

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 28, 1971

PASTOR:

Prayer by Father Robert Spriggs, Christ the King Church, Springfield, Illinois.

PRESIDENT:

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

SECRETARY:

Senator Chew, Chairman of Transportation Committee, reports out the following: Senate Bills 808 and 1297 with the recommendation Do Pass. House Bills 1317 and 1748 with the recommendation Do Pass. House Bill 1318 with the recommendation Do Pass As Amended. House Bill 2535 with the recommendation Do Not Pass. Senator Lyons, Chairman of Constitutional Implementation, reports out Senate Bill 1271 with the recommendation Do Pass. Senate Bills 130, 485, 1257 and 1258 with the recommendation Do Pass As Amended. House Bills 2899, 2999 and 3038 re-referred to Executive. House Bills 1799, 2198 and 2199 re-referred to Local Government. Senate Bills 1165 re-referred to Local Government. Senator Course, Chairman of Revenue Division, Revenue Committee, reports out Senate Bills 1003 with the recommendation Do Pass. Senate Bill 1202 with the recommendation Do Pass As Amended. House Bill 789 with the recommendation Do Pass.

PRESIDENT:

Resolutions and motions. We have a motion by Senator Saperstein.

SENATOR SAPERSTEIN:

I'm acting in behalf of Senator Newhouse who had to leave for Chicago. He has requested me to ask approval to discharge the Education Committee on Senate Bill 1301 and place it on second reading.

PRESIDENT:

Is there objection? Senator Partee.

SENATOR PARTEE:

I'd just like some explanation of the bill. I don't know what

it's about even.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

The bill is ... has an appropriation of \$94,000 for the Equal Opportunity Act. This is a bill requested by the Superintendent of Public Instruction.

PRESIDENT:

Is there objection? Senator Clarke.

SENATOR CLARKE:

Is there any reason why this bill shouldn't go to the Appropriation Committee?

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

No, I think it's my error, Senator Clarke. It should be re-referred to the Appropriation Committee, instead of second reading. I'm sorry.

PRESIDENT:

Senator Newhouse is here now. Is that satisfactory, Senator Newhouse?

SENATOR SAPERSTEIN:

I move the bill for Appropriations.

PRESIDENT:

Motion is to discharge the Education Committee and re-refer to Appropriation. Is there objection? There is unanimous consent on that. Senator Harris raised a point he asked the chair's ruling on yesterday, and I will file with the Secretary for journalization this reply. I don't see Senator Harris here, but I'll call it to his attention a little later. Senator Gilbert.

SENATOR GILBERT:

May I direct a remark to Senator Saperstein? Senator Saperstein, is this the bill that you and I discussed this morning? I would move that this bill...that the Appropriations Committee, likewise, be discharged. I see no reason for this bill going to Appropriations. The people on my side of the aisle are going to support it. It has the approval of the Bureau of the Budget. I think that because of the shortness of time and it is a Senate Bill, is it not? Is this a House Bill or Senate Bill? Senate Bill. I think that we would probably be better to advance it and discharge the committee.

PRESIDENT:

Is there objection? Senator Berning.

SENATOR BERNING:

Are we back on that 1301?

PRESIDENT:

What is the number of the bill? Senator Newhouse? 1301.

SENATOR BERNING:

Well, Mr. President, I respectfully call the attention of the body to other equally as critical measures, and I don't care what the number is or who the sponsor is, and if we're going to be selective we should be objective. And I would respectfully call the attention of the sponsor in this case, as well as the Pro Tem and the leadership on this side, that there is a bill that I have that I feel is equally as critical as anything that's confronting this body. If we're going to start discharging committees, I would want mine discharged. In fact, I have asked that this be done and I have been denied. Now if there is any justification for this that's not apparent to me, then I would stand corrected. But at this point, I do not see any.

PRESIDENT:

I'm sorry, Senator Berning, do you object?

SENATOR BERNING:

Yes, unless there's going to be identical treatment to others.

PRESIDENT:

All right. The motion is to discharge the Appropriations Committee. Senator Gilbert has made the motion. Is there any discussion? Secretary will call the roll. We do not...Thirty votes will do it. There was...Unanimous consent was not given, so 30 votes will be necessary for discharge of committee.

SECRETARY:

Arrington, Baltz, Berning...

PRESIDENT:

Senator Berning.

SENATOR BERNING:

To pursue my point just a step further, let me emphasize that I am not adverse to discharging committee, but I do feel if we're going to do it for one we should do it for others. And not having been able to get this consideration in regard to a bill which I consider equally as important as anything that is on this floor or this Calendar, I would have to take the position that I cannot support such a motion as this and I would vote no.

SECRETARY:

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

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I appreciate Senator Berning's position and I certainly understand his feeling on it, but it seems to me, inasmuch as this is an important piece of legislation, that there's an act of futility to go through a committee when we know the outcome of that committee's action. I vote aye.

SECRETARY:

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:

Neistein aye. Call for the absentees. Vadalabene aye. Absentees will be called.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Coulson, Course, Davidson, Groen, Horsley, Johns, Knuepfer, Latherow, Lyons, McBroom, McCarthy, Mitchler, Ozinga, Rock, Romano, Savickas...

PRESIDENT:

McBroom aye. Senator Graham wishes to be voted as present.

SECRETARY:

Walker and Weaver.

PRESIDENT:

On that question the yeas are 38 the nays are 4. The motion to discharge committee prevails. Senator Newhouse..

SENATOR NEWHOUSE:

Are we now on second, Mr. President? The bill is now moved to second, is that correct?

PRESIDENT:

Yes, the bill will be on second reading, that's correct. Messages from the House. Senator Berning.

SENATOR BERNING:

Point of parliamentary inquiry. My recollection was that on 1301 the motion was granted discharging the Education Committee and placing it in Revenue. Normally, according to our procedures, in order to discharge a committee concurrence must be had from the Chairman. My

question is, did this agreement, this concurrence, take place with the Chairman of the Revenue Committee?

PRESIDENT:

I'm sorry, I was in conversation here, Senator Berning. Well, the Chairman of the Committee, of the one Committee concurred. Who's the Chairman of Appropriations? In any event, the vote was taken. 38 members moved to discharge.

SENATOR BERNING:

That's my question. Is that proper without concurrence of the chairman?

PRESIDENT:

That is correct. Concurrence of the chairman is not required in the rules. We have an adjournment resolution.

SECRETARY:

Senate Joint Resolution number 54. Resolved by the Senate of the 77th General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the Senate adjourns on Thursday, October the 28th, 1971, it stand adjourned until Monday, November the 1st, 1971, at 12:00 noon, and when the House of Representatives adjourns on Friday, October the 29th, 1971, it stand adjourned until Monday, November the 1st, 1971, at 1:00 P.M.

PRESIDENT:

It's an adjournment resolution. Motion by Senator Partee to adjourn and it will be until Monday at noon...Monday at noon. All in favor signify by saying aye. Contrary minded. Senator Clarke.

SENATOR CLARKE:

Can I just get defined for the members, they may not have been paying attention. When are we adjourning and we're coming back Monday at noon, but we're adjourning today, right?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

That is correct. We are adjourning today and come back Monday at noon.

PRESIDENT:

All right.

SECRETARY:

A message from the House by Mr. Selcke, Clerk. Mr. President, I'm directed...

PRESIDENT:

Just a moment. Will the members be in their seats. Will the members be in their seats for the reading of this resolution. This is a death resolution. Will the members be in their seats. Senators Rosander, Groen, Harris, Hall, Chew, Swinarski. This is a death resolution. Will the members be in their seats. Senator Neistein. We are not going to proceed until we have silence. Senator Neistein. Proceed, Mr. Secretary.

SECRETARY:

A 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 the concurrence of the Senate to wit: House Joint Resolution 98. Whereas, we are deeply saddened by the death of Adrienne C. Savickas, beloved wife of our esteemed colleague in the Senate, Senator Frank D. Savickas, and whereas, in the infinite wisdom of Almighty God, she received this untimely summons from this life and from her husband, Frank, her son, Michael, two daughters, Linda and Sharon, whom she leaves as a proud heritage to mourn her passing and whereas, she was a joy and an inspiration to all who were privileged to know her, and her passing leaves a lonely place in all our hearts, therefore, be it resolved by the House of Representatives of the 77th General Assembly of the State of Illinois, the Senate

concurring herein, that we express our heartfelt sympathy to the Honorable Frank D. Savickas and to the members of his bereaved family in this hour of their deep sorrow, and a suitable copy of this preamble and resolution be presented to our highly respected colleague, the Honorable Frank D. Savickas.

PRESIDENT:

All...Senator Partee.

SENATOR PARTEE:

I move that this resolution be immediately adopted and that all the members of the Senate be shown as co-sponsors.

PRESIDENT:

The Journal shall so show. All in favor of the adoption of the resolution, please rise. Resolution is adopted.

On page 2 of the Calendar...on page 2, concurrence in Executive amendments to House Bills. 677, Senator Dougherty. Hold. 785, Senator O'Brien. Hold. 1034, Senator Horsley on the floor? 1764, Senator Lyons. 1764. House Bill with Executive amendment. Senator Horsley is not here. Senate bills on second reading on the first page. 1274, Senator Hynes. Hold? You want them held on second or advanced? Hold on second. All those bills? 1284, Senator Saperstein. You wish it advanced to third? 1284.

