

77th GENERAL ASSEMBLY

SENATE FLOOR DEBATE

APRIL 26, 1972

1. CHAPLAIN: Reverend William Edward Krueger, Pastor of St. Luke's
2. Episcopal Church of Springfield.

3. PRESIDENT:

4. Reading of the Journal moved by Senator Neistein that the
5. reading of the Journal be dispensed with. All in favor signify
6. by saying aye. Contrary minded. Motion prevails. Committee
7. reports.

8. SECRETARY:

9. Senator Donnewald, Chairman of Assignment of Bills, assigns
10. the following to committee. Senate Bills 1440...Agriculture
11. an' Conservation, Senate Bills 1446, 1447, 1448, 1509. Education,
12. Senate Bills 1452, 1464, 1496, 1504. Executive, Senate Bills
13. 1450, 1470, 1471, 1511. Financial Institution, Senate Bill 1444,
14. 1459, an 140...1505. Judiciary, Senate Bills 1451, 1513, an'
15. 1514. Labor an' Commerce, Senate Bills 1458, 1460, 1461, 1462,
16. an 1510. Local Government, Senate Bills 1449, 1457, 1506, an'
17. 1512. Appropriation Division of Committee on Public Finance,
18. Senate Bills 1463, 1476, 1482, 1490. Revenue, Senate Bills 1445,
19. 1495, 1508. Welfare, 1474, 1479, an' 1494. Constitutional Implemen-
20. tation, Senate Bills 1502 an' 1503. Senator Knuppel, Chairman
21. of Agriculture an' Conservation Committee reports on House Bill
22. 1446 an' 1449 with the recommendation Do Not Pass. Senator Course,
23. Chairman of Revenue Committee reports Senate Bill 1267 with the
24. recommendation Do Pass. Se...ah...Senator Smith, Chairman of
25. Welfare Committee reports H...out House Bill 2740 with the recommen-
26. dation that Do Pass an' re-refer to appropriations. House Bill
27. 2567 with the recommendation Do Not Pass.

28. PRESIDENT:

29. Resolutions. Motions. Any Resolutions? Introduction of
30. bills.

31. SECRETARY:

32. Senate Bill No. 1515 introduced by Senators Walker an Rock
33. a bill for an act to amend section 11-61-3 of the Illinois Municipi-

pal Code. Senate...Senate Bill...Senate Bill No. 1516 introduced
by Senators Walker an' Rock a bill for an act to amend section
8-6-2 of the Illinois Municipal Code. Senate Bill No. 1517 introdu-
ced by the same sponsors a bill for an act to amend section 9-
1. 2-48 an' 9-2-51 an 9-2-131 of the Illinois Municipal Code. Senate
2. Bill No. 1518 the same sponsors a bill for an act to amend section
3. 11-141-3 of the Illinois Municipal Code. Senate Bill No. 1519
4. introduced by the same sponsors is a bill for an act to amend
5. section 2 of an act an...to authorize the period of time public
6. co-operation an issuance of bonds other evidence an indebtedness
7. in tax anticipation warrants at the interest rate of 7% per annum.
8. Senate Bill No. 1520 introduced by the same sponsors is a bill
9. for an act to amend various sections in the Illinois Municipal
10. Code. Senate Bill No. 1521 introduced by Senator Berning a bill
11. for an act to provide for the financing of the Local Government
12. Law Enforcement Officers Fund from the fines an amending certain
13. acts therein.

14. PRESIDENT:

15. Senator...For what purpose...

16. SECRETARY:

17. Sena...

18. PRESIDENT:

19. Senator Walker arise?

20. SENATOR WALKER:

21. Ah...Mr. President on the six bills...ah...just introduced
22. ...ah...by...ah...Senator Rock an' myself, I've discussed...ah...
23. this matter with...ah...Senator Dougherty the Chairman of the
24. Local Government Committee an' I would like to ask consent to
25. have the notice of hearing waived an' have them heard at our next
26. meeting of the committee.

27. PRESIDENT:

28. I...I'm sorry the Chair was...

29. SENATOR WALKER:

30. I...I'm just requesting that the...ah...notice be waived
31. and these be heard at the next...ah...hearing.

32. PRESIDENT:

33. Is there objection? Leave is granted. The...Senator Walker,
the Secretary indicates that we can't Journalize that unless there

is a part of the motion would have to be in reference to a specific committee an' they have not been assigned yet now I assume if... Senator Donnewald...if you can get together with Senator Donnewald to hear...

1. SENATOR WALKER:

2. Ah...these bills last year were...were assigned to Senator
3. Dougherty's committee an' I would assume that they would be assigned
4. to Local Government this time.

5. PRESIDENT:

6. All right we'll make that as part of your motion then if...

7. SENATOR WALKER:

8. Thank you.

9. PRESIDENT:

10. ...that's agreeable with Senator Donnewald. Okay.

11. SECRETARY:

12. S...Ah...Senate Bill No. 1522 introduced by Senator Sours,
13. a bill for an act to amend section 2 of the Cigarette Tax Act.
14. Senate Bill No. 1523 introduced by Senator Sours, a bill for
15. an act to amend section 3 of the Cigarette Used Tax Act. Senate
16. Bill No. 1524 introduced by Senator Sours is a bill for an act
17. to amend section 4, 4b, an 6 of the Cigarette Tax Act. Senate
18. Bill No. 1525 introduced by Senator Sours is a bill for an act
19. to amend section 4, 6, an 7 of the Cigarette Used Tax Act.
20. Senate Bill No. 1526 introduced by Senator Johns, a bill for
21. an act to amend section 8-11...da...ah...dash 1 of the Illinois
22. Municipal Code. Senate Bill No. 1527 introduced by Senator
23. Groen is a bill for an act to make an appropriation for certain
24. retirement benefits for teachers. Senate Bill N...No. 1528
25. introduced by Senators Rock an' Egan is a bill for an act to
26. amend section 8-102 of the Uniform Commercial Code. Senate
27. Bill No. 1529 introduced by Senator Baltz is a bill for an act
28. to amend section 601 of an act in relation to the Definition
29. Registration Regulation Real Estate Brokers an' Real Estate Salesmen.
30. Senate Bill No. 1530 introduced by Senator Ozinga is a bill for
31. an act to amend section 13a of the Medical Practices Act. Senate
32. Bill No. 1531 introduced by Senator Johns is a bill for an act
33. to amend section 25.05-2 of

1. an act to revise a law in relations to counties. Senate Bill
2. No. 1532 introduced by Senator Harris is a bill for an act to
3. add section 28b to an act concerning conveyances. Senate Bill
4. No. 1333 introduced by Senator Partee, Cherry, an' Donnewald
5. is a bill for an act to amend section 1 of an act making appro-
6. priation for the ordinary an contingent expenses of the office
7. of Lieutenant Governor.

8. PRESIDENT:

9. Senator Partee.

10. SENATOR PARTEE:

11. This is a bill...ah...for the Lieutenant Governor's office
12. which does not appropriate any additional funds but pr...pr...pro-
13. vides for a transfer of funds to take care of some social security
14. problems. I'd...ah...ask leave to read it a first time an' advance
15. to 2nd reading without reference to a committee.

16. PRESIDENT:

17. Is there objection? Leave is granted. Senate Bills on
18. 2nd reading. 1171 Senator Clarke; hold. 1478 Senator Walker,
19. you wish to advance 1478 on 2nd reading?

20. SENATOR WALKER:

21. Ah...yes.

22. PRESIDENT:

23. 1478.

24. SECRETARY:

25. Senate Bill No. 1478, 2nd reading of the bill, no committee
26. amendment.

27. PRESIDENT:

28. Any amendments from the floor? 3rd reading. Senate Bills
29. on 3rd reading. 488 Senator Rock, hold. 491 Senator Ozinga,
30. hold. 1062 Senator O'Brien. 1090 Senator Knuppel. We're...we're
31. not asking whether you wanna hold or table now; we're goin' through
32. the Calendar for calling bills they can be voted up or down.
33. 1332 Senator Merritt. Senator Merritt.

1. SENATOR MERRITT:

2. Mr. President...

3. PRESIDENT:

4. House Bill 1332.

5. SENATOR MERRITT:

6. ...an' members of the Senate, I would...ah...ask leave of
7. the body to have 1332 returned to 2nd reading for purpose
8. of amendment an' I think Senator Partee has the amendment to
9. offer.

10. PRESIDENT:

11. 1332 Is brought back to 2nd for purpose of amendment.
12. Senator Partee is recognized.

13. SENATOR PARTEE:

14. Yes, the amendment is coming down there right now and
15. this is the agreement which we had with Senator Merritt.
16. Ah...this bill originally as passed simply affixed itself
17. to the wrong statute an that's why the...ah...wrong section
18. of the...of the statute an that is why the Governor vetoed
19. it. This amendment corrects that an'...ah...puts it in the
20. same condition it was when it was passed unanimously by both
21. Houses in the last Session. So I wou...I would agree that this
22. amendment should be adopted.

23. PRESIDENT:

24. Is there any discussion? All in favor of the adoption
25. of the amendment indicate by saying aye. Contrary minded.
26. The amendment is adopted. Further amendments. 3rd reading.
27. Senator Merritt.

28. SENATOR MERRITT:

29. Mr. President, I'm wondering after intervention here
30. if we could come back to it.

31. PRESIDENT:

32. We can very quickly.

33. SENATOR MERRITT:

1. Alright.

2. PRESIDENT:

3. Senator Carroll on the floor? Senator Partee.

4. SENATOR PARTEE:

5. Ah...Mr. President an' members of the Senate, if I might
6. have your attention, gentlemen, this is very important to all
7. of you. Ah...We have a six day rule an' we also have a rule
8. that the 5th of May is the final day to get Senate Bills out
9. of committee. That is those bill that do not come within
10. those four categories. Hence it

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1. is going to be virtually impossible to...if we don't waive
2. the six day rule to hear all of the Senate Bills in committee
3. by next week. On that basis I make a suggestion that we do
4. in fact waive the six day rule by motion but that we ask each
5. committee chairman to nonetheless post those bills that
6. the membership desires to be heard next week so that everyone
7. would be advised as to which bills are in fact going to be
8. heard next week. So it's...we do not intend to relax the
9. rule on May 5th. It is the final day to get them out of committee
10. and I would suggest that you govern yourselves accordingly
11. in terms of having your bills set for next week. Now Senator
12. Clarke...ah...I would make the motion an' hope you will join
13. me that we waive the six day rule on all bills now in committee
14. ...ah...in the Senate Committees, all Senate Bills in committee.

15. PRESIDENT:

16. Senator Clarke.

17. SENATOR CLARKE:

18. Ah...it's my understanding then that what you're saying
19. is that the bills will be posted this week for next week but
20. in the case of the early committee meetings next week it wouldn't
21. be six days an'on that basis an' for this time I think it is
22. important we announce in our caucus that the Senators who
23. intend to have bills heard in this Session that are in committee
24. that don't fall within the exempt categories should set them
25. this week a...fer... to be called next week so they can meet
26. the May 5th deadline because I think we should hold to that
27. an' I certainly concur.

28. PRESIDENT:

29. Is there further discussion? All in favor of the adoption
30. of the motion indicate by saying aye. Cont....well it's not
31. a motion; it's a leave of the Body. Is there objection? Motion
32. to waive you say you're correct. It is a motion to waive
33. the six day rule. All in favor signify by saying aye. Contrary
minded. The motion prevails. 1332 Senator Merritt.

