

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 26, 1971

PRESIDENT:

. . . recess until 1:00 and then we will proceed with our regular order of business at that point. The Senate stands, stands in recess until 1:00.

PRESIDENT:

Prayer by the Chaplain, Father Robert Spriggs, Christ the King Church here in Springfield. Father Spriggs.

FATHER SPRIGGS:

Prayer . . .

PRESIDENT:

Reading of the Journal. Moved by Senator Romano that the reading of the Journal be dispensed with. All in favor signify by saying aye. Contrary minded. Motion prevails. Committee reports.

SECRETARY:

Senator Donnewald, Chairman of the Assignment of Bills, assigns the following to Committee: Education, Senate Bill 1301; Executive, Senate Bills 1298, 1302; Appropriations Division of Committee on Public Finance, Senate Bills 1299 and 1300; Transportation, Senate Bill 1297; Labor and Commerce, House Bill 1070; Senator Lyons, Chairman of Constitutional Implementation Committee reports out Senate Bill 1259 with the recommendation Do Not Pass. House Bill 2615 with the recommendation Do Pass.

PRESIDENT:

Resolutions. Introduction of Bills. On page 2 of the Calendar, Concurrence in Executive Amendments to House Bills. Page 2 of the Calendar. And any senator who asks for a bill to be called now and we run short of votes, we'll . . . if we can have agreement, we'll come back to it later. Is

that agreeable Senator Partee and Senator Clarke?

SENATOR PARTEE:

Yes, sir.

PRESIDENT:

Okay, Senator Clarke? 677. Is Senator Dougherty here? 785, Senator O'Brien. Hold it. 1753, Senator Kosinski. You want to hold it? Is Senator Lyons on the floor? Senator Bruce, do you want to take up 1516? All right. 1842, Senator Savickas. On page 2 of the Concurrence in Executive Amendments to House Bills, final column. Senator Savickas.

SENATOR SAVICKAS:

I have been requested by the House sponsor, the chief sponsor of the bill, to conform to the Governor's specific recommendations for a change in . . . a . . . so I ask that the senators please conform with this change.

PRESIDENT:

Do you care to explain very briefly the change or . . .

SENATOR SAVICKAS:

I'll read, I'll read the change--amendatory changes. It says nothing herein shall limit the effect of any section of this title with respect to any form of asbestos, or the spraying of any form of asbestos, or limit the power of the Board under this title to adopt additional and further regulations with respect to any form of asbestos or the spraying of any form of asbestos. It just allows the Board to add additional and further regulations.

PRESIDENT:

Is there any discussion? Senator Latherow.

SENATOR LATHEROW:

Mr. President, I'm looking for the bill. I'd like to see the bill and I don't find it anywhere.

PRESIDENT:

I have just been advised by the Secretary it should be on your desk.

SENATOR LATHEROW:

Is it in here? I'd say this. I haven't had time to look over any of these. I have it right now, if you want to go ahead with it.

PRESIDENT:

We're going to have to go ahead with some bills. Is there further discussion? Is there further 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 . . .

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Mr. President and Gentlemen of the Senate, a . . . I would like to inform you a little about this bill. This bill passed both houses unanimously and all the addition that came back from the Governor's office was to allow the Board itself to adopt additional and further regulations. I think this just . . . strengthens the Board in its powers and I agree with the Governor in his amendment here, so I do hope that you will support this.

PRESIDENT:

Continue the roll call.

SECRETARY:

. . . Smith, Soper, Sours, Swinarski, Vadalabene,
Walker, Weaver.

PRESIDENT:

Graham aye. Mohr aye. Johns aye. Senator Mitchler.

SENATOR MITCHLER:

I am not recorded yet. I just located the bill. It was numbered 1832 and that's why I passed it over. I think I have the right bill. The bill that I have before me shows the language as we passed it. Is that correct, Senator?

PRESIDENT:

Senator Savickas.

SENATOR MITCHLER:

I'm asking Senator Savickas.

SENATOR SAVICKAS:

I don't have a copy of the bill before you, but it is House Bill 1842.

PRESIDENT:

Senator Mitchler. For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

Well, I have the same thing on my desk and it is not identified and it makes it very difficult to vote on anything that's passed on, where you have it and you don't have any identification. I think I found the same thing too, but I do wish that when these things are put on our desks they would be identified with a number or something.

PRESIDENT:

The Secretary indicated that the numbers were supposed

to be on top of all of them. We'll check that in the future.

Senator Mitchler.

SENATOR MITCHLER:

I'd like to raise a point on this, if I may, on this particular amendment. As I understand it, Senator Savickas, the change that the Governor made was to allow the Board, and when you refer to the Board, the Pollution Control Board. Is that who you are referring to?

PRESIDENT:

Senator Savickas.

SENATOR MITCHLER:

. . . have the power to establish other regulations in connection with the spraying of loose asbestos and so forth. Now my point is this. The Pollution Control Board has an enormous amount of money appropriated to it. It has a very large staff, and I think that it is the responsibility of the Pollution Control Board to come to this legislative body if they want authority or if they want any power to be given to them, and have then present it to both the House and the Senate. Now this to me is a typical example of how a Code department or an agency of government can sit by and be mute when legislation is being considered in the House and the Senate and then go down to the Governor, and I don't care what Governor we have at the time, and ask him to amend into the bill some legislation or power or authority that they would want that they might think that the General Assembly would not be so conducive to giving them. And then it comes back and you see, one Senator doesn't have the bill, one doesn't have . . . This was journalized October 21. I do not have the October 21 Journal in my book so that I can read the Governor's message. And for us to act on this.

This is the way legislative power is going to get to the Code departments through this amendatory power given to the Governor under the new 1970 Illinois Constitution, and I point that out because we, as responsible members of the General Assembly, should be very watchful of how Code department agencies will use the Governor to get amendments to legislation not coming before the General Assembly and the committees and before the Senate and the House as a whole. I point that out now and because I don't have all the information and I am going to remain a present vote.

PRESIDENT:

On that question the yeas are 34, the nays are 3, 2 present. The Senate concurs in the executive amendment. Senate Bills on Second Reading. Senate Bills on Second Reading on the first page^{of} of your Calendar. 488, Senator Rock. Is Senator Rock on the floor? 488.

SECRETARY:

Senate Bill number 488. Second reading of the bill. No committee reports . . . , amendments.

PRESIDENT:

Any amendment from the the floor? Third Reading. 489.

SECRETARY:

Senate Bill number 489. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third Reading. 1281, Senator Nihill. This is just Second Reading. Move it? 1281.

SECRETARY:

Senate Bill number 1281. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third Reading. 1292, Senator Lyons. Hold. Senate bills on Third Reading. 491 to . . . Senator Partee, that series, do you want to hold that? 1062, Senator O'Brien. Hold. 1164, Senator Berning. I don't see him on the floor. 1224, Senator Donnewald. 1263, Senator Partee. Hold. 1272, Senator Laughlin. Is Senator Laughlin on the floor? 1272 and 3, do you wish to call those? All right. You want to hold them for right now. House Bills on . . . House Bills on Third Reading. If I may have your attention, we are going to call them as they are received by the Chair. We have requests for two from Senator Knuppel as of right now. 1275, Senator Knuppel.

