

June 1, 1972

1. PRESIDENT:

2. The Senate Session of 1972 will come to order...Walter
3. D. Krech, Pastor of the United Methodist Church.

4. REVEREND WALTER D. KRECH: Opening prayer.

5. PRESIDENT:

6. Reading of the Journal. Moved by Senator Kusibab that the
7. reading of the Journal be dispensed with. All in favor signify
8. by saying aye. Contrary minded.. Motion prevails. Committee
9. reports.

10. SECRETARY:

11. Senator Donnewald, Chairman of Assignment of Bills, assigns
12. the following bills to Committee. Senate Judiciary, House Bill
13. 3644. Senator McCarthy, Chairman of Financial Institutions,
14. reports out the following bills: House Bills 4329, 4456 with the
15. recommendation DO PASS. House Bill 4427 with the recommendation
16. DO PASS AS AMENDED. Senator Saperstein, Chairman of Education
17. Committee, reports out House Bills 4168, 4323, 4496, 4592 and
18. 4603 with the recommendation DO PASS. House Bills 4495 and 4551
19. with the recommendation DO PASS AS AMENDED. Senator Neistein,
20. Chairman of Judiciary Committee reports out Senate Bill 1590 with
21. the recommendation DO PASS AS AMENDED. House Bills 1324 and 3779
22. with the recommendation DO PASS AS AMENDED. House Bills 3741,
23. 4162, 4376, 4380, 4382, 4461 with the recommendation DO PASS.
24. House Bills 1531, 1532, 1534, 1535, and 1539 with the recommenda-
25. tion DO NOT PASS. Senator Dougherty, Chairman of Local Government
26. Committee, reports out Senate Bill 1558 with the recommendation
27. DO PASS. House Bills 4116, 4167, 4396 and 4637 with the recommenda-
28. tion DO PASS. House Bills 1954, 3619, 4348, 4426 with the recommen-
29. dation DO PASS AS AMENDED. House Bill 2791 with the recommendation
30. DO NOT PASS. Senator Chew, Chairman of Transportation Committee,
31. reports out Senate Bill 1589 with the recommendation DO PASS AS
32. AMENDED. House Bills 2545, 3599, 3747, 4544 with the recommenda-
33. tion DO PASS. House Bill 4557 with the recommendation DO PASS AS

1. AMENDED. Senator Cherry, Chairman of Executive Committee,
2. reports out Senate Bill 1362 with the recommendation DO PASS.
3. House Bills 3786, 3787, 4110, 4282, 4509 with the recommendation
4. DO PASS. House Bill 4111 with the recommendation DO PASS AS
5. AMENDED. House Bill 3745 with the recommendation DO NOT PASS.
6. Senate Resolution 317 with the recommendation DO NOT PASS AS
7. AMENDED. Senate Resolution 325 with the recommendation....
8. recommends adoption. Governor's message of May 24 recommend
9. confirmation.

10. PRESIDENT:

11. Senator Partee moves that the Senate go into Executive
12. Session for the purpose of advising and consenting on the Governor's
13. recommendations. All in favor signify by saying aye. Contrary
14. minded. Motion prevails. Motion by Senator Partee that the
15. Senate advise and consent on the recommendations of the Executive
16. Committee. On that question, the Secretary will call the roll.

17. SECRETARY:

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

26. PRESIDENT:

27. Saperstein, aye.

28. SECRETARY:

29. Walker, Weaver.

30. PRESIDENT:

31. Saperstein, aye. Sours, aye. McBroom, aye. Baltz, aye.
32. Berning, aye. Horsley, aye, Walker, aye. Lyons, aye. Cherry,
33. aye. On that question, the yeas are 39, the nays are none. The

1. Senate does advise and consent to the appointments of the
2. Governor. Senator Cherry.

3. SENATOR CHERRY:

4. I now move that we...the Senate arise from the Executive
5. Session.

6. PRESIDENT:

7. Motion that the Executive Session do now arise. All in
8. favor signify by saying aye. Contrary minded. The motion pre-
9. vails. Messages from the House.

