

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

NOVEMBER 1971 SESSION

NOVEMBER 2, 1971

PRAYER BY:

Chaplain Dennis R. Grohn, Pastor, Concordia Seminary, Springfield, Illinois.

PRESIDENT:

Reading of the journal. Moved by Senator Romano that the reading of the journal be dispensed with. All in favor signify by saying aye. Contrary minded. The motion prevails. Committee Reports.

SECRETARY:

Senator Donnewald, Chairman of Assignment of Bills, assigns the following to committee: Appropriations Division of the Committee on Public Finance, House Bill 1308; Revenue, House Bills 1304, 1305, 1306, 1307. Senator Neistein, Chairman of Judiciary Committee, reports out the following: House Bills 1467, 1468, 1469, 1694, 1770, 1771, 1882, 1883, and 1884 with recommendation do pass; House Bills 1693, 1695, 1767, 1769, with the recommendation do pass as amended. Senator Dougherty, Chairman of Local Government, reports out Senate Bill 227 with the recommendation do not pass; House Bill 2732 with a recommendation do pass as amended.

PRESIDENT:

Resolutions. Introduction of bills. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I have introduced a bill which is a...to vacate some land, an easement in Lee County. Now, I have talked to the leadership on both sides of the aisle in regards to this, and I'd like to move to suspend the rules to have this bill moved from first to second reading without reference to a committee.

PRESIDENT:

Is there objection? Leave is granted. Message from the House.

SECRETARY:

Message from the House. Mr. Selcke, Clerk. Mr. President, I'm directed to inform the Senate that the House of Representatives has passed bills of the following titles and the passage of which I'm instructed to ask the concurrence of the House to...the Senate, to wit: House Bills 1515, 2532, 2562 through 2565, 2646, 3080, 3081, 3543, 3545, 3560, 3621, 3622, 3640, 3641, 3660, 3707 through 3715.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate. I would like to have leave to suspend the rules and advance House Bill 3640 and House Bill 3641...advance them to second reading and bypass committee. They're easement bills. I talked to the leadership on both sides of the House and they are in accord.

PRESIDENT:

Is there objection? Leave is granted. Senator Rock.

SENATOR ROCK:

Yes, Mr. President, I would ask leave of this body and unanimous consent to move House Bill 3560 to the order of second reading without reference to committee. This is a bill which Secretary of State's office has asked that we introduce. It concerns the number of signatures that will be needed on nominating petitions for our legislative and congressional races, and I would ask that it be moved to the order of second reading without reference.

PRESIDENT:

Is there objection? Leave is granted. On Page 2 of your calendar, concurrence in executive amendments to House Bills. Is Senator Dougherty on the floor? 677. Hold it. As the Chair calculates it, we have through Thursday for passage of these. After Thursday, it's too late

so I just mention that to the sponsors. Senator Horsley, 1034.  
3032, Senator Horsley. Hold. Senate bills on second reading.  
Senator Donnewald, 1280.

SENATOR DONNEWALD:

Yes, please.

PRESIDENT:

1280.

SECRETARY:

Senate Bill 1280. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third reading. Senator Carpentier, you have two bills, do you want those called?

SENATOR CARPENTIER:

Yes, I have an amendment, and I'll get that amendment and I'll be back in just a second.

PRESIDENT:

Why don't we hold off until you get your amendment. We'll come back to that. 1296, Senator Dougherty. Is Senator Dougherty on the floor? Hold. 1303. Senate bills on third reading. 130, Senator Berning. Oh, excuse me, I didn't see you here, Senator Groen. 1303, on second reading.

SECRETARY:

Senate Bill 1303. Second reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor? Third Reading. 130, Senator Berning. Senator Berning, do you wish to call 130?

SENATOR BERNING:

Hold it please.

PRESIDENT:

Hold it. 485, Senator Knuepfer. Senator Knuepfer, 485. 488, Senator Rock. 491, 808, Senator Lyons. Senator Lyons.

SENATOR LYONS:

Mr. President and members of the Senate. Senate Bill 808 is a bill which I introduced in an effort to cure a situation which was brought to my attention by representatives...by former members of the Chicago Police Department. I'll explain, in some detail, what the bill does because I don't want anybody to be misinformed as to its purpose and ultimate affect. But, I can start out by saying--I should start out by saying the bill is supported by the following organizations: The Amvets of Illinois, the Illinois Police Association, the Fraternal Order of Police, the Illinois State Lodge, the Policemen's Benevolent Protective Association of Chicago, the Better Government Association, the Board of Social Concern of the Methodist Church, the American Legion Cook County Council, the Illinois Association of Chiefs of Police, the Polish National Alliance of the USA, and has been...has received the approbation and the...of the Chicago City Council in a resolution adopted by that body. What the bills does is to make permanent the registration of license plates in Illinois. When I say permanent, I mean for a period of three years. In other words, when a motorist registers his license plate, that license plate registration will hold good for three years. The purpose of the bill is to make it easier for police to identify cars. Right now, this may come as a shock to many--it did to me, one third of the requests for identification of motor vehicles, which are processed through the Chicago Police Department, come back from the Secretary of State's office with the answer, not in file. That means that there is so much changing around of registration and so forth that one third of the inquiries that are directed to the Secretary of State by the Chicago Police Department

come back marked, not in file. They just can't find out who owns these motor vehicles. This bill will do another thing, which will make license plates more meaningful than they presently are as a means of identification. It will require the motorist to display a decal on his car which changes every registration period, which will have the same number of his license plate. Right now, it's very simple to steal a license plate off a car and put it on another car, and the plate has, from that moment on, lost all meaning as a means of identification. A policeman can instantly tell if a decal does not conform to the plate that is affixed to the motor vehicle. If the decal and the plate are not in consonance, the policeman knows that something is wrong. Presently, many, many innocent people are bothered because stolen license plates are traced to them; sometimes they are arrested and they are brought in for interrogation and everything else. This practice will be severely interdicted by the passage of Senate Bill 808. The bill is not designed, as some have thought or been told, to do away with the practice of re-assignment. Quite to the contrary. The bill is designed to make permanent license plate registrations, at least for three year increments, so that a license plate gets...gets back what it used to have, which was the virtue of being a credible, meaningful means of identification of who owns a motor vehicle. Now if there are any... I might also add that this bill--Senate Bill 808, incorporates into law a practice which is, I believe, almost universal in this country and that is staggering of the license plate period, on a month-to-month basis. Currently, as you know, Illinois--and for some years has done this, does it all at the end of the year so that there is this tremendous rush. Many temporary personnel have to be hired who make mistakes. This is one of the reasons that the registration records are in less than perfect condition. This will be eliminated,

at least, insofar as possible to eliminate it by taking away the peak period and spreading the work out evenly throughout the course of a 12-month year, with each month being a registration period. I will ask...I will attempt to answer any questions that are raised and I ask for a favorable vote of the membership on this measure.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Mr. President. Senator Lyons, I'm sorry I didn't hear it all and this is obviously a complicated bill. But, the one thing that bothers me, on the first page it says application for registration upon expiration of 1971 vehicle registration and this then says at the end, its effective January 1, 1972, so it's to cover the 1972 year?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, that was cured yesterday by an amendment which was put on yesterday, setting all the dates back one year. So now, the bill is effective January 1, 1973, rather than '72. Where it says '71 in the bill, it now reads '72. That was an amendment which was incorporated yesterday.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, I'll just make this comment. I don't know--maybe others have studied this matter carefully. There is no urgency and I don't know why in the world we have to act on such a bill at this time, then.

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

Mr. President, I know they put the amendment on yesterday in regard to setting it back another year. I still have reservations in regard to our reassignment law. I still...we are now getting ready to tie our great big computer machines into the Chicago machine which is completed...just about near completion which, I think, is January. There was quite a bit of discussion about this a couple of years ago and in inquiring in some of the States that have it, in the off years, if we go to decals or go to a system, we are going to pay three years in advance for our license plates. In other words, they move out of the State of Illinois, then they're going to turn around...they'll either be driving with Illinois plates in another state for an additional two years; or then we have to turn around and go through the process of refunds. I'm still not clear and I'm waiting for the Secretary of State's office to give me an opinion whether or not this would throw out our reassignment law. Now, we've got many, many thousands of people, we're up to about 800,000 people a year that request reassignments. They have their initials, they have their house numbers; they may have a low license number; and this could be, and I still have reservations, and I still believe this would throw out our reassignment law; and if Senator Lyons would be kind enough to hold this bill another day until I check this out for sure, then I'll be able to talk about it. Otherwise, the bill in its present form, I don't think, stands a chance because of this reassignment problem.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Senator, I'm aware of the fact that there are some 800,000 people who request reassignment every year. I would not be...I would not want...that's almost 15,000 a district. If there are 15,000 people in my district who are going to be alienated by the passage of this



bill, I wouldn't be fooling around with it. I can assure you of that. The purpose of the bill is not, I repeat not, to interdict the passage...the practice of reassignment. Rather, the purpose of the bill, is to render permanent, at least for a three year period, the assignment of a given number to a given person. Now, when you make something permanent, I don't think you are placing in jeopardy the reassignment. I don't know what else to say about it. The bill is designed to make the assignment permanent once the motorist gets it. Now, how that inhibits the practice of reassignment, I don't know.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Mr. President. Senator Lyons on...you said this reassignment is made every three years. In other words, the 800,000 would come in, instead of every year, they'd come in on reassignment three years from then?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

First of all the licensing period is staggered from month-to-month so that the 800,000 all aren't landing in at one time as they do now. The reassignments will be handled on a month-to-month basis because the whole process will be spaced out on a month-to-month basis. There will probably be at least 800,000 people requesting reassignment over the course of the period. There are that many already. Presumably, there'll be more. But this bill is not designed to inhibit in any way the practice of reassignment. If there is any problem with the bill, any technical amendment that the Secretary of State's office might feel more comfortable with or some-

thing like that, we'll put it on over in the House and there's no... nobody wants to do anything to the reassignment system. It's not the intention of the bill, in fact, it's exactly the opposite.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Well, I may be dense, but you say that this is going to take some time and the Secretary of State will be able to give information on these license plates. Now, if these are staggered by month-to-month and you say something about a three year reassignment, does it mean instead of reassigning the license plate every year on a staggered basis, it would be reassigned every three years. Now, suppose a fellow takes out a license plate for three years and, as Senator Carpentier said, he moves out of the State and he has to buy a license plate someplace else. What do we do? Refund the money?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

I guess so, if they ask for it.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

The State doesn't want to be unjustly enriched, I wouldn't suppose.

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

Senator Lyons, on page 4, line 5, item 1, under a distinctive Registration number assigned to the vehicle; in other words, if I go for a reassignment under this new system and I have a car that is

six years old, that number is assigned to that vehicle. So I decide to trade it in; I therefore, trade my number; so therefore, you do not have reassignment.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

You don't have a reassignment on that vehicle because the license...the registration would stay with the vehicle.

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

A distinctive registration number, which is your license number, stays with the vehicle and if I trade my '63 Oldsmobile, which is getting to be an antique, under this system with license plate 33 on it, therefore, whoever buys that car gets that number 33. No way. This alone shows that this bill is not clearly defined on losing all of these numbers.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well Senator, you requested before that we hold the bill until tomorrow—we'll do that. We'll find out what the Secretary's objection, if any, is and if any amendments could be put on that would take care of whatever objections they have, as long as they don't inhibit the thrust of the bill, we'll put them on. I'll continue the bill until tomorrow as long as we're not encountering any cut-off or anything like that. Alright.

PRESIDENT:

Bill will be held. 890, Senator McCarthy. Senator McCarthy, 890. 890.

SENATOR McCARTHY:

Yes Mr. President. Senate Bill 890 is what the calendar calls for. It establishes a joint commuter...computer...operating study commission and appropriates \$50,000. This bill was moved out of committee at the request of Senator Mohr because he had similar legislation pending. It was his suggestion that these matters clear both chambers and then allow His Excellency, the Governor, to select which one he wishes to sign into law. Senator Mohr, do I correctly represent what you told me on this?

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

Yes, Senator McCarthy, we did agree that hopefully we could pass both bills, the House Bill and Senate Bill out, and then the Governor would select one of the two.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, I'd just like to know what the difference is. I have a kind of a complex about us abdicating to the Governor and letting him do the legislating, and I'd like to know what the difference in the two bills are because one may be better than the other one, and I think it's our responsibility if one is better than the other, to accept the better one, rather than let the Governor. He didn't run for Senator from my district and I'd like to know what the difference in the two bills are. Could somebody tell me?

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Well, I'm sorry that I'm not prepared, at this time, to explain

to Senator Knuppel the difference between this legislation and that which was passed last week, as I recall. Am I correct, Senator Mohr, the last day? What day were your House Bills passed?

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

The data processing House Bills were passed yesterday, but the data processing Commission bill was still here...hopefully, we will get that out of here today. That's House Bill 2373.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Well, thank you, Mr. President, and my apologies to the members of the Senate for an implication that I was attempting to delegate legislative authority to the Governor. I'll just call the bill on the merits and say that this is legislation that we believe is worthy of this body's consideration. We'd ask for a favorable roll call.

