. You heard the motion.

5. All in favor say Aye. Opposed Nay. Ayes have it. The

6. motion carries. Senate Bill...back to the order of Secretary's

7. Desk on the Order of Concurrences on page seven. Senate Bill

8. 1935, Senator Hynes. Secretary's Desk on the Order of Nonconcurrences.

9. Page seven. House Bill 2804, Senator Vadalabene. House

10. Bill 3858, Senator Knuppel. 3858. Do you desire to make a

11. formal motion, Senator? Would you turn on Senator Knuppel's

12. mike, please?

13. SENATOR KNUPPEL:

14. Mr. Chairman, we do not intend to recede from the amendments

15. to House Bill 3858 and would respectfully request a Conference

16. Committee on it.

17. PRESIDENT:

18. Senator Knuppel moves that the Senate refuse to recede

19. from the adoption of Amendments numbered 1,2,3, and 4 on

20. House Bill 3858 and that a Conference Committee be appointed.

21. All those in favor say Aye. Opposed Nay. The Ayes have it

22. and the Secretary shall so inform the House. Senator Rock.

23. Senate Bills on 3rd reading. Senate Bill 1749, Senator

24. Philip. Senate Bill 1766, Senator Lemke. Senate Bill 2014,

25. Senator Savickas. Going to hold it. Senate Bill 2015, Senator Donnewald.

26. Read the bill.

27. SECRETARY:

28. Senate Bill 2015.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDENT:

32. Senator Donnewald.

33. SENATOR DONNEWALD:

1. Well, Mr. President and members of the Senate, this
2. does exactly what the Calendar says, it vacates a highway
3. easement on, not old Route 40 but old, old Route 40 and I think
4. the fellow is paying too much. I would ask for a favorable roll
5. call.

6. PRESIDENT:

7. Any discussion? The question is, shall Senate Bill 2015
8. pass? Those in favor vote Aye. Opposed will vote Nay. The
9. voting is open. Have all voted who wish? Take the record.
10. On this question the Ayes are 44, the Nays are none with none
11. Voting Present. House Bill...Senate Bill 2015 having received
12. a constitutional majority is declared passed. House Bills
13. on 3rd reading. House Bill 1304, Senator Davidson. Read
14. the bill.

15. SECRETARY:

16. House Bill 1304.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDENT:

20. Senator Davidson.

21. SENATOR DAVIDSON:

22. Mr. President and members of the Senate. This is a bill
23. that the Department of Conservation requested because the old
24. law had either a union, ex-union veteran or his son. There was
25. some dissension about whether the descendent could come on true.
26. We amended this bill so it is a descendent and I know no opposition
27. to the bill. Appreciate a favorable roll call.

28. PRESIDENT:

29. Senator Morris.

30. SENATOR MORRIS:

31. Thank you, Mr. President. Would the sponsor yield
32. to a question?

33. PRESIDENT:

1. He indicates he'll yield.

2. SENATOR MORRIS:

3. Why...why does it have to be a descendent of an ex-union

4. soldier? That was over a hundred years ago and I think we're...

5. we're kind of acting silly.

6. PRESIDENT:

7. Senator Davidson.

8. SENATOR DAVIDSON:

9. Very simple, Senator Morris. The Lincoln National

10. Monument Association, when they transferred the monument and

11. grounds and all the property to the State of Illinois, there

12. was a signed agreement between the State of Illinois and this

13. National Association that the custodian would be either an

14. ex-union...Illinois ex-union veteran or his son. Now, there

15. is some description...these...Department of Conservation removed

16. that entirely and the Senate Committee...Senator Smith and

17. Senator Newhouse asked for it to be a descendent of an ex-Illinois

18. union veteran. I think it's only right. There's plenty of

19. descendents around, You may be one. I know members in this

20. Senate are, myself included. ...fact I can claim either side

21. since I had relation on both sides of the war. I...they agreed

22. to the amendment. Appreciate a favorable roll call.

23. PRESIDENT:

24. Senator Morris.

25. SENATOR MORRIS:

26. Doctor Davidson, are there any minorities who are Illinois

27. veterans or descendents of veterans of the union war?

28. PRESIDENT:

29. Senator Davidson.

30. SENATOR DAVIDSON:

31. Yes, there is. As you very well know if you read your

32. Civil War history, Senator Morris. There was a regiment composed

33. of black, colored, whatever you want to call us. You're talking

1. about minorities, you also had some Spanish speaking veterans
2. of the Civil War from the State of Illinois.

3. PRESIDENT:

4. Senator...pardon me. Senator Morris.

5. SENATOR MORRIS:

6. I...I guess you got us, but it's really silly. I don't...

7. PRESIDENT:

8. Senator Howard Mohr.

9. SENATOR MOHR:

10. Like I was telling you the other day, Mr. President,
11. that Senator Davidson covers all of the bases.

12. PRESIDENT:

13. Senator Shapiro.

14. SENATOR SHAPIRO:

15. Well, Mr. President, since Senator Mohr made his remark
16. and I noted that the sponsor of this bill claims relatives on both
17. sides of the conflict, I think it's a good reason to defeat the
18. bill.

19. PRESIDENT:

20. Senator Knuppel. Senator Mitchler.

21. SENATOR MITCHLER:

22. Well, Mr. President and members of the Senate.
23. I'd ask you on this Saturday when you're rather in few in numbers
24. and you're getting into the frivolous activity again that you
25. watch your remarks and don't try to refer to something that is
26. sacred to the living memory of those men and women, whether they
27. be minority or majority, whoever they might be, that sacrificed
28. their lives to give you the Nation in which you enjoy today.
29. In the history of this Nation honors those that have gone
30. before and this monument that we have out in Oak Ridge Cemetery
31. in the City of Springfield, the capital of this State, is a
32. monument to one of the greatest living Americans that we have
33. ever had, regardless of what his party or what ...we honor him

1. because of his beliefs and for what he stood and what we
2. talk about on February 12th, which is Lincoln's Birthday,
3. which we honor in this State of Illinois, although throughout
4. other areas in the Nation, they try to put it on a Monday
5. so that they can have sales in the retail stores and they
6. can have vacations. But, I take you...not to take this silly
7. and I resent those remarks, Senator Morris, that this is silly.
8. This is very serious. You're talking about a memorial and the
9. keeping up of that memorial and the reverence to a great man,
10. Abraham Lincoln. And the founding fathers in those that
11. dedicated that particular memorial wanted it kept by descendents
12. of those who fought and gave their lives for the wonderful country
13. that you live in and enjoy today. And don't take it lightly
14. and I mean that.

15. PRESIDENT:

16. Senator Morris.

17. SENATOR MORRIS:

18. On a point of personal privilege. Senator Mitchler,
19. I think your response has been extremely silly to this. There
20. are a lot of people who are veterans who fought in World War
21. I and World War II and in Viet Nam and in Korea who should have the
22. same rights to work at that monument as anyone else. There's
23. a lot of people who came to this country after 1860 who
24. should have those same rights. If they would be willing to accept
25. an amendment to make this any veteran who fought for the American
26. or the United States Army, Navy, or any military branch, it will
27. be acceptable. But, I think this is an elitist and I think
28. it's an discriminatory practice and I will vote No.

29. PRESIDENT:

30. Senator Lemke.

31. SENATOR LEMKE:

32. I, in some respects, thought this was a good idea. But,
33. now I read it. I've been reading it and had a problem with it.
34. We are setting up a classification of a...of an employee that's

1. a custodian, who is a public thing. We are limiting that that
2. custodian can only be from a certain class of people, that's
3. descendents of the Revolutionary War. Well, anybody here
4. that wasn't here at the time of the Revolution wouldn't be able
5. to serve and that means my ancestors would never be able to be
6. a custodian if they wanted to be. And I don't agree with this.
7. This is an elite classification. It's done exclusively for the
8. Daughters of the American Revolution. And I'm telling you this,
9. there's people that came here in the 1890's that spilled their
10. blood in World War I, World War II, Korea, and Viet Nam that have
11. just as... right as being a custodian of this monument as any-
12. body that was in the Revolutionary War. This is the ones that
13. fought for the freedom, just as well as anybody else. There's
14. no certain veteran of any war that's any better than anybody
15. else. We're all in the same category and we fight for freedom
16. of this country. And I ask for a resistance of this bill until
17. it's amended to classify it that has to be any veteran and not
18. just one veteran of some particular war.

19. PRESIDENT:

20. I have all of you on the list. Senator Graham is next.
21. ...you all.

22. SENATOR GRAHAM:

23. Mr. President and members of the Senate, I had one
24. observation. I was called upon yesterday in a formal request...
25. will you leave of Gene for a minute? Hey, snakebit. Will
26. you get Senator Johns over on the other side of the aisle?

27. PRESIDENT:

28. Just a moment.

29. SENATOR GRAHAM:

30. I was asked by a...

31. PRESIDENT:

32. Just a moment, just a moment. This is a serious discussion on
33. Americanism. May we have some order. Senator Graham.

1. SENATOR GRAHAM:

2. I respect everybody's right to express themselves with
3. regard to being an American.

4. PRESIDENT:

5. Just a minute. Just a minute. Senator Nudelman and...
6. please. Could we have some order.

7. SENATOR GRAHAM:

8. And I was in one of those little scuffles too for about
9. four years, but an organization at home asked me if I could
10. make a little speech on the 3rd of July. They're going to
11. have a little parade early so we avoid the rush. I have my
12. notes here. I didn't know what I was going to say, but I'm
13. going to come up with the best mixed up Fourth of July speech
14. anybody had...has ever had and I'm trying...will you fellows
15. talk a little more slowly so I can get it all down, please?

16. PRESIDENT:

17. Senator Soper is next.

18. SENATOR SOPER:

19. Well, I don't know how the...the Revolutionary War
20. got into this thing. I thought we were talking about...Lemke
21. this is the War between the States. That happened a little
22. after that. Our founding fathers and all that sort of thing,
23. you know. Masaryk wasn't here at that time, either. Neither
24. was Benes, or the few other Bohemians, but we're talking
25. about a monument that was given to the State of Illinois and given
26. to our custody by a...by an organization and if you received
27. a piece of land from somebody and there was a reverter clause
28. in it and you didn't abide by it, the land would go back to the
29. original donor. That's what we're talking about. And we're
30. talking about something that now...the...the original Act says
31. it'll be a veteran of the...of the War between the States
32. or his son. Now, they say that they...there's very few sons that
33. are alive, they can't find any. Now, if you don't pass this
34. bill, there will be no custodian. That's that simple. So let's,

1. You know, we've got a lot of important things around here and
2. if you want to vote one way or another vote that way. But,
3. let's not...we've got a little bit of time and this seems like
4. everybody got up on the wrong side of the bed. I move the
5. previous question.

6. PRESIDENT:

7. Well, now Senator, Senator Ozinga, Senator Nimrod, and
8. Senator Schaffer had asked to speak on this matter. Oh, you
9. want to hold the motion till they have a chance. And, incidentally
10. Senator, you have a minute left. Senator Soper.

11. SENATOR SOPER:

12. I see that you've put me on the Democratic clock today.
13. Usually the Republican clock goes zzzzzzzzzz...

14. PRESIDENT:

15. Senator Ozinga.

16. SENATOR OZINGA:

17. At the time when I sought recognition, I didn't think
18. there was anybody else on the list. And at that time, all I
19. was going to say is that big wars are made over small, frivolous
20. statements that were unintentional in inception, I'm sure. I
21. believe we're all Americans and I was about to move the previous
22. question way back when there was nobody else on the list.

23. PRESIDENT:

24. Sometimes wars get started by the use of some words, Senator.

25. Senator Nimrod.

26. SENATOR NIMROD:

27. Last...last night, Mr. President, I went to the Mini
28. Opera here in Springfield and saw "1776". I think it kind of
29. puts me in the thought for this morning that this country
30. is built on traditions and heritage and I've been involved in
31. the Polish parades, Puerto Rican parades. You name them...you name them
32. and they're there and this is what makes our country great. I see
33. nothing wrong with preserving some of the heritage and some of the
34. customs that we look to. If we destroy everything that exists

1. here that is brought about by our history, there won't be
2. much for our children to learn from us and I want them to
3. know that there was a Civil War, that there was a Revolutionary
4. War, that there was the War of 1812 and what they were for and
5. what it was all about. And if we destroy that, we won't know
6. that General Pulaski was here. We won't be able to have
7. special designated areas about this thing. Now, all I can
8. tell you is that I see nothing wrong with this. It adds
9. a little custom and tradition, and there's nothing wrong with
10. that. We ought to be proud of it. Regardless of what our
11. heritage is and what our nationality is, we're all Americans,
12. and we ought to have the right to preserve that particular
13. heritage. I'll fight for each of you just as I want you to fight
14. for me. And when we're Americans and we stand by side by side,
15. we also relate our friendships and our heritage and this
16. ought to be a part of it.

17. PRESIDENT:

18. Senator Schaffer.

19. SENATOR SCHAFFER:

20. Well, I think a couple of points have not been mentioned
21. in the debate. One, I suspect that at least by marriage,
22. Senator Lemke, that virtually eighty-five percent of the
23. population in this State probably qualifies, at least if their
24. families have been in the State any length of time. And two,
25. I think we should all remember who built the Lincoln Tomb.
26. There was some taxpayer money in it, but by and large, most of
27. it was money raised by the Grand Army of the Republic, the Civil
28. War Veterans. And consequently, the State of Illinois did
29. enter into this agreement which I believe is a good tradition.
30. I will say, though, that I...I'm...will probably have to declare
31. a personal conflict of interest since I am the great-grandson of
32. a Civil War veteran from Illinois who fought with great distinction
33. and then operated a...and drove a stage line between Waukegan

1. and Joliet without government subsidy, the last successful
2. mass transit in that area until he met with a tragic end
3. which we could go into in another bill. I do think the bill
4. does have merit and I do think these traditions are desirable
5. to repeat and I think this bill should be passed and after
6. I seek legal council on my conflict of interest, if I can legally
7. vote for it, I certainly intend to.

8. PRESIDENT:

9. Senator Rock.

10. SENATOR ROCK:

11. Thank you, Mr. President. Question of the sponsor
12. if he will yield.

13. PRESIDENT:

14. He indicates he'll yield.

15. SENATOR ROCK:

16. Senator, as I understood the bill when introduced
17. at the request of the Department of Conservation, it was their
18. feeling that all these kinds of qualifying clauses were, in fact,
19. unconstitutional and should be deleted from the bill and that's
20. the way the bill came over from the House. By virtue of your
21. Amendment No. 1 you have put this qualification concerning
22. the descendent of an ex-union soldier back into the bill. My
23. question is, why?

24. PRESIDENT:

25. Senator Davidson.

26. SENATOR DAVIDSON:

27. Yes, in the Senate committee Senator Newhouse and Senator
28. Fred Smith ask that it be put in. Department of Conservation
29. wrote a letter to Senator Newhouse as Chairman of the committee
30. saying they agreed with the wording of putting descendent, an
31. ex-Illinois union veteran back in. This would now let any child,
32. man or woman be a custodian. This was...they acquiesced to the
33. request and they agreed to it in the letter. They didn't say

1. they were happy with it, but they agreed with it.

2. PRESIDENT:

3. Senator Rock.

4. SENATOR ROCK:

5. Well, if you're speaking about a letter that...which

6. I have a copy, I don't read it that way. It seems to me

7. the letter I'm reading from a file that we have, a letter

8. of June 14 addressed to the Honorable Richard Newhouse from

9. the Director of the Department of Conservation, in fact, calls

10. in to question the constitutionality of the employment requirement.

11. And it does not say...it says, "the Department of Conservation

12. agrees that an important qualification for the job of

13. custodian at Lincoln's Tomb should be a deep respect for

14. Lincoln and his accomplishments. We would prefer," the

15. letter continues, "that the number of people we can draw

16. from for this position not be limited by this extraordinary

17. qualification." That's what the letter says.

18. PRESIDENT:

19. Senator Davidson.

20. SENATOR DAVIDSON:

21. That could very well be....If the Department who asked me

22. to handle this bill would have been so kind as to gave me a

23. copy of the letter, I would know more about it, but since they

24. sent the letter to Senator Newhouse and the only way I finally

25. got a...even a look at the letter was a copy which I got

26. day before yesterday when I asked for clarification in relation

27. to this contract, I might have been more receptive, but they

28. may or may not like it, since we did enter into a contract when

29. this was donated and they can't find the contract. They did

30. find the deed, but all the historical facts...local historians

31. of the custodians said this contract was indeed signed. I don't

32. think we, by law, can obligate a contract which was entered into.

33. PRESIDENT:

1. Senator Rock.

2. SENATOR ROCK:

3. Well, I just wanted to point out that that was, in fact,
4. the reason as you gave for putting on Amendment NO. 1,
5. that there was reportedly a contract a number of years ago
6. which contained some reversionary language and if, in fact,
7. the custodian was not a member of that group, namely a descendent
8. of the union soldier, that there was a possibility of some
9. reversionary interest. It appears, however, that absent the
10. contract, this amendment is totally unnecessary. And my
11. suggestion to move this thing along would be to take House Bill
12. 1304 back to the order of 2nd, Table your amendment, and let's
13. move the bill out.

14. PRESIDENT:

15. Senator Davidson.

16. SENATOR DAVIDSON:

17. Well, Senator Rock, I happen to feel very strongly about
18. being a descendent of an ex-union veteran since the people who did
19. transfer this property in toto to the State and if...if the Department
20. feels otherwise and if it is unconstitutional then they can
21. find out by a law suit. I either voted up or down with the amendment
22. as it is. The Department asked for it.

23. PRESIDENT:

24. The question is...just a moment. For what purpose does
25. Senator Latherow arise?

26. SENATOR LATHEROW:

27. Well, Mr. President...

28. PRESIDENT:

29. Just a moment. Just a moment.

30. SENATOR LATHEROW:

31. I would say just for a point of personal privilege for
32. the people in the balcony, now watch real closely when we have
33. a hundred million dollar bill come in here and see how fast it goes.

1. PRESIDENT:
2. Question is, shall House Bill 1304 pass? Those in favor
3. will vote Aye. Opposed Nay. The voting is open. Have
4. all voted who wish? Take the record. On this question the
5. Ayes are 26, the Nays are 9 with 10 Voting Present. House
6. Bill 1304 having failed to receive a constitutional majority
7. is declared lost. House Bill 3036, Senator Dougherty.
8. House Bill 3061, Senator Clarke. House Bill 3061. Pardon me?
9. Senator Clarke is recognized.
10. SENATOR CLARKE:
11. Well, Mr....Mr. Chairman, Senator Rock had filed a motion
12. regarding this bill. And I think he's entitled to call that
13. motion...
14. PRESIDENT:
15. Yes...
16. SENATOR CLARKE:
17. ...prior to the bill being heard.
18. PRESIDENT:
19. ...at the time you are going to call the bill. Are
20. you going to call the bill, now?
21. SENATOR CLARKE:
22. If he is interested in filing...calling the motion, I...
23. you know, when the order of motions come up, why, I'd like
24. to have them do it today. I'd appreciate it.
25. PRESIDENT:
26. That motion is a motion which can be filed and heard
27. just prior to calling the bill. Yes. Senator Rock.
28. SENATOR ROCK:
29. Yes, my understanding of that type of motion under the...
30. under our rules is that it...it really isn't of necessity dealt
31. with on the order of motions. It's kind of...runs with the bill
32. and when you decide that you wish to move the bill, that motion
33. takes precedence over any amendment or any other action. So, if

1. you're ready to go, I'm ready to go.

2. PRESIDENT:

3. Senator Clarke.

4. SENATOR CLARKE:

5. Well, then let's wait because I was not prepared. I

6. thought...I thought that would come, you know, at the end of the

7. business tomorrow, today, or so forth.

8. PRESIDENT:

9. No, they come in tandem. House Bill 3099, Senator Carroll.

10. Read the bill.

11. SECRETARY:

12. House Bill 3099.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDENT:

16. Senator Carroll.

17. SENATOR CARROLL:

18. Thank you, Mr. President. House Bill 3099 with this

19. amendment deals with the Community College Act and allows

20. the community colleges to lease from the Public Building

21. Commissions rather than to buy. This...we've done this before

22. in the legislature on bond council, Chapman and Cutler in the

23. recent issue in some banks in Chicago indicated that the Statutes

24. were defective and asked for corrective legislation. This leg-

25. islation would correct what they alleged to be a defect in our

26. statutory authority and I would ask for a favorable roll call.

27. PRESIDENT:

28. Any further discussion? Senator Berning.

29. SENATOR BERNING:

30. Thank you, Mr. President. I'd like to ask the sponsor

31. a question since we have before us not a bill as the Calendar

32. indicates there is no relationship whatsoever, of course, since

33. the bill has...since the amendment struck the entire contents

34. of the bill. My question has to do with page two, Senator Carroll.

1. When a lease entered into without making a previous appropriation
2. for the expense thereby incurred, what...what provision is there
3. then for entering...for covering the costs of such a lease?
4. Does that not have to be included in the appropriation and in the
5. ...in the budget of the junior college?

6. PRESIDENT:

7. Senator Carroll.

8. SENATOR CARROLL:

9. Yes, Senator Berning, it is my understanding that what
10. that provision means is that you don't have to appropriate
11. prior to entering into a lease, which would be a occurrence
12. as I understand it, that happens with the state or other
13. taxing body, that what happens is that they enter into a lease
14. and each year make an annual appropriation for payment of
15. rent.

16. PRESIDENT:

17. Senator Berning.

18. SENATOR BERNING:

19. Then are you saying that a junior college may enter into
20. an agreement for leasing and we are committed then to cover
21. that with the next year's appropriation. In other words,
22. are we being obligated and having no choice whatsoever,
23. simply by passing a...an amendment to a bill which says
24. a lease may be entered into without making a previous
25. appropriation?

