

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 27, 1971

PASTOR: FATHER ROBERT SPRIGGS. CHRIST THE KING CHURCH IN SPRINGFIELD, ILL.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Mr. President, our schedule now calls for our going into session. There has been a request made for a Caucus by the Democrats and I don't know if the Republicans have finished theirs or not, but some of them have indicated they wanted to have lunch so I would move that we adjourn until one, recess until 1:30, at which time we'll come back into session.

PRESIDENT:

Motion to recess until 1:30. All in favor signify by saying aye. Contrary minded. Motion prevails. The Senate stands in recess until 1:30.

PRESIDENT:

The Senate will come to order. The reading of the journal. Moved by Senator Rosander the reading of the journal be suspended. All in favor signify by saying aye. Contrary minded. Motion prevails. Committee reports.

SECRETARY:

Senator Neistein, Chairman of Judiciary reports out Senate Bill Number 95 with the recommendation do not pass as amended. Senator Romano, Chairman of Labor and Commerce reports out House Bills 2871, 2872, 2874, 2878, 2879, and 2886 with the recommendation do pass. Senator Lyons, Chairman of Appropriations Division Committee on Public Finance reports out Senate Bills 1274, 1275, 1276, 1277, 1284, and 1300 with the recommendation do pass. Senator Cherry, Chairman of Executive Committee reports out Senate Bill 1293 with the recommendation do pass. Superintendent of Public Instructions's appointments of August 11 and August 26, recommend confirmation. Governor's message of October 19, in part, recommend confirmation.

PRESIDENT:

Senator Lyons moves that the Senate go into Executive session.

SENATOR LYONS:

I have a question on the committee reports. Did you read a report from Appropriation for today? Was Senate Bill 1284 included? O.K. Thank you.

PRESIDENT:

Is Senator Cherry on the floor? Is, who's the Vice-Chairman on the Executive Committee? You want to move that the Senate resolve itself into Executive session? We have a motion, that will be necessary on the confirmation. Senator Johns moves that the Senate do arise into Executive session...resolve itself into Executive session. All in favor signify by saying aye. Contrary minded. Motion by Senator Johns that the ... the appointments made by the Superintendent of Public Instruction be confirmed. On that question the Secretary will call the roll. Senator Soper. This is the Executive Committee report. 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,

PRESIDENT:

Senator Ozinga.

SENATOR OZINGA:

What are we voting on?

PRESIDENT:

This is on the Executive Committee report. Confirmation of appointments made to the State Superintendent.

SENATOR OZINGA:

Are these all of the appointments that were made, all of the confirmations that were made yesterday, or just that office?

PRESIDENT:

This is strictly...the motion by Senator Johns is for those reported by the State Superintendent.

SENATOR OZINGA:

Just the Superintendent, not all of the offices that were voted upon yesterday by the Executive Committee.

PRESIDENT:

I assume there will be another motion for those by the Governor, also.

SENATOR OZINGA:

Oh...all right.

PRESIDENT:

Collins aye. Davidson aye.

SECRETARY:

O'Brien, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I know you, Mr. President, I know that you announced that these are the recommendations of the Executive Committee of the appointments by the Superintendent of Public Instruction, but could we just have the names of the people that are being confirmed, or consented to? I'd like to have their names, and what they're gonna do, at least.

PRESIDENT:

For as many years as the chair has been involved in the Senate, they haven't been read during this period, but we can read them.

SENATOR SOPER:

Well, I'd like to have them read. Maybe we'll change it a little bit, I, maybe I'm voting for Kosygin or somebody, I don't know!

PRESIDENT:

They will be read by the Secretary.

SECRETARY:

Just, just the name.....

PRESIDENT:

Just the names.

SECRETARY:

To be appointed members of the board with terms expiring July 1, 1977, Harvey L. Hadden of Chicago, unsalaried; Sherman T. Christianson, Parkridge, unsalaried; and Arlene H. Punch of Peoria, unsalaried; and for term to expire July 1, 1977, J. F. Sheldonbeck of Parkridge, unsalaried.

PRESIDENT:

For what purpose does Senator Bidwill arise?

SENATOR BIDWILL:

I...I wish to make an inquiry, Mr. President. You just, I think, informed Senator Soper that our procedure has been to call off the recommendations of the Executive Committee, which is true. Why have you taken and separated Mr. Bakalis' appointments from the rest of the appointments? Don't we generally take them all at the same time?

PRESIDENT:

We generally do. I was just advised by the Secretary that, the... I am advised by Mr. Fernandes, not when they're two different offices. I am following, I...I have to...

SENATOR BIDWILL:

You mean that the nominations are from two different offices.

PRESIDENT:

That's right.

SENATOR BIDWILL:

I just wanted to clarify that.

PRESIDENT:

All right.

SENATOR SOPER:

Thank you.

SECRETARY:

Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Rosander aye. McBroom aye. Graham aye. Latherow aye. On that questions the yeas are 43 the nays are none. The Senate does advise and consent. Senator Johns now moves that the recommendations of the Governor, reported out by the Executive Committee; that the Senate do advise and consent to their confirmation. On that question, 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,

PRESIDENT:

Senator Soper? Senator Soper.

SENATOR SOPER:

I'd like to know who the parties are that we are supposed to advise and consent.

PRESIDENT:

Question is, what offices are we voting on recommended by the Governor? For what purpose does Senator Smith arise?

SENATOR SMITH:

Why not supply the Senator with the names of each and everyone that came before the Executive Committee yesterday and came out of that hearing with a do pass recommendation. And in that way, it would not take the time of others needlessly by stopping to read, for the benefit of one, each and every name that was endorsed. You have them there? If you don't, I have them and would be happy to give them to the Senator.

PRESIDENT:

The Secretary has them here. Do you wish them read or do you wish to see a copy of the list, Senator?

SENATOR SMITH:

Immora! Immora!

PRESIDENT:

Senator will look at a copy of the list. Continue the roll call.

SECRETARY:

Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Hall aye. Hynes aye. On that question the yeas are 44 the nays are none. The Senate does advise and consent. Senator Johns moves that the Executive session do now arise. All in favor signify by saying aye. Contrary minded. Motion prevails. He is not recorded on that particular roll call. Resolutions. Messages from the House.

SECRETARY:

Message from the House by Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted the following preamble and joint resolution in the adoption of which I am instructed to ask concurrence of the Senate to wit. House Joint Resolution 94.

PRESIDENT :

Senator Coulson.

SENATOR COULSON:

Mr. President, with regard to this resolution, I would like to move for a suspension of the rules and an immediate adoption of the resolution. This has sponsorship on both sides of the aisle and Senator Partee and I flipped a coin to see which of us would carry it here and I don't know whether I won or lost. This resolution directs the Illinois Legislative Investigating Commission to investigate the chartering of airlines and the licensing procedures by which various commuter lines are licensed, in view of the tragedy last week. I believe there is no factual data to be

elicited by any committee hearing and I believe there is need for some urgency.

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. Resolution is adopted.

SECRETARY:

Message from the House by Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives have passed bills with the following titles in the passage of which I am instructed to ask the concurrence of the Senate to wit. House Bills 2460, 3556, 3638, 3690, and 3691.

PRESIDENT:

Introduction of bills. On page 2 of your calendar, on page 2, Concurrence in Executive Amendments to House Bills...for what purpose does Senator Graham arise?

SENATOR GRAHAM:

I arise for the purpose of making a motion, Mr. President. I talked to the Chairman of the Committee on Elections, regarding Senate Bill 1285, which deals with 18-year-old voting. This is a reconstructed bill replacing 719. He has agreed that it is unnecessary to hold a committee meeting. I would move to discharge the Committee on Elections from further consideration of how, of Senate Bill 1285 have it placed on the order of second reading.

PRESIDENT:

Senator Swinarski, is it acceptable?

SENATOR SWINARSKI:

We have no objections to that.

PRESIDENT:

Motion to discharge Committee. Is there objection? Leave is granted. Senator O'Brien.

SENATOR O'BRIEN:

I mentioned a few minutes ago to Senator Graham that I do have an amendment to that bill and I'll get a copy to him, and I'll, and I hope to amend it.

PRESIDENT:

We'll, we'll go through the second reading process. On page 2 of the calendar Concurrence in Executive Amendments to House Bills. 677, Senator Dougherty. Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, and members of the Senate. The executive amendment to House Bill 66, or no, 677 is, is this. I have it here, just a moment. And I have the amendment suggested by the Governor. As a matter of fact the bill provided for the construction of five courthouses within the area of Cook County outside the City of Chicago. This bill was subsequently amended in the House and provided that offices, county offices other than courts, could make use of these facilities. The Governor in his message suggested that certain lang...the language providing for the housing of offices other than courts be deleted and that the bill be amended in such a way that it would read for the housing of courts only. I have the amendments here as suggested by the Governor, and I don't whether or not they are adopted in the House, but I would suggest that we adopt the amending language in the Governor's message.

PRESIDENT:

You're giving this to the Secretary in writing?

SENATOR DOUGHERTY:

That's right.

PRESIDENT:

Motion is to concur in the executive amendment. The motion is to concur in the executive amendment, is that correct. Senator Dougherty?

SENATOR DOUGHERTY:

I didn't hear you...

PRESIDENT:

The motion is to concur in the executive amendment. You do not have a further amendment to the executive amendments here, is that correct?

SENATOR DOUGHERTY:

Wait just a moment.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

May I withdraw that motion for the time being, sir? There has been some difficulty.

PRESIDENT:

All right. We'll get back to that when you notify the Chair. 785, Senator O'Brien. Is Senator O'Brien on the floor? Senator Savickas.

SENATOR SAVICKAS:

Mr. President, pursuant to rule two, I would like the floor cleared of all lobbyists.

PRESIDENT:

The floor will be cleared of all lobbyists. Those not entitled to the floor, please leave the floor.

SENATOR SAVICKAS:

And if there is, the Sergeant of Arms has difficulty in looking at the fellow, there is one in the corner over here.