PRESIDENT:

Secretary will call the roll. Senator Knuppel, do you wish to say anything more?

SENATOR KNUPPEL:

My position remains the same. First of all, I'm opposed to Commissions; creating new ones. Secondly, I'm very much opposed to the...what's been going on and what seems very apparent to me and that is that we're dealing with things where we can't get explanations, and I think this is highly irregular where we can't get definitions or differences between bills. I think we'd be way out of line to just be voting for something just because it's introduced. I just don't understand this way of approaching it. I'll have to vote no.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

I respect Senator Knuppel and I would ask that the bill be held until I have an opportunity to have Walter explain, along with some others, the differences in the bills, and I apologize to the membership for calling it without being prepared. Will you please pass it?

PRESIDENT:

Bill will be held. 1054, Senator Rosander. All right. 1062, Senator O'Brien. 1164, Senator Berning. Is Senator Berning on the floor? 1224, Senator Donnewald. 1263, Senator Partee. 1274, Senator Hynes. Hold temporarily. 1282--the calendar has them out of order here. Error in the calendar, but 1282, Senator Groen. 1282. Senator Hynes, that whole series you want to hold? All right. 1283, Senator Groen. You wish to hold, also? They're a little mixed up; you may have a hard time finding...1283 follows 1277. 1282 is mixed up about four bills earlier. All right. Senator Dougherty, 1257. 1257 and 1258, are they companion bills? One roll call?

SENATOR DOUGHERTY:

They are companion bills, yes sir.

PRESIDENT:

Is there objection to use of one roll on 1257 and 1258? Leave is granted. Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate, there were three bills in this series to implement the Constitution. The 1257 and 1258 are companion bills for the reason that since the Constitution has decreed that the Clerks of the Supreme Court and the Clerks of the Appellate Courts shall be appointed by the respective judges of the Circuits involved and also the Supreme Court. However, the Constitution left up to the Legislature whether or not the Circuit Clerks would be elected or appointed. These bills were heard in the Constitutional Implemen-

tation Committee and the recommendation of the Committee was the Clerks of the Circuit Courts, of all the Circuits, should be elected and this is what they provide for---they provide for the election and 1258 provides for the selection of a successor should there be ...occur a death or a vacancy occur. I would ask a favorable roll call.

PRESIDENT:

Is there any discussion? The...is there any discussion? Senator Soper.

SENATOR SOPER:

I don't understand the synopsis on this. The synopsis on this says that provides for the appointment of Clerks to the Circuit Court. You said that they're going to be elected?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

The digest is wrong, sir, it says for the appointment, but it is for the election. If you want to read the bill, I'd be very happy to show it to you, but it does call for the election of the Circuit Clerks, is what it does.

PRESIDENT:

Is there...Senator Horsley.

SENATOR HORSLEY:

May I ask leave for a minute?

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Mr. President and members of the Senate, I was off the floor temporarily and I'm sorry. Senator Dougherty, could you answer me this question? Does this in anyway have the affect of putting the Circuit Clerks in the same situation as the Judges? Where they run every four

years or every six years, on what I refer to as the Hitler ballot?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

It does not. It will be in the primary election as usual.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Would you explain one more time exactly what it does, Senator?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Under the new Constitution, it is provided that the Clerk of the Supreme Court shall be appointed by the Justices of that Court, and that the Clerks of the Appellate Courts shall be appointed by the various Judges of the various Appellate Circuits. And 1257 and 1258, as amended, provide that the Circuit Clerks shall be elected.

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Well--

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

Then, if it provides that they'll be elected as they are now, Senator, then what is the thrust of the bill? Sorry, I'm deaf.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Well, sir, it had to provide something. It had to give us a



vehicle to determine how the clerks should be elected or selected. The original premise was that they were all to be appointed. This bill clarifies it to the point that they shall continue as they have been in the past. They will be elected by the voters living within that Circuit.

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

In the Circuit, Senator, or in the county?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

In the Circuits. You have a Circuit Clerk in every county in the State, Senator and they will continue to be elected in the same manner. These bills were heard in the committee; they were given a very thorough hearing and this was the...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

He says as amended. I don't have the amendment in my book or on my desk. Now the bill as it reads in my book says they'll be appointed, and I don't have a copy of the amendment on my desk nor in my book. I'd like to have it before I vote on this.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Senator, they are bringing you a copy of the amendment. It's a very simple bill. The bill originally read that the Clerks should be appointed. The bill, by amendment, now says that the county shall elect the Circuit Clerks, and the language, I think that was explained

to Senator McBroom; what is happening here is lines 16 and 17, which say that this amendatory act of 1971 does not affect the term of office of any Clerk in office on its effective date. So the bill would only have any meaning after the present term of the present Circuit Clerks ended, and subsequent to that term, the new Clerk would have to be elected. That's all it is.

PRESIDENT:

Senator McBroom...Senator Horsley.

SENATOR HORSLEY:

Well, I agree with Senator Knuppel; I've looked all over and I don't have the amendment and I think it ought to be held until we get the amendment just for a minute or two anyhow. I've sent for them, but they haven't come back yet.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I will agree, I couldn't find the amendment either, Senator. I was back in the Bill room, they didn't have it. I went to the Clerk's office and had a copy prepared for me. Incidentally, I might add, in addition, there was one other bill, 1259, that provided for the appointment. That bill was tabled. I would be very happy to hold my two until we get this clarified. I have no objection whatsoever.

PRESIDENT:

Okay. Senator Dougherty, you let me know when they have them distributed and we can get back to your bills. Bills will be held. 1271, Senator Knuepfer. Is Senator Knuepfer on the floor? For what purpose does Senator Bruce arise?

SENATOR BRUCE:

Just this inquiry of the Secretary and to make a suggestion

perhaps. Each day we come in and have a series of amendments to various bills that will be called either that day or the next day or maybe never called, and it would be helpful to me, and I believe many on...in this chamber, if those amendments as they're printed, rather than having the Pages simply drop them on our desks in a willy-nilly fashion, if they could somehow be put in some kind of order. It's almost impossible...I have a stack here probably nine inches deep now of amendments that have been proposed in the last two weeks. I have no idea if I have Senator Dougherty's amendment or not. I just offer that as a suggestion to the Secretary that these amendments be put in some sort of book or some sort of order so that we can know where we are.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, I can understand and appreciate the problem, but the fact of the matter is we're not in a regular kind of session where a bill will be called in a particular order, a bill which has been here for a long time. Some of these are bills that came over from the House just yesterday; there are amendments to be drawn and amendments to be circulated, and that is the reason why the amendments are, for the most part, given at the time the bill is going to be called or just before it is going to be called. So it may produce some work on the part of the Senators, but you have to, I think, keep yours in order to a point where you know what's on it and when the amendments are there. The other day we had a matter up and I was about to say that an amendment wasn't on my desk, but it was on my desk; and it was there because it had been brought there, but if I don't keep them in sequential order, I don't find them. So, we just have to do that because some of these bills come over at the last moment, and the amend-

ments are offered at the last moment and they're normally passed out prior to the calling of the bill.

PRESIDENT:

For what purpose does Senator Groen arise?

SENATOR GROEN:

Well, Mr. President, I now have my file on 1282 and I'm ready to proceed with that bill if it be the wish of the Chair.

PRESIDENT:

1282. 1282 is out of order on your calendar. It is after 1274; between 1274 and 1275. We will proceed on Senate Bill 1282. Senator Groen is recognized.

SENATOR GROEN:

Mr. President and members, this is probably the most innocuous bill of this session. It's a bill which I am handling as the Chairman of the Pension Laws Commission. It has the unanimous approval of that Commission. It's strictly a housekeeping bill. What it does is two-fold: 1) The present law calls for the appropriations to the funds being made biennially, this is no longer the case. This will change it so the appropriations bill would be annually. The other thing which this bill does is deletes provisions in the General Assembly Retirement System Act and the State Employees Act which are no longer required by reason of the State Investment Board's existence. That's all the bill does and I would recommend a favorable roll call.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

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

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

PRESIDENT:

Lyons, aye. Partee, aye. Clarke, aye. Swinarski, aye. On that question the yeas are 49; the nays are none. Bill is declared passed. You wish to call 1283 also, Senator Groen.

SENATOR GROEN:

No, Mr. President, not at this moment. I do have two bills on postponed consideration that I would like to recall to the order of second reading for the purpose of amendment.

PRESIDENT:

Senator Groen has two bills on postponed consideration he would like to ... Senator Groen has two bills on postponed consideration he would like to call back to second reading for the purpose of amendment. Senator McCarthy.

SENATOR McCARTHY:

I raise a point of order. Perhaps before making a point of order I should make an inquiry. What order of business are we on?

PRESIDENT:

We are on Senate bills on third. If the point is that we are not at the point of consideration postponed, the Chair would rule--

SENATOR McCARTHY:

Senate Bills postponed?

PRESIDENT:

We are on Senate Bills on third reading and Senator Groen asked to call a bill on consideration postponed back from second reading for purposes--

SENATOR McCARTHY:

Well, I want him to identify what bill it is that he wishes to call back on second reading before I give my consent, and my objection is blanket prior to the answer of that.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, I'd be delighted Senator. It is House Bill 2674 in the Senate.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

House Bill 2674? Would you identify the other bill, Sir?

PRESIDENT:

Well, let's just take one bill at a time.

SENATOR McCARTHY:

Well, then let's let him rephrase his motion then.

PRESIDENT:

For what purpose does Senator Rock arise?

SENATOR ROCK:

Point of inquiry, Mr. President. Senator Groen indicated he had two bills and I think Senator McCarthy's objection is a valid one. If, in fact, we allow him to go back to the order of second reading on this purportedly innocuous bill, I am sure that we will then have established some sort of a precedent under which he can then move the next bill.

PRESIDENT:

Well, giving consent to pull back one bill doesn't mean that you give consent to go out of order on another. Is there objection? We will take them one at a time. Is there objection to 2674? Senator Groen pulls back House Bill 2674 to second reading for purposes of amendment.

SENATOR GROEN:

Well, now, Mr. President, members and Senator McCarthy, this is the bill which was considered earlier and which ran into some opposition by reason of some language contained at the bottom of page one of the bill, starting with line 33 and then proceeding to page 2, lines 1 through 7 and all of that material inclusive in lines 1 through 7. It was objected to on the grounds...I might state that this is the bill that would authorize the Commissioner of Banks, at the request of a bank, to close the bank under certain conditions. Senator Partee, when I called the bill felt that it was too all inclusive, that there was a possibility of abuse on the part of both the bank officials and the Commissioner, and said he would like to suggest some amendatory legislation. He has submitted that amendment to me, and I suggested an additional amendment to be included in it. He accepted that and, as far as I know, there is no opposition to it. If you have the bill before you, I will tell you what it does. At the end of line 30, on page 1, the line reading security of persons or property, or both, the amendment would add this language, at one or more or all of the offices of the bank. Also, on page 1, strike line 33; and on page 2, strike lines 1 through 7, both inclusive, and substitute the following language starting after the word following on page 1 on line 33, natural disasters, civil strife, power failure, interruption of communication facilities, robbery or attempted robbery. In that sense, it is limiting and direct in its approach to the problem presented, and I would move the adoption of the amendment. That's amendment number 2.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Before I vote on the Senator's motion, I'd like to make a parliamentary inquiry. The question is this, Mr. President. It's my under-

standing that House Bills on postponed consideration may, with unanimous consent or some other device, be brought back for amendment; my question is, after they are amended, where do they go, Sir?

PRESIDENT:

They remain on consideration postponed.

SENATOR McCARTHY:

All right.

PRESIDENT:

Is there further discussion of the amendment? Senator Neistein.

SENATOR NEISTEIN:

Senator Groen, can't the bank or savings and loan that's covered under this bill, bank or trust company close in civil strife or those exegeses you cited now. Do we need a law to allow them to close when there is a riot or any of those catastrophes?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, at the present time there is no authorization for either a national or state bank to close its doors at any time during hours when they are required to be open. A state bank and a national bank must publish and must have on its doors its hours of operation under the bylaws of the bank. Now, at the present, those are filed with the Comptroller of the Currency and they are filed with the Commissioner of Banks here in Springfield in the case of the state banks. They must stay open during those hours. If they close, irrespective of what the reason might be, the courts have held that a customer who might be injured as a result of that closing can sue and can recover from the banks. Now, this is an intolerable situation, I think you will agree. These types of things are now enumerated in the amendment to the bill constitute emergencies wherein the public interest



the bank should be close, and of course, the bank should then not be liable for a loss which might be occurred because a check didn't clear or something like that. So that the Commissioner of Banks feels that this is necessary for the safety of the public, and has asked for legislation.

PRESIDENT:

Senator Neistein:

SENATOR NEISTEIN:

And under your amendment, who determines if an emergency exists, or civil strife, or to what extent? Who gets the authority to determine whether that exists?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

That, Senator Neistein, is not a part of the amendment. That is part of the bill which is not affected by this proposed amendment, and under the bill as it is written, the bank officials who determine that an emergency does exist; under the proposed amendment here, these things that are enumerated, would then contact the Commissioner of Banks and advise him of the conditions which exist, which in the judgment of the officials of the bank, constitute an emergency. Then the Commissioner would review that and advise the officials of the bank, yes I concur, you have authority to close. So there is a double safety involved in it.

