

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 18, 1971

PRAYER BY: Reverend Milton Q. Connett, London Mills Methodist Church,
London Mills, Illinois.

PRESIDENT:

Thank you very much. Reading of the journal. Moved by Senator Course that the reading of the journal be dispensed with. All in favor signify by saying aye. Contrary minded. Motion prevails. Reports from Committees. Resolutions. Are there any resolutions? Introduction of bills? We have some messages from the House.

SECRETARY:

A message from the House from Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted several amendments offered by the Governor with the following titles: House Bill 535, Senator Ozinga. 549, Senator Gilbert. 584, Senator Bruce. 1186, Senator McBroom. 1959, Senator Palmer. 1963, Senator Graham. 2006, Senator Sours. 2572, Senator Davidson. 2769, Senator Gilbert.

PRESIDENT:

Are there further messages? We have a resolution. Secretary will read the resolution.

SECRETARY:

Senate Joint Resolution Number 53. Introduced by Senator Partee.

SENATOR PARTEE:

I was hoping that at the time this resolution was discussed that there would be more members of the Senate here, so I just think, probably since I want to adopt it this morning and move it along that we probably should wait just a little bit longer into the proceedings before we move with it. Senator Coulson I see you are on your feet. I will tell you what it is about. It relates to the ethics bills, all of them, and it is a Senate Joint Resolution for a joint committee of the whole for the consideration of all ethics bills. I think in light of the fact that a lot of our members are slow getting here this morning we'll hold it until later in the day, but Mr. President if we could defer that, while I'm on my feet, I do have another resolution that I am asked to present. It is Senate Resolution 230. Now this is Senator Arrington's resolution

that he has asked me to handle. It is a congratulatory resolution for the Chicago Symphony Orchestra. Now such a resolution has already passed the House and it is felt that we should suspend the rules and pass this one this morning so that we would not get behind them in terms of presentation to the Chicago Symphony Orchestra, which most of you know have just returned from the presentation of 25 concerts in 15 cities and 9 foreign countries. I don't think there is anything controversial about it and I move for the suspension of the rules and immediate adoption of Senator Arrington's Senate Resolution Number 230 congratulating the Chicago Symphony Orchestra.

PRESIDENT:

Is there objection? All in favor signify by saying aye. Contrary minded. Resolution is adopted. All senators will be shown as sponsors of the resolution. Until a few more members get here let's digress from our...on Senate Bills on second. Can any of these be advanced or should they be held? Senator ParTEE you wanted to hold that one as I recall. 1266?

SENATOR PARTEE:

Yes, hold that.

PRESIDENT:

1272 and 1273. Should they be held too? Senate bills on third reading. Does anyone have a noncontroversial Senate bill on third reading? Or a House Bill on third reading that is noncontroversial? Well, let's go to the messages from the Governor then. Page 2 of your calendar. 67. 131, Senator Ozinga. 16. 576, Senator Baltz. 719, Senator Graham. 802, Senator Kosinski. On page 2 Senate Bills returned by the Governor. 802, Senator Kosinski is recognized.

SENATOR KOSINSKI:

Mr. President, honorable senators. In regards to bill, Senate Bill 802, I feel that an injustice has been done to the finest court reporters in the land. Thirteen states pay more than our state of Illinois. I had made a remark that the federal government was paying \$16,000 a year

that was at that time a conversation. This time it is official. The President did sign a bill for \$16,000 for their court reporters. But I think it would be fruitless for me to try to override the Governor. Though I knew that the budget did not have the money available, I felt sincerely and deeply that we could have gotten the money in some way to pay these court reporters. But I will yield to the Honorable Governor in his veto message and to the President of the United States who has frozen the salaries. I felt that after talking to the court reporters over the weekend, their officers, and that is the Illinois Court Reporters Association, they felt that we should try again in the next General Assembly. Gentlemen, and I'll make a motion to strike Senate Bill 802 from the calendar. I thank each and every one of you for your vote originally on that bill and on behalf of every single court reporter in the State, we thank you.

PRESIDENT:

Motion to strike from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 1017, Senator Groen. 1198, Senator Graham. Senator Graham.

SENATOR GRAHAM:

Mr. President, members. First I would like to get involved in a parliamentary inquiry. Mr. President.

PRESIDENT:

Yes, Senator Graham. I'm sorry.

SENATOR GRAHAM:

I would like to know if 719 as reconstructed now has been introduced and is on the way. It was the reconstructed 719 that was supposed to be introduced last week was pulled out?

PRESIDENT:

Senator Partee? 719 has apparently not cleared the Rules Committee yet, is that correct?

SENATOR GRAHAM:

It is still in the Rules Committee. I mean it is being worked upon

I hope. We're not dead on that one. All right then, I still want to pass on 719 that's on the calendar. And it with some reluctance as we talk about 1198 that I perhaps am going to do what I presume I should do at this time. Despite the fact that there has been a drive to feel that Standing Committees can accomplish all things, and in most cases they can accomplish many things, it was felt that a Standing Committee of the House or Senate might be able to involve themselves with a subject matter that should be covered under the provision of 1198 if it were adopted. This Commission on Technological Progress never set the world on fire, but we did do one thing. We established a line of communications between the state of Illinois and the National Science Foundation and the people in the national government who are responsible for keeping us informed with regard to the improvements in science and technology as it applies to state government. It seems as though that all that work has now gone down the drain, because we're going to adopt a new attitude. And if that be the case, then so be it. I happen to feel that in view of the fact that we don't have a science advisor, we don't have a commission or an active group actively participating in the scientific community with the national government and the state of Illinois now; that perhaps this bill should have been approved. That was not the case. So it's with a great amount of reluctance that I ask at this time that we strike Senate Bill 1198. And where we go from here I don't know.

PRESIDENT:

Motion. We need the motion in writing, incidentally, Senator Graham, too. We need it in writing. Motion to strike from the calendar. All in favor signify by saying aye. Contrary minded. Motion prevails. 475, Is Senator Baltz on the floor? 475, you just want to hold? Senator Baltz?

SENATOR BALTZ:

Mr. President, I thought we disposed of that the other day. I concurred in the Governor's adjustment on that. The line item that was

vetoed there, was incorporated in the Public Health bill.

PRESIDENT:

You just want it to stay on the calendar. There is no action necessary?

SENATOR BALTZ:

That is correct.

PRESIDENT:

1213, Senator Partee. 277, is Senator Fawell on the floor? 1216, Senator Carroll. Senator Carroll, 1216. 1098. Is Senator Bruce on the floor? Hold. All right. Senator Sours has indicated that House Bill 1951 on third reading; he would like to call at this time. House Bill 1951. Senator Sours.

