

79th GENERAL ASSEMBLY

REGULAR SESSION

November 18, 1975

1. PRESIDENT:

2. The hour of one having arrived, the Senate will come to
3. order. The prayer will be by the Reverend Rudolph S. Shoultz,
4. Union Baptist Church, Springfield, Illinois.

5. REVEREND SHOULTZ:

6. (Prayer by Reverend Shoultz)

7. PRESIDENT:

8. Reading of the Journal.

9. SECRETARY:

10. Monday, November 3rd, 1975, Tuesday, November the 4th, 1975,
11. and Wednesday, November the 5th, 1975.

12. PRESIDENT:

13. Senator Lane.

14. SENATOR LANE:

15. Mr. President, I move that the Journals just read by the Secretary
16. be approved unless some Senator has additions or corrections to offer.

17. PRESIDENT:

18. You heard the motion. All in favor say Aye. Opposed Nay.
19. Ayes have it, the motion carries. Senator Lane.

20. SENATOR LANE:

21. Mr. President, I move that reading and approval of the Journal
22. of Thursday, November 6th, 1975, be postponed pending arrival of the
23. printed Journal.

24. PRESIDENT:

25. You heard the motion. All in favor say Aye. Opposed Nay.
26. The motion carries. Committee Reports.

27. SECRETARY:

28. The Committee on Rules met at twelve noon, November the 18th,
29. 1975, with the following members present: Senator Partee, Rock,
30. Donnewald, Mohr, Howard Mohr, and Senator Harris. By unanimous
31. vote, the committee ruled that House Bill 3164 and House Bill 3165
32. be placed on the Calendar. Signed, Senator Partee...Cecil A. Partee,
33. President.

1. PRESIDENT:
2. Is there a Senate sponsor for those two bills? Is there
3. any member of the Transportation Committee who has been contacted
4. with reference to those bills? I guess they'll tell us later.
5. 3164 and 65, they're Committee Bills that came from the House,
6. Continuation of train service, that's what they relate to.
7. Senator Chew.
8. SENATOR CHEW:
9. Yes. Would you repeat that, Mr. President, pertaining to the
10. bill you just called the number...
11. PRESIDENT:
12. ...Would...
13. SENATOR CHEW:
14. ...give me some facts on it.
15. PRESIDENT:
16. Mr. Secretary, will you read those two bills by title, please.
17. House Bill 3164.
18. SECRETARY:
19. House Bill 3164.
20. (Secretary reads title of bill)
21. SENATOR CHEW:
22. Mr. President.
23. PRESIDENT:
24. Senator Chew.
25. SENATOR CHEW:
26. Is there any objection from the Chair on...these bills?
27. PRESIDENT:
28. Let Senator Chew be shown as sponsor of this bill, 3164 and 3165.
29. SENATOR CHEW:
30. Thank you.
31. PRESIDENT:
32. Do you have a motion, Senator, with reference to their...
33. SENATOR CHEW:
34. I would...

1. PRESIDENT:
2. ...be read a first time and moved...
3. SENATOR CHEW:
4. ...and move without reference to committee.
5. PRESIDENT:
6. The motion is shall Senate Bill 31...we'll take them individually,
7. 3164...House Bill 3164 be read a first time and moved to second
8. reading without reference to committee. All in favor say Aye.
9. Opposed Nay. So ordered. As to House Bill 3165...
10. SENATOR CHEW:
11. I'll make the same motion, Mr. President.
12. PRESIDENT:
13. One moment, let him read it first.
14. SECRETARY:
15. House Bill 3165. Senator Chew is the sponsor.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. PRESIDENT:
19. The motion is shall the bill be advanced to the order of
20. second reading without reference to a committee. All in favor
21. say Aye. Opposed Nay. So ordered. Now, Mr. Secretary, would
22. you again, for the purpose of the record, read House Bill 3164.
23. SECRETARY:
24. House Bill 3164. Sponsored by Senator Chew. .
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. PRESIDENT:
28. Second reading. Both bills have now been read the first
29. time and advanced to second reading. Resolutions.
30. SECRETARY:
31. Senate Resolution 183, introduced by Senator Kenneth Hall.
32. It's congratulatory.
33. PRESIDENT:
34. Senator Kenneth Hall.

1 SENATOR KENNETH HALL:

2 Thank you, Mr. President and members of the...of the Senate.
3 This is a congratulatory resolution for Miss Bess Garvin, a
4 prominent teacher in East St. Louis for many years and she's going to
5 be honored by a reception and I would like to make the proper motion
6 that this be adopted.

7 PRESIDENT:

8 Senator Hall moves for the suspension of the rules for the
9 immediate consideration of this resolution. All in favor say
10 Aye. Opposed Nay. The rules are suspended. Senator Hall now moves
11 for the immediate adoption of this resolution. All in favor say Aye.
12 Opposed Nay. The resolution is adopted.

13 SENATOR HALL:

14 All...all Senators please.

15 PRESIDENT:

16 Will all Senators - is there leave for all Senators to be shown
17 as sponsors? Leave is granted.

18 SECRETARY:

19 Senate Resolution 184, introduced by Senator Davidson. It's
20 congratulatory.

21 PRESIDENT:

22 Senator Davidson.

23 SECRETARY:

24 Congratulating Glenwood High School Golf Team.

25 PRESIDENT:

26 Senator Berning moves the suspension of the rules for the
27 immediate consideration of this resolution...there he comes down the
28 fairway now...for the immediate consideration of this resolution.
29 All in favor say Aye. Opposed Nay. Now, Senator Davidson moves
30 for the immediate adoption of this resolution. All in favor say Aye.
31 Opposed Nay. The resolution is adopted. Pars, birdies and eagles.

32 SECRETARY:

33 Senate Resolution 185, introduced by Senators Don Moore, Lane,
34 Ozinga, and Daley. It's congratulatory.

1 PRESIDENT:

2 Senator Don...

3 SENATOR DON MOORE:

4 Thank you, Mr. President. This is a fifty year wedding anniversary
5 resolution. I'd move for the suspension of the rules and the immediate
6 consideration and adoption of the resolution.

7 PRESIDENT:

8 Senator Don Moore moves for the suspension of the rules for
9 the immediate consideration of this resolution. All in favor
10 say Aye. Opposed Nay. The rules are suspended. Now, Senator
11 Don Moore now moves the immediate adoption of this resolution. All in
12 favor say Aye. Opposed Nay. The resolution is adopted.