PRESIDENT:

Is there further discussion of the amendment? All in favor of the adoption of the amendment, indicate by saying aye. Contrary minded. The amendment is adopted. Are there further amendments on 2674, Senator Groen?

SENATOR GROEN:

That is amendment number 2, Mr. President.

PRESIDENT:

And you wish to call one other bill?

SENATOR GROEN:

At the request of the President Pro Tem, I will withhold the calling of that bill at this moment.

PRESIDENT:

All right. Senate bills on third reading. Senator Hynes has indicated he is now ready to act on that series that he has. Senator Hynes? Which one do you wish called first? 1274?

SENATOR HYNES:

Mr. President and members of the Senate. I have amendments to offer to Senate Bills 1274, 1275, 1276 and 1277 and I would like to bring them back to second reading for purpose of offering those amendments. I distributed copies of amendments and a fact sheet explaining the impact of the amendments.

PRESIDENT:

Let's take them one at a time. 1274 is brought back from third to second for purpose of amendment. Senator Hynes, can you explain the amendment?

SENATOR HYNES:

Well, I will give an explanation which will apply to all four and then we'll simply take the amendments one at a time. These four bills comprise an emergency supplemental appropriation to the senior colleges and universities in this State amounting to 7.3 million dollars. We had extensive hearings before the Appropriations Committee last week on these matters. There have been attempts to work out a solution to this problem. We have taken into account the testimony that was offered in terms of some capital projects that in recent weeks we have found to be dispensable. Secondly, there are certain surpluses in the income funds. The general thrust of this amendment is to re-

duce the appropriation from General Revenue to \$3,129,000. The actual appropriation in the bill will be \$4,400,000, but that will be offset by capital lapses of \$1,200,000. The total package to the universities will be \$5,700,000 including the income fund surpluses that we find are now available. I'd be happy to answer any questions about the amendments, and I would move the adoption of amendment number one to Senate Bill 1274.

PRESIDENT:

Senator Gilbert?

SENATOR GILBERT:

Well, I think that Senator Hynes is entitled to have the bill and the funds and the amounts that he wishes. I merely want to point out to the members of the Senate that we also met with the Bureau of the Budget, the representatives of the Governor's office, with the various heads of the institutions and the various representatives of the systems and arranged for certain transfers to be made within the present appropriation which would not require any additional revenue. This was testified by these men here that they could live with this. One of the presidents of one of the institutions testified that he preferred and thought that the advisable thing to do was accept the transfers within the appropriations rather than to put in additional monies because he did not feel that the money was available. The State, as you heard Senator Harris testify the other day, the Budgetary Commission has already anticipated that they will have a deficit of \$40 million dollars at the end of this biennium, June 30, 1972. This is another \$3 million plus that you are adding. Senator Hynes certainly has a right to have the bills in the manner which he wishes. I merely wish to state that under no circumstances will I support this legislation. I do not believe that there is any possibility of it passing. I would only hope that we would get down

to the situation of helping the universities by making the transfers which they themselves say they can live with. They originally were given the right to make these allocations. They now admit that some of the allocations they made were unwise, that they took too much from personal services, from some other areas, from the libraries and all. They are agreeable to the inner transfers within the present appropriation, and I urge that that be the final action that we take on this, and I certainly am not going to vote for these bills in this form or any other amended form that calls for additional appropriations from the General Revenue Fund.

PRESIDENT:

Is there further discussion of the amendment? Senator Hynes?

SENATOR HYNES:

Well, in response, Mr. President and members of the Senate, to Senator Gilbert's comments, we did hear extensive testimony, as I indicated, from the presidents of the universities involved. And it was the consistent testimony of these men that the items involved in the transfer bills with the exception of those that are in this proposal that we have now were essential capital items, and that, if faced with the choice of giving up essential capital or essential operational funds, they would give up the capital. So, it is not a question of the money being a surplus, being unneeded. It is simply a question of deferring until next year at a greater cost something that must be done. And I think that testimony was consistent from every witness that came before the Committee, with the exception of these items which we have included in our proposal here, amounting to \$1,200,000.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I agree with the statement that Senator Hynes has made. I did not mean to infer that there was any surplus that these funds were being transferred. This is a transfer within; this is an opportunity that they had. These institutions even needed more money according to their requests. They originally asked for \$815,000,000, and I'm sure that they would have testified and did testify before the Board of Higher Education that all of those things were essential. I am sure that the funds that they are asking for, they would be glad to have additional funds, of course, they would be glad to have \$50 million dollars if we could give it to them. We can't. We have to face the realities, and that is why I am opposed to any additional appropriation from General Revenue.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President, I would ask Senator Gilbert if he will respond to a question.

PRESIDENT:

He indicates he will.

SENATOR CHERRY:

Senator, as I understand your concept of the analysis of this bill, you're saying that the concept is agreeable, but because of lack of money, you can't support it. Is my statement approximately correct?

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

No, I'm saying that this calls for additional revenue to be appropriated, and I am not supporting that concept. I am supporting the concept of transferring the funds within the present appropriations, transferring from contractual services, transferring from capital in-

provement, from whatever they find it is desirable to transfer within the present appropriation. I am opposed to the concept of any additional money being appropriated from General Revenue to the institutions of higher learning.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Apparently you do not disapprove of the fact that the monies requested in this bill are necessary?

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I do not think additional money is necessary. No, I think that there should be a realignment or a reassignment of the priorities within the present appropriation. I think that. But, I do not think there should be additional money appropriated. No sir, Senator Cherry, I do not.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I would like to add just this one more comment. Of course, we feel that this money is necessary, and I would suggest to the members of the other side that just within the past two weeks we passed the non-public school aid bill appropriating \$30 million and one half, \$30,500,000. At least two months has already gone by, so it is obvious to, I am sure everyone in this body, that at least \$5 million dollars is presently available from that lapsed appropriation or that appropriation which will lapse as a result of the period of time that has already gone by until this bill goes into effect. This bill cannot go into effect simply because there is a court test that are

taking place, and properly so; but from the accounts that I read in newspapers, I think one of the newspaper reporters in this sitting, in these halls, reported that it could be at least one year before this money will be available for the non-public schools after the court tests are determined. I don't share that opinion. I don't think it will take a year, but my opinion is that perhaps at least six months will pass. If six months does pass, we will have a lapsed appropriation of \$15 million and a quarter from that one particular appropriation that we made. Now under those circumstances, I think that we should use that money. I don't think that when you talk about priorities, I think we must establish our higher education among others our welfare cuts, and our mental health cuts and health service, and so forth, hospital services. I think those should be the priorities, and I think that the money is there. I think at least \$15 million dollars will be there because of the comments that I've just made on the non-public school aid. So, I can't conceive of anybody getting up and crying poomouth at this particular time when we've got at least \$15 and a quarter million dollars to restore for people's needs, and particularly among the youngsters of our state that are attempting to get an education, which I think is so vital and necessary.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

I would like to add another comment to what Senator Cherry has said. And I don't want to be accused of belaboring the point, but I think it's important to keep in mind the fact that in the last session we chopped \$155 million dollars out of the budgets for these colleges and universities and we brought the level of funding down to

to a point where it was agreed. The bills passed out unanimously. It was agreed that this was an appropriate level of funding for the state colleges and universities. The Governor saw fit to reduce these appropriations by an additional \$55 million dollars, which in the area of operations for example, left the senior established universities with \$10 million less to operate on this year than they had last year notwithstanding inflation and other rising costs. We proposed upon our return last month, to restore \$22.3 million of that money. Thus far, we have been unsuccessful in those attempts and this is the final item in the package which amounts to \$3.1 million from General Revenue, and we are still met with the argument that the money is not available. In addition to the funds that Senator Cherry referred to, we also, in our initial attempt to override the Governor's reduction veto, pointed to nine specific earmarked funds which would have a surplus at the end of this fiscal year of \$30 million, including the Agricultural Premium Fund, the fund for Illinois colts, and so on, and we have not yet had a refutation of the fact that money is available. So, I say that we have done everything possible to reduce the appropriation. We are now at \$3.1 million from General Revenue. I think it is a very reasonable approach, and I would urge the adoption of this amendment.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I hate to keep talking back and forth and every time one of us says something the other has some reply to make to it. But, I think some of Senator Hynes' comments deserve an answer. In the first place, the Governor in his budget message stated what had been allotted to Higher Education according to what he felt was within the budget of the State of Illinois, so that we could not have deficit spending. That figure is the figure that he used on the basis of his reduction



in the appropriation. The tuition increases which he put in his figure were not allowed because of the action of this body; and therefore, there was no appropriation for them. One or two of the institutions, that is one system in one of the institutions did put in a tuition increase. They have not had any authority to spend it, and therefore, it does not help any with their present problem. These institutions were called in. It has been stated before many times. They were told in May, not after the Governor reduced it in August, whenever he signed the bill, but in May what their amount would be for each institution. The University of Illinois, \$213 million; Southern Illinois University, \$77 million. They established the priorities. They are the ones that knew what the problem was then. And, this money is not available. If we have these additional funds, and I hope we do have them, if we have the \$15 million left, we wouldn't even have the \$30 million, Senator Cherry, if you hadn't introduced the bill, because many of us feel that it never should have been put in, that that money should have gone to public school education, and therefore, we would have had more money for the universities and for the common schools as well. But, it was in, it's done, but if that \$15 million should be available and if we have \$25 or \$30 million from other funds, then maybe the state will not have a \$40 million dollar deficit. Maybe we can come out of this with a balance of at least zero instead of a deficit.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, I just want a point of inquiry. After Senator Cherry's comments, I wonder if it would be proper for Senator Cherry to introduce a bill to take \$15 million or so out of that parochial aid bill and appropriate it into higher education. If that's what

he is interested in doing and saying it's not going to be available,  
I think he might get a lot of support for that, Senator.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I regret that I couldn't get your comments, Senator Latherow,  
I'm sorry. Could we have some order here please, Mr. President.

PRESIDENT:

Senator Cherry, I think you were the only one out of order.

Senator Latherow.

SENATOR LATHEROW:

Senator, I made an inquiry of the Chair wondering if this money  
wasn't going to be expended in the parochial aid legislation, why it  
wouldn't be proper then for you to introduce a bill reducing that  
appropriation and transferring it over where it could be used in  
public higher education.

PRESIDENT:

Senator Cherry?

SENATOR CHERRY:

Senator Latherow, we don't need to reduce that appropriation.  
We did appropriate \$30,500,000, its obvious, I'm sure it must be  
obvious to everyone sitting in this hall and chambers that there is  
a lapse period already existing of approximately two months or one  
sixth of the year. We appropriated \$30,500,000 for one year. It's  
obvious that that money cannot be spent. We don't need to reduce  
that at this time. We simply will have to have a new appropriation  
at the time the courts finally determine the issue. If the courts  
find these bills are constitutional, we'll have the remainder of the  
year...whatever proration will exist at the end of the year. So I  
just can't see how anyone can't understand. There will be a lapse  
and we don't need an appropriation. We're trying to get an appropri-  
ation here. That's precisely what we're doing for the higher educa-  
tion program. That's what Senator Hynes' amendment proposes. We're

talking about money that can't possibly be spent and that's where to get the money from, in addition to the areas that Senator Hynes just mentioned.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

What bothers me, Senator, is you've convinced me that possibly there's going to be money left, but what bothers me too is that just two weeks ago, if my memory is correct, we passed this bill. Why if the money wasn't going to be necessary to be used then to reduce that particular appropriation on that bill at that time so we wouldn't pass \$30 million and lock it up in an area where it's not needed.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Latherow, I couldn't presume the future actions of whoever has the responsibility of dispersing the money...I'm talking about the Superintendent of Public Instruction of this state. Ah, since the passage of the bill and the signing of the bills by the Governor, lawsuits have been commenced and our State Auditor is not spending any money out of that appropriation. We couldn't be aware of the fact until it actually happened. I wish we could foresee the future so that we could conduct ourselves accordingly, but it is impossible to do so where court litigation has commenced and certain state officials take the position that they should not, and would not, make any disbursements out of that fund.

PRESIDENT:

Senator Rock. Excuse me, Senator Latherow.

SENATOR LATHEROW:

Well, I just wanted to state, Mr. President, I think we could argue this back and forth all afternoon if we were in mind to, but

I don't think there's a person on this floor that didn't project the possibility there were going to be lawsuits to tie up these funds...so I won't carry it any further, but I think that we recognized two or three weeks ago that the money wouldn't be needed.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

I move for the previous question, Mr. President.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. Motion prevails. Do we desire a roll call on this or is division satisfactory. Will Senators be in their seats. Two requests for roll call. The Secretary will call the roll. This will be on amendment number one to 1274, and as I understand Senator Hynes, this roll call can apply to all the amendments. We've had request for roll call and the Secretary and Chair have no choice in the matter. 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, I'm voting aye on the amendment as I stated, I think Senator Hynes is entitled to have the bill in the manner in which he wishes it. I wish to make it very clear that this is not any indication that I will support the bill. In fact, I will vigorously oppose it.

