

NOVEMBER 7, 1977

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The Senate will come to order. Prayer by Reverend
3. Anthony Tzortzis of St. Anthony's Hellenic Orthodox Church
4. of Springfield. Will the guests in our galleries please
5. rise. Reverend Tzortzis.

6. REVEREND TZORTZIS:

7. (Prayer by Reverend Tzortzis)

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. The Reverend says to pray...pray for good weather, too.
10. And I agree with him. I think we all do. We need the members
11. here today and tomorrow. The Senate will stand in recess until
12. three o'clock this afternoon and I would...no, just a minute.
13. The Regular Session will recess until three and the Special
14. One, Special Session One will convene at two. And then the...
15. the Special Two will convene at two-thirty. The Senate stands
16. in recess.

17. (Recess)

18. (After Recess)

19. PRESIDENT:

20. The hour of three o'clock having arrived the Regular
21. Session will please come to order. Reading of the Journal.
22. Senator Johns.

23. SENATOR JOHNS:

24. Mr. President, I move that reading and approval of the
25. Journals of Wednesday, November the 2nd, Thursday, November the
26. 3rd and Friday, November the 4th in the year 1977 be postponed
27. pending arrival of the printed Journals.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. You've heard the motion. Those in favor indicate by
30. saying Aye. Those opposed Nay. The Ayes have it. The motion
31. carries. Senate Bills, 2nd reading. 1388. Read the bill,
32. Mr. Secretary.

33. SECRETARY:

1. Senate Bill 1388.

2. (Secretary reads title of bill)

3. 2nd reading of the bill. No committee amendments.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Are there amendments from the Floor? 3rd reading.

6. Senate Bills on 3rd reading. Senate Bill 1387. Senator

7. Nimrod. Read the bill, Mr. Secretary. Just...just a moment.

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Yes, Mr. President, there is a amendment on the Secretary's

11. Desk and I would seek leave to return that to 2nd reading for

12. the purpose of amendment.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Do...do we have leave? Leave is granted. Those now on

15. 2nd reading. Senator Nimrod.

16. SENATOR NIMROD:

17. Yes, Mr. President and fellow Senators. The purpose of

18. this amendment is to...to comply with the request of the

19. Department of Labor in order to straighten out the dates, the

20. months of the reporting dates of the State average wage and...

21. then it only makes it in conformity so it makes it uniform in what

22. the practice has been in the past. And in...in order it...

23. it will eliminate the necessity of having four reporting dates

24. during the year rather than just the two for six months apart.

25. Happy to answer any questions. If not, I would ask for the

26. adoption of this amendment.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. This is Amendment No. 1 to Senate Bill 1387. Is there

29. discussion? All right, the question is shall Amendment No. 1

30. to Senate Bill 13...87 be adopted. Those in favor indicate by

31. saying Aye. Those opposed. The Ayes have it. Amendment No. 1

32. is adopted. Are there further amendments?

33. SECRETARY:

1. No further amendments.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. 3rd reading. Senator Kenneth Hall, for what purpose...

4. SENATOR KENNETH HALL:

5. Well, it's...it's passed now. I was going to ask what
6. that amendment did, but it's...it's passed now already. I...

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. I...I...I think I'm...he's going to arrange to go over
9. and see you, Senator.

10. SENATOR KENNETH HALL:

11. Okay.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. On the Order of Total Vetoes on...beginning on page 3
14. of the Calendar. Are there any Senators present that wish to
15. proceed with the Total Override? There's only one day re-
16. maining, members of the Senate. We might get out early.
17. Resolutions. Message from the House.

18. SECRETARY:

19. A Message from the House from Mr. O'Brien, Clerk.

20. Mr. President - I am directed to inform the Senate
21. that the House of Representatives has adopted the following
22. Joint Resolution in the adoption of which I am instructed
23. to ask concurrence of the Senate to-wit: House Joint Resolution
24. 58.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Clewis.

27. SENATOR CLEWIS:

28. (Machine cutoff) members of the Senate. I move for approval
29. of the aforementioned Joint Senate-House Resolution.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. ...the question has been asked what does the resolution do.
32. Senator Clewis. The Secretary will...just a moment.

33. SECRETARY:

AB 1324
11-7-77

1. It...it congratulates a Naomi Hewitt...Hiatt, rather,
2. who is the Executive Director of the Commission on Children
3. who is retiring.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Is there further discussion? Senator Clewis moves that
6. the rules be suspended for the immediate consideration of the
7. joint resolution. Those in favor indicate by saying Aye.
8. Those opposed. The Ayes have it. The rules are suspended.
9. Senator Clewis now moves that the joint resolution be
10. adopted. Those in favor indicate by saying Aye. Those
11. opposed. The Ayes have it. Joint resolution is adopted.
12. On the Order of Item Vetoes. Is there any Senator present
13. that wishes to consider Item Vetoes? On the Order of Item
14. Reductions. Senator Glass. On page 8, on the Order of
15. Item Reductions. On page 9 on the Order of Specific
16. Recommendations for Change. Are there any...Senator Merlo
17. as to Senate Bill 23. Well just...just a moment. Senator
18. Daley.

19. SENATOR DALEY:

20. 1324. Senate Bill.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Proceed.

23. SECRETARY:

24. I move to accept the Specific Recommendations of the
25. Governor as to Senate Bill 1324 in the manner and form as
26. follows. Signed, Senator Daley.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Daley.

29. SENATOR DALEY:

30. Mr. President and fellow Senators. This is strictly a
31. technical change. It was...I think it was elimination of a...
32. a word and it also inclusion before one word it...it said "to
33. court" and it would say "competent court" and it's strictly

*SB's 40
Ave 59
Spec Rec of the Gov
11/7/77*

1. technical and I would ask for a...a...accepting the Governor's
2. Recommendations on the...for Change.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? Question is...the question
5. is shall the Senate accept the Specific Recommendations to
6. the Governor as to Senate Bill 1324 in the manner and form
7. just stated by Senator Daley. Those in favor vote Aye. Those
8. opposed Nay. The voting is open. Have all those voted who
9. wish? Take the record. On that question, the Ayes are 57,
10. the Nays are None. Those Voting Present are None. Members
11. ...the Specific Recommendations of the Governor to Senate
12. Bill 1324 having received the required majority of the Senators
13. elected are declared accepted. Senator Merlo. Senator Merlo
14. as to Senate Bills 40 through 51.

15. SENATOR MERLO:

16. Mr. President...

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. ...53, 54...

19. SENATOR MERLO:

20. I would like to consider the entire package. I would
21. also, Mr. President, move to ask leave of this Body to
22. consider sixteen of the bills at one time. The bills only
23. direct themselves to the effective date. And I don't think
24. that there's any real problem, but it will save the time
25. of this Body. The Senate. You guys don't know where you're at?

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. The request is to consider all of the bills...just a moment.
28. All of the bills and then the vote would be on each bill
29. separately. Is there leave? Just a moment. Senator...
30. Senator Merlo.

31. SENATOR MERLO:

32. I'm only asking leave for the sixteen bills that only
33. affect the...

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Well, just a moment. But which sixteen, Senator?
3. SENATOR MERLO:
4. I'm going to mention them if you'll...if I have leave.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Proceed.
7. SENATOR MERLO:
8. Okay. Well...Senator Ozinga made a suggestion. He
9. said why don't you consider them all and if there's any
10. objection to any one...
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. I...I tried to make that...
13. SENATOR MERLO:
14. Oh. I'm sorry. Then I shall proceed on that basis.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Is there objection to consider all the bills mentioned?
17. Leave is granted. All right. Senator Merlo.
18. SENATOR MERLO:
19. Then, Mr. Speaker...
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. This is the Senate. Just a moment. Senator Glass, did
22. you wish recognition?
23. SENATOR GLASS:
24. Not...not on this bill, Mr. President.
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. (Machine cutoff) Merlo.
27. SENATOR MERLO:
28. I apologize to you, Mr. President, and also to the members.
29. However, I would like to proceed with eighteen of the bills and
30. excluding Senate Bill 60. There has not been a determination
31. on this one bill. So if I can have leave for all of the bills
32. in the condominium package other than Senate Bill 60.
33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. I've been advised by the Secretary that there's been no
2. motion filed on Senate Bill 60.

3. SENATOR MERLO:

4. This is correct. Okay. Then, Mr...Mr. President, I move
5. that we accept the suggested and Specific Recommendations of
6. the Governor on Senate Bill 40, 41, 42, 43, 44, 45, 46, 47,
7. 48, 49, 50, 51, 53, 54, 56, 57, 58 and 59.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? Senator Rhoads.

10. SENATOR RHOADS:

11. Senator Merlo, in that entire list that you just read
12. the only change in each bill is the effective date and what
13. is the effective date to?

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Merlo.