SECRETARY:

Senate Bill number 1284. Second reading of the bill. No committee amendments.

PRESIDENT:

Amendments from the floor? Third reading. 1285, Senator Graham.

SENATOR GRAHAM:

Mr. President, the Secretary has on his desk a proposed amendment to 1285, suggested by the staff of Senator Partee, agreeable to us. It's a clean-up amendment; cleaning up some language, taking care of omissions, adding some sections, some words that should have been, and

I move it's adoption.

PRESIDENT:

Motion for the adoption of amendment number one on 1285. All in favor signify by saying aye. Contrary minded. The amendment is adopted. Any further amendments? Third reading. 1292, Senator Lyons. Senator Lyons, 1292, you wish it held on second? 1293, Senator Egan. Hold. 1300, Senator Hynes. Hold that one. Senate bills on third reading. 488, and 9, hold. 952, Senator Fawell. 952.

SENATOR FAWELL:

This bill, if you have the bill before you, has been totally changed, and thus the bill which is in your...on your desk...is no longer the bill as it is in amended form. What this bill does is to bring the one man one vote principle to the election of the...

PRESIDENT:

Just, just a moment please. Can we...Gentlemen! Senator Palmer, Commissioner Shane, Senator Dougherty. Gentlemen, let's...It's a noisy morning. We're not proceeding until there is some silence.

SENATOR FAWELL:

The, the present law in regard to the election of school board members of unit school districts sets forth a provision that if there is more than one congressional township involved that not more than 4 members of the board may come from any one township. I think most everyone agrees that this is a violation of the one man one vote theory, but a very practical problem exists in one particular school district in Wheaton where the school district is comprised of three townships but 94% of the people live in one township and only bits of two other townships are involved in the school district. This district desires to go and become a unit school district, but they could only elect four board members from Milton township, which is as I have indicated 94% of the entire district, and they in effect would have to have three other members coming from the 7% of the population that lives in very

small portions of two other townships. Thus, what this bill does is to simply bring what is probably the law anyway, insofar as the court case that might have to construe this, and simply states that we have the one man one vote principle and all 7 will simply run at large. And this, this is the extent of the bill. It...as a practical matter, until this is passed; in the Wheaton area they simply are not able to, in effect, go into the unit school district because really there isn't hardly the population or the interest at all in these two small portions of the two adjoining townships to even have any board members that would come from that area and thus, this is what the bill does, Mr. President and members of the Senate.

PRESIDENT:

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

SENATOR BRUCE:

I would just make this comment. I, too, am in favor of the one man one vote principle, but for those in a rural area I think that that can be accomplished in one of two ways. One is suggested in the bill and that is to run at large. A second way might be to provide districts so those in a rural section of a town, and I...you may have an appropriate example of where all the members will be from Wheaton, because the other outlying areas will not have any representation on the school board. I, for one, at this point, am not ready to adopt that kind of bill and I oppose that for that reason. I believe it might be appropriate to create even-populated districts rather than going at large.

PRESIDENT:

Is there further discussion? Senator Knuepfer. Secretary will call the roll.

SECRETARY:

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

Dougherty, Egan, Fawell,

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

May I just say that until this is, until this law is altered you're going to have districts such as we, I just outlined who simply cannot even utilize the unit school district system at all. And I repeat, the only other alternative then is for a filing of a suit to declare the existing statute, which I think Senator Bruce would also agree, is probably unconstitutional. I think there is no question, and the rural people, by the way, in this area have no objection to this bill, there's no question that there will be representation in these other areas, but the point is that we need more than four board members in order to have a board and as a practical matter we are stopped from doing that. So, uh, here is a district that wants to go unit and yet under the existing law they can't do so because they can only have four members come from Milton township. And, it, it's so that it works a great injustice here and I, inasmuch as one man one vote is with us, I think it is something that we must accept. I vote aye, and I would urge members on both sides to concur in that.

SECRETARY:

Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Uh, uh, I gather that there are a number of people not voting on the bill. It seems to me that this, this county, the rural county boards of many years ago would have loved to have maintained this kind of a principle in the statutes. We did require a reapportionment on the basis of one man one vote for them. I do think it's part of our

doctrine at this point in time and it seems to me that this is totally supportable, and I vote aye.

SECRETARY:

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:

Carroll aye. Ozinga aye. Request for a call of the absentees.

SECRETARY:

Arrington, Carpentier, Cherry, Chew, Collins, Course, Davidson, Donnewald, Egan, Gilbert, Hall, Horsley, Johns, Knuepfer, Knuppel, Latherow, Laughlin, Lyons, McCarthy, Neistein, Newhouse, Nihill, O'Brien, Partee, Rock, Romano, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene.

PRESIDENT:

On that question the yeas are 26 the nays are 1. Bill having failed to receive the constitutional majority is declared defeated. Senator Hynes has indicated to the chair that he would now like to call his Senate Bills on second reading. All five of those bills, Senator Hynes? 1274.

SECRETARY:

Senate Bill 1274. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading, 1275.

SECRETARY:

Senate bill number 1275. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1276.

SECRETARY:

Senate Bill number 1276. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1277.

SECRETARY:

Senate Bill number 1277. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1300. Senator Gilbert.

SENATOR GILBERT:

Senator Hynes, could I have an understanding with you, we're doing some study on this, that we might call it back to second reading in the event that we should wish to offer an amendment. Thank you.

PRESIDENT:

1300.

SECRETARY:

Senate Bill 1300, second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. Senator Partee, 1052 and 1053, you wanta hold? 1054, Senator Rosander. Hold. All right 1062, Senator O'Brien. Senator O'Brien on the floor? Hold. 11...for what purpose does Senator Merritt arise?

SENATOR MERRITT:

Point of inquiry, uh, when Senator Gilbert, uh, made the inquiry of Senator Hynes on, did, did I understand him. Was it just one bill you made the inquiry on? Uh, I wonder Senator Hynes, would you extend the same privilege to me on the Board of Governor's Bill which is Senate Bill 1275?

SENATOR HYNES:

On all five, I will agree to bring them back, if...

PRESIDENT:

Uh...1164, Senator Berning. 1224, Senator Donnewald. Senator Donnewald, 1224.

SENATOR DONNEWALD:

No.

PRESIDENT:

1263, Senator Partee. 1282, Senator Groen. 1283, Senator Groen. House Bills on third reading. I have only one request here, so members who wish additional bills called, please submit with. 813, Senator Mitchler.

SENATOR MITCHLER:

Mr. President, members of the Senate. You will recall that I had previously attempted to pass House Bill 813 which is a bill that allows the Clerks of the Circuit Court to charge certain fees for copied pages of documents. Uh, as I recall, my explanation, I think I was really putting it into reverse of what the bill actually had. I had grabbed it up early in the session and not had the basis. I have distributed to the President Pro Tem and to the leadership on both sides of the aisle, and several of the Senators that were involved, an explanation. What this does when the Circuit Clerk is requested to copy a page from the document, they have a new type of Xerox machine that he can put two pages of the document on the machine and it will come out, rather, it will come out on one sheet, rather than two sheets. Thus, reducing the actual number of sheets handed to the individual requesting the documents, but they get the same number of pages copied. This would provide that the Clerk of the Circuit Court would not lose money or have the amount of money that he collects for reproducing documents diminished. He would retain the same amount of charge by this amendment. Uh, the bill is a good bill. I would ask for a favorable roll call.

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:

Rosander aye. Sours aye. Carroll aye. Fawell aye. Saperstein aye. On that question the yeas are 35, the nays are none. The bill is declared passed. 1202, Senator Knuepfer.

SENATOR KNUEPFER:

Mr. President, I am wondering if I can call 1807 first, 'cause I'd like to take that back to the second reading for the purpose of putting an amendment on it and then I'll have the intervening business.

PRESIDENT:

1807 is brought back to second reading for the purpose of amendment.

SENATOR KNUEPFER:

The amendment, the amendment only adds the emergency clause. This was a bill that was on reading as of June 30, and it is now past that date, so this amendment only adds the emergency clause. I would move its adoption.

PRESIDENT:

The...the Secretary indicates that he does not have your amendment, Senator.

SENATOR KNUEPFER:

Yea, he had 'em. Give him those copies.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye. Contrary minded. The amendment is adopted. Third reading. 1202, Senator Knuepfer.

SENATOR KNUEPFER:

Uh...Senate Bill 1202 corrects an error that was made two years ago. It was called to our attention by the Department of Local Government. All that it does is change the date of December 31 to the date of December 15. Two years ago a piece of legislation was passed which inadvertently changed the date to December 31. The Department of Local Government informs us that they simply cannot comply with the statutes on this date, so we're simply taking the date back, uh, in this legislation to December 15, the way it should have been all along.

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:

Walker aye. Lyons aye. Hynes aye. Bruce aye. On that question the yeas are 40, the nays are none. The bill is declared passed. 1807. Senator Knuepfer.