10. SECRETARY:

11. Message from the House. Mr. Selcke, Clerk. Mr. President.
12. I'm directed to inform the Senate that the House of Representa-
13. tives has passed bills of the following titles, the passage of
14. which I'm instructed to ask concurrence of the Senate, to wit:
15. House Bills 3774, 4086, 4093, 4180, 4185, 4255, 4642 and 4643.

16. PRESIDENT:

17. Message from the Governor.

18. SECRETARY:

19. Message from the Governor by Arthur R. Swanson, Assistant
20. to the Governor: Mr. President. The Governor directs me to
21. lay before the Senate the following message: To the Honorable
22. The Members of the Senate, 77th General Assembly. I have nomin-
23. ated and appointed the following named persons to the offices
24. enumerated below and respectfully ask concurrence in the con-
25. firmation of these appointments by your honorable body Executive
26. Committee.

27. PRESIDENT:

28. Are there any resolutions or motions by members. Senate bills
29. on Second Reading. 1320, Senator Davidson. 1320 on Second Reading.
30. Do you wish it advanced to Third? 1320.

31. SECRETARY:

32. Second Reading of the bill. One committee amendment from
33. appropriations.

1. PRESIDENT:

2. Senator Davidson moves the adoption of the committee amend-
3. ment. All in favor signify by saying aye. Contrary minded.
4. The amendment is adopted. Any further amendments? Third Read-
5. ing. 1329, Senator Merritt. Senator Merritt, 1329. On Second
6. Reading. 1329.

7. SECRETARY:

8. Second Reading of the bill. One committee amendment from
9. appropriation.

10. PRESIDENT:

11. Senator Merritt moves the adoption of the committee amend-
12. ment. All in favor signify by saying aye. Contrary minded.
13. The amendment is adopted. Any further amendments? Third Reading.
14. 1331, Senator Groen. 1331.

15. SECRETARY:

16. Second reading of the bill. No committee amendments.

17. PRESIDENT:

18. Any amendments from the floor? Third reading. 1395, 1398,
19. Senator Gilbert. 1398.

20. SECRETARY:

21. Second reading of the bill. No committee amendments.

22. PRESIDENT:

23. Any amendments from the floor? Third Reading. 1400, Senator
24. Latherow. 1400.

25. SECRETARY:

26. Second reading of the bill. One committee amendment from
27. appropriations.

28. PRESIDENT:

29. Senator Latherow moves the adoption of the committee amend-
30. ment. All in favor signify by saying aye. Contrary minded.
31. The amendment is adopted. Any further amendments? Third Reading.
32. 1401, Senator Latherow. 1401.

33. SECRETARY:

1. Second reading of the bill. No committee amendments.

2. PRESIDENT:

3. Any amendments from the floor. Third Reading. 1418,
4. Senator Graham. 1418.

5. SECRETARY:

6. Second reading of the bill. No committee amendments.

7. PRESIDENT:

8. Any amendments from the floor? Third Reading. 1433,
9. Senator Partee. 1433.

10. SECRETARY:

11. Second reading of the bill. Two committee amendments from
12. appropriations.

13. PRESIDENT:

14. Motion by Senator Partee that the amendments be adopted.
15. All in favor signify by saying aye. Contrary minded. The
16. amendments are adopted. Any further amendments? Third Reading.
17. 1556, Senator Hall. Senator Hall was on the floor a moment ago.
18. We'll hold that. Senator Hall, 1556, Do you want that advanced?
19. 1556.

20. SECRETARY:

21. Second reading of the bill. One committee amendment from
22. appropriation.

23. PRESIDENT:

24. Senator Hall moves the adoption of the committee amendment.
25. All in favor signify by saying aye. Contrary minded. The amend-
26. ment is adopted. Any further amendments? Third Reading. 1571,
27. Senator Graham. 1571.

