

TRANSCRIPT--77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

NOVEMBER 1, 1971

PRAYER BY: Pastor Dennis R. Grohn, Concordia Seminary, Springfield,
Illinois

PRESIDENT:

Reading of the journal. Moved by Senator Egan that the reading of
the journal be dispensed with. All in favor signify by saying Aye.

Contrary minded. Motion prevails. Senator Partee.

SENATOR PARTEE:

Mr. President, let the record that Senator Chew is absent today
due to illness.

PRESIDENT:

The journal will so show. Committee reports.

SECRETARY:

Senator Donnewald, Chairman of the Assignment of bills assigns the
following to committee: Judiciary, House Bills 2379, 2382; Transpor-
tation, House Bill 2460. Senator Cherry, Chairman of Executive Com-
mittee reports out the following: Senate Bills 82 and 1296 with a
recommendation do pass as amended. Senate Bill 1280 with a recommen-
dation do pass. House Bill 1147 with a recommendation to not pass.
House Bill 2716 with a recommendation do pass as amended. Governor's
Message of October the 19th, 1971, in part, Edward T. Weaver, Director
of the Department of Public Aid, recommends confirmation.

PRESIDENT:

Senator Cherry. Senator Cherry moves that the Senate resolve
itself into Executive session. All in favor signify by saying aye.

Contrary minded. Motion prevails. Senator Cherry.

SENATOR CHERRY:

I now move the recommendations, appointments by the Governor in
his message of the date the Secretary has in his hand be advised and
consented to by the members of the Senate.

PRESIDENT:

Senator Cherry moves that the Senate do advise and consent in the
appointments by the Governor. On that question, the Secretary will call

the roll.

SECRETARY:

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

PRESIDENT:

Davidson, Aye. Neistein, Aye. Collins, Aye. Soper, Aye. O'Brien, Aye. On that question the yeas are 42, the nays are none. The Senate does advise and consent. Senator Cherry.

SENATOR CHERRY:

I move the executive session do now arise.

PRESIDENT:

Motion that the executive session do now arise. All in favor signify by saying Aye. Contrary minded. Motion prevails.

On page 2 of your calendar, concurrence in Executive Amendments to the House Bills, 785...Is Senator O'Brien on the floor? Is Senator Horsley on the floor? 1764, Senator Lyons, page 2, concurrence on Executive...

SENATOR LYONS:

Oh yes. This is one of those amendatory vetoes. This is a... this bill is a bill which I originally introduced at the request of the Cook County assessor, and what it did was to make available the records of the Assessor's Office for public inspection. After some discussion, an amendment, which I had thought was an agreed amendment, was appended to the bill. The bill passed unanimously, passed the House unanimously, and the Governor's staff, or the Governor, excuse me, apparently that some benefit would be reaped by somebody if the

bill were amended pursuant to the Governor's power amendatory veto. What this amendatory veto does now is put the bill pretty much back where it started so that it's in pretty much the same shape as it was when it was introduced. It does provide that the records of the Assessor's Office are open. Anybody can walk in and look at somebody else's file, and they can be inspected in that regard. They do it anyway--I mean the Assessor's Office does it anyway. I should point out that the bill applies not only in Cook County but throughout the State...

PRESIDENT:

Just a moment, please. Let's have some order!

SENATOR LYONS:

I have no problem with the substance of the bill. I think it was somewhat...well...I think the Governor's Office should not have done what they did, but I don't really mind one way or the other. I move that we concur in the amendatory veto.

PRESIDENT:

You...if you can put that in writing also for the Secretary, Senator Lyons...

SENATOR LYONS:

Oh. Do I have to put that in writing?

PRESIDENT:

It should..it must be in writing. We...we'll go ahead with the roll call. 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.

PRESIDENT:

Senator Latherow. Senator Latherow.

SENATOR LATHEROW:

Mr. President, uh, Senator Lyons, I wonder if you'd yield to a question.

PRESIDENT:

He indicates he will.

SENATOR LATHEROW:

In this piece of legislation on line...oh...18 on, it says these records shall be kept in the Office of the Assessor's Supervisor of Assessments, or Board of Assessors. Does this mean all township assessors are going to have to continuously maintain and keep a record of all assessments made in that township; both real and personal?

PRESIDENT:

Senator...Senator Lyons.

SENATOR LYONS:

I didn't draw this, Senator Latherow. This came from the Governor's Office. This is his amendatory veto; however, I'm sure...

PRESIDENT:

Just...just a moment. Let's...Monday...Just a moment, Senator Lyons. Let's get some order here. You are correct, Senator Graham. Let's...Proceed, Senator Lyons.

SENATOR LYONS: (Continued)

Well, I started out to say that I did not draw this. This came from the Governor's Office in the form of an amendatory veto; however, I...insofar as I may presume to speak for the Governor--I don't do that very often--I'm sure the intent is that it be restricted not...in other words, that township assessors not be included but that the Supervisor of Assessments, or Board of Assessors, or County Assessor, in other words the centralized assessing authority, be the authority in question.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Well I...I wonder why then, in this case, that I can foresee the factors and I know what the cost of these books are that these records

are maintained in, that this would mean that we had in every county an additional set probably on the average of around 35 books for each township assessor that's going to have to be maintained if this goes into law.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

That is not, nor was it ever the intention on the part of anybody that I'm aware of, and I don't think that's what the bill does either. It refers to County Assessor, Board of Assessors, Supervisor of Assessments, and whenever it talked about assessor it usually said, said assessor, meaning County Assessor, at least once in the sentence.

PRESIDENT:

Continue the roll call.

SECRETARY:

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

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Mr. President, uh, Senator Lyons, did the Governor take off the amendment that I put on that?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Yes, he did, Senator.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I thought we had a big argument about this bill and when we got through with the amendment I thought the bill was a good bill. All

the newspapers, everybody wanted that amendment. We went through damnation...hell and damnation to get the amendment on; now the amendment's taken off. Now it's in its original form?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

The answer to your question is yes. We had an extremely lengthy discussion on this amendment--in the House and in the Senate. We had subcommittees on it; we had full committees; it was a hotly, highly controversial bill. All of that controversy was smoothed out. An agreed bill...your amendment was put on the bill which resulted in an agreed bill and unanimous...unanimous passage of the bill. The Governor of the State of Illinois, in his wisdom, decided that that was not a very good idea and the bill should go back to its original form. Since I introduced the bill in its original form, I'm not going to oppose the bill now. I have some comments on the Governor's conduct and on the way that...the way the whole thing was handled that I could make, but I won't make them because it wasn't my agreed amendment, Senator Soper; it was yours.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Thank you very much.

SECRETARY:

Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

On that question, the yeas are 44, the nays are none. The bill... the Senate concurs in the executive amendment. 785, Senator O'Brien.

SENATOR O'BRIEN:

Mr. President and members of the Senate. I move that the Senate concur with the specific recommendations of the Governor in regards to House Bill 785.

PRESIDENT:

It is...Do you want to give a sentence or two explanation of what those changes are?

SENATOR O'BRIEN:

We had a specific guideline set in based on the 85 decibels. That was taken out and the Department of...I believe it's...the Department that's coordinating the noise pollution can set their own levels and enforce their own restrictions.

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:

Knuepfer, Aye. Walker, Aye. Vadalabene, Aye. Collins, Aye. Carroll, Aye. Senator Latherow?

SENATOR LATHEROW:

Mr. President, I'd just like to humorously look, or have you look at the last portion of this 785, beyond the boundaries of the property of any person including..includes personal property as well. Of course that's the marauding tomcat. We're controlling his voice there that Sours talked about last time. We got that in there. I just wanted to be sure you knew that.

PRESIDENT:

On that question, the yeas are 40, the nays are none. The Senate concurs in the executive amendment. Resolutions.

SECRETARY:

Senate Resolution number 244, introduced by Senator Sours...
It's congrat'...

PRESIDENT:

Consent Calendar. Introduction of bills. Senator...Senator Neistein.

SENATOR NEISTEIN:

Well, Mr. President, there's a bill introduced that's been approved by the Illinois Pension Laws Commission. That's Senate Bill 1303, Senator Groen, and at this time if Senator Groen wants to make the motion--if not, I will--to suspend the rules and have the bill read a first time and put it on the order of second reading without reference to Committee. The Committee Chairman is in favor and the leadership on both sides have no objections; and Senator Groen, Chariman of the Pension Laws Commission is the one that's making the motion.

PRESIDENT:

The motion is for suspension of the rules and advancing the bill to second reading without reference to Committee. Is there objection? Leave is granted.

SECRETARY:

Senate Bill number 1304, introduced by Senators Clarke, Arrington, and Coulson. A bill for an act to amend sections 18 and 21 and adds sections 21.1 through 21.8 to the Revenue Act of 1939.

Senate Bill number 1305, same sponsors. A bill for an act to amend section 162 and 190 of the Revenue Act of 1939.

Senate Bill number 1306, same sponsors. A bill for an act to amend section 1 and 2 of an act to provide for an allocation of certain amounts to the counties and the municipalities of the State of Illinois.

Senate Bill number 1307, same sponsors. A bill for an act to amend section 5 of an act in relation to State finance.

SB 485
2nd Reading
11-1-71

Senate Bill number 1308, introduced by Senators Saperstein, Partee, Cherry, Donnewald. A bill for an act making an appropriation in the amount of \$170,000 or so much thereof as may be necessary to the Superintendent of Public Instruction for the purpose of funding a new, comprehensive health education program.

First reading of the bills.

PRESIDENT:

Messages from the House.

SECRETARY:

Message from the House by Mr. Selcke, Clerk:

Mr. President, I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the passage of a bill over the veto of the Governor of the following title to wit Senate Bill 177.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I want to question the manner of that message. It says over the veto of the Governor.

PRESIDENT:

Just...just a moment. I wonder, Senate Clarke and Senator Partee, I wonder if we can't have somebody from your staff and somebody from your staff get together with Dick Durbin--I don't see Dick right now, but we'll get back to this. We'll just postpone messages from the House. I frankly don't know what the answer is on this right now.

Senate Bills on second reading. Senate Bills on second reading. 130, Senator Berning?

SENATOR BERNING:

No. Hold that.

PRESIDENT:

485, Senator Knuepfer? 485.

SECRETARY:

Senate Bill number 485, second reading of the bill, one committee amendment from Constitutional Implementation.

PRESIDENT:

Senator Knuepfer moves the adoption of the Committee amendment. All in favor signify by saying Aye. Contrary minded. Amendment is adopted. Further amendments? Third reading. 808, Senator Lyons? Senator Lyons.

SENATOR LYONS:

Yes, I have an amendment which I'd like to present. I don't think it would generate any problems. All it does is change 1971 to 1972 where appropriate and 1972 to 1973 where appropriate. It just moves the bill back one year. I ask the adoption of the amendment.

PRESIDENT:

Is there any discussion? All in favor signify by saying Aye. Contrary minded. The amendment is adopted. Just a moment. It goes on to third reading but...89...890...890.

SECRETARY:

Senate Bill number 890, second reading of the bill, no Committee amendments.

PRESIDENT:

Any amendment from the floor? Third reading. 1257, Senator Dougherty? Senator Dougherty? 1257.

SENATOR DOUGHERTY:

1257...There was an amendment put on to it by Constitutional Implementation, was there not?

PRESIDENT:

We're on second reading. Do you want to advance them?

SENATOR DOUGHERTY:

I would advance them to third reading, yes, sir.

PRESIDENT:

1257.

SECRETARY:

Senate Bill number 1257, second reading of the bill, one Committee amendment from Constitutional Implementation.

PRESIDENT:

Senator Dougherty moves the adoption of the Committee amendment. All in favor signify by saying Aye. Contrary minded. Amendment is adopted. Any further amendments? Third reading. 1258.

SECRETARY:

Senate Bill number 1258, second reading of the bill, one Committee amendment from Constitutional Implementation.

PRESIDENT:

Senator Dougherty moves the adoption of the Committee amendment. All in favor signify by saying Aye. Contrary minded. The amendment is adopted. Any further amendments? Third reading. 1271, Senator Knuepfer? 1271.