PRESIDENT:

Will the Sergeant of Arms please enforce the rules. 785, Senator O'Brien. Senator O'Brien, do you wish to hold....

SENATOR O'BRIAN:

Hold. Hold.

PRESIDENT:

1034, Senator Horsley. On page two of your calendar, Executive Amendments to House Bills. Last column.

SENATOR HORSLEY:

No, I wanta hold that.

PRESIDENT:

1309, Senator Horsley. Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President, I don't know what kind of a motion to make here exactly. The Governor made a recommendation in his veto for changes but his recommendation was in error, and he had the wrong section number in his message, uh, where he confused 21 and 22, so somebody is draftsmanship and that is again the reason why I insist the Reference Bureau ought to have all of these sent through and checked before they're brought to us. That's what they get paid for, and these bright young men I know are pretty clever, but I still think we ought to have them cleared with the Reference Bureau. But the notwithstanding Speaker Blair's statement that they had no right to change anything in the Governor's message, they did correct the errors and the bill is of now as has been amended by the House is correct. So I don't know exactly what the motion would be, but I presume that we will concur in the bill as amended by the House and now before this body.

PRESIDENT:

I think that is the correct motion.

SENATOR HORSLEY:

So I would make that motion.

PRESIDENT:

Motion is to...

SENATOR HORSLEY:

Because the House did correctly amend the bill.

PRESIDENT:

Motion is to concur in the executive amendment as amended by the House. Senator Knuepfer.

SENATOR KNUEPFER:

Well, uh, in an answer in part to Senator Horsley, I, I, I am not sure the constitutional question has been resolved as to whether we can or whether we can't. There is some language in the Constitution that

would indicate that this legislative body is not authorized to change any amendatory veto. There is some that would indicate another way. I would certainly suggest that this is, uh, subject to challenge, uh, very easily.

PRESIDENT:

Well, if the chair could comment, we don't know what the courts are going to rule. We have an Attorney General's opinion, which indicates that we do have the authority to do this. I think we have to, uh, move ahead--proceed on the assumption that we do have the authority to do this. Senator Lyons.

SENATOR LYONS:

Well, of course the amendatory veto process represents a serious abdication of the function of the General Assembly. This would absolutely complete the job. We might as well all pack up and go home if we're going to allow, now first of all the problem is, the Governor's staff is re-writing all the work products of the General Assembly--that's bad enough. That's in the regular amendatory veto. Now, if we are going to start amending the amendatory vetoes, uh, this General Assembly might as well just forget it and go home. We will never know whether a bill has been passed. We will never know on a given bill what kind of action has been taken on it. This is a provision of ultimate implications if that's what it does. I guess this is an amendment to the amendatory, to the Governor's recommended veto. This is the first one I've seen that come through here yet, and I just caution the membership that in the event that we ever embark on a practice of this kind, we'll never know where we, as legislators, stand in the lawmaking process from one day to another.

PRESIDENT:

The Chair is going to rule that the motion of Senator Horsley is in order, and Secretary will call roll. For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

Well, I would merely point out, Mr. President, that this is an important bill. It has to do with the statute of limitations and is

aligned with a series of bills that have already been approved by the Governor and that have gone through here. This bill is a must, and I earnestly ask for a unanimous vote on this bill.

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:

Carpentier, aye. Hall, aye. Hynes, aye. Kosinski, aye. Vadalabene, aye. Merritt, aye. Weaver, aye. Walker, aye. Sours, aye. Graham, aye. Mohr, aye. Request for a call of the absentees, the absentees will be called.

SECRETARY:

Arrington, Bruce, Carroll, Cherry, Chew, Course, Donnewald, Dougherty, Egan, Harris, Horsley.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President, in explaining my vote, as I said before, this is a very important bill, because if you're going to put the age of majority at 18, which has already been done by the signature of the Governor, then the matter of statute of limitations becomes very important and that's all this bill does, so I, I think we ought to be consistent on this anyhow--so I vote aye.

SECRETARY:

Johns, Knuppel, Kusibab, McCarthy, Mitchler, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Rock, Romano, Saperstein, Savickas, Swinarski.

PRESIDENT:

Saperstein, aye. On that question the yeas are 41, the nays are 2. The Senate does concur in the executive amendment as further amended in the House. 1460, Senator Fawell. Senator Fawell on the floor? 1516, Senator Bruce.

SENATOR BRUCE:

Mr. President and members of the body. Senate Bill 1516 is the Minimum Wage Bill for teachers in Illinois. The bill was sent back to the body with a specific recommendation of the Governor that the amount set forth in the bill be reduced. The bill as passed included the figures of \$6,500 for less than a Bachelors, that was reduced by the Governor to \$6,000. For a Bachelor's degree, the bill as passed included amount of \$7,200. That was reduced by the Governor to \$6,800. For the master's degree and beyond, the bill included a fee of \$7,900. That was reduced by the Governor to \$7,300. I do not know if there is any further discussion. It is a simple monetary reduction in the bill, and I move that we accept the recommendations of the Governor on House Bill 1516, and I have so filed a written motion.

PRESIDENT:

Motion is to concur in the executive amendment. 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, Doutherty, 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 1. The one present,
the Senate concurs in the executive amendment. 1753, Senator Kosinski.

SENATOR KOSINSKI:

Mr. Chairman, Honorable Senators. I hope I won't have as rough
a time this time as I had last time. You all have the amendment, you all
have the bill and you all have the message from the Governor. This is a
particular bill 1753 and the Governor returned the bill with the follow-
ing specific recommendations for change. And just to take the contents
of it, he would allow security guards while actually engage in the per-
formance of duties of their employment of commuting between their homes
and place of employment, provided that such commuting is accomplished
within one hour from departure, from home or place of employment. The
bill originally did not have this language. It did not allow security
officers to have guns on the street, but with the Governor's recommenda-
tion, I would like to concur with his message and move for it's adoption.

PRESIDENT:

The motion is to concur with the executive amendment. Is there
any discussion? Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, Senator would you yield, was there another bill on
this?

PRESIDENT:

Just a moment, can we break up the caucuses back there, gentlemen.

SENATOR LAUGHLIN:

It seems to me we had two or three bills involving this same sub-
ject matter. Is this designed to make it the same as some other bill that
it passed. Senator Smith I know had a bill and I worked with him and
others worked with him to try and make a good and best bill and the good
Senator didn't want people running around all over at all times with none.

Now, may I find out if this is the same bill, a different bill, or what are we doing here?

PRESIDENT:

Senator Rock has asked for the floor on this, Senator Rock, or Senator Smith.

SENATOR SMITH:

The bill that I had did exactly what you intimate and as I recall it did allow the carrying of an armed weapon over a period of one hour if I mistake not while to and from his or her place of employment. Now, my information is that this particular bill amends another section of the statute, is that correct Senator, and makes it inconformative, Sir, with the bill that I had.

PRESIDENT:

Is there further discussion, the secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwell, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulsen, 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 45, the nays are none. The Senate does concur in the executive amendment. 1764, Senator Lyons, 17--- Oh. For what purpose does Senator Berning arise?

SENATOR BERNING:

On a point of personal privilege I assume would be the only real privilege I have. I would like to direct a question to the sponsor or to anyone who would care to respond. When we now have approved the amended bill 17...1753 to bring it into conformance with Senate Bill

515 are we adding duplicate sections to the statute and thereby again enlarging on these huge volumes of statutes we have? I am just curious. Is it necessary to pass duplicate measures and that to me is what we seem to have done in this case?

SENATOR SMITH:

I really think the question should be answered by Senator Kosinski, however, the bill, Senator, that was introduced by me earlier during the regular session provided for exactly that which the Senator has just amended in another bill, and that bill has been signed into law by his Excellency the Governor as of early September. Now as I understand the Senator's bill amends another section of the statute to make into conformity with the provision of...what was the bill that I had...Senate Bill 515, and that's all it does. Is that correct Senator?

PRESIDENT:

I think part of the answer Senator Berning is that there are some, is some duplication in language that is necessary in order not to nullify the affect of a bill passed or signed earlier, and then this corrected two years later through the various statutory amendments. 3032, Senator Horsley, is Senator Horsley on the floor? Senate Bills on second reading. I'm sorry. We have a ...Senator Fawell....Is Senator Fawell on the floor? Are you ready on your motion on 1460. This is also Concurrence in Executive Amendment to House Bill. 1460 is still on page 2 on the calendar.

SENATOR FAWELL:

Mr. President, members of the Senate, House Bill 1460 is the bill which increases the, the salaries of administrative secretaries in our Circuit Courts and the only thing the Governor did in his amendatory veto was to add, or suggest the adding of Section 2, which refers to the President's Executive Order which stabilizes prices and rents and merely sets forth that form language that this is subject to the price freeze, and, thus, I make the appropriate motion to in effect concur with the amendatory veto message of the Governor.

PRESIDENT:

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

SECRETARY:

Arrington, Baltz, Berning, Bidwell, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulsen, 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:

Horsley, aye. Nihill, aye. Lyons, aye. Sours, aye. On that question the yeas are 47, the nays are none. The Senate does consent to the executive amendment. Senate bills on second reading. 952, Senator Fawell. 1282, Senator Groen. Senator Groen, 1282 on second reading. 1282.

SECRETARY:

Senate Bill 1282 second reading of the bill with no committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading, 1283, Senator Groen. 1283.

SECRETARY:

Senate Bill number 1283 second reading of the bill no committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading, 1292, Senator Lyons.

SENATOR LYONS:

Mr. President I'd like not to move the bill but I would like to offer an amendment then hold it on second reading, if I might.

PRESIDENT:

You may do that.

SENATOR LYONS:

The amendment is up on the desk and it adds this line. This act shall take affect on January 1, 1973.

PRESIDENT:

Senator Lyons moves the adoption of amendment number one of 1292. Is there any discussion? All in favor signify by saying aye. Contrary minded. The amendment is adopted.

