

SEVENTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

DECEMBER 17, 1972

1. PRESIDENT:

2. Senate will come to Session. We do not have a Chaplain.
3. I'll ask the members to stand in a moment of silent prayer.
4. Reading of the Journal moved by Senator Kusibab that the read-
5. ing of the Journal be dispensed with. All in favor signify by
6. saying aye. Contrary minded. Motion prevails. Senator
7. Donnewald.

8. SENATOR DONNEWALD:

9. Mr. President, there'll be a Democratic caucus immediately
10. on the 6th Floor.

11. PRESIDENT:

12. I gather that the Motion to recess.

13. SENATOR DONNEWALD:

14. Yes, that's the Motion.

15. PRESIDENT:

16. Senator Clarke was on the Floor a minute ago. I didn't mean
17. to start without his....I...I'm sure he....all right, there'll be
18. a Republican caucus immediately. Is that all right? Senator
19. Mohr.

20. SENATOR MOHR:

21. Yes, Mr. President, I'd like the Journal to show that Senator
22. Berning is absent this morning due to illness. He went into the
23. hospital this morning for some very minor surgery.

24. PRESIDENT:

25. The Journal will so show. Motion by Senator Donnewald that
26. the Senate stand in recess for how long?

27. SENATOR DONNEWALD:

28. Thirty - half hour.

29. PRESIDENT:

30. Thirty minutes.

31. SENATOR DONNEWALD:

32. Yea.

33. PRESIDENT:

1. That'll be the day. That will be the day. Motion that
2. the Senate stand in recess...just a moment...Senator Clarke.
3. Senator Clarke.

4. SENATOR CLARKE:

5. Mr. President, the Republicans will have a caucus in 419
6. immediately.

7. PRESIDENT:

8. Motion that we stand in recess for thirty minutes. All in
9. favor signify by saying aye. Contrary minded. Senate stands in
10. recess.

11. (After recess)

12. PRESIDENT:

13. Senate will come into Session. The...there's been a sugges-
14. tion made by Senator Gilbert that we and this has been agreed to
15. by the leadership on both sides that we take care of bill that has
16. been returned by the House before we go back into Executive Session.
17. If there is no objection to that we will proceed on that basis.
18. We have a message from the House.

19. SECRETARY:

20. A message from the House by Mr. Selcke, Clerk:

21. Mr. President - I am directed to inform the Senate that the
22. House of Representatives has refused to concur with the Senate
23. in the adoption of their amendments to a bill with the following
24. title: HB3906.

25. PRESIDENT:

26. Senator Partee.

27. SENATOR PARTEE:

28. Well, Mr. Chairman, I take the position of the Senate to re-
29. mains constant, so on that basis we would appoint a conference
30. committee refusing to accept; we'll refuse to recede from our
31. amendment and will appoint a conference committee..the same per-
32. sons who were informally selected last evening; we will formal-
33. ize Senators Cherry, Johns, Dougherty, Weaver and Baltz.

1. PRESIDENT:

2. The Motion is that the Senate refuse to recede from it's
3. amendment request a conference committee. Is there any dis-
4. cussion? All in favor signify by saying aye. Contray minded.
5. Motion prevails. The Senate will now resolve itself into
6. Executive Session. The question before the Body is does the
7. Senate advise and consent to the nominations which have been
8. made. Secretary, is there any discussion? The Secretary will
9. call the roll.

10. SECRETARY:

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

13. PRESIDENT:

14. Senator Clarke.

15. SENATOR CLARKE:

16. Mr. President, it appears that we have been unable to re-
17. solve this problem...I just want to state for the record that I
18. think that it's unfortunate that this action is being taken at this
19. time in terms of the continuity even for a period of several weeks...
20. or for the action...in terms of the possibility of a reflection
21. on these individuals. There's several ways that this could of been
22. done. It could have been done obviously at the end of the Session.
23. It could have been done in the light of the Governor being sworn
24. in on the 8th of January two days before the new Session coming in-
25. to effect by the withdrawal of and submission of new appointees...
26. there are, I think foundless fears here of some maneuver or some
27. constitutional impediment depriving the new Governor elect of his own
28. choices. I certainly don't argue and I didn't argue last night that
29. in this kind of a situation the new Governor elect should have
30. and would have his own opportunities to make appointments to these
31. positions if the shoe were on the other foot as it has been in the
32. past I think the same situation would have prevailed in reverse.
33. I just feel that it is unfortunate that in this particular time

1. and context and with this gap between now and January 8th
2. that we are proceeding with this kind of action. And I am cer-
3. tainly going to vote aye.

4. SECRETARY:

5. Collins, Coulson, Course

6. PRESIDENT:

7. Just a moment. For what purpose does Senator Walker arise?

8. SENATOR WALKER:

9. If you will recall yesterday I made the request pursuant to
10. the provisions of Rule 9 that when this question was put I made
11. the request and I was joined by four other members...

12. PRESIDENT:

13. Just...just a moment. What is your point of order, Senator
14. Cherry?

15. SENATOR CHERRY:

16. My point of order is, Mr. President, we are on roll call and
17. unless the Senator wishes to explain his vote any other comments
18. are inappropriate and not pertaining to the roll call made by the
19. Secretary of the Senate.

