

REGULAR SESSION

NOVEMBER 4, 1975

1. PRESIDENT:

2. The hour of twelve having arrived, the Senate will come to
3. order. Prayer will be by Father Hugh P. Cassidy, Blessed Sacrament
4. Church, Springfield, Illinois.

5. FATHER CASSIDY:

6. (Prayer given by Father Cassidy)

7. PRESIDENT:

8. Reading of the Journal. Senator Chew.

9. SENATOR CHEW:

10. Mr. President, I move that the reading and approval of the
11. Journal of Monday, November 3rd, 1975 be postponed pending the
12. arrival of the printed Journal.

13. PRESIDENT:

14. Heard the motion. All in favor will say Aye. Opposed Nay.
15. The Ayes have it. The motion carries. Committee reports.

16. SECRETARY:

17. Senator Donnewald, Chairman of Assignment of Bills, assigns
18. the following Senate Bills to Committee:

19. Appropriations - Senate Bill 1513.

20. Senator McCarthy, Chairman of Finance and Credit Regulations
21. reports out House Bill 3115 and 3116 with the recommendation Do Pass
22. as Amended.

23. PRESIDENT:

24. Senate will be at ease. The Senate will come to order. The
25. Chair notices that Senator Kosinski is back with us. He's been ill
26. and we're delighted to have him back. Senator Kosinski. On the order
27. of Total Vetoes. The Chair, yesterday, read the entire list so all
28. of them have been called. We will now, only, call those on which
29. motions have been filed. Senate Bill 16, Senator Vadalabene. Senate
30. Bill 32, Senator Graham. Senate Bill 103, Senator Glass. Senator
31. Glass is recognized.

32. SENATOR GLASS:

33. Thank you, Mr. President and Ladies and Gentlemen of the Senate.

1. Senate Bill 103 was vetoed by the Governor. This is a bill which
2. exempts from the Illinois Income Tax pension benefits for the year
3. 1971. It's a fairly simple bill. Under the present law, pension
4. benefits in Illinois are exempted for years prior to '71 and for
5. years after '71. So that 1971 is the only year in which we are
6. taxing these benefits. So Senate Bill 103 was introduced to correct
7. that inequity and make the law uniform, and I think fair. The bill
8. passed the Senate by a vote of 41 to 1, passed the House by a vote
9. of 153 to 1, and I'd be happy to answer any questions, and would
10. urge the Body to vote to override this veto.

11. PRESIDENT:

12. Senator Soper.

13. SENATOR SOPER:

14. Thank you, Mr. President. Senator Glass, I'd like to have you
15. answer one question. How much money does this entail?

16. PRESIDENT:

17. Senator Glass.

18. SENATOR GLASS:

19. Senator Soper, there is very little involved in the...and that
20. was not a reason...I can't give you the exact figure. It...it affects
21. only a few taxpayers and would...would require no particular adminis-
22. trative problems. And that...that is what came out in committee. I
23. don't have with me today the exact amount, but as I say, it is
24. not very significant.

25. PRESIDENT:

26. Senator Soper.

27. SENATOR SOPER:

28. Well, it comes to my mind, I know I voted for this, I believe
29. I did, but if the Governor had a reason to veto this, the reason
30. must be that it's...it's the financial situation or the administration
31. of the return of this money. Now, if this is for one year in '71,
32. it's going to cost us more to give back this money than it would be
33. benefit to the pensioners at that time. I'd...I'd have some concern

1. about it, and I'd like to know how much money this entails or how
2. much work this takes. I'd like to get some input on this, and if
3. you'd come back tomorrow with this thing or the next day, we've got
4. till Thursday with it, and bring us some figures, maybe we would
5. know what we're talking about.

6. PRESIDENT:

7. Senator Rock.

8. SENATOR ROCK:

9. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
10. The revenue impact...is, to answer Senator Soper's question, is min-
11. imal. It's been estimated as between ten and twelve thousand dollars.
12. The question I have for Senator Glass, if the sponsor will yield, is...
13. is that in the Governor's Veto Message, he makes the bald statement
14. that there are no equities compelling the retroactive extension of
15. this exemption in these circumstances. I...I wonder if he could dispute
16. that sentence.

17. PRESIDENT:

18. Senator Glass.

19. SENATOR GLASS:

20. Thank you, Mr. President. Senator Rock, I...I do dispute that
21. statement of course. I think the reason that the bill was passed by
22. the Legislature, in the first place, so overwhelmingly is simply to
23. correct the bald in equities that exist in cutting out just this one
24. year and exempting pensioners for '71...or not for '71 and...and allowing
25. them to be exempted for other years. I...I don't think this...this
26. reason is valid, and, as I say, we...it had a full hearing in our Revenue
27. Committee, and I'm glad to have the actual cost of it, because the
28. Governor did not raise that in his Veto Message. He simply pointed
29. out, as Senator Rock stated, that there are no compelling equity or
30. equities compelling the retroactive...active extension of this exemption
31. in these circumstances. And I...I would respectfully differ with him,
32. and urge that we override this veto.

33. PRESIDENT:

1. Senator Soper.

2. SENATOR SOPER:

3. Well, thank you, Mr. President, but it comes to my mind with
4. what Senator Rock said that there's ten or twelve thousand dollars
5. involved in here. How many people are involved? Is this about four
6. bucks or something...or a head, and are we going to spend a lot of
7. ...money on mail, and...and put up a...put up about five or six more
8. people that get eighteen or twenty thousand dollars a year to find
9. this ten or twelve thousand dollars. Was it going to cost us fifty
10. thousand dollars to return something?

11. PRESIDENT:

12. Senator Rock. The question, as asked by Senator Soper was, on
13. the basis that it's ten or twelve thousand dollars involved, how many
14. people are involved?

15. SENATOR ROCK:

16. That, I think I would defer to the Chairman of the Committee on
17. Revenue. I've just asked him...this bill was before his committee.
18. I understand it was voted out unanimously. I, for one, favor the
19. motion to override, and I've asked the Committee Chairman of the
20. Committee on Revenue to speak to this issue. I do not know how many
21. people are involved.

22. PRESIDENT:

23. Senator Course.

24. SENATOR COURSE:

25. Yes, Mr. President and members of the Senate, I don't recall
26. how many members...how many people are involved in this, but there
27. are quite a few number of people. But, I know the bill did come
28. out of the Revenue Committee with a overwhelming vote, and I, for
29. one, support it, and I intend to support the override here.

30. PRESIDENT:

31. Any further discussion? Senator Glass may close the debate if
32. he desires.

33. SENATOR GLASS:

1. I...I would just ask for a favorable roll call, Mr. President.

2. PRESIDENT:

3. The question is shall Senate Bill 103 pass. The veto of the
4. Governor to the contrary notwithstanding. Those in favor will vote
5. Aye. Those opposed will vote No. Secretary will call the roll.

6. SECRETARY:

7. Bell, Berning...Berning, Bloom, Brady, Bruce, Buzbee, Carroll,
8. Chew, Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
9. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris, Hickey,
10. Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow, Lemke, McCarthy,
11. Merritt, Mitchler, Howard Mohr, Don Moore, Morris, Netsch, Newhouse,
12. Nimrod, Nudelman, Ozinga, Palmer, Partee...Philip, Regner, Rock, Roe,
13. Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper, Vadalabene,
14. Weaver, Welsh, Wooten, Mr. President.

15. PRESIDENT:

16. Daley, Aye. Rock, Aye. On that question, the Ayes are 44, the
17. Nays are none, with 1 Voting Present. Senate Bill 103 having received
18. the required the two...three fifths majority is declared passed. The
19. veto of the Governor to the contrary notwithstanding. Senate Bill 175,
20. Senator Hynes. Senate Bill 200, Senator Shapiro. Senator Shapiro
21. is recognized.

22. SENATOR SHAPIRO:

23. Mr. President, Ladies and Gentlemen of the Senate, Senate Bill
24. 200, which the Governor vetoed,...

25. PRESIDENT:

26. Just a moment, Senator. Will the members be in their seats. It's
27. difficult to hear in this hall and your cooperation is appreciated.
28. Senator Shapiro.

29. SENATOR SHAPIRO:

30. Mr. President and Ladies and Gentlemen of the Senate, Senate Bill
31. 200, which the Governor vetoed, would allow the State Board of Invest-
32. ment to discuss in closed session the purchase or sale of securities
33. or investment contracts. Now, the Governor, in his Veto Message, stated

1. that the disclosure of the State Board...Investment Boards intended
2. investment plans would have little affect on the investment market
3. place and that any advantages furnished by a closed meeting, when it
4. would come to this discussion, would be slight when it would be
5. compared to the potential loss of accountability and public trust
6. in that Board. Well, I happen to take issue with these two reasons
7. for veto of the bill. This is no different than a school board having
8. the right to discuss in closed session the purchase or sale of land
9. or the bill that this Body passed overwhelmingly which would have
10. allowed the, in 1974, the Aeronautics Board to discuss in closed
11. session the awarding of routes, financial statements of airlines,
12. so on and so forth. Some of the disadvantages of the State Board
13. of Investment that they would have in discussing in open session
14. sale or purchase of securities would be these. It would allow a...
15. an investor, who attended this meeting, to go out and purchase a
16. stock at a low price, wait until the Board came into the market, and
17. because of the large sale would...or purchase,would give that investor
18. a profit that he might not otherwise be able to make had this informa-
19. tion been in closed session. It would allow a group of investors to
20. push the...by purchase, their purchase prior to Board's purchase, to
21. push the price up which would cost our pensioners in the State much
22. more. And would also enable an investor upon learning of the Board's
23. intent to release or sell a large block of stock to sell that stock
24. short and profit after the Board's transaction had lowered the price.
25. Now, the...what precipitated this was that the State Board of Investment
26. which handles the sale and investment of the funds for the General
27. Assembly, judges and State Employees' Retirement Systems, three accounts
28. approximate...approximately a half a billion dollars, always held these
29. in closed session. An opinion of the Attorney General stated that
30. under the Open Meetings Act, they were not allowed to do this. This
31. bill was tightly drawn. It only allows the discussion of the sale or
32. purchase of investments or investment contracts in closed meetings.
33. The minutes after the fact have to be published so that they are

1. available to the public and for these reasons, and if there are no
2. questions, Mr. President, I would move that Senate Bill 200 do pass
3. the veto of the Governor to the contrary notwithstanding.

4. PRESIDENT:

5. Any further discussion? Senator Bruce.

6. SENATOR BRUCE:

7. I'm...I'm not convinced by the argument, Senator Shapiro, that
8. somehow we should violate the Open Meetings Act and allow this Board
9. to meet in...in secrecy. There's been no showing by anyone that they
10. ...influence or affect the market on stocks that, as far as I'm con-
11. cerned, the...this is a new idea. I think we should tread very lightly
12. into the Open Meetings Act and make as few exceptions as possible.
13. If a crisis does exist in this particular area, we can mend it next
14. year and handle the problem. It's certainly not been a problem expressed
15. to me by any of the member of that Board that they have a very serious
16. crisis. Everytime we amend the Open Meetings Act, it's always to
17. make another exclusion, and those exclusions should be made very
18. warily.

