

SENATE FLOOR DEBATE

REGULAR SESSION

December 15, 1972

1. PRESIDENT:

2. May I also Senator Partee and Senator Clarke, I would
3. like to convene the Regular Session and then move to recess
4. immediately also so that...because we're...Regular...yea,
5. we're just going to recess the Regular Session. We're going
6. to come back to it this afternoon. Motion to recess the
7. Regular Session until 3:00 o'clock. All in favor signify by
8. saying aye. Contrary minded. Regular Session stands in
9. recess. Motion was made by Senator Gilbert.

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By

1. PRESIDENT: Regular (Simon in error?)
2. The Senate will come to order. This is the Special Session
3. will come to order. Are there Senate bills on Second Reading
4. anyone wishes to call? Any Senate bills on Third Reading?
5. Senator Clarke.
6. SENATOR CLARKE:
7. Well, Mr. President, before you move off of Second Reading
8. I would like to have these bills read with the understanding
9. that they can be brought back for amendments.
10. PRESIDENT:
11. This . . . that's the whole series?
12. SENATOR CLARKE:
13. The whole series.
14. PRESIDENT:
15. All right. Senate Bill 1613.
16. SECRETARY:
17. Second Reading of the bill, no committee amendments.
18. PRESIDENT:
19. Any amendments from the Floor? Third Reading. 1614.
20. SECRETARY:
21. Second Reading of the bill, no committee amendments.
22. PRESIDENT:
23. Any amendments from the Floor? Third Reading. 1615.
24. SECRETARY:
25. Second Reading of the bill, no committee amendments.
26. PRESIDENT:
27. Any amendments from the Floor? Third Reading. 1616.
28. SECRETARY:
29. Second Reading of the bill, no committee amendments.
30. PRESIDENT:
31. Any amendments from the Floor? Third Reading. 1617.
32. SECRETARY:
33. Second Reading of the bill, no committee amendments.

1. PRESIDENT:

2. Any amendments from the Floor? Third Reading. 1618.

3. Hold. 1618, there's a request to hold that, Senator Clarke. There's
4. a request to hold 1618. Senator Partee.

5. SENATOR PARTEE:

6. I don't know if I had a chance to talk to Senator Clarke
7. about this. I did talk to Senator Harris about it and he
8. understands why I'm holding this and we'll get back to it. I'll
9. just tell you about it.

10. PRESIDENT:

11. 1619.

12. SECRETARY:

13. Second Reading of the bill, no committee amendments.

14. PRESIDENT:

15. Any amendments from the Floor? Third Reading. 1620.

16. SECRETARY:

17. Second Reading of the bill, no committee amendments.

18. PRESIDENT:

19. Any amendments from the Floor? Third Reading. 1621.

20. SECRETARY:

21. Second Reading of the bill, no committee amendments.

22. PRESIDENT:

23. Any amendments from the Floor? Third Reading. Senator

24. Sours.

25. SENATOR SOURS:

26. I just want to make this comment for some of the Senators
27. who may not have had the occasion to read these bills in extenso,
28. that if they were to pass this Chamber, our Senate would be
29. almost a congruent duplicate of what goes on in the House with
30. the man with the fast gavel or the slow gavel, depending on
31. who it is, who might be on the left side or the right side
32. politically, having the control of life or death over one's,
33. over a Senator's legislative bills. I want to suggest that these

1. bills be looked at carefully and maybe they can be improved.

2. PRESIDENT:

3. Senate bills on . . . Senator Clarke.

4. SENATOR CLARKE:

5. Again, Mr. Pro Tem, if you'd . . . if I could address myself to
6. you. As I mentioned just before we came into Session, I think
7. it would be advisable for the Republicans to have a, this time,
8. a brief caucus not to exceed thirty minutes.

9. PRESIDENT:

10. Senator Partee.

11. SENATOR PARTEE:

12. Yes, we are in accord with that. And while I'm on my feet
13. let me announce that there will be a Democratic caucus simulta-
14. neously on the sixth floor. It's now 3:15 and we're talking
15. about returning at 3:45. Is that correct?

16. PRESIDENT:

17. Senator Graham. Motion that the Senate stand in recess
18. until 3:45. All in favor signify by saying aye. Senator
19. Graham.

20. SENATOR GRAHAM:

21. Mr. President, don't you think we could save a little time
22. if we had a joint caucus here on the Floor and then we could
23. get right back to work?

24. PRESIDENT:

25. There are times when I think it's a wise idea and at times
26. when I think it's not. All in favor of the motion to recess
27. signify by saying aye. Contrary minded. The motion to recess
28. prevails.

29.

30.

R E C E S S

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1. PRESIDENT:

2. The Senate will come to order. Senate bills on Third
3. Reading. Do any members have Senate bills on Third Reading
4. they wish to call at this time? Are there any measures on
5. Third Reading? Senate bills on Third Reading. Senator Cherry.

6. SENATOR CHERRY:

7. Senator Rock, I believe, will have the first bill and he's
8. around here somewhere and should be here any moment if . . .

9. PRESIDENT:

10. He was here just a moment ago and I . . .

11. SENATOR CHERRY:

12. That's right. So he . . . he might have stepped out
13. somewhere.

14. PRESIDENT:

15. If . . . while we're . . . we're waiting on Senator Rock,
16. are there House bills on Second Reading? If anyone wishes to
17. advance them. Senator Graham.

18. SENATOR GRAHAM:

19. 4705.

20. PRESIDENT:

21. 4705. House bill on Second Reading.

22. SECRETARY:

23. Second Reading of the bill, no committee amendments.

24. PRESIDENT:

25. Any amendments from the Floor? Third Reading. 4704.
26. 4704.

27. SECRETARY:

28. Second Reading of the bill, no committee amendments.

29. PRESIDENT:

30. Any amendments from the Floor? Senator Dougherty.

31. SENATOR DOUGHERTY:

32. May I ask a question? Has 4719 come over as yet, Sir?

33. PRESIDENT:

1. It has not.

2. SENATOR DOUGHERTY:

3. Thank you.

4. PRESIDENT:

5. Any amendments from the Floor? Third Reading.

6. SECRETARY:

7. Second Reading of the bill, no committee amendments. . . .

8. PRESIDENT:

9. Any amendments from the Floor? Third Reading. 4698.

10. Is Senator Gilbert on the Floor? You want to advance that
11. for him? Senator Laughlin.

12. SENATOR LAUGHLIN:

13. Yes, Mr. President. Senator Gilbert isn't here and he
14. asked me to advance this with the express understanding that if
15. there were amendments he would see that it was brought back for
16. that purpose.

17. PRESIDENT:

18. 4698.

19. SECRETARY:

20. Second Reading of the bill, no committee amendments.

21. PRESIDENT:

22. Any amendments from the Floor? Third Reading. Is
23. Sena . . . you have bill on . . . just a second. The . . .
24. Senator Newhouse is not here. Those bills are apparently
25. emergency bills. Senator Graham, those three bills of Senator
26. Newhouse's, that are House bills on Second Reading, do you
27. wish . . . you want to advance them? All right. 4697.

28. SECRETARY:

29. Second Reading of the bill, no committee amendments.

30. PRESIDENT:

31. Any amendments from the Floor. Third Reading, 4695.

32. SECRETARY:

33. Second Reading of the bill, no committee amendments.

1. PRESIDENT:

2. Any amendments from the Floor? Third Reading. 4694.

3. SECRETARY:

4. Second Reading of the bill, no committee amendments.

5. PRESIDENT:

6. Any amendments from the Floor? Third Reading. Senator . . .
7. okay. Are there any other Senate bills on Third Reading that
8. anyone wants to take up at this time? Are there House bills
9. on Third Reading? Are there House bills on Third Reading that
10. members wish to take up at this time? Any House bills on
11. Third Reading? We have some Senate bills with House amendments
12. and some bills returned by the Governor vetoed or with specific
13. recommendations for change. 890. Senator Neistein do you
14. wish to make a motion in connection with that? On the list
15. on the Secretary's desk? Establishes joint computer operation
16. study commission. Senator Neistein.

17. SENATOR NEISTEIN:

18. I'm gonna consult with my staff. I'd appreciate it if
19. it just stays in the same posture that it's at.

20. PRESIDENT:

21. It will stay there.

22. SENATOR NEISTEIN:

23. If it passes, fine. Eventually if it dies, nothing earth
24. shaking that'll happen to the people of the sovereign State of
25. Illinois.

26. PRESIDENT:

27. All right, Senator. Senator Harris, 1512. Something to
28. do with the Airport Authorities with a House amendment.

29. SENATOR HARRIS:

30. Well this is on the Secretary's desk for concurrence, is it?
31. Yes.

32. PRESIDENT:

33. That's correct.

1. SENATOR HARRIS:

2. This is Representative Hall's amendment. It was requested
3. in all candor I have not looked at the amendment but it was requested
4. by the Bloomington Airport Authority. It was this agency that I
5. introduced the bill for in the first place and I would move to concur
6. in the House amendment.

7. PRESIDENT:

8. Is there any discussion? The motion is to concur in the House
9. amendment. On that question the Secretary will call the roll.

10. SECRETARY:

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

19. PRESIDENT:

20. Johns aye. Lyons aye. On that question the yeas are 32, the
21. nays are none. The Senate concurs in the House amendment. 3648,
22. Senator Dougherty. Do you wish to take any action at this time
23. or leave it on the Calendar?

24. SENATOR DOUGHERTY:

25. Well, I'll tell you, Mr. President, this bill was vetoed by the
26. Governor and as a matter of fact in his veto message he states
27. the fact that it was not necessary for this bill for the reason
28. of what was contained herein was a part of Senate Bill 1271 introduced
29. by Senator Knuepfer. This has to do with the Water Commission. Where
30. a Water Commission is in one or more counties. The bill 3648 provided
31. that the Presidents or the Mayors of the Villages within the pre-
32. scribed territories will appoint members of the board. The bill of
33. Senator Knuepfer provided that the county, the President of the County

1. Board having the largest territory contained within this water district
2. would have the same appointive powers of one member along with the
3. Presidents and the Mayors. I think it would be a good idea to concur
4. to override the Governor's veto for the reason it would bring it
5. back in line with 1271. I have sent my work product; it's a product
6. of the commission and I would just ask for a roll call to override.
7. I don't think there is any harm being done by overriding the veto.
8. I think it just brings in line with 1271 which contains the same
9. language. It's merely clarified so that when these appointments
10. can be made in the proper manner. Thank you.

11. PRESIDENT:

12. Is there any discussion? Senator Soper.

13. SENATOR SOPER:

14. Senator Dougherty, these appointive powers in this bill different
15. than the one that the Governor signed?

16. PRESIDENT:

17. Senator Dougherty.

18. SENATOR DOUGHERTY:

19. The bill that the Governor signed, 1271, contained the language
20. that the Presidents or the Mayors of the Villages concerned and the
21. President of the County Board can have the largest portion of the
22. territory would also have the appointive power of one member. 3648,
23. we did we did put the Mayor or the President of the County Board in
24. there in the Senate went back to the House and they struck it. So
25. when it went to Conference Committee I agreed to striking the President
26. of the County Board. Now, 1271 contains all of the same languages
27. plus the County Board. He signed the County Board, 1271.

28. SENATOR SOPER:

29. All right, if you pass this bill you supersede the other bill;
30. you change the law.

31. PRESIDENT:

32. Senator Dougherty.

33. SENATOR DOUGHERTY:

1. I'm not aware of that. As I understand it, it was explained
2. to me, it will bring both bills in the same in conform to conformity.
3. PRESIDENT:
4. Senator Soper.
5. SENATOR SOPER:
6. Well if the bills aren't the same then, if the bills aren't the
7. same then you'll change the law with this bill. This will be a new
8. bill, this will change the law. And if they are the same, you don't
9. need this bill.
10. PRESIDENT:
11. Senator Dougherty.
12. SENATOR DOUGHERTY:
13. I think that 1271 does the job but the one that overrides the
14. veto as it was done in the House said they are the moving parties in the
15. bill. I have no desire to brow-beat the subject one way or the
16. other.
17. PRESIDENT:
18. Senator Clarke.
19. SENATOR CLARKE:
20. Senator Dougherty, if I could ask a question. As I understand
21. it, as I understand it, Senator Dougherty, what you are attempting
22. to do now is to resurrect or override the veto on this bill which
23. would in effect put back an appointment by the President of the
24. County Board. Is that not correct?
25. PRESIDENT:
26. Senator Dougherty.
27. SENATOR DOUGHERTY:
28. That's right.
29. SENATOR CLARKE:
30. Does that apply to Cook County or is this just downstate counties
31. or?
32. PRESIDENT:
33. Senator Dougherty.

1. SENATOR DOUGHERTY:

2. Senator, if you recall we discussed this bill at length during
3. the early Session. This was given to me to handle by the Commission that
4. was set up to take care of those appointments heretofore made by
5. the Judge of the Circuit Court. It was a Commission bill that is the
6. reason I handled it and for that reason. And also 1271 which says
7. practically the same thing.

8. PRESIDENT:

9. Senator Clarke.

10. SENATOR CLARKE:

11. But I'm reading some material here that indicates it may be the
12. reverse that this bill 3648 is the appointment by the Presidents and
13. Mayors within the district only, whereas 1271 which was approved by
14. the Governor includes one Commissioner appointed by the County Board.

