

77TH GENERAL ASSEMBLY

SENATE FLOOR DEBATE

JUNE 5, 1972

PRESIDENT:

1. Senate will come to order. Prayer by the Chaplain, Reverend  
2. Joseph Ferriera, Pastor of Zenobia Baptist Church, Pawnee, Illinois.  
3. Pastor Ferriera.

4. (READS PRAYER)

5. PRESIDENT:

6. Reading of the Journal. Moved by Senator Romano, that the  
7. reading of the Journal be dispensed with. All in favor signify by  
8. saying aye. Contrary minded. Motion prevails. Committee re-  
9. ports.

10. SECRETARY:

11. Senator Lyons, Chairman of Appropriations Committee, reports  
12. out Senate Bills 1394, 1406, 1410, 1587 and 1592 with the recom-  
13. mendation Do Pass.

14. PRESIDENT:

15. Any Resolutions or motions? We have a message from the House.

16. SECRETARY:

17. A message from the House by Mr. Selcke, Clerk:

18. Mr. President -- I am directed to inform the Senate that the  
19. House of Representatives has passed bills of the following titles  
20. in the passage of which I am instructed to ask the concurrence of  
21. the Senate, to wit: HB4082, 4085, 4260, 4305, 4387, 4320, 4445,  
22. 4553, 4499, 4505, 4528, 4749, 4651, 4653 and 4665.

23. PRESIDENT:

24. Any Resolutions or motions? Senator Dougherty.

25. SENATOR DOUGHERTY:

26. I would like to have the Senate Committee on Education be dis-  
27. charged from further consideration of HB2346 and that it would be  
28. placed on the Order of Second Reading where then I will offer an  
29. amendment. That's all right with me...that's right. Senator Saper-  
30. stein.

31. PRESIDENT:

32. Is this...Senator Saperstein, you have no objection...is there...  
33. Senator Partee.

SENATOR PARTEE:

1. I don't want to interrupt what is going on here, but those  
2. bills you just read that came over from the House, those bills  
3. should go to Rules.

4. PRESIDENT:

5. Motion by Senator Partee that the bills just...the messages  
6. received from the House...the House Bills should be referred to  
7. the Rules Committee. All in favor signify by saying aye.  
8. Contrary minded. Motion prevails. Senator Graham.

9. SENATOR GRAHAM:

10. Mr. President, I didn't have time to check with Senator  
11. Partee. Is he on the Floor? Today we are hearing as a Committee  
12. of the Whole Senate Bill 1569 which has been referred to the  
13. Committee on Elections. Now, I talked with Senator Dougherty.  
14. I'm sure that the Committee on Elections has no real interest  
15. in struggling through this 300 page bill after we hear it this  
16. afternoon. I would like to, at the proper time today, or get  
17. consent of the Senate to have this bill, have the Committee on  
18. Elections discharge from any consideration of 1569 and after  
19. the Committee of the Whole hearing today have it advanced to  
20. the Order of Second Reading so we can amend it tomorrow and get  
21. it over to the House and get it moving.

22. PRESIDENT:

23. The...Senator Dougherty.

24. SENATOR DOUGHERTY:

25. In the meantime, Mr. President, what happened to 2346?  
26. Was it discharged?

27. PRESIDENT:

28. No, we haven't taken care of that. Let's take care of  
29. 2346 and then figure out how we will work this out procedurally.  
30. Is there objection of the discharge of 2346 from committee?  
31. Senator Clarke.

32. SENATOR CLARKE:

33. Could you explain what the bill does or what it is?

PRESIDENT:

1. Senator Dougherty.

2. SENATOR DOUGHERTY:

3. What the bill provides is that a person may, a family, a  
4. parent may object to his child participating in sex education.  
5. And they can either give permission or they can deny permission  
6. and at the request of the Office of the Superintendent of Public  
7. Instruction which caused the delay we are putting on an amend-  
8. ment which removes some of their objections to the bill. It's...  
9. thank you.

10. PRESIDENT:

11. Is there objection? There is no objection. Senator Graham  
12. moves that the Committee on Elections be discharged from consi-  
13. deration of...what is the number? Senate Bill 1569 for consi-  
14. deration by the Committee of the Whole. All in favor signify  
15. by saying aye. Contrary minded. And then it will...then the  
16. Committee of the Whole will refer it to the Senate at that point.  
17. Senator Graham.

18. SENATOR GRAHAM:

19. In connection with this, Mr. President and members of the  
20. Senate, I would like to suggest to you, if I might be so bold,  
21. that we're going to be considering that very complex bill this  
22. afternoon and first of all, I would encourage you to be in  
23. attendance if at all possible. In the meantime, you are going  
24. to have distributed upon your desks sometime before 1:30 a  
25. package that looks like this that says "Summary of Election Code  
26. of 1972, Senate Bill 1569." Please don't get it all caught up  
27. with your other papers as so often we do because I think some of  
28. this summary you're going to find very interesting. It's going  
29. to be helpful to you in digesting the contents of this very  
30. large Senate Bill. I encourage your participation in it and  
31. I thank you very much. Thank you, Mr. President.

32. PRESIDENT:

33. Senator Carroll.

1. SENATOR CARROLL:

2. Mr. President and Senators, last week I got permission  
3. from the Senate to discharge the Committee on Local Government  
4. from House Bill 179 and have it heard in the Conservation and  
5. Agriculture Committee where the balance of the series of these  
6. bills, 187 and 82 and 83, there all in a series, were being held.  
7. The other bills all got out of the committee last week except  
8. this particular bill because the chairman didn't realize that  
9. I had made this motion on the Floor. They didn't have sufficient  
10. notice. Therefore, I would ask that the committee be discharged  
11. and it be placed on the Order of Second Reading with the other  
12. companion bills. I talked to the President pro tem about it  
13. and he suggested that this was the proper way to handle it.

14. PRESIDENT:

15. Senator Nihill.

16. SENATOR NIHILL:

17. Mr. President, Senator Carroll, I think John Knuppel should  
18. know something about this. I can't recall this. I'm on the  
19. Agriculture...

20. PRESIDENT:

21. I wonder if, Senator Carroll, if Senator Nihill's suggestion  
22. isn't good. That you hold off the motion until Senator Knuppel  
23. is on the Floor. Is he here now? Senator Knuppel is here now  
24. if you can...Senator Carroll has asked for the discharge of a  
25. bill from your committee. It's apparently part of a series. What's  
26. the number of it, Senator Carroll?

27. SENATOR CARROLL:

28. 179, that's that series. The other bills 179, 87, 182 and  
29. 181 came out of your committee last week, Senator. I had  
30. Senator Baltz handling it for me because I was on another committee.  
31. They came out 12 to nothing or something of this sort. This one  
32. bill wasn't heard. It was a bill that I got permission on the  
33. Floor to have transferred to your committee and it's a companion

1. bills with the other ones and for that reason I'd like to ask  
2. the committee be discharged and it be on Second Reading with  
3. the other bills. I have permission from the President pro tem  
4. of the Senate.

5. PRESIDENT:

6. We have a problem here. Unfortunately, the bill was in  
7. committee, it's been Tabled. So the proper motion will have  
8. to be to take from the Table. The bill has already been...Senator  
9. Knuppel.

10. SENATOR KNUPPEL:

11. Well, I'm not familiar with the bill. I'd like to have time  
12. to look at it because it didn't get to our committee before I  
13. would say whether we had any objection or not.

14. PRESIDENT:

15. Senator Partee.

16. SENATOR PARTEE:

17. This is one of a series of bills and what the bill does as  
18. far as I can see is to change the reference from the Department  
19. of Public Works and Buildings in the drainage code statute to  
20. the Department of Transportation. As you know, we have a Depart-  
21. ment of Transportation which replaced the other bureau. And I  
22. take it that the bills are intended to clear up the language.  
23. Now, if they do anything more than that, that's another question.  
24. But I think that's what it does. But we still would, I think,  
25. in accordance with what you've suggested since it has been Tabled  
26. we will have to have a motion to suspend the rules to take it  
27. from the Table. So maybe we're going to have to wait until you  
28. get more members here, Senator, because you're going to have to  
29. have 35 votes, I think.

30. PRESIDENT:

31. Senator Dougherty, the same motion...ruling will have to  
32. apply to 2346. I think we'll...I think we'd better wait as Senator  
33. Partee has suggested 'til there are a few more Senators here before

1. we get on to either motion. I think that they will have to have  
2. 35 votes. Senator Davidson.

3. SENATOR DAVIDSON:

4. Mr. President and members of the Senate, I have a bill on  
5. the Secretary's Desk and under the new Constitution we've had  
6. to put in the separate appropriations on commissions where it  
7. was only good for one year and I have one here for the Agri-  
8. cultural Commodity Marketing Commission for \$2500. And I'd  
9. like to suspend the rules and move this to Second Reading without  
10. a reference.

11. PRESIDENT:

12. Senator Davidson has asked for unanimous consent for the  
13. introduction of this bill and advancing it to Second without  
14. reference. Is there objection? Leave is granted. Right.

15. SECRETARY:

16. Senate Bill #1603 introduced by Senator Davidson. A bill  
17. for an Act making an appropriation to the Agriculture Commodity  
18. Marketing Study Commission. First Reading of the bill.

19. PRESIDENT:

20. Let's proceed out of our customary order because the low  
21. attendance right now. First, House Bills on Second Reading.  
22. Then we will go to Senate Bills on Second Reading. Senator  
23. Sours.

24. SENATOR SOURS:

25. I wanted to, Mr. President, make a motion after Senator Lyons  
26. gets here. I don't want to lose my place after he gets here.

27. PRESIDENT:

28. Senator Lyons is here. We'll proceed to House Bills on  
29. Second Reading and then call on Senator Sours after that. Yes,  
30. Senator Graham.

31. SENATOR GRAHAM:

32. Mr. President, I wouldn't want to...I wouldn't consider at  
33. all breaking the rules of the Senate to introduce my daughter and

1. her husband, my son-in-law, Mr. & Mrs. Ron Vyctial, seating in  
2. the gallery behind us.

3. PRESIDENT:

4. House Bills on Second Reading. Is Senator Carroll on the  
5. Floor? 181, 182 and 187, you want to call those...advance those?  
6. Representative Juckett's bills. Senator Carroll.

7. SENATOR CARROLL:

8. Mr. President and Senators, this is the series that the  
9. bill I was just talking about and I'd like to hold it and handle  
10. them all at the same time, if I can.

11. PRESIDENT:

12. All right. They will be held. 1464, Senator Johns. 1464.

13. SECRETARY:

14. Second Reading of the bill. No committee amendments.

15. PRESIDENT:

16. Any amendments from the Floor? Third Reading. 2222, Senator  
17. Mitchler on the Floor? He was here a moment ago. 2385, Senator  
18. Egan. 2385.

19. SECRETARY:

20. Second Reading of the bill. No committee amendments.

21. PRESIDENT:

22. Any amendments from the Floor? Third Reading. 2685, Senator  
23. Graham. 2685.

24. SECRETARY:

25. Second Reading of the bill. One committee amendment from  
26. Appropriations.

27. PRESIDENT:

28. Senator Graham moves the adoption of the committee amendment.  
29. All in favor signify by saying aye. Contrary minded. The  
30. amendment's adopted. Any further amendments? Third Reading.  
31. 2733, Senator Latherow. Hold. Senator Clarke.

32. SENATOR CLARKE:

33. I have a request on this next bill that it be moved for



1. Senator Harris who isn't here.

2. PRESIDENT:

3. 2882.

4. SECRETARY:

5. Second Reading of the bill. No committee amendments.

6. PRESIDENT:

7. Any amendments from the Floor? Third Reading. 3746,

8. Senator Rock. Hold. Senator Clarke.

9. SENATOR CLARKE:

10. Then on the next bill, 3741, I have a similar request from  
11. Senator Fawell who has not been able to be here.

12. PRESIDENT:

13. 3741.

14. SECRETARY:

15. Second Reading of the bill. No committee amendments.

16. PRESIDENT:

17. Any amendments from the Floor? Third Reading. 3798,

18. Senator Rock. Hold. 4091, is Senator Coulson on the Floor?

19. Senator Mitchler, when you were off the Floor, 2222 came...hold,

20. okay. 4152, Senator Davidson. Senator Davidson. 4152. 4152.

21. Senator Davidson.

22. SENATOR DAVIDSON:

23. Senator Knuppel, have you had your amendments to this bill  
24. yet, this egg bill?

25. PRESIDENT:

26. 4152, Senator Knuppel. Senator Knuppel.

27. SENATOR KNUPPEL:

28. Senator Latherow is working on those. He's going to submit  
29. them to me and I was going to check them.

30. PRESIDENT:

31. It will be held. For what purpose does Senator Collins arise?

32. SENATOR COLLINS:

33. I would like to have the honor of introducing Senator Rosander's

1. very attractive and charming wife, Mrs. Rosander. Would you  
2. stand Mrs. Rosander, please.  
3. PRESIDENT:  
4. 4181, Senator Sours. Hold. Senator Clarke.  
5. SENATOR CLARKE:  
6. Senator Harris also asked me to advance 4162 if that was  
7. agreeable.  
8. PRESIDENT:  
9. 4162.  
10. SECRETARY:  
11. Second Reading of the bill. No committee amendments.  
12. PRESIDENT:  
13. Any amendments from the Floor? Third Reading. 4208,  
14. Senator Graham. 4208.  
15. SECRETARY:  
16. Second Reading of the bill. No committee amendments.  
17. PRESIDENT:  
18. Any amendments from the Floor? Third Reading. 4245,  
19. Senator Soper. 4245.  
20. SECRETARY:  
21. Second Reading of the bill. No committee amendments.  
22. PRESIDENT:  
23. Any amendments from the Floor? Third Reading. 4268,  
24. Senator Carroll.  
25. SENATOR CARROLL:  
26. Mr. President, actually the bill is being handled by Senator  
27. Hynes. It was taken away from me the other day. He requested...  
28. PRESIDENT:  
29. Senator Hynes on the Floor? You wish to advance that? And  
30. we'll correct the calendar tomorrow. 4268.  
31. SECRETARY:  
32. Second Reading of the bill. No committee amendments.  
33. PRESIDENT:

1. Any amendments from the Floor? Third Reading. 4328, is  
2. Senator Palmer on the Floor? 4337, Senator Saperstein. Hold.  
3. Senator Hynes.

4. SENATOR HYNES:

5. 4268, Senator Carroll, is not the bill that I took. 4523 is.  
6. You still are the sponsor of 4268.

7. PRESIDENT:

8. 4268 has been advanced, is that okay? Senator Carroll.

9. SENATOR CARROLL:

10. My secretary got the numbers twisted here, I guess.

11. PRESIDENT:

12. All right. 4268 will continue to show Senator Carroll as  
13. the sponsor. 4429, Senator Latherow. 4429.

14. SECRETARY:

15. Second Reading of the bill. No committee amendments.

16. PRESIDENT:

17. Any amendments from the Floor? Third Reading. Senator  
18. Clarke.

19. SENATOR CLARKE:

20. Once again, 4363 is a bill Senator Harris was sponsoring  
21. that he wished to have advanced.

22. PRESIDENT:

23. 4363.