19. PRESIDENT:

20. Any further discussion? Senator Netsch.

21. SENATOR NETSCH:

22. Mr. President, to those comments, I would add only one. It seems
23. to me that the decision about what purchases are going to be made by
24. the State Investment Board involves one of the most sensitive kinds
25. of decisions and one in which the public as a whole has a very, very
26. enormous interest. So that while if...again, I would repeat what
27. Senator Bruce just said, it may well be that there have to be some
28. circumstances in which large blocks of securities or other investments
29. are being taken care of, and there might be some sensitivity in a...
30. in it being done in public. But it seems to me if that is the case,
31. then that case should be made to us in very specific terms and with
32. chapter and verse cited. Otherwise, it seems to me that it is one
33. of the decisions which, as much as almost any, the public really

1. should have a right to access to.

2. PRESIDENT:

3. Any further discussion? Senator Shapiro may...Senator Rock.

4. SENATOR ROCK:

5. Well, I just want to point out, Mr. President and Ladies and
6. Gentlemen of the Senate, there apparently has been some misinformation
7. again bandied about. This bill originated with Mr. Woodford, who is
8. the Chairman of the State Investment Board. All the members of the
9. Board were favorably disposed to this bill, as am I. It seems to me
10. when we're dealing in these kinds of numbers, it is not unfair to say
11. to the Board that if you're going to invest a large chunk of the
12. State's money, you can make that decision in private. The rest of
13. the meeting is open. Their meetings have always been open. It seems
14. to me that in view of the market ramifications that this is a good
15. bill, and I would urge an Aye vote.

16. PRESIDENT:

17. Senator Glass.

18. SENATOR GLASS:

19. Question of the sponsor or anyone that may know, Mr. President.
20. I notice that this bill affects investments of pension funds. What
21. about Teacher's Pension Funds? Is the board that invests that money...
22. is it required to meet in...in public or it...may it meet in private?

23. PRESIDENT:

24. Senator Shapiro.

25. SENATOR SHAPIRO:

26. This...this bill pertains only to the State Board of Investment
27. which oversees the investments for only three funds, the General
28. Assembly Fund Retirement, the Judges' Retirement System and the State
29. Employees. It does not pertain to the Downstate Teacher's Retirement
30. System or the Chicago Retirement System, because they are not members
31. of the State Board of Investment. I don't know how they conduct their
32. business.

33. PRESIDENT:

1. Senator Glass.

2. SENATOR GLASS:

3. Well, thank you. I...I assume that unless somebody has inform-
4. ation to the contrary that there's no requirement that they conduct
5. their business in public, and it would seem to me that the same con-
6. siderations are...are involved, and I think that would support Senator
7. Shapiro's motion.

8. PRESIDENT:

9. Senator Shapiro may close the debate.

10. SENATOR SHAPIRO:

11. Mr. President and Ladies and Gentlemen of the Senate, I think
12. you've heard the pertinent arguments pro and con of...as it concerns
13. this bill. The only comment I have to make in closing is that this
14. money, these pension funds, belong to public employees. I think they
15. deserve a closed meeting in order that the State Board of Investment
16. can garner the best possible transaction for the investment of those
17. funds. I can't see how it will do a...a one bit of harm to hold this
18. type of meeting in closed session. It seems to me that when it comes
19. to investment of funds, it...it...and they are pension funds, that is
20. no different than local governments have when it comes to discussing
21. the purchase or sale of land. And for that reason, I repeat my motion,
22. Mr. President.

23. PRESIDENT:

24. The question is shall Senate Bill 200 pass the veto of the
25. Governor to the contrary notwithstanding. Those in favor will vote
26. Aye. Those opposed will vote Nay. The Secretary will call the roll.

27. SECRETARY:

28. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew, Clarke,
29. Course, Daley, Davidson, Demuzio, Donnewald, Dougherty, Egan, Fawell,
30. Glass, Graham, Harber Hall, Kenneth Hall, Harris, Hickey, Hynes, Johns,
31. Joyce, Knuppel, Kosinski, Lane, Latherow, Lemke, McCarthy, Merritt...

32. PRESIDENT:

33. Lemke, Aye.

1. SECRETARY:

2. Mitchler, Howard Mohr, Don Moore, Morris, Netsch, Newhouse,
3. Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner, Rock, Roe, Romano,
4. Savickas, Schaffer, Shapiro, Smith, Sommer, Soper, Vadalabene, Weaver,
5. Welsh, Wooten, Mr. President.

6. PRESIDENT:

7. Buzbee, No. Brady, Aye. On that question, the Ayes are 39, the
8. Nays are 12. Senate Bill 200 having received the required three fifths
9. vote is declared passed the veto of the Governor to the contrary not-
10. withstanding. Senate Bill 279, Senator McCarthy. Senate Bill 506,
11. Senator Knuppel. Senate Bill 526, Senator Harber Hall.

12. SENATOR HALL:

13. Mr. President and fellow Senators, Senate Bill 526 was intended
14. and was supported by this Body to amend 57 to nothing, with the idea
15. that the Auditor General's duties needed to be spelled out more clearly.
16. so that he would have cooperation of all State agencies when he is
17. required to investigate any of the accounts that he has been interest-
18. ed in, either by cause of the Legislature or the Legislative Audit
19. Commission. He had failed last year on several occasions to obtain
20. sufficient cooperation in this respect and it caused the introduction
21. of this bill. The Governor vetoed the bill by stating that the duties
22. of the Auditor...the Auditor were largely confined to post audit activi-
23. ties. That, of course, has been the truth up until the provision for
24. the Auditor General under the 1970 Constitution. His duties have been
25. widely expanded, as you are aware, and I believe the intent and pur-
26. pose of these...this bill should be followed and as you voted on the
27. occasion of passing the bill last Spring, I hope you will vote to...
28. for the passage of the bill now, the veto of the Governor to the con-
29. trary notwithstanding.

30. PRESIDENT:

31. Senator Knuppel.

32. SENATOR KNUPPEL:

33. Mr. President, I probably voted for this bill when it passed last

1. Spring. I also voted for a bill to pay the vendors from 1974
2. State Fair. The audacity, the independence, the overriding authority,
3. the attitude of the Auditor General with respect to those, his
4. decision to render legal opinions and to seek legal opinions to
5. sustain himself, has changed my complete mind about what we ought to
6. do with the Auditor General. I think to grant this man more power
7. than he's given under the Constitution that he already has is a very
8. bad mistake. This individual is a very...arrogant, overbearing
9. individual, and he...the method by which he exercises his power doesn't
10. warrant that this man be granted any additional power. He said when he
11. was appointed that he would not engage in politics. He has engaged
12. with respect to the State Fair Vendors in every way politically. He
13. has sought ways to...to frustrate the intent of the General Assembly.
14. Why, I do not know. I personally cannot support anything that en-
15. larges the powers of a man such as Robert Cronson who is a political
16. hack.

17. PRESIDENT:

18. Any further discussion? Senator Harber Hall may close the debate.

19. SENATOR HALL:

20. Well, after listening to that castigation of the President
21. incumbent of the office, I would just go back to the purpose of
22. this bill, irrespective of personalities. This bill simply asks
23. through legislative voice, that all our State agencies cooperate.
24. It's necessary to get their cooperation. This spells
25. out how they must give it, and further, if they don't give it that
26. the Auditor General will report to the General Assembly through
27. the offices of the Speaker of the House and the President of the
28. Senate in those cases where he refuses...where he does not get this
29. cooperation. I reiterate my motion.

30. PRESIDENT:

31. The question is shall Senate Bill 526 pass the veto of the
32. Governor to the contrary notwithstanding. Those in favor will vote
33. Aye. Opposed will vote Nay. Secretary will call the roll.

1. SECRETARY:

2. Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew, Clarke,
3. Course, Daley, Davidson, Demuzio, Donnewald, Dougherty, Egan, Fawell,
4. Glass, Graham, Harber Hall, Kenneth Hall, Harris, Hickey, Hynes,
5. Johns, Joyce, Knuppel, Kosinski, Lane, Latherow, Lemke, McCarthy,
6. Merritt, Mitchler, Howard Mohr, Don Moore, Morris, Netsch, Newhouse,
7. Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner, Rock, Roe, Romano,
8. Savickas, Schaffer, Shapiro, Smith, Sommer, Soper, Vadalabene, Weaver,
9. Welsh, Wooten, Mr. President.

10. PRESIDENT:

11. Course, Aye. Carroll, Aye. Netsch, Aye. No one else. Bruce,
12. Aye. Have all voted who wish? Dougherty, Aye. Lane, Aye. On that
13. question, the Ayes are 41, the Nays are 4. Senate Bill 25...526
14. having required...received the required three fifths vote is declared
15. passed the veto of the Governor to the contrary notwithstanding.
16. Senate Bill 527, Senator Egan. Senate Bill 626, Senator Berning.
17. Senator Berning.

18. SENATOR BERNING:

19. Thank you, Mr. President. Members of the Senate, Senate Bill
20. 626 is a County Problems Commission Bill instituted as the result
21. of requests made repeatedly to the County Problems Commission.

22. PRESIDENT:

23. Just a minute, Senator. We're getting a little noisy again.
24. Continue.

25. SENATOR BERNING:

26. Thank you, Mr. President. Senate Bill 626 was a result of
27. requests repeatedly presented to the County Problems Commission for
28. an answer to...as an answer to the...continually deteriorating
29. financial situation of the counties. The bill passed the Senate
30. unanimously and has only one purpose - to require the State to
31. pay the same filing fees as you or I or anyone else, when making
32. recordations. The cost of doing business by the county through
33. the recorder's office or any other of their offices is just as much

1. a responsibility to be met by the State as by private individuals.
2. Now, it has been, and probably is correct, stated that the estimated
3. annual cost would be around three hundred thousand dollars. This
4. is purely conjectural. It can be well under that. It perhaps could
5. even exceed that. But, it is an integral part of the mechanism
6. for the counties to meet their ever rising costs of doing business
7. which we continually are eroding, and this is one small step toward
8. assisting the counties without it being a great burden on the State.
9. And, I then, Mr. Chairman, move...

10. PRESIDENT:

11. For what purpose...one moment. For what purpose does Senator
12. Rock arise?

13. SENATOR ROCK:

14. I...I was going to address the question.

15. PRESIDENT:

16. Oh, fine. Continue, Senator Berning.

17. SENATOR BERNING:

18. I, therefore, Mr. President, move that Senate Bill 626 do pass
19. the veto of the Governor notwithstanding.

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
24. I wonder if the sponsor would yield.

25. PRESIDENT:

26. He indicates he will.

27. SENATOR ROCK:

28. What is the fiscal impact of Senate Bill 626?

29. SENATOR BERNING:

30. I stated, Senator Rock, that it has been estimated that it may be
31. as much as three hundred thousand dollars annually.

32. PRESIDENT:

33. Senator Rock.

1. SENATOR ROCK:

2. Well, I rise in opposition to the motion to override, and I
3. would hope that we would sustain the Governor's position. I think
4. it is a correct one in this instance. Now, whatever money the State
5. has should be utilized for the priorities as established by the
6. General Assembly, namely public education. I think to spend three
7. hundred thousand dollars to transfer this from one public body to
8. another as indicated in the Governor's Message is totally unwarranted,
9. and I would urge a No vote.