SENATOR SOURS:

Mr. President and Senators, this is a bill in which Robert Stewart of Springfield who represents all the park districts of the state of Illinois has a deep interest. It stayed on the calendar last June 30th only because time ran out. There was nothing wrong with it then and there's nothing wrong with it now. I'd like to read just one paragraph from Mr. Stewart's letter which I received this morning. This bill is very important in that the present time, at the present time, all interest rates have been cut back to 5% and 6% because of the fact that this bill was carried over from June to the fall session. Many of our districts, meaning park districts, are having problems selling bonds under 5% general obligation and under 6% revenue. I would be most appreciative if you would secure the passage of this bill as soon as possible and get it to the Governor for his signature. With kind personal regards. The syllabus explains exactly what the bill does. Nothing more, nothing less.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I have no quarrel with the bill and plan to support it, but I

would like to bring to the attention of the membership because I for a moment thought that this was like a bill that was passed by the Senate. Apparently you did not have such a bill in the Senate. Is that right, Senator? So I am going to support this bill and I ask members on this side to do as they choose; it is not a issue of any party designation. But I would like to just take this moment to say to members that if there are bills on the House calendar which are of identical subject matter which has already been passed as a Senate Bill that we refrain from calling them. Now that would apply to bills that have been either signed by the Governor or vetoed by the Governor. And the reason for that suggestion is this; so that every concept that is embraced in a bill may have a run through this House and Senate and we certainly would get back to those bills but only if we have had the time to go through all the rest of them. I'm just saying that it is basically unfair to all of us, if a bill has been here as a Senate measure and we have acted upon it, to now run through a House Bill of identical nature unless we have gone through the rest of our measures. But this bill he says is not a bill which has been acted on by this body and I plan to support it.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I'm in complete agreement with what Senator Sours has said. As a matter of fact all of the park district bills, most of them originated in the House, particularly this bill, in relation to maintaining the 7% interest rate in order to facilitate the sale of these bonds. This bill was in our committee and was reported out do pass.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,

Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,
Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein,
Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,
Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski,
Vadalabene, Walker, Weaver.

PRESIDENT:

O'Brien, aye. Carpentier, aye. On that question the yeas are 42,
the nays are 2. The bill is declared passed. Are there additional
bills? Either Senate Bills on third reading or House Bills on third
reading that members would like to call? Senator Coulson.

SENATOR COULSON:

Do you want to try 2533? That's a Commission bill. Representative
Mann asked me to call it at the earliest opportunity and this does
seem to be that.

PRESIDENT:

2533.

SENATOR COULSON:

This creates the Lake Michigan Adjoining Lands Study Commission.
You have just seen two volumes of their very lengthy, comprehensive
report. It's a good Commission. I don't know what your feeling
is on it. I'll be happy to answer questions.

PRESIDENT:

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

SECRETARY:

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

Weaver.

PRESIDENT:

On that question, the yeas ...Senator Coulson?

SENATOR COULSON:

If I'm gonna lose it, I hate to lose the other man's bill with a short attendance here. May I have leave to postpone consideration?

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion to postpone consideration prevails.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, 2672 is a bill that was given to me by the Commissioner of Banks. The bill simply deletes the Bank and Trust company funds from the list of special funds, and the reason for the request is that the fund is no longer in existence. This is a house-keeping bill and I know of no objection to it. I would ask for a roll call.

PRESIDENT:

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

SECRETARY:

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

PRESIDENT:

Harris, aye. Soper, aye. Lyons, aye. Carpentier, aye. Baltz,

aye. Partee, aye. Saperstein, aye. O'Brien, aye. Bruce, aye. Arrington, aye. On that question, the yeas are 42, the nays are none. The bill is declared passed. Senator Groen?

SENATOR GROEN:

Mr. President, 2674. Under the existing law, in the state of Illinois, no one has authority to close a State or a National bank in time of emergency. Banks are required to publish the hours which they are open for business. In other states that have similar laws, where riots took place, and the banks were closed by the management of the banks, persons who suffered injury by reason of the fact that checks did not clear and so on, sued and recovered because there was no authority for anyone to close the banks irrespective of what the emergency might be. This bill has been asked for by the Commissioner of Banks so that in time of emergency, in case of riots in any given area, upon request of the management of the bank, the Commissioner can authorize the closing of banks in such emergencies. That's the background - that's the reason for the request. I recommend a favorable roll call.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I understand the Commissioner asked for this bill and the word riots is used and I can certainly understand how the Commissioner, under that kind of a situation, would want to have this power.

PRESIDENT:

Just a moment, please. Can we have some order over there please.

SENATOR PARTEE:

Now, the only thing is, and I suppose we finally have to put some faith and confidence in the Commissioner that he will use this law in only its intended manner; but there are a lot of other contingencies which are a part of this bill. Like fire and flood, earthquakes, hurricanes, wind, rain or snow storms, labor disputes and strikes,

power failures, transportation failures, epidemics or other catastrophies, shortages of fuel, housing, food. Now, I just think really, though, that we must be a little circumspect in giving the Commissioner the extent of this power. Now, when you just said "riots", in the context of what we expect or what we see today, I have no hesitancy and I have a thorough understanding of the real value. But, of all the other items delineated, I just don't know how the Commissioner could tell when there was too much rain to reopen or too much of a fire to reopen. I don't see where there are any specific guidelines for determination of extent of impact on the banking community before he would be authorized to implement this law. Now, maybe you could explain that. Maybe there is something I don't understand.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, I think you hit the nail on the head when you say we must repose some kind of confidence in the person who is going to make this decision. The question as far as the Commissioner was concerned was, "Shall the authority be given at the local level to allow any bank to determine that an emergency;" perhaps we should put quotes around that word; "but that an 'emergency' of some kind does exist wherein the bank should be closed for the protection of the depositors." It was decided that this might go too far. That a reviewing authority, so to speak, should in the first instance determine the request made by the local bankers and have the Commissioner then determine whether, in his judgment, a sufficient cause exists -- that the deposits of money and the safekeepings of the trust company, for example, might be in jeopardy by reason of the physical conditions that exist at any particular given time. When it was discussed with me, I felt that this was a better answer than to give unlimited authority to every bank or banker in any area in Illinois to make this determination. I think the safeguard is built in that the request must come from the

local level, and then a determination made by the Commissioner whether that request is in fact a valid request. The bill was amended to require that the closing, the authority for it, be posted on the main doors of the bank so that the public would be advised and know of the reason therefor. Frankly, I can't conceive of the kind of thing where too much rain or something like this...I think this would be certainly an arbitrary abuse of discretion on the part of the Commissioner. I can't imagine, for example, a bank wanting to close under those conditions. That's about all I can say.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Now, is there anything here that would foreclose any legal right that is now available to the President of a bank to test or appeal any decision of the Commissioner.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, my answer to that would be: as far as I know there would be no impediment of any right on the part of the Commissioner or on the part of the local authorities to appeal that right. The odds are that by the time the appeal was made, from a practical standpoint, the emergency would have passed and a practical decision would have been made by time, in effect. But, to answer your question "no" there is nothing in the bill that would prevent local authorities from questioning, through proper legal channels, the decision of the Commissioner regarding this matter.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. Senator Groen, you said that you couldn't imagine any reason that could occur that a bank would