13 SECRETARY:

14 Senate...Senate Resolution 186.

15 (Secretary reads Senate Resolution 186)

16 PRESIDENT:

17 Who is the sponsor? Would you give us the sponsor's name, please.

18 SECRETARY:

19 Sponsor - introduced by Senators Glass, Schaffer, Roe, Nudelman,
20 Newhouse, Bruce, Sommer and others.

21 (Secretary reads Senate Resolution 186)

22 PRESIDENT:

23 Senator Glass.

24 SENATOR GLASS:

25 Thank you, Mr. President. I am aware, Mr. President and...

26 PRESIDENT:

27 Just one moment, Senator.

28 SENATOR GLASS:

29 ...Senators.

30 PRESIDENT:

31 Will the Sergeant-at-Arms clear the aisle, please. Senator Glass.

32 SENATOR GLASS:

33 Thank you, Mr. President. I am aware that this bill is going to

1 be sent to the Rules Committee and by way of personal privilege,
2 I would like to urge that the members give serious consideration to this
3 concept. It would limit the number of bills that each Senator can intro-
4 duce to fifteen in any year up until the thirtieth of June. That is in
5 any term and then for the remainder of the term another fifteen. And I
6 think it is a...an important first step toward limiting the unwieldy,
7 and unworkable volume of bills that we deal with here in the General
8 Assembly. And I would just mention this fact and ask Mr. President,
9 that the Rules Committee do hold a hearing on this and I...I hope
10 that it will be given every consideration in the near future. Thank you.

11 PRESIDENT:

12 Any further discussion? Rules Committee.

13 SECRETARY:

14 Senate Resolution 186, introduced by...

15 PRESIDENT:

16 Just a moment, just a moment. Will the members be in their
17 seats and will you please reduce the noise level. Continue, Mr. Secretary.

18 SECRETARY:

19 Correction on the number. Senate Resolution 187, introduced
20 by Senator Nudelman.

21 PRESIDENT:

22 Senator Nudelman. Do you desire it be read or do you want to
23 make an explanation?

24 SENATOR NUDELMAN:

25 Could we have it read, Mr. President?

26 PRESIDENT:

27 Yes, please read it. Will the members be in their seats,
28 including Senator Carroll. Will the members be in their seats.
29 Read the resolution.

30 SECRETARY:

31 (Secretary reads Senate Resolution 187)

32 PRESIDENT:

33 Senator Knuppel. Senator Nudelman.

1 SENATOR NUDELMAN:

2 Thank you, Mr. President. The resolution, I believe, is self-
3 explanatory. I would point out that similar resolutions have been
4 passed by the Congress of the United States, by the City Council of the
5 City, by the Cook County Board. A similiar resolution is being presented
6 today in the House. I would respectfully request that the rules be
7 suspended for immediate consideration of the resolution and that the...
8 that the...the - all of the Senators, particularly Senator Carroll,
9 Senator Palmer, Senator Welsh, Senator Daley, and all Senators be
10 shown as co-sponsors with myself.

11 PRESIDENT:

12 Any further discussion? The question is...the motion is shall
13 the rules be suspended? All in favor say Aye. Opposed Nay. The
14 rules are suspended. Senator Nudelman now moves for the immediate
15 adoption of this resolution and that all Senate members be shown
16 as sponsors. All in favor will say Aye. Opposed Nay. The Ayes
17 have it. The resolution is adopted. Senate Bills on third reading
18 in the Regular Session. Senate Bill 1508, Senator Bruce. Senate Bill
19 1518, Senator Howard Mohr. House Bills on second reading. House Bill
20 3062. The other two are held. There are five or six bills on House Bills
21 first reading in the Regular Session. We'll call them to determine
22 if there are sponsors. House Bill 592. House Bill 1137. House Bill
23 1476. House Bill 2529. House Bill 3099. House Bill 3110. Senator
24 Lemke.

25 SECRETARY:

26 (Secretary reads House Bill 3110)
27 1st reading of the bill.

28 PRESIDENT:

29 Goes to Assignment of Bills. We're still in the Regular Session.
30 On the Order of Total Vetoes, page three. House Bill 3482. Senator
31 Netsch. House Bill 419. Senator Romano. Senator Romano.

32 SENATOR ROMANO:

33 Mr....

34 PRESIDENT:

1 Will the members be in their seats.

2 SENATOR ROMANO:

3 President...Mr. President and members of the Senate. This was
4 a bill, we passed it in the Senate and the House, and it provides for
5 unused vacation and sick leave credits upon termination of retirement
6 or disability. And I move...I move to...you got it? I...I move to
7 override the Governor's veto on this bill.

8 PRESIDENT:

9 Any further discussion? Will you put the bill number up, please.
10 Any further discussion? Senator Harris.

11 SENATOR HARRIS:

12 Well, I hope the membership are aware of the fiscal impact of
13 this bill. It is a very, very serious change in the employment
14 policy of the State of Illinois. And I would hope the membership
15 would be very mindful of the impact. For example, on the university
16 system alone, this bill has a fiscal consequence of some one million,
17 eight hundred thousand dollars. I think that figure - I'm...I'm
18 pretty certain that is the figure that we've calculated. In its
19 first year, it doesn't impact quite so seriously with respect to
20 the rest of State employment, but in time, it expands and expands.
21 I've just had it called to my attention that the figure for the
22 universities is greater than that figure I stated, 1.8, that's the
23 figure for general public employees of the State. For the universities
24 it's some three million. Now, there is just no question about it. In
25 recent years the sovereign has become an increasingly beneficial
26 employer. And State employment and university employment are truly
27 attractive opportunities. We don't have those continuing available
28 lists like we once did when we were not really in the mainstream
29 competitively with private employment. There is just no question
30 about it, State employment is attractive employment today. And there
31 is, in fact, no need to enact into the law this very significant
32 and costly addition to our obligations. The total would be almost
33 five million dollars. Three million for the universities and 1.8
34 for general State employment. I just don't think we should take this

1 step. And I urge rejection of the motion to override.

2 PRESIDENT:

3 Senator Romano.

4 SENATOR ROMANO:

5 Senator Harris, I understand that they would get paid for their
6 sick leave and vacation before the pension begins. So I...I don't
7 see anything wrong with it. This is time they were entitled to, they
8 should have been paid for and all...all this does, they get paid before
9 the pension starts.

10 PRESIDENT:

11 Senator Harris.

12 SENATOR HARRIS:

13 Well, they...they - in the past, employees have never been paid
14 for unused sick leave. They build up a special individual insurance
15 coverage in the event that that serious calamity might befall them.
16 This is a major implementation of a new fringe benefit that is truly
17 costly. And we just don't have the money for it.

18 PRESIDENT:

19 Senator Berning. Just a moment. Will the Sergeant-at-Arms clear
20 the aisle to my left, please. Clear the aisle. All not entitled to
21 the Floor, please leave the Floor. We have very difficult working
22 conditions here. Senator Berning.