SENATOR KNUPPEL:

1275 is a House Bill designed to amend the Probate Act to increase the minimum surviving spouse's award from \$5,000.00, to \$5,000.00 from 2,500, and to increase from \$500.00 the minimum child's award to \$1,000.00. It eliminates the word minor and allows a child's award for any dependent child regardless of whether they are a minor or an adult. It increases from \$1,000.00 to \$2,500.00 the maximum amount of property belonging to a minor which can be handled or transferred under the Small Estates Act. I suggest that these amendments to the Probate Act are in keeping with the inflationary period in which we live and that this is good legislation in keeping with the times and in accordance with the recommendations of the Illinois Bar Association. I'll be happy to try to answer any questions. I ask for a most favorable roll call. -

PRESIDENT:

Is there any discussion? Senator Sours.

SENATOR SOURS:

I just wanted to know, Mr. President and Senators, who wants this bill?

PRESIDING OFFICER: (Senator Rock)

Senator Knuppel.

SENATOR KNUPPEL:

I'm sure the people who sponsored it. I'd like to see it. The widows and children, I think, would like to see it. The way it is at the present time, I realize that a court could allow more than the \$2,500.00 minimum, but, for a widow, but I think that 5,000 is in keeping and ought to be recognized.

PRESIDING OFFICER: (Senator Rock)

Senator Sours.

SENATOR SOURS:

I have seen this go up in my time here in the Senate, Mr. President and Senators. This is another way of seeing to it that the honest unpaid creditors of a deceased gets less than he is getting now.

PRESIDING OFFICER: (Senator Rock)

Senator Laughlin.

SENATOR LAUGHLIN:

Well, Mr. President and members of the Senate, I think this is a good bill and it should be passed. The fact is that the widow who is left with minor children does need help and I doubt very much the serious consequences to unpaid creditors.

PRESIDENT:

Is there further discussion? 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:

Cherry aye. On that question the yeas are 45 and the nays are 1. The bill is declared passed. 1311, Senator Knuppel.

SENATOR KNUPPEL:

1311 is a bill designed to discourage ambulance chasing. Provides that any person who within five days of injury on a personal injury claim, signs a contract to be represented may nullify that contract within a 10 day period thereafter should he change his mind, and provides that he can do so by sending notice to the person that he has elected to cancel the contract. If the person who receives the contract has not made known to the injured party his telephone number and address where he can be served, then the time first starts to run from the time the injured party is so notified. I think it is good legislation. It tends to discourage ambulance chasing by attorneys or others who would like to represent those who are injured, gives the person time to contemplate about his injuries and what he wants to do about them. I think it is good legislation and I would encourage a favorable roll call.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

This brings a few questions to my mind, Mr. President and members of the Senate. I'm not a personal injury attorney and I don't handle any personal injury cases, but comes to my mind, it comes to my mind that this is a two-edged sword, Senator. Maybe you'll answer this question for me. A man is injured or a woman is injured and when the family comes up to a lawyer, the family attorney talks to him and he goes over to the hospital and he meets with the man and maybe the family asks him to sign a contract; he signs the contract and then one of these ambulance chasers come around or they give a snow job on this thing and then all of a sudden he changes his mind and he finds out he's in the hands of an ambulance chaser who wants to take care of his doctor bills and give him a few dollars, put them in his pocket. This seems to me that this could hurt the fella and encourage ambulance chasing. I'd like to have you answer that question for me.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well I think there is a possibility in what you say and that it could work that way. I think, however, the danger, the greater danger lies in the other direction because most people who are injured, it has been my experience as a practicing attorney in handling personal injury cases, that most people don't think about getting a lawyer until substantially after the time that they are injured and this does leave a period of time. I've heard of cases of serious

injuries where somebody shows up in the man's hospital room with a card that says call so and so. He got me \$200,000.00 judgment, etc. So I think the dangers lie in the other direction. I could see that it's possible, what you say is possible where a man . . . the family sends someone and then someone else comes in to discourage him and ask that he hire one of these sharp attorneys, but if he does so, he does so after contemplation. He has an opportunity to consider the relative merits of the so-called sharp attorney who wants to take the business away from his regular attorney, and it is not a case of ambulance chasing then. It is the case of a man having time to make a deliberate decision.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now, you mean to say that if he hires an attorney, and whatever time specified you've got in this bill, he can change his mind and he hires another attorney. Now in five days before that time, if he changes his mind, he can hire another attorney. And then five or ten days later if he changes his mind, he can hire another attorney. You mean every attorney serves him for five or six days or ten days? Is that the way the bill works?

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

No sir, not at all. It is only . . .

PRESIDENT:

Just a moment. Let's get some order first. Please gentlemen.

SENATOR KNUPPEL:

This does not involve any contract with an attorney made more than five days after the injury. It only involves the case of a contract made within five days of the injury. Now the example that you gave, and that's the only thing that I was discussing, you said suppose the family lawyer comes in within five days after the injury and that within ten days after that somebody who considered himself a sharp attorney or something, came to this fellow and turned his head, and he could turn the family lawyer out and use a different attorney. That's true, but if he did so, he would be making this decision after he'd had time to contemplate about it. That's the difference and it only occurs once unless you have a series of contracts within five days and if that's true, the man hasn't got any business contracting anyway, and it ought to be a void contract. But it only deals with the one contract made within five days of the injury.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate. Senator Soper, if I could tell you a little bit about the history of this bill, maybe it would make sense to you. During the period of time I have served in the Legislature, from time to time, persons who have been represented personally by me have been encountered after an accident by persons who took these people to other lawyers who signed them up, and they told them things like, well, he is in the Legislature. He doesn't handle law business anymore and things of this sort. This would be a bill which would provide that those

persons who told you that after within that period of time, you could gracefully get them out of these situations. I've employed another method which is less graceful and I have gotten them out of my cases, but this is a kind of bill which I think is a very good piece of legislation and it will do a great deal toward breaking down unlawful ambulance chasing. I think it's a good bill.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

May I ask the sponsor a question?

PRESIDENT:

He indicates he will yield.

SENATOR HORSLEY:

Oh, you've moved. I can't find you anymore. A . . . I'm going to vote for this bill because I think it is a good bill, but I want you to call it back and amend it and I'll tell you why. If you'll look at this bill in line 9, this bill applies only to a suit against an insurance company. Well, you don't sue an insurance company when you have a broken leg. Senator Partee, you are an astute lawyer and I wish you would listen to what I'm saying, sir. This is a good bill and I agree with your remarks that you just made, if it stops some of the ambulance chasing which goes on in Chicago. But the way this bill is drafted, and it is very poorly drafted, in line 9 it applies only to a suit against an insurance company. Now you don't sue an insurance company for a personal injury. You sue John Brown or Joe Blow and I'd like to see this amended by striking that from the bill and strike the words "against an insurance company" so that it applies to any suit for personal injury. You get

my point, Sir?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I agree with what you're saying. I think the bill has that as a weakness because you may have an individual tort-feasor who's uninsured. There's one other thing I'd like to point to you, Senator. I think you ought to spell out a little clearer in this bill how revocation procedures may take place so that you don't get in a hassle about a supposed telephone revocation or things of that sort, so if you'd hold this and we could give you a couple of amendments, I think we could make a better bill of this for you.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPEL:

It's perfectly all right with me, and I understand the amendments that are being suggested.

PRESIDENT:

336, Senator Knuepfer. Is Senator Knuepfer on the floor? He was here just a moment ago. Until Senator Knuepfer returns, are there other House Bills on Third Reading . . . Here he is. 336, Senator Knuepfer.