16. SENATOR MERLO:

17. Senator Rhoads, sixteen of the bills only direct them-
18. selves to the effective date. There are two bills there where
19. the effective date is, of course, changed as the others. How-
20. ever there is a substantive change on the other two bills.
21. However, I am agreeing to the recommendations made by the
22. Governor. I do think that they inure to the benefit of the
23. consumer and it strengthens the two bills. The effective date
24. is January 1st, 1979.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? All right. The manner
27. in which we will proceed will be to make the appropriate
28. motion for all the bills that Senator...Merlo has made motion...
29. made the motion and then we will have separate votes on each
30. one of them after the motion is made. The question is, shall
31. the Senate accept the Specific Recommendations of the Governor
32. as to Senate Bills 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
33. and 51, 53, 54, 56, 57, 58, and 59 in the manner and form just

1. stated by Senator Merlo. Those in favor vote Aye. Those
2. opposed vote Nay. The voting is open. Have all voted who
3. wish? Take the record. On that question, the Ayes are 55,
4. the Nays are None. As to Senate...Senate Bill 40, the
5. Specific Recommendations of the Governor as to Senate Bill
6. 40 having received the required majority vote of the Senators
7. elected are declared accepted. Senate Bill 41. The voting
8. is open. On that question, the Ayes...wait a minute. Take
9. the record. On that question, the Ayes are 55, the Nays are
10. None. The Specific Recommendations of the Governor as to
11. Senate Bill 41 having received the required majority vote of the
12. Senators elected...are declared accepted. Senate Bill 42.
13. The voting is open. Take the record. (Machine cutoff) are
14. some members that were absent when we began this procedure.
15. So in order to accomodate those members we will take another
16. roll call. So will the members please be in their seats.
17. As to Senate Bill 43. The question is, shall the Senate
18. accept the Specific Recommendations of the Governor as to
19. Senate Bill 43 in the manner and form just stated by Senator
20. Merlo. Those in favor vote Aye. Those opposed vote Nay.
21. The voting is open. Have all those voted who wish? Take
22. the record. On that question, the Ayes are 56, the Nays are
23. None. The Specific Recommendations of the Governor as to
24. Senate Bill 43 having received the required majority vote
25. of the Senators elected are declared accepted. Senate
26. Bill 44. Take the record. On that question, the Ayes are 56,
27. the Nays are None. Specific Recommendations of the Governor
28. as to Senate Bill 44 having received the required majority
29. vote of the, Senators elected are declared accepted. Senate
30. Bill 45. The voting is open. Take the record. On that question,
31. the Ayes are 56, the Nays are None. The Specific Recommendations
32. of the Governor as to Senate Bill 45 having received the re-
33. quired majority vote of the Senators elected are declared

1. accepted. Senate Bill 46. The voting is open. Take the
2. record. On that question, the Ayes are 56, the Nays are
3. None. Specific Recommendations of the Governor as to
4. ...the Specific Recommendations of the Governor as to Senate
5. Bill 46 having received the required majority vote of the
6. Senators elected are declared accepted. Well, here we
7. ...open it up again. Senate Bill...Senate Bill 47.
8. The question is, shall the Senate accept the Specific
9. Recommendations of the Governor as to Senate Bill 47. Those
10. in favor vote Aye. Those opposed Nay. The voting is open.
11. Take the...Not yet. Have all those voted who wish? Take
12. the record. On that question, the Ayes are 57, the Nays
13. are None. The Specific Recommendations of the Governor as
14. to Senate Bill 47 having received the required majority
15. vote of the Senators elected are declared accepted. Senate
16. Bill 48. The voting is open. Take the record. On that
17. question, the Ayes are 57, the Nays are None. The Specific
18. Recommendations of the Governor as to Senate Bill 48 having
19. received the required majority of the Senators elected are
20. declared accepted. Senate Bill 49. The voting is open. Take
21. the record. On that question, the Ayes are 57, the Nays are
22. None. The Specific Recommendations of the Governor as to
23. Senate Bill 49 having received the required majority vote of
24. the Senators elected are declared accepted. Senate Bill 50.
25. The voting is open. Take the record. On that question, the
26. Ayes are 57, the Nays are None. The Specific Recommendations
27. of the Governor as to Senate Bill 50 having received the
28. required majority vote of the Senators elected are declared
29. accepted. Senate Bill 51. The voting is open. Take the
30. record. On that question, the Ayes are 57, the Nays are None.
31. The Specific Recommendations of the Governor as to Senate Bill
32. 51 having received the required majority vote of the Senators
33. elected are declared accepted. Senate Bill 53. Take the

1. record. On that question, the Ayes are 57, the Nays are None.
2. The Specific Recommendations of the Governor as to Senate Bill
3. 53 having received the required majority vote of the Senators
4. elected are declared accepted. Senate Bill 54. Take the record.
5. On that question, the Ayes are 57, the Nays are None. The
6. Specific Recommendations of the Governor as to Senate Bill
7. 54 having received the required majority vote of the Senators
8. elected are declared accepted. Senate Bill 56. Take the
9. record. On that question, the Ayes are 57, the Nays are
10. None. The Specific Recommendations of the Governor as to
11. Senate Bill 56 having received the required majority vote
12. of the Senators elected are declared accepted. Senate Bill
13. 57. Take the record. On that question, the Ayes are 57,
14. the Nays are None. The Specific Recommendations of the
15. Governor as to Senate Bill 57 having received the required
16. majority vote of the Senators elected are declared accepted.
17. Senate Bill 58. Take the record. The Specific Recommendations
18. of the Governor as to Senate Bill 58 having received the
19. required majority vote of the Senators elected are declared
20. accepted. As to Senate Bill 59. Take the record. On that
21. vote the Ayes are 57, the Nays are None. The Specific Recommen-
22. dations of the Governor as to Senate Bill 59 having received
23. the required majority vote of the Senators elected are de-
24. clared accepted. Senate Bill...Senate Bill 203. Senator
25. Philip. Senator Philip. Just a minute. He wants recognition.
26. Senator Philip.
27. SENATOR PHILIP.
28. Yes, I have agreed to hold that until tomorrow, Mr.
29. President. But I am...
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Senate Bill 745. Read the motion, Mr. Secretary.
32. SECRETARY:
33. I move to accept the Specific Recommendations of the

SB 1041
Amend. 2/25
11-7-77

1. Governor as to Senate Bill 745 in the manner and form as
2. follows. Signed, Senator Philip.
3. PRESIDING OFFICER: (SENATOR DONNEWALD)
4. Senator Philip.
5. SENATOR PHILIP:
6. Thank you, Mr. President...
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Just...just a moment, Senator. Will the members please
9. be in their seats. Proceed.
10. SENATOR PHILIP:
11. Thank you, Mr. President. Senate Bill 745 amends the
12. Real Estate Brokers and Salesmen Licensed Act, which deals
13. with the Real Estate Recovery Fund. It provides that when
14. an individual has suffered damages as the result of an
15. unlawful act by a real estate broker or salesman may recover
16. from the fund if so ordered by the court. And, evidently,
17. the Governor didn't feel the language was clear enough and
18. what this amendment does is make it crystal clear. It says
19. that Real Estate Recovery Fund only. So I agree with that
20. and ask that we do take the Specific Recommendations of the
21. Governor.
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Is there further discussion? Question is, shall the
24. Senate accept the Specific Recommendations of the Governor
25. as to Senate Bill 745. Those in favor vote Aye. Those
26. opposed Nay. The voting is open. Have all those voted
27. who wish? Take the record. On that question, the Ayes are
28. 56, the Nays are None. The Specific Recommendations of the
29. Governor as to Senate Bill 745 having received the required
30. majority vote of the Senators elected are declared accepted.
31. Senate Bill 1041. Senator Rock. Read the motion, Mr.
32. Secretary.
33. SECRETARY:

1. I move to accept the Specific Recommendations of the
2. Governor as to Senate Bill 1041 in the manner and form as
3. follows. Signed, Senator Rock.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Rock.

6. SENATOR ROCK:

7. Thank you, Mr. President and Ladies and Gentlemen of the
8. Senate. Senate Bill 1041 as it passed the Senate 48 to nothing
9. provided that the arbitration called for under the uninsured
10. motorist provision of various insurance policies. What we
11. were trying to do was alleviate the practice whereby now under
12. certain policies if one has a claim for uninsured motorists
13. the claimant selects one arbitrator. The insurance industry
14. selects a arbitrator and the two of them select a third
15. arbitrator. What has happened, in fact, is that the insurance
16. companies, in some instances, ...have been less than diligent
17. about appointing their arbitrator and so the claimant was
18. kind of left in limbo in claims under the uninsured motorist
19. provisions have, in fact, been delayed for many years, even
20. though allegedly uncontested. Senate Bill 1041 attempted to
21. say that if after a stated period of time there was no appointee
22. forthcoming from the insurance industry the claimant had a...
23. right to demand that the arbitration be handled by the American
24. Arbitration Association, which is kind of an automatic pro-
25. cedure providing for one arbitrator. The Department of Insurance
26. suggested to the Office of the Governor who in turn contacted
27. me, as the sponsor suggested that because of printing problems
28. with respect to insurance contracts now in existence that it
29. would be better to say that, coverage shall be submitted for
30. arbitration to the American Arbitration Association. I have
31. no disagreement with this. I think it makes the bill stronger
32. and, in accord, certainly with our legislative intent. I would
33. move you, therefore, Mr. President and Ladies and Gentlemen

1. of the Senate that the Senate do accept the Specific Recommendations
2. of the Governor.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? Question is, shall the Senate
5. accept the Specific Recommendations of the Governor as to Senate
6. Bill 1041 in the manner and form just stated by Senator Rock.
7. Those in favor vote Aye. Those opposed Nay. The voting is
8. open. Have all those voted who wish? Take the
9. record. On that question, the Ayes are 57, the Nays are None.
10. The Specific Recommendations of the Governor as to Senate Bill
11. 1041 having received the required majority vote of the Senators
12. elected are declared accepted. Senate Bill 473, Senator Collins.
13. Read the motion, Mr. Secretary.

14. SECRETARY:

15. I move to accept the Specific Recommendations of the
16. Governor as to Senate Bill 473 in the manner and form as
17. follows. Signed, Senator Collins.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Collins.

20. SENATOR COLLINS:

21. Mr. President and members of the Senate, Senate Bill 473
22. amends the Insurance Code in an attempt to end the abuses in
23. reference to cancellation of automobile and home owner insurance.
24. However, Senate Bill 526 also addresses this same issue, but in
25. ...in a more in depth manner. Therefore, I move to accept the
26. Governor's Recommendation on that section of the bill and I
27. ask that the Senate accept the Specific Recommendations of the
28. Governor.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is there further discussion? Question is, shall the Senate
31. accept the Specific Recommendations of the Governor as to Senate
32. Bill 473 in the manner just stated by Senator Collins. Those
33. in favor vote Aye. Those opposed Nay. The voting is open.

1. Have all voted who wish? Take the record. On
2. that question, the Ayes are 53, the Nays are None. The
3. Specific Recommendations of the Governor as to Senate Bill
4. 473 having received the required majority vote of Senators
5. elected are declared accepted. Senate Bill 1208. Senator
6. Glass. Read the motion, Mr. Secretary.