24. SECRETARY:

25. Second Reading of the bill. No committee amendments.

26. PRESIDENT:

27. Any amendments from the Floor? Third Reading. 4447, Senator...  
28. 4447.

29. SECRETARY:

30. Second Reading of the bill. No committee amendments.

31. PRESIDENT:

32. Any amendments from the Floor? Third Reading. 4458,  
33. Senator Latherow. Senator Latherow, 4458. 4458.

1. SECRETARY:  
2. Second Reading of the bill. No committee amendments.  
3. PRESIDENT:  
4. Any amendments from the Floor? Third Reading. 4459. 4459.  
5. SECRETARY:  
6. Second Reading of the bill. No committee amendments.  
7. PRESIDENT:  
8. Any amendments from the Floor? Third Reading. Senator  
9. Clarke.  
10. SENATOR CLARKE:  
11. The last two bills of Senator Harris' were 4438 and 39  
12. which I believe are noncontroversial.  
13. PRESIDENT:  
14. 4438.  
15. SECRETARY:  
16. Second Reading of the bill. No committee amendments.  
17. PRESIDENT:  
18. Any amendments from the Floor? Third Reading. 4439.  
19. SECRETARY:  
20. Second Reading of the bill. No committee amendments.  
21. PRESIDENT:  
22. Any amendments from the Floor? Third Reading. Senator  
23. Saperstein has asked that 4337 be called. 4337.  
24. SECRETARY:  
25. Second Reading of the bill. No committee amendments.  
26. PRESIDENT:  
27. Any amendments from the Floor? Third Reading. 4476,  
28. Senator Mitchler. 4476.  
29. SECRETARY:  
30. Second Reading of the bill. No committee amendments.  
31. PRESIDENT:  
32. Any amendments from the Floor? Third Reading. 4508,  
33. Senator Latherow. 4508. Senator Knuppel. Senator Latherow.

1. SENATOR LATHEROW:

2. Just hold that. I have an amendment to go on yet.

3. PRESIDENT:

4. 4508 will be held. 4523, Senator Hynes. 4523.

5. SECRETARY:

6. Second Reading of the bill. No committee amendments.

7. PRESIDENT:

8. Any amendments from the Floor? Third Reading. 4574,  
9. Senator Collins. 4574.

10. SECRETARY:

11. Second Reading of the bill. No committee amendments.

12. PRESIDENT:

13. Any amendments from the Floor? Third Reading. Senator  
14. Sours, you wish to make a motion. You wish to make it at this  
15. time or...

16. SENATOR SOURS:

17. Mr. President, Senators, I am referring to House Bill 4180  
18. which is an appropriation of \$2290 which would be the exact  
19. amount of the share of the State of Illinois in connection with  
20. certain paving in the City of Peoria by a street assessment  
21. arrangement. This is the actual dollar amount share of the  
22. State's obligation because it owns some of the frontage land.  
23. I have discussed this with the chairman of the Appropriations  
24. Committee, Senator Lyons, and it is not...it meets with his ap-  
25. proval that I make the motion that the committee be discharged  
26. from all consideration of this bill and it be placed on Second  
27. Reading.

28. PRESIDENT:

29. Motion that the committee be discharged. Is there objection?  
30. Leave is granted. Senate Bills on Second Reading. Senate Bills  
31. on Second Reading. Senator Clarke, are any of those bills of  
32. Senator Harris or Carpentier, any of those, should those be ad-  
33. vanced. On Second Reading.

1. SENATOR CLARKE:

2. I think we'll hold those.

3. PRESIDENT:

4. Senator...they will be held. All right. 1425, Senator  
5. McBroom. Senator McBroom was on the Floor a moment ago. 1426,  
6. Senator Merritt. Senate Bills on Second Reading. 1465, I'm  
7. sorry. 1465.

8. SECRETARY:

9. Second Reading of the bill. One committee amendment from  
10. Appropriations.

11. PRESIDENT:

12. Senator Merritt moves the adoption of the committee amend-  
13. ment. All in favor signify by saying aye. Contrary minded.  
14. The amendment is adopted. Any further amendments? Third Reading.  
15. 1583, Senator Sours. 1583.

16. SECRETARY:

17. Second Reading of the bill. No committee amendments.

18. PRESIDENT:

19. Any amendments from the Floor? Third Reading. 1593, 1593.

20. SECRETARY:

21. Second Reading of the bill. No committee amendments.

22. PRESIDENT:

23. Any amendments from the Floor? Third Reading. 1597,  
24. Senator Merritt. Senator Merritt.

25. SENATOR MERRITT:

26. Mr. President and members of the Senate, perhaps I should  
27. make a brief explanation. The calendar on 1465 actually was in  
28. error because the appropriation was struck from that and there-  
29. fore 1597 carries the appropriation. They're companion bills.

30. PRESIDENT:

31. The calendar is not in error because the amendment striking  
32. that is not adopted until we are...

33. SENATOR MERRITT:

1. It is at this juncture.

2. PRESIDENT:

3. Right. That's correct.

4. SENATOR MERRITT:

5. That's correct.

6. PRESIDENT:

7. 1597.

8. SECRETARY:

9. Second Reading of the bill. No committee amendments.

10. PRESIDENT:

11. Any amendments from the Floor? Third Reading. 1598,  
12. Senator McCarthy. Hold. Hold the whole series. As we see  
13. it we now have about 34 members of the Senate present so if  
14. members have completely noncontroversial bills you want to  
15. call...Senator Clarke.

16. SENATOR CLARKE:

17. Mr. President, I did find my note and there were two bills  
18. that Senator Harris wanted advanced. Senate Bills on Second  
19. Reading, 1362 and 1511.

20. PRESIDENT:

21. 1362, Senate Bill on Second Reading.

22. SECRETARY:

23. Second Reading of the bill. No committee amendments.

24. PRESIDENT:

25. Any amendments from the Floor? Third Reading. 1511.

26. SECRETARY:

27. Second Reading of the bill. No committee amendments.

28. PRESIDENT:

29. Any amendments from the Floor? Third Reading. Senate  
30. Bills on Third Reading. Any Senators have Senate Bills on Third  
31. Reading that are relatively free from controversy they would  
32. like to call? Senator Sours.

33. SENATOR SOURS:

1. Mr. President and Senators, oh, Senate Bills on Third  
2. Reading. No, I have none, I was looking at House. I'm sorry.  
3. PRESIDENT:

4. All right. We'll proceed to House Bills shortly if we  
5. don't have any...Senator Rock.

6. SENATOR ROCK:  
7. I have, Mr. President and members of the Senate, Senate  
8. Bill 1590 which I believe is without controversy. I...

9. PRESIDENT:  
10. 1590. Senator Rock.

11. SENATOR ROCK:  
12. Yes, Mr. President and members of the Senate, Senate Bill  
13. 1590 changes the Legislative Investigating Commission Act as  
14. the Act is presently constituted. In order for the Illinois  
15. Legislative Investigating Commission to act it must be pursuant  
16. to joint action of both houses. In other words, there has to  
17. be a House Joint Resolution or a Senate Joint Resolution that  
18. does, in fact, pass both houses. This amendment to this Act  
19. would now permit if passed would permit the Commission to act  
20. in one of four different ways as opposed to one way. It could  
21. act either pursuant to mandate of both houses. It could act  
22. pursuant to the mandate of one house or the other house. Or  
23. when the Legislature is not in Session, it could act kind of  
24. sui spontae, on its own...pursuant to its own resolution. However,  
25. that resolution has to be passed by or approved by 75%, three-  
26. quarters of the members of the commission, and signed by both  
27. co-chairmen. In addition it cannot concern any subject matter  
28. which had been before the Legislature. In other words, if, in  
29. fact, the Legislature had a resolution to investigate some matter  
30. or something and that resolution did not in fact pass the com-  
31. mission would be foreclosed. It could not then pursuant to  
32. its own resolution so act. The problem we're confronted with  
33. here and a perfect illustration is House Joint Resolution 134



1. which is pending before the Senate Executive Committee. That  
2. resolution, you will recall, at least from the newspaper accounts,  
3. called for an investigation of allegations made by a certain  
4. lobbyist from Springfield. That resolution had a reporting date  
5. that the Crime Commission or the Investigating Commission was  
6. to report back to both houses on or before June 5th. Today is  
7. June 5th as everybody's well aware and the resolution itself  
8. is not yet out of the Senate Executive Committee. Hence, the  
9. reporting date is virtually meaningless. The problem arises  
10. for one when the Legislature is not in Session and the Commission  
11. has to act on a matter that's pretty obvious. As it stands  
12. now the Commission does not have that authority. This bill  
13. would give it that authority with those certain circumscriptions  
14. that I pointed out. I would ask a favorable roll call.

15. PRESIDENT:

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

17. SECRETARY:

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

26. PRESIDENT:

27. ... aye. On that question the yeas are 39. The nays are  
28. none. The bill having received a constitutional majority is  
29. declared passed. Senator Laughlin.

30. SENATOR LAUGHLIN:

31. Yes, Mr. President, members in the Senate, I don't think  
32. that there is controversy about Senate Bill 1505 and I'd like  
33. to call it if it appears that there is I'll hold back until other

1. people are here.

2. PRESIDENT:

3. 1505. Senator McBroom.

4. SENATOR MCBROOM:

5. Senator, would you mind holding it till you and I can  
6. visit a minute.

7. PRESIDENT:

8. Senator Laughlin is holding the bill. Senator Graham.

9. SENATOR GRAHAM:

10. Mr. President, I just talked to Senator Partee regarding  
11. Senate Bill 1571. I imagine there was some concern about this.  
12. I know of no definite oppositions since the amendment was  
13. adopted the other day. This is a bill of great importance to  
14. the northwest community area. Senator Partee suggested we call  
15. it and be willing to do that at this time.

16. PRESIDENT:

17. 1571, Senator Graham.

18. SENATOR GRAHAM:

19. I would like to address myself to it briefly. I'm sure it's  
20. not going to do much good but I'll try. This bill...

21. PRESIDENT:

22. Just a moment. Please, let's get some order.

23. SENATOR GRAHAM:

24. This bill addressed itself to authorizing hospitals speci-  
25. fically the Northwest Community Hospital of Arlington Heights,  
26. to conduct pilot programs approved by the State of Illinois by  
27. the Department of Public Health for the delivery of emergency  
28. medical care to the sick and injured at the scene of emergency  
29. and during transportation to a hospital and until care and res-  
30. ponsibility can be assumed by the regular hospital staff. Pro-  
31. vides for certification of those people that are to perform  
32. these acts after six weeks training be certified by a doctor.  
33. This program will allow at the time of an emergency for those

1. paramedics that answer the call, the emergency call, to ad-  
2. minister such aid and other drugs, medicines that might be  
3. necessary at the time of an accident or time of emergency that might  
4. keep alive the person that they are there to attend. Now,  
5. this will be under the control of the hospital by telephone  
6. and/or transmitter or both and in the Northwest community area  
7. of Cook County and many others, we know that the ambulance service  
8. that it has been depleted due to the fact that it is not pro-  
9. fitable for ambulances to be operated by our former funeral  
10. directors. We believe that this bill is the answer to a problem  
11. and we'd like to get it over into the House. There are many people  
12. that are much interested in this, especially a quarter of a  
13. million people up in my area. This was drafted off of the  
14. Townsend-Wedworth Act in California and this program is now in  
15. effect and working in California and those of you who watch  
16. television on Saturday night if you tune in the program "Emergency"  
17. you will see that this program as portrayed by that television  
18. program is a great benefit. This had a large discussion on it  
19. in the committee hearing. The Nurses' Association were opposed  
20. to it at that time. Our staff worked with the nurses. They are  
21. not opposed to it now and I would, as I told our people in the  
22. committee hearing, either here or in the House, if there's any-  
23. thing that can be done constructively to help this piece of  
24. legislation on its way towards the Governor's Desk and for final  
25. assignment, I certainly will listen to any group or groups. The  
26. House sponsors will do the same, to motivate this bill and get  
27. it toward final enactment and signing by the Governor. There  
28. are many areas in the State of Illinois which would like to take  
29. advantage of this, which I think, is a most important act in the  
30. State of Illinois insofar as we have subscribed to the trauma  
31. program which is helping some. So I do invite a favorable par-  
32. ticipation and affirmative vote for the consideration of this  
33. bill.

1. PRESIDENT:

2. Senator Horsley.

3. SENATOR HORSLEY:

4. Mr. President, I apologize to Senator Graham for not talking  
5. to him personally about this matter but I've been reading this  
6. bill as he talked. The principle behind this bill in itself is  
7. good. But this bill contains the one paragraph in it that is  
8. a growing thing in the State of Illinois in an effort to exempt  
9. any doctor and any nurse from any kind of negligence and if  
10. you'll look on page 2 of this bill in section 1.5 you'll find  
11. the provision that no physician or nurse who in good faith gives  
12. emergency instructions to...well, I have no amendment in my  
13. book. I've been trying to get this book brought up to date for  
14. weeks but I can't seem to get it brought up to date. If there  
15. is an amendment why...

16. PRESIDENT:

17. Gentlemen, if you can carry on your discussion for the  
18. benefit of the entire body rather than...Senator Graham.

19. SENATOR GRAHAM:

20. I'm trying to unconfuse the Senator from Sangamon.

21. PRESIDENT:

22. Senator Horsley, while you're examining that, we'll go to  
23. a couple of others who want to speak on the matter then we'll  
24. get back to you. Is that okay? Senator Horsley.

25. SENATOR HORSLEY:

26. Well, I have now read the amendment and I presume, of  
27. course, the amendment he has shown to me is the one that was  
28. adopted. But this amendment limits the liability of the doctor  
29. and the nurse only to willful and wanton negligence. It  
30. does not apply to any ordinary negligence of the doctor or the  
31. nurse in giving instructions or when that is carried out by the  
32. paramedic or the person who is trying to help. Now, I just simply  
33. am not willing to go along with this long series of bills. We've

1. done this time after time by trying to exempt this one and exempt  
2. that one from any consequence for negligent acts. The amendment  
3. that was shown to me would merely exempt them from any willful  
4. and wanton negligence and not from ordinary care...lack of or-  
5. dinary care or from the use of ordinary negligence. Senator,  
6. even with that amendment, by using willful and wanton and not  
7. ordinary, I could not go along with the bill for that reason.

8. PRESIDENT:

9. Senator Nihill.

10. SENATOR NIHILL:

11. Mr. President, Senators, will Senator Graham yield to a  
12. question, please?

13. PRESIDENT:

14. He indicates he will.

15. SENATOR NIHILL:

16. This is nothing like the last couple of years ago we had  
17. a couple of bills around in here with six weeks training where  
18. an individual, he or she, can go out and administrate a...give  
19. you an anesthetic or do this or do that and if you're not close  
20. to a hospital or a doctor or a similar place where a doctor can  
21. get in contact with you immediately you could die, if you recall,  
22. I got Dr. George O'Brien, one of the foremost doctors in the  
23. United States of America, an internalist, and I asked him for  
24. an opinion and I got some copies made and every Senator in this  
25. room plus the Representatives they all got a copy of it and they  
26. had one bill and it went down the drain. I think it got nine  
27. votes and then they brought another bill up similar bill with  
28. a different number and that went down the drain likewise. This  
29. is nothing like that, is it, Senator Graham?

30. PRESIDENT:

31. Senator Graham.

32. SENATOR GRAHAM:

33. Mr. President, I tried to explain what this bill does a while

1. ago what it does. This is not copied off of Senate Bill 24.  
2. The main thrust of this bill is as a result of a working piece  
3. of legislation in California known as the Wedworth-Townsend  
4. Act. And it says to answer your question specifically, Senator,  
5. "delivery of emergency medical care to the sick and injured at  
6. the scene of the emergency and during transport to a hospital  
7. and until care and responsibility can be assumed by the hospital  
8. staff."