1. SENATOR MERRITT:

2. Yes, Mr. President an' members of the Senate, Senate Bill
3. 1332, Senator Partee says is identical in form now to Senate
4. Bill 978 which passed out of the Senate an House...ah...in
5. a past Session without a dissenting vote. The Governor had
6. to veto it because we were in the wrong section of the act.
7. Basically what it does is to require any person, if he is eligible
8. for unemployment compensation benefits, to so file for same
9. before being eligible for public aid assistance ...ah...as
10. we all know the state does not have any funds in the unemployment
11. compensation benefits although they do administer the program.
12. This will undoubtedly save the state considerable number of
13. millions a dollars. It's good legislation an' I would ask...ah...
14. a favorable roll call vote.

15. PRESIDENT:

16. Is there discussion? Secretary will call the roll.

17. SECRETARY:

18. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
19. Carroll, Cherry, Chew, Clarke, Collins, Couslon, Course, Davidson,
20. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen,
21. Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel Kosinski,
22. Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,
23. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
24. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
25. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

26. PRESIDENT:

27. Knuepfer aye, Horsley aye, Mohr aye, McBroom aye. On
28. that question the yeas are 47; the nays are none; the bill having
29. received a constitutional majority is declared passed. 1358
30. Senator Carroll, hold it; 1393 Senator Coulson, Senator Coulson.

31. SENATOR COULSON:

32. Yes sir, Mr. President an' members of the Senate, this
33. bill

dis...does just what the preamble...ah...indicates. It attempts
to re-enact that personal property tax exemption. It re-enacts
1. it as a classification under the new constitution. It is
2. not accompanied by a repeal of the other law. The purpose
3. in doing this is to try to lock it in constitutionally so
4. that if we run against some of these...ah...judicial tyrants
5. who seem to be overdoing everything we attempt to do they
6. won't have a leg to stand on. It will stand in the statute
7. in two forms both as an exemption and as a classification.
8. Ah...I have again...ah...invited all members of the Senate
9. to join in co-sponsorship of it. Frankly...ah...it's a political
10. saver for all of you who will be running an...I I think it
11. is a necessary...ah...stop gap type of measure. Ordinarily
12. these personal property tax questions are going to wait until
13. the committee can draw up a whole package but...ah...Jerry
14. Shea the co-chairman an' I thought it was best to get this
15. out of the way at least so that this door will remain closed
16. and that exemption will continue...ah...free from constitutional
17. attack, hopefully. I'll try to answer any questions.

18. PRESIDENT:

19. Is...are there any questions? Is there any debate?

20. Senator Partee.

21. SENATOR PARTEE:

22. Well I recognize the emergency nature of this one an'
23. I won't object to its going ahead. I hope though that the
24. membership will be informed that all the other bills on this
25. subject will all be treated on the same day an' we will go
26. through all of them on the same day, but I think this is an
27. exception an...ah...I think we can vote on this one today.

28. PRESIDENT:

29. Is there further discussion. Secretary will call the
30. roll.

31. SECRETARY:

32. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
33. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,

1. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,
2. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,
3. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,
4. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,
5. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,
6. Savickas, Smith, Soper,

7. PRESIDENT:

8. Senator Soper.

9. SENATOR SOPER:

10. Mr. President I'll accept the invitation of Senator Coulson
11. an' become a co-sponsor on this bill.

12. PRESIDENT:

13. Alright. F...F...

14. SENATOR SOPER:

Aye.

16. PRESIDENT:

17. Ju...Just a moment. For what purpose does Senator Knuppel
18. arise?

19. SENATOR KNUPPEL:

20. I have a question of the sponsor at this moment.

21. PRESIDENT:

22. Well w...we are on roll call.

23. SENATOR KNUPPEL:

24. I...I realize that but...ah...I my question is as...ah...
25. what provision's been made to replace this loss of revenue
26. to u...units of local government as provided by the constitution?

27. PRESIDENT:

28. Well we're we're ah...operating outside of the rules
29. now. Senator Coulson, where...where is Senator Coulson on
30. the floor? Senator Walker.

31. SENATOR WALKER:

32. I'd like

33. PRESIDENT:

1. For what...

2. SENATOR WALKER:

3. to suggest to Senator Knuppel on the point of personal
4. privilege that he review these rules an' quit playing the gallery.
5. He had an opportunity to...

6. PRESIDENT:

7. Ju...Just a...

8. SENATOR WALKER:

9. ...ask this question when Coulson was on the floor, Mr.
10. President. You know he's out of order.

11. PRESIDENT:

12. As a matter of fact he...he...he...

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1. SENATOR WALKER:

2. May I suggest that he just familiarize himself with the
3. rules an' quit violating them.

4. PRESIDENT:

5. The...just a moment...we will continue with the roll
6. call following the initial calling of the roll then Senator
7. Knuppel may be recognized to explain his vote.

8. SECRETARY:

9. Sours, Swinarski, Vadalabene, Walker, Weaver.

10. PRESIDENT:

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. I thought they had completed the roll call. I apologize.
14. I...I didn't want to be...to be recognized in the middle of
15. it. Secondly, I had been called off the floor and if...ah...Sen-
16. ator Walker extend to anyone th...this courtesy this happens
17. sometimes. I don't know why recently here yesterday an' today
18. he's taking such a hard attitude toward me but if he wants
19. it that way we can have it that way I love to fight. I had
20. a question; the question was directed to Senator Coulson an'
21. the question before I vote is how...do...y...ah...ah... what
22. provision, if any, do you have or how do you expect to replace
23. the loss of revenue created by this abolition to units of
24. local government?

25. PRESIDENT:

26. Senator Coulson.

27. SENATOR COULSON:

28. I have a report from the Department of Local Government
29. Affairs. They have completed making their reimbursement for
30. this Calendar year based upon estimates of...of tax loss to
31. every single local government district. The cost has been
32. 5 million 6 hundred thousand dollars. It has been paid out
33. of current revenue. The estimated future cost will probably
be in that neighborhood.

1. PRESIDENT:

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Ah...what provision in the constitution allows replacement
5. out of general revenue, in other words, the constitution provides
6. that any personal property taxes abolished after January 1,
7. 1972 shall be replaced by an individual tax...ah...levied on
8. a state wide basis against the same classes that were originally
9. paying it an' I see in there no provision to repay this out
10. of general revenue. The only way that it can be repaid, as
11. I understand it, is that it be repaid either from a separate
12. tax or, an' I assume this is what you're attempting to do, you
13. bring this under the provision that the General Assembly may
14. adopt reasonable exemptions an' I assume this is what you're
15. bringing this under. Is this correct?

16. PRESIDENT:

17. Senator Coulson.

18. SENATOR COULSON:

19. Ah...no sir, I would say not. This is a re-enactment
20. of what was enacted before the new constitution was adopted.
21. I do not regard it as...ah...ah...an attempt to implement the
22. new constitution but rather to re-enforce an exemption which
23. was enacted previously an for which reimbursement has already
24. been provided. I think we s...will not have difficulty complying
25. in that regard.

26. PRESIDENT:

27. Th...the Chair is gonna have to rule Senator that you're...
28. have exceeded your time by some...you are allowed 3 minutes
29. an' you're about 2 minutes over time right now. Ah...Senator
30. h...Senator Knuppel can indicate...Senator Knuppel.

31. SENATOR KNUPPEL:

32. I obviously am not over the time but in any event..

33. PRESIDENT:

1. Well Senator if...

2. SENATOR KNUPPEL:

3. ...in any event...in any event...ah...there's no use trying
4. to shut off because I'm gonna vote aye an' I'm gonna vote aye
5. on the basis...

6. PRESIDENT:

7. Ju...

8. SENATOR KNUPPEL:

9. ...on the the basis...

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1. PRESIDENT:

2. Senator Knuppel has the floor. Senator Knuppel..

3. SENATOR KNUPPEL:

4. I...I'm gonna...

5. PRESIDENT:

6. ...may conclude his remarks.

7. SENATOR KNUPPEL:

8. If I wasn't interrupted, I'm sure I could've finished
9. in the 3 minutes. I'm gonna vote aye on the basis that it
10. complies with the reasonable exemptions as allowed by the consti-
11. tution an' I'm gonna say that it's unfortunate since we're recording
12. these debates that Senator Coulson gave me the answer that
13. he gave me because ah...i...it clearly this bill on the purposes
14. that he's indicated violates the Constitution. Now I'm going
15. vote aye on the basis that it's a reasonable exemption.

16. PRESIDENT:

17. Senator Tom Lyons.

18. SENATOR LYONS:

19. If possible, I'd like to be a co-sponsor of the bill, Mr.
20. President.

21. PRESIDENT:

22. Senator Tom Lyons will be shown as a co-sponsor. On that
23. measure the yeas are 52; the nays are none; the bill having
24. received a constitutional majority is declared passed. Senator
25. Savickas will be recorded as voting aye, also. House Bills
26. on 3rd reading. 232 Senator McCarthy. 233 Senator Johns,
27. that series. Do you wish to call them? Senator Johns

28. SENATOR JOHNS:

29. Mr. President I'd like to have leave of this Body to table
30. that series of bills. You're talking about 233...

31. PRESIDENT:

32. 233, you wanna table through...

33. SENATOR JOHNS:

1. ...through 244 sir...

2. PRESIDENT:

3. ...through 244.

4. SENATOR JOHNS:

5. 233 through 244, I conferred with the...ah...House Sponsor,

6. Representative Hart an' we agreed that we w...would table those

7. bills.

8. PRESIDENT:

9. Those bills are tabled. 260, Senator Mohr on the floor?

10. 266 Senator Sours. 311 Senator Bruce, Senator, hold. 335

11. Senator Dougherty, 335 is tabled. 493 hold. 515 Senator McCarthy.

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518 Senator Hynes, 518.

1. SENATOR HYNES:

2. Mr. President an' members of the Senate, I would like to
3. bring this 518 back to 2nd reading for the purpose of tabling
4. Amendment No. 1 tha...that was added to the bill, an' adopting
5. new Amendment 1 to bring the...the bill into conformity with...ah...
6. the recently passed Control Substances Act.

7. PRESIDENT:

8. The...518 is brought back to 2nd reading for purpose of
9. amendment. Senator Hynes moves to reconsider the vote by which
10. Amendment No. 1 was adopted for the purpose of tabling. All
11. in favor of the motion to reconsider indicate by saying aye.
12. Contrary minded. Motion to reconsider prevails. All those
13. in favor of the motion to tableSenator Horsley.

14. SENATOR HORSLEY:

15. I was trying to get this bill out an' that's why I didn't
16. want you to announce that until...ah...they could find out what
17. the amendment does. Senator Hynes is this the one that we put
18. in the word knowingly in committee?

19. PRESIDENT:

20. Senator Hynes.

21. SENATOR HYNES:

22. No it is not. The...ah...Amendment No. 1...ah...simply
23. deletes in line 22 the reference to section 4.1. That's the
24. existing Amendment 1.

25. PRESIDENT:

26. All in favor of the motion to table Amendment No. 1 indicate
27. by saying aye. Contrary minded. Motion...the amendment is
28. tabled. Senator Hynes offers Amendment No. 2. You wish to explain
29. the amendment, Senator.

30. SENATOR HYNES:

31. This amen...amendment deletes existing su...subsection
32. E of 36-1 which refers to the Drug Abuse Control Act which has
33. been repealed by the Controlled Substances Act an' the Cannabis
Control Act which we

1. passed last Session so it's...it simply updates the reference
2. so that the right of seizure o...of these substances o...or the
3. vehicles th...that...ah...ah...on which these substances are found
4. can be exercised in connection with those acts, an' I would move
5. the adoption of the amendment.

6. PRESIDENT:

7. Is there any discussion? All in favor of the adoption of
8. the amendment indicate by saying aye. Contrary minded. The amendment
9. is adopted. 3rd reading, we'll come back to that then after inter-
10. vening business. 567 Senator Carroll hold, 598 Senator Dougherty,
11. 598, hold. 6...612 Senator Latherow. 7... 1129 Senator Johns,
12. hold. 1318 Senator Latherow. 1462 Senator Carpentier. Four...Sen-
13. ator Partee.