20. PRESIDENT:

21. Well, the Chair will rule that Senator Walker is making a
22. parliamentary inquiry and Senator Walker may proceed.

23. SENATOR WALKER:

24. Thank you Mr. President your more than fair....I made this
25. request yesterday...a member of your staff let's put it that way
26. asked if I were going to persist and I did, and I was joined by
27. the four other members, and that was that the vote be taken upon
28. each of the individuals rather than in a group and I now renew
29. that request that I made yesterday after we were asked if we
30. would advise and consent to the nominations just made...

31. PRESIDENT:

32. Well, the Chair regrets the misunderstanding. I...the parlia-
33. mentarian I believe consulted with you after the Session last

1. night and asked if you would be joined by four others and have
2. the request here we do not...did not receive such a request and
3. so we just proceeded.

4. SENATOR WALKER:

5. Mr. President, time I didn't...

6. PRESIDENT:

7. I didn't purposely try to shut you off, Senator Walker, but
8. we just didn't receive such a request...and...so we are in the
9. middle of roll call and we're going to have to proceed. So...

10. SENATOR WALKER:

11. Mr. President...

12. PRESIDENT:

13. And no Motion is in order in roll call.

14. SENATOR WALKER:

15. I fully realize that and I'm not trying to violate the Rules,
16. but the request was made yesterday and in spite of your fairness, I
17. rather feel that Walker and George Hallas are getting a fast
18. shuffel.

19. PRESIDENT:

20. Well, the Chair does not have great respect for both Jack
21. Walker and George Hallas...but, I think we're gong to have to
22. proceed with the roll call. Continue the roll call.

23. SECRETARY:

24. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,
25. Groen, Hall, Harris, Horsley,

26. PRESIDENT:

27. Senator Horsley.

28. SENATOR HORSLEY:

29. Will you restate the Motion please?

30. PRESIDENT:

31. Does the Senate advise and consent to the nominations just
32. made.

33. SENATOR HORSLEY:

1. Aye.

2. SECRETARY:

3. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,
4. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,
5. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
6. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
7. Smith, Soper,

8. PRESIDENT:

9. Senator Soper.

10. SENATOR SOPER:

11. Point of inquiry. I'd like to know what I'm voting on and
12. who the nominees are. I'd like the list read and what they're
13. being nominated for.

14. PRESIDENT:

15. We...I'm advised it's in the Journal on your desk I'm ad-
16. vised.

17. SENATOR SOPER:

18. All right, Mr. President, We're recording this. Now, you
19. want me to say read the Journal or do you want the...you want the
20. Secretary of the Senate read the Journal and put it in the record.

21. PRESIDENT:

22. If you can find it read it in your allotted three minutes
23. you may proceed Senator.

24. SENATOR SOPER:

25. And I'm precluded from putting this in the roecord what we're
26. voting on...

27. PRESIDENT:

28. You may put anything you want in the record within your three
29. minutesexplanation of vote.

30. SENATOR SOPER:

31. And if it...in other words if it took longer than three minutes
32. I'd be cut off.

33. PRESIDENT:

1. I think under the rules that is the way we would have to
2. proceed. Yes sir.

3. SENATOR SOPER:

4. Well, I'm glad everybody is fair around here we know what
5. we're doing. I vote aye. I don't know what I'm voting on.

6. SECRETARY:

7. Sours, Swinarski, Vadalabene, Walker.

8. PRESIDENT:

9. Senator Walker.

10. SENATOR WALKER:

11. I'll try and help my good friend Senator Soper. The gentleman
12. I'm interest in is number I think about 2016 on here and that
13. is the gentlemen that I filed the two Motions on, which appar-
14. ently have also gone down the drain. One to discharge the
15. Executive Committee, the other one to nonconcur and that is the
16. reason that I made my request yesterday thinking that I might
17. find enough friends of Mr. Hallas's here on the Floor of the Sen-
18. ate cause on July the 7th he received a letter from the Governor reap-
19. pointing him as a member of the Metropolitan Fair and Exposition Board
20. and he sent his oath back in, since that time it's laid dormant till
21. November when ..says enclosed copy my reappointment by the Governor
22. best wishes. I took this matter up with the leadership on the other
23. side of the aisle, I took the matter up with the leadership on this
24. side of the aisle present and future and I was told that there was
25. going to be some telephone calls made that possibly he would be
26. excluded from this list; from past experience I dismissed that
27. possibility from my mind I'm not going to rehash what we went
28. through here yesterday, I happened to be sitting in the Executive
29. Committee when they made their decision strictly along party lines;
30. the Democrats voting against the advise and consent; the Republicans
31. voting for it I expected the same treatment here on the Floor. I
32. can only add my voice to those who say it's unfair to say the least
33. mans' done a lot for the State of Illinois and for the City of Chicago

1. made many contributions and is willing to serve in spite of being
2. as busy as he is trying to bring another winning team into the City
3. of Chicago, they admitted that he and others had the qualifications
4. and the capability and yet this gentleman has been slugged a little
5. bit as I have been since he has been a kid on numerous occasions
6. and I think although the other side is throwing him for a temporary
7. loss I think eventually he will grab the ball recuperate charge
8. right through their lines. Thank you very much. I voted before
9. I started my...