SENATOR LYONS:

And I would like to hold the bill on second reading because I am still waiting for some additional dialogue on some matters raised by the bill.

PRESIDENT:

It will be held on second reading. Senator Fawell.

SENATOR FAWELL:

May I call 952, that's on second reading.

PRESIDENT:

952, on second reading.

SECRETARY:

Senate Bill Number 952 Second reading of the bill. One committee amendment from Education.

PRESIDENT:

Senator Fawell 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. 488, Senator Rock. 489, 491, and 2, Senator Ozinga. 1052, that series, Senator Partee. That series 1052, you aren't calling that? Senator Partee.

SENATOR PARTEE:

1052 and 53 will pass. I think 1054 Senator Rosander would like to address himself to that.

PRESIDENT:

1054. Senator Rosander.

SENATOR ROSANDER:

Mr. President, members of the Senate. Amendment number one...

PRESIDENT:

Just a moment. Is it permissible, Senator Partee, to call it back to second reading for purpose of amendment.

SENATOR PARTEE:

Yes.

PRESIDENT:

1054. All right.

SENATOR ROSANDER:

I believe Senator Partee has indicated that he would like to have a change of sponsorship of this bill. We are using it as a vehicle to provide an amendment, and I would like at his request to have his name withdrawn and that I be shown as the front sponsor of this bill along with Senator Collins.

PRESIDENT:

We will so indicate. Can you explain your amendment?

SENATOR ROSANDER:

Amendment number one, what it actually does is extend the date line for filing of applications with the Illinois Building Commission from October 1st to December 31st. And the reason this is, is that the Harlem School District 122 submitted three proposals at a referendum. Two of them passed, but the third one... Apparently there was a misinformation or mis-interpretation of what that proposal actually did. It was not understood by the electors and therefore it was defeated. What this particular school district board wants to do is resubmit the proposal back to the people within the district and to do so they would have to extend the filings, the application file date, to December 31st in order to come within the provisions of the existing limitation which at that time was 5%. This is exactly what that bill does. I have discussed it with the

SB 1272
Recalled
10-27-71

leadership on both sides of the aisle. We have worked out the amendment with the staff on both sides, and I would like to ask for the adoption of this amendment to Senate Bill 1054.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye. Contrary minded. The amendment is adopted. We'll get back to it a little later then, Senator Partee.

SENATOR PARTEE:

So that the membership will understand precisely what we did here. These were some bills that we have been carrying for the purpose of utility in the manner in which we have just utilized this bill. I would ask Senator Rosander to hold it and not call it for passage today. We have something else that has arisen I have not had a chance to discuss it with you. I don't think you have a problem, but let's hold it for tomorrow for passage.

PRESIDENT:

1055, you wish to hold, Senator Partee?

SENATOR PARTEE?

Yes.

PRESIDENT:

All right. 1062 is Senator O'Brien on the floor? 1164, Senator Berning. 1224, Senator Donnewald. 1224, hold. 1263, Senator Partee. 1272, Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, members of the Senate, I would like unanimous consent to called back 1272 and 1273 to second reading for the purpose of an amendment. The amendment very briefly simply means that if 35 of us vote for it, this bill will become effective immediately upon its passage and signature by the Governor, and it wasn't included inadvertently when the bill was drawn. I have talked with Senator Partee about it. He knows I am doing this and I am sure has no objection to it.

AB 1272
2nd Reading
10-27-'71

PRESIDENT:

1272 is brought back to second reading for the purpose of amendment. Senator Laughlin offers amendment number one. All in favor signify by saying aye. Contrary minded. Amendment is adopted. 1273 is brought back to second reading for the purpose of amendment. Senator Laughlin offers amendment number one. All in favor signify by saying aye. Contrary minded. The amendment is adopted. Third reading. Now do you wish to call the bill?

SENATOR LAUGHLIN:

After intervening business.

PRESIDENT:

We have had intervening business on 1272.

SENATOR LAUGHLIN:

Oh, oh that's right. I'm, I'm, I'm not that sharp today, Mr.

President.

PRESIDENT:

1272.

SENATOR LAUGHLIN:

Well the Constitution, the new Constitution provides how Senators shall be elected.

PRESIDENT:

Just, just a moment, please let's have a little bit of order.

Senator Partee.

SENATOR PARTEE:

I was just going to say that Mr. President. This bill that Senator Laughlin has for the future for the members of this body is one of the most important bills that you'll hear this year, and I just hope that the members who are interested would find their seats and adjust themselves to it intelligently. Now this is a very important bill.

PRESIDENT:

Senator Neistein. I think the remarks of the President Pro Tempore may have been directed in your direction, if you, if the members will be in their seats, let's maintain some order, Senator Laughlin is recognized.

SENATOR LAUGHLIN:

Well, Mr. President and members of the Senate, this bill is 'nt

very lengthy. It simply starts out by saying three groups of legislative districts. The 59 legislative districts of this state are divided into three groups for the purpose of establishing the term of Senators elected from each group. The districts in each group are distributed substantially equally over this state. The three groups shall consist of 20, 20, and 19 legislative districts respectively and with each group having as its first district number one of the numbers, one, two, or three, and shall be comprised of other district numbers as follows. And if you don't have the bill and it should be with you, when I asked Mr. Bobbitt of the Reference Bureau to draft this I just said make this as fair and as reasonable and as non-partisan as you can and I certainly think he did. He just went by the numbers, one, two, three were the top numbers of each of the three groups and then he just continued four, five, six and allocated each succeeding number to the next of the three groups. I think they're substantially spread throughout the State, and I think its very fair and I know I can't for the life of me see any political significance on this bill as drawn at all. The second section of this bill says that Senators shall be elected from districts in each group of legislative districts on the dates and for terms as follows. First group 72 and 76 for four years each and the 1980 for two years. Second group, 1972 for four years, 1976 for two years, and 1978 for four years. And the third group, 1972 for two years and a 1974, 1978 for four years each. And then it says all 59 Senators, one from each of the 59 districts, shall be elected at the first general election of Representatives next occurring after each decennial redistricting. Now Section 3 addresses itself as to how you go about doing this and its purely by lot. To determine which group of legislative districts shall be the first group, second group, or third group for the purpose of establishing the terms for which Senators shall be elected in each group until the next decennial redistricting is provided in Section 3 and so forth of the Constitution, the Secretary of State in the presence of the majority and minority leaders of the Senate, after due notice to them, shall, as soon as practicable after each redistricting finalized according to law, draw one card at random from three cards bearing the numbers one, two and three

and then draw one card at random from the two remaining cards. The first number so drawn shall be the first number of the first group and Senators shall be elected from districts in that group for terms as provided in section two, that I just read you. The second number so drawn shall be the first number of the second group and the Senators shall be elected from districts in that group for terms as provided in section two, which I have just read you. The number on the remaining card shall be the first number of the third group and Senators shall be elected from districts in that group for terms as provided in Section two in which I have just read you. And that's the bill.

PRESIDENT:

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

Senator McCarthy.

SENATOR McCARTHY:

Senator, a I was talking just as you were getting to the lot business. Now, when does the Secretary of State draw this lot?

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

I think I can find it here. As soon as practicable after each redistricting finalized according to law. Now you going to ask me what happens if there is a court case pending.

PRESIDENT:

Senator McCarthy

SENATOR McCARTHY:

Assume that the governor would sign this in about ten days, then the Secretary of State could draw any time?

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

The amendment that we just adopted makes it effective upon passage and signature by the Governor.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Do I understand it correctly that in your columns one, two and three...in your columns one, two and three the Secretary of State may very well have a three, one and two. Is that the way it would work?

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Whichever number comes out. He's going to draw from three cards numbered one, two and three; so if he pulls out three first then its the third group, if he pulls out one second that's the second group. That's my understanding of this thing.

PRESIDENT:

Is there further discussion? Senator O'Brien.

SENATOR O'BRIEN:

Perhaps a suggestion, Senator, the bill sets up the basic apparatus to determine just exactly whether we will be running for four or two years and what category we will fit into. The real question is, you know, what will happen when we have a court case. But something I think even more important than that, this bill becomes effect immediately upon signature by the Governor. I think that it perhaps would be a good idea if we put into this bill a two week limitation on the amount of time after the signature of the Governor that the Secretary of State would have for the drawing, so that way there is no procrastination once this bill is signed by the Governor and we know just exactly where we stand, and that's what I think the intent of the bill is.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, number one, I think the political realities of life, and I am not talking as a Republican now' confronted with the situation we have

right now that as soon as the Governor signs this bill there is going to be a drawing because there may be; and that is why I would like to get this passed and that's why it has been lying here til everybody got a look at it and would, I'd hoped would come and talk to me about it if they had problems; certainly there may be those in this body presently, for example, who decide to run or not to seek re-election based on which group they might fall into. Its entirely possible. I am not sure that there's....that it would be wise to put a two week from date, from the effective date. I would say this, that I'd like to pass this and get it to the House and I'll talk with you about it and if you think there's some advantage to that situation, why so be it. I can't imagine, for the life of me, why anybody would ever stall it.

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Senator, the political realities of life are not always as we see them. We have a vacancy over here we thought would have been filled. I think that the bill is....I'll vote for the bill, but, but I think that without the amendment the bill actually does nothing because you're waiting at the hands of the Secretary of State to determine what you're going to be doing the next time around, when you're going to running. And if you Senators want to go along with that, that's fine with me, but I don't think the bill goes as far as it should. I think that there should be a two week limitation given to the Secretary of State for the drawing.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, I can understand Senator O'Brien's concern, but I think somewhere along the line we have to have some faith in the people who are to administer government. So far as the Governor not signing it immediately, I think that he does know and should know the importance of this to the election process. But, more than that, it occurs to me that if we put some

limitation on it that is contrary to the Constitution--the Constitution already sets forth how it shall be done...it may render it unconstitutional. I don't want to take that kind of a chance either. I think if we went, after this bill is passed by both houses, to the Governor, from this side and from the other side of the aisle, and said to him that we want this signed immediately; I think he would. I just don't think anything else would happen.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

I just want to make one point. I intend to support the bill. But there exists a possibility, under this bill, that somebody who ran in 1964 for this body, or a district which was up in 1964, would wind up having an election in '64, '66, '70, '72, and possibly again in '74. That's six times in ten years. Whereas the ones that ran in '62, don't have that possibility. I think there's an inequity, but I am going to vote aye on the bill.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

I'd like to say in closing the debate, if that's what I'm doing and if it is a debate; simply that, yes, I've run four times for twelve years, hopefully, and it hasn't been much fun to have your terms cut in half by courts. I solicit your support.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, one other question of Senator Laughlin. If number 3 is drawn first, that then becomes the first group under the appropriate section. Is that correct?