7. SECRETARY:

8. I move to accept the Specific Recommendations of the
9. Governor as to Senate Bill 1208 in the manner and form as
10. follows. Signed, Senator Glass.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Glass.

13. SENATOR GLASS:

14. Thank you, Mr. President and Senators. I am going to
15. move to accept the Governor's Recommendations. He says in
16. his Message that he does agree with the portion of the bill
17. that changes petition proceedings in the formulation of unit
18. school districts and reinstates the provision that the State
19. superintendent's final decision may be reviewed under the
20. Administrative Review Act and that is the portion of the
21. legislation that was the main purpose of the bill. He has
22. deleted some other matter that was put on as an amendment
23. on the grounds it was not germane and I have no objection
24. to that and, therefore, I would move to accept the Recommendations.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? Question is, shall the Senate
27. accept the Specific Recommendations of the Governor as to
28. Senate Bill 1208 in the manner and form just stated by Senator
29. Glass. Those in favor vote Aye. Those opposed Nay. The voting
30. is open. Have all those voted who wish? Take
31. the record. On that question, the Ayes are 55, the Nays are
32. None. The Specific Recommendations of the Governor as to Senate
33. Bill 1208 having received the required majority vote of the
34. Senators elected are declared accepted. Senator Sangmeister, as

1. to Senate Bill 728. Read the motion, Mr. Secretary.

2. SECRETARY:

3. I move to accept the Specific Recommendations of the
4. Governor as to Senate Bill 728 in the manner and form as
5. follows. Signed, Senator Sangmeister.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Sangmeister.

8. SENATOR SANGMEISTER:

9. Mr. President and members of the Senate. This bill as
10. it originally went through the General Assembly changed one
11. word in the Statute and that was to allow the State's Attorney
12. ...or mandate, rather, that the court allow the State's Attorney
13. additional twenty-one days after the prescribed time for
14. bringing a person to...to trial. As the present law was, he
15. ...it was discretionary with the court as to whether the
16. State would get the additional twenty-one days if they needed
17. it and this bill made it mandatory that the court give it to
18. the State's Attorney. As you know, you have to try somebody
19. in this State within a hundred and twenty days if he's in-
20. carcerated and a hundred and sixty days if he's out on bail.
21. However, the Governor saw fit to change that by rewriting the
22. bill and as he has now rewritten it, which I concur and that's
23. why I filed the motion to accept his recommendation is that
24. the delay caused by a person on bail or recognizance shall
25. give the State an additional hundred and sixty days from the
26. termination of the delay to bring the defendant to trial.
27. I, personally, although this changes the bill, I, personally,
28. like the recommendation and have filed a motion to accept
29. it. If anybody has any questions regarding it, I would be
30. happy to answer them. If not, I would ask for approval.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Is there further discussion? Senator Egan.

33. SENATOR EGAN:

1. I'm just curious to know, Senator Sangmeister, if that
2. hundred and twenty day period, if the incarcerated defender...
3. defendant if...if he can...can he still be in jail for an-
4. other hundred and twenty days after that?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Sangmeister.

7. SENATOR SANGMEISTER:

8. Not under the recommended change by the Governor. This
9. applies only to people who are out on bail. It has nothing to
10. do with those people incarcerated. So it will only extend it
11. for another hundred and sixty days for those out on bail.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Egan.

14. SENATOR EGAN:

15. Now did...but it can prevent the...the State from proceeding
16. for one...another one hundred and sixty day period.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Sangmeister.

19. SENATOR SANGMEISTER:

20. Did you say prevent the State from going forward for another
21. hundred and sixty days? It will allow the State to go forward
22. within another hundred and sixty days. It starts the clock
23. again on people out on bail. That's what it does.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Egan.

26. SENATOR EGAN:

27. Yeah. Now what we're trying to do is...afford a speedy
28. trial for all defendants, but particularly the State. We had
29. the...the State's Attorney from Cook come down and...and
30. testify that he was in favor of speedy trials. That he'd
31. even be in favor of a ninety day term instead of a hundred
32. and sixty day for people out on bail. And now we're extend-
33. ing the period another hundred and sixty days. I...I want to

1. explore this just a little bit more.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there further discussion?

4. SENATOR EGAN:

5. Is that correct? Is that what we're doing here? Is that
6. what the Governor is asking us to do? Extend the time of
7. trial for another hundred and sixty days.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Sangmeister.

10. SENATOR SANGMEISTER:

11. Senator Egan, I want to make it perfectly clear that what
12. has happened here is not a typical case, but it's a case of
13. what happens with the amendatory authority of the Governor.
14. I have been against this for a long time. This bill is
15. completely rewritten and I want you to understand that and
16. the members of this Body so someone doesn't come to me after
17. while and says I supported your motion to concur when, actually,
18. the whole bill has been rewritten. The bill only asks for an
19. additional twenty-one days. We are now getting a complete
20. hundred and sixty days. It starts the cycle all over again, not
21. from the date when the original...when he was originally let out
22. on bail or when the offense occurred, but a hundred and sixty
23. days from the day the defendant causes delay on a person out
24. on bail the cycle starts all over again. This is the Governor's
25. Recommendation. Frankly, as a former prosecutor I concur in it.
26. I think it's good law, but the bill has been completely rewritten
27. by the Governor.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Egan.

30. SENATOR EGAN:

31. Well, that's why I want everyone here to know what we're
32. doing. What we're doing is extending, again, one hundred and
33. sixty days, the period of time in which a defendant can be

1. prosecuted, when, in fact, we're all saying that we want to
2. have a speedy trial in Illinois. This will afford a defen-
3. dant not only the original hundred and sixty days, it will
4. afford him a...an additional one hundred and sixty days. At
5. the same time the Governor is asking us to have...attorney's
6. file affidavits for continuances. Now, it seems to me that
7. we're going in different directions and I'm curious.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? Senator D'Arco.

10. SENATOR D'ARCO:

11. Let me...George, ...is that correct what Senator Egan
12. said?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. What Senator...Egan said is correct. But let's get the
17. ...the facts of the situation correct. We're not talking about
18. anybody that is incarcerated or in the county jail. We're
19. talking about someone who is out on bail or bond, whatever you
20. want to call it, he gets an additional hundred and sixty days
21. from the time that he stops the clock because of the delay
22. caused by him. Remember how the how the old hundred and twenty
23. days used to start over again. This is now a hundred and
24. sixty days starts over again.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator D'Arco.

27. SENATOR D'ARCO:

28. If the defendant is the cause of the delay then the clock
29. starts over again?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. That is correct.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator D'Arco.

3. SENATOR D'ARCO:

4. What happens if the State causes the delay?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Sangmeister.

7. SENATOR SANGMEISTER:

8. There's...there's nothing in here as far as the State...it

9. has to be the defendant. The State cannot cause the delay.

10. The defendant has to cause the delay. Now we're not, you know,

11. we're not moving it because the State causes delay. Only the

12. defendant. That's very clear.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator D'Arco.

15. SENATOR D'ARCO:

16. Now your intent was not to do that. Is that right?

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Sangmeister.

19. SENATOR SANGMEISTER:

20. The...the original intent of this bill had nothing to do

21. with the section that was changed. It had to do with that

22. section of the Statute that would allow the State when they

23. were pressed for time to get that extra twenty-one days that

24. the Statute now allows them providing the judge gives it to

25. them. My bill changed the word from "may" to "shall" to guarantee

26. that the judge would give the State the additional twenty-

27. one days. We're not even talking about that any more. We're

28. only talking now about recycling for a hundred and sixty days

29. for people out on bond. Good State's Attorney's bill, I might

30. say.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator D'Arco.

33. SENATOR D'ARCO:

1. Did you have a conversation with the Governor concerning
2. what he did to your bill?

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Sangmeister.

5. SENATOR SANGMEISTER:

6. I did not see this until I returned to the Senate and
7. saw his Veto Message and his proposal. No, I did not discuss
8. it with him.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator D'Arco.

11. SENATOR D'ARCO:

12. I personally cannot concur in this amendatory veto
13. and I oppose it.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Netsch.

16. SENATOR NETSCH:

17. Well, Senator D'Arco may have said it much more succinctly.
18. It is not really a good idea. It seems to me that it is a
19. step backwards, in fact, it's a step in exactly the opposite
20. direction from that which we have been trying to move into and
21. I think we would be making a terrible mistake if we accepted
22. this. Not just in terms of its substance, but even in terms of
23. the principle involved and I...I would suggest that it's not
24. the defendant to whom this extra time is being extended, Senator
25. Sangmeister, it's the State. And admittedly both parties are
26. guilty in the...in the business of prolonging to bringing the
27. people to trial. But if you don't keep a whip over both of
28. them then we are never going to be able to get at this problem
29. and get it solved. And this, as I say, moves exactly in the
30. wrong direction. And I think it...the Amendatory Veto should
31. not be accepted.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there further...Senator Buzbee.

1. Question to the sponsor, Mr. President.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. ...indicates he will yield.

4. SENATOR BUZBEE:

5. Senator Sangmeister, it's been a long time since I've
6. tried a criminal case and I was just wondering, it is, in
7. fact, as I understand the procedures of criminal lawyers that
8. it is a defense mechanism to use delay in...in bringing...
9. bringing people to court. Is that not true?

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Sangmeister.

12. SENATOR SANGMEISTER:

13. Well, I think that point is well taken. I'm not saying
14. that the State on occasion doesn't provoke delay but if you're
15. going to get delay it usually comes from the defense end and
16. that's one of the reasons why this change does make some sense.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Buzbee.