28. SECRETARY:

29. Second reading of the bill. No committee amendments.

30. PRESIDENT:

31. Any amendments from the floor? Just a moment. Please...
32. Senator Graham.

33. SENATOR GRAHAM:

1. Mr. President and members of the Senate, especially the
2. members of the Welfare Committee. We are offering an amendment
3. as per my agreement on the paramedic act. This amendment has
4. been worked out with the nurses association and those who have
5. some objection to this bill. We are hoping...I am hoping at
6. this point in time to have this amendment adopted. It's a
7. lengthy amendment. We're hoping that we'll have it distributed
8. on your desks ... amended bill...distributed on your desks for
9. your consideration and as per my original agreement with the
10. Chairman of this Committee, we will adopt amendments, we will
11. consider amendments. I would like to adopt this and move the
12. bill to Third Reading with the perfect understanding that, in
13. the essence of time, that I am certainly amenable to calling
14. it back if someone has some constructive amendments at any other
15. time. This one we are adopting now...hopefully adopting now is
16. in perfect agreement with the nurses association who were appear-
17. ing in opposition the other day. I'd like to adopt them and move
18. to Third Reading with the perfect understanding that we will try
19. to work out any other problems that exist that I know nothing
20. about the first of the week and pass the bill and send it to the
21. House.

22. PRESIDENT:

23. Senator Palmer.

24. SENATOR PALMER:

25. I think he answered my question. Am I to understand that
26. you're going to call it back today? On Third Reading?

27. PRESIDENT:

28. He's advancing it to Third Reading now but is willing to
29. call it back.

30. SENATOR PALMER:

31. Today?

32. PRESIDENT:

33. Well, he's advancing it to Third Reading today but is willing

1. to call it back to Second Reading for purposes of amendment
2. if you or others have amendments.

3. SENATOR PALMER:

4. Because we want to review this amendment and I suggest we
5. hold it for next week.

6. PRESIDENT:

7. Is there further discussion? Senator Graham.

8. SENATOR GRAHAM:

9. If we could have the attention which we apparently don't
10. have because people didn't understand my explanation. We would
11. like to adopt the amendment. We will have the amendments put on
12. your desk today. If there are other amendments or considerations
13. I will be perfectly willing to call the bill back from Third Read-
14. ing to Second Reading for consideration of those and with that
15. thought in mind at this point in time I move the adoption of
16. Amendment No. 1 to Senate Bill 1571.

17. PRESIDENT:

18. O.K. All in favor signify by saying aye. Contrary minded.
19. The amendment is adopted. Any further amendments? Third Reading.
20. The Chair is going to take the liberty of interrupting and going
21. out of order of business. Senator McBroom has a resolution that
22. his colleagues will want to join on and I'm going to ask to call
23. on Senator McBroom at this time.

24. SENATOR McBROOM:

25. Thank you, Mr. President, and members of the Senate. I wanted
26. to know, Senator Partee...Senator Partee and Senator Clarke, I
27. wanted to know if you knew the wife of our good friend, Senator
28. Harris, is in the gallery and yesterday was their Silver Wedding
29. anniversary. We had this resolution prepared yesterday. Senator
30. Harris wasn't able to be here and I'd like to offer it now and I
31. wish the Clerk would read it. I don't know how she's put up with
32. him for 25 years.