26. PRESIDENT:

27. Senator Carroll.

28. SENATOR CARROLL:

29. It is my understanding that that does not obligate we,
30. the General Assembly. It is my understanding that where this
31. says the lease may be entered into without previous appropriation
32. as you go on, it says that the Public Building Commission
33. with the Public Building Commission, such expenses shall be

1. included in the annual budget of the board of the...meaning
2. the board of the community college annually during the term
3. of the lease. This is...this is how they do it when they're
4. leasing property. They have to appropriate annually for the
5. rental.

6. PRESIDENT:
7. Senator Berning.

8. SENATOR BERNING:
9. Perhaps I'm unduly concerned, but my interpretation
10. is that the appropriation is after the fact and where does
11. the money come, actually it comes from us, from the legislature
12. and we are obligated to cover an agreement that is entered
13. into willingly without any prior authorization by means
14. of an appropriation.

15. PRESIDENT:
16. Senator Soper.

17. SENATOR SOPER:
18. Senator Carroll, what junior college or district or
19. what community college wants...wants this?

20. PRESIDENT:
21. Senator Carroll.

22. SENATOR CARROLL:
23. Chicago area junior colleges.

24. PRESIDENT:
25. Senator Soper.

26. SENATOR SOPER:
27. What are they committed to?

28. PRESIDENT:
29. Senator Carroll.

30. SENATOR CARROLL:
31. I...I don't understand the question, Senator Soper.

32. PRESIDENT:
33. Senator Soper.

1. SENATOR SOPER:

2. Well, you want to...you want to change the law or you
3. want to make the law so that these junior college...this junior
4. college district is committed to some leases. Is that...is
5. that...and you want the payment for these?

6. PRESIDENT:

7. Senator Carroll.

8. SENATOR CARROLL:

9. No, Senator Soper, it is my understanding that this
10. ...this comes about because of an opinion of Chapman and Cutler
11. Bond Council who said that in a recent issue of bonds for
12. the community colleges and for the Public Building Commissions,
13. there was statutory absence of the appropriate type of
14. authorization for them to enter into these leases. This legislation
15. ... this language is to clarify what the intent of the legislature
16. had been. And Chapman and Cutler advised that we make the
17. clarifying language in the Statutes. Again, in an attempt
18. to answer Senator Berning, it is my understanding that they
19. enter into these leases and annually appropriate rents as
20. does any department of State government.

21. PRESIDENT:

22. Senator Soper.

23. SENATOR SOPER:

24. Well, in other words, the junior college...this junior
25. college could lease this building and...and use its bonding
26. power to pay...to pay for the...pay for the rental, huh?
27. Is that it?

28. PRESIDENT:

29. Senator Carroll.

30. SENATOR CARROLL:

31. I understood it to be that they were leasing the building
32. through annual appropriation rather than having to buy a building
33. and at the Public Building Authority is the one who actually

1. has the bond issue to construct the building. That's my understanding,
2. Senator.

3. PRESIDENT:

4. Senator Glass.

5. SENATOR GLASS:

6. Senator Carroll, I noticed this...this amendment came
7. by way of really changing the purpose of a bill that dealt
8. originally with the eligibility of board members for community
9. college districts. So, it is apparently a last minute effort
10. to get something in that, and I take...accept your statement
11. that it's as a result of Chapman and Cutler's opinion as bond
12. council, but I'm wondering, it appears also that this would...
13. would enable the community colleges to bypass the Capital
14. Development Board. And I wonder if that's a good policy
15. and...and if you're aware of that. Other words, in doing this
16. they would be able to work...they would be able to contract
17. directly with the Public Building Commission and it seems to me
18. otherwise for new buildings, they would have to go through
19. CDB.

20. PRESIDENT:

21. Senator Carroll.

22. SENATOR CARROLL:

23. Again, Senator Glass, this is a lease, rather than
24. construction which CDB would be involved in and again, I am
25. led to believe that this is an existing authority without the
26. appropriate language requested by bond council, not a new
27. concept we are adding.

28. PRESIDENT:

29. Senator Glass.

30. SENATOR GLASS:

31. Well, I...perhaps you're right. I...I'm sorry this didn't
32. get a committee hearing because the notes we have indicate
33. that the city colleges of Chicago want the Public Building Commission

1. to build them buildings and lease...lease those buildings to
2. them and it just seems to me this is something novel and...and
3. a little bit of an evasion of the CDB purpose. I...I would
4. just like to know more about the reason behind it.

5. PRESIDENT:

6. Any further discussion? Senator Carroll may close
7. the debate.

8. SENATOR CARROLL:

9. Thank you, Mr. President. I don't know that there
10. is a problem with it. This is supposed to be an existing authority
11. that they have had and bond council for the bonding had indicated
12. that it needed corrective language. There is a problem with
13. it, you know, we can give you a chance to check it out.
14. If that's what you're asking, if not, I would ask for a favorable
15. roll call.

16. PRESIDENT:

17. Question is, shall House Bill 3099 pass? Those in
18. favor will vote Aye. Opposed Nay. The voting is open. Have
19. all voted who wish? Take the record. A request for postponed
20. consideration. Put the bill on postponed consideration.
21. House Bill 3197, Senator Shapiro. We skipped over 3124. That's
22. on by mistake. That bill was re-referred yesterday. House
23. Bill 3202, Senator Hynes. House Bill 3208. Read the bill.

24. SECRETARY:

25. House Bill 3208.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Rock.

30. SENATOR ROCK:

31. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
32. You will recall that last Session, we did provide for bonding
33. authority for the purpose of building specialized living centers.

1. We are back this year with House Bill 3208 to allow that
2. same bondability with respect to the durable equipment that is
3. necessary to be placed within these centers. I know of no
4. objection to the bill. It...it merely allows them to bond
5. this kind of equipment the same as they are bonding the
6. actual building into which the equipment will be placed.

7. PRESIDENT:

8. Any further discussion? Senator Nimrod.

9. SENATOR NIMROD:

10. Yes, Mr. President. A question...Senator Rock.
11. Senator Rock, on this durable equipment, is it defined to
12. be any kind of life to the equipment or is it...is it the
13. expendable type or does it have a ten year life or twenty
14. year life or...most of these buildings and bondings always
15. been twenty-five year life on it. I've no objection to the
16. equipment but I'm just wondering if there's some definition
17. there which will at least define it so it doesn't end up
18. being items that disappear in one or two years.

19. PRESIDENT:

20. Senator Rock.

21. SENATOR ROCK:

22. Yes, thank you, Mr. President. Senator, if you'll look
23. at Section 2.06 of the bill, it attempts at least, to define
24. durable, moveable equipment as all items of initial equipment
25. other than built-in equipment which are necessary and appropriate
26. for the functioning of this or a particular facility. Such
27. equipment shall have by this statutory definition an extended
28. useful life, not to be consumed in use and have an identity
29. and function which will not be lost through an incorporation
30. into a more complex unit.

31. PRESIDENT:

32. Any further discussion? The question is, shall House Bill
33. 3208 pass? Those in favor will vote Aye. Opposed Nay. The voting

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1. is open. Have all voted who wish? Have all voted who wish?
2. Take the record. On this question the Ayes are 39, the Nays
3. are 10 with 2 Voting Present. House Bill 3208, having
4. received a constitutional majority is declared passed. House
5. Bill 3222, Senator Rock. House...oh, Senator Rock is recognized.

6. SENATOR ROCK:

7. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
8. I would just call the membership's attention to House Bill 3222.
9. It has to do with requiring the department to improve their
10. contractual agreements with the voluntary private sector
11. providing child welfare services. I am sure that most of the
12. membership will, over the weekend, be hearing from their
13. care associations in their respective districts. I wish to
14. let the membership know that I intend to call this bill for
15. passage on Monday, but I would ask that everybody take a look
16. at it and get some feedback from your districts.

17. PRESIDENT:

18. House Bill 3318, Senator Daley. For what purpose
19. does Senator Bloom arise?

20. SENATOR BLOOM:

21. Thank you, Mr. President. I don't have 3222 in my
22. bill book.

23. PRESIDENT:

24. 3222? Sergeant-at-Arms, would you see that the gentleman
25. has a copy of House Bill 3222? 3222. 3318, I thought yesterday
26. we removed Senator Daley and put Senator Lemke on, but it
27. still...the printer didn't do it. 3318, Senator Lemke.
28. Senator Lemke. Senator Lemke. 3318.

29. SENATOR LEMKE:

30. Harber Hall came over. He had something...he wanted
31. me to bring it back to 2nd for amendment. I don't know...has
32. any amendments been filed?

33. PRESIDENT:

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1. I'm sorry. I'm...oh. Is there leave to return the
2. bill to the order of 2nd reading for the purpose of amendment?
3. Leave is granted. Senator Lemke.
4. SENATOR LEMKE:
5. Mr. President, if you recall yesterday, when we moved this
6. from 2nd to 3rd, we did make the agreement that we would bring
7. it back to 2nd if...per Senator Soper's request if the Republicans
8. had an amendment.
9. PRESIDENT:
10. The bill is now on the order of 2nd reading.
11. SECRETARY:
12. Amendment No. 1 offered by Senator Harber Hall.
13. PRESIDENT:
14. Senator Harber Hall.
15. SENATOR HARBER HALL:
16. Would the Secretary read the first part so I can identify
17. which is which of these two amendments?
18. SECRETARY:
19. Amendment No....
20. SENATOR HARBER HALL:
21. On page one.
22. SECRETARY:
23. Amend amendment to House Bill 3318 on page one by deleting
24. lines thirty and thirty-one and inserting in lieu thereof, the
25. following.
26. SENATOR HARBER HALL:
27. Yes, Mr. President and Ladies and Gentlemen of the Senate.
28. This minimum wage...
29. PRESIDENT:
30. Are there any copies? Some members have asked for copies.
31. Are there any copies available?
32. SENATOR HARBER HALL:
33. No, I believe Senator Lemke probably has the only one. I'd

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ask to
appoint
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1. be glad to get some printed up, distributed. They're relatively...

2. PRESIDENT:

3. Explain it while it's being distributed.

4. SENATOR HARBER HALL:

5. I appreciate Senator Lemke's giving me the opportunity to...

6. to address these proposed amendments. I wonder if we could

7. go on to the next order of business and come back to this

8. while I have copies made for the members.

9. PRESIDENT:

10. Senator Lemke.

11. SENATOR LEMKE:

12. Whatever he wants to do. Just so we come back to it.

13. I want to move the bill today.

14. PRESIDENT:

15. All right. We'll leave it right on 2nd reading and we'll

16. get back to it. House Bill 3377, Senator Joyce. House Bill

17. 3403, Senator Demuzio. House Bill 3425, Senator Glass. Senator

18. Glass.

19. SENATOR GLASS:

20. Thank you, Mr. President. In view of the fact that we have

21. passed a similar bill handled by Senator Rock, I would move that

22. House Bill 3425 be committed to the Executive Committee.

23. PRESIDENT:

24. You've heard the motion. All in favor say Aye. Opposed

25. Nay. The Ayes have it. House Bill 3425 is recommitted to the

26. Executive Committee. House Bill 3555, Senator Dougherty.

27. Read the bill.

28. SECRETARY:

29. House...House Bill 3555.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Dougherty.

1. SENATOR DOUGHERTY:

2. Thank you, Mr. President and fellow Senators. This bill
3. as amended provides only to the coroners of all counties of less
4. than a million population. It will permit the county board
5. if they so desire, to increase salaries of some of the coroners
6. who will be...take office on December, and who are already
7. or near the existing maximum as provided by law. There have
8. been no increase in minimums or maximums for coroners in ten
9. years. This is a permissive bill and it does provide it applies
10. to only counties of one million or less. The coroners...
11. their office on December...the 1st of December, 1976 and if
12. they're sworn into office without any increase in salary,
13. they'll have to wait four more years. This is purely
14. permissive in character and I urge favorable consideration.

15. PRESIDENT:

16. Any further discussion? The question is, shall House Bill
17. 3555 pass? Those in favor will vote Aye. Opposed will vote Nay.
18. The voting is open. Have all voted who wish? Take the record.
19. On this question the Ayes are 50, the Nays are 4 with 1 Voting
20. Present. House Bill 3555 having received the constitutional
21. majority, is declared passed. House Bill 3609, Senator
22. Vadalabene. House Bill 3610, Senator Vadalabene. House Bill
23. 3611, Senator Vadalabene, or 12? House Bill 3629, Senator Sommer.
24. House Bill 3633, Senator Hickey. Read the bill.

25. SECRETARY:

26. House Bill 3633.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Hickey.

31. SENATOR HICKEY:

32. Thank you, Mr. President. This does simply what you have
33. just heard, that it does recreate the Illinois Commission on

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3rd reading
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1. Labor Laws as it has been in the past with a slight increase
2. in membership and I ask you for a favorable roll call.

3. PRESIDENT:

4. Any further discussion? Senator Hickey moves...the
5. question is, shall House Bill 3633 pass? Those in favor vote
6. Aye. Opposed Nay. The voting is open. Have all voted who wish?
7. Take the record. On that question the Ayes are 43, the Nays
8. are 6 with 3 Voting Present. House Bill 3633 having received
9. a constitutional majority is declared passed. House Bill 3648,
10. Senator Egan. House Bill 3560, Senator Daley. House Bill
11. 3652, Senator Rock. Senator Rock.

12. SENATOR ROCK:

13. Thank you. I wonder if I might have leave of this Body
14. to come back to these bills. There's been some interest
15. expressed in them. They have been adopted as administration bills
16. from the Comptroller's Office and I would just like to alert
17. the membership who is interested in this subject particularly
18. the members of the Legislative Audit Commission where these
19. bills started, that I'd like to get back to them in about an
20. hour.

21. PRESIDENT:

22. All right. House Bill 3704, Senator Kenneth Hall.
23. Read the bill.

24. SECRETARY:

25. House Bill 3704.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Kenneth Hall.

30. SENATOR KENNETH HALL:

31. Thank you, Mr. President and members of the Senate.
32. Now, the importance of the operation of the emergency medical care
33. and training trauma in Illinois is policemen, firemen, nurse,
34. doctors and dentists are immune from civil damage when rendering

1. emergency medical care. However, ambulance attendants
2. who have successfully completed the eighty-one hour emergency
3. medical technician course and who have been certified by the
4. Department of Public Health to render emergency medical are
5. liable for civil damages since the EMTA is often the first
6. persons at the scene of an accident. It is important that they
7. be given such immunity to enable them to initiate emergency
8. if life-saving care and in order to be stabilized for a victim's
9. condition. Now, at the request of the Judiciary Committee
10. there were two amendments and number one was that it amended
11. this House Bill 3704 on Senate...page one on line twenty-two by
12. striking "additional" and as a...and on line one twenty-four
13. by striking "as compensated ambulance driver attendant."
14. So, this brought it in line with which was agreed in the Judiciary
15. Committee so I would ask your most favorable support and I'd
16. also say that this applies to volunteers only.

17. PRESIDENT:

18. Any further discussion? The question is, shall House Bill
19. 3704 pass? Those in favor will vote Aye. Opposed will vote
20. Nay. The voting is open. Have all voted who wish? Take the
21. record. ...question the Ayes are 48, the Nays are 2 with
22. 1 Voting Present. House Bill 3704 having received a constitutional
23. majority, is declared passed. House Bill 3787, Senator Mitchler.
24. Read the bill.

25. SECRETARY:

26. House Bill 3787.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Mitchler.

31. SENATOR MITCHLER:

32. Mr. President and members of the Senate. House Bill 3787
33. does exactly what it says on the Calendar there. The funding

1. is all by the U.S. Department of Labor and this is for the
2. employment in the Illinois State Employment Service offices
3. of employees to handle the Viet Nam Air Veterans' Readjustment
4. Assistance Act of 1972 claims that are being brought in.
5. I'd ask for a favorable roll call.

6. PRESIDENT:

7. Any further discussion? Senator Bruce.

8. SENATOR BRUCE:

9. Well, I have not had a chance to review this and it did
10. not go to committee. I wonder, Senator Mitchler, in almost
11. all of the downstate office, we already have a Veteran's Employment
12. Officer, a VER I or II. Does this mean that a second one
13. would have to be hired to handle only this...

14. PRESIDENT:

15. Senator Mitchler.

16. SENATOR MITCHLER:

17. No, Senator Bruce. Some of the offices do not have this
18. and this is to make the Illinois Act comply with the Federal
19. law so that...excuse me...so that they have someone in the
20. different offices. No, they would not have to have an
21. additional one in there just to handle this, but they would
22. have to have someone in the office that would be capable
23. of handling these claims and then we get reimbursement from the
24. Federal government through the U.S. Department of Labor for this
25. employee.

26. PRESIDENT:

27. Senator Bruce. The question is, shall House Bill 3787
28. pass? Those in favor will vote Aye. Opposed will vote Nay.
29. The voting is open. Have all voted who wish? Take the record.
30. On this question, the Ayes are 50, the Nays are none with none
31. Voting Present. House Bill 3787 having received a constitutional
32. majority, is declared passed. House Bill 3803, Senator Nimrod.
33. Read the bill.

1. SECRETARY:
2. House Bill 3803.
3. (Secretary reads title of bill)
4. 3rd reading of the bill.
5. PRESIDENT:
6. Senator Nimrod.
7. SENATOR NIMROD:
8. Yes, Mr. President and fellow Senators. This House Bill
9. 3803 makes a change in the method whereby the Director of
10. Vocational Rehab is selected. Under the present law, the Director
11. is selected by the board, fifteen members of the board. There
12. is no provision in there for either executive or legislative
13. approval. Now, this House Bill as it's amended here in the Senate,
14. provides that the Governor appoint and with approval of advice
15. and consent of the Senate which is similar to all other appointments
16. that we concur in. Under this system, the amendment is now on
17. the bill and the board would still have the input of the
18. board since they would be making recommendations. The purpose
19. of this, of course, is to have some control in legislative
20. input over this agency. Be happy to answer any questions.
21. PRESIDENT:
22. Any further discussion? The question is, shall House Bill
23. 3803 pass? Those in favor will vote Aye. Opposed Nay.
24. The voting is open. Have all voted who wish? Have all voted
25. who wish? Take the record. On this question the Ayes are 46,
26. the Nays are none with 4 Voting Present. House Bill 3803 having
27. received a constitutional majority is declared passed. House
28. Bill 3814, Senator Graham. Senator Graham, 3814? House
29. Bills on 3rd...on 3rd reading. House Bill 3818, Senator Bruce.
30. Read the bill. Do you seek leave to recall it to the order
31. of 2nd reading without...
32. SENATOR BRUCE:
33. Yes I do.

1. PRESIDENT:

2. Leave is granted. House Bill 3818 is now on the order
3. of 2nd reading and Senator Bruce is recognized.

4. SENATOR BRUCE:

5. I...I think Senator Philip had an amendment to this particular
6. bill.

7. PRESIDENT:

8. Senator Philip.

9. SECRETARY:

10. Amendment No. 2 offered by Senator Philip.

11. SENATOR PHILIP:

12. Thank you, Mr. President and Ladies and Gentlemen
13. of the Senate. What this amendment does is delete all the funds
14. for this agency. And let me briefly explain what this agency
15. allegedly is supposed to do. This agency has been in effect
16. since 1973, questioning the Director of that agency, says
17. they do not have a plan nor have they picked up a abandoned
18. automobile and what they are supposed to do and what their
19. responsibility is they are supposed to pick up abandoned cars
20. on the highways and have them recycled. Well, they have been
21. in operation since 1973. Number one, they do not have a plan,
22. number two, they have never picked up a car to date. If
23. you would look in the Statutes right now, not only the State
24. Police, the City Police and the County have the same authority.
25. Perhaps you've driven along the highways and seen red sticker on...
26. on a abandoned car. The State Police can have that car towed
27. away and have it taken care of. This agency, in my judgement,
28. is needless, useless, as I say, they haven't picked up a car,
29. ever picked up a car and they've been in operation since 1973,
30. there are like six employees and I just think it's a waste of
31. taxpayers money and time and I would move the adoption of Amendment
32. No. 1.

33. PRESIDENT:

1. Senator Bruce.

2. SENATOR BRUCE:

3. Yes, I resist the amendment. We're talking about a total

4. of two employees. They are presently involved during this

5. coming fiscal year making programs and implementing the...the

6. requirements for vehicle recycling. They have...the board which is

7. involved in this has five members, Secretary of State, Secretary of

8. Transportation, Department...Director of the Department of Law

9. Enforcement, Superintendent of State Police and others. They have

10. been involved for some time trying to develop rules and regulations

11. for handling abandoned automobiles in Illinois. They have indicated

12. to me that next year is the year that they will finally come

13. forth with the rules and regulations. They asked for one hundred

14. and twenty-five thousand dollars. That has been cut by more than

15. half to fifty-seven thousand three hundred and thirteen dollars.

16. I think that we have...they have sufficient warning that if things

17. don't occur next year, we're going to take a, even deeper cut. They've

18. come from a hundred and twenty-five thousand down to fifty-

19. seven thousand. I think that's warning enough to them that

20. it's time to get the rules and regulations drafted.

21. PRESIDENT:

22. Any further discussion? Senator Roe.

23. SENATOR ROE:

24. Will the sponsor yield?

25. PRESIDENT:

26. He indicates he'll yield.

27. SENATOR ROE:

28. Senator Philip, is this the Flat Car Act?

29. PRESIDENT:

30. Senator Philip.

31. SENATOR PHILIP:

32. It certainly is.

33. PRESIDENT:

1. Any further discussion? Oh, Senator Roe.

2. SENATOR ROE:

3. Does it have anything to do with the Flat Dog Act?

4. PRESIDENT:

5. Senator Philip.

6. SENATOR PHILIP:

7. If it does, I'm completely unaware of it.

8. PRESIDENT:

9. Senator Roe.

10. SENATOR ROE:

11. That's fortunate because the Flat Dog Act was a bad Act.

12. PRESIDENT:

13. Any...Senator Bruce.

14. SENATOR BRUCE:

15. Yes, I would just point out that they have the administrative

16. control over the purchase of these automobiles which the fund

17. now that they have is six million eight hundred and fifteen

18. thousand dollars for purchasing and disposing of recycled

19. vehicles. If we do not fund them, the six million eight

20. could not be spent as far as I...the way I read the Statute,

21. they are designated as the group to authorize expenditures and

22. so if...if someone did develop a recycling program next year,

23. the money would be locked up.