9. PRESIDENT:

10. Senator Nihill.

11. SENATOR NIHILL:

12. How long would that be? Emergency, would that apply they'd  
13. have to get them to a hospital or a doctor immediately or would  
14. the doctor convey over the telephone, say do this, do that or  
15. so forth, so on and hold the individual there maybe an hour or  
16. two or three where he or she should be in the hospital where  
17. they can take care of...

18. PRESIDENT:

19. Senator Graham.

20. SENATOR GRAHAM:

21. I don't think I quite understand what your question is  
22. but I think I understand what the answer is. The answer is that  
23. you may have contact with a doctor and/or a hospital at the time  
24. of an emergency in order to do a very important thing, save a  
25. life. And then it will be transported to a hospital for further  
26. care and administration of the medical practices.

27. PRESIDENT:

28. Senator Nihill.

29. SENATOR NIHILL:

30. Is this mandatory on the doctor, the hospital to accept  
31. these people in immediately or they might say, "Well, we're  
32. kind of busy right now just do that, do this or do that for the  
33. individual" and they may lay on the street or in the house or

1. place...in a building with their hurt where if you got them to  
2. a hospital immediately they'd be taken care of properly.

3. PRESIDENT:

4. Senator Graham.

5. SENATOR GRAHAM:

6. Senator Nihill, first of all, this is a pilot program  
7. directed toward and in connection with the program being in-  
8. stituted at Northwest Community Hospital at Arlington Heights.  
9. All doctors and all nurses, if I understand their philosophies,  
10. are dedicated to the one purpose, that is saving a life and is  
11. not to leaving them lie on a sidewalk. This program will keep  
12. people from dying on a sidewalk without any attention from any-  
13. one.

14. PRESIDENT:

15. Senator Rosander.

16. SENATOR ROSANDER:

17. I would, Mr. President, I would like to ask the sponsor a  
18. question. This bill was heard in Public Welfare Committee and  
19. it was moved out of committee with the understanding that the  
20. proper amendments would be applied to the bill itself. And I  
21. know that Senator Fawell who is not here today did refer to the  
22. damages that could come under the liability act in giving aid  
23. to an injured person. Now, I think Senator Graham did mention  
24. that he would work out other suitable amendments with the  
25. Nurses' Association and have you done that and are they acceptable  
26. to the...

27. PRESIDENT:

28. Senator Graham.

29. SENATOR GRAHAM:

30. Mr. President, I love redundancy and repetition. Yes, we  
31. did work out with the nurses. We did incorporate in the amend-  
32. ment willful and wanton negligence as Senator Fawell had indicated  
33. and my staff, Mr. Albritton, says that Senator Fawell is in agree-

1. ment with the amendment that we adopted last week after which  
2. I have a copy of that amendment placed on the desks of all  
3. Senators and requested specifically that you study the contents  
4. of it. Yes, as far as I know, the nurses are in agreement with  
5. it and Senator Fawell is, to answer you specifically.

6. PRESIDENT:

7. Senator Rosander.

8. SENATOR ROSANDER:

9. One further question then. I brought up in the committee  
10. that we not limit it to the Fire Department only. Is it still  
11. applicable to the Police Department as well?

12. PRESIDENT:

13. Just a moment, please. Just a moment. Let's get some  
14. order, please. We have several who have indicated a desire  
15. to speak. Senator Graham.

16. SENATOR GRAHAM:

17. This program will be confined to Fire or Police Departments  
18. or public units that do complete the prescribed training program  
19. and are authorized by the doctor who is in charge of the program  
20. as personnel qualified to render emergency care. It's not re-  
21. stricted to anyone only Fire and Police Departments and public  
22. bodies because the cost of this program insofar as village  
23. and municipal participation in it is borne by the municipalities  
24. seven of which in the Northwest suburban area are willing to  
25. assume their responsibility.

26. PRESIDENT:

27. Senator Partee.

28. SENATOR PARTEE:

29. I was...I thought that this bill had no controversy. It  
30. apparently has. There are some things in it that have caused  
31. me some pause now and since Senator Fawell was involved in it,  
32. I don't know what's wrong with the mike. Here we are. Maybe  
33. we ought to hold it until Senator Fawell gets here. I'm concerned



1. about the fact that it must be willful and wanton negligence  
2. in order for a patient to be covered. Now, I recognize the  
3. fact that doctors and nurses are very careful and cautious  
4. people but I think we have to be concerned not only about the  
5. doctors and nurses but by the people who are going to receive  
6. the treatment. So I think maybe we ought to hold it, Senator,  
7. until there is less controversy or until we all are on the same  
8. wave length about it.

9. PRESIDENT:

10. We...Senator Graham.

11. SENATOR GRAHAM:

12. Mr. President, I will be glad to do that, Mr. President,  
13. Senator Partee. If nothing else, we did make by this conversa-  
14. tion which I apologize for we've made us aware of the fact that  
15. this bill is now pending and the amendments have been adopted  
16. and if any gentleman on this Floor or lady has a recommendation  
17. that would strengthen this bill I'll hold it...I welcome your  
18. criticism, constructive criticism, but don't wait 'til we call  
19. it on Third Reading and all of a sudden say, "There's something  
20. I want to do." Now, we're holding it. You have an opportunity  
21. to do it. We welcome your consideration.

22. PRESIDENT:

23. The bill will be held. We have a couple of procedural  
24. motions we have to take care of before the Senate recesses here.  
25. Senator Dougherty on House Bill 2346. You wish to make your  
26. motion to suspend the rules.

27. SENATOR DOUGHERTY:

28. I'd like to move to suspend the rules for the purpose of  
29. discharging House Bill 2346.

30. PRESIDENT:

31. Suspend the rules for the purpose of taking from the Table.

32. SENATOR DOUGHERTY:

33. Taking from the Table, that is correct.

1. PRESIDENT:

2. House Bill 2346. This was the matter that was discussed  
3. before. The Secretary will call the roll. House Bill 2346.  
4. Motion is to suspend the rules to take from the Table. It was  
5. discharged...it was Tabled in the motion that was made...the  
6. general motion last week.

7. SECRETARY:

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

10. PRESIDENT:

11. Senator Clarke.

12. SENATOR CLARKE:

13. Mr. President, this is a procedure that I think that we  
14. ought to look at carefully with the first bill because we could  
15. spend an awful lot of time on the Floor voting on this type of  
16. motion henceforth. As I understand it, there were about 100  
17. bills that were left in committee with the Tabling motion that  
18. we adopted the end of last week. Now, the staff of the Democrat  
19. and Republican side have been going over the bills in committee  
20. to try and identify which fall into the four exempt categories.  
21. Of course, it's easy to tell Appropriation and Revenue bills.  
22. It's not so easy to identify necessarily what is constitutional  
23. implementation and what might be termed an administration measure.  
24. Now, there are a good many other bills that individuals might  
25. have an interest in and I think it's well worth asking why these  
26. bills weren't called in committee prior to the deadline because  
27. the deadline was set way back months ago and whether we want to  
28. clutter our calendar up by and take our time in this last week  
29. going through this procedure of voting separately on each in-  
30. dividual pet bill that they want to put back on the calendar.  
31. I happen to think this bill has some merit but I don't think  
32. it warrants our time in the last two weeks. And I'm going to  
33. vote no.

1. SECRETARY:

2. Collins, Coulson, Course, Davidson, Donnewald, Dougherty,  
3. Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,  
4. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,  
5. Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,  
6. Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee...

7. PRESIDENT:

8. Senator Partee.

9. SENATOR PARTEE:

10. I think you wouldn't have to be around here more than 5  
11. minutes to know that I really revere Senator Dougherty. He's  
12. one of the hardest working, most knowledgeable men in this  
13. Legislature. And I hate to see him being put in a position like  
14. this because as I look at the bill I can tell that the sponsor  
15. in the House is from his district and he wants to help him. I  
16. can understand that. Now, Senator Clarke is exactly right. We  
17. tabled all these bills in committee. Now, we're going to go  
18. through roll call after roll call trying to resurrect things  
19. that have only self-aggrandizing purposes, bills that have been  
20. introduced way last April which are reaching us here the last  
21. two weeks of the Session, I think we're going to be making a  
22. mistake. The merit of the bill notwithstanding, I find that I  
23. have to vote no if we're going to have any semblance of reality  
24. and judgment here. No.

25. SECRETARY:

26. Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper,  
27. Sours, Swinarski, Vadalabene, Walker, Weaver.

28. PRESIDENT:

29. Horsley, no. Lyons, no. Knuppel, no. Nihill, no. On that  
30. question the yeas are 7. The nays are 13. The motion having  
31. failed to receive the necessary 35 votes is declared defeated.  
32. Senator Carroll.

33. SENATOR CARROLL:

1. Well, Mr. President, I'm not positive what the right motion  
2. is but this is the bill that I talked about earlier this morning,  
3. House Bill 179 that I understood I got permission last week to  
4. have the six-days rule be suspended and be heard in the Conser-  
5. vation and Agriculture Committee with the other series of bills  
6. last week. The bill was not heard and I would like...and I under-  
7. stand it was Tabled and if that's the case, I'd like whatever the  
8. proper motion is...have it removed from the Table and put on the  
9. Order of Second Reading.

10. PRESIDENT:

11. For the clarification of the Chair, is this considered by  
12. the leadership an administration bill? It...if it...Senator  
13. Carroll indicates that it is an administration bill. In that  
14. event, it was not Tabled by the rules and then the simple motion  
15. to discharge from committee is in order. Is there objection?  
16. Leave is granted. Senator McBroom was off the Floor when 1425,  
17. Senate Bills on Second Reading came up. He would like to have  
18. that advanced from Second to Third Reading. 1425.

19. SECRETARY:

20. Second Reading of the bill. One committee amendment from  
21. Appropriations.

22. PRESIDENT:

23. Senator McBroom moves the adoption of the committee amend-  
24. ment. All in favor signify by saying aye. Contrary minded. The  
25. amendment is adopted. Any further amendments? Third Reading.  
26. Senator Partee.

27. SENATOR PARTEE:

28. The hour 1:00 having arrived, Mr. President, I'm going to  
29. move that we go into a committee of the whole for the purpose of  
30. considering the Election Laws Commission bill. We had set it  
31. for 1:00. We'd like to start at 1:00.

32. PRESIDENT:

33. And the motion is that we recess until 3:30. The motion that

1. the Senate stand in recess until 3:30. Senator Berning.

2. SENATOR BERNING:

3. Well, Mr. President, I just want to inquire. We were on  
4. the point of motions a moment ago and I was wondering if this  
5. would be the appropriate time to take the motion on House Bill  
6. 2791 which I have filed for Senator Harris just to have it  
7. accepted with leave to argue.

8. PRESIDENT:

9. We'll get to that when we reconvene.

10. SENATOR BERNING:

11. Thank you.

12. PRESIDENT:

13. Senator Merritt.

14. SENATOR MERRITT:

15. Mr. President, I know that the committee of the whole will  
16. be meeting here on the Senate Floor. Is that correct?

17. PRESIDENT:

18. That is correct.

19. SENATOR MERRITT:

20. Then where does the Appropriations Committee meet immediately  
21. following adjournment?

22. PRESIDENT:

23. Senator Lyons. The question about when and where Appropriations  
24. will be meeting. Senator Partee.

25. SENATOR PARTEE:

26. We're coming back into Session at 3:30 and the Appropriations  
27. will meet immediately after the adjournment of the Session.

28. PRESIDENT:

29. Motion is that the Senate...Senator Lyons.

30. SENATOR LYONS:

31. As Senator Partee says, it is contemplated that there will...  
32. well, first, it is contemplated there will be a meeting of the  
33. Constitutional Implementation Committee immediately following

1. adjournment. After that there will be a meeting of the Appropri-  
2. ations Committee, both meetings on the Floor. So the quicker  
3. we get through here today, the quicker we'll get to both of  
4. those committee meetings.

5. PRESIDENT:

6. Motion that the Senate stand in recess until 3:30. Committee  
7. of the whole will meet immediately. Senator Graham.

8. SENATOR GRAHAM:

9. I should like to ask Senator Lyons a question if I might.  
10. Senator, on Corrections appropriations bill, we have that same  
11. group of high-powered, high-salaried witnesses experts that are  
12. going to be over here today to testify in behalf of their bill.  
13. Is there any way you can give me any indication what time this  
14. bill might be heard so we can avoid these fellows sitting over  
15. here when they ought to be over in the Armory doing some work.

16. PRESIDENT:

17. Senator Lyons.

18. SENATOR LYONS:

19. Well, I don't know that there are any more high-powered than  
20. the members of the Senate, Senator Graham, and we will get to them  
21. as soon as we can. We have many other departmental appropriations  
22. that are on the agenda for today and indeed every day and they  
23. send all kinds of high-powered people over too and everybody wants  
24. to be first. As we know, not everyone can be first. We will get  
25. to them as soon as we can. Just like we will do with all the  
26. rest of them.

27. PRESIDENT:

28. Motion the Senate stand in recess until 3:30. All in favor  
29. signify by saying aye. Contrary minded. Senate is in recess.

30. (SENATE RECESSES FOR A MEETING OF THE COMMITTEE OF THE WHOLE)

31. PRESIDING OFFICER: (SENATOR PARTEE)

32. The Session has now reconvened. This is a violation of  
33. the rules but at least 15 times today Senator Cherry has asked

1. me to introduce his nephew who pitched a two-hit game the other  
2. night, Senator Cherry, would you take the mike while we are  
3. assembling the rest of us.

4. SENATOR CHERRY:

5. Yes, Mr. President, there are two youngsters as I said to  
6. you that are members of the San Fernando Valley College team  
7. which are going to play their championship game in the World  
8. Series College tonight at Lanphier Field, my nephew Jeff Cherry  
9. pitched a two-hitter last night which put them into this World  
10. Series and he's here with his teammate, Jay Robertson. I wonder  
11. if they'd rise and be recognized by the Senate.

12. PRESIDING OFFICER: (SENATOR PARTEE)

13. Senator Cherry's nephew is the one with his shirt the same  
14. color as his uncle's hair. Would you ring the bell, Mr. Sergeant-  
15. at-Arms?

16. SERGEANT-AT-ARMS:

17. All persons not entitled to the Floor, please retire to  
18. the gallery.

19. PRESIDING OFFICER: (SENATOR PARTEE)

20. At the close of the Session, Senator Berning was making  
21. a motion. You desire to pursue that, Senator?

22. SENATOR BERNING:

23. Thank you, Mr. President. On behalf of Senator Harris I  
24. would like to file the motion which is on the Secretary's Desk  
25. asking that House Bill 2791 be taken from the Table and leave  
26. to have it argued at a later date when Senator Harris returns.

27. PRESIDING OFFICER: (SENATOR PARTEE)

28. The motion has been filed. Leave to argue at a later date.  
29. Any objection? So ordered. Senator Graham, are you going to hold  
30. 1571 maybe till tomorrow or later Fine. 1584, Senator Hynes.  
31. 1589, Senator Dougherty. 1595, Senator Gilbert. For what  
32. purpose does Senator Donnewald arise?

33. SENATOR DONNEWALD:

1. Mr. President, I move that we recess very briefly for a  
2. Rules Committee meeting which will last approximately 10 minutes  
3. followed by a Democratic caucus on the sixth floor which will  
4. last about another 15 or 20 minutes.