10. SECRETARY:

11. Weaver.

12. PRESIDENT:

13. For what purpose does Senator Carpentier arise?

14. SENATOR CARPENTIER:

15. Am I recorded? My vote is an aye and I saw a similar situation
16. my freshman year ten years ago on the last day so we're ending up
17. the same way ten years later. There's a couple of other things
18. that are going to be discussed here this afternoon. And it's go-
19. ing to be a real pleasure to vote no on them, but I'm voting aye
20. now.

21. PRESIDENT:

22. On that question the ayes are 20. The nays are none. The
23. Senate does not advise and consent. Senator Cherry.

24. SENATOR CHERRY:

25. I move Mr. President that the Senate arise from the Executive
26. that the Executive Committee do now arise.

27. PRESIDENT:

28. Motion is that the Executive Session do now arise. All in
29. favor signify by saying aye. Contrary minded. Motion prevails.
30. We have...Senate...Senator Neistein.

31. SENATOR NEISTEIN:

32. Yesterday I made a Motion and I made an error in making the
33. Motion. My Motion should have included if you look at today's Cal-

1. endar under the words Secretary's desk a list of Resolutions my
2. Motion should have included those Resolutions. So now I'll make
3. the proper Motion and ask that all those Resolutions be stricken
4. from the Calendar.

5. PRESIDENT:

6. The...all right. Motion is to...include all the Resolutions
7. to be stricken from the Calendar. All...any discussion?
8. All in favor signify by saying...just a moment, Senator Vadalabene.

9. SENATOR VADALABENE:

10. All those Resolutions on the Calendar.

11. PRESIDENT:

12. Right. All in favor signify by saying aye. Contrary minded.
13. Motion prevails. We have some messages from the House before we
14. proceed. Senator Clarke.

15. SENATOR CLARKE:

16. Well, I was just going to get to that matter, Mr. President,
17. I was going to suggest there's a bill lying on the Secretary's
18. desk from the House.

19. PRESIDENT:

20. We have some messages from the House.

21. SECRETARY:

22. Message from the House by Mr. Selcke, Clerk.

23. Mr. President - I am directed to inform the Senate that the
24. House of Representatives has adopted the following preamble in the
25. Joint Resolution in the adoption in which I am instructed to ask the
26.

27. PRESIDENT:

28. Just a moment....Is this HBI, there...

29. SECRETARY:

30. No.

31. PRESIDENT:

32. No. Oh. Okay.

33. SECRETARY:

1. ...ask the concurrence of the Senate to wit: House Joint
2. Resolution 153. What it does congratulates the Soccer Team of
3. the University of Edwardsville campus.

4. PRESIDENT:

5. Who, who....Senator Vadalabene you want to move...

6. SENATOR VADALABENE:

7. Yes, I move for its adoption. All in favor signify by saying
8. aye. Contrary minded. The Resolution is adopted.

9. PRESIDENT:

10. All right. We have another message from the House.

11. SECRETARY:

12. Message from the House by Mr. Selcke, Clerk:

13. Mr. President - I am directed to inform the Senate that the
14. House of Representatives has adopted the following Joint Resolution
15. in the adoption in which I am instructed to ask the concurrence of
16. the Senate to wit: House Joint Resolution Constitutional Amendment
17. No. 2.

18. PRESIDENT:

19. Referred to committee and assignment of bills. Senator Graham.

20. SENATOR GRAHAM:

21. Somewhere up there do we not have a House message refusing to
22. accept a Senate Amendment on a bill that was sent over there yes-
23. terday.

24. PRESIDENT:

25. That that has been taken care of already Senator Graham. The...
26. Senate Bills on 3rd Reading. 1618, Senator Clarke. Just a...

27. SENATOR CLARKE:

28. Mr. President and members of the Senate, SB1618 is the last
29. in the series of bills that we talked about yesterday that was
30. amended and this refers to the operation Senate Operation Commis-
31. sion in terms of its composition and its authority. If you'll
32. recall in several of the other bills that were passed one of the
33. other bills that were passed the Senate Maintenance Committee was

1. abolished and its functions are put into this bill. And that is
2. all this does is to spell out the Senate Operations Committee
3. Commission function and composition.

4. PRESIDENT:

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

6. SECRETARY:

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

16. PRESIDENT:

17. Carroll, aye. Carpentier, aye. Sours, aye. Graham, aye.
18. Vadalabene, aye. For what purpose does Senator Knuppel arise?

19. SENATOR KNUPPEL:

20. I may be out of order at this time but I want to move recon-
21. sideration on a bill we voted on yesterday having voted on the pre-
22. vailing side....

23. PRESIDENT:

24. Yes. Not right now. I'll recognize you immediately.

25. SENATOR KNUPPEL:

26. On that question on SB1618, the yeas are 41. The nays are
27. none. The bill having received the necessary three-fifths votes
28. is declared passed. Senator Knuppel is recognized.

29. SENATOR KNUPPEL:

30. Having voted on the prevailing side on House or Senate bill I
31. guess it's HB1569...with respect to the licensing and the regula-
32. tion of collection agencies I'd like to move for reconsideration

33.

1. of the vote by which that was defeated.