14. SENATOR PARTEE:

15. I just wanna suggest to the membership that some of these
16. bills that we're now passing we may never get to again during
17. this Session. Now you may be aware of that but once we get back
18. to the Calendar those bill relating to those four categories are
19. going to have priority an' I just wanted you to know that one of
20. the reasons we are holding a Session both today an' tomorrow is
21. so that we can clear up some of these bills that are on this Calendar
22. Now if you keep passing them I just want you to know that we may
23. not get back to them.

24. PRESIDENT:

25. 1467 Senator Rock. 1473...1493 Senator John, hold. 1548
26. Senator Latherow. 1555 Senator Rock. 1586 Senator Bruce. 1665
27. Senator Latherow, '66 the same. 1675 Senator Dougherty. 1694,
28. '95 the same. 1747 Senator Knuppel. 1767 Senator Rock. 1769
29. Senator Savickas. 2267 Senator Latherow, Senator Latherow, Senator
30. Latherow, 2267. 2312 Senator Hall, hold, Hal...2323 Senator O'Brien.
31. 2380 Senator Baltz. 2396 are right. 2448 Senator Bruce. 2453
32. Senator Graham. Senator Graham, 2453.

33. SENATOR GRAHAM:

Ah...Mr. President an' members of the Senate, I don't have this

1. bill right here in front of me. After the a...admonition we had
2. from Senator Partee I would like to ask the gentlemen from the
3. other side the aisle if there are any serious objections to this
4. bill allowing the Township Board of Auditors to create this garbage
5. control collection districts and it's with a referendum. It's somethi
6. that is needed in this suburban areas of Cook County. Due to the
7. fact that many of the municipalities who have the garbage collection
8. facilities an' so forth do not overlap into or have any control
9. of the collection of garbage in the unincorporated areas an' where
10. this serious problem does result from that failure of cooperation
11. there is a serious...ah...sanitary problem an' I would like to
12. have this bill passed out so that some of our more congested s...sub-
13. urban area, unincorporated areas may have some facilities for garbage
14. collection.

15. PRESIDENT: Senator Partee.

16. SENATOR PARTEE:

17. Ah...this bill in its now amended form I think is satisfactory
18. legislation. Prior to the amendment I would have objected but
19. with the amendment...ah...don't have any objection to it.

20. PRESIDENT:

21. Well now the...is this an amendment you're referring to in
22. the House or...

23. SENATOR PARTEE:

24. The House Amendment cleared up the bill...

25. PRESIDENT:

26. Oh...

27. SENATOR PARTEE:

28. ...for us.

29. PRESIDENT:

30. Alright.

31. SENATOR PARTEE:

32. So it's okay.

33. PRESIDENT:

1. Is there further discussion? Secretary will call the roll.

2. SECRETARY:

3. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
4. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
5. Dougherty, Egan, Fawell, Gilbert, Graham,

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1. Groen, Hall, Har...Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,
2. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,
3. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,
4. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
5. Smith, Soper, Sours, Sw...Swinarski, Vadalabene, Walker, Weaver.

6. PRESIDENT:

7. Merritt aye. Berning aye, Bruce aye, Ozinga aye, Carpentier
8. aye. On that question the yeas are 50; the nays are none. The
9. bill having received a constitutional majority is declared passed.
10. 2460 Senator Hall. Oh I'm sorry Senator Hynes, yes we can get
11. back to your 518, Senator Hynes.

12. SENATOR HYNES.

13. Mr. President, members of the Senate, House Bill 518 allows
14. the seizure of any vessel, vehicle, or aircraft used in a commission
15. of an offense under the Controlled Substances Act or the Cannabis
16. Control Act. It's an existing statute that allows seizure in
17. connection with violations of certain existing acts. This amendment
18. to the section simply adds the Ca...Cannabis Control Act an' the
19. Controlled Substances Act. I know of no objection to the bill.
20. There was no objection in committee an' I'd ask your support.

21. PRESIDENT:

22. Senator Coulson.

23. SENATOR COULSON:

24. I have one question of the sponsor if he will yield.

25. PRESIDENT:

26. He indicates he will.

27. SENATOR COULSON:

28. Ah...consider the case of a...of a 747, one of these...ah...hun-
29. dred million dollar airplanes, where the pilot decides that he's
30. gonna smuggle a little hashish on one of his world flights, and
31. the pilot's caught. Is the airplane forfeited?

32.

33.

PRESIDENT:

Senator Hynes.

1. SENATOR HYNES:

2. No, it is not, because that...the owner would be the airlines
3. and it...this requires that there be consent of the owner.

4. PRESIDENT:

5. Senator Coul...

6. SENATOR COULSON:

7. This would be the owners' agent after all he would be his
8. authorized agent an' would we get into difficulty.

9. PRESIDENT:

10. Senator Hynes.

11. SENATOR HYNES:

12. I do not think so...ah...I I do not believe that that would
13. be within the scope of his authority or agency an' I do not think
14. that that kind of act could be attributable to the principal.
15. I...I think to say otherwise would be to charge the principal
16. with all criminal activities of of his agent

17. PRESIDENT:

18. Is there further discussion? Sec...Senator Groen.

19. SENATOR GROEN:

20. Got one...one question to the sponsor. Does this bill mean
21. that if two adult people are driving down the street they...ah...go
22. through a yellow light perhaps an are stopped by a police officer
23. an they've got...ah..each of them is smoking a marijuana cigarette
24. that the car is subject to being impounded?

25. PRESIDENT:

26. Senator Hynes.

27. SENATOR HYNES:

28. I think it means that, yes.

29. PRESIDENT:

30. Senator Groen.

31. SENATOR GROEN.

32. Doesn't that go a little bit far?

33. PRESIDENT:

1. Senator Hynes.

2. SENATOR HYNES:

3. Well I...I think the...ah...there is a procedure built in
4. to give notice of...to the owner...ah...an' it's within...it's
5. within the...it's within the discretion of the...the agency not to
6. do it but it's...it's put in simply to if there is a...ah...ah...situ-
7. ation in which it is necessary for evidentiary purposes or investiga-
8. tory purposes that they do have authority to do it.

9. PRESIDENT:

10. Senator Groen.

11. SENATOR GROEN:

12. Well I'm assuming, of course, that in the example which I gave
13. the...ah...either the driver or the passenger is probably the
14. owner of the car. Ah...I think I understand what you're trying
15. to get at here but I think...ah...I...I...I think it perhaps ought
16. to be restricted to what are really hard drugs, heroin an' the
17. others...ah...rather than those kinds which are now almost m...medica-
18. ly and otherwise becoming more an more acceptable, where the Federal
19. Government is considering changes in the Federal Laws regarding
20. the use an' control of marijuana, where medical science is now
21. not at all sure that it's habit forming or that it in fact is
22. detrimental ah...even...ah... over long usage...ah...as much perhaps
23. as cigarette smoking. Ah...I...I...I just wonder if...if...if
24. this bill may be a little loose in that a...abuses of discretion
25. might result an' that...ah...ah...i...i...it simply goes beyond
26. what would be reasonable...ah...in the enforcement of drug traffic
27. an' certainly we all want...ah...th...the most...ah...firm effort
28. to support...ah...th...the drug problem which exists but I...I
29. I just think this goes too far.

30. PRESIDENT:

31. Senator Laughlin.

32. SENATOR LAUGHLIN:

33. Well Mr. President, members of the Senate...

1. PRESIDENT:
2. Ju...ju...
3. SENATOR LAUGHLIN:
4. I can't handle...
5. PRESIDENT:
6. ...just a moment, let's...
7. SENATOR LAUGHLIN:
8. ...I can't handle this...
9. PRESIDENT:
10.let's...
11. SENATOR LAUGHLIN:
12. ...book well enough...
13. PRESIDENT:
14. ...well let...let's get a little more order...
15. SENATOR LAUGHLIN:
16. ...but if you'll look at the...s...bill...
17. PRESIDENT:
18. ...just a moment...
19. SENATOR LAUGHLIN:
20. ...itself...
21. PRESIDENT:
22. ...just a moment Senator. Let's get some order here, please.
23.
24.
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33.

1. SENATOR LAUGHLIN:

2. ...an' the existing law which rever...ah...refers to the Cigarette
3. Tax Act you'll find that if the vessel, vehicle, or aircraft contains
4. more than 10 cartons of such cigarettes so if you're gonna be
5. concerned about the marijuana an' you're gonna be concerned about
6. 11 cartons of cigarettes, I think what you're really objecting
7. to, Senator, is more than just this amendment to the bill. You're...
8. you're objecting to the principle that...ah...is also involved
9. in other sections of the existing law.

10. PRESIDENT:

11. Is there further discussion? Senator Mitchler.

12. SENATOR MITCHLER:

13. Ah...M...Mr. President, may I ask the sponsor a question?
14. Would this involve the impoundment of a motorcycle as well as
15. an automobile in the question asked by Senator Groen?

16. PRESIDENT:

17. Senator Hynes.

18. SENATOR HYNES:

19. It...it says vehicles so I assume that that would be included.

20. PRESIDENT:

21. Senator Mitchler.

22. SENATOR MITCHLER:

23. Ah...based on that assumption I think that would be a good
24. portion if it would...would apply to the motorcycles because if
25. you take that fellow's motorcycle away if he's caught using drugs
26. you're really getting into something that's really gonna hurt
27. him more than his drivers license or anything else. That portion
28. would be good in my re...opinion.

29. PRESIDENT:

30. Is there further discussion? Senator Hynes may close the
31. debate.

32. SENATOR HYNES:

33. the...ah...the existing statute provides this authority under...
ah...several

1. other...ah...state laws this authority of seizure...ah...in in
2. response to Senator Groen's question we do not have evidence of...of
3. that having been abused an certainly if...ah...any substantial
4. fear can be raised when this goes back to the House we can consider
5. that kind of an amendment but I do think that the...the theory
6. of the bill is desirable an' I think it is not intended really
7. to get at that hypothetical that Senator Groen offered so I would
8. urge your support.

9. PRESIDENT:

10. Secretary will call the roll.

11. SECRETARY:

12. Arrington, Baltz, Bi...Berning, Bi...Bidwill, Bruce, Carpentier,
13. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson,
14. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham.

15. PRESIDENT:

16. Sena...Senator Gilbert.

17. SENATOR GILBERT:

18. In explaining my vote I think, as Senator Hynes an' Senator
19. Laughlin have pointed out, it applies to other things. I don't
20. think that we can pass any law that you can't think up some
21. hypothetical case where there might be an abuse an' I agree with
22. Senator Hynes until there's some showing that there is such
23. type of abuse I think that this is good legislation an' I'm pleased
24. to vote aye.

25. SECRETARY:

26. Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer,
27. Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom,
28. McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,
29. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saper-
30. stein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene,
31. Walker, Weaver..

32. PRESIDENT:

33. Senator Tom Lyons.

1. SENATOR LYONS:

2. Aye.

3. PRESIDENT:

4. Aye. On that question the yeas are 51; the nays are none.
5. Bill having received a constitutional majority is declared passed.
6. 2460 Senator Hall. 2503, is Senator Palmer on the floor? Hold.
7. 2509, hold. 2518 Senator Mohr. 2520 Senator Dougherty, 2520.
8. 2602 Senator Knuppel, Senator Knuppel on the floor? 2634 Senator
9. Cherry, hold. 2682, 2682 Senator Mitchler.