10. PRESIDENT:

11. Any further discussion? Senator Soper.

12. SENATOR SOPER:

13. Thank you, Mr. President. Members of the Senate, you know, I...
14. you...I would support Rock's position except for one thing. When...
15. when local government takes upon itself to give certain services to
16. the whole State, then the people of the State should be taxed the
17. same way to support the local government service. Now, if it were
18. a fact that you were taking a service that all the people of the
19. State were paying for and you was just transferring money from one
20. pocket to another, that would be one thing. But, why impose on the
21. County of Cook, the City of Chicago, the Recorder of Cook County,
22. the recorder of...of, say Lake County or any of the recorders in any
23. of the counties, the cost of services to the State to all the people.
24. When we say the State, we're talking about the eleven odd million
25. people in the State of Illinois. You take a little county, suppose
26. there were a number of law suits filed in a small county where I
27. believe there's some counties in this State where there's a recorder,
28. and maybe they'll file five or six hundred suits of some kind, or ask
29. for different recordings. That county should be reimbursed. They
30. can't stand the cost of that. If it's in...for the benefit of all
31. the people of the State of Illinois, then in that tune, we should all
32. stand for the cost of this. And I wish to support the override on
33. this...this proposition, even though it's three hundred thousand dollars.

1. PRESIDENT:

2. Any further discussion? Senator Berning may close the debate,
3. if he desires. There's no obligation, but if he desires.

4. SENATOR BERNING:

5. I'll appreciate a favorable roll call. The counties are in
6. trouble, and this is one way we can help them a little bit.

7. PRESIDENT:

8. The question is shall Senate Bill 626 pass the veto of the
9. Governor to the contrary notwithstanding. Those in favor vote
10. Aye. Those opposed Nay. The Secretary will call the roll.

11. SECRETARY:

12. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
13. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
14. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
15. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
16. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
17. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
18. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
19. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

20. PRESIDENT:

21. Knuppel, Aye. Bloom, Aye. Call for the absentees.

22. SECRETARY:

23. Daley. Hynes. Joyce. Lemke. Newhouse. Nudelman. Ozinga.
24. Romano. Savickas.

25. PRESIDENT:

26. On this question, the Ayes are 27, the Nays are 27, with 1
27. Voting Present. The motion having failed to receive the required
28. three fifths vote is declared lost. Senate Bill 693, Senator Hynes.
29. Senate Bill 944, Senator Don Moore. Senator Moore.

30. SENATOR MOORE:

31. Thank you, Mr. President and members of the Senate. Senate Bill
32. 944 was a bill that was proposed by the Legislative Advisory Committee
33. on Public Aid. It passed this Body on the Conference Committee report

1. 52 to nothing...or 52 to 2. What it does after it was amended, it
2. mandates the Departments of Public Health, the Department of Labor,
3. Mental Health and Developmental Disabilities, Children and Family
4. Services, and the Dangerous Drug Commission, to meet with the
5. Legislative Advisory Committee on Public Aid for advice on policy
6. matters and all matters having a fiscal impact upon the Department
7. of Public Aid. The reason that this bill was introduced came out of
8. an experience that some of us had in the committee and Senator Smith's
9. committee when Mental Health was testifying for a bill, I asked what
10. the fiscal impact was. And the reply by the witness was - well,
11. it will have no impact on our budget. And I said - well, my staff
12. notes indicate that the first years operation will be fifteen million.
13. And he said - that's true, but it won't affect our budget. I said -
14. who's paying for it? He said - oh, Public Aid picks up the tab. I
15. think the members of the Senate are aware that the Department of
16. Public Aid is the single State administering agency for Federal funds.
17. And these departments, in one way or another, affect the budget of
18. the Department of Public Aid. The Governor, in his veto message, said
19. that there is other legislative scrutinies through separate advisory
20. committees, which is true. We do not intend to infringe upon any
21. other legislative committee. The only thing that the Legislative
22. Advisory Committee would like to know, and the Director of the Depart-
23. ment of Public Aid would like to know, is to what other code directors
24. are doing as it may affect the Department of Public Aid. I'd be happy
25. to answer any questions, or if not, at the appropriate time, I would
26. make a motion now, Mr. President.

27. PRESIDENT:

28. Senator Smith. I thought you sought recognition. I'm sorry.
29. Senator Newhouse.

30. SENATOR NEWHOUSE:

31. Would the sponsor yield to a question? Senator, is this a manda-
32. tory requirement or is this permissive?

33. SENATOR MOORE:

1 No, this is a...I'll read you the exact language, Senator.

2 It says that the Department of Public Health and the other depart-
3 ments shall meet with the committee, and the committee shall advise
4 those departments and commissions on all matters having a clear and
5 direct affect on the policy, administration, or fiscal impact of the
6 Illinois Department of Public Aid.

7 SENATOR NEWHOUSE:

8 Thank you, Senator. The reason I asked that question is because
9 I'm not sure you'll always get the cooperation that...that you ought to
10 have. I had the experience as chairman of a subcommittee of the Pensions
11 Commission...Pensions Committee, that is, of inviting the various
12 departments to participate in a hearing. And that the...the notes
13 that we've gotten back from them have been almost a unanimous reply
14 saying that they would, in effect, they would not cooperate with us
15 at this point. I would not like to see you in that position.

16 SENATOR MOORE:

17 Thank you very much.

18 SENATOR NEWHOUSE:

19 I would vote for this bill.

20 SENATOR MOORE:

21 Thank you.

22 PRESIDENT:

23 Senator Mitchler.

24 SENATOR MITCHLER:

25 Mr. President, I'd like to ask the sponsor a question. The
26 question is, does this cost any additional funds to implement?

27 PRESIDENT:

28 Senator Don Moore.

29 SENATOR MOORE:

30 No, there's no fiscal impact whatsoever.

31 PRESIDENT:

32 Senator Mitchler.

33 SENATOR MITCHLER:

1. Then a second question. Could this result in the savings of
2. money in the future?

3. PRESIDENT:

4. Senator Don Moore.

5. SENATOR MOORE:

6. Senator Ozinga just replied. You bet ya. I think that by know-
7. ing what these other departments are doing, and perhaps having the
8. Department of Public Aid have a little impact or a little warning of
9. what...how these millions are being spent, there could be a very
10. substantial savings.

11. PRESIDENT:

12. Senator Mitchler, the Chair would observe that this bill will
13. cost a lot less than any single resolution. Any further discussion?
14. Senator Don Moore may close the debate.

15. SENATOR MOORE:

16. I now move you, Mr. President, that Senate Bill 944 do pass the
17. veto of the Governor to the contrary notwithstanding.

18. PRESIDENT:

19. The question is shall Senate Bill 944 pass the veto of the
20. Governor to the contrary notwithstanding. Those in favor will vote
21. Aye. Opposed will vote Nay. The Secretary will call the roll.

22. SECRETARY:

23. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
24. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
25. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
26. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
27. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
28. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
29. Rock, Roe, Romano, Saperstein...

30. PRESIDENT:

31. She's not here, Sir.

32. SECRETARY:

33. That was in the 77th. I memorized the roll call. This one, I

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1. haven't memorized. Romano, Savickas, Schaffer, Shapiro, Smith,
2. Sommer, Soper, Vadalabene, Weaver, Welsh, Wooten, Mr. President.

3. PRESIDENT:

4. How is Senator Neistein recorded?

5. SECRETARY:

6. Present.

7. PRESIDENT:

8. Have all voted who wish? Senator Lane, Aye. Senator Course,
9. Aye. Senator Morris, No. Senator Vadalabene, Aye. Senator Brady,
10. Aye. Have all voted who wish? Compile the record. On this question,
11. the Ayes are 41, the Nays are 7. Senate Bill 944 having received
12. the required three fifths vote is declared passed the veto of the
13. Governor to the contrary notwithstanding. Senate Bill 946, Senator
14. Don Moore.

15. SENATOR MOORE:

16. Thank you, Mr. President. This was another bill that was recom-
17. mended by the Legislative Advisory Committee. What the bill does,
18. Mr. President and members of the Senate, the bill requires nursing
19. homes, sheltered care homes, homes for the aged and so forth receiving
20. public funds administered by the Department of Public Aid to file
21. with the Department of Public Aid an annual financial statement with
22. uniform cost information. The Governor has no objection to the
23. concept of this bill. He so states in his Veto Message. However,
24. he does feel that the Department of Public Health is the proper
25. agency to administer this. Under Federal law, as of July 1 of
26. next year, we have to establish a cost related basis for paying these
27. type of institutions. It was, I think the members of the Senate
28. will remember the debate, as to whether Public Health should handle
29. it or Public Aid should handle it. It was our position that inasmuch
30. as Public Aid has a responsibility of making these payments and
31. dispersing these monies that it was the proper agency to have it.
32. If the Governor feels that it should be in the Department of Public
33. Health's hands, I think that the Governor is in error. I think

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1. Public Aid is the proper place to get this information, and I would
2. move at the appropriate time, unless there's some questions, Mr.
3. President, that Senate Bill 946 do pass the veto of the Governor
4. to the contrary notwithstanding.

5. PRESIDENT:

6. Any further discussion? Senator Netsch.

7. SENATOR NETSCH:

8. Mr. President, we had long debates on this issue when the bill
9. was before the Senate during the Regular Session, and I pointed out
10. to Senator Moore at that time that apart from the fact that the
11. Department of Public Aid simply is not the appropriate agency for
12. receiving the disclosure forms for nursing homes, that there were
13. some other very serious problems raised by it. I do not know. I
14. was just trying to check the Veto Message whether they are mentioned
15. in the Governor's Veto Message. But, there are certain categories
16. of long term care facilities which would not be covered by the Act
17. if the information covers just those for which the Department of
18. Public Aid has jurisdiction. On the contrary wise, the Department
19. of Public Health has jurisdiction over every conceivable kind of
20. long...long term care facility in the State of Illinois. They all
21. are licensed in one way or another by the Department of Public Health.
22. If the information goes to the Department of Public Health as a part
23. of its licensing jurisdiction, then everything will be covered. There
24. will be a major gap if this bill passes as it is. I made that plea
25. when the bill was before us before, that it was not just a matter of
26. a battle between two agencies or between what Senator Moore wanted
27. and what some others wanted, that there actually are going to be
28. some very serious deficiencies in the coverage if this bill passes
29. as it is. There is no question that the Department of Public Health,
30. which pursuant to certificate of need, to rate review, which will be
31. coming one of these days and other...and its existing licensing juris-
32. diction is the proper agency for receiving this information both for
33. the sake of administrative orderliness, and for the sake of completeness.

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1. I...I would urge that we not allow this bill to pass as it is.
2. It is simply going to cause confusion and a...a major deficiency
3. in the attempt to get at this absolutely critical information. I
4. think we ought to scratch this one, and start over again with a
5. bill that will indeed do the job that it is intended to do, which
6. is to get the financial information that is needed from all of the
7. nursing homes in the State of Illinois. I would urge that we not
8. override this veto.