SENATOR KNUEPFER:

Presently--this is in reference to House Bill 336--our present election laws provide that if you publish campaign literature in reference to a specific candidate, then there must be, the name of the publisher of that literature must be signed to that document. In other words, if you come out with a political tract for Joe Doe, the name of the committee or your name has to be appended to that literature. This

bill simply takes this same precept and applied it as well to issues. Now if you . . . if this bill should pass, not only will it apply to political candidates, but if you come out with a pink sheet, either pro or con, on a particular issue before the electorate, you will have to append your name or the name of the committee or whoever it was that was sponsoring this election literature. I think it makes substantial sense if we mandate the name on candidate literature, it seems to me this is simply a small extension to mandate a name on issue literature and I would appreciate a favorable roll call.

PRESIDENT:

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

SENATOR HORSLEY:

I'd like to ask the sponsor one question here.

PRESIDENT:

He indicates he will yield.

SENATOR HORSLEY:

The general language of this bill on line 13, I believe, will apply to newspaper reporters. Is that correct, sir? When they print scurrilous material about a candidate and they lie about him in their newsprint, they will have to put their names on it. Is that the way you read it? I hope so.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Senator, I don't see that on line 13 at all . . . "or any other printed matter relative to the candidacy . . .". Line 13 says, " . . . circular, handbill, or any other

printed matter.", is that what you're reading?

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I would think, at least for tax exemption purposes they claim they're in that category, but I would presume that it would apply to any newspaper talking about the candidacy of a candidate and, I think, the way your bill is worded, they'll have to sign it and put their name on it when they tell these damnable lies about the members of the General Assembly. Is that correct or not?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Senator, that Section is already the law. I'm not in a position to interpret the law. Presently when you publish anything relative to a candidate in terms of a circular or handbill, you must sign a name. I can't, certainly, I'm not in a position to suggest what the present law . . . this is the law right now. This bill simply extends this concept to issues. The law requiring the signature in terms of candidates has been the law, I guess, for about 4 years now.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well I want to vote for this to add this one thing to it because I don't think this law is being enforced at the present time and I'm glad you have called it to our attention because I intend to use it in just a few days to see that it is complied with by some reporters who state untruths and

tell deliberate lies and I intend to use it and see that that complies with that.

PRESIDENT:

Is there further 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, . . .

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

May I ask the sponsor a question?

PRESIDENT:

He indicates he'll yield.

SENATOR DOUGHERTY:

Senator, what is the need of this bill, to quote Senator Sours?

PRESIDENT:

Senator . . . Can you repeat the question, Senator Dougherty?

SENATOR DOUGHERTY:

What is the need for this bill?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Well, let me suggest that it comes from my colleague on the other side of the aisle, Senator Redmond . . . uh . . . Representative Redmond. The need is, I think very substantially, I've seen it in our county. We do have issues that come before the electorate and then at the last minute,

all of a sudden, somebody gets a pink sheet out, unsigned, with no name on it, no chance for rebuttal. Representative Redmond drafted it. I didn't draft it. I think it is in response to this kind of a thing that has, I know, gone on in DuPage County where there is no responsibility on the part of anyone for this document that is circulated at the last moment in reference to an election. And again, I would simply suggest if there is a need for the signature on literature pertaining to a candidate, it seems to me issues are equally important, but that is the need as I see it in our county, Senator. I don't know how it applies to yours.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator Redmond, er Representative Redmond wants the bill, but really and truly I would assume that if, say, a certain labor organization would put out a pamphlet endorsing me, or contrarywise, advocating my defeat, they, in turn, would have to submit the signatures of they who circulated and composed the document. Is that what it would be?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

No. Senator, first of all, that is presently the law right now. If a labor organization wants to endorse your candidacy, it is presently the law that there would have to be a signature of somebody on that document, whatever it was, a brochure or a sheet of paper, there would have to be a signature saying who was responsible for it, John Smith, Joe Doe, Jim Phillips, any name you want, or any name of a

responsible person. That is presently the law right now. We're not trying to change that. We're simply saying now, if you come up with a referendum for sewer bonds or street lights or something else, some similar referendum, schools, and somebody comes out with a denunciation of that or an approval of that, then they would have to suggest this is by the Committee for So & So with the name of a specific person. That's all it does, but I'm not in a position to argue the candidate part of it; that's already the law

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

But I was just thinking about a proposition that, shall we say, like advocating an increase for a graduated income tax. Would that . . . that would apply particularly to that type of legislation?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

If that issue was before the public at an election and somebody came out with a brochure, or paper, handbill, either for or against it, there would have to be a name on that brochure. It could not simply be anonymous.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

In other words, you're trying to determine whether or not these facts are distorted. If they are distorted, the party who distorts them must acknowledge them.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Whoever prepared the document or whoever is responsible must acknowledge that he's responsible for that document.

SECRETARY:

. . . Egan, Fawell, Gilbert, Graham , . . .

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, I think, as Senator Knuepfer has tried to explain to you, this is only enlarging the contents of the law now insofar as a personality is concerned and this deals strictly with propositions. I think it's a good piece of legislation; it should be passed. And I want to caution the senator, Horsley, too. If he uses this bill and he gets tangled up in the legal fly paper to the extent that he may not emerge, only into one of our state penitentiaries, as the Chairman of the Visitation Commission, I think I can keep him off the coal gang.

SECRETARY:

. . . Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, . . .

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Mr. President, I was listening to what Senator Horsley had to say here, and . . .

PRESIDENT:

Just a moment, let's get settled down a little bit. Just a moment, please . . . right at the back. Gentlemen, let's . . .

SENATOR MCBROOM:

Yes, Mr. President, members of the Senate, I was listening to what Senator Horsley had to say, and I wonder if he would yield to a question.

PRESIDENT:

He indicates he will.

SENATOR MCBROOM:

Senator Horsley, I learned long ago when you don't understand something, the best way to do is to ask. In my years of politics, I have never once heard or read any inaccuracies in the press, half-truths, personal opinions of the reporters, let alone deliberate prevarications and I just wondered where you got this information, Senator?

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well, I had said that I was going to explain that matter today, but I got tied up in a coal mine strike in southern Illinois where I've been chasing coal miners all weekend, and I haven't had time to dig out the facts, except I've already got 4 direct, absolute lies that have been printed by men who don't think enough of their prostitu . . . or or their position in life to even check the facts. And so I'll have to delay a day or two and I can assure you, sir, that I'll be glad to point it out and when I get done, then I'm going to file a lawsuit because they have deliberately libeled me and my family and I don't intend to stand idly by and take it. I don't think any of us in this Body have to stand up and take deliberate lies that could be checked against facts that are on file right here in the State House. And when men do that, that's going too far and you can rest

assured that I'm going to take them to task on this floor. I'm going to point out your lies and your dastardly insinuations and then I'm going to sue you.

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Well, I've listened to Senator Horsley and I've changed my mind. He's persuaded me. I vote aye.

SECRETARY:

. . . 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:

Lyons aye. Hall aye. Carroll aye. On that question the yeas are 45, the nays are none. The bill is declared passed.

Senator Johns is recognized on House Bill 2337.

Senator Johns.

SENATOR JOHNS:

Mr. President, members of the Senate, I'd like to table House Bill 2337.

PRESIDENT:

Motion to table. All in favor signify by saying aye. Contrary minded. Bill is tabled.

SENATOR JOHNS:

Thank you.

PRESIDENT:

500, Senator Knuepfer.

SENATOR KNUEPFER:

Senate Bill 500 is a bill relating to library districts.