23 SENATOR BERNING:

24 Thank you, Mr. President. There are one or two points that I
25 think the Senate ought to be aware of in considering this particular
26 bill which is a bad bill and seeks to reward someone for not
27 impinging on the State. In other words, we have in our magnanimousness
28 provided that a person is entitled to sick leave if he needs it. It's
29 only true and right and just that we should provide for people
30 who do need help. But for those who enjoy good health this ought not
31 to be a reward and do I repeat, it will be extremely costly. One
32 point should be clarified. The Pension Laws Commission in no way
33 took a position on this. It is a personnel matter and not a pension
34 matter. There is one other point that ought to be emphasized and that

1 is just as sure as you and I are sitting here, and some of us
2 are listening, incidentally, Mr. President.

3 PRESIDENT:

4 That happens, unfortunately, with much too much frequency.

5 SENATOR BERNING:

6 Yes.

7 PRESIDENT:

8 Senator Berning.

9 SENATOR BERNING:

10 What...what I would like to emphasize is that if this bill does
11 pass, the Governor's veto notwithstanding, we will have either opened
12 the door to go back and pick up the same benefits for those who
13 retired long ago, or we will be guilty of discriminating against
14 those former employees. In other words, we cannot treat the employee
15 who retires the day after this measure passes any differently from
16 what we treat those who retired before. The fiscal impact is absolutely
17 impossible, impossible to project, but it is absolutely positive
18 that it will cost in the neighborhood of five million for the State
19 and university systems right as of now for those employees who will
20 retire within the forthcoming fiscal year. I urge the members of the
21 Senate to reject 419.

22 PRESIDENT:

23 Any further discussion? Senator Weaver.

24 SENATOR WEAVER:

25 Question of the sponsor, if he will yield.

26 PRESIDENT:

27 The sponsor indicates he'll yield. He wants to ask you a question,
28 Senator Romano.

29 SENATOR WEAVER:

30 Senator Romano, is this effective immediately or July 1st, '76?
31 Do you know the effective date, Senator Romano?

32 SENATOR ROMANO:

33 Senator?

34 SENATOR WEAVER:

1 The effective date of the bill.

2 SENATOR ROMANO:

3 I...I don't know the effective date.

4 SENATOR WEAVER:

5 Well, it's my understanding that it...that it is effective
6 immediately and should this bill pass, there are...there certainly
7 would be an obligation for many of us to come...come in with supplemental
8 appropriations to take care of the payouts. Now, basically the university
9 systems retire on October and...and March so there would be some
10 fiscal impact in this present fiscal year that we're not able to
11 take care of in present appropriations. So, I think that understanding
12 should be made that we will need some supplemental appropriations
13 should this bill pass.

14 PRESIDENT:

15 Any further discussion? The question is shall House Bill
16 419 pass, the veto of the Governor to the contrary notwithstanding.
17 Those in favor will vote Aye. Opposed Nay. Secretary will call the
18 roll.

19 SECRETARY:

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

28 PRESIDENT:

29 Senator Romano moves to postpone consideration. House Bill 496,
30 Senator Palmer. House Bill 582, Senator Palmer. While you're getting
31 ready on that, there is one that is ready. We'll go back to the order
32 of Senate Bills on third reading. Is there leave? Leave is granted.
33 Senate Bill 1518, Senator Howard Mohr.

SECRETARY:

1 Senate Bill 1518.

2 (Secretary reads Senate Bill 1518)

3 3rd reading of the bill.

4 SENATOR HOWARD MOHR:

5 Yes, Mr. President. Senate Bill 1518 is a bill that repeals a
6 two and one half million dollar appropriation from General Revenue
7 Funds to the Space Needs Commission and transfers that amount
8 in funds from the Capital Development Bond Fund to the Space Needs
9 Commission. This is an agreement that has been worked out with
10 the Department of Finance, the Governor's Office, and the Space
11 Needs Commission and it's one way of finally getting the...the job
12 done that we're all so anxious to do in the Capitol Complex. It is
13 endorsed by all the Executive Branch and...and the Space Needs Commission.
14 I would answer any questions or ask for a favorable roll call.

15 PRESIDENT:

16 Any further discussion? Mr. O'Keefe.

17 SENATOR HOWARD MOHR:

18 I would need a three-fifths vote on this, Mr. President.

19 PRESIDENT:

20 Question. Any further discussion? The question is shall Senate
21 Bill 1508 pass? 1518. I'm sorry. 1518 pass. Those in favor will
22 vote Aye. Opposed Nay. Secretary will call the roll.

23 SECRETARY:

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

32 PRESIDENT:

33 Schaffer, Aye. Regner, Aye. Glass, Aye. Knuppel, Aye.
34 Hynes, Aye. Have all voted who wish? Lemke, Aye. On this question,

1 the Ayes are 48, the Nays are none. Senate Bill 1518, having recieved
2 the constitutional majority, is declared passed. Now, we're back to
3 Total Vetoes on page four. House Bill 582, Senator Palmer. House Bill
4 751, Senator Harris. 751. House Bill 777, Senator Egan. Senate
5 Bill 1121, Senator Harber Hall. Senate Bill 1121, Senator Harber Hall.
6 Senator Hall, are you going to proceed or you desire to... House Bill
7 1121. The Chair would ask the members to take a look at the Calendar
8 and see if you're there and be ready. Senator Hall.

9 SENATOR HARBER HALL:

10 Mr. President and fellow Senators,...

11 PRESIDENT:

12 Just a moment, just a minute. Senator Philip. Senator Philip.
13 Please don't stand between me and the gentleman who is addressing us.
14 Senator Hall.

15 SENATOR HARBER HALL:

16 Mr. President, this bill, House Bill 1121, is identical with the
17 senate bill 526 that we heard week before last when we were in Session
18 on overrides and this Body agreed to overriding the veto with
19 only four dissenting votes. This bill provides that the - all agencies
20 of the State would co-operate with the Auditor General in investigation
21 of the spending of funds which we require him to do not only statutorily,
22 but through the Illinois Constitution. I might tell you today after
23 having spent two hours this morning with a meeting of the Legislative
24 Audit Commission that the Audit Commission, the Chairman, Robert
25 McPartlin, and I and other members of the Commission are studying
26 very closely the responsibilities of the Auditor General and the Audit
27 Commission, in trying to define these powers of perhaps somewhat better
28 than they are right now. I believe this is a...a necessary bill to
29 conduct the kind of audits throughout the State that are necessary
30 to insure the wise expenditures of State funds and the Governor's
31 veto notwithstanding, I move that this bill be passed now.

32 PRESIDENT:

33 Just one question, Senator. You say this is identical to
34 526, which is already passed?

1 SENATOR HARBER HALL:

2 Yes, Sir.

3 PRESIDENT:

4 Fine. Senator Knuppel.

5 SENATOR KNUPPEL:

6 Will the sponsor leave to answer a question?

7 PRESIDENT:

8 He indicates he will.

9 SENATOR KNUPPEL:

10 ...answer to a question. Yes. Just...just what in the hell
11 are we going to do if he does report to us?