prefer to stay open rather than close during these pendent emergencies which, in my opinion, are very broad as stated by Senator Partee. This is a very broad section as to what constitutes an emergency. Even have in here, in the event of a snowstorm. Why a bank should close or call that an emergency in the event of a snowstorm is something that I can't understand. But I can conceive of a situation where a bank is in jeopardy with its assets and perhaps their liabilities are so great that they would prefer that depositors whose money is in this bank to come in and ask for the return of their money and they certainly have a right to do that as long as a bank remains open. What you're gonna do by this bill is to prevent a person who has money in a savings or checking account from coming in and getting his money out. I think this is only a bill that certainly doesn't have the best interests of the people whose money is in this bank, but rather for the protection of the banker. And I don't think we ought to be concerned with the protection of the banker where a person wants to get his money out of that bank and that bank should and must remain open for those purposes. I would be inclined to oppose this bill for those reasons.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, in response Senator Cherry, the mentioning of snowstorms, for example, -- you take a small downstate community may have a bank that has 3 people or 4 people or even 5 people as its total work force. Now, suppose, 1 of those people can get, in the case of a violent snowstorm; and certainly Chicago has had storms of that nature where transportation facilities are completely impossible to use, where highways are clogged and people can't get to work. Now, if 1 person should get to the bank and open the bank for business, it sets the place up, certainly, for potential robbery of that bank. I can't see how you can twist the intent of this bill to favor anyone but

the depositor. It says that it shall be only in the case of an emergency; and then only when the local bank determines that, under the emergency conditions that exist, it can't open its doors or it's unsafe to open its doors. They then request permission from the Commissioner of Banks to temporarily close it. The Commissioner determines how long it shall be closed and when it shall reopen its doors for normal business. It seems to me that it's a safeguard that is needed, both from the standpoint of the bank, from the standpoint of the depositors of the bank and I see nothing wrong with this bill. I think it's a good bill. It will clear a situation that exists where local bankers simply have no authority to act at all and it seems to me that adequate safeguards are built in and I would recommend a favorable vote. Certainly, if you find that any abuse of discretion takes place, certainly this Legislature can then take action; but I don't believe we can assume that, under these conditions, that either local banking people or the Commissioner of Banks is going to abuse the kind of discretion that is given and authority that is given to him under the provisions of the bill.

PRESIDENT:

Senator Savickas, do you wish to be recognized on this.

SENATOR SAVICKAS:

No, I'll...

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, in moving to postpone consideration, I can't understand how this bill cannot obtain one single vote from the other side of the aisle. To Senator Cherry and also to Senator Partee, I invite your constructive criticism in the form of amendments to this bill that would put it in a form satisfactory to you. Certainly, a problem does exist. It's a problem worthy of our consideration and our attention and I would hope that before the end of this session you will submit to me amendments that I certainly will accept, and I am sure the Commissioner will accept, to put this bill in a form that we can provide the safeguards and the safety for the public that the public is entitled to have. I solicit your earnest and serious consideration of this problem and its solution. I move to postpone consideration.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying "aye". Contrary minded. The motion prevails. Senator Davidson is recognized for HB 1684.

SENATOR DAVIDSON:

HB 1684 is a Commission bill and Representative Kenneth Miller has requested me to have this bill called. This is in regards to the Illinois-Mississippi Hennepin Canal, which is a Commission that has been in existence for some 20 years. He told me he had a conversation with the Governor and the Governor was very much interested in this project and, that if this measure was passed, he would sign it. Now, they have taken this land over which has been in process of coming from the Federal government to the State for many years. Now, that it has been taken by the State and the Conservation Department has full charge and now the Federal government is now allocating so many millions of dollars along with it, this Commission is vitally

needed to supervise the final workings of this project and I would solicit the vote - a yes vote - on 1684.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes.

PRESIDING OFFICER: (Senator Egan)

Senator Horsley.

SENATOR HORSLEY:

I simply do not understand the silence on the other side of the aisle. Now, Senator Davidson has a good bill, here. There are a lot of us who are interested in sports, boating, fishing, developing this area. And we're gonna get a lot of money from the Federal government to do it; but I simply cannot understand your reluctance to vote for his bill. I just don't understand it. I wish somebody would stand up and give me a reason why you should vote "no". I haven't heard anybody tell me that. There's a lot of Federal money involved. We got a problem here that we are going to solve for people in the State who love to fish, who love to boat, who love these things. I want to vote "aye".

SECRETARY:

Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDING OFFICER: (Senator Egan)

Senator Baltz. Senator Baltz.

SENATOR BALTZ:

Mr. President, how am I recorded? The Illinois Michigan Canal is very much as Senator Horsley said. Its a real historic piece of property that the government has turned over to the State of Illinois a number of years ago and we are trying to determine its greatest and highest and best use. And this Commission, supported just by \$7,500 is certainly a worthwhile Commission and certainly ought to be supported and this bill should get enough votes to pass. It's a real bargain for the State.

PRESIDING OFFICER: (Egan)

Senator Davidson, did you ask to poll the absentees?

PRESIDENT: Saperstein, aye. Course, aye. Egan, aye. Swinarski, aye. Lyons, aye. Cherry, aye. Kusibab, aye. Savickas, aye. McBroom, aye. On that question, the yeas are 42, the nays are 1. The bill is declared passed.

PRESIDENT:

614. Senator Mitchler?

SENATOR MITCHLER:

Mr. President, members of the Senate. HB 614 amends the Illinois Civil Defense Act. What it does, it changes the name Director of Public Safety to Director of Law Enforcement to conform with that new Code Department and adds the Director of Local Government Affairs to the Advisory Board of the Illinois Civil Defense. I would ask for a favorable roll call.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwell, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Senator Mitchler, this Director of Local Government Affairs is going to take on a new duty here and be a Director of the Civil Defense Advisory Council. Is that correct?

SENATOR MITCHLER:

Yes, Senator. The Director of Local Government Affairs is added to the list of the various Code Departments that are members of that Advisory Council of Civil Defense.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I hope you will suggest to him that he confine his duties to this new job and that he not send out press releases for you like he did on that EPA thing. Remind him of that, would you. I vote aye.

SECRETARY:

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

PRESIDENT:

Hall, aye. Carpentier, aye. Donnewald, aye. For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

In explaining my vote, I'm going to vote aye; but I'd like to inform the President Pro Tem that the Director of Local Government Affairs I don't think sent out any press releases or letters or anything in connection with the Anti-pollution Bond Act. Your staff has misinformed you, that was the Environmental Protection Agency that did that.

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

Well, I've changed my mind. If he was going to talk any longer, I was going to change my vote to no. So, I'll leave it aye right now.

PRESIDENT:

On that question the yeas were 39, the nays were none. The bill is declared passed. 615. Senator Mitchler.

SENATOR MITCHLER:

Mr. President and members of the Senate. House Bill 615 is another one that was carried over that didn't have an opportunity to be called. This is sponsored by Rep. Carter in the House and this increases the maximum amount payable by the Illinois Veterans Commission for deceased Veterans' headstones. It increases the amount from \$15 to \$30 is the maximum amount that could be paid by the Veterans' Commission for deceased Veterans' headstones. I might point out that the amount paid varies in different areas. For example, in rural areas, the \$15 allowance represents about half the cost of placing the marker. In cities the charge for setting a marker ranges from \$65 up to as high as \$125, and this is recommended by the Illinois Veterans' Commission. It's a bill that has the endorsement of all the Veterans' organizations, and I would certainly ask for a favorable roll call.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Kosinski, aye. Johns, aye. O'Brien, aye. Cherry, aye. Car-

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pentier, aye. On that question the yeas are 44, the nays are none.