It is in reference to the annexation of a library district and suggests simply--under the present law, as I understand it, when you annex territory into a library district, you've got to define this territory in meets and bounds. Don't ask me what "meets and bounds" are. I think it's something like yards and meters or something. This bill simply provides that if there is an established political unit totally annexed, such as a municipality, a city, an incorporated town, township, or county, then the law . . . then the definition of that territory can be included simply by including the new political unit rather than defining the whole thing by meets and bounds.

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, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Thomas 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:

Groen aye. Nihill aye. Swinarski aye. O'Brien aye. Palmer aye. Neistein aye. Mitchler aye. Hynes aye. Smith aye. On that question the yeas are 40, the nays are none. The bill is declared passed.

2779, Senator Walker.

SENATOR WALKER:

Thank you, Mr. President and members of the Senate. House Bill 2779 does what the synopsis says. It eliminates the payment of a fire marshal tax on certain lines of business, and amends the penalty provision for non-compliance. I am informed by the Department the bill is of particular importance because it eliminates an extremely inequitable tax treatment which arises out of the present wording of the amended section. Under the law under the provisions as it stands today, insurance companies which write auto physical damage insurance under class II authority pay no tax, while those writing the identical insurance under class III authority are subject to the imposition of the levy. I know of no opposition to the bill. It came over from the House with a unanimous vote. It came out of the committee here, and I would appreciate your favorable support.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, . . .

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator Walker, Senator Walker, this bill in fact takes money away . . . Senator, these funds in the past have gone into the county corporate fund, have they not?

PRESIDENT:

Senator Walker.

SEANTOR WALKER:

. . . and I'll be able to hear your question and perhaps answer it.

PRESIDENT:

Senator Dougherty, can you repeat your question?

SENATOR DOUGHERTY:

Under the present Act this money goes into the County Treasurer rather than . . . and under the terms of your Act it will go into the general revenue of the State of Illinois.

PRESIDENT:

Senator Walker.

SENATOR WALKER:

That is true. There would be a loss of about \$30,000 to the County Treasurer and it would go into the State of Illinois General Treasury.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator, you are very well aware that all the counties of Illinois are hurting for money due to the fact that they have been denied fees under the new Constitution and I don't know of any county in the state that is not in need of money, and as small as this amount might be, nevertheless, it is vitally necessary to some of these counties and I'm going to have to oppose the bill.

PRESIDENT:

Senator Walker.

SENATOR WALKER:

I'm informed, Senator Dougherty, that the cost of collecting this now exceeds the 30,000 that would be the approximate amount of the loss that would go into the State

Treasury. The present cost of collecting it exceeds any losses that the counties might suffer. They say the main purpose of it is that these insurance companies writing this auto physical damage insurance under class II authority pay no tax while those writing identical insurance under class III are subject to the imposition of the levy, so it's merely to correct an inequitable situation here and it is a Department bill, I might add.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I still maintain the position that this is all of the counties, 102 counties in Illinois are hurting for revenue. Any loss to them is reprehensible at this time. DuPage County is short about 4 1/2 million dollars. I don't know what the figures are in any of the other counties, but I know it's in ratio thereto. As a matter of fact, we had bills here last time permitting to raise the corporate rate in order to survive, so that any loss, no matter how miniscule it might be, is a loss. Therefore, I would be inclined to oppose this bill.

PRESIDENT:

Is there further discussion? Secretary will call the roll.

SECRETARY:

. . . Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse . . .

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Senator Walker, I'm looking at my desk here. Somebody's been sitting here moving the papers around. I see that the bill calls for a fiscal note might be applicable and I haven't got the copy here. I'm sure you have one.

PRESIDENT:

Senator Walker.

SENATOR WALKER:

I just happen to have that fiscal note attached here to the bill somewhere or other, Senator, and the amount is . . . the fiscal note . . . this is the same bill, Amendment to Illinois Revised Statute 69, Chapter 127, at paragraphs 16 and 17. Under the present fire marshall tax law, the Department of Insurance collected approximately 1,200,000 for the fiscal year '69 and '70. This bill eliminating motor vehicle fire as a taxable item would reduce the amount collected by approximately \$30,000.00. This reduction in fire marshall tax revenues of approximately 2.5 percent, as I figure it, with 102 counties, it would less than \$300.00 a county. That's a fiscal note 30,000.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Senator Walker, who wants this bill?

PRESIDENT:

Senator Walker.

SENATOR WALKER:

I have a letter here. The Department of Insurance has requested this bill. They stated it is of particular importance because it eliminates an extremely inequitable tax treatment which arises out of the present wording and I am

also informed that the general insurance industry is supporting the bill, so it is pretty well supported. If I can get about six or seven other votes on the other side of the aisle, I'd be in pretty good shape I think.

PRESIDENT:

The Secretary will continue the roll call.

SECRETARY:

. . . 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 17, the nays are 6. The bill having failed to receive the constitutional majority is declared defeated.

603, Senator Knuepfer. 603.

SENATOR KNUEPFER:

Hold that and go to 840, my next one.

PRESIDENT:

840, Senator Knuepfer.

SENATOR KNUEPFER:

Senate Bill 840 is a very simple bill and does exactly what the synopsis says. It implements the open record section of the new Constitution and the only change is it adds the following language: Declarations of value under this Act are public records and shall be made available for inspection upon request during regular business hours. I would appreciate a favorable roll call unless there are any questions.

PRESIDENT:

Is there any discussion? 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:

Mitchler aye. Merritt aye. Berning aye. Vadalabene aye. O'Brien aye. Egan aye. Palmer aye. Bruce aye. Partee aye. Hall aye. Chew aye. Senator Knuppel? Senator Knuppel.

SENATOR KNUPPEL:

I'm told this is an implementation of the Constitution. I know of nothing that requires that this be a public and open record and why the sale value of a piece of property has to be, or cannot be kept Constitutional. What section do you have reference to that says that this is . . . has to be made an open record under the Constitution.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

The section I would refer to you, Senator, is Article 8, Section 1, sub-paragraph C: Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law. I would suggest that this is a record of the obligation and thereby falls under Article 8.

PRESIDENT:

Senator Knuppel.

SEANTOR KNUPPEL:

A record of what obligation? This constitutional article says, reports and records of the obligation of the receipt and use of public funds. There's no public . . . You're referring, I assume, to the revenue stamps on the deed in this particular section and that is obvious from the face of the deed in any event. Now I don't know why the rest of the report has to be public information.

PRESIDENT:

Senator Knuepfer. Excuse me, Senator Knuppel.

SENATOR KNUEPFER:

Go ahead.

SENATOR KNUPPEL:

There is information on this which shows mortgages which are assumed by the purchaser of the property in many instances. It tells things which I think ought to be allowed to be confidential in nature. I think this report is furnished to the state for the purpose of assessing tax and I don't see how nor why, if I sell a house and I have only \$3,000.00 in it and I take the \$3,000.00 and the other man assumes the mortgage, that the general public is entitled to know how much of the mortgage is assumed and how much outstanding debt I have on that house. Therefore, I am going to vote no. I don't think the Constitution requires it and I don't think it should be required that it be disclosed. I think it is right that it can be held in confidence.

PRESIDENT:

Knuppel, Senator Knuppel votes no. Senator Lyons.

SENATOR LYONS:

I would like to know how I am recorded.

PRESIDENT:

You are recorded as voting in the affirmative.