SECRETARY:

Senate Bill number 1271, second reading of the bill, no Committee amendments.

PRESIDENT:

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

SENATOR LYONS:

I'd like to move this to third reading, but I understand Senator Donnewald has an amendment that he wants to tender.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

This is Amendment number 2. I think the Secretary has it. What it does, very briefly, it adds another classification to the bill, subparagraph F, the second page, after line 23 and it exempts property on the farm, personal property, \$5,000 of equalized assessed valuation of such property that it does include stock farming, dairy farming, poultry farming, fruit farming, and truck farming, and I would move its adoption.

PRESIDENT:

Is there any discussion? Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Mr. President. Senator Donnewald, how in the world did you arrive at the figure of \$5,000?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Well, after a lengthy study, Senator, we found that if we were to go over that amount it would cause a very, very serious problem for governmental units--local governmental units--throughout downstate, all of the 101 counties. This would give relief to about 70 percent, as I recall, to the farmers but it wouldn't hurt the counties that would be affected to that great an extent. If we went over that amount we would then have the problem of finding revenue from either the real estate taxes or income taxes, and I don't think that this would be very palatable to either the people back home or the legislators here.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, Senator Donnewald, thank you. I'd only point this out to you, \$5,000 is not much to a man who is engaged in a farming operation; and if you took \$5,000, what you're saying, up my way, with an effective rate of about 5 percent you're going to give them a \$100 a year less tax bill. Is that right?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

We went into quite a detailed study, Senator, and I have some statistics if you wish to review them from counties up and down the State and we found that this would probably give..would be relieving

that particular taxpayer of around \$250.

PRESIDENT:

Senator Laughlin. Just...Senator Donnewald. Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, I'm sorry. I don't want to confuse the issue, I'm just saying this, I'd love to see those figures, and if you can wait til tomorrow with this I'd like to look at it. If you don't, I'd only say this two things. Number one, I don't think it's constitutionally possible to do what you're trying to do, because I don't know how you distinguished this way in certain agricultural occupations; and the second comment I'd make is that it's tossing a sop to a very important part of our business economy in the State of Illinois.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Mr. President, and Senator Laughlin, number one, I certainly will hold this until you can look at the figures. Number two, I would yield to Senator Lyons who would answer your problems on the constitutionality.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, whether or not it's going to be held depends upon whether somebody can assure me it is after all my bill, that it's not going to be stricken from the calendar or something like that because we hold it an extra day. I don't know who's in the position to give that assurance, but if...

PRESIDENT:

Could we do this Senator Lyons and Senator Laughlin, can we advance it to third with the understanding that it will be pulled back tomorrow and Senator Donnewald can offer its amendments then.

SENATOR LYONS:

But I'm not through, Mr. President.

PRESIDENT:

All right. Senator Lyons. Senator Lyons.

SENATOR LYONS:

The purpose of Senate Bill 1292 is to relieve from the personal property tax individual wage earning taxpayers. The reason the bill was introduced was because the Supreme Court of the State of Illinois said that the constitutional amendment that was adopted last year by the voters of the November referendum--not the constitutional, the new Constitution--but the amendment to the old one, said, which would have exempted individuals from the personal property tax rules was unconstitutional in that it set up an illegal classification namely individuals vis-a-vis corporations. Senate Bill 1292, therefore, does what the Court in its opinion said the law should do which is to distinguish on the basis of use to which the property is put rather than up on the basis of ownership. The idea was to get the wage earning taxpayer off the roll once and for all. It then became clear that some of the agricultural people thought they had something going for them when that amendment passed last November. They thought in short that they weren't going to pay any personal property taxes at all, and this came as no unwelcome development to them. Now this is okay in the case of the guy who is just tilling the soil and making a living out of it. It is certainly not okay in the case of a millionaire whose farm is just something he uses and if he were ever to sell it he would cash out for well into seven figures. Since Senate Bill 1292 and this amendment neither one is designed to give relief to the latter person. It is designed to give relief to the former person, who after all on the economic scale is equatable with the wage earner. So that's why the bill was introduced. That's why the amendment was tender. And, if that does not answer your question, Senator Laughlin, I am, would be prepared to elaborate.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, no, I don't want to take any more time of the body right now for a further elaboration by Senator Lyons. I think he has recited what those of us who have read the decision know is a fact as far as the legal theory is concerned. So, I have no objection as long as I know that there will be a vote on this amendment tomorrow, to its being advanced to third reading today with the understanding that the vote will be tomorrow and I can at least get some information in the meantime.

PRESIDENT:

That that is the understanding. It will be advanced. 1293, Senator Egan. Hold. 1297, Senator Sours, 1297.

SECRETARY:

Senate Bill number 1297, second reading of the bill, no committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. 1301, Senator Newhouse. 1301.

SECRETARY:

Senate Bill number 1301. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. Senator Berning.

SENATOR BERNING:

I would beg leave of the body to call Senate Bill 130.

PRESIDENT:

130 on second reading. 130.

SECRETARY:

Senate Bill number 130. Second reading of the bill. One committee amendment from Local Government.

PRESIDENT:

Senator Berning moves the adoption of the Committee amendment. All

in favor signifying by saying Aye. Contrary minded. Amendment is adopted. Any further amendments? Third reading. For what purpose does Senator Egan arise?

SENATOR EGAN:

Mr. President, I would like to advance Senate Bill 1293 to the order of third reading, with the understanding that an amendment can be placed on tomorrow which is in preparation which will satisfy the objections, and if that's all right I'd like to advance it to third reading.

PRESIDENT:

Senator Egan wishes to advance 1293 to third reading with the understanding that it will be brought back to second reading for purpose of amendment. 1293.

SECRETARY:

Senate Bill number 1293. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. Senate Bills on third reading. 488, Senator Rock. Senator Rock.

SENATOR ROCK:

Mr. President, point of inquiry. Is there, has there in fact been established a last day for passage of Senate Bills?

PRESIDENT:

Senator Partee the question is has there been a last day established for passage of Senate Bills?

SENATOR PARTEE:

No, there has not. There's a note which would indicate that October 28th was the last day. It was calculated to be a stimulant rather than a rule. There is no rule on the subject.

PRESIDENT:

A similar question was asked the Chair the other day and that is the situation these bills will be in relative to the January session if

no action is taken.

SENATOR PARTEE:

Well, that hasn't been finalized. I have spoken with the Speaker concerning that, and there is some indication that those bills remaining on the calendar at the close of this session, which bills have not by leadership been agreed on for remaining on the January calendar, there is a possibility there will be a motion made to strike all those bills that have not been heard. For the principal reason that many of the bills on the calendar are bills which have language there since the commencement of this session, have not been called, there's been no activity concerning them, and we see no reason to preserve them. Now there are some, and there are some bills in some rather sensitive areas which are embrasive of concepts which are detailed, like Consumer Code, like the Corrections Code, and many bills of that kind which I am sure will not be sacrificed and will be preserved no matter what their status or posture at the time we finalized this session. But for those other bills that have just languished here, there is a great possibility that they will not survive this session.

PRESIDENT:

Hold. Senator Knuepfer.

SENATOR KNUEPFER:

If I can address myself to the President Pro-Tempore for a moment on this question. I've got a number of bills, Senator Partee, which are really addressed to the concept of the Legislature using the Committee route rather than the Commission route. They are bills that will be held that I have not called in the fall session, and I have not called for one simple reason. They are bills like the statewide Building Code which are highly controversial bills, and if they are ever to pass need some substantial Committee work. Now, it seems to me that if we are going to try to reduce in some ways a necessity for Commissions, then we've got to take these kinds of concepts and do the work in Committee, uh, uh, some of them may be able to be saved, some are maybe

dead; but at least we have got to have a forum to discuss some of these kinds of concepts in if you intend to uh, uh, reduce the Commissions as we have been given to understand you intend. Those kind of bills, it seems to me, are particularly appropriate for study in the off-year on the hopes that maybe something can be worked out for the year following that.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Without enumerating every single bill that I thought would survive as a result of being accepted and exempted from the rule, that is a kind and classification of bill that I think you would have no difficulty in preserving. That's the kind. I didn't want to go through the entire calendar.

PRESIDENT:

Is there no further discussion on that? 491, Senator Ozinga. 1054, Senator Rosander, 1054. Senator Rosander. Senator Rosander, 1054. 1062, Senator O'Brien. 1164, Senator Berning. 1224, Senator Donnewald. 1260--1274, Senator Hynes. 1282, Senator Groen, 1282. You want to hold that whole series, Senator Hynes? 1283, Senator Groen. 1284, Senator Saperstein. Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President, Senators, 1284 is an additional appropriation for, of \$250,000 for the school lunch program. This has come about because of the economic climate, because more and more children are becoming eligible. At the present time, the Department of Public Instruction can only meet half of this obligation. I don't believe there is any opposition, and I urge your support.

PRESIDENT:

Is there any discussion? Senator Saperstein.

SENATOR SAPERSTEIN.

Uh, I just forgot to mention that this is an emergency.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Senator Saperstein, is this not going to really be a transfer of funds. There was an excess in the breakfast program of some \$400,000, was there not, and is this not, this \$250,000 to be taken from the appropriation that was for that program.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

I am not, uh, really clear. The information I got on this, that this bill was introduced with the approval of the Governor, and this represented a real deficiency in the original appropriation. Uh, uh, this is our understanding. I think you and I talked about it when the bill was introduced. It was moved to second reading after your recommendation.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I want to support your bill, Senator Saperstein, I was just trying to point out to the members I believe that there are funds within the Superintendent's appropriation, but they are not allotted for this particular fund. I am supporting the bill and 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:

Palmer, Aye. Senator Mitchler.

SENATOR MITCHLER:

I don't believe I am recorded yet, and the reason I wasn't, I was trying to determine something here. I would like to ask the sponsor a question. Uh, uh, Senator Saperstein, I noticed this is for a \$250,000 appropriation with an emergency to it. Now is the, uh, uh, this evidently wasn't in the budget. Have you the assurance that we have the money for this, and if so, from what source do you get that assurance?

PRESIDENT:

Senator Saperstein and you have about a minute to answer the question.

SENATOR SAPERSTEIN:

All right. The money is in...this will permit a transfer of the funds within the Office of Superintendent of Public Instruction within the fund to the free lunch program.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Then, Senator Saperstein, I understand that this is not any additional appropriation to the Office of the Superintendent of Public Instruction. He is just transferring funds within the Department. Well, why then you...doesn't he have the authority to do this now?

PRESIDENT:

Senator Saperstein may answer the question.

SENATOR SAPERSTEIN:

Evidently he does not.

PRESIDENT:

How do you vote Senator Mitchler?

SENATOR MITCHLER:

I'd like to know what uh, uh, I'm inquiring about the bill here. It says in addition any amount heretofore appropriated, the following amount or so much thereof, may be necessary is appropriated to the Superintendent of Public Instruction.

PRESIDENT:

Senator Gilbert...

SENATOR MITCHLER:

I can't quite understand this.

PRESIDENT:

Senator...Senator...Senator Gilbert.

SENATOR GILBERT:

Senator Mitchler, I am not handling the bill but it is my understanding that there was an excess of some 400 plus thousand dollars in the breakfast lunch program, and uh, uh, this money, uh, uh, would be appropriated here, the \$250,000 is uh, uh, transfer from that. They do not have the authority to use the money for just food programs. It has to be either appropriated for the lunch program or for the breakfast program, and that's where the funds are coming from. It is my understanding that this bill has the support of the administration, that they realize that this situation or the deficiency does exist and they approve it.

PRESIDENT:

Saperstein, Aye. Lyons, Aye. On that question, the yeas are 40, the nays are 5. The bill having received the necessary majority is declared passed. 1285, Senator Graham. Senator Graham, 1285.

SENATOR GRAHAM:

Mr. President, members of the Senate. Senate Bill 1285 is the reconstructed Senate Bill 719 that was held over during the interim. It has been uh, uh, checked by the leadership on the other side. It seems to contain, as far as I am able to ascertain, all the provisions applying to all of the various sections of the state in which 18-year-olds

will become involved. This in essence implements the constitutional provision that the 18-year-olds vote. We think this bill makes it legal in every election, directing its attention to the various codes, and I ask for a favorable roll call.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I would agree with what Senator Graham has said. The amendments were offered and accepted to the liking of our side of the aisle.