15. PRESIDENT:

16. Senator Dougherty.

17. SENATOR DOUGHERTY:

18. The House motive in passing that was merely to firm up the
19. fact that the County Mayors and the Presidents of the County Boards
20. would still retain their powers. Now that's my reason. The President of
21. County Board is not in 3648, we took it out. If you recall, we discussed
22. that you and I. We took out the President of County Board.

23. PRESIDENT:

24. Is there...Senator Clarke.

25. SENATOR CLARKE:

26. So, what you're saying is that now the amendment that you put
27. on is out of this bill and this would and if we passed this it would
28. put the law in the position that only the Presidents of the Municipalities
29. or the Mayors would serve as members of this Commission. I would say
30. that's a good move.

31. PRESIDENT:

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

33. SECRETARY:

1. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
2. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
3. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,..

4. PRESIDENT:

5. Senator Horsley.

6. SENATOR HORSLEY:

7. I'm not a member of the committee that studied this bill in the
8. first instance and I'd like to hear from somebody on our side of the
9. aisle that studied this bill that's familiar with it. I have read the
10. veto message and I've read the analysis of it and I from what I've
11. read and with all do respect, Senator Dougherty, I find that this bill
12. is in conflict with the other bill and that if we pass and override
13. the Governor's veto we are in effect going to substitute this bill
14. for another bill signed by the Governor. Now that's what the staff
15. report and I'm sorry I'm trying to do this in a hurry but that's as
16. I read the paragraph in there and we are in effect by doing this
17. overriding the veto. We are then off-setting and upsetting the bill
18. the Governor's already signed and we're doing just the opposite here
19. than what the bill we passed and signed by the Governor did and until
20. I know more about it I want to be recorded no.

21. PRESIDENT:

22. Just a moment. Senator Dougherty, your mike is not on. Senator
23. Dougherty.

24. SENATOR DOUGHERTY:

25. I just want to confirm the fact that I believe that the House
26. sought to retain the powers the powers that were originally in
27. 3648. That's...is that the labor of love, I assure you.

28. PRESIDENT:

29. Senator Dougherty...Senator Horsley.

30. SENATOR HORSLEY:

31. Don't you agree Senator, Dougherty, though that this in conflict
32. with the bill signed by the Governor?

33. SENATOR DOUGHERTY:

1. I am in agreement with you, yes, sir.

2. SENATOR HORSLEY:

3. Thank you. I still vote no.

4. SECRETARY:

5. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
6. Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein,
7. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,
8. Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene,
9. Walker, Weaver.

10. PRESIDENT:

11. On that question the yeas are 20; the nays are 6. The Senate,
12. having failed to vote the necessary 35 votes the Governor's veto
13. is not overridden. 4180, Senator Sours.

14. SENATOR SOURS:

15. Mr. President and Ladies and Gentlemen of the Senate, this
16. bill appropriates 22 hundred and ninety dollars to the City of Peoria
17. to pay for the special assessment for the improvement of East Hynes
18. Avenue and for that portion only of the frontage which is owned by
19. the State. This improvement is a typical special assessment street
20. improvement and the public benefit portion paid by all of the tax-
21. payers of Peoria and also the property owners paying 33 per cent
22. and the other 67 per cent. There are no sidewalks involved. Some-
23. where along the line the Highway Department recommended to the Governor
24. that this would be creating a precedent. Actually, the precedent
25. has long been established. There is no doubt that if the State doesn't
26. pay its share either the municipality of Peoria or the other property
27. owners will have to pay the share of the State.

28. PRESIDENT:

29. Is there any question? Any discussion? The Secretary will call
30. the roll.

31. SECRETARY:

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

1. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,
2. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,
3. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,
4. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
5. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
6. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

7. PRESIDENT:

8. Baltz, aye. Egan, aye. Fawell, aye. Lyons, aye. Weaver,
9. aye. Johns, aye. Course, aye. Sours, aye. Request for a
10. call of the absentees. The absentees will be called.

11. SECRETARY:

12. Arrington, Bidwill, Bruce, Cherry, Chew, Coulson, Davidson,
13. Donnewald, Gilbert, Hall, Harris, Knuepfer, Kosinski, Kusibab,
14. McBroom, McCarthy, Mohr, Newhouse, O'Brien, Ozinga, Partee,
15. Romano, Saperstein, Savickas, Smith, Swinarski.

16. PRESIDENT:

17. Hall, aye. On that question the yeas are 35, the nays
18. are none. The Governor's veto is overridden. 4128, Senator
19. Rock. You wish to . . .

20. SENATOR ROCK:

21. Yeah, let's go with it.

22. PRESIDENT:

23. 4128.

24. SENATOR ROCK:

25. I just wanted to be sure that Senator Neistein was awake.
26. This is one of his favorite pieces of legislation. House Bill
27. 4128, gentlemen, as you know, Mr. President, the Anti-Litter
28. Control Act. It was passed by this Senate and by the House and
29. the Governor submitted an amendatory veto and the sum and
30. substance of that amendatory veto was to put back in a
31. couple of words that we in the Senate, and myself in particular,
32. had amended out in the Senate. Those words, frankly, are
33. political subdivision. There was some consternation about whether

1. or not this piece of legislation affected political sub-
2. divisions. I amended the words political subdivision out,
3. the Governor in his veto message put those words back in. I
4. stand here and tell you that I think the same as I thought
5. at the time the bill was passed, those words are unnecessary.
6. The House did in fact override the Governor's veto and I
7. would ask the same consideration from this Body and move for
8. a favorable roll call.

9. PRESIDENT:

10. Senator Laughlin.

11. SENATOR LAUGHLIN:

12. Yes, Mr. President and Senator Rock. Would you yield to
13. a question? I think this is a bill I did not vote for and I
14. think it is also a rather comprehensive bill and the question
15. was, if I remember correctly, as to whether or not, for
16. example, the City of Chicago would be affected by this
17. legislation. Is that not right?

18. PRESIDENT:

19. Senator Rock.

20. SENATOR ROCK:

21. That is in fact exactly correct, Senator Laughlin. You
22. and I had this discourse when the bill was presented. You
23. will recall that in that subsection there are the words any
24. other legal entity, and I said to you at that time and I am
25. still of that opinion that the City would, conceivably, be
26. covered by those words. There was an objection from the
27. City of Chicago concerning the words political subdivision.
28. Now, as a matter of fact, the City of Chicago, in particular,
29. has a stronger anti-litter ordinance, stronger than this bill
30. is. There was in fact an objection and that's why I put the
31. amendment in.

32. PRESIDENT:

33. Senator Laughlin.

1. SENATOR LAUGHLIN:

2. Well, thank you very much, Senator Rock. That's the way
3. I remembered it, too. I just wanted to make sure and for
4. the reasons you have stated, I don't think we should override
5. the Governor's veto.

6. PRESIDENT:

7. Senator Graham.

8. SENATOR GRAHAM:

9. I was . . . I was only going to try to understand what
10. Senator Rock was saying and, of course, we have many caucuses
11. on the Floor. Because, as you remember, Senator, I did help
12. you revive this bill and get it out so we did get it passed.
13. Unfortunately, I didn't hear your explanation of what the
14. Governor amended out of the bill because I had too . . . you
15. had too much opposition over here, by way of noise.

16. PRESIDENT:

17. Let's . . . Gentlemen, please let's . . . Senator Rock.

18. SENATOR ROCK:

19. Certainly, Senator, I'd be happy to. You are again, you
20. are also correct. We did, in fact, when the bill came over
21. from the House there were certain objectionable features. One
22. of which, as you recall, set up a moving violation for discarding
23. litter on the highways. That was amended out at your request.
24. There were a couple of other things amended out. One of the
25. amendments that I suggested in the Executive Committee and
26. to which Senator Laughlin took some exception, deleted the words
27. political subdivision. They were deleted at the request of
28. the City of Chicago which has its own, and much stronger, anti-
29. litter ordinance. I said to Senator Laughlin at the time I
30. called this bill for passage, that I was of the opinion that
31. the words, any other legal entity, did in fact, cover the
32. City of Chicago anyway. It was the opinion of the attorney
33. for the City of Chicago that if we took the words political

1. subdivision out, they were out. I don't happen to agree with
2. them, many times I don't agree with them. But, in fact, that
3. was the only change that the Governor made. He put the words
4. political subdivision back into the bill and that's the
5. substance, frankly, of his amendatory veto.

6. PRESIDENT:

7. Further discussion? Secretary . . . Senator Neistein.

8. SENATOR NEISTEIN:

9. I think when this bill was called, there were a lot of
10. objections to the bill and I don't see where anything has
11. been corrected and I think the Governor was right when he
12. vetoed this bill. We've got enough laws on litters and
13. pigeon stools and all the other stuff; we don't need any more
14. and you can't legislate good manners on the people driving.
15. And I think this is the bill, Senator Rock, that if a
16. passenger does something the owner of the car is stuck and
17. then there was a clause in there about losing the drivers
18. license, which was amended out. But this was one of the
19. spectacular bills that Governor Ogilvie acted 1,000 percent
20. correctly on.

21. PRESIDENT:

22. Senator Rock.

23. SENATOR ROCK:

24. Well, if there is no further . . . oh, there is further
25. discussion, okay.

26. PRESIDENT:

27. Senator Horsley.

28. SENATOR HORSLEY:

29. Well, I've had about three different answers to this
30. question, Senator Rock, and I think some of us are thoroughly
31. confused because when we say override the veto actually what
32. we're doing is overriding the amendatory veto and doing just
33. the opposite of what the Governor did by his amendatory veto.

1. Isn't that what you're asking us to to?

2. PRESIDENT:

3. Senator Rock.

4. SENATOR ROCK:

5. That is my understanding. We are, in fact, rejecting his
6. amendatory veto.

7. PRESIDENT:

8. Senator Horsley.

9. SENATOR HORSLEY:

10. So in other words, if we vote to override the amendatory
11. veto, we reject the things he put in the bill and then it
12. goes right back to the form in which it passed the House and
13. the Senate.

14. PRESIDENT:

15. Senator Rock.

16. SENATOR ROCK:

17. That is my understanding, yes, sir.

18. PRESIDENT:

19. Senator Horsley.

20. SENATOR HORSLEY:

21. Mr. President, I'm sorry. I voted on these other over-
22. riding, but this is one time I think we had better stick with
23. what the Governor did on this bill. I think he tried to make
24. a better bill out of it and by the amendment he put on it
25. by his amendatory veto, it's something we can live with. I
26. didn't vote for this bill the first time around because I
27. thought it was too severe in its penalties, too all embracing.
28. I think now, by rejecting the amendatory veto, I think we're
29. going to put it back in a position where we can't live with
30. it and I certainly want to be recorded as voting no on a motion
31. and I presume your motion is to override the amendatory veto,
32. I don't know. Is that the motion?

33. PRESIDENT:

1. Senator Rock.

2. SENATOR ROCK:

3. That . . . that is, in fact, the motion. Yes sir,
4. Senator.

5. PRESIDENT:

6. Is there further discussion? Senator Rock may close
7. the debate.

8. SENATOR ROCK:

9. Yes. Mr. President and members of the Senate, if I
10. might just for a moment read a couple of lines from the
11. Governor's amendatory veto message and I'm quoting from
12. page 2 at the bottom. "Among its findings of legislative
13. intent, the General Assembly has concluded that this Act is
14. necessary 'to provide for uniform prohibition throughout the
15. State of any and all littering on public or private property
16. so as to protect the health, safety and welfare of the people
17. of this State to these ends' and this is a quote. "I find
18. this enactment most worthy of my approval, however the bill
19. fails to meet its own mandate of uniformity in that although
20. State agencies are responsible, political subdivisions of
21. the State have been specifically excluded by amendment."
22. That, gentlemen, is the sum and substance of the amendatory
23. veto. I maintain today, as I did the day I called this bill
24. for passage that the deletion of the words political sub-
25. divisions, in no way destroys the uniformity of this most
26. worthy enactment and I would call for a favorable roll call.

27. PRESIDENT:

28. The Secretary . . . for what purpose does Senator Horsley
29. arise?

30. SENATOR HORSLEY:

31. A parliamentary inquiry here. This is something that's
32. a little unusual to me and I don't, with this amendatory veto . . .
33. in effect, I presume there could be two motions made with

1. regard to this bill. One would be to override the amendatory
2. veto and the other would be to knock the amendatory and pass
3. the bill notwithstanding the veto, I presume. I don't know.
4. And I'm asking the question here, cause I think it's quite
5. intriguing, and some of you who have studied this like
6. Senator Clarke I think studied it, Laughlin and others, what
7. are the ramifications if we don't or I mean if we don't
8. sustain, where are we.

9. PRESIDENT:

10. If, in fact, the . . . Senator Rock makes his motion and
11. it is defeated, then the bill would be returned to the House
12. and if the House did not accept the amendatory veto the
13. bill would be dead.