5. PRESIDING OFFICER: (SENATOR PARTEE)

6. And then we'll come back to the Floor at 4:00. So we'll  
7. recess until 4:00.

8. (SENATE RECESSES)

9. PRESIDING OFFICER: (SENATOR PARTEE)

10. Senate was called to order. Where are we? House Bill 2683.  
11. House Bills on Third Reading. Senator Graham.

12. SENATOR GRAHAM:

13. Mr. President, we're still working on some amendments for  
14. a meeting at 8:30 in the morning. I hope to God we get them  
15. settled so I can call these bills and get them out of here.  
16. But we'll pass them for today.

17. PRESIDING OFFICER: (SENATOR PARTEE)

18. House Bill 3068, Senator Hynes. Senator Hynes, if you'd  
19. hold it just a minute, there are two young men on the Floor of  
20. the Senate. I'm given to understand one's name is Thomas Laughlin,  
21. son of Senator Laughlin, and his friend, Grover Hinckens, both  
22. of whom are seniors in the University of Illinois Law School.  
23. I'm not going to introduce them but I would like for them to stand  
24. so that you could see what they look like. That's because we  
25. don't introduce people here, sir, we want you to know that.  
26. Senator Hynes, is he here? 4109, Senator Egan. 4123, Senator  
27. Sours.

28. SENATOR SOURS:

29. I have one before that, Senator.

30. PRESIDING OFFICER: (SENATOR PARTEE)

31. Not on the priority list, you don't.

32. SENATOR SOURS:

33. Well, I certainly am not going to deter anything when I'm



1. ahead. That bill originally had an appropriation, we took it  
2. off, that simply creates the Bi-Centennial Commission. That  
3. is all it does.

4. PRESIDING OFFICER: (SENATOR PARTEE)

5. Any further debate? Roll call.

6. SECRETARY:

7. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,  
8. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,  
9. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
10. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
11. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler,  
12. Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee,  
13. Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours,  
14. Swinarski, Vadalabene, Walker, Weaver.

15. PRESIDING OFFICER: (SENATOR PARTEE)

16. Berning, aye. Palmer, aye. On this question the yeas are 36.  
17. The nays are none. The bill having received a constitutional  
18. majority is declared passed. 4154, Senator Cherry. Senator  
19. Cherry. In the Donnewald Session.

20. SENATOR CHERRY:

21. Yes, Mr. President, House Bill 4154 is for the expenses of  
22. the Board of Trustees of the Judges' Retirement System. I don't  
23. know of any opposition to this bill and I would appreciate your  
24. favorable vote.

25. PRESIDING OFFICER: (SENATOR PARTEE)

26. Any further objection...any further debate? Call the roll.

27. SECRETARY:

28. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,  
29. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,  
30. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
31. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
32. Latherow, Laughlin...

33. PRESIDING OFFICER: (SENATOR PARTEE)

1. Senator Laughlin.

2. SENATOR LAUGHLIN:

3. I just want to clear up one thing, Senator Cherry. This  
4. hasn't anything to do with the funding of the Retirement System.  
5. This is purely for the expenses of operating the system, is that  
6. not right? Aye.

7. SECRETARY:

8. Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein,  
9. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,  
10. Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski,  
11. Vadalabene, Walker, Weaver.

12. PRESIDING OFFICER: (SENATOR PARTEE)

13. On this question the yeas are 43. The nays are none. This  
14. bill having received a constitutional majority is declared passed.  
15. 4156, Senator Saperstein.

16. SENATOR SAPERSTEIN:

17. Mr. President, 4156 and 4366, I think, are companion bills.

18. PRESIDING OFFICER: (SENATOR PARTEE)

19. Let's make sure. Let's make sure. 4366?

20. SENATOR SAPERSTEIN:

21. 4156 and 43...oh, what is it? 67...let me find it.

22. PRESIDING OFFICER: (SENATOR PARTEE)

23. Yea, it's 4366.

24. SENATOR SAPERSTEIN:

25. 4366, yes.

26. PRESIDING OFFICER: (SENATOR PARTEE)

27. Are these companion bills?

28. SENATOR SAPERSTEIN:

29. Well, they go together. One has to do with...one has to do  
30. with the public schools accepting these children and the other  
31. has to do with permissive with legislation making it possible for  
32. them to go into private schools if the public schools do not have  
33. services so that...

1. PRESIDING OFFICER: (SENATOR PARTEE)

2. Do you desire to take them on one roll call?

3. SENATOR SAPERSTEIN:

4. We will take them...each one separately but...

5. PRESIDING OFFICER: (SENATOR PARTEE)

6. Is there any objection to taking these two bills on the  
7. same roll call? 4156, let's go. 4156.

8. SENATOR SAPERSTEIN:

9. All right. These bills came about...

10. PRESIDING OFFICER: (SENATOR PARTEE)

11. This bill...I'm sorry, Senator. Go right ahead.

12. SENATOR SAPERSTEIN:

13. That's all right. Mr. President and gentlemen, in the  
14. last Session of the Legislature, we provided that severely handi-  
15. capped children...

16. PRESIDING OFFICER: (SENATOR PARTEE)

17. Let's have some order, please.

18. SENATOR SAPERSTEIN:

19. ...that severely handicapped children may go to private  
20. schools if the local school district does not have services for  
21. them. These are severely handicapped children. It also provided  
22. that local school districts will be responsible for payment up  
23. to \$600 for the tuition and that the State would pay the rest.  
24. They now have agreed both the private...well, the public school  
25. that they will make it mandatory because the public school would  
26. like to accept this responsibility. However, where the public  
27. schools still do not have these services this makes it mandatory that  
28. they can go to private schools to receive the same rate of tuition.  
29. There have been some agreements...not some, but there have been  
30. agreements between the Department of Special Education because  
31. as some of you know the public schools want an opportunity to  
32. develop these services for the severely handicapped children. I  
33. urge your support of these two bills.

1. PRESIDING OFFICER: (SENATOR PARTEE)

2. Senator Carroll.

3. SENATOR CARROLL:

4. Mr. President, 4156 is not in my book and I hear a couple  
5. of the other gentlemen here that said it's not in their's. I  
6. wonder if we can get some copies of it.

7. PRESIDING OFFICER: (SENATOR PARTEE)

8. Will the Page get some copies of 4156 for those who do not  
9. have them? Senator Baltz.

10. SENATOR BALTZ:

11. Senator Saperstein, would you yield to a question or two?  
12. As I recall these bills being heard in education, the premise  
13. was that all children are entitled to an education. If it can't  
14. be handled in the public schools, it could be handled and can  
15. be handled in the private schools, it should be. And as I recall  
16. it, these bills did not increase the amount of money that was  
17. necessary to be spent or allocated. Is this correct?

18. SENATOR SAPERSTEIN:

19. Sir, no, there would be an increase about less than \$2  
20. million to take care of these children.

21. PRESIDING OFFICER: (SENATOR PARTEE)

22. Senator Baltz.

23. SENATOR BALTZ:

24. Yea, I recall that now. There were number of these bills.  
25. This one did take another million or two to do the job. As I  
26. recall it, the committee was unanimous in the approval of these  
27. bills. I would recommend that we support this with an aye vote.

28. PRESIDING OFFICER: (SENATOR PARTEE)

29. Senator Laughlin.

30. SENATOR LAUGHLIN:

31. Mr. President, members, I simply want to correct Senator  
32. Baltz. The committee was not unanimous if it was the Senate  
33. Education Committee and I was on it and I was there and voting

1. because I don't know why we should mandate this program.

2. PRESIDING OFFICER: (SENATOR PARTEE)

3. Any further debate? Senator Knuepfer.

4. SENATOR KNUEPFER:

5. Yea, I've got a couple of questions on this, Senator. I

6. thought all of our school districts were mandated to provide

7. special education.

8. PRESIDING OFFICER: (SENATOR PARTEE)

9. Senator Saperstein.

10. SENATOR SAPERSTEIN:

11. What...you are correct. We did this by House Bill 1409.

12. However, these are the severely handicapped children, Senator

13. Knuepfer, and do not fall into the category of the educable

14. or trainable.

15. PRESIDING OFFICER: (SENATOR PARTEE)

16. Senator Knuepfer.

17. SENATOR KNUEPFER:

18. Are you talking about the severely mentally handicapped that

19. are frequently handled out of Dixon and Lincoln, are they not?

20. PRESIDING OFFICER: (SENATOR PARTEE)

21. Senator Saperstein.

22. SENATOR SAPERSTEIN:

23. No, I didn't say...I didn't say... you said we had a mandatory

24. but that had to do with all handicapped children but in the men-

25. tally ill, it's only for the educable or the trainable. And

26. wherever the physical handicapped or the socially handicapped...

27. PRESIDENT:

28. Just one minute, Senator. Sergeant-at-Arms, would you get

29. some quiet here, please, and take everybody off the Floor who

30. does not belong on the Floor. Continue, Senator.

31. SENATOR SAPERSTEIN:

32. Thank you. For all handicapped, these are the mentally ill,

33. or the physically ill, the socially maladjusted and the...this is

1. absolutely correct. But these are the severely handicapped chil-  
2. dren. Now, I do want to tell you that Illinois has a very...the  
3. finest and most complete program for the handicapped children  
4. and these two bills, I believe, complete the circle for all  
5. categories of children, the normal and the handicapped.

6. PRESIDING OFFICER: (SENATOR PARTEE)

7. Senator Knuepfer.

8. SENATOR KNUEPFER:

9. I don't think you are answering my question. Severely mentally  
10. handicapped are generally people who are institutionalized in  
11. this State. Now, does that mean we're going to send them out  
12. of the State institutions and send them to private schools in-  
13. stead. That's number one. Number two, while you're answering  
14. that, also answer the question that in the severely mentally  
15. handicapped these are people who are probably going to need  
16. education for the rest of their life. How long does this con-  
17. tinue? These are not people who advance from one grade to another.

18. PRESIDING OFFICER: (SENATOR SAPERSTEIN)

19. I believe if I were to interpret that no life educational  
20. pattern goes on forever. That when any school district decides  
21. that they have done as much as they can that they will be released.  
22. There is no life pattern for education in the State of Illinois.

23. PRESIDING OFFICER: (SENATOR PARTEE)

24. Senator Knuepfer.

25. SENATOR KNUEPFER:

26. Senator, I'll try once more. I'm not...maybe I'm just asking  
27. the question in an awkward way. I'm not sure but most of these  
28. children, it is my understanding, are institutionalized at Lincoln  
29. or Dixon or one of our zone centers. Now, are you proposing...  
30. they're not going to our private...they're not going to our pub-  
31. lic schools. There are very few private schools available for  
32. them. They're institutionalized and what education they get at  
33. Lincoln or Dixon or the zone centers, I don't know but is this bill

1. proposed taking them from Lincoln, taking them from Dixon and  
2. sending them to schools?

3. PRESIDING OFFICER: (SENATOR JOHNS)

4. Senator Saperstein.

5. SENATOR SAPERSTEIN:

6. These two bills have to do with the handicapped child who  
7. does not...is not eligible or does not need to go to an institu-  
8. tion. I think this is one of the things that we ought to be  
9. impressed with. That these children can remain at home pro-  
10. vided we give some kind of educational and training experience  
11. for them. They don't have to cost the State the \$15,000 they  
12. might cost in an institution. They can be cared for living at  
13. home and yet receiving some services to which they are entitled.

14. PRESIDING OFFICER: (SENATOR JOHNS)

15. Senator Ozinga.

16. SENATOR OZINGA:

17. If I can just come to Esther's aid here for just a little  
18. bit, This has nothing at all to do with the seriously mentally  
19. handicapped child in any way shape or form. These are in Cen-  
20. tralia, they are in Harrisburg, they are in Dixon, they are in  
21. Lincoln. They are being taken care of there. This has to do  
22. with the educable handicapped child. We mandated the educational  
23. institutions across the State that they were to provide a school-  
24. room and a teacher for handicapped children. Period. Now, what  
25. this bill actually does it takes away the privilege of giving  
26. that child an education in that local school. It allowed them  
27. to go out and contract for the education of these children out-  
28. side of their own premises. Now, what this bill does, it makes  
29. it mandatory to pay not more than \$2,000 for each child to be  
30. educated that is a handicapped, educable child per year.

31. PRESIDING OFFICER: (SENATOR JOHNS)

32. Senator Knuepfer.

33. SENATOR KNUEPFER:

1. I don't want to get hung up on definitions and I'm not  
2. trying to abuse this Chamber's time, but when the sponsor says  
3. it's for the severely mentally handicapped and you say it's for  
4. the educable mentally handicapped, there two different categories.  
5. PRESIDING OFFICER: (SENATOR JOHNS)

6. Senator Baltz.

7. SENATOR BALTZ:

8. Well, Mr. President and members of the Senate, just minute  
9. here. Mr. President...

10. PRESIDING OFFICER: (SENATOR JOHNS)

11. For what purpose does Senator Chew arise?

12. SENATOR CHEW:

13. I believe it's a rule in this Senate that one member cannot  
14. speak twice on the same bill until all the other members have  
15. spoken.

16. PRESIDING OFFICER: (SENATOR JOHNS)

17. I'm sorry. I wasn't up here just a moment ago when Senator  
18. Baltz spoke and he is now answering Senator Knuepfer's question.  
19. Senator Neistein.

20. SENATOR NEISTEIN:

21. I'm gonna ask a point of order. About a week ago or two  
22. weeks ago, we received a list of priority bills. Is this one  
23. of those priority bills?

24. PRESIDING OFFICER: (SENATOR JOHNS)

25. Yes, it is.

26. SENATOR NEISTEIN:

27. And have we got another list of uncontroversial bills?

28. PRESIDING OFFICER: (SENATOR JOHNS)

29. We'll check...

30. SENATOR NEISTEIN:

31. Well, you're the President. I can't address my query to  
32. anyone but you and I think I deserve an answer.

33. PRESIDING OFFICER: (SENATOR JOHNS)



1. I'm sorry, Senator Neistein, I don't have that answer. I  
2. don't have that answer I'm sorry to say.

3. SENATOR NEISTEIN:

4. Will you talk into the microphone? Don't mumble, I can't  
5. hear you.

6. PRESIDING OFFICER: (SENATOR JOHNS)

7. Yes, I will talk into the mike. I'm not mumbling.

8. SENATOR NEISTEIN:

9. What did you say?

10. PRESIDING OFFICER: (SENATOR JOHNS)

11. Senator Groen. Senator Rosander.

12. SENATOR ROSANDER:

13. I would like to ask the sponsor a bill. As I understand it,  
14. the 2,000...

15. PRESIDING OFFICER: (SENATOR JOHNS)

16. Senator Baltz. Pardon me, Senator...

17. SENATOR BALTZ:

18. Unless it's a matter of personal privilege, I think I  
19. should have it.

20. PRESIDING OFFICER: (SENATOR JOHNS)

21. You have the Floor to answer the question.

22. SENATOR BALTZ:

23. Yea, I have the Floor. The bill does...only changes one  
24. word in two places. It changes it from "may" to "shall." The  
25. State can pay a nonpublic school now for this service if the  
26. public school does not provide this education for this child.  
27. The bill simply says it shall pay a nonpublic school if the  
28. public school can't provide the service. It's as simple as that.  
29. The State can do it now. The bill says they should do it if the  
30. public school can't do it. That's all there is to the bill.  
31. That's all there is.

32. PRESIDING OFFICER: (SENATOR JOHNS)

33. Senator Sours.

1. SENATOR SOURS:

2. I have a question to the sponsor. Will the sponsor yield?

3. PRESIDING OFFICER: (SENATOR JOHNS)

4. Will the sponsor yield? Yes, she will. Senator Saperstein.

5. SENATOR SOURS:

6. Senator Saperstein, how many years we talking about? Are  
7. we talking about the classical or conventional eight years of  
8. grade school or will these tutelages continue on indefinitely  
9. until say the trainee or the student will be 25 and 30 years old.  
10. I think there ought to be some limit to the obligation of the  
11. taxpayers in this case.