SECRETARY:

Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

I'm going to vote aye...I'm not going to vote for this bill under any circumstances, but I'd like it, whatever its fate may be, to be for less money than it was originally introduced.

SECRETARY:

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. On that question the yeas are 34; the nays are 12. The amendment is adopted. Third reading...1275...Senator Hynes.

SENATOR HYNES:

Is that the same roll call on all four bills?

PRESIDENT:

We can just have a voice roll call on the remaining amendments if there's no objection. All in favor of the adoption of amendment number one on 1275, indicate by saying aye. Contrary minded. The amendment is adopted. 1276. All in favor of the adoption of the amendment on 1276, indicate by saying aye. Contrary minded. Amendment adopted. 1277. All in favor of the adoption of amendment indicate by saying aye. Contrary minded. Amendment is adopted. Do you wish to call the bills at this time, Senator Hynes, then?

SENATOR HYNES:

Yes.

PRESIDENT:

1274.

SENATOR HYNES:

I think the issue has been discussed in connection with the amend-

ments. I simply ask for a roll call on the bill as amended. I might make one other point. It is within the power of the Governor at any point during this fiscal year to restrict expenditures of capital, and if he chooses not to go along with our decision, he has the power within his office to enforce his own decision. I ask for a favorable roll call.

PRESIDENT:

Secretary will call the...Senator Gilbert.

SENATOR GILBERT:

I just want to call it to the attention of the members of this side of the aisle that the Governor, and I talked with him as late as this morning, does not approve of any additional appropriation from General Revenue for higher education. I would like to point out that between the members of the various institutions and their governing bodies, the Bureau of the Budget, some ten days ago, a program was worked out whereby the critical problems of salaries, increases not only for the faculty, but for the civil service, the restoration of funds for the libraries, could be made within their present appropriation without reducing the quality of the education of these institutions and that this is the program that should be adopted. There are 29 votes on the Republican side of the aisle. To do this, we need six from you to make it possible for these people to get their increases, which they could have gotten originally had the institutions themselves not established a priorities in the manner in which they did.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I had not planned to get into this debate and certainly had not planned to mention the Governor's name, except that it has been men-

tioned that he had a conversation with someone this morning concerning this matter. I am given to understand, and I think it's shameful, frightfully shameful, that the bills under consideration in their final resting place depends in a large measure on our submitting ourselves to the further will of the Governor in the context of abiding another bill in which he is vitally interested. That bill relates to giving the Governor the power of appropriations of this legislature. It gives him the power to transfer from fund to fund with a lei payment due in six months which would give him, in fact, the function of appropriations to which this Legislature is, and has, over the years addressed itself. In the first instance we have now found ourselves under the new Constitution with the kind of veto power which gives the Governor the right to write legislation. You can sit here and argue and lustrate, and cogitate what ought to be in a bill. You can hammer out in careful slow, painful detail what you think the adjectives and adverbs ought to be in a bill, and then find with a stroke of pen that the Governor can rewrite the bill under our present Constitution. Hence, we have deprived ourselves under the new Constitution of a very basic function of the legislature, which was to write legislation. Now he desires to write appropriation bills and measures and handle the State's dollars in a way which is in his own best interests. I, for one, will not sell; I, for one, will not trade; I will not barter that fundamental legislative right to win this or any legislation. And let me make it absolutely certain and clear that our position on that bill, which gives the Governor the right not only to write legislation, but to handle the dollars in any way he so desires in this state has not my approbation, has not my approval and it has absolutely my displeasure. And if any attempt is made to deny the people of this State and their university system these funds on the basis that we will accept that transfer bill, let me say to you now so there will be no mistake about it, so there will

be no question about it, that we simply are not going to deprive ourselves of an additional legislative function. It seems shameful to me that this kind of a proposal as now suggested, which is a much smaller amount than originally planned, a last chance, last ditch kind of approach, to helping these universities is to be further rejected. I plan to support this bill. I'm going to support it with all the fervor that I can muster.

PRESIDENT:

Senator Clarke...Senator Gilbert.

SENATOR GILBERT:

I would like to state to Senator Partee that in no conversation that I have had with the Governor or the Bureau of the Budget, has the question of any other piece of legislation become involved in this issue. Now, if it is, it is something that has never been called to my attention. It may be some legislation that the Governor is interested in. We had the bill, ah, I believe in the last session on that very issue. But this bill has nothing to do with that, as far as I am concerned, and the position that I have taken in it. And whenever Governor Kerner was presiding in this State, in the field of education, we went to him frequently, Chester Wiktorski, Chairman of the School Problems Commission, always consulted with the Governor and Senator--ah, Governor Simon here was Senator at that time, also knows of this, that we went to him and talked to him about what money was available for schools. In 1963, we felt--the legislature felt in its wisdom, that we should increase the foundation level from 252 to 290 dollars for the common schools. This amounted to \$30 million. Governor Kerner vetoed that bill on the basis that their funds were not available. There was no human cry at that time from the Legislature to say that the Governor was not being fair with education. There was no attempt to call us back here to override his



his veto. No one even talked about it or thought about it. We felt that the Governor should have that prerogative. He did have it and in this instance the Governor told us in his budget message what was available for education in his opinion, and, ah, the fact that we have appropriated the \$56 million or \$55, whatever it is, above the amount that he recommended was for a very simple reason. All of us know it. But in the event between June and August or September when he signed the legislation, if there had been a change in the economics situation; if there had been additional funds available to be allotted to education, the vehicle was there. If we had only appropriated the amount which he later ended up with and there had been additional funds, they could not have been used because there was no appropriation for them; and the Governor cannot pass appropriations himself and I do not see how that bill should enter into this bill at all.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Well, I certainly share Senator Partee's concern about that the effect of the new Constitution upon the powers of the Legislature. But I think we've already left the barn doors open and the cows are all out. When we permitted the Governor to rewrite three bills dealing with a very delicate subject, to rewrite them in toto, except for the title, we gave ascent, I would suggest, to the Governor's power to legislate. Be that as it may. It seems to me, and I suggested this earlier, the universities have it within their power to reorder their priorities in anyway they want. I would suggest that a compromise has been offered in the way of certain bills which could permit --would permit the power of transferability. I don't think they're essential; I don't think they are necessary. They may help the universities, particularly those Johnny Come Latelys' who now want the transfer power because they

thought that this Legislature would buckle down to their requests, their demands, in fact. If those bills don't pass, I'm frankly not disturbed. I simply think they might help those universities who thought that by making us knuckle under, they could make us do their will. I am not sure in this body who's will I'm doing some days, the universities, the Governor's; sometimes I think its time that we exercised our own will.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Groen. Senator Graham. I'm sorry.

SENATOR GRAHAM:

I, ah...before I cast my vote on this bill, I was sort of surprised to hear some of the fellows speak with amazement regarding the fact that some of our Senators had talked to the Governor as late as this morning. I think the only difference is that we admit it. I'm not sure the gentlemen on the other side do when they talk City Hall. I vote no.

SECRETARY:

Groen.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, just a word of advice to the University of Illinois. If they need money, I'd suggest they start raising it by selling their DC6. I know of no time that I have ever seen a line appropriation in a budget request to the University of Illinois for funds of that kind.

It really wouldn't handicap them much, it would still leave them some 64, I believe by last count, aircraft in which they can cavort around the state and over the country. This is an almost insidious request, and if it was motivated by them, shame upon them. I vote no.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators, voting against this kind of bill is pretty much like voting against any one of the more select of the Ten Commandments. However, this ought to be a very salutary, if not catastrophic or staggering lesson to us when we contemplate that \$1 billion \$2 hundred million is being disbursed for what has been called welfare. I told Dr. David Henry four years ago and two years ago that the greatest enemy to the appropriation for higher education was welfare. I understand the cupboard is bare, gentlemen. There can be no more welfare unless we appropriate deficiencies. It is regrettable that \$1 billion \$2 hundred million for welfare in this state makes it impossible for us to satisfy higher education, common school education, and mental health. But until we do something with the real troublemaker, we're going to have to keep cutting and cutting, and cutting until all of us can qualify in any hospital as a surgeon supreme. I vote no.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT.

Senator Weaver.

SENATOR WEAVER:

Mr. President and members of the Senate, I would like to get one thing straight. The University of Illinois does not have a DC6. They used to have a DC6 that was given to them. But, they traded that DC6 for two other airplanes, so let's just forget about the University of Illinois and their DC6. I offered to give it to Bernie Neistein last year. I got home and I found out they had traded it for two other airplanes; Bernie, and I made my apologies when we came back this fall. I have continually supported the restoration of funds to higher education. I was very disappointed in the Appropriation Committee the other day when they refused to allow the transfer bills to be voted favorably out of Committee. If I had any assurance or thought that this bill would be passed and not vetoed or line item reduced, I would support it. I vote no.

PRESIDENT:

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

SECRETARY:

Arrington, Baltz, Bidwill, Carroll, Chew, Davidson, Harris, Latherow, Ozinga, Soper.

SENATOR HYNES:

Mr. President, I would move to postpone consideration.

PRESIDENT:

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

SENATOR HYNES:

I accept the same roll call on the other three bills and move to postpone the consideration on those rather than take the time of the body to go through a roll call.

PRESIDENT:

We can't accept the same roll call unless there is a agreement in advance under the new provisions. And, ah, Senator Hynes, why don't

you just leave them on third reading, the other bills. I think that... is satisfactory? 1292, Senator Lyons.

SENATOR LYONS:

Ah, Mr. President and members of the Senate, Senate Bill 1292 is, ah, a bill, the purport of which is to exempt from the personal property tax, the incidence of the personal property tax, all property except that property which under the federal income tax code qualifies for depreciation or for federal income deduction; in short, income producing property. Now, ah, Senator Donnewald has an amendment, which we discussed for some short duration yesterday, the thrust of which is to remove or exempt, if you please, from the personal property tax roll the first \$5 thousand of income producing property used in agriculture. I am going to ask that this bill be brought back to the order of second reading so that amendment can be acted upon.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Well, I believe we are back on second reading now, Mr. President.

PRESIDENT:

The Chair was talking to Senator McCarthy here--

SENATOR DONNEWALD:

I noticed that, Mr. President.

PRESIDENT:

We, ah--

SENATOR DONNEWALD:

Now we discussed this at length, and at Senator Laughlin's request I held this amendment until he could review it and look over some statistics. And I do offer that amendment now to Senate Bill 1292.

PRESIDENT:

1292 is brought back from third to second reading. Senator Donnewald offers Amendment Number Two and that is the proposition before us. Senator Laughlin.

SENATOR LAUGHLIN:

Just very briefly I am going to oppose the amendment and I would like to state why. I have gone over the figures and the staff has gone over the figures, and the statistics which Senator Donnewald so graciously supplied me with, and I just make this comment.

I said yesterday that if you were going to give the farmers anything \$5,000 was a sop. Now the figures based on 25 selected farms shows that the average personal property assessment was \$10,000. I think the fact of the matter is, and this has been checked with the Illinois Agriculture Association this morning, that the one survey that is available, I believe was in Sangamon County where it was concluded, that a conservative average was \$20,000; and in many instances, I am satisfied in my own community, that it is higher than that. There are 123 thousand, 500 farms and these statistics are based upon 25 selected farms. If you are going to help somebody, you are going to help somebody. I would also point out one other thing and then I will conclude. Ah--I do have grave reservations about the constitutionality of this approach, and I think anytime you go to define farming--it says stock farming, dairy farming, poultry farming, fruit farming, truck farming--the first obvious omission there was pointed out by Senator Gilbert to me yesterday, and that is we have many people who do nothing on a farm and they do it for work and for profit. They're grain farmers--that is all they do. There is no stock. And I mention this to point out to you that this is what you get into when you attempt to define what is a farming operation. I don't intend to vote for the bill whether the amendment passes or not, but I do speak now in opposition to the amendment.

PRESIDENT:

Is there further discussion of the amendment? The amendment.  
Senator Horsley.