14. SENATOR HORSLEY:

15. I see.

16. PRESIDENT:

17. Senator Graham.

18. SENATOR GRAHAM:

19. In addition to what Senator Rock has said with regard to
20. the amendatory veto. I think if you read the amendatory message
21. which says in effect, number 7 of this . . . 7 of this Article
22. and part of this amendment, are guilty of a petty offense and
23. shall be fined not less than \$25 and or more than \$100. In
24. addition to such fine, the Court may order that the person
25. convicted of such a violation, remove and promptly dispose
26. of the litter and may employ, that's the Courts, special
27. baliffs to supervise such removal and disposal and may tax
28. the costs of the supervision as costs against the convicted
29. person. I think part of this amendatory veto goes beyond
30. what you state there insofar as I can read this, Senator
31. Rock. I think it further detracts from what we thought
32. this bill should be in the first place. I think part of
33. this amendatory veto is presenting in this bill, as amended by

1. the Governor, an unlivable situation with regard to litter
2. control.

3. PRESIDENT:

4. Is . . .

5. SENATOR GRAHAM:

6. I just say that in support of your motion.

7. PRESIDENT:

8. Well we . . . Senator Rock has . . . Senator Rock, do
9. you wish to respond and then we will proceed with the roll
10. call.

11. SENATOR ROCK:

12. Well, I did in fact close the debate. Senator Graham,
13. I have been over this amendatory veto with the House sponsor,
14. Representative Fleck, who as a matter of fact has asked the
15. attorney . . . some time ago asked the Attorney General for
16. an opinion. It is my judgment and his, and the surrogate
17. author of the amendatory veto message, that what he was doing
18. was flowering it up. In fact, the sum . . . the total sum
19. and substance of the amendatory veto, the total reason for
20. the amendatory veto, was to put the words "political subdivision"
21. back into the bill. He makes some reference to the uniformity
22. that will be required under the Uniform Code of Corrections
23. absolutely irrelevant in my opinion and in the opinion of
24. Mr. Scott and in the opinion of Representative Fleck and frankly
25. in the opinion of the author. It's all kind of unnecessary
26. and I would again ask for a favorable roll call. I think the
27. Act was good when this Body passed it and I think it was good
28. when the House passed it, I think it was good when it went
29. to the Governor's desk and frankly, Representative Fleck and
30. I were a little chagrined when he did, in fact, choose to
31. amend it.

32. PRESIDENT:

33. The Secretary will call the roll.

1. SECRETARY:

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

11. PRESIDENT:

12. Cherry, aye. Request for a call of the absentees. The
13. absentees will be called.

14. SECRETARY:

15. Arrington, Baltz, Bidwill, Bruce, Carroll, Chew, Coulson,
16. Davidson, Gilbert, Harris, Knuepfer, Kosinski, Kusibab,
17. McCarthy, Mohr, Neistein, Newhouse, Ozinga, Romano, Saperstein,
18. Soper, Sours, Swinarski, Weaver.

19. PRESIDENT:

20. On that question the yeas are 27, the nays are 10. The
21. Senate does not override the amendatory veto of the Governor.
22. 15 . . . we have some message with specific recommendations
23. for change. 1569, Senator Horsley.

24. SENATOR HORSLEY:

25. Is Senator Partee on the Floor?

26. PRESIDENT:

27. He is not. You wish to by-pass this for a moment?

28. SENATOR HORSLEY:

29. Just for a moment . . .

30. PRESIDENT:

31. All right.

32. SENATOR HORSLEY:

33. . . . because I asked Senator Partee about it awhile

1. ago, and I think he was checking on it and I'll find out.

2. PRESIDENT:

3. Senator Gilbert is not on the Floor. Did he ask anyone to
4. handle 4469 for him? Senator Laughlin, you know 4469, Senator
5. Gilbert has that. It's a House Bill with some changes by the
6. Governor. He didn't say anything to you about it? We'll just
7. let it stay there. Senator Partee, a question came up on 1569.
8. Do you...

9. SENATOR PARTEE:

10. I suggested he hold that.

11. PRESIDENT:

12. We have some messages from the House. We have a Conference
13. Committee Report and some Resolutions here. The Conference Committee
14. Report.

15. SECRETARY:

16. On House Bill 2416, Senator Vadalabene is the Senate sponsor.

17. PRESIDENT:

18. Senator Vadalabene, we have a Conference Committee Report. Do
19. you wish to make a motion.

20. SENATOR VADALABENE:

21. Yes, to adopt the Conference Committee Report. I'd like to
22. make a motion.

23. PRESIDENT:

24. The motion is to adopt the Conference Committee Report. Do
25. you want to explain very briefly what...

26. SENATOR VADALABENE:

27. Well, just briefly, this was the Conference Committee Report
28. that the...that was in the Session right before we adjourned this
29. Summer. The Citizens' Committee was appointed by the Governor and
30. they came up with recommendations and we will now move for the
31. adoption of the Conference Committee Report. It has the approval
32. of the Governor.

33. PRESIDENT:

1. Senator Partee.

2. SENATOR PARTEE:

3. Senator Vadalabene is my dear friend. This is a problem
4. that involves both him and Senator Hall. They both come from the
5. same area. Is this the one about the Levy District? Sir?

6. PRESIDENT:

7. Senator Vadalabene.

8. SENATOR VADALABENE:

9. This does not involve Senator Vadalabene or Senator Hall.
10. This involves a problem in the Madison-St. Clair County area.
11. This is not a Vadalabene-Hall fight, Senator Partee.

12. PRESIDENT:

13. Senator Partee.

14. SENATOR PARTEE:

15. Well, I'm not going to get involved in what it is except that
16. I know that both of you come from the same general area and both
17. of you have rather different views on this subject. Moreover, I
18. have talked to various other people...of responsibility and posture
19. in that area, and I am at a position where I cannot at this point
20. make a decision between both sides of this question. I would hope
21. that you could hold this until we can sit down and try to work this
22. out.

23. PRESIDENT:

24. Senator Vadalabene.

25. SENATOR VADALABENE:

26. Yes, to Senator Partee and members of the Senate, I have worked
27. for two years on this bill. I want you to know this. I have passed
28. this bill out of a subcommittee by a vote of five to nothing. It
29. was voted out of the Executive Committee by a vote of 22 to nothing.
30. It was voted out of the Floor of the Senate...

31. PRESIDENT:

32. Just a moment. Senator Sours, and Graham and Latherow. Gentlemen

33. SENATOR VADALABENE:

1. ...by a vote of 47 to 1. At no time in any of these Committee
2. hearings was anyone showed any opposition from St. Clair County.
3. Now, when you have a colleague here in the House that works two
4. years on legislation and tries to get a bill passed through the
5. normal processes of the State Legislature and then have someone
6. come over here and say, "We haven't...don't know anything about
7. it." No opposition from St. Clair County, only through muscle
8. tactics wanting me to hold my bill, I don't think Senator Partee
9. is fair in asking me to hold something that I have been working
10. on for two years, and the opposition hasn't done one thing in
11. testimony to show any opposition toward this Bill, and Senator
12. Partee, it is not fair for you to ask me to hold something that
13. I have been working on for two years.

14. PRESIDENT:

15. Do you wish to proceed, Senator Vadalabene?

16. SENATOR VADALABENE:

17. I certainly do.

18. PRESIDENT:

19. Senator Hall.

20. SENATOR HALL:

21. Mr. President and members of the Senate, that...contrary to
22. what Senator Vadalabene says that there has been opposition. The
23. opposition was from me when the bill was called. I opposed the bill
24. that at present that there was a committee appointed and there wasn't
25. anyone from my County appointed on the Committee to make a recom-
26. mendation to study this and over 80% of this operation is in my
27. County; so, I don't think it's fair that we shouldn't be recognized.
28. Contrary to what Senator Vadalabene says, there is opposition. I'm
29. vehemently opposed to this. Senator Partee's exactly right because
30. I've expressed myself.

31. PRESIDENT:

32. Senator Partee.

33. SENATOR PARTEE:

1. Well, it's just I think a revelation of what happens when
2. you try to be fair and to be accused of not being fair is not
3. upsetting or frustrating. It's life, I guess, but time after time
4. after time I've tried to help all of the members on this side with
5. their individual problems. I have worked very diligently toward
6. trying to help all of them and particularly Senator Vadalabene with
7. some measures which did not have the popularity which he would
8. desire them to have when they were initiated. I've helped him
9. and I'm only asking him if he'd hold it until we can work this
10. out. I'm sure it can be worked out. I'm not begging him to hold
11. it, if he wants to go ahead with it, he may. I'm just saying to
12. him that if he would hold it, there is a possibility it may be
13. adjusted and today is not the last day that the world will be in
14. existence.

15. PRESIDENT:

16. Is...is there further discussion? Senator Vadalabene may
17. close the debate.

18. SENATOR VADALABENE:

19. I would appreciate a favorable vote.

20. PRESIDENT:

21. The Secretary will call the roll.

22. SECRETARY:

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

31. PRESIDENT:

32. Groen aye. On that question the yeas are 32, 1 nay, 1 present.
33. The Conference Committee Report...Cherry aye...33 yeas. Donnewald
aye. The Conference Committee Report is accepted. Motion by Senator

1. Vadalabene to reconsider. Motion by Senator Johns to table. All
2. in favor of the motion to table signify by saying aye. Contrary
3. minded. The motion to table prevails. We have some messages from
4. the House.

5. SECRETARY:

6. A message from the House from Mr. Selcke, Clerk, Mr. President:
7. I'm directed to inform the Senate that the House of Representatives
8. has passed a bill of the following title and the passage of which
9. I am instructed to ask concurrence of the Senate to-wit: House
10. Bill 4713.

11. PRESIDENT:

12. House Bill 4713. House Bill 4713. Senator Hynes is going to
13. handle that? Senator Hynes.

14. SENATOR HYNES:

15. This is actually Senator Ozinga's bill, and I would ask that
16. he be listed as the Senate sponsor. He asked if I would move it
17. on his behalf to Second Reading. I do move that it be advanced
18. to Second Reading without reference to Committee. I have checked
19. with the leadership on both sides and there seems to be no objection.

20. PRESIDENT:

21. Is there objection? There is a question about what the bill
22. does, Senator Hynes.

23. SENATOR HYNES:

24. It will allow the Village of Oaklawn to provide water service
25. to adjoining municipalities. It...I think it is a desirable bill.
26. It passed the House unanimously. I don't have all the details, but...

27. PRESIDENT:

28. All right. Is there objection? Leave is granted. We have
29. some additional messages from the House.

30. SECRETARY:

31. A message from the House, Mr. Selcke, Clerk, Mr. President:
32. I'm directed to inform the Senate that the House of Representatives
33. has passed a bill with the following title, the passage of which I

1. am instructed to ask concurrence of the Senate to-wit: House Bill
2. 4719.

3. PRESIDENT:

4. Senator Dougherty.

5. SENATOR DOUGHERTY:

6. Advance to the order of Second Reading. What it does is this
7. bill in its original context provides that any person who rents a
8. vehicle or a cab for hire for the transportation of people shall
9. be under the penalty of being tried for a misdemeanor for a failure
10. to provide such insurance. Now, that's what it does. I'd like
11. to advance that to the order of Second Reading.

12. PRESIDENT:

13. Is there objection? Leave is granted.

14. SECRETARY:

15. A message from Mr. Selcke, Clerk, Mr. President: I am directed
16. to inform the Senate that the House of Representatives has con-
17. curred with the Senate in the passage of a bill with the following
18. title: Senate Bill 1281 together with the amendment that has one
19. House Amendment.

20. PRESIDENT:

21. Senator Baltz. Excuse me, Senator Nihill is the sponsor of
22. this. Senator Rock, are you handling this? Senator Rock.

23. SENATOR ROCK:

24. Yes, Senator Nihill asked me as a member of the Pension Laws
25. Commission to explain the House Amendment. I'd be happy to do so.
26. I'm just waiting to check with the Leadership here, if you please.

27. PRESIDENT:

28. All right. We'll...the copies of the amendment have been placed
29. on the desk. We have some resolutions and other things, let's take
30. in the meantime.

31. SECRETARY:

32. A message from the House by Mr. Selcke, Clerk, Mr. President:
33. I am directed to inform the Senate that the House of Representatives

1. has adopted the following preamble and joint resolution in the
2. adoption of which I am instructed to ask the concurrence of the
3. Senate to-wit: House Joint Resolution 142. I think Senator Harris
4. was going to...

5. PRESIDENT:

6. Senator Harris.

7. SENATOR HARRIS:

8. This Joint Resolution directs the corps of engineers to
9. proceed with some dredging in the Waukegan Port District territory
10. and dispose of the dredgings according to the Federal Environmental
11. Protection standards. It will permit Waukegan to complete a very
12. essential dredging operation at no expense to the Port Authority
13. and what this does is just memorialize the corps of engineers to
14. proceed. I know of no opposition to it. I know Representative
15. Connelly has discussed it with Senator Partee. I would move for
16. unanimous consent to move to the immediate consideration of it
17. so that this matter could be directed onto the corps of engineers
18. for the communication contained in the Resolution.

19. PRESIDENT:

20. Is there any discussion? All those in favor of the adoption
21. of the Resolution indicate by saying aye. Contrary minded. The
22. Resolution is adopted. Senator Rock, are we ready on your...We're
23. not. Okay. We have some congratulatory resolutions we can take up
24. at this time.