9. PRESIDENT:

10. Senator Wooten.

11. SENATOR WOOTEN:

12. Mr. President and colleagues, Senator...

13. PRESIDENT:

14. Just a moment, Senator. I shudder to think what this place
15. was like when there were a hundred seventy-seven members of the
16. House here. I...let's...could we have some order please. Senator
17. Wooten.

18. SENATOR WOOTEN:

19. I really wanted to repeat some of the things that were said
20. in the original argument on this bill. Maybe they don't make much
21. difference, because they didn't prevail at that time, but I would
22. simply like to observe that this is an inappropriate step. It is
23. actually going to confuse the matter rather than clarify it. I...
24. I merely wanted to emphasize the point that Senator Netsch was making.
25. I wish there had been better attention, because she spelled out in
26. great detail that this bill actually hinders. It does not help.

27. PRESIDENT:

28. Any further discussion? Senator Smith.

29. SENATOR SMITH:

30. Mr. Chairman and...rather, Mr. President and members of the
31. Senate, I, too, have a copy of the bill that is under discussion here.
32. I have knowledge of the objections that were raised when this bill
33. was up before the committee. I fail to agree with the arguments

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1. advanced in opposition to the motion made by Senator Moore, who
2. is a cosponsor to this bill, together with myself. And others, in
3. fact, all of the members of the particular committee, the Legislative
4. Advisory Commission, on Public Welfare saw fit to cosponsor this bill.
5. We were honest in our cosponsorship then, and we are honest as we
6. stand here now. I take it that members know as well, if not better
7. than I, that the monies involved here charged not to the Department in
8. whose behalf others have spoken, but they are charged to the Department
9. of Public Aid. I took the liberty of having a research made to show
10. the entire amount in our regular annual appropriation bill where the
11. monies are appropriated to the Department of Aid and the Department
12. of Aid then transfers the allotted funds over to the particular
13. departments. That has been done heretofore and is being done. Now,
14. I...I see in this an exercise of power, and I think it's an attempt
15. to show that the...words right and power are synonymous. That you've
16. got the right to do anything, that you have the power to do. That
17. has been done. With reference to...at least three or four, there's
18. two more yet to come, of the bills that we sponsored. We admit his
19. Excellency has the right to do whatever he thinks is right, but it
20. doesn't make it right because he has the power to do it. Now, I
21. rise merely to ask of those who are not in any wise committee to
22. go along with this veto to vote in favor of the motion made by,
23. who was it, Don Moore that the...his Excellency's veto be overridden.
24. And you accordingly vote Aye.

25. PRESIDENT:

26. Senator Merritt.

27. SENATOR MERRITT:

28. Yes, Mr. President, members of the Senate. There's been much
29. said here that...considerable amount of debate, and while on this
30. particular bill when it was before us, and that might be true as
31. far as the committee action's concerned. But, I'd just like to
32. call the members' attention to the fact that when this was before us
33. on May 20th, it was on the agreed bill list. There was no debate on

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1. it, and it carried by a vote of 47 to 10.

2. PRESIDENT:

3. Any further discussion. Senator Netsch.

4. SENATOR NETSCH:

5. I'm aware of the fact that I've spoken once. I think there's
6. no one else on the list. I think it was not on the agreed bill list.
7. I'm sorry, then...

8. PRESIDENT:

9. Says you may continue.

10. SENATOR NETSCH:

11. Thank you, Mr. President. Yeah, I think it was not on the
12. agreed bill list, because there was a great deal of debate about
13. it and a great deal of controversy about it at the time. I'm now
14. recollecting some of the other concerns that I had at the time that
15. this was talked about earlier, and I would like to just quickly
16. mention one...two of them. One is that this, as written, would
17. cover only those nursing homes that are...that receive public aid funds.
18. A very substantial majority do not. For example, the Department of
19. Mental Health is currently paying money for people who are in nursing
20. homes. Those nursing homes would not be covered by the bill as it
21. is written. Secondly, there was a very serious question, and to the
22. best of my knowledge, it has never been resolved as to whether or not
23. the Department of Public Aid, if the disclosure information came to it,
24. could share it with other agencies of State government. There is a
25. very tough nondisclosure provision in the Public Aid Statute required,
26. as I recall, by Federal Statute. I looked at it at the time the bill
27. was before us, and I think it is very doubtful whether Public Aid
28. could turn these reports over to the Department of Public Health, the
29. Department of Mental Health or any other operating agency. That would
30. of course, completely destroy the reason and efficacy of the entire
31. bill. On the other hand, there is no question that the Department of
32. Public Health, which is the proper recipient agency, would be allowed
33. to...to share this information with the Department of Public Health...

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1. I'm sorry, the Department of Public Aid, the Department of Mental
2. Health or any other State agency that had an interest in it. So,
3. for those two additional reasons, it seems to me that this is just
4. simply the wrong way to go, and, in fact, ends up not being productive
5. of the end that is intended.

6. PRESIDENT:

7. Any further discussion? Senator Ozinga.

8. SENATOR OZINGA:

9. Mr. President, members of the Body, a word confusion has been
10. used, and I believe rightfully so. But, the confusion reigns as is,
11. results—this is an accounting, a uniform accounting of money. Monies
12. that will be handled by and through these various institutions or homes
13. or recipients in these homes. Now, there's only one agency that's
14. handling these funds, and they are reciprocating with the other
15. agencies. True, the Department of Public Health is the licensing
16. bureau. They will do the regulating and the cleaning et cetera, et
17. cetera in investigations, but when it comes right down to the real
18. accounting and the real getting it done part, there's only one agency
19. that handles all of these funds and that's the Department of Public
20. Aid. When you're talking about Federal not being able to disclose,
21. that's a lot of poppycock, and you know it. The answer to it is that...
22. if...let's get this money where it's at and where we can regulate it.
23. I would say that we should sustain the motion that's just come up.

24. PRESIDENT:

25. Any further discussion? Senator Don Moore may close the debate.

26. SENATOR MOORE:

27. I now move you, Mr. President, that Senate Bill 946 do pass the
28. veto of the Governor to the contrary notwithstanding.

29. PRESIDENT:

30. The question is shall Senate Bill 946 pass the veto of the
31. Governor to the contrary notwithstanding. Those in favor will vote
32. Aye. Opposed will vote Nay. The Secretary will call the roll.

33. SECRETARY:

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1. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
2. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
3. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
4. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
5. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
6. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
7. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
8. Vadalabene, Weaver, Welsh, Wooten, Mr. President.
9. PRESIDENT.

10. Senator Carroll. Senator Carroll is Present. On that question,
11. the Ayes are 39, the Nays are 8, with 1 Voting Present. Senate Bill
12. 946 having received the required three-fifths vote is declared passed,
13. the veto of the Governor to the contrary notwithstanding. Senate Bill
14. 1175, Senator Bell.

15. SENATOR BELL:

16. Thank you, Mr. President. Senate Bill 1175 addressed itself to
17. the question of State Game Farms. And as the bill passed out of the
18. Senate, it addressed itself to the fact that the General Assembly
19. would control the disposition of State Game Farms and allow only a
20. reasonable flexibility in the part of the Department of Conservation to
21. administer those...those particular game farms. Now, the Governor has
22. vetoed the legislation, feeling that the Department of Conservation should
23. have total control over these game farms that are located in various
24. counties throughout the State. I don't know if this is any really
25. large overriding issue. I know that in my area, Will County, we like
26. to feel that the people of the State of Illinois through their elected
27. representatives, namely here in the General Assembly, are able to push
28. their viewpoint in reference to the control of wildlife in those
29. particular county game farms. I happen to think the concept is a
30. correct concept. I don't think the State's going to fall apart if
31. we turn it over to the Department of Conservation, but I'd like to
32. see this Body override the Governor's veto on this particular issue.
33. I think it should remain with the constituency through their elected

1. representatives here in the General Assembly.

2. PRESIDENT:

3. Senator Donnewald.

4. SENATOR DONNEWALD:

5. Yes, Mr. President and members of the Body, I...somewhat
6. reluctant to rise concerning this particular Senate Bill 1175,
7. I...I'm going to vote to support the override of the Governor.
8. And I do this, Mr. President and members of the Senate, because
9. the present administration, the Director of the Department, is not
10. absolutely incapable of handling the affairs of the Department of
11. Conservation. Now, I would hope that in the future that the department
12. head would change and we could possibly change this particular
13. type of legislation. But, with that, Mr. President, I intend to
14. vote to override. Thank you.

15. PRESIDENT:

16. Any further discussion? Senator Netsch.

17. SENATOR NETSCH:

18. Mr. President, I...I think this is another one of the legislative
19. matters that involves a kind of fascinating confrontation that's
20. going on in the State of Illinois right now involving basis separation
21. of powers questions. And, I speak now, I guess, more as an academic
22. than as a legislature...Legislator because it really is quite interesting
23. for those of us who are students of that particular provision of
24. a State Constitution. It has happened in a number of other areas. I
25. think it...the Legislature has been warned that it's overstepping
26. the separation of powers division in some other areas and for better or
27. worse the courts are beginning to agree, and I regret to say I think
28. this is probably another one of the examples. This is a whether you
29. like this Governor or...and this...Director of Conservation or not, this
30. is an executive decision. It always has been and undoubtedly it will
31. eventually be again, and I suspect if you override this veto, which
32. I'm sure will happen, and the matter ever gets into court, the
33. courts will probably agree that this is an executive decision and that

1. it cannot stand this way. So, in a sense, it's sort of an exercise
2. in futility, and I...I would just raise this warning, because I...I...
3. it does...it's a matter of really deep concern, I think, that goes
4. beyond this particular bill and this particular issue. And that
5. is that we really ought to start thinking more carefully about what
6. the real source of legislative powers are, and...and not start playing
7. games with basic constitutional provisions and basic constitutional...

8. PRESIDENT:

9. Just a moment. Now, is that a softball game or a football game
10. that's about to start here. We almost have eleven players there. Con-
11. tinue, Senator.

12. SENATOR NETSCH:

13. The...I'll hear from the quarterback in a minute. The...what I'm
14. really trying to say is that what we are involved in doing is a lot
15. more serious than how someone feels about how a particular Governor
16. or a particular director is behaving with respect to a particular
17. program at a particular time. And I just think we're off on the wrong
18. track. I think we really ought to pull back and...and not to pass
19. the kind of legislation that I think in years to come, the either the
20. courts or we will regret.

21. PRESIDENT:

22. Any further discussion? Senator Bell may close the debate.

23. SENATOR BELL:

24. Well, Senator Netsch, your allegations are that I don't get along
25. with the Governor or that I have a problem with the Department of
26. Conservation and in both cases you're probably right. I think it's
27. suffice to say you've addressed the issue here as what should it be,
28. a power of the Legislature or should it vest in the Executive. Fellow
29. Senators, I think the power should be with the Legislature. We are
30. the closest to the people. These game farms are in the counties. Part
31. of what the people of the counties like to have available and be able
32. to take their children to see, that the hunters are concerned about,
33. and I move you, Mr. President, that this Body move to override the

1. Governor on this particular bill, Senate Bill 1175.

2. PRESIDENT:

3. Just a moment, Senator. The question is shall Senate Bill
4. 1175 pass the veto of the Governor to the contrary notwithstanding.
5. Those in favor will vote Aye. Those opposed will vote Nay. The
6. voting is open. The Secretary will call the roll.