12 SENATOR HARBER HALL:

13 Well, that is part of the discussion that the Audit Commission
14 is engaging in daily right now. We're having daily meetings to
15 find out what to do with these things that are turned up through
16 these audits. We met yesterday in the Regular Audit Commission
17 Session and some things came out through the Review of Audits
18 that definitely need correcting in some manner. And whether it be
19 Legislatively or reference to State's Attorneys, or the Attorney
20 General, the Audit Commission in...is insistent that something
21 be done where it is indicated. And I believe that if we insure
22 the co-operation of all State agencies, that we can best do our
23 job.

24 PRESIDENT:

25 Senator Knuppel.

26 SENATOR KNUPPEL:

27 Well, I have another question of the sponsor. What do we do
28 when the Auditor General doesn't try to co-operate with the Legislative
29 intent as expressed in the bill in this Body? What do we do with
30 him?

31 PRESIDENT:

32 Senator Harber Hall.

33 SENATOR HARBER HALL:

1 I...I'm hoping we can't get on to the discussion of personalities
2 but I think...I...I think if we have any problems with any individuals,
3 when it concerns the proper audit in the...in the best use of State
4 funds, that we ought to do it and...and I think the Legislature -
5 the intent of the Legislature and the Constitutional Convention,
6 is that the Auditor General is a function of the General Assembly, and
7 I think this bill would help spell that out. There are some other things
8 that need to be identified too. And you're absolutely correct.

9 PRESIDENT:

10 Senator Knuppel.

11 SENATOR KNUPPEL:

12 Well, Mr. Chairman, members of this Body. Do you know what it
13 sounds like? A little boy going to tell the teacher something.
14 We got three powers and the Constitution breaks them down into
15 three. Let's don't over inflate this man. He's got an ego that's
16 so big now he can't get in the door, or he'd better not.

17 PRESIDENT:

18 Any further cheerful discussion? Senator Bruce.

19 SENATOR BRUCE:

20 I...I will engage in the debate and add cheer to this. I think
21 we ought to get back, as Senator Hall has mentioned, off perhaps
22 the personalities and back to the issue involved. The...the bill is
23 very simple and that is why I oppose it. One of the requirements it
24 says is the Auditor General shall inform the Legislative leaders
25 of when he has difficulty and I'm with Senator Knuppel on that. My
26 God if he doesn't know to do that, then we ought to take a look at a
27 new Auditor General. If he has difficulty and doesn't tell us about it,
28 who's he going to tell? And if he has to have a law to tell him to tell
29 us, then we're in real...we're in more trouble than I thought we were.
30 Secondly, he is required by Statute to develop rules and regulations
31 concerning investigations of agencies. Now, two years have lapsed,
32 he has yet to draft the first regulation, the first rule, designate
33 the first person to make an investigation. Now, what if under this

1. Legislation, the ... the Auditor General tells the Department of
2. Revenue to divulge to him all the Internal Revenue Returns presently
3. they have. There's nothing in this legislation that says anything
4. about reasonableness ...

5. PRESIDENT:

6. Will the members be in their seats and keep their voices down.

7. SENATOR KNUPPEL:

8. ... there's nothing about Due Process, all it says is Department of
9. Revenue turn over all the income tax returns you have. I think that
10. that is a dangerous precedent. I think you ought to be required to say
11. I want these returns for a specific reason, for a specific time, and
12. that there be given Due Process to the agency to prepare that data and
13. get it to him. And for that reason, I would think that we should sustain
14. the veto. Let the Auditor General come forth with his regulations. They
15. will be a public document. There will be discussion and debate on
16. those. Once adopted, if they don't work out, he can draft new regulations.
17. But I hope he does tell us if he has problems. I'd be glad to hear
18. about them.

19. PRESIDENT:

20. Further discussion? Senator Donnewald.

21. SENATOR DONNEWALD:

22. Very briefly, and no long speech. This legislation, Mr. President
23. and members of the Body, is totally unnecessary and I would urge that
24. the Governor's veto be sustained. Thank you.

25. PRESIDENT:

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

27. SENATOR HARBER HALL:

28. In concluding, Mr. President, fellow Senators, I would like to
29. answer Senator Bruce and his statement about the rules and regulations
30. that the Auditor General must publish. The rules and the regulations
31. have to be approved or reflected upon at least by the Legislative
32. Audit Commission. He has ... he has presented the Audit Commission

1 with rules that he adopted, as a matter-of-fact, just yesterday.
2 He has had them prepared for some time, Senator Bruce. But it takes
3 some time for...for the meetings and to reflect on them. It can't
4 be done overnight just because you asked him to prepare them.
5 And I...I would say, finally, Ladies and Gentlemen of the Senate, that if
6 you believe that the General Assembly should have a tight control
7 as a watchdog over the Auditor General, then you will support me
8 on this bill to override the Governor. I think it is absolutely
9 essential that every member - I'm glad to have the discussion today
10 on this bill, because every member should become more familiar with
11 the function of this important office of Auditor General that we
12 created just one year ago. So I would say to you, if you support
13 the legislative principal responsibility in this area, then support me
14 on the override of this bill.

15 PRESIDENT:

16 The question is shall House Bill 1121 pass, the veto of the
17 Governor to the contrary notwithstanding. Those in favor vote
18 Aye. Those opposed vote Nay. Secretary will call the roll.

19 SECRETARY:

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

28 PRESIDENT:

29 Joyce, No. Lemke, No. Brady, No. Nimrod, Aye. Senator Harber
30 Hall has requested postponed consideration. Is there leave?
31 House Bill 1499, Senator Savickas. House Bill 1539, Senator Hynes.
32 House Bill 1592, Senator Smith. House Bill 1592. Senator Smith.

33 SENATOR SMITH:

1 Shall I proceed, Mr. President?

2 PRESIDENT:

3 Senator Smith.

4 SENATOR SMITH:

5 I'm here. Mr. President and members of the Senate. The bill
6 that was just called, House Bill 1592, is a bill that was introduced
7 and passed over in the House by five of the House members: Taylor,
8 Patrick, Pouncey, Barnes, and Huff. I read you briefly the
9 synopsis of a statement here as regards of portent of this bill.
10 This particular bill seeks to amend the Fair Employment Practices
11 Act, makes it an unfair employment practice to require a job
12 applicant to disclose a conviction of a crime if the end of the
13 sentence imposed upon such crime is more than seven years prior
14 to the job application. In other words, if one will have been
15 sentenced for a breach of the law, and will have served the sentence
16 meeded out by the court, and a period of five years will have expired
17 since he was granted his or her freedom, that that particular crime
18 is not negated, but it is not the intent of the sponsors of the bill
19 and those who passed it in the House, that that particular violation
20 of the law be held against him. I can anticipate that there will probably
21 be some confusion in our minds with regards to this bill. And I can
22 imagine how tears will be shed should the offended party be your child
23 or should the party have generally a bad reputation. I could wish
24 that something pertaining to the type of life that the individual
25 may have lived subsequent to the expiration of his sentence. I...it's
26 the belief of the House sponsors of this bill, and I should state
27 that His Excellency vetoed the bill in whole. The House overrode
28 the veto. The bill was handed to me and I now move for the House sponsors
29 and I plead for all of your support in overriding the veto of His
30 Excellency.