33. PRESIDENT:

1. The Secretary will read the resolution.

2. SECRETARY:

3. Senate Resolution No. 356 introduced by Senators McBroom,
4. Merritt, Knuepfer and Clarke. Whereas our esteemed colleague,
5. William C. Harris, and his lovely wife, the former Jeanne Turck,
6. were joined in holy matrimony 25 years ago this 31st day of
7. May, 1972; and whereas, this outstanding couple, the parents
8. of two fine children, Charles Matthew and Barbara Ann, are so
9. exemplary of the ideal American family; and whereas, through
10. the loyal, capable assistance and loving understanding of
11. Mrs. Harris, her dedicated husband has attained a position of
12. high regard and they enjoy the respect of their community,
13. the Illinois State Senate and the State of Illinois, therefore
14. be it Resolved, By the Senate of the Seventy-seventh General
15. Assembly of the State of Illinois, that we hereby congratulate
16. Senator and Mrs. William C. Harris on their Silver Wedding
17. Anniversary; and, be it further resolved that the Senate of
18. the 77th General Assembly extend to Senator and Mrs. Harris
19. the fervent wish that they enjoy many more years of wedded
20. bliss; and be it further resolved, that the Secretary of the
21. Senate forward a copy of this Resolution to Senator and Mrs.
22. William C. Harris.

23. PRESIDENT:

24. All Senators will be shown as co-sponsors. All in favor
25. signify by saying aye. Contrary minded. And we join in the
26. hope, too, Senator; that very soon you're gonna be fit as a
27. fiddle again, here. Everybody wants to speak on this contro-
28. versial matter. Senator Partee.

29. SENATOR PARTEE:

30. Well, I just wanted to bring some enlightenment to Senator
31. McBroom. He says he doesn't know how she has taken him these
32. number of years. I have found out, Senator, that because he's
33. such a quiet, taciturn person and never has much to say, he just

1. doesn't say much when he's at home and she can understand that.

2. PRESIDENT:

3. Is there further discussion? Senator Harris.

4. SENATOR HARRIS:

5. Mr. President and members of the Senate, I just want
6. to acknowledge this motion, pleasing response by you, my
7. colleagues and say I know Jeanne joins me in expressing our
8. deep and sincere personal thanks. Thank you very much.

9. PRESIDENT:

10. Senator Sours.

11. SENATOR SOURS:

12. Mr. President and Senators, I can't refrain from com-
13. menting that if the former Senator Sweeney were here, he would
14. tell the story of the married man walking down the street with
15. a mink stole on his right arm and he saw a friend and he said,
16. "See what I got for my wife." and the other fellow remarked,
17. "Pretty damn good trade."

18. PRESIDENT:

19. Senate bills on Second Reading. 1576. Is Senator Knuppel
20. on the floor? Hold it. 1576.

21. SECRETARY:

22. Second reading of the bill. No committee amendments.

23. PRESIDENT:

24. Any amendments from the floor? Third reading. 1584,
25. Senator Hynes. Hold. 1595, Senator Gilbert. Senator Gilbert,
26. 1595. Do you want to advance it? 1595.

27. SECRETARY:

28. Second reading of the bill. No committee amendments.

29. PRESIDENT:

30. Any amendments from the floor? Third reading. 1596, Sena-
31. tor Bruce. 1596.

32. SECRETARY:

33. Second reading of the bill. No committee amendments.

1. PRESIDENT:

2. Any amendments from the floor? Third Reading. Senator
3. Carpentier has a series of bills here, Senator Clarke. Could
4. we advance those with the understanding that...You want to hold
5. them. All right. Senator Latherow?

6. SENATOR LATHEROW:

7. We wanted to advance them, Senator.

8. PRESIDENT:

9. There appears to be some difference of opinion. I think
10. since the Senate sponsor is not here we'd better hold. 1584.

11. SECRETARY:

12. Second reading of the bill. No committee amendments.

13. PRESIDENT:

14. Any amendments from the floor? Third reading. Senate bills
15. on third...Senator Harris?

16. SENATOR HARRIS:

17. I don't know whether...was 1326 advanced?

18. PRESIDENT:

19. 13 what?

20. SENATOR HARRIS:

21. Senate Bill 1326 on Second Reading.

22. PRESIDENT:

23. It was not.

24. SENATOR HARRIS:

25. Could we advance that, please?

26. PRESIDENT:

27. 1326.

28. SECRETARY:

29. Second reading of the bill. No committee amendments.

30. PRESIDENT:

31. Any amendments from the floor? Third reading. Senate bills
32. on Third reading. 82, Senator Harris. Do you want to hold that?