19. SENATOR BUZBEE:

20. I know of a few cases in the last few years where the
21. defendant was...the charges were dropped because of the time
22. limit was...was exceeded by...by the trial counsel, by the
23. prosecutor. In a situation where the defense counsel is, in
24. fact, purposely trying to cause delay under...under this bill
25. will...will that...I...I'm really confused here as...isn't there, in
26. fact, a mechanism in the law now, which says that...which
27. gives the prosecutor an extension of time automatically if
28. the defense is...is causing delay?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Sangmeister.

31. SENATOR SANGMEISTER:

32. Well, that was the provision that we were asking for.
33. The bill allowed an additional twenty-one days upon proper

1. presentation to the court by the prosecutor. But the bill
2. said "may", the judge may give it. I wanted to make that
3. "shall" so that the State would, at least, get the additional
4. twenty-one days. But we're not talking about that anymore.
5. The Governor has amended the bill or has recommended at
6. least a change that takes it out of that section over into
7. people who are out on bail starting the cycle over for another
8. hundred and sixty days. You...you understand that they
9. originally would have a hundred and sixty days to get him
10. tried, if the defendant causes no delay, but now if the
11. ...if this becomes law and the defendant causes a delay
12. then the State can...can have another hundred and sixty days
13. within which to bring him to trial.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Buzbee.

16. SENATOR BUZBEE:

17. What is going to be the net effect then? Are we just
18. going to see...and it's going to take a whole...full year
19. now before we are able to get anybody to trial. Three hundred
20. and twenty days. Or...or is that...is that going to be the
21. net effect, are we going to see the criminal courts backed
22. even further than they are now?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Sangmeister.

25. SENATOR SANGMEISTER:

26. Well, that will depend upon the prosecutor. Just because
27. the prosecutor would have another hundred and sixty days to
28. bring this person to trial doesn't mean he's going to take the
29. full hundred and sixty days. Most State's Attorney's want
30. to dispose of their...calendars as rapidly as you do, but this
31. would be where his back is up against the wall and he needs the
32. additional time. He's obviously going to try the people who
33. are in custody first because he's only got a hundred and twenty days

1. to go on them to begin with. So he's...it'll give him more
2. ...I'm sure the Governor had in mind this will allow the
3. State to have more time to deal with the people who are
4. incarcerated and get them to trial and he can push off some
5. of those people that are out on bond for a further period
6. of time. And with the Criminal Code revisions that we're
7. talking about in the prosecutor's office is going to be
8. that much...is going to be very busy and this additional time
9. will not hurt.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Just a moment. Now there are Senator Egan has...generated
12. a lot of discussion here and there are many people wanting to...
13. address themselves to this issue. Senator Hickey, you're next.

14. SENATOR HICKEY:

15. Thank you, Mr. President. I'd like to ask the sponsor a question.
16. Is there anything of paramount importance in this bill, other
17. than that issue which we are discovering, which you are very
18. anxious to save?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Sangmeister.

21. SENATOR SANGMESITER:

22. Well, you put me in the box by asking that question
23. because...depending upon how I answer it, the bill goes
24. down the drain. I don't want it to go down the drain. It
25. has nothing to do with what I filed. Originally, that's
26. true, but I happen to agree with the Governor's change in
27. the thing, but I...it's writing new legislation is what
28. we're doing. So...what I wanted to accomplish will not be
29. accomplished by concurring in this motion.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Carroll.

32. SENATOR CARROLL:

33. Thank you, Mr. President, Ladies and Gentlemen of the Senate.

1. Sort of a question to Senator Sangmeister, which may be somewhat
2. rhetorical in nature. As I recall the law prior to the emphasis
3. on speedy trial, the way this bill now reads with the Governor's
4. Specific Recommendation to...of Change, is the way the law was.
5. That being that any time within that hundred and sixty day or
6. whatever the time limit was at that time...the hundred and
7. twenty in those days, the defendant asked for a continuance
8. that started the clock all over and a new hundred and twenty
9. days started to run. Both the Supreme Court of our State and
10. in the legislature in an attempt to get to a speedy trial changed
11. that and said, "in lieu of starting the clock over that we just
12. toll the clock, hold it in abeyance until that particular
13. delay is over and keep the clock running from day one,"and that,
14. in effect, if I remember the court knocked down the old interpre-
15. tation, we then codified the new interpretation to say that the
16. clock starts when you go on bail and if you cause the delay
17. that tolls the clock. Now this seems to be a step backwards
18. to the old law and would be directly contrary to speedy trial and,
19. you know, at the same time the issues that were raised as to
20. whether this should be within the Amendatory Veto power. But
21. wasn't this the old law?

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Sangmeister.

24. SENATOR SANGMEISTER:

25. What you say is entirely correct. I don't agree that it
26. is a step backwards, but other than that statement, I would say
27. everything you said is correct. It used to be a hundred and
28. twenty days and when he tolled it, it started over for a hundred
29. and twenty days. Except, now we're only, in this case, talking
30. again about people out on bail, which is a hundred and sixty
31. days, but it would start the clock over again. It doesn't
32. toll it.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Egan, the two time offenders have to wait until
2. the one timers are finished. Senator Maragos, you're next.

3. SENATOR MARAGOS:

4. Will the sponsor yield to a question?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Indicates he will.

7. SENATOR MARAGOS:

8. Isn't this, in effect, putting a very big pressure on
9. the defense attorney before he continues a case during that
10. hundred...original hundred and sixty days.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Sangmeister.

13. SENATOR SANGMEISTER:

14. Yes and no. Yes, because it will, of course, extend for
15. his client the time for which he can get into a speedy trial
16. but the other...on the other side is normally the defense
17. counsel that going to cause that delay and he usually is
18. not to upset about that, I might say, Sam and I think you
19. know that.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Maragos.

22. SENATOR MARAGOS:

23. Excepting that when you start talking a hundred and
24. sixty days...if he has another good reason later on to
25. continue the case, not for dilatory practices but for other
26. factors as they come in the case. He's always locked in
27. whether it's a hundred and sixty day rule and then...ad
28. infinitum so he may want to go to speedy trial.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Sangmeister.

31. SENATOR SANGMEISTER:

32. Well, if I understand, this doesn't present defense
33. counsel...prevent defense counsel from going to the judge

1. and saying, I want a trial for my man and I want this thing
2. set down for a date certain and the State is going to have to
3. answer to that and, naturally, they can use the hundred and
4. sixty day rule if they want to and say to the judge, well
5. judge, I still got another hundred and sixty days, but that
6. doesn't mean the court has got to go along with that, as you
7. know.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator...Senator Soper.

10. SENATOR SOPER:

11. Thank you, Mr. President. This doesn't preclude,
12. Senator Sangmeister...this doesn't preclude the State from
13. going...going ahead if it does need the time.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Sangmeister.

16. SENATOR SANGMEISTER:

17. No, Sir, it does not.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Soper.

20. SENATOR SOPER:

21. If...if I heard correctly, you...you agree that this is
22. a good change and you...you accept this in your bill. You'd
23. like to have us vote for it. Am I correct?

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Sangmeister.

26. SENATOR SANGMEISTER:

27. That is correct, Senator. I just want to make sure, as
28. Senator Egan does, that everybody knows what they're voting
29. on. But that is correct. I would like to see the motion
30. accepted by this Body.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Soper.

33. SENATOR SOPER:

1. Thank you very much.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Daley.

4. SENATOR DALEY:

5. Mr. President, fellow Senators. I would like to ask
6. Senator Sangmeister a question.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Indicates he will yield.

9. SENATOR DALEY:

10. Senator, can't this problem be handled in the Criminal
11. Package Bill that we're studying...in the last two weeks and
12. we'll be acting upon within a week?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Sangmeister.

15. SENATOR SANGMEISTER:

16. Well, yes, it could, Senator. There is a...you know...
17. it...it's almost a complete reform of the Criminal Code in
18. a lot of respects. I suppose this is...we...we have not gotten
19. into this aspect of it at all, but yes, anything could be
20. changed.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Daley.

23. SENATOR DALEY:

24. We...so we could handle this...this concept in the Governor's
25. Package on...on Criminal Law. This...this strictly avoids
26. this Amendatory Veto, the legislative process. What he's done,
27. he avoids the Senate and the House, the committees, the whole
28. structure by Amendatory Vetoing your bill with a whole new
29. concept. Is that true?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Sangmeister.

32. SENATOR SANGMEISTER:

33. Well, I can't deny that and that's the one thing that somewhat

1. disturbs me over the whole thing is you're...you're absolutely
2. right. It's bypassed committee and there's no legislative
3. input into this at all. However, as far as the other
4. Criminal Package that we're talking about, as you can see
5. from the Floor debate here, when you get into this area
6. of speedy trial that's a...a controversial thing in itself
7. and I'd rather not get that involved in that other Crime
8. Package at all, if we could avoid it. So it would not be
9. my intent to try to put it in there under any circumstances.
10. I think we ought to decide the issue here, up or down now.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Daley.

13. SENATOR DALEY:

14. Originally didn't we handle the speedy trial aspect
15. in his original package? The number of bills in the last
16. Session or this Session, I should say?

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Sangmeister.

19. SENATOR SANGMEISTER:

20. Unfortunately, Senator, as you know, I was not here and
21. I really can't answer that because I don't remember what was
22. in all those packages. So I really don't know if this Spring
23. you handled it or not. I...the...the change of Senator
24. Carroll alluded to did not happen this Spring. That changed
25. to a hundred and twenty...a hundred and twenty days meaning
26. that the clock starts from the delay and not repeating the
27. clock was, at least, two years ago. Right?

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Daley.

30. SENATOR DALEY:

31. I, think, maybe Senator Netsch could handle that. I thought
32. they...we did discuss it in the Spring Session in dealing with
33. speedy trials.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Berman.

3. SENATOR BERMAN:

4. Will the sponsor yield?

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Indicates he will.

7. SENATOR BERMAN:

8. Senator Sangmeister, I...I'm confused and I'd like you
9. to take me through it just one more time. As the law presently
10. exists, if I am out on bail and after thirty days, after thirty
11. days I appear in court and I ask for a continuance and I am
12. granted a fifteen day continuance, what is the time frame under
13. existing law that the State must prosecute me?