PRESIDENT:

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

SECRETARY:

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

PRESIDENT:

On that question, the yeas are 44, the nays are none. The bill is considered passed. House Bills on third reading. I have some bills been requested by members. If you wish to have House Bills on third reading called if you can notify the Chair. 1508, Senator Johns.

SENATOR JOHNS:

Mr. President, lady and gentlemen of the Senate, this series of bills with the exception of House Bill 1511, Mr. President, may I have a little quiet, please, sir?

PRESIDENT:

Just a moment. Can we have some order for Senator Johns?

SENATOR JOHNS:

With the exception of House Bill 1511, all of these bills are in-

tended to make provision for the continuance of the Offices of the County Clerk, the Recorder, the Coroner, and the Treasurer, and to spell out some of their powers and duties. We have made provision for the oath and compliance with the new Constitution. We have provided for the term of office to commence on the first working day in the month of December following election. We have provided that the functions and the powers of the various officers named shall be uniform in the various counties of the State. We have provided that these elected officials shall have the right to appoint deputies, assistants, and personnel to control the internal operations of their offices, and to procure necessary supplies, equipment and services to perform the duties of the office. We also provide for monthly accounting of all special funds which they may maintain such as trust funds and special funds with which to purchase revenue stamps and so forth. We have provided for the deposit of the fee income with the County Treasurer monthly. We also have provided the salaries of deputies and assistants shall be set by the elected county officer, subject to budgetary limitations set by the County Board. None of these powers, functions, and duties apply to home rule counties. I would appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? Is there any discussion? The Secretary... Senator Horsley? Senator Horsley.

SENATOR HORSLEY:

I would like to know the effect of the amendment that was adopted in the Senate. Apparently, there are two of them.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Well, Senator Horsley, I don't know which one you are referring to, Sir. Are you talking about the effective date because under Article IV, Section 10, of the Constitution, we must provide December 1st as the effective date if we want these to go into effect in January,

rather than July the second.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

This bill gives me a little bit of concern and I which John Graham, Senator Graham, was on the floor and would look at this bill 1508 in line 15, 16, and 17 on page one. It says that the County Clerk shall hold office until his successor is elected and qualified. Now, Senators, as I read that the thought occurred to me that a man could go through the primary and the general election and he could die before he takes office. Do you mean then that the County Board cannot appoint a successor, but that the man who is holding the office at that time will hold it until there is an election? I know it isn't your bill, but you are an election expert and I wanted your opinion on it. I always turn to knowledgeable people when I need advice.

PRESIDENT:

Senator Graham. Senator Horsley, excuse me, I thought you were through.

SENATOR HORSLEY:

I'd like to clarify my question. You run into a possible situation, Senator Johns and Graham, where a man might be elected in November but before he takes office, he would die. Now, you say that the present County Clerk, then would hold over until there is an election and a man qualifies. Now that's a change of the present law. My question is, why couldn't the Board...can you...

PRESIDENT:

Just...just...Pl...Senator Horsley.

SENATOR HORSLEY:

The present Election Code gives to the County Board the power to appoint. But under this you are taking it away and your present County Clerk would hold office until you had a new election and the man qualifies. I am merely raising that point, because I am not on the committee, I didn't hear the merits, but this is a radical change from the present

situation.

PRESIDENT:

Does either Senator Johns or Senator Graham wish to respond?

Senator Graham.

SENATOR GRAHAM:

Uh, Senator Horsley and members of the Senate. I am not completely upset about the content of this bill. I don't think it will be of any earthshaking consequence to the conduct of elections if it isn't passed, in view of the fact that the entire Election Code now is being recodified, will be introduced, hopefully pre-filed, introduced for early consideration in January, and I am sure that this question will be met head on. I agree with you, Senator Horsley. I think we've got to prepare a field on who appoints officers to what and by what method is it done. I think that when we start removing the powers from the County Boards to exercise some of this authority, perhaps we should take another look at this bill, and I have no interest in the bill one way or another, only to indicate that I think next year we are going to have Election Code that will be all the breaks that you can buy, and I don't think right at this time this thing is earthshaking at all.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I am in agreement with Senator Horsley to this degree. That in the past it has been the duties of the President of the County Board to fill the successor of the County Clerk when and if he dies or retires from office before his term is completed. I see nothing in the language of this bill that provides for that contingency, and as the dereliction of duty on the part of ourselves, unless we were to find some method of filling these offices, because the duties of the County Clerk are such that we might find ourself a bad lawsuit in any county in a State where this might occur. Perhaps this could be called back and held until

such time as we could find a method of providing for the filling of a vacancy between a primary or the election or in the event that he is taken, dies or relinquishes office before his term expires. There should be some spelling out of this because an emergency could occur at any time. We will not be immortal and there's a 102 County Clerks, and God forbid anything should happen to any of them, but in the realm of possibility that something could. Perhaps we had better take a better look at this before we pass it, to see if there is any provision presently contained therein that might provide for this contingency until this takes effect.

PRESIDENT:

Senator Johns. Senator Johns.

SENATOR JOHNS:

Well, I think in view of the fact that there appears to be some question as to whether I should proceed with this bill, rather than see this bill defeated, I think that I will gamble, calculated wise, on postponing consideration on this particular bill in the hope that it might be held over...

PRESIDENT:

Rather than postponed consideration, why don't we just hold it on the calendar, and you want to hold the whole series then too?

SENATOR JOHNS:

Yes sir, yes sir. Well, I don't know if they have objections to the other bills.

PRESIDENT:

My guess is the same objections would be there...

SENATOR JOHNS:

The same objection would hold for all other bills? Well, if that be the case, then I will just hold them for further consideration.

PRESIDENT:

Series will be held. 1871, is Senator Mohr on the floor? 1871.

SENATOR MOHR:

Yes, Mr. President, members of the Senate. House Bill 1871 is the Railroad Crossing,....Blocking and Grade Crossing Separation Commission. This is a Commission, continuing Commission we hope. This Commission travelled all over the State, and I can report to this body that it is one Commission that did an outstanding job. It brought uh, railroad management, unions, Illinois Commerce Commission and local officials together for probably the first time. We have held a number of hearings throughout the State, especially down in the southern part of the State where we have a severe problem of crossing, blockage, and, uh, members of the Commission that served on it, I think would attest to the effectiveness of this Commission...that was Senator Carpentier and Senator Hall, where two of the other Senate members. I ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Partee.

SENATOR PARTEE:

Now, as you know, Senator Mohr and I are very dear friends. We worked together on getting new State...

PRESIDENT:

Now just a moment. Let's please, Gentlemen. Senator Knuppel, Senator Latherow, Senator Clarke, Senator Graham. Gentlemen...let's have some order. Senator Partee.

SENATOR PARTEE:

I was just saying that Senator Mohr and I are dear friend^s. We worked together over the years getting State fish and birds and flowers for our school children and we normally see things alike, but we don't seem to think alike on this bill, and I think it's principally because it's extension of another Commission. A Commission which has held hearings all over the State, and this is something that can be probably be part of an existing standing committee. And to spend this money at this time, we think is ill-advised, and as we have said before, we hope to phase out all these Commissions by 1973. I wanted him to understand that my, uh, warmth for him was not subsiding because the

children still need us, but I'm going to have to vote against this,
Senator Mohr.

PRESIDENT:

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

SENATOR MOHR:

Well, I'm glad to hear I'm still in your good graces, Senator. This is one Commission, and I agree with you, there are many Commissions that were a waste of time and money, and having served on this one, I do report to you that it's one that did get all of these agencies together which is a difficult task. I think that by not extending this Commission, why were doing a great disservice to the local government. We have made great strides in bringing the unions and the Commerce Commission and the railroad management together and it's been a long time coming; and I think not to continue this Commission would be a great mistake, and I would invite any of my colleagues that served on this Commission to comment on this.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

The heading on the bill reads 40,000, the bill reads 20,000. It has been amended down to only 20,000 hasn't it Senator Mohr? I just thought that ought to be pointed out. We're only talking about 20.

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, Nihil, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker,

Weaver.

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Uh, thank you Mr. President, members of the Senate. I am not too familiar with this Commission, but I am familiar with the Chairman of the Commission and the two House sponsors. Uh, Romie Palmer, whom in my legis...er..my estimation is one of the better House members as our layman or the House sponsor of this bill, and I compiled a list here of Commission bills last spring, and I see various Commissions running from 7,500 up to 25,000, 20,000, 10-20,000--I don't know about your particular district, but I know in mine, in the southeast corner of Cook County. To name a few towns...Palmer's own town, Blue Island; in my district--Burnham, Calumet City, Lansing. We do have problems there with these grade crossings. The other night my wife and I were tied up for some 30, 40 minutes at a Rock Island crossing at 95th, just west of Halsted. I know that Palmer conducted these Commission hearings throughout the State. I haven't taken the time to read the report yet, but I do think that this is one Commission, and I don't intend to support too many of these Commissions. I've seen some real goofy ones as that the rest of you have. We passed about a million dollars of bills here last spring, as I recall, as a result of a Spanish speaking study commission that was created over in the House. But here is a bill with only appropriations of \$20,000 on it that will benefit not only my district, but as far as I am concerned, every district in the State of Illinois. I personally would like to see the Commission be permitted to continue and fulfill their project here. I intend to vote Aye, and I would earnestly solicit some support on the other side of the aisle for this bill. Record me as voting Aye.

SECRETARY:

Weaver.

PRESIDENT:

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

SECRETARY:

Arrington, Bruce, Cherry, Chew.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Briefly, in response to Senator Walker's comments...if any area in the State has a problem with grade crossings, it would seem to me that the people of the local community should make their criticisms or desires known to the Commerce Commission. I think in this austerity daze, I think that, uh, we should say whatever we can. We have reduced educational funds, we have reduced Mental Health funds, we have reduced Public Aid funds, and it's simply a question of priorities. I don't see why the State should spend any money. If any local community has a problem, I'm sure there are, and they can very easily make their problems known to the Commerce Commission and have them take action, and have the railroads correct the situations which need to be corrected. I vote no.

SECRETARY:

Dornwald, Dougherty, Egan, Fawell, Groen, Hynes, Johns, Knuppel, Kosinski, Kusibab, Lyons, McCarthy, Mohr.

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

I'd like to ask Senator Cherry what he thinks a life is worth? We've all heard and read about a number of people that have been killed at railroad crossings. I, uh, don't know of any more important measure than this. Now you talk about going to the Commerce Commission, Senator Cherry and others, if you have ever tried to go to any Commission in this bureacracy, you have quite a job. I am talking about somebody, that uh, uh, local official that might go to a...try and contact the Commerce Commission, er, uh, some of the railroads, deal with some of the railroads. It's next to impossible to get action if you're

a local official. If you're a Senator or part of this Commission, things can and things have moved. And I would invite the people from the other side of the aisle, especially those from downstate where we have a serious problem to give this another look. This is not part of some politics, gentlemen, the people all over the State needs this, and I vote Aye.

SECRETARY:

Mohr...Neinstein, Newhouse, Nihill, O'Brien, Palmer, Partee, Roc...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I did want it, uh, want it understood that establishing a railroad grade crossing isn't the solution to the problem of trains blocking tracks, and a vote against a commission is just a vote against the proliferation of commissions. And it certainly doesn't mean that we have any desire to see trains block tracks at all, and I want to make that absolutely clear, because most of the debate that I heard here related to what a terrible problem it was for trains to block tracks, and that is absolutely correct. But the Commission is not what's going to be the salvation for it, because this is a, this is a continuation of a Commission that they had last year. And they had meetings, sometimes two and three a week, when nobody could be there, and, uh, it didn't solve the problem. So having commissions proliferate for the same purpose that commissions have existed in the past, is not the solution to the problem so I vote no.

SECRETARY:

Rock, Romano, Saperstein, Savickas.