2. PRESIDENT:

3. Motion to...you did vote on the prevailing side.

4. SENATOR KNUPPEL:

5. Yes, I did.

6. PRESIDENT:

7. Motion to reconsider the vote by which HBL569 was defeated
8. ...can you...you wish to explain your Motion, Senator?

9. SENATOR KNUPPEL:

10. Well, this is a bill which there were a lot of members
11. off the Floor on and its a bill that provides for the licensing
12. and regulation for collection agencies. The bill was Senator
13. Horsley...is better informed about the bill than I am and if
14. anyone needs explanation they might ask him he's the sponsor.
15. I'm doing this because I feel that it didn't get a fair test
16. and I'd like to have it reconsidered.

17. PRESIDENT:

18. Senator Horsley.

19. SENATOR HORSLEY:

20. Mr. President and members of the Senate, what Senator Knuppel
21. says is absolutely true that there were many members off the Floor
22. This is a very important bill from the standpoint of industry in
23. the State of Illinois.

24. PRESIDENT:

25. Just a moment. Just a moment. Senator Neistein does not
26. have the Floor right now. Senator Horsley has the Floor.

27. SENATOR HORSLEY:

28. ...and I appreciate Senator Knuppel your fairness in doing
29. this and I hope that the membership will see fit to support the
30. Motion and that this will be passed.

31. PRESIDENT:

32. Is there any further discussion? Is there objection to having
33. the same roll call apply to both reconsideration and passage? There

is objection. Motion is to reconsideration. On that question
1. the Secretary will call the roll. Senator Neistein.

2. SENATOR NEISTEIN:

3. Are we in special Session now?

4. PRESIDENT:

5. No. We're in the Regular Session.

6. SENATOR NEISTEIN:

7. And the bill on licensing collection agencies has to come
8. up on the last day of our consideration here.

9. PRESIDENT:

10. The Chair didn't ask it to come up but it has come up.

11. SENATOR NEISTEIN:

12. I beg your pardon.

13. PRESIDENT:

14. The Chair didn't suggest it has to come up it has come
15. up. Any Senator has the right to make a Motion on any bill....

16. SENATOR NEISTEIN:

17. ...and we stayed over night just to hear a licensing of
18. collection agencies. Thank you Mr. President.

19. PRESIDENT:

20. Motion to....It requires thirty votes. Secretary will call
21. 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, Rock,
29. Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours,
30. Swinarski, Vadalabene, Walker, Weaver.

31. PRESIDENT:

32. Baltz, aye. Egan, aye. Call of the absentees. The absentees
33. will be called.

1. SECRETARY:

2. Arrington, Berning, Bidwill, Bruce, Cherry, Chew, Coulson
3. Course, Davidson, Groen, Hall, Hynes, Johns, Knuepfer, Kosinski,
4. Kusibab, Merritt, Mitchler, Neistein, Newhouse, Nihill, O'Brien,
5. Ozinga, Palmer, Rock, Romano, Saperstein, Savickas, Smith,
6. Swinarski,

7. PRESIDENT:

8. On that question the yeas are 27. The nays are none. The
9. Motion reconsider does not prevail. House Bills on 3rd reading.
10. 4656, Senator Graham, you wish to take those these at this
11. time or

12. SENATOR GRAHAM:

13. No, I think we'll let those rest.

14. PRESIDENT:

15. All right. 4713, I think, Senator Hynes your handling
16. that? Senator Hynes.

17. SENATOR HYNES:

18. This is Senator Ozinga's bill and in his absence he has
19. asked me to handle it. This bill authorizes municipalities to
20. enter into contracts among themselves in order to supply water
21. its permissive the cost is to be financed by revenue bonds. It
22. simply expands the existing powers of municipalities and allows
23. them to enter into a contract for the delivery of water twenty-
24. five miles outside the limit of the municipality. It passed the
25. House unanimously and I know of no objection. I would ask for
26. a favorable roll call.

27. PRESIDENT:

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

29. SECRETARY:

30. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
31. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, David-
32. son, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen,
33.

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

7. Egan, aye. While the roll call is being tabulated, I might
8. mention to the membership that our Assistant Secretary, Mr. Ed
9. Fernandesis 55 years old today, and...and if I can just add
10. that as Presiding Officer I come to have great respect for the contribu-
11. tion that he has made to this Body and the people of Illinois. On
12. on that question...that is not a matter for debate, Senator Neistein.
13. On that question the yeas are 38. The nays are none. The bill
14. having received the necessary three-fifths majority is declared
15. passed. 4719, Senator Dougherty.

16. SENATOR DOUGHERTY:

17. Mr. President and members of the Senate, HB4719 is amendment
18. to the Illinois Vehicle Code. The law presently requires that the
19. operators of vehicles that transport passengers for hire are re-
20. quired to carry insurance for the benefit of the passengers and
21. the public. This bill expands the law in this manner. Any per-
22. son who fails to comply with the provision of this Chapter or fails
23. to obey, observe or comply with any order of the Secretary of State
24. or any law enforcement agency in accordance with the provisions
25. of this Chapter is guilty of a class A misdemeanor. The the Sec-
26. retary of State and various law enforcement officials find that
27. there has been sort of a defiance to this law in view of the fact
28. that there are no penalties. This being a misdemeanor for the pur-
29. pose of requiring these operators of these vehicles to live up to the
30. law. I ask a favorable roll call.