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

The first number so drawn shall be the first number of the first group and Senators shall be elected from districts in that group. So, if number 3 was drawn, then that would be the first group and those people would be elected in '72 and '76 for four years each, and in '80 for two years.

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...

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Mr. President, with the possibility that this bill may be returned to us with an amendatory revision, I'm going to vote present.

SECRETARY:

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

PRESIDENT:

On that question the yeas are 49 the nays are 0, 1 present. The bill is declared passed. 1273, Senator Laughlin. Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, this is just a companion bill, amends the election code to say that in each of the three groups, legislative districts on the dates and for terms, etc. This is a companion bill. It's essential to go with the gut bill that we just passed.

PRESIDENT:

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

SECRETARY:

Arrington, Baltz, Berning, Bidwill,

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President, just in passing, I would like to make this observation; that just as Senator O'Brien has some reservations about this whole concept, my reservation is simply this: that we are meekly admitting that the Supreme Court or the Federal Court is right in dictating to us what is good and what is not proper in our state Constitution wherein it has said, "Senators serve for four terms". With that great reservation and rejection of their philosophy, I vote aye.

SECRETARY:

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:

Horsley aye. Donnewald aye. On that question the yeas are 49 the nays are 0. The bill is declared passed. 1281 Senator Nihill.

SENATOR NIHILL:

Mr. President and Senators. This bill here just refers ... we missed this possibly on bill 476. It's generally...a retirement article of the Pension Code. In other words it drops it for the widow and a child from eight years to four years, which wasn't put in last time, and Senator Groen, I know he knows about this and Mr. Weinberg has drawn this up and I appreciate a favorable roll call on this.

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:

Weaver aye. Lyons aye. Soper aye. Berning aye. Nihill aye. On that question the yeas are 46 the nays are 0. The bill is declared passed. Two Senators have House bills on third reading they want called back for purposes of amendment. 590 Senator Sours.

SENATOR SOURS:

Mr. President and Senators I wanted to get this passed today, not to call it back.

PRESIDENT:

Oh, well, if it's a very...if it's a noncontroversial thing, we can move on it. If it is going to involve any controversy, we will have to take it up tomorrow.

SENATOR SOURS:

I know of no controversy. If it is, I'll desist immediately.

PRESIDENT:

590.

SENATOR SOURS:

This bill was heard before Senator Dougherty's Local Government Committee and it simply states, with reference to the construction of a building or a public improvement under the Public Building Commission Act, that it doesn't have to be within the corporate limits of the city. This

says, "Where the site is for a county project and is outside the limits of a municipality, the approval of the site shall be by the county board." That is precisely all it does. It's a good bill and I would appreciate a favorable roll call.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

This bill was a good bill as originally drawn and would have been a good bill if 677 had not been partially vetoed by the Governor. We were for 590 under those circumstances, but with 677 now being in the posture that it is, we are opposed to 590.

PRESIDENT:

Senator Sours indicates he will hold the bill. 1311 Senator Knuppel. Senator Knuppel. Do you have an amendment on 1311?

SENATOR KNUPPEL:

Yes Sir, pursuant to the suggestions rendered by Senator Horsley yesterday, I'm calling...asking leave to call back 1311 for the purpose of amendment. Yes sir, it has been distributed.

PRESIDENT:

1311 is called back for purposes of amendment. Can you explain the amendment?

SENATOR KNUPPEL:

The amendments on...strikes the language which was his claim against an insurance company. It strikes "against an insurance company" and just leaves it to read "to represent him in his claim for settlement of a personal injury claim." And then, in addition to that on line 13, provides that notice shall be in writing when given to the person who originally had this contract and on line 18 by striking of the word "if" and by inserting in lieu thereof the following: obtain written acknowledgement of receipt of notice from the party represented...so that....

PRESIDENT:

The secretary does not have your amendment.

SENATOR KNUPPEL:

I'm sorry, here's a copy of it. It was distributed to the members. There you are. Here, take all of it. Then, these amendments bring this bill into keeping with the suggestions of Senator Horsley and Senator Partee. I think this is a good bill. I think that the suggestions were good. I would like to have it advanced to third reading and, if there is intervening business, to then call the bill for passage.

PRESIDENT:

Is there discussion on the amendment? All in favor signify by saying aye. Contrary minded. The amendment is adopted. Can we take one of the resolutions we have pending? We have two resolutions then we'll get right back to your bill, Senator Knuppel. Senator Course has a bill he wishes to recall for purpose of amendment. 1462 Senator Course.

SENATOR COURSE:

Yes, Mr. Speaker. This is amendment number 2 to House bill...

PRESIDENT:

Just a moment. Senator Carpentier is the sponsor...your...all-right. Proceed, Senator Course.

SENATOR COURSE:

This is amendment number 2 to House bill 1463 and in essence what it does, ladies and gentlemen, it permits the increase of a trailer from the length...

PRESIDENT:

Are we talking about 1463. 1463 it should be. I'm sorry.

SENATOR COURSE:

1463.

PRESIDENT:

1463. Senator Latherow, this is your bill. 1463?

SENATOR COURSE:

That's correct, Mr. President.

PRESIDENT:

Senator Course wishes to pull it back for purpose of amendment.

Is this acceptable, Senator Latherow? Alright, proceed Senator Course.

SENATOR COURSE:

This amendment allows the trailer to be increased...the length of the trailer to be increased to 45 feet from the standard length which is now 42 feet. It does not increase the combination; that is the tractor and the trailer which is now 55 feet. That remains the same.

PRESIDENT:

Is there any discussion? Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Mr. President. I'd like to know whether this makes this bill have the same effect as the one that we acted on here in the Senate in the wee hours of the last day.

PRESIDENT:

Senator Course.

SENATOR COURSE.

That's correct Senator. It does.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yeah, that bill was defeated, if I recall. Now, you are going to give it another go around if you get this amendment on. Is that it?

PRESIDENT:

Senator Course.

SENATOR COURSE:

That's right Senator and that was in the wee hours of June 30th and I did not vote for the bill myself. In fact, I wasn't on the floor of the Senate.

PRESIDENT:

Is there further discussion? Senator Nihill.

SENATOR NIHILL:

Mr. President and Senators. It was 3:15 in the morning of the last day serving here this bill was up. We just had a recess prior to

that. Senator Knuepfer, if you'll pay...Senator Knuepfer, if you will recall, 15 minutes after three that morning, you got up and talked against it. It was up two or three years in a row. I got up and talked against it. And if this is a round about way of passing a bill making a truck three feet longer putting men out of work. In other words, for every 100 trucks on the street, you will be able to eliminate three uh, seven trucks. That will mean seven drivers out of work so forth and so on. I'm not against anything that will help somebody, but the conditions of today, to put people out of work you are going to be in a lot of trouble. This bill was defeated twice before outside of three o'clock that morning and I oppose this bill. Suit yourself the way you want to vote. It's up to yourself.

PRESIDENT:

Is there further discussion? Senator Baltz.

SENATOR BALTZ:

As I recall, the necessity for this bill was to accommodate a good many cattle haulers in the state that are now being faced with very unfair competition by a number of cattle haulers from either inside the state or outside the state who have been granted injunctive permission to use 43 foot trailers. I originally was against this bill, but there are several hundred trucks operating in the State of Illinois hauling cattle with 43 foot trailers that have put many of our local cattle haulers at a very distinct disadvantage because they cannot get coverage under this injunction that was granted in the LaSalle County Court, as I recall. The passage of this bill would reestablish their competitive position with, as I say, a number of these out-of-town, out-of-state truckers many of whom come from Iowa. The example that I get from the local cattle haulers at home.

PRESIDENT:

Just a moment...let's...please...gentlemen.

SENATOR BALTZ:

The example that I get from the local cattle haulers at home which

is of particular importance to me now because we have a new stockyards area in our district, is this: that if a 43 foot trailer, say, can haul 70 steers to market and they are sold, let's say, at the Joliet market to a buyer in our area who intends to take them out and feed them, that one of our local haulers who has been doing business with this buyer for many years cannot get his business because he is only allowed a 43 foot trailer that will only take a maximum of 65 steers. So, as a result, the hauler that comes in from out-of-state under the injunctive privilege granted to him by the LaSalle County Courts or circuit courts not only gets the haul coming in, but he is the only logical person that can get the local haul which puts an undue competitive position on the local hauler. And when I checked out the facts on this particular case and found that there were several hundred trucks now operating under this injunctive privilege, that the local haulers were put at a disadvantage, I changed my mind about this bill and I intend to support it.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I just had a little question. I wondered how you could fit 7 cattle in 3 extra feet. I-----.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, I am going to ask the sponsor to of the amendment, to put the amendments on them today but hold the bill until he can talk to me. And there are other members that have made this request. Not necessarily my committee, but on this side. So we will adopt the amendment and hold the bill.

PRESIDENT:

Senator Bruce. Now, I think Senator Chew's request was not for holding the amendment but for holding the bill on third reading. Senator Bruce. The request from Senator Chew was for holding the bill, not for

holding the amendment. We are now discussing the amendment. Senator Latherow.

SENATOR LATHEROW:

Mr. President, I wanted to say to Senator Chew, I have a possible second amendment for this bill and I was going to hold it on second.