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Sangmeister.

16. SENATOR SANGMEISTER:

17. Well, Senator Berman, without computing it out, what it
18. would amount to, is at the time you asked for the delay, when
19. your delay ended, your continuance ended, the clock would
20. start running again on that hundred and sixty days. Under
21. the proposal that I have here, it would start the clock all
22. over again from that date for a hundred and sixty days. Do
23. I make myself clear?

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. He says no.

26. SENATOR SANGMEISTER:

27. All right. Let's...let's go back to your example. You...
28. you say the hundred and sixty days starts and now thirty days
29. into the hundred and sixty you ask for a fifteen day continuance.
30. All right, taking thirty away from a hundred and sixty leaves
31. you a hundred and thirty. You toll the time period for fifteen
32. days and then when...when your continuance...the time for
33. your continuance is over, the hundred and thirty days would

1. start running again. Okay. You understand that? Under
2. this proposition, at the time that the hundred and thirty
3. should start running again, it won't. It'll start for a
4. hundred and sixty days again.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Berman.

7. SENATOR BERMAN:

8. All right. Thank you. That...that explains it now.
9. My...my feeling on the...on the Amendatory Veto is that
10. it's a...it will lend itself to the Governor's language
11. would cause a greater delay in bringing persons out on bond
12. to trial than existing law. And if we are interested in
13. speedier trials, keeping a burden on both the defense and
14. the prosecution, I think I am going to vote against the motion
15. to sustain the Governor.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Rock.

18. SENATOR ROCK:

19. Thank you, Mr. President and Ladies and Gentlemen of
20. the Senate. I, too, rise in opposition to the motion to
21. accept the Specific Recommendations for Change for the
22. reason and only the reason, not that I disagree, frankly,
23. with the substance of what the Governor is doing, frankly,
24. I question his method. As Senate Bill 728 went before us,
25. it addressed a specific problem and it was a one word change
26. from...from "may" to "shall" and it concerned those situations
27. where a defendant had been in custody and there was some
28. question about the tolling of the hundred and twenty day
29. period. The Governor has seen fit to add another complete
30. substantive sentence to a different subsection of the Act
31. that we attempted to amend with Senate Bill 728. And, again,
32. I would stress that I agree, frankly, with what he has done.
33. I believe that if...if the delay has, in fact, been occasioned

1. by the defendant, the State's right to bring that gentleman
2. or lady to trial should, in no way, be impaired in the full
3. period should run. Now that assumes two things. One, that the
4. defendant is out on bail or recognizance and two, that he has,
5. in fact, at some point made a demand for trial. But to change,
6. substantively, a major portion of the criminal law in this
7. manner, that is by exercise only of his Amendatory Veto, I
8. think is a mistake and a practice that we, frankly, should not
9. countenance and for that reason I stand opposed.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Walsh. Senator Egan.

12. SENATOR EGAN:

13. Thank you, Mr. President. I...I would like to point
14. out that albeit the Governor's intent is...is I think,
15. commendable in affording the State an opportunity to its
16. fullest extent to prosecute the criminals in the State of
17. Illinois that I think that Senator Rock is entirely correct.
18. This...this is certainly an improper method and, for example,
19. I'll...I'll just cite a practical example as I'm sure, an
20. unusual but certain situation. I know of a case presently
21. that's pending in the Circuit Court in Cook County in the
22. Criminal Division wherein the defendant was charged with
23. a felony and he answered the charge and bail was set,
24. Senator Soper, at approximately five thousand dollars. I
25. beg your pardon, fifty thousand. He put up five thousand
26. dollars in cash. His mother put the money up. He did not
27. make the necessary court appearance at the next date for a
28. reason which is disputable as to culpability. In any event,
29. his bond was forfeited. Later defense counsel went in before
30. that same judge and said, "Judge, I'm filing my appearance in
31. behalf of that defendant and his mother put up the five
32. thousand dollars in cash. She mortgaged her house. She put
33. over all of her savings account. She pawned her jewelry and she

1. did everything she possibly could for the five thousand
2. dollars and this...this woman now is without those funds."
3. Then...the judge revoked that bond forfeiture, He, however,
4. held that money in abeyance pending a rehearing on that charge.
5. The bail was increased to a hundred thousand dollars and the
6. mother said, I can no longer afford any more of this...the
7. funds. That...that defendant was out on bail. He could have
8. been tried with a hundred and twenty days. The mother lost
9. her five thousand dollars and the judge said, well, we'll give
10. it back to you, but we can't give it back to you now until the
11. expiration of the trial of your son. Although he's incarcerated,
12. although he is in total custody, the judge would not release
13. the bond money to his mother. It's an example. It's an
14. example of...of...of a delay that was, in my opinion, unnecessary
15. occasioned by the...the whim of the judge who felt that the
16. defense of the case should be paid that bond money. The defense
17. being the public defender. Now the only point I'm trying to make
18. is that albeit the Governor's trying to afford the State
19. a proper opportunity to solve the problems of criminal law in
20. the State of Illinois with this type of Amendatory Veto. I think
21. we're making a serious mistake. We don't have a hearing on the
22. subject matter. We haven't heard anybody relative to the change
23. in this...in this Statute. And Senator Sangmeister, albeit,
24. I think your...your...your acquiescence is well intentioned.
25. I think the original bill is far superior. Consequently, I
26. have a very difficult time supporting the Amendatory Veto.
27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Knuppel.

29. SENATOR KNUPPEL:

30. I was in the Constitutional Convention. As I recall it,
31. the Amendatory Veto was, thank you, was for the purpose of
32. making technical corrections in the bill. What you may be
33. doing here, is allowing some criminal a technical means to

1. escape imprisonment on...on...on the technicalities raised by
2. the extent and nature of this...of the use of this Amendatory
3. Veto. And I don't think we ought to allow somebody that
4. type of an opportunity. It may, in fact, allow a quite a lot
5. of criminals out if the Supreme Court would rule that the
6. Governor had abused the Amendatory Veto and, therefore, I think
7. it would be better if we did, as Senator Rock has said,
8. produce this as a separate bill.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Guidice.

11. SENATOR GUIDICE:

12. Thank you, Mr. President. I, too, am opposed to this
13. particular amendment. Fact of the matter is, if we've got
14. a hundred and sixty day term and at...end of a hundred and
15. fifty-five days we all know that anybody who has practiced law at
16. all that there has been...dates that have come up where,
17. apparently, the State has asked for that particular continuance.
18. That Statute goes for the hundred and fifty-five days and I've
19. answered ready for trial on every day. We get to the hundred
20. and fifth day, my defendant gets ill, sick, whatever it be, but
21. a real true reason. Not dilatory in nature. We're ready to
22. go to trial two days later. Now I have a hundred and sixty
23. days, again, facing me to stop me from getting the trial that
24. I should have received on that hundred and fifty-fifth day.
25. So what we're, in fact, doing here is allowing the State to
26. once again become dilatory in their aspect of it because they
27. have another hundred and sixty days to continue this case.
28. And we...we can continue this ad infinitum without any
29. problem at all because another hundred and sixty days are
30. going to run and during that particular period of time you
31. might have four or five dates that come up. You be ready to
32. answer every time you're ready and you get to that last day
33. once again and whatever the reason, an accident or something

1. of this sort is going to toll the Statute and make it start
2. all over again. So I'm, also, opposed to this.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Vadalabene.

5. SENATOR VADALABENE:

6. Yes, thank you, Mr. President and members of the Senate.
7. I quit practicing law in 1966 when I came into the Legislature
8. but today I've...I've pushed myself and I've got an additional
9. information so at this time I would like to move the previous
10. question.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. The motion is to move the previous question. All those
13. in favor say Aye. Those opposed. The Ayes have it. Senator
14. Sangmeister, you may close the debate.

15. SENATOR SANGMEISTER:

16. Well, I would like from you, after all the debate on this
17. issue, is I think this...this bill got more debate than it
18. would have had in committee. We might as well consider this
19. to be a committee of the whole. You've all heard the...the
20. debate on the bill. The question is, do you want to recycle
21. it for another hundred and sixty days for those people out
22. on bond? I think it's...it's a good concept and I, like I
23. say, from the Amendatory Veto standpoint I don't like it, but
24. now we've sat as a committee as a whole. So I ask for a
25. favorable vote and treat me better than the Oilers did the
26. Bears. Okay?

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. All right. The question is, shall the Senate accept the
29. Specific Recommendations of the Governor as to Senate Bill 728
30. in the manner and form just stated by Senator Sangmeister.
31. Those in favor vote Aye. Those opposed Nay. The voting is
32. open. Have those voted who wish? All those
33. voted who wish? Take the record. On that question, the Ayes

1. are 26...Senator Sangmeister wishes to postpone...No. Just
2. a moment. Senator Sangmeister.
3. SENATOR SANGMEISTER:
4. Just a procedural inquiry. If I should decide to file
5. for a Total Override to put the bill back the way it was, that
6. does not prevent me because I filed a motion to...
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. ...it does not prevent...
9. SENATOR SANGMEISTER:
10. ...Is that correct?
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. ...you. You may have...
13. SENATOR SANGMEISTER:
14. ...timewise where are we...
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Tomorrow.
17. SENATOR SANGMEISTER:
18. ...can we get to it tomorrow. Thank you.
19. PRESIDING OFFICER: (SENATOR DONNEWALD)
20. Tomorrow is the deadline. On that question, the Ayes
21. were 26, the Nays were 29. The Specific Recommendations of
22. the Governor as to Senate Bill 728 failed. The bill remains
23. on the Calendar. Senate Bill...Senator Johns, for what
24. purpose do you arise? We have one more bill that...Senate
25. Bill 1342, Senator Mitchler. Read the motion, Mr. Secretary.
26. SECRETARY:
27. I move to accept the Specific Recommendations of the
28. Governor as to Senate Bill 1342 in the manner and form as
29. follows. Signed, Senator Mitchler.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Senator Mitchler.
32. SENATOR MITCHLER:
33. Well, Mr. President and members of the Senate. This

1. shouldn't be as complicated as the preceding bill. This is
2. a Department of Conservation Administration Bill and what it
3. involves the recommendations for a change by the Governor.
4. It involves the size of the fish authorized to be taken
5. in complying with the Illinois Fish Code. The change is
6. recommended by the Governor as to the size of the fish is
7. in conformance with the Department of Conservation recommendations.
8. And, therefore, the acceptance of the Governor's Recommendation
9. and Changes to the...by the Amendatory Veto should be accepted
10. and I so move.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Is there further discussion? The question is, shall
13. ...just...Senator Buzbee.

