

80th GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 23, 1977

1. PRESIDENT:

2.           The hour of nine o'clock having arrived the Senate  
3. will please come to order. The prayer will be by Father  
4. John Ossola of Blessed Sacrament Church in Springfield.

5. FATHER OSSOLA:

6.                     (Prayer by Father Ossola)

7. PRESIDENT:

8.           Reading of the Journal. Senator Demuzio.

9. SENATOR DEMUZIO:

10.           One, two, three...Mr. President, I move that reading and  
11. approval of the Journals of Wednesday, November the 16th,  
12. Thursday, November the 17th and Tuesday, November the 22nd,  
13. 1977 be postponed pending the arrival of the printed Journals.

14. PRESIDENT:

15.           You've heard the motion by Senator Demuzio. Is there any  
16. discussion? If not, all those in favor signify by saying Aye.  
17. Opposed. The Ayes have it. The motion carries. So ordered.  
18. House Bills, 3rd reading. House Bill 2461. Senator Egan.  
19. House Bill 2462. Senator Egan. House Bill 2463. Senator Egan.  
20. House Bill 2477. Senator Graham. House Bill 2481. Senator  
21. Regner. House Bill 2484. Senator Nimrod. House Bill 2489.  
22. Senator Hickey. House Bill 2484. Senator Nimrod. Read the  
23. bill.

24. SECRETARY:

25.           House Bill 2484.

26.                     (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29.           Senator Nimrod.

30. SENATOR NIMROD:

31.           Yes, Mr. President and fellow Senators. This bill is to  
32. allow us to be able to, mainly, and is appropriates in Federal  
33. funds so that we may be able to, as a net result of this, save

1. some General Revenue funds for the purpose of which outlined  
2. and I would be happy to answer any questions pertaining to this  
3. and now I ask for a favorable roll call.

4. PRESIDENT:

5. Is there any discussion? If not, the question is, shall  
6. House Bill 2484 pass? Those in favor will vote Aye. Those  
7. opposed will vote Nay. The voting is open. Have all voted  
8. who wish? Have all voted who wish? Take the record. On that  
9. question, the Ayes are 50, the Nays are None. None Voting  
10. Present. House Bill 2484 having received the...received the  
11. required constitutional majority is declared passed and the bill  
12. having received the affirmative vote of three-fifths of the  
13. members elected is effective immediately upon its becoming  
14. a law. House Bill 2489. Senator Hickey. House Bill 2495.  
15. Senator Regner. On the Order of Specific Recommendations for  
16. Change. House Bill 1415. Senator Vadalabene. Senator  
17. Vadalabene. Read the motion.

18. SECRETARY:

19. I move to accept the Specific Recommendations of the  
20. Governor as to House Bill 1415 in the manner and form as  
21. follows. Signed, Senator Vadalabene.

22. PRESIDENT:

23. Senator Vadalabene.

24. SENATOR VADALABENE:

25. Yes, thank you, Mr. President and members of the Senate.  
26. House Bill 1415 as passed by the House and Senate change the  
27. conditions under which community college districts were to  
28. file supplemental budgets and supplemental tax levies and  
29. added a deadline by which districts...could file bond issuance  
30. resolutions and accompanying levies. The intent of the bill  
31. was to provide community college districts with added flexibility  
32. in budgeting and levying taxes. Allowing districts to file  
33. supplemental tax levies enables them to adjust budgets for

1. factors, which may alter the potential local tax revenues.  
2. The Governor has recommended that House Bill 1415 be changed  
3. so that the certification of tax levy be filed in December.  
4. The Governor's recommendation eliminates the need for filing  
5. a supplemental certificate of tax levy and is within the intent  
6. of the bill to allow flexibility in communities college district  
7. budgeting and in levying taxes. I understand this is the same  
8. procedure for the common school fund and, therefore, I recommend  
9. that the Senate concur with the Governor's Recommendation.

10. PRESIDENT:

11. Is there any discussion? If not, the question is, shall  
12. the Senate accept the Specific Recommendations of the Governor  
13. as to House Bill 1415 in the manner and form just stated by  
14. Senator Vadalabene? Those in favor will vote Aye. Those  
15. opposed will vote Nay. The voting is open. Have all voted  
16. who wish? Have all voted who wish? Take the record. On that  
17. question, the Ayes are 47, the Nays are 1. None Voting Present.  
18. The Specific Recommendations of the Governor as to House Bill  
19. 1415 having received the required majority vote of the Senators  
20. elected are declared accepted. House Bill 571. Senator Berman.  
21. House Bill 687. Senator Buzbee. House Bill 1010. Senator  
22. Netsch. House Bill 2069. Senator Lemke. Read the motion, Mr.  
23. Secretary.

24. SECRETARY:

25. I move that House Bill 2069 Do Pass the Specific Recommendations  
26. of the Governor to the contrary notwithstanding. Signed, Senator  
27. Lemke.

28. PRESIDENT:

29. Senator Lemke.

30. SENATOR LEMKE:

31. I ask that we override the Governor's Specific Recommendation,  
32. the veto. This is a bill that deals with the punishment of  
33. people that mark up walls and buildings, which we call graffiti,

1. It is very necessary in my area and also the House sponsor's  
2. area. It's a bill that is required. What the Governor did here  
3. was take out the part of the bill, which...which gives the judge  
4. the option to either fine or order the defendant to clean up  
5. the property. He just left the matter that the judge can just  
6. fine the individual. I think it's necessary in this type of  
7. vandalism in graffiti work that the individual that does the  
8. graffiti must be...the individual that removes it, because  
9. if he removes it enough he'll...he'll not do it again. So I  
10. ask for an override of this.

11. PRESIDENT:

12. Senator Rhoads.

13. SENATOR RHOADS:

14. Thank you, Mr. President and members of the Senate. I  
15. rise in support of the motion to override. I've talked about  
16. this bill with Representative Antonovych. It is needed for the  
17. nineteenth district and I...I think we should override.

18. PRESIDENT:

19. Senator Mitchler.

20. SENATOR MITCHLER:

21. Mr. President and members of the Senate. I, too, rise  
22. in support of this motion because I think every district in  
23. the State of Illinois has some location where this graffiti  
24. with the spray...paint cans and other type of markings are  
25. made on public property and to have something on the books  
26. like this, it's not a extremely heavily penalty, but it's  
27. a penalty that...that is effective. And that is that the  
28. judge could order the accused to go out and clean up the  
29. mess or have the parents subject to a fine. I think this  
30. is good legislation and long overdue. Let's pass it and get  
31. it out.

32. PRESIDENT:

33. Senator Shapiro.

1. SENATOR SHAPIRO:

2. Well, Mr. President and Ladies and Gentlemen. I rise in  
3. opposition to the bill. It's obvious that the bill is unnecessary.  
4. Many of the Sections in it are redundant. They're already  
5. covered by law and I would urge that the Governor's Veto be sustained.

6. PRESIDENT:

7. Is there any further discussion? If not, the question is,  
8. shall House Bill 2069 pass the Specific Recommendations of the  
9. Governor to the contrary notwithstanding? Those in favor will  
10. vote Aye. Those opposed will vote Nay. The voting is open.  
11. Have all voted who wish? Have all voted who wish? Take the  
12. record. On that question, the Ayes are 36, the Nays are 2.  
13. 1 Voting Present. House Bill 2069 having received the required  
14. three-fifths vote is declared passed the Specific Recommendations  
15. of the Governor to the contrary notwithstanding. There's been  
16. a request for a verification of the roll call. The Secretary  
17. will verify the affirmative votes.

18. SECRETARY:

19. The following voted in the affirmative: Berman, Bruce,  
20. Buzbee, Clewis, Coffey, D'Arco, Daley, Davidson, Donnewald,  
21. Graham, Guidice, Harber Hall, Kenneth Hall, Hickey, Knuppel,  
22. Kosinski, Lane, Lemke, Leonard, McMillan, Maragos, Merlo,  
23. Mitchler, Nimrod, Newhouse...Nimrod, Ozinga...Rhoads, Rock, .  
24. Rupp, Sangmeister, Savickas, Smith, Vadalabene, Weaver, Wooten  
25. and Mr. President.

26. PRESIDENT:

27. Is Senator Buzbee on the Floor? Senator Buzbee is on the  
28. Floor. Are there any...Senator Soper, do you have any other  
29. ...

30. SENATOR SOPER:

31. How many does...how many votes does that take?

32. PRESIDENT:

33. Thirty-six votes.

1. SENATOR SOPER:  
2.           Oh, let me see. Let's go down the line. Where's Berman?  
3. Is he here?  
4. PRESIDENT:  
5.           Senator Berman is at his desk.  
6. SENATOR SOPER:  
7.           Is Bruce here?  
8. PRESIDENT:  
9.           Senator Bruce is at his desk.  
10. SENATOR SOPER:  
11.           Buzbee?  
12. PRESIDENT:  
13.           Buzbee is here.  
14. SENATOR SOPER:  
15.           Clewis?  
16. PRESIDENT:  
17.           Senator Clewis is at his desk.  
18. SENATOR SOPER:  
19.           Coffey?  
20. PRESIDENT:  
21.           The roll has been verified. On that question, the Ayes  
22. are 36, the Nays are 2. 1 Voting Present. House Bill 2069  
23. having...received the required three-fifths vote is declared  
24. passed the Specific Recommendations of the Governor to the  
25. contrary notwithstanding. Bill 571. Senator Berman. Read  
26. the motion.  
27. SECRETARY:  
28.           I move that House Bill 571 Do Pass the Specific Recommendations  
29. of the Governor to the contrary notwithstanding. Signed,  
30. Senator Berman.  
31. PRESIDENT:  
32.           Senator Berman.  
33. SENATOR BERMAN:

1. Thank you, Mr. President. Ladies and Gentlemen of the Senate,  
2. I would ask for your undivided attention for a moment on a bill,  
3. which I think is very important to your constituents who have  
4. communicated with you concerning this bill. House Bill 571 is  
5. a bill, which requires the Department of Public Aid to provide  
6. in-home services for the elderly and disabled as an alternative  
7. to moving these people into institutions. This bill, if you  
8. recall, earlier this year was introduced by Representative  
9. Brady in response to those statements by Governor Thompson  
10. pointing out that in-home service is an important and beneficial  
11. alternative to institutionalizing our senior citizens. We  
12. want to try to keep senior citizens out of nursing homes and  
13. try to...try to provide the kind of services that they can live  
14. in their late years in dignity and in comfort outside of an  
15. institution. House Bill 571 requires the department to provide  
16. these services. Now the Amendatory Veto that was applied by  
17. the Governor applies to only one portion of this bill. And that  
18. portion of the bill, Mr. President, could I have some...order?  
19. PRESIDENT:

20. You are certainly entitled to some order. Will the  
21. members of the Senate please be in their seats and will those  
22. not entitled to the Floor, please vacate. Senator Berman.  
23. SENATOR BERMAN:

24. The issue before the Senate this morning is the Amendatory  
25. Veto of the Governor. Now, may I point out and I think I've  
26. seen, on the Republican side of the aisle, you have a memo in  
27. your books dealing with a recommendation that the Governor's...  
28. Amendatory Veto be adopted. That is not our opportunity today.  
29. That...that question has been preempted by the action of the  
30. House. Namely, the House overrode the Governor's Amendatory  
31. Veto. So I suggest to you that you have to look at the bill  
32. as it sits before us this morning. The Amendatory Veto took  
33. out language that said that a senior citizen in order to

1. receive in-home services, need not be only a cash recipient.  
2. In other words, these services could be available to persons  
3. other than just those people on old age, blind, disabled or  
4. on Public Aid. You didn't have...and so that these programs  
5. for in-home services didn't have to go only to the poverty  
6. elderly. It could go to the near poor. Now the argument  
7. regarding the Amendatory Veto revolves around the statement  
8. by Arthur Quern, the Director of the Department of Public  
9. Aid that if we don't...that if you override the Governor's  
10. Amendatory Veto and the bill says that the...services are  
11. available to all of the elderly that this would open the  
12. floodgates and there is no estimate of the cost. And I  
13. submit to you that's not correct. The Statutes provide  
14. under both the Federal guidelines, Gentlemen and Ladies,  
15. please...Federal guidelines under Title XX provide for  
16. low income individuals and families. It provides that  
17. eligibility is based...based upon cash assistance status  
18. or on the persons income and family size. In other words,  
19. there's discretion given under the Federal program to the  
20. Department of Public Aid. In addition, Chapter 23, Section  
21. 12-4.11 of our own Statutes vests in the Director of the  
22. Department of Public Aid the authority under any program  
23. including this In-Home Health Care Service Program the  
24. authority to set income standards. Let me state that again.  
25. The director has the authority under our Statutes and Federal  
26. guidelines to set income standards. The question then may be  
27. why do we need this bill. The bill is in keeping with the  
28. statement of Governor Thompson that in-home health services  
29. for the elderly is an important alternative. I think it's  
30. a part of this statement of the legislature that this is a  
31. viable, important alternative and to those of us that are  
32. concerned about the fiscal implications, let me point out  
33. what I think is, probably, the most important. Dignity and



1. ...and the benefit of home health care is important. But we  
2. can save money. We can save money through these programs.  
3. How can we save money? Because when we look at the State  
4. budget many of us have talked about shifting more of the  
5. burden of welfare to the Federal Government. What I...when  
6. the Department of Public Aid puts a senior citizen into an  
7. institution, a nursing home, the State of Illinois picks up  
8. fifty cents of every dollar on every in-home health program  
9. the State picks up only twenty-five cents of every dollar.  
10. And I don't have to tell you further that the total overall  
11. cost of in-home service is substantially less than the cost  
12. of institutionalization. I don't understand. I just don't  
13. understand why the Director of Public Aid is in opposition  
14. to this bill. He has the full authority to provide income  
15. guidelines so that he can take care of the near poor as well  
16. as the poor who are the elderly. I solicit an Aye vote on the  
17. motion to override this morning on House Bill 571.

18. PRESIDENT:

19. Any discussion? Senator Glass.

20. SENATOR GLASS:

21. Well, thank you, Mr. President and Ladies and Gentlemen.  
22. I tried to follow Senator Berman's argument and it...it seems  
23. to me he has put his finger on what the issue is and that is,  
24. in the Veto Message the Governor's statement that although he  
25. does favor this type of approach to provide in-home care for  
26. those who need it to avoid institutionalization, he does say  
27. that the bill mandates these services be available to anyone  
28. regardless of income level who might use them to prevent  
29. institutionalization. As I attempted to follow Senator Berman's  
30. argument, he indicates that, perhaps, the department can set  
31. some guidelines to avoid those who can afford taking care of  
32. themselves to do so and have this program apply only to the  
33. needy. But what bothers me, Ladies and Gentlemen, is that the

1. sponsor of this legislation did not accept the Governor's  
2. Recommendations for Change. The Governor's point is that,  
3. let's put some limitations in this legislation so that we  
4. see that it provides assistance for those who actually need  
5. it. I think government does a lot of things for a lot of  
6. people and it's great to do that, but there has to be some  
7. limit. And I, frankly, think the Governor's point is well  
8. taken. That the limitations on the...the benefits of...of  
9. this home care should be limited in the bill. And for that  
10. reason I would urge the support of the Governor and a No  
11. vote on this motion.

12. PRESIDENT:

13. Any further discussion? Senator Shapiro.

14. SENATOR SHAPIRO:

15. Well, Mr. President and Ladies and Gentlemen of the Senate.  
16. I have been attempting to follow the debate between the sponsor  
17. and, what's his name, Senator Glass and do to conversations  
18. and that going on back here, I haven't been able to follow  
19. it totally, but I would like to pose a question to the sponsor.

20. PRESIDENT:

21. Sponsor indicates he will yield. Senator Shapiro.

22. SENATOR SHAPIRO:

23. Senator Berman, it is our understanding that those who  
24. would be newly eligible due to the removal of certain sections  
25. that prescribe income levels so on and so forth, it is our  
26. understanding that those...those people who would take  
27. advantage of this, be able to take advantage of this would  
28. not...their care would not receive any Federal reimbursement.  
29. According to the department...Illinois Department of Public  
30. Aid that would be totally financed by State funds.

31. PRESIDENT:

32. Senator Berman.

33. SENATOR BERMAN:

1. I...would you restate your...your point. I'm not sure  
2. I understand it.

3. PRESIDENT:

4. Senator Shapiro.

5. SENATOR SHAPIRO:

6. Let me read just what they have said. Whatever the  
7. level of fiscal impact the newly mandated program and  
8. dollars expended on it, would not be entirely Federally  
9. reimbursed. Those served under this effort who did not meet  
10. Federal eligibility standards would be financed solely from  
11. State funds. In other words, the condition the bill is in  
12. now, it's wide open for...for whoever...ever wants it.

13. PRESIDENT:

14. Senator Berman.

15. SENATOR BERMAN:

16. Senator Shapiro, that's not what the letter says and I  
17. think it is...evasive and misleading in its statement. What  
18. that letter says is true. If you don't meet Federal guidelines  
19. you won't get Federal reimbursement. That's not what the bill  
20. says. The bill says that you can qualify under Federal guide-  
21. lines and get reimbursement. Let me point out what I mean.  
22. Under Federal guidelines the Director of Public Aid and he's  
23. on the Floor and I want him to hear this, because he is being  
24. ...he is being evasive in that letter. Mr. Director, I want  
25. you to listen to this. The statement that persons who do not  
26. fit guidelines won't qualify for reimbursement, that's true  
27. of any Public Aid program. In relation to this bill, it is  
28. not true because this bill does not strip the Director of  
29. Public Aid of any powers. The Director of Public Aid has the  
30. power under Federal guidelines to set income standards and the  
31. Director of Public Aid under our Statutes has the power to set  
32. income standards. The only thing that this bill does is say  
33. that you don't have to be a cash recipient, Public Aid person

1. in order to qualify for in-home service. So that we have the  
2. situation where you could the...the Director of Public Aid  
3. could qualify persons who are near poor who aren't on a  
4. cash Public Aid program, but who would still qualify for  
5. reimbursement under the Federal program. That's who this  
6. bill is aimed for. Not the poverty seniors, but the poverty  
7. and the near poor seniors and that way we will get seventy-five  
8. cents of every dollar back from the Federal Government instead  
9. of fifty cents.

10. PRESIDENT:

11. Senator Shapiro.

12. SENATOR SHAPIRO:

13. Well, the information I have is that under the present  
14. law the Department of Public Aid now gives this type of care  
15. to Public Aid recipients and or a...or a person based on  
16. income and family size. They do that now. And when the bill  
17. left the House it was still in that shape and the department  
18. had no objection to it. But in the Senate with the placing  
19. of that amendment, which removed those eligibility criteria  
20. that the bill in its present form now opens this up to whom  
21. ever wants that service. And that's my understanding of it  
22. regardless of what your explanation is, as it regards the  
23. Department of Public Aid.

24. PRESIDENT:

25. Further discussion? Senator Maragos. Senator Moore.

26. SENATOR MOORE:

27. Thank you, Mr. President and members of the Senate.  
28. I reluctantly rise to oppose Senator Berman's motion and I  
29. think that there is some misunderstanding as far as the  
30. eligibility for this program. Under the Federal guidelines  
31. your income assistance standards are tied to eligibility.  
32. What this bill does is to eliminate the income assistance  
33. standards so that anyone, Tom Hynes' mother would be

1. eligible under this program for housekeeping services. Every-  
2. one's mother in this room would be eligible and if you want to  
3. throw in some food stamps we maybe can...arrange that, too.  
4. But I don't think and I know that the members of this  
5. General Assembly, when it comes to the aged, blind and  
6. disabled have opened their hearts, but here, I think, we're  
7. opening them a little bit too far to blanket in everyone.  
8. The fiscal impact, I've inquired, how much is this program  
9. going to cost. I can't even get an educated guess. One  
10. million, five million, ten million, thirty million, fifty  
11. million, who knows. There's no way of ascertaining what  
12. effect this bill will have. I think that the...the motion  
13. should be opposed. Perhaps, we can come back with something  
14. to tighten it down to help those that are really in need, but  
15. let's just not open up to a...a total type of socialistic  
16. system that this bill would do if Senator Berman's motion  
17. were sustained. I urge a No vote on his motion.

18. PRESIDENT:

19. Any further discussion? Senator Berman, you wish to  
20. close the debate?

21. SENATOR BERMAN:

22. Thank you, Mr. President. It disturbs me when you get  
23. an administration that speaks out of both sides of its mouth.  
24. Governor Thompson in his statement to the General Assembly  
25. this year stated that in-home service was going to be a major  
26. plank in his administration. We've passed a bill that allows  
27. in-home service for the elderly and all that we have done by  
28. this bill is to say that we want the Director of Public Aid  
29. to be able to extend those services to people who are not  
30. just poverty stricken, but allow him to use the authority  
31. that he already has in our Statutes. Section 12-4.11 of the  
32. Public Aid Code, he has that authority and Ladies and Gentle-  
33. men, if he exercises that authority properly, he can take care

1. of the people that are not poverty stricken and I'm not talking  
2. about the rich. I'm talking about the near poor elderly. Every  
3. one of us have a large number of those kind of people in our  
4. district and what he can do is save the State money by helping  
5. those people because we can get seventy-five cents reimbursement  
6. for every dollar from the Federal Government under a properly  
7. executed program. He knows how to do it. Instead of being  
8. negative he should have been positive and come forth and  
9. help the people that need these kind of services. The Governor  
10. said in-home health care is an important part of the senior  
11. citizen program. I urge your Aye vote to make it a reality  
12. and not just talk. I urge an Aye vote on the motion to override  
13. the Amendatory Veto.

14. PRESIDENT:

15. Question is, shall House Bill 571 pass the Specific  
16. Recommendations of the Governor to the contrary notwithstanding?  
17. Those in favor will vote Aye. Those opposed will vote Nay.  
18. The voting is open. Have all voted who wish? Have all voted  
19. who wish? Have all voted who wish? Take the record. On that  
20. question, the Ayes are 30, the Nays are 18. 1 Voting Present.  
21. The motion fails. Senator Netsch on House Bill 1010. Do you  
22. wish to postpone it till tomorrow, Senator Netsch, or...On  
23. the Order of Override Specific Recommendations for Change.  
24. House Bill 1010. Read the motion, Mr. Secretary.