SENATOR SAVICKAS:

I've sat here and listened to passionate pleas of our Senators on the other side of the aisle, plea for \$40,000 and \$20,000 because they've been inconvenienced by waiting 30 or 35 minutes by a railroad station...a railroad train. How about when we have to incon-

venience handicapped children needing equipment to learn to, uh, to become a viable member of society. There was no concern on that side of the aisle then to give them some money for purchasing equipment. It just seems strange that they equate their inconvenience of 30 minutes means more than helping some handicapped child. I vote no.

SECRETARY:

Smith, Swinarski, Vadalabene.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying Aye. Contrary minded. Motion to postpone consideration prevails. 2368, Senator Mohr. Are those three bills companion bills?

SENATOR MOHR:

Uh, yes they are, Mr. President, I have cleared with the other side of the aisle last week on them.

PRESIDENT:

Is...is it acceptable to have the same roll call for all three?

SENATOR MOHR:

Yes.

PRESIDENT:

Is there objection to that procedure on the part of anyone? Leave is granted. 2368, 69, and 70, will be considered at this time. Senator Mohr.

SENATOR MOHR:

These bills have been discussed, uh, Mr. President, with leadership on the other side and this side of the aisle. They are a series of bills that, uh, came from the commission that studied data processing and, uh, they're all needed by the various State agencies.

PRESIDENT:

Is there any discussion? Senator Neistein.

SENATOR NEISTEIN:

Senator Mohr, this, uh, electronic, uh, is this for wire tapping?

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

I don't think so, this is not a pension bill. What do you call that, a snitcher bill?

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

That's a pigeon stool, but, uh, Mr. President, if I may ask the sponsor a question...I don't know if it has anything to do with your bill, but I would like to find out the appropriation where the State offices, uh, get the money to purchase all this wire tapping and electronic eavesdropping equipment.

PRESIDENT:

Well, the Chair is going to have to rule that the question is not germane to the bill at hand, Senator Neistein.

SENATOR NEISTEIN:

Well, if...

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

If the sponsor cares to answer, I'm trying to find out how they veil their purchases when they buy all this wire tapping equipment and this electronic eavesdropping equipment; and under what line item, or what lined item, or what concealed item they use when they are purchasing. I understand that there are hundreds and hundreds of thousands of dollars State money that's used to purchase all this wire tapping equipment, but under another blind or guise or guile, and I thought maybe Senator Mohr, who is so sophisticated and knowledgeable, that he would be able to furnish me with the information.

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

I'm sorry I can't furnish you with that information because it is not known to me; but I'm sure with the big staff that you have, Senator, yourself and myself, maybe we could all get together and find that out. I'd like to know too.

SENATOR NEISTEIN:

Senator Mohr, my staff is depleted. I'm down to one, Walter, and he isn't feeling too well and he isn't too agile.

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:

Knuepfer, Aye. Lyons, Aye. Saperstein, Aye. Neistein, Aye. Hynes, Aye. McBroom, Aye. Newhouse, Aye. Carpentier, Aye. On those measures the yeas are 41, the nays are none. The bills are declared passed. 590, Senator Sours.

SENATOR SOURS:

Mr. President, and Senators. This is a bill I discussed last week and Senator Partee suggested it be held. It is a bill that will permit the Public Building Commission, for example, in Peoria, to build a jail outside the business district of the City of Peoria, outside the actual corporate limits of the municipality. Now, this is a good bill, I am sorry it is being probably mixed up with, uh, a certain attention the Governor gave a similar bill in which the other

side has an interest, but I have no responsibility with the Governor's office. He can do the same thing with this bill if he sees fit. This is a good bill, uh, I don't feel we should match bills up against each other. I'd like to see it passed.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I would remind the Senator that historically, what has made the political process survive, is a matching of one thing against another. I would suggest, though, Senator, so that I can support this bill, because I know how desperately you need this bill in Peoria County. And if you could hold it until tomorrow, I have an idea, which if this idea has germination and fruition, will bring us to a position where we can help you to pass this bill, and if you can hold it until tomorrow, I think we can help you.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I'll hold it until tomorrow.

PRESIDENT:

603, Senator Knuepfer.

SENATOR KNUEPFER:

The synopsis does a pretty good job of explaining House Bill 603. House Bill 603 says in effect that when the owner of a building fails after 15 days written notice by a court of competent jurisdiction to have repair made to correct the building code, the municipality may go into a court, and the court may order the repairs to be made and the cost of such repairs recoverable from the owner of the property. Uh. I can go into a longer explanation. Are there any questions or problems...

PRESIDENT:

Is there any discussion? Senator Soper.

SENATOR SOPER:

Mr. President, uh, I'd like to know if the sponsor would yield to a few questions.

PRESIDENT:

He indicated he will.

SENATOR SOPER:

Senator Knuepfer, is there anything in this bill that provides that any of these repairs should be given out on bids, so that, uh, the, uh, the owner of the building still would have a chance to see that the bids were right?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Noth...nothing in here on bids, Senator. I assume that most of these would be fairly small items. The only protection you have in terms of costs are the protection of the court and the approval of the municipal official. I, personally, for one, don't have any objections to bids if you make it a reasonable sum over \$500 or over \$1,000 dollars, but I don't think you are going to get \$100 bids or \$150 bids. Uh, that doesn't disturb me. If you wanted to, if you felt that provision is important, Senator, in terms of over \$1,000 or more, I'd, but it does not presently have that in.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I just thought I'd bring that to the attention of the Senate, because I have no buildings that need repair, and I'm not in this category, and I don't have any slum buildings or anything like that, but I was just wondering if just a blank authorization on the court to go ahead, say the building should be repaired and that the landlord shall pay for the repairs no matter what they are, and it doesn't provide for some sort of protection. Uh, you talk about the small

fellows, that's what I'm talking about, a fellow that's got a two-flat, and somebody comes in and he doesn't understand the ways of the courts, and he doesn't answer, and then all of a sudden he's hooked with the bills somebody's brother-in-law did the repair work. That's all I'm thinking about. The big guys they take care of themselves. They go to court.

PRESIDENT:

Sneator Laughlin.

SENATOR LAUGHLIN:

Yes, I'd point out, Mr. President, Senator Knuepfer, you say that the, uh, municipality shall apply to any court of competent jurisdiction. You have no provision for giving the owner of the property any kind of notice at all. This is purely an ex-parte proceeding and to me it's completely abhorrent the way it's drawn. I can't imagine that you just go in there and don't even tell the fellow that's had a notice that you're going into court. I think it is a very poor bill.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, Senator Knuepfer, I wonder what would happen if this man makes a decision he wants to tear the building down and they say, no--we're going to go ahead and repair it. This says, because he hasn't initiated the repairs that, uh, the court can do it.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Well, uh, uh, I suspect an answer ought to be made to that as well as to Senator Laughlin's question. Uh, Senator, there is notice in the first paragraph of the amended section. When the owner of a building in a municipality fails after 15 days written notice, so there is a notice provision in here. Uh...Senat...Oh, you're telling him...well there is notice, now if you want a different kind of a

notice, that's something else.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, Mr. President, you're talking about two different kinds of notices completely. One says you get a notice to fix your place. It doesn't have anything to do with notifying you that you may end up in court. You have no way of going and protecting yourself against improper action by a municipal official. It, it is purely an ex-party proceeding. And incidentally, while I'm on my feet, it's out of order, but I'd say this. It is very interesting to me that this bill also has the amendment excluding home rule units from it's uh, scope.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

I didn't think I got the answer to my question.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEFFER:

Senator, Senator--I have forgotten your question. Can you give it to me again?

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

I said, I wondered if the man's intent is to tear the building down, and then here they say, well we've ordered you to repair it so, then they move in and repair it.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEFFER:

Senator, there is no specific provision in there. Uh, as a matter of practice, I cannot actually visualize that that actually

would happen, but I would grant that under the terms as written, it could happen.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Uh, Mr. President, I have another question for the sponsor. The characteristic building of this sort, which is delapidated, say an apartment building, is usually subject to a mortgage, usually has some mechanics liens against it, is frequently in an estate being probated and there are some taxes that are in default which has been purchased by outsiders. Now, under the circumstances, who do you send the bill to after you have made repairs? Who's the owner?

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Uh, the last paragraph, would explain now, what if, what the procedures are. If nobody owns this because it has negative value or zero value, of course you can't enforce it against anybody. But uh, the lien may be enforced by procedures to foreclose as in the case of a mortgage or a mechanics lien, and the suit shall be suit to foreclose shall be commenced within two days after the date, two years after the date of default. I would certainly grant you that if there is no value in this property, then somebody is simply going to ignore it, and you're going to put it on the tax bill or file a suit--nothing will be paid anyway.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Uh, I would like to make a comment on the bill. I think Senator Knuepfer has a good idea in this bill, uh, as it comes through, but I notice it has the home rule amendment adopted to it. And I think that having this home rule to it, it would exempt from the provisions

of the bill, over half the State of Illinois...I, I think the bill is therefore, made absolutely worthless. It wouldn't really have any real effect and intent with that home rule on it. I would oppose it.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, and members of the body. The reason for the home rule amendment is precisely this. That this is precisely what is done in Chicago. The holders of the mortgage are notified. Everyone having any interest whatsoever in this particular building is notified. And there are, the municipal division has five branches devoted to this type of litigation. There is notice to everybody concerned, and if the building is demolished, there is a lien remained upon the body...the, the real property...the land underneath it. There is a lien.

PRESIDENT:

Senator Knuepfer may close the debate.

SENATOR KNUEPFER:

I, I'm not sure what the feeling of the body is going to be at this moment. I think I probably could get it into a slightly better shape. I think at this late date it is probably better to just let it just go up or down depending upon the wishes of the body. I, I, I do realize that there are some objections...my personal feeling is those are objections, those objections are relatively minor and would not in practice occur. Uh, if it is your feeling that they would, why you have your opportunity to register your vote in, as, as you wish. I think at this point of time, the calendar is getting crowded and for those of you who can vote for it, I think it is substantially a good bill. Uh, as Senator Dougherty said, uh, it is being done, uh, right now. I think the provisions are reasonable and I would appreciate a favorable vote of all of those of you who think that, uh, you can support this.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President, I just want to state that I accept the concept of this bill, but it says municipalities over 100,000, and if my understanding of the new Constitution is correct, we they are already home rule units and we are exempting home rule units. So the one negates the other, it seems to me, and a vote for this is for something that can't prevail, but I will vote Aye.

SECRETARY:

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

PRESIDENT:

Knuepfer, Aye. Sours, No. Merritt, Aye. Course, Aye. Neistein, Aye. Romano, Aye. Bruce, No. Nihill, Aye. On that question the yeas are 19, the nays are 10. The bill having failed to receive the constitutional majority is declared defeated. 1632, Senator Knuepfer.

SENATOR KNUEPFER:

House Bill 1632 pertains to the, uh, special assessment proceedings. It does only one thing. That if...if there is an overage on the special assessment, it provides that the municipal corporation, the municipality making the improvement may take that overage and apply it to the funds that it puts in before distribution to any of those who paid. Now, uh,

typi...without this law in the past, when there was an over-assessment, in other words, when the bids came in a lesser amount, and the construction was done at a lesser amount than was collected, the money was refunded to all of those who contributed to the special assessment. This bill simply provides that the municipalities, if they have put some of their money, municipal money, into this special assessment may make a claim against this overage prior to the distribution to those who contributed to the special assessment. The bill comes from several municipalities in my county who have claimed they have put the money up and they thought they were going to get it back, and there was no law enabling them to get it back, and this gives them a preference in securing their own revenue, money that they put in before the money given to those contributing to the special assessment.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President and members. Senator Knuepfer, I'm sure you will yield. You always do. If a city has a street improvement program coming under the use, and includes the use of motor fuel tax funds, does that mean that if that improvement is ultimately completed at a lesser cost than was originally anticipated, that if there is money left in the fund after the completion of the project, and the City has used its motor fuel tax funds, it could then dip into this reserve, this overage, and reimburse itself or its motor fuel tax funds, in a sufficient amount seemingly to the whole amount of the overage. And the individual property owner who is assessed would get nothing.