7. SECRETARY:

8. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
9. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
10. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
11. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
12. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
13. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
14. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
15. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

16. PRESIDENT:

17. Senator Egan votes Aye. Senator Bloom votes Aye. Senator Ozinga,
18. Aye. Have all voted who wish? Senator Hynes, Aye. Senator Newhouse,
19. Present. In fact, they're hunting without bullets. On this question,
20. the Ayes are 44, the Nays are 3, with 1 Voting Present. Senate Bill 1175
21. having received the required three fifths vote is declared passed the
22. veto of the Governor to the contrary notwithstanding. Senate Bill
23. 1460, Senator Don Moore.

24. SENATOR MOORE:

25. In...thank you, Mr. President. In answer to Senator Soper, he
26. just said - don't you have any good bills that the Governor signed? I
27. want to inform the Body that the Governor did sign seven or eight of
28. the Legislative Advisory Committees bills, Senator. So, there were
29. some good ones and I'm sure that this one is a good one too. Mr.
30. President, members of the Senate, Senate Bill 1460 provides that
31. the Legislative Committee on Public...Legislative Advisory Committee
32. on Public Aid shall provide prompt and complete access to any
33. member of the public making written requests to for any records,

1. reports, correspondence, documents, et cetera. The proceedings of
2. the committee, it's meetings and so forth, are open to the public
3. except by a two thirds vote to authorize it to hold closed sessions
4. of both the House and Senate. Nothing in the section, however, shall
5. preclude the exercise of the highest order of confidentiality, commensu-
6. rate with the degree of confidentiality placed upon matters by the
7. appropriate agencies of local, State and Federal government. Originally,
8. this bill contained a number of exceptions. At the request of Senator
9. Rock, it was stricken out because there are different laws from
10. time to time that would come in, and we'd constantly be amending it.
11. I did accept that amendment. I think this is a good bill as far as...
12. as the Legislative Advisory on Public Aid to provide public access
13. to any of its meetings, any of its records, of providing confidentiality.
14. I think it's a good bill. The Governor, in his wisdom, did not think
15. it was. Be happy to answer any questions or make an appropriate motion
16. when the time comes.

17. PRESIDENT:

18. Any further discussion? Senator Dougherty.

19. SENATOR DOUGHERTY:

20. Thank you, Mr. President and members of the Senate. I rise
21. in support of Senator Moore's motion to override the Governor's veto.
22. Actually, what this bill really does is just a broadening of the Open
23. Meetings Act. It provides that the public have...should be allowed
24. to get full knowledge of all that takes place within the meetings
25. of this Legislative Advisory Committee. As a senior member of this
26. committee, I am confident that no violations will occur, but I do
27. believe they are putting in sufficient safeguards to protect the
28. confidentiality. And we can have a closed meeting, if you will,
29. provided it's approved by two thirds of the...of the members of the
30. Body. Therefore, I ask the support of this Body and...to support
31. Senator Moore's motion to override the...the veto of the Governor of
32. this particular bill. I think this bill is necessary. It is entered
33. that I'm a cosponsor, and we discussed it very fully and the committee

1. as a whole is sponsor of this bill. I ask your support.

2. PRESIDENT:

3. Any further discussion? Senator Netsch is recognized.

4. SENATOR NETSCH:

5. May I address a question to the sponsor? Senator Moore, could
6. I address a question to you?

7. PRESIDENT:

8. He indicates he'll yield.

9. SENATOR NETSCH:

10. I...I do not have a copy of the bill in front of me at the moment,
11. and I do not recall what the confidentiality provisions were. Would
12. you mind repeating them for us.

13. PRESIDENT:

14. Senator...

15. SENATOR NETSCH:

16. There was a section that dealt with the confidentiality of records
17. of the commission, and I cannot recall the language.

18. PRESIDENT:

19. Senator Don Moore.

20. SENATOR MOORE:

21. To quote from the bill, Senator, where we took out the specific
22. exceptions, this language was inserted - Nothing in this section,
23. however, shall preclude the exercise of the highest order of confiden-
24. tiality commensurate with that degree of confidentiality placed upon
25. these matters by the appropriate agencies of the local, State and
26. Federal governments. We blanketed all three in.

27. PRESIDENT:

28. Senator Netsch.

29. SENATOR NETSCH:

30. Do I understand then that the...the meaning of that language is
31. that those documents or records, which are confidential by virtue of
32. existing Federal, State or local law, would be equally confidential when
33. they come into the possession of the Commission but no others. Is that

1. the meaning of that language?

2. PRESIDENT:

3. He indicates in the affirmative.

4. SENATOR NETSCH:

5. Thank you.

6. PRESIDENT:

7. Senator Fawell.

8. SENATOR FAWELL:

9. Senator Moore, I have this...in looking at the Governor's Veto
10. Message, he says finally and this is the major change. The bill
11. authorizes the committee to withhold from the public these documents
12. deemed by the committee to be confidential. Is...Is this correct?
13. It goes...well, it's strictly in the committee's discretion as to what
14. is or is not confidential without any definition related of that
15. word confidential?

16. PRESIDENT:

17. Senator Don Moore.

18. SENATOR MOORE:

19. What the...the bill says as amended is that these matters can
20. be withheld by the committee, but the confidentiality has to be
21. commensurate with the degree of confidentiality placed upon these
22. matters by appropriate agencies of the local, State or Federal Govern-
23. ment. In other words, we are bound such as welfare fraud investigation
24. cases. Those would be the type of records that would be confidential
25. until such time as they go to the Grand Jury or go to the courts. We
26. are bound by local, State and Federal Government regulations or laws
27. to the same degree that...that those bodies are bound by.

28. PRESIDENT:

29. Senator Fawell.

30. SENATOR FAWELL:

31. The only point that I am concerned about is the Governor's
32. comments where he says - because the bill does not define what is or
33. would be deemed by the committee to be confidential, the bill grants

1. the committee a license to withhold information from the public, and
2. that would seem to me to be a rather good criticism. The rest of the
3. bill, I think, I had no objection to, but that would seem to be ob-
4. jectionable to me.

5. PRESIDENT:

6. Senator Don Moore.

7. SENATOR MOORE:

8. Just very...very briefly, Senator Fawell, we are, in effect,
9. incorporating by reference, local, State and Federal definitions of
10. confidentiality. But no more. To define confidentiality would
11. probably fill half of the...of the statute books if we would try to.
12. So, we are incorporating by reference the confidentiality of local,
13. State and Federal Governments. Period. Nothing more. I would now
14. move you, Mr. President, that Senate Bill 1460 do pass the veto of
15. the Governor notwithstanding.

16. PRESIDENT:

17. The question is shall Senate Bill 1460 pass the veto of the
18. Governor to the contrary notwithstanding. Those in favor will vote
19. Aye. Opposed will vote Nay. Secretary will call the roll.

20. SECRETARY:

21. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
22. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
23. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
24. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
25. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
26. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
27. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
28. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

29. PRESIDENT:

30. One moment. Senator Hynes, Aye. Senator Palmer, Aye. Senator
31. Kosinski, Aye. Have all voted who wish? Take the record. On this
32. question, the Ayes are 42, the Nays are none. Senate Bill 1460 having
33. received the required three fifths vote is declared passed, the veto

1. of the Governor to the contrary notwithstanding. The Ayes are 42,
2. the Nays are 9, n-i-n-e. Senate Bill 1478, Senator Shapiro. Senate
3. Bill 1493, Senator Buzbee. We have gone through those on the Total
4. Vetoes on which there had been motions filed. The next item are the
5. Item Vetoes. The first bill under that category on Page 10 is Senate
6. Bill 555, Senator Don Moore. No call. Senate Bill 633, Senator
7. Hynes. No call. Senate Bill 635, Senator Rock. On the order of
8. Specific Recommendations for Change, beginning at the bottom of Page
9. 11. Senate Bill 24, Senator Wooten.

10. SENATOR WOOTEN:

11. Mr. President and colleagues, in using his amendatory veto,
12. the Governor has put Senate Bill 24 back in its original shape,
13. which will delight Senator Buzbee and give him an opportunity to
14. exercise his considerable oratorical skills. What it does, the
15. specific changes, it limits the scholarships to those schools
16. supported by wholly to the State of Illinois. It limits it to
17. enlisted men. It includes the Naval Militia and sets back the
18. effective date so that it will have no fiscal impact in Fiscal
19. Year '76. I would move that we accede to the changes suggested
20. by the Governor.

21. PRESIDENT:

22. Senator Davidson.

23. SENATOR DAVIDSON:

24. Mr. President...Mr. ...Mr. President and members of the Senate,
25. I'd like to rise in support of Senate Wooten on Senate Bill 24 as
26. a cosponsor of this bill to agree with the changes recommended by
27. the Governor. This has the support of all the individuals who
28. brought forth this bill in the first place and with the changes,
29. and I urge all of you to vote Aye.

30. PRESIDENT:

31. Senator Shapiro.

32. SENATOR SHAPIRO:

33. Mr. President and Ladies and Gentlemen of the Senate, I would

1. only point out to the Senate that this is the bill that provides
2. scholarships for National Guard enlistees. I think you've heard
3. all the arguments, both sides of the fence, on this particular
4. issue. The...as far as I'm concerned, the Governor's changes doesn't
5. make it any better. As a matter of fact, it may even make it a
6. little worse. I think we have many other areas in higher education
7. where we could use this money or the money that will be need to...
8. needed to implement it next year, and I would urge a No vote.

9. PRESIDENT:

10. Senator Buzbee.

11. SENATOR BUZBEE:

12. Mr. President, I will be brief. I would only point out to you
13. that when I attempted to amend this bill in its original form as
14. Senator Wooten presented it, that I attempted to amend it to include
15. members of the United States Army Reserve, United States Navy Reserve,
16. United States Air Force Reserve and the United States Marine Corps
17. Reserve and the United States Coast Guard Reserve. Senator Wooten
18. resisted that attempt on the basis that the State of Illinois had
19. no obligation to these Federal agencies, and that he was only trying
20. to help out the...the Illinois branch of our defense, that is the
21. National Guard. Well, I would point out to you that the Governor,
22. in his Amendatory Veto has included the Naval Militia. Now, the Naval
23. Militia, it seems, there are some one hundred and twenty-five of those
24. folks or thereabouts, and every one of those are there as an honorary
25. sort of a status, in an honorary sort of status, and they, in fact,
26. are members of the United States Naval Reserve. And I have no
27. objection to their being members of the United States Naval Reserve,
28. but by the Governor's amendatory veto, we're now including those
29. very people that Senator Wooten said he didn't want to include, and
30. that is members of the Federal Reserve Arms. And the Governor's
31. amendatory veto did nothing in my opinion other than make a bad bill
32. worse. And I rise in opposition.