The Bill is declared passed. 618. Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate. Senate Bill 618 is a bill relating to a problem that a community in my district has. Palos Park. They have a piece of property that's surrounded by the Village of Palos Park on three sides and the Forest Preserve on the fourth side; and they would like to have the wherewithall to bring this into the Village so that they can conform with the sanitary rules of the Village. At the present time, this Section of the statute provides that one or more municipalities that has a river or a lake or a boundary of the State of Illinois can annex by passing an ordinance, and this would provide that a municipality that is surrounded on three sides with a Forest Preserve on the fourth side could, in the case of 60 acres or less, which is the present law. This Bill was up last spring. It came out of Committee, but it didn't have time to be considered, and I don't think there is any particular controversy about it. I've talked to Senator Dougherty about it and Senator Walker on this side, and I would appreciate a favorable vote.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry.

PRESIDENT:

Senator Cherry?

SENATOR CHERRY:

Senator Clarke. I don't have the Bill before - I have the Bill but I haven't looked at it. I wasn't aware of the fact that it was going to be called. Does this provide for referendum or does this provide for the mandatory annexation in the event a municipality seeks to annex up to, what is it, 60 acres?

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

No. As I indicated, there are various provisions, at the present time, in this Section, where a municipality surrounds a piece of land or it's bounded by a municipality and a river, or a municipality and a lake, or a municipality and a boundary of the State, that they can by ordinance incorporate into the Village, the property, and it's limited. At the present time, the statute says 60 acres or less. In this case, it happens to be about 40 acres. It's not a referendum because it's owned by one person, but they don't want to conform in terms of sewage and various other things and for the health and welfare of the community, it would be better if it were a part of the community.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Supposing a municipality does not have the problem of sewers or water, and supposing, arbitrarily, the one of the municipalities wants to annex 60 acres or less of another parcel of land and incorporate that in their community.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Well, of course, it would have to be unincorporated, but it would also have to meet the specifications set out. It would have to be surrounded by the municipality on three sides and on the fourth side, by, in this case, a Forest Preserve. In the case of the present law, they can now do this if it's surrounded on three sides by one or more municipalities and a lake, say, or a river or a boundary of the State. That's the law at the present time. So, this is a very exceptional situation.

HB 2047
10-18-71
3rd Reading

PRESIDENT:

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

SECRETARY:

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

PRESIDENT:

On that question the yeas are 38, the nays are 2. The Bill is declared passed. 2047. Senator Rock.

SENATOR ROCK:

Yes. Mr. President and members of the Senate. House Bill 2047 was recommended by the Judicial Advisory Council, and it was sponsored in the House by Rep. McDevitt. It's a very simple one-paragraph bill, but it has a tremendous substantive impact on the State of Illinois. The new Constitution of 1970, in Article XIII, Section 4, says in one simple sentence. "Except as the General Assembly may provide by law sovereign immunity in this State is abolished." Now what we propose to do with House Bill 2047, and I will read the bill in its entirety, if you please. "Except as provided in an Act to create the Court of Claims to prescribe its powers and duties and to repeal an Act herein named, filed July 17, 1945, as amended. The State of Illinois shall not be made a defendant or party in any court. Section 2 provides that this Act shall take effect on January 1, 1972, which is the date that that Constitutional provision Section 4 of Article XIII also takes effect. The impact of this, in my judgment, is extremely significant. If the General Assembly does not act and act in such a way as to make this law effective January 1, 1972, it seems to me that the State of Illinois will in every Circuit Court in this

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HB 2047

State be subjected as party defendants to all types of lawsuits, which are now, and have heretofore been handled by the Court of Claims. Now just recently there was the Smithhart Annotated Statute pocket part came out concerning the new Constitution, and with your indulgence, Mr. President and members of the Senate, I'd like to read a quote from the annotators, that the Committee on General Government of the Constitutional Convention, and I quote: "The Court of Claims Act and the Tort Immunity Act would continue in force as neither is inconsistent with the committee proposal. The committee proposal being to abolish sovereign immunity; however, if the Legislature seeks to preserve the existing pattern of governmental liability, the only implementing legislation which would be necessary is an admendment to the Court of Claims Act making it the exclusive remedy against the state." That, in substance, is what House Bill 2047 accomplishes. Now it seems to me in my judgment, that if in fact we fail to enact this statute or something similar prior to January 1, 1972, we are going to throw the state of Illinois, effectively, into litigation chaos. Nobody will know where the state, if it is to be sued, where it is to be sued. And I suggest to this Assembly that we should, in fact, re-empower or reconstitute the Court of Claims.

SENATOR COULSON:

I didn't mean to take away from Senator Laughlin. I would defer to him. I would urge the members on this side of the aisle to concur in that sentiment. I think this is extremely important. I think it should be acted upon now. If you later decide that you wish to waive some of this immunity, we can do it piecemeal in future sessions, but meanwhile, we had better get the cork in the bottle while the genie is still in the bottle. And I would urge you to vote in favor of this.

PRESIDENT:

Senator Laughlin...The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

It is my feeling that this bill violates the intention of the
Constitution which was to truly abolish the immunity of the State.
Here, we have not, in a sense, truly abolished it, where there can be
trials by jury of these issues concerning fault of the State of Illinois.
This is an attempt to abort what the people who sponsored this in the
Constitutional Convention intended; I therefore find it necessary
to vote no. I feel that the Court of Claims should be abolished and
that we should have one common court of single jurisdiction. That was
the purpose of the Judicial Article in 1962 with respect to most claims
and why claims against the State of Illinois should be treated
differently and some young lawyer should have to look around for a
forum where he can start a lawsuit, I don't understand. I think this
definitely aborts what the intention of the framers of the Constitution
intended.

SECRETARY:

Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,
Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith,
Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Romano, aye. Request for a call of the absentees.

SECRETARY:

Baltz, Carpentier, Collins, Fawell, Knuepfer, Latherow, McCarthy,
Mohr, Newhouse, Ozinga, Rock, Sours, Savickas, Smith, Swinarski,
Walker.

SB 2048
10-18-1971
3rd Reading

PRESIDENT:

Sours, aye. On that question, the yeas are 43, the nays are 2. The bill is declared passed. 2048. Senator Johns moves to reconsider, Senator Romano moves to table. All in favor of the motion signify by saying aye. Contrary minded. Motion to table prevails. 2048, Senator Rock.

SENATOR ROCK:

Mr. President and members of the Senate, with leave of the Senate, I would ask that we consider 2048 and 2049 on the same roll call.

PRESIDENT:

Is there objection to that? Leave is granted.

SENATOR ROCK:

Each and both of these bills transfer a function that was heretofore exercised by the Attorney General to the Court of Claims and it provides for the investigation and disposition of claims. Now these bills were submitted again in the House by Representative McDevitt, and the Judiciary Advisory Council at the behest and request of the Attorney General and they came over here. The money has been appropriated. It will just be a simple matter of transferring it into the Court of Claims. It is a special fund and the Attorney General's office does not wish to provide this function anymore. I would ask for a favorable roll call.

PRESIDENT:

Secretary...Secretary will call the roll. For what purpose does Senator Berning arise?