31. PRESIDENT:

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

33. SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,

HB 4695
3rd Reading
12-17-72

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

8. PRESIDENT:

9.aye. Savickas, aye. Carpentier, aye.....aye....
10. aye... Neistein, aye. Partee, aye... On this question
11. the yeas are 40. The nays are none. The bill having received
12. the necessary three-fifths majority is declared passed. We will
13. now have a recess of the Regular Session and move into the Special
14. Session. Senator Rock.

15. SENATOR ROCK:

16. I wonder Mr. President, if I might have leave of the Body
17. to consider on the order consideration postponed HB4695 in Senator
18. Newhouse's absence.

19. PRESIDENT:

20. 4695, is Senator Rock is taking that for Senator Newhouse.
21. You may proceed Senator.

22. SENATOR ROCK:

23. Yes, Mr. President and members of the Senate, HB4695 is a
24. rather lengthy bill as a matter of fact it's about 120 pages.
25. It corrects certain technical errors that were found since we
26. passed the Uniform Code of Corrections which as you know becomes
27. effective January 1 of 1973. In addition approximately two hun-
28. dred and fifty penalties on various statutory crimes remain to
29. be classified. They were either missed last time or enacted after
30. the code was introduced, two thousand such penalties have already
31. been classified. This bill will provide for the classification
32. of the remaining two hundred and fifty. I have discussed this
33. with Senator Graham. The amendments that are in here were worked

1. on by the Council of on the Diagnosis and Evaluation of Criminal
2. Defendants. I have talked with Chairman Pousatari he feels that
3. in order to have a smooth effective operation of the Code of
4. Corrections which comes into effect January 1, 1973 , that this
5. amendment should be passed and should become effective immediately.
6. And I would ask your favorable consideration.

7. PRESIDENT:

8. Senator Graham.

9. SENATOR GRAHAM:

10. Mr. President, I concur of course, with what Senator Rock
11. said and there was some concern yesterday as to what this bill
12. did with regard to the discretion of judges. As Senator Rock has
13. just stated we did classify some two or three thousand last year
14. and this bill is just to classify those crimes that were not
15. picked up last year, and put them all in conformity in our Crim-
16. inal Code. And I ask for a favorable vote.

17. PRESIDENT:

18. Is is there further discussion? Secretary will call the
19. roll.

20. SECRETARY:

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

29. PRESIDENT:

30. Cherry, aye. Palmer, aye. On that question the yeas are
31. 42. The nays are none. The bill having received the necessary
32. three-fifths majority is declared passed. Senator Partee, moves
33. that the Regular Session stand in recess for how long Senator?

1. SENATOR PARTEE:

2. I think maybe an hour at most.

3. PRESIDENT:

4. Well, and we're going immediately into the Special Session...so
5. the Motion is to recess ...for....

6. SENATOR PARTEE:

7. Make it a half hour then I think that ...

8. PRESIDENT:

9. Motion to recess for thirty minutes. All in favor signify
10. by saying aye. Contrary minded. The Regular Session of the
11. Senate stands in recess.

12.

13.

14.

15. PRESIDENT:

16. Shall we go back in the Regular Session now, Senator Partee?

17. SENATOR PARTEE:

18. Well, I don't think we should go back into recess. We are
19. already recessed and the Conference Committee is now over at the
20. House...in conference.

21. PRESIDENT:

22. We'll just stand at ease until we get the Conference Committee
23. Report. If you want to wander off we'll our distinguished Ser-
24. geant of Arms back there will ring the bell when...we get the Con-
25. ference Committee Report. Senate will come to order. There will
26. be copies of Conference Report for everybody. It will just take a
27. minute or two and then we'll be able to proceed. While we're wait-
28. ing for the copies, I wonder if member of the Conference Committee
29. in general outline what the Conference Committee report said.
30. Senator Cherry is recognized.

31. SENATOR CHERRY:

32. Mr. President and members of the Senate, we just returned
33. from our Conference Committee where five members of the Senate

1. and five members of the House attended. The Senate Amendment...
2. a Conference Committee report has been drawn and drafted
3. and I might say executed by six members of the Conference
4. Committee, four members did not agree to the changes recommend-
5. ed and therefore did not sign the report, so we do have a Con-
6. ference Report, with a majority of six out of the ten members
7. agreeing to the changes made by the House of Representatives.
8. The changes in substance are as follows: I want to address my-
9. self first to the thirty-two dollar per diem. And we had much
10. dialogue last night with respect to some questions as to whether
11. or not you need vouchers to support those expenditures.

12. PRESIDENT:

13. Just a moment if we can get Senator Egan and Johns here to
14. proceed Senator Cherry.

15. SENATOR CHERRY:

16. The consensus of the Conference Committee was that no
17. vouchers need to be submitted with respect to the receipt of the
18. thirty-two dollars per day. A change was made with respect to pay-
19. ment of the expenses at home and some clarifying language was
20. inserted so that no relative or in-law of the member requesting
21. or authorizing the payment could be made so that that language
22. has been clarified. The mileage aspect of the expenses has been
23. put back into the Conference Reports so that the thirty-two dollar
24. per diem...will be paid in addition to the mileage at the rate
25. of fifteen cents per mile. And the most significant change in
26. this Conference Report is the restoration of the legislative pay
27. raise from seventeen thousand five hundred to nineteen Thousand
28. five hundred, and that's the issue before this Senate Body at
29. the present time with respect to the adoption or rejection of
30. the...House Report. I might say, too, that the language with
31. respect to the effectiverdate of the bill has been deleted...you
32. remember last night that we took out because the bill did not re-
33. ceive the necessary thirty-five votes to make it effective im-

1. mediately upon signing by the Governor that that amendment that
2. we adopted last night was omitted from the present amendment,
3. hopefully, that with respect to whatever report is adopted by
4. the Senate Body that it will be a law that will take effect
5. immediately upon passage. Those are the changes that have been
6. suggested and contained in the Conference Report which we are a-
7. bout to consider.