SENATOR LYONS:

Well, I would like to explain my vote. Since we passed the bill which puts the ceiling downstate on valuations for tax purposes, I think that this bill will make it easier to ascertain what those valuations actually are and make it easier to implement and effectuate the provisions of the bill that we already passed. That is the reason I voted aye.

PRESIDENT:

Knuepfer aye. Neistein no. Latherow no. Sours no. Soper no. Johns no. On that question the yeas are 36, the nays are 6. The bill is declared passed.

254, Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President and Senators. House 254 does exactly what the Digest says. Presently there is no definition of immediate family for the purpose of sick leave for teachers and Senate Bill . . . House 254 simply corrects that. It's a merely bill and I would appreciate a most favorable roll call.

PRESIDENT:

Is there further 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, . . .

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President and members of the Senate. I would like to just call attention to the members of the Senate the fact that there is still pending before here legislation which would authorize the entrance into collective bargaining by public employees. I point out to you what you are doing when you pass a bill like this; you're saying you're going to set part of the matters which should be negotiated about. And for that reason, and that reason alone, not knowing what will happen with the question of negotiations between teachers and boards of education, at this time, I am going to vote no.

SECRETARY:

. . . Lyons, McBroom, McCarthy, Merritt, Mitchler, . . .

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mr. President and members. Gentlemen, in explaining my vote on this, what Senator Laughlin pointed out is exactly true. If a public negotiations bill was enacted similar to Senate Bill 1112 or House Bill 1 or the like. What we have done . . . we have by statute provided for certain items that could in the future present some negotiability upon the part of a bargaining group of teachers, and under Senate Bill 1112, as we discussed this morning in the subcommittee, I brought that point out, that although they could not negotiate and go above what the existing statute provides, they could very well negotiate and collectively

come to change the statute rather than by the present methods, but through their negotiations. And although we haven't any public negotiations law on the books at this time that would conflict with the question that Senator Laughlin raised, I think it is a valid one. But on this question of clarifying the immediate family as proposed by Senator Newhouse, I will vote aye.

SECRETARY:

. . . Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, . . .

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

This bill does not change the number of days of sick leave. It makes sense that a person might want to make the choice between attending a sister-in-law or a legal guardian as opposed to a child or someone else in the immediate family. As long as it doesn't change the number of days the elasticizing of the definition of immediate family would not appear to me to be any major problem. I vote aye.

SECRETARY:

. . . Rock, . . .

PRESIDENT:

Chew aye.

SECRETARY:

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

PRESIDENT:

Bruce aye. Rock aye. Neistein aye. O'Brien aye. Hynes aye. Vadalabene aye. On that question the yeas are 31, the nays are 6. The bill is declared passed. Senator Newhouse.

Motion to reconsider by Senator Newhouse. Motion by Senator Smith to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails.

Senator Johns wishes to amend . . . call back House Bills on Third Reading, 1508 through 1512, for purposes of amendment. Senator Johns, can you explain the amendments?
SENATOR JOHNS:

Mr. President and lady and gentlemen of the Senate. This amendment is strictly to comply with Article 4, Section 10 of the Constitution on the effective date. I have placed the amendments upon your desks and I would appreciate leave of this body to move these back from Third to Second for the purpose. Thank you.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye. Contrary minded. Does the Secretary . . . The Secretary has to have the amendments. We'll show the amendments adopted if we can get them to the Secretary here? Is that . . . now you have to have amendments for each bill, right? All right. We will work that out. The bills will be shown as having been amended.

Senator McCarthy has indicated that he wishes to call House Bill 844 and 845 on page 2, Concurrence in Executive Amendments to House Bills 844 and 845. 844. Senator McCarthy.

SENATOR McCARTHY:

Yes. Mr. President and members of the body. House Bills 844 and 845 were the bills that passed this chamber, I believe on the final evening, that made various changes in the Workman's Compensation Act and in the Occupational Diseases Act. Now these bills received 30 votes, if I am

correct, in the Senate after having received over a majority in the House, were sent to the Governor for his approval, and he exercised that section of the Constitution that gave him the power to amend. I do not concur wholeheartedly with the amendment that the Governor made on this legislation. I do not concur wholeheartedly for a couple of reasons. One is that the Governor's amendment comes in the form of a letter on page 1. Page 2 says see Amendment number 7. Then I went to Amendment number 7 and it consists of 5 pages of amendments. Then his message goes on for page 8, and says, "For these reasons I herewith return House Bill 844 with the foregoing specific recommendations for change." Now, gentlemen, I don't want to beat an old horse to death, but I cannot fail to remark that had the Governor exercised as much diligence in his tinkering powers in amending legislation as he did in this instance as with the legislation that was passed by Senator Laughlin and Representative Choate covering the vacancy in the General Assembly, we would have a full complement in this body today in accordance with the direction of the Constitution. But that was his Excellency's judgment. His Excellency chose to veto that legislation and tinker with this. He shall be rewarded by those who think he did the proper thing and he shall be subject to criticism by those who think he did something that was contrary to the interests of the people. You gentlemen are not interested today in the compliments and criticism, so I will attempt to isolate my remarks as to what the specific changes of the Governor did insofar as what happens to people that are injured on the job and the benefits that are payable to them by their employer. Now the original bill provided that when a man or woman was injured on the job that their right to file an

application before the industrial commission would not expire for a period of two years from the date of the injury or from the date that compensation was last paid as opposed to the one year limitation that is the law today. The Governor changed the period of limitation that we passed so that a person can think for two years whether or not they are permanently injured or whether they have gotten what they are entitled to. He says you are going to have to make up your mind in one. Now some people argue that if the person only has a year in which to make his claim for his injury, and it can be an amputation, as serious as that; or a death, as serious as that; or slight as a disfigurement case. Some people think that if you only have a year in which to file your application some people will go to sleep on their rights and therefore not file their application, whereby the injured person cannot recover from the employer, which means, according to their theory, that the employer will have to pay out less money to his injured employee. I suggested in the conference that two years was a better period because if you give a person two years in which to file his claim, it may very well be, it may very well be, Mr. President, with the advances in medical science that what appeared to be a serious injury, a soft flesh injury of the arm or the leg, will, at the end of two years, completely disappeared and the injured employee may decide that he should not file a claim for compensation because on the basis of medical evidence, he has suffered no disability. But that is one change that the Governor made and I submit it to you as to what you want to do--whether or not you want to keep the one year limitation or the two year limitation. The second feature of the bill that we sent to the Governor involved

the minimum amount, the minimum amount of compensation that was payable to an injured worker in the event he was laid off of a job because of his injury or in the event that he suffered permanent disability as a result thereof. And in our suggestion to the Governor, we said that for an individual who is working, injured on the job, that instead of getting paid \$31.50 a week when he was totally disabled, that that individual, instead of trying to get along on \$31.50 should be able to get \$38.00 per week. After all, I don't know that I could live on \$31.50 per week. I doubt that there is anybody up there in the audience that works that could live on \$38.00 per week in the event that they were injured on the job. But the Governor, by some exercise of his decision making process, decided that \$38.00 a week to a person who was injured totally, temporarily disabled, was too much money; so he set it back down to \$31.50, so that change is made for your deliberation. Then we get into the next change that was proposed to the Governor and that was on the maximum amount of money that a male or female injured on the job could receive by virtue of the Act, and on that the Governor agreed on the total temporary and the permanent disability award. The increase was 20 percent, and at the maximum figures, the maximum figures, that is, in case you care to concur to his amendment, was a man having 4 or more minor children, totally disabled, off the job, . . . he can receive as a maximum the sum of \$109.00 a week. That is all we sent to the Governor. He didn't cut that back. I might state parenthetically, I have just checked with Senator Smith that the figures that a person get being injured and laid off a job, in many instances, are much less than he receives from the Department of Public Aid when he just isn't