12. PRESIDING OFFICER: (SENATOR JOHNS)

13. Senator Saperstein.

14. SENATOR SAPERSTEIN:

15. I am sure that the interpretation of this bill if you  
16. question the bill as it is written would mean the traditional  
17. eight years and if the child can go ahead it means the four  
18. year high school, and may I while I'm on my feet tell you that in  
19. the last Session we passed 2671, House Bill 2671 which permitted  
20. the educational opportunity for specially handicapped children  
21. such as the brain damaged child for whom we do not up to that  
22. time we did not provide educational opportunity. And what this  
23. bill does, as Senator Baltz explained, just changes a "may" to  
24. "shall" and it changes no other provision in the educational  
25. program for the handicapped child.

26. PRESIDING OFFICER: (SENATOR JOHNS)

27. Senator Hynes. For what purpose does Senator Rosander...  
28. Senator Sours...

29. SENATOR SOURS:

30. I hadn't finished.

31. PRESIDING OFFICER: (SENATOR JOHNS)

32. Thank you.

33. SENATOR SOURS:

1. Senator, in changing the verb from "may" to "shall," you  
2. make it precatory, I mean you change it from something that's  
3. precatory to something that is absolutely mandatory. So there  
4. is a vast difference. Now, I still would like an answer. How  
5. many years are we going to spend \$2,000 a year on John Smith,  
6. a retarded child.

7. PRESIDING OFFICER: (SENATOR JOHNS)

8. Senator Saperstein, Senator Gilbert would like to respond  
9. to that question if he may. Would you yield to him? All right.  
10. Senator Gilbert.

11. SENATOR GILBERT:

12. Senator Sours, at the present time for the handicapped we  
13. take care of them from three to twenty-one. It'd be my inter-  
14. pretation that this bill would comply with that, make it mandatory  
15. where it is now "may."

16. PRESIDING OFFICER: (SENATOR JOHNS)

17. Senator Sours.

18. SENATOR SOURS:

19. Then we are talking about a maximum of 18 years times 2,000,  
20. or \$36,000 per capita, is that it?

21. PRESIDING OFFICER: (SENATOR JOHNS)

22. Senator Gilbert.

23. SENATOR GILBERT:

24. I believe you're correct, yes. That's possible. It doesn't  
25. mean that they will all stay there that long but I think that the  
26. way the law is now worded they would be entitled to.

27. PRESIDING OFFICER: (SENATOR JOHNS)

28. I believe Senator Hynes is next on the list. Senator Palmer,  
29. what occasion do you arise?

30. SENATOR PALMER:

31. I would like to move the previous question.

32. PRESIDING OFFICER: (SENATOR JOHNS)

33. Hynes had the Floor, sir. Senator Hynes.

1. SENATOR HYNES:

2. Mr. President, members of the Senate, very briefly, this  
3. bill is not all that complicated. Presently under the School Code,  
4. local school districts are mandated to provide classes in special  
5. education for handicapped children. In many school districts,  
6. the facilities are not adequate to provide those classes and  
7. therefore the Legislature in its wisdom in 1969 passed legislation  
8. which provided for a reimbursement from the State to any child  
9. who was forced to go to private facilities because his school  
10. district did not provide the education required. It's a \$2,000  
11. reimbursement, 600 from the local district, \$1400 from the State.  
12. Now, as the law was originally drafted, it provided that the  
13. local school district may...may certify this child for reimburse-  
14. ment. As a result of this discretionary language, problems  
15. have developed in some districts about a reluctance to certify  
16. for one reason or another and therefore some children have not  
17. been given the certification and as a result have not received a  
18. tuition reimbursement to which they were entitled. This bill  
19. simply says that a school district must do it if it does not  
20. have the facilities available. Now, the cost involved is this.  
21. There are only 2500 children, it is estimated, in the State  
22. that would be affected by this and the total cost to the State  
23. is approximately \$4 million a year which will be a constant matter.  
24. There is no budgetary effect in this fiscal year as it does not  
25. take effect until next. So the bill simply plugs this small gap.  
26. We have debated at length the basic program involved here and  
27. the Legislature decided that it was a desirable program and I  
28. wholeheartedly concur in that decision. This bill simply is the  
29. last link in that program to protect those few children who  
30. have run into a problem with local certification.

31. PRESIDING OFFICER: (SENATOR JOHNS)

32. Senator Gilbert.

33. SENATOR GILBERT:

1. Well, Senator Hynes has touched on most of the matters  
2. that I was going to point out. I think this bill will it is  
3. estimated an additional two million one when it does take effect  
4. based on the number that are not now being taken care of. But  
5. I would point out that if some of these severely handicapped  
6. and this is the severely handicapped and the subtrainable that  
7. are considered by this bill, if these people can be taken care  
8. of in this matter instead of having to send some of them to  
9. our institutions, you're going...if you're just going to look  
10. at it from a dollar and cents standpoint, it's going to be a  
11. lot cheaper, it's going to be a lot better for that child, to  
12. be in his home and transported to some nearby school than to  
13. have him at one of our State institutions where I think it takes  
14. about \$7,000 a year to maintain a child.

15. PRESIDING OFFICER: (SENATOR JOHNS)

16. Senator Chew.

17. SENATOR CHEW:

18. Thank you, Mr. President and gentlemen of the Senate. I  
19. think Senator Gilbert has really hit the nail on the head because  
20. the children that we have now in the institutions certainly cost  
21. the State much more than say \$2,000 and some transportation.  
22. We're not talking about giving allowances for food, clothing and  
23. etc., rent and the cost of the institution. We're merely talking  
24. about the State paying say \$1400 as Senator Hynes has brought  
25. out for that child. If that child were admitted to an institu-  
26. tion then we're talking about eight or nine thousand dollars for  
27. the constant care that must be given and again if we're talking  
28. about dollars and cents no one should deny this bill its approval  
29. because in a sense it's a savings to the State. That same child  
30. that we decide not to pay this monies for education could very well  
31. be admitted to an institution and we would be compelled to pay it.  
32. I think it's an excellent piece of legislation and I support it  
33. a hundred percent.

1. PRESIDING OFFICER: (SENATOR JOHNS)

2. Senator Rosander.

3. SENATOR ROSANDER:

4. Well, at this point I don't have a question because Senator  
5. Hynes answered the question that I had...or questions that I  
6. had in mind. But I do want to say this, that many times legis-  
7. lation has been enacted here by the General Assembly that has  
8. forced the school districts into various programs which they were  
9. unable to finance themselves and I'm certainly glad to see that  
10. at least in this bill they do make provision for reimbursement.  
11. I think this adds to the merit of the bill itself.

12. PRESIDING OFFICER: (SENATOR JOHNS)

13. Senator Palmer...is recognized.

14. SENATOR PALMER:

15. I move the previous question.

16. PRESIDING OFFICER: (SENATOR JOHNS)

17. Palmer moves the previous question. All those in favor  
18. say aye. Opposed. Ayes have it. Senator Saperstein may close  
19. the debate. I'm sorry, Senator Partee.

20. SENATOR PARTEE:

21. Roll call. Roll call.

22. PRESIDING OFFICER: (SENATOR JOHNS)

23. Roll call? Secretary will call the roll please.

24. SECRETARY:

25. Arrington, Baltz, Berning...

26. PRESIDING OFFICER: (SENATOR JOHNS)

27. Senator Baltz. Pardon me, Mr. Secretary.

28. SENATOR BALTZ:

29. I think Senator Hynes gave an excellent explanation of this  
30. because public school boards are mandated to do this job. If for  
31. some reason they find it impossible, they may under the present  
32. law reimburse private institutions to do this. This bill simply  
33. says that they shall...or the private institutions shall be done...

1. reimbursed for this education. Now, I think we're going down  
2. to a real basic thing here. Any child regardless of its men-  
3. tality as far as I am concerned personally that can receive a  
4. little bit of education, a medium amount of education or a  
5. great amount of education ought to in the United States of America  
6. and in Illinois be entitled to whatever education that child can  
7. absorb. I think this bill helps us to do that and I vote a  
8. hearty aye on this bill and hope that some of my colleagues will  
9. follow me.

10. SECRETARY:

11. Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew,  
12. Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan  
13. Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes,  
14. Johns...

15. PRESIDING OFFICER: (SENATOR JOHNS)

16. Pardon me, Mr. Secretary. Senator Hynes.

17. SENATOR HYNES:

18. Mr. President, members of the Senate, without belaboring  
19. the issue there's one other point I thought should be brought  
20. out and I neglected to mention in connection with one objection  
21. that was raised. There's another bill pending on the calendar  
22. which is in sense a companion to this bill 4366 and that bill  
23. removes, I think, what may be one slight objection that was  
24. raised earlier, namely, it gives an incentive to the public  
25. school district to start providing this service so that there  
26. are extraordinary circumstances involved and the public school  
27. district decides it wants to get into providing this service,  
28. the State will then rather than assisting the private school  
29. assist the public school. I vote aye.

30. SECRETARY:

31. Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,  
32. Laughlin, Lyons, McBroom, McCarthy, Merritt...

33. PRESIDING OFFICER: (SENATOR JOHNS)

1. Senator Merritt.

2. SENATOR MERRITT:

3. Mr. President, in briefly explaining my vote, I too among  
4. others would like to commend Senator Hynes for his explanation.  
5. I think the real crux of this bill comes down to the fact that  
6. we're not dealing with a child that would be in Lincoln or  
7. Dixon. We are dealing with an educable child and that to me is  
8. the real crux of it. I'm happy to vote aye.

9. SECRETARY:

10. Mitchler...

11. PRESIDING OFFICER: (SENATOR JOHNS)

12. Senator Mitchler.

13. SENATOR MITCHLER:

14. I'm trying to decide how I should vote on this on the basis  
15. of one very important thing. And that is the fact that how  
16. much will this cost local school districts to implement. Can  
17. someone give me an answer to that, Senator Gilbert or Senator  
18. Hynes or someone?

19. PRESIDING OFFICER: (SENATOR JOHNS)

20. Senator Gilbert would like for you to repeat the question  
21. please, Senator Mitchler.

22. SENATOR MITCHLER:

23. The question, Senator Gilbert, is how much will this...by  
24. mandating this to the local school districts require them to  
25. increase their budget to handle this?

26. PRESIDING OFFICER: (SENATOR JOHNS)

27. Senator Gilbert.

28. SENATOR GILBERT:

29. They will be required to contribute \$600 per student. The  
30. State contributes the 1400.

31. SENATOR MITCHLER:

32. \$600 per student depending upon how many students they have.  
33. Now this in addition to what they have in their current budget



1. now would be a new mandated program to them, would it not?

2. PRESIDING OFFICER: (SENATOR JOHNS)

3. Senator Gilbert.

4. SENATOR GILBERT:

5. Yes, at the present time it's estimated that there are  
6. probably 2500 state-wide that are eligible for this program  
7. that the local school districts are not providing the care  
8. for them.

9. SENATOR MITCHLER:

10. Would this not be an additional financial cost to local  
11. school districts that has no additional funding by the State?

12. PRESIDING OFFICER: (SENATOR JOHNS)

13. Senator Gilbert.

14. SENATOR GILBERT:

15. I think that at the present time that is correct but I  
16. think that also that if it is not done you will find that some  
17. of these people will become more expensive to the State in  
18. other capacities if they are subtrainable, severely handicapped  
19. and cannot be kept at home without some of the training that  
20. they would get in such a program. My daughter who teaches  
21. special education or did teach it and taught mentally retarded  
22. in the St. Louis district told me a number of years ago that  
23. many of these children are slow learners, that if they could  
24. get some help and that's why last year I voted for the 3-year-  
25. olds to receive treatment because so many of them can have some  
26. help and I think that you may be saving the State money in the  
27. long run if you let these children stay at home and get what care and  
28. treatment they can get and help rather than possibly forcing  
29. them to be put in other places where the cost would be much  
30. greater to the State and the State'll get there money from the  
31. local people whether it's directly or indirectly so I think  
32. that trying to say that you're putting a burden on the local  
33. district is not basis enough to be opposed to this legislation.

1. PRESIDING OFFICER: (SENATOR JOHNS)
2. Senator Mitchler.
3. SENATOR MITCHLER:
4. I appreciate that, Senator Gilbert, the only thing is that
5. when an additional burden, a financial burden is placed on
6. school districts that is not made possible by additional funding
7. by the State then the budget of that school district has to
8. take from some other type of program they have to properly fund
9. that program and that's something that I am opposed to...
10. PRESIDING OFFICER: (SENATOR JOHNS)
11. Senator Mitchler, would you conclude your remarks, please,
12. sir, the light's on.
13. SENATOR MITCHLER:
14. Is the light on?
15. PRESIDING OFFICER: (SENATOR JOHNS)
16. Yes, it is.
17. SENATOR MITCHLER:
18. I wasn't looking up. I was referring to my notes and I
19. couldn't see the light because I was referring to the notes
20. that I had before me here. So I vote no.
21. SECRETARY:
22. Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer,
23. Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith,
24. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.
25. PRESIDING OFFICER: (SENATOR JOHNS)
26. Latherow. Senator Latherow, aye. Senator Sours, aye.
27. Senator Horsley, aye. Mitchler, aye. Senator Mitchler. Senator Course,
28. aye. Senator Davidson, aye. Graham, aye. Senator Saperstein, for
29. what purpose do you arise? All right. Here we have it. The
30. roll call is 41 ayes. 3 nays. Having received the constitutional
31. majority, the bill is declared passed. Senator Saperstein.
32. SENATOR SAPERSTEIN:
33. Move to reconsider.

1. PRESIDING OFFICER: (SENATOR JOHNS)

2. Moves to reconsider. Senator Chew to Table. All in favor.  
3. All opposed. The ayes have it. Motion to Table. Senator Partee.

4. SENATOR PARTEE:

5. Next one in the series.

6. PRESIDING OFFICER: (SENATOR JOHNS)

7. All right. That's bill number 4282 as amended. All right.  
8. 4366. I beg your pardon. Is that correct? 4366, is that  
9. correct? All right. 41 to 3. You're welcome, Senator Vadalabene  
10. Call the roll please. 4366, call the roll please.

11. SECRETARY:

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

20. PRESIDING OFFICER: (SENATOR JOHNS)

21. How am I recorded, Mr. Secretary. Aye? All right. Latherow,  
22. aye. Ozinga aye. Horsley aye. Horsley aye. Is that correct,  
23. Senator Horsley? Right. Aye. Berning aye. Senator Berning.  
24. On that vote, 4366, the ayes are 40. The nays 2. Having received  
25. a majority, declared passed. Senator Saperstein moves to recon-  
26. sider. Senator Chew to Table. All in favor say aye. Motion is  
27. Tabled. 4282. Senator Weaver. 4282. Senator Weaver.

28. SENATOR WEAVER:

29. Yes, Mr. President, members of the Senate, 4282 is the...  
30. creates the Illinois Small Business Purchasing Act. It allows  
31. the Department of General Services to set aside certain purchases  
32. for small...to be bid on by small business. If there are any  
33. questions, I'll be glad to answer them. If not, I'd appreciate

1. a favorable roll call.