10. SENATOR MITCHLER:

11. Ah...Mr. Chairman, members of the Senate, House Bill 2682
12. is a Department of Conservation bill. The bill provides for
13. an additional definition of historic landmarks in the depart-
14. ment's acquisitional powers. Now the real crux of the bill, however,
15. is the application of the exercise of the rights of eminent
16. domain to the Department of Conservation. The Department cites,
17. as justification for the measure, the fact that the Division
18. of Highways an' others have quick take powers an' the numerous
19. delays in the normal acquisition procedures have caused the loss
20. of valuable recreational areas an' although the extreme power
21. of quick take ought not to be loosely given out, the need for
22. conservation to have this power in certain instances is clear.
23. The delay caused by even the shortest of normal acquisition
24. procedures may mean the spoliation or loss of irreplaceable
25. natural resources. Therefore, I would ask that House Bill 2682
26. which passed out of committee with only one dissenting vote,
27. passed out 13 to 1 out of the Senate Committee on Agriculture
28. an' Conservation an I'd ask for a favorable roll call. I'd be
29. glad to answer any questions.

30. PRESIDENT:

31. Senator Latherow.

32. SENATOR LATHEROW:

33.

1. Mr. President an' Senator Mitchler, I wonder if you'd yield
2. to a question.

3. PRESIDENT:

4. He indicates he will.

5. SENATOR LATHEROW:

6. Did I understand you to say this is giving the Department
7. of Conservation quick take rights?

8. PRESIDENT:

9. Senator Mitchler.

10. SENATOR MITCHLER:

11. Ah...according to the explanation that...ah...was given
12. to me by the Department an' the staff...ah...that is true. This
13. gives them the condemnation...ah...ah...rights to acquire different
14. scenic easements an historic...ah...areas as well as recreational
15. areas involving the quick take.

16. PRESIDENT:

17. Senator Latherow.

18. SENATOR LATHEROW:

19. Otherwise on any individual's property if they decide that
20. they might...might want a piece or a part of that property they'd
21. have the right to go in there an...ah...with quick take an...an
22. take his property? Correct? An pay him sometime later at an
23. advanced date.

24. PRESIDENT:

25. Senator Mitchler.

26. SENATOR MITCHLER:

27. Ah...Senator Latherow that would be...ah...my understanding
28. that ...ah...it would...ah...broaden the powers of the department
29. regarding the acquisition of scenic an historical easements
30. an gi...give the Department of Conservation the same authority
31. an' power that...ah... is now enjoyed by the Division of Highways
32. and others.

33. PRESIDENT:

Senator Rock, no excuse me, Senator Latherow was not finished.
Senator Latherow. Ju...

1. SENATOR LATHEROW:

2. Otherwise...ah...who would make this determination on...ah...
3. on these particular areas?

4. PRESIDENT:

5. Senator Mitchler.

6. SENATOR MITCHLER:

7. Ah...Senator Latherow I would assume that the Department
8. of Conservation would...ah...be the originating...ah...Department
9. as would the Division of Highways...ah...to have the condemnation
10. an the acquisition of the...ah...land in question. Ah...of
11. course...not...I'm not an attorney but I assume that they have all
12. the rights through the courts for proper compensation for any
13. land taken. It would not mean that they would merely take any
14. land for...ah...use by the state or for whatever purpose they
15. so designated without compensating...ah... the owner an' I would
16. imagine all the areas...ah...avenues would be pursued prior
17. to the condemnation an quick take after which...ah... the courts
18. would decide the amount of remuneration to the owner.

19. PRESIDENT:

20. Senator Rock.

21. SENATOR ROCK:

22. Yes, Mr. President, if the sponsor will yield to a question.

23. PRESIDENT:

24. Senator Mitchler.

25. SENATOR ROCK:

26. I think the question is in the same vein Senator as Senator
27. Latherow's question was. We are, by this bill, we would give
28. the Department of Conservation the power to determine in their
29. judgment what area, as opposed to another, has some historical
30. significance an' thereby give them the right to quick take?

31. PRESIDENT:

32. Senator Mitchler.

33. SENATOR MITCHLER:

Ah...Senator Rock that would be my understanding according
to the

information I have on this bill.

1. PRESIDENT:

2. Senator Groen.

3. SENATOR GROEN:

4. Ah...S...S...Senator Mitchler, what piece of property or
5. what historical site does the Conservation Department want to
6. acquire that they haven't been able to get?

7. PRESIDENT:

8. Senator Mitchler.

9. SENATOR MITCHLER:

10. Senator Groen, I can't truthfully answer that question.
11. I know of none that...ah...that this bill would be intended
12. to give them a power in order to acquire. Ah...to my knowledge
13. the...ah...Department of Conservation has been able to negotiate...
14. ah...the land in question. Now the one that comes to my mind
15. an' if some other Senator has more knowledge of this...mine would
16. be the Votal Bog Area I don't wanna be injecting anything but
17. that would be the only one that I know that there was some dispute
18. over. If some Senator has a better answer than that I would
19. accept it.

20. PRESIDENT:

21. Senator Groen.

22. SENATOR GROEN:

23. Well, d...do I understand that this bill would authorize
24. them by condemnation to obtain easement? Ah...I'm...I'm wondering
25. where this might fit in, in connection with the so called Scenic
26. Rivers Bills an...I...I...I'm just wondering if this isn't another
27. way to accomplish the same purpose.

28. PRESIDENT:

29. Senator Mitchler.

30. SENATOR MITCHLER:

31. In my humble interpretation of this Senator Groen, I would
32. assume that...ah...any land within the State of Illinois or
33. any historic site to be used for historical or...ah...recreational
area...ah...

could be pursued with the right of condemnation pursuant to
an act to provide for the exercise of the rights of eminent
domain...ah...would be granted and any land could eventually
be acquired...ah...through the enactment of this legislation.

PRESIDENT:

Senator...Senator Groen.

SENATOR GROEN:

Well, Mr. President, members, as...as I read the bill an'
as I understand what the legal intent an result of this legislation
would be, it appears to me that by this means...ah...every thing
or almost everything at least that is contained in the Scenic
Rivers Bill might be accomplished by means of this...ah...ah...grant
of eminent domain to the Department of Conservation. Now thi...this
is a subject matter that I think this General Assembly over
the years has taken entirely too lightly. Ah...I...I...I think
that the right of private property an' the right of an individual
to be reasonably secure in it...ah...an' not have it...ah...ah...
taken for public use that is...i...i...is not necessarily in
the public interest. I think there's been an abuse of this
thing from time to time. Ah...I...I...I would not want, for
example, the Department of Conservation to be in a position where,
by condemnation, they could simply determine that...ah...the
area along any farmer's land an any s...stream on a farmer's land
or that a farmer's...ah...land itself...ah...ah...i...is desired
for public purposes an' simply go in an' take it an' say we'll
pay you what i...the appraisers say it's worth an' if you don't
like that we'll deposit it in court an' you can come in later
an' prove that our evaluations are wrong an we'll ultimately
pay you what it's...ah...w...w...what a court say it's worth.
I...I...I just think that...that...ah...that...that we've gone
as I say too far in the...in the exercise of the right of eminent
domain by government and ah...I...I think it's time to call
a halt but my real fear in this case is that this would be a
means of accomplishing the same thing which the...an', I'm not
necessarily opposed in principle to the Scenic Rivers Concept,
I am opposed to the bill in its present form,

1. but I'm afraid that this bill might be the means an' could well
2. be the means whereby the same things that are to be accomplished
3. an' intended to be accomplished in the Scenic Rivers Bill could
4. be accomplished simply by this means of condemnation an' I intend
5. to vote against this bill.

6. PRESIDENT:

7. Senator Partee.

8. SENATOR PARTEE:

9. Mr. President, I wanted Senator Mitchler to know that I
10. made a mistake the other day. Ah...the other day there was
11. a motion here to kill all bills on the Calendar an' I opposed
12. that motion an' you voted for it an' now this is an important
13. bill you say an' I want you to know I made a mistake for not
14. voting to kill all bills on the Calendar but I want you to know
15. that this one should have been killed.

16. PRESIDENT:

17. Senator Sours.

18. SENATOR SOURS:

19. Quite on the contrary, Mr. President, Senator Partee, I
20. think this would be a good bill if it were not quick take.
21. Now in the construction of highways...ah...it takes time to
22. acquire right of way, it takes time for design, it takes time
23. for a lot of things so there might be more of a justification,
24. Senator Mitchler, ah...for quick take in the case of a highway.
25. Now I think the state ought to have the right to buy these historic
26. sites just in an ordinary condemnation case would you at all
27. be interested in excising from this bill the quick take?

28. PRESIDENT:

29. Senator Mitchler.

30. SENATOR MITCHLER:

31. Ah...S...Senator Sours, I would be glad to hold the bill
32. and...ah...take that up with the Department of Conservation
33. and then bring the bill back ah...f...up or down.

1. PRESIDENT:
2. Senator Sours.
3. SENATOR SOURS:
4. Well, I think Sen...ah...I...I think Senator that's the
5. greater part of wisdom because some of us over here are chronically
6. opposed to quick take.
7. PRESIDENT:
8. The bill will be held. 2689 Senator Latherow. Senator
9. Latherow.
10. SENATOR LATHEROW:
11. Mr...Mr. President, I wonder if there if there's no objection
12. if I could take 2689 and 2690 together?
13. PRESIDENT:
14. 2689 an 2690 on one roll call is there objection? Leave
15. is granted.
16. SENATOR LATHEROW:
17. These two bills had to do with funds when the Highway Depart-
18. ment purchased a piece of property an' then that property had
19. buildings upon it which were available for rental an' in those
20. cases then if they rented them there was...the rental was to...or
21. not the rental but the tax objection was to be paid. Now under
22. this section now is a repeal of that area because now we're
23. able to assess those taxes from the leasee. So I would appre-
24. ciate a favorable vote for these two pieces of legislation.
25. PRESIDENT:
26. Is there any discussion? Senator Cherry.
27. SENATOR CHERRY:
28. Where am I, here.
29. PRESIDENT:
30. You're...you're at your own desk, they have your mike on
31. now Senator, I'm sorry.
32. SENATOR CHERRY:
33. Would the Senator yield to a question? Senator Latherow.

How much money is involved in the situation such as...ah...you propose in this bill. And another question I have perhaps you can answer it at the same time. Couldn't, under the provisions of this bill, the state hold considerable property in Chicago?

1.
2. PRESIDENT:

3. Senator Latherow. Ju...Just a moment...let's

4. SENATOR LATHEROW:

5. I couldn't...

6. PRESIDENT:

7. Senators Ozinga an' Walker, please.

8. SENATOR LATHEROW:

9. I didn't hear his question.

10. PRESIDENT:

11. Can...can you repeat your question Senator Cherry?

12. SENATOR CHERRY:

13. My question is Senator Latherow, how much money is involved
14. in this kind of a situation. By that I mean how much in repealing
15. ...ah...this law requiring payment by the State Treasurer of
16. the County Collector of an amount equivalent to the tax loss
17. by the County due to the State acquisition of land for highway
18. purposes. How much money are we talking about? And...ah...my
19. second question was, couldn't the state hold considerable property
20. in Chicago this way?

21. PRESIDENT:

22. Senator Latherow.

23. SENATOR LATHEROW:

24. In...ah...the estimate figures given to me there's no property
25. in the Chicago area involved...involved in this, Senator if...ah...
26. you'd like to see the sheet I have on it there has been deposits
27. made for this right of way trust fund. Approximately one million
28. dollars remains an' out of that there's been 24 thousand of expenditure
29. Now those rentals are paid now by the person leasing the prop-
30. erty instead of by the State of Illinois.

31. PRESIDENT:

32. Senator Cherry.

33. SENATOR CHERRY:

1. Well, if there's approximately a million dollars involved
2. that means that the State Treasurer would not remit to the County
3. Collector...ah...approximately a million dollars if they would
4. continue to hold it, an' under those circumstances I think it's
5. a bad bill an' the county should be entitled to receive their
6. money an' we should not repeal that provision of the section
7. of the statute.