33. PRESIDENT:

1. Thank you, Major Buzbee. Now is Private Vadalabene here?
2. Did he wish to speak on this matter? All right. He waives it...
3. Any further discussion? Senator Nudelman.
4. SENATOR NUDELMAN:
5. Parliamentary...parliamentary inquiry, Mr. President. What
6. are the various ramifications of what we do with this thing?
7. PRESIDENT:
8. Pardon me, I'm sorry.
9. SENATOR NUDELMAN:
10. How many votes does it take? What happens if we don't vote
11. thirty...if it's thirty...
12. PRESIDENT:
13. It requires thirty votes.
14. SENATOR NUDELMAN:
15. What happens if we don't give it thirty votes? There's no
16. bill at all.
17. PRESIDENT:
18. It's dead.
19. SENATOR NUDELMAN:
20. I see. Thank you.
21. PRESIDENT:
22. Senator Buzbee.
23. SENATOR BUZBEE:
24. Parliamentary inquiry, Mr. President. You said it requires
25. thirty votes. I believe this is an amendatory veto which would
26. take thirty-six votes, would it not?
27. PRESIDENT:
28. This is a Specific Recommendation for Change. It takes, to
29. accept the change as made by the Governor, it requires thirty votes.
30. SENATOR BUZBEE:
31. Thank you.
32. PRESIDENT:
33. Senator Netsch.

1. SENATOR NETSCH:

2. Just on the parliamentary point, as he did not receive the
3. thirty votes, there could still be a motion filed to override the
4. ...the veto completely. Isn't that correct?

5. PRESIDENT:

6. Well, your question is - if he does not receive thirty votes
7. could there subsequently be a motion to override the veto. Well,
8. that's...a motion could be filed. The practical matter, though, is
9. if he couldn't get thirty, he would might be...be more difficult
10. to get thirty-six.

11. SENATOR NETSCH:

12. I...I understand...no, I don't.

13. PRESIDENT:

14. Sure.

15. SENATOR NETSCH:

16. But, I understand your point, but I...but that is parliamentary.

17. PRESIDENT:

18. Oh, parliamentary, yes, you are quite correct.

19. SENATOR NETSCH:

20. Thank you, Mr. President.

21. PRESIDENT:

22. We have begun to learn all of the machinations of the...of those
23. who served in the Constitutional Convention. It's been a little
24. hard for us, but we've managed to...

25. SENATOR NETSCH:

26. Well, you just keep...

27. PRESIDENT:

28. ...learn it.

29. SENATOR NETSCH:

30. ...trying and you'll make it...

31. PRESIDENT:

32. ...yes. Yes.

33. SENATOR NETSCH:

1. ...one of these days.

2. PRESIDENT:

3. The only thing we're concerned about is that some of things

4. are hortatory. We are trying to determine which ones are and which

5. ones are not. Senator...Senator Nudelman.

6. SENATOR NUDELMAN:

7. Thank you, Mr. President. Having been in the Constitutional

8. Conventions, I don't understand the machinations that we went through.

9. But, you're gratuitous comment about thirty-six...I don't want to

10. be facetious, but you made a comment about thirty-six being harder

11. to get than thirty, but it might well be, might it not that thirty-

12. six, which would put it back in its original form might not be

13. harder to get in a given situation than thirty to accept an amendment.

14. PRESIDENT:

15. Well, I only said that as relating to this specific issue,

16. which in my judgement, does not bring a great deal of concern to

17. a large number of the members.

18. SENATOR NUDELMAN:

19. Thank you very much.

20. PRESIDENT:

21. Senator Kenneth Hall.

22. SENATOR HALL:

23. Would the sponsor yield to a question?

24. PRESIDENT:

25. He indicates he will.

26. SENATOR HALL:

27. Senator Wooten, I wish you'd refresh my memory. I think when

28. this bill was being heard, you were asked a question about this Naval

29. Militia, and if my understanding is correct, the question was this -

30. are there any minority members in the Naval Militia?

31. SENATOR WOOTEN:

32. Senator Hall, ...

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Wooten.

2. SENATOR WOOTEN:

3. ...to tell you...to tell you the truth, that didn't come up,
4. the question of the Naval Militia that I can recall, but...and I
5. must confess I have no idea as to the composition of the Naval Militia.
6. It's a very small unit, I don't know, has a hundred members even.
7. It's a very small unit.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Hall.

10. SENATOR HALL:

11. Well, the reason I asked that because Senator Buzbee was the
12. one that asked that question and maybe that I would ask Senator
13. Buzbee. Was that...did you not ask that question in committee?
14. Would you care to confer on that? Would you answer that please.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Buzbee.

17. SENATOR BUZBEE:

18. Well, yes, Senator Hall. The question did come up. I have
19. information from the Naval Militia that indicates to me there are
20. minority members, I don't recall offhand how many, but I can assure
21. you there are not very many minority members or female members of
22. the Naval Militia.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Is there further discussion? Senator Wooten. Senator Chew.

25. SENATOR CHEW:

26. Mr. President, insomuch as Senator Buzbee got information there
27. were some minority members, I want to know what is a minority member?
28. Whether he's kitchen help and that's minority or whether he's a captain
29. and that's minority, I...I'd like an explanation.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Buzbee.

32. SENATOR BUZBEE:

33. I would defer to Senator Partee for an answer to that question.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. He's eating. Is there further discussion? Senator Chew, you
3. are now recognized.
4. SENATOR CHEW:
5. Thank you. Thank you, Sir. I'm...I'm serious. What...what do
6. you consider minority members?
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Senator Buzbee.
9. SENATOR BUZBEE:
10. Well, Senator Chew, I am using the, what I understand to be the
11. standard reference point there of minority members being people that
12. are of a race that happen to be Black or Puerto Rican or something
13. other than Caucasian members of the...of the human race.
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. Senator Chew.
16. SENATOR CHEW:
17. Yeah. Would you consider the Jewish people minority. They are
18. white, but they...they have a different religion? And in many in-
19. stances, they are categorized as minority members or minority people.
20. Do they have Jewish members in the Naval Minitia...Militia?
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. Is there further...let's...now, let's...just...just a moment.
23. Just a moment. Senator Vadalabene, for what purpose do you arise?
24. SENATOR VADALABENE:
25. Yes, Sir. The Italians, 'de is in a minority group and they have a
26. U Boat.
27. PRESIDING OFFICER: (SENATOR DONNEWALD)
28. Senator Glass.
29. SENATOR GLASS:
30. What about a Republican, Senator Buzbee?
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Occasionally. Senator Wooten may close the debate.
33. SENATOR WOOTEN:

1. I want to thank Senator Buzbee for once again shedding so
2. much light on this matter, and I do regret that we did not include
3. veterans of the UNESCO Forces as well. I would simply say that
4. the changes in the bill bring it back to its original shape, gives
5. it its least fiscal impact and by advancing it into the next fiscal
6. year, it...it makes sure that we don't give ourselves any fiscal
7. problems in '76, and I would request that we accept the Governor's
8. changes.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. The question is...Senator, the debate has been closed. Senator
11. Vadalabene, for what purpose do you arise?

12. SENATOR VADALABENE:

13. Yes, just one more issue that I forgot to bring up that the
14. Italians have a navy...a navy that's "Wopp" sided.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. The question is shall Senate Bill 24 pass the veto of the Governor
17. to the contrary notwithstanding. Now, wait a minute. Just...wrong
18. cue card. Question is shall the Senate accept the Specific Recommenda-
19. tions of the Governor as to Senate Bill 24 in the manner informed
20. just stated by Senator Wooten. Those in favor vote Aye. Those opposed
21. Nay. The Secretary will call the roll.

22. SECRETARY:

23. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
24. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
25. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
26. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
27. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
28. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
29. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
30. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Chew, Aye. Course, Aye. Johns, Aye. Lane, Aye. Kenneth Hall,
33. Aye. On that question, the...the Ayes are 38, the Nays are 6. Those...

1. those Voting Present are none, and the members...the Specific
2. Recommendations of the Governor as to Senate Bill 24, having
3. received the required majority vote of the Senate as elected
4. is declared accepted. Senate Bill 45, Senator Fawell.

5. SENATOR FAWELL:

6. Mr. President and members of the Senate, the motion that
7. I am going to make here or have filed with the Secretary is that
8. Senate Bill 45 do pass the Specific Recommendations of the Governor
9. to the contrary notwithstanding. Senate Bill 45 is legislation
10. which extends the obligation for lessors of twenty-five units or
11. more, as I recall, to pay interest on security deposits. The
12. Governor has no problem with this, neither House had any problem
13. with this. The problem finally arose in regard to the amendment
14. that the House put on to postpone the time when the lessor is obligated
15. to pay interest to the tenant on the security deposit. Instead of
16. requiring it to be done every year, the amendment in the House which
17. I accepted was that this would be done at the time the security
18. deposit is to be given back. I frankly think that all of us who are
19. interested in passing this legislation should accept the bill in the
20. form in which it passed, because I think it's a practical matter.
21. That's the only way it's going to get through both the Senate and
22. the House. Bob Cook and the real estate men and so many others who
23. were opposing this legislation have accepted it in its amended form.
24. And I would say that those of you who do believe it ought to be
25. annual, I would respect your feelings. I, frankly, can accept it
26. either way, but I repeat, if we're interested in being able to
27. accomplish something, it seems to me that then most respectfully, we
28. have to say to the Governor that we will pass the bill in the form
29. in which it passed before and then, perhaps, next year we can debate
30. anew the question as to whether or not the interest ought to be
31. returned annually or whether at the end when the security deposit
32. is to be paid over. And thus, Mr. President, I do make the motion
33. that Senate Bill 45 pass the Specific Recommendations of the Governor

1. to the contrary notwithstanding.
2. PRESIDENT:
3. Now, this question is shall Senate Bill 45 pass the Specific
4. Recommendations of the Governor to the contrary notwithstanding.
5. Those in favor vote Aye. Those opposed will vote Nay. Secretary
6. will call the roll.
7. SECRETARY:
8. Bell, ...
9. PRESIDENT:
10. Requires thirty-six votes.
11. SECRETARY:
12. Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew, Clarke,
13. Course, Daley, Davidson, Demuzio, Donnewald, Dougherty, Egan,
14. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris, Hickey,
15. Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow, Lemke,
16. McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
17. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
18. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
19. Vadalabene, Weaver, Welsh, Wooten, Mr. President.
20. PRESIDENT:
21. Donnewald, Aye. Davidson, Aye. Hynes, Aye. Daley, Aye.
22. Buzbee, Aye. Newhouse, Aye. Vadalabene, Aye. Have all voted
23. who wish? Morris, Aye. Demuzio, Aye. Have all voted who wish?
24. Take the record. On this question, the Ayes are 44, the Nays are
25. 1, with 2 Voting Present. This...Senate Bill 45 having received the
26. required three fifths vote is declared passed, the Specific Recom-
27. mendations of the Governor to the contrary notwithstanding. Senator Rock.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Will the members please be in their seats. Will the members
30. please be in their seats. Senator ParTEE.
31. SENATOR PARTEE:
32. Thank you, Mr. President. Mr. President and members of the
33. Body, in a few moments there will be passed to each of the members