24. PRESIDENT:

25. Senator Regner.

26. SENATOR REGNER:

27. Sponsor yield to a question?

28. PRESIDENT:

29. He indicates he'll yield.

30. SENATOR REGNER:

31. Senator Philip, doesn't the Secretary of State's Office

32. already have this authority as far as the recycling and abandoned

33. vehicles?

1. PRESIDENT:
2. Senator Philip.
3. SENATOR PHILIP:
4. I believe that is correct. I would say this that the
5. State Police, the City Police and the County Sheriff have the
6. authority now to pick up abandoned cars and they do it in
7. my county now. In my judgement most counties can pass a resolution
8. in regard to this and do it on the county level. And I just
9. don't see any need for a State-wide agency to pick up abandoned
10. cars.
11. PRESIDENT:
12. Any...Senator Regner.
13. SENATOR REGNER:
14. Well, I'm in total agreement with Senator Philip
15. and just as an added note, when the Director of this agency
16. was before the Appropriations Committee, he was questioned
17. extensively about what he's done in the last year and his answer
18. to each and every question was nothing. So, I see no reason for con-
19. tinuing this operation. I support Senator Philip's amendment.
20. PRESIDENT:
21. Any further discussion? The question is on the adoption
22. of Amendment No. 2 to House Bill 3818? Those in favor will say
23. Aye. Opposed Nay. Roll call is requested. On the question of
24. the adoption of Amendment No. 2 to House Bill 3818? Those
25. in favor of Senator Philip's amendment will vote Aye. Opposed
26. will vote Nay. The voting is open. Have all voted who wish?
27. Take the record. On this question the Ayes are 27, the Nays
28. are 26 with none Voting Present. Amendment No. 2 is adopted.
29. Any further amendments? Pardon me, Senator Rock.
30. SENATOR ROCK:
31. I would request a verification of the affirmative votes.
32. PRESIDENT:
33. A verification of the affirmative votes has been requested.

1. Will the members please be in their seats. Will the Secretary
2. call the affirmative roll call.
3. SECRETARY:
4. The following voted in the affirmative: Bell, Berning,
5. Bloom, Daley, Dougherty, Fawell, Glass, Graham, Harris, Kosinski,
6. Latherow, Lemke, Merritt, Mitchler, Howard Mohr, Don Moore,
7. Nimrod, Ozinga, Philip, Regner, Roe, Schaffer, Shapiro, Sommer,
8. Soper, Weaver, and Welsh.
9. PRESIDENT:
10. Senator Bruce. Senator Bell on the Floor? Yes.
11. SENATOR BRUCE:
12. Senator Kosinski?
13. PRESIDENT:
14. Senator Kosinski is in his seat.
15. SENATOR BRUCE:
16. Couldn't see him. Senator Schaffer, I think is returned to the
17. Floor. Right. Senator Weaver.
18. PRESIDENT:
19. Senator Weaver is on the Floor.
20. PRESIDENT:
21. The roll call has been verified and the Ayes are 26 and
22. the Nays are...pardon me, 27 the Nays are 26. Amendment No. 2
23. is adopted. Senator Philip.
24. SENATOR PHILIP:
25. Having voted on the prevailing side for Amendment No. 1,
26. I move it be reconsidered.
27. PRESIDENT:
28. Amendment No. 2.
29. SENATOR PHILIP:
30. Amendment No. 2, excuse me.
31. PRESIDENT:
32. Senator Regner moves to Table. All in favor say Aye.
33. Opposed Nay. Amendment is Tabled. 3rd reading. House Bill
34. 3821, Senator Kenneth Hall. Senator Kenneth Hall, desire...

1. SENATOR KENNETH HALL:

2. Thank you, Mr. President. Mr. President, I seek leave
3. to return House Bill 3821 to 2nd reading in regards to Tabling
4. an amendment.

5. PRESIDENT:

6. Is there leave? Leave is granted. Senator Hall is recognized.

7. SENATOR KENNETH HALL:

8. I, at this time, ask that Amendment No. 2 which cuts out
9. a hundred and four thousand dollars that was put in on by
10. the Appropriation Committee of the Senate, that it be Tabled
11. and my understanding is that Senator Lemke has an amendment to
12. offer in restoration. But, first I'd like to get that amendment
13. Tabled.

14. PRESIDENT:

15. Senator Hall, Kenneth Hall, moves to reconsider the
16. vote by which Amendment No. 2 was adopted. All in favor say
17. Aye. Opposed Nay. The Ayes have it. The...Amendment No.
18. 2 is reconsidered. Now, Senator Hall moves to Table Amendment
19. No. 2. All in favor say Aye. Opposed Nay. Amendment No. 2
20. is Tabled. Any further amendments?

21. SENATOR KENNETH HALL:

22. Yes,...

23. SECRETARY:

24. Amendment...Amendment No. 3 offered by Senator Lemke.

25. PRESIDENT:

26. Senator Lemke.

27. SENATOR LEMKE:

28. This amendment reduces the appropriations in the Industrial
29. Commission by twenty-three thousand dollars including twenty
30. thousand in Personal Services. The Tabling of Amendment No. 2
31. in the adoption of this amendment was the effect of restoring
32. eighty-four thousand four hundred dollars of the original
33. Senate reduction. This amendment also appropriates the EDP line item

1. by standard accounts and appropriates lump sums for three
2. Personal Service categories; arbitrators, court reporters
3. and Industrial Commission court reporters. I ask for the adoption
4. of this amendment.

5. PRESIDENT:

6. Any discussion? Senator Lemke moves the adoption of
7. Amendment No. 3 to House Bill 3821. All in favor say Aye.
8. Opposed Nay. Amendment No. 3 is adopted. Any further amendments?
9. 3rd reading. House Bill 3818, Senator Bruce. ...the bill.

10. SECRETARY:

11. House Bill 3818.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDENT:

15. Senator Bruce.

16. SENATOR BRUCE:

17. Well, as amended, we only have two agencies in here. I'd
18. ask for a favorable roll call.

19. PRESIDENT:

20. The question is, shall House Bill 3818 pass? Those in
21. favor vote Aye. Opposed No. The voting is open. Have all voted
22. who wish? Take the record. On this question the Ayes are
23. 47, the Nays are one with one Voting Present. House Bill 3818
24. having received a constitutional majority is declared passed.
25. House Bill 3821, Senator Kenneth Hall. Read the bill.

26. SECRETARY:

27. House Bill 3821.

28. (Secretary reads title of bill)

29. 3rd reading of the bill.

30. PRESIDENT:

31. Senator Kenneth Hall.

32. SENATOR KENNETH HALL:

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

34. House Bill 3821 is the annual appropriation for the ordinary and

1. contingent expenses of the Human Relation Commission and the
2. Industrial Commission. Now, there was an amendment just put on
3. by Senator Lemke which was the result of the staffs on both
4. sides and in conjunction with the Industrial Commission and it's
5. agreeable with everyone concerned and I would ask a most favorable
6. vote for this bill.

7. PRESIDENT:

8. Any further discussion? The question is, shall House Bill
9. 3821 pass? Those in favor will vote Aye. Opposed will vote
10. Nay. The voting is open. Have all voted who wish? Take
11. the record. On that question the Ayes are 49 the Nays are 3
12. with 2 Voting Present. House Bill 3821 having received a
13. constitutional majority is declared passed. House Bill 3825,
14. Senator Rock. Read the bill.

15. SECRETARY:

16. House Bill 3825.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDENT:

20. Senator Rock.

21. SENATOR ROCK:

22. Thank you, Mr. President, Ladies and Gentlemen of the
23. Senate. House Bill 3825 is incorrectly described on the Calendar.
24. It says, increases by fifteen the number of associate judges
25. authorized for the first Judicial Circuit which is the county
26. of Cook, of course. House Bill 3825 creates no new positions.
27. It is a correction in the Statutory formula to correct an error when
28. we failed to do that last year when we authorized thirty new circuit
29. judges. Without this bill, if you read the two Statutory Acts
30. together, we could, in fact, lose fifteen associate judges
31. that we now, in fact, have. This bill merely permits the county
32. of Cook to keep the same number of associate judges that they
33. presently have. I know of no objection. I would solicit a favorable
34. roll call.

1. PRESIDENT:
2. Any discussion? The question is, shall House Bill
3. 3825 pass? Those in favor will vote Aye. Opposed will vote
4. Nay. The voting is open. Have all voted who wish? Take the
5. record. On this question the Ayes are 56 the Nays are none with
6. none Voting Present. House Bill 3825 having received a
7. constitutional majority is declared passed. House Bill 3830,
8. Senator Nimrod. Want to take it back? Okay. Going to pass it?
9. Fine. House Bill 3891, Senator Netsch. House Bill 3901,
10. Senator Regner. Read the bill.

11. SECRETARY:

12. House Bill 3901.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDENT:

16. Senator Regner.

17. SENATOR REGNER:

18. Mr. President and members of the Senate, House Bill
19. 3901 is a clarifying act for the next Governor, whoever he may be
20. regarding the qualifications of his officers to collect their
21. pay on time. The Statute currently requires the officers
22. to execute in oath and give bond prior to commencement of their
23. duties. The Statutes imply that this oath is required prior
24. to their commencement of duties. This amendment makes it a
25. specific time when they must do it and therefore, would definitely
26. allow the Comptroller to commence payments with the commencement
27. of their duties. It is a bill that was proposed by the Comptroller
28. and it's a House Executive Committee bill. I'd solicit a favorable
29. roll call.

30. PRESIDENT:

31. Any further discussion? The question is, shall House Bill
32. 3901 pass? Those in favor will vote Aye. Opposed will vote Nay.
33. The voting is open. Have all voted who wish? Take the record.

1. On that question the Ayes are 50, the Nays are none with
2. none Voting Present. House Bill 3901 having received a
3. constitutional majority is declared passed. The next item
4. on your Calendar is 3902. It is in error. 3902 passed
5. yesterday. House Bill 3912, Senator Newhouse.

6. SECRETARY:

7. House Bill 3912.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Newhouse.

12. SENATOR NEWHOUSE:

13. Thank you, Mr. President and members. If I could have
14. your attention for a moment. This bill does do some things.
15. I want you to know exactly what it does. This bill was asked
16. for by some constituents who were in this position. They are
17. constituents who paid medical expenses and were reimbursed for those
18. medical expenses from their third party payer in the subsequent
19. year. By some freak of Illinois law, they were taxed on the
20. reimbursement of those payments. In other words, they had spent
21. money, gotten those monies back and were taxed on the monies
22. that they got back. It was not income. Now, this bill is intended
23. to cure that situation. There was a good deal of discussion
24. of this bill in committee and it not only excludes that specific
25. item, but there are several other items that are excluded by
26. virtue of this bill, let me read you what they are. They
27. are alimony pay, they are charitable contributions, they are
28. taxes paid, they are interest paid, they are non-business casualty
29. losses, medical expenses, investors expenses, child care expenses,
30. and union dues. It is my understanding that the Department
31. says that they will lose about a million dollars if this bill
32. passes. The Department did not show up in committee to discuss
33. this bill at all. If there are a million dollars involved, there

1. are a million dollars that do not belong to the government but rather
2. belong to taxpayers. And I would suggest to this Body
3. that we do not want to be in a position of suckering taxpayers
4. or of suffering unwarranted windfalls to the government.
5. I'm sure that we want all legitimate taxes to be paid, I'm
6. sure on the other hand that this Body does not want to have
7. in the coffers of the State of Illinois, taxes that do not
8. belong to the State by virtue of any legitimate claim. I would
9. solicit a favorable roll call on this bill and be happy to
10. answer any questions.

11. PRESIDENT:

12. Senator Bruce.

13. SENATOR BRUCE:

14. Well, this bill was heard the last day that the Committee
15. on Revenue met. It, perhaps, is not fair to say that the Department
16. of Revenue did not testify. They were present. The bill was
17. called one time and did not get out of committee, then was
18. hastily called without further testimony and then moved out
19. of the committee. I think the Committee on Revenue would
20. have allowed testimony but it was late in the day. The Session
21. had already begun. The bill came out. I would alert the
22. membership to this particular piece of legislation. I would
23. call it the Income Tax Reform Act of 1976. It does make
24. substantial changes in deductions allowed to Illinois taxpayers.
25. The figure has been used that one million dollar loss would
26. occur. That one million dollar loss is related only to the
27. possible deduction of medical expenses, it does not relate to the
28. other matters, taxes paid, and non-business casualty losses.
29. No one has yet given us a figure to what those additional losses.
30. The bill originated because a young lady had problems with deducting
31. or having to include medical reimbursement in a...in a...in taxing
32. year one she claimed a deduction for medical expenses. In taxing
33. year number two she received a reimbursement. Under the Illinois

1. 10-40 Form, she was not able to treat that reimbursement
2. other than as income, for which she's paid two and a half
3. percent. The problem, she says, is we don't allow that deduction.
4. There are ways of handling that under the Federal system,
5. either by filing a Form 2106 or your Schedules A,B, or C.
6. Her complaint is that that is a procedure known only to
7. sophisticated taxpayers. I would say that that is not our
8. problem. The income tax laws are complex and those who wish
9. to receive their deductions are going to have to know
10. how to use the system. And I...I...I think this bill has
11. merit. But, I think it ought to be re-referred to the Committee,
12. we ought to take a very serious look, have the department
13. testify. I have no idea what casualty...non-business casualty
14. losses would mean to the State of Illinois. But, I can tell
15. you that we have a tremendous amount of non-casualty...non-
16. business casualty losses, home fires, where you're reimbursed.
17. Those are deductible and the reimbursement for those after
18. a hundred dollar limitation is removed are deductible on...on
19. your Form 10-40's. But, you...you get into some real problems
20. in Illinois if you're going to allow that to be deducted on
21. our forms. There's going to be a tremendous loss, I think,
22. on your non-business casualty. In addition, I don't know what
23. the impact is of additional taxes paid after the close of books
24. on a given taxing year. Again, we had no testimony indicating
25. the Department's testimony in written form was that we would lose
26. one million dollars on medical expenses alone. The point
27. is that you do not need to lose your deduction for medical
28. expenses...

29. PRESIDENT:

30. Time has expired, Senator.

31. SENATOR BRUCE:

32. ...if...if you file the proper forms. And this opens
33. up the Illinois Income Tax to some very serious assaults.

1. PRESIDENT:

2. Senator Bell. Senator Glass.

3. SENATOR GLASS:

4. No, I...I would just echo the sentiments of Senator
5. Bruce. I think Section 1-11 of the Internal Revenue Code
6. to which this section applies as has been pointed out by the
7. sponsor, also, is much broader and includes many more deductions
8. than the problem of the individual taxpayer he mentioned and I
9. certainly think for that reason, that we ought not to pass the bill

10. PRESIDENT:

11. Any further discussion? Senator Nimrod.

12. SENATOR NIMROD:

13. Yeah, I've...Mr. President, I've spoken with Senator
14. Newhouse on this and I've tried to find some way that I can
15. accept it because I see...I certainly see the problem and we did
16. discuss this at length in Revenue, but I don't believe that
17. we've had enough time to really look into the ramifications on this
18. and I think that there are some thirty-five to forty percent
19. of the people that do itemize on their income taxes and at least
20. those people, those thirty-five or forty who do itemize, I think
21. have enough knowledge and...and certainly facilities available for them
22. to adjust with these losses. I think it's something that we should
23. address ourselves to, but I'd hate to be one whose going to
24. be saying, let's take away and spoil our...our present income
25. tax report form allowing for deductions. I know it's not a direct
26. deduction, but it..isn't a direct deduction. We do have a good
27. income tax right now. I think we can straighten out this
28. problem...we have a chance to look at it after we've had a chance
29. to study it in committee. I...I'm just very reluctant to tamper
30. with our income tax as it stands today.

31. PRESIDENT:

32. Any further discussion? Senator Newhouse may close the
33. debate.

1. debate.

2. SENATOR NEWHOUSE:

3. Thank you, Mr. President. Contrary to popular belief

4. I do believe that this State does have a responsibility to the

5. taxpayer and they have a responsibility not to make it complicated

6. for people to get their money back that they're do. I think

7. that we do have a...a responsibility to make the forms

8. procedures as simple as possible. I have here in my hand a letter

9. from a Walter W. Went of Crystal Lake which was written to

10. Representative Skinner on the other side...over at the House.

11. "This note is to inform you that I paid income tax amounted to

12. thirty-four dollars and two cents under protest. This portion of the

13. total tax represents a tax on thirteen hundred and sixty dollars

14. and sixty-four cents which was medicare reimbursement for medical

15. expenses." I don't believe that those who are on fixed incomes and

16. do not have lawyers, who do not understand the very complicated

17. laws of the...of the tax procedures ought to be penalized

18. unfairly. It seems to be a completely an unfair procedure and

19. we ought to square it away. If there are some problems relating

20. to this bill, the Department has not talked to me. I did not

21. know they were there at the time. They have given me no suggestions

22. as to how to cure this problem. This problem ought to be cured.

23. It ought to be cured now. I solicit your favorable support.

24. PRESIDENT:

25. Question is, shall House Bill 3912 pass? Those in favor

26. vote Aye. Opposed Nay. The voting is open. Have all voted who

27. wish? Take the record. On this question the Ayes are 24,

28. the Nays are 9, this bill having failed to receive a constitutional

29. majority...Senator Newhouse. Postponed Consideration is requested.

30. Place the bill on the order of Postponed Consideration. House

31. Bill 3648, Senator Egan.

32. SECRETARY:

33. House Bill 3648.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Egan.

5. SENATOR EGAN:

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

7. The Calendar is an excellent explanation of the bill as it

8. was before amended. We amended another part into the bill

9. for the Department yesterday, as you'll recall, to allow for the

10. discontinuation of the collection of unemployment insurance to

11. about twelve percent of the employers who pay less than one

12. dollar per quarter. We explored that in depth yesterday and

13. I'd be happy to answer any questions, and I seek your favorable

14. support.

15. PRESIDENT:

16. Any further discussion? The question is, shall House

17. Bill 3648 pass? Those in favor will vote Aye. Opposed

18. Nay. The voting is open. Have all voted who wish? Take the

19. record. On this question the Ayes are 51, the Nays are none.

20. House Bill 3648 having received a constitutional majority is

21. declared passed. Senator Donnewald.

22. SENATOR DONNEWALD:

23. Yes, Mr. President. Could we go to House Bill 3816?

24. PRESIDENT:

25. Could you and Senator Hynes...

26. SENATOR DONNEWALD:

27. Well, I...

28. PRESIDENT:

29. ...conclude your remarks?

30. SENATOR DONNEWALD:

31. I...I...I've delayed some time and we have already completed

32. a run of all House Bills, as I look at the Calendar. I...

33. PRESIDENT:

1. For what purpose does Senator Harber Hall arise?
2. SENATOR HARBER HALL:
3. Think we're through with all the bills on the Calendar.
4. There was one...one bill, at least, that we agreed to come
5. back to and it's....
6. PRESIDENT:
7. 3318.
8. SENATOR HARBER HALL:
9. ...3318.
10. PRESIDENT:
11. We're coming back to that. Yes. Senator Donnewald
12. and Hynes. Senator Donnewald.
13. SENATOR DONNEWALD:
14. May I read...
15. PRESIDENT:
16. Read the bill.
17. SECRETARY:
18. House Bill 3816.
19. (Secretary reads title of bill)
20. 3rd reading of the bill.
21. PRESIDENT:
22. Senator...Senator Donnewald.
23. SENATOR DONNEWALD:
24. Yes, Mr. President and members of the Senate. This, of course,
25. is one of the big ones and the...usually the stopper and I'm
26. quite sure that we'll end up in a Conference Committee and I would
27. like to get it out of the Senate over to the House for...if they're
28. going to have a non-concurrence and get started on a Conference
29. Committee immediately so we can adjourn at a reasonable time
30. instead of maybe July the 2nd or 3rd. I would appreciate a favorable
31. roll call.
32. PRESIDENT:
33. Any further discussion? The question is, shall House

1. Bill 3816 pass? Those in favor will vote Aye. Opposed Nay.
2. The voting is open. Have all voted who wish? Have all voted who
3. wish? Take the record. On this question the Ayes are 53,
4. the Nays are 1 with 3 Voting Present. House Bill 3816
5. having received a consitutional majority, is declared passed.
6. Senator Harris.

7. SENATOR HARRIS:

8. Having voted I wish to reconsider as a prevailing voter.
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The following was typed previously.

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K. ...

1. PRESIDENT:

2. Senator Glass moves to Table. All in favor say Aye.
3. Opposed Nay. The Ayes have it. Now, on the order of House
4. Bills that appear on the Calendar on 3rd reading on page
5. three, we will go to House Bill 3318 which is on the order
6. of 2nd reading. Amendments have been offered. Amendment No.
7. what, Mr. Secretary?

8. SECRETARY:

9. Amendment No. 1 offered by Senator Harber Hall.

10. PRESIDENT:

11. Senator Harber Hall.

12. SENATOR HARBER HALL:

13. Thank you, Mr. President, Ladies and Gentlemen of the
14. Senate. This amendment...this amendment provides...it puts
15. back into the law which was taken out this year, that employers
16. with fewer than five employees would be exempt, that is their
17. employees would be exempt from the minimum wage bill. That's
18. all the amendment does and I'd appreciate your support for
19. this amendment.