SENATOR BERNING:

I would just like to ask the sponsor a question about the appropriation. This does carry a \$200,000 appropriation? Did you say that this is covered by another appropriation?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Senator, the Attorney General's appropriation bill, which we passed, does carry this as a special line item. Now, I am told by the Attorney General's office that if this bill passes, the money will just be transferred to the Court of Claims for their disposition. We had an amendment to do it earlier, but this bill was held over until the fall.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Senator Rock, would you respond to a question? If you'll recall, we passed a bill amending this Compensation Act to include certain people that work in the penal system; wardens, guards, educators, this type of thing; and it would seem to me, in the amendment of the Act, this syllabus, at least, should include those people. Would...Does this just confine itself to ^{police} police and firemen? I thought we incorporated my bill into that Act.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

As I recall, Senator, you are correct. We did enlarge the scope of this bill. Frankly, I think that what would happen or will happen is that all that this changes is now, instead of whoever is encompassed by this bill being paid by the Attorney General, they will be paid or investigated by the Court of Claims. I don't think it will have any substantive effect on your bill which was passed.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski.

PRESIDENT:

Senator Knuppel. Senator Knuppel.

SENATOR KNUPPEL:

Here, again, we are putting more duties in the Court of Claims. We are creating a monster which we are going to have to, at some later date, destroy. It is not, and never was, intended to continue as a viable body. It's the fifth leg on the wheel of justice and...the fifth leg on the mechanism of justice, and has no place in the new concepts thereof. It just doesn't make sense to take duties away from other officers and lodge them in this body, which is probably unneeded and inappropriate. I vote no.

SECRETARY:

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

PRESIDENT:

On that question, the yeas are 44, the nays are 2. The bills are declared passed. 628, Senator Walker. 628. You want to hold that? 813, Senator Mitchler. Is Senator Mitchler on the floor?

SENATOR MITCHLER:

Mr. President and members of the Senate, House Bill 813, sponsored by Representative Schoberlein in the House. This amends the Fees and Salaries Act. It sets the rates for copying the court documents on the basis of the number of pages in the original being copied, rather than on the number of photocopy pages. This has been asked for by the Clerks of the Circuit Court, particularly, in my district, and has the approval of the others because it gives them the full value in the copying, in the new copying method that they have with the Xerox machines and so forth, not necessarily just Xerox machines, but the duplicating machines that they have to provide these to the attorneys and other persons who want copies. I'd ask for a favorable roll call.

PRESIDENT:

Senator Partee. Just a moment. Let's have some order. Please. If we can, over there on the right-hand side. Gentlemen, let's clear the floor for conferences. Senator Partee.

SENATOR PARTEE:

I'm not going to ask who wants this bill; I think you said. But, Senator, are you setting a different rate for a copy of an original document which comes out as a result of carbon paper in contrast to a copy which comes as a result of being photocopied by a Xerox or comparable machine? Is that what the bill does?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

In explaining it, some of the machines that they have now, Senator, they can put more than one page on a sheet and when it comes out at the end of the copying machine, more than one page is printed and then they just cut it. They'd like to just charge for the one page rather than as it is now, they have to charge them for every page. Sometimes they get up as high as 4 pages on one copy turnover and instead of charging them for 4 pages of the original document, they just charge them for the one page that comes out. See, they can lay more than one page on the machine that they have that they're using to copy and then they merely pay for one page that's gone through the machine rather than 4 pages of the original document.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I guess really what I want to know is, does this decrease the cost to the person buying it or does it increase it?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

It is my understanding that it decreases the cost to the person buying it and there is no increase of cost to the Circuit Clerk that is duplicating it because he does turn out just one copy through the machine. Like, it would cost 25¢ a copy on the rental basis. It's just 25¢ a copy, but he's able to shoot out 4 pages at one time.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Will the sponsor yield to another question?

PRESIDENT:

He indicates that he will.

SENATOR ROCK:

I'm sorry, Senator, if you will, I think I lost you there. As I understand it, if in fact I go to a clerk and want to get copies, he is now authorized to charge me 25¢ per copy, per page copy. Now, in this bill, let's assume in that instance, in my hypothetical, he is able, by virtue of whatever type machine he has, to put 4 pages of the original on one page. Now, I would get that one page, as it stands now, for a quarter. Under this bill, for that same page, I would pay a dollar. Is that correct?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

No. Under the old method, you would have to pay a dollar because you were getting 4 pages from the original document. But now you would pay just for the one sheet that comes through, the original 25¢. You've just got one sheet, although it actually has 4 pages on it. That's the way it was explained to me.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

I think, Senator, if I'm not mistaken, you may just have it back-

wards. I think what the clerks are after is that if they have, for instance, a 25 page will that's on shorter paper, and they're able to put two pages on a photocopy page, they want to charge for every page of the original that is, in fact, copied, even though you are only getting one photocopy.

PRESIDENT:

Bill will be held. 1149. For what purpose does Senator Neistein arise?

SENATOR NEISTEIN:

Is it possible to get a copy of the explanation that Senator Mitchler just gave of that bill?

PRESIDENT:

25¢ a copy.

SENATOR NEISTEIN:

Is our tape recorder working?

PRESIDENT:

It is working. 1149, Senator Walker.

SENATOR WALKER:

Thank you, Mr. President. House Bill 1149 requires that units of local government, except counties and school districts, register their elected or appointed officials with the State Department of Local Government Affairs and the State Superintendent of Public Instruction. The purpose of the bill is to provide a central source of the names of local government officials and it is supported by both the Director, Bob Linnhausen, of Local Government Affairs, and the State Superintendent of Public Instruction, Mike Bakalis, and I would appreciate your support.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Senator Walker, does the Secretary of State presently have this information available?

PRESIDENT:

Senator Walker.

SENATOR WALKER:

I think perhaps the Secretary does, although, as I understand it, the officials are not registered with any local group or agency and that is the reason that this requires them to register with, turn them over to the Department of Local Government Affairs. It has the support of Linnhausen and also Mike Bakalis, so apparently it's a good bill. It's supported by both sides of the fence, so to speak.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, it just seems like we're requiring some of the local governments again to make another filing with yet another agency, and since this is available through the Secretary of State already, I'll vote no.

SECRETARY:

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

PRESIDENT:

Harris, aye. Carpentier, aye. Weaver, aye. Merritt, aye. On that....Senator, you wish to make any motion here, Senator Walker?

SENATOR WALKER:

Yeah. I'll give it another flier in a day or two. Postpone consideration.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion prevails. 1858, Senator Mitchler. Senator Mitchler.

SENATOR MITCHLER:

Mr. President and members of the Senate, House Bill 1858 is a bill to revise and up-date the Soil and Water Conservation Districts Law and to repeal the Act approved July 9, 1937. The new Act deletes all obsolete terms and enables the Soil and Water Conservation Districts to carry out the responsibilities pertaining to land and water set forth under the Environmental Protection Act. It also includes all territories in their district except corporated areas of 1,000,000 persons or more. This bill is the combined efforts of the Department of Agriculture, the Association of Illinois Soil and Water Conservation Districts, and other interested persons. At the 22nd annual meeting of the Association of Illinois Soil and Water Conservation Districts, held July 27, 1970, in Springfield, they adopted the following resolution: That authority be given to the Board of Directors of the Illinois Association of Soil and Water Conservation Districts to study and present legislation that will enable districts in Illinois to fulfill their obligations in Environmental Protection. I would ask a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Savickas.