8. PRESIDENT:

9. You have a Motion?

10. SENATOR CHERRY:

11. I have no Motion, Mr. President.

12. PRESIDENT:

13. Senator Horsley.

14. SENATOR HORSLEY:

15. At this time I want to make a parliamentary inquiry. Is
16. there any Motion pending before the House at the moment?

17. PRESIDENT:

18. There is none.

19. SENATOR HORSLEY:

20. Then I will withhold my point, but I want to be recognized
21. on a point of order as soon as the Motion is made.

22. PRESIDENT:

23. All right. Senator Graham.

24. SENATOR GRAHAM:

25. Do you have to be a member of the Conference Committee to
26. make a Motion at this time.

27. PRESIDENT:

28. You do not.

29. SENATOR GRAHAM:

30. Then, Mr. President, I do move you that the Senate do not
31. concur in the Conference Report and ask for a second committee
32. on conference.

33. PRESIDENT:

The...for purposes of...for getting it before the Body
Senator Cherry has offered the report. Senator Graham has now
1. moved to that the Senate not concur in the Conference Committee
2. Report and request creation of a separate a second Conference
3. Committee. Is there discussion on that Motion? All in favor
4. signify by saying...this is not final action roll call is not
5. necessary unless you require one. All in favor indicate by say-
6. ing aye. Contrary minded. The Motion prevails. Now, another
7. Conference Committee can be created. Senator Partee.

8. SENATOR PARTEE:

9. And the members of the second Conference Committee will be
10. from the Senate, Senators Cherry, Knuppel, Egan, Baltz and
11. Weaver.

12. PRESIDENT:

13. The Senate can unless there is further business to be brought
14. before the Body at this time we can stand in recess until the se-
15. cond Conference Committee reports. Senator Merritt asked how long.
16. I wish I knew, Senator.

17.
18.
19.
20. PRESIDENT:

21. Senate will come to order. We have a second Conference
22. Committee report, copies are being made. I wonder if someone on
23. the Conference Committee, Senator Cherry can report on the sub-
24. stance of that Conference Committee.

25. SENATOR CHERRY:

26. Mr. President and members of the Senate, while we're waiting
27. for the second Conference report, we would like to report to the
28. members of the Senate the results of the second Conference Committee.
29. Seven out of ten members signed it. We have practically two new
30. Conference Committees from both the House and the Senate. I think
31. we resolved the most important issue that most members of the Sen-
32. ate were concerned with that were contained in the first Conference
33. Report which not now is in the second Conference Report. The in-
crease salary for the members of the Legislature has been completely

deleted, so the Conference Report does not contain any salary

1. increase for any legislators. The second change second and third
2. change was reducing the increase that we were considering for the
3. Governor back to 45 thousand. We were considering the increase
4. to fifty. The second Conference Committee Report will contain a
5. recommendation of 45 thousand. For the Lieutenant Governor we
6. reduced the increase to a salary of 37 thousand 5 hundred I'm sorry
7. to 35 thousand. And those are the substantive changes that were
8. made in the second Conference Report as distinguished was from the first.
9. PRESIDENT:

10. Is there any discussion? Senator Horsley.

11. SENATOR HORSLEY:

12. Is there a Motion pending?

13. PRESIDENT:

14. There is not. Senator Cherry.

15. SENATOR CHERRY:

16. I have the Conference Report here and I think the Secretary
17. should read it first before a Motion is made.

18. PRESIDENT:

19. Let's read the report. Copies are on the way so you will have
20. them shortly but let's read it in the meantime. I think we ought
21. to read it in its entirety. We have one copy here for...if there
22. any questions? We have two more copies right now down here so if
23. there are questions give one to Senator Horsley, if you will?
24. Senator Egan.

25. SENATOR EGAN:

26. May I suggest that you read just the changes from the first
27. Conference Report, which is on everybody's desk.

28. PRESIDENT:

29. I'm not sure that we are equipped to do it...

30. SENATOR EGAN:

31. Well, I can do it.

32. PRESIDENT:

33. All right. Senator Egan is recognized.

1. SENATOR EGAN:

2. Is that is there any objection to that? the..

3. PRESIDENT:

4. Senator Egan.

5. SENATOR EGAN:

6. On page 2 of the...on page 2 the sum in the first Conference
7. Committee Report on Line 1; to the Governor the sum of 45 thousand
8. instead of 50...to the Lieutenant Governor on the same page
9. second paragraph; the sum of 35 thousand, and the original Conference
10. Committee Report was thirty seven five. The Secretary of State
11. remains the same. The Comptroller remains the same. The Treas-
12. urer remains the same. The Superintendent of Public Instruction
13. remains the same. The Attorney General remains the same. Now...
14. the Judges salaries remain the same. The Clerks of all the courts
15. salaries remain the same. There are no other changes...except on
16. page...except on page 4 the only other change is that the mem-
17. bers of the General Assembly shall receive 17 thousand five hundred
18. dollars. That's a change of a reduction of two thousand from the
19. original Conference Committee Report. Those are the only changes
20. from Conference Committee Report No. 2 over Conference Committee
21. Report No. 1.