PRESIDING OFFICER: (Senator Lyons)

Senator Knuepfer.

SENATOR KNUEPFER:

Senator Groen, I think it does exactly that. It permits the city to have priority if there is an overage. I wouldn't call it a reserve.

I don't think that's the proper term, but overage I think relates more closely to what it is. In other words, they estimate a certain amount; it may cost a little more, it may cost a little less. If it costs less than they figured, and the city has contributed some MFT funds in there, then I think this provision would enable municipalities to get back a part...to get back up to the amount of that overage.

PRESIDING OFFICER: (Senator Lyons)

Senator Groen.

SENATOR GROEN:

Mr. President, just two comments about that: Number one, I think this bill carries within it an inherent and very great temptation on the part of municipalities to do just that. And I think it could result in, frankly, fraudulent activity on the part of the municipality against the citizenry. Secondly, I think basically and fundamentally when the taxpayer digs in his pocket to support a program like this, a highway improvement, he's paying his fair share of the cost, and that's all he should pay. Motor fuel tax funds are for this purpose, and a fair and equitable amount of motor fuel tax funds contributed by the city from these monies should be used for that purpose, and I don't know why the taxpayer should be denied that to which he is entitled--a refund of an overage he has paid based upon an equitable determination of what should be assessed against the property owner, and what should be paid by the city. I can't see why we want to treat the taxpayer in this manner. I think basically and fundamentally, the philosophy is bad, and in addition as I say, I think it opens the door to considerable temptation on the part of municipalities to do this very thing intentionally, and I intend to vote no.

PRESIDING OFFICER: (Senator Lyons)

Senator Weaver.

SENATOR WEAVER:

Mr. President and members of the Senate. Many cases when there is an overage, I think it's the cost of abatement back to the property owners or to those who have been assessed would be much more expensive than the actual prorata share back to the property owners. So, I think this is a good bill and we should support it.

PRESIDING OFFICER:

Is there any further discussion on this bill? Senator Knuepfer, you may close the debate.

SENATOR KNUEPFER:

Senator Weaver, has in effect, addressed himself to the opposite question, what if there is an underage. And the answer is very simple and clear. If there is an underage, you do not have the option of going back to those who contributed or who were assessed under this and getting the money from them. If there is an underage, the municipality picks up the tab. It's just as simple as that. And this bill addresses itself to the opposite consequence, and it seems to me it is totally equitable, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (Senator Lyons)

For what purpose does Senator Soper rise?

SENATOR SOPER:

I don't understand special assessments that way, Senator Knuepfer. If there's not a sufficient amount in a special assessment, there's a supplemental tax on the part of the village, and the fellow pays the supplemental on that underage or overage or what you may call it. If there isn't a sufficient amount of money that was contributed by the property owner, they come up with a supplemental bill. I think Senator Dougherty knows that too.

PRESIDING OFFICER: (Senator Lyons)

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the body. I agree with Senator

Knuepfer. Because in many instances there are times when the special assessment bonds are not particularly attracted to purchasers, and the improvement has been approved by the taxpayers, has been approved by the Court that passes on it, the city then, in many instances, advances the money and is...gives the money to get the operation going. If there is an overage, they should be entitled to reimbursement; but on the other hand, when there sometimes is an underage, there is no reimbursal. It works both ways. I think it is an equitable legislation.

PRESIDING OFFICER: (Senator Lyons)

Well, if there is no further discussion, the Clerk will call the roll.

SECRETARY:

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

PRESIDING OFFICER: (Senator Lyons)

Senator Dougherty.

SENATOR DOUGHERTY:

I might remind the members of both sides of the aisle that under the new Constitution, special assessments are invested interest of the municipality involved. So, therefore, we have no right whatsoever to interfere, but if this would protect somebody who has heretofore been operated on, I think it is a good bill. But from this moment forward, there is nothing we can do about it. We have no right whatsoever to interfere with a special assessment under the new Constitution. I vote Aye.

PRESIDING OFFICER: (Senator Lyons)

Senator Dougherty votes Aye. Senator Donnewald indicates he votes Aye.

SECRETARY:

Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,

Hynes, Johns, Knuepfer.

PRESIDING OFFICER: (Senator Lyons)

Senator Knuepfer.

SENATOR KNUEPFER:

By way of simply adding something that I did not...neglected to point out earlier. That is, in any case that I have seen, the municipalities first advance engineering and legal fees before special assessment ever gets to that point. So, in all of the cases I am familiar with, the municipality always has some investment in there to begin with. 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.

PRESIDING OFFICER: (Senator Lyons)

Hall votes Aye. Swinarski, Aye. On that question the yeas are 18, the nays are 10, and the bill having to failed to receive a constitutional majority is declared lost. The next bill is House Bill 2618. Senator Knuepfer.

SENATOR KNUEPFER:

Mr. President, can we make that 2839? That was subsequent to that on the list, I believe.

PRESIDING OFFICER: (Senator Lyons)

Well, if that's all right with Senator Berning.

SENATOR KNUEPFER:

I'd just as soon hold 2619. There is a Senate Bill pertaining to that, and if that Senate Bill passes, 2619 won't be necessary.

PRESIDING OFFICER: (Senator Lyons)

House Bill 2839.

SENATOR KNUEPFER:

2839 is a Commission bill. It's 20 thousand dollars. It addresses

itself to one question, the method of replacing revenue lost by the abolition of the personal property tax. If this body has decided that this problem is going to be solved in the joint Revenue Committees of the House and the Senate, well then that is the way to approach it. I don't know what the President Pro Tempore or the... or we have provided by way of a solution to this. This is a Commission solution. The problem needs a solution. I certainly would not claim that this is the only solution, and if the Revenue Committee structure or a joint Revenue Committee structure is to be the structure for this bill, well then it's perfectly all right with me and vote the bill down. If these mechanics have not been established, and certainly we need some mechanics, the next few days are going to see...I suggest some very substantial argument on this question and we're...we haven't addressed ourselves to it as yet. I hope we will address ourselves to it before 1979, but in any case, whatever the leadership...whatever conclusion leadership has reached is all right with me as long as they have decided to go in one direction or another. This is the Commission direction.

PRESIDING OFFICER: (Senator Lyons)

Senator ParTEE.

SENATOR PARTEE:

I want to compliment Senator Knuepfer and the House sponsor of this bill for addressing themselves to an area which has much sensitivity, and an area of real need in terms of the Legislature seriously addressing itself to a real festering problem. I note, however, that this bill is the same as Senate Bill 520, which was re-referred to the Senate Con-Con Implementation Committee. It is identical to Senate Bill 523 which has the same posture. It is identical to House Bill 1170, and it is identical to House Bill 1185. Now, the latter two are in the House Con-Con Implementation Committee, and the first two are in the Senate Con-Con Implementation Committee. Now, I just wonder why we need so many at a time when we are trying to phase out. I do

recognize and realize, let me be...hastily...to hastily point out, we do need something in this area. Whether we need five commissions, I certainly do not think so. I don't think we need any more. Pardon me one minute. I think there is a difference. It has been pointed out to me which I had forgotten for the moment, that your bill calls for public members, whereas the others, as I recall, are all members of the Legislature. Is that the principle difference between yours and the other four?

SENATOR KNUEPFER:

That is the principle difference, Senator. I think by way of answering an early inquiry of yours, I don't think the sponsor of this bill particularly cares whether its public or whether it is only legislative members. This bill does provide the public. The only virtue that I can suggest that this bill may have is that it is now on the final stages of passage, and it is closer of passage than any of the other four bills. I think the mechanics of the bill, and if it is the conclusion of leadership that public members ought to be included, or ought not to be included, I'm sure the sponsor of this bill would not care. I'm just asking that if you come to that conclusion, we'd be very happy to have an amendment on this bill. It has no virtue except that it is being closer to passage than any of the other four bills.

SENATOR PARTEE:

In that context...this is on third reading, is it not?

PRESIDING OFFICER: (Senator Lyons)

That's right, Senator Partee.

SENATOR.PARTEE:

I'm given to understand that the others will be out for this posture within the next day or so, and I'd like to get a chance to make a last minute comparison of all of them. So, we'll just hold this one until we get the rest of them there. Then we can come out with that which is best even if it means combining the most salutary

features of all of them.

PRESIDING OFFICER: (Senator Lyons)

That bill will be held and remain on the calendar in House Bills on third reading. The next bill is House Bill 2618. Senator Berning.
SENATOR BERNING:

Mr. President and members of the body. House Bill 2618 by Representative Harber Hall, is a constitutional implementation measure, and specifically refers to Article 7, Section 9 under Salaries and Fees. And with your indulgence, I'll read only one sentence out of Section... Paragraph A, Section 9, the second sentence, fees may be collected as provided by law and by ordinance and shall be deposited upon receipt with the Treasurer of the unit. Well, upon receipt would be now, immediately, and that, of course, is impossible. So, House Bill 2618 makes provision for the depositing of fees earned by county officials, including clerks of the court, to be deposited monthly with County Treasurer, but does not prohibit these officials from maintaining escrow funds for overpayments, tax redemptions, and so on. The measure passed the House with only one or two dissenting votes, and according to the information furnished me by the sponsor, it is supported by the Association of County Sheriffs, Treasurers, Clerks, Recorders, Auditors, and ought to be passed. Mr. President, I would attempt to answer any questions but will more specifically appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Rock.

SENATOR ROCK:

Yes, Mr. President, will the sponsor yield to a question?

PRESIDENT:

He indicates he will.

SENATOR ROCK:

Senator, I am familiar with the provision in the new Constitution. Can you tell me how this differs, if at all, from the present practice

or what is the present practice?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Yes, Senator, the county officials today...I should say that the practice varies from county to county, but in most counties, the county officials make a semi-annual or annual settlement of fees, not necessarily bound by a hard and fast rule to deposit monthly.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

From a semi-annual or bi-annual or even annual, depending on the practice, the new Constitution says upon receipt, and now you are asking to back off from upon receipt and say monthly, at least within ten days after the first of each month. Is that right?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Yes, upon receipt would mean right now. You walk in and buy a marriage certificate and you have paid it, that is a receipt by the County Clerk. Under the strict interpretation of the Constitution as I see it, the Clerk would have to immediately walk over to the Treasurer with that. Under this enabling legislation, the settlement would be once a month, and believe me that is burden enough for elected county officials.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I think there is a problem in this bill. I frankly think monthly might be satisfactory downstate and in the very small counties. In a county my size, with fully automated accounting equipment, I cannot see why the term, turned over immediately would not be at least on a

weekly basis. It seems to me that we might improve this bill slightly, and of course, it's here on third reading, to allow the monthly to go through except if the County Board chose to make it more frequently. So to give the County Boards in those counties which do have automated bookkeeping the option of moving that date up to weekly, if they feel it is within the bookkeeping techniques, the of accounting techniques of both their office and of the Clerk's office or the Recorder's office, whoever it happens to be. Answering one other query of Senator Rock, I'm familiar with a case where a Circuit Clerk in my county had something like a half a million dollars put away. The Lord only knows how many years that was maintained in his office without any accounting to the County Board. Now, I don't think it is often that they are that far extended, but I would personally prefer to leave some room for the County Board to move this up more often than monthly if they so chose.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Well, in the first place, if he kept it over a year under the old law, he was violating the law because he had to turn over and had to make his reports to the County Board in December of each year. So, if he kept half a million dollars, he was violating the law and it wouldn't matter what law you have if he is going to violate it. Now, does the new Constitution eliminate fee offices?

PRESIDENT:

Senator Berning.