SENATOR KNUEPFER:

House Bill 1807 has a new name at this point, but is really in truth, it is the continuation of the Zoning Law Study Commission. The report of the Zoning Law Study Commission is presently in the House; that

legislation is in the House; the House is working on that legislation. This simply permits the Commission to continue for the next two years until such time as that report can get out of the House and then hopefully be submitted to the Senate. The appropriation was reduced to \$25,000 and I would appreciate a favorable roll call.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I, Mr. President and Senators, I have this academic question... what do they need this money for, Senator, do you know?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Uh, Senator, the House is making some substantial changes in the bills, the series of bills that have been presented to them. Uh, the Commission, is, ought to be meeting on those revisions to assist the House in its deliberations, and I'm sure the Senate is going to make some changes when it gets there, too. That's simply the purpose to maintain the Commission through the changes that these, that will go on as this bill proceeds through the House and the Senate.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I, I certainly have no reason to, uh, incur the ill feeling of the Senate sponsor, Mr. President and Senators, but it seems to me that we're getting into a hysteria on this pollution and environmental business. We got, we just passed a big bond issue; uh, city ordinances are now by the bushel; county boards are taking uh, the lead in this thing, too, and I am just wondering whether we are just perpetuating a professional, uh, chairmanship of this particular Commission.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I can only promise you that at the end of this session, as far as this Senator is concerned, that Commission, if it hasn't been able to resolve it's problems, is dead as far as I am concerned. I have no intention of...that that Commission ought to be a permanent Commission. I think it has done a good piece of work. It has not done it in the full view of the legislature and that is the process we are now going through. And that legislative scrutiny I think is desirable, but I think it is also desirable that the Commission continue throughout that process in which the legislature scrutinizes its work product.

PRESIDENT:

Is there further discussion? Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Newhouse aye. Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion postponed prevails. 1311. Senator Knuppel.

SENATOR KNUPPEL:

1311 is the bill which we called day before yesterday. It was taken back to second reading and amended to meet the objections of Senator Horsley and suggestions of Senator Partee. It provides that a

person who has been contacted for or solicited for representation within five days after a claim for injury may within ten days after his notice and, uh, and after the solicitation renounce the contract. I believe the bill is in good order at the present time, pursuant to the suggestions of Senator Horsley and Senator Partee, and I ask for a favorable roll call.

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:

Horsley aye. Newhouse aye. On that question the yeas are 37, the nays are 1. The bill was declared passed. Are there additional bills on third reading that members wish to call? Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, members of the Senate. I have four, five bills here which I believe are definitely the most important bills that have, occur on the call at this particular session.

PRESIDENT:

Just...just a moment. No one can hear you right now, Senator, I am afraid.

SENATOR DOUGHERTY:

I am afraid so, too, but they'd better listen.

PRESIDENT:

Just...just a moment. Senators Walker, Mohr, and Clarke, please.
What are the numbers of the bills, uh...

SENATOR DOUGHERTY:

They are Senate...House Bills 283, 284, 285, 286 and 1398. I
would like to state that the approval of these bills are vital to the
constitutional mandate laid down by the Constitutional Convention in 1970.

PRESIDENT:

Can't the...Senator Dougherty, is it possible that one roll call
can cover all four bills?

SENATOR DOUGHERTY:

I would be afraid not, sir. No, I would have to...

PRESIDENT:

O.K. O.K. 283 will be the bill up for consideration.

SENATOR DOUGHERTY.

These bills correct, correct obvious errors that were present at
the time the bills were passed. I might suggest there were two sets of
bills passed by this body, and by the House. A series of bills that
came from the County Problems Study Commission and a series of bills
that came out of the House Committee on Township and County Affairs. I,
the most proper action would have been to kill 'em two years ago. Over
the spirit of fairness, we passed both sets of bills, sent them to the
Governor who vetoed the Commission bills, which I feel was in error, but
it's water under the bridge now--there's nothing we can do about it.
After the bills were passed and approved of by the Governor, there is
very definitely some errors within it. The studies of the bills have
indicated the frailties therein. What people fail to realize is the
County Boards will be made up of the members as enumerated from 5 to
29. No County Board can be smaller than 5 nor larger than 29. Each
County Board was to, by ordinance, decide the numerical strength of the
Board. They were also to decide whether or not they were to run at

large or to run by districts, and there was a mandate on them to do it by July 1, 1971. Most of them, since that time, have complied. I am informed that of the 84 township counties affected, that they all have devised a plan and submitted it, providing for the election of County Board officers...or County Board members as provided by law under the terminology of the '69 legislation. And now what these bills do is precisely this. County Board members are in effect, county officers. They are not members of the Board of Supervisors; they are members of the Board of County Commissioners of each county and they should be elected at the same time as our other county officers...the Constitutional officers, if you will, the Treasurer, the County Clerk, and the Sheriff. That's provided by law that they be elected in November...or be nominated in the primary, whatever the primary date might be, and they should be elected in the November election. These bills seek to do this. The legislation...

PRESIDENT:

Just, just a moment, Senator. Can we, please...For what purpose does Senator McBroom arise?

SENATOR McBROOM:

Mr. Chairman, I don't want to call a point of order. I just want to direct a question to Senator Dougherty. You're going into subject matter on other bills now, aren't you, Senator? I thought we were just on 283, and when you are concluded, I'd like to ask you a question about that bill.

PRESIDENT:

Senator...Senator Dougherty.

SENATOR DOUGHERTY:

I think for purposes of explanation, you must realize that they are really a packet of bills that provide for this, Sirs, and I'm trying to explain the whole terminology at once without laboring each bill in its particular. You are very well aware of what's concerned

and contained therein, but I just want to direct the attention of the Senate to the very importance of these bills, for the reason that under the '69 legislation it required that there be a primary to be held in February and an election to be held in April for the County Boards. This proved to be erroneous for the reason that it is beyond the capabilities of County Boards to stand the expense of a primary in February, a primary in March or whenever their normal primary would be, and election in April with a subsequent election in November. In other words, four elections. The cost would be intolerable for these County Boards due to the fact that the loss of revenue from the personal property tax elimination that has its one house, or one home and one automobile, plus the fact of the loss of fees that will be denied them under the new Constitution. They just simply cannot bear the cost of these, Sir...as horrendous an amount as about some six million dollars. I have here copies of resolutions adopted by County Boards asking that this legislation be enacted even though they themselves are affected. They themselves are affected by this legislation yet in these resolutions they've offered to me--and I have bales of them--they realize that this affects their own public careers, if you will. Nevertheless, they are for this here, and under the present terminology there will be a three months hiatus before anyone can register. The 1970 Constitution provides that County Boards shall be elected in each county; that members of the County Board shall be fixed by ordinance in each county within the limitations as provided by law. Now that has been done, and Article VII, Section 3b says this: "The General Assembly, by law, shall provide methods available to all counties for election of County Board members." I will wind up by telling you, if you do not know it, that there are 84 counties affected by this. The 17 commission counties are not affected, nor is Cook County. Cook County is a hybrid. Cook County has a County Board composed of 10 members from within the City of Chicago and 5 from the area outside of Cook County, outside of the corporate limits.

Now, Senate Bill 283 provides that the terms of the newly elected County Boards shall take place at the same time as the other county officers. Now the term is generally the first Monday in December. The amendment offered by Senator Knuepfer provides that it shall take place on the exact date, whatever date that might be, December 1st or December 5th, whatever it might be; and all these bills, with the exception of 284, provide that it shall take effect immediately upon becoming law. They will require 35 votes. Now Senator, I will be happy to answer for you any questions you wish.

PRESIDENT:

Senator McBroom

SENATOR McBROOM:

Mr. President, and members of the Senate. Senator Dougherty said one thing that I certainly agree with him on, if not many of the others. Uh, these are extremely important bills and I think that, uh, that we, both of us--those who are opposed to the bills and those who are interested in them--should invite the attention of the Senate. Senator Dougherty, if I understand 283 correctly, all this is is a mechanical bill correcting the expiration of the terms. Is that correct, Senator?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

That is correct.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Another question, in regard to 283, uh, Senator Dougherty, and I think this has perhaps happened to every member of the Senate at one time or another, perhaps to some of us more frequently than others, but one member of the Local Government Committee told me that he attended the meeting and amendments were offered and then not adopted, and frankly,

when he left the meeting he was not sure in what posture the bills came out of the Local Government Committee. I am not a member of that Committee. What does the amendment on 283 do, Senator, please.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

You, you are correct about the...a bit of confusion did develop in the Committee. I do not deny that, because an amendment had been adopted in the Spring session that really was incorrect, so we struck that amendment. That amendment was struck. Then we offer this...this amendment was offered by Senator Knuepfer, which the language of the amendment said it should be December 1, 1972. This amendment provides that it should meet on that exact date, not, uh, uh, on the first Monday, I should say, in December. This provides the mandate shall take offices on the date the, whatever date they happen to be in the...following the first Monday in December.

PRESIDENT:

Senator Horsley. Excuse me, I'm sorry--Senator McBroom, you were not finished?

SENATOR HORSLEY:

Do I understand you to say that amendment number one is no longer in effect?

PRESIDENT:

Senator Dougherty. Senator Horsley.