2. PRESIDING OFFICER: (SENATOR JOHNS)

3. Any debate on this issue? Secretary'll call the roll.

4. SECRETARY:

5. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,  
6. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,  
7. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
8. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
9. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler,  
10. Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee,  
11. Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours,  
12. Swinarski, Vadalabene, Walker, Weaver.

13. PRESIDING OFFICER: (SENATOR JOHNS)

14. Soper aye. Knuppel aye. Senator Laughlin.

15. SENATOR LAUGHLIN:

16. Yes, Mr. President, Senator Weaver, I haven't voted yet.  
17. Would you yield to a question?

18. PRESIDING OFFICER: (SENATOR JOHNS)

19. Senator Weaver, will you yield to a question? Yes, he will.

20. SENATOR LAUGHLIN:

21. Now, to what extent are bidders confined to the small business  
22. people under here. I read something in reading hurriedly that  
23. other bids from other non-qualified business shall not be con-  
24. sidered. Could you sort of thumbnail it for me to tell me what  
25. it does because I didn't catch it if you said it when you pre-  
26. sented the bill.

27. SENATOR WEAVER:

28. Well, Senator, basically today the directory isn't...I have  
29. the figures here somewhere that tell what percentage of State  
30. purchase is now being awarded small business. I think it's  
31. the neighborhood of 60%, 61.8% of the total volume for the pur-  
32. chases of commodity and equipment are presently being awarded  
33. small business. This is just basically statutorily sane to small

1. business that we welcome you to bid on state purchases. It  
2. could be...there could be certain items set aside at the dis-  
3. cretion of the Director of General Services. Actually I  
4. would doubt that we would get much more than 60 or 70% of the  
5. state purchases bid and successfully by small business but...  
6. did that answer your question or...

7. SENATOR LAUGHLIN:

8. The thing...the sentence, Senator, that got me and I  
9. haven't been able to read it and comprehend it is the Department,  
10. it ends up in Section 5, "the Department shall reject all bids  
11. and withdraw the designation of small business set aside" and  
12. apparently there are certain times here when the bidding is  
13. limited. Is this right or is this wrong? Are there times when  
14. only businesses defined as small business can bid?

15. SENATOR WEAVER:

16. In certain categories, I mean, I should say that there are  
17. certain sales volumes are in the bill but the, in actuality, the  
18. Department may set aside certain areas where they require them  
19. to be bid...they require bids from three businesses under a  
20. certain volume of business or certain number of employees.

21. PRESIDING OFFICER: (SENATOR JOHNS)

22. Senator Laughlin.

23. SENATOR LAUGHLIN:

24. Does this change the existing law so far as awarding State  
25. business is concerned? To bidders.

26. PRESIDING OFFICER: (SENATOR JOHNS)

27. Senator Weaver.

28. SENATOR WEAVER:

29. At the discretion of the Director of the Department of  
30. General Services or someone he directs to be this...do this  
31. designating for him, he may say that these are set aside to be  
32. bid by small business of Illinois, rather than to open it up to  
33. multi-million dollar corporations. He has this discretion.

1. PRESIDING OFFICER: (SENATOR JOHNS)

2. Senator Laughlin.

3. SENATOR LAUGHLIN:

4. Does he have the discretion now or does he get it under  
5. this bill?

6. PRESIDING OFFICER: (SENATOR JOHNS)

7. Senator Weaver.

8. SENATOR WEAVER:

9. He is taking this discretion now but statutorily he does  
10. not have it.

11. PRESIDING OFFICER: (SENATOR JOHNS)

12. Senator Laughlin's concluded. Any further debate? Any  
13. further questions of the sponsor? Finish the roll call please.  
14. Just a moment. Senator Berning has a question.

15. SENATOR BERNING:

16. Mr. President, and I suppose I'm rising on a point of  
17. personal privilege since I have voted but before the vote...

18. PRESIDING OFFICER: (SENATOR JOHNS)

19. You can't do it now, sir.

20. SENATOR BERNING:

21. Before the vote is announced, I would like to ask a question  
22. because there's a serious doubt in my mind.

23. PRESIDING OFFICER: (SENATOR JOHNS)

24. Would you like to explain your vote, sir? You voted already.

25. SENATOR BERNING:

26. Very well, I'd like to withdraw my vote and then explain my  
27. vote by directing a question that has to do with the amended  
28. section. I'd like to understand what is meant by Section 13. It  
29. says, "This act applies to purchases made under the State Printing  
30. Contract Act and the Illinois Small Business Purchasing Act except  
31. that in cases of conflict the provisions of the Printing Contract  
32. Act and the Illinois Small Business Act shall govern." Now, how  
33. can it do that? In conflict of what? And how can it apply if

1. there's a conflict to both of them? It seems to me that there  
2. is a serious discrepancy in the terminology here. Well, I would  
3. prefer to be voted present then, Mr....

4. PRESIDING OFFICER: (SENATOR JOHNS)

5. Senator Berning wishes to be voting present. The ayes are  
6. 39. The nays 2. And present 1. Is that correct, Mr. Secretary?  
7. No. It is 36 yeas, 2 nays, 1 present. Having received a ma-  
8. jority is declared passed. Senator Partee.

9. SENATOR PARTEE:

10. I understand that all persons have not been informed so  
11. I'm making an announcement that the Constitutional Implementations  
12. Committee and the Appropriations Committee meeting scheduled for  
13. this afternoon have been cancelled. They will meet tomorrow  
14. after Session.

15. PRESIDING OFFICER: (SENATOR JOHNS)

16. Next bill is 4330. House Bill on Third Reading. 4330.  
17. Senator McCarthy. He desires to hold that. Next bill will  
18. be Senate Bill on...House Bill on Third Reading, 4353 as amended.  
19. Senator McCarthy.

20. SENATOR MCCARTHY:

21. Yes, Mr. President, members of the Senate, I call the at-  
22. tention to House Bills 4353 and 4354. I think I can explain  
23. them as a package to you. What these bills are are statutory  
24. re-enactments of the House Bills that passed the Legislature  
25. last summer then were subjected to amendatory veto by the  
26. Governor which came back here last fall and...

27. PRESIDING OFFICER: (SENATOR PARTEE)

28. May we have some attention, gentlemen.

29. SENATOR MCCARTHY:

30. ...and we last fall then ratified the Governor's action on  
31. these two bills. The reason that these bills were reintroduced  
32. is because there has been some question as to the effective date  
33. of the act and these bills spell out that these new bills shall

1. take effect upon its becoming a law which presumably would be  
2. upon the Governor's signature. If that was before July 1 or  
3. if it was...it also provides in here in Section 2 which is the  
4. last page of the act that any rights, obligations or actions  
5. arising pursuant to this amendatory act of 1971 prior to the  
6. amendatory date of this act are preserved. That's all that  
7. these bills do with the exception on the Workmens' Compensation  
8. Act, you'll notice that there is an amendment there. And that  
9. amendment provides...relates to the Black Lung provision in that  
10. it was changed from January 1 of 1973 to July 1 of 1973 in ac-  
11. cordance with President Nixon's action of about two weeks ago  
12. of extending the Black Lung provision. I know of no opposition.  
13. PRESIDING OFFICER: (SENATOR PARTEE)

14. Senator Laughlin.

15. SENATOR LAUGHLIN:

16. Well, Mr. President, members, I just want to verify this  
17. with you, Senator McCarthy. I don't rise in opposition. I just  
18. want to make real sure that I understand you, I think I do.  
19. Someone advised me that there were other Workmens' Comp bills  
20. in this body that were in committee that would have raised bene-  
21. fits 25% or something like that. I was told, now, I don't know  
22. this, if so, I just want to be sure that these aren't the bills  
23. that someone discussed with me.

24. PRESIDING OFFICER: (SENATOR PARTEE)

25. Senator McCarthy.

26. SENATOR MCCARTHY:

27. Yes, I...thank you, Mr. President. Thank you, Senator  
28. Laughlin, for asking that question because it had been raised.  
29. There were two bills whose numbers are the next two numbers.  
30. They had been assigned to Labor and Commerce and as of last  
31. Friday morning according to the motion of the Rules...in adopting  
32. the change in the Rules Committee, those bills were, in my opi-  
33. nion Tabled because they were not administration bills. So these



1. are the only ones that are alive.

2. PRESIDING OFFICER: (SENATOR PARTEE)

3. Who is that, Senator Graham?

4. SENATOR GRAHAM:

5. Senator McCarthy, these two bills incorporate an increase  
6. of about 21 to 25%...

7. PRESIDING OFFICER: (SENATOR PARTEE)

8. Senator McCarthy, I think the answer to that question was  
9. just made, Senator. He says it does not. Is that right,  
10. Senator? Senator McCarthy.

11. SENATOR MCCARTHY:

12. Yes, Senator Graham, these bills do not raise the rates  
13. of compensation one cent over those bills that we passed and  
14. signed into law reaffirm the Governor's veto as of last No-  
15. vember, statutory reenactment of these bills. No raises.

16. PRESIDING OFFICER: (SENATOR PARTEE)

17. Senator Graham.

18. SENATOR GRAHAM:

19. Let me ask you this then to be more specific. How much  
20. did they raise the rate over the previous rate before we adopted  
21. the bills last year that the Governor put the amendatory veto  
22. on?

23. PRESIDING OFFICER: (SENATOR PARTEE)

24. Senator McCarthy.

25. SENATOR MCCARTHY:

26. Yes, I think I can answer that question. We'll just have  
27. to go back to the acts of 1969 and compare what rates were paid  
28. in 1969 insofar as what rates became payable last October or  
29. will become payable at this time.

30. PRESIDING OFFICER: (SENATOR PARTEE)

31. Gentlemen over here, please.

32. SENATOR MCCARTHY:

33. The rates on the maximum amount of compensation have been

1. raised about 20%. There's been no raise on the minimum rates at all.  
2. There were, I'd say, that on the overall package there was about  
3. 20...21% on the maximum but nothing on the minimum, as contrasted  
4. with the 1969 law.

5. PRESIDING OFFICER: (SENATOR PARTEE)

6. Senator Graham, aren't you finished?

7. SENATOR GRAHAM:

8. Well, thank you, Senator McCarthy. I have to say that I  
9. don't like them any better than I did before the Governor put  
10. his amendatory veto on these. I didn't agree with that. So  
11. for one Senator from the Third District I'm going to be opposed  
12. to these.

13. PRESIDING OFFICER: (SENATOR PARTEE)

14. Any further debate? Do you desire to call the roll...

15. SENATOR MCCARTHY:

16. Well, yes, I don't know if there is any opposition...

17. PRESIDING OFFICER: (SENATOR PARTEE)

18. Pardon me. Senator Walker.

19. SENATOR WALKER:

20. Well, thank you, Mr. President. Will the gentleman yield  
21. for a couple of questions?

22. PRESIDING OFFICER: (SENATOR PARTEE)

23. Senator McCarthy.

24. SENATOR WALKER:

25. Aren't these the bills that we've been receiving some mail,  
26. some telegrams, so forth, from the Illinois' Manufacturers and  
27. other groups in opposition claiming that these two bills will  
28. increase their proportionate share of the contributions?

29. PRESIDING OFFICER: (SENATOR PARTEE)

30. Senator McCarthy.

31. SENATOR MCCARTHY:

32. Yes, thank you, Mr. President. Senator, I think the tele-  
33. grams that I've received from certain industries in Illinois relate

1. not to 4353 or 4354 but rather to 4355, 4356 and I believe  
2. there was another bill involving unemployment compensation.  
3. So far as I know there's been no objection to these bills be-  
4. cause these just reenact that which is on the statute at the  
5. present time.

6. PRESIDING OFFICER: (SENATOR PARTEE)

7. Senator Walker has another question.

8. SENATOR WALKER:

9. Thank you, Mr. President. Do I understand you to say then,  
10. Senator McCarthy, that these bills will not increase the rates  
11. insofar as the employers are concerned. Can you give me a yes or  
12. no answer to that one?

13. PRESIDING OFFICER: (SENATOR PARTEE)

14. Senator McCarthy.

15. SENATOR MCCARTHY:

16. The answer is there is no increase in these bills over the  
17. effective law at the present time that we passed last October.  
18. No increase.

19. PRESIDING OFFICER: (SENATOR PARTEE)

20. Senator McBroom.

21. SENATOR MCBROOM:

22. Senator McCarthy, I don't know if you can answer this ques-  
23. tion. What would be effect...I intend to support these bills...  
24. what would be the effect, Senator, if they didn't pass?

25. PRESIDING OFFICER: (SENATOR PARTEE)

26. Senator McCarthy.

27. SENATOR MCCARTHY:

28. I think this is the problem. That there is a question at  
29. the present time when the Public Act on 4353, this replaces Public  
30. Act 77-1660 or I'll call that the old House Bill 845, there  
31. was a question, Senator McBroom, whether or not that became  
32. effective as a matter of law on October 28, 1971, the day that  
33. we in the Senate ratified the Governor's amendatory changes.

1. There was question of whether or not it became effective that  
2. day. There is a question whether or not it becomes effective  
3. this July 1st. Some people maintain it doesn't become effective  
4. until next October 1. Those questions have not been litigated.  
5. So what this bill and your question was what would be the effect  
6. if we didn't pass these bills? Well, I think what it does, it  
7. would postponed the...as a matter of legislative certainty...the  
8. effectiveness of these bills by July 1 if the Governor chooses  
9. to sign them. That would be fixed. That they'd be effective  
10. July 1. Otherwise, you'd have another question as between July  
11. 1st and October 1 of this year.

12. PRESIDING OFFICER: (SENATOR PARTEE)

13. Senator McBroom.

14. SENATOR MCBROOM:

15. If I understand your answer then that these bills could  
16. conceivably circumvent considerable court action, couldn't they?

17. PRESIDING OFFICER: (SENATOR PARTEE)

18. Have all the...any further debate? Senator Horsley.

19. SENATOR HORSLEY:

20. Well, Senator McCarthy, I would appreciate it if this could  
21. be held until tomorrow. Now, I want to check your statement and  
22. I'm checking against the Revised Statutes and I am trying to find  
23. out whether the Statute as published, the 1971 version, reflects  
24. what we passed last time or whether there is something later.  
25. But I understand that the Statute book reflects and I don't want  
26. anybody to have any misunderstanding because beginning with  
27. number 3, if you'll turn to page 13 of the bill, the Statute book  
28. that I have in front of me for 1971 and I have it turned to Chapter  
29. 48 and I have it on page 242 for those of you who have it and it  
30. reads whenever in paragraph a of this section "the maximum of  
31. \$18,000 is provided," the bill that you have in front of us has  
32. 18,000 stricken and the word 21,000. And that same thing is true  
33. so that even on down those items the last line in the printed

1. booklet says \$25,200 but in the bill you have stricken that  
2. and you have \$30,250. Now, I have been led to believe that  
3. all in the world we were doing by this particular bill was  
4. changing the effective date which many of us thought would  
5. be July 1, last July 1. And there is a great deal of conflict.  
6. There are some employers who have paid as though the bill be-  
7. came effective then even though the Governor vetoed it and  
8. sent it back with an amendatory veto. So the thing is all up  
9. in the air. Now, I'd like to clarify that because people are  
10. going to ask me and I want to make certain that I am telling a  
11. correct statement when I say what the present law is because  
12. the very bill in the bill book itself...

13. PRESIDING OFFICER: (SENATOR PARTEE)

14. Senator, do you have a copy of the supplement. The  
15. supplement has come out since the Statute to which you refer.