25. SECRETARY:

26. Senate Resolution 439 introduced by Senator Baltz. That's
27. just a congratulatory resolution.

28. SENATOR BALTZ:

29. Mr. President and members of the Senate, this is a congratulatory
30. resolution for Charles R. Meeker who has worked...who is
31. presently working in the Department of Mental Health, has been a
32. dedicated state employee for 36 years. I have known Charlie Meeker
33. in his various assignments with the Department of Public Aid, the

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Reel #2

1. Department of Children and Family Services and

2. it says presently with his with the Department of Mental Health.
3. He's been a close and sincere friend of mine. I have always admired
4. his loyalty to the State and to the people of the State to whom he
5. served. I don't have the slightest idea of what Charlie's politics
6. are. He is going to retire at the end of this year. I would like
7. all Senators to join me in this Resolution to a real loyal and faith-
8. ful and fine servant of the State of Illinois for the past 36 years.

9. PRESIDENT:

10. All Senators will be shown as co-sponsors. All in favor ,
11. signify by saying aye. Contrary minded. The Resolution is adopted.

12. SECRETARY:

13. 440 introduced by Senator Savickas and also 441 and they are
14. both congratulatory.

15. PRESIDENT:

16. Senator Savickas, we have some congratulatory resolutions of yours,
17. I think.

18. SENATOR SAVICKAS:

19. Is this the high school football resolution?

20. SECRETARY:

21. I read them both. The first one would be....

22. SENATOR SAVICKAS:

23. For the football champions of St. Lawrence and also for the
24. schools on their safety council award? Members of the Senate, I would
25. move the adoption of this resolution at this time. These are just
26. congratulatory resolutions. One congratulates St. Lawrence for winning
27. the prep title and one congratulates the seven schools in the South
28. Stickney School District for being awarded certificates of exceptional
29. merit for their safety education programs.

30. PRESIDENT:

31. Is there objection? All in favor signify by saying aye. Contrary
32. minded. The two resolutions are adopted. Committee assignment report.

33. SECRETARY:

1. Senator Donnewald, Chairman of Assignment of Bills, assigned
2. Senate Bill 1612 to Welfare Committee.

3. PRESIDENT:

4. Now we have a couple of more items that we're going to have to
5. hold off for a little bit if the Senate can just be at ease for
6. a few minutes. I understand we're ready to transact some additional
7. business now. I'm frankly not sure who is offering what at this
8. point on what bill. Senator Egan is recognized.

9. SENATOR EGAN:

10. Yes, Mr. President and members of the Senate, I would like,
11. permission, Mr. President, to return House Bill 3906, rather I would
12. like to have House Bill 3906 taken from the Committee on Judiciary
13. and put on the order of Third Reading.

14. PRESIDENT:

15. 3906, the motion the motion is to discharge the

16. SENATOR EGAN:

17. Well I would like unanimous consent if I can do it that way.

18. PRESIDENT:

19. All right. Is there objection? Senator Clarke.

20. SENATOR CLARKE:

21. What is the motion, to put it where?

22. PRESIDENT:

23. He has asked leave of the Body to take a bill from Committee.
24. Is it House Bill 3906? Is there objection? The question is what does
25. it do? Senator Egan.

26. SENATOR EGAN:

27. House Bill 3906 is an amendment to the Fees and Salaries Act.

28. PRESIDENT:

29. Is there objection? Senator Horsley.

30. SENATOR HORSLEY:

31. I can't figure out, I 've got an amendment here that I'm looking
32. at on my desk, how could that bill be in committee here and then we
33. still got an amendment here? I'm trying to figure that out.

1. PRESIDENT:

2. It was recommitted to Judiciary from Third Reading and if the ...
3. if the leave is granted then the Senate can consider an amendment.
4. Senator Partee.

5. SENATOR PARTEE:

6. Senator, the amendment was put on your desk early just for your
7. convenience, it doesn't proceed any order of business other than what
8. Senator Egan is talking about now. It's just a matter of convenience
9. so you can familiarize yourself with it so when the bill does come
10. out of the committee you'd know what's in the amendment, that's all.
11. Not calculated to do anything else but edify you.

12. PRESIDENT:

13. Is there objection? Senator Horsley.

14. SENATOR HORSLEY:

15. I just can't help but comment on that Senator Partee. That's
16. one of the most brilliant explanations I heard in many a Session. I'd
17. like to know what the amendments going to be to the bill before it
18. ever gets out of here. I...I think that's quite intriguing.

19. PRESIDENT:

20. Well, right now the question before the Body is not the amendment,
21. the question is whether there is objection to taking the bill from
22. committee. Is there objection? Leave is granted. Senator Egan.

23. SENATOR EGAN:

24. Now, Mr. President I would like to take House Bill 3906 from
25. the order of Third Reading return it to Second Reading for the pur-
26. poses of amendment.

27. PRESIDENT:

28. 3906 is brought back to Second Reading for purposes of amendment.
29. Does the Secretary have the copies of the amendment? You wish, you
30. wish to explain the amendment Senator?

31. SENATOR EGAN:

32. Yes, now Mr. President and members of the Senate, I would like
33. to offer Amendment No. 1 to House 3906 which is an amendment

1. that you have on your desks. I would like to point out that on page
2. one of the amendment on line 29 your amendment reads, the copy that
3. you have reads, of 42 thousand, 5 hundred and strikes 30 thousand: the
4. amendment which I have given to the clerk, to the Secretary, reads
5. 30 thousand so that that's the copy that you have is incorrect only
6. on line 29 of page one. The rest of the amendment reads precisely
7. as that which has been submitted to the Secretary. If there is any
8. explanation necessary I of course would be happy to provide that
9. explanation. I think it's self-explanatory and I would ask that the
10. amendment be adopted.

11. PRESIDENT:

12. Is there any discussion? Senator Graham.

13. SENATOR GRAHAM:

14. Now, Senator Egan, you know and we know that there are some
15. provisions in this amendment that are unacceptable to any members
16. of the General Assembly. I have no reason at this time to fight
17. the adoption of the amendment if after it is, if it is, adopted that
18. some of us in fact will have an opportunity to amend the amendment.
19. Now if you think by any stretch of the imagination that we're going
20. to increase the salary of the members of the General Assembly to
21. \$19,500 then I think we might as well forget this whole thing right
22. now because you're not going to get the votes to do it. I think also
23. that there may be some recommended changes other. You're close, this
24. is close. But there is a tremendous number of people in this Senate
25. that have said repeatedly that they're not coming down here to vote
26. for a salary raise for the members of the General Assembly. I happen
27. to be one of those. I think it's politically immoral to do it now
28. right after an election. I think that the per diem thing merits
29. our consideration but absolutely without any equivocation...

30. PRESIDENT:

31. Just a moment. For what purpose does Senator Neistein arise?

32. SENATOR NEISTEIN:

33. Well maybe my suggestion can alleviate ... Senator Graham, I am

1. sorry to interrupt, but my idea is maybe we could move the bill to
2. Third Reading with the understanding that those that want to study
3. the amendment and have specific amendments to offer to the various
4. lines that are being amended be have the opportunity to offer the
5. amendments tomorrow morning. Have the bill called back to Second
6. and have him offer whatever...

7. PRESIDENT:

8. The Chair is going to rule that if Senator Neistein is not
9. making a point of order or a parliamentary inquiry....Senator Neistein.

10. SENATOR NEISTEIN:

11. I know it's not a point of order but I'm making a suggestion
12. that will do away with a lot of oratory and maybe can resolve this
13. issue once and for all and we can go home whether we vote it up or
14. down. Those that have particular objections or amendments that they
15. want to offer on various points if we could move it to Third with
16. the understanding that tomorrow morning those that have amendments
17. have the right to have it called back to Second to offer the individual
18. amendments to individual offices or sections.

19. PRESIDENT:

20. Senator Graham.

21. SENATOR GRAHAM:

22. That's all right on me. I don't want to start a big fight
23. either as long as Senators Knuppel and Horsley are quiet, I'll be
24. quiet too and abide by your suggestion.

25. PRESIDENT:

26. Senator Horsley.

27. SENATOR HORSLEY:

28. Senator Egan, are you moving to adopt the amendment or to concur
29. at this time?

30. PRESIDENT:

31. Senator Egan.

32. SENATOR EGAN:

33. The motion is to adopt the Amendment No. 1 which you have

1. on your desk with the one correction.

2. PRESIDENT:

3. Senator Horsley.

4. SENATOR HORSLEY:

5. Without prolonging this matter, I've got to be a man of my
6. word and I said that I would not vote for it in view of what
7. happened on the tax matters as far as the public is concerned.
8. But to give the members of the General Assembly a \$2,000.00
9. salary increase plus the \$32.00 a day, plus \$4,000.00 in the
10. other, I think the public is going to be pretty mad and I
11. think rightfully so, and there are other increases in here, and
12. I'm going to ask for a roll call on this amendment. And I want
13. to, without prolonging the matter, I'm going to oppose it but
14. I'm asking for a roll call on his motion to adopt the amendment.

15. PRESIDENT:

16. Senator Partee.

17. SENATOR PARTEE:

18. Well, Senator, I certainly understand your expressed viewpoint
19. and I have made some assessment of what is possible with the member-
20. ship in terms of components of this amendment. I should make this
21. suggestion which I think Senator Neistein talked about which could
22. save us a great deal of time if we are interested. I would hope,
23. I would think that the way to handle it would be to adopt this
24. amendment in totality and move the bill to Third Reading with this
25. understanding that any person could require it be returned to Second
26. Reading for the purpose of amending out some of the features that
27. you've just alluded to which won't have, as I calculate it, the
28. sufficient vote to keep it there. By doing it in that fashion it
29. would be done quicker and easier and we'd get out of here faster.
30. This is the way I would suggest that we might do it. For example,
31. you have just said the \$2,000.00 raise does not appeal to you. That
32. might be the very first amendment. Then the House would be informed
33. as to what the strengths are as respects that are of various component of

1. this legislation. It's the quickest, easiest, most intelligent
2. way, I think, to do it, and I would suggest that you, if you can,
3. withdraw your motion to kill this amendment because that means
4. we've got to go through this item by item by item, withdraw the
5. amendment, put the amendment on it, take it to Third with the
6. understanding among all of us that it will be brought back for
7. anyone who desires to offer an individual amendment as to an
8. individual part.

9. PRESIDENT:

10. Senator Horsley.

11. SENATOR HORSLEY:

12. Do I understand that it will not be called on Third Reading
13. again tonight . . . tomorrow? Okay. That's agreeable.

14. PRESIDENT:

15. Is there . . . Is there a further discussion? All in favor
16. of the adoption of the amendment indicate by saying aye. Contrary
17. minded. All those in favor of the adoption of the amendment please
18. rise. Just . . . Just . . . So I understand, are you gentlemen
19. rising right now? All right. The amendment is adopted.

20. SENATOR GRAHAM:

21. Mr. President, I think we're safe, if I might on a point of
22. personal privilege if that's the way I have to do it, I think we're
23. safe now in assuming that if some constructive amendments in the
24. minds of some are rejected tomorrow and they would be destructive
25. in the minds of others, but if those amendments are not considered
26. after our agreement, then we can figure, I think without any doubt,
27. that 3906 as amended is deader than yesterday's Tribune. So I
28. think those that are willing to work on this have to feel that
29. some of us who are going to offer amendments tomorrow are going to
30. have to give these amendments some consideration if we are serious
31. in passing part of this bill.

32. PRESIDENT:

33. And . . . As a procedural thing, the Chair might just add, we

1. may . . . What . . . What . . . We'll get a test of various
2. strength. We have always avoided amending amendments because
3. we get into some, as Ed Fernandes can tell you, we get into some
4. real problems here, in Enrolling and Engrossing, and elsewhere
5. so that we can have some tests of strength and then offer an
6. amendment that hopefully can be agreed to by everyone. Senator
7. Graham.

8. SENATOR GRAHAM:

9. Mr. President, then if we get agreed on an amendment, then
10. your suggestion is we pull it back to Second Reading, strike this
11. amendment and offer a substitute amendment and go. That's what
12. we're talking about.

13. PRESIDENT:

14. That is correct.

15. SENATOR GRAHAM:

16. Yes.

17. PRESIDENT:

18. That is correct. Senator Partee.

19. SENATOR PARTEE:

20. Well, that's all right if that's the way he wants to do it,
21. but you see, there's . . . This is five pages--this first amendment.
22. So you're talking about doing this five pages an awful lot of times.
23. That's why I said you could address yourself to whatever section of
24. it is involved.

25. PRESIDENT:

26. What I . . . What the Chair is suggesting is that we take . . .
27. we address ourselves tomorrow on specific tests of strength on various
28. individual items, then, once we know what that is, we . . . then we
29. have a second amendment that takes in all these things. Senator
30. Egan.

31. SENATOR EGAN:

32. Well, Senator Partee, I . . . Senator Partee, I . . . It's my
33. understanding then that you want to advance it to the order of Third

1. Reading and not vote on it until tomorrow.

2. PRESIDENT:

3. Senator Partee.

4. SENATOR PARTEE:

5. If I understand it, it is now on Third Reading as amended.

6. PRESIDENT:

7. That's correct.

8. SENATOR PARTEE:

9. The bill 39 . . . whatever it is . . . 3906 as amended is

10. on Third Reading. Now tomorrow we have the understanding that we

11. can pull it back, anyone who has an amendment can pull it back to

12. Second Reading for the purpose of their individual and respective

13. amendments.