working. As an example, on the minimum amount payable of \$31.50, a person is off work for a year. The most under Governor Ogilvie's changes that this man can receive in a year is \$1,638.00, where the average payout on public aid to a person who isn't working is \$320.00 per month or a figure of \$3,720.00 per year, and in the instance of the individual--the bread earner who is laid off and can't work--where he is drawing the maximum of having 4 or more children at a \$109.00 a week, the total amount he can gain under this bill is the grand sum of \$5,668.00. I mention these figures to you members, because they must be viewed in the context of what we consider to be fair return for bodily effort on the one hand and what we pay a person who doesn't have the body to earn the living on the other. And the employer groups have persuaded Governor Ogilvie to his point of view that the bill that we passed to him was excessive and I cite those illustrations to you for your consideration. There are other instances of this bill which we passed which the Governor has deleted. Presently in the law, if a person is injured and totally disabled, he can draw his temporary compensation for a period of 64 weeks. One year, 12 weeks. After that period of time passes, he can't draw any more. I presume he may be eligible for a transfer to another state agency such as Public Aid, but all fo the taxpayers pay public aid, where the employer has to pay the workman's compensation. And so, Governor Ogilvie was persuaded by the . . . by the representatives of industry, because they were the only ones that fought this bill . . . that to pay a person an additional 12 weeks would be a strain on their financial operation that they could not stand. Now let's take an instance of what that amounts to. I have

heretofore indicated that \$109.00 is the maximum that a person can receive when he is laid flat on his back and this would give him an additional 12 weeks, or \$1,298.00, and the Governor said: No, I think that the employer cannot afford to pay the additional \$1,298.00, but if that individual is disabled, he will find himself eligible for public aid where all the taxpayers will pay the additional \$1,298.00. I could go on, Mr. President, as to some other factors that the Governor changed in his veto--not in his veto, but in his newly enumerated and newly granted constitutional powers. One relates to the fracture of a vertebrae. We suggested that the working person, if he suffered two fractured vertebrae, he should receive compensation of 60 weeks each for each fractured vertebrae. But, that was too much, the Governor thought, so he reduced the bill so that if a person suffers two fractured vertebrae in his back, he only gets paid for one. Again the employer stands to benefit by the Governor's articulate suggestions in his return message. And finally, Mr. President, subject to questions of this body, there was one provision in the bill where we made a change that if a person was killed while in the line of . . . in the scope of his employment, that the amount payable for his death benefit heretofore had been \$750.00. We suggested that to a person who was . . . to a person who was a good wage earner and been killed on the job, that perhaps \$750.00 was not quite enough money to allow him for a decent burial. And so, we raised that to \$1,250.00 which, Mr. President, as you may know, is a 66 percent increase on the workman's compensation on the death benefit. On that, the Governor agreed with us . . .

PRESIDENT:

Just a moment . . .

SENATOR McCARTHY:

I am coming to conclude my remarks, Sir. On that the Governor agreed with us. He said it is all right to give them 66 percent more when they die, but 20 percent is all I can give while they are alive. So I ask you, we've got no choice except to . . .

PRESIDENT:

For what purpose does Senator Graham arise?

SENATOR GRAHAM:

I just wondered how much longer the filibuster from the gentleman . . . by the gentleman from Decatur was going to continue. My ears are beginning to hurt.

PRESIDENT:

The senator has indicated that he is concluding his remarks. He has concluded. What is your motion Senator McCarthy?

SENATOR McCARTHY:

First of all I wish to apogize to Senator Graham. I wish there was a way that science could devise where when I gave my remarks, automatic ear plugs would come and, you know, you would be saved the torture. Or perhaps I could exercise some restraint and perhaps deliver the remainder of the remarks at a different place at a different time, but the bill is before us and some motion has to be made. So, Mr. President, being on the horns of a dilemma, if we do nothing, the working person gets nothing more, so I think that, as we say, if we are not going to get the proper amount of nourishment, at least we will take some, so I move that we concur and pass 844 with the Governor's changes.

PRESIDENT:

Is there further discussion? 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, . . .

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I cannot help but take this opportunity on this particular bill to point out something of great importance, in my opinion, to the members of this body. I have been through these negotiations for now, this is my 25th year, on what we used to call the agreed bill process. Mr. President, you know what I am talking about in the House and the Senate both, when management and labor set out and agreed on the amendments and our job was made fairly easy and we did not have to arbitrate. This time we were put in the middle and I was, unfortunately, with Senator McCarthy on the subcommittee which had to do the carving and cutting job and it is like trying to stop a fight between a husband and wife. You wind up making them both mad at you. And that is about what we did in this connection. The Governor finally wound right up where this matter could have been settled. Management had agreed to this settlement earlier except for a gentleman by the name of Bill Watson who pulled the rug out from under his own negotiator and I didn't appreciate it. So I would urge the members of this body, because many of us may not be around when this comes up again, I would urge you to impress

early in the Session on labor and management, get your heads together and don't come in here and embarrass us like you did before. And I think if you will do that you will take a big load off of your back and they will get the job done for you. I vote aye.

SECRETARY:

. . . Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, . . .

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

It occurred to me, Mr. President, in explaining my vote which is aye, that we have been considering the matter of recording and making available to the public the contents of speeches, and if the good senator from Decatur, Senator McCarthy, is using this device, recently enacted, for campaign purposes, I may wish that I had never endorsed such a principle.

SECRETARY:

. . . Lyons, McBroom, McCarthy, . . .

PRESIDENT:

Senator McCarthy.

SENATOR McCarthy:

The remarks I made were intended to explain and to point into context the variances between the legislator and the executive. But, in explaining my vote, I would like to reply to Senator Horsley that I don't shrink away from the process of legislating. And the question of what is fair to people who are injured on the job or become ill on the job, I think, is the decision of the 57 members of this body rather than a representative so-called group of employers,

employees who have in the past done our job for us. This may be onerous to some, but I think we are legislating when we do this and I vote aye.

SECRETARY:

. . . 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 Newhouse.

SENATOR NEWHOUSE:

Mr. President, I'm not recorded. I would like to explain my vote.

PRESIDENT:

Senator may proceed.

SENATOR NEWHOUSE:

Mr. President, normally on most of the measures that organized labor has asked for in this body, I have been one that has voted for those measures. Four years ago, I had some conversations with people in organized labor concerning what organized labor was doing within its own house to my constituencies. I didn't like it then. They said to me at that time they would be doing some things about it. Four years have passed and nothing has happened. My position toward the house of labor now, as I see it with very few exceptions, is that with friends like organized labor, black people don't need too many enemies. Now based upon the last time this measure was up, I went to Senator McCarthy and said to him then that "Senator, I'm about to give you a vote, not a vote to organized labor," and I would hope that at some point I might be able to resume a voting record that organized labor will like. I want to put them on notice, now, publicly, that there is a lot of housecleaning that they

have to do and I intend not to give votes to organized labor until such time that that housecleaning begins. Under the present circumstances, Mr. President, because I do have some friends in the house of labor, I'm not going to vote nay; I'm going to vote present.

PRESIDENT:

On that question the yeas are 50, the nays are 1, 1 present. The Senate concurs in the executive amendment. Senator McCarthy, can we proceed to the next bill immediately?