25. SECRETARY:

26. I move that House Bill 1010 Do Pass the Specific  
27. Recommendations of the Governor to the contrary notwithstanding.  
28. Signed, Senator Netsch.

29. PRESIDENT:

30. Senator Netsch.

31. SENATOR NETSCH:

32. Thank you, Mr. President. This bill deals with child  
33. pornography and particularly with those who are the instigators

1. and the real culprits in the child pornography situation.  
2. It is a tough, tough bill. It was amendatorily vetoed by  
3. the Governor and we think unnecessarily and improperly  
4. so. The motion is to override the Amendatory Veto entirely  
5. and restore this bill, House Bill 1010, to its original  
6. form. I might mention that the Amendatory Veto really gutted  
7. the bill. The...the point is, that House Bill 286, which  
8. has already been enacted, finally, into law is still written  
9. in terms of and is structured on obscenity. That is a new  
10. obscenity crime, which is known as child pornography. Any  
11. time that you build a Statute on obscenity, you have certain  
12. inherent constitutional problems that make it very difficult  
13. in many cases to uphold and, certainly, there are always  
14. questions present about its total scope and validity. The  
15. whole point of House Bill 1010 and I might say that this  
16. is a point of view that was expressed on several...occasions  
17. very strongly by the Senate in its action. The whole point  
18. of House Bill 1010 is to avoid all of the complications of  
19. the obscenity issue and to point directly at those who are,  
20. as I said before, the real culprit in the child pornography  
21. situation. That is those individuals who solicit the children,  
22. who arrange, who photograph, who...who get them involved in  
23. doing the acts, which are then photographed or filmed and  
24. later distributed as child pornography. It is those individuals who  
25. start the whole process much more than the distributors who are  
26. the ones who should be punished and punished severely. It is  
27. a dirty, nasty business and that is where it ought to be  
28. stopped at the outset. With this bill, not only is that crime  
29. much more carefully and much more specifically defined, but we  
30. also are imposing a Class I penalty on those people, rather  
31. than the Class III, which would result from the...the workings  
32. and operations of House Bill 286 and, as a matter of fact, I'm  
33. not really convinced that 286 would even reach this group as

1. effectively. So the...the two bills can comfortably live  
2. together, but without this one we will really not be  
3. distinguishing and singling out the perpetrators of child  
4. pornography for special treatment...I would also mention  
5. that the...the amendment, which several of the states  
6. attorneys and the Chicago Police Department, particularly,  
7. asked us to incorporate and which John Knuppel, Senator  
8. Knuppel had sponsored, as an amendment to House Bill 1010  
9. will be lost if 1010 is not restored to its original form.  
10. So I think this bill is extremely important. I think it  
11. is very carefully drafted. It is valid. I am...I am  
12. very persuaded of that and it is a extremely effective  
13. tool for dealing with those who, in fact, start the whole  
14. ...child pornography business. And it is they, rather than  
15. the distributors whom we really want to reach. I would be  
16. happy to answer questions. I would urge your support.

17. PRESIDENT:

18. Any discussion? Senator D'Arco.

19. SENATOR D'ARCO:

20. ...thank you, Mr. President. The real crux of the matter  
21. is the fact that House Bill 286, which is Senator Stearney's bill  
22. who happens to be a Republican. That bill does make a  
23. distinction between the distributor of hard core pornography  
24. and the vendor, the person who sells it as well as the person  
25. who takes photographs of the children in these sex acts because  
26. it says that the people who photograph these acts shall be  
27. guilty of a Class III felony, whereas, the people who sell  
28. this stuff on the street corner, the vendors, are guilty of  
29. Class...a Class IV felony. So we do make a distinction in the  
30. bill in 286 in terms of the culpability of the various people  
31. in the process. The...it's a matter, you know, of how you  
32. want to treat the bill. There's nothing wrong with the Illinois  
33. Obscenity Statute. The Illinois Supreme...the United States



1. Supreme Court upheld it. So it's not a question of whether  
2. not obscenity is the issue. It's how we want to treat it and  
3. I think that she is going a bit far by making this a Class I  
4. felony and for that reason I would not support it.

5. PRESIDENT:

6. Further discussion? Senator Daley.

7. SENATOR DALEY:

8. I'd like to, Mr. President and fellow Senators, I would  
9. like to ask Senator Netsch a few questions. In regards to  
10. your bill, House Bill 1010, is there any distinction with the  
11. distributor and vendor? Do you place any criminal penalty  
12. on the distributor and the vendor of this material?

13. PRESIDENT:

14. Senator Netsch.

15. SENATOR NETSCH:

16. Yes, there is Senator Daley. Wait a minute. Let me...  
17. let me just get the provision out. Hold on a second. I might  
18. say that the bill is specifically directed at the person who  
19. initiates the process though. But let me just read you the  
20. one section if I can find it...the...it's in Section 11-4.1.  
21. It's unlawful for any person to knowingly sell, distribute,  
22. or possess. It does...but possess those things, which are  
23. already declared to be indecent liberties through the first  
24. section. In other words, you still do not get into a definition  
25. of obscenity. You avoid that and you simply make the distributor  
26. of the photographs of those acts, which have already been  
27. declared unlawful in the indecent liberty section a...a  
28. criminal and that is a Class III felony.

29. PRESIDENT:

30. Senator Daley.

31. SENATOR DALEY:

32. Yeah. As I understand it, Senator Netsch stated that for  
33. the distributor and vendor it's a Class III felony?

1. PRESIDENT:  
2.           Senator Netsch.  
3. SENATOR NETSCH:  
4.           That is correct, Senator Daley.  
5. PRESIDENT:  
6.           Any further discussion? Senator Bowers.  
7. SENATOR BOWERS:  
8.           Will the sponsor yield to a question?  
9. PRESIDENT:  
10.          The sponsor indicates she will yield. Senator Bowers.  
11. SENATOR BOWERS:  
12.          One of the problems we're having on this side of the aisle  
13. is...is the Governor's statement that we passed and he signed  
14. one particular bill that treats this one way and now we have  
15. another one that's treating it a different way. Are these bills,  
16. in fact, in conflict or are they different and if so, what?  
17. I don't have the other bill in front of me and, frankly, I  
18. don't know.  
19. PRESIDENT:  
20.          Senator Netsch.  
21. SENATOR NETSCH:  
22.          I have looked at them very carefully, Senator Bowers, and  
23. it is my judgment that they can live together. Partly because  
24. they take two basic different approaches. It is true that there  
25. are people who could be prosecuted under either or both of them  
26. if both of them become law. But obviously there would have to  
27. be a choice made on the part of the prosecutor. The main point  
28. is that 286 as it was amendatorily vetoed by the Governor is  
29. still, basically, a child pornography obscenity Statute and it  
30. is structured on that basis. The whole point of 1010 was to  
31. go at the problem from the point of view of indecent liberties.  
32. That is redefining indecent liberties and making those who are  
33. involved in the distribution really secondary in the process.

1. This bill is, in a sense, more like the bill that Senator  
2. Philip also had sponsored, which, as you will recall we worked  
3. on in Judiciary II. I am convinced that the two bills are  
4. compatible. As a matter of fact, the House sponsors of both  
5. bills each voted for the motion that was made with respect to  
6. the others in the House and I think both Representative Stearney  
7. and Representative Getty felt that the two bills were compatible  
8. in that sense.

9. PRESIDENT:

10. Senator Bowers.

11. SENATOR BOWERS:

12. Well, I think, Mr. President, the thing that...that does  
13. concern me and concerns the Governor, obviously, is this question  
14. of...of us taking the same subject matter and treating it at  
15. the same Session in two different...two different ways and  
16. creating two different types of crimes for the same type of  
17. act and I think we could get into difficulty in doing that.  
18. Obviously that's what he feels and I think, I hate to use  
19. Senator Netsch's own term, but it seems to me that this is  
20. overkill even in this...even in this field and I would  
21. suggest that we uphold the Governor's judgment in this matter  
22. and uphold the veto. Thank you.

23. PRESIDENT:

24. Any further discussion? Senator Netsch, you wish to  
25. close the debate?

26. SENATOR NETSCH:

27. Yes, I do. Thank you, Mr. President. I, again, would  
28. emphasize, Senator Bowers, that while there is an area of  
29. overlap the two bills are directed really at two different  
30. approaches and two different groups of people. House Bill  
31. 286 from the outset was an obscenity child pornography  
32. Statute. House Bill 1010 never was that and still is not,  
33. if we restore it to its original form. The main thrust of

1. 286, as it was revised by the Governor still deals with that  
2. element of child pornography. It has one section which might  
3. reach some of the people whom we are attempting to reach in  
4. House Bill 1010, but again, it does it by having to go back  
5. to the definition of child pornography as it is set out in  
6. that act. This bill is...is directed straight at those who  
7. initially set the kids up for this kind of film making and  
8. who then proceed to take the films and start the process. It  
9. is built on the premise that they are the real culprits and  
10. they and because it is a dirty business they are the ones who  
11. ought to get the severest punishment. If we do not override  
12. this veto, we will be saying that the distributors ought to be  
13. punished and maybe we'll have a way at getting at some of those  
14. who would instigate it but we will not have a way of really getting  
15. tough on those who start child pornography. This bill says they  
16. are the evil ones. They should be guilty of a Class I felony.  
17. If you do not believe that they are the ones who ought to be  
18. punished the most severely then you can let this bill die. But  
19. if you agree that they are the ones, as the Senate has said on  
20. several occasions, who ought to be punished because they carry  
21. the burden, then you will vote to override this Veto.

22. PRESIDENT:

23. Question is, shall House Bill 1010 pass the Specific  
24. Recommendations of the Governor to the contrary notwithstanding?  
25. Those in favor will vote Aye. Those opposed will vote Nay. The  
26. voting is open. Have all voted who wish? Have all voted who  
27. wish? Have all voted who wish? Take the record. On that  
28. question, the Ayes are 33, the Nays are 20. 2 Voting Present.  
29. The motion...Senator Netsch wishes to postpone consideration.  
30. Consideration will be postponed. Senator Buzbee. The Chair  
31. is informed, Senator Smith, do you have a motion on Item  
32. Reduction? Would you care to pursue that at this time?

33. SENATOR SMITH:

1. Senator, I should be overly happy to have...

2. PRESIDENT:

3. All right. On the Order...on page 5 on the Calendar  
4. on the Order of Item Reductions. House Bill 973. Read the  
5. motion, Mr. Secretary.

6. SECRETARY:

7. I move that the Senate concur with the House in the  
8. restoration of the following reduced items. Items reduced by  
9. the Governor on House Bill 973, which were restored. Page 1,  
10. line 12; page 1, line 16; page 1, line 19; page 1, line 24;  
11. page 1, line 27; page 1, line 30; page 1, line 33; page 2,  
12. line...3; page 2, line 6; and page 2, line 9. Signed,  
13. Senator Smith.

14. PRESIDENT:

15. Senator Smith.

16. SENATOR SMITH:

17. Mr. President and Ladies and Gentlemen of the Senate.  
18. This is, as the Secretary just read, certain line item reductions  
19. on the F.E.P.C. Fair Employment Practice Bill. May I take just  
20. a moment to tell you the facts with reference to this bill. You  
21. may have read in the press that a member of the House offered  
22. this amendment. The...president of the...chairman of the  
23. particular committee before this bill was heard well knows that  
24. this amendment was offered by the Senator who is here now  
25. addressing you. I addressed...I offered the amendment. And the  
26. amendment was adopted providing for three hundred thousand dollar  
27. increase to the F.E.P.C. regular appropriation earlier this year.  
28. I was surprised when I arrived in Chicago and learned that a  
29. member of the House had a very, very interesting article in the  
30. press, in which he stated that he had offered the amendment and  
31. that it was adopted after strenuous efforts here on the Floor.  
32. He's not a member of the Senate, he's a member of the House.  
33. And if he offered an amendment in the House that amendment did

1. not prevail. The amendment here is my amendment is offered  
2. here and is adopted here by the committee. His Excellency  
3. has offered a Line Item Veto and has restored certain other  
4. figures in lieu of the figures that I had in the bill.  
5. The total amount of the bill...of the amendment was  
6. approximately three hundred thousand dollars. He has restored  
7. about two hundred and seventy thousand dollars more or less  
8. to the bill. And it is that that I am seeking to have  
9. incorporated...it is incorporated but I want to move its  
10. adoption because in my absence last Thursday, the new head of the  
11. FEPC was here. He talked to one of your staff members, or rather  
12. the...one of the majority leaders. I was on the plane enroute  
13. to Chicago. We left here at 5:00 o'clock. I did not talk with  
14. him. He claims to have an understanding with His  
15. Excellency with reference to this bill...this amendment which  
16. totals approximately two hundred seventy thousand dollars.  
17. I don't vouch for the truthfulness of that because I didn't  
18. hear...I didn't hear the comment. I didn't hear any of it,  
19. but the bill is here before you. It's the principle bill  
20. of the FEPC and was passed by both the House and the Senate,  
21. then the Reduction Veto and the restoration. Now, what is  
22. the proper motion here now, Mr. President? Is it a motion to adopt  
23. or a motion to pass?

24. PRESIDING OFFICER: (SENATOR ROCK)

25. The motion, as I understand it, is to restore the reduced  
26. items as delineated in the motion.

27. SENATOR SMITH:

28. Then I so move, Mr. Chairman.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Any discussion? Senator Regner.

31. SENATOR REGNER:

32. Well, Mr. President and members of the Senate. This is  
33. two hundred and seventy thousand and some odd dollar amendment that

1. was put on in the House. It's over the budgeted amount and it's  
2. over the amount that BOB and the Department originally  
3. requested and...introduced in the House, and I would urge a vote  
4. to uphold the Item Reduction of the Governor at this time,  
5. which would be a No vote on Senator Smith's motion.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Kenneth Hall.

8. SENATOR KENNETH HALL:

9. Thank you, Mr. President and Ladies and Gentlemen of the  
10. Senate. The...I'm surprised to hear Senator Regner.  
11. The member of your party has indicated to us that this is  
12. supported by His Excellency and I'm really appalled to find  
13. out now at this late hour that you're standing up opposing  
14. this. It's very needed. This money is...has been promised  
15. so I would ask that everyone vigorously support this  
16. Reduction Veto...override.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Further discussion? Senator Regner.

19. SENATOR REGNER:

20. Well, just very shortly in discussions this morning, it's  
21. not supported by the second floor.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any further discussion? Yes, you may close, Senator  
24. ...hold it. We've got some more...Senator Newhouse.

25. SENATOR NEWHOUSE:

26. Mr. President...and I don't want to prolong the discussion,  
27. Senator Smith, if you will, we've got a real problem here.  
28. The FEPC has been operated as far as my experience in this  
29. legislature is concerned on the sort of the Lord giveth and the  
30. Lord taketh away basis. We've got the theory there and we've  
31. got a structure and we never have funded this thing properly.  
32. FEP right now is functioning with a two year backlog. That  
33. means if somebody walks into my office and has got a real

1. problem, I don't even send them down there anymore. How are you  
2. going to tell somebody to go down to the FEP Commission and wait  
3. two years for somebody to talk to you. Witnesses die, people  
4. go away and all of the rest of us...kind of ludicrous.  
5. And at some point, you know, I feel so depressed about this that  
6. maybe it would be best if we just got...did away with the whole  
7. thing and were very honest about our approach to fair employment.  
8. Now, you know, what...what is being asked here is really not  
9. a sufficient amount to do the job, but it is...it is an amount that  
10. they assume, I suppose to do as good a job as possible and still  
11. keep a two year backlog. At some point, we're going to have to  
12. seriously look at what we're doing with this Fair  
13. Employment Practices Commission and to say to that the Governor  
14. is not in favor of this is really to say that the Governor is not  
15. in favor of fair employment. I'm not sure that that's the  
16. position he wants to take. If we're...I think we're going to have  
17. to get serious about this part at some point sooner or later.  
18. And we...we're wasting the State's money as it is if we say  
19. we've got a commission and then underfund it to the extent that  
20. it's got the backlog that it has and it can't do its job.  
21. We're throwing taxpayers money away. Why don't we vote this out,  
22. give them the money this year and look at it seriously next year  
23. and if we decide we can't afford it, abolish the thing.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Any further discussion? Senator Smith may close the debate.

26. SENATOR SMITH:

27. Merely to say that the good Senator on the opposite side,  
28. Senator Regner, is a hundred percent wrong when he says that this  
29. bill was put on...rather this amendment was put on in the House.  
30. The House amendment was killed in the House and when the bill  
31. came here, I offered and the committee adopted my amendment for  
32. calling for a three hundred dollar addition to the regular  
33. appropriation. His Excellency has vetoed certain Line Items:



1. in this bill which leaves a total amount as the Senator forward  
2. said, of two hundred seventy thousand dollars. And as Senator  
3. Newhouse also said, there are certain things that  
4. need straightening out and I'm hoping that under the new  
5. leadership that you have put in the FEPC, though the last  
6. two months of the then executive leader of that body  
7. he did a splendid job for about two months. But I take it  
8. there's not a Senator here that's been here as long as four  
9. years that doesn't know of the trouble and what that trouble  
10. consisted of under the former leadership, nobody could justify  
11. it. The present leader was here and talked with Senator Hall and  
12. that's why I yielded to him. I didn't hear the conversation.  
13. You and I were together on a plane enroute home and I do hope  
14. that you will sustain whatever the motion was that I made  
15. because I took it literally from you and I have great  
16. confidence in you and your ability. It restores two hundred and  
17. seventy thousand and struck a total of approximately thirty  
18. thousand. And it's true that you did need more. They have  
19. over three thousand cases standing there now. And if...if, in the  
20. future, this commission operates as it has and did, I, too,  
21. ...I'll be back here and I, too, will vote along with you but  
22. as for now, please sustain the motion that I have made.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. All right. The question is shall the items on page  
25. 1, line 12, page 1, line 16, page 1, line 19, page one,  
26. line 24, page 1, line 27, page 1, line 30, page one, line  
27. 33, page 2, line 3, page 2, line 6, page 2, line 9 of House  
28. Bill 973 be restored, the Item Reduction of the Governor to the  
29. contrary notwithstanding. Those in favor will vote Aye. Those  
30. opposed will vote Nay. The voting is open. You are correct.  
31. Thirty...thirty affirmative votes are required. Have all voted  
32. who wish? Have all voted who wish? Take the record. On that  
33. question the Ayes are 31, the Nays are 19, none Voting Present.

1. The items on page 1, line 12, page 1, line 16, page 1,  
2. line 19, page 1, line 24, page 1, line 27, page  
3. 1, line 30, page 1, line 33, page 2, line 3, page  
4. 2, line 6 and page 2, line 9 of House Bill  
5. 973 having received the required majority vote of the  
6. Senators elected is declared...are declared restored,  
7. the Item Reduction of the Governor to the contrary notwithstanding.  
8. Senator Regner has requested a verification of the affirmative  
9. votes. Will all the members please be in their seats.  
10. The Secretary will read the affirmative votes.

11. SECRETARY:

12. The following voted in the affirmative: Berman,  
13. Bruce, Buzbee, Carroll, Clewis, Collins, D'Arco, Daley,  
14. Demuzio, Donnewald, Egan, Guidice, Kenneth Hall, Hickey,  
15. Joyce, Knuppel, Kosinski, Lane, Lemke, Leonard, Maragos,  
16. Merlo, Netsch, Newhouse, Rock, Savickas, Smith, Vadalabene,  
17. Washington, Wooten, Mr. President.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Regner.

20. SENATOR REGNER:

21. Senator Berman.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Berman is on the Floor.

24. SENATOR REGNER:

25. Senator Daley.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Daley on the Floor? Senator Daley on the Floor?

28. Take his name from the roll.

29. SENATOR REGNER:

30. Senator Netsch.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Netsch is on the Floor.

33. SENATOR REGNER:

1. Senator Maragos.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Maragos is on the Floor. All right. The roll has  
4. been verified. The Ayes are 30, the Nays are 19, none Voting  
5. Present. Senator...Senator Bruce moves to reconsider the vote  
6. by which the items were restored to House Bill 973. Senator  
7. Hall moves to lay that motion upon the Table. All those in favor  
8. signify by saying Aye. All those opposed. The Ayes have it.  
9. The motion is Tabled. Senator Buzbee.

10. SENATOR BUZBEE:

11. Mr. President, I would really like to...I'm supposed  
12. to be getting some word from the Governor's Office on this and  
13. I haven't gotten it yet.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. I'm...we can take it up at noon tomorrow.

16. SENATOR BUZBEE:

17. The...could we just...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Fine...we do, in fact, have some other matters we  
20. have to deal with here. Committee Reports.

21. SECRETARY:

22. Senator Wooten, Chairman of the Committee on Executive,  
23. reports out Senate Joint Resolution 55, Senate Joint  
24. Resolution 59 and Senate Joint Resolution 62 with the  
25. recommendation for adoption.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. All right, Gentlemen, with leave of the Body, we'll  
28. revert to...on page 2, House Bills, 3rd reading. I would caution  
29. the membership, we are just not going to be able to go through  
30. these too many more times, so, if, in fact, you have one you  
31. wish to call, we better get to it. 2461, Senator Egan.

32. All right, on the Order of House Bills, 3rd reading, House  
33. 2461. Read the bill, Mr. Secretary.

1. SECRETARY:

2. House Bill 2461.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Egan.

7. SENATOR EGAN:

8. Thank you, Mr. President and members of the Senate. As the  
9. Calendar indicates, the...this bill is part of the three bill  
10. package relative to the implementation of the new State  
11. Employees Deferred Compensation Plan. These three bills...  
12. and Mr. President, may I have leave to handle all three at once?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. You've heard the Senator's request. Is there leave to  
15. discuss all three bills at once? Leave is granted.

16. End of reel.

17.  
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1. SENATOR EGAN:

2. I've just been informed that the Department of Personnel  
3. has a request to amend two of the bills. I'm going to wait,  
4. please and take it from the record until they have their  
5. amendments ready. I'm going to bring them back and amend...