14. PRESIDENT:

15. I think we're in agreement. We have a conference committee

16. report here.

17. SECRETARY:

18. Conference Committee Report on Senate Bill 1290. Senator

19. Berning is the Senate sponsor.

20. PRESIDENT:

21. Well, is Senator Berning on the Floor? Senator Berning, we

22. have a conference committee report. Do you wish to make a motion

23. in connection with that?

24. SENATOR BERNING:

25. Thank you, Mr. President. The conference committee has come

26. to an agreement that we have all signed the agreement, and I therefore

27. move that we concur in the recommendations and the conference committee

28. report.

29. PRESIDENT:

30. Is . . . Senator Fawell.

31. SENATOR FAWELL:

32. I . . . I think this is an extremely important measure. To

33. refresh the recollection of members of the Senate, this is the bill

1. that I think a lot of your taxing districts back home are unaware
2. of . . .

3. PRESIDENT:

4. Just a moment. Please. Senators Graham, Neistein, Course,
5. and Sours. Senators Donnewald, Harris, Merritt, Weaver. We are . . .
6. Just . . . Just a second. Gentlemen, we're going to be . . . If
7. we can get some order we can get out of here in just a few minutes.
8. Senator Fawell's going to be brief. Senator Berning's going to
9. be brief.

10. SENATOR FAWELL:

11. I could be much briefer if perhaps we could have a copy of
12. the conference committee report in writing on our desks. I'm not
13. quite sure if that is a right as a member of this Body, but I would
14. like to have time to study the report. I've had it just given to
15. me, but I want to point out to the members of the Senate that . . .

16. PRESIDENT:

17. Just . . . Just . . . Just a moment. Senator Berning, would
18. it be acceptable to take this matter up tomorrow? Senator Berning.

19. SENATOR BERNING:

20. Well, Mr. President, this is a measure that has already
21. passed this Body. All we have done is come to an agreement which
22. actually takes Cook County out and that's all it does now. It's
23. the same as we passed originally and I see no reason to debate the
24. issue. We've already passed it.

25. PRESIDENT:

26. Senator Fawell has the Floor. If we're going to proceed, Senator
27. Fawell has the Floor and is entitled to be heard.

28. SENATOR FAWELL:

29. Well, I haven't had time to read this report. I would like
30. to have the opportunity to study it, but the bill in its original
31. form is the bill that grants to your county governments the authority
32. to take a chunk out of the school district levy, the park district
33. levy, all of the other levies. Now, in DuPage County, the county

1. is not levying even the full extent of the taxes that it has the right to
2. levy. Most of the other local tax districts are levying to their full ra
3. and you will recall that the new Constitution told or had the effect
4. of limiting and taking away, I should say, the right of the county
5. to take their three percent cut from the local levies. And now
6. the counties are trying to come back once again, although they
7. levy a tax to perform their basic services. They now want to
8. once again have the right to take a portion of the school tax
9. levy. Mr. Chairman, I don't know if I have a right to request
10. that a copy of this report be on every member's desk before we
11. debate this, but it has been indicated . . . I haven't had the
12. chance to review it and I doubt that anybody else has.

13. PRESIDENT:

14. We're in the unusual situation, ordinarily that would be
15. in order, Senator Fawell. This Session we do not have any joint
16. rules for this General Assembly, so that there is nothing covering
17. that specific requirement. Ordinarily that request would be in
18. order for previous Sessions in which you have served.

19. SENATOR FAWELL:

20. Well, let me . . . let me just simply say then that although
21. the amount is not specified in this bill as I quickly read it as
22. to how much money a county can charge, it states that the charge
23. shall be the actual cost directly attributable to the extension
24. and collection and disbursement of property taxes on behalf of
25. the particular unit of local government or school districts or a
26. fraction of such actual cost. So I suppose the determination right
27. down to the amortization of the physical building, the courthouse,
28. et cetera, the cost could run certainly up to one, two percent of
29. the particular levy in concern. When the school districts and park
30. districts and library districts back home find out what we are doing
31. at this time and taking from them monies which are sorely needed in
32. our schools and park districts and other areas and to bring it over
33. to the county and saying to the county that you don't even have to

1. levy a tax here, it's going to be given to you free of charge
2. even though you have the authority to levy a tax, and of course,
3. otherwise, up to a portion of their . . . their limit, they do
4. make that levy. I think that when the local people back home
5. realize what has occurred here that we will rightly deserve their
6. enmity. It is, I think, indefensible what the counties are trying
7. to do here. For many years in the County of DuPage, they would
8. talk about their low tax rate and how the schools were the main
9. villains, for instance, and the local municipalities levying
10. the big tax, and for years they lived off the schools and lived
11. off the park districts and finally through the Constitutional,
12. Convention and the new Constitution, we got rid of that, and now
13. they come roaring back in the backdoor as soon as possible and this
14. is, in reality, an increase in real estate tax, because, Gentlemen,
15. when you take one percent or two percent or three percent from your
16. hard pressed schools, they're going to have to come back with a
17. levy somehow to make up for this. And my congratulations to those
18. of you who represent Cook County. You've done a superlative job in
19. seeing to it that Cook County is taken out of this. But I think
20. it's an unfortunate circumstance that DuPage and the other fast
21. growing areas around the Chicago-land area are stuck with this,
22. and you have this disguised tax by your county boards. It's indefensible
23. I think, on behalf of the County Board in DuPage County to try to do
24. this, to put over on the taxpayers and taxpayers will wake up if this
25. bill, if this conference report is passed they will wake up and the
26. schools will wake up and let you know how they feel about this
27. kind of a loss of their tax revenues and I repeat, they're either
28. going to have to raise taxes or fire teachers as a result of a one
29. or two percent loss of their tax levy and that's exactly what we're
30. talking about. They cannot say to you that there is any limit here
31. because it depends entirely on how you define what their actual costs
32. of collection are and the cost of collection can be about anything
33. that an accountant might want to determine what those costs are. I

1. would encourage everyone here to not accept this conference report.
2. PRESIDENT:
3. Please. Just a moment. Let's get some order. Senator Merritt.
4. SENATOR MERRITT:
5. Not unless he's concluded. I just wanted to comment.
6. PRESIDENT:
7. No. Is there further discussion on this motion?
8. SENATOR MERRITT:
9. Yes.
10. PRESIDENT:
11. Oh. Yes. He is concluded. Senator Merritt.
12. SENATOR MERRITT:
13. Yes, Mr. President, members of the Senate, I'd just like to
14. refresh all of our minds on Senate Bill 1290 which passed out
15. of this Body on November 10th, 1971, by a vote of 37 to 8. Those
16. eight voting nays happened to all come from this side. I would
17. also like to refresh . . .
18. PRESIDENT:
19. Just a moment, please. Gentlemen, let's try and maintain
20. some order and we can be out of here in a few minutes.
21. SENATOR MERRITT:
22. I'll be . . . be very brief. But I'd also like to refresh. . .
23. PRESIDENT:
24. Just. . . Just a moment. With all due respects to our
25. distinguished colleagues from the House, gentlemen, I realize
26. it's Senator Walker that's probably making the noise back there
27. and not the Speaker. All right. Senator Baltz and those two
28. friends of yours there . . . Okay. Proceed, Senator Merritt.
29. SENATOR MERRITT:
30. Just very briefly, I'd just like to refresh the memory. Perhaps
31. Senator Fawell does not remember that he wasn't even present on the
32. day that the bill was voted, or if he was present he abstained from
33.

1. voting, and it seems pretty late in the day when you consider that
2. with the adoption of this conference committee report, if, in fact,
3. we do that, we put the bill back in exactly the same shape that it
4. left this Senate. I would heartily endorse the concurrence.

5. PRESIDENT:

6. Senator Groen.

7. SENATOR GROEN:

8. Mr. President, members, Senator Merritt, one of those eight
9. votes I believe was mine in opposition to this bill. And I'd like
10. to very briefly tell you why. Some four years ago, as I recall,
11. I introduced a bill that would have authorized a school board, for
12. example, or some other taxing unit to add over and above its authorized
13. maximum rate a rate sufficient to return to that taxing body the
14. cost of collection. It was without a referendum and each of you
15. know my very, very deep feeling about the imposition of taxes without
16. a referendum. I was for that because of the fact that taxing bodies
17. have great difficulty in determining just how much money they are
18. going to receive when they never know what the cost of collection
19. of those taxes is going to be so that your school board, for example,
20. budgets its potential resources and then finds that they are not
21. going to receive the number of dollars that they anticipated, not
22. because people didn't pay their taxes, but because some county
23. collector decided that he was going to give pay raises, he was
24. going to hire additional people and all in all the cost of county
25. government had gone up with a cost of collection had to be increased
26. to the detriment and to the complete confusion of the taxing unit
27. that asked for the tax levy and the amount of money in the first
28. place. Now what is wrong with having county government reveal its
29. true cost to the taxpayer. Why continue this subterfuge. The
30. Constitutional Convention, I think, very wisely took this so-called
31. fee concept and threw it in the trash can where it should have
32. been thrown many, many years ago. It is almost impossible to
33. determine in some units of county government, just what the cost

1. actually is. I know that in my county, for example, every sheriff
2. that has run for years and years and years ran on a platform that
3. he returned to the county great sums of money. How did he get it?
4. He had some deputy sitting over there and every time the court wanted
5. someone to appear he put him in . . . put some prisoner in handcuffs,
6. walked him across the courthouse yard from the jail to the courthouse
7. and up to the courtroom and he got a fee for it. And he assumed . . .
8. accrued large sums of money . . . on paper, yes. But they were
9. credits given to him, and he said he was a self-sustaining office,
10. that he wasn't costing the taxpayer any money. A complete false-
11. hood, a complete misrepresentation of the fact. I say to you, it
12. is high time that whatever it costs to collect taxes be borne
13. by the county general fund, and if they've got to increase their
14. tax levy to do it, so be it. At least we then know what it costs
15. to run county government and taxing bodies that are relying on
16. tax income to carry out their functions of government will receive
17. the exact amount of money that they are entitled to receive without
18. having somebody dipping into the till and upsetting their budgets
19. and their appropriations upon which they rely. I don't know when I
20. have ever concurred with Senator Fawell's position more than I do
21. in this case. And I say to you that this conference committee report
22. should be rejected.

23. PRESIDENT:

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

26. SENATOR BERNING:

27. Thank you, Mr. President. First let me emphasize to those who
28. have reservations that this is a may bill. It is not mandatory. Each
29. county may impose. Any county who has not levied to its maximum certain
30. is in a position to utilize its own taxing abilities and authorities
31. and would not necessarily have to rely on this permissive bit of
32. legislation. Secondly, let me emphasize to you that the schools, the
33. villages, the park districts and no other taxing district will be

1. loosing anything that it now has. That being the result of the
2. fact that their cost of collection has always been three percent
3. up to and including the past collection year. So they have never
4. had this additional funds available to them. They will have ad-
5. ditional funds available with the next collection period when the
6. cost of providing the service is deducted and they get the dif-
7. ference between that and the three percent. Each taxing district
8. will be benefiting by approximately one, one and a half or two
9. percent depending on the cost of each county's operation. Now
10. it's been charged that the counties don't reveal their true
11. financial picture. I point out to you that each county under the
12. legislation passed by this Body...

13. PRESIDENT:

14. Just a moment, please. Gentlemen, let's maintain some order.
15. Proceed, Senator.

16. SENATOR BERNING:

17. The county like every other taxing district must prepare and
18. publish a budget, an appropriation ordinance and a full recap of
19. all of its expenditures for whatever use. Secondly, then, in jus-
20. tification of this procedure, this continuation of this procedure,
21. let me remind you that we all pay, we all pay the costs for recording
22. deeds or anything else that we take to the Recorder's office. We
23. pay filing costs when a suit is filed and even the State of Illinois
24. does reimburse retailers for collecting sales tax. The precedents
25. are there, gentlemen, and all that we are saying is that if the
26. provision of the new Constitution is fully accomplished and the
27. counties are denied everything in the way of income they will be
28. unable to carry out their responsibilities. Yes, including the
29. provision for the extension, collection and distribution of taxes.
30. There is nothing wrong, immoral or dishonest about allowing one
31. taxing district to be reimbursed for its out-of-pocket expense.
32. And that's all that this bill does. The amendment takes out Cook
33. County, simply because they can't agree among themselves and prefer

1. to be, at this time, exempted. Roll call, Mr. President. I recom-
2. mend a yes vote in order to keep the counties solvent and to prevent
3. the necessity of the imposition of an additional levy in order to
4. support the counties.

5. PRESIDENT:

6. Is...for what purpose does Senator Soper?

7. SENATOR SOPER:

8. Mr. President, I didn't know that Senator Berning was closing
9. debate on this but I was busy reading the Conference report and
10. two things came to my mind and with Senator Berning's permission
11. I'd like to ask him a couple of questions if he'd answer them.
12. Senator, for what I remember, I haven't got the report in front
13. of me but I see that there are two amendments that the House put
14. on this bill that are eliminated. Now, could you tell me what
15. those two amendments were that the House had on that were eliminated,
16. that's one question. Could you...I don't have the bill and I...