22. PRESIDENT:

23. Is...Senator Cherry do you wish to make a Motion?

24. SENATOR CHERRY:

25. Yes, I move that the members of the Senate adopt the Second
26. Conference Committees Report, Mr. President.

27. PRESIDENT:

28. Motion to adopt the second Conference Committee Report. Sena-
29. tor Horsley.

30. SENATOR HORSLEY:

31. Mr. President, now that the Motion has been made and so the
32. record and the tape will be clear on this matter, as I understand
33. it this is final action if this Motion is adopted in this Body.

1. PRESIDENT:

2. If it is adopted by the appropriate number. Now, what is
3. the effective date?

4. SENATOR HORSLEY:

5. Takes thirty-five votes.

6. PRESIDENT:

7. Thirty-five votes. That's correct.

8. SENATOR HORSLEY:

9. Now, I want to raise a point of order. This bill started out,
10. I believe, I handled the bill or maybe Senator Rock handled it in the
11. Senate. It started out in the House as a revisory series. I have
12. the original bill in front of me which is HB3906, and this bill
13. had a title on it, an Act to amend Section 3.2 and repeal Section
14. 3.9 and 3.11 and 3.12 of an Act concerning fees and salaries and so
15. on. That bill was passed by the House after it was read three times,
16. was sent over to this Body, and this bill was read a first time here,
17. it went to committee, was called out and then it was Tabled and then
18. it was resurrected. Now, this Conference Committee Report...I am read-
19. ing from it now strikes lines 1 through 4 which is the title of
20. the bill. And it strikes the title of the bill entirely and sub-
21. stitutes an entire new title. The title now is an Act to provide
22. for the compensation and emoluments of elected state officers by
23. amending certain acts, and by so doing an entire new title and a en-
24. tire new bill is now before this Body for the purpose of adopting
25. it without having been read three times as required by the Constitution.
26. Second point of order is that even if the amendment were held in
27. proper form it is not germane to the original bill because the
28. original bill merely changes the word associate judges substituting
29. that for magistrates and that was the intent and the purpose of the
30. original bill was in line with the new amendments to conform and
31. bring up to date by striking the word magistrates and substituting
32. associate judges. That was the only thing that the original bill
33. did. The original bill did nothing, whatsoever, about Governor's

1. salaries, anybody elses salary, whatsoever, so we now have a new
2. bill. We now have a new and complete statute and if you'll com-
3. pare Section 3.2 which is referred to in the original bill with
4. the 3.2 which is purported in this bill you will find that they
5. are completely different, completely rewritten and for that reason
6. I raise a point of order it's been ruled not only by the Supreme
7. Court of Illinois in a 1950 case under the old Constitution that
8. a bill had to be read in full on three days. Now, it has to be
9. read by title. Since the title has been completely changed it's
10. not been amended it's been completely changed, this bill by title
11. even has not been read on three different days in this Body. Further
12. the amendments that are purported to be adopted here are not ger-
13. mane, that case is Giebelhausen vs. Daley, 407 Illinois, 1125. I
14. could sight the opinion of the Attorney General to this effect.
15. And I could also sight your own action in this Body where the
16. matter was raised and where you ruled and it was not proper to
17. proceed. So I raise two points of order. No. 1. That this bill
18. has not been read three times even by title, because there is an
19. entirely brand new title dealing with subject matter not contained at
20. all in the original bill. Secondly. That the purported amendments
21. are not germane to the original bill. And I would raise the third
22. point and that is that Section 3.2 as proposed in the original bill
23. is entirely different Section and purported under the present Con-
24. ference Committee report. For those reasons I raise that as a
25. point of order and ask for a ruling by the Chair.

26. PRESIDENT:

27. The Chair would rule that were there clearly no relationship
28. between the subject matter at hand of one including the change and
29. in title. If for example as when a appropriation for the Department
30. of Conservation and we were switching to this, I clearly the Body
31. could not do that...the original title was related to salaries, the
32. amended title is related to salaries. I think, ultimately, the
33. Courts will have to dispose of this. I am advised that the Legis-

1. lative Reference Bureau believes this does comply with the
2. constitutional requirements, and apparently and I have not talked
3. with anyone in the House side, but apparently the House staff did
4. also. It may be that a court would rule differently...but that...
5. I think that is a determination the courts would have to make. I
6. think Presiding Officers, generally, have to ...resolve doubts...
7. reasonable doubts in favor of the Legislative Body. So the court
8. the Chair will rule the point is not well taken. Senator Clarke.
9. SENATOR CLARKE:

10. Before we start the roll call I just wanted to indicate and
11. I talked to the President pro tem that we would like to have about
12. a fifteen minute caucus on this side. Well, just let me say that
13. this was indicated this was indicated in the conferees and the Con-
14. ference Committee and I want to hold good faith with the other mem-
15. bers of the Conference Committee.