1. in this Body a Joint Proclamation for a Special Session. It is
2. a Special Session which will deal with a specific subject and
3. can be accomplished within the confines of the time strictures
4. which we are now under. This is a Special Session called by
5. the Speaker of the H0use and by myself, to address itself to a
6. specific question and that is legislation concerning the composition,
7. the size, the terms of office, salary and manner of selection
8. of the State Board of Elections. As many of you know, the question
9. relating to the State Board of Elections and its legality and
10. its viability at this moment is under consideration in both the
11. Sangamon Circuit...Sangamon County Circuit Court, as well as in the
12. Supreme Court of Illinois. The Election Laws Commission has been
13. addressing itself to this question and there has been prepared a
14. bill. A bill which I assume will be discussed and cogitated in
15. both caucuses with reference to a solution to the problem in which
16. we find ourselves. It's not a complicated bill. It is a very
17. simple bill. In addition, thereto, there has been at least one
18. other bill introduced in this Session of the Legislature which
19. relates to this subject. I would assume that that bill also will
20. be introduced in this Special Session, as it does address itself
21. to the question that will then be under consideration. It does not
22. make this for a longer Session. It does not cause any grief or pain.
23. It is a very simple bill which I think the members upon becoming
24. familiar with, will make a decision so that we can remove ourselves
25. from the cloud of the court with reference to our current law. It
26. is only hoped that the Governor would sign such a bill, because we
27. do believe that it would satisfy all of the necessary Constitutional
28. and other political considerations. And, I do know in an election
29. bill, there are, in fact, those kinds of considerations. The Secretary
30. has the Proclamations, and I am sure they will be passed out shortly.
31. I only wanted to tell you first before you saw it so that you would
32. have some knowledge of what it's about, and you would also know that
33. it does not elongate the Session and that the matter can be handled

11-4-75
11-4-75

1. within the time frame of our particular engagement. Thank you.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. I understand, Mr. President, that the procedure would be that
4. the Secretary is to Journalize and acknowledge the fact that this
5. has been received from the Secretary of State. Is that correct?

6. SENATOR PARTEE:

7. Yes, that is exactly correct and the record should so reflect
8. that.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Now, if we might, we'll go back to the Calendar at Page 11.
11. Senate Bill 223, Senator Fawell. No. 445, Senator Buzbee. 572,
12. Senator Johns. 617, Senator Savickas. Senate Bill 6...oh, Senator
13. Savickas. Is there a motion on file with respect to Senate Bill 617?

14. SENATOR SAVICKAS:

15. There isn't a motion?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator, I'm...I'm advised by the Secretary that he does not
18. have a motion. Do you wish to...if you wish to file one, you can
19. file one immediately and we can see...

20. SENATOR SAVICKAS:

21. I'd like to file one immediately. Does he have the forms there?

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Yes.

24. SENATOR SAVICKAS:

25. I'll sign it right now.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. In the meantime, Senate Bill 699, Senator Shapiro. Senate Bill
28. 699, can we...

29. SENATOR SHAPIRO:

30. Mr. President and Ladies and Gentlemen...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Hold it. Hold it, Senator. Senate Bill 699, Senator Shapiro.

33. SENATOR SHAPIRO:

1. Mr. President and Ladies and Gentlemen of the Senate, Senate
2. Bill 699 amends the Downstate Firemens' Act. The Governor approved
3. all the changes in this new Act, but did make one minor change,
4. and his changes I am going to concur in. The Governor's office,
5. the change that they suggested, would merely delete some new
6. presumptive language from this Act as it concerns occupational
7. diseases of firemen namely heart, lung and respiratory tract, and
8. then would...would restore the existing language that is in the
9. present Act. It does nothing more or less than that. So, Mr.
10. President and Ladies and Gentlemen of the Senate, I would move
11. to accept the Specific Recommendations of the Governor as to
12. Senate Bill 699 in the manner and form as I have attempted to
13. describe.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Any discussion? The question is shall the Senate accept the
16. Specific Recommendations of the Governor as to Senate Bill 699 in
17. the manner informed just stated by Senator Shapiro. Those in favor
18. will vote Aye. Those opposed will vote Nay. Secretary, call the
19. roll.

20. SECRETARY:

21. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
22. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
23. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
24. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
25. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
26. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
27. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
28. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. On that question, the Yeas are 54, the Nays are none, none
31. Voting Present. The Specific Recommendations of the Governor as to
32. Senate Bill 699 having received the required majority vote of the
33. Senators elected are declared accepted. Senator Savickas, are you

1. ready on...Senate Bill 617, Senator Savickas.

2. SENATOR SAVICKAS:

3. Yes, Mr. President, members of the Senate, I would move that
4. we sustain the Governor's action in...in his Specific Recommendations
5. for a change on Senate Bill 617. Senate Bill 617 primarily would
6. exempt minors from regulation of obtaining a employment certificate
7. while they're under the CETA program which is a Federal funded pro-
8. gram. The Governor felt that we should narrow the exemption just
9. specifically to the employment certificate. He thought that there
10. might be a chance that minors would be employed in hazardous occupa-
11. tions. So he changed on Page 1, Line 21 to include Section 9 into
12. the bill. So, with this in mind, the purpose and intent of the bill
13. is still the same. It's to allow municipalities to relinquish the
14. need for work certificates so that they can quickly bring these
15. young children into the work force during the summer.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Is there any discussion? Question is shall the Senate accept
18. the Specific Recommendations of the Governor as to Senate Bill 617
19. in the manner informed as stated by Senator Savickas. Those in favor
20. will vote Aye. Those opposed will vote Nay. Mr. Secretary, call the
21. roll.

22. SECRETARY:

23. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
24. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
25. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
26. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
27. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
28. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
29. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
30. Vadabalabene, Weaver, Welsh, Wooten, Mr. President.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Berning, Aye. Senator Hickey, Aye. On that question,
33. the Yeas are 51, the Nays are none, none Voting Present. The Specific

1. Recommendations of the Governor as to Senate Bill 617 having
2. received the required majority vote of the Senators elected are
3. declared accepted. Senate Bill 992, Senator Hynes. Hold. Senate
4. Bill 1157, Senator Latherow. Do you wish to call that? Senator
5. Latherow.

6. SENATOR LATHEROW:

7. Thank you, Mr. President. I'm waiting for a copy of this
8. changed veto. The Governor has come with an amended type veto
9. over the prior one, and I don't have it to distribute to you.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. We can...we can get it. We can get back to you, hopefully.

12. SENATOR LATHEROW:

13. Okay.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Okay. Senator Buzbee, on Senate Bill 445, the bottom of Page
16. 11 under Specific Recommendations for Change is found Senate Bill 445.
17. Senator Buzbee.

18. SENATOR BUZBEE:

19. Mr. President...

20. PRESIDING OFFICER: (SENATOR ROCK)

21. I'm told, Senator, there is no motion filed with the Secretary.

22. SENATOR BUZBEE:

23. Take it out of the record.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Will you file the motion and then we can get right...get right
26. to it. Senator McCarthy. If I can have the attention of the member-
27. ship, on Page 4 of the Calendar, on the order of business of Total
28. Vetoes is found Senate Bill 279. Senator McCarthy has advised the
29. Chair that he was off the Floor and would now wish...ask leave of this
30. Body to go back to that order and call that. Leave granted? Leave.
31. On the order of Total Vetoes, Senate Bill 279, Senator McCarthy.

32. SENATOR MCCARTHY:

33. Yes, Mr. President and members of the Body, Senate Bill 279

1. affects the Firemen Pension Fund downstate. Now, this bill did
2. pass overwhelmingly in both the House and the Senate and was
3. vetoed by the Governor. And since that time, there's been some
4. clarification of the full import of the bill. I've talked to
5. the firefighters and have also communicated with the Governor's
6. office, and I don't have any firm agreement except that the opposition
7. by the Governor has been less than it was at the time of the veto,
8. because of an explanation of the facts. For the members here, just
9. briefly like to state what the facts are. This bill would provide
10. dependent benefits to nay natural child of a fireman downstate born
11. before or after his retirement. What happened was that a few Sessions
12. ago, there was legislation introduced and passed designed to exclude
13. from the pension system unnatural children or adoptive children of
14. a fireman after he went off retirement, which it still is the law in
15. which will remain the law even though this bill may pass. But in the
16. language change, the Legislature unwittingly excluded natural children
17. ...excluded natural children from the disability benefits of the fire-
18. man. Now, so far as we know, there's only one case in Illinois where
19. it's involved, but it so happens that it's a fireman here in Spring-
20. field who retired under disability. He and his wife had one or two
21. children after his retirement and then upon his death, the children
22. are excluded from the benefits of the disability pension. This is
23. the type of legislation that would correct that situation, and I
24. would encourage, if there are no further questions, if there are, I'd
25. be happy to attempt to answer them, I would encourage an affirmative
26. vote to pass this bill, the Governor's veto of the contrary notwith-
27. standing.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Any discussion? Senator Glass.

30. SENATOR GLASS:

31. Thank you, Mr. President. I...I wonder if any members of the
32. Pension Laws Commission would care to comment on this bill. I
33. certainly symphathize with what Senator McCarthy states regarding

1. this one case, but I often hear them, members of the Pension Laws
2. Commission, cite examples of specific exceptions which appear to
3. be all right in certain cases, but since they're being written into
4. the law it's of questionable merit to adopt them. And, of course,
5. that's the basis of the Governor's veto, at least in the Message.
6. He...he says that this bill would provide pension coverage for minor
7. children if a fireman whose death occurs after termination of service.
8. And the Commission characterizes this change as being in conflict with
9. principle and policy, and would set aside a standard that's common
10. to all retirement systems. And, I wonder if, you say the position
11. of the Governor is...is changed. I wonder if the Pension Laws Com-
12. mission is support of the bill or not.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Any further discussion or comment? Senator McCarthy, you wish
15. to close or respond?

16. SENATOR McCARTHY:

17. Well, ...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator McCarthy may close the debate.

20. SENATOR MCCARHTY:

21. Well, again, and I...as I understand this bill, there is a provi-
22. sion where the contributions have to be back paid and also there
23. is a cutoff on the application of the retroactive effect of the bill.
24. I think the firemen have made their case to all the people, and so
25. far as I know, at least from the Governor's office, there's no
26. militant opposition, and this is a case that Representative Londrigan
27. it happens to be a member of his family that was involved. And he
28. called me and explained it to me, and I would move for a favorable
29. vote.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. The question is shall Senate Bill 279 pass the veto of the
32. Governor to the contrary notwithstanding. Those in favor will vote
33. Aye. Those opposed will vote Nay. Mr. Secretary, call the roll.