SENATOR SAVICKAS:

I'd like to know why you had to put in the language to borrow money and issue bonds for these conservation districts?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Having the language on page 3, to borrow money and issue bonds and pay for such by special assessment, was put in because they felt that they needed this additional revenue in order to carry out the functions of the Soil and Water Conservation Districts, as given to them under the law.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I didn't quite get that. Would you repeat that?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

On page 3, the language "to borrow money and issue bonds and pay for such" inserted into the bill, would give this authority to the Soil and Water Conservation Districts in order to provide them with the necessary means of raising the revenue in order that they may conduct the business as delegated to them under the Soil and Water Conservation District Laws Act.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, doesn't the present law allow them to construct, maintain, and operate works of improvement? Now, why, after all these years do they have to borrow money. And isn't this, really, what I'm a little concerned about, in Section...line 16, of page 3, it calls for when a majority of the landowners in a proposed sub-district who also own a majority of the land in such sub-district desire that the sub-district be organized they shall file a petition with the Directors of the district. The area included in the petition need not be contiguous, but shall serve compatible purposes. Now, this language that was put in that it doesn't need to be contiguous, it would seem to me that landowners then can float bonds through this Act to improve

their own property and have the whole Conservation District pay for these bonds. Can you explain that to me Senator?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

The Soil and Water Conservation Districts are already organized statewide. They're governed by locally elected directors who, you might say, truly represent grass roots or local control. Now they would be responsible for the administering of any of the revenue that they have, subject to the will of those who elect them locally. I might add that Soil and Water Conservation Districts have a background of at least twenty to thirty years experience in the environmental protection field. Something that many of the newer agencies are just now getting into. But, they've actually dealt with what you'd say soil and water conservation. They have access to much valuable information and assistance from both the Federal, State, and local agencies and because of this "know how", it is in the field of natural resources; planning and includes soil surveys, interpretations of various uses, they utilize the geological, the hydrological and vegetive information; they are able to conduct these programs. They have been conducting them, and this would just give them the necessary funds and the manner of raising the funds to do a better job. They're asking the authority from the Legislature.

PRESIDENT:

Senator Rock. Excuse me. Senator Savickas, did you have the floor?

SENATOR SAVICKAS:

Yes, I've got a few more item. I'd like to know just how many other agencies are doing the same job and if the Department of Conservation is in charge with doing the same job? The other question, Senator, I would like you to answer also, is that you talk about "grass roots" representation; how many people are involved in voting and electing

these here conservation officers, or conservation directors? How many people are in these districts? Two or three or four? Just how many people are we talking about? And how many districts are there in the State of Illinois?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

I don't, Senator, I don't have the exact number of districts in the State of Illinois or the population that each district encompasses and therefore could not intelligently reply to your question as to the number of people that are involved in actually electing the officers of the number of districts of Soil and Conservation that we have in the state. That information is available, though, through the Soil and Water Conservation people. It's in reports and I'm sure we all have somewhere buried in our files.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Would you answer the other part of the question then. How many other agencies are charged with doing the same type of work and if the Department of Conservation isn't already doing this work and this is just a duplication?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

No, I would say that the Department of Conservation is not doing duplication of the Soil and Water Conservation activity. I might say that, just definitely that they're not, because the Soil and Conservation Districts are going through with projects that the Department of Conservation hasn't even thought of getting into.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, Mr. President and members of the Senate, I think there is a time when we are going to find that we have too much government over which the people have and exert no control. I have no quarrel with the concept of conservation districts and Soil and Water Conservation Districts, but I think the people ought to have a little more to say about the money that's being spent, money being appropriated, for funding by bonding. We've heard over and over and over again that there will be no new taxes. No, no new taxes, but every single avenue is open to funding by bond issues. Now bond issues are, in effect..., the effect of them are taxation. Now actually, these things don't get paid for by manna from heaven. They get paid for by taxpayer's money. Now, we said we'll have no new taxes, but first we have the anti-pollution bond issue for \$750,000,000, then our highway bond issue, our airport bond issue, now another one. Now if you think this is as salutary as you say it is, if you think that the people can't get along without it, why don't you try to fund it by direct taxation? Why are you trying to fool the people that it doesn't cost them any money because it's by bonding. And somewhere along the line, the people are going to wake up and they are going to realize that all of these matters have to be funded by taxes and by their tax dollars. I see no necessity for this. We have several other agencies that are handling matters in this vein and until you can make a better case for this money and this kind of funding, I'm going to vote no.

PRESIDENT:

Is there further discussion? Senator Mitchler may close the debate.

SENATOR MITCHLER:

Senator, I could not agree more with the philosophy that you just expounded. I think that the sooner all of us in this body and the House across the rotunda would follow the basic principle of the philosophy that you just spoke of; that the people are just about fed up with the taxing and the bonding without giving the authority. I think this

points out downstate whenever we put up a school bond issue, they vote against it merely because they're against acquiring any new or additional taxes. For that reason, just out of respect to the sponsor of this bill in the House, Representative Ben Blades, who I know all of us have the highest respect for, I'm going to ask that the bill be held and get instructions from him as to what disposition he wants for it because I know if I called it for a vote, I think I can predict the outcome of that vote. And just out of respect to the sponsor in the House, I'll ask him and explain to him exactly the feelings and then it will go up or down. So I'd like to hold the bill.

PRESIDENT:

The motion is to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Bruce.

SENATOR BRUCE:

Just a point of inquiry. This bill as held and postponed after lengthy discussion in June, about June 25th; and now we're back here in October and we've discussed it for probably 20-25 minutes and now it's postponed again. At what time does the sponsor..., can he no longer call a bill, have it discussed, and not go to a vote?

PRESIDENT:

Well, the bill to my knowledge, was not placed on postponed consideration...well, no. Senator Mitchler requested that it be held, but once you call a bill, you have to move to postpone consideration. Now, to my knowledge, it was not taken from postponed consideration and put on third reading; this is not the second time we've move to postpone consideration.

SENATOR BRUCE:

No, but we talked about it.

PRESIDENT:

We can only ... The rules are that "A motion to postpone further consideration or to suspend a roll call on a bill or proposition may not be made more than once on the same bill." Senator ... Senator Mitchler.

SENATOR MITCHLER:

Whatever way we want to do it is okay with me, Mr. President, but what I want to understand, that before a roll call is taken it's my understanding, Senator, now I want to be fair about this, if a roll call has not been started, a Senator always had the privilege of saying he'd hold the bill and I think that's been done already today. Once the roll call is started and the Senator wants to stop it, not have the vote announced, then he asks that it be put on postponed consideration. Now, if I'm wrong, I'll go along with whatever rules want, but then I believe that some of the ones that we have previously, even today, should be treated in the same manner and put on postponed consideration. I called one earlier and it was held. It wasn't put on postponed consideration.

PRESIDENT:

I think the Senator is correct, that until the roll call has started you can hold it, but once roll call has started, then you can... then it's motion to postpone consideration. The motion to postpone consideration can only be made one time on a bill. Senator Bruce.