SENATOR McCARTHY:

Yes, Mr. President. Senator Graham, I know you will be happy that I don't want to necessarily explain this. I'd be happy to take the same roll call. If there are any questions . . .

PRESIDENT:

The . . . the . . . I think the point made earlier in this Session by Senator Coulson is that we can't--is a proper one--that we cannot have the same roll call now that we're recorded. 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, . . .

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Senator McCarthy, I think you. I vote aye.

SECRETARY:

. . . 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:

Davidson aye. Horsley aye. Groen aye. On that question the yeas are 50, the nays are 1, 1 present. Senate concurs in the Executive amendments.

Senator Partee.

SENATOR PARTEE:

Mr. President, I understand that Senator Harris has a motion he desires to make. I'd like to announce that we had hoped to start the Judiciary Committee at 2:00, but because the chairman informed me that the meeting would take about an hour, I think if we got out at a quarter of or 10 minutes of 2:00 . . . of 3:00, they could then have that committee because there will be a meeting of the Executive Committee at 4:00 o'clock on the floor of the Senate. Now the Calendar does not show that meeting, but there will be a meeting of the Executive at 4:00 on the floor of the Senate.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, first I want to inquire . . . has there been a report of the Rules Committee today in the order of business, or did we just go past that?

PRESIDENT:

We journalized the report of the Rules Committee. I'm advised by the Senate . . . by the Secretary . . . following their meeting here last week, and this was done with the consent of the body.

SENATOR HARRIS:

And, might I inquire, in that report was there mention made of an unnumbered series of bills implementing the 1970 Constitution that I placed on the Secretary's desk that were referred to the Rules Committee?

PRESIDENT:

The Secretary advises . . . does the chairman of the Rules Committee . . . Senator Donnewald or Senator Partee, could you have any answer to that? Senator Partee.

SENATOR PARTEE:

I'm not sure what the question was.

PRESIDENT:

The question was whether there was reference in the report of the Rules Committee to an unnumbered series of bills introduced, I presume, by Senator Harris.

SENATOR PARTEE:

Yes, I'm sure that, that there is such a reference because that was the only bill or series of bills on which there was any lack of agreement of the entire committee.

SENATOR HARRIS:

Now I think . . . I would like to take just a moment or two of the body.

PRESIDENT:

Just a moment . . . let's . . . can we . . . Senator Dougherty and Walker, Mohr . . . Can we break up the caucus back there. Gentlemen, let's have some order. Senator Partee.

SENATOR PARTEE:

I know now what this series of bills is and I think it is going to probably bring on a little more conversation than 10 minutes, Senator, and since we're working on this

schedule, if you would defer until tomorrow, probably you would not be delimited in your presentation.

SENATOR HARRIS:

If . . .

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

That's perfectly all right with me as long as I don't lose my time up at bat.

PRESIDENT:

The senator will be recognized by the Chair, but if it's something where you want to waive the rules for leave of the body, I think we ought to get that in the record.

SENATOR HARRIS:

Well, might we . . . might we have unanimous consent then, to deal with this matter on the report on the Committee on Rules on tomorrow's regular order of business?

PRESIDENT:

You wish to make a motion in that connection?

SENATOR HARRIS:

Yes.

PRESIDENT:

Senator Harris wishes to defer a motion on . . . in connection with the Rules Committee report until the Session tomorrow. Is there leave of the body for that? Leave is granted. Senator Harris.

SENATOR HARRIS:

Now just to take a moment, I think, for all of us to be thinking about in the meantime, and it . . . it will be brief. It does seem to me that one of the holes in the practical needs of our rules is that after the final cut-off

date for introduction, except for those specific purposes excepted; it does seem to me, that from a standpoint of understandability when we reach a point of contention, as we are now in discussing unnumbered bills, that it does seem to me that we should give some thought to providing for the numbering of all bills placed on the Secretary's desk whether they ultimately are introduced or not so that we can discuss them with some degree of . . . of comprehension and sense. Now, I just make that public suggestion for us to meditate on until we get to the question of discussion tomorrow and thought there might be some value for it having been said at this point in time.

PRESIDENT:

We have . . . Senator Partee.

SENATOR PARTEE:

I want Senator Harris to know we will give that our thought and attention. We were, of course, following a precedent set by a very fine leader here, Senator Arrington. That was his precedent and we thought it was a good rule and we have been following it. But we'll re-examine based on your suggestion.

PRESIDENT:

We have some resolutions. Senator Lyons.

SENATOR LYONS:

I'd like to make a couple of announcements if I might.

PRESIDENT:

We'll get to the announcements yet shortly.

SENATOR LYONS:

Okay.

PRESIDENT:

Let's take care of the business at hand first, some

resolutions.

SECRETARY:

Senate Resolution number 234 introduced by Senator Carpentier and all Senators. It's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution number 235 introduced by Senator Mohr.

PRESIDENT:

Death resolution. We'll put it on Consent Calendar.

Is that okay, Senator Mohr? Okay.

SECRETARY:

Senate Resolution number 236 introduced by Senator Carpentier and all Republican senators and it's the con . . .

PRESIDENT:

. . . congratulatory. Consent Calendar. Okay?

SECRETARY:

Senate Resolution number 237 introduced by Senator Carpentier and Senators. It's congratulatory.

PRESIDENT:

Consent Calendar. Which one is that . . .

SECRETARY:

About Miss Mildred Frisk.

PRESIDENT:

Any further resolutions? Any business be . . . Senator Carpentier.

SENATOR CARPENTIER:

I had three of them. There's one in there that I would like to suspend the rules because I would like it ready for Saturday and that was in regard to a resolution honoring Hero Street in Silvis, Illinois.

SECRETARY:

234

PRESIDENT:

234. All in favor signify by saying aye. Contrary minded. Resolution is adopted. Announcements. Senator Lyons.

SENATOR LYONS:

Mr. President and members. There are some bills that have been assigned to the Committee on Constitutional Implementation which, despite the opinion of the Reference Bureau, do not really implement the new Constitution but rather do other things. They are: Senate Bills 1285, which more appropriately belongs in Elections; Senate Bill 1288, 1289, 1290, 1291, all of which more appropriately belong in the Committee on Local Government; Senate Bill 1294, which would more appropriately be in the Local Government Committee; and also Senate Bill 1295. So I herewith move that those bills be reassigned from the Committee on Constitutional Implementation to the following committees: Senate Bill 1285 to Elections; Senate Bills 1288, 1289, 1290, 1291, 1294 and 1295 to the Committee on Local Government. I talked to the chairman of Committee on Assignment of Bills and also the chairman of the Committee on Local Government and Elections, and they agree.

PRESIDENT:

Is there any discussion . . . of that? Senator Knuepfer.

SENATOR KNUEPFER:

I know there's a hearing of the Local Government Committee tomorrow. Is there a further Election Committee hearing that is to be held or is that just in limbo?

PRESIDENT:

Senator Swinarski or Lyons, either one, wish to . . .
Senator Swinarski.

SENATOR SWINARSKI:

Mr. President, nobody's asked to . . . for any hearings
in the Election Committee at the present time. I had sent
out notices last week to all the members and no requests
have been made at the present time.

PRESIDENT:

Senator Lyons. Senator Knuepfer.