SENATOR HORSLEY:

Well, I certainly concur in what Senator Laughlin has said. I also discussed this with the Illinois Ag Association and also with my local farm bureau people. \$5,000 is not enough, but you also have the problem of defining used. Now lets take for example--lets take for example a doctor. Now there are many doctors who have x-ray equipment, who have very expensive libraries in their profession that are used. Many of them. You take doctors where three or four or five maybe practice together. They may have \$30 or \$40 thousand dollars involved in their equipment and libraries. You take the average law firm. The lawyers around this room know what we are talking about. We are talking about a library and that library is used, personal property used to produce income. So you're saying that every lawyer is going to pay, but if he farms he doesn't have to pay. Now I want to be for this bill, but I want to see it amended to just simply say that the first \$20,000 of personal property is exempt period, without trying to define what it is used for, rendering the bill very questionable; and I think that would be perfectly constitutional to have an exemption and exempt all personal property. Now I am not one of those who went about this state saying that we ought to repeal the personal property tax in total. There are many people who go around advocating that and they don't know what they are talking about because when you let your big corporations off with all the machinery and equipment, there is millions of dollars that go to school districts that is going to have to be raised by real estate taxes. So I think that in the sake of uniformity, I would like to vote for this bill, but I can't vote for it with this amendment on it. I would like to see it called back and just simply have an exemption of a flat amount for all personal taxable property. You will eliminate any constitutional problem. You will eliminate

any legal aspects. You will treat everybody fair and square and alike, and I think it is the only decent way to handle it.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators, it was I, and I say this in my usual self-effacing modesty, who called the attention of this Chamber several years ago that the Governor's road tax bond issue was unconstitutional in its entirety. I made a further observation two years ago with respect to the disparity between the corporate and the individual personal property taxpayer's duty. Now again, I would like to call attention of the Chamber a portion of the 14th Amendment of the United States Constitution, which is a supreme law of the land. In furtherance of the contentions made by both Senators Laughlin and Horsley, it says nor shall any state deny to any person within its jurisdiction the equal protection of the laws. Now I happen to be one who is not to enamorate with the 14th Amendment because it has caused a lot of trouble. But the 14th Amendment, the equal protection portion, which is the last clause in the first paragraph of section one, does not permit you or me to distinguish between fat people, lean people, brown eyed people and blue eyed people, corporations and individuals. Now when Senator Horsley says an exemption would be proper, I could certainly support that. But once we start distinguishing between the classes of persons--P-e-r-s-o-n-s--and that is what it says, nor deny any person the equal protection laws, we are just putting this into some court to tell us how foolish, how silly, how semi-illiterate the lawyers in this Chamber were.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, as one who does not plead guilty to being illiterate or



even semi-illiterate, Senator Sours, and as one who has seen some evidence to the effect that you don't qualify for your distinction either, let me commend to you the opinion of the Illinois Supreme Court which, ah, held unconstitutional the referendum passed last November. I will only say that as brilliant as your rhetoric was, neither the Illinois Supreme Court nor the Supreme Court of the United States agree with it. I will admit that these are formidable adversaries when you are talking about the constitutionality of a bill. They said, the Illinois Supreme Court Justice Schaefer writing, quotes Justice Brandeis, whom you may recall sat for some time on the Supreme Court of the United States. Justice Brandeis, quoted by Justice Schaefer, writes you can distinguish one from another so long as the basis of distinction is a reasonable one. The phrase is reasonable classification. That is what the equal protection clause means. With particular emphasis in reference to this bill, Schaefer quoting Brandeis writes, therefore, you cannot distinguish simply on the basis of ownership, but you can distinguish on the basis of use and that is a constitutional distinction and admissible classification. That is the law, never mind the rhetoric of it, that is what the law is. This bill is perfectly constitutional. What it does is set down in statutory form the opinion of the Supreme Court of the State of Illinois. That is why the bill was filed. Now with reference to the use of the term, use. The term, use, is used because the Supreme Court has said that to distinguish by use is an admissible distinction. It is not discriminatory; it is not illegal; and it is not unconstitutional. It is a perfectly reasonable classification and had this body distinguished on the basis of use, rather than on the basis of ownership when it voted by a two-thirds majority to take the personal property tax off individuals, we wouldn't be in the mess we are in today. Everybody wants the personal property tax taken off

the individuals, at least the voters do. They voted seven to one to do it. That is what this bill is designed to do. But you cannot define them as individuals. What you really have to do is define them as wage-earners--people who do not use their personal property for the production of income. So, if a law library or an x-ray machine, or an farm implement is used as a basis of a federal income deduction, it remains on the roll under this bill; and why not, it generates more wealth for its owners and it should. But the family car is off, the bed is off, the couch is off, anything laying around the backyard is off, because it is not used for the production of income. Now that is an admissible, reasonable, legal, constitutional, if you please, distinction. That is the whole idea of the bill; that is why it was filed. With reference to the question, therefore of use brought up by Senator Horsley, it is not accidental that the bill was drawn this way. It was drawn this way so that it would be legal and constitutional, and follow the mandate of the Illinois Supreme Court. I must add, though, Mr. President, that we are talking about the merits of the bill at the moment and not the amendment. I would like to hear what Senator Donnewald has to say in response to some of the representations made by the other side with respect to the amendment. I am going to support the amendment for this reason. The bill was designed to get the wage earning taxpayer off the roll. The wage earning taxpayer can be equated to the farmer who has the small farm. Neither of them are rich people; neither of them dispose of a lot of property. They work for a living. The first \$5,000 of assessed valuation for farm personal property used in the production of income, therefore, \$5,000 worth, will give some measure of relief to the small farmer. That is what it is designed to do. We're not interested in wiping off the roll the personal property of the millionaire farmer. He doesn't need that much relief. The ones who do are the small farmers and the wage

earners, and that is what this bill and this amendment are designed to effectuate.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Coulson.

SENATOR COULSON:

Well, Mr. President, there is a further difficulty which ah, Senator Horsley averted to, but from which I draw just the opposite inference. Any time you appraise a personal property tax exemption in terms of dollars, you are going to sooner or later have to insist upon honest personal property tax returns by the taxpayer. That means that this little farmer that we speak of with these crocodile tears, we are going to exempt his plow, but we are going to make him list all of his stocks, all of his mortgages, all of his money in the savings account, all the intangibles which up until now we have allowed him to cheat upon. We will exempt then his plow, and tax him at the usual real estate rate of 4 or 4 1/2% on the savings account money in the bank, which is only drawing 3%; and all of you, I predict, if this bill passes, will join me in the Senate Alumni Association one year from now.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Knuppel.

SENATOR KNUPPEL:

Well, I personally want to see personal property tax completely off everyone. I do take exception, unfortunately, to some of the remarks on my Senator--my fellow Senator on this side of the aisle. I submit that I live in a rural community where the average farmer owns \$30, to \$50,000 worth of machinery and livestock. He is no millionaire. I have practiced there for twenty years and I have handled an average of twenty-five Probate estates a year, and I have only handled one million dollar estate, and that was a man who had been a manufacturer before he became a farmer. There are no million-

aire farmers and these men work long hours. I submit that most of the people in this Chamber would do well if they patterned their hours after those farmers who own \$30 or \$40,000 worth of machinery. Now, I am going to vote for this because it is at least a half a loaf, but I will say this; that unless we get this bill in shape and I am going to say it and I have said it before, I cannot support this legislation for several reasons. It does not take into consideration the mandate of the 1970 Constitution which calls for a replacement tax. To remove personal property tax in this manner without providing for a commensurate replacement makes this bill unconstitutional. The entire bill depends upon its efficacy for a following constitutional amendment, which would, in some way--which would in some way change or eradicate that provision in the constitution, ...which was adopted in the Constitutional Convention that said all personal property taxes would be abolished by 1979. Therefore, I say why take and spend our time in argument on useless language, oratory and dialogue. Why not--why not work out a bill here and now which accelerates the date for the abolition of personal property taxes that we all can buy and be rid of. I will vote for this amendment, but this amendment does not go nearly far enough to protect the people whom I have been elected to represent in this Chamber. And it will not solve the problem. There is nothing that can make me support this legislation, and I will not be able to support this legislation when it comes forward. I would submit that this was passed too rapidly through Committee. It did not receive the consideration that it should have received, nor did it take in the consideration the rights of those of us downstate who represent rural areas. And this amendment does not solve that problem. I say that there is hardly any farmer--hardly any farmer who doesn't have twice as much personal property as is listed or would be affected by this exemption. Now,

I say, too, the logic is bad that says we are going to tax the very thing that produces the income tax. It ought to be the other way around. Just because this produces tax already once, now we're going to tax it again. I submit that this is not good logic. Now, gentlemen, take the bid on both sides of this aisle. I don't care for either bill. Let's remember that you have got to have thirty votes. I won't vote for the Republican proposal that has been introduced or can I vote for this one. Neither of these bills meet the standard or the mandate of the 1970 Constitution nor its intention. Nor do they meet the mandate of the people as evidenced by a vote of seven to one to abolish personal property taxes. Now that is what is wrong with the Republican version. It forced all this. It piddled along until 1979, taking off a little bit at a time. It does not honor the mandate of the voters where they called by seven to one of a abolition now of personal property taxes. Now let's recognize that that's what the people asked for; that is what they voted for; and we're merely their representatives. On the other hand, let's don't go back and try to take out of the Constitution something that they are overwhelmingly in favor of, and that is the abolition of personal property taxes; and let's not remove by Constitutional amendment that provision that says we will abolish personal property taxes by January 1, 1979, and leave it in the hands of the Legislature at anytime they care to, by legislative fiat, to change that. The people want that Constitutional protection. Lets give it to them.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Soper.

SENATOR SOPER:

Ah, Mr. President and members of the Senate. Now, I heard Senator Lyons talk about this was voted by the people seven to one. I dare say that if we put down any tax on a referendum, that the people would vote seven to one to abolish the tax. That is very

simple. I asked when this was going to be put up for referendum. Why not put up the income tax; why not put up the real estate tax, and I dare say--

PRESIDING OFFICER: (SENATOR BRUCE)

One moment Senator Soper--Senator Donnewald, for what purpose do you arise?

SENATOR DONNEWALD:

Well, we are discussing the merits or demerits or whatever you want to call it of the amendment, not the bill. We are trying to get the bill into shape for you to discuss the bill. But, I think the proper time to discuss that is on the third reading and not now. Let's debate our amendment, which has to do Mr. President and members, with the exemption to the assessed valuation of \$5,000 or less to the farmer.

PRESIDING OFFICER: (SENATOR BRUCE)

We are on the amendment. Senator Soper.

SENATOR SOPER:

Yes, I understand that, but now, Senator Donnewald, I know you are a fair man and you have a big heart that is made of granite when it comes to allowing me to say something, but ah, why didn't you stop Senator Lyons when he made the remarks that he made about what the people did? I am just trying to talk about this thing. I will get to your amendment. Now, what do you do, now you're going to take some personal property tax off. This is a local--this is a local thing. Assessed valuations are necessary and either you put them on the real estate or the personal property. Nobody tells us how you are going to supplement this loss of income for these people, for the schools, for the municipalities and for the county; and that goes to the heart of your amendment. All of these things are foolish, ... and you are just ... and we are just trying to fool the people. You take a tax off, but what are going to do to supplement that income? What are you going to tell the schools and everybody else that needs this money? I think that this is ridiculous to

even discuss this thing unless you come around, as Senator Knuppel says, and replace this with another tax. Let me see you do that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Clarke.

SENATOR CLARKE:

Well, Mr. President, I just want to suggest that speaking to this amendment, as has already been set, \$5,000, even if it were constitutional, which I question, is inadequate. The farm association suggests that this is a pittance; it will not help many of the farmers and I would recommend that the people on this side would vote no and defeat this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Donnewald may close the debate.

SENATOR DONNEWALD:

Yes, Mr. President and members of the body. Very briefly in discussing this amendment, ah, in answering some of the positions stated on the other side of the aisle and on this side, as to, ah, Senator Coulson's remark about cheating, I am of the philosophy, Mr. President, that I don't think everybody's a cheat. If we go on that concept, our country and our state and local governmental units are in one real bad shape. Now, as to Senator Coulson--Senator Laughlin's remark as to the average size farm and the amount of equipment, he dealt with Sangamon County only, and Mr. President, I would like to have some order.

PRESIDENT:

Senators be in their seats. Just a moment. Let's get the order you requested.

SENATOR DONNEWALD:

Now, time and time again, and I want to continue here, the average taken in, ah, I think Senator Knuppel mentioned his own county and Senator Laughlin mention Sangamon County, but Mr. President, the sta-

tistics, which I gave Senator Laughlin, are a cross section of the entire state of Illinois, exclusive of Cook County. Now the average, Mr. President and members of the Senate, the average size farm in Illinois in this cross section, which covers many counties, twenty-five to be exact, and reflect I think a fair average, says that the average farm in 516 acres. The equalized assessed, now remember the equalized assessed valuation---

PRESIDENT:

Just a moment. Let's...I am not sure anyone is hearing you right now, Senator Donnewald. Senators Carroll, Smith, Saperstein, Representative Mann. Senator Ozinga, let's maintain some order here. Senator Donnewald.