8. PRESIDENT:

9. Senator Groen.

10. SENATOR GROEN:

11. Well Mr. President, I just woke up to the fact that this...that
12. this bill would repeal an act which I introduced several years
13. ago an' which is now the law of this state an' I want to explain
14. to this Body the reason that I introduced that bill an' the reason
15. it was signed into law by the then Governor of the State. This
16. goes back to a highway project in my district, State Route 116
17. from East Peoria to Pontiac. The State of Illinois some 15
18. years ago, gentlemen, undertook to improve that State highway.
19. They started buying property an' in the little town of Germantown
20. Hills, they bought some 18 or 20 pieces of property an' literally
21. destroyed the business section of that little town. They allowed
22. those buildings to become dilapidated, they did not maintain
23. them at all, they vacated them, rocks were thrown through windows,
24. and it became most unsightly. Constant requests were made to
25. the Division of Highways to do something about it. Nothing
26. was done. When the buildings finally began to collapse the
27. State did remove a few of those but the big problem that arose
28. was that as the State did not do anything about building that
29. highway all of this property was taken off the tax rolls. Now
30. here this community sat hard pressed for money for their parti-
31. cularly their elementary...ah...schools with more an more money
32. being taken off the tax rolls by the state an no improvement
33. being made by the state as promised so that the ci...community
might grow

and get additional businesses to come in, new businesses to provide the income needed to support the school system. I went to the Highway Department about this, repeatedly, an' got nowhere. The school district people contacted me, the school boards an' I finally hit upon this as a solution, I talked to the Highway Department an' they said, well we've got to admit that it's certainly a fair solution to the problem. Now what this one bill will do simply says that where the state has acquired property for highway improvement an' they don't do anything about it for three years then the state is required to pay to the school districts an' the other taxing bodies involved the amount of money that would be paid had the state not taken the property. Now this may work some hardship on the state in some cases but I say to you that if the state is planning a highway an' if they don't start construction on that thing an' start planning an' doing something about it within a three year period I think it's only fair to the community involved. Now this has...I...I...I...I checked in subsequent years an' the Highway Department had no particular problem with this bill at least they could cite me no examples of where they felt inequities resulted. Ah...I can tell you that it helped this school district survive, that it helped them provide the kind of an education that their children were entitled to an' it got the state moving on the project an' I think this is one way we can get the state to better plan its highway program an' once it has decided to do something in the way of improving a highway where...ah...it is necessary to acquire buildings an al...ah...to...to do this we can preserve the status quo, the financial resources of the area involved, at no hardship to the state. If the state takes this property then let them start doing something about it an' let's not give them the opportunity to again a...adopt the kind of an attitude an' the policy that they had a few years ago. I...I would urge you to defeat this attempt...ah...to repeal this bill. It was a good bill when it

1. was introduced, it has worked well, it has worked to the bene-
2. fit of the people of this State, an if it inconveniences the
3. Division of Highways a little bit, that's just too bad.

4. PRESIDENT:

5. Is there further duscussion? Senator Latherow, may close
6.Senator Cherry.

7. SENATOR CHERRY:

8. I think Senator Groen's comments are very accurate an' that
9. if we repeal this section that means that the state can just
10. sit with this property all of the time do nothing with this
11. property that they condemned an' propose the program which they
12. conceivably could have abondoned an' that would suffer great
13. loss to the counties in which these taxes should be paid under
14. the existing law an' I concur in the comment to the extent that
15. this bill should be defeated so the state should move within
16. a reasonable length of time an pay the taxes during the time
17. that they're holding this property so that the counties would
18. not sustain a loss which would affect our educational system
19. in our respective counties.

20. PRESIDENT:

21. S...Senator Knuepfer.

22. SENATOR KNUEPFER:

23. Well, it seems to me there may be some very substantial
24. reasons why this ought to be desirable. I...I can visualize
25. an' certainly in the press recently there's been enough discussion
26. an debate about the so-called cross town expressway. Now that
27. cross town expressway isn't gonnna be done in 3 years, it isn't
28. gonna be done in 5 years, it's gonna take some substantial time
29. just as the Eisenhower did, as the Kennedy did, as the rest
30. of em. It seems to me that without this bill what we would
31. end up doing is the state in its process of land acquisition
32. would be paying local government...ah...to run their local institu-
33. tions...ah...until such time, of course, as they can construct,
but in many areas they simply are not able to construct...ah...in
the requisite time period an' I cite

1. you the cross town expressway as one possible problem that the
2. state has. I don't think, an' I see no reason why, they ought
3. to compensate...ah...local governments...ah...under this kind
4. of a program when they eventually do. One of the things...ah...I
5. personally have been concerned about is the what I consider
6. the lack of foresight on the part of the Highway Department
7. in being able to acquire land far enough ahead a time when the
8. price is right. Now if they do that, of course, then we come
9. back an' say well just because you did have the foresight to
10. acquire this land when the price was cheap...ah...and even though
11. you know that the highway nay...may not be up within a few years...
12. ah...we're penalizing them for the for the foresight. I...I
13. think this bill does make sense an I'm going to support it.

14. PRESIDENT:

15. Senator Latherow may close the debate.

16. SENATOR LATHEROW:

17. Mr. President, I think there is apparently some confusion
18. concerning this bill. As long as this property is in the process
19. of rental...ah...the State of Illinois is not the person responsible
20. to pay this...ah...tax now to the local government an' counties
21. an' so forth, that is the responsibility of the person who leases
22. the property. This was in House Bill...ah...329 of the 76th
23. General Assembly when that was passed, an...ah...so even though
24. I...I suppose there's some confusion on it an we're getting
25. late in the time an I propose ah...ah...to call the roll on
26. this.

27. PRESIDENT:

28. Senator Gilbert.

29. SENATOR GILBERT:

30. Sen...Senator Latherow...ah...you say the le sseepays the
31. tax, now what type of tax is it? I mean is the...the real estate
32. is in...the title is in the...ah...State of Illinois. Now
33. what kind of a tax is levied that the lessee pays?

PRESIDENT:

Senator Latherow.

1. SENATOR LATHEROW:

2. It is my understanding that this property is leased an'
3. there's an in...as an income property for the State of Illinois.
4. Then that is an obligation against the property. The taxes
5. are paid by agreement by the person who leases the property.

6. PRESIDENT:

7. Senator Gilbert.

8. SENATOR GILBERT:

9. Who...who assesses the tax? D...Does the...ah...assessor
10. assess it? Or is this...ah...the type of...ah...tax...ah...like
11. we have for the housing authority...ah... where they pay...ah...
12. in lieu of tax, 10% of the gross rental. Is this the type of
13. tax that's paid...ah...by the lessee...ah...in lieu of...ah...taxes,
14. a percentage of the lease or is it a direct assessment by the
15. assessor? I've never heard of this being done by the assessor,
16. ah...but I do know as an attorney for the local housing authority
17. that we pay 10% of the gross rental in lieu of taxes because
18. the title is in the...a governmental agency...the local h...housing
19. authority which is a municipapl corporation. Now is that...th...
20. this tax paid by the le 10% of the rental or what is the
21. percentage?

22. PRESIDENT:

23. Senator Latherow.

24. SENATOR LATHEROW:

25. The amount paid is similar to what you or I would pay on
26. any property of our own that we're assessed on. This is an
27. assessment on the property an...and this is a contract in...in
28. the...the lease to these people that they are responsible for
29. the paying of the property tax on this.

30. PRESIDENT:

31. Senator Gilbert.

32. SENATOR GILBERT:

33. Then you're saying that the assessor sends them a tax bill
similar to that that I get on my residence?

PRESIDENT:

1. Senator Latherow.

2. SENATOR LATHEROW:

3. Correct.

4. PRESIDENT:

5. Secretary will call the roll.

6. SECRETARY:

7. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
8. Carroll, Cherry, Chew, Clarke.

9. PRESIDENT:

10. Senator Clarke.

11. SENATOR CLARKE:

12. Mr. President, I may not completely understand this but...ah...it
13. seems to me that the issue has...ah...been made clear by the
14. sponsor. The bill was passed that he referred to in '69, McPartlin
15. Bill, in effect took over this function and...ah...this money...ah
16. ...900 thousand dollars I understand is in this fund, no county
17. has asked for reimbursement an' this is a way of enabling this
18. money to go back into the general fund. Ah...now that that
19. McPartlin Bill allows the assessment against the property...ah...they
20. do have the local wherewithal....ah...to...ah...take care of
21. the property and...ah...make sure that it gets taken care of.
22. I vote aye.

23. SECRETARY:

24. Collins, Coulson, Course, Davidson, Donnewald, Dougherty,
25. Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,
26. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
27. Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,
28. Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee,
29. Rock, Romano, Rosander Saperstein, Savickas, Smith, Soper, Sours,
30. Swinarski, Vadalabene, Walker, Weaver.

31. PRESIDENT:

32. Latherow aye. On those measures the yeas are 11; the nays
33. are 2; the bills having failed to receive a constitutional major-

1. ity are declared defeated. 2....Motion by Senator Dougherty
2. to reconsider. Motion by Senator Johns to table. All in favor
3. to table signify by saying aye. Contrary minded. Motion prevails.
4. 2708 Senator Kusibab hold. 2720 Senator Harris, was on the
5. floor a minute ago. 2720 Senator Harris, you wish to call that?
6. Th...for...for the record the...Senator Dougherty on Senator
7. Johns are not eligible to make that motion because they did
8. not vote on the prevailing side so that will be stricken from
9. the record. 2723 Senator Gilbert, hold. 2742 Senator Knuppel,
10. 2742 hold. 2862 Senator Horsley, 2862.

11. SENATOR HORSLEY:

12. This bill...ah...merely changes the membership of the State...
13. ah...Planning Commission, the Capitol City Planning Commission.
14. Takes out the head of...t...t...the Economic Department but
15. puts in two other state heads...ah...which are necessary, General
16. Services an one other one to that his place.

17. PRESIDENT:

18. Is there any discussion? Secretary will call the roll.

19. SECRETARY:

20. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
21. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson,
22. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen,
23. Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski,
24. Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,
25. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
26. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
27. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

28. PRESIDENT:

29. Carroll, aye. McBroom, aye. Graham, aye. Cherry, aye.
30. Hynes, aye. Hall, aye. Rock, aye, Kosinski, aye. Palmer,
31. aye. Newhouse, aye. Saperstein, aye. Neistein, aye. Bruce,
32. aye. Johns, aye. Latherow, aye. On that question the yeas
33. are 37; the

1. nays are none. The bill having received a constitutional major-
2. ity is declared passed. 2886 Senator Harris, do you...ah...wish
3. to make an announcement, Senator ?

4. SENATOR HARRIS:

5. Yes,...ah...Mr. President...ah...on that series...ah...2780...
6. ah...finally through 2817 th...they're not consecutive. Senator
7. Partee asked me...ah...if I would give him a little bit more
8. time. He hasn't had an opportunity to check them all. So we
9. have an understanding that we definitely will call that series
10. on Tuesday of next week. Ah...I just...I know ...ah...good
11. many of the members are concerned about them an when I was gonna
12. call them. They will definitely be called Tuesday, at the request
13. of Senator Partee an...ah...th...just wanted to inform.

14. PRESIDENT:

15. Is Senator Tom Lyons on the floor? 3...3033 Senator Chew.
16. Ah...pardon?

17. SENATOR CHEW:

18. That...ah...that is a bill that we debated somewhat yester...
19. ah...last week and...ah...I'm just about ready to vote it up
20. or down or table it or pass it whatever way the...the...ah...Senate
21. feels about it. So I'll call it for a vote.

22. PRESIDENT:

23. 3033, is there discussion on the measure? Secretary will
24. call the roll.

25. SECRETARY:

26. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
27. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson,
28. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen,
29. Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski,
30. Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,
31. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
32. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
33. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, W...Weaver.