16. SENATOR HORSLEY:

17. That is why I asked the question. I wanted to make sure.

18. PRESIDING OFFICER: (SENATOR PARTEE)

19. I think you'll find it in the supplement. Sir?

20. SENATOR HORSLEY:

21. Well, actually we want 138.7 is what we want. Well, the  
22. supplement you have here, sir, is...the supplement has the  
23. figures which he has in here in the supplement but I don't know  
24. why this bill was ever drafted because this is on the books  
25. now.

26. PRESIDING OFFICER: (SENATOR PARTEE)

27. Well, Senator, you obviously...

28. SENATOR HORSLEY:

29. ...'cause I...

30. PRESIDING OFFICER: (SENATOR PARTEE)

31. Well, the question was there are two interpretations that  
32. might be entered in court...

33. SENATOR HORSLEY:

1. That's right.

2. PRESIDING OFFICER: (SENATOR PARTEE)

3. And this will clarify it and that's the purpose of the  
4. bill. There's no controversy...

5. SENATOR HORSLEY:

6. Well, as I understand it, now all we're doing by this  
7. bill is changing the effective date.

8. PRESIDING OFFICER: (SENATOR PARTEE)

9. That's correct, sir.

10. SENATOR HORSLEY:

11. Thank you.

12. PRESIDING OFFICER: (SENATOR PARTEE)

13. Secretary will call the roll.

14. SECRETARY:

15. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,  
16. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,  
17. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
18. Horşley, Hynes, Johns, Knuepfer...

19. PRESIDING OFFICER: (SENATOR PARTEE)

20. Hynes, aye.

21. SECRETARY:

22. Knuppel...

23. PRESIDING OFFICER: (SENATOR PARTEE)

24. Johns, aye.

25. SECRETARY:

26. Kosinski, Kusibab, Latherow, Laughlin...

27. PRESIDING OFFICER: (SENATOR PARTEE)

28. Senator Laughlin.

29. SENATOR LAUGHLIN:

30. I hate to be getting up, Mr. President. I just say this.  
31. I think there's another reason for this bill. In the parochial  
32. decision, I think the Supreme Court raised a question about the  
33. power of the Governor so far as the exercise of the amendatory

1. veto is concerned and you just repassed parochial for that  
2. reason. I think that same argument could have applied against  
3. his amendatory veto of these bills and that's another reason  
4. these bills were introduced and I vote aye.

5. SECRETARY:

6. Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein,  
7. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,  
8. Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski,  
9. Vadalabene, Walker, Weaver.

10. PRESIDING OFFICER: (SENATOR PARTEE)

11. On these bills, 4353, 4354, the yeas are 31, the nays are 3.  
12. The bills having received a constitutional majority are declared  
13. passed. 4456, Senator Soper. It's Representative Miller's  
14. bill that you're handling. No, 4456 is the one we called.

15. SENATOR SOPER:

16. 4454 does nothing but change one word that was...

17. PRESIDING OFFICER: (SENATOR PARTEE)

18. 4456 is called, Senator.

19. SENATOR SOPER:

20. Well, this was taken up in Senator McCarthy's committee  
21. and 4456 does exactly what the synopsis says.

22. PRESIDING OFFICER: (SENATOR PARTEE)

23. Any further discussion? Senator Soper having closed the  
24. debate, roll call.

25. SECRETARY:

26. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,  
27. Cherry, Chew, Clarke, Collins, Coulson, ourse, Davidson, Donnewald,  
28. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
29. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
30. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,  
31. Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock,  
32. Romano, Rosander, Saperstein, Savickas, Smith...yea, okay, I don't  
33. know...Swinarski, Vadalabene, Walker, Weaver.

1. PRESIDING OFFICER: (SENATOR PARTEE)

2. On this question the yeas are 38. The nays are none. This  
3. bill having received a constitutional majority is declared passed.  
4. May I suggest to the members if you have any motions or amend-  
5. ments get them ready because this is the last bill before we get  
6. to that order of business. 4577, Senator McCarthy.

7. SENATOR MCCARTHY:

8. Yes, Mr. President, members of the Senate, 4577 amends  
9. the Workmens' Compensation Act but in an entirely different  
10. section than the bills we just passed. This amendment doesn't  
11. have anything to do with increasing or decreasing rates. It  
12. merely goes to the question of who is an employee within the  
13. definition of the Act and what this bill proposes to do if  
14. adopted by this Senate and I urge your adoption is to include  
15. within the list of covered employees, deputy sheriffs as one  
16. class and assistant states' attorneys as a second class. I  
17. think Clayton Harbeck, a former member of the House, has talked  
18. to some of the members of this Body about this bill. It doesn't  
19. increase or decrease rates. The question can be raised why is  
20. it necessary to include deputy sheriffs and assistant state's  
21. attorneys within the definition of employees in this Act. Let  
22. me explain it thusly to you. That in the definition of the  
23. Act all employees of the State, county, city, village, township,  
24. municipal corporations, body politic, are automatically included  
25. within the Workmens' Compensation Act but officers of the State,  
26. county, city, township, body politic, so forth, have in the past  
27. been excluded from the application of the Act, officers being  
28. like the Governor of the State of Illinois, the Mayor of the  
29. City of Peoria or the Mayor of the City of Decatur, and there  
30. has been some case decisions which indicate that a deputy sheriff  
31. is not an employee of the county but rather he is an officer of  
32. the county. So this bill is introduced to resolve any patent  
33. ambiguity that may exist as to whether or not a deputy sheriff



1. is an employee or an officer. Similarly for the assistant  
2. state's attorneys, there's been some question that he's an  
3. official of the county as opposed to employee. And what this  
4. bill proposes to do is spell them out as included in the Act  
5. along with the secretaries in the sheriff's department, along  
6. with the secretaries in the state's attorney office. That's  
7. what this bill does. I submit it to you for your approval.

8. PRESIDING OFFICER: (SENATOR PARTEE)

9. Senator Sours.

10. SENATOR SOURS:

11. Mr. President and ladies and gentlemen of the Senate, this  
12. is a bad bill as long as it includes assistant state's attorneys.  
13. Section 3 of the Illinois Workmens' Compensation Act lists extra  
14. hazardous occupations, such as, dynamiting and others of the  
15. same equal danger. Now, the genesis of this bill, Senator Mc-  
16. Carthy, you probably know, grows out of a law suit where an  
17. assistant state's attorney was injured. He took his case to  
18. the Supreme Court and they sent him back empty handed. Now,  
19. there is nothing extra hazardous, Senator McCarthy and Senators,  
20. in the official activities of an assistant state's attorney. He  
21. generally goes in Peoria from the first floor to the second  
22. floor to the courtrooms or the fourth floor to the courtrooms.  
23. Other than that, there's nothing extra hazardous. I am in com-  
24. plete accord with deputy sheriffs who are out apprehending male-  
25. factors, sometimes they even get a hold of a hot potato in serving  
26. a civil summons but for an assistant state's attorney, this has  
27. nothing to do with any occupation that could be called in any way  
28. extra hazardous. For that reason I'd like to suggest that this  
29. side for those who believe what I'm saying vote against this bill.

30. PRESIDING OFFICER: (SENATOR PARTEE)

31. Senator Egan.

32. SENATOR EGAN:

33. Mr. President, members of the Senate, I can't disagree with

1. Senator Sours' any more adamantly than I'm going to. Whether  
2. or not being an assistant state's attorney is a hazardous oc-  
3. cupation depends on, I'm sure, on the particular category of  
4. work that assistant does and in many occasions...on many oc-  
5. casions the assistant state's attorney are placed in greater  
6. perilous positions than are police and our deputy sheriffs.  
7. However, that is not why I stand to support this bill. The  
8. assistant state's attorneys and the deputy sheriffs were elimi-  
9. nated for the Workmens' Compensation Act by a judicial determination.  
10. They should be put back in because just of the hardship cases  
11. that have arisen. They're very numerous and I don't mean to  
12. take the time but I can say I am personally aware of several  
13. hardship cases as a result of being excluded from the law. This  
14. is a good piece of legislation and I urge your support.

15. PRESIDING OFFICER: (SENATOR PARTEE)

16. Senator Gilbert.

17. SENATOR GILBERT:

18. Senator McCarthy, now you were talking about, as I under-  
19. stood it, that the county employees, municipal employees and  
20. all. Let's take the clerk in the circuit court's office. Is  
21. that employee covered by Workmens' Compensation?

22. PRESIDING OFFICER: (SENATOR PARTEE)

23. Senator McCarthy.

24. SENATOR MCCARTHY:

25. You don't mean the Clerk of the Circuit Court. You mean  
26. the deputy clerk.

27. SENATOR GILBERT:

28. Yes. The deputy clerk in the Circuit Clerk's office.

29. SENATOR MCCARTHY:

30. Well, Senator Gilbert, as a matter of fact, I think all of  
31. the hired payroll in the Clerk's office, the girls that stamp  
32. your pleadings, and so forth, are presently under the Act because  
33. they are employees of a county. Yes, sir.

1. PRESIDING OFFICER: (SENATOR PARTEE)

2. For what purpose does Senator Palmer arise? He's on Senator  
3. Savickas' mike.

4. SENATOR PALMER:

5. To answer that question. I would say that's a very good  
6. question, Senator Gilbert, and that should answer Senator  
7. Sours. There's nothing in the Act that provides that it has  
8. to be a hazardous occupation. The Act provides that it should  
9. arise out of the employment...within the scope of employment.  
10. Clerks that work for the County Clerk, stenographers that work  
11. for the Recorder's office, secretaries that work for the State's  
12. Attorney's office, are under this Act. All that the Act pro-  
13. vides for is that the injury will arise out of the employment  
14. within the scope. Just like Senator Egan has said, this bill  
15. is long coming and for many, many years, many hardships have  
16. arisen and this bill should have been passed a long time ago  
17. and it's long overdue and I do not understand Senator Sours'  
18. argument. He is not quoting the Workmens' Compensation Act  
19. at all correctly.

20. PRESIDING OFFICER: (SENATOR PARTEE)

21. Senator McCarthy may close the debate or ask for a roll  
22. call.

23. SENATOR MCCARTHY:

24. Well, I don't want to be quite as harsh in my judgement  
25. on Senator Sours as maybe I inferred from the last speaker.  
26. Senator, it's quite true that insofar as private employers are  
27. concerned that when you get to the section as to whether or not  
28. the employer must come under the Act, that's a different section.  
29. Well, and there a private employer has if he's an ultra-hazardous  
30. activity, he has no recourse but he must come within the ap-  
31. plication of workmen's compensation and then there's an option  
32. to law firms and other type, insurance companies, as to whether  
33. or not they might elect to come under the act. But here we have

1. it mandatory and it's been for as long as I know that the State,  
2. the county, the city and any political subdivision must come  
3. under the Act irrespective of its hazardous...or lack of  
4. hazardous activity. And this merely clears up the question  
5. as to the status of particular individuals like the deputy  
6. sheriffs and the assistant state's attorneys. If they are to  
7. be considered in point of fact and as a matter of law as  
8. employees, they are under the Act. If, as some courts have  
9. considered, they are officers or officials of the county,  
10. then they'd be excluded from the Act. And this just merely  
11. makes certain that which is set forth and follows the line  
12. of decisions that we've made here in the Legislature including  
13. members of the General Assembly under the Act, putting members of  
14. the National Guard under the Act, putting people on the volunteer  
15. fire department under the Act. I think it's really . . . It's  
16. really not a complicated bill and I ask for a favorable roll  
17. call. I intend to vote yes on it.

18. PRESIDING OFFICER: (SENATOR PARTEE)

19. Secretary will call the roll.

20. SECRETARY:

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

28. PRESIDING OFFICER: (SENATOR PARTEE)

29. Senator Sours.

30. SENATOR SOURS:

31. Mr. President, Senators, just so we get the record straight,  
32. there is a vast difference under the Illinois Workmen's Compensa-  
33. tion Act between an occupation which is automatically covered

1. because it is extra hazardous and what Senator Palmer may have  
2. been talking about, though I don't think he's quite as familiar  
3. with it. We're talking in this bill to make the occupation  
4. of an assistant state's attorney extra hazardous just like an  
5. employee who would be engaged in dynamiting, for example. Now,  
6. that has nothing to do with the county, for example, electing  
7. to become under the Workmens' Compensation Act. That's the  
8. point I think that has been missed by many Senators voting here  
9. today. This makes the office of an assistant state's attorney  
10. under Section 3 of the Act just like dynamiting, extra hazardous.  
11. I vote no.

12. PRESIDING OFFICER: (SENATOR PARTEE)

13. Continue the roll call.

14. SECRETARY:

15. Swinarski, Vadalabene, Walker...

16. PRESIDING OFFICER: (SENATOR PARTEE)

17. Saperstein, aye.

18. SECRETARY:

19. Weaver.

20. PRESIDING OFFICER: (SENATOR PARTEE)

21. Knuepfer aye. On this question the yeas are 35. The nays  
22. are 1. This bill having received a constitutional majority is  
23. declared passed. Senator Vadalabene moves to reconsider. Senator  
24. McCarthy moves to Table. All in favor. Senator Gilbert.

25. SENATOR GILBERT:

26. If...

27. PRESIDING OFFICER: (SENATOR PARTEE)

28. Pardon me. For what purpose does Senator Hall arise?

29. SENATOR HALL:

30. I wanted to ask...for purpose of my resolution. When you  
31. get to it.

32. PRESIDING OFFICER: (SENATOR PARTEE)

33. Oh...fine. Senator Gilbert.

1. SENATOR GILBERT:

2. I believe that you stated that that was the last bill...

3. PRESIDING OFFICER: (SENATOR PARTEE)

4. That was the last bill to be called today.

5. SENATOR GILBERT:

6. I have an important bill here to be amended. I would like  
7. leave for suspension of the rules and return of House Bill 4436  
8. to...from Third to Second Reading for purposes of an amendment.  
9. I will explain the amendments if I have the leave.

10. PRESIDING OFFICER: (SENATOR PARTEE)

11. Senator Gilbert moves to return House Bill 4436 from Third  
12. Reading to Second Reading for the purpose of an amendment.  
13. Second Reading it's on. Senator Gilbert.

14. SENATOR GILBERT:

15. Now I move the adoption of Amendment No. 1 to House Bill  
16. 4436. Briefly, this is practically writing a new Metal Mines  
17. Act. The present Metal Mines Act that we have has been in  
18. effect for some 50 or more years and a copy of this has been  
19. delivered to Senator Johns. I do not plan to take any action  
20. upon it but I would like to get it amended. It's a rather large  
21. and comprehensive amendment. So that the people will have a chance  
22. to look at it, the industry have been given copies of this. They  
23. have had some reaction to it. We want to give them a little  
24. longer. But this bill updates the Metal Mines Act most of which  
25. is in Southern Illinois and most of it in Senator Johns' district.  
26. This is partially an outgrowth of the disaster in Idaho recently  
27. in which some 97 people, I believe, were killed. I have a second  
28. amendment but I would now move the adoption of Amendment No. 1  
29. with the understanding that the bill will be held for certainly  
30. the latter part of this week at the earliest so people will have  
31. an opportunity to take a look at it.