31 PRESIDENT:

32 The Chair has an inquiry of the membership. May I have your
33 attention. The Chair has an inquiry of the membership. Senator Newhouse

1 has locked himself in one of the closets back there and they've
2 sent to get someone to open the door. The question...the question is
3 if this roll call is taken prior to the time he comes out, is there leave
4 for him to vote on this bill if it does not change the results?
5 The Chair heard you loudly and clearly. Senator Bell.

6 SENATOR BELL:

7 Thank you, Mr. President. Like to ask a question of the
8 Senate sponsor of the bill and then address myself to the bill.

9 PRESIDENT:

10 Will Senator Smith yield? He indicates he will. Senator Bell.

11 SENATOR BELL:

12 Yes, Senator Smith, as...as I understand the bill, the seven
13 years time interval applies on a previous conviction aspect. In
14 other words, if the individual were picked up and...

15 PRESIDENT:

16 Just...just one moment. Just one moment. Now, this gentleman
17 is scarcely ten yards away from me, has a microphone and we still
18 aren't able to hear him. I am sure that the sponsor of the bill
19 can't hear him. And you can't hear him. And debate...and the purpose
20 of debate and question is lost if we can't hear people who are engaged
21 in it. Now, will the members be in their seats. Will you reduce the
22 decibel content of your voices so that we can be heard. Senator Bell.

23 SENATOR BELL:

24 Thank you, Mr. President. Again, Senator Smith, it's in...my
25 question is in reference to the seven year waiting period. Does it
26 apply only in reference to a conviction, previous conviction or does
27 it apply to someone that...

28 SENATOR SMITH:

29 Senator, I...I read the synopsis of the bill...

30 PRESIDENT:

31 Senator Smith.

32 SENATOR SMITH:

33 ...I read the synopsis of the bill and it states specifically

1 maybe not in these words, that a seven period will have expired
2 since his release from an institution, by the perpetration of what
3 you gentlemen call a crime.

4 SENATOR BELL:

5 Well, Mr. President and members of the Senate, I really feel
6 that this type of legislation, while its purpose is certainly
7 laudable, laudable from the standpoint of rehabilitation in many
8 aspects, I think it does have a serious problem. And if I might have
9 the little reduction noise level, Mr. President.

10 PRESIDENT:

11 Just a moment. Now, we have to have - I think what you need
12 back there instead of brute strength is some brains. You've got to
13 get that door open with tools. Send for tools to open the door, not
14 strength. Senator Bell.

15 SENATOR BELL:

16 All right, thank you again, Mr. President. I...I sense there's
17 a problem with this laudable type of legislation through the aspect
18 that you can have a felon or someone that...that's been released
19 from an institution that's trying to address himself in society
20 on an honest basis, that may be the perpetrator of...of crimes after
21 that - during that seven years has gone by and not have been caught.
22 In other words, a burglar, for instance with a...that's working for a
23 phone company, might be in a home, might be able to burglarize
24 that home, not be caught, and continue on and on with that kind of
25 a situation. And it would seem to me that...that while the legislation
26 is laudable, it does impose on businesses and industries in Illinois,
27 a severe test as to their being a viable enterprise from the standpoint
28 of keeping habitual criminals outside of their employment. And while
29 Senator Smith's points are well taken about the need, and I certainly
30 know how he feels about a rehabilitation, I, quite frankly, think that
31 this legislation could seriously further erode our...our present...

32 PRESIDENT:

33 Just one minute, Senator Bell. I want to announce to the Body

1 that the ingenuity of mankind continues to be great. They've just
2 opened the door. Senator Newhouse is out and they opened the door
3 blessed with a key. Senator Bell.

4 SENATOR BELL:

5 Well, I'd just like to say, Mr. President, I'm very happy
6 Senator Newhouse made it out of that dark closet, back to the fold
7 here to vote. But I would recommend a vote against this particular
8 bill, because I do think while it's laudable, it's a highly dangerous
9 bill. Thank you.

10 PRESIDENT:

11 Any further discussion? Senator Harris.

12 SENATOR HARRIS:

13 Well, Mr. President, like others, I always find it difficult
14 to oppose legislation sponsored by Senator Smith and introduced
15 in the first place, by Representative Taylor. And I know that they are
16 completely sincere in what they are attempting to do here and the
17 proposed amendment to the Fair Employment Practices Act. But I do
18 point out that there is a very serious public interest that will not
19 be properly safeguarded if this bill were to become law. There is a
20 difference in regard to the question of conviction records, as
21 differentiated between arrest records. There is increasingly the
22 requirement on the part of public policy to safeguard the public
23 in their homes. And this bill, when passed in the first instance, I
24 think escaped our attention, insofar as its total impact. And the
25 veto of the Governor is an appropriate Executive function with respect
26 to the ultimate potential danger that this bill, if it were to become
27 law, might attend to the public. Now, we have not mentioned the case
28 here specifically, of a convicted rapist. I think we've got to have our
29 eyes open when we consider this very serious piece of legislation to
30 that potential. And that employers truly ought to continue to have
31 the required information available to them in the preparation of employment
32 application forms, the opportunity to have their knowing awareness
33 of a conviction record, and what a specific conviction record might be

1 for. Now, there is a significant difference between a conviction
2 record and an arrest record. This bill clearly goes too far and I ... I
3 admonish you all to be terribly careful about your response to the roll
4 call to override the Governor's veto with respect to House Bill 1592.
5 And I know that we have a very, very natural inclination to support
6 Senator Smith on anything he asks this Body for. But I believe in this
7 specific instance, it would be unwise.

8 PRESIDENT:

9 Any further discussion? Senator Newhouse.

10 SENATOR NEWHOUSE:

11 Thank you, Mr. President. Mr. President I rise to speak on this
12 bill. I'd like first to have a point of personal privilege, if I may.