20. PRESIDENT:

21. Senator Lemke.

22. SENATOR LEMKE:

23. As sponsor of the bill, I must resist this amendment.

24. PRESIDENT:

25. Senator Savickas.

26. SENATOR SAVICKAS:

27. No, I would join Senator Lemke in resisting this amendment.
28. There's no reason why someone that employs five or less people
29. can't put them on their...the minimum wage law. It's good for
30. more than five, it's good for less than five. It exempts all
31. Ma and Pa businesses, if it's your own son or daughter working
32. in your business, that's not covered under this. This is all
33. outside employees, so I would ask your assistance in resisting
34. this amendment.

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1. PRESIDENT:

2. Senator Harber Hall.

3. SENATOR HARBER HALL:

4. Unless there are any other further arguments, I would just point
5. out to the members of the Body that it's been under five that
6. we have exempted and this bill passed, even if you would support
7. this amendment, makes many, many liberal changes to the
8. Minimum Wage Act. The small businessmen have trouble as it is
9. keeping track of paper work and I...I think they hire young
10. people, they hire students, they hire older people who are better
11. off working even at no salary than not working. So, I...I
12. think, Mr. President, that we have a good amendment here. It
13. puts, in respect to the small employer, it puts the bill
14. back where it is...it is been up till now and I don't think
15. we need to make this change that we're making if we don't
16. put this amendment on now. So, I...I respectfully solicit
17. your support, but prior to that, I would relinquish whatever
18. time I have to Senator Graham.

19. PRESIDENT:

20. Well, Senator Graham.

21. SENATOR GRAHAM:

22. Mr. President and members of the Senate. Despite what
23. Stanley Johnson and his crowd say, without the adoption of
24. this amendment, we're going to run the risk, very serious risk,
25. that are depriving many young people of an opportunity to make
26. a living, make some money, and probably more importantly...
27. probably more importantly, we're going to deprive some senior
28. citizens of a place to work some part time, do the things that they
29. want to do, keep their minds and body active and help preserve
30. their life. Gentlemen, I think...I think that organized labor
31. has done enough to destroy the business climate in the State of
32. Illinois in the last couple of years. I don't think it's asking too
33. much for them to put their mind where their mouth has been and
34. give the poor little people a chance and adopt this amendment.

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1. PRESIDENT:

2. Senator Lemke, you desire to speak again? Senator Lemke.

3. SENATOR LEMKE:

4. Well, what we're talking about here, I don't know how people
5. are going to go out of business. You're talking about ten
6. cents an hour. You might be talking about two dollars a week.
7. I mean, a business is going to go out of...a guy...a small
8. business is going to go out of...out of...out of business cause
9. he's got to pay two dollars a week more in wages. It's...it's
10. absurd. I mean, ten cents an hour. We...we...we're cutting
11. our higher education budget and the kids have to go out
12. and earn a little more money for their college education, so this
13. will just give them a little more money. Two dollars a week,
14. a twenty hour week, Jesus...it's very little for crying out loud...
15. I can't understand this. If the guy works forty hours, it's
16. only four...four dollars. I can't see a business going
17. out for...in a year, that's what, four dollars...about two
18. hundred bucks. If you're going to go out of business, then you
19. shouldn't be in business in the first place. I mean, for...if
20. you can't operate because of two hundred dollars, you waste more
21. than that in paper.

22. PRESIDENT:

23. Senator Soper.

24. SENATOR SOPER:

25. It seems to me that Senator Lemke is talking about two
26. different things. We're talking about an exemption for five
27. or under. Now, there are many businesses and I have senior citizens
28. in my district that...that go and watch a store during a lunch
29. hour and...and they do this so that the store can be open
30. or they take messages at certain hours and it gives them a little
31. something to do. Now, the storekeeper that has the place or the
32. place that they take or the babysitting they do for a few hours,
33. couldn't afford to pay the amount of money that...that the minimum
34. wage would require. But, they can pay a certain amount of money

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1. that the senior citizen or the student is willing to take.
2. Now, you're in a competitive market. Nobody's going to hire
3. somebody that...that just wants to make a living on...on this...
4. on this basis. This is just something to do and take their
5. time to do...to do it and gives the employer a chance to employ
6. somebody for a...for a...for amount of money that he is willing
7. to work for and it's not slave labor and it's not two dollars
8. a week or two hundred dollars a year and nobody's going to
9. go out of business. They're just not going to hire these
10. people. They're doing somebody a favor. I've had people
11. watch a newsstand while the fellow that owns the newsstand
12. goes out to lunch. The fellow sits around, watch the newsstand,
13. he gives him a buck or two and...and that's the end of it.
14. Now, if he's got to pay him a minimum wage, he...he...he
15. won't...he either has to close the newsstand, or forget
16. about hiring anybody, and people are willing to do this. That's
17. what we're talking about.

18. PRESIDENT:

19. Senator Savickas.

20. SENATOR SAVICKAS:

21. Well, I think Senator Soper's again trying to cloud the issue.
22. He knows darn well that anybody that might hire...not hire...use
23. to answer the phone while the businessman is out, he doesn't
24. even put him on the record as an employee. He'll give him
25. a dollar or two, doesn't want to pay any taxes or put him
26. on for Workman's Comp, he's trying to hide the guy anyway, so he's
27. not going to pay him...the minimum wage anyway. He's going
28. to give him a buck, a buck and a half, maybe buy his lunch
29. while he's watching the store, so that argument is strictly
30. a...a phony one, just like all these other issues that are
31. raised when you're talking about minimum wage. We're talking
32. about someone that is going to actually work at a job and he's
33. going to get ten cents an hour for a twenty hour week, two dollars

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1. and not someone that watches a newsstand while you go and get
2. a cup of coffee. You bring him back a cup of coffee, you don't
3. put him on the payroll, so whose kidding who on...in this instance?

4. PRESIDENT:

5. The question is on the adoption of Amendment No. 1 to
6. 3318. Those in favor will say Aye. Opposed Nay. The Nays
7. have it. The amendment fails. Seek a roll call? Fine.
8. Very good. The question is on the adoption of Amendment No. 1
9. to House Bill 3318. Those in favor will vote Aye. Opposed
10. Nay. The voting is open. Have all voted who wish? Take the
11. record. On this question the Ayes are 27, the Nays are 25 with
12. none Voting Present. Amendment No. 1 is adopted. Any
13. further amendments?

14. SECRETARY:

15. Amendment No. 2 offered by Senator Harber Hall.

16. PRESIDENT:

17. Senator Harber Hall.

18. SENATOR HARBER HALL:

19. Mr. President, this amendment places back in the exemption
20. for farming activities. We take out...we change agriculture
21. so that we would not exempt agriculture associated businesses
22. such as seed companies, et cetera and we define it as "any
23. farming activity" which we believe would cover just farms,
24. and farmers. I move for adoption of this amendment.

25. PRESIDENT:

26. Senator Lemke.

27. SENATOR LEMKE:

28. Mr. President, as sponsor of this amendment, I've talked
29. to people concerned and I must resist the amendment.

30. PRESIDENT:

31. Any further discussion? The question is on the adoption
32. of Amendment No. 2 to House Bill 3318. Those in favor of
33. adopting Amendment No. 2 will say Aye. Opposed Nay. In the

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- 1. opinion of the Chair, the Nays have it. Roll call is requested.
- 2. You always get a roll call if you ask for it. On this...
- 3. the question is on the adoption of Amendment No. 2 to House
- 4. Bill 3318. All in favor will vote Aye. Well, they said the
- 5. Ayes have it. That's it. You're withdrawing the...all right,
- 6. the Ayes have it. Any further amendments?
- 7. SECRETARY:
- 8. Amendment No. 3 offered by Senator Regner.
- 9. PRESIDENT:
- 10. Senator Regner.
- 11. SENATOR REGNER:
- 12. Yes, Mr. President, I discussed this amendment with the
- 13. sponsor, Senator Lemke, and it's a technical amendment. It
- 14. puts some wordage back in that was in the bill that did pass
- 15. last year regarding the Federal law and I would move the
- 16. adoption of Amendment No. 3.
- 17. PRESIDENT:
- 18. Senator Regner...Senator Lemke.
- 19. SENATOR LEMKE:
- 20. I was looking over last year's bill that we passed
- 21. and I don't know why this language was taken out cause it was
- 22. put on in the Senate. All it does is at...at...it says "at no
- 23. time shall the minimum hour wages established by this Act
- 24. exceed those specified under Federal law." So, I...I...I
- 25. see nothing wrong.
- 26. PRESIDENT:
- 27. Question is on the adoption of Amendment No. 3. Senator
- 28. Savickas.
- 29. SENATOR SAVICKAS:
- 30. Well, I see nothing wrong with that if it also added
- 31. that it would not go below the Federal minimum standard. I
- 32. think that...that wording should be added in.
- 33. PRESIDENT:

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- 1. Senator Harber Hall. Oh, pardon me, Senator Regner.
- 2. SENATOR REGNER:
- 3. Well, all I did is have the amendment prepared to
- 4. conform it to the same bill and the same language in that
- 5. area from last year and I still move the adoption of this amendment.
- 6. PRESIDENT:
- 7. Senator Savickas.
- 8. SENATOR SAVICKAS:
- 9. Well, Senator, would you agree, then, that we could add
- 10. those words, also, that it would not go below the Federal
- 11. minimum or the Federal standard?
- 12. PRESIDENT:
- 13. Senator Regner.
- 14. SENATOR SAVICKAS:
- 15. It shall not exceed and shall not go below?
- 16. SENATOR REGNER:
- 17. Well, I would suggest that you do that in a separate
- 18. amendment, Senator Savickas. I'd just as soon adopt this
- 19. one and that's another theory and if you want to offer that, fine.
- 20. PRESIDENT:
- 21. Senator Netsch.
- 22. SENATOR NETSCH:
- 23. Mr. President, just a question of the sponsor of the
- 24. amendment, if I might.
- 25. PRESIDENT:
- 26. He indicates he'll yield.
- 27. SENATOR NETSCH:
- 28. I have two versions on my desk, one of which goes...
- 29. PRESIDENT:
- 30. Senator Regner is going to clear that up for you.
- 31. SENATOR NETSCH:
- 32. Okay.
- 33. PRESIDENT:

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1. Senator Regner.

2. SENATOR REGNER:

3. Yes, I originally had intended to offer that the
4. longer version, if you want to call it that, taking out the
5. time and a half provision. I did not offer that amendment.
6. I didn't put it on the Table, but it was passed out along
7. with the others. So, the one that's being offered right now
8. amends on page three, by deleting...by adding lines twenty-seven
9. through twenty-nine, "however, at no time shall the minimum
10. hourly wage as established by this Act exceed those specified
11. under Federal law." So, the long version you have, put in
12. the wastebasket.

13. PRESIDENT:

14. The question is on the adoption of Amendment No. 3 to House
15. Bill 3318. Those in favor say Aye. Opposed Nay. The Ayes
16. have it. Amendment No. 3 is adopted. Any further amendments?

17. SECRETARY:

18. No further amendments.

19. PRESIDENT:

20. Senator Harber Hall.

21. SENATOR HARBER HALL:

22. Point of clarification, Mr. President. I...when there was
23. some discussion and...and some mix-up on Amendment No. 2, did
24. I hear you say the amendment is adopted?

25. PRESIDENT:

26. You did.

27. SENATOR

28. Thank you.

29. PRESIDENT:

30. Any further discussion? 3rd reading. On the order of
31. House Bills on 2nd reading, page five of your calendar, House Bill
32. 3810, Senator Carroll.

33. SECRETARY:

34. House Bill 3810.

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1. (Secretary reads title of bill)
2. 2nd reading of the bill. Committee on Elections and
3. Reapportionment offers two amendments.
4. PRESIDENT:
5. Senator Carroll.
6. SENATOR CARROLL:
7. Thank you, Mr. President. I move adoption of Committee
8. Amendment No. 1 which deletes the obsolete reference of
9. 1972 and makes an immediate effective date.
10. PRESIDENT:
11. Any further discussion? Senator Carroll moves the
12. adoption of Amendment No. 1 to House Bill 3810. All in favor
13. say Aye. Opposed Nay. The Ayes have it. Amendment No.
14. 1 is adopted. Any further amendments?
15. SECRETARY:
16. Committee Amendment No. 2.
17. PRESIDENT:
18. Senator Carroll.
19. SENATOR CARROLL:
20. Thank you, Mr. President. I move adoption of Committee
21. Amendment No. 2 which relates to the purchase of new electronic
22. voting machines.
23. PRESIDENT:
24. Any further discussion?
25. SENATOR CARROLL:
26. ...favorable roll call.
27. PRESIDENT:
28. Senator Carroll moves the adoption of Amendment No. 2 to
29. House Bill 3810. All in favor say Aye. Opposed Nay. Ayes have
30. it. Amendment No. 2 is adopted. Any further amendments?
31. SECRETARY:
32. No further amendments.
33. PRESIDENT:
34. 3rd reading. House Bill 3831, Senator Carroll. Senator Fawell,

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1. you were not on the Floor when we called 3062 on 2nd reading.
2. You have no desire to move it? On the order of Concurrences,
3. on the Secretary's Desk, page six of your Calendar. Senator
4. Lemke.

5. SENATOR LEMKE:

6. 3318, could we have that on...be read?

7. PRESIDENT:

8. We've had intervening business.

9. SENATOR LEMKE:

10. ...voted on?

11. PRESIDENT:

12. We can indeed. On the order of 3rd reading, on your
13. Calendar, page three. House Bill 3318. Read the bill.

14. SECRETARY:

15. House Bill 3318.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDENT:

19. Senator Lemke.

20. SENATOR LEMKE:

21. I ask for a favorable vote on this bill.

22. PRESIDENT:

23. The question is, shall House Bill...post...post the
24. number. Post the number, Mr. Secretary. Senator Smith.

25. SENATOR SMITH:

26. I merely want to say that I've remained here until
27. the very last minute to yet have an opportunity to get started
28. toward the airport to meet my wife, who is returning. I'm grateful
29. for the fact that during the discussion with reference to this
30. bill, that the bill was not trampled upon too much. I take it that
31. members here, your memory is as retentive as is mine. So happened
32. that Illinois was the last industrial state, large
33. industrial state to enact the Minimum Wage Act. At the time that

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1. I brought this bill before the Body, all sorts of arguments
2. made, the time was not right, you'd close down the businesses,
3. they have moved from the State, none of which has happened.
4. Saying that conditions as such, I may not be here much longer,
5. in fact, I know I won't be, but I want to thank members on
6. that side of the aisle for the fact that you didn't decimate
7. this bill overly much and as I stand here, I recall when I
8. caused this bill to be enacted into law and I want to thank
9. two men, one of whom I don't see, the Minority Leader, Senator
10. Harris, and you, my friend, Senator Knuppel. You sat over
11. there at that time. You aided me much. We had twenty-six
12. votes only, and it seemed that even though the very clouds and
13. the condition...atmospheric conditions were against us. But,
14. you, Sir, and Senator Harris came to my rescue and Illinois became
15. the last large industrial State to enact the Minimum Wage Law.
16. I want to thank you for giving me the opportunity to say that and
17. as well as you, Mr. President, and may I now, cast my vote
18. for this bill as it is. You would move...

19. PRESIDENT:

20. The question is, shall House Bill 3318 pass? Those
21. in favor will vote Aye. Opposed will vote Nay. The voting is
22. open. Have all voted who wish? Take the record. On that question
23. the Ayes are 45, the Nays are none with 10 Voting Present.
24. House Bill 3318 having received a constitutional majority is
25. declared passed. For what purpose does Senator Demuzio
26. arise?

27. SENATOR DEMUZIO:

28. You want to go to House Bill 3403, the conservation appropriation.
29. There's a couple of amendments that, I think Senator Fawell
30. and Senator Johns would like to offer, so like to have leave of the
31. Body to go to that order of business.

32. PRESIDENT:

33. Is there leave? Leave is granted. House Bills on 3rd reading,
34. page three of your Calendar, House Bill 3403. Leave has been granted

1. to move the bill back to 2nd reading for the purpose of an
2. amendment. Please. Now, I wish you would...Gentlemen and Ladies,
3. there is a...an announcement that should be made with reference
4. to this bill that I want you all to know about. Mr. Secretary.
5. SECRETARY:

6. In the House of Representatives, Enrolling and Engrossing,
7. they adopted two amendments, both relating to the same section
8. so they figured in Enrolling and Engrossing that one deleted
9. the other which wasn't the case and they had to bring us over
10. a new bill. That bill has been inserted into our cover bill
11. here and the one amendment that was not included at the time
12. was a seventy-five thousand dollar appropriation.

13. PRESIDENT:

14. So, we're asking leave to substitute the corrected
15. bill for the one with the error. Is there leave? Leave
16. is granted. Now, any amendments on 3403? Could the Secretary
17. have the attention? 3403. ...amendments?

18. SECRETARY:

19. Amendment No. 6 offered by Senator Johns.

20. PRESIDENT:

21. Senator Johns.

22. SENATOR JOHNS:

23. Mr. President and colleagues. The amendment basically
24. asks for thirteen thousand dollars or so much thereof as may be
25. necessary to be appropriate to the Department of Conservation
26. for the maintenance and operation of the Cairo Custom House
27. in Cairo, Illinois. Now, if I may have your attention, Gentlemen.

28. PRESIDENT:

29. Just a moment. Just a moment. Now, let me first dispel
30. a rumor and the rumor is that we're going to break for lunch. We
31. are not going to break for lunch and if we can just keep moving
32. along, you can get home a great deal earlier. Now, we're on
33. Amendment No. 6, Senator Johns has the Floor.

1. SENATOR JOHNS:

2. What I'm trying to do here is preserve the Cairo Custom
3. House. It's a architecturally significant and has been so
4. designated by the National Trust for the Historic Preservation
5. and is listed on the National Register of Historic Places.
6. Gentlemen, it's a very, very beautiful building. We're trying
7. to preserve it. It is the last one in the United States.
8. It's connected...constructed in about 1868 to 1871. We're
9. trying to utilize thirteen thousand dollars for this preservation.
10. I would appreciate a favorable roll call on this amendment.

11. PRESIDENT:

12. Senator Weaver.

13. SENATOR WEAVER:

14. Thank you, Mr. President. Senator Johns, does Department
15. of Conservation of the State of Illinois own this building?

16. PRESIDENT:

17. Senator Johns.

18. SENATOR JOHNS:

19. I don't believe that they do. No, Sir.

20. PRESIDENT:

21. Senator Weaver.

22. SENATOR WEAVER:

23. Well, I'm sure that the Department of Conservation
24. has plenty of projects that they own and facilities they own that
25. they need to put money in. We cut about 8.8 million out of this
26. budget and this was one of the projects we cut. And I don't
27. see any sense of restoring this thirteen thousand dollars to
28. repair something that the State of Illinois doesn't own.

29. PRESIDENT:

30. Senator Johns.

31. SENATOR JOHNS:

32. I personally disagree. I think it's a bargain for the
33. people of Illinois. Thirteen thousand dollars to me is a minimum of what

1. we should be asking for the preservation of a beautifully
2. designed building that is a treasure that we'll...we'll
3. miss for years if we let it deteriorate and I ask my colleagues
4. for a favorable roll call on this amendment.

5. PRESIDENT:

6. Senator Soper.

7. SENATOR SOPER:

8. Well, Mr. President, you know, we've got this budget
9. and we've done a lot of things for...for Senator Johns. We
10. give him fifteen cents on the coal and...and two cents or
11. one cent that they had, we've taken all the profit out of selling
12. coal in our territory to all our...to all our utilities. We've
13. taken the tax from Cook County and the City of Chicago and we
14. let it stay down this County. If they can't raise thirteen
15. thousand dollars down there with all the money that they've got
16. now, you know, if it's such a wonderful place, I'll bet
17. if they hold a picnic or a tea or have one of those socials
18. that you had, bring a...bring a plate or bring a dish, I think
19. they could raise that money and we keep on with these things
20. so...we just don't have the money. It's thirteen thousand here,
21. a hundred thousand here, two hundred thousand there, five million
22. here, three million there, where you going to get this? I don't
23. mind doing things for...for the Senators from other districts
24. but, you...you come to this well too often, you know. You
25. got your...you've got your hand in that...in that bucket all the
26. time and I can't even get near it to spit in it to find
27. out what's in it.

28. PRESIDENT:

29. Senator Rock.

30. SENATOR ROCK:

31. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
32. I think in explanation and I am rising in opposition to Amendment
33. No. 6. By virtue of Amendment No. 3 which I offered in the committee,

1. this thirteen thousand dollar request was, in fact,
2. deleted and it was deleted at the request or because the
3. Department opposed it on the grounds as stated by Senator
4. Weaver that the Department nor the State does not own the
5. Custom House and there is a real question about the legality
6. of spending money for the...for this purpose on land...on land
7. and a building not owned by the State. For that reason, I would
8. oppose it.

9. PRESIDENT:

10. Any further discussion? Senator Johns may close the debate.
11. The question is on the adoption of Amendment No. 6. Those in
12. favor will say Aye. Opposed Nay. In the opinion of the Chair,
13. the Nays have it. Amendment No. 6 fails. Any further amendments?

14. SECRETARY:

15. Amendment No. 7 offered by Senator Fawell.

16. PRESIDENT:

17. Senator Fawell.

18. SENATOR FAWELL:

19. Actually, Mr. President, I believe that this is the amendment
20. that was put on in the House. This is for the Prairie Path,
21. seventy-five thousand dollars, so I think there's no need then
22. for this amendment. Is that correct, Mr. Secretary?

23. SECRETARY:

24. Yes, this would be the amendment that they had replaced
25. in Enrolling and Engrossing, so...

26. SENATOR FAWELL:

27. So, that is now on the bill?

28. SECRETARY:

29. That's right.

30. SENATOR FAWELL:

31. Right. I would then withdraw this Amendment No. 7.

32. PRESIDENT:

33. Senator Demuzio, did you have a statement that you wanted to

1. make concerning on a ...further amendment?