32. PRESIDING OFFICER: (SENATOR PARTEE)

33. Senator Knuepfer.

1. SENATOR KNUEPFER:

2. Well, Senator, I guess this doesn't do violence to our  
3. rules but I certainly think it does violence to our procedures  
4. around here when you take a bill and take everything out and  
5. put a new bill in on Second Reading. We have a committee pro-  
6. cedure so that the committee can examine the bills as they're  
7. going through. Now, what you effectively do is eliminate the  
8. committee procedure. If we all did this we would simply put  
9. an innocuous little bill in here and pass that through the  
10. committee and then amend that on Second Reading to make a  
11. substantive bill out of it. This was the kind of procedure  
12. that I violently objected to in what the Governor originally  
13. tried to do with his amendatory veto and that is to take out  
14. all of the language except the title and give us a new bill.  
15. This has the effect of simply bypassing the whole committee  
16. procedure and putting a bill on the Floor that the committee  
17. has never seen. And if it does not actually do violence to  
18. our rules, I think it is a procedure that certainly ought to  
19. be discouraged.

20. PRESIDING OFFICER: (SENATOR PARTEE)

21. Senator Johns. Oh, Senator Gilbert.

22. SENATOR GILBERT:

23. I presume that this bill could be introduced as an admin-  
24. istration matter. I believe those bills are subject to still  
25. being heard. If that's what Senator Knuepfer wants, this is  
26. an administration matter and it's not something that I am  
27. attempting to do to slip something over on somebody, Senator  
28. Knuepfer, or put something in that people don't know about. This  
29. is a matter that's an administration matter. It's been studied  
30. and is an important issue to be taken care of at this time. Now,  
31. if you would to make your objection why I'll try to get it  
32. introduced as a bill then. As an administration bill.

33. PRESIDING OFFICER: (SENATOR PARTEE)

1. Senator Johns. Senator Knuep...the bill is on Second  
2. Reading. The...pardon. It's on Second Reading. Senator Gil-  
3. bert offers the amendment with the understanding that the bill  
4. will stay on Third Reading until each member has had a chance  
5. to see it. I think he made that explanation originally. Any  
6. objection to the adoption of the amendment? Amendment's adopted,  
7. the bill goes back to Third Reading. We have a second amend-  
8. ment? Amendment No. 2.

9. SENATOR GILBERT:

10. Amendment No. 2 requires that the...that anyone who starts  
11. a new mine, this applies prospectively to a new mine, deep shaft  
12. mine, will have to post a bond. This bill has not been seen by  
13. industry. They'll have an opportunity to see it but it requires  
14. that they post a bond to fill the mine shaft if and when that  
15. mine is abandoned. We have a real problem throughout the State  
16. and particularly in Southern Illinois and now that we're doing  
17. so much stripping the people who have abandoned the deep shaft  
18. mines and Senator Johns knows this that they have not filled  
19. these. We have many hazardous conditions as a result of the mine  
20. industry either going broke or people just walking off and leaving  
21. open shafts. This is certainly a protection for the public.  
22. I move its adoption.

23. PRESIDING OFFICER: (SENATOR PARTEE)

24. Any objection to the amendment? Amendment's adopted. Any  
25. further amendments? Third Reading. Senator Johns.

26. SENATOR JOHNS:

27. Are we on the order of motions, sir?

28. PRESIDING OFFICER: (SENATOR PARTEE)

29. I was about to recognize Senator Horsley. He had his hand  
30. up. Was that about this matter, Senator? Senator Horsley.

31. SENATOR HORSLEY:

32. No, sir. My purpose was the other day the matter that I men-  
33. tioned to you. That I have these resolutions I'd like to take up



1. first thing in the morning because you're anxious to close early  
2. tonight and if that's agreeable I'll take them up first  
3. thing in the morning.

4. PRESIDING OFFICER: (SENATOR PARTEE)

5. Now when you say them, you mean all three of them first  
6. thing in the morning? You don't want to that to the Body, do  
7. you, Senator?

8. SENATOR HORSLEY:

9. All I want to do is introduce two and let them go to the  
10. Executive Committee.

11. SENATOR PARTEE:

12. Very well. Senator Johns.

13. SENATOR JOHNS:

14. Mr. President, members of the Senate, I would like to ask  
15. leave of the body to be shown as Senate sponsor of House Joint  
16. Resolution No. 134.

17. PRESIDING OFFICER: (SENATOR PARTEE)

18. Any objection? The record will so show. Senator Hall...  
19. Senator Johns. I thought you were finished.

20. SENATOR JOHNS:

21. Now, Mr. President, I would like to ask leave of the body  
22. if I can have this particular resolution heard in Executive on  
23. Wednesday, the 7th.

24. PRESIDING OFFICER: (SENATOR PARTEE)

25. Any objections? Would you explain it, sir?

26. SENATOR JOHNS:

27. This resolution, sir, is sent over by the House. It's where  
28. Arthur Wilde of the Illinois Federation of Teachers accused the  
29. IEA of giving out support in money and labor and materials and  
30. that sort of thing and sort of cast a reflection on the General  
31. Assembly. I would like to ask the Illinois Legislative Investi-  
32. gating Commission to investigate it and give us a report.

33. PRESIDING OFFICER: (SENATOR PARTEE)

1. Any objection to the hearing of this bill Wednesday in  
2. Executive? So ordered. Senator Hall.

3. SENATOR HALL:

4. Thank you, Mr. President, members of the Senate....

5. PRESIDING OFFICER: (SENATOR PARTEE)

6. We'll only be here a few minutes if we can just keep it  
7. a little quiet.

8. SENATOR HALL:

9. I would like to have leave to have the resolution I intro-  
10. duced last week to be heard in Executive Committee Wednesday.

11. PRESIDING OFFICER: (SENATOR PARTEE)

12. Would you explain it, Senator?

13. SENATOR HALL:

14. This has to do with the Bi-State Development Agency that  
15. runs between St. Louis and East St. Louis district that I  
16. cover down there. There's been some fair structures and other  
17. allegations made against them.

18. PRESIDING OFFICER: (SENATOR PARTEE)

19. Any objection? Leave. Senator Bidwill.

20. SENATOR BIDWILL:

21. Mr. President, I would like to announce a Republican caucus  
22. at 9:00 tomorrow morning. Republican caucus. In Senator Neis-  
23. tein's room.

24. PRESIDING OFFICER: (SENATOR PARTEE)

25. Senator Donnewald.

26. SENATOR DONNEWALD:

27. There will be a Democratic caucus, 9:00 sharp, 6th Floor,  
28. tomorrow morning.

29. PRESIDING OFFICER: (SENATOR PARTEE)

30. Senator Mitchler.

31. SENATOR MITCHLER:

32. Mr. President, I spoke with Senator Cherry, chairman of  
33. the Executive Committee, and he has a supplemental notice that's

1. posted on five bills and I'd ask waiver of the six day notice,  
2. just a formality for it, to be heard in the Executive Committee on  
3. Wednesday, House Bill 4368, 4369, 4393, 4394, and 4409.

4. PRESIDING OFFICER: (SENATOR PARTEE)

5. Could you tell us what they're about, Senator?

6. SENATOR MITCHLER:

7. Yea, the 4368, 4369 are...have to do with the loyalty oath,  
8. the substitution of the Massachusetts loyalty oath for the present  
9. one. House Bill 4393 is an administration bill on the Illinois  
10. Veterans' Commission, making the Vietnam war veterans qualify to  
11. have membership in the Illinois Veterans' Commission. 4394  
12. is an amendment to the military and naval code authorizing the  
13. Adjutant General to make and enter into contracts and agreements  
14. with the federal government.

15. PRESIDING OFFICER: (SENATOR PARTEE).

16. Senator Cherry. Senator Cherry. The representation is made  
17. that these bills have your approval as chairman of the Executive  
18. Committee, is that correct?

19. SENATOR CHERRY:

20. That is an incorrect statement. They do not have my ap-  
21. proval. I'm violently opposed to the bills. However, Senator  
22. Mitchler asked me last week whether the Executive Committee would  
23. hear these bills and my secretary was instructed to put them on  
24. the agenda for consideration on Wednesday. She failed to put  
25. them on and Senator Mitchler came over to me this afternoon and  
26. asked me why they weren't on and I told him that it just wasn't  
27. on, that he would state the facts and circumstances to the mem-  
28. bers of this body and that's your decision to make.

29. PRESIDING OFFICER: (SENATOR PARTEE)

30. Objections have been heard. Any further objections?  
31. Senator Clarke.

32. SENATOR CLARKE:

33. Mr. President, can I believe my ears that the secretary was

1. instructed to put them on the list and that did not put them on  
2. the list and that therefore we say that's just too bad. It  
3. just seems to me that if there is a situation where it was through  
4. either neglect or, you know, malfeasance or whatever why there  
5. ought to be some consideration given.

6. PRESIDING OFFICER: (SENATOR PARTEE)

7. Senator Cherry.

8. SENATOR CHERRY:

9. There was no neglect here, Senator Clarke. The bills did not  
10. come within the purview of our June 2nd rule because these  
11. are not exempt bills. They deal with loyalty oaths and they  
12. were not put on the agenda of the Executive Committee simply  
13. because of that reason. But Senator Mitchler did, however,  
14. make that request and I told him that he would have to get  
15. notice or waiver of the rule in order to have them heard next  
16. Wednesday.

17. PRESIDING OFFICER: (SENATOR PARTEE)

18. Senator Rock. Senator Clarke, I'm sorry. I thought you  
19. were finished.

20. SENATOR CLARKE:

21. Well, Mr. President, I'd just like to pursue this a little  
22. bit. When did he say they're not in the exempt category but  
23. Senator Mitchler indicates that he asked prior to that time for  
24. them to be set for last week before the motion to Table took  
25. place and they were not set. Now it just seems to me that any  
26. Senator should have a right to have his bills set when he re-  
27. quests it and if they just don't set them and say, you know, now  
28. it's too late this doesn't seem like a fair procedure.

29. PRESIDING OFFICER: (SENATOR PARTEE)

30. Senator Cherry.

31. SENATOR CHERRY:

32. When these bills were not put on the agenda for consideration  
33. of the Executive Committee for Wednesday, I simply suggested to

1. Senator Mitchler, in view of the fact that they are not on the  
2. agenda, that he ask permission to waive the rule.

3. PRESIDING OFFICER: (SENATOR PARTEE)

4. Senator Neistein, for what purpose do you arise?

5. SENATOR NEISTEIN:

6. Mr. President, isn't it up to the Rules Committee to make  
7. exceptions to whatever the...whether the bills come within the  
8. four categories to waive their introduction or their hearing?

9. PRESIDING OFFICER: (SENATOR PARTEE)

10. That is within the purview of the Rules Committee. Senator  
11. Clarke. Senator Mitchler. I said it's within the purview of  
12. the Rules Committee. Senator Mitchler.

13. SENATOR MITCHLER:

14. I would...the rise or fall of the United States is not  
15. going to depend on whether or not these bills pass but I merely  
16. say that prior to the hearing last week I talked to Senator  
17. Cherry and he told me that he was holding some of the bills  
18. over until Wednesday and this would be with the group and when  
19. they weren't posted with the group I confronted him again and  
20. he informed me to inform his secretary to set the bills and I  
21. just now returned from talking from him and indicated what...I  
22. know Senator Cherry's opposed to at least one or two of the bills  
23. on the loyalty oath. We discussed that but he said they would  
24. be set and his secretary is issuing a supplemental notice but  
25. it's for the record you have to make a motion to waive the six  
26. day rule and that's what I'm asking to be done. If the body  
27. doesn't want to do it, it's all right. The rise and fall of  
28. the United States is not going to depend on these five bills or  
29. perhaps any other bills that we pass between now and June what-  
30. ever we get out of here.

31. PRESIDING OFFICER: (SENATOR PARTEE)

32. Senator Cherry.

33. SENATOR CHERRY:

1. Senator Mitchler, I believe the first time you requested  
2. these bills be heard in Executive Committee was Tuesday, last  
3. Tuesday, a week ago. And even at that time, it wasn't a  
4. question of waiver of the rules, it was a question that these  
5. are not exempt bills and didn't fall within the category of  
6. exempt bills and therefore without getting a waiver they could  
7. not be heard.

8. PRESIDING OFFICER: (SENATOR PARTEE)

9. You know, this is the kind of hassle that we sought to  
10. avoid the 10th day of April when we came in here and made the  
11. suggestion that this Session be confined to matters for which  
12. it was called. We got into all kinds of disagreements about  
13. people back home seeing bills that came out of the House and  
14. Senators couldn't do it and so forth. Now here we are within  
15. two weeks of the closing of this Session, I hope, and here we  
16. are spending an inordinate amount of time discussing bills  
17. that don't have a prayer and which we know don't have a prayer.  
18. By the same token I am concerned about every bill once we have  
19. abandoned what was a good rule to satisfy and mollify people in  
20. the House and the Senate in terms of letting them put in any  
21. kind of bill they wanted in a Session that wasn't calculated  
22. for it so they could get their names in the paper back home,  
23. we now find ourselves in this kind of a hassle spending hour  
24. after hour talking about bills that aren't going anywhere. Well,  
25. let's do it this way. I don't want anybody to walk out of this  
26. Senate and say that there was some discussion, there was some  
27. misunderstanding, there was something about a secretary or some-  
28. thing else that caused the bill not to be heard. The bill isn't  
29. going to pass, I'll tell you that now. But I for one will join  
30. him in the motion to set these bills if he wants to set them  
31. and tell everybody that you see that while we were here worrying  
32. about personal property tax, worrying about funding this govern-  
33. ment, we were spending a lot of time doing things that were meaning-

1. less for this Session of the Legislature.

2. SENATOR CLARKE:

3. Mr. President, I was just trying to get at the facts and  
4. Senator Cherry just answered the facts and it was concurred in  
5. so I agree with the President pro tem wholeheartedly. In the  
6. light of the facts on these bills, I was the one who objected  
7. to the six day rule last week. These bills weren't requested  
8. apparently six days ahead to be set which would have been  
9. necessary and they were Tabled as of last Friday. And I don't  
10. think we should waste our time with even a motion to bring them  
11. off the Table.

12. PRESIDING OFFICER: (SENATOR MCCARTHY)

13. Senator Sours.

14. SENATOR SOURS:

15. I'd like to add to what Senator Partee has said with an  
16. amen. I think the people are getting tired of all this bombastic,  
17. v rodomontade that we've been handing them ever since we adjourned  
18. here...since we convened here rather. Now we've got important  
19. bills to get out and most of them if not all of them are ap-  
20. propriations. The rest, that's campaign path.

21. PRESIDING OFFICER: (SENATOR MCCARTHY)

22. I think Senator Rock is recognized.

23. SENATOR ROCK:

24. Senator Rock again is the beneficiary of beautiful timing.  
25. I have a motion to take a House Bill from the Table, Mr. Pre-  
26. sident. I am told by the members of the Rules Committee this  
27. afternoon House Bill 3703 was, in fact, Tabled and I would move  
28. at this time that the bill be taken from the Table and placed  
29. on the Order of Second Reading. It concerns itself with an  
30. amendment to the Illinois Pension Code.

31. PRESIDING OFFICER: (SENATOR MCCARTHY)

32. So ordered. Senator Clarke.

33. SENATOR CLARKE:

1. Mr. President, I would rise in support of this motion.  
2. This happens to be a bill that affects several Republican  
3. members over in the House and I think it should at least get  
4. the consideration of being on the Calendar and being debated.

5. PRESIDING OFFICER: (SENATOR MCCARTHY)

6. Motion prevails. Senator Partee, any further business  
7. to come before the Senate?

8. SENATOR PARTEE:

9. Yes. I move we adjourn until 10:00 a.m. tomorrow morning  
10. bearing in mind there are two caucuses set for 9:00.

11. PRESIDING OFFICER: (SENATOR MCCARTHY)

12. On the motion those in favor signify by saying aye.  
13. Senate is adjourned until 10:00 tomorrow morning.

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