SENATOR KNUEPFER:

I don't know how a request . . . I'm not sure it's my
bill or not . . . I really don't know, but I can't say . . .
I can't really put a request in to you when I don't know
the bill is even being assigned to Election Committee. So
up until this moment I didn't even know it was assigned to
Elections, Senator. Now . . . now I would have to make a
request for a hearing if that's within your province to
call a meeting of that committee. I couldn't have made it
last week because I didn't know it was about to be re-referred.

PRESIDENT:

Senator Swinarski.

SENATOR SWINARSKI:

Yes, we can set that for tomorrow at 4:00 to 6:00 in
M-3. Senate Bill 1285. That's Graham's bill though . . .

PRESIDENT:

All right. Motion is for reassignment of bills. Any
further discussion on that? Leave is granted. Senator
Dougherty. Oh! Excuse me. Senator Lyons still has . . .

SENATOR LYONS:

Yes, I'd like to make a further announcement that

the Committee on Constitutional Implementation will not meet tomorrow morning at 8:30, but rather will meet tomorrow afternoon on the Senate floor immediately following adjournment, for consideration as such bills that remain on the committee.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I'd be happy to set those bills that have been re-assigned to Committee on Local Government . . . set them for tomorrow's hearing. You have the record, Mr. Clerk. You have the record. Fine. We'll set it for hearing tomorrow. And may I revert to the order of House Bills on Second Reading for the purpose of advancing them to Third, only because of the time element involved.

PRESIDENT:

Which . . .

SENATOR DOUGHERTY:

283, 284, 285 and 286.

PRESIDENT:

Request to advance House Bills 283, 84, 85 and 86. Do you have any amendments on those, Senator?

SENATOR DOUGHERTY:

The amendments have been adopted in committee. They will be adopted on the floor.

PRESIDENT:

All right. Motion is to adopt. Let's take them one at a time. 283. House Bill 283 on Second Reading. Question is to advance it to Third. Senator . . .

SECRETARY:

House Bill number 283. Second Reading of the bill.

One committee amendment . . . rather two committee amendments from Local Government.

PRESIDENT:

Senator Dougherty moves the adoption of the committee amendments. Senator Knuepfer.

SENATOR KNUEPFER:

I'm perfectly willing to have those amendments adopted, but I told Senator Dougherty that I will have some amendments to offer on those bills. They will take some considerable debate, I suspect. I'm really not certain. I . . . I share Senator Dougherty's interest in getting these bills in some kind of form that they can be passed. I would only say, in the present form, I'm doubtful that they can be passed. Now, if Senator Dougherty would agree to call those back to Third Reading tomorrow when we can debate my amendments, then I would be happy to have that to . . . to go. If he doesn't want to do it, why then I will simply have to vote no on passing it to Third Reading.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

That is my purpose of putting them shape so that we can discuss the bills properly, because you are well aware of the time element involved as to the filing date. That's the purpose.

PRESIDENT:

And, Senator Dougherty, you are willing to call them back to Second Reading for amendment?

SENATOR DOUGHERTY:

Well, certainly. Certainly.

PRESIDENT:

All right. All in favor of the adoption of the amendments indicate by saying aye. Contrary minded. The amendments are adopted. Any further amendments? Third Reading.

284.

SECRETARY:

House Bill number 284. Second Reading of the bill. No committee amendments.

PRESIDENT:

Any amendment from the floor? Third Reading.

285.

SECRETARY:

House Bill number 285. Second Reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the . . .

SECRETARY:

Yes, one committee amendment from Local Government.

PRESIDENT:

Senator Dougherty moves the adoption of the committee amendment. All in favor signify by saying aye. Contrary minded. The amendment's adopted. Any further amendments? Third Reading.

286.

SECRETARY:

House Bill 286. Second Reading of the bill. One committee amendment from Local Government.

PRESIDENT:

Senator Dougherty moves the adoption of the committee amendment. All in favor signify by saying aye. Contrary

minded. The amendment is adopted. Any further amendments?
Third Reading. Senator Dougherty.

SENATOR DOUGHERTY:

Are we through with that group of bills, because there's one more in the group.

PRESIDENT:

We are through with that series.

SENATOR DOUGHERTY:

Well, House Bill 1398 is now on the order of Third Reading. I have an amendment which simply says this: "This Act takes effect immediately upon its becoming a law." It is part of the entire package and I move the adoption of the amendment.

PRESIDENT:

1398 on Third Reading is brought to Second Reading for purposes of amendment. Senator Dougherty moves the adoption of the amendment. Is there any discussion? All in favor signify by saying aye. Contrary minded. The amendment is adopted.

SENATOR DOUGHERTY:

Thank you.

PRESIDENT:

Third Reading. Senator Bidwill.

SENATOR BIDWILL:

Mr. Chariman, or Mr. President. I wish to announce a caucus of the Republican Party in Room M-1 tomorrow at 11:00 AM--11:00 AM in M-1. And also Mr. President, whether the members have or not read the notice on their desks, but the Medical Dinner has been postponed or called off for tonight . . . those that haven't read the message on their desk.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President and members of the Senate. I noticed that the Calendar does not carry announcement of the Committee on Transportation. I'm sure this was an oversight; however, I'd like to announce now that at 2:00 o'clock tomorrow there will be a meeting of the Committee on Transportation in M-1. I suggest that all the members attend.

PRESIDENT:

Senator Neistein. Senator Cherry. Senator Neistein.

SENATOR NEISTEIN:

The Committee on Judiciary will meet immediately after adjournment on the Senate floor, and I don't see Senator Laughlin here but he's the Minority Spokesman. We'll meet on the Senate floor immediately after adjournment.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Executive Committee, Mr. President and members of the Senate, will meet at 4:00 o'clock on the Senate floor. This was unfortunately omitted from the Calendar, but notices are placed on all of the desks of the members of Senate Executive Committee. 4:00 o'clock here.

PRESIDENT:

Senator Smith. Senator Johns.

SENATOR JOHNS:

Chairman, Senator Smith has asked me to announce that there will be a committee meeting on Welfare in the morning at 8:30 in the Senate chambers. On Welfare . . . 8:30 in the morning.

Incidentally, I'm advised by the Secretary, if he doesn't receive notification of meetings it's hard for him to get them on the Calendar, so committee chairmen, if you can keep that in mind . . . Senator Knuepfer.

SENATOR KNUEPFER:

I'd like to ask the Pro tem a question. There is a Republican caucus at 11:00. Constitutional Implementation meets immediately after the Session. When is the Session?

PRESIDENT:

Noon.

SENATOR PARTEE:

You mean next week? Is that what you're talking about?

PRESIDENT:

No. Tomorrow. Tomorrow it is scheduled for noon.

Senator Berning.

SENATOR BERNING:

I also would like to ask the President pro tem . . . Senator Partee, have you had an opportunity to confer with your staff and Senator Dougherty on Senate Bill 1290, and have you determined whether or not we can move on it and advance it to Second?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

No, but we could give you an answer in the morning. We haven't had a chance to check out one other facet of that bill, and we'll give you the information in the morning.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

May I then just ask for further clarification on our

time-table? If Thursday is the absolute last day to consider Senate bills on Third Reading, there is little point in our going to committee meetings tomorrow, is there?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, it isn't an inflexible rule. All rules, it seems to me, must have some flexibility and, under these circumstances, where I might be accused of holding it up, I'm certain that we can make some accomodation to have this bill heard for you.

PRESIDENT:

Are there further announcements? Senator Donnewald moves that the Senate stands adjourned until noon tomorrow. All in favor signify by saying aye. Contrary minded. The Senate stands adjourned.