2. SENATOR DEMUZIO:

3. Yes, Senator Harris has spoken to me and I think
4. he's spoken to you, Mr. President, about this problem with the
5. Enrolling and...problem that we have and I think it's the judgement of
6. all those concerned that there be another amendment drafted to
7. be clear that this bill clearly passes in the proper form
8. so I will take it back to 3rd and hold it there and later on
9. this afternoon, when the amendment is drafted, we'll bring it
10. back and correct it.

11. PRESIDENT:

12. The bill will now go to 3rd with the understanding that
13. it will be brought back to 2nd reading for the purpose of
14. an amendment that will absolutely clarify the error made in the
15. House so that the bill will not in any way be jeopardized by
16. any procedural activity. The bill goes back to 3rd reading.
17. On the order of Concurrences on the Secretary's Desk, page
18. six of your Calendar, Senate Bill 1498, Senator Hynes. Senate
19. Bill 1500, Senator Lane. Senate Bill 1600, Senator Hickey.
20. ...Senator Netsch's bill. I'm sorry. Senator Netsch on Senate
21. Bill 1600. It's House Amendment No, 1, isn't it, Senator Netsch?

22. SENATOR NETSCH:

23. Yes, it is, Mr. President.

24. PRESIDENT:

25. You are recognized.

26. SENATOR NETSCH:

27. I would move that the Senate concur with House Amendment
28. No. 1 to Senate Bill 1600 and this would constitute final
29. action on this bill which is the annual appropriation for all
30. of the environmental agencies. House Amendment No. 1...I beg
31. your pardon. I beg your pardon. Let me start over again.
32. I still move that the Senate concur with House Amendment No. 1
33. to Senate Bill 1600 which is the annual appropriation for the

1. Department of Revenue. The House Amendment No. 1 is in effect
2. a fifty percent amendment on the instant lottery. It would
3. allow the instant lottery, for which there are two provided in the
4. bill, to occur only one in the first half of the annual...
5. first half of the year and the second one in the second half
6. of the year. That amendment was placed on by the House. I
7. move to concur in that amendment and this will constitute
8. final action on the appropriation for the Department of Revenue.

9. PRESIDENT:

10. Any further discussion? The question is, shall the Senate
11. concur in House Amendment No. 1 to Senate Bill 1600? Those
12. in favor vote Aye. Opposed Nay. The voting is open. This is
13. final action. Have all voted who wish? Take the record.
14. One moment, Senator. On this question the Ayes are 46, the
15. Nays are 3 with none Voting Present. The Senate does concur
16. in House Amendment No. 1 to Senate Bill 1600 and the bill
17. having received the required constitutional majority is
18. declared passed. For what purpose does Senator Bell arise?

19. SENATOR BELL:

20. Mr. President, I inadvertently pushed the wrong button,
21. I intended to vote No on Senate Bill 1600.

22. PRESIDENT:

23. Let the record show your intention. Senate Bill 1603,
24. Senator Bruce. Senate Bill 1637, Senator Hynes.

25. SENATOR HYNES:

26. Mr. President, the House added one amendment to this
27. bill which added sixty-five thousand dollars to finance the
28. Legislative Intern Program, which I think the membership is
29. familiar with and I would move that the Senate concur in the House
30. Amendment.

31. PRESIDENT:

32. Any further discussion? The question is, shall the...
33. Senator Savickas.

1. SENATOR SAVICKAS:

2. Well, yes, Mr. President and members of the Senate.
3. This is the same program that last year we took out. Now, they're
4. coming in through the back door again trying to put it back in.
5. I just would like to appraise the membership that last year we
6. saw fit to remove this program.

7. PRESIDENT:

8. Any further discussion? The question is, shall the
9. Senate concur in House Amendment No. 5 to Senate Bill 1637?
10. Those in favor will vote Aye. Opposed will vote Nay. The
11. voting is open. Have all voted who wish? Take the record.
12. On that question the Ayes are 29, the Nays are 23. The Senate
13. does not concur in Amendment No. 5 to Senate Bill 1637 and the
14. Secretary will so inform the House. Senate Bill 1650, Senator
15. Bruce. We're getting close. All right. Senate Bill 1684,
16. Senator Brady. Senate Bill 7...no, 1935, Senator Hynes.
17. Senator Hynes.

18. SENATOR HYNES:

19. Excuse me. 1935, I would move that the Senate not
20. concur in House Amendments 1, 3, 4, 5, 10, 11, 12, and 16.

21. PRESIDENT:

22. Any discussion? Senator Hynes moves that the Senate
23. nonconcur in House Amendments numbered 1, 3, 4, 5, 10, 11, 12
24. and 16. All those in favor say Aye. Opposed Nay. The Ayes have
25. it. The motion carries and the Secretary shall so inform the
26. House. Senator Brady. Yes. Leave is granted to go back to
27. Senate Bill 1684. Senator Brady.

28. SENATOR BRADY:

29. I...Mr. President, I move that the Senate concur in House
30. Amendments No. 1 and 4 to Senate Bill 1684.

31. PRESIDENT:

32. ...further discussion? Senator Brady moves concurrence
33. with House Amendments numbered 1 and 4 to Senate Bill 1684.

1. All in favor will vote Aye. Opposed will vote Nay. The
2. voting is open. Have all voted who wish? Take the record.
3. On this question the Ayes are 48, the Nays are 1 with 4
4. Voting Present. The Senate does concur in House Amendments
5. numbered 1 and 4 to Senate Bill 1684 and the bill having received
6. the required constitutional majority, is declared passed.
7. Senator Rock, did you indicate you had some bills on 3rd you
8. wanted to come back to?

9. SENATOR ROCK:

10. Well, I...I have been informed that, as I said, 3222
11. I will call on Monday and I've been informed that 3652 and 53
12. also are not yet back from the printers. So, in deference
13. to the membership, I will hold those till Monday, too.

14. PRESIDENT:

15. Senator Mitchler.

16. SENATOR MITCHLER:

17. Mr. President and members of the Senate, I...like to
18. acknowledge on the Floor of the Senate, one of our colleagues
19. from the other rotunda, Representative Dave Jones who has had
20. very serious surgery in the hospital and it's nice to have him
21. back. He's a great legislator.

22. PRESIDENT:

23. He is indeed. On the order of House Bills on 3rd reading,
24. page three of your Calendar, House Bill 3629, Senator Sommer.
25. Read the bill. ...me. Is there leave to bring 3629 back to the
26. order of 2nd reading for the purpose of an amendment? Leave
27. is granted. House Bill 3629 is now on the order of 2nd reading.
28. Senator Sommer is recognized.

29. SENATOR SOMMER:

30. Mr. President and members...

31. SECRETARY:

32. Amendment No....Amendment No. 1 offered by Senator Sommer.

33. SENATOR SOMMER:

1. Mr. President and members, the amendment does the following,
2. it requires that this land be used for park recreational or
3. related purposes where the land comes back to the State of
4. Illinois. Secondly, it deletes the hold-harmless clause
5. that's in the bill that I don't think is necessary and, in fact,
6. the Park Board will not accept this land with that in there and
7. that's all it does.

8. PRESIDENT:

9. Senator Knuppel.

10. SENATOR KNUPPEL:

11. Well, I...I don't quite understand that. I've talked
12. to our staff with respect to taking out the save harmless. I
13. think...I think that probably it's implicit but I'm told by
14. our staff that...that the attorneys for the State believe that...
15. believe that this should be in there and I didn't realize that...
16. that there...that the Park District's willingness to accept
17. this was conditioned on that. I thought that the acceptance
18. had been absolute that they would prefer that it was out of there,
19. but as I say, I've been told by staff that the State lawyers
20. feel that that clause...that save harmless clause should be in
21. there. Now, I'm not much on this stuff but my mother taught
22. me when I was a little boy, you know, that you should never
23. look a gift horse in the mouth. I didn't know what that meant
24. but the farmers used to go around to sales, you know, and
25. they would turn the horse's head up and they'd twist his mouth
26. open so they could look at his teeth and see how old he was.
27. And that's the way they bid, they didn't want to buy a horse
28. that was more than smoothed mouth and his teeth were worn off.
29. And this looks to me like the Pekin Park Board who...who...
30. and the people who solicited this gift, much of which money
31. was just invested. Some of it was only invested two years
32. ago, are looking a gift horse in the mouth. Now, I didn't
33. introduce the bill. I haven't researched the law on it and I didn't

1. realize until this moment that the acceptance of the Park Board
2. was a conditional one. Now, that's what...what the status of it
3. is with this group. Now, maybe you'd like to take it out of
4. the record and discuss it further, but I didn't realize,
5. Senator Sommer, that the acceptance was a conditional one. Is
6. it a conditional one, absolutely unequivocally?

7. PRESIDENT:

8. Senator Sommer.

9. SENATOR SOMMER:

10. Senator Knuppel, I have discussed this with the Park
11. Board's lawyer. He brought it up at the Park Board meeting
12. where they made their acceptance and their acceptance to my
13. knowledge was conditional upon this going out. It's his...
14. it's his idea and I would also ask you if you can site an
15. example where the State would be liable for anything
16. particularly in the personal injury or tort line when the
17. Pekin Park Board has title. I don't think it does anything,
18. Senator, as you said.

19. PRESIDENT:

20. Senator Knuppel.

21. SENATOR KNUPPTEL:

22. Well, based on the message that I have from staff, I'd
23. like for...and Senator Sommer's and I have always gotten along
24. well. I see no reason that we can't talk about this, but this
25. is the first time that...that I thought the Park Board had
26. voted by a two to one margin that they would accept the property
27. of a lot of misgivings about the State buying property and giving
28. it away to either Senator Sommer's district or Senator
29. Vadalabene's district or the City of Chicago. We've been
30. giving a lot of property away over here and he even objects
31. when I want to sell it, Senator Sommer does, but we...we're
32. able to work things out, but I'd like to have it taken out
33. of the record until I get a chance to talk to you and to the
34. attorneys who apparently are advising our staff and say that

1. they want it in there and see if we can work anything out.
2. PRESIDENT:
3. Senator Sommer.
4. SENATOR SOMMER:
5. Well, Mr. President, I'm always happy to accommodate
6. my good friend, Senator Knuppel, and I'll be happy to take
7. it from the record.
8. PRESIDENT:
9. Take it out of the record. Senator Demuzio. Senator
10. Demuzio is recognized.
11. SENATOR DEMUZIO:
12. You have another amendment. Amendment No. 2.
13. PRESIDENT:
14. Well, inasmuch as it was taken out of the record, Senator,
15. it can't come up at this time. Point of personal privilege,
16. the Chair would like to introduce a Gentleman in the southwest
17. gallery who is a hard working State employee, Mr. Edward Bass and
18. his wife, Mrs. Bass who in on the Podium. Would they please
19. stand and be recognized by the Senate. Senator Rock, you
20. had an announcement.
21. SENATOR ROCK:
22. Yes, Mr. President, Ladies and Gentlemen of the Senate.
23. PRESIDENT:
24. May we have...may we...Senator Glass and others, may we
25. have your attention, this is something that everybody will want
26. to know about. Senator Rock.
27. SENATOR ROCK:
28. There has been some inquiry from the membership with
29. respect to the Conference Committee Reports and in an attempt
30. to work out some orderly type of procedure, I have caused to be
31. made up a list of those Conference Committee Reports that are
32. already filed with the Secretary which have, in fact, been
33. technically approved by both yourself and the Minority Leader.

1. Additionally, we have caused to have sixty copies made of
2. each report so my suggestion, Mr. President, is that we pass
3. out this list and ask the Secretary to pass out copies
4. of those Conference Committee Reports and, in fact, if any of
5. the membership wishes to move on those Conference Committee Reports
6. we can just wait a few minutes and give the membership a chance
7. to...to read the reports and then proceed.

8. PRESIDENT:

9. Thank you, Senator Rock and it is our firm intention
10. that whenever you vote on a Conference Committee Report, there
11. will be a copy of that report on your desk. Will the Secretary
12. and Sergeant-at-Arms make sure that they are now passed out,
13. please? Thank you. The Senate will be at ease for just
14. a few moments. Senator Hynes, could I see you a moment? See you
15. a moment. The Senate will come to order. On the order of
16. House Bills on 3rd reading, page three. House Bill 3377,
17. Senator Joyce.

18. SENATOR JOYCE:

19. Mr. President and members of the Senate, this is the
20. Mental Health Appropriations.

21. PRESIDENT:

22. Well, we'll read the bill, first.

23. SECRETARY:

24. House Bill 3377.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDENT:

28. Senator Joyce.

29. SENATOR JOYCE:

30. Yes, it has been brought to my attention that I believe
31. that the sooner we move this bill out and get it in a Conference
32. Committee, the better off we're going to be. It's...it's
33. not in real good shape right now. So...no, it's not. So,...okay

1. the bill...started at three hundred and ninety-five million and
2. we have cut 11.5 million and added Federal funds of two to
3. three million so any questions that I can answer, I'll be
4. glad to try.

5. PRESIDENT:

6. He's indicated it's going into a Conference Committee.
7. Is there any further discussion? The question is, shall
8. House Bill 3377 pass? Those in favor will vote Aye.
9. Opposed will vote Nay. The voting is open. Have all voted
10. who wish? Take the record. On that question, the Ayes
11. are 50, the Nays are 3 with no one...none Voting Present.
12. House Bill 3377 having received a constitutional majority,
13. is declared passed. Senator Berning.

14. SENATOR BERNING:

15. Thank you, Mr. President. Inasmuch as our normal
16. procedure is to accept or reject Conference Committee Reports
17. without our being able to express our feelings, interpretations,
18. and reactions to a given item, my question is this, in this
19. particular instance, will we have the opportunity to explore
20. a little more in depth than a perfunctory yes or no?

21. PRESIDENT:

22. I maybe don't understand your question, Senator, but
23. Conference Committee Reports are fully debatable.

24. SENATOR BERNING:

25. Thank you.

26. PRESIDENT:

27. Is there leave to go to the order of Senate Bills on
28. 3rd reading? Senate Bills on...leave is granted. Senate Bills
29. on 3rd reading. Senate Bill 1766 on page two of your Calendar.
30. Senator Lemke. Read the bill. Just a moment. Just a moment.
31. Senator Lemke. You want that bill? Okay. 1766. Read the bill.

32. SECRETARY:

33. Senate Bill 1766.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Lemke.

5. SENATOR LEMKE:

6. This is a bill to legalize something that people
7. are doing now and I ask for a favorable roll call.

8. PRESIDENT:

9. Any further discussion? Senator Glass.

10. SENATOR GLASS:

11. I wonder if the Senator would describe what it is that
12. is being legalized, Mr. President.

13. PRESIDENT:

14. Senator Lemke.

15. SENATOR LEMKE:

16. We're legalizing raffle and chances for civic, religious,
17. charitable, social, fraternal, scouting, labor, business. It's
18. a not-for-profit corporations which are charitable in aspects.
19. They use the money. They need it to...to function, to pay their
20. real estate taxes and also further their programs.

21. PRESIDENT:

22. Senator Glass.

23. SENATOR GLASS:

24. Well, Mr. President, Ladies and Gentlemen, I would
25. point out that this is another attempt to legalize another
26. form of gambling in the State...the State has been moving
27. far too much in that direction and I would strongly oppose
28. passage of this bill.

29. PRESIDENT:

30. Senator Mitchler.

31. SENATOR MITCHLER:

32. Mr. President and members of the Senate. I believe
33. many of you have been contacted by the representatives of many

1. of our civic, fraternal, veterans organizations and they
2. have expressed to you a desire to have this legislation.
3. Those persons contacting you, I do not believe, represent
4. the people of the State of Illinois and to what they're doing.
5. They're doing it with a special interest in mind. Stop
6. and think now of what we have in the State of Illinois and
7. what we would have if we turned Illinois into a Nevada.
8. We all know that there are raffles, there are chances, and
9. this type of thing goes on today. Some areas, they say, well,
10. the sheriff or the mayor comes in and he shuts them down. They
11. stop it, they don't allow it. Well, that's the feeling of the
12. people in that area. Now, I don't think that we, as a General
13. Assembly, should legalize this type of gambling in our civic,
14. fraternal, and veterans organizations. To do so would be no
15. problem with the legitimate civic, fraternal, veterans and
16. other organizations who would operate these gambling and chance
17. and raffles. But, there are not all the goodie goodies, and
18. you'd be opening up the State of Illinois into an area
19. that would be taking money from the people that can least afford
20. and that's not what you want to do. Because once you legalize
21. this, you open the door. And I'm going to ask you even in
22. defiance of the solicitation that you have had from those that
23. say they represent these organizations, I'm going to ask you
24. to give a negative vote on this and Senator Lemke, it's nothing
25. against you as sponsor of the bill. I know you're sincere
26. about it, but for the people of the State, I think it's a
27. direction in the wrong way.

28. PRESIDENT:

29. Senator Nimrod.

30. SENATOR NIMROD:

31. Yes, Mr. President and fellow Senators, this is the
32. bill...was heard in the Revenue Committee and there were several
33. questions that were brought up that I still feel are unanswered

1. and I would like to take this time here just to point out
2. a few of the things I think that we ought to be aware of
3. when we start to continue voting for this bill. First
4. of all, this bill would add overhead costs which presently
5. do not exist. If...example is, if a group wanted to hold
6. a raffle once a year they would have to spend fifty dollars
7. for a license, then contribute ten percent of their gross
8. proceeds to the State. The bill adds administrative costs
9. to the Department and I think it also, if we'd look at it,
10. it prohibits minors from being involved and it restricts
11. the conducting of raffles to one location, but I think that
12. particular provision was amended. This would mean, in fact,
13. that this bill is being passed for a specific purpose. It
14. eliminates the girl scouts and the boy scouts and the little
15. league from being involved in...in chances...in selling chances.
16. It formalizes and make it...makes it totally illegal for them
17. to conduct any chances and forces a crackdown by those agencies
18. to stop them from doing it. We are really putting the emphasis
19. into the wrong places in trying to attack this bill. This
20. bill did not have a chance to look in all the problems that
21. it presents. It's going to cost money for the Department. When
22. I asked them how much it would cost to make an inspection,
23. it cost them more money to make the inspection than it does to
24. license it, they said fifty dollars. Now, when they say it was
25. fifty dollars an inspection, you know it's got to end up to be
26. more than that. So, in fact, what we're doing is not really
27. providing any revenue for the State. We're taking away the
28. chance for the sale of this from the minors from the...from
29. the groups that we really are talking about helping and
30. we're providing this opportunity for some of the more professional
31. groups. I don't know and I'm not sure how far this goes and what
32. it legalizes, but I think this also introduces a means of
33. professionals getting into the whole game of chances. Certainly,

1. punchboards and all these others are going to become rampant...
2. be available under the guise of an individual. I think we...we
3. do not have to rush into this law. There's no immediate
4. emergency and I would hope that we would reject this law at this
5. time and ask that this bill be sent back to committee so we
6. have a chance to study it and a chance to look at these kind
7. of ramifications. It is unwise for us to take these steps. It
8. provides another means for gambling, inviting professionalism
9. into the whole field and on top of that, I think we are doing
10. a disservice to the service organizations, to are minors and certainly
11. we're introducing some legalizing gambling and I think we
12. are taking some very serious acts as far as I am personally
13. concerned and I think we're doing...taking some immoral actions.

14. PRESIDENT:

15. Any further discussion? Senator Lemke may close the
16. debate. Oh,...

17. SENATOR LEMKE:

18. I...

19. PRESIDENT:

20. ...pardon me, I'm sorry. Just a moment. Senator
21. Harber Hall. I'm sorry. Senator Hall. Harber Hall.

22. SENATOR HARBER HALL:

23. I was interested in the argument that Senator Nimrod
24. brought up and I'd just like to make a couple of remarks
25. about it. He suggested that we have plenty of time here to study
26. raffles and chances. I would like to remind the Body that in the
27. case of Bingo which was the first effort into gambling that
28. we made approximately six years ago, bingo had been introduced
29. so many times that the perennial sponsor of the bill was referred to
30. as "Bingo Bill." It finally did pass...get enough votes to pass
31. and since that time, we've put in the lottery, we've got parimutuel
32. betting at the State Fair, we've got mutual racing and I...I
33. just think that Senator Lemke ought to have...give us time enough

1. to study this and maybe in eight or ten or twenty years we
2. can refer to him as "Raffles Lemke". I...I think the bill
3. has had some trouble and somehow it's back before us again
4. here. Let's give it a couple more years and...and look at it then.

5. PRESIDENT:

6. Senator Hall, you're...just to keep the record straight,
7. policy passed over in the House...couple of days ago Senator
8. Davidson.

9. SENATOR DAVIDSON:

10. Just to keep the record straight, there is no
11. parimutuel betting at the State Fairgrounds.

12. PRESIDENT:

13. Any further discussion? Senator Lemke may close
14. the debate.

15. SENATOR LEMKE:

16. I heard statements that those people that have contacted people
17. that don't speak for their organizations, it's my understanding
18. the VFW has adopted this in the State convention as one
19. of their major things, so I think those people that contacted you
20. from the VFW...and I understand that the American Legion
21. is also adopting it, the Moose, the Elks, and most of the groups
22. including any fraternal organization down to the Shriners.
23. We're doing this to...we're doing this to a basis to raise
24. charitable funds and we're asking for it. Now, you heard about
25. a couple years, this bill has been introduced several years.
26. It's been introduced at the same time the first bingo bill
27. was introduced and those bills were introduced over twenty
28. years ago by Representative Fary so...and Representative Murphy
29. and Janczak and was brought over here by Howard Mohr in the
30. Senate and bingo was passed. But, the raffles bill was also
31. introduced and has been studied and the Department has amended
32. the bill to correct the administrative problems with it and I
33. think it's a good bill and I think it's a bill that will help

1. charities, it will help people and besides all the proceeds
2. from this bill will go into the common school fund and therefore
3. will help our school children. I ask for a favorable vote.