So.....

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Yes, you can hold it on second. It is alright with me.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Is the amendment we are talking about adding the words "except in a semi-trailer other than a house trailer shall not exceed 45 feet"?

PRESIDENT:

Senator Course.

SENATOR COURSE:

That is correct.

PRESIDENT:

Senator Course may close the debate.

SENATOR COURSE:

Senator Nihill, I don't if it was 15 minutes after 3 I thought it was 14 minutes after 3 when they passed - or defeated this bill. But never-the-less the unions are in full accord with this bill. They have no objections to it anymore.

PRESIDENT:

Senator Nihill. Alright. Senator Course moves the adoption of amendment number 2 to House bill 1463. All in favor of the adoption of the amendment indicate by saying aye. Contrary minded. Will the Senators be in their seats. Senator be in their seats. Senator O'Brien, Senator Soper. Roll Call is requested on the amendment. Roll call is requested.

Secretary will call the roll.

SECRETARY:

Arrington, Baltz,

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

One of the things that I would again like to bring to the attention of this body is that this does not increase the overall length of a truck. It simply allows the additional 2 feet to be added to the trailer and, for the reasons I gave before, I would urge you to support this amendment. I vote aye.

SECRETARY:

Berning, Bidwill, Bruce,

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Either I am confused or I have the wrong amendment. But it does change the permissible overall length from 42 feet to 45 feet. That is what amendment number 2 says and I would alert the members that this bill will be significantly altered by this amendment. When you talk about saddlemounts and all kinds of equipment and towing - that is one amendment to that bill and that is what we discussed about this bill for some months after it had been introduced. Now today completely changes not relating to the saddlemounts, but changes the 42 to 45. I vote no.

SECRETARY:

Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Gahan, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Kruppel, Kcsinski, Kusibab, Latherow, Laughlin,

PRESIDENT:

Senator Laughlin -- Senator Latherow. I am sorry.

SENATOR LATHEROW:

Mr. President and members of the Senate. I find it is hard for me to believe the opposition there is to this piece of legislation. We are not changing the overall length of a tractor trailer unit which is 52 feet. But we are merely giving these people the opportunity to go from 42 to 45 foot in the length of the trailer that they are pulling. There is no increase in the maximum weight in this piece of legislation. Now, Senator Baltz explained to you a real good reason: we have one individual group of truckers that have an injunction against the state of Illinois today and they alone by the group in numbers, we would say possibly 8, can move in the state of Illinois with this 45 foot trailer. Now the rest of the people who were not joining in this injunction are cast out. They are still being required to move under the old 42 foot plank. Now this puts a lot of people in a predicament against someone else. And with not increasing the overall load to those people who haul such such as livestock, cans and so on that are light loads, I see no reason at all why we can't go along in support of this legislation. I vote aye. There are 38 companies that have this injunction. I vote aye.

SECRETARY:

Laughlin,

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, I think I voted for this bill at 3 o'clock in the morning. I am not sure, however, what this amendment does tied to this particular bill, as Senator Bruce has pointed out, that covers other subject matter and for that reason at this time I must vote present.

SECRETARY:

Lyons, McEroom, 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:

Nihill no. Lyons aye. Egan aye. Kosinski aye. McBroom aye.

Senator Harris.

SENATOR HARRIS:

Mr. President, I know I am recorded but I just want to add this comment to this piece of legislation. I represent the area in which Streator is located. We have the two largest glass container manufacturing plants in the country and I think, possibly in the world, located there. They are engaged in a great deal of bulk shipment. There are over 150 trucks a day leave the town of Streator. And they are at a considerable disadvantage because of the failure of this General Assembly to provide for that 45 foot limitation that exists in a good many other constituencies. I just think there is a great deal of misunderstanding about this legislation and for a district purpose I certainly am delighted to join in support of this amendment.

PRESIDENT:

Senator Course.

SENATOR COURSE:

I would like to vote aye and in explaining my vote, Mr. President, as Senator Harris said, the truckers in the state of Illinois are being placed at a disadvantage. Especially when we have piggyback operations. Everyday hundreds of trucks are being brought into the city of..., the tractors are being brought into the state of Illinois piggyback. They exceed the 42 foot length. They are 45 foot. They are operating on our roads and it is a disadvantage to the truckers of the state of Illinois and...
Announce the roll call, Mr. President.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I wonder if the sponsor or someone could enlighten me a little bit about something that is troubling me regarding this bill. We have had stated on the floor that an injunction is presently in force from some circuit court enjoining the state from enforcing the present law against 38, I believe, haulers. Now I would like to know if anyone can tell me who brought that suit? I presume the haulers brought it, and I would like to know whether the Attorney General defended that action and,

if he did, why it was not appealed. It seems incongruous that we should have a situation where we have a privilege granted to 38 haulers and that the State Police apparently then enforce an existing statute against the rest of the people who were engaged in this business. I can't understand why this disparity continues to exist and why the Attorney General's office doesn't do something about it. Certainly we should not have the state in a position where they are granting a privilege to 38 people and then enforcing the law against others. If it is good for one hauler it should be good for all, and if it is bad for one hauler then it is probably bad for all. Can someone tell me about this disparity that continues to exist to me unconscionably.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator, I am in the same opinion with you. There was an injunction brought by a circuit court that covered a portion of the state of Illinois in a district and when we passed this bill out of committee, I was told that there were pending litigation, which I have never gotten any facts relating to the pending litigation. As to why I have requested that this bill be held on second or third reading because what we are doing here is we are going away on an injunction from a district court which doesn't cover the state, so I am of the same opinion as you are and I think it is unfair, as long as the injunction stands, to have the state police enforce our statute in part. So there has never been any additional litigation on this particular bill and I think the bill should be held until additional facts can be given by the court.

PRESIDENT:

Senator Latherow has indicated he will hold the bill on second reading. On that...Senator Latherow.

SENATOR LATHEROW:

Mr. President, Senator Groen, it is my understanding that as long

as these companies have this injunction and it hasn't been heard, or we will say that their injunction is pending, that the state police have no authority to stop those who have entered into the proceedings of the injunction they have no authority what-so-ever to stop them in violation of the law.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, is this a temporary injunction or is this a permanent injunction?

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

It is my understanding this is a temporary injunction as long as or until this court decision comes about on them.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well it is certainly an intolerable situation as it exists. The question simply arises: Shall something be done about that injunction that is apparently still the law as far as that circuit court is concerned or as regards to those 38 people? The question is, "Which way shall it go?" Shall the Attorney General do something about that injunction and get it dissolved, get it removed so that the law is going to be applicable to everyone that same under the present law; or are we going to change the law, perhaps badly, to accomodate the rest of the people who are engaged in this business so that they can compete with the people who are under the umbrella and protection of this temporary injunction? It seems to me that that matter should be resolved before we take final action here.

PRESIDENT:

On that question the yeas are 32 the nays are 8, one present. The amendment is adopted. The bill will be held on second reading.

The...We have some resolutions. Is Senator Palmer on the floor? Is there...Senator Palmer has a congratulatory resolution he wanted to move. He is not on the floor here. Senator Saperstein do you want to move to suspend. All in favor signify by saying aye. Contrary minded. The resolution is adopted. Are there announcements? Senator Chew.

SENATOR CHEW:

Immediately after we adjourn, Mr. President, in M I the Committee on Transportation will meet and I would urge all of the members to attend please. Immediately upon adjournment.

PRESIDENT:

Senator Swinarski.

SENATOR SWINARSKI:

The Elections Committee will not meet this afternoon. It has been postponed until next week.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, we adjourned yesterday with the understanding that we would get back to that committee report of Rules of yesterday's action. It is my understanding and I certainly want to be as brief as possible about this. I think the question is understood. All I would want to do is move to the order of business and get to a roll call to nonconcur in the Rules Committee report so that that series of bills that was turned down by the Rules Committee might in fact be introduced. I don't want to go into a lot of dialogue. I think everyone of the members understands this issue and if we could just get to a roll call on the motion to nonconcur in the Committee of Rules report that would be just fine with me.

PRESIDENT:

Well, Senator - Senator Partee.

SENATOR PARTEE:

Now is this a motion to nonconcur in the committee report or should it not properly be a motion to suspend the rules for the purpose

of introduction.

PRESIDENT:

To the Chair's knowledge there is no such formal motion as non-concurring with a committee report. That is off the top of my head, Senator Harris.

SENATOR HARRIS:

Well, then ah - Mr. President, I would move to discharge the Rules Committee from further consideration of a series of unnamed bills and place on the order of first reading.

PRESIDENT:

Well, the chair would have to rule that a bill has to be introduced before you can move to discharge the committee. And the question is, "Has the bill been introduced?" And I think under the rules on page 82 the bill has not been introduced. I think the proper motion right now would be suspension of the rules.

SENATOR HARRIS:

Well Mr. President, I would have to suggest that, I tried to point out that we are involved in this issue now where we find it difficult to identify here. I must, in all candor, say to you that the question of the suspension of the rules is a motion that I know I can't carry, very frankly, and that motion will just be a waste of this bodys time. Now it does occur to me that an appropriate motion is to discharge the Committee on Rules from further consideration of the bills sponsored by Senators Harris, Arrington, Coulson, Clarke, and Groen which propose to create one new Act and amend some 20 or 30 different existing acts. Now I have no other way of identifying that series of bills except to describe it that way, but I do believe a motion to discharge the Rules Committee from further consideration of that specific group of legislation, proposed legislation, is in order and I so move that the Committee on Rules be discharged from further consideration of a series of bills sponsored by Senator Harris, Arrington, Coulson, Clark, and Groen dealing with constitutional implementation of the Constitution of 1970 and composed

of 39 bills one of which creates a new Act and the other 38 bills amending existing statutes.

PRESIDENT:

The question that is faced by the Chair is whether you can move to discharge committee from bills which have not been introduced. And the chair...For what purpose does Senator ParTEE arise?