6. PRESIDING OFFICER: (SENATOR ROCK)

7. We'll do them at noon tomorrow. Senator Graham  
8. on 2477. House Bills, 3rd. 2477. Senator Carroll.  
9. 2477, are we ready to proceed? Senator Graham, are you ready  
10. to proceed? All right. On the Order of House Bills, 3rd  
11. reading, is House Bill 2477. Read the bill, Mr. Secretary.

12. SECRETARY:

13. House Bill 2477.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Graham.

18. SENATOR GRAHAM:

19. Yes, Mr. President and members of the Senate. After the  
20. surgeon of the Appropriations Committee and the initiator of the  
21. Hanukkah bush got through with this bill in the committee  
22. and gave it serious consideration and with some deliberation  
23. with the Department of Law Enforcement...Illinois Law  
24. Enforcement Commission. I think we have it in shape that  
25. Senator Carroll can live with and the department can live  
26. with and I ask for a favorable roll call.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Is there any discussion? The question is shall House  
29. Bill 2477 pass. Those in favor will vote Aye. Those opposed  
30. will vote Nay. The voting is open. Have all voted who wish?  
31. Have all voted who wish? Take the record. On that question the  
32. Ayes are 52, the Nays are none, none Voting Present. House Bill  
33. 2477 having received a constitutional majority is declared  
34. passed and the bill having received the affirmative vote of

1. three-fifths of the members elected is effective immediately  
2. upon its becoming a law. Senator Regner, 248...2481.  
3. Senator Hickey, 2489. On the Order of House Bills, 3rd reading,  
4. House Bill 2489. Read the bill, Mr. Secretary.

5. SECRETARY:

6. House Bill 2489.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Hickey.

11. SENATOR HICKEY:

12. Mr...thank you, Mr. President. I apologize for bringing  
13. this small thing in at this late date, but we suffered  
14. something in lack of communications with the House on this  
15. measure. It's...it was a bipartisan proposition from over there  
16. for a twenty-eight hundred dollar appropriation to the  
17. Industrial Commission. At one time before we had a building  
18. commission in Winnebago County, they didn't have to pay any  
19. rent for their space in the courthouse but now that's  
20. imperative and this is for rent for the rest of 1977...  
21. Fiscal 1977. The amount...it's four hundred dollars a month.  
22. In Peoria I think now, they pay nine hundred dollars a month  
23. so it's a real bargain. I'd ask your favorable...for a favorable  
24. roll call.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there any discussion? The question is shall House  
27. Bill 2489 pass. Those in favor will vote Aye. Those opposed  
28. will vote Nay. The voting is open. Have all voted who wish?  
29. Have all voted who wish? Take the record. On that question  
30. the Ayes are 55, the Nays are none, none Voting Present.  
31. House Bill 2489 having received a constitutional majority is  
32. declared passed and the bill having received the affirmative  
33. vote of three-fifths of the members elected is effective

1. immediately upon its becoming a law. All right. On the  
2. Order of House Bills, 3rd reading is House Bill 2481.  
3. Senator Regner seeks leave of the Body to bring this bill  
4. back to the Order of 2nd reading for purpose of an amendment.  
5. Is leave granted? On the Order of House Bills, 2nd reading,  
6. House Bill 2481. Has an amendment been filed, Mr. Secretary?  
7. SECRETARY:

8. Amendment No. 14 offered by Senator Mitchler.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Mitchler.

11. SENATOR MITCHLER:

12. Thank you, Mr. President and members of the Senate.  
13. Amendment 14 to House Bill 2481 in the Senate, on page 4  
14. by deleting lines 22 through 35 and on page 5 by deleting  
15. lines 1 and 2 and substituting new appropriation figures.  
16. What the amendment does, it deletes a proposed appropriation of  
17. a hundred and eight thousand eight hundred dollars for the  
18. creation of an office to assist low income families representing  
19. their interests before the Illinois Commerce Commission.  
20. The proposed office would be a kind of consumer advocate  
21. office in the case of utility bills and would provide  
22. "emergency intervention on behalf of low income consumer  
23. interest." It would also assist community based agencies  
24. and organizations in consideration before the Commerce  
25. Commission and the amendment reflects the view that it is  
26. not good public policy to place one State agency in an  
27. adversary role toward another State agency. And would be  
28. likely to result in General Revenue fund requests for this  
29. purpose once the Federal grant has expired. I would move for  
30. adoption of Amendment 14.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Mitchler has moved the adoption of Amendment No. 14  
33. to House Bill 2481. Is there any discussion? All those in

1. favor...Senator Mitchler moves the adoption of Amendment No.  
2. 14 to House Bill 2481. All those in favor signify by saying  
3. Aye. All those opposed. The Ayes have it. The amendment  
4. is adopted. Any further amendments?

5. SECRETARY:

6. No further amendments.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. 3rd reading. Senator Regner on 2495, are we ready on that?

9. On the Order of House Bills, 3rd reading, House Bill 2495.

10. Read the bill, Mr. Secretary.

11. SECRETARY:

12. House Bill 2495.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Regner.

17. SENATOR REGNER:

18. Mr. President and members of the Senate. This is a bill  
19. we discussed last night. It's a transfer of two hundred and one  
20. thousand twenty dollars from various line items to  
21. contractual services in the Attorney General's Office to pay  
22. for various cases that are pending and ones that they assume  
23. will be pending before the end of this Fiscal Year.

24. Senator Buzbee had some questions regarding in-house  
25. and out house lawyers and I understand he has the answers  
26. to his questions now and has no further problem with the bill  
27. and I'd ask for a favorable roll call.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Is there any discussion? Senator Buzbee.

30. SENATOR BUZBEE:

31. Well, as Senator Regner said, I have the information now  
32. and I am convinced that the out house lawyers are needed and  
33. so I support the...the bill at this point.



1. PRESIDING OFFICER: (SENATOR ROCK)  
2. Any further discussion? Senator Maragos.  
3. SENATOR MARAGOS:  
4. Will the sponsor yield to a question?  
5. PRESIDING OFFICER: (SENATOR ROCK)  
6. Indicates he will yield. Senator Maragos.  
7. SENATOR MARAGOS:  
8. Is this out house lawyers the same as latrine lawyers  
9. in the army?  
10. PRESIDING OFFICER: (SENATOR ROCK)  
11. Senator Regner. I think that was a...  
12. SENATOR REGNER:  
13. I guess you can assume and make any analogy  
14. you would like, Senator Maragos.  
15. PRESIDING OFFICER: (SENATOR ROCK)  
16. The question is shall House Bill 2495 pass. Those in  
17. favor will vote Aye. Those opposed will vote Nay. The voting  
18. is open. Have all voted who wish? Have all voted who wish?  
19. Take the record. On that question the Ayes are 54, the  
20. Nays are none, none Voting Present. House Bill 2495  
21. having received a constitutional majority is declared passed  
22. and the bill having received the affirmative vote of three-  
23. fifths of the members elected is effective immediately  
24. upon its becoming a law. Senator Egan, are you ready on your  
25. ...you are not. Okay. Introduction of Bills.  
26. SECRETARY:  
27. Senate Bill 1418, introduced by Senators Grotberg  
28. and Graham.  
29. (Secretary reads title of bill)  
30. 1st reading of the bill.  
31. PRESIDING OFFICER: (SENATOR ROCK)  
32. Rules Committee. Senator Vadalabene, for what purpose  
33. do you arise?

1. SENATOR VADALABENE:

2. Yes, for a point of information to the members of the  
3. General Assembly. I have this announcement to make  
4. in regard to the racehorse, Senator Sam M. V. It ran  
5. second Saturday. It's its fourteenth straight loss.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. We have a number of motions filed on the...Order of  
8. Business of Total Vetoes, if you'll look at page 5 of your  
9. Calendar, Senator Bloom on 991. Senator Rhoads, 1109.  
10. Senator Regner, 2340. Senator Bloom. On the Order of Total  
11. Vetoes, is House...the motion filed with respect to House Bill  
12. 991. Read the motion, Mr. Secretary.

13. SECRETARY:

14. I move that House Bill 991 Do Pass, the Veto of the  
15. Governor to the contrary notwithstanding. Signed, Senator  
16. Bloom.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Bloom.

19. SENATOR BLOOM:

20. This is the appropriation companion bill with 990  
21. and I'd appreciate a favorable roll call. It only appropriated  
22. a hundred thousand.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Is there any discussion? The question is shall House  
25. Bill 991 pass, the Veto of the Governor to the contrary  
26. notwithstanding. Those in favor will vote Aye. Those opposed  
27. will vote Nay. The voting is open. Have all voted who wish?  
28. Senator Bloom, for what purpose do you arise?

29. SENATOR BLOOM:

30. Postpone.

31.  
32. The following typed previously  
33.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Bloom wishes to postpone consideration. Consideration  
3. will be postponed. Senator Hynes. All right. On the  
4. Order of page 2 of the Calendar, Senate Bills, 2nd reading.  
5. Senate Bill 311, Senator Joyce. Read the bill, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 311.

8. (Secretary reads title of bill)

9. 2nd reading of the bill. The Committee on Revenue offers  
10. one amendment.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Joyce. Senator Netsch, may I ask you to move.

13. SENATOR JOYCE:

14. Yes, Mr. President, thank you. What this amendment does  
15. it adds the extra one thousand dollars in the Homestead  
16. Exemption. It states that this will be paid by the State of  
17. Illinois back to the local governments so that the local  
18. governments would not be...would not lose any money on this  
19. added one thousand dollar increase in the Homestead Exemption.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Any discussion? Senator Mitchler.

22. SENATOR MITCHLER:

23. I have a question of the sponsor.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Sponsor indicates he will yield. Senator Mitchler.

26. SENATOR MITCHLER:

27. Senator Joyce, what would this cost the State of  
28. Illinois? This is something new on the Homestead Exemption  
29. Act, is it not? Just for the record so we know just exactly  
30. how much the increase of a thousand dollars on Homestead  
31. Exemptions for everyone over sixty-five would cost.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Joyce.

1. SENATOR JOYCE:

2. Yes, it is our estimation that it would be twenty-  
3. eight million dollars.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Mitchler.

6. SENATOR MITCHLER:

7. Now, this would be twenty-eight million dollars that the  
8. State of Illinois would reimburse the local units of government  
9. for the amount of homestead exemption on real estate taxes  
10. granted everyone over age sixty-five...sixty-five years of  
11. age and over regardless of the wealth or income of that  
12. person sixty-five years of age and older. It doesn't mean  
13. just ten thousand dollars limit like the circuit breaker.  
14. But anybody...let's...is that true?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Joyce.

17. SENATOR JOYCE:

18. Yes, this is just for the added one thousand dollar  
19. increase.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Further discussion? Senator Mitchler.

22. SENATOR MITCHLER:

23. Well, then...then commenting on this, you know the  
24. history of the homestead exemption, we passed it out of here  
25. several times even before it was constitutional and we did  
26. so in response to persons sixty-five years of age and over  
27. who were writing us and asking us for it and we voted  
28. for it knowing...knowing in many cases that it was  
29. unconstitutional and it wasn't until the 1970 new Illinois  
30. Constitution that it was constitutionally okay for us  
31. to pass a homestead exemption and we did that. But then in the  
32. meantime, we also developed the circuit breaker, the Senior  
33. Citizens and Disabled Persons Property Tax Relief Act.

1. Now, that Act relates to those who have incomes of ten  
2. thousand dollars or less. These are people that are financially  
3. in need of some assistance on their real estate taxes.  
4. Actually, Ladies and Gentlemen of the Senate, the Homestead  
5. Exemption Act is really outdated at this time and is actually  
6. replaced by the circuit breaker. Now, we've...we've continued  
7. this on the books without any amendments to it since we  
8. originally put it in at the fifteen hundred dollar exemption.  
9. And the reason that it's outdated is because it applies to  
10. everyone, sixty-five years of age and over regardless of their  
11. wealth or income and this is not addressing it to those people  
12. that are in need. You could be a multi-millionaire and go and  
13. file. Now, the experience that I'm going to give you in...in  
14. Aurora Township. I went to the assessor and I said how  
15. are people reacting to the homestead exemption and the thing  
16. was that the wealthy people of town or those with  
17. incomes in the bracket above the ten thousand dollars, they  
18. were the ones that were filing for it. Now, I don't criticize  
19. them, they're entitled to it, but maybe that's why they're  
20. a little better well to do because they take advantage of things  
21. and that really a large group of the people that really needed  
22. it were not filing for it and I might say that the Homestead  
23. Exemption Act does not include the disabled who many of those  
24. are on disability pensions, limited income and are really  
25. affected. Now, if we're going to expand relief property tax  
26. relief to citizens, let's concentrate on the circuit breaker  
27. that takes in senior citizens, persons sixty-five years of age  
28. and older and disabled persons with incomes of ten thousand  
29. and less. Now, if you want to toy around that ten thousand  
30. figure, that is a type of an amendment. If you want to toy  
31. around the amount, which we did last Session, went from  
32. five hundred dollars up to six fifty, give them that extra  
33. hundred dollars for sales tax rebate, that's the place to do  
34. it. Don't have two programs going simultaneously that would

1. be in competition with each other. Now, a more realistic  
2. approach to this and I think that inasmuch as we're  
3. starting to amend the homestead exemption, let's look at it in  
4. a good, clear fashion and really what we should do, Ladies and  
5. Gentlemen, is repeal the Homestead Exemption Act and pass that  
6. and work it into better benefits into the circuit breaker. Now,  
7. give that some thought and to come out with a program where  
8. you're going to take State funds and work it into the  
9. homestead exemption for people that really don't need it,  
10. sixty-five years of age and up in high income brackets,  
11. that's wrong and that makes this amendment wrong.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Soper.

14. SENATOR SOPER:

15. Parliamentary inquiry, Mr. President. Would you say that  
16. if a member of this Body would come under this provision  
17. they were over sixty-five or if their spouse were over sixty-five  
18. that would be a conflict of interest to vote on this?  
19. I'd like your opinion.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Pardon me. Would you restate the question?

22. SENATOR SOPER:

23. Well...

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Succinctly.

26. SENATOR SOPER:

27. Okay. Are you listening now, Sir? Thank you,  
28. Mr. President. I say, if a member of this Body were...would  
29. come under this provision they were sixty-five or over or  
30. their spouse were sixty-five or over, would it be a conflict  
31. of interest to vote on this?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. In the opinion of the Chair, it would not be.

1. SENATOR SOPER:

2. All right. My second part question, now you say that  
3. ...that they wouldn't be in conflict. Now, suppose their mother  
4. or their father would come under this provision and they were  
5. over sixty-five you would say too, that weren't...not a conflict  
6. of interest.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. That is correct.

9. SENATOR SOPER:

10. Right on. Let's raid the treasury.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Further discussion? Senator Leonard.

13. SENATOR LEONARD:

14. Thank you, Mr. President. I would like leave of this  
15. Body to be named as a cosponsor on this bill. I have checked  
16. with the other sponsors. This is something that people in my  
17. district are very well aware of and we have had people  
18. petitioning for this and there is support. My office,  
19. as a matter of fact, has been active in making people aware  
20. of this and I would like to be included as a cosponsor.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Leonard seeks leave of the Body to be added  
23. as a cosponsor to Senate Bill 311. Is leave granted?  
24. So ordered. Further discussion? Senator Nimrod.

25. SENATOR NIMROD:

26. Yes, Mr. President, a question of the sponsor.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Sponsor indicates he will yield. Senator Nimrod.

29. SENATOR NIMROD:

30. Yes, Senator Joyce, as I understand this, twenty-  
31. eight million dollars is going to have to come from somewhere.  
32. Is...is this twenty-eight million dollars then going to be  
33. shifted...this is property tax...is it not, local property  
34. tax money that we're talking about? Is this, then, property

1. tax...is going to be a loss of twenty-eight million dollars to the  
2. local government?

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Joyce.

5. SENATOR JOYCE:

6. No, Senator. That's the amendment we're talking about right  
7. now. It was in committee. This is going to be reimbursed by the  
8. State to the local government...to the unit of local government...  
9. the extra thousand dollars.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Nimrod.

12. SENATOR NIMROD:

13. What... are we taking this money...in other words, what  
14. we're doing, in fact, is saying that we are going to...we've  
15. said that local property is the means of determining  
16. wealth and we have a tax problem and just...we're going to a  
17. patchwork problem here of trying to find some means to  
18. offer somebody something that really is meaningless and  
19. it seems to me that we're approaching this whole tax problem  
20. on an election year to kid somebody that they're going to get  
21. some money. Now, we have a very serious problem with the  
22. older people on the taxes and we know especially  
23. within Cook County on the quadrennial assessment and  
24. with the fair market value, that the older homes are the ones  
25. that are bearing the burden of the new quadrennial reassessments.  
26. And it seems to me that all we're doing here is saying that  
27. well, since we have hurt those senior citizens, let's not  
28. really tell everybody what's happening on this taxing program.  
29. Let's raid the treasury for twenty-eight million dollars  
30. in the State and replace at the local government and not address  
31. the real problem itself and offer these people some permanent  
32. relief and only do it for one sector rather than doing it for all  
33. property owners. To me, this is a bad approach. I think it's a



1. hoax. I think you're kidding the people, you're letting the  
2. senior citizens know that they are going to benefit from this  
3. but you're doing it at the expense of all other taxpayers.  
4. It's a wrong way to do it.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Further discussion? Senator Glass, did you seek recognition?  
7. Senator Glass.

8. SENATOR GLASS:

9. Well, thank you, Mr. President, Ladies and Gentlemen.  
10. Last night the President in commenting on an attempt to offer  
11. for consideration legislation that would amend and reform  
12. the Unemployment Compensation Eligibility suggested that this  
13. was being done for political purposes. We didn't get into a debate  
14. on that and that legislation was held...that motion was held  
15. by the sponsors. But if there's anything that smacks of pure  
16. politics, this is it. On the eve of adjournment to try to put in  
17. a misleading piece of legislation that would take twenty-eight  
18. million dollars out of the Illinois Treasury, without reference  
19. to where that money will come from, how the State will afford it  
20. is pure...purely for political purposes and we ought to recognize  
21. that and reject it out of hand on that basis..

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any further discussion? Senator Egan.

24. SENATOR EGAN:

25. Thank you, Mr. President, members of the Senate.  
26. Senator Glass, I just would like to remind you of the  
27. ...the statement that was made by the professor from  
28. the Illinois University at Urbana when he said that next  
29. year there will be an additional four hundred fifty million  
30. dollars in the State Treasury as a natural accumulation  
31. and that the expenditure that naturally accumulates will  
32. be about three hundred fifty. He estimates that next year  
33. there will be enough money to pay for this bill.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Any further discussion? Senator Glass for the second  
3. time.

4. SENATOR GLASS:

5. Well, thank you, Mr. President. I'm rising to respond  
6. to Senator Egan. Senator Egan, I hope that projection proves  
7. to be correct, but let's not let that projection burn a hole in  
8. our pockets. We ought to go through the budget making process  
9. and see what kind of money is going to be available and is going  
10. to be needed for all of our programs, rather than trying to do  
11. something like this precipitously at the eleventh hour of this  
12. Fall Session.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Joyce may close the debate.

15. SENATOR JOYCE:

16. Thank you, Mr. President. Yes...this has been accused  
17. of being political and everything else but I...I challenge you  
18. to tell that to your senior citizens if you vote against this  
19. bill and you know, it is not only Cook County that was mentioned  
20. in downstate counties, in some of my counties, the deadline  
21. year, the cutoff year for House Bill 990 that we passed  
22. three years ago has...the assessors are just now in  
23. some places, jumping that. They were supposed to go in  
24. three equal steps and in fact, sometime...some places they  
25. did not. Now, it is the senior citizens who are being hurt the  
26. worst. As it was mentioned, the...their dwellings  
27. have increased in value through inflation and they are the ones  
28. that are suffering and that's what this bill is meant to do.  
29. It is meant to help those senior citizens and I would ask for a  
30. favorable vote.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Joyce has moved the adoption of Amendment No. 1  
33. to Senate Bill 311. All those in favor signify by saying Aye.

SB 736  
2nd Reading  
11/8/77

1. All those opposed. In the opinion of the Chair, the  
2. Ayes have it. The amendment is adopted. Any further  
3. amendments?

4. SECRETARY:

5. No further amendments.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. 3rd reading. Senator Egan, you wish to...on the Order  
8. of Senate Bills, 2nd reading, Senate Bill 736.

9. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 736.

12. (Secretary reads title of bill)

13. 2nd reading of the bill. The Committee on Revenue offers  
14. one amendment.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Egan.

17. SENATOR EGAN:

18. Thank you, Mr. President, members of the Senate. This is  
19. 2nd reading? I'm asking that we advance the bill to 3rd.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Would you move the adoption of the Committee Amendment,  
22. explain and move. There is a Committee Amendment.

23. SENATOR EGAN:

24. Oh, that's right, there is a technical amendment. I don't  
25. have it.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Egan has moved the adoption of Committee Amendment  
28. No. 1 to Senate Bill 736. Is there any discussion? All those  
29. in favor signify by saying Aye. All those opposed. The Ayes  
30. have it. The amendment is adopted. Any further amendments?

31. SECRETARY:

32. Amendment No. 2 offered by Senator Lemke.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Lemke.

2. SENATOR LEMKE:

3. It's my understanding in talking to the sponsor of that  
4. ...the bill is brought to 3rd, he'll bring it back to 2nd  
5. later on in January and instead of keeping the House in a long  
6. debate with this amendment, I think it would be best to consider  
7. on January 11th so we can all get home for Thanksgiving.  
8. So,...

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Very good. Senator Lemke withdraws Amendment No. 2.  
11. It will remain on the Secretary's Desk. Senator Glass, for what  
12. purpose do you arise?

13. SENATOR GLASS:

14. Well, I was seeking recognition, Mr. President, on the  
15. amendment and I know it's going to be held on 3rd reading, but  
16. I think the Body ought to know that it is an amendment that  
17. will take a substantial amount of money out of the State  
18. Treasury and I was going to ask Senator Egan what that amount  
19. was. I believe it's seventy to eight million, is that correct  
20. Senator?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Egan.