4. PRESIDENT:

5. The question is, shall Senate Bill 1766 pass? Those in
6. favor will vote Aye. Opposed Nay. The voting is open.
7. Have all voted who wish? Take the record. Postponed Consideration
8. is requested. Place the bill on Postponed Consideration.
9. For what purpose does Senator Philip arise?

10. SENATOR PHILIP:

11. Thank you, Mr. President. Perhaps somebody overlooked
12. a bill before that. If we're on that place on the Calendar.
13. I...

14. PRESIDENT:

15. No, no one overlooked it. It was called prior to your
16. arrival. You desire to call it? Fine. Read the bill, 1749.

17. ACTING SECRETARY: (MR. FERNANDES)

18. Senate Bill 1749.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDENT:

22. Post 1749, Mr. Secretary. Senator Philip.

23. SENATOR PHILIP:

24. Thank you, Mr. President, Ladies and Gentlemen of the
25. Senate. Senate Bill 1749 as amended, would set up a commission
26. for brokers, well, let me...let me say this, that as you're probably
27. aware, when a company gets assigned to a risk pool, there is no
28. commission for a broker of that insurance, so consequently, there is
29. not much service in regard to that insurance. What this bill does
30. is set up a commission, eight percent up to a thousand dollars,
31. six percent up to four thousand dollars, four percent for the
32. next ninety-five thousand and two percent everything exceeding
33. a hundred thousand dollars. Be happy to answer any questions
34. and I ask for your favorable consideration.

1. PRESIDENT:

2. Any further discussion? Question is, shall Senate
3. Bill 1749 pass? Those in favor will vote Aye. Opposed will
4. vote Nay. The voting is open. Have all voted who wish?
5. Take the record. On that question the Ayes are 43, the Nays
6. are 2 with 7 Voting Present. Senate Bill 1749 having
7. received a constitutional majority, is declared passed.
8. Senator Savickas, do you desire to call 2014? Senator Bruce,
9. 1650, you want to deal with? On the Order of Concurrences
10. on the Secretary's Desk, page seven of your Calendar,
11. Senate Bill 1650, Senator Bruce.

12. SENATOR BRUCE:

13. Yes, Mr. President, I would move that the Senate
14. nonconcur in House Amendments numbered 2 and 4. Number 2
15. changes the formula which passed out of the Senate relative
16. to payment of junior colleges for reimbursement for various
17. courses offered. Number 4 adds the, what was known last year,
18. as the Catania Amendment relative to FEPC. I would move that
19. we nonconcur in Amendments Number 2 and 4.

20. PRESIDENT:

21. Senator Bruce moves to nonconcur in House Amendments
22. numbered 2 and 4 to Senate Bill 1650. All those in favor
23. say Aye. Opposed Nay. The Ayes have it. The motion carries
24. and the Secretary shall so inform the House. Are there any other
25. bills that any member desires to call? Senator Harber Hall.

26. SENATOR HARBER HALL:

27. Mr. President, I have on the Secretary's Desk a Joint
28. Senate Resolution. If you could call it sometime today, I'd
29. appreciate it.

30. PRESIDENT:

31. Oh, this is one that is not yet on the Calendar, is that
32. correct, and you want to offer a resolution?

33. SENATOR HARBER HALL:

1. Yes.

2. PRESIDENT:

3. Senator Rock.

4. SENATOR ROCK:

5. I presume this is the resolution...joint resolution
6. which would call for the Congress of the United States to
7. have a Constitutional Convention. Is that the one you're...

8. PRESIDENT:

9. Senator Harber Hall.

10. SENATOR HARBUR HALL:

11. Yes, to either call a Constitutional Convention, or
12. to present to the states a Constitutional Amendment that would
13. prohibit deficit spending except for emergency situations.

14. PRESIDENT:

15. Senator Rock.

16. SENATOR ROCK:

17. Well, I...I...I presume that the...he certainly has the
18. right to introduce the resolution and have it read or whatever,
19. but if we're going to try...if he intends to try to move it
20. without reference to committee, at that point, I'm going to
21. interpose an objection. I am in full and complete sympathy
22. with the idea and I, too, have spoken with...this movement is...
23. is being helped along by the National Taxpayers Union and in
24. particular, a member of the State Senate from the State of
25. Maryland, with whom I have spoken on numerous occasions. He's
26. called me at my home, as a matter-of-fact. I am in sympathy
27. with the idea that we should obviously have the Congress get to
28. a balanced budget. The problem that I have with it personally
29. is that if, in fact, enough states adopt this kind of a resolution,
30. Congress has no choice but to call for a Constitutional Convention.
31. And I just think that the expense of that kind of a convention
32. without some serious thought on our part, would warrant certainly
33. some hearings by the Committee on Executive.

1. PRESIDENT:

2. Well, Senator Harber Hall has indicated he expects it
3. to go to Executive, is that right, Senator? Senator Harber
4. Hall.

5. SENATOR HARBER HALL:

6. Yes, that's very true, Mr. President. I have talked to the
7. Majority Leader about this and what he has stated, he has
8. privately stated to me and to some extent I agree with him.
9. I have no intention to moving the resolution, but I would like
10. to suggest that the Executive Committee sometime between now
11. and some later Fall Session might have a hearing on this
12. matter. I can tell the Body that today, at least nine states
13. have passed a similar resolution, almost identical resolution
14. that would qualify for a Constitutional Convention. Other
15. states have passed resolutions that do not go as far as this one,
16. but I think it's incumbent because of the statement in the Federal
17. Constitution that provides for calling Constitutional Conventions
18. that this Body, this General Assembly in Illinois and every
19. other state has an obligation to point out that if there is such
20. a need, and I believe there is, then we should be doing something
21. about it. There is a national program underway to tell the
22. Congress by way of the State General Assemblies that the people
23. are concerned about continued deficit spending. We have had
24. deficit spending in every single year since 1969. That
25. was the last year that we have had a balanced budget and the...
26. furthermore, the extent of the annual deficits is rapidly
27. increasing.

28. PRESIDENT:

29. Senator, I...I think probably that this is out of order.
30. You are introducing the resolution.

31. SENATOR HARBER HALL:

32. Yes, Sir.

33. PRESIDENT:

1. And...resolution could be read by title and then
2. referred to Executive.

3. SENATOR HARBER HALL:
4. Yes, thank you, Mr. President. I accede to your
5. suggestion that I am out of order in discussing the problem.

6. PRESIDENT:
7. Read the resolution.

8. SECRETARY:
9. Senate Joint Resolution 81, introduced by Senator
10. Harber Hall and many other Senators...

11. PRESIDENT:
12. Executive. Senator Wooten.

13. SENATOR WOOTEN:
14. Mr. President, I would seek leave of the Body to have
15. my name withdrawn as a sponsor of that resolution. I think
16. I owe Senator Hall an explanation that when I looked over this
17. very hastily I agreed with the intent of it, I'm afraid I did
18. not notice that it called for the convening of a Constitutional
19. Convention which I oppose.

20. PRESIDENT:
21. Is leave given to Senator Wooten to withdraw his
22. name as a sponsor? Leave is given. Senator Dougherty.

23. SENATOR DOUGHERTY:
24. Mr. President, members of the Senate. House Joint
25. Resolution No. 43 sponsored by Senator...Representative Giglio,
26. he has requested me to handle this resolution. What would be
27. the action on this, Sir?

28. PRESIDENT:
29. Where is that, Senator, on the...

30. SENATOR DOUGHERTY:
31. On page seven, underneath..right underneath the...

32. PRESIDENT:
33. Oh, yes. House Joint Resolution 43, Senator Dougherty

1. will be shown from this point forward as the sponsor.

2. SENATOR DOUGHERTY:

3. Will there be...may I ask, will there be a...action on

4. this...on that at this time?

5. PRESIDENT:

6. Well, are you asking for the suspension of the rules for

7. the immediate consideration of it?

8. SENATOR DOUGHERTY:

9. I am.

10. PRESIDENT:

11. Senator Dougherty seeks...moves to suspend the rules

12. for the immediate consideration of House Joint Resolution 43.

13. All in favor will say Aye. Opposed Nay. The rules are suspended.

14. Senator Dougherty.

15. SENATOR DOUGHERTY:

16. Now, may I ask to have Senator Nudelman explain this

17. resolution since he's a lawyer and I am not? Senator Nudelman.

18. PRESIDENT:

19. Senator Nudelman. You've done pretty well over the years,

20. Senator, not being a lawyer, but go ahead. Senator Nudleman.

21. Senator Rock.

22. SENATOR ROCK:

23. Excuse me, Senator. Is this HJR 43?

24. PRESIDENT:

25. Yes.

26. SENATOR ROCK:

27. Well, it's the same as the one Senator Hall...Harber Hall

28. is introducing as I read the book.

29. PRESIDENT:

30. No, I don't think so. This is on the Calendar on page

31. seven, House Joint Resolution 43, offered by Representative Giglio,

32. relates to permitted witnesses under Federal law and before

33. grand juries, et cetera. Senator Rock.

1. SENATOR ROCK:

2. I...I'm reading from the Digest at page twelve
3. hundred and sixty-six. Well, maybe...maybe that is...maybe that
4. is correct. That may be the Constitutional Amendment Section.
5. If you look at page twelve sixty-six it shows Totten states
6. the General Assembly make application to the Congress to call
7. a convention.

8. PRESIDENT:

9. Well, I think twelve fifty-one is a page that divides
10. that resolution. Twelve fifty-one...House Joint Resolutions
11. and Constitutional Amendments and I think there is a separate
12. section for House Joint Resolutions period. Well, no.
13. Just a...just a moment. I think there is.

14. SENATOR ROCK:

15. Yes, you are correct. It's...it would be...it would show
16. on the Digest at page twelve eighty, of Volume Two.

17. PRESIDENT:

18. That's correct.

19. SENATOR ROCK:

20. All right, I apologize for the interruption, Senator...

21. PRESIDENT:

22. That's quite all right,...

23. SENATOR ROCK:

24. ...Nudelman.

25. PRESIDENT:

26. ...Senator, we appreciate your alertness. Senator
27. Nudleman.

28. SENATOR NUDLEMAN:

29. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
30. House Joint Resolution 43 is simple and is contained in one line,
31. "Be it resolved by the House of Representatives, et cetera,
32. that we memorialize the Congress of the United States to amend
33. the Federal laws to permit witnesses to be represented by and to
34. consult with council in the Grand Jury Room while the witness is

1. giving testimony before the Grand Jury." That's the summon
2. substance of the resolution. As you will recall, during the
3. calendar year 1975, we had a goodly number of Grand Jury
4. bills here relating to the Statutes of the State of Illinois
5. and we broadened the protection given people who appear before
6. the Grand Jury so that now the Statute of Illinois reads as
7. follows: "Any person subpoenaed who is already charged with
8. an offense or against whom the State's Attorney is seeking a
9. bill of indictment, shall have the right to be accompanied
10. by counsel who shall advise him of his rights during the
11. proceedings but may not participate in any other way before
12. any testimony is given by such a person, et cetera." Now,
13. the...the practice, at least, in...in our district of the
14. Federal Court is that when a witness is invited or subpoenaed
15. before the Grand Jury, he is allowed to bring a lawyer with him.
16. The practice is that the lawyer sits outside the Grand Jury
17. Room. A question is asked of the witness, and if his lawyer is
18. sufficiently sophisticated and if the witness is sufficiently
19. sophisticated, the witness writes down the question, respectfully
20. asks permission to consult with his lawyer. This is granted.
21. The witness goes out of the Grand Jury Room, consults with
22. his lawyer and comes back and answers the question or invokes
23. his fifth amendment rights. I think a much simpler and substant...
24. a...a...a simpler procedure and there would be a substantive
25. change, but it would add to the right and dignity of the proceeding
26. if that type of a witness were permitted to have his lawyer
27. sit in with him to consult with him to the extent that it is
28. permitted in...by our legislation in the State of Illinois and I
29. would urge your favorable consideration of this resolution and
30. will be, of course, willing to answer any questions.

31. PRESIDENT:

32. Any further discussion? The motion is to immediately
33. adopt House Joint Resolution 43. All in favor say Aye. Opposed
34. Nay. The Ayes have it. The resolution is adopted. Yes, Senator

1. D'Arco.

2. SENATOR D'ARCO:

3. I have a motion on the Order of Motions, to take
4. House Bill 3138 from the Table and placed on the order of
5. 2nd reading.

6. PRESIDENT:

7. Any discussion? All in favor say Aye. Opposed Nay.
8. The Ayes have it. The motion carries. Senator...Senator
9. Don Moore.

10. SENATOR MOORE:

11. Yes, Mr. President, I have a motion, also, one...the
12. same one that I presented a few days ago relative to discharging
13. the Committee on Assignment of Bills from further consideration
14. of House Bill 3420 known as the "Brian Duff only bill of the
15. Session." Senator Carroll has got a copy of the...of the proposal
16. of what this bill does. It implements Article I, Section 7
17. of the Constitution. Its coming about as a result of...of the
18. People versus Howell case where the Illinois Supreme Court
19. stated that a remedy was required for a failure of the court
20. would not fashion one insofar as preliminary hearings are
21. concerned. It's not a bill of great emergency, I will admit,
22. but it is a matter of implementation and I would appreciate
23. having the Committee on Assignment of Bills discharge having the
24. bill read a first time and placed on the Calendar.

25. PRESIDENT:

26. Senator Rock. Senator Carroll. Senator Carroll.

27. SENATOR CARROLL:

28. Thank you, Mr. President. I would join Senator Don
29. Moore in his motion to take the bill out of the Committee on
30. Assignment of Bills. The Supreme Court has seem to indicate
31. that we must take some type of action and this would be the
32. appropriate type of bill.

33. PRESIDENT:

34. You've heard the motion. All in favor say Aye. Opposed

1. Nay. The Ayes have it. The motion carries. Senator
2. D'Arco.
3. SENATOR D'ARCO:
4. I...if it's permissible, I...
5. PRESIDENT:
6. Pardon me, one...one moment. Let me finish this. Senator
7. Don Moore.
8. SENATOR MOORE:
9. Yes, when the bill comes out, could we have it read
10. the first time, and placed on the Calendar, Mr. President.
11. PRESIDENT:
12. Yes, please send for the bill. It has already has
13. already been read a first time. Yes. Wait just a moment.
14. Having voted...will someone make a motion that having voted
15. on the prevailing side, Senator Wooten makes a motion of having
16. voted on the same...on the prevailing side of the motion that
17. just carried, to reconsider it. All in favor say Aye. Opposed
18. Nay. Now, state the motion to discharge it, not from Assignment
19. of Bills, but from Rules, I think that's what we should do.
20. SENATOR MOORE:
21. I, now, move to discharge the Committee on Rules from
22. further consideration of House Bill 3420 and have it read
23. for a first time.
24. PRESIDENT:
25. And placed on the order of 2nd reading.
26. SENATOR MOORE:
27. And placed...that is correct.
28. PRESIDENT:
29. You heard the motion. All in favor say Aye. Opposed
30. Nay. The Ayes have it. The bill is now on the order of 2nd reading.
31. It will be on 2nd reading. We'll give leave to read it when
32. it comes out physically. Is leave granted? Leave is granted.
33. Senator D'Arco.

1. SENATOR D'ARCO:
2. Mr. President, in reference to the motion I just made,
3. as regard to House Bill 3138, I...would it be permissible to have
4. it read a 2nd time for purposes of adding some amendments to
5. it? I have one amendment that I would like to add to the bill.
6. PRESIDENT:
7. Is leave granted? Leave is granted.
8. SENATOR D'ARCO:
9. Mr. President...
10. PRESIDENT:
11. In intervening period, Senator Regner, do you desire
12. recognition?
13. SENATOR REGNER:
14. Yes, Mr. President, on the Secretary's Desk Concurrence,
15. there's House Joint Resolution 38. I'd like to be shown
16. as the cosponsor of that bill and then be recognized to make
17. a motion.
18. PRESIDENT:
19. Is leave granted? Leave is granted. Senator Regner
20. is shown as cosponsor. For what purpose does Senator Bell
21. arise?
22. SENATOR BELL:
23. Yeah, Mr. President, I filed a Motion in Writing yesterday
24. in reference to House Bill 927...
25. PRESIDENT:
26. Well, just...hold that just a moment, Senator. We'd
27. like to finish what we're doing with House Joint Resolution
28. 38. Senator Regner has not completed his series of motions.
29. Senator Regner.
30. SENATOR REGNER:
31. I would now like to move to re-refer House Joint Resolution
32. 38 to the Executive Committee.
33. PRESIDENT:

1. Is leave granted? Leave is granted. Now, Senator
2. Bell.
3. SENATOR BELL:
4. Yes, I'd like to move that the Commission...or the Committee
5. on Rules be discharged from further consideration of House
6. Bill 927 and that the bill be read a first time and advanced
7. to 2nd reading without reference to committee.
8. PRESIDENT:
9. Is there any indication of what the bill does, Senator?
10. SENATOR BELL:
11. Yes, this is a bill that amends unified code of corrections,
12. provides that consecutive sentences may be served consecutively,
13. that is, the offender must complete service of the prison term
14. of the first sentence of all the sentences opposed against him
15. to run consecutively prior to his starting service of the second
16. sentence so imposed, an so forth until a...all such sentences
17. have been served. Creates the institutional parole as a bridge
18. between the services of consecutive sentences and requires
19. such parole to be served under the custody of the Department
20. of Corrections and that each consecutive sentence be discharged
21. after the term of institution parole applicable thereto
22. has been served. Mr....
23. PRESIDENT:
24. Senator, just...just one question. Is this the bill
25. that was introduced in March of 1975 and the bill that you have
26. been before the Rules Committee on two or three occasions concerning?
27. SENATOR BELL:
28. Well,....
29. PRESIDENT:
30. I just want to know if that's the same one.
31. SENATOR BELL:
32. Yes.
33. PRESIDENT:
34. Fine. Senator Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President. Your observation is quite
3. correct. The Digest does indicate March 21, 1975, introduction.
4. Additionally, I might point out that the administration
5. caused to be introduced both in the Senate and the House
6. some lengthy proposals with respect to sentencing and serving
7. of sentences and I'm told that yesterday the House Judiciary
8. Committee issued a report calling for further study and
9. further hearings on those recommendations. This would
10. fit in that category and I think it properly reposes in the
11. Rules Committee and therefore, I would object to the motion.

12. PRESIDENT:

13. Any further discussion? Senator Roe.

14. SENATOR ROE:

15. Mr. President, I...I do think that Senator Bell has
16. a bill here that is worthy of some discussion. I don't think
17. we probably would be able to discuss it since there probably
18. wouldn't be another committee meeting this year and I would
19. support his motion. One of the real difficulties in the area
20. of Corrections is the parole procedure and I think that
21. when we're talking about consecutive sentences being given,
22. we're talking about very serious crimes and I would support
23. his motion.

24. PRESIDENT:

25. Senator Rock.

26. SENATOR ROCK:

27. Well, I...I'm still in opposition to the motion.

28. PRESIDENT:

29. Senator Bell moves to suspend the rules for the immediate
30. consideration...no, no, pardon me. To discharge from the Committee
31. on Rules, House Bill 927. All in favor will say Aye. Opposed
32. Nay. In the opinion of the Chair, the Nays have it. A roll
33. call is requested. Takes thirty votes. The question is, shall

1. House Bill 927 be discharged from the Committee on Rules?
2. All in favor will vote Aye. Opposed will vote Nay. The
3. voting is open. Have all voted who wish? Take the record.
4. On this question the Ayes are 23, the Nays are 22. The motion
5. fails. Just a moment. I had...Senator Davidson is next.
6. Senator Davidson.
7. SENATOR DAVIDSON:
8. Mr. President, on...on the Secretary's Desk is
9. House Joint Resolution 107. Representative Mudd sponsored
10. by myself over here congratulates the four womens group for...
11. PRESIDENT:
12. Page six.
13. SENATOR DAVIDSON:
14. ...volunteers. Move the adoption of the Joint Resolution
15. No. 107.
16. PRESIDENT:
17. Any discussion? We are on HJR 107 on page six on the
18. Secretary's Desk. Senator Davidson moves to suspend the rules
19. for the immediate consideration of House Joint Resolution 107.
20. All in favor will say Aye. Opposed Nay. The rules are suspended.
21. Senator Davidson now moves for the immediate adoption of House
22. Joint Resolution 107. All in favor will say Aye. Opposed
23. Nay. The Ayes have it. House Joint Resolution 107 is adopted.
24. Senator Nimrod.
25. SENATOR NIMROD:
26. Yes, Mr. President, yesterday I filed a Motion in Writing
27. in reference to House Bill 3930. I spoke to Senator Carroll
28. about this. He had agreed to bring the bill back for amendments.
29. There were several amendments put on it and I said I just want
30. a chance to go over and read them. And I seek leave to carry it
31. over till tomorrow till we have a chance to...to look at that.
32. PRESIDENT:
33. Is leave granted? Leave is granted. Senator D'Arco.

1. SENATOR D'ARCO:
2. Mr. President, can I get 3130 read a second time
3. for purposes of an amendment?
4. PRESIDENT:
5. Is the bill in the physical possession of the Secretary?
6. Read the bill.
7. SECRETARY:
8. House Bill 31...
9. PRESIDENT:
10. Senator Rock.
11. SECRETARY:
12. ...38.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. PRESIDENT:
16. 2nd reading of the bill. Right? 2nd reading of the bill.
17. Yes. Let the record show that was the 2nd reading of the bill.
18. SECRETARY:
19. 2nd reading of the bill.
20. PRESIDENT:
21. Are amendments offered?
22. SECRETARY:
23. Amendment No. 1 offered by Senator D'Arco.
24. PRESIDENT:
25. Senator D'Arco.
26. SENATOR D'ARCO:
27. Amendment No. 1 defines the word "hospital" so that
28. it does not include any community clinic or outpatient facility
29. and will include only residential facilities and treatment
30. facilities for inpatients. And it also defines the word
31. "patient" to mean "only a person who is an inpatient or resident
32. of a hospital, not an outpatient or client seen solely for
33. periodic consultation. I would move for the adoption of Amendment

1. No. 1.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Any discussion? Senator D'Arco moves the adoption

4. of Amendment No. 1 to House Bill 3138. All those in favor

5. signify by saying Aye. All those opposed. The Ayes have it.