SENATOR BERNING:

No, it does not eliminate fee offices.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

As a former county office holder, I can tell you that there are

some months that a fee office will operate with a profit; there are other months when the fee office will not take in sufficient funds to pay its bills. I think that even once a month may be too often. And if certainly you are going to do it every week or ten days or something like that, you can find a fellow at the end of the month not having sufficient money to pay his own employees. I think you had better give it a little more thought.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

In response to that may I refer again then to Article 7, Section 9, paragraph A, Compensation of Officers...and this is under Local Government...Compensation of officers and employees and the office expenses of units of local government shall not be paid from fees collected. It seems we have no choice here. The fees are not to be utilized for the operation of office or the payment of salaries. These are to be paid out of the appropriations by the county for the operation of the departments, the various offices.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Mr. President and Senator Berning, again, I understand that the practice does vary from county to county. My concern primarily, of course, is with Cook. If you say shall deposit monthly, I'm wondering, with the vast amount of money that is collected each day, and I think the practice in Cook is to deposit with the County Treasurer each day because of the vast amount of money. Now, if we say, no, the Clerk of the Municipal Court, specifically the Traffic Court, can hold or shall hold for a period not in excess of 40 days, I think this would be an awfully burdensome thing.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate. In Cook County, the practice is to deposit this money daily, except in a case where there is some litigation pending in the courts where the monies in question are held in escrow by the clerk of that court. That is an escrow account, and may go from day to day or from month to month or possibly year to year, but it is an escrow account. That possibly should be excluded. However, as I read this bill in addition to the ten days, he actually would have forty days to control this money from the first day of the month until ten days after the close of the month, which in a normal...would be 40 days with the exception of February then it would be 38 and the other months would be 41.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I accept that...I recognize that...and also recognizing that there are vast differences between the operation and the efficiency, perhaps, in Cook County as compared to many other counties, I believe that the provisions of this bill will meet the needs of the major percentage of our counties. I would be certainly not...I would not object to another bill providing options to the County Board, but I would respectfully suggest that this bill ought to pass the way it is and if there is needs and after deliberation, for a shorter period, or a County Board option in certain counties, that could be handled by additional legislation. This is needed now in order to accommodate the provision as we interpret it in the Constitution for early deposit in the County Treasurer's office and 30 days or 40 days as you want to interpret it, is not excessive for many of the middle size counties in order to comply. There is a great deal of mechanical work necessary, bookkeeping work, and not all of the counties are equipped with data processing equipment.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Senator Berning, would the bill probably be better if you said not more than thirty days after rather than having it appear that they should not pay it for thirty days and had ten days beyond. Why not make it a not more than, and then those counties that want to send it; and I was given the answer that there were still fee offices. They collect fees, but under the new Constitution they are not fee offices. They get their money through an appropriation so there is a reason to turn the money into the Treasurer much more quickly than there was under the old setup where the...each the...for example, the Circuit Clerk paid his own help, and the Treasurer paid his own help, and others. So...but why not put not more than, then if anybody wants to turn it over the next day or that same day, under the law they can do it.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators, I have a letter here from our Peoria County Circuit Clerk which favors this bill. I'd like to read two very short paragraphs hoping that this bill will pass. I'm writing to you with reference to procedural changes necessitated by Article 7, Section 9 of the 1970 Illinois Constitution. Peoria County, as of December 1, 1971, unless the law is amended, have plans under the new Constitution to have my office and other county offices deposit daily fees, mind you daily, belonging to the county into a special account of the County Treasurer. To me this would require double work, as all monies coming into my office, do not belong to the County; and this would necessitate twice the work with two deposits and dividing of monies. Therefore, I am suggesting the amendment of the Article that all monies belonging to the County should remain in the hands of the Circuit Clerk and other county offices involved, and be paid once a month in one lump sum to the County Treasurer, and a reasonable time be allowed after the close of

business at the end of each month for balancing and obtaining of bank statements to substantiate the balance. There is nothing really wrong with this bill. I think the Clerks want it. If there is no relief, we are going to have a couple of extra auditors in every Clerk's office.

PRESIDENT:

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

SENATOR BERNING:

At the expense of being redundant, I merely want to point out that, in our opinion, it does implement the Constitution, and is supported by the association of County Sheriffs, County Treasurers, County Clerks, County Recorders, County Auditors. I cannot believe that it is providing too much time for these offices to deposit, 30 days with 10 days in which to make the final disposition. It's a reasonable and rational approach, and I respectfully request a favorable roll call.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I'm going to vote Aye, but I'd still rather see the bill give some leeway if they wish to make a deposit more often than once a month because the way the bill is worded, as I understand it, it says they shall make it once a month. I would think that, if they wish, there should be some arrangement whereby they could make more than one deposit. I still 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:

Senator Knuepfer, Aye. Newhouse, Aye. Senator Berning.

SENATOR BERNING:

Would you call the absentees, please?

PRESIDENT:

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

SECRETARY:

Arrington, Berning, Carroll, Cherry, Chew, Davidson, Donnewald, Dougherty, Egan, Fawell, Hall, Horsley, Hynes, Johns, Knuppel, Kosinski, Kusibab, Lyons, Merritt, Mitchler, Mohr, Neistein, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Saperstein, Savickas, Smith, Soper, Swinarski.

PRESIDENT:

Saperstein, Aye. Mohr, Aye. Senator Berning.

SENATOR BERNING:

It's obvious that there's been a lack of attention to this measure and while I had hoped that I'd been able to successfully present the arguments for it, it may be that I ought to hold it and attempt to amend it to accommodate what seems to be one of the stumbling blocks. How many have we got. One? How many have we got? I need one more. One vote. Do I hear one vote?

PRESIDENT:

Walker, Aye.

SENATOR BERNING:

Postpone consideration.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying Aye. Contrary minded. Motion prevails. 2619, Senator Knuepfer. 2619, Senator Knuepfer. Senator Knuepfer is recognized. Senator Knuepfer,

do you wish to call that? Oh, you're not calling it. I'm sorry.

2921, Senator Harris.

SENATOR HARRIS:

Mr. President, House Bill 2921, I caution you as relates to the description on the calendar. It is not accurate. We amended this bill on second reading to limit appointive power to a single chief deputy. This bill was introduced by Representative Cox and co-sponsored by Representative Clyde Choate to solve the problem that is existing with greater frequency wherein a merit system sheriff department finds a newly elected sheriff from the opposite political persuasion, of almost being a captive or all alone within his own office. There is, I think, reasonable understanding that a sheriff ought to be able to have at least one liaison man within his office. We make provision here for him to be an appointive person, subject to the responsibility of the sheriff. He shall not be under merit supervision, and anyone who indicates or raises the question of why doesn't an existing merit system employee accept this appointment, the fact is, that under the provisions of the merit system statute, that person, if he accepted this appointment, then he could not go back to merit employment. I don't know of any opposition subsequent to that appointment. I don't know of any opposition to this; I would be pleased to have a favorable response from the members. Glad to respond to any questions.

PRESIDENT:

Are there any questions? 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:

Johns, Aye. O'Brien, Aye. Hynes, Aye. On that question, the yeas are 45, the nays are none. The bill is declared passed. House Bills on second reading. Are there any House Bills on second reading that members wish to call? Senator Latherow. Senator Latherow, which... 1317, 18, and 1463 are yours?

SENATOR LATHEROW:

1463 is the one I wanted to call.

PRESIDENT:

1463.

SENATOR LATHEROW:

I'd like to move it to third. We put an amendment on it the other day and I held it for another amendment, but I don't think I'll put it on. Let's move it to third.

PRESIDENT:

1463. I'm advised by the Secretary that we have not adopted it. Senator Latherow. I'm advised by the Secretary we have not adopted the first amendment.

SENATOR LATHEROW:

If I could get Senator Course's attention.

PRESIDENT:

Just, please, just a moment. Oh, I'm advised that one was adopted.

SENATOR LATHEROW:

I said I was holding it for possible...possibly put another amendment. I'm going to hold that amendment for a while.

PRESIDENT:

All right. Are there further amendments? Are there further amendments on 1463? Third reading. Are there other bills...Senator Graham.

SENATOR GRAHAM:

2167 I'd like to move, Mr. President.

PRESIDENT:

You're talking about a...

SENATOR GRAHAM:

House Bill on second reading.

PRESIDENT:

Oh yes, I see it, 2167.

SECRETARY:

House Bill 2167. Second reading of the bill. One Committee amendment from Education.

PRESIDENT:

Motion for the adoption of the amendment. Senator Egan. Motion for the adoption of the amendment. All in favor signify by saying Aye. Contrary minded. Amendment is adopted. Any further amendments? Third reading. Senator Egan has 3556. 3556.

SECRETARY:

House Bill 3556. Second reading of the bill. No Committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. Resol...Senator Bidwill.

SENATOR BIDWILL:

Mr. President, may I announce a Republican caucus tomorrow morning at 9:00 in M-1. M-1 at 9:00 tomorrow morning, a Republican caucus.

PRESIDENT:

All right. Before we get to additional...

SENATOR BIDWILL:

Mr. President, that room has been changed to 419 instead of M-1. 419.

PRESIDENT:

Before we get to additional announcements, Senator Collins wishes to call two bills back from third reading to second reading. Two House Bills, 2662, and 2663.

SENATOR COLLINS:

Mr. President and members of this House...Senate, these bills are simply clarifying amendments to the Conservation Department's bill.

PRESIDENT:

It's 2662, now, can you explain the amendment briefly?

SENATOR COLLINS:

I don't have the explanation for the...only that they are clarifying, Mr. Simon, if you want to hold them up you can hold them up, but that's my understanding.

PRESIDENT:

Is there any discussion? All in favor...Senator Cherry.

SENATOR CHERRY:

Is that the bill on third reading?

PRESIDENT:

It's a bill on third reading that is being called back to second reading for purposes of amendment.

SENATOR CHERRY:

Where's the amendment Senator Collins? We'd like to have it printed. I don't know what it does. I think we ought to be able to consider that before we adopt the amendments unless it a...

PRESIDENT:

Well, why don't we hold that on third...

SENATOR CHERRY: (Continued)

Unless it's a typographical error or something.

PRESIDENT:

We'll...we'll hold it on third and you get copies to Senator Cherry. Resolutions. I think...Before we get into resolutions, we did not read the messages from the House because we had a problem in that. I understand it has been worked out. Senator Clarke.

SENATOR CLARKE:

Mr. President, one of the messages from the House was a non-concurrence by the House on the amendatory amendments to Senate Bill 177,

which is our drug bill. Uh...I don't think that they really understood what it was all about, and I have filed a motion with the Secretary suggesting that there's a disagreement and that a Conference Committee be report...be formed--five members from the Senate and five members from the House, to work this out. Now, this is plowing new Constitutional ground, and I think it's worth it in this case, because without the concurrence of both Houses on this bill, I think there could be some serious defects in the drug program that was passed this year. I would move that we pass this motion which directs a Conference Committee to be appointed on this bill.

PRESIDENT:

Senator Clarke is correct. We're plowing some new ground here. Is there any discussion by any members of the Senate on this motion? One of the problems here, incidentally, Senator Clarke, is this 15 day problem also.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

That would be that both Houses have complied with the new Constitution. They have acted on the amendatory veto within 15 days. Now we're doing something new, but they both acted within 15 days.

PRESIDENT:

The Chair is willing to accept the motion. Is there any further... No objection. All in favor of the adoption of the resolution indicate by saying Aye. Contrary...Senator Cherry.

SENATOR CHERRY:

As I understood Senator Clarke's motion is for the appointment of a Conference Committee. Is that correct?

PRESIDENT:

That is correct.

SENATOR CHERRY:

There's no objection to that.

PRESIDENT:

All in favor signify by saying Aye. Contrary minded. The motion is adopted. Now we have some additional messages from the House before we get to resolutions.

SECRETARY:

Message from the House by Mr. Selcke Clerk. Mr. President, I'm directed to inform the Senate that the House of Representatives have passed bills by the following titles in the path of which I am instructed to ask concurrence of the House...Senate, to wit. House Bill 810, 811. House Bill 1976 through 1999. House Bill 3082 through 3534. House Bill 3552, 3574, 3652, 3732, 3735, 3737 through 3739.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I was off of the floor. 3735, I mean are these being reported in from the House now?

PRESIDENT:

That is correct.

SENATOR GILBERT:

I would like to make a motion on that if I may.

PRESIDENT:

What is...House Bill 3735, is that correct?