SENATOR PARTEE:

I was about to say that, what you are saying, I think, is right except they should not be referred to as bills. They do not become bills until they have been given a number by the Rules Committee. They are 39 documents proffered to the Rules Committee for acceptance or rejection as bills. They are not Bills until they have been accepted by the Rules Committee and given a number. Then the normal rules would apply. But they are not bills.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Well I just want to point out that the rules very clerly exempt bills relating to implementation of the 1970 constitution in so far as the cutoff dates are concerned. Now, this series of bills isn't as clear as the back of your hand that they are implementing the Constitution, I don't know what they do. But the majority vote of the Rules Committee was that that provision was not met and I understand how the Rules Committee could determine different from how I might interpret these bills; but the matter of circumstance we find ourself in here is, that this legislation, presumed to be introduced with administration sponsorship and clearly identified by means of the sponsorship of the leadership on this side, is just a question of discharging the Rules Committee. As far as I see it, I think it is sound understanding that that motion is in order to discharge the Committee on Rules of further consideration of this legislation and place it on the order of first reading.

PRESIDENT:

If in fact they do relate to that then your motion would be in order. Senator Partee.

SENATOR PARTEE:

It is a contention of the Rules Committee that these are not bills to implement the Constitution, and I would draw your attention, and I don't say this childishly, to what the word implement means. This legislation is not implementation. This legislation is emasculation, in fact, but it is not implementing the Constitution.

PRESIDENT:

Well the....For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

Well I was a delegate to the Constitutional Convention and we discussed the article here involved in the Constitutional Convention and at that time speeches were made both pro and con with respect to home rule power. And this is not, this has nothing at all to do with implementation of the Constitution. It has to do with legislation dealing with the extension or contraction of home rule. It has nothing to do with implementation at all. A bill like this might come up a hundred years from now.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Well, Mr. President I just wanted to call your attention to the rules on page 79-g where under the daily order of business (and this is in response to the comments of the Pro-Tempore) where it says, very plainly the introduction of bills, and I remind the President that daily he calls for the introduction of bills. It seems to me that we have definitely established the fact that any document presented to the Secretary for consideration is a bill whether or not it has a number.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, I respectfully call the Chair's attention to rule 10, on page 87. Discharge of Committee. A majority of the Senators elected may by motion recall a bill, resolution or other matter from a Committee and discharge the Committee from further consideration of the same. Now Senator Harris's motion is to recall from the Committee on Rules the proposed bills which have been offered to the committee for its consideration. He is moving that the committee be discharged from that further consideration and that's all that he is asking for, and I submit under rule 10 it is a perfectly proper request.

PRESIDENT:

Senator Partee:

SENATOR PARTEE:

To prove Senator that it is not a bill, in order to move to discharge a bill you must refer to it by number. Now what is the number of the bill you seek to take from the committee.

PRESIDENT:

The point of Senator Groen is that rule number 10 says a bill, resolution or other matter. And that seems to me maybe valid point. Senator Rock.

SENATOR ROCK:

Yes, Mr. President, just as a, to follow up on that inquiry. Perhaps we can go from effect back to cause of the rule. What is the... assume that that motion would carry, what is the effect?

PRESIDENT:

Well that brings on some additional problems because the...

SENATOR ROCK:

Ordinarily the bill would then be on second reading. Now this bill hasn't, or this document hasn't even been introduced.

PRESIDENT:

It does not have a number, either. Exactly where we proceed from there I don't know, but...Senator Groen.

SENATOR GROEN:

Mr. President, the obvious intent of this rule is to prevent the parliamentary procedure which is trying to be employed here this morning; were the Rules Committee can bottle up and block any proposed legislation that is offered whether or not it really comes under the rules. Now, the obvious action which would result from the carrying of this motion would be that further consideration by the Rules Committee is no longer had, and the bill comes back and then the regular rules which this body has operated under come into being then the Secretary gives these bills numbers in accordance with the numerical sequence as they appear. And its just that simple. There isn't any great problem here. That's the effect of the motion Senator. And the Secretary would simply do his job.

PRESIDENT:

Well, we have...the problem with the rules, as I see it, we have a series of calendar dates. We are in an unusual type of session. It seems to me that Senator Groen's point is well taken when he refers to "or other matter". We then get to the problem of where we proceed from there and the rules, frankly, don't spell that out. And the Chair will rule that the motion to discharge committee may be made and the Chair will refer the matter then, as to where we go from that point, to the Rules Committee because our rules simply don't spell that out. Senator Partee.

SENATOR PARTEE:

I don't want to be picayunish about this, but we do have a rule, which is rule 5, which I think has some interplay on this situation, which set April 20 as a final day for introduction of all bills. Now, when that is the rule for this session, those bills which are not introduced prior to April 20 may then later be introduced either by unanimous consent of the body at which time they move to second reading or by the Rules Committee or by suspension of the rules. But the rule is April 20th. Now we can't go behind that except in two or three ways. One, by the approval of the Rules Committee or by a suspension

of the rules.

PRESIDENT:

I think the Senator's point is well taken. I think, as I read the rules because of the phrase "or other matter", that Senator Groen referred to, the body has the power to discharge a bill. The body does not have the power, except for suspension of rules, to have the bill formerly introduced. And that's where we stand right now. Senator Harris.

SENATOR HARRIS:

Well do I understand that you have now changed your position?

PRESIDENT:

My, I.....

SENATOR HARRIS:

The motion, the motion that I put was this: that the Committee on Rules be discharged from further consideration, and I now add an amendatory inclusion "the matter of" so that there is understanding. I referred to it before as the series of legislative proposals sponsored by da..da..da..da...which I think identifies as another matter, very clearly, under rule 10, and that is the procedure under our rules. Now I further said, Mr. President, that in the event of that motion carrying, that the series of legislative proposals be placed on the order of first reading. Now I don't know whether that compounds the problem or not. It just makes sense to me to express it that way. If you want a simple motion that states that the series of legislative proposals, a matter that is before the Rules Committee, that that committee be discharged from further consideration. I think that that is a perfectly proper motion to be put at this time under our rules.

PRESIDENT:

I think that is. And that motion is in order. Senator Knuppel.

SENATOR KNUPPEL:

So that there's no misunderstanding later I think we have two problems and I am going to ask for a division. I don't want a misunderstanding

later. In other words, you have got two separate propositions. One is to discharge the committee from further consideration and then a separate motion which asks for introduction of these bills and requires a suspension of the rules. And I am going to ask that they be voted on separately and call for a division on it.

PRESIDENT:

Well, we were going to be voting on motions that are in order as they come before the body. Senator Knuppel is correct in saying that it would take a suspension of the rules for the introduction of the bills. It does not take suspension of the rules to discharge the committee. Senator Groen's point is well taken. The motion is to discharge the committee from the...and the Senator Harris will give the Secretary the language there. I think we understand the motion. For what purpose does Senator Chew arise?

SENATOR CHEW:

May I inquire as to what is the required number of votes for suspension of the rules?

PRESIDENT:

Well the motion before the body right now is to discharge committee and that takes 30 votes. To suspend the rules takes 35.

SENATOR CHEW:

Thank you.

PRESIDENT:

The motion is to discharge the committee and on that question the Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwell, Bruce, Carpentier,

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Just just a question. Now we are now voting to discharge the Committee on Rules, and a second motion has been filed that requires

the suspension of the rules for introduction?

PRESIDENT:

No other motion has been made at this point.

SENATOR BRUCE:

Well, I just make this inquiry. If the bill is not introduced how are now voting on it?

PRESIDENT:

We're not voting on a bill... We're

SENATOR BRUCE:

We're are voting to discharge...

PRESIDENT:

We're voting on a ... we're voting to discharge committee from and the language from legislative proposals designated such and such.

SECRETARY:

Carroll, Cherry, Chew, Clarke,

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I'd just like to point out that there have been some comments made, interpretations made, regarding whether this is or is not Constitutional Implementation and for the benefit of you that have not been there in the Rules Committee this year I'd just like to point out that in almost every case prior to this any member of the Rules Committee that suggested that something should come under one of these classifications, that suggestion was agreed to. In this case there was a three to two disagreement. I think that this hazy question of where we go in the April 20th cut off date would suggest that no bill, if we disagree, that no bill can be introduced unless your going to suspend the Rules Committee from hence on, and neither side can do that and I'd suggest that your playing with dynamite. I vote aye.

SECRETARY:

Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan,
Fawell, Gilbert, Graham,

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

It seems to me like we have reached a political impasse and probably the point brought up by Senator Clarke might be a good one with regard to the introduction of bills and perhaps we should have started that on October 12th. In so doing there would have been no bills introduced and 99% chance of the failure introduced in any bills had we complied with that chance when introducing one per cent, we probably would have done the taxpayers of the State of Illinois the greatest favor we've been able to do since July the first. I vote aye.

SECRETARY:

Groen,

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, if this motion should carry it would be my thinking and my understanding that the bill, the proposed legislation, would then be on the Secretary's desk, is that correct?

PRESIDENT:

I assume, and I've...this is just off the top of my head here without examining the rules, I assume that would be the case.

SENATOR GROEN:

There's no other place they could be.

PRESIDENT:

For, what is your point of order Senator McCarthy?

SENATOR McCARTHY:

My point of order is that under rule 10 that if it were to prevail the matter, the physical matter, the paper, I don't know how many

pages there are but the physical paper that Senator Harris doesn't want the Rules Committee to keep, would be given back to him. He apparently doesn't know about Xerox machines. He wants the original paper back to the Rules Committee.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President on a point of order. We are on roll call and this is completely in appropriate at this time.

PRESIDENT:

Point of order is well taken. Continue the roll call.

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,

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

The Rules Committee heard these bills, and as Senator Clarke says, the great majority of the bills that came before the Rules Committee were bills that were accepted, but they were bills that were either Appropriations, Revenue, or Constitutional Implementation. Senator Bruce, who sits right here in front of me, had a bill that he is equally as interested in as Senator Harris. Senator Horsley had some bills that we turned down and every day that I come to this desk Senator Bruce looks at me and glares at me about his bill and I said to him it doesn't come within the rules and the Rules Committee is not going to let it in. Now I'm not going to be any better to Senator Harris or any worse to Senator Bruce. I vote no.