6. The amendment is adopted. Any further amendments?

7. SECRETARY:

8. No further amendments.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. 3rd reading. Senator Glass, for what purpose do you

11. arise?

12. SENATOR GLASS:

13. Mr. President, for purposes of requesting to call House

14. Joint Resolution 104 which is on the Secretary's Desk.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. That request is in order. On the Order of the Secretary's

17. Desk. House Joint Resolution 104. Do you wish the resolution

18. read or do you...Senator Glass.

19. SENATOR GLASS:

20. Mr. President, I wish the resolution read. I would

21. like to move for waiver of the appropriate rules and immediate

22. consideration of the resolution.

23. PRESIDENT:

24. Well, yeah, I don't ...I don't think that motion is necessary. It is

25. on the Calendar. It is before us if we're on that order of

26. business. Is leave granted to go to that order of business?

27. Leave is granted. Read the resolution, Mr. Secretary.

28. SECRETARY:

29. House Joint Resolution 104.

30. (Secretary reads HJR 104)

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Glass.

33. SENATOR GLASS:

1. Thank you, Mr. President. This is a resolution calling
2. for the formation of a Medical Malpractice Study Commission
3. sponsored by Representative Washington, Chairman of the
4. Judiciary Committee in the House and I would move for its
5. adoption.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Is there any discussion? Senator Demuzio.

8. SENATOR DEMUZIO:

9. Will the sponsor yield to a question?

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Indicates he will yield. Senator Demuzio.

12. SENATOR DEMUZIO:

13. Senator Glass, I was under the impression that there
14. was already a commission in existence during the debate on
15. the medical malpractice bills this past Session. There was...
16. this past week there was many references made to such commission.
17. Could you explain the difference?

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Glass.

20. SENATOR GLASS:

21. I...I can, Senator Demuzio, I think. Senator Lane has
22. my only copy of the resolution, but I...if you will recall
23. Senator McCarthy, in the debate, did mention that the commission
24. in existence now is composed primarily of public members and
25. there weren't enough legislators involved and Senator Lane can
26. correct me if I'm wrong, but I believe this commission is
27. primarily made up of legislative members, so that would be one
28. of the main differences.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Any further discussion? Senator Schaffer.

31. SENATOR SCHAFFER:

32. Senator Glass?

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Indicates he will yield. Senator Schaffer.

2. SENATOR SCHAFFER:

3. How many doctors are there in the legislature?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Glass.

6. SENATOR GLASS:

7. I only know of Doctor Partee and Doctor Davidson.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Schaffer.

10. SENATOR SCHAFFER:

11. Senator Glass, how many lawyers are there in the legislature?

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Glass.

14. SENATOR GLASS:

15. I'll have to ask my council, Senator Merritt, that,

16. Senator Schaffer.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. In the opinion...in the opinion of the Chair, not enough,

19. but, Senator Schaffer.

20. SENATOR SCHAFFER:

21. I would suggest to you that the makeup of...of this particular

22. committee could be somewhat skewered?

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Well, I think Senator Partee's got a suggestion.

27. I've voted against so many Judicial pay raises, you know, and

28. I walked by his desk one day and he said, "John, aren't you

29. a lawyer?" and I said, "Well, I thought I was." And he said,

30. "What are you going to do when you get out of here, practice

31. medicine?" Maybe you could put me on there.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. All right. Any further discussion? Senator Glass.

1. All those in favor of the adoption of House Joint Resolution
2. 104 indicate by saying Aye. All those opposed. The Ayes have it.
3. The resolution is adopted. Senator Mitchler, for what purpose
4. do you arise?

5. SENATOR MITCHLER:

6. Mr. President, I rise to make a motion. I would...

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Well, we're...we're not on that order, yet. I...I will...
9. I will certainly recognize you. Anybody else have anything
10. on the Secretary's Desk on that order? Senator Ozinga.

11. SENATOR OZINGA:

12. I have asked to be classed as a sponsor of House Joint
13. Resolution No. 103 and will invite any other Senators
14. that want to be on this resolution. All that this resolution
15. does is to ask the Governor to proclaim the period of time,
16. October 3rd to 10th as a Respect Life Week. I would ask
17. that this resolution be heard and the necessary motions
18. to adopt this thing.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. All right. Any discussion on the adoption of House
21. Joint Resolution 103? Senator Ozinga moves the adoption of
22. House Joint Resolution 103. All those in favor signify by saying
23. Aye. All those opposed. The Ayes have it. The resolution is
24. adopted. Senator Lane.

25. SENATOR LANE:

26. Thank you, Mr. President and members of the Senate.
27. I'd like to be shown as a cosponsor of 103.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Show Senator Lane, Senator Rock, Senator Egan, Senator
30. Hynes, Senator Kosinski, Senator Vadalabene, Senator Dougherty,
31. Senator Demuzio, Senator Hall, Harber H. Do all...yes, all
32. right. Leave has been asked to show all members. No, Senator
33. Nudelman does not wish to be shown. Senator Nudelman, for what

1. purpose do you arise?

2. SENATOR NUDELMAN:

3. I have no particular objection to that resolution,
4. but I think we should understand that it is probably, and I
5. haven't read it, a...an anti-abortion type resolution which
6. is okay, but I think that should be known and I don't want to
7. particularly be...oh, I'm sure it is.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. All right. Hold it now. Hold it now. Leave has
10. been denied to show all members. So, I'm going to suggest that
11. those who wish to be shown as cosponsors, come and see the
12. Secretary and indicate your desire. Show Senator Rock, Senator
13. Lane as a cosponsor, Senator Dougherty, Senator Hynes,
14. Senator Egan, Senator Kenneth Hall, Senator Shapiro, Senator
15. Vadalabene, Senator Kosinski, Senator Demuzio, Senator Bell,
16. Senator Nimrod, Senator Merritt, Senator Harber Hall, Senator
17. Don Moore, Senator Berning, Senator Mitchler, Senator
18. Davidson, Senator Knuppel, Senator McCarthy. All right.
19. Does Anybody else have anything on the Secretary's Desk on
20. this order? Senator Nudelman.

21. SENATOR NUDELMAN:

22. Thank you, Mr. President, I would like to be shown
23. as co-Senate sponsor with Senator Dougherty on House Joint
24. Resolution 43 which passed a few moments ago.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is leave granted? Leave is granted. Show Senator
27. Nudleman. Senator Graham, for what purpose do you arise?

28. SENATOR GRAHAM:

29. On a point of personal privilege, Mr. President and members of
30. the Senate...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. ...State your point.

33. SENATOR GRAHAM:

34. I'd like to introduce the two "M" girls that are sitting
35. in the gallery to the Senate today. We have Mary Weaver and Mrs.

1. Merritt. Will you gals that seldomly visit and honor and grace
2. us with their presence, if you gals stand and be recognized...
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Will our guests please stand and be recognized.
5. Senator Schaffer, on this order. Senator Schaffer.
6. SENATOR SCHAFFER:
7. Mr. President, there is on the Secretary's Desk a
8. resolution cosponsored by myself and yourself addressing itself
9. to the size of the Comprehensive Health Coordinating Council.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Well, my suggestion with that is that we introduce
12. it and have it read and then we'll put it on the Secretary's
13. Desk.
14. SENATOR SCHAFFER:
15. Yes.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Okay.
18. SENATOR SCHAFFER:
19. Why don't we...if we could do that...
20. PRESIDING OFFICER: (SENATOR ROCK)
21. We'll...we'll...
22. SENATOR SCHAFFER:
23. ...that would be fine.
24. PRESIDING OFFICER: (SENATOR ROCK)
25. ...get to the...get to the order of resolutions momentarily.
26. Senator Partee.
27. SENATOR PARTEE:
28. Just wanted to indicate that Senator Demuzio is ready
29. with that one bill, when we get to that. Conservation.
30. PRESIDING OFFICER: (SENATOR ROCK)
31. All right. Fine. House Bills on 1st reading. Read that
32. bill, Mr. Secretary.
33. SECRETARY:
34. House Bill 3420.

1. (Secretary reads title of bill)

2. 1st reading of the bill.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. 2nd reading. All right. On the order of House

5. Bills on 3rd reading. Is there leave to go back to that

6. order for the purpose of taking 3403? We're not on the

7. order of motions yet. We will certainly get there momentarily.

8. On the order of House Bills on 3rd reading is House Bill

9. 3403. Read the bill, Mr. Secretary. I beg your pardon.

10. Senator Demuzio.

11. SENATOR DEMUZIO:

12. This is the appropriation bill for the Department

13. of Conservation. There are a couple of amendments that I've

14. placed on the Secretary's Desk. The first amendment...

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Well, Senator Demuzio asks leave to bring the bill

17. back to the order of 2nd reading for the purpose of amendment.

18. Is leave granted? Leave is granted. On the order of House

19. Bills on 2nd reading, House Bill 3403. Amendments from the

20. Floor, Mr. Secretary.

21. SECRETARY:

22. Amendment No. 7 offered by Senator Demuzio.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Demuzio.

25. SENATOR DEMUZIO:

26. Well, I think, Mr. Secretary, Amendment No. 7 is that

27. amendment...is that the long one?

28. SECRETARY:

29. Yes, that...

30. SENATOR DEMUZIO:

31. All right. The long one...this long amendment is the one

32. that...it's a technical amendment. It corrects the problem

33. that we had with the Enrolling and Embossing Department.

1. It puts the bill in the...Enrolling and Engrossing...it
2. puts the amendment in the same posture that it...that it should
3. have come over from the House in. I'd ask...move for the
4. adoption of the amendment.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any discussion? Senator Demuzio moves the adoption
7. of Amendment No. 7 to House Bill 3403. All those in favor
8. signify by saying Aye. All those opposed. The Ayes have it.
9. The amendment is adopted. Further amendments?

10. SECRETARY:

11. Amendment No. 8 offered by Senator Demuzio.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Demuzio.

14. SENATOR DEMUZIO:

15. Amendment No. 8 is sort of a corrective amendment to
16. number 7. It's simply...rather than...spelling out the
17. projects individually, it's a collective figure of seventy-
18. five thousand dollars. There is no additional money involved.
19. I move for the adoption of the amendment.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Demuzio moves...any discussion? Senator Demuzio
22. moves the adoption of Amendment No. 8 to House Bill 3403.
23. All those in favor signify by saying Aye. All those opposed.
24. The Ayes have it. The amendment is adopted. Further amendments?

25. SECRETARY:

26. No further amendments.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. 3rd reading. You wish...we wish to get back to that,
29. Senator Demuzio? We'll need some intervening business.
30. Resolutions. Resolutions.

31. SECRETARY:

32. Senate Resolution...

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Hold it, Mr. Secretary. Senator Philip, for what
2. purpose do you arise?
3. SENATOR PHILIP:
4. Thank you, Mr. President. A point of personal
5. privilege.
6. PRESIDING OFFICER: (SENATOR ROCK)
7. State your point, Sir.
8. SENATOR PHILIP:
9. In the...in the President's Gallery to the east,
10. sits Senator Harris Fawell's lovely, charming wife Ruth.
11. I wish you would please rise and be recognized by the Senate.
12. PRESIDING OFFICER: (SENATOR ROCK)
13. Mrs. Fawell stand and be recognized. All right. Resolutions.
14. SECRETARY:
15. House Resolution 408, introduced by Senator Schaffer,
16. Rock, and Brady. It's relative to Statewide Health Coordinating
17. Council.
18. PRESIDENT:
19. Secretary's Desk. All right. Back to the order of
20. House Bills on 3rd reading...on the order of House Bills
21. 3rd reading is House Bill 3403. Read the bill, Mr. Secretary.
22. SECRETARY:
23. House Bill 3403.
24. (Secretary reads title of bill)
25. 3rd reading of the bill.
26. PRESIDING OFFICER: (SENATOR ROCK)
27. Senator Demuzio.
28. SENATOR DEMUZIO:
29. Thank you Mr. President and members of the Senate.
30. This is the appropriation for the Department of Conservation
31. and it has had a great deal of surgery. I think we reduced
32. the appropriation by somewhere in the area of around over...a little
33. over eight million dollars. Senator Palmer is about to ask what the

1. total appropriation is and I'm about to tell him that I...that
2. I don't know at this point because there have been so many
3. amendments, Senator Palmer. Therefore, I move that...ask
4. for a favorable roll call.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Any discussion? Senator Palmer.
7. SENATOR PALMER:
8. I would like the sponsor to yield for a question.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Indicates he will yield. Senator Palmer.
11. SENATOR PALMER:
12. Cause I have some people in my district that are concerned.
13. Would Senator McCarthy please sit down? Thank you. Thank you.
14. Now, you...you have a cut in this here. You mentioned some surgery
15. here. Now, there is a...a cut, I believe of a seven hundred
16. and ten thousand dollars for the acquisition of some acreage
17. for the Bald Eagles Refuge. Is that still cut?
18. PRESIDING OFFICER: (SENATOR ROCK)
19. Senator Demuzio.
20. SENATOR DEMUZIO:
21. Yes, Sir. That is correct.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Senator Palmer.
24. SENATOR PALMER:
25. People in my district would like to know what's going to happen
26. to those eagles, those bald headed eagles.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Senator Demuzio.
29. SENATOR DEMUZIO:
30. Well, I'm sure that they can take that up in January
31. when your seccessor comes down here, Senator Palmer.
32. PRESIDING OFFICER: (SENATOR ROCK)
33. Senator Palmer.

1. SENATOR PALMER:

2. You made no effort to restore those funds?

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Demuzio.

5. SENATOR DEMUZIO:

6. I did the best that I could with the Appropriation Committee
7. but apparently they were not sympathetic to the bald eagles.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Palmer.

10. SENATOR PALMER:

11. The item I see here is that there was a deletion of a
12. hundred thousand dollars where they abandoned the project
13. to dredge a ditch in Union County. Now, where is Union
14. County and what's going to happen to that ditch in case
15. I drive by there, I don't want to get into that ditch.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Demuzio.

18. SENATOR DEMUZIO:

19. That ditch, Senator Palmer, to my knowledge, does not
20. belong to the State of Illinois. Union County is in Southern
21. Illinois and if you come down, we have bald eagles down there,
22. too.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Further discussion? Senator Latherow.

25. SENATOR LATHEROW:

26. Well, Mr. President, I just wanted to tell Senator Palmer
27. that that bald eagle's roost is in my home county and they've...
28. they had a little problem proving to me that that was worth
29. seven hundred thousand dollars in that area, Senator, and
30. I couldn't get real enthused about it myself.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Further discussion? Senator Demuzio may close the debate.

33. SENATOR DEMUZIO:

1. I just have one final comment and that is next year
2. in January, Senator Palmer, we'll see if we can put enough
3. money in the appropriation for hair pieces for all the bald
4. eagles. Ask for a favorable roll call.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Question is shall House Bill 3403 pass? Those in favor
7. will vote Aye. Those opposed will vote Nay. The voting
8. is open. Have all voted who wish? Take the record.

9. On that question the Ayes are 50, the Nays are 2, 1 Voting
10. Present. House Bill 3403 having received a constitutional

11. majority is declared passed. Does anyone wish to call

12. one of the already filed Conference Committee Reports?

13. Senator, we'll try to take them in the order as they are...as

14. they were filed, if that's acceptable. Senator Glass, on

15. House Bill...Conference Committee Report on House Bill 3850.

16. The list has been passed out. I understand the reports have
17. been passed out.

18. SENATOR GLASS:

19. Thank you, Mr. President, Ladies and Gentlemen.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. 50, Mr. Secretary.

22. SENATOR GLASS:

23. This...

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Glass.

26. SENATOR GLASS:

27. Thank you, Mr. President. This...this bill made some language
28. changes in the School Code relative to educational tours to
29. cure some problems of...with obtaining insurance. The...there was
30. one amendment which was not concurred in by the House, but with
31. the addition of a few words, this language has been corrected
32. and I would move for approval of this report.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Any discussion? Senator Bruce.
2. SENATOR BRUCE:
3. Not having 3850, is this the bill that relates to
4. construction of homes by students in vocational programs?
5. Okay. I just...thank you.
6. PRESIDING OFFICER: (SENATOR ROCK)
7. Any further discussion? The question is, shall the
8. Senate adopt the Conference Committee Report on House
9. Bill 3850? Those in favor will vote Aye. Those opposed
10. will vote Nay. The voting is open. Have all voted who wish?
11. Take the record. On that question the Ayes are 48, the Nays
12. are none, none Voting Present. The Senate does adopt the
13. Conference Committee Report on House Bill 3850 and the bill having
14. received the required constitutional majority is declared passed.
15. Senate Bill...Conference Committee Report with respect to
16. Senate Bill 1620. Senator Johns.
17. SENATOR JOHNS:
18. Mr. President, I move that the Senate adopt the Conference
19. Committee Report on Senate Bill 1620 which is the annual appropriation
20. of the Department of Business and Economic Development and that
21. we approve of the House Amendment that was in question.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Any discussion? The question is, shall the Senate adopt
24. the Conference Committee Report on Senate Bill 1620? Those
25. in favor will vote Aye...Senator Mohr, for what purpose do
26. you arise?
27. SENATOR MOHR:
28. Yes, Mr. President. I think in fairness to the members,
29. we do have copies of the report, but all...all they say is they
30. concur, but all that Senator Johns is saying that they concur.
31. I think we ought to know what the increase or decrease or...
32. PRESIDING OFFICER: (SENATOR ROCK)
33. That is...

1. SENATOR MOHR:
2. ...maybe a little bit about...
3. PRESIDING OFFICER: (SENATOR ROCK)
4. You're request is in order. Senator Johns, will you
5. explain Amendment No....House Amendment No. 5 in which we
6. are concurring by virtue of this report?
7. SENATOR JOHNS:
8. House Amendment No. 5 was the amendment that was
9. debated about the hundred thousand dollars for the Jackson -
10. Union County Port Authority. There's some question about
11. the substantive bill, it was passed here yesterday. The
12. Jackson - Union County Port Bill was passed yesterday.
13. The hundred thousand dollars is for the initial seed money
14. for that. I discussed this Conference Committee Report with
15. Senator Weaver and I told him that I would move for its
16. adoption. He agreed that I should go ahead.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Further discussion? Senator Weaver.
19. SENATOR WEAVER:
20. I was just wondering, Senator Johns, why your
21. port district was worth a hundred thousand and Senator Hall's
22. wasn't worth anything.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Senator Johns.
25. SENATOR WEAVER:
26. Fifty thousand, I guess. Yours is worth twice as much
27. as Senator Kenneth Hall's.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Senator Johns.
30. SENATOR JOHNS:
31. I...I talked this over with Senator Hall. I've talked
32. this over with the Conference Committee Members and they all
33. agreed that this was the initial money required to establish the

1. port. I had no problems with their agreement so I moved
2. ahead with the Conference Committee Report.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Senator...further discussion? Senator Graham.
5. SENATOR GRAHAM:
6. I just wondered what prairie they're going to have that
7. port district in. Did you say pork bill or port bill?
8. Pork, I understand.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Senator Latherow.
11. SENATOR LATHEROW:
12. Well, I just thought, maybe, Mr. President, I could
13. answer Senator Weaver's question. I think the river is larger
14. down there. They have to make it bigger.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. Senator Knuppel.
17. SENATOR KNUPPEL:
18. Just so I know what we're voting on, is this the port
19. district that...that Senator Buzbee handled here yesterday,
20. the creation of this? And I was under the impression then
21. when I voted for it that it wasn't going to cost anything.
22. Now, this is a hundred thousand dollars it's going to cost?
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Senator Johns.
25. SENATOR JOHNS:
26. That's correct. That's the money, sought in the original
27. appropriation for the implementation of the port.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Senator Buzbee.
30. SENATOR BUZBEE:
31. Well, Mr. President, so there will be no misunderstanding,
32. Senator Knuppel, yesterday when my bill was under discussion,
33. Senator Weaver specifically asked me about the State's cost

1. on this project and I, at that time, said and it's been
2. discussed three or four times before that here on this Floor,
3. that there was a one hundred thousand dollar appropriation
4. on Senator John's bill, the Department of Business and
5. Economic Development and it was very plainly stated at that
6. time and so I don't want anybody to think that we were
7. trying to mislead them.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Any further discussion? Senator Johns may close the
10. debate.

11. SENATOR JOHNS:

12. I might add, Senator Knuppel, that yesterday I rose
13. in support of Senator Buzbee's Bill and I also indicated at
14. that time of this appropriation.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. All right. The question is, shall the Senate adopt the
17. Conference Committee Report on Senate Bill 1620? Those
18. in favor will vote Aye. Those opposed will vote Nay. The
19. voting is open. Have all voted who wish? Take the record.
20. On that question the Ayes are 37, the Nays are 11, none Voting
21. Present. The Senate does adopt the Conference Committee Report
22. on Senate Bill 1620 and the bill having received the required
23. constitutional majority is declared passed. Senator Knuppel,
24. do you wish to proceed on your Conference Committee? Senator
25. Joyce on 3820? Senator Netsch on 3068? Senator Knuppel on
26. 1609? Conference Committee Report.