33. 82. On Third Reading. 147, Senator Saperstein. Hold. 1062,

1. Senator O'Brien. 1154, Senator Kosinski. 1369, Senator Baltz.
2. Senator Baltz.

3. SENATOR BALTZ:

4. Mr. President and members of the Senate, I would like to
5. call Senate Bill 1369 back to the order of Second Reading for
6. the purpose of amendment and, after any intervening business,
7. I would like to call it for passage.

8. PRESIDENT:

9. 1369.

10. SENATOR BALTZ:

11. The amendment is on the Secretary's desk.

12. PRESIDENT:

13. ...is brought back to Second Reading. This is an additional
14. amendment. Is that...

15. SENATOR BALTZ:

16. I beg your pardon. I want to move to table Amendment No. 2
17. then make the proper motion to adopt Amendment No. 3. Do you
18. want me to explain this amendment?

19. PRESIDENT:

20. Well, let's take them one at a time. Motion to reconsider
21. the vote by which amendment No. 2 was adopted. All in favor
22. signify by saying aye. Contrary minded. It is reconsidered.
23. Motion by Senator Baltz to table Amendment No. 2. All in favor
24. signify by saying aye. Contrary minded. The amendment is tabled.
25. Senator Baltz now moves for the adoption of Amendment No. 3. Can
26. you explain Amendment No. 3, Senator?

27. SENATOR BALTZ:

28. Yes, Amendment No. 3 simply increases the grants in aid in
29. the comprehensive health planning budget from \$135,000 to \$150,000.
30. Senator Bruce and I have come into an agreement on this. This will
31. be the final form which the bill will be considered in the Senate.

32. PRESIDENT:

33. Any discussion? All in favor signify by saying aye. Contrary

1. minded. The amendment is adopted. Do you wish to come back
2. for passage? All right. 1382, Senator Chew. 1382. Hold.
3. 1388, Senator Harris. 1388. Hold. 89, also. 1408, Senator
4. McCarthy. 1423. 1432, Senator Saperstein. 1459, Senator...
5. is Senator Rock on the floor? 1464, Senator Gilbert. 1476,
6. Senator Saperstein. 1490. 1505. Is Senator Laughlin on...
7. Hold. 1509, Senator Latherow. 1541, Senator Newhouse. Sena-
8. tor Newhouse. 1541, hold. 1546, Senator Hynes. 1547. 1548.
9. Senator Rock's not here. 1574, Senator Partee. Senator
10. Dougherty indicates he'll take that. 1574.

11. SENATOR DOUGHERTY:

12. Mr. President and members of the Senate, Senate Bill 1574
13. amends the Civil Service section of the Chicago Park District
14. that provides that veterans of the Vietnam are given the same
15. preference in civil service examinations as are afforded to
16. other war veterans and also the Korean War veterans. It's very
17. fine legislation. I would ask for a favorable roll call.

18. PRESIDENT:

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

20. SECRETARY:

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

29. PRESIDENT:

30. Cherry, aye. Davidson, aye. Baltz, aye, Lyons, aye.
31. Berning, aye. On that question, the yeas are 45, the nays are
32. none. The bill having received a constitutional majority is
33. declared passed. 1369, Senator Baltz. Do you wish...

1. SENATOR BALTZ:

2. I'm waiting for some addition. This is rather complicated
3. change in this amendment and I want to be able to tell the group
4. how much it is. I'm not quite ready.

5. PRESIDENT:

6. All right. 1577, Senator Sours. 1577. Can those two be
7. taken on one roll call?

8. SENATOR SOURS:

9. Yes, Mr. President. They concern the Cigarette Use Tax
10. and the Cigarette Tax Act.

11. PRESIDENT:

12. Is there objection to having one roll call on those two?
13. Leave is granted. Senator Sours.

14. SENATOR SOURS:

15. These bills had a thorough hearing. They were passed out
16. unanimously. Very briefly, these bills are similar to a package
17. of bills which passed the last session affecting other tax acts.
18. They simply authorize the cigarette tax user to file claim for
19. credit or refund of a tax paid erroneously. That is all each
20. one does.