SECRETARY:

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

PRESIDENT:

For what purpose does Senator Harris arise?

SENATOR HARRIS:

Would you call the absentees, please?

PRESIDENT:

Request for call for the absentees. The absentees will be called.

SECRETARY:

Arrington, Bruce, Cherry, Course, Harris, Mitchler, McCarthy,
O'Brien.

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

A point of information. This motion before us to discharge from
Committee, does this motion have to be put in writing?

PRESIDENT:

The answer...the answer.

SENATOR O'BRIEN:

I think...this motion has to be in writing...

PRESIDENT:

The answer is every motion shall be reduced to writing. If any
Senator desires it, I assume it could be reduced to writing in 60 seconds
or so if you desire. The Secretary said that you voted in the affirmative
in the first roll call. On that question the yeas are 30, the nays are
22. Request for a varification. The Senators be in their seats. Senators
be in their seats. The Secretary will call the roll on the affirmative
votes.

SECRETARY:

The following voted in the affirmative. Baltz, Berning, Bidwill,
Bruce, Carpentier, Carroll, Clarke, Collins, Coulsen, Davidson, Fawell,
Gilbert, Graham, Groen, Hall, Harris, Horsley, Knuepfer, Latherow...

PRESIDENT:

Senator Horsley is...

SECRETARY:

Latherow, Laughlin, McBroom, Merritt, Mohr, Ozinga, Rosander, Soper, Sours, Vadalabene, Walker, Weaver.

PRESIDENT:

You desire the negative votes also? No. The matter referred to has been discharged from the Committee. Senator Groen.

SENATOR GROEN:

I move to reconsider the vote.

PRESIDENT:

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

SENATOR HARRIS:

Parliamentary inquiry. I make the assumption that the matter now will be placed on the Secretary's desk.

PRESIDENT:

Well, the Chair isn't ready to make that assumption. That may be correct, but I think the question is now how to proceed if you wish to introduce the bill.

SENATOR HARRIS:

Am I preserved for action on this beyond today's legislative opportunities?

PRESIDENT:

Well, the I-I-I think the motion to suspend the rules would always be in order so that this would be in order beyond today.

SENATOR HARRIS:

Well it is my understanding that these, that this matter is now on the Secretary's desk, and it seems to me that it stays there until we take action to take from the Secretary's desk.

PRESIDENT:

Well, the Chair, the Chair. For what purpose does Senator Partee arise?

SENATOR PARTEE:

Well, I just don't make that assumption. The bills have been taken from the Rules Committee. They are not, unless they are introduced or a motion is made for their introduction, they're to be returned to the sponsor. I know of no rule which would say that they should lay on the Secretary's desk. Or to go back to the Rules Committee, but they certainly cannot lay in limbo.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Being on the Secretary's desk certainly doesn't put them in limbo, Senator. This is an orderly parliamentary procedure which has been practiced by this body for 20 years to my knowledge. Now, what has actually happened here is that certain bills have been offered for introduction. They were accepted by the Secretary for that purpose, and, under the then existing rules, were referred to the Rules Committee. They were held by the Secretary during the interim period prior to their reference by him and whether or not the Journal refers to that, I don't know, but you certainly can't deny that the Secretary had these proposed bills in his possession. It was he who referred them under our rules, to the Rules Committee and this body has not seen fit by its vote, a constitutional majority supporting that motion, to take from the Rules Committee the jurisdiction regarding these bills. Now, it seems to me that obviously they come back to the Secretary's desk and the regular, orderly procedure of this body that is normally followed, should now be followed and logically should be followed; that they be given numbers by the Secretary, they are on the Secretary's desk awaiting further action by this body.

PRESIDENT:

Well the Rules Committee rejected the bills for introduction. The motion was to discharge these matters from the Rules Committee. The Chair would have to rule that we have to, regardless of whether they are

on the Secretary's desk or in the possession of Senator Harris, the question is still the April 20th introduction date, and the rules have to be suspended to introduce. Senator Harris.

SENATOR HARRIS:

Mr. President, the April 20th cut-off date is not the issue at all. The issue is subject matter, very clearly. Let me read to you the synopsis prepared by the Reference Bureau, I'm sorry, prepared by the bill drafter on this bill and let me read to you...

PRESIDENT:

Just a moment. For what purpose does Senator McCarthy arise?

SENATOR McCARTHY:

A point of order, and my point, sir, is that we are not on the order of introduction of bills.

PRESIDENT:

We are...Senator Harris received permission of the body to take up this motion. That was given by unanimous consent. I will rule that the discussion is in order, and that motions on the matter are in order. Senator Harris.

SENATOR HARRIS:

The form of the bill and section 1 of it is in the regular manner of any appropriate form bill introduced in this body. Let me read section 1 to you, and then determine whether the exclusion of Rule 5 for the April 20th cut-off date is not germane to the subject matter of this bill. Section 1 of this bill states that pursuant to paragraphs H and I of section 6 of Article VII of the 1970 Illinois Constitution, it is declared to be the public policy of this State that any power or function exercised by the State in any of the acts hereinafter listed in this Act is an exclusive State power or function and such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government including home rule units except as otherwise may be provided for in any of the acts hereinafter listed in this Act. And then we enumerate a series of sections that are exempted from the

operation of this proposed legislation. Now, in addition to this new Act, there is a series of 38 other amendments...

PRESIDENT:

Just a moment. For what purpose does Senator Savickas arise?

SENATOR SAVICKAS:

A parliamentary inquiry, here. When these bills were introduced, it was my understanding if they are handed to the Secretary they should be introduced and read a first time and assigned to a committee. What had happened is that they were assigned without being read a first time and put to the Rules Committee to discuss their introduction. The Rules Committee, and since the Secretary did not read these bills the first time...they were not part of the Senate proceedings...that they were not introduced. And since they were not introduced, they were just given to the Rules Committee for discussion about introduction. These bills have not been introduced and what the Senator is doing does not apply here. These bills must be given back to the Senator and let him reintroduce them or introduce them to the Senate Secretary. But they were not read a first time.

PRESIDENT:

Senator Savickas is correct, at least, up until the final portion of his statement. They were referred to the Rules Committee. The Chair recognizes the authority of the Rules Committee in this matter. They have not been introduced and the Chair's ruling is that we have to suspend the rules in order to introduce any bill not requested or not approved by the Rules Committee. I think Senator Clarke's point earlier is an important one for the body, that if this type of session will be a frequent one, either you will have to make a conscious determination that the Rules Committee will be given a great deal of power of the power or the rules will have to be changed. But the Chair has the responsibility to uphold the rules. For what purpose does Senator Soper arise?

SENATOR SOPER:

A parliamentary inquiry. Now, on a ... you made the...you made the statement and the finding that it should be...you should handle this through the suspension of the rules..right? Is that your ruling? How many votes does it take to...no, not to suspend the rules...to appeal from your ruling.

PRESIDENT:

35.

SENATOR SOPER:

35.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

I was in the midst of explaining this matter when you recognized Senator Savickas and then Senator Soper. Now, I did not complete the description as relates to all the 33 other bills but they all have preambles that deal with the implementation of 1870 Constitution. I shall be happy to hand to you an individual copy of all these but I now request from you a ruling on whether these bills are not included within the exception of Rule 5 that they, in fact, do implement the Constitution, and I request that ruling from the Chair.

PRESIDENT:

Well, the Chair....Just a moment. Senator Harris has requested a ruling of the Chair and is entitled to it. The Chair is not in a position to make a ruling on each and every bill and this is the reason the Rules Committee...these matters are referred to the Rules Committee, and the Chair will abide by the decision of the Rules Committee in these matters.

SENATOR HARRIS:

The matter is no longer in possession of the Rules Committee. The legislative matter is now on the Secretary's desk.

PRESIDENT:

But the Rules Committee has made a determination and the Chair will abide by that determination. Senator ParTEE.

SENATOR PARTEE:

Normally...I don't know, I haven't seen these bills in this context but, normally, when a bill is prepared by the Legislative Reference Bureau, no matter what the verbiage in the bill is or is not, if it is a constitutional implementation bill it will be so stamped. Now the verbiage in the bill which he just read does not make the determination for the Rules Committee as to whether or not it is, or is not a constitutional implementation bill. The Rules Committee is, and has spoken--if the body feels that the Rules Committee has made an error, then the body may so speak by giving to your motion to suspend the rules the requisite number of votes. The rules are there and that's the way it is.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, if I may be so bold as to suggest to a good friend, I would suggest that the Chair not rely upon the judgment of the Rules Committee. It seems to me that it is incumbent upon the Chair to examine these bills himself to determine whether or not, in his judgment, they do or do not implement the Constitution of 1970.

PRESIDENT:

Well, the Chair is going to continue to abide by the Rules Committee. I think it is the only practical procedure in this kind of a situation. Senator ParTEE.

SENATOR PARTEE:

Not only are you making a wise and sagacious decision, but I would suggest to Senator Groen if you are desirous of creating that kind of precedent, I think it would be in error because, in the next session of the Legislature, in 1973, the Chair will be a partisan. The Chair will be a member of this side or that side, and I don't think you want to make

or want to establish that kind of a rule.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I would now ask the Chairman of the Rules Committee whether or not the Rules Committee, by formal action, voted that these bills were not implementation of the Constitution or whether they simply decided that the bills should not be introduced.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

We talked about them. We discussed them. We had a vote on it. We rejected them and we made our report accordingly.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I would inquire of the President Pro Tempore, as Chairman of the Rules Committee, what was the motion which was acted upon by the Rules Committee in rejecting these bills?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

If the bills offered for introduction would be approved or rejected by the Committee.