13 PRESIDENT:

14 Senator Newhouse. Personal privilege.

15 SENATOR NEWHOUSE:

16 Thank you, Mr. President. Mr. President, Senators, I left the
17 Floor a minute ago because there were some things going on that I thought
18 I'd like to get on record to seek a haven of peace and quiet so that
19 I could dictate into my machine. I walked back into whatever this room
20 is supposed to be back in the back and shut the door, and then
21 discovered I could not open the door, nor could anyone else
22 open the door. There is a window in the room which leads out onto the
23 roof. The window opens inward. There is a shelf built across the window
24 so that the window will not open. Well, as panic began to set in,
25 I proceeded to remove the hinges from the door. When the frantic
26 shouting from without, fearing I suppose that I was going to tear the
27 door to pieces, assured me that someday, somewhere, someone would find
28 a key and let me out. I'm happy that they let me out in time to vote
29 on this bill. Now, Mr. President, may I speak on the bill?

30 PRESIDENT:

31 Yes, Senator, I want you to know that I asked the membership if you
32 could vote on the bill if the man didn't get here from New Orleans in time
33 to open the door, and they were all very, very expressive of their desires.

1 SENATOR NEWHOUSE:

2 Mr. President, may I...may I say that I appreciate both your
3 and this Senate's solicitude. Mr. President, on this bill there...there
4 are some problems with this bill and I...I share some of the trepidations
5 of the previous speaker. I spoke earlier today, for example, with the
6 representative from the telephone company, who said to me that their
7 identification is a sort of an open sesame to many areas and
8 they would have some difficulty with the bill as it is written.
9 However, on the other hand, the representative did say this. That is
10 this bill, if the provisions of this bill were limited to the application,
11 rather than the wide-open provision that it presently represents, that
12 they would be happy with it. I've subsequently talked with the sponsor
13 of this bill who feels very much that such a bill is due, is
14 necessary, and he has said that he would be happy to amend this bill
15 during the subsequent session to limit it in that fashion, in which case
16 I can certainly vote for this bill. I think it's a good idea. And
17 with the promise of the sponsor that such a change will be made
18 subsequently, I would like to support this bill. I'd like to see
19 it go through. I would dislike having the sponsor to go through the same
20 tramas as he has previously to get anything out. But that commitment
21 has been made, and in that vein, I wholeheartedly support this bill.
22 I would ask my colleagues to do likewise. Thank you, Mr. President.

23 PRESIDENT:

24 Any further discussion? Senator Soper.

25 SENATOR SOPER:

26 Thank you, Mr. President. And Senator Smith and myself are pretty
27 good friends and Senator Smith and I know that what Senator Smith says he
28 would try to accomplish is...is his word. But between now and then,
29 what happens? Now, if they want to bring out a new bill, and a bill
30 that would accomplish what he wants done and what should be done, fine.
31 Then we'll take that bill as it comes along. But to put something in
32 the Statute and then try to change it, no matter how good a man's word
33 is, no matter how hard he tries, sometimes you don't change it. And in
34 the meantime we can do a lot of damage. I know this, that I'd hate to

1 have this bill become law and then have the telephone company
2 be precluded from screening their applicants for installation
3 men and have a man come over to the house and then either rob your
4 house or knock the women down, rape them or a sex deviate come into the
5 house with their children and we'd feel responsible for it. I...I
6 don't think that we should allow that to happen. I don't think Senator
7 Smith wants it to happen and he knows how nebulous anything is when you say
8 I'll sponsor an act to change this act. Let me put it through now
9 and then later on we'll change it. I don't think it's the...I don't
10 think it's the right kind of act but we'll take part of it and part
11 we won't take. The harm will come and if you're going to be one of the
12 families or you're going to be responsible for some family
13 getting into a bind on this thing, I think we could wait and we
14 can do it in the right way. I think the Governor's veto should
15 be upheld on this bill. Thank you.

16 PRESIDENT:

17 Any further discussion? Senator Smith may close the debate.

18 SENATOR SMITH:

19 Members of the Senate, I appreciate the truthfulness of the
20 positions taken by those who have spoken in opposition to this bill.
21 The House sponsor is here. He has pledged himself as a man and I pledge
22 myself that if the veto is overridden, and this bill does become law,
23 that it will most certainly be done. Now, I...I could wish that it had
24 been done prior to today or the close of the time for the hearing
25 and debate with regards to such as this. Then I can only appeal
26 to you, Ladies and Gentlemen of the Senate, out of deference
27 for the sponsorship of the bill. I'm not asking you to obviate your
28 powers of reason nor to deaden your powers of reason nor to pretend
29 that you've forgotten what has been argued. I present to you this bill
30 with the request that His Excellency's veto notwithstanding, be
31 overridden, which is the expressed reasoning and wording of the
32 House sponsors who came to me.

33 PRESIDENT:

1. The question is, shall House Bill 1592 pass, the veto of the Governor
2. to the contrary notwithstanding. Those in favor vote Aye. Opposed Nay.
3. Secretary will call the roll.

4. SECRETARY:

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

13. PRESIDENT:

14. Senator Harber Hall, No. Senator Chew, Aye. Senator Partee, Aye.
15. Senator Smith.

16. SENATOR SMITH:

17. Wish of the House sponsor of this bill that I suggest the feasibility
18. of postpoing this bill.

19. PRESIDENT:

20. Postponed consideration. The Regular Session will be in recess.
21. The First Special Session is called.

22. (RECESS)

23. (AFTER RECESS)

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. The Regular Session shall come to order. On the Order of Total
26. Vetoes on Page four, House Bill 1617, Senator Wooten. House Bill 1659,
27. Senator Don Moore. House Bill 1668, Senator Romano. House Bill 1851,
28. Senator Egan. House Bill 1966, Senator Knuppel - Clarke. House Bill
29. 2328, Senator Dougherty. House Bill 2693, Senator Schaffer. House Bill
30. 2825, Senator Rock. House Bill 3028, Senator Knuppel. House Bill 3122,
31. Senator Clarke. On the Order of Item Vetoes, House Bill 1079, Senator
32. Palmer. House Bill 1302, Senator Buzbee. On the Order of Item Reductions,
33. on Page five. House Bill 1947. House Bill 2971, Senator Hynes. House

1. Bill 2989, Senator Hynes. On the Order of Specific Recommendations for
2. Change, House Bill 79, Senator Weaver. Senator Weaver.

3. SENATOR WEAVER:

4. Thank you, Mr. President. In the amendatory action recommended
5. by the Governor on House Bill 79, it changes one word. Strike the
6. word "its" and substitutes "the Department's", plural. This is the Small
7. Business Purchasing Act, and I think this is a good clarification of
8. the bill as approved by both Houses and I would move to accept the
9. Specific Recommendations of the Governor as to House Bill number 79, in
10. the manner and form as follows: amends the engrossed House
11. Bill 79 on page one ... amends the engrossed House Bill 79 on page one,
12. line fifteen, by deleting the word "its" and inserting in lieu thereof,
13. "the Department's". If there's any questions, I'll be happy to try
14. to answer them.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Is there further discussion? The question is, shall the Senate
17. accept Specific recommendations to the Governor as to House Bill 79,
18. in the manner and form just stated by Senator Weaver. Those in favor
19. vote Aye. Those opposed Nay. The voting ... the Secretary will call
20. the roll.