SENATOR DONNEWALD:

The equalized assessed valuation on this average farm from this cross section of 25 farms throughout Illinois, is \$10,123 on the personal property of that farming unit. The tax on that--the average tax throughout the state of Illinois on equalized assessed valuation of that personal property, is \$373.43. Now, I would say to you, Mr. President and members of this body, that this 516 acre farm embraces more than 70% of the farms in the entire state of Illinois; and when we give this relief of more than \$250, at least that or more, we are giving a great deal of relief. But in addition to that, Mr. President, oh--I wanted to comment also about the error in the description that I think Senator Laughlin mentioned that Senator Gilbert made to him yesterday, the business of farming is, ah, Mr. President, that particular definition is taken from the IRS and the grain is automatically in the definition. The further farming of stock farming, dairy, poultry and fruit farming are included to, and truck farming, to be sure that they are not omitted, but grain farming is basic. So I answered that. Now let me answer in closing. Very briefly, Mr. Presi-



dent, and members, this may not be a big stop--a big step in, ah, the personal property tax problem, but it is a step. You have to crawl before you walk. When we take a meat ax cut, and I mean a meat ax cut of \$20,000 of the assessed valuation of all personal property throughout the state, you are talking about cutting from local governmental units, counties, townships, cities, and so on. You are talking about nearly 50% of the revenue they have coming in now. Where are they going to get it from? They are going to have to get it, Mr. President and members, from income tax--did you hear that--income tax or even worse than that, real estate property tax. Now we have, we are mandated by the Constitution to replace these revenues that we take away by eliminating personal properties. This is a step that we can take right now. Find out where we are going. If the step is too small, we can increase it; if it is too large, let's reduce it. With that I would move, Mr. President, that we adopt the amendment.

PRESIDENT:

The question is on the adoption of the amendment. 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.

PRESIDENT:

Hall aye. Davidson no.

SECRETARY:

Horsley, Hynes, Johns, Kruepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President and Senator Donnewald, I am a little confused in a definition here, possibly. Where you said, but does not include the cultivation or operation of a farm for recreation or pleasure. Ah, where do we come in on that?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

That is commonly referred to as hobby farming, Senator.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Am I farming for a hobby, I wonder?

PRESIDENT:

Senator Donnewald:

SENATOR DONNEWALD:

Well, I would hope that you are farming for a living, Senator.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

How are you going to make that determination though? Somebody says well this is your occupation and then you have the second one. Just like I might say possibly you are a attorney by hobby. Because this is your occupation.

PRESIDENT:

Senator Donnewald. Just a moment. Please, can we--

SENATOR DONNEWALD:

There is case law and guidelines by the IRS to give that, to determine the hobby as opposed to the farming for a livelihood, Senator.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Well, I might think on occasions that I am farming for a hobby when I find out my income doesn't come up to my outgo in the operation. Then somebody might say well, he is just farming for a hobby because he is not making any money at it.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

It boils down, Senator, then to a matter of attempt.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

I might suggest that many people at home might say my attempt at farming, while I am down here, is not very active. So I wonder if I am included in that.

PRESIDENT:

Judge Donnewald.

SENATOR DONNEWALD:

As a judge, and not as a member of the legislative branch, which is now the weakest by the way, ah, I would judge that you would be, and I think it's your intent to be, farming for a living, Senator.

SECRETARY:

Lyons, McBroom, McCarthy, Merritt, Mitchler.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate, in explaining my vote when it has been said here that it would be hoped that they were doing this for a living, well coming from the agricultural rural area that I do, believe me, farmers in our area are really in a price

squeeze, profit squeeze, and all we are doing here is handling--  
handing them nothing but a crumb. I just sometimes wonder, you talk  
about assessed values of machinery when one combine alone can run  
\$20,000, the poor stiff has got maybe \$50, \$60, \$70, \$80,000 many  
times tied up in that equipment, and all we are doing here is hand-  
ing him a crumb when he knew very well that he voted out in that con-  
stitutional, ah, election. I vote no.

SECRETARY:

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

PRESIDENT:

Mitchler no. Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President, I just went down and looked at this amend-  
ment a moment ago, and in addition to knocking off people under the  
definition of farming, you have got a lot of what we call custom  
farmers. People who go around and use a lot of machinery that will  
not be exempt under this and they will have to pay on dollar number  
one on the combines, the tractors, and every thing they have. Now  
this thing is so poorly worded that I think it ought to go into the  
select committee on this overall problem of personal property. That  
is where it belongs, and after this is over, I want to make a motion  
for that purpose, and I will yield to Senator Clarke to make that.  
But I want to vote no on this amendment.

PRESIDENT:

Fawell, no. Harris, no. On that question the yeas are ....  
Ozinga, no. On that question the yeas are 27; the nays are 25. The  
amendment is adopted. Senator Lyons.

SENATOR LYONS:

I'd like to move the bill to third reading, Mr. President.

PRESIDENT:

The bill is advanced to Third Reading. We need intervening business...Senator Carpentier wanted to amend a couple of bills. Senator Carpentier, can we take care of you now?

SENATOR CARPENTIER:

Mr. President, I have an amendment to Senate Bill 103. It's an amendment that was asked for by the Department of Revenue and it merely...on page 1, line 19 and 22, by inserting after the word interstate the words or intrastate to clarify interstate against intrastate. It's an agreed amendment and I know of no opposition to it.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye. Contrary minded. The amendment is adopted. Any further amendments? Third Reading. Do you want to call 1002 also? Are there any amendments on 1002? Third reading. 1292, Senator Lyons. Do you wish to... you're not going to call it now? For what purpose does Senator Dougherty arise?

SENATOR DOUGHERTY:

I wonder if I could call 1257 and 1258 now that the amendments have been on the desks of the members clarifying the question whether or what the amendment did.

PRESIDENT:

1257 and 1258. We earlier had an agreement that we would vote on the two bills with one roll call. There was a request over the amendment.

SENATOR DOUGHERTY:

I think that the amendment ... the amendment which did not appear in their bill books, and I concede that the calendar is incorrect. The amendment number one to Senate Bill 1257 provides county ... in the counties, that the County Clerk or the Circuit Clerk will be elected as ... shall be elected as provided by law and shall separately

hold their offices until their successors are elected and qualified. It definitely provides that they shall be elected--the Circuit Clerks-- in each county.

PRESIDENT:

Is there any discussion?

SENATOR DOUGHERTY:

... and 1258 provides for the method of selecting a successor, and interim successor until the vacancy is filled by law.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mr. President, is there an amendment to 1258 also?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Yes, yes.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Senator Dougherty, I have an amendment that was put on my desk to 1257, but what's the amendment to 1258? Does it strike lines 15 through 18? Is that the amendment to 1258?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Lines 15 and 16, that's right ... referring to the Clerk of the Supreme Court and the Clerk of the Appellate Court and it provides that the Clerk of the Circuit Court shall be a ... a vacancy shall be filled by the Judges of the Circuit Court who shall serve until the next election.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Are we going to vote on both bills at the same time here?

PRESIDENT:

That is correct.

SENATOR MITCHLER:

All right, then I ... just ... I want to clarify it in my own mind here. I see on 1257 ... I understand that the only change there is that the Clerk of the Supreme Court shall be appointed as conforming to the Constitution.

PRESIDENT:

Just--just--just a moment. Just--just a moment. Please, gentlemen. Proceed Senator Mitchler.

SENATOR MITCHLER:

All right. Now, if we enact 1257 as amended, the only will be that the Clerk of the Supreme Court shall be appointed by that Court; then on 1258, it has to do with a vacancy in the Office of the Clerk of the Appellate Court shall be filled by appointment by the Appellate Court Judges of the Judicial District in which the vacancy occurs; and also a vacancy in the Office of the Clerk of the Supreme Court would be filled by an appointment by the Supreme Court. Now, it's my understanding that lines 15 through 18 were amended out of 1258?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

15 and 16 are taken out. I passed that; it's amendment two, but it's in your bill book, as you know. 1258 applies only to the Clerk of the Circuit Court and it refers to when a vacancy occurs that the vacancy shall be filled by those judges of the Circuit until such time as an election is held when the vacancy is for a year or more.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

I don't have the amendment to Senate Bill 1258 and I don't see how you can just strike lines 15 and 16 on the bill that I have in my hand. I don't understand this. If I may have a copy of this amendment, please, by a Page; and the reason I ask this, I have a bill, 1265, that's in the Judiciary Committee that provides for the appointment of the Clerk of the Appellate Court. If this takes care

of it, then, I have no need to push my bill.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

May I answer you in this respect, that the Constitution provides under the Judicial Article that the Clerk of the Supreme Court shall be appointed by the Judges of the Supreme Court and the Judges, er... the Clerk of the Appellate Court shall be appointed by the Judges of the various Appellate Courts. That's in the Constitution, and they left it to the Legislature a method of providing a method of election, or selection, or appointment--call it what you will-- of the Circuit Court, and that is what we have done. There's no need for your bill. It's in the Constitution.

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.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Just in the interest of time--apparently if he doesn't get 30, he's going to postpone it--I don't know if there's any problem with this bill. I notice a number of members aren't voting, and I'm just wondering if there's any problem with it that hasn't been expressed. I'm not aware of any. I vote aye.

SECRETARY:

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



PRESIDENT:

O'Brien, aye. Groen, aye. Carpentier, aye. Dougherty, aye. Carroll, aye. Graham, aye. Baltz, aye. On that question the yeas are 44; the nays are none. The two bills are declared passed. 1271. Is Senator Knuepfer on the floor? He's coming right now. 1271.

SENATOR KNUEPFER:

Senator Groen said he had a merely bill earlier today--this is the mereliest of merely's. All that it does, under the Water Commission Act, there were three commissioners appointed by each of the three municipalities and one appointed by the Circuit Court. Because the new Constitution eliminates the Circuit Court appointment this... the bill simply eliminates that one appointment made by the Circuit Court. All other appointments will be made by the municipalities. I think it's a very simple bill and I would appreciate a favorable roll call.

PRESIDENT:

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

SECRETARY:

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

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Mr. President and members of the Senate--

PRESIDENT:

Can we break up that caucus, Senators Groen, Carroll, et. al., right back there, please.

SENATOR MCBROOM:

Mr. President and members of the Senate, I wish Senator Partee would listen to me just a second here. I'm not opposed to this bill and I think Senator Knuepfer recognizes this, but perhaps some of the other members are ... have had this experience also. On these ... on some of these districts that lie within two counties ... and I'm only pointing this out, Senator Partee, so that perhaps next session we can, with the agreement of both sides, we can do something with this, but just recently I was asked to approve, I believe drainage com ... a drainage commissioner appointment, that laid partly in Ford County and partly in Vermillion County.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

There's a great deal of exuberance today, I think, but we just simply can't hear. There's a lot of movement, unauthorized people on the floor and we just can't hear.

PRESIDENT:

The point is well taken. Let's... those not entitled to the floor, please leave the floor. Members be in their seats. Proceed, Senator.

SENATOR MCBROOM:

Well, Mr. President, members of the Senate, I don't want to belabor this or take the time of the Senate, it just seemed an appropriate time to bring this to the attention of the other members of the Senate. Just before we came back into session a drainage district appointment, Senator Partee, in my area came to my attention and it required the signatures of myself, Representative Hood, Representative Washburn, Representative Hamilton, Senator Merritt, Representative Cox, and I believe, Representative Campbell, I don't ... I'm not... and

Democrat Representative Craig, and I don't think of the eight of us that were asked to affix our names and approve of this appointment that any of us knew the drainage commissioners in this district that lays partly in his county and partly in Ford County. It would seem to me that we ought to give some thought the next session of trying to correct this. Maybe the Chairman of the Board of Supervisors in the county wherein the drainage district was originally formed might be given the prerogative to make that appointment. Representative Washburn, for example, was asked to affix his name and the district would lay almost a hundred miles from where Representative Washburn lives in Morris, and it seems to me that some of us ought to give some thought about trying to draw some corrective legislation next session. I vote aye. I just wanted to bring this to your attention and Senator Knuepfer's.

SECRETARY:

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

PRESIDENT:

Merritt, aye. Latherow, aye. Groen, aye. Sours, aye. On that question, the yeas are 43; the nays are none. The bill is declared passed. 1293, Senator Egan? Hold. 1297, Senator Sours? 1301, Senator Newhouse? Is Senator Newhouse in his seat? I can't ... 1301, do you wish to call that? Hold. 1054, Senator Rosander has an amendment. Senator Rosander.

SENATOR ROSANDER:

Yes. Mr. President, I would like to have Senate Bill 1054, which is on third reading brought back to the order of second reading for ... actually for tabling amendment number one which had been adopted and to offer a new amendment.

PRESIDENT:

1054 is brought from third to second reading. Senator Rosander moves to reconsider the vote by which amendment number one was adopted. All in favor signify by saying aye. Contrary minded. The motion prevails. Senator Rosander moves to table.

SENATOR ROSANDER:

I move to table amendment number one.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. The motion prevails. Senator Rosander offers amendment number two. Can you explain the amendment, Senator?

SENATOR ROSANDER:

Yes. Amendment number two sets up an alternative. Actually what I probably ought to explain, and I would like to have the attention of the President Pro Tem, Cecil Partee. Amendment number one which we have just tabled would have extended the dateline from October 1st to December 31st, but that would have opened up the application for a number of districts to more than 43 and I understood that presently there were some 17 applications. What we are doing here in amendment number two, we are restricting this to the school districts which had qualified prior to the dateline of October 1st, but had submitted a proposal which had been rejected at a referendum, although they qualified. And thereby, if they had been rejected prior to the date of October 1st, then we would extend the dateline for this district to December 31st. As I understand it, this has been worked out on both sides of the aisle with the research staff, and it would only affect perhaps not more than four at the very most. Now this matter has also been discussed with members of the Illinois School Building Commission and they have no objection to the adoption of this amendment or to the passage of this legislation.