17. PRESIDENT:

18. Senator Berning.

19. SENATOR BERNING:

20. Yes, Amendment No. 2 is essentially what you have here except
21. that it included Cook County. Amendment No. 3 was a technical
22. change inserting in certain paragraphs the word section for acts.
23. So what we have now then is a combination of these two but including
24. the provision for Section E: This Section does not apply to any
25. county that is a home rule unit.

26. PRESIDENT:

27. Senator Soper.

28. SENATOR SOPER:

29. Now, the other question was as I remember the Conference report,
30. it said it eliminates everything in the original bill after line 9
31. and inserts this Conference report. What was eliminated after line
32. 9 in the original bill?

33.

1. PRESIDENT:

2. Senator Berning.

3. SENATOR BERNING:

4. I have to beg ignorance at this point. I don't have the
5. original bill. My recollection is that it was the same as we now
6. have with these minor changes.

7. PRESIDENT:

8. Senator Soper.

9. SENATOR SOPER:

10. It's hard to determine on a Conference report whether or not
11. you're getting a totally different bill than what we voted on before.
12. Now, I was in favor of maintaining a collection cost for township
13. collectors. I've always been in favor of that because they use
14. the money for certain purposes and I don't know whether that was
15. embodied in the bill at that time and now it's been eliminated and
16. in all fairness I think we ought to know what we're doing around
17. here because when you eliminate a whole section of a bill and then
18. put something else in a Conference report you may make a new bill,
19. I don't know.

20. PRESIDENT:

21. Secretary will call the roll.

22. SECRETARY:

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

26. PRESIDENT:

27. Senator Fawell.

28. SENATOR FAWELL:

29. One point. Once again, I think that the wisdom of those who
30. are representing Cook County in denying to Cook County the right to
31. in effect come up with a one, one and a half, two percent tax on
32. for instance the Chicago public schools or all of the local tax
33. entities in the County of Cook was a very proper move for those

1. who represent Cook County to take. What we are voting, in effect,
2. what we are voting for here and I have spoken against this bill
3. before, Senator Berning, is to give to all of the counties whether
4. they've exhausted their own tax authority or not and I repeat in
5. the County of DuPage that is not the case, to charge a one, one
6. and a half, two percent, depending on how they want to figure it,
7. tax against the total levies of all of your cities, school districts,
8. park districts, all of your local tax entities. That's a tremendous
9. chunk of money and then the bill goes along and comes back and
10. says to all of these tax entities the next time you go to budget
11. you got to set forth in your budget the amount of money that you
12. have to fork over to the county for doing what the county ought to
13. be doing anyway. And that is performing the services for which
14. they are levying taxes. Senator Groen is quite correct. All tax
15. entities ought to report to the people what it actually costs to
16. operate their particular governmental responsibilities. The
17. schools have to do this; the park districts have to do it; the
18. municipalities have to do it; and they are in as much of a crisis
19. and money crunch as are the counties. And I would suggest that
20. they have just as important obligations if not more so to fulfill
21. than the counties. You'll find more of them on the raw edge of
22. bankruptcy to the full extent of their tax rate than you will find
23. in so far as the counties are concerned. This is nothing more
24. than an increase in the real estate tax and taking a tremendous
25. chunk of money away from our cities and our schools and our
26. park districts and it is not good legislation. I vote no.

27. SECRETARY:

28. Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns,
29. Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons,
30. McBroom, McCarthy, Merritt.

31. PRESIDENT:

32. Senator Merritt.

33.

1. SENATOR MERRITT:

2. Mr. President and members of the Senate, just briefly once
3. again, I want to reiterate in answer to Senator Soper this bill
4. by the Conference Committee Report is identically the same as it
5. left this Body when it was passed out of here November, 1971.
6. The situation was so desperate with counties at that time. A year
7. has now lapsed with this in Conference Committee; they've now agreed
8. and the situation in the counties has become even more critical,
9. and I think the time has come to do just what we did a year ago
10. when we passed it out of here at that time. I vote aye.

11. SECRETARY:

12. ...Mitchler...

13. PRESIDENT:

14. Senator Mitchler.

15. SENATOR MITCHLER:

16. Mr. President and members of the Senate, I supported Senate
17. Bill 1290 in 1971 and I still will support the Conference Committee
18. Report at this time. One thing I do want to point out that I do
19. so with some reservation in that in the new Constitution of 1970 in
20. Article VII, Section 9 on salaries and fees and this is one thing
21. that I've read over and over again and tried to have individuals
22. interpret it to me, but it says very clearly that fees shall not
23. be based upon funds dispersed or collected nor upon the levy or
24. extension of taxes, and I do feel that the minute the Governor signs
25. this that there will be a court case and even though I'm supporting
26. this now, I'm of the opinion after reading this Constitution that
27. there is question that possibility that it would be declared un-
28. constitutional; and also the exemption of the home rule units in
29. the county, a county home rule of government, I wonder about counties
30. attempting to become home rule units of government and thereby
31. eliminate any of this collection of fees that money would come in.
32. They stubbed their toe once when they let the new Constitution go
33. through and to become a home rule unit of county unit of government,

1. they'd be stubbing their toe again; and I'm wondering about local
2. units of government that go into a home rule county government and
3. into a non home rule county government how that's affected in the
4. collection of taxes, but all this, I believe, will have to be
5. resolved by the court and they're doing a lot of legislating, maybe
6. the Governor can have an amendatory veto or something, but I'm
7. going to vote aye.

8. SECRETARY:

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

12. PRESIDENT:

13. Senator Groen.

14. SENATOR GROEN:

15. Mr. President, I don't believe I'm recorded. In explaining
16. my vote, I'd just like to reply to Senator Berning that when he
17. says this is permissive that's sort of like opening a bottle of
18. bourbon at a party for alcoholics and not expecting anybody to take
19. a drink. Don't kid yourself. If this authority is granted, there
20. isn't going to be a county board in this State that doesn't take
21. advantage of the permissiveness that's offered. I say to you again,
22. "I'm convinced also, Senator Mitchler, that this is unconstitutional."
23. As a matter of fact, my own county board enacted such an ordinance
24. and they were advised by the State's Attorney of my county that it
25. was unconstitutional, and I think he was absolutely right, and if
26. you pass this, I can assure you there will be a test and I hope
27. to the good heaven that the Supreme Court exercises its good judg-
28. ment and knocks it right where it ought to go. I vote no.

29. PRESIDENT:

30. Johns aye. A call of the absentees. The absentees will be
31. called.

32. SECRETARY:

33. Arrington, Berning, Bidwill, Bruce, Carroll, Chew, Coulson,

1. Davidson, Gilbert, Hall, Hynes, Knuepfer, Kosinski, Kusibab,
2. Laughlin...

3. PRESIDENT:

4. Senator Laughlin.

5. SENATOR LAUGHLIN:

6. Yes, Mr. President, I'm having difficulty. I voted for this
7. bill. I checked when it passed the first time. I have grave
8. misgivings about it now. I have two comments I wish to make before
9. I vote: No. 1. The counties are now receiving revenue sharing
10. money which they weren't getting before. I think that's of some
11. significance. No. 2. I'm impressed the longer I think that by
12. the exclusion of home rule units you have made the legislation
13. unconstitutional. It's inconceivable to me that the county that
14. doesn't elect or that does elect a chief executive officer is going
15. to have one kind of treatment in this case and a county of the same
16. size that doesn't is not; so, I've got to change my position. I
17. vote no.

18. SECRETARY:

19. ...McCarthy, Newhouse, O'Brien, Ozinga, Romano, Saperstein,
20. Soper, Swinarski.

21. PRESIDENT:

22. On that question the yeas are 36, the nays are 4. Conference
23. Committee Report is accepted. Senator Berning moves to reconsider.
24. Senator Merritt moves to table. All in favor of the motion to table
25. signify by saying aye. Contrary minded. The motion to table prevails.
26. Senator Donnewald is recognized.

27. SENATOR DONNEWALD:

28. Yes, Mr. President and members of the Senate, I'd like to go to
29. the order of Third Reading and refer to Senate Bill 1263 which is
30. the reapportionment bill and I would like to call that back to the
31. order of Second Reading for the purpose of amendment.

32. PRESIDENT:

33. 1263 is called back to Second Reading for purposes of amendment.

1. SENATOR DONNEWALD:

2. Yes, now Mr. President and members of the Senate, this
3. particular bill as amended by this amendment will reenact and
4. exactly duplicate the districts as we know them today as we ran,
5. those of us that did run, in the last election. There's no...the
6. purpose or reason for this particular move, Mr. President and members
7. of the Senate, is to try or attempt to remedy the situation as the
8. court described. I think we're all familiar with the court decision
9. that said that the present map that we have was provisional only.
10. Now, what we're trying to do here is pass the same bill, the same
11. map that we have today. We're doing it by legislative action
12. instead of by the Commission, and hoping that the court will see
13. fit to state that this is good for the next...until the next
14. reapportionment in 1982...1980 rather, and the amendment, I think,
15. has been gone over quite thoroughly by both sides of the aisle,
16. by the staffs of both sides of the aisle, and I would then move,
17. Mr. President, that the amendment be adopted.

18. PRESIDENT:

19. Is there any discussion? Senator Graham.

20. SENATOR GRAHAM:

21. I know, Senator Donnewald, that your staff has done a considerable
22. amount of work on this. I'm hoping that some of our staff has too,
23. to the extent that we're not going to get tangled up with the courts
24. over a misplaced semicolon. Maybe if we do that, then the courts
25. will start minding their business and leave us alone for awhile. That's
26. what we're trying to do and I'm glad.

27. PRESIDENT:

28. All in favor of the adoption...Senator Clarke.

29. SENATOR CLARKE:

30. Well, I'd just like to comment in answer to Senator Graham that
31. our staff has gone over this in detail, proofread it and it is
32. identical. I would voice some reservation that we are solving any-
33. thing by this, but I'm not a lawyer. The court will rule on it I'm

1. sure because I know there are people who will challenge this as
2. they challenged the previous reapportionment, and I would guess that
3. it could, you know, be all in not, but it's, I don't think, harmful
4. otherwise to go ahead and do it.

5. PRESIDENT:

6. All in favor of the adoption of the amendment indicate by
7. saying aye. Contrary minded. The amendment is adopted. Senator
8. Donnewald.

9. SENATOR DONNEWALD:

10. Mr. President, for intervening business, I would like to pull
11. House Bill 3768 and 4568 to the order of Second Reading for the
12. purposes of amendment.

13. PRESIDENT:

14. 3768 is called back to Second Reading for purposes of amend-
15. ment. Can you explain the amendment briefly?

16. SENATOR DONNEWALD:

17. Yes, this has to do with the eliminating of Chicago and Cook
18. County in both of these bills, and from the bonding proposition as
19. set forth in those particular bills. It eliminates Chicago and
20. Cook County.

21. PRESIDENT:

22. Is there any discussion? All in...Senator Fawell.

23. SENATOR FAWELL:

24. Why?

25. PRESIDENT:

26. Senator Donnewald.

27. SENATOR DONNEWALD:

28. Well, very frankly, there was objection that they...the
29. reason given me was that they probably wouldn't use it anyway, and
30. in order to have a chance at passage of the bill, we did eliminate
31. it.

32. PRESIDENT:

33. Senator Fawell.

1. SENATOR FAWELL:

2. One gets a little bit tired of having one aspect of the law
3. apply to Cook County and the rest the rest of the State. Now, this
4. is a bill introduced by the Treasurer of the State of Illinois, and
5. all of the information which has been given to us is that it is
6. designed so that bonds can be issued to taxing entities which otherwise
7. might have to pay rates which were higher than they perhaps should
8. be paying and to avoid a lot of other expenses that go along with it.
9. Now, I understand that some bankers may not like it, etc.; but I cannot
10. understand if it is good at all, and I've got some questions about
11. the bill, why in the world it should exclude Cook County. I...if
12. you can advance any type of rationale or logic, I'd be glad to
13. listen.

14. PRESIDENT:

15. Senator Donnewald.

16. SENATOR DONNEWALD:

17. Well, Senator, first of all I think you're probably going to
18. the merits of the bill in your discussion, but to answer you very
19. briefly, I think that the Cook County and Chicago area have already
20. have a double or triple A rating and they don't really need...they
21. really don't need this particular type of legislation there where
22. we do downstate, but that...I think that that...we should argue that
23. on the merits of the bill itself.

24. PRESIDENT:

25. Senator Fawell.

26. SENATOR FAWELL:

27. We're at the amendment stage right now, aren't we?

28. PRESIDENT:

29. That is correct.

30. SENATOR FAWELL:

31. Well, what about Stickey in Cook County? Don't they sometimes
32. have a little trouble in pedalling bonds or are they triple A too?

33. PRESIDENT:

1. Senator Donnewald.

2. SENATOR DONNEWALD:

3. Senator, I can't answer as to whether Stickney is or not but
4. that would be...Stickney is in Cook County I presume. Is that
5. right?

6. PRESIDENT:

7. Senator Fawell.

8. SENATOR FAWELL:

9. I'm just simply saying that somebody put an oar in here and
10. put the cloud in and out goes Cook County just like I saw in the
11. bill a short time ago where you get all the votes on that side
12. of the aisle and you murder DuPage County taxing districts. Now,
13. it comes along with a bill that's being sold by a Treasurer, a
14. member of your party, about this being something that's heaven,
15. home and mother and something to rescue districts that are being
16. forced to pay large legal fees and exorbitant interest costs and
17. so forth and what happens. You pull Cook County out of it. All
18. of the districts evidentially, all of the taxing districts of Cook
19. County don't need the benefit of this wondrous legislation that's
20. being presented by the Treasurer. It just doesn't make sense. What
21. we're having here is deals taking place, and I don't like it.