23. SENATOR EGAN:

24. You know, you're trowing large figures around, Senator  
25. Glass. My estimate is it's around forty million dollars but  
26. over the long haul, we'll get it all back.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Glass.

29. SENATOR GLASS:

30. All right. Well, I would just point out that  
31. the Department of Revenue and the Bureau estimated seventy  
32. to eighty million and as long as this will be held, we'll  
33. have an opportunity to investigate that a little bit further.

1. So, if that's your intention, Senator, we'll...

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right. Any further amendments?

4. SECRETARY:

5. No further...

6. PRESIDING OFFICER: (SENATOR ROCK)

7. 3rd reading.

8.

9. The following typed previously

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710 351  
P.P.C.  
11-23-77

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Any member have any motion with respect to Consideration  
3. Postponed that he wishes to pursue? Senator Mitchler on House  
4. Bill 351. Page 3 of the Calendar on the Order of Consideration  
5. Postponed. Senator Mitchler, you wish to pursue that?

6. SENATOR MITCHLER:

7. Yes...

8. PRESIDING OFFICER: (SENATOR ROCK)

9. On the Order of Consideration Postponed there is a motion  
10. pending with respect to House Bill 351. Read the motion,  
11. Mr. Secretary. All right. The motion pending is to accept  
12. the Specific Recommendations for Change. Senator Mitchler.

13. SENATOR MITCHLER:

14. Yes, Mr. President. This is the bill that was introduced  
15. in the House by Representative DiPrima and what it...the  
16. Governor did was amendatorily veto the date...effective date  
17. of the Viet Nam war veteran to receive benefits. In conformity  
18. with about four other bills that were also amendatorily  
19. vetoed established in the date of May 7, 1975, is the cut  
20. off date for the Viet Nam war veterans' benefits as provided  
21. by the Federal Government. So, I would move for concurrence  
22. and acceptance of the Governor's Amendatory Veto.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Is there any discussion? Senator Newhouse.

25. SENATOR NEWHOUSE:

26. Thank you, Mr. President, Senators. The same old bill,  
27. same old problem. I had an extended discussion with Representative  
28. DiPrima who came over here on the Floor immediately  
29. on the failure of this bill previously and asked him if he  
30. seriously wanted to cut off benefits to wounded veterans  
31. who, for some reason or another did not have an honorable discharge.  
32. He was horrified by the prospect, but he suggested that  
33. there was a review procedure by which these people could be

1. made whole. I suggested to him that the problem is that a  
2. review procedure that is available is available to people  
3. without lawyers, without funds, who can't make a Supreme  
4. Court case, who don't, in many cases, even know this procedure  
5. is going on and I further informed him that after a look  
6. at the procedure over a period of a couple of years, a procedure  
7. which was only started after ten years after the war,  
8. that it's a complete failure. Nothing much is being done and  
9. it's simply too much of a burden to place upon individual  
10. veterans to have a...have a burden of this sort. A man has  
11. served his country and has been wounded and for whatever reason,  
12. has gotten a discharge that's other than honorable and many  
13. drug cases came out of the Viet Nam situation, he certainly  
14. ought to be entitled to whatever benefits he can get. I've got  
15. no objection to this thirty day period. The objection is to  
16. taking away from people who have served their country,  
17. benefits they ought to have and I would...I would think that this  
18. bill ought to have the same fate that it had previously,  
19. that the motion ought to be denied.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Any further discussion? All right. The question is shall the  
22. Senate accept the Specific Recommendations of the Governor as to  
23. House Bill 351 in the manner and form just stated by Senator Mitchler.  
24. Those in favor will vote Aye. Those opposed will vote Nay. The  
25. voting is open. Have all voted who wish? Have all voted who wish?  
26. Take the record. On that question the Ayes are 42, the Nays  
27. are 10, none Voting Present. The Specific Recommendations of the  
28. Governor as to House Bill 351 having received the required  
29. majority vote of Senators elected, are declared accepted.  
30. Senator Knuppel, on the Order of Consideration Postponed  
31. is House Bill 585. There was a motion to override the  
32. Gubernatorial veto. Senator Knuppel.

33. SENATOR KNUPPEL:

1. This bill was explained yesterday. I think there was some  
2. misunderstanding about this. What this bill does is it requires  
3. judges seeking reelection to declare their intentions before  
4. the filing for primaries in December. There is a constitutional  
5. provision which sets the minimum time at six months prior to the  
6. General Election. I think there were some people here yesterday  
7. that thought they might be voting against merit selection of  
8. judges if they voted in favor of this legislation. This is  
9. untrue. Because what happens is a judge who is ready to retire  
10. may have a son or a friend that he wants to succeed him. So,  
11. what he does is he waits until it's too late for the  
12. people to have a voice, he resigns, goes to the Supreme Court  
13. and...or...and as a chief judge for example, he influences  
14. them to appoint somebody to fill a vacancy until the next  
15. election. This gives the person that's so selected,  
16. a leg up in the election that follows. I say this is a pernicious  
17. practice. Judges should not be allowed to choose their  
18. successors and this is entirely a different proposition than  
19. merit selection of judges because if we actually had merit  
20. selection of judges, there would be other people including the  
21. Governor playing a role in it. There was a discussion about whether  
22. or not the court administrator had taken a position. It's  
23. my understanding and I talked to him when the bill went through  
24. here last summer, he takes no position one way or another.  
25. There is a constitutional question involved. In my opinion,  
26. this is constitutional because it does not reduce the minimum.  
27. I would appreciate a favorable roll call because this...  
28. judges should be selected either through some type of a  
29. selection procedure or by the people and not by the judges.  
30. PRESIDING OFFICER: (SENATOR ROCK)

31. Is there any discussion? Senator Glass.

32. SENATOR GLASS:

33. Thank you, Mr. President and Ladies and Gentlemen. I, again,  
34. studied this bill following Senator Knuppel's presentation  
35. yesterday and continue to...to feel as the Governor did, in



1. vetoing it that it has constitutional infirmities.  
2. The Constitution provides a period of not less than six  
3. months before the General Election for the filing by  
4. the judge and this would make it eleven months and that,  
5. as I say, and it's my understanding, it's different,  
6. Senator Knuppel, on the court administrator, Roy Gully,  
7. on his position, we rechecked that I...I do think there is a  
8. serious constitutional objection and therefore would  
9. urge defeat of the motion.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Newhouse.

12. SENATOR NEWHOUSE:

13. Thank you, Mr. President. I don't know what point  
14. I'm rising on and I guess it's an exercise in futility but I  
15. think a lot of veterans are going to thank this assembly for  
16. taking some bread out of their mouths with the bill on House  
17. Bill 351. Just want to make that comment. Thank you, Mr.  
18. President.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Further discussion? Senator Knuppel may close the debate.

21. SENATOR KNUPPEL:

22. Well, I still say the court administrator has not...there  
23. was some mumbling over there, but then...and it changed to something  
24. else. The court administrator has not taken a position on it and  
25. I just say the judges aren't the people to choose their  
26. successors. It should be either the people or some type of a  
27. committee procedure that's set up by the General Assembly.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. The question is shall House Bill 585 pass, the Veto of the  
30. Governor to the contrary notwithstanding. Those in favor will  
31. vote Aye. Those opposed will vote Nay. The voting is open.  
32. Have all voted who wish? Have all voted who wish? Have all voted  
33. who wish? Take the record. On that question the Ayes are 36, the

1. Nays are 11, none Voting Present. House Bill 585 having  
2. received the required three-fifths vote is declared passed,  
3. the Veto of the Governor to the contrary notwithstanding.  
4. Senator Glass, for what purpose do you arise?

5. SENATOR GLASS:

6. Request a verification of the affirmative roll call.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Glass has requested a verification. Will all the  
9. members please be in their seats. The Secretary will read the  
10. affirmative votes.

11. SECRETARY:

12. The following voted in the affirmative: Berman,  
13. Bruce, Buzbee, Carroll, Clewis, Collins, D'Arco, Daley, Demuzio,  
14. Donnewald, Egan, Guidice, Harber Hall, Kenneth Hall, Hickey,  
15. Joyce, Knuppel, Kosinski, Lane, Lemke, Leonard, Maragos,  
16. Merlo, Newhouse, Nimrod, Philip, Rock, Roe, Sangmeister,  
17. Savickas, Schaffer, Smith, Vadalabene, Washington, Wooten,  
18. Mr. President.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Glass, do you question the presence of any of the  
21. members who have voted in the affirmative?

22. SENATOR GLASS:

23. Senator Buzbee here?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Buzbee is in his seat. All right. Roll call has  
26. been verified. On that question the Ayes are 36, the Nays are  
27. 11, none Voting Present. House Bill 585 having received  
28. a constitutional majority...having received the required  
29. three-fifths vote, the Veto of the Governor to the contrary  
30. notwithstanding, House Bill 585 is declared passed. Senator  
31. Wooten moves to reconsider. Senator Demuzio moves to Table.  
32. All in favor say Aye. Opposed Nay. The Ayes have it and  
33. the motion to reconsider is Tabled. All right. House Bill

1. 595, Senator Vadalabene. Read the motion, Mr. Secretary.

2. Oh, we've already...Senator Vadalabene.

3. SENATOR VADALABENE:

4. Yes, House Bill 595 was passed by the General Assembly  
5. to help cure some unnecessary and outdated provisions of the  
6. Dram Shop Act. The stringent provisions of the law which bar  
7. political contributions by the liquor licensees are wrong.  
8. Illinois has come a long way in the area of campaign  
9. finance disclosure. There is no need for a Statute  
10. that by its language, one, includes along with the licensees  
11. restaurants, hotels, and other establishments with only  
12. sideline liquor facilities if five percent of their gross  
13. income is derive from the sale of liquor. And keep this  
14. in mind also, that it includes the offices, the associates,  
15. the representatives and the agents and employees of such  
16. licensees. Such broad sweeping language takes away the  
17. franchise of persons who have nothing...who have nothing to do  
18. with the policies of the licensee from the electoral process  
19. and I move to override the Governor's Veto.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there discussion? Senator Rock.

22. SENATOR ROCK:

23. Thank you, Mr. President and Ladies and Gentlemen  
24. of the Senate. I rise in support of Senator Vadalabene's  
25. motion to override the Governor's Veto of this legislation.  
26. As you know, we discussed this particular piece of legislation  
27. at some length when it was before the Body previously  
28. in the earlier Session and I would point out that the amendment  
29. which took out from the purview of this bill, the mayors of the  
30. various municipalities for the reason that they are  
31. ex officio of the Liquor Commission...commissioners of the  
32. various municipalities was offered by Senator Glass. And on  
33. that same rationale, I offered an amendment to take out the

1.     Governors or the Governor or candidates for Governor  
2.     on the basis that they are the ex officio liquor commissioner  
3.     of the State for the reason that they have the sole  
4.     appointing power for the members of the Liquor Commission.  
5.     We take those two direct regulatory people out and then we  
6.     reenfranchise, if you will, the liquor licensees and all their  
7.     employees and get them back into the political process.  
8.     If you will read or have read the Governor's Veto Message,  
9.     he says, I have long believed that the stringent provisions of the  
10.    law which bar political contributions by liquor licensees  
11.    are wrong. I think that statement is a good one and I would  
12.    urge support for the motion to override.

13.    PRESIDING OFFICER: (SENATOR DONNEWALD)

14.             Senator Shapiro.

15.    SENATOR SHAPIRO:

16.             Well, Mr. President and Ladies and Gentlemen. I oppose  
17.    the motion to override for all the reasons that I gave the  
18.    last time. I'd like to point out to you that a mayor is not  
19.    an ex officio liquor commissioner. He is the liquor commissioner  
20.    and controls the issuance and particularly the revocation of  
21.    liquor licenses. I further want to point out to you that  
22.    to a comment that I made the last time that the Governor  
23.    or a candidate for Governor, are not second class citizens  
24.    either and that the motion to override should be defeated.

25.    PRESIDING OFFICER: (SENATOR DONNEWALD)

26.             Senator Buzbee.

27.    SENATOR BUZBEE:

28.             Mr. President, I rise in support of Senator Vadalabene's  
29.    motion to override the Governor's Veto. I have long felt  
30.    that somebody in the liquor business in this State ought to  
31.    test this in the courts because it seems to me that they are  
32.    certainly being denied their constitutional rights and have  
33.    been for as long as this Statute has been on the books.

1. That anybody who holds a liquor license cannot make a  
2. campaign contribution or cannot run for office  
3. it just doesn't make any sense at all to me. I agree with  
4. Senator Rock when he quoted from the Governor's  
5. Veto Message indicating that he has long believed that this  
6. law should...should go off the books. I would further quote  
7. from the Governor's Veto Message the result of all of this  
8. has been to disenfranchise the substantial number without  
9. reason from the electoral process when their livelihoods  
10. have little or nothing to do with the sale of alcholohic  
11. beverages. I find this result to be irrational and indeed  
12. unconstitutional. To say that a person interested in furthering  
13. the Democratic process of whom there are too few, may...may  
14. vote, speak, leaflet, petition, work a precinct, volunteer  
15. in a headquarters, but may not contribute twenty-five dollars  
16. to the candidate of their choice, is to put it plainly,  
17. absurd. Now, Gentlemen and Ladies of the Senate, I am  
18. quoting from the Governor's Veto Message. Methinks  
19. that he must have gotten confused because he goes ahead  
20. and gives all these good arguments why the bill ought to be  
21. signed and then vetoes it. Now, he does go on to say that  
22. as...as somebody said yesterday, it looks like maybe the Governor  
23. got in somewhat of a snit because we excluded him and the  
24. mayors and he says the General Assembly ought to be  
25. excluded if...if the Governor is going to be excluded.  
26. Well, my indication would be...my thinking would be that we  
27. ought to go ahead and correct as much of this as we can at the  
28. present time and then maybe next year, maybe we ought to put  
29. in a bill to let the Governor get campaign contributions, I don't  
30. know. But at the present time, at least we ought to allow  
31. these people to have their constitutional rights as far as  
32. it pertains to legislators, county office candidates, city  
33. office candidates and so forth and I think Senator Vadalabene's

1. motion is a...is an excellent one and I congratulate him for  
2. bringing forward this piece of legislation to start with.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Do we have leave for Channel 20 to photograph the  
5. proceedings? Leave is granted. Senator Soper.

6. SENATOR SOPER:

7. Thank you, Mr. President. If the logic that Senator  
8. Rock stated that the Governor appoints the Liquor Commission,  
9. I think it would be logical to say too that if the Governor  
10. appoints the Liquor Commission and the Senate advises and  
11. consents to the appointments, then I think that the Senators  
12. would be...should be aware that if it would be illegal for the  
13. Governor to take any contributions, that they better watch and  
14. clean their own skirts before they take any money. Now, the  
15. House would not...not...be...would be exempt from this because  
16. they don't advise and consent so I think we better look at this  
17. thing a little bit and if Senator Rock's logic is...his  
18. statements are logical, then I think that the statement that I  
19. made is very logical. Thank you.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there...Senator Rock.

22. SENATOR ROCK:

23. Thank you, Mr. President. Just to respond. I would also  
24. point out that there is an element there that you have missed,  
25. that we are now blessed with the Roe bill which requires us to  
26. disclose all these contributions. So I would suggest to you  
27. that any member of the Senate that does, in fact, receive  
28. a contribution from a liquor licensee, I would hope that it would  
29. be an amount that would require disclosure.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Soper.

32. SENATOR SOPER:

33. In answer to that, that makes it more palatable as far as

1. we're concerned, to...to say that if we are going to be the  
2. final word, and to the...the advising and consenting on the  
3. ...on the nominations of the Governor, we're the final  
4. authority because if...if he brings up some...we say no,  
5. that's the end of the ballgame. So, we're the final authority.  
6. We really do the appointing. When thirty of us say that we're  
7. going to take the...the nominees of the Governor, that's the end  
8. of the ballgame.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Is there further discussion? Senator Vadalabene may close.

11. SENATOR VADALABENE:

12. Yes, thank you, Mr. President and members of the Senate.  
13. We're talking about people whose jobs have little or nothing  
14. to do with the sale of alcoholic beverages and by this Statute  
15. technically, they cannot contribute to the candidate of their  
16. choice. I respectfully request that you move that House Bill  
17. 595 pass, notwithstanding the Veto of the Governor.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. All right. The question is shall House Bill 595  
20. pass, the veto of the Governor to the contrary notwithstanding.  
21. Those in favor vote Aye. Those opposed Nay. The voting  
22. is open. Have all those voted who wish? Have all those voted  
23. who wish? Take the record. On that question the Ayes are  
24. 33, the Nays are 16, 2 Voting Present. House Bill 595 not  
25. having received the required constitutional majority fails.  
26. House Bill 990, Senator Bloom. Read the motion, Mr. Secretary.  
27. Motion is to override the Governor's Veto. Senator Bloom.

28. SENATOR BLOOM:

29. Well, thank you. Governors come and Governors go but the  
30. Bureau of the Budget is always with us. And there's been the  
31. same Veto Message for the last six years. Basically, this says  
32. that the State has to be in the same position as the local taxpayers  
33. when there are improvements such as upgrading streets and highways.

1. As it stands now, local governments and the people who own  
2. property next door, are at the mercy of the State. This  
3. institutionalizes the procedures, puts twenty-five thousand  
4. dollar cap for the State share and brings some order to an  
5. otherwise chaotic process and it's an indirect form of tax  
6. relief for property owners there. I'd appreciate a favorable  
7. roll call. Try and answer any questions you may have.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there discussion? Senator Knuppel.

10. SENATOR KNUPPEL:

11. ...legislation. It's the kind of legislation the State  
12. should pay its fair share. It's pushing something back  
13. on the local taxpayer he shouldn't have to bear. The State  
14. should pay its part of the local improvement. I say  
15. vote Aye.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there further discussion? Senator Bloom may close.

18. SENATOR BLOOM:

19. ...call...appreciate a favorable roll call.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. The question is shall House Bill 990 pass, the Veto of the  
22. Governor to the contrary notwithstanding. Those in favor vote  
23. Aye. Those opposed Nay. The voting is open. Have all those  
24. voted who wish? Have all those voted who wish? Take the  
25. record. On that question the Ayes are 29, the Nays are 15.  
26. House Bill 990 not having received the required three-fifths  
27. vote fails. House Bill 1183, Senator Vadalabene. Proceed.

28. SENATOR VADALABENE:

29. Thank you, Mr. President and members of the Senate.  
30. House Bill 1183 is no longer a stranger to any of us. It refunds  
31. the money that the...small plane pilots on their airplane  
32. tax...it's a nuisance tax. If the State is going to collect it  
33. they ought to keep it. In this case, if you send your receipt



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Override

1. back, you get your money back. We've...we've talked about this  
2. for the last four years and I would appreciate a favorable  
3. vote.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Is there discussion? The question is shall House Bill  
6. 1183 pass, the Veto of the Governor to the contrary notwithstanding.  
7. Those in favor vote Aye. Those opposed Nay. The voting is  
8. open. Have all those voted who wish? Take the record. On that  
9. question the Ayes are 31, the Nays are 16, 1 Voting Present.  
10. House Bill 1183 not having received the required three-  
11. fifths vote fails. House Bill 1502, Senator Lemke. You may  
12. proceed.

13. SENATOR LEMKE:

14. ...override the Governor's Veto on this. This is a bill  
15. designed to help small businessmen in the State. It allows them  
16. to recover some of the expenses that are charged on  
17. litigation that's caused by an overzealous agency and who  
18. puts charges against a business and they're not reasonable...  
19. there's no reasonable grounds and no reasonable investigation.  
20. This is a matter of harassment. This bill is...is supported by the  
21. Chamber of Commerce. It's also supported by the small  
22. businessmen. It's also supported by the National Federation  
23. of Independent Businessmen who consist of approximately fifteen  
24. thousand two hundred small businessmen just in the State of  
25. Illinois alone. So, therefore, I ask for an override of this  
26. veto to help our small business thrive in this State and  
27. competitive with the rest of the other businesses in the other  
28. states.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is there discussion? Senator Regner.

31. SENATOR REGNER:

32. I rise in support of Senator Lemke's motion. As he did  
33. state, this is a pro-business bill and it's anti-bureaucrat

1. control over our business and I think it's much needed  
2. legislation and I urge a Yes vote on this motion to override.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? All right. The question is shall  
5. House Bill 1502 pass, the Veto of the Governor to the contrary  
6. notwithstanding. Those in favor vote Aye. Those opposed  
7. Nay. The voting is open. ...those voted who wish? Take the  
8. record. On that question the Ayes are 46, the Nays are

9. 4. House Bill 1502 having received the required three-  
10. fifths vote is declared passed, the Veto of the Governor to  
11. the contrary notwithstanding. House Bill 2338, Senator Carroll.  
12. You may proceed.

13. SENATOR CARROLL:

14. Thank you, Mr. President, Ladies and Gentlemen of the  
15. Senate. I think now that some people have gotten a little bit of  
16. rest, they can understand the wisdom of letting the people  
17. of the State of Illinois know where the State's monies are  
18. whether it be Federal funds, State funds or other...other  
19. types of funds. This bill, as you will recall, prohibits any  
20. State agency from holding funds outside of the State  
21. Treasury without specific Statutory authority so that nothing can  
22. be hidden from us but where those who need it can be allowed to have  
23. when we act by legislation can be allowed to have their monies  
24. held outside of the State Treasury. I cannot see any reason  
25. for anyone not supporting this legislation and especially all of  
26. those who are interested and concerned with making sure that the  
27. State monies all come under State scrutiny and I would ask for  
28. a favorable roll call.

29.

30.

The following typed previously

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11/23/77  
1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there discussion? The question is shall House  
3. Bill 2338 pass the Veto of the Governor to the contrary  
4. notwithstanding. Those in favor vote Aye. Those opposed  
5. Nay. The voting is open. Have all those voted who wish?  
6. Take the record. On that question the Ayes are 33, the  
7. Nays are 18, 1 Voting Present. House Bill 2338 not having  
8. received the required three-fifths vote fails. House  
9. Bill 2435, Senator Vadalabene. You may proceed.