PRESIDENT:

All in favor of the adoption of the amendment indicate by saying aye. Contrary minded. The amendment is adopted. We'll have intervening business and then we'll get back to your measure, Senator Rosander. 1301. Senator Newhouse is now ready to call 1301.

SENATOR NEWHOUSE:

Mr. President and Senators. This bill is a request for \$94,000 to the Equal Education Opportunities Department of OSPI. It's a reduction in effect for \$150,000 that was originally requested by the Governor in Senate Bill 1213. Now these funds are necessary to provide the state matching funds for federal funds already allocated to OSPI, and they amount to \$107,000. The original amount that was requested has been reduced because: Number one, the Department's scope of activities has been reduced and the amount of federal funds available for this fiscal year has been increased. At the present totals, Illinois will pay 47% of the cost. I would appreciate a favorable roll call.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I rise in support of this legislation. I think it is good legislation. I urge everyone to vote aye.

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, Mithchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saper-

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

PRESIDENT:

Swinarski, aye. Soper, aye. Mohr, aye. On that question, the yeas are 40; the nays are none. The bill is declared passed. 1054, Senator Rosander has explained it. Is there any discussion? The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

On that question the yeas are 46; the nays are none. The bill is declared passed. On page two of your calendar, house bills on first reading. Senator Partee.

SENATOR PARTEE:

Just before this, I have an announcement. I would like the members to listen rather carefully because it changes radically ... it changes radically the schedule for Thursday. The schedule for Thursday now shows a session from ten to noon and then three committees meeting in the afternoon commencing at 1:30. Based on the experience of last week, and based on the desire to save a legislative day, and based on the further desire not to discommode witnesses, we are changing the schedule for Thursday, November 4 as follows: At 9: a.m., Transportation and Local Government will meet at the regular scheduled places;

11 a.m., Judiciary will meet; and at 1 p.m., we will then go into session. The reason for this is that whenever we have committees after the session on what is then the last day of session, many members do not desire to stay and we have very sparse committee attendance, if at all. We're going to have the committees in the morning and the session will start at 1 o'clock. If we follow this schedule, I think then there will be no need for us to have a session on Friday. Are there any questions?

PRESIDENT:

Is there... House bills on first reading, page two. 810 and 811, Representative Sevcik. Is Senator Newhouse on the floor? Senator Baltz.

SENATOR BALTZ:

I think that now we're on this order of business, I might ask permission of the body to have Senator Laughlin shown as the chief sponsor of House Bill 2382. This is a companion bill to House Bill 2379 that Senator Laughlin is the principal sponsor of. I believe Senator Laughlin agrees.

PRESIDENT:

I'm sorry the Chair was in conversation here. Now, Senator Baltz.

SENATOR BALTZ:

Senator Laughlin is the principal sponsor of House Bill 2379. that is a companion bill to 2382 that was assigned to me. I'm asking that Senator Laughlin be shown as the principal sponsor of that bill also.

PRESIDENT:

The journal will so show. On these other house bills on first reading, and then we have one bill with an executive amendment that we have to act upon here. 810, 811, 1967 through 99. Senator Newhouse probably should be shown as the sponsor. We'll tentatively assign it

to him. If he doesn't wish to, we can assign it elsewhere. 2128, 2346, 2347, 3574. Senator Dougherty. 3652, Senator Course. Senator Course.

SENATOR COURSE:

Mr. President, I would like to have unanimous consent to suspend the rules for the purpose of advancing House Bill 3652 to the order of second reading without reference. This is a clarifying amendment. It is requested by the Director of Education and Registration. I cleared it with the leadership on both sides of the Senate and they are in agreement.

PRESIDENT:

Is there objection? Leave is granted. 3690 and 91; 3737, that series will be assigned to Senator Newhouse also. Senator Fawell is recognized in connection with House Bill 1628, concurrence in executive amendments, on page two, the last column, House Bill 1628.

SENATOR FAWELL:

Mr. President and members of the Senate. I won't take much time. I hope that this bill which is the subject matter of an amendatory veto was passed and it's House Bill 1628. This is the so-called impacted area bill which pertains to some ten school districts in DuPage County which lost approximately seven thousand acres of land as a result of the Weston Accelerator coming into the State of Illinois; and I don't want to stress to you that one of the basic reasons why the school districts in this area find that they have such a problem is that the State of Illinois made a contract with the Atomic Energy Commission and guaranteed that there would be no claim against the federal government for any funds in lieu of lost taxes. This bill, therefore, simply states that in the very unique situation where you have the State of Illinois giving land to the federal government, and this would apply to the Atomic Accelerator situation. Then the state law which now



is in being and applies to all of our areas where our state universities, for instance, are, where you have the particular formula which now applies to state universities...land wherein state universities are located is applicable, it would be applicable here. But with the added limitations that this would be in effect for only a five year period and the determination of the amount will be on the basis of the 1968 assessed valuation. So that you have those added limitations which along with the very specific definition of this applying only in cases where you have a gift by the State of Illinois of land to the federal government, and in addition to that only in those instances where the State of Illinois contracts with the federal government to guarantee that no tax entity will request of the federal government any funds in lieu of lost assessed valuations. You have here a very specific and narrow definition so there will be no open door that some of you are quite correctly concerned about. The Governor has this in the budget. The Governor has indicated that he will sign the bill. The amendatory veto had merely clarifying language, and I hope that we can have the 30 votes. This is very vital legislation in the area which is represented by myself, by Senator Knuepfer, by Senator Mitchler, by Senator Graham in the near future. It is very important. I do hope that we will have your support. Thank you.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Mr. President, I wonder if the sponsor will respond to a couple of questions?

PRESIDENT:

He indicates he will.

SENATOR BALTZ:

Senator Fawell, what would the total cost of this be to the taxpayers of the State?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

The estimates based upon the 1968 assessed valuation is \$140,000 of taxes which have been lost as a result of the...of the loss of this acreage.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Is this \$140,000 per year for five years?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Yes, that's correct.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Now we're talking about \$600,000 going to some specific school districts in the State of Illinois because of a federal acquisition of land. I've always opposed this concept. It's a brand new idea. It's opening a Pandora's box in my estimation. I fully believe that if this law were to pass, then I should be able to come in and ask for a similar grant for the 33,000 acres of land that the federal government has for their arsenal; that we should have a grant to our school district for the 3,000 acres of land that the Department of Corrections has in the Stateville Penitentiary, the Diagnostic Depot, and the Joliet Penitentiary; we should have a grant for 160 acres that they have for the Youth Commission and I can list several more in my district. Now, the thing that happens here in this case is that it means that every taxpayer in the Senate districts in Decatur and the

Senate districts down in Carbondale, and the Senate districts down in Vienna and Cairo, and Joliet and Aurora, no matter where it is, these taxpayers are asked to pay an additional amount of their tax money to a school district that does not exist in their area. So instead of the distribution being uniform that the taxpayer now pays for our universities, for our school districts under our school aid formula, he is asking now to take a little more of his tax money for a particular group of school districts that are not in his area. I fully believe that the acquisition of this federal...large federal installation up there will more than produce the increased valuation on real and personal property that is necessary to offset this. It simply means in conclusion that they are asking every taxpayer in the State of Illinois to make an additional contribution to the school districts up in the Weston area. I think it is a bad precedent. I think it's opening a pandora's box. If you do it this once, we'll be doing it for every district including my own from now on. \$600,000 is not peanuts even though it is spread over a five year period, and I urge all of you to vote no. All the Governor did on his amendatory veto, in my estimation, was to make a bad bill a little more detailed so it spelled it out a little more. It still costs money. It's still a new idea. It's still a bad idea. I urge you to vote no.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I think all the questions that I was going to ask have been answered. I have been listening with one ear.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President and members of the Senate. Very briefly, this bill was thoroughly thrashed out and considered in the Education Com-

mittee last session. The sponsor concurred in amendment limiting the reimbursement for a period of five years within which time those increases in assessed valuation that Senator Baltz refers to should take place if they are going to. The amendment the Governor has made is a technical one which tightens the bill and I intend to support it just as I did in June. I would urge you to do the same.

PRESIDENT:

Senator Fawell may close the debate.

SENATOR FAWELL:

I simply want to, in answer to Senator Baltz, point out that we would not even be making this request if it were not for the fact, and understandably, that the State of Illinois entered into a contract with the federal government to say that no one will make any claim against the federal government. So it is quite unique from any of the areas where the federal government has taken a great deal of land. In this case, the only difference from the situation that would exist, for instance in communities where our state universities are located, is that the state took title to the land, but then immediately gave it to the federal government; and when they gave it to the federal government and guaranteed under contract with the federal government that there would be no claim for any fund for lost taxes, they stopped the districts from legitimately being able to receive reimbursement under the federal act. Now, we are coming back and simply saying for a limited period, until such time as this project gets going and the assessed valuation will be there, we need these funds. One district lost 30% of its assessed valuation, and it's a small town, a working man's town where they don't have the ability to recupe it in any other way. Again, I would urge support on both sides of the aisle. Thank you.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Senator Baltz.

SENATOR BALTZ:

In explaining my vote, I want to apologize for my multiplication. Six times 140 or five times 140,000 is not 600,000, it's 700,000. I again say this...you are asking the taxpayers all over the state to dig a little deeper in their pockets to make a little contribution to school districts that are not in their area. I think that this... that they should have to go through the same type of operation that every other school district does; go along with the school aid formula with the division of funds that we have made for all school districts and not be treated as something special. It's a brand new concept. I think it's a bad one and I vote no.

SECRETARY:

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

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Throughout the state, in my area in particular where there is a lot of land owned by the federal government, these school districts are given money. I think that the mistake was made when we were so anxious to get Weston here in Illinois, that we did and we were, many of us, a party to agreement made by the Governor with the federal government that we would not ever ask for taxes. I think that this is a burden on this school district. We helped to create the problem. I, therefore, think that we should help them at this particular time to solve their problem. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Knuepfer.

SENATOR KNEPPER:

I know this is not an issue on which there was universal agreement at the time of passage, but I would like to point out that we did thrash out the issue. We did resolve the issue. We did pass the thing. All we're really trying to resolve now is the Governor's amendatory veto. I think there ought to be a limit to how many times we discuss the merits of the same proposition once it is passed this body, and I vote aye.

SECRETARY:

Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

I intend to vote aye to help the school children in Senator Fawell's district even though he didn't vote aye to help to get a few books for some of the children in mine.

SECRETARY:

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 36; the nays are 5. The Senate does concur in the executive amendment. Senator Horsley... Senator Fawell moves to reconsider the votes. Senator Gilbert moves to table. All in motion to table signify by say yes. Contrary minded. The motion to table prevails. Senator Horsley is recognized for... on the same column, the same page, House Bills 1034 and 3032. Both have executive amendments. Senator Horsley on 1034. House Bill 1034.

SENATOR HORSLEY:

Mr. President, could we take 3032 first?

PRESIDENT:

3032 we'll take first.

SENATOR HORSLEY:

That was a revisory bill that was a little bit more than a revisory bill; but we felt that it was necessary because of the trouble and the conflict when you...when you amend two sections at the same session of the Legislature. What we said was if they can both be construed together and give effect to both of them, why, then we would construe both of them and put them both into effect. The Governor sent it back with the suggestion that the word act should be substituted for section, and I have had a copy of his suggestion sent to each of your desks because his feeling was that if he has an amendatory veto and he sends it back to us, it would not be applicable to say that the same section is amended because we then might be adding a section and we would be amending an act. So, in effect, all that his amendatory suggestion is that we change the word section to act, so that if two of them are amended at the same session of the Legislature, and if they can be enforced and construed together to make sense, why then that will be done. However, if they are in direct conflict and cannot be reconciled, then they would not prevail. So I would move, Mr. President, that we concur with the amendatory veto.

PRESIDENT:

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

SECRETARY:

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

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

PRESIDENT:

Gilbert, aye. McBroom, aye. Fawell, aye. Nihill, aye. Hynes, aye. Newhouse, aye. Soper, aye. Hall, aye. Vadalabene, aye. On that question the yeas are 38; the nays are none. The Senate concurs in the executive amendment. 1034 Senator Horsley.

SENATOR HORSLEY:

Mr. President, this bill was a simple revisory bill intended only to delete a reference to the full fair cash value and to recognize a change in agency from the Department of Revenue to the Department of Local Government Affairs. A revisory bill was proper, except that one word was inadvertently put in and that was on page 1, line 28. The word programs was used instead of the word purpose and that could be construed as being broader than the purpose for which the tax was levied under another section. So in order to make it uniform, the old definition was put back in, putting the words building purposes rather than building programs. I would move to concur to amendatory veto.

PRESIDENT:

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

SECRETARY:

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



PRESIDENT:

Donnewald, aye. O'Brien, aye. On that question the yeas are 38; the nays are none. The Senate concurs in the executive amendment. Announcements and motions. Senator Rock. The resolutions will be coming along right away now. Just a moment. I have been informed by the Parliamentarian that Senator Saperstein wishes to call a bill on third reading. Now, unless it is an emergency, Senator, we are not taking any House Bills today.