14. SENATOR BUZBEE:

15. Well, I don't know what the Recommendations of the
16. Governor were. I sit on the Agricultural Committee that
17. heard this bill. As I recall the bill came out of committee
18. and out of the Senate the way that the Department of
19. Conservation asked for it to come out. I, again, think this
20. is another case where the Governor has decided he's going to
21. play superlegislator. He gets paid to be the Governor, not
22. to be the legislature and I see no reason for us to give this
23. Governor or any other Governor the ability to completely
24. rewrite a bill, which obviously, this is doing differently
25. than what the legislature passed it as. Now unfortunately
26. the Illinois Supreme Court has not come down with the final
27. definitive answer as to how much authority the Governor does
28. have with the Amendatory Veto. But they say, legislature,
29. you decide that and I think this is a case where we ought
30. to decide. Governor, you've exceeded your bounds once again.
31. We'll give you authority to...to make some minor technical
32. changes and so forth, but we're not going to give you the
33. authority to rewrite the intent of the bill that is passed

1. by the legislature. So I don't see any reason why we ought
2. to go along with this.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Rock.

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End of Reel

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1. SENATOR ROCK:

2. Yes, thank you, Mr. President and Ladies and Gentlemen of
3. the Senate. Question of the sponsor, if he'll yield.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Indicates he will.

6. SENATOR ROCK:

7. Senator I was not, I am not, in fact, a member of
8. the Agriculture and Conservation Committee, but I do
9. have a copy of the Enrolled and Engrossed Bill. And the
10. Governor's amendatory change seems to pertain to Section 4.5
11. which is found on page 3 of the Enrolled and Engrossed copy,
12. and in the original bill, as passed, there was new language
13. added and certain language was deleted. The Governor by
14. Amendatory Veto seems to delete the new language we added
15. and reinsert that which we deleted. And I think...I think,
16. frankly, if...if...if the bill stays where we are, we're
17. talking about the current law. I don't see any need to
18. accept his recommended changes. And my question is why
19. did he contravene what...what were apparently the wishes
20. of his own Department of Conservation in...in so doing.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Mitchler.

23. SENATOR MITCHLER:

24. Senator Rock, the bill did more than one item. The
25. bill, what it actually accomplished was authorized the
26. Department of Conservation to authorize by a news release
27. the taking of fish from any area when the eminent danger
28. of loss of fish exists. It also allowed the use of
29. dip net for noncommercial smelt fishing in Lake Michigan.
30. It further prohibits the use of hand rakes, et cetera and
31. taking of mussels. It also repealed Section 4.18 which
32. prevents any person from releasing any fish in the Illinois
33. waters without the department approval. Section 3.2.2

1. of the Act contains the same prohibitions so the extra
2. section is deleted. And the section that...the...we're
3. dealing with now has to do with the length of the
4. catfish and the definition of channel catfish flathead.
5. And what it does, on page 3, it deletes the words, channel
6. catfish flathead. And inserts in their place, bullhead
7. or white catfish, seven inches dressed or nine inches
8. undressed. Now, I want to point out, when this bill was
9. debated in committee, we kicked it around about the
10. length of the catfish and what have you. The Department
11. of Conservation asks for certain sizes that you could
12. take the catfish from the waters. Now, it's the Department
13. of Conservation that is going back and asking the Governor
14. to make these amendatory changes after we've passed the
15. bill. And it so states that, Senator Buzbee, in the
16. Governor's Amendatory Veto Message. He says in the third
17. paragraph, in the opinion of the Department of Conservation,
18. the amendment proposed in Section 4.5 will be detrimental
19. to the catfish population of the State. And we all eat
20. a lot of catfish down here and you want to see these catfish
21. propagated and...and we want to have plenty of them and
22. the Governor has taken the recommendation of the Department
23. of Conservation not using his Amendatory Veto wildly for
24. his own benefit. And, therefore, he makes these Specific
25. Recommendations for a Change. So we're not changing all
26. of the things that the bill did, merely going back on the
27. size of the catfish. I see no problem with this, it's not
28. going to make the catfish bigger that you get out at the
29. Southern Air, any of the other restaurants in town here
30. and I think you're just going to have more of them.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Be no advertising. Senator Rock, did you listen to
33. that response? Senator Rock.

1. SENATOR ROCK:

2. I did, but to call it a response is somewhat euphemistic.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Joyce.

5. SENATOR JOYCE:

6. Yes, thank you, Mr. President. As I remember this, we
7. have worked on this about three years now and it was, I believe,
8. Senator Latherow who raised the objection about the length of
9. the catfish and I believe it is...it was at his request that
10. we left them where they were and I...I, you know, we've...you're
11. right, Senator Mitchler. We've kicked this thing around a...a
12. whole bunch in there and I think we just ought to...forget it.
13. I think we ought to go with Senator Latherow's request.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Maragos.

16. SENATOR MARAGOS:

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

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Indicates he will.

20. SENATOR MARAGOS:

21. Senator Mitchler, do you agree that what you just
22. told us earlier was a big fish story?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Mitchler.

25. SENATOR MITCHLER:

26. I...Senator Maragos, I believe that the Department
27. of Conservation told us a fish story in committee and
28. now they're telling another fish story to the Governor and
29. the Governor is relaying the Department of Conservation's
30. fish story back to us and so I don't know which fish
31. story you want to believe. And as I say, I don't think
32. it's going to make any difference about the fish we get down here in
33. Springfield, or what have, but the Department of Conservation

1. thinks this is the best system to use in the Fish Code
2. so I'll go along with them and I, I'll go along with
3. the Governor. Ask for the...that you concur in the...recomen-
4. dations for change.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Maragos.

7. SENATOR MARAGOS:

8. Mr. President and members of the Senate. I want
9. to belabor this point, but I think that, in all due respect
10. of those who, where the Constitutional Convention of 1970
11. gave a tool to the Executive Department here, where not
12. only the Governor has a right to amend our laws or our
13. wishes of this Legislator, but also the bureaucrats of
14. every department. And as was even confessed by the
15. sponsor of this bill, the department heads convinced
16. the Governor to change this because they don't like
17. what the Legislator has done. And I think enough is
18. enough and we should start standing up and say to the
19. Legislative process cannot be further maligned by...by
20. bureaucratic action and I say we should defeat this
21. motion.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Mitchler may close.

24. SENATOR MITCHLER:

25. As Senator Sam would say, this isn't my biggie
26. and this originated as a Department of Conservation, so-called
27. administration bill and that's about all I have to say. We're
28. carrying it, it should be in a yellow folder here, I...I got
29. one of these old folder, I...I sent the yellow folder over
30. to...to the House, so, do what you want, fellows. This has to
31. do with catfish, so I think this probably...probably the
32. second or third most important bill of the Session.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. The question is shall the Senate accept the Specific
2. Recommendations of the Governor as to Senate Bill 1342 in
3. the manner and form as stated by Senator Mitchler. Those
4. in favor vote Aye. Those opposed Nay. The voting is open.
5. (Machine cutoff)...all those voted who wish? Take the
6. record. On that question the Ayes are 25, the Nays are 29.
7. The Specific Recommendations of the Governor, the...the a
8. ...do, in fact, fail. The bill remains on the Calendar.
9. Senate Bill...598, Senator...read the motion, Mr. Secretary.

10. SECRETARY:

11. I move to accept the...Specific Recommendations of
12. the Governor as to Senate Bill 598 in the manner and form
13. as follows. Signed, Senator Weaver.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Weaver.

16. SENATOR WEAVER:

17. Thank you, Mr. President. This just adds one word
18. on page 1, line 29. It is alluded to in Section 4 and
19. it adds, land where monies are...where lands are leased
20. or highways that are bought for highway purposes. That
21. rental of these lands until they're put into highway use
22. for buildings or improvements and this includes land
23. which should have been in there and I would move that we
24. accept the Specific Recommendations of the Governor.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there further discussion? The question is shall
27. the Senate accept the Specific Recommendations of the
28. Governor as to Senate Bill 598 in the manner and form just
29. stated by Senator Weaver. Those in favor vote Aye. Those
30. opposed Nay. The voting is open. (Machine cutoff)...all
31. those voted who wish? Take the record. On that question
32. the Ayes are 54, the Nays are none. Those...the Specific
33. Recommendations of the Governor as to Senate Bill 598,

1. having received the required majority vote of the Senators
2. elected are declared accepted. We will now go to the Order
3. of Total Vetoes. Senator Gene Johns. Which...which bill
4. do you wish called?
5. SENATOR JOHNS:
6. 39.
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Senate Bill 39.
9. SENATOR JOHNS:
10. Senate Bill 39.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. Read the motion, Mr. Secretary.
13. SECRETARY:
14. I move that Senate Bill No. 39 Do Pass the Veto of
15. the Governor to the contrary, notwithstanding. Signed,
16. Senator Johns.
17. PRESIDING OFFICER: (SENATOR DONNEWALD)
18. Senator Johns.
19. SENATOR JOHNS:
20. Ladies and Gentlemen of the Senate. The Number
21. one problem of southern Illinois...you'll have to
22. interpret that kiss...is the lack of financial strength
23. coupled with the dispersed population. Senate Bill 39 was
24. aimed at making this region stronger in both ways, financially
25. and population wise. How could it accomplish this? Let
26. me give you my beliefs about the area and its resources.
27. The area holds the largest reserves of coal in the State.
28. A resource that once taken can never be replaced. It
29. is an irretrievable loss. That resource taking should only
30. be with some form of reimbursement and that form should
31. be in dollars' in the form of money. The dollars would
32. do many things. I did say that it could reclaim abandoned
33. strip mine lands, make them into wildlife preservation
34. areas, into pastures, into recreational areas, into