27. SENATOR KNUPPEL:

28. What happened here is the bill went back over to the House...
29. or we passed it and the House put on an appropriation for
30. forty some thousand dollars for candlelight tours after the Sound
31. and Light Show at the Old Capitol Building. We objected to that.
32. The bill went back and they cut the candles out so that the...so that
33. the only money involved in this now is additional money for the

1. people who will conduct tours for those people who come to
2. see the Old State Capitol after the Light Show...after
3. the Light and Sound Show. I think this is a...a reasonable
4. compromise. I couldn't see spending money for candles as short
5. as we are for educational funds and so forth, but...but our...
6. our shrine, I think, deserve to have tours for people when they're
7. there and I have no objection to it. That's the reason...that's
8. what the concurrence provides for, is for staff to conduct the
9. tours after the Sound and Light Show. I move for the adoption...
10. or for concurrence of that report.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Any discussion? The question is shall the Senate
13. adopt the Conference Committee Report on Senate Bill 1609?
14. Those in favor vote Aye. Those opposed vote Nay. The
15. voting is open. Have all voted who wish? Take the record.
16. On that question the Ayes are 48, the Nays are 1, none Voting
17. Present. The Senate does adopt the Conference Committee Report
18. on Senate Bill 1609 and the bill having received the
19. required constitutional majority is declared passed. Senator
20. Netsch indicated she did wish to call 3068. I wonder, can somebody
21. go into the phone booth to see if she's ready to go? Okay.
22. All right. Senator Partee, we have some Messages from the House
23. and I have a motion with respect to one of them.

24. PRESIDENT:

25. Messages from the House.

26. SECRETARY:

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

28. Mr. President - I am directed to inform the Senate
29. that the House of Representatives has refused to concur with
30. the Senate in the adoption of their amendment to a bill with
31. the following title: House Bill 3553, with House...with
32. Senate Amendment No. 1.

33. PRESIDENT:

34. Senator Rock. Secretary's Desk.

1. SECRETARY:

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

3. Mr. President - I am directed to inform the Senate
4. that the House of Representatives refused to recede from
5. their Amendments 3 and 5 to a bill with the following title:
6. Senate Bill 1625.

7. Further directed to inform the Senate the House
8. of Representatives request a First...Committee of Conference to
9. consist of five members from each House, to consider the
10. difference between the two Houses in regard to the amendment.
11. Speaker of the House has appointed such members on the part of the
12. House: Representatives Kosinski, Bradley, Brummet, Ryan,
13. and Totten. This bill is Senator Wooten's bill.

14. PRESIDENT:

15. Senator Wooten.

16. SENATOR WOOTEN:

17. Well, Mr. President, I move that we accede to the House
18. request for the formation of a Conference Committee.

19. PRESIDENT:

20. The question is, shall the Senate accede to the
21. request of the House that a Conference Committee be appointed?
22. All in favor say Aye. Opposed Nay. Ayes have it and the motion
23. carries and the Senate accedes to the request to appoint a
24. Conference Committee.

25. SECRETARY:

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

27. Mr. President - I am directed to inform the Senate
28. that the House of Representatives has refused to recede from
29. their Amendments 1, 4, 5, 6, 7, 8, 9, 12, 18, 20 and 22 to a bill
30. with the following title:

31. Senate Bill 1614.

32. Further directed to inform the Senate that the
33. House of Representatives request a First Committee of Conference

1. to consist of five members from each House to consider the
2. difference between the two Houses regarding the amendments.
3. The Speaker of the House has appointed a such committee
4. on the part of the House: Representative Byers, Barnes,
5. Bradley, Ryan and Totten. This is Senator Morris' bill.

6. PRESIDENT:

7. Senator Morris.

8. SENATOR MORRIS:

9. I would like to accede to the House request to appoint
10. a Conference Committee.

11. PRESIDENT:

12. Question is, shall the Senate accede to the request of the
13. House that a Conference Committee be appointed? All in
14. favor say Aye. Opposed Nay. The Ayes have it and the Senate
15. accedes to the request to appoint a Conference Committee.

16. SECRETARY:

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

18. Mr. President - I am directed to inform the Senate
19. that the House of Representatives has passed a bill with the
20. following title in the passage of which I am instructed to
21. ask the concurrence of the Senate, to-wit:

22. House Bill 3656.

23. PRESIDENT:

24. Senator Rock.

25. SENATOR ROCK:

26. Thank you, Mr. President, members of the Senate. House
27. Bill 3656 which has just come over on a Message from the House,
28. is an amendment to the Capital Development Bond Act, increasing
29. the bonding authority across the various lines. This is a bill
30. I think that we must have on the Calendar and for that reason,
31. Mr. President, I would move for suspension of the rules so that the
32. committee...or that the bill be read a first time and ordered to
33. the Calendar on the order of 2nd reading without reference to Committee.

1. PRESIDENT:
2. Senator Harris.
3. SENATOR HARRIS:
4. Now, this increases the bonding authority of the Capital
5. Development Board, right? Well, I'm advised that this bill
6. passed the House on a verified roll call with less than the
7. three-fifths constitutional majority required. Would that not have
8. the effect of rendering this bill inoperative?
9. PRESIDENT:
10. Senator Rock.
11. SENATOR ROCK:
12. I was also so informed, Senator, there were ninety-four
13. affirmative votes in the House. I think not, constitutionally
14. for this reason, that if, in fact, this bill is amended, as it
15. probably will be, I've discussed this with Senator Weaver,
16. that it would, I think the three-fifths requirement is for
17. final action of both Houses, so I think we still have a chance to
18. validate the terms of this...of this bill.
19. PRESIDENT:
20. Senator Harris.
21. SENATOR HARRIS:
22. Well, how can the House assume that that was not final
23. action on their part.
24. PRESIDENT:
25. Well, I don't think that's the question, Senator. Even
26. if they did assume it and it was not final action, then you would
27. be bound by what the final action was. If it was...if it had,
28. in fact, been final action...
29. SENATOR HARRIS:
30. Well, ...
31. PRESIDENT:
32. ...then it would be subject to the question you raised.
33. SENATOR HARRIS:

1. Well, I...I want to tell you something, I think this is
2. an alarming precedent, I really do. And I'm not going to be
3. party to it. If...if...if, in fact, this is a bond authorizing
4. bill, and we pass it with three-fifths vote and do not amend
5. it, it's obviously infirm because the two Houses have not
6. provided that special constitutional requirement for debt
7. authorization, it seems to me.

8. PRESIDENT:

9. You're absolutely right, if we don't amend it.

10. SENATOR HARRIS:

11. Well, you know, I just...I just think we are wrong to
12. add any dignity to something that is wrong in the first place.
13. And the House has taken an infirm act with respect to communicating
14. this bill to us to increase the debt authorization of this agency
15. without the three-fifths vote required. I just...I don't want to
16. be a party to that. I think it's an improper act on the part of
17. the House. As far as I'm concerned, this bill is not properly
18. before us.

19. PRESIDENT:

20. Well, everything is a particular thing at a particular
21. stage of its development. At the moment it is, in fact, perhaps,
22. invalid. If it is amended here and the requisite number of
23. votes are gotten here, and it goes back to the House and they
24. give a requisite number of votes, it is then valid. The
25. subsequent act preponderates the former act. I just think
26. that's the way it is. Now, that doesn't satisfy a purist, I know.
27. Senator Harris.

28. SENATOR HARRIS:

29. Well, Mr. President, I just think this bill is improperly
30. before us. I...and I'm...I'm as sincere as I can be about this and
31. all this is, is the invitation to serious questions of litigation
32. with respect to it and we don't put a three fifths vote on it,
33. the bill is a...it is just a nullity. And I don't want to be a
34. party to the progress of this bill in a knowing way that that's where

1. we are.

2. PRESIDENT:

3. Well, the Chair would have to rule and I think I should
4. say this, Senator, for the record, that the Chair would rule
5. that the bill is properly before us. The vitality of the bill is
6. another question, but I think it is properly before us. Now,
7. Senator Rock, what was your motion again, please restate it.

8. SENATOR ROCK:

9. My motion was to suspend the rules to have the bill read
10. a first time and advanced to the order of 2nd reading without
11. reference.

12. PRESIDENT:

13. You've heard the motion. All in favor will say Aye.
14. Opposed Nay. A roll call is requested. The question is on
15. Senator Rock's motion to have the bill read a first time...oh,
16. and that...I'm sorry. I thought you were...you were just talking
17. to...fine, okay. The question of Senator Rock's motion
18. to read the bill a first time, bypass the committee hearings
19. and place the order...the bill on the order of 2nd reading.
20. All in favor will vote Aye. Just...Senator Harris.

21. SENATOR HARRIS:

22. Mr. President, now, taking the action that we are
23. attempting to dignify here, a step further and I think it's an
24. honest comparison, does...does the House of Representative
25. have the power to pass a bill not dealing with debt authorization,
26. but just an ordinary piece of legislation, can it pass a bill with less
27. than eighty-nine votes and send it over to us in anticipation of
28. us amending it and sending it back to them and then...then they put
29. eighty-nine votes on. To me, we're talking about the same thing.

30. PRESIDENT:

31. Senator...

32. SENATOR HARRIS:

33. And I don't think there's any difference in that example that
34. I've just given you and the example that's before us with respect to

1. this bill.

2. Now, if they've got a problem of attendance over there, then

3. they ought to wait until they've got people there. I think this

4. is an outrageous thing that we might be attempting to do and I

5. just implore you, Mr. President, not to join in doing something

6. that I think is on its face, wrong. Now, my question is,

7. does the House have the power to send a message to us with

8. respect to non-debt issuing legislation with less...and send

9. that bill to us from the House with less than eighty-nine

10. votes?

11. PRESIDENT:

12. Senator Rock.

13. SENATOR ROCK:

14. Well, speaking to that question, my answer, of course,

15. I think, would be no. Well, I...you know, I'm...I'm not sure, frankly,

16. what the House is about. All I can suggest to you is that the

17. only thing before us is a Message from the House indicating

18. passage of a bill.

19. PRESIDENT:

20. And that's what we're bound by, is a message. Senator

21. Harris.

22. SENATOR HARRIS:

23. Well, we certainly can in respectful language call attention

24. to the constitutional requirement for the purposes of this bill

25. and return the bill to the House. Now, that kind of communication

26. has existed between the two Houses a good many times in the past

27. for other reasons, but this is an important distinction.

28. PRESIDENT:

29. Well,...

30. SENATOR HARRIS:

31. Yeah.

32. PRESIDENT:

33. ...there are a couple...

34. SENATOR HARRIS:

 Does...what does the Message say? Does it...does it recite

1. that the bill received the constitutional requirement for
2. debt issuance?

3. PRESIDENT:

4. The Message from the House by Mr. O'Brien, Clerk.

5. Mr. President - I am directed to inform the
6. Senate that the House of Representatives has passed a bill
7. of the following title in the passage of which I am
8. instructed to ask the concurrence of the Senate, to-wit:

9. House Bill 3656.

10. Passed the House June 26, 1976. Now, we ordinarily
11. cannot go beyond the record. Now, I have a suggestion.
12. Now, I just have a suggestion. The rules say that any five
13. members can file a descent and we could get into a formal
14. tizzy on it. I think maybe if we could just take a moments
15. recess and we could make a telephone call, we may be able
16. to straighten it out. Senate will be in recess for a moment.
17. Senator Rock. Senator Harris. We will stand in recess
18. for about ten minutes.

19. Recess

20. After Recess

21. PRESIDENT:

22. The Senate will come to order. The question before
23. the Senate was on House Bill 3656. Senator Rock had made
24. a motion to read the bill a first time, to bypass committee,
25. and to place the bill on the order of 2nd reading. Senator Harris
26. made the suggestion that the bill had not, in accordance with his
27. information, passed the House by a three-fifths vote. But, by
28. a majority vote. The Chair rules that if a bill which requires
29. a three-fifth vote in one House does not receive that three-fifth
30. vote, but does, in fact, receive a three-fifth vote in the second
31. House and if that bill remained in that posture, the bill would
32. perhaps not be constitutional. Further, the Chair would rule
33. that if this House amends this bill, passes it by a three-fifth vote,

1. returns it to the first House, where they in turn pass it by
2. a three-fifth vote, that that is proper action. The motion
3. is to read the bill a first time, to bypass committee, and
4. to place it on the order of 2nd reading. All in favor will
5. say Aye. Opposed Nay. The Ayes have it. The bill...the motion
6. carries and the bill is on the order of 2nd reading. Pardon
7. me, read the bill a first time.

8. SECRETARY:

9. House Bill 3656.

10. (Secretary reads title of bill)

11. 1st reading of the bill.

12. PRESIDENT:

13. 2nd reading. Senator Palmer.

14. SENATOR PALMER:

15. Mr....are we on the order of motions, Mr. President?

16. PRESIDENT:

17. We can go to the order of motions...

18. SENATOR PALMER:

19. Senator...

20. PRESIDENT:

21. Yes, we are on the order of motions.

22. SENATOR PALMER:

23. Senator Lane had to leave and asked me to make this motion
24. for him. I'd like to move to suspend the rules and move to discharge
25. House Bill 3721 from Education Committee, of which I am Chairman,
26. and I have consented to that and I ask that that bill be read
27. a second time and that it be placed on order of 2nd reading.

28. PRESIDENT:

29. Senator Palmer moves...

30. SECRETARY:

31. 37.

32. PRESIDENT:

33. 3721?

1. SENATOR PALMER:
2. That's right. 3721, House Bill 3721.
3. PRESIDENT:
4. Senator Palmer moves that House Bill 3721 be discharged
5. from the Committee on Education, be read a...be read a second
6. time and then advanced to the order of 3rd reading. Senator
7. Netsch.
8. SENATOR PALMER:
9. Wait. Senator, I have one more on the same...on the
10. same bill...
11. PRESIDENT:
12. Well, wait a minute. We haven't finished this one yet.
13. Please. Is there any discussion? All in favor of that motion
14. say Aye. Opposed Nay. The Ayes have it. ...read the bill.
15. SECRETARY:
16. House Bill 3721.
17. (Secretary reads title of bill)
18. 2nd reading of the bill.
19. PRESIDENT:
20. 3rd reading.
21. SECRETARY:
22. No...no committee amendments.
23. PRESIDENT:
24. Any amendments from the Floor? 3rd reading. For what
25. purpose does...just a minute. Senator Palmer.
26. SENATOR PALMER:
27. ...that same bill, I'd like to have the record show
28. that Senator Robert Lane be shown as sponsor in lieu of Senator
29. Ben Palmer.
30. PRESIDENT:
31. Is leave granted? Leave is granted. Senator Netsch.
32. SENATOR NETSCH:
33. Mr. President, I will make this a point of personal privilege

1. now, I guess, because you...you past that point before I could
2. be recognized. If I understood correctly, the ruling that you announced
3. a few moments ago with respect to the bill that had not really
4. passed the House, but might be corrected subsequently, I would
5. just simply like the record to show that I do not agree with
6. that ruling. I think it is a bad ruling and I think it would
7. not be a good court case.

8. PRESIDENT:

9. It is not fair or accurate to say that the bill did not
10. pass the House. The bill did, in fact, pass the House, the
11. Message shows that it passed the House. Now, whether or not
12. the passage was proper is another question. But, we cannot
13. go behind the record of its having passed the House. At a
14. subsequent time when that question is examined, then the court
15. may determine whether it did or did not legitimately pass the House.
16. But, it did pass the House and don't say it didn't. Senator...
17. Senator Netsch.

18. SENATOR NETSCH:

19. Well, let me just clarify that. I'm...I'm...perhaps the
20. way you stated it, did not fully express what you were
21. intending to rule then. What you are saying, then, is simply
22. that as far as the Message to the Senate is concerned the
23. Message states that the House passed...I'm sorry...that the
24. bill passed the House. It does not specify the vote, and we have
25. no way of going behind that record at this time.

26. PRESIDENT:

27. That's...that's exactly what I said.

28. SENATOR NETSCH:

29. So from our perspective it passed the House.

30. PRESIDENT:

31. That's correct.

32. SENATOR NETSCH:

33. But you are not suggesting that if, in fact, subsequently
34. the facts showed that it had not received the required three-fifths

1. vote, that it would still be a valid bill.

2. PRESIDENT:

3. I said exactly that.

4. SENATOR NETSCH:

5. All right. I think that was not entirely clear to some

6. of us. Thank you.

7. PRESIDENT:

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Yes, Mr. President, just one question. On that bill

11. of Senator Palmer's, I think it was 3721, do I understand that

12. you moved that to 2nd...to 3rd reading?

13. PRESIDENT:

14. I'm sorry, I didn't...

15. SENATOR NIMROD:

16. Well, that bill in...in your statement, you mentioned

17. that 3721 that it...it sought leave to discharge the Education

18. Committee, but you moved it to 3rd reading. Now,...now,...

19. PRESIDENT:

20. The bill was...

21. SENATOR NIMROD:

22. ...if you moved it to 3rd...

23. PRESIDENT:

24. ...let me...let me explain something to you, Senator.

25. The bill was read a first time, sent to the Committee on Education.

26. The motion was made to discharge the committee and to read the

27. bill a second time. The motion carried to discharge the committee.

28. The bill then came to the order of 2nd reading. It was read a

29. second time, and advanced to 3rd reading. Yes.

30. SENATOR NIMROD:

31. Well, what you did with one action was to go ahead with

32. it and there was no chance for anyone to either suggest or

33. have a chance to offer any amendment if they so choose. Now,

34. I didn't know you could just take it and...with that one leave and do

1. that. Now, is there...that bill...

2. PRESIDENT:

3. Let me...let me say this, Senator. I think we have

4. always had the understanding here that a bill would be brought

5. back from 3rd to 2nd. We are here within, I hope, two days

6. of getting out of here...

7. SENATOR NIMROD:

8. I...

9. PRESIDENT:

10. ...and we wanted to save a day.

11. SENATOR NIMROD:

12. I just looked at the bill and it was very complicated

13. and I wanted...

14. PRESIDENT:

15. Senator Palmer agrees that he'll bring it back.

16. It's not a problem. Senator Buzbee.

17. SENATOR BUZBEE:

18. Mr. President, I have also two bills in the Education

19. Committee. I conferred with Senator Palmer and Senator Shapiro

20. and they are in agreement that they would agree that these two

21. bills should be discharged from the Education Committee. So,

22. at this time, I would move to discharge Committee on Education

23. from further consideration of House Bills 3963 and 3964, be placed

24. on the Calendar and read a 2nd time.

25. PRESIDENT:

26. Is there leave? Just a minute. Senator, so that I will

27. understand precisely what we are debating, would you repeat

28. what you said. I was talking to Senator Rock. I'm sorry.

29. SENATOR BUZBEE:

30. I would move to discharge the Committee on Education

31. from further consideration of House Bills 3963 and 3964 from the...

32. and be placed on the Calendar and read a second time. I have conferred

33. with the Chairman of the Committee and with the Minority Leader...

1. Minority Spokesman on the Committee and they both are in
2. agreement with this and I would, of course, make the same
3. sort of offer that tomorrow when it's on 3rd reading that I would
4. be glad to bring it back for any amendments that anybody might
5. want to offer.

6. PRESIDENT:

7. Well, the Chair is going to make this suggestion. Under
8. these circumstances, when a motion of this nature is made,
9. I think because...well, I just think there ought to be some
10. explanation as to what the bill does so that people will...will
11. ...will know what...what they're voting on. Could you tell us what
12. they do?

13. SENATOR BUZBEE:

14. This...these were two bills that came out of the House
15. Higher Education Committee as committee bills and were brought
16. over to me. What they do is they expand the duties and the
17. powers of the student representatives on the...on the various
18. higher board in the...of the various higher institutions, higher
19. education institutions. It does not allow them to vote, but
20. the reason for this is the Attorney General has recently ruled
21. that they, in fact, have these expanded duties and...and so forth,
22. and what we would be doing was bringing...would be bringing the law
23. into line with the Attorney General's recent opinion. I want
24. to emphasize that this would not, would not allow the student
25. representatives on those boards the right to vote. It would also
26. deal with the student representatives duties on the Illinois
27. State Scholarship Commission and does not allow that...

28. PRESIDENT:

29. The Chair has...the Chair has this question. Have we
30. not addressed this same question within the last three or four days?

31. SENATOR BUZBEE:

32. Mr. President, we certainly did and I didn't get quite enough
33. votes and I thought that it was within the purview of my duties
34. as a State Senator that I would be allowed to make that same motion

1. again and run her up the flagpole the second time.

2. PRESIDENT:

3. Objections have been heard. Roll call? ...have been

4. objections made to the discharge motion. Senator Philip.

5. SENATOR PHILIP:

6. Thank you, Mr. President. I...I thought that we had an

7. agreement in this Session that either the bills we're going

8. to deal with in Appropriation, a Administration Bill or an

9. emergency...

10. PRESIDENT:

11. Out of...

12. SENATOR PHILIP:

13. I don't...I don't see this bill falling in any three...

14. of those categories. We've considered it one time this Session

15. already and his motion is out of order...

16. PRESIDENT:

17. No, his motion is...

18. SENATOR PHILIP:

19. ...quite frankly at this late date.

20. PRESIDENT:

21. Senator, his motion is not out of order. It's not

22. perpetual but it's not out of order. The motion...the bill is

23. a committee bill which came from the House and is properly here,

24. unfortunately. Now the question is...wait a moment. The

25. question is to discharge the Committee of...on Education from

26. further consideration of House Bill 3963 and 3964 to read the

27. bills a second time and...and advance them and that is the motion.

28. All in favor will say Aye. Opposed Nay. In the opinion of the

29. Chair, the Nays win. The motion fails. Any further business to

30. come before the Senate? Do I hear objections to adjournment?

31. Senator Netsch. Any further business to come before the Senate?

32. Senate...Senator Netsch moves we...the Senate stand in adjournment...

33. that the Senate stand in adjournment until 4:00 o'clock tomorrow

34. afternoon, Sunday, June 27th. All in favor say Aye. Opposed Nay.

1. The Ayes have it. The Senate's adjourned.
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