PRESIDENT:

1. Rosander, no. On that question the yeas are 18 the nays
2. are 2. The bill having failed to receive a constitutional major-
3. ity is declared defeated. 3038 Senator Laughlin.

4. SENATOR LAUGHLIN:

5. Mr. President, members of the Senate, this is a constitutional
6. implementation bill. It implements section 7 of the new Constitution
7. which reads: Committees of each House, Joint Committees of
8. the two Houses, an' Legislative Commissions shall give reasonable
9. public notice of meetings including a statement of subjects
10. to be considered. The bill provides that each Legislative Commission
11. shall give public notice of its meetings at least 7 days before
12. the date set for the meeting an' that the notice shall state
13. the date, the time, the place of the meeting, an' the subjects
14. to be considered, this to be posted on a bulletin board in the
15. first floor of the State of Illinois Building in the City of
16. Chicago an in the State Capitol, on the Senate building...ah...ah...
17. bulletin board if Senate members are involved, on the House
18. bulletin board if the House members are involved, on em both
19. if members of both Houses are involved. Then there is...ah...an
20. there's suppose to be an indication on the notice of the date
21. l...of the notice...ah...an its posting. Then there is a provision
22. that if the chairman of a commission declares there's a demonstra-
23. ble emergency...ah...you can speed it up by posting such a notice
24. an' giving notice to the members within 24 hours. I think it's
25. an appropriate measure that we pass at this time. I'd ask your
26. favorable consideration.

27. PRESIDENT:

28. Is there any discussion? Secretary....Senator Bruce.

29. SENATOR BRUCE:

30. Well Senator Laughlin, the problem comes up with the legis-
31. lative Commission that is appointed to investigate State facili-
32. ties. For example the study that was done without notice at
33. Elgin State Hospital. Would the commission chairman be required
before they investigated any State Institution, any Mental Health

1. Hospital, would he be required to give 7 days notice before
2. they went in thereby negating any opportunity to find out what
3. is actually going on in that Mental Health Hospital.

4. PRESIDENT:

5. Senator Laughlin.

6. SENATOR LAUGHLIN:

7. Well Senator Bruce, I would think that in the absence of
8. an emergency he would, ha...ah...i...if it were a demonstrable
9. emergency then he could speed it up by the...ah...ah...an limit
10. it to the 24 hour period. Ah...it still would require the posting
11. of a notice an' this is the this is the meeting of the commission
12. an it occurs to me an I'm not sure that I'm right about it,
13. that on matters of investigation it wouldn't necessarily have
14. to be done by a commission meeting. All I know is that the
15. new Constitution requires that we do something here o...on this
16. matter of notice. Ah...you raised an interesting question,
17. I...I can give you no better answer than I have.

18. PRESIDENT:

19. Senator Mitchler.

20. SENATOR MITCHLER:

21. Ah...Mr. President, I notice that the...ah...House Bill
22. 3038 refers to implementing Article 4 section 7a of the new
23. 1970 constitution which reads as follows: section 7, transaction
24. of business, section a, committees of each House, Joint Committees
25. of the two Houses, and Legislative Commissions shall give reasonable
26. the word reasonable public notice of meetings including a statement
27. of subjects to be considered. Now that's section 7a an if it's
28. implementing that I don't believe that...ah...reasonable would
29. necessarily be 7 days before the date for the meeting as stipulated
30. in section 2 of the...ah...Act that the bill that we have before
31. us. I believe if we substituted the 7 days by reasonable then
32. you'd be complying with the Constitution unless this General
33. Assembly thought otherwise.

PRESIDENT:

1. Senator Rock.

2. SENATOR ROCK:

3. Yes, Mr. President, I wonder if the sponsor'd yield to
4. a question? Senator, when we say that committees of each House
5. and Legislative Commissions shall give reasonable public notice
6. ...ah...I'm wondering in this bill for what or what happens
7. if we don't give reasonable public notice?

8. PRESIDENT:

9. Senator Laughlin.

10. SENATOR LAUGHLIN:

11. Well, Senator Rock, I don't have the faintest idea. I
12. doubt that anything terribly significant so far as the legality
13. of a commission meeting. The commissions...ah...ah...don't
14. enact legislation so I...I...I...I...simply don't think that...ah...
15. the effect of a commission's report to the legislature for example
16. will be affected by the fact that they didn't give the notice.
17. On the other hand, I think the framers of the Constitution put
18. this in for a very sal...salutory reason and I think...ah...it
19. is appropriate that the public have a right to attend an' to
20. have some knowledge of when a meeting is going to be held, what's
21. gonna be discussed, who's there and what's the meeting about,
22. an' the time; I don't think that's wrong. Now, whether or not
23. 7 days is right, I don't know. This is Representative Nowlan's
24. bill he an...ah...Representative Rose have had a number of these
25. constitutional implementation bills passed in the House an' if
26. there's a better suggestion if 7 days is too long why I suppose
27. we could make it 6 days like our rules have for committee hearings,
28. but I hate to quibble over one day. I might point out one other
29. thing that section 3 of the bill says simply that each Legislative
30. Committee shall give public notice...ah...as provided in the
31. rules of that House.

32. PRESIDENT:

33. Senator Graham.

SENATOR GRAHAM:

1. Mr. President an' members, I can see some problems arising
2. from the passage of this bill. I can also see some problems
3. that may arise should we not pass it. I'm thinking of one commis-
4. sion that...been a member of for many years. The purpose is
5. to visit an' examine penal institutions. I remember back in
6. 1965 when we had some guards killed at Menard Penitentiary when
7. members of the commission were requested to be in Mr...Menard
8. almost immediately. Now we didn't have a formal commission
9. meeting. We didn't have, an' I would have no intention of suggesting
10. the public should attend such a massacre, but it seems to me
11. that a legislature involved in some manner such as this would
12. be intelligent enough to realize that first of all before you
13. have your commission meeting that there might be some fact finding
14. necessary an' I believe in a case with emergency be...by the
15. time that you established a notice of emergency for 24 hours
16. some of the wheels could already be turning by some of the members
17. of the commission. I think...ah...that is not a way around
18. a law, I don't suggest that we do that, but I'm suggesting to
19. you that in the case of a riot or something in a penitentiary
20. where it was felt that legislators should attend that I believe
21. if I went there myself or with the vice-chairman of my commission
22. and notified at the same time the other gentlemen of the commission
23. that we were going to meet tomorrow that perhaps this could
24. be accomplished without the violation of any law. I think the
25. point in favor of this type of legislation is to cut down spontan-
26. eous witch hunts that occur on...as a result of the whims of
27. one or two legislators that have an idea that the best thing
28. that they can do at any given moment to grab the attention of
29. the press is to have a m...a meeting. I think there should
30. be some purposes in meetings. I think taxpayers money are involved
31. in...in the meetings. I think it's a purpose. I think the
32. public has a right to know but I can understand I believe that
33. this bill is broad enough in its intent relating to the possibility
of an emergency not to thwart the real intent of legis-

lative performance in the various areas of our government.

1. I'm not particularly concerned about this doing anything only
2. what I think is right with regard to the conduct of legislative
3. committees an commissions an I support the feeling of this bill
4. even though it may cause a little trouble somewhere.

5. PRESIDENT:

6. Senator Knuppel.

7. SENATOR KNUPPEL:

8. I believe that section 7 sub-section a is self-executing
9. an an does not require implementation. I think that by doing
10. this we bring into debate the constitutional provisions as opposed
11. to what the legislative provision maybe an' that does not say
12. as provided by the General Assembly...ah...such notice as maybe
13. provided by the General Assembly it says very specifically the
14. committees of each House, Joint Committees for the two Houses
15. an' Legislative Commissions shall give reasonable public notice
16. of meetings including a statement of subject to be considered.
17. I think that's legislative an' I...even if I say so myself, I
18. think there's quite a bit of legislation in the new constitution,
19. an' this is some that...ah...that...ah...the courts may have
20. to determine what's reasonable but if they do an' there's legislation
21. on the books too the two may be in conflict. I think tha...that
22. it legislates an' it says enough an' doesn't require implementation.

23. PRESIDENT:

24. Senator Egan.

25. SENATOR EGAN:

26. Senator Laughlin...ah...would you answer a question for
27. me or two please? Ah...my...the question that comes to my mind,
28. wha...what does the...the meaning of the word meeting, wha...what
29. is that en..encompass?

30. SENATOR LAUGHLIN:

31. Well, Senator Egan...Senator Egan I would assume that this
32. is a meeting...ah...ah... meeting is a gathering of the membership
33. of a group probably a quorum...ah...of an organized group whether
it's a commission, a committee as we have here...ah...to transact

1. business which is within the scope of its authority.

2. SENATOR EGAN:

3. Ah...the bill doesn't define it does it? I...I...looked at...

4. SENATOR LAUGHLIN:

5. No.

6. SENATOR EGAN:

7. ...it rapidly. Now the reason I asked is because of the...ah...
8. ah...we had a situation at the Chicago Mental er the Chicago
9. Read Mental Health Hospital in...ah...which is in my district and
10. that's why I'm personally familiar with it. And that Commission
11. that has met there and has had testimony from the Department of
12. Mental Health personnel and the Director have stated that on
13. many the...occasions they've gone into the Mental Health facilities
14. throughout Illinois...ah...impromptu, without notice ahead so
15. that there is no formality when they arrive. That they can
16. see first hand exactly how those hospitals are being run. If
17. that isn't a meeting I don't see any problem with the bill. If
18. that is a meeting then it destroys, really, the effectiveness
19. of the Commission's work and ah...

20. SENATOR LAUGHLIN:

21. If I...

22. PRESIDENT:

23. Sen...Senator Laughlin.

24. SENATOR LAUGHLIN:

25. If I may respond very briefly. I wouldn't, certainly,
26. consider that a meeting. Now this is just one Senator's
27. judgment and I don't know why, if it's within the scope of the
28. authority of a...a commission or a committee, that a member of
29. that committee or members of that committee can't undertake
30. something on behalf of the committee which is not involved in
31. a meeting.

32. SENATOR EGAN:

33. Well, i...i...if the problem arises then in...by your own
definition of what you said a meeting was, that would be a meeting. I

1. a gathering of the...the members of the commission a...a...as
2. long as there's a quorum.

3. PRESIDENT:

4. Senator Laughlin.

5. SENATOR LAUGHLIN:

6. Tha...Tha...that isn't what I meant an I don't think with
7. all due respect that's what I said, I said where it was a gathering
8. of a group...an organization which had some legal status of
9. which a quorum was undoubtedly present. Now i...if you want
10. to refer to what we call a rump session or...which is been known
11. or an unofficial or ...ah...informal meeting...ah...you raise
12. an interesting question. I don't know the answer to that....ah...
13. I don't know as anybody knows. I've seen that happen many,
14. many times. Boards of Educations, they get together at som...some
15. board member's house. It isn't a meeting they sit down; they discuss
16. things. Ah...that's the best answer I can give you Senator
17. Egan.

18. PRESIDENT:

19. Senator Horsley.

20. SENATOR HORSLEY:

21. Well, Mr. President as painful as it is I must agree with
22. the Senator from Peterburg because I think for the first time
23. in a long time he's right an' I certainly agree with him. Now
24. I think by passing this bill you're going to hurt commissions
25. an' bodies like Senator Ozinga's. I'm afraid the court's going
26. to say that if they go up an' take statements at hospital, inter-
27. view witnesses, an' use that in their investigation without having
28. given a 7 day notice they're in trouble an' I think all the way
29. through now when we have a rule in this House that we have to
30. give a notice of a committee hearing we can stand up an' move
31. to suspend the rule, but you can't suspend a State statute.
32. It says you've got to give 7 days unless you get together an'
33. have a meeting an' declare an emergency. Well I think that's
putting a terrible burden, I think the Constitution is as clear
as a bell,

1. that all we have to do is give a reasonable notice. Now what's
2. reasonable depends on the facts an' circumstances, an' I think
3. this bill is going to tie the hands of this legislature an' should
4. be defeated.