SENATOR HORSLEY:

That bill struck lines that weren't there. Now, what does the next amendment do? It's not on my desk, it's not in my bill book, and I object to considering this bill until the amendments are in my book.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

It's not my fault...I'll read you what the bill says. The amendment does this:

PRESIDENT:

Hold it! There is an objection...just a moment. Sergeant-at-Arms er...The Chair is going to have to rule that the objection is a valid one if the amendments have not been printed. Now...Secretary's office can get some amendments, some copies made very quickly and we'll come back to this very shortly, Senator Dougherty. Is that acceptable? Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President...

PRESIDENT:

The objection apparently is a valid one that amendments have not been distributed. We'll get back to this very shortly, if this is acceptable, Senator Dougherty.

SENATOR DOUGHERTY:

All right. I'll have copies of this one made and we'll distribute them.

PRESIDENT:

We're, we're...the Secretary's office will make them right away now, and...Tip, you can let me know as soon as they are ready.

SENATOR DOUGHERTY:

The amendments to the other bills merely provide...

PRESIDENT:

A...a...just a second, we'll move on to 284 then?

SENATOR DOUGHERTY:

Amendment...there are no amendments to 284, sir...

PRESIDENT:

284. Senator Dougherty says there are no amendments. Let's take 284.

SENATOR DOUGHERTY:

As a matter of fact, I understand that Senator Knuepfer has an amendment to 284.

PRESIDENT:

Senator, do you wish to call back to second reading for purposes of amendment on that?

SENATOR DOUGHERTY:

It's his amendment. It's not mine.

PRESIDENT:

Yes, but it's agreeable to call it back to second reading?

SENATOR DOUGHERTY:

Certainly, it's agreeable.

PRESIDENT:

All right. Senator Knuepfer.

SENATOR KNUEPFER:

Now, now I know 284 is on your desks because I asked the Sergeant-at-Arms to pass that around this morning. Rather than read to you what 284 does, let me first start out by explaining where we stand on these bills. There are some counties that want this, and there are some counties that do not want this. My county happens to be one of the counties that wants this legislation. Lake County wants this legislation, Peoria wants it, Woodstock wants it...how many others, I don't know. In any case, there are a number of counties downstate that do want it. There are some that evidently don't want it. Generally those that do want it are the larger counties where the cost of an extra election on top of the costs which we have faced because of the loss of collection revenues...

PRESIDENT:

Just a moment. Let's have some order here.

SENATOR KNUEFFER:

...is creating a substantial crisis. This amendment is only addressed to this body in the hope that it can solve all of the problems, or some of the problems. It may end up that this amendment is looked upon with disfavor by both friend and foe of the bill as it originally stands. It is offered in any case only in the spirit of compromise and if it can be accepted in that spirit, I think the bill will pass. If it cannot, I would suspect that the bill has no future. In any case, the bill as it originally came over called for the cumulative voting. The same kind of voting we have for the House of Representatives. That would have been possible on June 30th for counties to have engaged in cumulative voting, and because it requires the...The bill as it came over required either single member districts or, if the cumulative voting was to be used, three member districts. The purpose of the cumulative voting amendment was very obviously to force County Boards to adopt the single member districts. I frankly share that feeling that single member districts ought to be adopted, but they weren't. Some counties have five member Boards, some have eight member Boards, they have picked all kinds of numbers. So unless you amend out the cumulative voting proceedings, you have County Boards that simply can't move. If they have a single member district, they are in good shape. If they've got five members to a district, there's no authority in this Legislature that authorizes them to re-reapportion, because, again, if the bill were to pass in the shape that it's in, there's only two possibilities. One is single member and one is three member districts. Now County Boards who are not, who do not have...meet either of these conditions, would find that they simply are inoperative under the bill. They can't re-reapportion and they still are not in compliance with the bill. This amendment would knock out the cumulative voting procedure. As I told you, I don't think it can be complied with in any case. The second thing the amendment would do is to try in reaching a compromise

between those who are proponents and those who are opponents. It would allow two dates. It would allow for counties under 150 thousand only the single date that is presently in the statutes. For counties over 150 thousand, it would permit them to choose either the regular primary and regular general election, or the present statutory dates for the township officials. I can only suggest that I don't know how successful this is going to be. It is offered only in the spirit of compromise. It is offered as a means of attempting to resolve the problems of those who want it and who do not want it. It may, as I noted earlier, end up that I have lost friends on both sides because of this, but these are the two provisions exigent in this amendment and I would offer it to this body.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator, you were present in Committee at the time I offered an amendment which would strike the cumulative voting. As a matter of fact, the bill was thoroughly emasculated and put back in the present form it is today in order they may, that every one may know what is contained in the bill therein, am I right? I did offer an amendment to strike cumulative voting. I did do that, and it was not...there was some objection to it so I had the amendment tabled, leaving the bill in its present form, the same form in which it left the House. Is that correct? No, I...I...Actually, I believe that you referred several sections in the Constitution or in the statute referring about this, sir. It's my opinion, and of course I'm not a lawyer, and therefore, I must belabor the question, that the amendment that you offered is unconstitutional. There are 84 township counties in the State of Illinois, 84 township counties. That's who it provides for isn't it, township counties? It makes no differentiation as to county size in the present law. This is the way it was adopted. This is the manner in which the County Boards redistricted themselves, under that theory. Now the amendments that you

are offering change the entire context of the thing, the entire context. Because County Boards are County Boards and County Board members are county officials and should be elected at the same time. Now, in addition to that...In addition to what I feel be unconstitutional, you are still continuing the honor's expense on County Boards, should they adopt this plan, should this amendment be adopted. It is simply the continuity of it. And furthermore, if you'll look at Section 7, of Article VII of the Constitution, it says "The General Assembly by law shall provide methods available to all counties to select the County Boards." This has been done. The...and further on it says this: "No county, other than Cook, may change its method of electing County Board members except as approved of by a county-wide referendum." That's precisely the language of the Constitution. I feel this is unconstitutional and I reject the amendment.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

I wonder, Mr. President, of course...I want to direct a question to Senator Dougherty. Senator Dougherty? I heard Senator Knuepfer comment that if his amendment were not adopted that there would be an impossible problem physically and from a time standpoint to comply with the cumulative voting suggestions in the bill, and do you agree with him, or do you disagree with him on that? I'm not being facetious, I'd just like to have your opinion. I personally agree with him. I'd like to know what, how you feel?

PRESIDENT:

Senator Dougherty. Senator Dougherty.

SENATOR DOUGHERTY:

...have already reapportioned themselves. They have done this. And it is conceded and is understood. And in the 1969 election, or Legislation, it states that they are county officers, county officers,

and county officers, under the Constitution, it sets forth under 3R and all others should be elected at the same time. That's chapter 46, Article VII, or Section 7 of the Election Code.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Mr. President and members of the Senate, first of all, Senator Dougherty, the...I again disagree with what you are saying as far as the Constitution is concerned. My question had to do with cumulative voting. Now, for example, in our county we have already reapportioned. We have seven four-member districts. Now, how in goodness sakes name would we comply with cumulative voting with seven four-member districts and it is impossible for us, from a time standpoint, to reapportion. You are talking about the expense involved. If it were possible to do it from a time standpoint, we had a computer expert come in from out of the county that cost the county a substantial sum of money, to help us facilitate reapportionment. That would be more expense for the counties and I guess I'm conclude here. I am asking a question, but the argument on expense doesn't persuade me at all. Many members of this Chamber for years stomped all over their districts and said judges ought to run in August. Hang the expense. Don't have them involved when the Governor runs or the President runs. Now some of the people that said that conceivably might be taking opposite positions. But, specifically Kankakee County, seven four-member districts, what would we do?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

In order to answer your question, I'll tell you what I'll do. I'll withdraw. I'll table 284.

PRESIDENT:

Are you making that motion Senator Dougherty?

SENATOR DOUGHERTY:

I asked him a question.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Pardon me?

PRESIDENT:

Senator Dougherty, I think you'd better a...

SENATOR DOUGHERTY:

If you object to the terminology of 284, as it is, I'll table the bill.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

I only responded that you are 20% of the way home. There's another four bills. That's fine with me.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I have no desire to be facetious. It seems rather incongruous that someone in Cook County should be handling these bills because they affect downstate. I'm handling these bills only at the request of the House members. I think you are very well aware of that. They mean there's no skin off the end of my nose, but you are going to have chaos down in Illinois if you don't adopt these bills. Now that's it. By tabling 284 you will avoid it.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

I would only say this. Excuse me, gentlemen. I would only say this, Senator Dougherty, again I take issue with you. I don't think there will be chaos at all. Our County Clerk isn't disturbed one iota

about the prospects of all the bills going down the drain simply for an extra paper ballot. There's nothing difficult about it.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

You have voting machines in Kankakee County?