10. SENATOR VADALABENE:

11. Yes, thank you, Mr. President and members of the Senate.  
12. House Bill 2435 was discussed quite thoroughly last night.  
13. It's the staggered registration license plate bill and I  
14. would appreciate a favorable vote.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Is there discussion? Senator Shapiro.

17. SENATOR SHAPIRO:

18. Mr. President, could I direct a question to Senator  
19. Vadalabene?

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. I'm sure he will...Senator Vadalabene, you wish to respond?  
22. He indicates he will.

23. SENATOR SHAPIRO:

24. Yes, Senator Vadalabene, this is on Consideration  
25. Postponed. Now, you just have one...this is your last chance  
26. at passing it out? It doesn't make any difference to you  
27. whether it goes down or not?

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Vadalabene.

30. SENATOR VADALABENE:

31. Senator Shapiro, it does make a great bit of difference  
32. to me.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Shapiro.

2. SENATOR SHAPIRO:

3. I would like to suggest that it be held until you and  
4. I can get together on this. There are some other  
5. considerations that we're interested in in another bill.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Vadalabene.

8. SENATOR VADALABENE:

9. Senator Shapiro, I think at this time we're going to go with  
10. the bill.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Is there further discussion? Senator Shapiro.

13. SENATOR SHAPIRO:

14. Well, then, I would urge everyone on this side to withhold  
15. their votes or vote No.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there further discussion? Senator Vadalabene may close.

18. SENATOR VADALABENE:

19. Yes, I move for a favorable roll call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The question is shall House Bill 2435 pass. Those in  
22. favor vote Aye. Those opposed vote Nay. The voting is open.  
23. Have all voted who wish? There is an immediate effective date  
24. for passage of a bill...required thirty-six votes.  
25. Have all voted who wish? Take the record. On that question the  
26. Ayes are 35, the Nays are 4, 15 Voting Present. For what  
27. purpose does Senator Vadalabene arise?

28. SENATOR VADALABENE:

29. Yes, thank you, Mr. President and members of the Senate.  
30. Pursuant to Rule 20, I request that House Bill 2435 be returned  
31. to the Order of 2nd reading for the adoption of an amendment to  
32. take away the effective date clause.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Pursuant to rule, the bill is returned to the Order of
2. 2nd reading. House Bill 2435 on the Order of 2nd reading,
3. any amendments?

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End of reel

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1. SENATOR VADALABENE:

2. Mr. President, I move the adoption of Amendment to...  
3. No. 1 to House Bill 2435.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. The bill is on the Order of 2nd reading. Pursuant  
6. to Rule 20, if there is an immediate effective date  
7. within a bill and it does not received the required number  
8. the bill can be returned to 2nd by action of the rule  
9. and the bill is now on the Order of 2nd reading pursuant  
10. to Senator Vadalabene's request. And Senator Vadalabene  
11. has offered amendment pursuant to Rule 20 which strikes  
12. the immediate effective date. For what purpose does  
13. Senator Soper arise?

14. SENATOR SOPER:

15. Thank you, Mr. President. Just a parliamentary  
16. inquiry now. We took a vote. Did he put that on  
17. postponed consideration and then return it to 2nd  
18. reading?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. No...

21. SENATOR SOPER:

22. Then what happens with the roll call?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Well it did not receive the required number of votes  
25. to pass, Senator.

26. SENATOR SOPER:

27. So it failed.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. No, it did not fail.

30. SENATOR SOPER:

31. What happened to it then?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. It is now, pursuant to Rule 20 is on 2nd reading.

1. SENATOR SOPER:  
2. Well you're going take it...you're going to take it  
3. from...and not do anything with the roll call?  
4. PRESIDING OFFICER: (SENATOR ROCK)  
5. There was no...no requirement to. Had we taken the  
6. roll call the bill would not have passed.  
7. SENATOR SOPER:  
8. Well...  
9. PRESIDING OFFICER: (SENATOR ROCK)  
10. The...the Chair now...  
11. SENATOR SOPER:  
12. ...it's an official roll call. Then what do you  
13. do with it? Now doesn't he postpone consideration or  
14. ...or what?  
15. PRESIDING OFFICER: (SENATOR BRUCE)  
16. It is similiar, Senator, to postponing consideration  
17. where a roll call is not, in fact, taken.  
18. SENATOR SOPER:  
19. Yeah, why don't you read Rule 20.  
20. PRESIDING OFFICER: (SENATOR BRUCE)  
21. It says it shall be deemed reconsidered. Had he  
22. made the Motion to Reconsider we would not taken a  
23. roll call. Rule 20 says, it shall be deemed to be  
24. reconsidered.  
25. SENATOR SOPER:  
26. Yes, but if you don't take the roll call you don't  
27. know...you don't know that it's...that it failed.  
28. PRESIDING OFFICER: (SENATOR BRUCE)  
29. Well...  
30. SENATOR SOPER:  
31. Is that roll call cancelled, is that it? There's no  
32. roll call.  
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Well, I announced the roll call as being 35...

2. SENATOR SOPER:

3. And that it failed.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. No, I did not say. I just said I announced the  
6. roll call and recognized Senator Vadalabene. At which  
7. time he invoked Rule 20, which says, in Rule 20 under  
8. that...under Rule 20 the bill is deemed reconsidered.

9. And our...our rules require that a roll call be taken  
10. on final action on every bill. Final action has, in  
11. fact, not been taken on House Bill 2435. Senator  
12. Nimrod.

13. SENATOR NIMROD:

14. Yes, Mr. President. I would like to call to your  
15. attention that the procedure of stopping in the middle  
16. of a roll call to take any action has been changed and  
17. what we've been doing anytime that a roll call, some-  
18. one tries to get attention of the Chair so that they  
19. could either postpone or otherwise, it's been...on  
20. several occasion, in fact, it's been consistent that  
21. we have said, no, wait till the roll call is announced  
22. and then you may postpone and then you may go ahead  
23. and do it. Under that procedure, there are no...there  
24. are no provisions for stopping when announcing a roll  
25. and announcing the results of that roll, there are  
26. no provisions anywhere in the rules for the recognizing  
27. anyone else before that...in the middle of that procedure  
28. announcing the roll...the vote. So I don't see how  
29. you can say you recognize Senator Vadalabene...when  
30. you've already announced what the vote was and then you  
31. stopped short when the procedure here is to continue,  
32. announce the vote declare its lost and then proceed  
33. whatever action you're going to do so. At this time



1. Rule 20 is inappropriate for applying at the time when  
2. you presented it.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The Chair rules that Rule 20 was, in fact, applicable  
5. in which it states, the Chair had earlier stated that it  
6. would require a three-fifths vote or 36 and Rule 20 states  
7. if a majority of less than three-fifths of all Senators  
8. vote affirmatively on the question, then the vote on the  
9. bill shall be deemed reconsidered and the bill subject to amend-  
10. ment by striking out the emergency clause and the effective  
11. date. That is what the effective Rule 20 is. The Chair  
12. rules the bill is before us on amendment, we are not to final  
13. passage. 2nd reading. Senator Vadalabene to explain  
14. the amendment.

15. SENATOR VADALABENE:

16. Yes, what it does, it strikes the...the immediate  
17. effective date and...and goes to a...a simple majority  
18. of thirty votes.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Vadalabene moves the adoption of Amendment  
21. No. 1. All in favor say Aye. Opposed Nay. Senator  
22. Shapiro.

23. SENATOR SHAPIRO:

24. I wish to speak to the amendment. Mr. President  
25. and Ladies and Gentlemen of the Senate. I want to  
26. point out to you that this bill was presented, at least  
27. to me, as being of an emergency nature. I was told  
28. that this bill needed to pass both Houses prior to  
29. December so that the provisions of the bill could be  
30. implemented. It's obvious that the bill, it...it's not  
31. of an emergency nature since the sponsor is now taking  
32. off the immediate effective date, which means the  
33. bill will not go into effect until next July 1st. The

1. bill is riddled with errors and even the...people in the  
2. Secretary of State's office have admitted that the bill  
3. should have been amended to eliminate the errors in that  
4. that were in the present bill prior to our moving it  
5. through 1st, 2nd and 3rd readings. So I point out to  
6. you that the bill is no longer of an emergency nature.  
7. We can just as well come back in here next Spring with  
8. a good bill, straighen it out and then pass it on down  
9. to the Governor's office.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Hynes.

12. SENATOR HYNES:

13. On the question of whether it is an emergency, to  
14. respond to the Minority Leader, it is, in fact, of an  
15. emergency nature. It...the program will not be  
16. implemented until July 1st, but it is necessary in  
17. order to make preparations and in order for the public  
18. information to be disseminate and so on, that we  
19. know that the program is going into effect. It could  
20. not be made effective if we waited until late in the  
21. Spring to put...to pass the bill. So it, one way or  
22. another we have to know now whether we're going to  
23. do it. The program will not though become effective  
24. until July 1st. So as long as there is the advance warning  
25. and notice that it is going into effect, that is  
26. sufficient. And therefore, the bill is indeed an  
27. emergency if we're going to get this program into  
28. operation.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? On the motion to adopt, all  
31. in favor say Aye. Opposed Nay. The Ayes have it.  
32. The effective date is stricken, the immediate effective  
33. date. Further amendments?

1. SECRETARY:  
2. No further amendments.  
3. PRESIDING OFFICER: (SENATOR BRUCE)  
4. 3rd reading. Senator Vadalabene is recognized.  
5. Senator Rock, for what purpose do you arise?  
6. SENATOR ROCK:  
7. Just parliamentary inquiry of the Chair. Under  
8. that rule, I think the bill can be immediately considered.  
9. Is that not correct?  
10. PRESIDING OFFICER: (SENATOR BRUCE)  
11. That is correct. Without intervening business, it  
12. says once the effective date is stricken then the bill  
13. shall be under consideration on 3rd reading with the  
14. emergency clause and the effective date stricken. Senator  
15. Vadalabene is recognized.  
16. SENATOR VADALABENE:  
17. Yes, just let me make one short observation. That  
18. our Governor, Governor Thompson, said here in Springfield,  
19. said that the staggered registration would be implemented  
20. in connection with our multi year plate. And our former  
21. colleague, Senator Harris, campaigned with the pledge  
22. of implementing the staggered registration system, had  
23. he been elected. So with those two observations, with  
24. the Governor and our former colleague, Senator Harris,  
25. I would now move for a favorable vote to House Bill 2435.  
26. PRESIDING OFFICER: (SENATOR BRUCE)  
27. Any further discussion? Senator Shapiro.  
28. SENATOR SHAPIRO:  
29. Well I just want to point out to the Body that this  
30. bill was presented to us, particularly as this side,  
31. the Secretary of State did not want it amended so it  
32. wouldn't have to go back to the House. Now it has the  
33. amendment on it, it has to go back to the House, we

1. can just as well hold the bill here, clean it up, put it  
2. in good shape, and then pass it out at a later date. I  
3. don't think there's any emergency to it at all and  
4. what needs to be done with the bill could just as well  
5. be done next Spring.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? The question is shall House  
8. Bill 2435 pass. Those in favor vote Aye. Those opposed  
9. vote Nay. The voting is open. The Secretary informs  
10. me that yesterday two amendments were offered, but were  
11. not adopted. The Chair was in error and the board was  
12. in error. It was Amendment No. 3 which was, in fact,  
13. adopted. We are on House Bill 2433...35, with Amendment  
14. No. 3 being adopted. On the Order of 3rd reading. Have  
15. all voted who wish? Have all voted who wish? Take the  
16. record. On that question the Ayes are 35, the Nays are 3,  
17. 16 Voting Present. House Bill 2435 having received the  
18. constitutional majority is declared passed. House Bill  
19. 2350, Senator Carroll. Read the bill, Mr. Secretary.

20. SENATOR CARROLL:

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

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. What...excuse me, Senator Carroll. We have to read  
25. it a 3rd time.

26. SENATOR CARROLL:

27. No, this is on consideration postponed.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Oh, it's on consideration. Senator Carroll.

30. SENATOR CARROLL:

31. Thank you, Mr. President. This bill deals also with  
32. the area of hiding State funds and the bill very simply  
33. says that they shall not be hidden unless and until the

1. General Assembly gives a specific reason for allowing some  
2. type of local attention. Once again I think the Governor  
3. would want us to know what kind of monies are available  
4. to the State and where they are being kept and I would  
5. urge a favorable roll call.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there further discussion? The question is shall  
8. House Bill 2350 pass. Those in favor vote Aye. Those  
9. opposed vote Nay. The voting is open. The Motion is  
10. to Override on a Veto and the question is shall House  
11. Bill 2350 pass the Veto of the Governor to the contrary  
12. notwithstanding. Have all voted who wish? Have all voted  
13. who wish? Take the record. On that question the Ayes  
14. are 32, the Nays are 19, 2 Voting Present. The Motion  
15. to Override the Governor's Veto is lost and the Governor's  
16. Veto is sustained. On the Order of Consideration Postpone  
17. are two Motions. Senator Knuppel on 2379. Senator Knuppel  
18. is recognized.

19. SENATOR KNUPPEL:

20. Ladies and Gentlemen of the Senate, you heard my speech  
21. last night, I'm not going to give it to you again. I just  
22. don't think that there's any other section of the State  
23. that's been as...as deprived in the area of capital improvements.  
24. We don't have but one university in west central Illinois,  
25. two junior colleges and any of...anybody that rides their  
26. knows we haven't had any roads. I have always supported  
27. both sides of the aisle on matters of capital improvement  
28. needed in your respective areas and I shall continue to do  
29. so. I...I...feel very strongly about this project and I want  
30. to thank each and everyone of you, regardless of how this  
31. goes, for the support you've given me on so much of the  
32. legislation I've handled here. I've been very fortunate to  
33. have support from both sides of the aisle for a large part of

1. my legislation and I've always tried to give each bill its  
2. consideration every since I've been here, I'd like for you  
3. to do the same for me. Thank you very much.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? The question is shall the item on  
6. page 18, lines 5-12 of House Bill 2379 pass the Item Veto  
7. of the Governor to the contrary, notwithstanding. Those  
8. in favor vote Aye. Those opposed vote Nay. The voting  
9. is open. Have all voted who wish? Have all voted who wish?  
10. It requires 36 votes, it is an Item Veto. Senator Demuzio.  
11. Have all voted who wish? Take the record. On that question  
12. the Ayes are 36, the Nays are 15, none Voting Present. The  
13. item on page 18, lines...5 through 12 of House Bill 2379  
14. having received the required three-fifths vote is declared  
15. passed the Item Veto of the Governor to the contrary notwith-  
16. standing. 2379. Senator Knuppel is recognized.

17. SENATOR KNUPPEL:

18. Thank you very much and I'd appreciate the same roll  
19. call.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. There are two separate motions on 2379. Is there discussion?  
22. The question is shall the item on page 12, lines 13 and 14 of  
23. House Bill 2379 pass the Item Veto of the Governor to the  
24. contrary notwithstanding. Those in favor vote Aye, those  
25. opposed vote Nay. The voting is open. This will require  
26. a three-fifths vote. Have all voted who wish? Have all  
27. voted who wish? Take the record. On that question the  
28. Ayes are 36, the Nays are 16, none Voting Present. The  
29. item on page 12, lines 13 and 14 of House Bill 2379  
30. having received the required three-fifths vote is declared  
31. passed, the Item Veto of the Governor to the contrary notwith-  
32. standing. All right. Senator Demuzio.

33. SENATOR DEMUZIO:

1. I move to reconsider the vote.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Demuzio moves to reconsider, Senator Wooten  
4. moves that that motion lie upon the Table. All in  
5. favor of the Tabling Motion say Aye. Opposed Nay. The  
6. Ayes have it. The Motion to Reconsider is Tabled. Senator  
7. Knuppel.

8. SENATOR KNUPPEL:

9. Thank you.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. For what purpose does Senator Maragos arise?

12. SENATOR MARAGOS:

13. Mr. President, before we leave the business of the  
14. Regular Session I would like to point out that on each  
15. of the desk's of the Senators, there's a final report  
16. of the ad hoc committee of the Senate procedures. As  
17. many of you know, we passed the Resolution, 65, last  
18. March 24th in conjunction with the promise of our  
19. Senator President and the...this committee was in  
20. conjunction also with the Minority Leader, Senator  
21. Shapiro. This committee was formed of which I had  
22. the privilege of chairing. And the conclusion of the  
23. committee, when it met to draw this report, which was  
24. due by December 1, was first charged with the elimination  
25. of our legislative log jams. Second, a more effective  
26. use of our committees, three, the elimination of  
27. costly practices in the State Senate. Fourth, the  
28. establishment of means by the more...for the more orderly  
29. consideration of legislation and fifth, the improvement  
30. of the atmosphere in the Senate so that we can conduct  
31. our business in a more profession manner. The suggestion  
32. and recommendation that this committee has had after ten  
33. meetings and two trips to other Legislatures in the United  
34. States, we submitted to you on behalf of Senator Vivian  
35. Hickey, Frank Savickas, Pate Philip, Jack Roe and Ken

1. McMillan. I wish to congratulate also our staff people and  
2. our Parliamentarian, Dick Durbin, Mr. Halleck on the Republican  
3. side and Lisa Groesch. I'd like to say also that our Secretary  
4. Barbara Esela was very instrumental helping our committee get  
5. this job out. More important, Mr...President and members of  
6. the Senate, I would like all of you during the holidays, if  
7. you've nothing else to do while you're roasting chestnuts  
8. round the fire, to look at this report and coming next Spring  
9. to come to...suggestions of the Rules Committee so we can  
10. adopt many of these suggestions or alternate suggestions  
11. for the Senate procedures. And in closing I wish to  
12. commend our Senate President, Thomas Hynes, for his support  
13. in this area, even he himself may not just agree with all  
14. of our recommendations. He gave our committee a very  
15. free hand in adopting and in the procedures about which  
16. we used. And personally, I would also like to thank,  
17. especially Senator Vivian Hickey and Senator McMillan  
18. for their...their...their untiring efforts and cooperation  
19. through the...through these procedures and I trust that  
20. our efforts will be recommended by all the...will be  
21. studied by everyone and that the report will have some  
22. benefit for the Senate procedures. Thank you, Mr. President.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. For what purpose does Senator Kenneth Hall arise?

25. SENATOR KENNETH HALL:

26. Point of personal privilege.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. State your point.

29. SENATOR KENNETH HALL:

30. I have a communique here from Representative Corneal  
31. Davis, Assistant Majority Leader. It says State Representative  
32. Emil Jones, Jr. mother, Mrs. Marilla Jones, passed on  
33. Tuesday, November the 22nd, 1977. Services for Mrs. Jones



1. would be held at Mount Calvary Church located at 1257 West  
2. 111th Street, Chicago, Illinois, on Friday, November the 25th,  
3. 1977. The wake is at 7:00 p. m. and the funeral is at 8:00 p. m.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Thank you, Senator Hall. Is there leave to go to the  
6. Order of...Total Vetoes? Leave is granted. On the Order of  
7. Total Vetoes appears House Bill 186. Read the motion, Mr.  
8. Secretary.

9. SECRETARY:

10. I move that House Bill 186 Do Pass the Veto of the  
11. Governor to the contrary notwithstanding. Signed, Senator  
12. Hynes.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Hynes.

15. SENATOR HYNES:

16. Mr. President and members of the Senate. I rise to urge  
17. this Body to override the Governor's...Veto of House  
18. Bill 186. This bill would require that all Federal funds  
19. be appropriated by the General Assembly prior to expenditure  
20. unless there was a specific exemption. It is the work  
21. product of the Illinois Economic and Fiscal Commission.  
22. It is also something that has been desired by the members  
23. of Appropriations Committees in both Houses for as long  
24. as I have been here. I think it is an idea whose time  
25. should have come a long time ago. It's something that  
26. the Legislature needs in order to be a full and true  
27. partner in the appropriations process. This bill passed  
28. overwhelmingly in the House and Senate in the Spring.  
29. The best of my recollection, there were no negative  
30. votes anywhere along the line in the Legislative process.  
31. The House has now overridden the veto and I would suggest  
32. the Senate ought to do the same thing. The Economic and  
33. Fiscal Commission has done a great deal of work in this

1. area and has as a part of its membership, as all of you know,  
2. members of the Appropriations Committees and the Revenues  
3. Committees in both Houses and I think this is a...a bill  
4. which is the work product of those members and is the best  
5. judgment of the leading experts in the General Assembly  
6. on Fiscal Affairs. And I would therefore urge your support  
7. for this motion to override.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion? Senator Shapiro.

10. SENATOR SHAPIRO:

11. Well, Mr. President and Ladies and Gentlemen of the  
12. Senate. I want to make just a few comments in opposition  
13. to the override and I'm going to quote directly from the  
14. Governor's objections. And he states that the major reason  
15. for the use of non-appropriated funds is the flexibility  
16. that it does give in obtaining grants when the General  
17. Assembly is not in Session and that the bill would  
18. eliminate that flexibility. In other words, the...the  
19. fact that some of this, these Federal funds could become  
20. available while we are in...while we are not in Session  
21. could lead to the loss of these funds and for that reason  
22. I would object to the override of the Governor's Veto.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Netsch.

25. SENATOR NETSCH:

26. Thank you, Mr. President. The...I probably am strong  
27. ...a strong executive person as exists in the Legislature,  
28. but I really that that the...it is appropriate and timely  
29. for this to become law for two reasons. And I...I certainly  
30. don't want to jeopardize this by saying that when the State  
31. Constitution indicated that all funds were to be subject  
32. to the total scrutiny of the Legislature and all of them  
33. were to be subject to the appropriation process where  
34. appropriate. They really meant everything and I think that

1. this is one of the additional areas in which that mandate  
2. can be carried forward. It is not designed to tie the  
3. hands of the Chief Executive, to deny him flexibility or  
4. his agency's flexibility. It is to attempt to put every-  
5. thing on the record books so that all the money that is  
6. available to the State of Illinois for public expenditures  
7. is, in fact, known and traced. And I think on that basis  
8. it is a...it's a very sound approach. It is, as I say, I  
9. don't think it...now, particularly with annual Sessions  
10. and other devices, I think it does not in any way tie the  
11. Governor's hands or...or deny him that flexibility. And  
12. it seems to me that while it is a controversial issues in  
13. a number of...issue in a number of states at the present  
14. time, that it makes a great deal of sense to see that there  
15. is this kind of control over the flow of the funds involved.  
16. And I think it is a good bill and is one that should be  
17. supported now.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Washington.