SENATOR GILBERT:

Yes. Yes. 3735 changes the House Bill that we passed last time, 838. 838 stated if the majority of the electors, if a majority of the qualified voters within a territory proposed community consolidated district vote in favor of establishment of a community consolidated district, the proposition shall be deemed to have passed. What we intended to say was if a majority of the electors voting at such a election, the way the bill now reads anyone who is a qualified voter would be counted and you would have to have 51% of the people in the district vote in favor who are even listed on the rolls as qualified voters in the County Clerk's office. I cleared this with Senator Partee

and this is a correction we need to make. Otherwise it would be impossible for us to create any new districts.

PRESIDENT:

Is there objection? Leave is granted. The bill is advanced to second reading without reference. Senator McCarthy.

SENATOR McCARTHY:

Yes Mr. President, I believe the Secretary read off House Bill 3732, which is the unemployment compensation, not a workman's compensation, but unemployment compensation bill which was agreed to by the Employer's Security Advisory Board. A...I mentioned this to Senate Clarke that this was a bill that passed 120 to nothing in the House. I mentioned to Senator Graham, Senator Romano. They do not wish to have a committee hearing on it, so I'd like to move that the bill bypass the Committee and be advanced to second reading without reference.

PRESIDENT:

Is there objection? Leave is granted. Senator Newhouse you wish the floor? Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, was that the series that included the Code of Corrections? Mr. President, I would like to make a motion. I've discussed this with the Committee Chairman and we'd like those amendments be placed on second without reference to Committee, and I make that motion.

PRESIDENT:

The motion is a request to place the bills on second reading without reference. Senator Laughlin.

SENATOR NEWHOUSE:

Mr. President, an explanation is apparently in order. A...

PRESIDENT:

Senator Newhouse do you wish to yield?

SENATOR NEWHOUSE:

I'll yield to the Chairman of the Committee, Mr. Chairman.

PRESIDENT;

Senator Neistein.

SENATOR NEISTEIN:

There's a series of bills that were passed unanimously in the House. Those are the Correction bills. There are two substantive bills that are going to be held, and they'll go to Committee. There are some 450 or 451 bills that I'm told that are strictly technical changes in the references to certain statutes. Now these we have no objections so that the clerk of the Senate Judiciary Committee won't have to make up a separate envelope and a reference on each one of these bills. They could go to second reading. They will be held, I'm told, until action is taken on the two main bills, and they could be brought back at any time for correction, back to the Committee if necessary, if it doesn't pan out that way.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, Mr. President, Senator Neistein. My only point is this... This is a comprehensive, important piece of legislation to which I have... I'm not committed to oppose it and I think I'll probably support it, but up to this point, the members of the Senate and the members of the Committee know nothing about the substance so far as any hearings that have been held. Now I don't mean there aren't people on the floor who know something about it, I know they do. So, all I want to make sure is that no bill of substance with respect to the new Code of Corrections goes past the Judiciary Committee.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Senator Laughlin, I have the same concern that you have. The Assistant Secretary, Eddie Fernandes, came over to my desk and said that the two substantive bills are being held will be assigned to

Judiciary. 450 or 451 bills are only technical amendments to the headings of the statutes. Those, I have no objection to going to second reading, and they are also going to be held if we want to call them back to Committee, that's the understanding.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I would like to assure Senator Laughlin and any of the other Senators in the room, that no substantive bills will be moved by the sponsor of the bill, and that's me, until such time that it has been cleared with you that the substantive bills should be moved.

PRESIDENT:

My understanding, Senator Newhouse...

SENATOR NEWHOUSE:

I, therefore, renew my motion, Mr. President.

PRESIDENT:

My understanding is that that motion applies to all in that series except 810 and 811, is that correct?

SENATOR NEWHOUSE:

Those are the substantive bills. That's correct. And those will be referred to Committee.

PRESIDENT:

Is there objection? Is there objec...Senator Horsley.

SENATOR HORSLEY:

My understanding, uh, uh, 3082 will go to...will go to Committee?

PRESIDENT:

That...that will go, will be advanced to second reading without reference to Committee.

SENATOR HORSLEY:

I object. I object.

PRESIDENT:

There is objection. Senator Newhouse. There is objection by Senator Horsley. Do you wish to move to suspend the rules or do you wish to...

SENATOR NEWHOUSE:

I so move, Mr. President.

PRESIDENT:

Motion is to suspend the rules.

SENATOR NEWHOUSE:

Mr. President, may I make an inquiry of Senator Horsley?

PRESIDENT:

Senator Horsley.

SENATOR NEWHOUSE:

Senator, is there...Is this...

PRESIDENT:

Just a second. Let's have some order.

SENATOR NEWHOUSE:

Mr. President and Senator, I don't intend to make these bills a subject of controversy if it can be helped, but I just want to make sure that we understand each other; that these bills that we are referring to, that we are attempting to bypass Committee on, are not substantive changes, but the substantive bills will be held in Committee. And the technical changes we are merely putting them on for the purpose of preventing a tremendous technical...a tremendous practical load on the Secretary's office in terms of enrolling and engrossing and so forth. Do you understand that Senator.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Senator, I do not understand that according to this bill. I've read the bill and it says that any swindling of a minor, taking the property of a minor and so on is a class A demeanor, and not a felony. Now, I think this is very serious, and I think should go to Committee

to be considered with the package. I don't know what a class A misdemeanor is, really. I don't know how you define it, but I'm a little bit leary of these bills that are lightening the sentences saying you can swindle people out of money, you can swindle minors out of money and take their property, and call it a misdemeanor. I just think this is a serious bill and ought to go to Committee.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, every one of these amendments that is going to bypass Committee will come up in Senate Judiciary, so they will be discussed there. None of this...All these amendments will be discussed in Judiciary so that, I'm not sure which one you are referring to now, there will be an opportunity for discussion and debate on them.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Why not let the bill go there for discussion then. That's my point.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I have no real objection. What we are trying to avoid is a pile up in the Secretary's office, and since the same measures will be debated in Committee we saw this as a convenient measure, and that's the only reason we asked to bypass.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, at this point in time, in looking at the amendments that were just given to me today, that are going to be discussed this afternoon in Judiciary on a subject matter that I have a great interest in,

I'm inclined to agree with Senator Horsley. I think that contrary to what the American Civil Liberties Union and others might think, the great State of Illinois has made greater strides in correctional reform in the last two years than any state in the Union. Now, I am not wanting to stand here and say to you that we should impede further fracas, but I am saying to the members of this body that let's just slow it up for a little bit til we consolidate our gains and find out where we are. Now I'm not so sure that going headlong into a program that this General Assembly doesn't understand is going to be beneficial to the correction system in the State of Illinois. Now all of us have read the papers from San Quentin to Attica and on down the line, Pontiac, Sheraton, Joliet, you name it, we've had it. I am saying to you that every man in this Senate, during the next year's campaign, is going to have to answer to the people in his district with regard to what is going on in our institutions. Now, I think that we are bulwark to destroy the progress that we have made by going headlong into something we don't understand yet, and I am going to stand side by side with the Senator from Sangamon and ask that these bills and these amendments get a full hearing in Judiciary Committee, and that this floor of this Senate will have an adequate time to think about them when the bills come out on second reading, because gentlemen, we are dealing with about a 11 to 14 thousand people here that are not confined because they skipped Sunday school.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

For the benefit of Senator Graham and Senator Horsley and those that didn't hear, this motion by Senator Newhouse doesn't emendate with him. The Clerk's office said that there were two substantive bills on the Correction Code. That some 450 or 451 were merely technical amendments to the headings of statutes; and this is the procedure that they recommended or that they suggested. Now, we're not married to that.

suggestion. It was just in an effort to save some work for the Secretary's office; however, Senator Newhouse didn't originate this motion, nor did I, nor did anyone else. We were trying to help the Secretary, but if it's the majority opinion of this body, let's hold it all in Judiciary. I'm not opposed to it nor is Senator Newhouse.

PRESIDENT:

Do you withdraw your motion, Senator Newhouse?

SENATOR NEWHOUSE:

Mr. President, if there is a persistence in the objection, certainly I withdraw the motion.

PRESIDENT:

I sense that there is a persistence in...

SENATOR NEWHOUSE:

Well, I certainly wouldn't want to create controversy around this bill, and I think it ought to be thoroughly discussed, and I certainly have no objection. It was simply a mechanical thing requested by the Secretary's office. We thought we could save some time on the Secretary's part by making such a motion. I therefore, withdraw the motion, Mr. President.

PRESIDENT:

I'm sorry I was discussing something with Mr. Fernandes. You just made a motion. You withdrew your motion. Now we do need, if I follow the conversation correctly, Senator Neistein and Senator Newhouse, if these are to come up for hearing this afternoon we do need to suspend the rules to read them a first time today. Otherwise they are simply reported in. They are read a first time tomorrow.

SENATOR NEWHOUSE:

I so move.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

The Senate Judiciary Committee is going to hear the Senate version of these bills right after adjournment. We have Senate Bills that are

being heard today, so what action the House...or what urgency, there's none because we have the same bills now in the Senate. They are already on the calendar to be heard in the Judiciary today.

PRESIDENT:

If Senator Neistein is correct, says it is correct...then you can withhold your motion right now, all right? Senator Rock.

SENATOR ROCK:

Yes, Mr. President and members of the Senate, I have been asked by the House sponsor to handle House Bill 3552 and I would ask that that be...I'd ask in unanimous consent that that be placed on the order of second reading without reference to Committee. It's an election bill and what it does very simply, it reduces the age of one circulating and nominating petition from 21 to 18; and I don't think there's any need for a Committee hearing, and I would ask that it be moved to second without reference.

PRESIDENT:

Is there objection? Leave is granted. House Bills on first reading. Are...those bills were there last week. No one took any of them. If any member wishes to take one of those bills, 21...there are 1, 2, 3, 4, 5, 6 bills there. Senator Graham.

SENATOR GRAHAM:

House Bill 3638 dealing with the subject matter that this Senate voted unanimously on last year is in for the specific purpose of correcting an error in the bill. There were two amendments hung on last year, one here and one in the House, and one of the amendments eliminated a couple of important words in that bill. I don't have it right in front of me now, but I would like to ask at this time that this bill be read a first time and advanced to the order of second reading. I'll get the file, I can assure you--it deals with the subject matter of reinstating one word.

PRESIDENT:

Is there an objection? Leave is granted. We have some additional

messages from the House.

SECRETARY OF SENATE:

Message from the House, 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, and adoption of which I am instructed to ask the concurrence of the Senate to wit: House Joint Resolution 99. It's congratulatory, congratulating Jack Meyer, professional journalist.

PRESIDENT:

Senator Cherry. Uh. Consent Calendar. Senator Cherry wishes to call Senate Bill 1242, it's on the last column of page two, Senate Bills with House amendments. Senator Cherry.

SENATOR CHERRY:

Yes, Mr. President, members of the Senate, the House in considering this bill for passage included an emergency clause. That is the only amendment that was placed on the Senate Bill, and I move this body concur in the House amendment.

PRESIDENT:

Motion to concur in the House amendment. On that question the Secretary will call the roll.

SECRETARY OF SENATE:

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

PRESIDENT:

Carpentier, Aye. Neistein, Aye. Gilbert, Aye. Vadalabene, Aye. Johns, Aye. Hynes, Aye. On that question, the yeas are 40, the nays

are none. The Senate concurs in the House amendment. Senator Newhouse, did you wish the floor? All right. Before we get into...
Senator McCarthy.

SENATOR McCARTHY:

Are we in the area where I can make an introduction of some guests?

PRESIDENT:

We are into that area where all we have left is resolutions. Senator Harris also wishes to make some introductions.

SENATOR McCARTHY:

Mr. President, and members of the Senate. We have as our guests today, in the President's gallery, on the west side thereof, eleven educators from the Decatur Public School District and the Executive Secretary of the Decatur Educational Association, and these people have observed us in action, and I would like them to rise and be acknowledged by the Senate. Would you rise please.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, I want to add that in addition to that fine delegation from Decatur, and I certainly don't want to preempt the opportunity of introduction by any member of this body of any constituent guests today, but since I may be the focal point of a significant piece of legislation that most of these Illinois Education Association members are concerned with, Senate Bill 1112 that's going to be heard in Labor and Commerce tomorrow, I thought I might just take the opportunity to acknowledge the presence of many, many members of the IEA from throughout the State who have been here making calls on members of the General Assembly, more particularly members of the Labor and Commerce Committee, and perhaps it would be appropriate to have the entire, there ought to be a law Senate Bill 1112 badge wearing guests to rise and be acknowledged by the Senate.