22. PRESIDENT:

23. Senator Groen.

24. SENATOR GROEN:

25. Well, Mr. President, without going into the merits of the bill
26. and there are certainly those of us who have great reservations
27. regarding either the necessity or the desirability of this legis-
28. lation, I would have to concur. As a member of the School Problems
29. Commission, Senator Donnewald, I can advise you that some of the
30. very poorest school districts in this State that need this, if it's
31. good, perhaps the very worse are in Cook County. Now, if this is
32. designed to help communities and taxing districts in communities
33. where by reason of the nature of industry and the economy of that

1. area, they have taxing base which causes their bonds to be given
2. a low rating and thus a higher interest rate, there is no area
3. in this State that needs it worse than some of the areas in Cook
4. County, and for the life of me, I've got to agree with Senator
5. Fawell. I can't understand why you want to eliminate the county
6. that needs it the most. If it's good, for heavens sake, give it
7. to them. They really need it.

8. PRESIDENT:

9. Senator Donnewald may close the debate.

10. SENATOR DONNEWALD:

11. I have no further debate. I move, Mr. President, that the
12. amendments in both bills be adopted.

13. PRESIDENT:

14. Is it acceptable to have the same vote on...for both amend-
15. ments since they're identical. Leave is granted. All in favor
16. of the adoption of the amendments indicate by saying aye. Roll
17. call has been requested. The Secretary will call the roll.

18. Pardon.

19. SENATOR DONNEWALD:

20. One roll call or...

21. PRESIDENT:

22. One roll call will cover both bills. That's correct.

23. SECRETARY:

24. Arrington...

25. PRESIDENT:

26. We are voting on the amendment. It does not take 30 votes,
27. the majority of those voting on the question.

28. SECRETARY:

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

32. SENATOR FAWELL:

33. I...I simply want an answer to the question which I have

1. propounded and that is why if this legislation is good, why
2. should all of the tax entities and there are a number of ones that
3. are poor and need the benefits that alledgely will come by this
4. bill, why has Cook County been deleted? I think that the people
5. of Illinois and certainly the people of Cook County deserve an
6. answer to that question, and I suggest this, "Is it because the
7. big banks of Chicago are so big that perhaps they have more influence
8. than those banks downstate?" I vote no on this amendment unless
9. I can get some satisfactory answers to the questions that I am
10. putting forth.

11. SECRETARY:

12. ...Gilbert, Groen, Hall, Harris, Horsley, Hynes, Johns,
13. Knuepfer, Knuppel, Kosinski, Lusibab, Latherow, Laughlin, Lyons,
14. McBroom, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,
15. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,
16. Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

17. PRESIDENT:

18. Carroll No. Carpentier no. Vadalabene aye. On that question
19. the yeas are 22, the nays are 13. The amendments are adopted. Senator
20. Donnewald, do you wish to return to 1263 then?

21. SENATOR DONNEWALD:

22. Yes, Mr. President, I would only add what I said earlier con-
23. cerning the Reapportionment Bill. Both staffs of the Senate, the
24. Republican and the Democratic side worked extremely hard and rapidly,
25. I might add, to get the amendment in shape for its adoption. I would
26. also add that it has a clause in the body of the amendment to take
27. care of those districts...I would ask for a roll call.

28. PRESIDENT:

29. Senator Clarke.

30. SENATOR CLARKE:

31. I just want to say that I was talking to the Majority Leader of
32. the House a few minutes ago and he suggested that it might be a better
33. procedure to reapportion next year and I'd just like to ask whether

1. possibly some of you haven't changed your views on some of those
2. overlapping districts like Senator Rock. He might rather reapportion
3. and cut out some new districts.

4. PRESIDENT:

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

6. SECRETARY:

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

10. SENATOR GROEN:

11. Mr. President, I didn't vote for the map when it was before
12. us before and I'm not going to change that position and make a
13. mistake by voting for it now. I vote no.

14. SECRETARY:

15. ...Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,
16. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,
17. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,
18. Ozinga, Palmer, Partee...

19. SENATOR PARTEE:

20. You know all the wisdom isn't on either side of the aisle here,
21. and I think possibly what Senator Groen said about Cook County needing
22. this is probably true. I'm going to vote for this bill in its present
23. form, but I'm going to be watching this, and the possibility is
24. we'll be back in here to amend it to include Cook County...Oh, I'm
25. sorry.

26. PRESIDENT:

27. This...

28. SENATOR PARTEE:

29. I guess there's a little generation gap here. I've been away for
30. a couple of minutes. I vote aye.

31.

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SECRETARY:

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

PRESIDENT:

Baltz aye. Latherow aye. For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

As the twenty-ninth Senator, in two separate elections, I'm not too pleased with my district the way it's stretched out and the fact that I had to move, so I'm going to vote no.

PRESIDENT:

...the yeas are 39; the nays are 2. The bill is declared passed. Is there further business to come before the Senate? Senator Partee, you have a motion relative...motion by Senator... just a moment. We have the Special Session immediately after this now. Motion by Senator Partee that the Senate stands...

SENATOR PARTEE:

One moment...Baltz.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, members of the Senate. On the Secretary's Desk is Senate Bill 1281. This bill was amended in the House...yes. This bill was amended in the House. Copies of the amendment which is labeled Amendment No. 3 which is the final amendment, Amendments No. 1 and 2 had been previously Tabled in the House, so Amendment No. 3 is the only viable amendment. It makes three or four significant changes, substantive changes, in the Pension Law. It has the approval, I am told, of the Pension Laws Commission and I would ask for a favorable roll call. I think everybody's had an opportunity

1. to read the amendment and I'd ask for a favorable roll call.

2. PRESIDENT:

3. Senator Lyons.

4. SENATOR LYONS:

5. I'd like to ask Senator Rock a question. On page 2 of this
6. Amendment No. 3, I guess it is, line 30, the figure six years is
7. stricken and is replaced by the figure eight. Now does that mean
8. that this amendment purports to raise from six years to eight years
9. the minimum time of service necessary to qualify for the General
10. Assembly retirement? Because if it does, I think it's patently
11. unconstitutional.

12. PRESIDENT:

13. Senator Rock.

14. SENATOR ROCK:

15. No, I don't think so and I'll kind of lean on Senator Groen
16. for a little help here. But I think if you'll read the whole
17. section of Section 2-121, that section sets up three situations
18. where the spouse or eligible child of a member of the Fund would
19. be...would have their rights vested. One of the situations was,
20. in fact, that which is spelled out in line 30. It had previously
21. been eight years. It was by virtue of, I think, House Bill 3660
22. which was passed and signed into law, lowered to six years and
23. now apparently the intent is to raise it back up to eight and to
24. add a further category which is spelled out on line 30 there. An
25. annuitant who retired at age 62 or over with between four and eight
26. years of service credit is entitled to annuity. I think, Senator
27. Lyons, in direct answer to your question, yes, it is being raised
28. back up. I think also that anybody who is in that class of person
29. who would have qualified during the period of the life of House
30. Bill 3660 which was the six year period cannot, by any stretch of
31. the imagination, be divested. This is a prospective only amendment.

32. PRESIDENT:

33. Senator Lyons.

1. SENATOR LYONS:

2. Well, what's the concatenation of reasoning that leads to
3. this conclu...why is it desirable to do this? Who wants this?

4. PRESIDENT:

5. Senator Rock.

6. SENATOR ROCK:

7. Apparently, the actuary for the Pension Laws Commission and
8. the Commission itself had worked over this amendment. Frankly...
9. Senator Groen will get his file. I am told by the House sponsor
10. of the bill that when House Bill 3660 was passed this eight to
11. six was not the intent. The intent was as set forth in Section C
12. to cover that class so that if one is over age 62 and has as little
13. as four years of service the spouse or eligible child would be
14. entitled to annuity.

15. PRESIDENT:

16. Senator Lyons.

17. SENATOR LYONS:

18. Well, I'm going to vote no on this amendment, I think, because
19. what's been happening to people running for this General Assembly,
20. particularly the Senate, twice now I've been elected for a four
21. year term and wound up serving two years. Now, I don't think with
22. the rash of reapportionment that seem to be plaguing legislative
23. bodies all over the country, I don't see any sign that that's going
24. to diminish. Probably it will intensify. So I would think that
25. there may be a lot of situations coming up in the future which this
26. amendment, doing what this purports to do, would have...in which
27. the effect would be that people would be shut out of qualifying
28. for their pension. I do not think that that's a desirable thing.

29. PRESIDENT:

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. Senator Rock, does this have...is there some way that there
33. could be severability? Because, not that it effects me, but I'm

1. concerned about the constitutionality of this because we're presently
2. trying a case and the provision in the Constitution that says no
3. benefits under a pension plan can be taken away. Now you assume,
4. I think, in the argument with Senator Lyons, that nobody would be
5. deprived but where does it say this and are we not prejudicing
6. the whole bill? This is the thing...what? Aren't we prejudicing
7. the constitutionality of the whole bill if we don't have a sever-
8. ability clause or something in it if they would hold that, in fact,
9. it did intend to take away some pension benefits of some individual?

10. PRESIDENT:

11. Senator Rock.

12. SENATOR ROCK:

13. Well, yea. Senator Groen has, in fact, gotten some information,
14. I hope. Let me just say that, I think, there is validity to your
15. concern. I would think, however, again, that if, in fact, one was
16. in the class and had his rights vested as under the provisions of the HOU
17. Bill 3660 as it was approved by the Governor by virtue of subsequent
18. approval of Senate Bill 1281 he could not be divested by those
19. rights. What it would do would be for future or prospective mem-
20. bers of this fund it would then lengthen the period back to what
21. it was originally.

22. PRESIDENT:

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. I don't disagree with you. I don't think there's any way under
26. the Constitution that you can divest anybody. The question I have
27. is this: Are you not presupposing or guessing at what a court
28. might say with respect to the rest of the bill? In other words,
29. let's assume that some of the...the situation came up where they'd
30. say yes, but you don't divest this person and the reason you don't
31. divest him is because the law is unconstitutional and take the
32. whole thing down. And there are other benefits are there for legis-
33. lators.

1. PRESIDENT:

2. Senator Palmer.

3. SENATOR PALMER:

4. I would like to ask Senator Rock. There seems to be some
5. doubt about this. Could you hold this 'til tomorrow and I'd like
6. to study this out and check this out. There is a doubt in your
7. mind and in a lot of the experts here and there's something I'd like
8. to check out. And I'm concerned about this for Senator Neistein's
9. sake.

10. PRESIDENT:

11. It's good that Senator Neistein has a spokesman here now.
12. Senator Groen.

13. SENATOR GROEN:

14. Mr. President, members, I hope I can throw a little light
15. on this. I have gone to my office and obtained the information
16. which constitutes the analysis of this problem. What this amend-
17. ment is intended and desired...it's purpose and intent is to prevent
18. the complete destruction of the reciprocity law in which I am sure
19. you are all interested as it applies to the General Assembly Re-
20. tirement System. Now I might say that these proposals as embodied
21. in this proposed amendment have been reviewed by the Pension Laws
22. Commission. The Commission considered all of these and unanimously
23. approved them with the provision that an increase in the contri-
24. bution of the members be required to cover the cost. And I would
25. hope that the press that is here, that news media generally, under-
26. stand completely that the amendments embodied in this proposal will
27. not be one cent out of the taxpayers' pocket but will be financed
28. entirely by the increase of one-half of one per cent provided for
29. in this bill and paid for out of the salaries of the members of
30. the General Assembly. Now this reduction...there was a reduction
31. from six to four years of service in the requirement for the applicatio
32. of the so-called alternate formula under the reciprocity law. Under
33. this formula the last retirement system under which an employee

1. finds himself would grant a retirement annuity for all public
2. employment based on the formula. Thus an employee who has ren-
3. dered eight, ten or twelve years of service or even more in
4. another position in public employment can enter the General
5. Assembly, serve four years and receive a sizable pension. Such
6. pension for his aggregate public employment may approximate at
7. least twice the amount that his previous pension credit would have
8. provided him. Originally, the period of legislative service re-
9. quired for the application of the aforesaid provision was eight
10. years. House Bill 3660 sponsored by Representative Peter Miller
11. was enacted at the last legislative Session and you may recall,
12. that I stood at this very microphone and implored you not to
13. support that bill. But you did, it passed and it became law.
14. That reduced this required period from eight to six years. Now
15. a further erosion of this qualifying condition is contemplated.
16. Any amendment to reduce it would therefore further impair and
17. destroy, in effect, the reciprocity law and its application to
18. the members of the General Assembly. The amendment constitutes
19. a backdoor method of obtaining direct pension credit in the
20. General Assembly Retirement System for other public employment
21. with the accompanying benefit of a considerably higher pension
22. rate schedule from the General Assembly Retirement System which
23. invades the corpus of the principle upon which you rely for the
24. payment of your pensions. Now as Senator Rock pointed out this
25. is prospective in its application. What has happened up to this
26. time is vested; it will not be changed; and the people who had
27. the benefit of that reduced time will continue to have the benefit
28. for it and I am sorry to tell you that that bill was introduced
29. by Representative Miller and became law for the sole benefit of
30. one person. And this is what happens when we do open the door
31. and we change the law to take care of Joe or John or Mrs. Joe or
32. John or so on. The mistake was made and we are trying to rectify
33. it in futuro, not in the past. We know that with the constitutional

1. prohibition against divesting of any benefit that a member may
2. have in any of the Public Employee Pension Systems, it is no longer
3. permitted under that constitutional provision. This is prospective
4. in nature. It's closing the door on a raid on your fund. That's
5. all it's doing and preventing future raids to be made that would
6. in effect, as I have said to you, literally destroy the operation
7. of the reciprocity law that is so beneficial to you under minimum
8. qualifying service which would be eight years. I would urge you.
9. I would advise you that this is a good portion of this proposed
10. amendment. It should be adopted to remedy the mistake that was
11. made and to stabilize your Pension System in the future years of
12. its operation.