20. SENATOR WASHINGTON:

21. Will the sponsor yield for one question?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. ...Senator Hynes indicates he will yield. Senator  
24. Washington.

25. SENATOR WASHINGTON:

26. Yes, I suppose Senator Netsch has in part answered  
27. this question, but I think we want a four square answer  
28. to the question posed by the Governor and he states in  
29. his Veto Message that it is possible that under this  
30. legislation the State could either lose certain Federal  
31. funds or the tendency of agencies to overestimate. I'm  
32. concerned about the first part, Senator Hynes, what is  
33. the real possibility of the State losing money if this

1. legislation is passed.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Hynes.

4. SENATOR HYNES:

5. Well, I think there's several answers to that, Senator  
6. Washington. First of all, we are in Session on a...an almost  
7. continuous basis at...at the present time and therefore the  
8. opportunity is present for the executive to put in the  
9. necessary appropriations bills and we have, in fact, passed  
10. some of those in this Session. Secondly, it is possible  
11. to specifically exempt, by legislative action, certain funds.  
12. And finally the...the amounts involved are...are not as  
13. significant as we might be lead to believe by the Veto Message.  
14. If the...the General Assembly and the Executive Branch are  
15. truly working as a partnership in this matter, no Federal  
16. funds will be lost. I think that the...the important part  
17. of the bill is that Federal funds have become a major, if  
18. not the major aspect of...of the State budget at this point  
19. in time and to have the General Assembly on the outside  
20. in that portion of the process simply dilutes substantially  
21. one of the most significant aspects of the responsibility  
22. of the General Assembly. So I do not believe that...that  
23. kind of problem is going to exist. We have had experience  
24. over the past several years, in particular with the Illinois  
25. Office of Education, which is constantly making applications  
26. for Federal Grants in various programmatic areas and there  
27. has been no problem to date. So I do not see it as a  
28. problem. I think that the State will not lose Federal Funds.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Buzbee.

31. SENATOR BUZBEE:

32. Thank you, Mr. President. I rise in support of the  
33. override attempt. I think this is a question not of...of  
34. Governor Thompson as opposed to a Legislature that is

1. controlled by the Democratic party at this point, being in  
2. opposition. I think this is a traditional sort of battle  
3. that is...we're seeing more and more coming about in...in  
4. State governments across this country and that is the  
5. executive as opposed to the legislative. And I don't mean  
6. that and I don't think that has to necessarily be an adversary  
7. relationship. But the fact of the matter is that the Constitution  
8. of our State says that the General Assembly shall have the  
9. appropriations authority and responsibility and it is my  
10. feeling as the chairman of one of the appropriation committees  
11. that we need to exercise that authority in every place we  
12. can. Because let me tell you, fellow members, as you very  
13. well know, the public looks to us for the spending respon-  
14. sibilities. They ask us what...what are you doing about  
15. State spending, et cetera. They don't look to the agencies,  
16. they don't...they hold us responsible and they hold us  
17. accountable and that's as it should be. It...it's my  
18. firm belief that we...we are going in absolutely the right  
19. direction here and that we need to continue on in...in  
20. this sort of...of a...of a atmosphere of more and more  
21. Legislative input and control as to the appropriations  
22. process. And as long as monies are exempt, we'd simply  
23. do not have the control. I think we are becoming more  
24. sophisticated in Illinois in the appropriations process and  
25. we're going to continue to become more sophisticated, but  
26. we can't do it as long as some agencies have the right  
27. to spend Federal funds without our having any say so  
28. as to whether they can spend them or not. And you know,  
29. don't forget once again, the Federal funds we're talking  
30. about are your and my dollars also. I had a gentleman in  
31. my district who had occasion to go to a State agency a  
32. while back to complain about the way they were spending  
33. their dollars. And the agency head in the local office

1. told him, he said, I don't know what you're complaining about,  
2. these aren't your funds, these are Federal dollars. And it  
3. so happened that the gentleman was a extremely conservative  
4. man in his outlook on...on spending and he certainly hit  
5. the ceiling and I agree with him rightfully so. These are  
6. Federal dollars, but they're your and my dollars. We need  
7. to have control over how they're being spent and I think  
8. that this is a...is the direction we have to be going in, it's  
9. not aimed at Governor Thompson, it's aimed at the Executive  
10. Branch period.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Maragos.

13. SENATOR MARAGOS:

14. Mr. President and members of the Senate. Senate Bill...  
15. I mean House Bill 186 covers a very vital point of a whole  
16. Constitutional and Legislative procedures and is one of  
17. the basic questions we have to ask ourselves whether we as  
18. Legislators really believe in the...in, of the Legislative  
19. overview of Appropriations and Revenue or not. We cannot  
20. use smoke screens and say that certain grants will be given  
21. and therefore we don't have a week or two or a month to be  
22. able to take care of those grants. The Governor and our  
23. Legislative leaders in both Houses have opportunity to call  
24. Special Sessions if an emergency arose where such a grant  
25. would be lost in the event we could...we were not in Session  
26. for a lengthy period of time. No executive, Mr. President  
27. and members of the Senate, likes any confinement of his or  
28. her powers, whether it be the State of Illinois or the  
29. United States or any other state. Historically, previous  
30. to 1969 in Illinois the budgetary process and the appropriation  
31. process was primarily in the hands of the Legislature because  
32. we had the Budgetary Commission. Since 1969 with the  
33. Ogilvie administration the...the appropriation process or

1. the budget process has become now executive in nature. By  
2. the same token, however, the powers of the Legislature to  
3. control and review that whole budgetary process has been  
4. crippled. We who are are...have been active in the Illinois  
5. Economic and Fiscal Commission feel, Mr. President, may I  
6. have a little order, please?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Yes. May we have some order.

9. SENATOR MARAGOS:

10. Mr. President and members of the commission and the  
11. Senate, we feel that all of us who have been on the Illinois  
12. Economic Fiscal Commission and all of you...all of us  
13. responsible Legislators on both sides of the aisle, have  
14. studied this problem and feel that we should not allow any  
15. executive agency to thwart our ability over you and to super-  
16. vise the appropriation process. We are given exclusive  
17. process under the Constitution to raise revenue. How will  
18. we know we need revenue to be raised if we don't know if  
19. certain grants will include matching funds? Mr. President  
20. and members of the Legislature and the Senate here especially,  
21. and I appeal to the leaders on the other side of the aisle.  
22. This matter goes to the heart of the question, whether the  
23. Legislature will be given the opportunity to exercise his  
24. Constitutional Mandate or not. If we don't pass this bill  
25. that means we are giving up our Constitutional right of  
26. overruling this whether we like the particular Governor  
27. or not, it has nothing to do with the political arena, but  
28. rather what it has to do with the Constitutional question.  
29. I ask your support of Senate Bill 180...House Bill 186.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further discussion? Senator Hynes, do you wish to  
32. close? Senator Hynes, do you wish to close?

33. SENATOR HYNES:

34. Just to say very simply, Mr. President, that this is

1. an important bill if you believe in the legislative process  
2. and the right of the Legislature to be an equal partner  
3. in government with the Executive. Under the Constitution  
4. that is the set-up as things have gone because of the  
5. intervention of the Federal government and the continuing  
6. increase in the availability of Federal funds and the significant  
7. impact that Federal monies have on government. The Legislature  
8. has been slowly slipping into a distinct second place. This  
9. will make us a true partner in the appropriations process  
10. and I would urge the members to vote accordingly and vote  
11. Aye for this motion.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The question is shall House Bill 186 pass the Veto  
14. of the Governor to the contrary notwithstanding. Those  
15. in favor vote Aye. Those opposed vote Nay. The voting  
16. is open. Have all voted who wish? Have all voted who  
17. wish? Take the record. On that question the Ayes are  
18. 34, the Nays are 11, 5 Voting Present. The motion having  
19. failed to receive three-fifths of the majority is declared  
20. lost and the Veto of the Governor is sustained. Senator  
21. Lemke, for what purpose do you arise?

22. SENATOR LEMKE:

23. In checking the vote on House Bill 1500, I...

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Lemke.

26. SENATOR LEMKE:

27. Point of personal privilege. I notice in checking  
28. the vote on House Bill 1500, the...Senate...House Bill  
29. 1500, I notice that my vote was not registered on that  
30. bill. Had I been here yesterday, I would have voted for  
31. the bill. Let the record show.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. The record will so show. Senator Donnewald, it was



1. my understanding according to you that we would adjourn at  
2. noon and the hour of noon having arrived, do you plan to  
3. continue or...

4. SENATOR DONNEWALD:

5. Well, we stopped the clock.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Oh, all right. Several people are asking how long we  
8. will go, I take it we will go past noon.

9. SENATOR DONNEWALD:

10. Well, we're going to have turkey at noon tomorrow.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Turkey at noon tomorrow. All right. On the Order of  
13. Total Vetoes, House Bill 1109, Senator Rhoads. House Bill...  
14. for what purpose does Senator Soper arise?

15. SENATOR SOPER:

16. Well, I didn't understand what, thank you, Mr. President.  
17. What Senator Donnewald said. Did he say this turkey will  
18. continue tomorrow or what? Oh, that's all I wanted to know.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Hynes, for what purpose do you arise?

21. SENATOR HYNES:

22. Mr. President, there are some additional items in  
23. the Regular Session, but I would suggest that in order  
24. to move through the other Sessions, because some of those  
25. bills will have to go over to the House, that we...Senate  
26. ...the Regular Session stand in recess and that we then  
27. move into the 1st and 2nd...1st and 2nd Special Sessions.  
28. And then we will come back to handle House Bill 1010 for  
29. Senator Netsch and any other matters that...

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Buzbee was inquiring about 687. Could we take  
32. that now or shall...

33. SENATOR HYNES:

1. Well I...I think in view of the fact that the...that the  
2. House is waiting for some of it, if we could go into these  
3. two in the 1st Special Session.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Hynes moves that the 1st, that the Regular  
6. Session stand in recess subject to the call of the Chair.

7. RECESS

8. AFTER RECESS

9. PRESIDENT:

10. Regular Session will please come to order. On the  
11. Order of Consideration Postponed is House Bill 1010.  
12. Senator Netsch. For what purpose does Senator Buzbee  
13. arise?

14. SENATOR BUZBEE:

15. Mr. President, Senator Netsch indicates that maybe  
16. she may need a minute or two to get it together here  
17. and I have one I'm ready to go on if it's all right, 687  
18. on...

19. PRESIDENT:

20. All right. On the Order of Specific Recommendations  
21. for Change OVerride is House Bill 687, Senator Buzbee.

22. SENATOR BUZBEE:

23. Thank you, Mr. President.

24. PRESIDENT:

25. Read...read the motion, Mr. Secretary.

26. SECRETARY:

27. I move that House Bill 687 Do Pass the Specific  
28. Recommendation of the Governor to the contrary notwithstanding.  
29. Signed, Senator Buzbee.

30. SENATOR BUZBEE:

31. Thank you, Mr. President. This is a bill that originated  
32. from the Office of Education. The House sponsor was Representative  
33. Bill Walsh. The idea in the bill is to bring the line item for

1. special education for orphans to current funding rather than  
2. to...repay a year behind like we do all of the line items  
3. in special ed. at the present time. Since these children  
4. are, in fact, absolute wards of the State, that is the  
5. orphans, that the feeling is in the Office of Education that  
6. the school districts ought to be reimbursed on a current  
7. funding basis. So that quarterly now, they will be...they  
8. will receive their reimbursement for the expenditures they  
9. have just made rather than the expenditures they made a  
10. year previously. There were two amendments put on. One by  
11. Representative Walsh and one by myself. The one by myself  
12. said that if the school district would have received more  
13. money by using last year's funding than they would have  
14. received by using this year's funding. They would be  
15. entitled to that higher amount. A kind of a current  
16. hold harmless, if you will. Representative Walsh put on  
17. an amendment which said that at any point down the line,  
18. if one of these school districts should go out of this  
19. business, that then for school year 1976-77 which is the  
20. school year that is not being reimbursed with our bringing  
21. it forward to the current basis. That if at any point the  
22. school district were to go out of the business of special  
23. education for orphans then they would be reimbursed. That  
24. school district would be reimbursed for school year 1976-77.  
25. Let's say that in 1984, if a school district goes out of that  
26. business they could go back to the State at that time and  
27. say okay, now for year 1976-77 you never paid us, you owe  
28. us that, pay us now. Representative Walsh put that amendment  
29. on. The Governor vetoed, amendatorily vetoed that amendment  
30. out. I still don't understand why. The Veto Message does  
31. not get at the reason at all, as a matter of fact, the Veto  
32. Message is completely off the mark in that it indicates that  
33. somehow or other maybe somebody might get paid twice. And  
34. there's no possibility they're going to get paid twice. The

1. Bureau of the Budget indicates to me that that Veto Message  
2. is not what they really intended for it to say. Now Representative  
3. Walsh filed in the House and successfully overrode the  
4. Governor's Amendatory Veto and I one hundred percent concur  
5. with that action. And in fact that is the only possibility  
6. to have now, it to...for the Senate to override the Veto and  
7. concur with what the House did or to let it go down the  
8. tubes altogether. If we let it go down the tubes altogether  
9. that's going to put a lot of school districts in a...in a real  
10. bad bind and I would respectfully request your support in over-  
11. riding this Amendatory Veto.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Is there any discussion? The question is shall House Bill  
14. 687 pass the Specific Recommendations of the Governor to the  
15. contrary notwithstanding. Those in favor will vote Aye. Those  
16. oppose will vote Nay. The voting is open. Have all voted who  
17. wish? Have all voted who wish? Take the record. On that  
18. question the Ayes are 42, the Nays are 7, 3 Voting Present.  
19. House Bill 687 having received the required three-fifths vote  
20. is declared passed the Specific Recommendations of the Governor  
21. to the contrary notwithstanding. On the Order of Overrides,  
22. Specific Recommendations for Change on page 5 of the Calendar  
23. is found House Bill 1010. Senator Netsch.

24. SENATOR NETSCH:

25. Thank you, Mr. President. This is the last opportunity  
26. to vote to punish severely those who have brought about the  
27. kind of abuse of children that is represented in the child  
28. pornography that has made its way into the marketplaces in  
29. this country. The bill as originally conceived is intended  
30. to reach those who are the real perpetrators of the crime.  
31. It is less severe on those who distribute and, in fact, its  
32. principal focus, is not that group at all. What it says  
33. is that those who solicit the children, who get them to pose

1. and, in fact, perform these acts which are then photographed,  
2. are criminals of the first order, they ought to be punished  
3. as Class I felons, not as Class III felons. Yesterday you  
4. passed a very tough law and order bill. For the life of  
5. me, I do not understand why a practice which is universally  
6. condemned should not also be subject to a tough law and  
7. order standard. This bill, which is much more carefully  
8. drawn, which avoids the obscenity problems entirely and  
9. focuses the attention on the perpetrators and does it by  
10. redefining indecent liberties is the kind of bill that  
11. will reach those who are the real criminals in this activity.  
12. I would urge your support.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Is there any discussion? Question is shall House Bill  
15. 1010 pass the Specific Recommendations of the Governor to  
16. the contrary notwithstanding. Those in favor will vote Aye.  
17. Those opposed will vote Nay. The voting is open. Have  
18. all voted who wish? Have all voted who wish? Have all voted  
19. who wish? Take the record. On that question the Ayes are  
20. 33 the Nays are 17, 4 Voting Present. The motion fails.  
21. Senator Regner, are we ready to proceed on 2481? How about...  
22. Senator Egan on the Floor? Senator Vadalabene, for what  
23. purpose do you arise?

24. SENATOR VADALABENE:

25. Yes, thank you, Mr. President. While you're having a  
26. few seconds to spare, I would like to at this time to all  
27. the members of the Senate. As you know, I handle quite a  
28. bit of legislation, win some and lose some. However, I  
29. have come back from a very serious illness which I had last  
30. year and I do want to appreciate to each and every one of  
31. you the hospitality and the courtesy that you had given  
32. me in the ninety some bills that I sponsored this year  
33. and I want to wish each and every one of you a very happy

1. Thanksgiving.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Regner, are we ready on 2481. All right. On  
4. the Order of House Bills 3rd reading, is found House Bill  
5. 2481. Senator Regner seeks leave of this Body to bring  
6. House Bill 2481 back to the Order of 2nd reading for the  
7. purpose of amendments. Is leave granted? On the Order  
8. of House Bills 2nd reading, House Bill 2481.

9. SECRETARY:

10. Amendment No. 15 offered by Senator Carroll.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Bruce, for what purpose do you arise?

13. SENATOR BRUCE:

14. Yes, thank you, Mr. President. On Amendment No. 14  
15. I voted on the prevailing side. That is the amendment  
16. Senator Mitchler offered which deletes a hundred and eight  
17. thousand dollars to...for people on representation for  
18. the Illinois Commerce Commission having voted on the prevailing  
19. side, I would move to reconsider the vote by which Amendment  
20. No. 14 was adopted. We had substantial debate last evening  
21. over this amendment. It was called and adopted on a voice  
22. vote and many of us were not aware that it was being offered.  
23. and I would move to reconsider.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. All right. Senator Bruce has moved to reconsider the  
26. vote by which Amendment No. 14 to House Bill 2481 was adopted.  
27. Is there any discussion? Senator Nimrod.

28. SENATOR NIMROD:

29. Mr. President, I would like to hear, at least from Senator  
30. Bruce, and then I'd like to make some comments as to what his  
31. reason is for wanting to reconsider this vote since by taking  
32. this particular money that we're talking about is a hundred  
33. and eight thousand dollars. This money is money that's come

1. from the Federal Government on Energy Conservation Program  
2. and what it is, it's supposed to be Federal money that  
3. supposed to be used for energy conservation efforts. Getting  
4. it to an agency on manpower to fight for some consumers  
5. is certainly not an Energy Conservation Program. In no way  
6. will the State lose this money if we leave it...if we just  
7. leave it in the Energy Conservation Program and the Division  
8. of Energy can then apply or the Governor can put it in what-  
9. ever use he wants to do with it. So we're not going to lose  
10. any money by...by the action of not including it into this  
11. program. Presently, what you're trying to do is reconsider  
12. and put that hundred and eight thousand dollars back in  
13. here so that, in fact, we can have a study by the...by the  
14. manpower session in an effort to conduct the study and pit  
15. one State agency against another with Federal funds to  
16. represent people when this is really not the purpose or what-  
17. ever we should be pursuing. And I...I'd like to know what  
18. Senator Bruce's purpose is for trying to do this.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Bruce.

21. SENATOR BRUCE:

22. Thank you, Senator Nimrod. I'll give you a prime  
23. example that was brought to my attention by the attorney  
24. who represents the City of Chatham, Illinois. All last  
25. Summer and last Winter, we were told by the utilities  
26. company, turn down your thermostats, don't use electricity,  
27. try to do everything you can to conserve power. Well,  
28. that's an interesting concept for utility companies. The problem  
29. is they have gone before the Commerce Commission and they  
30. have a little rule in there that says, any community that  
31. purchases power from the...from another utility has to pay  
32. the highest rate for a twelve month period. So while many  
33. of us throughout the State of Illinois, set back, reduce  
34. our electric heaters, reduce the amount of power we use.

1. In the Summertime if we turned on our air conditioners, we  
2. found out it wasn't...it wasn't how well we did during the  
3. Winter of last year, it's how much power we used in June  
4. and July and the company charged the City of Chatham and  
5. the people who have power there, the highest rate and that  
6. is done in a great number of communities throughout the  
7. State of Illinois. I, for one, would like to have someone  
8. tell the consumers that. To take that case before the  
9. Commerce Commission, say look, if we reduce consumption  
10. we don't want to be rated on the highest month. Let's  
11. at least have the average month or something else, but  
12. I think that that is one prime example where energy  
13. conservation could be used and this...and this council  
14. should be before the Illinois Commerce Commission  
15. pressing that point.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Nimrod.

18. SENATOR NIMROD:

19. Senator Bruce, they can still do this and we don't  
20. need to take Federal money to have the City of Chatham  
21. do that. They can do this without having to have anything  
22. going in their heads. Absolutely, nothing to do with it.  
23. What we're really doing is creating an area for and I  
24. received a notice from the Department as to what they  
25. intend to do with the money and it does not include what  
26. you're suggesting. It includes taking care of those  
27. that are underprivileged who cannot go there to provide  
28. transcripts for them and records and plead the cases  
29. for individuals before the Commerce Commission. This  
30. is totally, to my way of thinking certainly, not the  
31. purpose for which these funds were provided and certainly  
32. we should not be having one State agency to spend funds  
33. and be organized to work against another State agency.



1. If there's something wrong with the Commerce Commission, let's  
2. straighten out the Commerce Commission.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. All right. The question before the Body is Senator  
5. Bruce's motion to reconsider the vote by which Amendment  
6. No. 14 was adopted. A number of members have indicated  
7. they wish to be heard. Senator Mitchler.