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

No sir, thanks to Senator Donnewald, I anticipate we will have them before too long.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Well, I admit it would present no problem to you, I'll grant you that in you're particular county, but how about all the other counties? Senator, you were not present at this meeting when we had multitudes of people here representing the various County Boards asking, begging, pleading to get these bills passed. I assure you that I have no personal interest in these at all, whatever, and I have no desire to foist something onto other Congressmen that they don't need or they don't wish, but it is vitally necessary that you do this because Monday is your first day of filing as you know.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Senator Dougherty, you and I have been good friends for a long time and there is nothing personal in my responses to you at all. I'm sure that you know that, but I hear all of the hue and cry about the people that want them. I have County Clerks in my Senate district; the County Clerk from Ford County is not disturbed, the County Clerk from Grundy

isn't, the County Clerk from Kankakee and the County Clerk from Iroquois. So, I don't know where all of these County Clerks are coming from that are supposed to be so alarmed by what's going to happen here. I think these four men are fairly knowledgeable gentlemen, and I have faith in them.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Mr. Chairman and members of the Senate. Senator McBroom, I would like to tell you that my County Clerk is very disturbed about this, and I know that other counties that are. So, we are very disturbed. We are very worried. We want to see these bills get out of here. The first day of filing is the first of November. So, this is an important thing to my County.

PRESIDENT:

Senator Fawell. I would remind the body we are on Senator Knuepfer's amendment, not on the bill itself. Senator Fawell.

SENATOR FAWELL;

I rise in support of the amendment. It is quite true that in DuPage County the County Board is very much in support of the proposition that they, ah, the nominations be a primary and that they run in the general election. I recognize that many downstate do not desire to do this, I gather, and I recognize, too, that there are some political overtones I gather, but my question would be to Senator Dougherty. It seems to me that we're, the people in my County, do object and where I would also object would be in the cumulative voting. It would seem to me that if you could see fit and the people on your side that cumulative voting portion would not have to be in this bill, and I think the amendment, as I understand it, would eliminate the cumulative voting, that we would have then to a foreign position where at least I know two Senators here who would find it acceptable.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator, I have already made an offer to Senator McBroom and I'll table 284...and I'll table the bill in its entirety rather than accept this amendment.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I, forgive me, I do not quite understand why can't you simply accept the amendment. Doesn't it accomplish what you want it to accomplish with the exception of the cumulative voting?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

The cumulative voting was not my idea. You were not there and I think members of the Committee will agree with me that the amendment that was offered did away with cumulative voting. It did away with all the features that were objectionable, but I still say that the Constitution says that all elections shall be free and equal. County Boards, the township counties, are all free and they are all equal except as to size, but this delineation as to size is also covered under the home rule section of the Constitution.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

What I'd like to know is where we are.

PRESIDENT:

The question before the...the bill was brought back from third reading to second reading. Senator Knuepfer has offered Amendment No. 1.

SENATOR HORSLEY:

But the sponsor of the bill has moved to table his own bill and we're debating an amendment to a bill that is going to be tabled.

PRESIDENT:

He has not moved to table the bill. Senator Dougherty.

SENATOR DOUGHERTY:

I simply cannot accept this amendment. So, rather than accept the amendment...rather than vote on the amendment, I'm simply going to table the bill at this time and I so move.

PRESIDENT:

Motion is to table the bill. All in favor signify by saying aye. Contrary minded. The bill is tabled. On 283, I understand the amendments have been distributed. Is that correct? They have been distributed. 283.

SENATOR DOUGHERTY:

I think if you examine the amendment, you will find it does precisely as I said it does. It just sets forth that the term of the County Board members will be on the precise date rather than the terminology first Monday in December. That's what this amendment does. And it also provides that this amendatory act becomes law immediately upon passage or upon becoming law.

PRESIDENT:

Senator Horsley.

SENATOR DOUGHERTY:

The emergency clause requires 35 votes.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I'd like to inquire...I've looked at this amendment that has now been distributed, but do you tell us that the members of the County Board will be elected at the next general election under this amendment?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

That is right.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I am not in favor of that Mr. President, and I think anybody on this side of the aisle who would be in favor of that...well, I'm not going to give my opinion, but I think they'd better stop and think pretty seriously. Local government down here to us is pretty important business. It's our government close to the people. It's our government that we don't want to fluctuate year by year on the national and state elections. We want it to be determined by the people locally and not by the happenings of the state and the nation, and I think if you adopt this you are going to have a big upset and a big change and a lot of your Board of Supervisors downstate, and I'm very much opposed to it. If this bill is to be voted upon with the amendment with the understanding that the next Board will be elected at the next general election, and that's what his answer is, and I assume that's exactly what the bill does. You're going to say to the Board of Supervisors, your term is going to be shortened. We're going to shorten it down to where you will be elected in November and take office in December, and you'll be elected in accordance with the fortunes of the politics of the State of Illinois and the nation on November. For that reason, sir, I cannot vote for this bill and I will not vote for it.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Mr. President and members of the Senate. I rise in support of this bill. In my County alone to have an extra election would cost us over 200 thousand dollars. We're practically bankrupt now. It doesn't

make sense for us to have extra elections when we have these elections coming up. I think the people of my district are intelligent enough to vote for everybody who is on that ballot. We don't have to have a special election for this. It's going to cost the downstate counties over 6 million dollars. I don't understand you fellows. You stand here and you holler about money and here you're trying to bankrupt these counties. This is a good bill and it should be passed.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I think we are all discussing at this point the bill that just was tabled. I think if we address ourselves to 283. I support 283. I think you ought to pass 283. It doesn't address itself to the problem. The bill that Senator Dougherty just tabled is the bill that did address itself to the problem of when the election is to be held.

PRESIDENT:

Is there further discussion? Senator Horsley.

SENATOR HORSLEY:

Mr. President, I don't want to prolong this, but I asked Senator Dougherty a direct question and he answered it directly, and I think he answered it correctly. This bill does shorten the term of office of these people and is dependent upon an election to be held in November. Now, let's don't get off on a misunderstanding. Senator Knuepfer, I hope you are listening because you are so wrong. Senator Dougherty has answered the question honestly and directly, and I'll accept his answer as being the truth.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I never truly answered your direct question for the reason there was interruption by other Senators. I will say this, that this bill

provides that there will be county offices. I want to tell you, Senator, that you are still living in the days of Township Supervisors. This is done away with. They are no longer Township Supervisors. They will hold one position if elected as a Supervisor, but wait just a minute. Let me answer you. You've talked, let me talk. They will be elected Supervisors and the Attorney General, in his opinion, says that it was not a conflict of interest for a Township Supervisor to be also a member of a County Board if so elected to both offices. Now, furthermore, they are county officers. That is the reason they must take office on the same date. Furthermore, I gather from you, you are refuting your Governor and your President. You don't want to run the same time he does. That's what I get from it.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well, Senator, just so we clear the air on one thing that Senator Knuepfer has misstated. We are now voting on a bill as amended that will shorten the term of Supervisors and provide for their election in the general election in November. Isn't that correct?...All right, then what are we arguing about. He's wrong and let's forget it.

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Well, Mr. President, I simply want to say this. I presume that on almost any issue that comes before the Senate that some of us who might be more articulate than I am can develop a position either way on any subject, and as I said before, I am not persuaded about the expense aspect of it, for I can remember the press throughout the State for years and years condoned the practice of having the judges run in August to keep them away from the presidential and gubernatorial candidates. I'm ready for a roll call, too.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Well, before the roll call, I want to comment on Senator Horsley's comments and that is this. He is worried about the shortened term of the Supervisors, but by golly we've been shortened several times in the Senate from four to two.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President, I move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. All those in favor of the previous question, indicate by saying aye. Contrary minded. The motion prevails. Senator Dougherty may close the debate.

SENATOR DOUGHERTY:

Well, I think there has been enough dissertation on this particular bill. It does precisely state that county officers will take office, that is County Board members will take office at the same time as the other county officers, on the particular date, naming the date. It falls on the first Monday in December. It also provides that it will take effect immediately. It will take 35 votes to do it.

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...

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate. I am as confused as anybody I guess after having served seventeen prior years on a County Board, but basically, if I may just briefly, Senator Dougherty, might ask a question at trying to arrive at a decision here.

PRESIDENT:

He indicates he will yield.

SENATOR MERRITT:

It would appear to me, and you correct me if I am wrong, that in the original bill we leave one line in that states that terms of Assistant Supervisors shall expire. That is the only line left in the bill. Is that correct?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Let me...will you wait just a moment. In answer to that, I say that this amendment, as drawn by Senator Knuepfer, and we accept it on the terminology put in it and it does say, "The terms of Assistant Supervisor shall expire on the first Monday of December, 1972." But, it also provides that the county officers will take office on the prescribed date, the first Monday, naming that in December. It takes effect immediately upon becoming law. That's right.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Senator, you still did not answer my question. As I...Are we speaking now of Amendment-No. 2?

PRESIDENT:

Senator Dougherty. Senator Merritt.

SENATOR MERRITT:

Either I can't read or something is wrong. The terms of Assistant Supervisors shall expire in the original bill. That remains in. Everything else is stricken and from that point on shall expire on the commencement of the terms of office of the County Board members. It seems to me like that's just exactly what it says. Is that correct?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Somehow or another the bill has gotten away from me. I don't know where it is.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator Merritt, it does not say that. It says...the amendment strikes everything after line 13.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Just exactly what I said. The terms of your Assistant Supervisors which we all know will not exist any longer, do expire on the commencement of the terms of the office of the County Board members. It's that simple and I think it's a good bill. If any of them in the whole series is worth anything, this is. How else, how else would you determine when the expiration comes. It must come upon the election of the new County Board members.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

That's what it says.