PRESIDENT:

Senator Groen:

SENATOR GROEN:

Then I would suggest to the Chair that the question of whether they were or were not implementation bills of the 1970 Constitution was not determined, and that the Chair should make that judgement.

PRESIDENT:

Well, the Chair will refer any judgement of that type, not only

on these bills, but on all bills to the Rules Committee.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Well, in answer to Senator Groen's question, I want to make it clear that the Rules Committee is split along partisan lines so, therefore, your following of the Rules Committee is a partisan decision obviously but I just want to make that clear as I did previously.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL.

I would like to make an inquiry and I...on what...on what rule are we relying when we state that upon an introduction of a bill which is the right of every Legislator under rule 5, page 81, I fail to find anything, at least in my printed rules, which states that it is a condition precedent that there must be a referral to the Rules Committee. Now, at least I cannot find...and that is my first inquiry and then I have another inquiry I would like to make.

PRESIDENT:

On page 82, the final day for introduction for all bills is April 20 and we have, through our rules and through a very short tradition, referred all other measures to the Rules Committee, for determining whether they can or cannot be introduced.

SENATOR FAWELL:

But, there is nothing in the rules that accounts for that. There's nothing in the rules that gives to the Rules Committee jurisdiction and there is nothing in the rules that authorizes referral to the Rules Committee.

PRESIDENT:

Well, it provides, in the previous paragraph, bills exempted from this schedule and time table by the Committee on Rules, so that is in our rules.

SENATOR FAWELL:

All right now, if we do assume that the Rules Committee is the only entity that can exempt the applicability of rule 5, then it would seem to me that Senator Harris' statement in regard to the disposition, or the present status of the bill, assuming that we have had a discharge of the committee which I think is the case, I refer the Chair to page 91 where it seems to me the precedent is set where it is stated that with respect to which all Senate Bills favorably reported from committee; and then it refers or with respect to which a committee has been discharged, shall stand on the order of second reading. Now, I would submit that, although this isn't directly applicable to this instance, it does appear, to me, quite clear that when a committee has been discharged regardless of the action of the committee, but when a majority of the duly elected Senators have discharged a committee, then the next step on the rung so to...on the ladder, so to speak, is automatically and I think just in common sense, would be the next step. Now, that would mean that, because of the fact that he has, in effect, obtained favorable action by the Rules Committee, by a discharge which our rules clearly indicates to be at least always the case in a discharge, in the ordinary rule, that on that basis, therefore, this Senator has the constitutional right to now follow the normal procedure because he has satisfied the rules completely in going into the Rules Committee and being able to get out of the Rules Committee. Having done that, now it seems to me he has the perfect right to have this bill be deemed as introduced, which, indeed it has been, and then, automatically rule 5 which states that, upon introduction it then goes to the Committee on Assignment of Bills. It would seem to me that this is the correct ruling would be the correct ruling of the Chair.

PRESIDENT:

Well, if ... your assumption would be correct if the bill had been introduced. It has not been introduced; it has not had a first reading; does not follow the provisions of rule 13 because of that.

SENATOR FAWELL:

May I make this one...I don't assume that it has been introduced. I am stating the one condition precedent which our rules have set forth as a condition precedent to his right to introduce is evidently to clear the Rules Committee. I submit to the Chair that it is very clear that he has cleared the Rules Committee. Admittedly, not by the procedure of having an approval of a majority of the members of the Rules Committee but he has had that committee discharged. There is ample precedent, and not only by custom and procedure, but by rule 13, that upon a discharge having taken place, then the next step which, in this case, would be the right of introduction, is open to the Senator. Therefore, I would submit that it would be a miscarriage of justice and is simple common courtesy to a Legislator, having satisfied the one condition precedent that exists prior to his right to introduce, that he now be given the right and afforded that right. And I think that any other ruling is political sophistry.

PRESIDENT:

Well, the Chair rules that rule 13 is not applicable in this situation. Senator Coulson.

SENATOR COULSON:

I'm afraid that if we pursue the logic which has been expressed on the other side, papers will be handed back to Senator Harris with the instruction to present them again to the Secretary who will hand them to the Rules Committee which will vote 3 to 2 not to accept them, after which a majority of the elected members of this Senate will reject that report, after which he will again be handed the papers, again present them to the clerk, they will again go to the Rules Committee with the same result, with the same result. And this is well worth \$17,500 a year of the taxpayers of Illinois for us to pursue this charade day after day. I suggest that the purpose of having rules is to permit the will of the majority to express itself. And you have had an expression of that majority. Now, pursuing Senator Fawell's line of reasoning just a bit further, the discharge of the Committee on Rules discharges it from its power to either

accept or reject. That being the case, they do not have jurisdiction to say ah, yes, or no from this point forward as to these bills. If it would make it simpler, I would suggest that by agreement perhaps they might be lettered A.B.C.D.E.F.G. and so forth so that we might know whereof we speak otherwise the same identical matter could be brought up day after day after day and the Rules Committee could be kept in continual session voting 3 to 2 that logic was not logic and that up was not up and that black was not black and white was not white. And by a majority vote, if so ordered, they will continue to do so just as stubbornly as we will continue to maintain that there is such a difference. I think the Rules Committee has permanently lost jurisdiction of these bills, and, as a parliamentary matter, from the preface to Roberts Rules of Order themselves, the purpose of rules is to permit 30 people in this Assembly to express themselves and we have an expression from those 30 people. I would most respectfully urge the Chair to abide by that to allow these bills to receive a number. Nobody's pledged to vote for them. There is considerable doubt whether they can be processed in time, but, to deny a member, the constitutional right to present a constitutional implementation idea to this legislative body when 30 members of this body wish to have it done, is a gross, gross miscarriage of all fair play.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I've got a procedural question here. It's my understanding that even if the Rules Committee would have allowed the introduction of this bill that they would have to, the Rules Committee chairman would have to request that rule 5 be suspended, which would require 35 votes to introduce it, is this correct?

PRESIDENT:

That is not correct. Senator Partee.

SENATOR PARTEE:

I hate to see the impression given here that we're doing anything

that the rules do not provide. It is a very simple matter. When a person proffers a bill, it goes to the Rules Committee, which Rules Committee may, after the day, the last day of introduction, exempt that measure from the rules. In this instance, the Committee did not exempt this piece of legislation. Now that doesn't leave the sponsor of the bill in any position other than to follow then rule 40, which sets forth the manner in which the rules may be suspended. Now the rules have to be suspended either by unanimous consent of the Senators present, or, the second method, by motion supported by affirmative vote on roll call of 3/5's of the Senators elected. That's all it amounts to. So if the Rules Committee has made a ruling with which the body does not agree, there is a remedy, and that remedy is rule 40, to suspend the rules. You have a remedy.

PRESIDENT:

The Chair would interject here that I think the point made earlier by Senator Clarke is a very important one, not just for this session but for the future. It's one that I think the leadership on both sides should be considering. Is there further business to come before the session?

Senator Harris.

SENATOR HARRIS:

Mr. President, I raised the point to you a while ago, and I want a ruling from you. What is the disposition of the legislative matters that have been discharged under the provisions of a 30 vote carrying of rule 10 to determine where this matter is? Now, I suggest to you that the matters are on the Secretary's desk, and I request a ruling of the Chair.

PRESIDENT:

Well, the Chair isn't in a position to say what the position of these proposals, a...is right now, so...

SENATOR HARRIS:

Mr. Chairman, am I recognized.

PRESIDENT:

Yes, you are.

SENATOR HARRIS:

Now if you want some time to do some research, I am the kind of a person that will grant that under any circumstances, but I do not want the opportunity extended to the Chair to do some research on this ruling to preclude me from having this matter come back before the body. And as far as I am concerned, if it wants to be put over until tomorrow, that's fine with me, but I just want an understanding that there will be an opportunity to get from you, when you have had your opportunity for research, to rule on my inquiry of what is the disposition of this legislative matter that has been discharged from the Committee on Rules.

PRESIDENT:

The Chair's ruling certainly is not a final action taken by the body. I think this is what you're basically what you want.

SENATOR HARRIS:

Yes.

PRESIDENT:

Now exactly whether it remains on the Secretary's desk or what the position is, I...

SENATOR HARRIS:

I'm not asking...If you want some time to research it, that's fine with me.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

...as to what suggestion you might give him, I could give you after hours here. The practical suggestion you might give him, I could dispose the paper.

PRESIDENT:

Is there further business to come before the body? Motion by Senator Neistein that the Senate stands adjourned until 10 o'clock tomorrow morning. All in favor signify by saying aye. Contrary minded. Senate stands adjourned...What about tomorrow's session?

SENATOR PARTEE:

Tomorrow's schedule will be as is on the schedule.

PRESIDENT:

Which is, I was advised 10 o'clock. Is that...

SENATOR PARTEE:

Ten o'clock tomorrow morning. No, no, wait a minute, I'm sorry. You've given me the wrong date.

PRESIDENT:

I'm advised that the session is at noon.

SENATOR PARTEE:

Session at noon, that is correct.

PRESIDENT:

Session is at noon tomorrow.

SENATOR PARTEE:

And the Committees will meet as scheduled. Agriculture and Revenue from 8:30 to 10 and Executive and Education from 10 to 12.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Mr. President, Senate, the Legislative Advisory Committee on Public Aid are meeting on the House floor immediately. Will all the members please come over.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I'd like to address the President Pro Tem for a moment. You suggested that the 2 o'clock committees are meeting now, but there is a conflict, I would point out, because there was another committee, Constitutional Implementation are also members of Local Government. That will put both of them meeting right not. I'm just trying to point out that little problem that we have.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I recognize that problem, Senator, and hoped to have avoided it, but we have been on a matter that we thought would take 10 minutes and we spent an hour and a half on it, so that's something that we have no control over. My only suggestion is that you use proxies in one or the other committees.

PRESIDENT:

Senator Course.

SENATOR COURSE:

The Revenue Committee will meet tomorrow morning in room M-3 at 10 o'clock.

PRESIDENT:

The Senate stands adjourned until noon tomorrow.