21. PRESIDENT:

22. Is there any discussion? The Secretary will call the roll.
23. Let's have some order. Please...gentlemen. Let's have some
24. order. Senators Harris, McCarthy. Senator Gilbert. Senator
25. Latherow. Gentlemen. Gentlemen, let's take our seats. Sena-
26. tor Knuepfer, Senator Bruce. Let's get some order here, please.
27. Senator Chew.

28. SENATOR CHEW:

29. Yea. I'd just like to ask Senator Sours a couple of questions
30. because I'm not really clear on this. Ah...is this to increase
31. the annual cost of cigarette distributor \$250.00 per annum?

32. PRESIDENT:

33. We're on 1577 right now.

1. SENATOR CHEW:
2. And 1578?
3. PRESIDENT:
4. 1577 and 1578. Not on 1579.
5. SENATOR CHEW:
6. Well, would you explain that just again briefly, Senator.
7. PRESIDENT:
8. Senator Sours.
9. SENATOR SOURS:
10. These are bills that the Department of Revenue desires,
11. Senator, and they had a full hearing in the Revenue Committee.
12. They were passed out unanimously. Now, all they do is permit
13. the department to issue a refund. Now, how does that occur?
14. Supposing a distributor has paid in the Stamp Tax money and he
15. goes out of business. There isn't a thing he can do to get his
16. money unless he goes in the Court of Claims.
17. PRESIDENT:
18. The Secretary will call the roll.
19. SECRETARY:
20. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Car-
21. roll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson,
22. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall,
23. Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kus-
24. ibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,
25. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
26. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
27. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.
28. PRESIDENT:
29. On that ques...On those two bills, the yeas are 49, the nays
30. are none. The bills having received a constitutional majority
31. are declared passed. 1579, Senator Sours, and again can we take
32. the two bills together?
33. SENATOR SOURS:

1. Yes.

2. PRESIDENT:

3. Is there objection to that? Leave is granted. 1579 and
4. 1580, Senator Sours.

5. SENATOR SOURS:

6. One bill concerns the Cigarette Tax Act, the other the
7. Cigarette Use Tax. The Department of Revenue as well as the
8. distributors, some of them, would like to code the tax stamp
9. that is affixed on each package of cigarettes. For good and
10. valid reasons, they could trace any hijacked cigarettes. They
11. can, in that way, possibly trace anyone who is stamping who
12. doesn't have the right to stamp. The \$250 per unit cost will
13. be paid cheerfully by the distributors and it will raise about
14. \$42,000. The actual operation will cost a little more than
15. that, it is thought. The bill had a thorough hearing, the
16. department is in accord with it, the distributors want it.
17. If there is a loss, it will be miniscule. It came out of the
18. committee with no opposition and I'd appreciate a favorable
19. roll call.

20. PRESIDENT:

21. Senator Palmer.

22. SENATOR PALMER:

23. Senator Sours, I have two questions. Is this a new fee or
24. an increased fee?

25. PRESIDENT:

26. Senator Sours:

27. SENATOR SOURS:

28. This is an increase...an increase in the...in the license
29. paid by distributors...fees.

30. PRESIDENT:

31. Senator Palmer.

32. SENATOR PALMER:

33. What is the present fee?

1. PRESIDENT:

2. Senator Sours.

3. SENATOR SOURS:

4. I don't know.

5. PRESIDENT:

6. Senator Palmer.

7. SENATOR PALMER:

8. In your presentation, Senator Sours, you said that the dis-
9. tributors will cheerfully pay this. Will you explain that, please.
10. In other words, do they consent to this in your opinion?

11. PRESIDENT:

12. Senator Sours.

13. SENATOR SOURS:

14. They sure do. They feel this will be a good prophylactic
15. against hijacking cigarettes in communities like Chicago and
16. Peoria.