5. PRESIDENT:

6. Senator Soper. Senator Soper.

7. SENATOR SOPER:

8. I move the previous question.

9. PRESIDENT:

10. Motion for the previous question. All in favor signify
11. by saying aye. Contrary minded. Motion prevails. Senator
12. Laughlin may close the debate.

13. SENATOR LAUGHLIN:

14. Mr. President, members of the Senate, I don't know whether
15. this is self...is self-executing provision of the new constitution
16. or not. I happen to think there's some question about it and
17. I don't think there's anything wrong with the bill unless you
18. disagree with the number of days involved. It boils down to
19. this, is it good public policy to have in the statutes of the
20. State of Illinois notice provisions of public meetings of commis-
21. sions, joint committees, etc? I think that in that sense it's
22. good, I don't share the fear of those who think we're gonna
23. tie anybody down. I think if you have an investigation you
24. can do it through a subcommittee. I don't see anything that
25. says anything about subcommittee meetings in here at all. However,
26. I don't think it's earthshaking, at this point in time, whether
27. or not we pass this bill but as one who believes that there
28. ought to be public notice of meetings I would urge your support
29. for it.

30. PRESIDENT:

31. Secretary will call the roll.

32. SECRETARY:

33. Arrington, Baltz, Berning.

PRESIDENT:

1. Senator Berning.

2. SENATOR BERNING:

3. Just...just one brief comment. In view of, as I interpret
4. it, a continuing deterioration of confidence in the legislative
5. process on the part of the public seems to me we ought to do
6. anything we possibly can t...to stimulate interest as well as
7. understanding an to advise people in advance of meetings so
8. that they can attend. It seems to me is about the least we
9. can do irrespective of any hardships we may engender for ourselves.
10. I vote aye.

11. SECRETARY:

12. Bidwill, Bruce, Capentier, Carroll, Cherry, Chew, Clarke,
13. Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan,
14. Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes,
15. Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow.

PRESIDENT:

17. Senator Latherow.

18. SENATOR LATHEROW:

19. Mr. President and...ah...Senator Laughlin, I just have
20. one question. Ah...if this were law, this morning I received
21. on my desk ...ah...a notice of a meeting tonight an this would
22. prevent that from happening. Is that correct?

23. PRESIDENT:

24. Senator Laughlin.

25. SENATOR LAUGHLIN:

26. If it were an emergen...ah...even if it were an emergency,
27. yes, it would. There'd be 24 hours notice.

28. PRESIDENT:

29. Senator Latherow.

30. SENATOR LATHEROW:

31. No.

32. SECRETARY:

33. Laughlin.

1. PRESIDENT:

2. Senator Laughlin.

3. SENATOR LAUGHLIN:

4. Well our sergeant or assistant Sergeant-at-Arms has given
5. me the definition of a meeting. Where's Senator Egan? He went
6. an' got the dictionary so I'll tell you what the dictionary says
7. a meeting is: Act of persons or things that meet, specifically,
8. a duel, a gathering, assembly an assembly for worship, a gathering
9. for holding races, a race meeting a junction, intersection
10. or confluence. Now if that helps you any better than my own
11. personal definition why you're welcome to it.

12. PRESIDENT:

13. Continue the roll...

14. SECRETARY:

Lyons, McBroom, McCarthy, Merritt.

16. PRESIDENT:

17. Senator Merritt.

18. SENATOR MERRITT:

19. Mr...Mr. President, members of the Senate, arising to explain
20. my vote I think this just brings up again some of the fallacies
21. in the Constitution which our people bought in 1970. I believe
22. th...in section 7 here in the transaction of business we're
23. certainly getting in a very bad area. We're...we're tying the
24. hands of a commission where it says here shall give reasonable
25. notice of public...ah...public notice of meetings, including
26. a statement of subjects to be considered. Well many times when
27. a commission hearing is set we have a fairly good knowledge
28. of the agenda but because intervening days an' that notice would
29. mean that we would have to caution every member to never discuss
30. anything except that that was on the published agenda, an' I
31. do not believe that is the way to accomplish things on a good
32. on going permanent commission that does a great service to State
33. of Illinois. I vote no.

SECRETARY:

1. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
2. Palm...

3. PRESIDENT:

4. Senator Ozinga.

5. SENATOR OZINGA:

6. Mr. Chairman an' Mr. President, there are some good features
7. about a bill like this, however, as chairman of the Visitation
8. Commission I assure you that this would rack havoc. This bill
9. if we had to give notice to every... (bad tape)... to Elgin.
10. There will be a report that will be ringing with reference to
11. what we found there an' that came strictly as a surprise visit
12. with notice to the members of the commission 24 hours ahead
13. a time. I'm sure it was declared an emergency only because of
14. the drastic statements made in the news media an' things like
15. that but let's face the facts; sometimes a notice amongst the
16. members of the commission is vital. I can see where that could
17. be... ah... used to a great disadvantage or an advantage but under
18. this bill the way it's set up I would very definitely urge everybody
19. in this particular instance to vote no. I vote no.

20. SECRETARY:

21. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
22. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

23. PRESIDENT:

24. Sours No. Lyons, No. McBroom, No. On that question the
25. yeas are 9 the nays are 21. The bill having failed to receive
26. a constitutional majority is declared defeated. 3077, Senator,
27. Senator Hynes on the floor. 3080 Senator Davidson, hold. 3544
28. Senator Bruce. 3545 Senator Hynes, you wish to call either
29. that or 3077? 3545 Senator Hynes. Senat... for... for what... Senator
30. Hyn... Senator Partee.

31. SENATOR PARTEE:

32. I was just going to ask if this is a controversial bill.
33. It's time for us to go to committees an' if it is not we can
dispose of this one an then we can get to committee. Go ahead,
no, go ahead or dispose of it.

1. PRESIDENT:

2. Senator Hynes.

3. SENATOR HYNES:

4. I hope it is not controversial. It amends the Enviromental
5. Protection Act an requires that notice for filing an application
6. for permit be given to local corporate authorities and a legis-
7. lative members...ah...i...i...members of the General Assembly
8. in the area involved. It is an attempt to keep the...the local
9. author...authorities informed of applications for sanitary land
10. fills, a subject which has caused considerable controversy...ah...
11. in areas of the state. I do not believe that...i...that there
12. is any objection to it from the EPA an'I think it's a desirable
13. piece of legislation, notice is sent out of applications, this
14. just adds to the to those that'll receive notice.

15. PRESIDENT:

16. Is there...Senator Latherow.

17. SENATOR LATHEROW:

18. Mr...Mr. President, I would want to object to this bill
19. myself for the simple reason that I think when you people realize
20. the area an' the extent a the area that's in some of these down
21. state districts, the multiple times that we'll be seeing no...ah...
22. receiving some notice concerning a permit...ah...I think you've
23. got to live in one of these areas in order to appreciate that.

24. PRESIDENT:

25. The....is there further discussion. Ah...it...I see a
26. number of hands going up Senator Hynes, I wonder if the...we
27. should maybe hold the bill. All right the bill will be held.
28. There is one emergency bill that I know of House Bill on 2nd
29. reading 4113. Are there any other emergency bills that have
30. to be disposed of? Is Senator Vadalabene on the floor? Senator
31. McCarthy can you handle that for him? 4113. Oh...Sen...Rep...Rep
32. ...Senator Vadalabene is here, 4113, House Bill on 2nd reading.

33. SECRETARY:

2nd reading of the bill no committee amendments.

PRESIDENT:

Any Amendments from the floor? 3rd reading. Senator Fawell
1. you wish to make a motion?

2. SENATOR FAWELL:

3. Mr. President an' members of the Senate, I have talked with
4. Senator Dougherty in regard to Senate Bill 1412 which is really
5. an education bill an' asked his consent, which has been granted,
6. to ...ah...ask leave of the Body for a discharge of Senate Bill
7. 1412 from the Committee on Local Government an' transfer of the
8. same to the Education Committee. Senate Bill 1412. The spon...

9. PRESIDENT:

10. Is there...is there objection? Leave is granted. Senator
11. Gilbert.

12. SENATOR GILBERT:

13. Could I have leave to go out of...ah...order to House Bills
14. on 1st reading. Ah...House Bill 4202 is an easement bill the
15. last Session of the legislature the De...State Department of
16. Highways gave us a wrong description, we passed the bill, the
17. Governor signed it, the deed has been recorded with the misdescrip-
18. tion an' it was caught later an' this bill is to correct it.
19. I would move that this bill be advanced to the order of 2nd
20. reading without reference to a committee inasmuch as it is correcting
21. an error that we inadvertently made.

22. PRESIDENT:

23. Is there objection? Leave is ...

24. SENATOR GILBERT:

25. That'll...that'll take it off the Calendar.

26. PRESIDENT:

27. Leave is granted. For what...we have I...I'd urge all
28. members to remain here. We have at least one important resolution
29. here yet.

30. Senator Saperstein.

31. SENATOR SAPERSTEIN:

32. Yes. Pardon me, too...Mr. President, I would ask leave
33. to table House Bill 2567 in the Welfare Committee.

1. PRESIDENT:

2. The bill is tabled. Senator Hall.

3. SENATOR HALL:

4. Mr. President, members of the Senate, I'd like to ask
5. leave to have two bills tabled. House Bill 2152 in Agriculture
6. an Conservation an Senate Bill 1161 i...in the Appropriation
7. Committee.

8. PRESIDENT:

9. The bills are tabled. The ah...S...Senator Knuepfer.

10. SENATOR KNUEPFER:

11. I...I'd ask the same leave to discharge the Revenue Com...Com-
12. mittee from consideration of Senate Bill 74 for the purpose
13. of tabling it.

14. PRESIDENT:

15. The bill is tabled. Resolutions. An' I would ask all members
16. to be in their seats. We have an important resolution here.

17. SECRETARY:

18. Senate Resolution No. 304.

19. WHEREAS, the Senate joins the family an friends of Senator
20. Daniel Dougherty in wishing him a very happy birthday, an'

21. WHEREAS, Daniel Dougherty made his maiden speech in the
22. 69th General Assembly an' has been perfecting this skill ever
23. since, an'

24. WHEREAS, he was superbly educated in St. Lawrence Parochial
25. School, an Bowen High School an later took courses in Blast
26. Furnaces an Power Plant Engineering and

27. WHEREAS, he is a cherished an respected member of Santa
28. Maria Council No. 1511, Knights of Columbus, an also of the
29. LaSalle Assembly 4th Degree Knights of Columbus, an'

30. WHEREAS, he is active in civic affair an' vigorously active
31. in Democratic politics being secretary of the 10th Ward Democratic
32. Organization an chief deputy clerk of the Circuit Clerk an mem-
33. ber of the Alpha, therefore, be it

1. RESOLVED, by the Senate of the Seventy-seventh General
2. Assembly of the State of Illinois, that we congratulate Senator
3. Daniel Dougherty on his birthday an' wish him many more an be
4. it further resolved that a suitable copy of this resolatio...r...
5. resolution be presented to Seniel...Senator Daniel Dougherty.

6. PRESIDENT:

7. I think it was that Power Plant Engineering course that
8. really helped you here Senator. Senator Donnewald.

9. SENATOR DONNEWALD:

10. Ah...yes, Mr. President, my colleague to my immediate right,
11. I think that everybody in this chamber an thee...ah...chamber
12. across the rotunda would agree that the little guy to my right
13. is probably one of the hardest working legislators in...ah...this
14. Body an' I know that...ah...he's fast approaching his fourtieth
15. birthday and...ah...I know that everybody here, I...I've taken
16. the liberty of adding all a the Senate to the...ah...sponsorship
17. of this resolution and...ah...I've also been advised that there's
18. a little piece a cake back here if you care to have it after...ah...
19. we adjourn, so I think somebody oughta...ah...or we all oughta
20. sing a little happy birthday to Danny Dougherty.