1. SECRETARY:
2. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
3. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
4. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
5. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
6. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
7. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
8. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
9. Vadalabene, Weaver, Welsh, Wooten, Mr. President.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Lemke, Aye. Netsch, Present. Vadalabene, Aye. Buzbee, Present.
12. Senator McCarthy, do you wish a call of the absentees?
13. SENATOR McCARTHY:
14. Yes, please.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. Mr. Secretary, call the absentees.
17. SECRETARY:
18. Bell, Berning, Bloom, Bruce, Clarke, ...
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Bruce, Aye.
21. SECRETARY:
22. Graham, Johns, Knuppel...or Harris, Knuppel, Lane, Latherow,
23. Howard Mohr, Don Moore, Ozinga, Palmer, Philip, Romano, Soper,
24. Weaver.
25. PRESIDING OFFICER: (SENATOR ROCK)
26. On that question, the Yeas are 30, the Nays are 2, 8 Voting Present.
27. The motion with respect to Senate Bill 279 fails. If I can have the
28. attention of the membership, on the bottom of Page 11, on the order
29. of business of Specific Recommendations for Change is found Senate
30. Bill 445. I'm advised that a motion has been filed. Senator Buzbee.
31. SENATOR BUZBEE:
32. Thank you, Mr. President. Mr. President, the Governor discovered
33. an error in the bill and that he made a technical change in the bill

1. where he substitutes the word - code - for the word - act - in this
2. bill as it pertains to the State Universities' Retirement System, and
3. I would make the appropriate motion that we concur with the Governor's
4. amendatory veto.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Is there any discussion? Question is shall the Senate accept
7. the Specific Recommendations of the Governor as to Senate Bill 445
8. in the manner informed just stated by Senator Buzbee. Those in
9. favor will vote Aye. Those opposed will vote Nay. Mr. Secretary,
10. call the roll.

11. SECRETARY:

12. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
13. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
14. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
15. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
16. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
17. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
18. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
19. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Carroll, Aye. On that question, the Yeas are 47, the
22. Nays are 1, none Voting Present. The Specific Recommendations of the
23. Governor as to Senate Bill 445 having received the required majority
24. vote of the Senators elected are declared accepted. On the order of
25. Specific Recommendations for Change, on Page 12 of the Calendar is
26. found Senate Bill 1-1-5-7, 1157, Senator Latherow.

27. SENATOR LATHEROW:

28. Thank you, Mr. President and members of the Senate. I want to
29. call your attention to the fact that the Governor has made a change in
30. his amendatory action, and in the action that was stated to us in the
31. book, it requires that the same law enforcement training be given as
32. for any law enforcement officers. Now, the amendment that I have filed
33. changes that, provides it to being permitted to...anyone being permitted

1. to carry a firearm as an auxiliary deputy must have the same course
2. of training as required of peace officers in Section 2 of the Act
3. relating to firearm training. Now, that training is a twenty-four
4. hour requirement of...concerning firearm handling and so on. The
5. training program is set up by the local Governmental Law Enforcement
6. Officer Training Board, and may be given in any State Police district.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Any discussion? The question is, I take it, shall the Senate
9. accept the Specific Recommendations of the Governor as to Senate Bill
10. 1-1-5-7 in the manner informed just stated by Senator Latherow.
11. Those in favor will vote Aye. Those opposed will vote Nay. Mr.
12. Secretary, call the roll.

13. SECRETARY:

14. Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew,
15. Clarke, Course, Daley, Davidson, Demuzio, Donnewald, Dougherty,
16. Egan, Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Harris,
17. Hickey, Hynes, Johns, Joyce, Knuppel, Kosinski, Lane, Latherow,
18. Lemke, McCarthy, Merritt, Mitchler, Howard Mohr, Don Moore, Morris,
19. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer, Philip, Regner,
20. Rock, Roe, Romano, Savickas, Schaffer, Shapiro, Smith, Sommer, Soper,
21. Vadalabene, Weaver, Welsh, Wooten, Mr. President.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. On that question, the Yeas are 53, the Nays are 1, none Voting
24. Present. The Specific Recommendations of the Governor as to Senate
25. Bill 1-1-5-7 having received the required majority vote of the Senators
26. elected are declared accepted. What purpose does Senator Buzbee
27. arise?

28. SENATOR BUZBEE:

29. Inquiry of the Chair, Mr. President. If there is a bill appearing
30. on the Calendar which the sponsor has no intention of trying to over-
31. ride a veto, a Total Veto, what appropriate motion could be made to
32. clear it from the Calendar so it won't have to keep appearing there
33. everyday?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. I think the policy has been and is that if no motion is filed,
3. it will remain on the Calendar for the period of fifteen days. As
4. of Thursday, those items on the Calendar not called will dissipate.

5. SENATOR BUZBEE:

6. Thank you.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Wooten, for what purpose do you arise?

9. SENATOR WOOTEN:

10. Mr. President, I would seek leave of the Body to be removed as
11. principal sponsor of Senate Bill 1514 and Senator Buzbee will assume
12. principal sponsorship of that bill in my stead, Senate Bill 1514.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Is leave granted? Leave is granted. So ordered. Senator Bruce,
15. for what purpose do you arise?

16. SENATOR BRUCE:

17. For the purpose of making a motion relative to Senate Bill 1508.
18. That bill is presently in the Senate Appropriations Committee. I've
19. spoken to the chairman, the minority spokesman. I would now move that
20. that bill be discharged from further consideration by the Senate
21. Appropriations Committee, that it be read a 2nd time and placed on the
22. order of 3rd reading. And that I will bring the bill back to the order
23. of 2nd reading when the appropriate amendments are prepared and...
24. and available.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Weaver.

27. SENATOR WEAVER:

28. Thank you, Mr. President. I'm not going to object to the
29. discharge of the Appropriations Committee, but I would like to point
30. out to the membership that on three occasions we've requested inform-
31. ation from the Racing Board relative to 1508, to try to make some
32. judgement on what their needs might be for the next six months. We
33. have been completely ignored. Now, I realize that there's a little

1. background to this. They were only given six months appropriation.
2. At that Appropriations Committee, the Chairman of the Racing Board
3. did not show up to be questioned as the original appropriation so
4. that was one reason why I think maybe only it was partially funded.
5. But, I...I think it's inexcusable for any Director or Chairman of
6. a Board or Commission asking for appropriations from this Body to
7. refuse our staff whether they be the majority or minority staff
8. information so that we can adequately judge what their needs are.
9. I hope that this information will be forthcoming, Senator Bruce.
10. And we're not trying to stifle any action on this. It is my
11. understanding that this bill will be amended tomorrow, so it will be
12. brought back from 3rd reading to 2nd for the purpose of amendments.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Well, now, I understand we have a problem. The motion has
15. been put that the Committee on Appropriations be discharged from
16. further consideration of 1508, and that the bill be read a 2nd
17. time. Now, the bill is physically not here. So, my suggestion
18. would be that the motion should be put so that the Committee can
19. be discharged and that the bill be ordered to the order of 2nd
20. reading and will appear on tomorrow's calendar on the order of
21. 2nd reading. That will solve Senator Weaver's problem about the
22. amendment. Is that acceptable, Senator Bruce? Okay. The motion
23. then is that the Committee on Appropriations be discharged from
24. further consideration of Senate Bill 1508 and that bill be ordered...
25. placed on the Calendar on the order of 2nd reading. All in favor
26. signify by saying Aye. All Opposed. The Ayes have it. So ordered.

27. PRESIDENT:

28. The Senate will be at ease for a moment, and the members of
29. the Rules Committee will please come to the rostrum for a meeting.
30. The Senate will come to order. Senator Philip. There have been
31. many questions asked about the procedure for the rest of the day
32. and tomorrow...if I may have your attention, we will give you the
33. format. We are now in the Regular Session, which Regular Session

1. will..is going to be, in a moment or two, recessed until 3:30.
2. As soon as it is recessed, we will go into the First Special
3. Session in which there is no new business, and it too will be
4. adjourned until tomorrow. We will return at 3:30 after a thirty
5. minute caucus as requested by the Republicans. So, now we are in
6. the first...the Regular Session, and the...it will stand in recess
7. until 3:30. Now, we will...just a minute please.

8. (RECESS)

9. (AFTER RECESS)

10. PRESIDENT:

11. Senate will come to order. On the order of matters on Consider-
12. ation Postponed on Page 2 of your Calendar, the Chair recognizes Senator
13. Rock.

14. SENATOR ROCK:

15. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
16. On the order of Consideration Postponed is House Bill 3052 which is
17. something of an emergency nature. It...it is a bill designed to
18. implement a plan proffered by the State Central Committee of the
19. Democratic Party of Illinois with respect to delegate election
20. for the '76 Convention. I am asking at this time that the bill be
21. recalled to the order of 2nd reading for the purpose of an amendment.
22. I would ask that the amendment be offered and adopted today, and
23. I have agreed at the request of some of the members on both sides
24. of the aisle to hold the bill until tomorrow, but, I...I
25. would like to put the amendment on so that everybody can have a...
26. consider the bill.

27. PRESIDENT:

28. Is leave granted? Leave is granted. The bill is now on the
29. order of 2nd reading. Has there...

30. SENATOR ROCK:

31. There is...there is an amendment on the Secretary's Desk.

32. SECRETARY:

33. Amendment No. 1 offered by Senator Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President. I don't think it's necessary for
3. the Secretary to read it. The amendment does three things. It
4. was submitted to me by our State Chairman, Mr. To ey. It provides
5. that the bill will have an immediate effective date is the major
6. change, and there are two other technical changes that are required
7. and have been required by the National party. One is that the
8. amendment will provide that vacancies in the alternate delegate
9. position can be filled by the delegation. This is a requirement
10. of the National party rules. And the third technical change is a
11. language change made to clarify that the State Central Committee may
12. certify the method by which alternate delegates suc ed to the office
13. of delegates, a major change here. With amendment...this amendment
14. is the provision for an immediate effective date, and I would move
15. the adoption of Amendment No. 1.

16. PRESIDENT:

17. Any discussion? Senator Rock moves the adoption of Amendment
18. No. 1. All in favor say Aye. Opposed Nay. The Ayes have it. The
19. Amendment is adopted. Any further amendments? Any further business
20. to come before the Senate? Senator Harris.

21. SENATOR HARRIS:

22. I did not hear the Chair re-refer the bill to the order of
23. Consideration Postponed. Was that done?

24. PRESIDENT:

25. No, I didn't do it because I asked for further amendments. I
26. didn't know...

27. SENATOR HARRIS:

28. Did you...are you leaving it on 2nd reading or re-referring
29. it to...you...you asked is any further business to come before
30. the Senate. And I...

31. PRESIDENT:

32. Well, we could be...

33. SENATOR HARRIS:

1 What...what is...

2 PRESIDENT:

3 Senator Rock.

4 SENATOR HARRIS:

5 What is the dispositions of House Bill 3052?

6 SENATOR ROCK:

7 I think Senator Harris is correct. I think the order from
8 the Chair should be back on the order of Consideration Postponed
9 so it will...so show on the Calendar. If anybody else has any
10 amendments, I will be more than happy to call it back.

11 PRESIDENT:

12 The bill is now on the order of Consideration Postponed,
13 subject to any amendments which any member might desire to offer.
14 Introduction of bills.

15 SECRETARY:

16 Senate Bill 1517 introduced by Senators Hynes, Partee, Rock,
17 Donnewald, Weaver and Shapiro.

18 (Secretary reads title of bill)

19 1st reading of the bill.

20 PRESIDENT:

21 Any further business to come before the Senate? Senate will
22 stand adjourned until tomorrow morning at 11:30.