1. farm land, into productive land once again. Two, fund
2. celestial bills that I handle on subsidence. The three
3. giant insurance combines in the State of Illinois said it
4. is the only way and the best way to fund them. As more
5. and more mines are built approximately ten to twelve
6. and the ground is honeycombed to an even greater extent,
7. more, thousands of people face financial disaster unless
8. we protect the innocent from the gouging out of the earth
9. by the operators. This field alone is meritorius of
10. passage of this bill. Again the money from this package,
11. Senate Bill 39, could assure the people that when they
12. move into an area, the risk of bankruptcy over subsidence,
13. even our schools and counties, buildings are being lost.
14. The answer, of course, is Senate Bill 39. A third element,
15. and I would appreciate your attention please, this one to
16. fund the black lung centers. Let me read you an article
17. from the Springfield paper. The State-Journal Register
18. on September the 21st had the headlines that health officials fear the
19. Coal Tax Veto will hurt. Illinois' Public Health Officials
20. fear Governor James Thompson's Veto of the five percent
21. tax will jeopardize clinics aimed at treating minors work
22. related respiratory diseases. If the Coal Severence Tax
23. had become a law, a small percentage of the tax would have
24. gone to the department for use in diagnosis and treatment
25. of mine related respiratory ailments. Now get this, a
26. three hundred thousand dollâr grant from the National
27. Institute for Occupational Safety and Health in the Department
28. of Health, Education and Welfare funded this establishment
29. of the program, but it is now ended. The Department of Public
30. Health has now been authorized...to subsidize this program
31. at a rate of about twenty thousand dollars a quarter. That
32. is State money that we didn't have to have with this bill.
33. Now, with a cut-back and union retirement funds, miners, and

1. prior to that the Governor's action on the Coal Severance
2. Bill, the people now know that these clinics have been
3. notified by the department that they would have three
4. options. One, funding from the Federal Government, specifically
5. from you. The Coal Severance Tax benefits are whatever the
6. Department of Public Health might be able to divert from
7. the State treasuries. Federal authorities have indicated
8. to us, said this fellow, and I do not wish to use his name,
9. that even if Illinois could get you funding from such
10. purposes to treat black lung, it'll be thirteen months
11. before the money gets here, and they're not sure it'll
12. come. With the loss of the possible Coal Severance Tax
13. benefits, only funding from the Department of Public
14. Health remains. And present indications are that only
15. about fifteen thousand dollars will be available to be
16. divided among five clinics. Black lung is something
17. that can never be healed, only treated. The coal dust
18. and rock dust cause scarring of the lung walls creating
19. a gasping for breath, a straining of the heart and death.
20. In the most hazardous occupation in the world, 1.7 million
21. dollars would have been set aside from this bill to treat
22. black lung. Twenty-five percent of the bill was for
23. administration of the act. So no further incumbrance
24. on the State was placed. But note, if you will, I seek
25. financial strength for southern Illinois and the result
26. in population growth that comes with a flow of dollars
27. in an area of economy. The failure of the Governor on
28. this bill is costing a drain on the State to meet its
29. medical needs, its conservation needs, its county needs.
30. In talking with one of the largest coal companies the
31. other night, just a few nights ago, they said they
32. opposed the bill on the grounds that the money would
33. go into General Revenue. I said hell, you don't even...
34. you haven't even read the bill. I was really surprised.

1. Where, but at the point of impassion on an area, could it
2. be better spent? Where does abandoned strip mines remain?
3. Where does reclamation be needed? Where does subsidence
4. occur? Nowhere, but like in a mined out area. Where
5. as time grows, more and more homes will be lost. And
6. black lung, the coughing, the wheezing, the spitting up
7. of black mucus and dust. The inability to work, to be
8. ...just to be barely alive and result in heart attacks
9. and finally peace through death. Tell me, the son of a
10. coal miner, that one who has witnessed the abject poverty
11. of a generation after generation, the decay of communities,
12. the abandonment of the mines, the socioeconomic problems,
13. the dying of a community : that you, the Senate of Illinois,
14. will not turn your'back on southern Illinois while it's
15. be raped of its lifeblood. Tell me, the Senate of Illinois,
16. that you will not permit cooperatives and coal operators
17. who buy coal at fifty cents to a dollar a ton, per acre,
18. with a cost of production at twelve dollars and selling
19. it for two hundred and fifty percent profit, at forty
20. dollars a ton, that you can't give counties back at
21. least forty-five cents a ton, or less, just to say to
22. schools, reduce property taxes, build roads and bridges,
23. control the crime, build sewage systems, improve fire
24. fighting, whatever that county needs.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator, will you conclude...

27. SENATOR JOHNS:

28. ...stop pollution. Sir?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. I think your time is expired.

31. SENATOR JOHNS:

32. All right. Well, let me tell you, for every person
33. that moves into a coal mining community, it costs that

1. local government four thousand dollars. Many of you
2. are State officials, Harber Hall, Grotberg. You are
3. former county officials. Carl Berning, others. You
4. know and I know, as a member of the County Problems
5. Commission, that every one of those counties down
6. there are in trouble and each year I come up here and
7. I have to ask you for money, we wouldn't have to do
8. that if you'd give us that money out of that tax. ,
9. The strange part, Ladies and Gentlemen, and a
10. least known fact is that before a passage of this bill
11. in the House, I took a delegation of people, leaders
12. of the Republicans and Democrats alike, who wanted
13. this bill, into the Governor's Office, and he said
14. I really don't know much about the bill. Jimmy Christmas,
15. They told him they wanted the bill. We're going to
16. pass it in the House. You take the bill, Governor,
17. in total, I told him. If you don't like...all right,
18. if you don't like the bill in total, cut the price per
19. ton down and let us have it. Now this bill means twenty-
20. seven to thirty-four million dollars on coal going outside
21. this State. Where that coal is going we're subsidizing
22. other states. Colorado just passed one at sixty cents
23. a ton last year. Other states are increasing the tax.
24. But let me tell you, Ladies and Gentlemen, this is one
25. of the greatest bills to ever come along for the needs
26. of county government in the areas from...from where they have
27. been bled and they need this money desperately. If
28. it doesn't pass, I'll be back next year. The Governor
29. said, I like the idea, maybe we can devise something
30. next year. Why waste all that money? Why didn't he
31. put his thoughts in this bill and get it back to us
32. in a form, amended, as he's done everything else?
33. So, I say that we want this bill very much in southern

1. Illinois. It means a great deal. Other states are...are
2. charging us a dollar seventy-three cents a ton, sixty cents
3. a ton, for low sulfur, low BTU coal. Mr. President, I'll
4. conclude. I'll be glad to answer any questions.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. The Gentleman will have the right to close. Senator
7. Harber Hall.

8. SENATOR HARBER HALL:

9. Excuse me, Mr. President, I hope you'll forgive me
10. if my eyes are moist, but I have to very reluctantly
11. rise to oppose the motion. Simply because it's the
12. wrong vehicle at the wrong time that benefits the
13. wrong people.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Further discussion? Senator Buzbee.

16. SENATOR BUZBEE:

17. That was probably one of the most interesting
18. comments I have ever heard. I thought that the
19. citizens of southern Illinois, were, in fact, citizens
20. of Illinois, Senator Hall. And if we are the wrong
21. people to be benefited, then maybe we ought to draw the
22. State line right south of Bloomington. Now, I don't
23. really understand what you meant by that, but I will
24. tell you that Senator Johns is absolutely correct. He
25. has worked long and hard to try to achieve this passage
26. of this kind of legislation because, quite frankly,
27. we do get tired of coming to the Illinois General Assembly
28. and begging for grants of money. Begging for outright
29. charity. We say we have a fantastic natural resource in
30. southern Illinois and, in fact, in central Illinois,
31. and in some cases in northern Illinois, that is coal, black
32. gold. However, that resource is being mined and we are
33. proud of that fact. We are supportive in our area

1. of the State of the coal mining industry and of coal
2. miners and their unions, but what we do need is some
3. method of our being able to retrieve money for our
4. local governments from that resource. There is one
5. county in my district, Perry County, which happens to
6. be the largest coal producing county in the State of
7. Illinois. Perry County is some day going to be one
8. big vast pasture land because after all this coal is
9. stripped and we put it back, we're simply not able
10. to get much out of it except pasture. There's not
11. going to be a tax base for the support of local govern-
12. ment and local schools in Perry County. There's not
13. going to be a tax base in St. Clair and in Randolph
14. and in Franklin and in Saline, where Senator Johns
15. represents. Now, we're already through the Sales
16. and Use Tax, taxing Illinois coal that is being consumed
17. in Illinois, but for some reason or other, we say to
18. industry and to...and to users of Illinois coal outside
19. of our borders, we're not going to tax you. We want
20. this coal to be taxed so that we will be able to support
21. our local governments and our local schools. We won't
22. have to be coming up here and begging for monies to
23. support our local schools and our local governments.
24. I think Senator Johns is to be commended. I think
25. that this is one way of giving southern Illinois an
26. equal chance where our dirt isn't as black as it is
27. in McLean County, but our coal is useable and we need
28. to retrieve the...the income from that coal.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Further discussion? Senator Harber Hall, for what
31. purpose do you arise?

32. SENATOR HARBER HALL:

33. Point of personal privilege.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. State your point, sir.

3. SENATOR HARBER HALL:

4. I just want to make it very clear that what I had
5. in mind was that this bill would provide one county,
6. for example, ten times, a thousand percent increase
7. in revenue over what they presently spend per year.
8. So, it's...it's not really a proportionately viable
9. kind of a legislation. And that's what I mean.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion. Senator Hynes.