16. PRESIDENT:

17. Motion for a fifteen minute recess. All in favor signify by
18. saying aye. Contrary minded. Fifteen minute recess.

19. (After recess)

20. PRESIDENT:

21. Senate will come to order. Before we proceed to our item of
22. business I have been informed that Bill Day's mother died. I think
23. all of you know Bill and some of you may want to drop a note to him.
24. Senator Cherry has made a Motion that the Conference Committee re-
25. port be accepted. Is there any discussion of that Motion? Senator
26. will call the roll.

27. SECRETARY:

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

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

3. PRESIDENT:

4., aye. That's correct. Graham, aye. Request for
5. call of the absentees. The absentees will be called.

6. SECRETARY:

7. Arrington, Berning, Bidwill, Bruce, Carpentier, Chew, Coulson,
8. Davidson, Groen, Knuepfer, Newhouse, Ozinga, Romano, Saperstein,
9. Smith, Swinarski, Walker.

10. PRESIDENT:

11. Senator Cherry.

12. SENATOR CHERRY:

13. Mr. President, I'd like to move to postpone consideration
14. on the adoption of the conference second Conference Committee Re-
15. port.

16. PRESIDENT:

17. Motion to postpone consideration. All in favor signify by
18. saying aye. Contrary minded. Motion to postpone consideration
19. prevails.

20. PRESIDING OFFICER: (Senator McCarthy)

21. Senator Partee.

22. SENATOR PARTEE:

23. I'd just like to have a little...we're still in Session
24. aren't we?

25. PRESIDING OFFICER: (Senator McCarthy)

26. Yes, we're still in Session. Those not authorized to the
27. Floor please retire to the galleries. Members would just be at
28. leisure...

29. PRESIDENT:

30. While we are temporarily at ease and I see a few of our
31. memgers are leaving, I want to express appreciation to the Senate
32. staff people, the Secretary's office back there, I hope they can hear
33. us, anyway, I think, all of us appreciate what they have done

1. through the years for us.

2. SENATOR GRAHAM:

3. May I make a personal request of you, sir?

4. PRESIDENT:

5. Yes.

6. SENATOR GRAHAM:

7. Would you have your wonderful Jeanne stand at the side of
8. you and wish us all a Merry Christmas, together, in unison.

9. MRS. PAUL SIMON:

10. Thanka a lot. Paul and I and Shelia and Martin have enjoyed
11. this last day with Daddy in the Senate. We wish you all a very
12. happy Christmas and the best of New Years. Thank you.

13. PRESIDENT:

14. Senate will come to order. Ed or Ken...the mike didn't get
15. that...we really aren't in order either Senator Graham. No.
16. Message from the House.

17. SECRETARY:

18. Message from the House by Mr. Selcke, Clerk:

19. Mr. President - I'm directed to inform the Senate that the
20. House of Representatives has adopted the following Joint Resolution
21. in the adoption of which I'm instructed to ask concurrence of
22. the Senate to wit: House Joint Resolution 154. Resolved by the
23. House of Representatives the 77th General Assembly of the State
24. of Illinois, the Senate concurring herein, that when the two
25. Houses adjourn on Sunday, December 17th, 1972, they stand
26. adjourned until 4 o'clock p.m. Tuesday, January the 9th, 1973.

27. PRESIDENT:

28. Senator Partee moves that the Resolution be adopted. All in
29. favor signify by saying...Senator Clarke.

30. SENATOR CLARKE:

31. I have a little Resolution I'd like to put in just before we
32. do that.

33. PRESIDENT:

1. All right. I think Senator Vadalabene you had a Resolution
2. too, a congratulatory. Is this a congratulatory, what is it?
3. Two of them. You want them read?
4. SENATOR CLARKE:
5. I think Mr. Wright ought to read it.
6. PRESIDENT:
7. All right.
8. SECRETARY:
9. (Reads Senate Resolution No. 445.)
10. PRESIDENT:
11. Senator Clarke. Let's put all members on...
12. SENATOR CLARKE:
13. I was going to ask that request, please. And suspension of
14. the rules for immediate consideration of this Resolution for a
15. very fine dedicated servant.
16. PRESIDENT:
17. And while the votes may not be many they are very sincere
18. here Mr. Fernandes. All in favor signify by saying aye. Contrary
19. minded. Resolution is adopted. We have these other congratulatory.
20. Senator Vadalabene and Senator...who's the other one? Yes. All
21. right. The...Senator Vadalabene we'll just...all in favor of the
22. adoption of Congratulatory Resolution indicate by saying aye. Contrary
23. minded. The Resolution is adopted. This is a Resolution that
24. Senator Chew has offered congratulating Senator and Mrs. Partee on
25. their anniversary on...what is the date? December the 23rd and I
26. think without reading the Resolution we can all join in our
27. congratulations. We have the Resolution to adjourn until January
28. the 9th at 4 p.m. All in favor of the adoption of the Resolution
29. indicate by saying aye. Contrary minded. Senate stands adjourned.
30. Senator Partee made the motion, right. That's right we have to have
31. a motion to adjourn after we've adopted the Resolution. Senator
32. Partee now moves that the Senate stands adjourned. All in favor
33. signify by saying aye. Contrary minded. Senate stands adjourned.