8. SENATOR MITCHLER:

9. Thank you, Mr. President. Senator Bruce I...I'm  
10. going to concur with Senator Nimrod's remarks and this  
11. amendment was put on for a specific reason and I think  
12. the reason is very valid. It removes a hundred and  
13. eight thousand, eight hundred dollars for the creation  
14. of an office to assist families in representing their  
15. interest before the Illinois Commerce Commission. Now  
16. I don't think that the Illinois Commerce Commission, that  
17. name really is overly popular with anyone because it  
18. is always that commission that authorizes any increase  
19. in utility rates, whether it be the telephone, the  
20. electric or the gas and they're the ones that authorize  
21. this rate. It's not done by the General Assembly. And  
22. they are appointed and they are, you might say, untouchables,  
23. in...in many degrees, however, that is a constituted body  
24. of State Government and those people are appointed, confirmed  
25. by this Body and they have a responsibility that's covered by  
26. the Statute to regulate and control these rates. Now, I  
27. don't think it's proper that we make an appropriation of  
28. hundreds of thousands of dollars that come into the State  
29. of Illinois to be used for energy conservation, to be  
30. given to a group that goes before this constituted Body,  
31. the Commerce Commission members. It tries to be contrary  
32. to what they're doing. Now I...I communicate, individually  
33. as a Senator, as a citizen with the Illinois Commerce

1. Commission about many things. And I get responses from  
2. them. In many cases I am heard, in many cases I don't  
3. get the action that I want. But everybody can't win every-  
4. thing, but to take a hundred thousand dollars and to give  
5. these advocates, this can continue to grow and grow and  
6. grow and grow and you'll be up into millions of dollars.  
7. Funding people to go before a constituted body to...to  
8. negate things that they're constitutionally authorized  
9. to do. Or maybe that we should find some of these big  
10. appropriations and have a group that can go in front of  
11. the Regional Transportation Authority up there that's  
12. a constituted body. I don't like the things they're  
13. doing and when they want to paint all the buses on  
14. the CTA orange, blue and brown instead of leaving them  
15. green and white or whatever other color they are and  
16. cost three million dollars. Maybe we should pay out  
17. some money to some people and go up there and fight  
18. our cause for that. I don't think that's the way  
19. to do it. And I wouldn't be in favor of haing appropriation  
20. of funds for that purpose any more that I would for a  
21. group like this. If you've got a problem with the Commerce  
22. Commission, let's go after the Commerce Commission. We're  
23. big enough boys and girls down here to do that and we got  
24. the power to do it. We don't have to hire lobbyists out  
25. there, little boys and girls to run and do it. Lets  
26. us big boys and girls do it.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Mitchler, your time had expired. Senator  
29. Wooten.

30. SENATOR WOOTEN:

31. Thank you, Mr. President and colleagues. It is cause  
32. of some wonder that a very well conceived program by  
33. Governor Thompson is being sabotaged principally by  
34. people of his own party. We went through this last night.

1. Oh, believe me, I'm not shedding any tears for the man, I  
2. simply think that you're divided in a strange way. We  
3. ...we went over this yesterday and we had a clear expression  
4. of opinion from the Body that we wanted this funded. The  
5. issue, as clearly stated yesterday, was concerning the  
6. small consumer. If you want to contend with things like  
7. lifeline, if you want always be reacting to the anger and  
8. frustration of small consumers and not give them an avenue  
9. by which they can approach the ICC, then ignore the program.  
10. We are not spending massive amounts of money. It's a  
11. hundred and eight thousand dollars. This program is  
12. broadly supported across the State. You've been contacted,  
13. you know it. It's a well-conceived program that gives  
14. you, as a represent of your people, an avenue to which to  
15. direct them. And I tell you, that's something I feel the  
16. need of. They're plenty of institutions and organizations  
17. with lots of money and lots of expertise to go before  
18. the ICC, but the average citizen can only write a letter.  
19. This gives them the means of making themselves heard.  
20. Their opinion is felt in a very direct manner. I think  
21. the real debate on this was last night and it was...it  
22. was sustained. I think that what happened earlier today  
23. was an aberration and we ought to go on record again in  
24. support of this program. Reconsider and defeat Amendment  
25. 14. By the way, Senator Collins has lost her voice.  
26. She wants it be known that she is back today and certainly  
27. in full support of this measure.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Berman.

30. SENATOR BERMAN:

31. Thank you, Mr. President. I rise in support of the  
32. motion to reconsider. I think this is a very important  
33. bill. Forty of us are up for reelection next year. We

1. have not done much for consumers in this Legislative Session.  
2. This is one issue that is square on that issue. Are you  
3. for the consumer or are you against them. In order to work  
4. their way through the jungle of rate increase litigation  
5. they need some help. The little consumer does. This money  
6. helps that consumer. If you're going to vote Aye to  
7. reconsider, you're voting with the consumer. If you vote  
8. against it, you're voting against the consumer. It's  
9. just that simple. I hope the roll call gets distributed  
10. very broadly around this State to see who's with and  
11. who's against the consumer.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Berning.

14. SENATOR BERNING:

15. Well, thank you, Mr. President. I want to take issue  
16. with the comments of the last speaker, Mr. President. I  
17. think it is totally presumptuous for any member of this  
18. Legislative Body to interpret publicly or privately, to  
19. or for the news media, what the intentions of any of  
20. us is in casting our vote. And I want to have it clearly  
21. understood that I resent the implication that if I vote  
22. one way, I am for somebody, if I vote another way, I am  
23. for somebody else. Purely and simply, I am for the tax-  
24. payers if I vote against spending of money. With that,  
25. Mr. President, I thank you.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Further discussion? Senator Schaffer.

28. SENATOR SCHAFFER:

29. Senator Berman, I'll take issue with your last  
30. comment, too. I think there is another way to look at it.  
31. If you're happy with the Commerce Commission you can  
32. vote against this motion and if you're unhappy with the  
33. Commerce Commission, you can vote for it. I'm personally  
34. unhappy.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Is there any further discussion? Senator Bruce, you
3. wish to close the debate?
4. SENATOR BRUCE:
5. Thank you, Mr. President...
6. PRESIDING OFFICER: (SENATOR ROCK)
7. Senator...Senator Bruce, hold it a minute. Senator
8. Nimrod, for the second time.
9. SENATOR NIMROD:
10. Yes. Yes,
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Okay.
13. SENATOR NIMROD:
14. Just one matter of clarifying point so we understand
15. what we're really talking about. This department is
16. involved with administrating one hundred and twenty-five
17. million dollars of CETA money and other monies. We're
18. not touching that. What's there...department... This
19. amendment involves only a hundred and eight thousand
20. dollars. The...what we're trying to do when you talk about
21. a very minimal amount of money that being taken from the
22. Energy Conservation Program and given this money for some
23. special project of representing them on something they
24. shouldn't be involved in. They should not be jeopardizing
25. the CETA programs just to...in order to get a hundred
26. and eight thousand dollars where...when they already have
27. a job of administering a hundred and twenty-five million.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Any further discussion, finally? All right. Senator
30. Bruce may close the debate.
31. SENATOR BRUCE:
32. Thank you, Mr. President and members of the Senate.
33. I have a great deal of confidence in the Senate here.

1. I hear today that this program is going to have a domino  
2. effect, we're going to have all kinds of other consumer groups  
3. represented, for somehow that doesn't frighten me very  
4. much, but I thought that each one of those consumer groups  
5. would come back before this...Legislature for additional  
6. money. And so although this program is only a hundred and  
7. eight thousand, perhaps it will grow. But everytime it  
8. grows, it will be decided by this Body, not by the Governor  
9. or anyone else whether or not any additional money ought  
10. to be appropriated. And I have confidence in this Body  
11. that they will spend the money wisely. I think that this  
12. is a very appropriate place to spend one hundred and  
13. eight thousand dollars. Senator Nimrod talked about a  
14. hundred and twenty-five million in grants, that goes...  
15. through agencies throughout the State of Illinois. We're  
16. talking about the only money going to this particular  
17. function of State Government and those of you who have  
18. appeared before the Illinois Commerce Commission,  
19. let me tell you, it is a very difficult proposition. I  
20. happened to represent a widow in my district as pro bono  
21. publico, without fee and before the Commerce Commission  
22. when I had to appear before the utilities examiner I  
23. certainly was not competent to hear that case, but for  
24. that widow to receive any kind of assistance, it was  
25. impossible. Thirteen attorneys appeared on behalf of  
26. the...of the utility company along with an expert born  
27. in Scotland. Now that is the kind of thing that a consumer  
28. faces when he appears before the Illinois Commerce Commission.  
29. I had a rude awakening about the sort of things you have  
30. to do as a consumer to get things changed by utility  
31. companies and I think I would have appreciated and certainly  
32. Mrs. Ecko would have appreciated assistance from a consumer  
33. oriented organization. I would hope that I could get the

1. support on reconsideration of adoption of Amendment 14.  
2. PRESIDING OFFICER: (SENATOR ROCK)  
3. Senator Bruce has moved to reconsider the vote by  
4. which Amendment No. 14 to House Bill 2481 was adopted.  
5. Those in favor of the motion to reconsider will vote  
6. Aye, all those in favor of the motion to reconsider vote  
7. Aye. Those opposed. Roll call has been requested.  
8. Those in favor of the motion to reconsider will vote  
9. Aye. Those opposed will vote Nay. The voting is open.  
10. (Machine cutoff)...all voted who wish? Have all voted  
11. who wish? Take the record. On that question the Ayes  
12. are 35, the Nays are 16, none Voting Present. The motion  
13. carries. Now before the Body is the...the question of  
14. the adoption of the Amendment No. 14. Senator Bruce.  
15. SENATOR BRUCE:

16. Thank you, Mr. President. I...I move to Table  
17. Amendment No. 14.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Bruce has moved to Table Amendment No. 14.  
20. All those in favor signify by saying Aye. All those  
21. opposed. In the opinion of the Chair, the Ayes have  
22. it. The amendment is Tabled. Further amendments?

23.  
24.  
25.

END OF REEL

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1. SECRETARY:

2. Amendment No. 15 offered by Senator Carroll.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Carroll.

5. SENATOR CARROLL:

6. Thank you. No, this is not the same amendment back again,  
7. as some people are scared and may I have leave of the Body  
8. just to take a moment, since I didn't speak in debate on the  
9. last amendment as to my own position having no objection to the  
10. people involved or what they were trying to do, but a  
11. memorandum we received from another department of State government  
12. that has, in fact hired some people to do some work that they  
13. should have been doing and I'd like you to listen for a second  
14. and this is why I opposed this particular allocation of funds  
15. that we just dealt with. And I won't tell you specifically the  
16. names that are mentioned in here of the department heads.  
17. I don't want to embarrass them but see if you can understand  
18. this. I am requesting that the facilities that are scheduled  
19. for each of you for the month of November, 1977, also be used  
20. by you for your December schedule. I am also requesting that all  
21. of you who have all facilities that are listed on your  
22. November schedule be completed no later than December 15th.  
23. If, for any reason, you cannot complete all of the November  
24. schedule by December 15th, then it is imperative that you  
25. contact so and so and let him know. If you are able to complete  
26. your November schedule prior to December 15th, let me know so that  
27. I may reassign you additional work. If you will not be receiving  
28. a December schedule since I am assigning you your schedule for  
29. November to be continued and completed by December 15th.  
30. Now, they claim that this was done because a mandate by the  
31. Federal Government and in compliance and therefore, they went  
32. out and hired an...an additional hundred people to do their work  
33. that nobody can understand what their first work was, their



1. second work or their third work. This, to me, and I won't  
2. read the rest of it, is the problem we are getting into in  
3. State Government. They are issuing directives and memorandums  
4. to fill time. They are talking in gobbledygook. They are  
5. telling you to do in December what you were supposed to do  
6. in November and then do it again in December because you didn't  
7. do it in November, but if you do it early, we'll give you more  
8. and the problem with it is that after having read it ten times,  
9. I'm starting to understand it and that scares me. Now,  
10. on Amendment 50...right, this is, Doc Davidson, the appropriation  
11. or...for a million eight sixty-six for construction of the  
12. Public Affairs Center at Sangamon State. There's been a lot of  
13. debate about this as to what the funds should be, whether or not  
14. they should be bid or rebid. The final decision reached with  
15. CDB and with the school system is to give the Board of Regents  
16. the million eight six six which is in effect, the educational  
17. phase of that project with the clear and complete commitment  
18. and understanding that they will not be back for ever or ever  
19. to do any more work on this particular project. With that  
20. understanding and commitment from them and the sponsors of the  
21. project here in the General Assembly, we have agreed to go with  
22. this particular amount at this time and I would thereby,  
23. move you, Mr. President, that we do adopt Amendment No. 15.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Carroll has moved the adoption of Amendment No.  
26. 15 to House Bill 2481. Is there any discussion? Senator Bloom.

27. SENATOR BLOOM:

28. Has the bidding been unmessed up?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Carroll.

31. SENATOR BLOOM:

32. Does it...does it not reach to that particular issue?

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Carroll.

2. SENATOR CARROLL:

3. I don't know. There has been a...I can only give you  
4. my opinion from what I heard and I asked not to hear too much  
5. of it, that it has been bid and rebid and that this is within  
6. the level of the rebidding but not the first bidding but  
7. takes out substantial number of the items that would have been  
8. in the second letting, had there been one. I assume that they  
9. will allow, and it's just an assumption, that they could allow  
10. the second bid as to this dollar amount to stand and hold the  
11. contractor to it. We do have a commitment, however,  
12. that there will be no extras, there will be no add-ons, there  
13. will be no supplementals, there will be no requests  
14. for any additional funds whatsoever and they and the contractors  
15. involved will have to live within this figure and that  
16. sobeit.

17. PRESIDING OFFICER; (SENATOR ROCK)

18. Senator Bloom.

19. SENATOR BLOOM:

20. Well, you know, there...there was first bidding and  
21. second bidding and new and revised bidding and at one point, I  
22. thought there was a commitment that they would start all over.  
23. But the other thing, this commitment you referred to, have you  
24. got anything in writing from these people, from Brother  
25. Glickman?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Carroll.

28. SENATOR BLOOM:

29. Anything in writing?

30. SENATOR CARROLL:

31. I doubt it. It's my understanding that they have a bid at this  
32. figure that it's my understanding that they were contemplating  
33. doing a lot of other work in addition to this work when they

1. put this out for bid at this figure. I don't think that they  
2. will rebid it. We have nothing in writing one way or the other.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Bloom.

5. SENATOR BLOOM:

6. I'll keep it brief. We all want to get home. This...  
7. I still share Senator Rupp's concern. You know, Ayemon is the  
8. project, No on the whole bidding procedure. So, maybe they ought  
9. to start from the beginning and then come back in for their  
10. money. I'd have to oppose this amendment. Thank you.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Carroll has moved the adoption of Amendment No.  
13. 15 to House Bill 2481. Any further discussion? All those in  
14. favor signify by saying Aye. All those opposed. The Ayes have  
15. it. The amendment is adopted. Further amendments?

16. SECRETARY:

17. Amendment No. 16 offered by Senator Carroll.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Carroll.

20. SENATOR CARROLL:

21. Thank you. As we promised you last night, we would think  
22. about the downstate schools problem again and we have and with  
23. the commitment and understanding reached by the minority side of the  
24. aisle, through the Minority Leader of the House and the Senate  
25. and the Governor of the State of Illinois, that these dollars  
26. which will be borrowed from the Chicago portion of the  
27. three hundred million original authorizations, the approximate  
28. fifteen million that is being borrowed from Chicago to pay for  
29. downstate schools will be replaced dollar for dollar next year.  
30. I would thereby move the adoption of Amendment No. 16 which  
31. would increase the amount for downstate schools to fifteen million  
32. from the ten million eight we had adopted last night.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Carroll has moved the adoption of Amendment No.  
2. 16 to House Bill 2481. Any discussion? All those in favor signify  
3. by saying Aye. All those opposed. The Ayes have it.  
4. The amendment is adopted. Further amendments?

5. SECRETARY:

6. Amendment No. 17 offered by Senator Nimrod.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Yes, Mr. President and fellow Senators. In light of  
11. Senator Carroll's comments, I thought you might want to reconsider  
12. the amendment again here, so that it would be acceptable and  
13. you have a chance to think about this whole confusion that we're  
14. involved in and I would ask you to delete the hundred and  
15. eight thousand dollars.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Nimrod has moved the adoption of Amendment No. 17  
18. to House Bill 2481. Any discussion? Senator Berman.

19. SENATOR BERMAN:

20. Mr. President, I rise on a point of order. This amendment  
21. is inconsistent with the action taken on Amendment 14, I believe  
22. it was.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Bruce.

25. SENATOR BRUCE:

26. Well, under our rules, I believe that amendments once  
27. considered cannot be reoffered and if this amendment is identical  
28. to Amendment No. 14 it would not be in order, if this Body has  
29. already taken action on 14, which we have done and Tabled.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. The Parliamentarian is checking the rule. We will be with  
32. you shortly. Yes, Senator Nimrod.

33. SENATOR NIMROD:

1. Yes, Mr. President, it...come to my attention that  
2. if an amendment is exactly the same as one that was presented  
3. before, that it cannot be accepted, is that correct?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. That...

6. SENATOR NIMROD:

7. Well, in that case, I will withdraw the amendment because  
8. it is exactly the same.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. All right. Amendment No. 17 has been withdrawn. Any further  
11. amendments?

12. SECRETARY:

13. No further amendments.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. 3rd reading. Introduction of Bills.

16. SECRETARY:

17. Senate Bill 1419 introduced by Senators Maragos and  
18. Graham.

19. (Secretary reads title of bill)

20. 1st reading of the bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Rules Committee. Senator Egan, for what purpose do  
23. you arise?

24. SENATOR EGAN:

25. Well, I'd like, Mr. President, if you would call House Bill  
26. 2461, 2, and 3.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. House Bills, 3rd reading. On the Order of House Bills,  
29. 3rd reading, is House Bill 2461. Read the bill, Mr. Secretary.

30. SECRETARY:

31. House Bill 2461.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Egan.

2. SENATOR EGAN:

3. Thank you, Mr. President and members of the Senate.  
4. This, with the other two bills, are all companion bills  
5. involving the deferred compensation plan which took three  
6. hours of hard work to finalize...get through the...the  
7. Internal Revenue Department and it's ready to go in January  
8. if now, according to the Attorney General, we passed these  
9. three bills. I would say that we could handle them altogether  
10. but there are amendments requested for the next two bills  
11. and so if we take 2461 and bring the other two back to 2nd,  
12. amend them and bring them back, we can pass the other  
13. two, but just to begin with, the Attorney General, relative  
14. to this bill, states that "the requirements in relation  
15. to the handling of earnings and increases require a Statutory  
16. reconciliation not presently provided, the absence of which  
17. throws doubt on the constitutionality of the plan."  
18. They're technical, they're necessary. I commend them to your  
19. approval.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Is there any discussion? The question is shall  
22. House Bill 2461 pass. Those in favor will vote Aye.  
23. Those opposed will vote Nay. The voting is open. All voted  
24. who wish? Have all voted who wish? Take the record. On that  
25. question the Ayes are 48, the Nays are 4, 1 Voting Present.  
26. House Bill 2461 having received a constitutional majority is  
27. declared passed and the bill having received the affirmative  
28. vote of three-fifths of the members elected is effective  
29. immediately upon its becoming a law. On the Order of House  
30. Bills, 3rd reading, is House Bill 2462. Senator Egan seeks leave  
31. of this Body to bring House Bill 2462 back to the Order of  
32. 2nd reading for purposes of an amendment. Is leave granted?  
33. On the Order of House Bills, 2nd reading, House Bill 2462,

1. Mr. Secretary.

2. SECRETARY:

3. Amendment No. 1 offered by Senator Regner.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Regner.

6. SENATOR REGNER:

7. Mr. President and members of the Senate. As the bill is  
8. currently structured, it would be a...allow for a continuing  
9. appropriation for this agency and what this amendment does  
10. it defines...deletes the words that allow the operations be  
11. funded on a continuing basis which will necessitate the  
12. agency to receive a year...yearly approval for their  
13. operations the same as all other State agencies. And I feel  
14. very strongly that this is right, that if they are going to  
15. expend State monies, they should come before this Body and the  
16. House on an annual basis rather than getting their appropriations  
17. on a continuing basis to be spent without us at least looking  
18. at it every year and I would move the adoption of Amendment  
19. No. 1 to House Bill 2462.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Regner has moved the adoption of Amendment No. 1  
22. to House Bill 2462. Is there any discussion? Senator Egan.

23. SENATOR EGAN:

24. Thank you, Mr. President and members of the Senate. I...I  
25. don't want to make an issue of it, but I just want to...for the  
26. record, indicate that I am opposed in principle to this  
27. amendment because I disagree with the Attorney General. These  
28. are really not State funds, these are the employees funds  
29. that go into a fund that they call State funds. The interest from  
30. which goes to pay the cost of administration and those are not State  
31. funds. I just in principle am opposed but...

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Any further discussion? Senator Regner may close.

1. SENATOR REGNER:

2. Just in response to Senator Egan's remarks, we do have a  
3. responsibility for the expenditures of these funds and I certainly  
4. think we should look at them on an annual basis.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. All right. Senator Regner has moved the adoption of  
7. Amendment No. 1 to House Bill 2462. All those in favor signify  
8. by saying Aye. All those opposed. The Ayes have it. The amendment  
9. is adopted. Any further amendments?

10. SECRETARY:

11. No further amendments.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. 3rd reading. On the Order of House Bills, 3rd reading,  
14. is House Bill 2463, Senator Egan seeks leave of this Body to bring  
15. House Bill 2463 back to the Order of 2nd reading for the purpose  
16. of an amendment. Is leave granted? On the Order of House Bills,  
17. 2nd reading, House Bill 2463. Mr. Secretary.

18. SECRETARY:

19. Amendment No. 1 offered by Senator Regner.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Regner.

22. SENATOR REGNER:

23. Mr. President and members of the Senate. This is the  
24. same amendment for 2463 we just put on 2462 so that we have an  
25. annual look at the funds that are being expended. I move its  
26. adoption.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Regner has moved the adoption of Amendment No. 1  
29. to House Bill 2463. Is there any discussion? Senator Egan.

30. SENATOR EGAN:

31. Yes, just for the record, Mr. President, I do want to  
32. indicate that this bill...these three bills come from the Department  
33. of Personnel and they are as a result of an Attorney General's



1. opinion, neither of whom want these amendments or have requested  
2. them. I am just saying this for the record that in principle  
3. these are not State funds. They don't have to be appropriated  
4. and I oppose the amendment but only on a voice vote.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. All right. Senator Regner has moved the adoption of Amendment  
7. No. 1 to House Bill 2463. All those in favor signify by saying  
8. Aye. All those opposed. The Ayes have it. The amendment is  
9. adopted. Any further amendments?