SENATOR SAPERSTEIN:

Well, Mr. President, did you make an announcement that House Bills on third reading will not be considered after Thursday?

PRESIDENT:

I have not announced that, no.

SENATOR SAPERSTEIN:

I see. Well, Senator Sours has an amendment, so ...

PRESIDENT:

Well...let's....I told all the others requesting House bills on third that we would not get to them today, Senator. We have some resolutions. We have some announcements and motions. Resolutions first.

SECRETARY:

Resolution Number 252 introduced by Senators McCarthy, Bruce, Vadalabene, Johns, Knuppel and Donnewald. Resolved by the Senate of the 77th General Assembly of the State of Illinois....

PRESIDENT:

Just a moment. Do you wish to take this up at this time or refer it to the Executive Committee, Senator McCarthy?

SENATOR MCCARTHY:

The Executive would be fine, if I could have a hearing on it tomorrow. Senator Cherry will accommodate me on that.

PRESIDENT:

All right, Executive Committee.

SECRETARY:

Senate Resolution Number 253 introduced by Senators Saperstein, Partee, Cherry and Donnewald.

PRESIDENT:

Executive Committee. Any further resolutions..announcements... message from the House.

SECRETARY:

Message from the House, from Mr. Selcke, Clerk. Mr. President: I am directed to inform the Senate that the House of Representatives has passed a bill with the following title and the passage of which I am instructed to ask concurrence of the Senate to wit: House Bill 3700.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Who is the Senate sponsor of House Bill 3700?

PRESIDENT:

Senator Coulson.

SENATOR PARTEE:

Senator, let me make a suggestion to you. This is the bill, as I recall, that relates to the subject generally of Ethics, does it not?

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Yes sir.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

It occurs to me that since we have given so much time and attention

to the subject that it would be foolhardy and nonsensical to send it to Committee. It would be my suggestion that the bill be read a first time and advanced to a second reading without reference to a Committee. In connection therewith, I would hope that Senator Harris would make some effort to move his Senate Bill 82, which is on the same subject, to second reading so that we might have all these bills on second reading simultaneously.

PRESIDENT:

82 is on second reading. Senator Coulson.

SENATOR COULSON:

I so move, Mr. President.

PRESIDENT:

Motion for suspension of the rules to...so that House Bill 3700 will bypass committee. Is there objection? There is objection. The motion is to suspend the rules to advance the bill to second reading without reference to Committee. Is there discussion on the motion? The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Just by way of explaining my vote which is in favor of suspending the rules. This is the so-called Lindberg bill which you have read so much about in the newspapers. I concur in the Pro Tempore's opinion that nothing be served by public hearings or further committee hearings. This thing has been committed to death. I will undertake to hold it on second reading until everyone is satisfied with it. I called your attention that time is running out fast on us. We do want to get

a bill passed and into Conference Committee in one shape or another, and it is solely with that motivation that I urge that you do vote to suspend the rules and place the bill on the order of second reading; and we can shoot at it on second reading better than we can in the committee room. I vote aye.

SECRETARY:

Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I can't help but think that this is the backwards way of doing things. We could be here all day and all night if we were going to debate the merits of every bill. I will grant you that we have well debated and listened to the merits of Senator Harris's bill. I have no idea what is in House Bill 3700. I guess I'm not going to until it gets to the floor. I'm going to vote no on this, and I'm going to ask at the same time, Senator Partee, I have two other bills pertaining to this, 674 and 675, which are still in the Executive Committee. Do they get thrown into this hopper too, Senator?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

It is in the nature of things to take one thing at a time; hence, I had not mentioned 674 and 675. I have not mentioned Senate Bill 1302. I propose to answer your question to ask that those bills be discharged from Committee and placed on the order of second reading as well as Senate Bill 1302. It is my thought that we should have all bills relating to this subject matter on second reading at the same time. I just hadn't gotten to that because I sort of do things in an orderly fashion.

SECRETARY:

Knuppel.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPEL:

This may be all well and good, but I heard when the Scenic Rivers Bill was put in subcommittee for study that after it had passed out of the House 145 to 20, that we were killing the bill and all that. But there have been about 45 amendments and the bill needed those amendments. It was poorly drafted. I still fail to see how that we can discharge our duties if we don't hear these things and I would rather see a good ethics bill passed next year than see a lousy ethics bill passed this year because the members of the General Assembly got no guts to hear these bills, to go through them. I just have to say that this whole thing comes on so fast that it's a damn poor way to run a railroad.

SECRETARY:

Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

I understand this vote is being taken to discharge the committee on not refer to committee, just refer directly up to second reading is that right?

PRESIDENT:

That is correct.

SENATOR MITCHLER:

Well certainly a bill like this, I mean an important bill such as this, not to get committee hearing is just making a mockery out of the fact that we don't have the proper structure in our committees.

If that's what you want to do and have them laugh at our committees, that their not capable of handling our bills and give them the proper hearings, okay, I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

So that the Senator that last spoke will understand the procedure here, we, too, have the feeling and recognition that this is the kind of subject matter that should be heard in committee. As a matter of fact, it was our suggestion that we have a committee of the whole, of both the House and Senate, to look at all of these matters. The fact of the matter is that...is an idea that was turned down. So we don't take our bat and ball and go home because of that. We do the next best thing which is to bring it to second reading where every member of this body who is vitally affected and concerned with the component parts of whatever bill we pass, has a chance to not only see, hear and read it, to read it and see what it is about, but also have the opportunity to hear all of the questions that may be asked regarding various parts of it. So that is the reason, Senator, and it's going to be virtually the same kind of procedure at the committee hearing when it is on the second reading. I vote aye.

SECRETARY:

Rock, Romano, Rosander, Saperstein, Savickas.

SENATOR SAVICKAS:

I would just like to remind the good Senator that we are not here running railroads, that we are here legislating for the people of Illinois, and we need ethics legislation. I vote aye.

SECRETARY:

Smith, Soper, Sours.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators, there are three on this side who voted against another ethics bill last time. That took some courage. May I also suggest that if this bill is as important as everybody seems to feel it is, then it certainly ought to get the most painstaking, deliberate, unabashed committee hearing. I vote no.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I am not recorded. I would just like to say that this is a refreshing change because we don't have a committee structure that is meaningful. I have suggested several times we ought to bring all bills out and consider them, and vote them up or down on the floor because we don't hear them; we don't have any reflective deliberation that represents the makeup of this body. So I am happy to vote aye.

PRESIDENT:

Graham--Senator Graham.

SENATOR GRAHAM:

Mr. President this might be a great lesson to us to reconsider the committee structure. At this time I would like to change my vote from aye to no.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

I know I have spoke, but I would like to rise on a point of personal privilege or whatever to make these comments. The intent of a

committee hearing, in my opinion, is not merely to let the Senators and Representatives and other members of the General Assembly discuss the bill, but in committee it gives an opportunity for outsiders--for the public; for the people--for the people to come before the committee and give recommendations and make suggestions on legislation that we are considering. Now, when you move this up to second reading, you are going around and avoiding that opportunity of the public and witnesses to be brought down and testify on certain bills. And I would assume this bill would be referred to the Executive Committee, I am a member of that Committee, and I had looked forward to bringing down witnesses and having people talk on that, but if it is put right on second reading, you don't have that. We just argue among ourselves and try to make a lot of noise for the press.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate, I am rising on a point of personal privilege already having voted. But, I would be hopeful, if this is the process we are going by on this bill, that we do not see what I have seen take place so many times here where maybe after two or three speeches somebody moves the previous question and then all debate is shut off. I would hope that a bill this important would have a very good debate on the floor. Thank you.

PRESIDENT:

On that question the yeas are 39 and the nays are...Senator Horsley. The nays are 5. The rules are suspended. The bills advance to second reading without reference to committee. Senator Horsley.

SENATOR HORSLEY:

I have brought a bill down to the Secretary's desk which is a matter of emergency and I would like to have leave to introduce the bill at this time, and advance it to second reading without reference.



Senator Partee, this is merely the bill for the Court of Claims, and I had it over here and I intended to bring it over. There is not a single dollar in it that does not reflect an actual award. The total amount of it is \$198,092.00. There is no money in it for administration, any expense or anything else, but it merely calls upon the Auditor to pay the awards that have already been approved out of the Road Fund for 11,632 and General Revenue 186,000. So there is emergency in getting the bill out in a hurry, and for expediency I would appreciate unanimous leave of introducing the bill and advancing it without reference to committee.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well I haven't seen the bill, but I will certainly take the gentleman's word for it. I would have no objection to its being moved to second reading as long as you would hold it a day or two until we could check it out.

PRESIDENT:

Is there objection? Leave granted. Senator Harris.

SENATOR HARRIS:

Mr. President, may I have unanimous consent of the Senate to revert to the order of Senate bills on second reading with the purpose of considering the amendment to Senate Bill 82 and having it, ah, read a second time. That amendment is only a change in this bill to make reference to State Electoral Board, to the State Board of Elections. That is all the amendment does. Senate Bill 82.

PRESIDENT:

Senate Bill 82 on second reading. We have a committee amendment on here also.

SENATOR HARRIS:

That is the amendment I am making reference to.

PRESIDENT:

Senator Harris moves for the adoption of the committee amendment. All in favor signify by saying aye. Contrary minded. The motion is adopted. Any further amendments? Third reading. Senator Course.

SENATOR COURSE:

Mr. President, the Revenue Committee meeting scheduled for this afternoon at 3:30 has been postponed until 8:30 tomorrow morning in M-3.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes. Mr. President and members of the Senate, in that regard House Bill 1555, I believe, was reported into the Senate today as having passed the House. I would ask unanimous consent to have House 1555 heard in the Revenue Committee tomorrow morning.

PRESIDENT:

Is there objection? Leave is granted. Is Senator Bidwill on the floor? Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate, I would like to have leave to have House Bill 1787, which is on postponed consideration, to have leave to have my name removed as sponsor and put on Senator Frank Savickas.

PRESIDENT:

Is there objection? Leave is granted. Senator Sours.

SENATOR SOURS:

Mr. President, ladies and gentlemen of the Senate, Resolution number 244 inadvertently and erroneously got on the consent calendar. It is a resolution that expresses regret on the closing of one of the oldest markets, grocery stores (unknown words, possibly German)

in the city of Peoria. I am sure it's something that Senator Neistein (German word) would appreciate seeing. I would like to make the proper motion to have this resolution adopted.

PRESIDENT:

Is there objection? Senator Neistein.

SENATOR NEISTEIN:

I'd like to make sure, Mr. President, that on such an important piece of legislation that my name goes on as a co-sponsor.

PRESIDENT:

Senator Neistein will be shown as a co-sponsor. All in favor of adoption of the Resolution, indicate by saying aye. Contrary minded. Resolution adopted. Senator Coulson.

SENATOR COULSON:

Mr. President, first, on House Bill 2999 on which there is no Senate sponsor, I would ask leave to be listed as the Senate sponsor. It is off the calendar, it's somewhere in limbo. I think the limbo committee, and if you would show Senator Coulson as sponsor. And I would like to announce a Republican caucus tomorrow at nine o'clock in Room 419.

PRESIDENT:

The bill in limbo will have Senator Coulson as sponsor. Senator Partee.

SENATOR PARTEE:

Now, Mr. President and members of the Senate, based on what we said a few moments ago, if Senator Knuepfer has no objections, I would like to embrace in this motion Senate Bill 674, 675 and 1302 and ask that these three bills be discharged from the Committee on Executive and placed on the order of second reading in the Senate.

PRESIDENT:

Is there objection? Leave is granted. Senator Lyons.

SENATOR LYONS:

I'd like to announce that there will be a meeting of the Committee on Constitutional Implementation on the floor immediately after the adjournment.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Mr. President, I merely wish to announce that there will be a meeting of the Welfare Committee ten minutes after adjournment of the Senate in M-1.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Yes, Mr. President. The Committee on Rules will meet immediately after the session in Senator Cherry's office.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

I'd like to ask a question. Do we have a sponsor shown for House bills on first reading? House Bill 2347. 2347.

PRESIDENT:

We do not.

SENATOR GRAHAM:

I would like to be shown as the sponsor of the bill.

PRESIDENT:

2347, Senator Graham will be shown as the sponsor.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate, I would like to have Senate Bills 1294 and 1295 be discharged from the Committee on Local

Government and be re-referred to the Committee on Elections.

PRESIDENT:

Is there objection? Leave is granted. Senator Swinarski.

SENATOR SWINARKSI:

Mr. President and members of the Senate, I wish to announce that the Elections Committee which was to have met at 5:30 this afternoon, will meet at 3:30 on the Senate floor.

PRESIDENT:

Senator Romano.

SENATOR ROMANO:

Mr. President, the Committee on Labor and Commerce will meet ten minutes after adjournment in M-3.

PRESIDENT:

Are there further announcements? Senator Knuppel moves that the Senate stands adjourned until--is it ten tomorrow morning? Ten tomorrow morning. All in favor signify by saying aye. Contrary minded. Senate stands adjourned.