12. SENATOR HYNES:

13. Mr. President and members of the Senate. I rise
14. to support Senator Johns' motion. And I do so not
15. only for the reasons that he has so eloquently outlined
16. and that Senator Buzbee has elaborated on, but primarily because
17. if this is a good idea, and I think it is a good idea
18. and the Governor himself in his message indicates that
19. something has to be done on the subject. The time that
20. it ought to be done is now. The sponsor has been working
21. on this legislation for several years and it has been
22. jockeyed back and forth through the Houses of this
23. Legislature. He has improved the bill each time and
24. has with the amendment that seems to be the crux of
25. the controversy here, I think, removed most of the
26. opposition. I think the bill as it presently stands
27. is a good one. I think to suggest that we ought to
28. wait until next Session and then try to work out
29. another program simply puts off the decision and, in
30. fact, will result in a program never coming into effect.
31. This is important to a substantial portion of the
32. State of Illinois and I think the members of this Body
33. ought to recognize the quality of the bill, the work

1. that has been put into it and vote in favor of it.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Demuzio.

4. SENATOR DEMUZIO:

5. I'd like to ask the sponsor a question if I may.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. The sponsor indicates he will yield. Senator
8. Demuzio.

9. SENATOR DEMUZIO:

10. Senator Johns, you mentioned the fact that this
11. severance tax would also be of benefit to black lung
12. clinics, is that correct? And if so, how many?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Johns.

15. SENATOR JOHNS:

16. There's about five right now, Senator Demuzio.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Demuzio.

19. SENATOR DEMUZIO:

20. Someone asked the questions, where are they at.

21. I suspect that they're in the area that you have black

22. lung cases. I might point out to you that currently the

23. Federal Government and its black lung legislation is

24. currently logjammed between the House and the Senate.

25. I point out to you that black lung was established

26. several years ago by the Congress. I have had hundreds

27. and hundreds of individuals that have come that I know

28. are qualified that need black lung that cannot get it.

29. They are told that they must appeal. I say to you...

30. where are those to go if they can't go to the Federal

31. Government for some kind of treatment. It would appear

32. to me that Senator Johns, in this bill was very amicable to provide

33. some kind of compromise between his legislation and

1. the Governor. I think it's clear, it's very clear that
2. the Governor again has turned his back on those people
3. who need this legislation the most and that being the
4. coal miners in the coal fields in southern Illinois and
5. central Illinois. I think it's a good bill, it ought
6. to be supported.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Further discussion? Senator Knuppel.

9. SENATOR KNUPPEL:

10. Well, I just have one question of the sponsor. How
11. much of this money goes to the General Revenue Fund of
12. the counties where coal is located?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Johns.

15. SENATOR JOHNS:

16. Fifty percent.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. How much of it goes to provide for capital improvements?
21. In other words, you know what my one objection to this
22. bill has been all of the time, that...that I could support
23. the bill if it...if it's supported...really replaced what
24. you were taking out of the ground, but it doesn't do that.
25. Senator Buzbee's arguments are fallacious because
26. they say that someday it'll be a pasture land, but hell,
27. the money is all going to be gone too. It's going to be
28. spent. There's nothing says that this has to be used
29. for roads or bridges and I venture that very little of
30. it will be. Now if this...I...I admire the use of it
31. for black lung for subsidence and for restoration of
32. the land that's mined. I can't agree with the fifty
33. percent that goes into the General Revenue Fund and

1. is...it...it's a case of...of those people who use the
2. coal supporting counties which have not heretofore been
3. able to do their own. If...if it had a capital improve-
4. ment clause in it where some of this money be held to
5. be used when those lands were actually decimated. Today
6. you're getting a lot of personal property tax from the
7. big diggers that are down there stripping the land.
8. You're getting a large payroll tax, you're getting a...
9. kickback from the State, I think like ten or twelve
10. percent from the income tax and you're going to have
11. this money to spend, as I've said before, like a
12. sailor goes to town on a Saturday night. And this
13. is a feature of the bill I can't...I can't countenance.
14. I wish that this fifty percent was to be used in some way.
15. in some way, to restore and limited to nothing but capital
16. improvements, that would be roads, bridges, court houses,
17. or something of this nature and the rest of it held in
18. some manner.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Further discussion? Senator Soper.

21. SENATOR SOPER:

22. Well, thank you, Mr. President. Senator Knuppel just
23. hit the subject right on the head. And, you know, we
24. ...have a lot of manufacturing where I come from, but
25. everything that's manufactured is shipped out of town
26. and the...we get the benefit of the labor and so forth
27. and taxes that the...corporations pay, but we don't
28. get that...we don't get the sales tax on the sale
29. of those goods and what you want is a tax on the goods
30. that you produce and you want it to go into the...to the
31. county where the...the goods...goods are produced. Now
32. if we asked in Cook County that all the...all the manufacturing
33. that we have and everything that we produce, no matter where

1. it's sold in the State or out of the State, that we should
2. benefit by a special tax, you'd be out here yowling to
3. the ceiling. But still, you...you come here and you tell
4. us that anything that...that is a part of the...part of the
5. ...the manufacturer or the...or the goods that the State of
6. Illinois manufactures or what you have down in southern
7. Illinois, you don't want to share that with the rest of the
8. State, you want it all for that little locale, see, that's
9. what you want. And...but you...but you'd want to share
10. that with us, but everything that we make, you want to
11. share that yourself. So I just think you're a little bit
12. unfair and when you start to share with us a little bit
13. with all that beautiful air and the hunting and everything
14. else and...and the pasture land you're going to have out
15. there, well, then I'll be willing to share some of our
16. money that we manufacture for you.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Further discussion? Senator Shapiro.

19. SENATOR SHAPRIO:

20. Well, Mr. President and Ladies and Gentlemen of the
21. Senate. I want to point out to the membership that just
22. a few days ago we overrode a Governor...the Governor's
23. Veto on the standards for the burning of coal in this State
24. in hopes to...that we would by doing that we would increase
25. the use of Illinois coal. Now here we are about to take
26. an action that will negate the other action almost totally
27. by increasing the price of coal due to a Coal Severance
28. Tax and make it less attractive for Illinois consumers to
29. use and I would urge that this motion to override be
30. resisted.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Any further discussion? Senator Johns may close the
33. debate.

1. SENATOR JOHNS:

2. Ironic, Mr. President, that members who oppose counties
3. getting money were members of Con Con who caused a deletion
4. of that available money in fees. Ironic that people who
5. criticize me for wanting that county to have the money must
6. not realize that the resources are coming from those counties.
7. Senator Shapiro, Senate Bill 281, I'm a cosponsor, but the
8. coal operators told me they really wasn't worried about
9. this, they'd rather have Senate Bill 281. That this didn't
10. have the impact that that one did. Ladies and Gentlemen,
11. I stood as a child at the end of my father's bed and looked
12. across ropes with weights on them that kept his legs straight
13. because all of his legs and arms and ribs were broken at
14. a rock fall and I vowed that day that I'd fight for coal
15. miners the rest of my life. I passed the EMT Bill last
16. time with you help and I'm grateful, for medical aid
17. quickly. Now I ask you for this vote for the coal mining
18. communities that have been ravaged and ravaged and raped
19. for years by the coal operators who are now oil operators
20. intermingled with the coal companies. You're not talking
21. about the little coal operators that used to be, you're
22. talking about the conglomerates that own the energy of this
23. United States, that's what you're talking about. And if
24. you want to play with them and let them have the deck and
25. all the aces, go ahead. But I say we need the money
26. desperately, we're entitled to it, it's ours and I can't
27. help but tell my good friend on this side of the aisle that
28. I trust county government. That as a member of the County
29. Problems Commission, I think they'll spend it wisely. To
30. say they'll go to town on Saturday night with money as to
31. indicate and indict every county official saying they don't
32. know how to use money, but I believe they do. And with
33. that I conclude my arguments, Mr. Chairman, Mr. President.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. The question is shall Senate Bill 39 pass the Veto
3. of the Governor to the contrary notwithstanding. Those
4. in favor will vote Aye. Those opposed will vote Nay.
5. The voting is open. Have all voted who wish? Have all
6. voted who wish? Senator Johns. Senator Johns request
7. postponed consideration of this motion. So ordered.
8. Senator Kenneth Hall, for what purpose do you arise?
9. SENATOR KENNETH HALL:

10. I would just like the record to show that Senator
11. Harold Washington is not present today because of
12. he's attending a funeral back home.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Any other member...anybody indicate they wish to call
15. one. Mr. Secretary. Any other member have a motion on
16. the Order of Total Vetoes? Any member have a motion they
17. wish to pursue with respect to Item Vetoes on page 8 of
18. the Calendar? Any member have a motion with respect to
19. Item Reductions at page 8? Any further Motions on the
20. Order of Specific Recommendations for Change? Any
21. further business to come before the Regular Session?
22. Senator Netsch, are you in order? Senator Netsch.
23. SENATOR NETSCH:

24. Well, it's something that relates to the Regular Session
25. and I don't know if this is the appropriate time or not.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. This is the moment.

28. SENATOR NETSCH:

29. All right. It has to do with Judiciary II, which is to
30. be considering a bill that is a part of the Regular Session.
31. Is that a close enough tie? I think as most of the members
32. know now, we...Judiciary II will not meet this evening as
33. soon as we adjourn to discuss House Bill 1500. We will meet

1. tomorrow immediately following adjournment and as I
2. understand it, that means during the middle of the
3. day. I think we are going to go into recess tomorrow,
4. as I understand it, and at that moment in time, Judiciary II
5. will convene and continue with its discussion of House Bill
6. 1500 and any other matters before it.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Further business to come before the Regular Session?
9. If not, Senator Hynes moves that the Regular Session stand
10. adjourned until Tuesday, November the 8th at the hour of
11. 9:00 a. m. Regular Session is adjourned.

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