10. SECRETARY:

11. No further amendments.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. 3rd reading. On the Order of House Bills, 3rd reading, is  
14. House Bill 2462. Read the bill, Mr. Secretary.

15. SECRETARY:

16. House Bill 2462.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Egan.

21. SENATOR EGAN:

22. Thank you, Mr. President, members of the Senate. The purpose  
23. of the bill is as a result of the Attorney General's opinion  
24. stating that because the deferred amounts will be considered  
25. public funds, an appropriation will be necessary. And so I support  
26. the legislation.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Is there any discussion? Senator Nimrod.

29. SENATOR NIMROD:

30. Yes, Mr. President, I wonder if the sponsor would yield for  
31. a question?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Sponsor indicates he will yield. Senator Nimrod.

1. SENATOR NIMROD:

2. Senator Egan, on that last bill I tried...attempted to get  
3. the question so I could see...understanding of what  
4. these bills are exactly doing because these have been without  
5. reference, they've come up to us as a deferral program.  
6. I voted No on the bill, it went through...I'm just concerned as  
7. to what is the purpose of all this. We just got through with  
8. the program, the public indicated and the media and the press  
9. said that we should not be receiving our salaries as legislators  
10. in one lump payment annually. That we ought to be paid on a  
11. monthly basis, here we are coming up with what it seems to be some  
12. sort of a gimmick and...in a way to divert...avoid paying taxes  
13. at a particular time and I think that when we...we participate  
14. in that, then we're...we're contributing to some sort of a  
15. gimmicktry without understanding what we're doing. Can you explain  
16. what the purpose of this is all about?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Egan.

19. SENATOR EGAN:

20. Well, I think your question is what is the deferred  
21. compensation plan and it is a method by which State employees  
22. can defer compensation until they wish to take it upon  
23. retirement. If, for example, you wish to defer the income that  
24. you receive until you retire, then you can do so under this  
25. plan. I would say that no more than fifteen percent, ten years  
26. from now, the State employees will use the plan, but those that  
27. wish, may do it. It's...it's voluntary, it's optional.  
28. Taxes will be paid on the money. It...it's like the Keough plan,  
29. it's something that will entice good people into State service.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Nimrod.

32. SENATOR NIMROD:

33. A couple of questions, who wants this plan, are there  
34. other states that have done this and does it cost the State any  
35. money?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Egan.

3. SENATOR EGAN:

4. Well, there are several State employees, one of whom  
5. is Speaker Redmond that wants the plan and it will not cost the  
6. State any money and yes, other States use the...have used the  
7. plan successfully to the enjoyment of the State employees in  
8. those states.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Any...Senator Nimrod.

11. SENATOR NIMROD:

12. Then am I aware that Legislators are also eligible for this  
13. plan?

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Egan.

16. SENATOR EGAN:

17. Yes, indeed.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Nimrod.

20. SENATOR NIMROD:

21. Is the...introduction was it was for State employees.  
22. Are we really creating...shouldn't this bills...really...I don't  
23. know what the urgency is. Shouldn't these bills really go to  
24. committee so that we can understand what it's all about and that  
25. we are not actually creating a cloud that either the  
26. public might consider that we've done something that again  
27. becomes a matter of poor choice on our part without really getting  
28. a chance to have it through committee process that we all  
29. understand...what's...the purposes are.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Egan, do you wish to yield to Senator Berning who is  
32. the sponsor of the deferred compensation plan for State  
33. employees. Senator Berning.

1. SENATOR BERNING:

2. Thank you, Mr. President. I think it's well to point  
3. out that the bills establishing this concept and setting up the  
4. deferred compensation plan were passed some months ago. The  
5. effective date is eminent but was delayed pending determinations  
6. by the Attorney General as to procedures and that's what these  
7. bills are all about right now just to be sure that there is no  
8. problem with the implementation of the existing deferred  
9. compensation plan, which is available, incidently, to any  
10. State employee and we, as legislators, even though we are elected,  
11. are considered State employees.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Any further discussion? Senator Egan, you wish to close  
14. the debate?

15. SENATOR EGAN:

16. No, I just ask that we do everything we can for State  
17. employees. This won't cost the State any money. It's a good  
18. concept. It's taken three years to hammer out these bills  
19. as a result of the Attorney General's opinion, who incidently,  
20. favors the legislation because he writes these opinions  
21. to assist in the progress of the bill so that it can be implemented  
22. in January and I commend them to your favorable consideration.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. The question is shall House Bill 2462 pass. Those in favor  
25. will vote Aye. Those opposed will vote Nay. The voting is open.  
26. Have all voted who wish? Have all voted who wish?  
27. Take the record. On that question the Ayes are 46, the Nays are  
28. 5, 3 Voting Present. House Bill 2462 having received the  
29. constitutional majority is declared passed, and the bill having  
30. received the affirmative vote of three-fifths of the members  
31. elected is effective immediately upon its becoming a law.  
32. On the Order of House Bills, 3rd reading, House Bill 2463.  
33. Read the bill, Mr. Secretary.

1. SECRETARY:

2. House Bill 2463.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Egan.

7. SENATOR EGAN:

8. Thank you, Mr. President and members of the Senate.

9. This bill establishes a special trust fund the purpose of which  
10. is to assure that the interest that is earned on the plan that  
11. the money...the money that is in the plan earns interest  
12. and this assures that that interest is credited to the plan.  
13. It is again, as a result of the Attorney General's opinion  
14. necessary to implement the legislation that's already  
15. been passed and I ask for your favorable consideration.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Is there any discussion? The question is shall House  
18. Bill 2463 pass. Those in favor will vote Aye. Those opposed  
19. will vote Nay. The voting is open. Have all voted who wish?  
20. Have all voted who wish? Take the record. On that question  
21. the Ayes are 43, the Nays are 3, 5 Voting Present.  
22. House Bill 2463 having received a constitutional majority  
23. is declared passed and the bill having received the affirmative  
24. vote of three-fifths of the members elected is effective  
25. immediately upon its becoming a law. Senator Regner, are we ready?  
26. On the Order of House Bills, 3rd reading, is House Bill 2481.  
27. Read the bill, Mr. Secretary.

28. SECRETARY:

29. House Bill 2481.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Regner.

1. SENATOR REGNER:

2. Mr. President and members of the Senate. When this  
3. bill first came over from the House it was for thirty-  
4. five million three hundred and seventy-nine thousand  
5. five hundred and eighty-six dollars for the Governor's  
6. Office of Manpower. As we all know, over the last  
7. two days, this bill has grown and grown and grown and it  
8. no longer is only for the Office of Manpower, but includes  
9. many other things, as everybody that put amendments on knows.  
10. The total appropriation right now is seventy-four million  
11. forty-one thousand nine hundred and twenty-two dollars.  
12. It's 1.3 million from General Revenue, 37.2 other State and  
13. 35.5 from Federal monies and I'd ask for a favorable roll call.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Any discussion? Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, Mr. President and Ladies and Gentlemen of the Senate.  
18. I rise at this time to wish everybody a happy Hanukkah.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Demuzio.

21. SENATOR DEMUZIO:

22. I have one question of the sponsor.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Sponsor indicates he will yield. Senator Demuzio.

25. SENATOR DEMUZIO:

26. Simply that the fact that the Governor's Manpower Office  
27. is now decided not to apparently move into the Herndon building  
28. there was forty-five thousand dollars of...of renovation,  
29. moving expenses and what have you and I was just wondering  
30. where that money is now reflected was it in the budget...I'm  
31. just wondering what line items...since that's not going to be  
32. utilized it finally ended up in.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Regner.

2. SENATOR REGNER:

3. They have to move and they're moving into the Centennial  
4. building under current plans, Senator.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Demuzio.

7. SENATOR DEMUZIO:

8. My question again is, there was approximately forty-five  
9. thousand dollars that was in this original thirty-five  
10. million dollars for transition of renovation, moving, et cetera  
11. and so forth to new office facilities. Apparently, that is  
12. not being necessitated now as a result of the decision to move to  
13. the Herndon building. What has happened...what particular  
14. line items is that forty-five thousand dollars now in and  
15. what is it being utilized for?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Regner.

18. SENATOR REGNER:

19. It's in the...in Contractual Services, Senator Demuzio and  
20. it's going to be used for the moving expenses into the  
21. new Bicentennial building.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any further discussion? The question is shall House Bill  
24. 2481 pass. Those in favor will vote Aye. Those opposed  
25. will vote Nay. The voting is open. Have all voted who wish?  
26. Have all voted who wish? Take the record. On that question  
27. the Ayes are 42, the Nays are 10, none Voting Present. House  
28. Bill 2481 having received a constitutional majority is declared  
29. passed, and the bill having received the affirmative vote of  
30. three-fifths of the members elected, is effective immediately  
31. upon its becoming a law. Resolutions. All right. I understand  
32. the Consent Calendar has been distributed. Mr. Secretary, have  
33. there been any objections filed as to any matter on the  
Consent Calendar?

1. SECRETARY:

2. No objections have been filed.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. All right. We will then move that the resolutions on the  
5. Consent Calendar be adopted. Is there any discussion?  
6. Senator Wooten.

7. SENATOR WOOTEN:

8. Yes, Mr. President. I rise on a point of personal  
9. privilege and general admiration. Reviewing the Resolutions  
10. Consent Calendar, I find that Senator Mitchler is either  
11. principal sponsor, cosponsor, or back in the pack on  
12. fifteen of sixteen resolutions. That gives him a valedictory  
13. efficiency rating of 93.75 percent or as it is noted on the  
14. Olympic Exhortation Scale, a 9.4. I think it is a splendid  
15. accomplishment and one that ought to be noted.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. All right. All those in favor of the adoption of the  
18. Consent Calendar indicate by saying Aye. All those opposed.  
19. The Ayes have it. The resolutions are adopted.  
20. Senator Washington, I think this is the appropriate time if  
21. you wish to move...Senator Washington wishes to move for the  
22. immediate consideration of Senate Joint Resolution...Senator  
23. Washington.

24. SENATOR WASHINGTON:

25. There is an amendment attached there, Mr. President.  
26. I think there will be no problem with it. It's simply a  
27. technical amendment. The matter was heard in Executive today  
28. and it was agreed that there were technical errors in the  
29. resolution. The resolution...amendment rather, was drafted  
30. by Senator Moore and I move the adoption of Amendment No. 1 to  
31. Senate Joint Resolution 62.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. All right. Senator Washington has moved the adoption of



1. Amendment No. 1 to Senate Joint Resolution 62. Is there any  
2. discussion? Senator Don Moore.

3. SENATOR MOORE:

4. Thank you, Mr. President and members of the Senate.  
5. This amendment was drafted at my request. There were  
6. technical errors and some ambiguities in the amendment and  
7. the amendment was prepared by our staff for Senator Washington.  
8. So, I'd urge members on this side to adopt the amendment.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. All right. Senator Washington has moved the adoption of  
11. Amendment No. 1 to Senate Joint Resolution 62. All those in  
12. favor indicate by saying Aye. All those opposed. The Ayes have  
13. it. The amendment is adopted. Senator Washington now moves for  
14. the...are there any further amendments?

15. SECRETARY:

16. Amendment No. 2 offered by Senator Rhoads.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Rhoads.

19. SENATOR RHOADS:

20. Thank you, Mr. President and members of the Senate.  
21. I am in favor of the resolution but I did want to clarify  
22. one point. That this report would be due not one year after  
23. the adoption of this resolution by the General Assembly but one  
24. year after the committee reorganizes. There has been some  
25. difficulty and we...I want to start the calendar running  
26. from the time that the committee does, in fact, reorganize  
27. and that's what this amendment does.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Rhoads is moving the adoption of Amendment No. 2,  
30. is there any discussion? Senator Don Moore.

31. SENATOR MOORE:

32. Thank you, Mr. President and members of the Senate.  
33. Senator Rhoads, I don't believe that this amendment is

1. necessary. The LAC is a permanent continuing committee  
2. created by the General Assembly in '63. The officers who were  
3. elected two years ago are in office now. We have never refused  
4. to accept anything that the members of the House or Senate  
5. have directed us to do. I think it's a long established  
6. principle in not only law but custom and usage in the  
7. General Assembly that a committee or commission continues  
8. until its successors are elected and I don't think there's any  
9. necessity for your amendment and I think it could be withdrawn  
10. and we could proceed with the adoption of the amendment as it is.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senate...Senator Rhoads.

13. SENATOR RHOADS:

14. Thank you, Mr. President. Based on that representation,  
15. I will withdraw the amendment.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Amendment No. 2 has been withdrawn. Senator Newhouse.

18. SENATOR NEWHOUSE:

19. Senator...Mr. President, if that...if that amendment  
20. was for the purpose of getting into the record some of the  
21. statements that were just made, I think we ought to clarify  
22. them. The fact is that I think this side will take the position that  
23. there is no chairmanship of that committee at the present and that  
24. the committee chairmanship expired with the expiration of the  
25. committee date and that I think that your amendment, Senator,  
26. is in order. That there is nothing to conduct business with  
27. so that if that...the purpose of the amendment was to get  
28. that into the record, I certainly want to have the record  
29. corrected on that point and I suspect that the leadership  
30. on this side will take that same position.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. The amendment has been withdrawn. Any further amendments?

33. SECRETARY:

1. No further amendments.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right. The question now is the adoption of Senate  
4. Joint Resolution 62. Senator Washington.

5. SENATOR WASHINGTON:

6. The Senate Joint Resolution 62 simply provides that  
7. the Illinois Public Aid Advisory Committee shall study the  
8. fee schedule...fee profile for physicians under medicaid and  
9. medicare and report back within a year. It's an error that needs  
10. thorough discussion and this agency is peculiarly equipped to deal  
11. with it. There has been agreement from the existing chairman  
12. as to the necessity of it and the viability of it. The Illinois  
13. Medical Society supports it and I urge your adoption.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Is there any discussion? Senator Washington...all right.  
16. The question is the adoption of Senate Joint Resolution 62.  
17. All those in favor signify by saying Aye. All those opposed.  
18. The Ayes have it. The amendment is adopted...I mean the resolution  
19. is adopted. Senator Walsh, are you ready to proceed?  
20. All right. Messages from the House.

21. SECRETARY:

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

23. Mr. President - ...Message...

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Message from the House.

26. SECRETARY:

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

28. Mr. President - I am directed to inform the Senate  
29. that the House of Representatives has concurred with the  
30. Senate in the passage of a bill with the following title, to-wit:

31. Senate Bill 1261 together with the following  
32. amendment in the adoption of which I am instructed to ask the  
33. concurrence of the Senate, to-wit:

House Amendment No. 1 to Senate Bill 1261.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Walsh.

3. SENATOR WALSH:

4. Mr. President and members of the Senate.

5. Senate Bill 1261, when it left the Senate, added three  
6. barbituates to the designated products list under the Controlled  
7. Substances Act and also corrected a misspelled word. The House  
8. was not prepared to add the barbituates to the list.

9. at this time so they amended the bill to leave the bill in the  
10. form where it merely corrected the misspelled word. The  
11. Medical Society is in favor of the bill in its present form  
12. and I know of no objection. I urge the support of the Senate.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. The question is shall the Senate...is there any discussion?  
15. The question is shall the Senate concur in House Amendment No. 1 to  
16. Senate Bill 1261. Those in favor will vote Aye. Those opposed  
17. will vote Nay. The voting is open. All voted who wish? Have all  
18. voted who wish? Take the record. On that question the Ayes  
19. are 51, the Nays are none, none Voting Present. Senate does concur  
20. in House Amendment No. 1 to Senate Bill 1261 and the bill  
21. having received the required constitutional majority is declared  
22. passed and having received the affirmative vote of three-fifths  
23. of the members elected is effective immediately upon its becoming  
24. a law. Senator Hynes, for what purpose do you arise?

25. SENATOR HYNES:

26. Mr. President and members of the Senate. A few moments  
27. ago when the amendment was offered to Senate Joint Resolution  
28. 62, I was distracted and did not hear the discussion and I have  
29. since learned what was involved and I would like to simply say  
30. for the record that that commission...Public Aid Commission  
31. has not been organized and this amendment, since it has been  
32. withdrawn, should have no effect in terms of any decision  
33. by this Body or any statement of policy and so on.

1. I just simply want to make that clear for the record that  
2. matter of organization is still to be taken up.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Moore, for what purpose do you arise?

5. SENATOR MOORE:

6. Just in response to the statement made by President  
7. Hynes. It may be his opinion that there are no officers of the  
8. Legislative Advisory Committee on Public Aid but I would call to  
9. his attention the organizational meeting, the first organizational  
10. meeting held in July where the status quo was unanimously  
11. voted by the members. There...the existing officers of the  
12. commission remained in office until their successors are elected.  
13. And if...and I would just like to read into the record the  
14. enabling legislation of the Legislative Advisory Committee on  
15. Public Aid and I quote, "no more than three members appointed from  
16. each House of the General Assembly shall be of the same political  
17. party. The members shall be appointed in odd numbered years  
18. prior to July 1." And I continue to quote, " the committee  
19. shall...shall choose a chairman and a secretary from among  
20. its members." There is no specific time as to when that has to be  
21. done. Historically, this commission has organized after the  
22. July 1st date, sometimes as late as October and November  
23. of the following year. But there is no mandate as to when  
24. the committee shall organize. There were officers elected  
25. two years ago. Those officers are in office now and the committee  
26. is functioning. I just wanted to make that statement for the  
27. record.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Hynes.

30. SENATOR HYNES:

31. Tomorrow is Thanksgiving and we'd all like to go home and  
32. enjoy it with our families and I...to belabor the point. I simply  
33. was making a point there was a difference of opinion and that's what

1. the record shows.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. The record does so indicate. Messages from the House.

4. SECRETARY:

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

6. Mr. President - I am directed to inform the Senate

7. that the House of Representatives has passed a bill with the

8. following title in the passage of which I am instructed

9. to ask the concurrence of the Senate, to-wit:

10. House Bill 2506.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Rules Committee.

13. SECRETARY:

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

15. Mr. President - I am directed to inform the

16. Senate that the House of Representatives has adopted the following

17. Joint Resolution in the adoption of which I am instructed to ask

18. the concurrence of the Senate, to-wit:

19. House Joint Resolution 60.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Executive Committee. All right. If any other...if any member

22. has any other matter pending during the Regular Session, I wish

23. he would bring it to the Secretary or the Chair's attention so that

24. we may handle it with some dispatch. On the Order of Total Vetoes,

25. page five of the Calendar on the Order of Total Vetoes,

26. a motion has been filed with respect to House Bill 245. Read the

27. motion, Mr. Secretary.

28. SECRETARY:

29. I move that House Bill 245 Do Pass, the Veto of the Governor

30. to the contrary notwithstanding. Signed, Senator Senator Roe.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Roe.

33. SENATOR ROE:

Mr. President and members of the Senate, House Bill 245

1. was vetoed by the Governor in a rather ambiguous Veto  
2. Message. It provides that second conviction for sale...  
3. hard drugs would bring a mandatory ten year prison sentence.  
4. I would appreciate your favorable consideration.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Is there any discussion? The question is shall  
7. House Bill 245 pass, the Veto of the Governor to the contrary  
8. notwithstanding. Those in favor will vote Aye. Those opposed  
9. will vote Nay. The voting is open. Have all voted who wish?  
10. Have all voted who wish? Take the record. On that question  
11. the Yeas are 36, the Nays are 5, none Voting Present. House  
12. Bill 245 having received the required three-fifths  
13. vote is declared passed, the Veto of the Governor to the contrary  
14. notwithstanding.

15. SENATOR HYNES:

16. Mr. President and members of the Senate. We are awaiting  
17. the Adjournment Resolutions from the House and I would like to take  
18. this opportunity to thank all of the members for the job that has  
19. been done. We are about to make our deadline and get home in time  
20. for Thanksgiving. I think we've had a very successful Session and  
21. I again want to express my appreciation to everyone for all of the  
22. hard work.

23. PRESIDENT:

24. The Regular Session will please come to order.  
25. Motions in Writing.

26. SECRETARY:

27. A Motion in Writing. Having voted on the prevailing side  
28. I move to reconsider the vote by which House Bill 245 was  
29. passed. Dated 11/23/77. Signed, Senators Shapiro, Roe,  
30. and Hynes.

31. PRESIDENT:

32. Senator Shapiro.

33. SENATOR SHAPIRO:

Mr. President, the reason for the reconsideration

1. of this bill is that we found out that after the motion to override  
2. succeeded, that it was in direct conflict with House Bill 1500.  
3. So, therefore, we are filing the motion to reconsider and I would  
4. now ask the Chair that the motion be put over until the next  
5. legislative day.

6. PRESIDENT:

7. All right. Senator Shapiro has moved that the motion to reconsider  
8. be put over until January 11, 1978. All those in favor signify  
9. by saying Aye. Opposed. The Ayes have it. So ordered.  
10. Messages from the House.

11. SECRETARY:

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

13. Mr. President - I am directed to inform the Senate  
14. that the House of Representatives has adopted the following  
15. Joint Resolution in the adoption of which I am instructed to ask  
16. the concurrence of the Senate, to-wit:

17. House Joint Resolution 64.

18. (Secretary reads HJR 64)

19. PRESIDENT:

20. Senator Rock.

21. SENATOR ROCK:

22. This is the adjournment resolution calling for us to return  
23. on January 11 at the hour of noon and I would move for the suspension  
24. of the rules and the immediate consideration and adoption of  
25. this House Joint Resolution.

26. PRESIDENT:

27. Senator Rock has moved to suspend the rules for the  
28. immediate consideration and adoption of the adjournment resolution.  
29. All in favor signify by saying Aye. Opposed. The Ayes have it.  
30. The rules are suspended. Senator Rock now moves for the adoption  
31. of the adjournment resolution. All those in favor signify by saying  
32. Aye. Opposed. The Ayes have it. The resolution is adopted.  
33. Is there any further business to come before the Regular Session?



1. If not, Senator Rock moves that the Regular Session stand
2. adjourned until January 11, 1978 at 12:00 o'clock noon.
3. All those in favor signify by saying Aye. Opposed.
4. The Ayes have it. The Regular Session stands adjourned.
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