PRESIDENT:

We have some resolutions.

SECRETARY:

Senate Resolution number 245, introduced by Senator Smith...

PRESIDENT:

Just a moment, for what purpose does Senator Collins arise?

SENATOR COLLINS:

I understand that the bill that I wanted brought back from third reading, the two bills are okay now with the folks over there, and I would like to move them back and offer the amendment.

PRESIDENT:

Senator Cherry. All right, Senator Donnewald says that is the case. Senator Collins wishes to amend 2662 and 2663. This is the explanation given a little earlier?

SENATOR COLLINS:

Clarifying language is noncontroversial.

PRESIDENT:

Is there an objection? All in favor of the adoption of the amendment, signify by saying Aye. Contrary minded. The amendments are adopted on both bills. They are pulled back to third reading. Resolutions.

SECRETARY:

Senate Resolution number 245, introduced by Senator Smith, Carroll, Dougherty, Baltz, Saperstein and Groen.

PRESIDENT:

Congratulatory, consent calendar, Senator Smith. Senator Smith.

SENATOR SMITH:

If there is no objection, this is an amendatory resolution praising the long years of service.

PRESIDENT:

Just a moment...please...Let's...Senator Horsley, Gentlemen! Let's have some order.

SENATOR SMITH;

Mr. President, I hope that there will be no objections.

PRESIDENT:

Is there objections? All in favor signify by saying Aye.

Contrary minded. Resolution adopted.

SENATOR SMITH:

Thank you. Thank you.

SECRETARY:

Senate Resolution number 246, introduced by...

PRESIDENT:

Just a moment. Senators Walker, Course...Gentlemen, let's maintain some order. Proceed.

SECRETARY:

Introduced by Senators Dougherty, Saperstein, and Partee. It's congratulatory.

PRESIDENT:

Consent calendar. Senator Dougherty.

SENATOR DOUGHERTY:

I would appreciate its immediate adoption. It's a congratulatory resolution concerning Mr. Gershom Hurwitz, for many years the Assistant Director of the Department of Public Aid of Cook County.

PRESIDENT:

Is there any objection? I am sure all Senators will want to join on that one. All Senators will be shown as sponsors. All in favor signify by saying Aye. Contrary minded. Motion is adopted.

SENATOR DOUGHERTY:

Thank you very much. May I make an announcement at this time, Sir?

PRESIDENT:

Pardon.

SENATOR DOUGHERTY:

May I make an announcement at this time?

PRESIDENT:

You have the mike. Proceed.

SENATOR DOUGHERTY:

The Local Government Committee will meet in Room 212, immediately following adjournment, instead of the Senate floor.

PRESIDENT:

We have some additional resolutions before we get into further announcements.

SECRETARY:

Senate Resolution number 247, introduced by Senators Kosinski, Lyons, Rock, Kusibab, and others.

PRESIDENT:

Senator Kosinski.

SENATOR KOSINSKI:

Mr. President, Senators. I would like to move to suspend the rules and the immediate adoption of this Resolution. It's for an outstanding young man who is Walter Nega, of whom we presented this resolution, he is the outstanding man in the community.

PRESIDENT:

Is there an objection? All in favor signify by saying Aye. Contrary minded. Resolution adopted.

SENATOR KOSINSKI:

I thank you.

SECRETARY:

Senate Resolution number 248, introduced by Senator Gilbert.

PRESIDENT:

Is Senator Gilbert on the floor? It's a death resolution. All in favor of its adoption signify by saying aye. Contrary minded. Resolution is adopted.

SECRETARY:

Senate Resolution number 248, introduced by Senator Rosander. 249, I'm sorry.

PRESIDENT:

Senator Rosander.

SENATOR ROSANDER:

I move for the suspension of the rules, and the immediate adoption. This is a congratulatory resolution in reference to Mr. & Mrs. Monral Belknap. Their son--that is a 45th wedding anniversary.

PRESIDENT:

Is there an objection? All in favor, signify by saying aye. Contrary minded. Resolution adopted.

SECRETARY:

Senate Resolution number 250, introduced by Senators Graham, Mitchler, and all Senators.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM.

This is a simple congratulatory resolution, congratulating Sam Johnson on his many years of service to the State of Illinois, and Sam is retiring. I move for suspension of rules...

PRESIDENT:

All in favor signify by saying Aye. Contrary minded. Resolution is adopted.

SECRETARY:

Senate Resolution number 251, introduced by Senate Carroll, and it's a death resolution.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Mr. President and Senators, I know you have all heard of the untimely death in the airplane crash, of Timothy Selleck, who was the Director of Governmental Affairs for the Illinois State Medical Society. He was known by all members of the Senate, and I ask all the members of the Senate to join me in this death resolution.

PRESIDENT:

Motion is for the adoption of this resolution. All members will be shown as--on--this gentlemen was known by the body, I think maybe we ought to ask the Secretary to read it. Will the Senators be in their seats. Senators be in their seats, death resolution. Secretary will read the resolution.

SECRETARY:

Whereas, this body is deeply grieved over the untimely death of Mr. Timothy D. Selleck, who was only 25 years of age when he died in the crash of the commuter plane on October 21, 1971; and whereas Mr. Selleck was a graduate of the University of Illinois; he also attended the University of Illinois School of Law; and he was formally Administrative Assistant to the Speaker of the House of Representatives, Ralph Smith, and served for more than two years as Director of Governmental Affairs of the Illinois State Medical Society; and whereas he will be mourned by the members of his beloved family, his parents, Mr. & Mrs. Paul Olson, his sister Susan Olson, and his brother Peter Selleck, and he will also be sorely missed by the legion of his friends and professional associates. 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 over the death of Timothy D. Selleck,

that we extend to the members of his bereaved family, our heartfelt sympathy and that a suitable copy of this preamble and resolution be forwarded to his parents, Mr. & Mrs. Paul Olson.

PRESIDENT:

All in favor of the adoption of the resolution, please rise. Resolution is adopted. Announcement, Senator Neistein.

SENATOR NEISTEIN:

Members of Senate, the Senate Judiciary Committee will meet immediately after adjournment on the floor of the Senate. I would appreciate the Sergeant-At-Arms, if you would go down to 212, and if there are any witnesses there to let them know that Senate Judiciary will meet immediately after adjournment on the floor of the Senate.

PRESIDENT:

Senator Course.

SENATOR COURSE:

Yes, Mr. President. The Revenue Committee will meet tomorrow afternoon as scheduled at 3:30 in Room M-3. We have about five bills.

PRESIDENT:

Further announcements, Senator Saperstein.

SENATOR SAPERSTEIN:

November 3rd will be the last scheduled meeting of the Education Committee. There are still about 20 bills in the Committee, but we have not received any request for a hearing. I just want you to know this because I don't know whether or not a determination has been made as to what will happen to bills still in the Committee.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Do you have an adjournment resolution there, Mr. Secretary?

PRESIDENT:

No. We don't have an adjournment resolution.

SENATOR CHERRY:

We will have session tomorrow at 10 o'clock. We will commence at

10 o'clock and work until noon. After lunch, the Committee meetings will take place. Our session tomorrow will be at 10 o'clock until noon.

PRESIDENT:

Senator Savickas, do you...Senator Vadalabene.

SENATOR VADALABENE:

Mr. President, I would like to bring back House Bill 1787, which was on postponed consideration for the purpose of an amendment to order of second reading.

PRESIDENT:

House Bill, what was that number again?

SENATOR VADALABENE:

1787.

PRESIDENT:

1787, for purposes of amendment. All right, can you explain the amendment briefly?

SENATOR VADALABENE:

Well first, what I want to do is to move to reconsider on which amendment number 2 was adopted.

PRESIDENT:

You wish to table amendment number 2?

SENATOR VADALABENE:

Amendment number 2. Right.

PRESIDENT:

And adopt a new amendment? Is that correct?

SENATOR VADALABENE:

Right.

PRESIDENT:

Motion to reconsider the vote by which amendment number 2 was adopted. Senator Cherry. Senator Cherry.

SENATOR CHERRY:

Would the sponsor tell us what amendment number 2 did?

SENATOR VADALABENE:

Yes, Senator Cherry, I will yield to Senator Savickas who offered amendment number 2.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator Cherry, amendment number 2 changed the word director and inserted Governor for the purposes of appointing a board for the plumbing code laws in the State of Illinois. And it also struck the words certified plumbing contractors, because certified plumbing contractors were held unconstitutional by the United State Supreme Court. The reason we are removing that amendment, amendment number 3 that's been prepared by the Department of Health, Public Health, Joe Townsend, not only covers this but adds additional language for an amendment. We thought it would be easier to just strike the one amendment and add the other that covers the whole language that we have put in amendment number 2.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Are you offering amendment number 3 immediately after the withdrawal of the other amendments?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

As soon as we can bring back and reconsider the motion of amendment number 2, we will offer amendment number 3, and I will explain it.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, don't you think we probably ought to have these printed so that we can observe them carefully.

PRESIDENT:

There is a request for the printing of the amendments. If Senator Sours is joined by one other Senator on that request, the...Senator Mitchler joins him. The matter will be held over until tomorrow and when they will be printed. Is there further business? Any further announcements? Senator Merritt.

SENATOR MERRITT:

Mr. President, members of the Senate. I'd like to direct this inquiry to the President Pro Tem. I don't see him there, or at least direct it to any of the leadership there.

PRESIDENT:

Senator Cherry is here.

SENATOR MERRITT:

Last week on Thursday I know there were many of us that had gone by the calendar which indicated two committee meetings in the morning, a session from 10 until 2 o'clock in the afternoon on Friday. Several of us I know had made arrangements with our constituents to be here at that time, which was terribly inconvenient to try to contact them, to try to cancel various arrangements with various state agencies for appointments; and I would just be hopeful that I'll direct the inquiry-- are we going to work this week according to schedule or are we going to quit a day early or what?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Our schedule, Senator Merritt, as I understand it, is working through Thursday. We never know if we're going to adhere to that, and I think only the members can determine that upon the work that we do from now til Thursday. I assume that if we have things to do, and I assume that we will have matters to consider both in results of committees and possibly some postponed considerations or whatever might exist. We will have a session Thursday, but none is contemplated.

subsequent to Thursday.

PRESIDENT:

The...now the printed schedule that has been given to the membership shows a Friday session, so that...if...if there will not be a Friday session, I think there probably ought to, in fairness, and I think Senator Merritt's point is a good one, that there ought to be an announcement tomorrow if there is...will not be a Friday session. Senator Cherry.

SENATOR CHERRY:

Mr. President, I have the schedule before me and I see no session slated for Friday, at least the one in my hand does not...November 5th... That's right there is. I don't think we're going to have a session Friday, Senator. I think we'll be able to determine that possibly by Wednesday.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Well, I would just say, Senator Cherry, at least by Wednesday would be helpful because I think there's many of us here who try to be dedicated and in attendance just as much as we possibly can, and I think it's just a complete unfair thing in the middle of the afternoon last Thursday to just pick up and go home. I was willing to do it, as far as that's concerned, but I know that it put an awful lot of my constituents out, and I had to cancel a lot of appointments along the way. And I would appreciate it if we could know that by Wednesday

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I regret that that occurred to you, Senator. I'm sure that it occurred to every member of this body, but if you want to work Friday, I think we can possibly arrange it. I don't know of anyone else who's agreeing with you, but if they do...

PRESIDENT;

We...we...we'll...Either tomorrow or Wednesday we'll try and have it worked out--the sooner, the better--and I think Senator Merritt's point is well taken. It will be...we'll try and work it out.

Further announcements? Senator Kusibab moves that the Senate stands adjourned until 10:00 o'clock tomorrow morning. All in favor signify by saying Aye. Contrary minded. The Senate stands adjourned.