SENATOR BRUCE:

Then my explicit question is, how many times, after debate has been entered into, may a sponsor hold a bill?

PRESIDENT:

The Chair would rule that holding a bill is a matter of unanimous consent and that technically a motion to postpone consideration would have to be made. Are there further bills that members wish to call? Is there . . . Senator Sours.

SENATOR SOURS:

Mr. President, House Bill 2897.

PRESIDENT:

House Bill 2897. Senator Sours.

SENATOR SOURS:

This bill states that the Board of Election Commissioners is not a unit of local government within the meaning of Article 7, Section 8

of the new Illinois Constitution. Now in the State of Illinois at the present time, I think there are 8 or 9 municipalities where there are election commissioners. There may be some question under Article 7, Section 8, whether the Circuit Court can still appoint, for example, the Peoria City Board of Election Commissioners. This bill states that the Board of Election Commissioners is not a unit of local government. The bill affects only 11 cities on the list that I have here, and it does include Chicago.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I don't want to talk about it.

PRESIDENT:

Is there any discussion?

SENATOR CHERRY:

...I'm just against it, that's all.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I wonder if the Senate would postpone this bill for a little while until we can take a good chance to take good look at it, will you? Postpone it please?

PRESIDENT:

Senator Sours indicates it will be ...Senator Sours.

SENATOR SOURS:

I'd like to make just this one comment. This simply eliminates any possibility of some court construing that it..., that the Board of Election Commissioners is under that particular section of of Article 7.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I would like to take a good look at it and have it spelled out to satisfy myself that we are correct in that assumption.

PRESIDENT:

It will be held. Are there other bills members wish to take up at this time? Senator Rock.

SENATOR ROCK:

Yes, Mr. President, members of the Senate. As long as we're in an attempt to clean up the Calendar here, I have House Bill 1197.

PRESIDENT:

1197, Senator Rock.

SENATOR ROCK:

This, Mr. President, members of the Senate, is an amendment to the Consumer Fraud Act and it amends specifically Section 2b of that Act, which as everybody here knows, is the three day cooling off period. I am told by the Attorney General's office that the experience they have been having thus far while its obviously very salutary to give the consumer who is subjected to an unsolicited door-to-door sale, the option to cancel within three days. Unfortunately, many of the consumers are not aware of the provisions of this statute. Now Representative Matijevec in the House proposed the bill and it passed the House and what it does is amend that Act and say that at the time the sale is made or the contract is signed, the salesman shall furnish the buyer with a written receipt or contract containing a notice of cancellation informing the buyer that he may cancel the sale at any time within such three days. Such written notice of cancellation may be sent by the buyer to the seller to cancel the contract. Now it was my experience in that office that many ..., when this law was first enacted and the three day cooling off came into effect, that many of the door-to-door sales companies did, in fact, include this provision in their written contracts. There are unfortunately many, and I'm talking specifically about the magazine people, who did not include this.

Consequently, Representative Matijevich has called for a specific notice informing the buyer that such a law is in existence. This bill has been endorsed by the Consumer Federation of Illinois, the Chicago Urban League, the National Consumers Union and various other consumer interest groups throughout Illinois. There was one amendment which was offered. The bill did one other thing. It said, "Where merchandise is sold or contracted to be sold" and it deleted that provision which called for having a cash sale price of \$50 or more. Representative Matijevich and these consumer interest groups also wanted to delete any cash limitation. It was my judgment that that was a little bit harsh when you're talking about people like the Fuller Brush Company and the Avon lady so that we have..., I did amend it and Section 2b now reads, "Where merchandise having a cash sale price of \$25 or more is sold or contracted to be sold.", so that we will not inhibit the legitimate door-to-door sales people nor really will we inhibit any of them as long as they comply, and really all the law says now we're lowering it from 50 to 25 and we're also providing that they shall let the buyer know of his rights. I would ask a favorable roll call.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Senator Rock, one question that comes to mind as you refer to your amendment. For merchandise having a cash sales price of \$25 or more is sold...Now if the Fuller Brush man comes, and he comes to our house, and you have a series of items; sometimes your purchases may total more than \$25 and sometimes they may not. Does this mean \$25 per article, or does it mean the total sale made at a given time?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

No, my understanding would be, as the law was first enacted, that

it would 25 in a single transaction. So whether you bought five \$5 brushes or four \$5, it would be that single transaction.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Senator Rock, I wonder if in the case of a feed or seed salesman, that in the case of a feed salesman in particular, we say, "You dump it in the feeder," and he does. Delivers it the next day, then the next day you decide, "well, that wasn't exactly the way I understood it." So I call him up and I say, "You come and take it back". I also have the illustration of a seed salesman, and many times one sack of seed may cost well over \$25; and I open this sack and I see that it's not the seed that I actually wanted, I say, "Well come and take it back". What position are we in? Is the contract voided then and so on?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Senator, you've got me at a little bit of a disadvantage. I have never purchased seed in my life; but it would seem to me, (1) Do these types of salesmen come unsolicited? I want to find whether they are covered by the Act as it presently stands. (1) Do they come unsolicited and (2) how much seed would you buy at one crack? Would you buy more than \$50 worth?

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Many times I might say, in the element of feed, a lot of this is done by contact. I'd say in one major feed industry probably 95 percent of their business is done without somebody calling them up and saying "I wish you'd come out. I want to talk to you." And also in the element of seed, there's many people in the rural areas that may spend up to 4 or 5 thousand dollars for one seed product.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

I can appreciate that, Senator. My . . . the thrust of my inquiry was, do you know, in fact, are they covered by the law as it presently exists? See, all this does is make two changes in the law as it presently exists. One change being, it lowers the cash or contract sale price from \$50 to \$25; the other being that now the buyer is required to furnish written notice of the buyer's rights which heretofore he did not have to do. We presumed that the buyer knew his rights.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

I wonder if it would be agreeable with you to hold this until tomorrow. You and I discuss this a little. I would like to think about the possible ethics that there might be in this legislation, Mr. President.

PRESIDENT:

Bill will be held. Senator Mitchler is recognized for the purpose of tabling a bill.

SENATOR MITCHLER:

Real fast. House Bill 1858. I move that House Bill 1858 be tabled, and in explaining it, the Soil and Conservation group had Representative Blades file a new type of bill that does something different, and the sponsor has no objection.

PRESIDENT:

Motion to table 1858. All in favor signify by saying aye. Contrary minded. The bill is tabled. Are there other bills? Senator Berning.

SENATOR BERNING:

Yes, Mr. President and members of the body. I would like to call House Bill 1088 as amended. This, I think is the final bill in the Spanish Speaking Peoples Commission package of bills and the only

reason we didn't take action on it during the regular session was, as you know, that time ran out. This bill provides for the taking of written or verbal examinations, excepting where the English language appears on facsimile of road signs, may be given in the Spanish language and at the discretion of the Secretary of State in any other language. This is designed again to stimulate and help the large segment of our Spanish people, citizens, who are in the process of acquiring facility with the English language; but in the meantime, must be able to conduct themselves effectively in our society. I know of no opposition to the bill and I would appreciate a favorable roll call.