PRESIDENT:

Senator Merritt. Senator Merritt.

SENATOR MERRITT:

I withhold my vote for the moment.

SECRETARY:

Mitchler, Mohr, Neistein.

PRESIDENT:

Senator Neistein.

SENATOR NEILSTEIN:

I want to ask Senator McCarthy, does this affect Cook County? Well, I always support my downstate colleagues and evidently they want this bill, so I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Senator Dougherty, now as I heard here, the new Constitution says there shall be no Assistant Supervisors. That's what we are talking about, right?

PRESIDENT:

Senator Dougherty. Senator Dougherty.

SENATOR DOUGHERTY:

The terms of Assistant Supervisors do expire upon the commencement of the election, the commencement of office of the County Boards. That's right.

PRESIDENT:

Senator Soper.

SENATOR SOPER.

That's under the Constitution?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

No, no, it does not. It's under the 1969 statute that was enacted which does away in effect with Assistant Supervisors and it...takes them... and it elects them a member of the Board not Assistants. They become county officers.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Well, if that's true, then why do you need the bill if there are no Assistant Supervisors under the '69 statute?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

This is a construction that has been placed upon it by others and myself that this is the proper way in which it can be done. And, as a matter of fact, in answer to you Senator, you're from Cook County, you're not affected by it one way or another, I would like to point out that those who are remaining silent and voting no, you...I don't have to face the music when you go back home. You do. You're the people, not me. I'm safe. I'm home free. Also the seventeen commission counties are home free.

PRESIDENT:

Continue the roll call.

SECRETARY:

Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President. I'm sure I'm not recorded. Before I decide if I can

vote and how I should vote, Senator Dougherty, will you yield to a question?

PRESIDENT:

He indicates he will.

SENATOR LAUGHLIN:

I realize you're home free and all that stuff, but if this bill does not pass as amended, tell me the consequences as simply as you can.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

If these bills don't pass, you will go back home and you will be faced with the "ax".

PRESIDENT:

The question asked is on this specific bill, Senator Dougherty.

SENATOR DOUGHERTY:

This bill is part, part of the whole packet. This is the only way that it can be done and I am advised by the Legislative Reference Bureau and these bills were not drafted at my request. They were drafted at the request of the County and Township Affairs Committee of the House.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Now, Senator Dougherty, I think I asked it in a kindly considerate way. I am not angry. I simply wanted to know what this...the consequences would be if this bill did not pass. If I understood your reply insofar as it was a reply to my question, I have to conclude that inasmuch as you tabled Senate Bill 284, there's no point in even calling the rest of them and so then I don't know why then you didn't table the whole package. I'm completely confused and I'm simply trying to get straightened out.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I might point out to you the prior legislation eliminated the Assistant Supervisors, then the Attorney General was asked his opinion, what are they going to do about electing them. And he rendered an opinion to this effect...that the terms could continue until such time another method was devised, that was all.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Thank you very much. So that if this bill should not pass, the Assistant Supervisors would continue to hold office until their successors are elected and qualified, however that might be accomplished. Is that right? So that this bill does have no particular significance other than to fix a definitive date for the expiration of the term. Now...Do I now understand the significance of this Bill?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I might point out to you, Senator, I think you're completely well aware of it, that the Assistant Supervisors have no township duties whatsoever. They do have...they are members of the County Board at the present time. And then there's the question of validating anything that might be done by them if they sit on a County Board. So, this here definitely sets the date for the expiration of their terms. So, they do not have to go over to whatever date they were elected to under the township laws.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Thank you very much. In that case, I will just withhold my vote.

PRESIDENT:

Senator Berning. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, how am I recorded?

PRESIDENT:

You're not recorded.

SENATOR DAVIDSON:

I'd like to be recorded no.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, members of the Senate, perhaps Senator Dougherty, I believe much of this confusion could be cleared up. The last time that the Assistant Supervisors ran for office, if nothing was done, what term did they run for at that time? What would have been the expiration of their term?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I understand it would be in 1971, but the Attorney General's opinion provided that since the office of Assistant Supervisor was abolished under this legislation, they would in effect continue to hold their office as Assistant Supervisors until amendatory legislation was passed. That's precise.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

It would appear to me then, Senator, that this merely fixes a time... I think some of us may be confused on the issue of when we're going to hold this election for our new County Board members; whether it's going to be at the general election or some earlier date. Well, under the

terms of this amended bill, it does not fix any such date. It just merely states that they will continue to serve until a County Board member has been elected. It's that simple to me. I can't see anything wrong with it.

PRESIDENT:

We have completed the roll call. Harris, no. Merritt aye. Sours no: Request for the call of the absentees. The absentees will be called. For what purpose does Senator Groen arise?

SENATOR GROEN:

Am I recorded? How am I recorded? No? Fine. Very Good.

SECRETARY:

Arrington, Baltz, Bidwill, Carpentier, Carroll, Cherry, Clarke, Dougherty:

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I'd like to explain to the rest of these members, they haven't given me the opportunity to explain what 285 and 286 do. These bills, this 283 is necessary to implement 285 and 286, that's it. I'm going to vote aye, and I'm cautioning you people downstate that you're going to be in a terrific pickle if these bills are not passed. Now, that's the sum and substance of my voting. I'm cautioning you; I'm not warning you. Far from it, I don't care, but these are vitally necessary to the 84 township counties of Illinois. I vote aye.

SECRETARY:

Graham, Latherow, Laughlin, Mitchler, Mohr, Ozinga, Soper, Walker...

PRESIDENT:

For what purpose does Senator Sours arise?

SENATOR SOURS:

Mr. President, I desire to change my vote from no to present. I was pretty much impressed with what Senator Laughlin had to say and I

see no immediacy here so I'd rather go on the roll call as present.

SECRETARY:

Weaver.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I don't want to penalize my fellow Senators from downstate districts; I would just like to withhold this bill until I have a chance to explain 285 and...

PRESIDENT:

Well, we have...you move to postpone consideration...

SENATOR DOUGHERTY:

Move to postpone consideration, yes.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion prevails. You wish to hold those other bills, Senator?

SENATOR DOUGHERTY:

No sir, I do not. Because of the time element, Senator?

PRESIDENT:

You want to move...

SENATOR DOUGHERTY:

That's right.

PRESIDENT:

285. Senator Dougherty. 285.

SENATOR DOUGHERTY:

Mr. President and members of the Senate, House Bill 285 provides that "an Act related to the composition and election of County Boards in certain counties approved of October 2, 1969, as now and herein amended, shall be elected on the first Monday of November, 1972 and one-half of the County Board shall be elected every two years thereafter, except as

herein and otherwise provided." Then it goes on and recites that the primary was to take place under the Article...under Chapter 46 of the Election Code, Section 7, 7.2, with the ordinary primary, the definite county primary date for the election of the Constitutional officers and other officers shall be the primary, wherein the County Board members will be nominated and subsequently elected in November of the election... the general election. That is it. The amendatory...the amendment on there just provides that it take effect immediately.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Now, Senator, this bill directly has an emergency clause on it by amendment number 1, so it shall be effective immediately. Is that not correct? Is that the only amendment, sir, amendment number 1? This bill is the one that says that in counties under township organization, and that would be all counties in the State of Illinois except Cook County. Would it not?

SENATOR DOUGHERTY:

And the 17 commission counties. Don't forget about them. They have their own method of elections. One runs every year...three members of the County Board of commission counties.

SENATOR HORSLEY:

It says that this applies to all counties under 3,000,000 population.

SENATOR DOUGHERTY:

Township counties, if you read it correctly.

SENATOR HORSLEY:

Sir?

SENATOR DOUGHERTY:

Township counties.

SENATOR HORSLEY:

Well, that's right, it applies to all township counties under.

3,000,000, but that would be all counties in the State of Illinois outside of Cook County except the ones where they have commissions.

SENATOR DOUGHERTY:

Right. In other words, and there are 84 of them, that's correct.

SENATOR HORSLEY:.

Thank you. So that this bill says that we're going to elect all of these township supervisors. Senator, this bill says, regardless of what you call them, whether you call them county officers or whatever you call them, the people who are now township supervisors and assistants, and whatever name you give them hereafter, are going to be elected in the general election in November of next year. Isn't that correct?

SENATOR DOUGHERTY:

That's right.

SENATOR HORSLEY:

I want to vote no on this bill

PRESIDING OFFICER: (Hall)

Senator McBroom.

SENATOR MCBROOM:

Mr. President and members of the Senate, in my...I'll be very brief... I hear them move the previous question. 284 was the worst bill of the series; this one runs a close second and I would certainly encourage each and every member on our side to either vote no or refrain from voting.

PRESIDING OFFICER: (Hall)

Senator Dougherty, do you want to close the debate?

SENATOR DOUGHERTY:

Yes, have a roll call...what's the use of...

PRESIDING OFFICER: (Hall)

Roll call.

SECRETARY:

Arrington, Baltz, Berning...

PRESIDING OFFICER: (Hall)

Senator Berning.