21. SECRETARY:

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

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Egan, Aye. Wooten, Aye. Carroll, Aye. Harris, Aye.

1 Nimrod, Aye. Brady, Aye. On that question the Yeas are 50, the Nays
2 are none, those Voting Present are none and the members - none
3 are recorded as absent. The Specific Recommendations of the Governor
4 as to House Bill 79, having received the required majority vote of the
5 Senators elected, are declared accepted. House Bill 200, Senator Buzbee.
6 Senator Buzbee.

7 SENATOR BUZBEE:

8 Thank you, Mr. President. This bill amends the...

9 PRESIDING OFFICER: (SENATOR DONNEWALD)

10 Just, just a moment, Senator. Could we...

11 SENATOR BUZBEE:

12 ...this bill...

13 PRESIDING OFFICER: (SENATOR DONNEWALD)

14 Could we have order? Proceed.

15 SENATOR BUZBEE:

16 Thank you. This bill amends the Election Code to eliminate the odd
17 year election of a County Commissioner in those counties that are under
18 the County Commissioner form of government. The Governor amendatorilly
19 made some amendatory changes in this particular bill. He said that
20 the bill also amends the existing provisions for filling vacancies
21 in county offices, and that he has approved Senate Bill 463, which
22 makes substantially identical amendrments. In order to avoid duplicative
23 legislation and to avoid making substantially identical changes with
24 technically different language, he's making the following Specific
25 Recommendations for Change and he deletes a little bit over about a page
26 and a half of the bill and the House Sponsor, my Republican colleague
27 in the House, found this to be quite acceptable as do I, and I would move
28 that we concur in the Governor's amendatory veto.

29 PRESIDING OFFICER: (SENATOR DONNEWALD)

30 Is there further discussion? The question is shall the Senate
31 accept the Specific Recommendations of the Governor as to House Bill 200
32 in the manner and form just stated by Senator Buzbee. Those in favor
33 vote Aye. Those opposed Nay. The voting is open.

HB 212
Spec. Res.
11-18-75

1 SECRETARY:

2 Bell,...

3 PRESIDING OFFICER: (SENATOR DONNEWALD)

4 Secretary will call the roll, rather.

5 SECRETARY:

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

14 PRESIDING OFFICER: (SENATOR DONNEWALD)

15 Course, Aye. Kenneth Hall, Aye. Senator Hickey, Aye. Lemke,
16 Aye. On that question the Yeas are 47, the Nays are none. The
17 Specific Recommendations of the Governor as to House Bill 200, having
18 received the required majority of vote of Senators elected, are hereby
19 declared accepted. House Bill 212, Senator Nudelman. Senator Nudelman.

20 SENATOR NUDELMAN:

21 Thank you, Mr. President. This is a bill which relates to the
22 Eavesdropping Act which makes it a crime to eavesdrop except under
23 certain conditions. And...

24 PRESIDING OFFICER: (SENATOR DONNEWALD)

25 Senator, just...just a moment. I've been informed by the Secretary
26 that there is not a motion on file. Could we stand at ease one moment.
27 Motion has been filed. Senator Nudelman.

28 SENATOR NUDELMAN:

29 Thank you, Mr. President. The...the Governor made certain changes
30 in the bill to make it less restrictive on law enforcement agencies
31 in obtaining permission to eavesdrop and in certain situations where
32 permission does not need to be obtained. The...the amendments have
33 not violated the spirit of the bill and I would move you, Mr. President,

1 that the amendments be adopted.

2 PRESIDING OFFICER: (SENATOR DONNEWALD)

3 Is there further discussion? Question is shall the Senate accept
4 the Specific Recommendations of the Governor as to House Bill 212.
5 Those in favor vote Aye. Those opposed Nay. Secretary will call the roll.

6 SECRETARY:

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

15 PRESIDING OFFICER: (SENATOR DONNEWALD)

16 Mitchler, No. Daley, Aye. Buzbee, Aye. Merritt, Aye. Harber Hall...
17 Harber Hall, No. On that question, the Yeas are 42, the Nays are 6, those
18 Voting Present are none, those absent none. Specific Recommendations
19 of the Governor as to House Bill 212, having received the required
20 majority vote of the Senators elected, are declared accepted. We will
21 now stand in recess in preparation for the convening of the Third
22 Special Session.

23 (RECESS)

24 (AFTER RECESS)

25 PRESIDENT:

26 The Regular Session is in order. Senate Bills on third reading.
27 Senate Bill 1508, Senator Bruce.

28 SENATOR BRUCE:

29 Yes, Mr. President. As you may recall, this is the appropriation
30 to the State Illinois Racing Board. We appropriated a six months
31 appropriation. Excuse me. Secretary, read the bill again.

32 SECRETARY:

33 (Secretary reads Senate Bill 1508)

1 3rd reading of the bill.

2 PRESIDENT:

3 Senator Bruce.

4 SENATOR BRUCE:

5 Yes. This is a supplemental appropriation to the Illinois
6 Racing Board. We appropriated a...a sufficient amount of money
7 for six months worth of operation that will be...end on December 31st.
8 This would give them an additional four months and also would reduce
9 their appropriation by a six percent amount. And I would move that the
10 bill receive the ... favorable consideration of the Senate.

11 PRESIDENT:

12 Senator Lemke.

13 SENATOR LEMKE:

14 How much money is this for? ...How much money we're appropriating
15 for?

16 PRESIDENT:

17 Senator Bruce.

18 SENATOR BRUCE:

19 I actually...if the...if you wish to take it out of the record,
20 Senator Weaver put in amendment on and I have not had a chance
21 to recalculate the exact dollar amount involved. It is...it is the
22 six months appropriation increase for additional four months, annualized
23 to a full year and then reduced by six percent.

24 PRESIDENT:

25 Senator Lemke.

26 SENATOR LEMKE:

27 I...how can you vote for a bill if you don't know how much money
28 you're voting for?

29 PRESIDENT:

30 Will the Secretary read the bill?

31 SENATOR LEMKE:

32 We're supposed to be broke.

33 PRESIDENT:

34 Just a moment. Senator Weaver.

1 SENATOR WEAVER:

2 Well, Mr. President and members of the Senate. This would be
3 effective January 1, and it has a million, seven hundred and eighteen
4 thousand, four hundred dollars. That's the appropriation in the bill.
5 Million, seven for...this...this is a total for ten months funding
6 for the Racing Board.