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

Well Senator Berning, it is my understanding that the Secretary of State right now under..., has his own discretionary power to do this. He has already printed the "Rules of the Road" in Spanish. Do we need another bill for this stuff when they can do it by directive. This is my understanding.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I'm delighted to learn that the Secretary of State has already undertaken to make it easier for our Spanish speaking citizens to become familiar with our laws. So far as I know this amendment that is offered in 1088 would not be in contravention to what the Secretary of State is now doing, but would authorize him to go a step farther. Namely, all portions of written and verbal examinations may be given in Spanish or any other language at the discretion of the Secretary of State. I think that this is still necessary in order to further carry out the objectives of bringing these people more effectively into our society.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

A brief comment on Senator Carpentier's remarks. It is true that the Secretary of State has the discretion to publish "Rules of the Road" in Spanish, but there are many of our Spanish citizens in the United States, Senator Carpentier, who will read the explanation of the "Rules of the Road" and then come to take an examination that's printed in English and they perhaps don't in all events understand how to read that, and I think that this is simply a permissive situation where the applicant will make a request. We've done that in other bills, and I rise in support of this.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

SENATOR KNUPPEL:

Mr. President.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

How am I recorded? I don't believe I am recorded. We spend a great deal of time here with implied consent, traffic safety and all other kinds of bills to protect and try to save lives on the highway. Now I can go along with Spanish speaking tests on everything else; but when this man pulls out on the highway, the signs aren't going to be in Spanish. There's going to be all kinds of signs to read, not just those that are fixed; and this is one place I think we ought to re-

consider and think about the fact that this man must read enough English to read the signs, otherwise he may take somebody else's life. I vote no.

PRESIDENT:

On that question the yeas are 32, the nays are 2. The bill is declared passed. 2897, Senator Sours.

SENATOR SOURS:

Mr. President and Senators, this is the bill I discussed very briefly about 5 minutes ago. Senator Dougherty has made a check of the subject matter. He says it is a good bill and I'm glad he concurs with me, so I would certainly appreciate a favorable roll call.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I agree with Senator Sours.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

O'Brien, aye. On that question the yeas are 42, the nays are none. The bill is declared passed. Is there further business to come before the Senate? We have some resolutions. Resolutions. Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate, this is the resolution

that we started with earlier, that we deferred until this moment because of the importance of the subject and because at that time there was not the same complement of members here as is presently here.

Now this is a resolution, gentlemen, that relates itself to the general subject of ethics. At my last count, there were some 16 bills which have been introduced in either the House or the Senate which relate either ethics in general or conflict of interest or campaign spending or some of the components of that concept. It occurs to me that it is just simply not possible for all of these bills to have the kind of hearing that they are entitled to if we follow the normal committee process. The other thing is, there may well be bills in the House which would be heard by a House committee which may have component parts that might appeal to you which you may never hear because they never reach the Senate. And because this is a matter so vitally important to all of us, it occurred to some of us over here that perhaps the way to handle it would be to handle it as a matter which transcends the importance of this House in contrast to the other House, a matter which transcends this party as compared to the other party, and it ought to be a matter where all of us together, House and Senate in joint session, could sit down and hear a presentation of all of the bills in toto so that we would be in a position to compare them one to another, we would be in a position to determine what was best in each of them, and it would also save, it seems to me, a lot of witnesses who may come down on one bill or the other, who may address themselves to one bill or the other, and conscientiously become a proponent of one part of one bill or the other without even having the knowledge that another bill on that same subject matter exists. It occurred to me for these reasons, we could sit down with a joint session, have all of the bills heard at the same time, put them all in context. One of these bills on one subject matter may have a different relationship to your vote on one subject if you knew that there is another subject which is embracive of part of the concept which sets forth something else. I suggested that by this

resolution that we have such a meeting on Friday, October 22nd, as a committee of the whole in both chambers for the purpose of going through all of these bills and having all of the witnesses heard on all of them. Now the other thing which would seem to me to be a side benefit from this kind of approach would be that as the questions were asked of the respective witnesses not only would the person asking the question have an answer to that, but also those other persons who have an interest in the subject would hear those answers. That, of course, might speed up the eventual process and implementation of the entire concept. And I'm asking, Mr. President and members of the Senate, that you give your attention to this Senate Joint Resolution. It is a joint resolution because certainly we should have the approbation and vote of the House to do this; otherwise, without cooperation we would have nothing; so I would certainly hope that we could suspend the rules and ask for an immediate consideration of this Senate Joint Resolution.

PRESIDENT:

Is there any discussion? Is there objection to immediate consideration? All in favor of the adoption of the resolution indicate by saying aye. Contrary minded. The resolution is adopted. Is there any further business to come before the body? Senator Bidwill.

SENATOR BIDWILL:

Mr. President, I wish to announce a Republican caucus...Are we coming back at 10 o'clock, Senator Partee?

SENATOR PARTEE:

10 o'clock tomorrow morning.

SENATOR BIDWILL:

I would wish to announce a Republican caucus in Room 419, Room 419, at 9 o'clock tomorrow morning.

PRESIDENT:

Are there other announcements?

SENATOR DONNEWALD:

Democratic caucus at 9 o'clock tomorrow morning.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. For any Senators that have bills in the Executive Committee that wish a hearing on those bills, please get in touch with my secretary or leave a note on my desk so the bills will be scheduled for a hearing. We have a great number of bills. A letter was sent out to each member of the Senate asking them to please indicate their desire to have the bills heard. No bills will be set; I don't want to embarrass any Senator by setting any bill before the Executive Committee and then they not be ready or for one reason or another not wishing them called; but I want to make this public announcement so that all members of the Senate who are Senate sponsors of either Senate bills or House bills please indicate..., if you want a hearing please do as I suggested.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President and members of the Senate, the Committee on Transportation will not meet as it was scheduled to meet tomorrow. We will have a meeting on the 26th of this month and I would urge all Senators who have bills that they wish to have heard to please contact my secretary, Mrs. Lutes.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Again, Mr. President and Senators, I would urge you to, those who have either House or Senate bills in the Education Committee calendar, to please ask for a hearing. We have about 30 bills remaining in the Education Committee and only one request over the weekend. So, I would urge you to please, if you are interested in the bills, to ask for a hearing.

PRESIDENT:

Is there anything further? Senator Dougherty.

SENATOR DOUGHERTY:

I would like to make an announcement. The Committee on Local Government will meet at 2 o'clock Wednesday afternoon on the Senate floor. I would suggest that anyone who might want their bills heard, they can contact my secretary and she will do it--set them.

PRESIDENT:

Senator Swinarski.

SENATOR SWINARSKI:

Anyone who wish to have their bills heard in the Election Committee, will you kindly notify my secretary.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, there was a... I think there still is a House bill on first reading that no one picked up. 1855. I'll take that one.

PRESIDENT:

1855. Senator Rock will be the sponsor.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

There will be a Rules Committee meeting immediately after adjournment in the Pro Tempore's office.

PRESIDENT:

Senator Smith moves that the Senate stands adjourned until 10 o'clock tomorrow morning. All in favor signify by saying aye. Senator Baltz?...will be given to the Rules Committee. All in favor signify by saying aye. Contrary minded. Senate stands adjourned.