SENATOR BERNING:

Mr. President and members of the body, I want to reiterate once more that the hard-pressed counties are faced with \$6,000,000 of unwarranted election expense if these elections are not consolidated. My county is vehemently in favor of this legislation and I respectfully request a yes vote on this bill. I vote aye.

SECRETARY:

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...

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Yes, Mr. President, members of the Senate, those in this body who wish to perpetuate the county as a viable form of government, may be making a mistake in opposing this legislation. To some people, the county promises, in the future, to be a more viable form of government than it is at the present time. There are many reasons for that, Mr. President, but I think in order to insure the validity of the new township officers who would be the governing board or the legislative arm of the county form of government, indispensable to their insurance, is a full participation or near full participation by the electorate. This would be accomplished by the passage of this bill because more people will vote in the normal primary of the general election than they will in these off dates where people are confused and refuse to participate in this election. So I would suggest, Mr. President, to those who on one day say we believe in the county form of government and object to Senator Knuepfer's bill which would allow a County Manager, they are doing themselves a

disservice and are paving the way for a managerial form of government in the county when they oppose this type of legislation. Thinking that the County Legislative Board should be elected and they should make the decision, and to keep them in that position, I believe, the election in the regular primary and the fall election is preferable and therefore, I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

I, Mr. Secretary, I don't believe I'm recorded, am I?

PRESIDENT:

You're not.

SENATOR MERRITT:

I'd just like to ask the sponsor one question before voting. Senator Dougherty, I assume that this takes care of the general election only, and there must be in some of your other bills, as to the primary dates?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

This bill provides that they will be elected in November, the same time that all other county officers are elected, and at the time that the Governor, the President of the United States, and your Congressman, and you, yourself, run, if you will. This is what it provides. And when I run. Furthermore, it provides that the bills that were enacted in 1969 provided for a caucus. There can be no caucus under a county government; there can be in township government. If I insert, 286 and 1398 are implementing bills, they just provide for the continuity of the

term of supervisors and for the payment of expenses. This is the key bill. This is the bill that provides for the election as county officers in a primary, whatever primary date we have, they will be selected and they will be candidates for election in November of the general election year of 1972, when you run and I run and everybody else runs for office. The Congressmen, the President, and all. This is what it provides. You people are still laboring under the concept of Township Supervisors. We are not attempting to delineate in anyway duties of Township Supervisors. That remains. But they are, in effect, they can be both a Township Supervisor and a member of the County Board, but as such, the '69 legislation said that they are county officers. You are very well aware of it, Senator, you were co-sponsor with me with the bills that the Governor vetoed. You know that. You know that as well as I do, and this contra...

PRESIDENT:

The chair doesn't like to cut off, but we're exceeding the time limit here on Senator Merritt's explanation of vote. Senator Merritt.

SENATOR MERRITT:

He did not answer the other part of my question. If this bill fails to pass, Senator, we would have the primary or caucus in February and the general election in April... Is that correct? I vote no. I vote no.

PRESIDENT:

Senator...Senator. For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

How am I recorded?

PRESIDENT:

You are not recorded.

SENATOR MITCHLER:

Mr. President and members of the Senate, in explaining my vote, Senator Merritt just brought out a point here that if this bill does not pass, it means that the County Board would have a primary on February 15,

and then an election in April? Is that correct? My staff says that's correct and I'll take their word for it. Well, in my district there is a special election called for that date anyway so the county will have to spend the money to have an election on that day, so they just don't go down there to vote on one thing...one vote...they might as well combine the Supervisors, too. I vote present.

PRESIDENT:

On that question, the ayes are 29, the nays are 8, 13 present. The measure having failed to receive the necessary 35 votes is declared defeated. Senator McBroom.

SENATOR McBROOM:

Having voted on the prevailing side, I move to reconsider.

PRESIDENT:

Motion to reconsider...Motion by Senator Davidson to table. All in favor of the motion to table signify by saying aye. Contrary minded. All those in favor of the motion...Will the Senators be in their seats... Those in favor of the motion to table, please rise. Those opposed to the motion to table, please rise. The motion to table...the motion to table fails. The motion is to reconsider the vote by which House Bill 285 was defeated. The...The...Senator McBroom withdraws his motion. Senator Dougherty, what about 286 or 1398?

SENATOR DOUGHERTY:

Well, Senator...Mr. President, 286 and 1398 are merely implementing bills that provide that the terms of offices shall extend until this particular date. It also provides that the expenses shall be met and the operations of the County Board shall prevail, as they are now, until such time that the new officers are elected. It simply does that. Now, I feel constrained at this time. I have one bill on the motion consideration postponed; I have tabled one bill, and 285 is still alive at this particular time. It would seem to me that I would ask the members on the other side of the aisle to reconsider their action for the reason that

you are going to go back home, you are going to have to face...

PRESIDENT:

Just a minute...The Chair may interrupt, Senator Dougherty, so that we understand. Are you calling 286?

SENATOR DOUGHERTY:

There is no reason to call 286, unless 285 is enacted.

PRESIDENT:

All right. 286 and 1398 are not being called at this time then.

SENATOR DOUGHERTY:

But, I would like to ask these gentlemen to reconsider their vote with another roll call, but I point out to them the horrendous effect that their action will have on the county where they reside. That when they go back home and face their County Clerks and Supervisors, the horrendous cost of an election. The fact that no one will be able to register to vote for 90 days; the fact that those areas having voting machines, the voting machines will be impounded until after the continuation...the primary, and then there is another primary on March 21st, the general primary, and then you will have this supposed, you are advocating an election in April, you'll have that. It will be virtually impossible for those areas of the State where voting machines are used to process and prepare the voting machines for this time...during this period of time. This is a situation that you're unable to live with, but if you want to live with it, it's all right with me. I would ask you to reconsider your vote and have another roll call on this measure. Pointing out to you that Monday, Monday, is the first day to file for the County Board.

PRESIDENT:

The House bills on first reading, on page 2. Excuse me, Senator Dougherty, what...did...

SENATOR DOUGHERTY:

Yes, Mr. President, since they have not responded to my request for

another roll call. There was no response for it. I will now, at this time, ask for another roll call on 285 for the purpose of protecting these men against, these men who voted against it, from the people who they are responsible to when they go back. Namely, the County Boards and the officials who must conduct county government at an expense that is unwarranted. That's all. It's up to you to make up your minds.

PRESIDENT:

Senator Dougherty, someone who voted on the prevailing side has to make the motion to reconsider. You're not eligible to make that motion.

SENATOR DOUGHERTY:

I am not, sir, no, I suggest to them.

PRESIDENT:

So, there is, unless someone that voted on the prevailing side, makes that motion, the Chair cannot recognize that motion.

SENATOR DOUGHERTY:

I'm aware of that.

PRESIDENT:

House bills on first reading. 2128. 2128. 2346, Representative Collins. 2347, Representative Collins. 2379, Senator Laughlin. 2379. 2382, Senator Laughlin, you want to take that one also? All right. Senator Baltz, 2382. 2460, Senator Hall. Senator Hall.

SENATOR HALL:

Mr. President, I just would like to say that there's an error in the printing of this bill. It should be, amends the Vehicle Code rather than the School Code.

PRESIDENT:

All right. The Secretary will correct that. 3556, for what purpose does Senator Egan arise? -You're taking 3556?

SENATOR EGAN:

Yes, but Mr. President...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

I'd like to ask for unanimous consent to advance this to the order of second reading without reference.

PRESIDENT:

Is there objection? Leave is granted. 3638, Representative Schlickman's bill. 3690 and 91, Representative Harpstrite's bill. Senator Donnewald is that 3690 and 91 are those you...Representative Harpstrite's bills. On the Consent Calendar are, we have four resolutions, Consent Calendar, four resolutions. Is there objection to the use of a favorable roll call on these resolutions? Is there objection? The resolutions are adopted. The, Senator Johns.

SENATOR JOHNS:

Mr. President, would I be out of order if I asked leave of the body to pull back ah...Senate Bill...I mean House Bill A243 to remove an amendment and table it.

PRESIDENT:

What is the number of the bill again?

SENATOR JOHNS:

A243. It is on third reading. It is a House Bill with an amendment on it. I would like to table that amendment. It has an amendment of \$792,800,000 that I would like to table and I would like to move that back from third to second for purpose of removing that...

PRESIDENT:

Will there be any controversy on it?

SENATOR JOHNS:

No sir. Just table that amendment.

PRESIDENT:

Ah...243 is called back to second reading for purposes of reconsidering the adoption of an amendment. Senator Johns moves to reconsider

the vote by which amendment number 1...Is that correct, Senator Johns?

SENATOR JOHNS:

Yes sir. I just wish to table that amendment.

PRESIDENT:

Moves to reconsider for the purpose of tabling. All in favor signify by saying aye. Contrary minded...Senator Clarke.

SENATOR CLARKE:

I would just like to get clear. What amendment is it you are tabling?

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

I would just like to...Senator Clarke, I would just like to table the amendment number 1, which was to put this \$792,800,000 on this particular bill as a rider. You remember in the last closing days of the June Session I put this on in an attempt to get some money for the University. All I wish to do is withdraw that amendment number 1.