13. PRESIDENT:

14. Senator Knuppel.

15. SENATOR KNUPPEL:

16. Let's just assume myself. I'm not...I don't have six years
17. or anything like that, but I was in this Session of the General
18. Assembly and I'm completing two years. Now, we vote for this
19. and it moves this from six back up to eight. What about the man
20. in transit--the man who is more...who is in the General Assembly
21. who was here when they voted the other benefits and now, what
22. about him? I'll buy maybe that it's perspective as to the guy
23. who already has six years. What about the fellow whose in transit
24. here like myself and many of the other freshmen Senators here or
25. somebody whose serving a second two year term, but hasn't yet achieved
26. the six year? How will the court look at that with respect to
27. whether or not they're taking something away? Let's say that I
28. never come back here after this term. I decide I don't want to
29. come back and I want to use the six years to apply for my pension
30. and I attack this provision as being unconstitutional and as
31. depriving me of some benefit because for some period of time I
32. was under the other provision. How do you envision that?

33. PRESIDENT:

1. Senator Groen.

2. SENATOR GROEN:

3. Senator, I would answer that this way. If...if the con-
4. struction of that would be that as a member of the General Assembly
5. at any given time you had a vested contractual interest in the
6. annuity that is involved that in this case, I believe it is the
7. widow's annuity, Senator Rock, then under the constitutional
8. provision it has vested, it was a contractual arrangement and it
9. could not be taken from you. If it would be the opinion of a
10. court that that does not vest until the widow's annuity in fact
11. comes into being, I think there might be a different interpretation;
12. and I cannot at this time tell you whether a widow's annuity
13. vests prior to the time of the death of the member or whether it
14. vests during the term of his office. It would be my thinking that
15. it does not vest until such time as the member dies and the widow
16. becomes eligible because there are other requirements you know
17. that are involved, age and so on, before it actually vests in her.
18. That would be my interpretation.

19. PRESIDENT:

20. Senator Knuppel.

21. SENATOR KNUPPEL:

22. The exact language of the Constitutional provision, it's
23. Article XIII, Section V, says: "Membership in any pension or
24. retirement system of the State, any unit of local government or
25. school district or any agency or instrumentality thereof, shall
26. be an enforceable contractual relationship, the benefits of which
27. shall not be diminished or impaired." Now, I'm serving here.
28. There was a bill passed. I stood in a certain status. I assume
29. that was a new...it was a novation. It was a new contract; that
30. I have a contractual right and I submit...I submit that this is a
31. very possible interpretation that anybody who served in this Body
32. who would have qualified for something at six years and now it's
33. been moved back again to eight is having his benefit diminished

1. or impaired and what I'm saying is this. That you very well may
2. be passing a law and the only way they could say I had that
3. benefit would be to say that the whole amendment, the whole thing
4. is unconstitutional. They can't pick and choose me. They take
5. the statute and look at it and say, "The Statute's bad. It's bad
6. from stem to stern. One rotten apple spoils the whole barrel."
7. So the whole amendment goes down. They're not going to be talking
8. about John Knuppel. They're going to be talking about the Statute
9. and I say that there's a possible interpretation here that we ought
10. to avoid; that I am now under a contractual relationship with the
11. State here at the end of my two years so that if I get a full term
12. in the ensuing General Assembly or at some other time that we are
13. now going to impair my contractual rights with the State of Illinois.

14. PRESIDENT:

15. Senator Lyons.

16. SENATOR LYONS:

17. As I read this, Mr. President, it would be possible for a
18. man to run for the Senate twice, win twice, and not qualify for
19. the Pension. He would only have six years. That's exactly the
20. situation that I am in. I realize it has no effect on me personally
21. because of the constitutional provision against subsequent divestiture,
22. ex post facto divestiture, but in futuro a man could run for a two
23. year term and a four year term and this would knock him out as I
24. read it which I do not think is a desirable situation.

25. PRESIDENT:

26. Senator Groen.

27. SENATOR GROEN:

28. Senator Lyons, the vesting time for a member of the General
29. Assembly for an annuity for him is four years. This has nothing
30. to do with the time for vesting of a pension for a member of the
31. General Assembly. This deals solely with the widow's annuity
32. portion and has nothing to do with what you just alluded to.

33. PRESIDENT:

1. Senator Lyons.

2. SENATOR LYONS:

3. That makes it worse because the widow's are the people who
4. really need the pension.

5. PRESIDENT:

6. Senator Harris.

7. SENATOR HARRIS:

8. Well, Mr. President, I want to raise this question either to
9. Senator Rock or to Senator Groen and as I look at this we are not
10. talking about an increased requirement to qualify, as I read it,
11. we are talking about an increased benefit. It's talking about
12. service credit--not time required to qualify. A service credit
13. comes into the category of a benefit as far as I'm concerned. It
14. seems to me we are increasing a benefit here. We are talking about
15. eight years service credit not eight years requirement to qualify.
16. Am I wrong in raising this point?

17. PRESIDENT:

18. Senator Lyons.

19. SENATOR LYONS:

20. Well that just isn't the way it was explained. I don't know
21. what the...

22. PRESIDENT:

23. Senator Palmer.

24. SENATOR PALMER:

25. Senator Groen, I want to ask you a question before you leave.
26. Senator Groen said that House Bill 3660 has changed the vesting
27. right from eight to six years and in his opinion that was an error
28. and then he further stated that this amendment is correcting that
29. error which brings us down to what Senator Lyons said.

30. PRESIDENT:

31. Senator Rock, what is your wish? Do you wish to proceed or
32. do you wish to...

33. SENATOR ROCK:

1. Mr. President and members of the Senate, I know that this is
2. a subject of much interest to many members. I share some of the
3. concern that Senator Knuppel has expressed only because I was the
4. one that raised it over in the House and have been trying to get
5. what I think is a satisfactory answer all afternoon. I do think,
6. however, that with the fact that one cannot be divested, with the
7. fact that this is prospective and in addition to that this concerns
8. itself only with the operation of only one Section, Section 2-121,
9. and I am checking right now, but I assume that for the purpose of
10. allaying Senator Knuppel's fears that the entire Pension Code is
11. structured with a severability clause so that in the event that
12. the operation of Section 2-121, Subsection (b) was held to be in
13. fact in violation of our Illinois Constitution, I do not think the
14. result would be a complete downfall of the entire Pension Code.

15. PRESIDENT:

16. The Chair was engaged in conversation. I'm sorry. Senator
17. Lyons.

18. SENATOR LYONS:

19. Well, I'm intrigued by the point that Senator Harris made.
20. Maybe he's right, but that certainly is not the explanation and
21. Senator Rock assures me that that is not the intent. The intent
22. as has been stated by Senator Rock and Senator Groen is to restrict
23. rather than enlarge people who can qualify...the end for people who
24. can qualify for participation in the Pension. If it's applied
25. only to widows, anything that could be said to the effect that it's
26. an unwelcome provision in its effect on members, it would be
27. *a fortiori* with respect to widows because they are the ones most
28. in need of the kind of protection that a pension code is supposed
29. to give them. That's why we have pensions to begin with.

30. PRESIDENT:

31. Senator Rock, what is your wish?

32. SENATOR ROCK:

33. Well, I think that with the amount of general interest surrounding

1. this bill and the importuning that I have been subjected to all
2. day from both House and Senate members, I would think at this
3. point...I think that Senator Lyons has a valid point and one
4. frankly that I raised about one o'clock this afternoon, but I
5. also think that Senator Groen's explanation was satisfactory to
6. the extent that the concern of the Pension Laws Commission and
7. its actuary was a legitimate concern and that is that we are
8. by lowering this requirement as good or as salutary as one...it
9. might seem to be, we are in fact inviting raids upon the principle
10. of our pension fund, the corpus of our pension fund, and I think
11. that on balance we might be better advised to just take another
12. look at whether or not we want to lower, completely lower or do
13. away with, for that matter, the qualifying period so that anybody
14. once elected can or is entitled to or has some vested interest in
15. the corpus of this pension fund. I think that all things considered,
16. eight years of service credit is not too little to demand for an
17. annuity for the spouse or eligible child given the shape of the
18. Pension Fund and I would ask, Mr. President and members of the
19. Senate, for a favorable roll call.

20. PRESIDENT:

21. The Secretary will call the roll.

22. SECRETARY:

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

30. PRESIDENT:

31. Senator Sours.

32. SENATOR SOURS:

33. I have a question, Mr. President, for Senator Groen. I want to

1. get something straight. Am I correct in assuming that this is no
2. cost to any of the taxpayers?

3. PRESIDENT:

4. Senator Groen.

5. SENATOR GROEN:

6. Senator, this was one of the things we had the actuary determine
7. and he advises me and I give you almost verbatim that the one-half...
8. his words, that the one-half of one percent contribution increase on
9. the part of the members which will bring your total contribution from
10. nine and one-half percent to ten percent, will in his words and I
11. again quote, "more than adequately cover the cost of the increased
12. benefits contained in this proposal."

13. SENATOR SOURS:

14. I vote aye.

15. SECRETARY:

16. ...Swinarski, Vadalabene, Walker, Weaver.

17. PRESIDENT:

18. Palmer aye. Hynes no. Egan no. Senator Groen.

19. SENATOR GROEN:

20. Mr. President, I have not voted and in explaining my vote I
21. want to say this. I would insert by reference all of the things
22. that I have previously said about this proposed amendment and the
23. cost implications that are involved which will not be a burden on
24. the taxpaying public, I will be one of the beneficiaries of this
25. amendment and I am most appreciative to those who have voted in the
26. affirmative. Your willingness to dig down into your pocket and
27. from your future salaries pay a benefit to me to which benefit I
28. will...which I will receive, but which I will not have had an
29. opportunity to make any contribution myself. I don't feel that be-
30. cause of that reason I should be imposing that on you perhaps as
31. one of the beneficiaries of this proposal so I will vote no, but
32. I'm deeply grateful to all of you for your willingness to finance
33. this proposal.

1. PRESIDENT:

2. On that question the yeas are 34, the nays are 5. The Senate
3. concurs in the House Amendment. Senator Johns moves to reconsider.
4. Senator Rock moves to Table. All in favor of the motion to Table
5. signify by saying aye. Contrary minded. The motion to Table pre-
6. vails. Is there further business to come before this Session?
7. Motion by Senator Partee that the Regular Session stand in recess
8. until 10 o'clock tomorrow morning. All in favor signify by saying
9. aye. Contrary minded. The Regular Session stands in recess. We
10. have a Special Session. Just a moment. The Chair...there's a
11. request that the Senate is not adjourned. There has been a request
12. that there was not enough votes for an adjournment resolution. The
13. Senate did not adjourn. The vote on the matter...on the bill of
14. Senator Rock's was 34 yeas and 4 nays. It needs 35 for passage
15. because of the effective date of the Act. Request for a call of
16. the absentees.

17. SECRETARY:

18. Arrington, Bidwill, Bruce, Chew, Clarke, Coulson, Davidson,
19. Gilbert, Horsley, Knuepfer, Kosinski, Kusibab, Newhouse, O'Brien,
20. Ozinga, Romano, Saperstein, Swinarski.

21. PRESIDENT:

22. On that question the yeas are 35, the nays are 4. The bill
23. having received a constitutional majority is declared passed. Is
24. there further business to come before the Regular Session. Motion
25. by Senator Johns to reconsider. Motion by Senator Rock to Table.
26. All in favor of the motion to Table signify by saying aye. Contrary
27. minded. The motion to Table prevails. Any further business to come
28. before the Regular Session. Motion by Senator Clarke...

29. SENATOR CLARKE:

30. I just talked to the President pro tem. We'd like to have a
31. caucus at 9:30 and it's going to be somewhat extended so I asked
32. him if he'd be willing to extend the hour of meeting to 10:30.

33. PRESIDENT:

1. Senator Partee.

2. SENATOR PARTEE:

3. That's fine. 9:30 for the caucus. There'll be a Democratic
4. caucus at 9:30 also and we'll come into Session at 10:30.

5. PRESIDENT:

6. All right. Is...motion then that the Senate adjourn until
7. 10:30 tomorrow morning in the Regular Session. Now we have the
8. Special Session right now. Motion by Senator Partee that the
9. Special Session adjourn until 10:30.

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