7 PRESIDENT:

8 Any further questions? Any further discussion? Senator Bruce
9 may close the debate.

10 SENATOR BRUCE:

11 Roll call.

12 PRESIDENT:

13 Question is shall Senate Bill 1508 pass? Those in favor will vote
14 Aye. Opposed Nay. Secretary will call the roll.

15 SECRETARY:

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

24 PRESIDENT:

25 Call for the absentees.

26 SECRETARY:

27 Bell. Bloom. Brady. Chew. Daley. Graham. Kosinski. Latherow.
28 Lemke. Nudelman. Ozinga. Philip. Roe. Romano. Savickas. Smith.
29 Mr. President.

30 PRESIDENT:

31 Knuppel, Aye. Senator...no, we're on the roll call, Senator.
32 Senator, we're on the roll call. Cannot explain your vote. On this
33 question,...I'm...I'm sorry, Senator, but I don't want to start that

1 precedent because we don't explain votes on a roll call. On this...

2 For what purpose does Senator Hynes arise?

3 SENATOR HYNES:

4 Mr. President, I'd like to change my vote to Present.

5 PRESIDENT:

6 Postponed consideration. All right. Have all voted who wish?

7 On that question, the Ayes are 35, with 8 Voting Present. Mr. Secretary,
8 does the bill have an emergency clause?

9 SECRETARY:

10 Takes effect January the 1st, 1976.

11 PRESIDENT:

12 On this question, the Ayes are 35, the Nays are none, the Present
13 are 8. This bill having received a Constitutional majority,
14 is declared passed. Its effective date is...our Constitution dictates.
15 Senator Bruce.

16 SENATOR BRUCE:

17 We've gone through this question before on immediate effective
18 dates. It's your ruling then that bills that have an immediate effective
19 date will pass this Body by a simple majority even though stated in the
20 law, the Statute has passed, a immediate effective date, that it will
21 pass this Body with less than a three-fifths majority. Now, we have
22 gone through this on messages and vetoes, the question of effectiveness
23 of legislation passed after July 1st, could then be passed by less than
24 a three-fifths majority and be effective the next July. For example,
25 there was some discussion of collective bargaining legislation.
26 you may recall, last year, which that point was made very clearly
27 that the bill would be effective, but only in the next July.
28 The ruling of the Parliamentarian here flies in the face though
29 the...of the Statute in question. And that is the law, the bill, 1508,
30 carries in it an immediate effective date. Now, if we were after July
31 1 in the House and all the other problems, but it carries a January
32 1st effective date. And I don't see how we can take any action on that
33 bill that would...that would pass this Body with less than three-fifths

1 majority.

2 PRESIDENT:

3 Senator Glass.

4 SENATOR GLASS:

5 Mr. President, I would call your attention to Rule 20, which
6 reads in part that if the majority of less than three-fifths of
7 all the Senators vote affirmatively on the question and this is on a
8 question of a bill that requires...that has an immediate effective date.
9 If a majority of less than three-fifths of all Senators vote
10 affirmatively on the question, then the vote on the bill shall be
11 deemed reconsidered and the bill subject to amendment by striking out
12 the emergency clause and the effective date and then the bill shall
13 be under consideration on third reading with the emergency clause.
14 and the effective date stricken.

15 PRESIDENT:

16 Well, what application has that when there has not been a motion
17 made to reconsider it, Senator?

18 SENATOR GLASS:

19 I only read that and...and ask whether there needs to be
20 any motion made because the rule seems to be self-effectuating.

21 PRESIDENT:

22 Well, this is a question that the Chair wants to be absolutely
23 certain on. We'll read this section.

24 SENATOR GLASS:

25 That will help.

26 PRESIDENT:

27 This is Rule Twenty. When an act contains a clause or proviso,
28 fixing the effective date prior to the first day of July of the next
29 calendar year, the question shall be shall the bill pass. I think the
30 facts are clear that this bill qualifies under that section. Now, and
31 if declared affirmatively, by vote of the Senators elected
32 then the bill shall be deemed passed. This bill did not receive
33 the vote of three-fifths of the Senators elected. Is that correct?

1 And then the other part of the rule is if a majority of less than
2 three-fifths of all Senators vote affirmatively on the question,
3 then the vote on the bill shall be deemed reconsidered. And the
4 bill subject to amendment by striking out the emergency cluse and the
5 effective date. And then the bill shall be under consideration
6 on third reading. Now, what has happened here is this. This bill
7 has an emergency clause which would make it effective if it recieved
8 a three-fifths vote. It did not receive a three-fifth vote and under
9 those circumstances it says and if declared affirmative...by vote of
10 three-fifths...elected, then the bill shall be deemed passed. If a
11 majority, when we had a majority there were thrity-three - thrity-five
12 votes cast. If a majority of less than three-fifths vote affirmatively
13 on the question, then the vote on the bill shall be deemed reconsidered.
14 That's automatic. And the bill subject to amendment...the bill now is
15 subject to amendment by striking the emergency clause and the effective
16 date and then the bill in...shall be under consideration on third
17 reading. Now...well, now here. There are two considerations. If you
18 read the rule strictly, the bill is deemed on reconsideration
19 posture. If someone desires or the sponsor desires to then make a
20 motion to strike the emergency clause, then the bill goes on third
21 reading and then it is reconsidered. But no one has made such a motion.
22 Senator Knuppel.

23 SENATOR KNUPPEL:

24 Parliamentary inquiry. Since I voted Present, is it appropriate
25 without striking the emergency clause for me to move for reconsideration,
26 having been on a prevailing, having not voted Aye, and have it
27 reconsidered in the form in which it was originally presented?

28 PRESIDENT:

29 Yes, having voted Present, you voted on the prevailing side.

30 SENATOR KNUPPEL:

31 All right. I will so move that we reconsider the vote by which
32 this bill was - didn't receive the three-fifths majority.

33 PRESIDENT:

34 You heard the motion, Senator Knuppel moves, having voted on the

1 prevailing side, to reconsider the vote by which Senate Bill 1508
2 did not receive a three-fifths majority. All in favor will say Aye.
3 Opposed Nay. The motion carries. The bill is on reconsideration.
4 (Machine cut off)...Senator Chew arise?

5 SENATOR CHEW:

6 Point of personal privilege.

7 PRESIDENT:

8 Could I just finish this, Senator? State your...

9 SENATOR CHEW:

10 Yes, go...go ahead. I...I...

11 PRESIDENT:

12 State your point.

13 SENATOR CHEW:

14 I can wait.

15 PRESIDENT:

16 State your point.

17 SENATOR CHEW:

18 I just wanted to announce to my colleagues and friends that on
19 tomorrow the World's Heavyweight Champion will pay us a visit,
20 Muhammad Ali.

21 PRESIDENT:

22 Thank you very much. Any further business to come before the
23 Regular Session? The Regular Session will be adjourned until
24 9 A.M. - 9 A.M. tomorrow morning.