21. PRESIDENT:

22. I can't...you, Senator Donnewald can lead in the singing.
23. All those in favor of...just a moment, there's some objection
24. over here from Senator Bidwill.

25. SENATOR BIDWILL:

26. Well I wish to add a correction to the reading the secretary
27. has made of the resolution. Daniel is also a first class and
28. paying member into the Irish St. Patrick's Day Marching Club.
29. But that's...

30. PRESIDENT:

31. Senator ...Senator Carroll.

32. SENATOR CARROLL:

33. Mr. President and members, you know it's customary when
an Irishman has a birthday that they serve something a little
stronger than cake.

1. PRESIDENT:
2. The resolution is adopted an we're very proud of you Senator
3. Dougherty. Senator Dougherty.
4. SENATOR DOUGHERTY:
5. All I can say is thank you very much. I...I'm not so sure
6. about the fourtieth, I may be a day or two beyond that but neverthe-
7. less I'm here an' thank you very much.
8. PRESIDENT:
9. Additional resolution. Did Senator Bidwill...
10. SENATOR BIDWILL:
11. First speech that Senator Dougherty has made that I can
12. distinctly understand.
13. PRESIDENT:
14. Sa...Continue the resolutions.
15. SECRETARY:
16. Senate Resolution No. 305 introduced by Senators Carpentier
17. an all members. It's con...congratulatory to James Jamerson,
18. the progolfer.
19. PRESIDENT:
20. Senator Carpentier.
21. SENATOR CARPENTIER:
22. I move to suspend the rules for the immediate adoption
23. of this resolution.
24. PRESIDENT:
25. All in favor signify by saying aye. Contrary minded.
26. Resolution's adopted.
27. SECRETARY:
28. Senate Res...Senate Resolution No. 306 introduced by Senator
29. Carpentier an all republican Senators an it's also congratulatory,
30. right.
31. PRESIDENT:
32. All right.
33. SENATOR CARPENTIER:

1. Move to...to s...suspend the rules for the immediate adoption
2. of this resolution.

3. PRESIDENT:

4. Is there objection? All in favor signify by saying aye.
5. Contrary minded. Resolution's adopted.

6. SECRETARY:

7. Senate Resolution No. 307 introduced by Senator Coul...Senators
8. Coulson an' Bidwill an' it's a death resolution.

9. PRESIDENT:

10. Senator Bidwill.

11. SENATOR BIDWILL:

12. Mr. President, this is a death resolution , it's the death
13. of Senator Droste, who served a very honorable term here in
14. the State Senate an' I think probably Senator Dougherty an' I
15. are the only two Senators, that...maybe Senator Collins, were
16. here when Elmer Droste was here. He was a fine citizen an' a
17. good public servant an' I move you sir, the adoption of this
18. resolution.

19. PRESIDENT:

20. Motion for the adoption of the resolution. All in favor
21. signify by saying aye. Contrary minded. Resolution is adopted.

22. SECRETARY:

23. Senate Joint Resolution No. 69 introduced by Senator Partee

24. PRESIDENT:

25. Sen...Senator Partee this resolution that's introduced
26. by you do...should that go to Executive Committee?

27. SENATOR PARTEE:

28. No, I would hope we could adopt it today. It's a Joint
29. Resolution, you can get it over to the House. The Resolution
30. simply memorializes Congress to be active in an area where they
31. are now...where they're addressing themselves to restricting
32. the interstate sale of hypodermic needles an' syringes an' requires
33. the manufactures an' distributors to inquire of the purchaser
what the purchase...what the purpose of the order is. What
happens, of course, is that

everybody is uptight an everybody is concerned about persons
who are addicted to narcotics, particularly herion or any narcotic
that's used with a syringe an a needle, but...ah...the manufactures
go blindly along se...selling all of the products that are necessary
for addiction an' this bill in the Federal Congress addresses
itself to the question of asking manufacturers to employ different
methodology of selling these syringes an it will only memorialize
this Congress to tell them that we too are interested in the
question an^ to pass whatever legislation is necessary.

PRESIDENT:

Is there any....

SENATOR PARTEE:

I move its adoption.

PRESIDENT:

...any discussion? All in favor signify by saying aye.
Contrary minded. The resolution's adopted. We have a message
from the House.

SECRETARY:

Message from the House by Mr. Selcke, Clerk:

Mr. President--I am directed to inform the Senate that
the House of Representatives has adopted the following Joint
Resolution in the adoption of which I am instructed to ask the
concurrence of the Senate, to-wit: House Joint Resolution 126
resolved by the House of Representatives of...of the 77th General
Assembly of the State of Illinois the Senate concurring herein
that when the two Houses adjourn on Thursday, April the 27,
1972, they stand adjourned until May the 2nd, 1972, at 11 o'clock
a.m.

PRESIDENT:

Motion for adjournment. It is, when we adjourn tomorrow,
come back at 11 a.m. on Tuesday. Senator moves the adoption
of the Joint Resolution. All in favor signify by saying aye.
Contrary minded. Resolution is adopted. Senator Newhouse you
wish to make an announcement?

SENATOR NEWHOUSE:

Thank you Mr. President, Mr. President an Senators, there
are two items that have been placed on your desks today. It
is

1. information with regard to the Uniform Code of Corrections...ah...
2. the staff has worked up this explanatory material so that you'll
3. have a chance to review it prior to the time when the bill is
4. called up next week. It's quite a complicated bill an' a great
5. deal of work has gone into the bill an' into the explanation.
6. I would urge all Senators to read this carefully so that when
7. the bill is called they would have the opportunity to give it
8. the consideration that it deserves. Thank you.

9. PRESIDENT:

10. Senator Tom Lyons.

11. SENATOR LYONS.

12. Ah...Mr. President an' members, I would just like to announce
13. there will be a meeting of the Committee on Appropriations on
14. the floor here immediately after adjournment for the sole pur-
15. pose of considering House Bill 3030 an' immediately upon the
16. ...ah...dissolution of the meeting of the Committee on Appropriations
17. there will be a meeting in the committee on Constitutional Imple-
18. mentation again on the floor...ah...for the sole purpose of
19. consideration of House Bill 3047. Thank you Mr. President an'
20. gentlemen and lady.

21. PRESIDENT:

22. Senator O'Brien.

23. SENATOR O'BRIEN:

24. Yea...Mr...ah...Chairman, I'd like to have leave of the
25. Body to table Senate Bill 637 which is currently in the Revenue
26. Committee. PRESIDENT:

27. Bill is tabled. Senator Cherry.

28. SENATOR CHERRY:

29. I would like to announce that the meeting of the Executive
30. Committee in Room 2...ah...212 will take place 15 minutes after
31. the adjournment, this morning...this afternoon.

32. PRESIDENT:

33. The...we have an additional resolution, I'm advised.

SECRETARY:

1. Senate Resolution No. 308 introduced by Senators Newhouse,
2. Chew, Hall and Partee. Ah...do you want to read Senator?

3. PRESIDENT:

4. What is the nature of the resolution Senator Newhouse?

5. SENATOR NEWHOUSE:

6. Ah...this resolution...ah...Mr. President, relates to the
7. Provident Hospital. It's a hospital just adjacent to my district
8. and just adjacent to Senator Partee's, which has...ah...been
9. a historic landmark in our community. It's where the first
10. open heart surgery was performed, as a matter of fact. It's
11. a hospital that has a Hill Burton application pending and...ah...
12. this resolution is memorializing the proper authorities to move
13. that application as long as quickly as possible to grant the
14. money to save this historical institution and to bring to the
15. community the kind of health care that it deserves. Ah...

16. PRESIDENT:

17. Is there objection? All in favor signify by saying aye.
18. Contrary minded. The resolution's adopted. Senator Baltz.

19. SENATOR BALTZ:

20. Mr. President and members of the Senate, I see that Senate
21. Bill 158 is still on consideration postponed. I tabled that
22. last week but apparently the secretary didn't catch that.

23. PRESIDENT:

24. Well...Senate Bill 158 is tabled. Senator Donnewald.
25. Senator Donnewald.

26. SENATOR DONNEWALD:

27. Oh yea. Ah...Mr. President...ah...there will be a Rules
28. Committee meeting immediately after adjournment, for those that
29. are...in Senator Partee's office.

30. PRESIDENT:

31. Senator Neistein.

32. SENATOR NEWSTEIN:

33. The Senate Judiciary Committee'll meet in Room M3 at 3p.m.

PRESIDENT:

1. Senator Saperstein.

2. SENATOR SAPERSTEIN:

3. Education Committee immediately after adjournment.

4. PRESIDENT:

5. Fir...Senator Clarke.

6. SENATOR CLARKE:

7. Have we had an announcement Mr. President, on the time
8. we come back tomorrow morning?

9. PRESIDENT:

10. We have not. Senator Donnewald or Cherry, do you...what
11. time are we coming back to tomorrow morning? 11 o'clock tomorrow.
12. 11...11 o'clock next Tuesday that was decided. I don't know
13. about tomorrow. Well, the Chair will entertain a motion from
14. someone. Senator Savickas is recognized.

15. SENATOR SAVICKAS

16. I move that we adjourn till 8 o'clock tomorrow morning.

17. PRESIDENT:

18. Senator Savickas is entitled to make his motion. Motion
19. is that we adjourn until 8 o'clock tomorrow morning. All in
20. favor signify by saying aye. Contrary minded. The no's have
21. it. The motion is defeated. Senator Cherry.

22. SENATOR CHERRY:

23. I move we...meet at...ah...9 o'clock tomorrow morning.

24. PRESIDENT:

25. Motion to adjourn until 9 o'clock tomorrow morning. All
26. in favor signify by say...Senator Clarke.

27. SENATOR CLARKE:

28. Well Mr. President, I...I would like to suggest to the
29. President pro tempore that...ah...this kind of haphazard thing,
30. we...we agreed in our caucus this an...ah...morning we were
31. talking about a very important matter. We have a caucus tomorrow
32. morning at 9 o'clock. We want a me...a...a...the head of the
33. Public Aide ...ah...Division of Public Aide to come an talk

to us and...ah...we have a 9 o'clock caucus. Ah...I've tried to find out several times you know whether it was 10 o'clock or 11 o'clock an I think we oughta start at a reasonable hour.

1. PRESIDENT:

2. Senator Partee.

3. SENATOR PARTEE:

4. Senator, there's no problem with finding out. I told you
5. this morning it's gonna be 11 o'clock tomorrow again. What's
6. the problem, is that too late or too early for you?

7. SENATOR CLARKE:

8. That's fine.

9. SENATOR PARTEE:

10. All right.

11. SENATOR CLARKE:

12. That's fine, but we'll still have a 9 o'clock caucus.
13. But I... I...I really don't think you told me. I...hap...

14. SENATOR PARTEE:

15. Well here, if I didn't, I apologize if I did an' if I told
16. you an you've forgotten it, I'll accept your apology, but the
17. point is we...ah...are gonna have it at 11. We wanna have it
18. the same day, same time tomorrow.

19. PRESIDENT:

20. An you wish...

21. SENATOR PARTEE:

22. An I might suggest Senator, the reason that I asked if
23. you wanted it earlier or later because we didn't get started
24. at 11 today because a caucus ran over, your caucus.

25. SENATOR CLARKE:

26. That's why I wanna, you know.

27. PRESIDENT:

28. Senator Cherry, you wish to modify your motion? The...no...
29. the...the motion is withdrawn. Senator Partee moves that the
30. Senate stands adjourned until 11 o'clock tomorrow morning.
31. All in favor signify by saying aye. Contrary minded. Senate
32. stands adjourned.

33.