SENATOR CLARKE:

Mr. President...Mr. President...You're not going to try and move the bill?

SENATOR JOHNS:

No sir, no sir.

SENATOR CLARKE:

Senator Gilbert has left the floor so I would like him to know what is going on.

SENATOR JOHNS:

No, I do not intend to. No sir. I would just like to table that amendment number 1, that's all.

PRESIDENT:

All in favor of the motion to reconsider indicate by saying aye. Contrary minded.

SENATOR JOHNS:

Thank you.

PRESIDENT:

The amendment is tabled. Resolutions. Senator Laughlin is recognized.

SENATOR LAUGHLIN:

Mr. President, I have a motion. Someway or another I am listed as the Senate sponsor of House Bill 2999. Now, I never asked for it. I guess it is in Committee, but I would like unanimous consent or whatever I need to be removed as sponsor of the bill. House Bill 2999.

PRESIDENT:

Just a minute. Let's maintain some order. 2999. Who is the House sponsor of that?

SENATOR LAUGHLIN:

Representative Gardner.

PRESIDENT:

Representative Gardner is the House sponsor? Senator Laughlin wishes to be removed. The Journal will so show. If there is a Senate member who wishes to pick up that, you can notify the Secretary and we will get a note over to Representative Gardner. For what purpose does Senator McCarthy arise.

SENATOR McCARTHY:

Ah...I would like to move that the Executive Committee be ah...discharged from further consideration of Senate Bill 890. This is a computer study commission that Senator Mohr and I are working on and has the consent of the Committee Chairman.

PRESIDENT:

Is there objection? Leave is granted. We have a death resolution to close. Are there announcements before closing? Senator Romano. Senator Romano.

SENATOR ROMANO:

A...The meeting of the Labor and Commerce for 2 o'clock is cancelled. We will have the meeting Tuesday.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

The meeting of the Committee on Local Government on Monday afternoon following the session. On the Senate floor.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

A point of inquiry. Will there be any Committee meetings tomorrow or just the perfunctory session?

PRESIDENT:

No, no session. Not even a perfunctory session tomorrow.

SENATOR MITCHLER:

And no committee meetings tomorrow?

PRESIDENT:

That is correct. I am advised we have one additional resolution in addition to that resolution.

SECRETARY:

Senate Resolution #241 introduced by Senator Mitchler.

PRESIDENT:

Is that congratulatory?

SENATOR MITCHLER:

Mr. President, this is a congratulatory message. I checked with the President pro tem. This is for a 11-year-old little league player named Bobbie Homfeldt of Elgin, who suffered some very serious injuries this summer while playing baseball. He had a tremendously large hospital bill, over \$27 to \$30 thousand dollars, and the Elgin United Civic Association and the Veterans of Foreign Wars of Elgin are sponsoring a

dinner tonight in his honor in order to raise some funds. He is out of the hospital now and I would ask for immediate adoption of the resolution.

PRESIDENT:

All in favor of the adoption of the resolution indicate by saying aye. Contrary minded. Resolution is adopted. Will...Senator Neistein for an announcement.

SENATOR NEISTEIN:

The meeting on Judiciary which was called for 2 o'clock today will be cancelled. We will have a meeting of Judiciary Monday after the session terminates on Monday, which will be about 4 o'clock. Members of the Committee, some of them have indicated to me that they have to leave. They have appointments back in their home towns and since we have such important bills, we want to give the witnesses and the Senators ample time to go through all the bills, so we're announcing that Senator Judiciary will be called off and be heard Monday, Senator Laughlin. Monday after the session ends here then the Judiciary will start.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Mr. President, I just sent down a resolution that I would like... If it pleases the body, I would like to suspend the rules and offer it for immediate adoption and I would like to have the Clerk or the Secretary read it if he will.

PRESIDENT:

Request of the...

SENATOR BALTZ:

I would like to have all Senators join me if they so desire after they hear the resolution.

PRESIDENT:

The request that the resolution be read. Will the...get some

order...Secretary will read the resolution...just a moment let's get in our seats. Proceed.

SECRETARY:

Senate Resolution #242 introduced by Senators Baltz, Graham, Latherow, and Ozinga. WHEREAS October 29, 1971 marks the birthday of our good friend and distinguished colleague from the 45th District, the Honorable Hudson R. Sours; and WHEREAS Senator Sours has consistently and for six consecutive terms served with the greatest of distinction, always bringing honor upon this Senate; and WHEREAS during his twelve years in the General Assembly Senator Sours has increasingly become an immeasurable source of reliable knowledge for each Illinois legislator; and WHEREAS in addition to serving in the General Assembly Senator Sours continues to be an active member of the Honorary Phi Beta Kappa Society, the American, Illinois and Peoria Bar Associations, Mississippi Valley Historical Association, Peoria National Blues Civil War Round Table, Westminster Presbyterian Church, the Masonic Order, Scottish Right and Shrine, the Peoria County Republican Central Committee and the Board of Trustees of the Peoria Public Library; THEREFORE BE IT RESOLVED by the Senate of the 77th General Assembly of the State of Illinois that we heartily congratulate our colleague and friend, the Honorable Hudson R. Sours, on this occasion of his 62nd birthday; that we wish him many more happy and healthy birthdays and express our fervent desire that he continues to serve the people of Illinois for many more decades; and BE IT FURTHER RESOLVED that a suitable copy of this Preamble and Resolution be presented to our esteemed colleague, Senator Hudson R. Sours.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Just going to ask Senator Baltz to make certain next year when you put in this resolution to put in a more acceptable form and don't say Hudson R. Sours. It is Hudson Ralph Sours. So you remember that next year, will you?

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

If we had time I would be happy to amend it right now. I am deeply honored, of course, to be the lead sponsor in this fine resolution. Hudson Ralph has taken me under his wing. He has tried to uplift my intellect. He gives me books with readings from Seneca. He gives me the Life of St. Francis. He brings me books on Thomas Jefferson. He lets me look some of his cherished treasures in his collection, and I am very grateful that I am the one that is the lead sponsor, and I would ask at this time that if other Senators would like to join in this resolution we would be most happy to include them all.

PRESIDENT:

I am sure all Senators here will be shown as sponsors. Senator Sours.

SENATOR SOURS:

I wonder Mr. President and Senators if we couldn't add in that list of honorarium the Peoria Humane Society.

PRESIDENT:

All in favor of the adoption of the resolution indicate by saying aye. The resolution is adopted. Will the Senators be in their seats. We have a death resolution for someone known to the membership here. Members be in their seats.

SECRETARY:

Senate Resolution #243 introduced by Senator Neistein. WHEREAS this body was stunned and deeply grieved on learning that our good friend, the highly esteemed legislative counsel Morris J. Wexler, was a passenger on the ill-fated Chicago and Southern "legislative" commuter airline which crashed near Peoria, Illinois, on Thursday, October 21, 1971, killing all persons aboard; and WHEREAS Morris Wexler was truly a lawyer's lawyer and gifted legislative counsellor which propelled him into chairmanships

of legislative, advisory and investigating committees and commissions, exemplified by the following: Special prosecutor of vote frauds in 1960; general counsel for the Committee for an Election Under the Rule of the Law; a group set up to combat vote frauds in 1970; legislative and seminar counsellor for the Criminal Code of 1961; appointment by the Chicago Municipal Court to investigate bail bond irregularities and recommend legislative change and his subsequent appointment by the Chicago Bar Association to head their efforts to revise the bail bond system; former presidency of the John Howard Association, a prison welfare group, which recommended many legislative reforms in our penal system; representation this year of legislators offering a new congressional reapportionment map for Illinois, which on September 21, 1971, was approved by a 3-judge panel; and at present, besides chairing an ethics legislative committee, chairmanship of the distinguished Council of the Diagnosis and Evaluation of Criminal Defendants that drafted the new and comprehensive Unified Code of Corrections, a bill which was on hearing before the House Committee on Judiciary, Division II, and which he was in route to attend at the time of the tragic airplane crash; and WHEREAS he leaves a proud heritage to mourn his passing in the persons of his wife, Diane, daughter Laurie Jo, Mother, Mrs. Cecelia Brodsky, brother and law partner, Sydney, and a sister, Mrs. Ruth Winokur, and he will be deeply mourned as the irreplaceable chairman and guiding hand in correctional reform and ethics legislation pending in this Session of the General Assembly; therefore be it RESOLVED BY THE SENATE OF THE 77TH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS that we express our profound sorrow and sense of loss upon the shocking and tragic death of Morris J. Wexler, a respected counsellor and friend, who was always in the forefront of the correctional and ethics reform legislation; that we extend our heartfelt sympathy to the members of his bereaved family; and a suitable copy of this preamble and resolution be forwarded to his widow, Mrs. Diane Wexler.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate, I move for suspension of the rules and the immediate consideration of this resolution and its adoption, and also I'd ask leave that all members of the Senate be shown as co-sponsors of this resolution.

PRESIDENT:

All members will be shown. All in favor of the adoption of the resolution please rise. The resolution is adopted. Senator Partee moves that the Senate stands adjourned until noon on Monday. All in favor, signify by saying aye. Contrary minded. Senate stands adjourned.