17. PRESIDENT:

18. Is there further discussion? The Secretary will call the
19. roll. One roll call for both bills.

20. SECRETARY:

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

29. PRESIDENT:

30. Bruce, aye. Saperstein, aye. On that question, the yeas
31. are 43, the nays are none. The two bills, having received a
32. constitutional majority, are declared passed. 1369, Senator
33. Baltz.

1. SENATOR BALTZ:

2. Mr. President and members of the Senate, Senate Bill 1369
3. is the annual appropriation for the Comprehensive Health Plan-
4. ning Agency. The calendar shows a total appropriation of
5. \$1,010,500. After conferences with the Democrat Task Force
6. and the Republican experts on appropriation and much discussion
7. in committee, this appropriation has been reduced some \$202,000.
8. The total appropriation is now \$808,000. \$458,000 of this is
9. Federal grant fund that comes to us. There's been no reduction
10. in that. The only reduction has been in the State contribution
11. which has been reduced from 552,500 to 350,000. So I would
12. appreciate a favorable roll call. If there are any questions,
13. I'll attempt to answer them.

14. PRESIDENT:

15. Senator Groen.

16. SENATOR GROEN:

17. Senator Baltz, how long has this planning agency been in
18. operation?

19. PRESIDENT:

20. Just a moment, please. Lets...let's have...Senator Horsley,
21. Senator Merritt, Senator Ozinga, Senator Latherow. Please, gen-
22. tlemen. Senator Baltz.

23. SENATOR BALTZ:

24. Senator Groen, the Comprehensive Health Planning Agency was
25. created by Senate Bill 475 of the last session. So this is be-
26. ginning their first full year of operation.

27. PRESIDENT:

28. Senator Groen.

29. SENATOR GROEN:

30. Then what was the original appropriation for the...for its
31. first year of operation if perhaps on a limited basis?

32. PRESIDENT:

33. Senator Baltz.

1. SENATOR BALTZ:

2. As I recall, it was around \$200,000. There was a budget
3. of almost \$500,000, part of which had been included in the
4. Public Health Department budget. This is one of the bills
5. that came back with the Governor's amendatory veto that we
6. approved his cutting out a line item that was then incor-
7. porated in the Public Health Department budget. Now, it is
8. over where it belongs in the Comprehensive Health Planning
9. budget.

10. PRESIDENT:

11. Senator Groen.

12. SENATOR GROEN:

13. Can you give any estimate on what might be anticipated
14. to be its rate of growth? For example, do you have any idea
15. what we might expect this to jump to in '74?

16. PRESIDENT:

17. Senator Baltz:

18. SENATOR BALTZ:

19. I would anticipate that this agency...of course is in its
20. early, it's in its growth stage now. They...Senate Bill 475,
21. in creating this agency, established an A agency and a B agency.
22. The B agencies are the local, regional agencies that are estab-
23. lished throughout the State that are 51% consumer controlled,
24. 49% professional control. They're, of course, given the obliga-
25. tion of...of deciding and planning what the health needs for the
26. local people are in that region. There are some 7 of these re-
27. gions now in operation. Part of this money, of course, goes
28. in a matching grant basis to these regions to help staff them
29. so that they can continue and carry out this work. Other re-
30. gions are now in the formation stage. I have forgotten...They
31. can find out but I think there's some 12 or 14 other regions
32. that are now working toward organization to establish their own
33. local health planning agency. So, when you say what will the

1. rate of growth be, I would assume that this budget will probably,
2. in the next 4 years, probably double in size. Most of the money
3. comes from the Federal Grant Program. As a matter of fact, the
4. \$458,000 come from Federal government against \$350,000 from State
5. government this year for this purchase. It's pretty hard to
6. exactly tell you how much it will grow but I know it will grow
7. and I hope it grows because it should meet a very real need of
8. the people.

9. PRESIDENT:

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

11. SECRETARY:

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

20. PRESIDING OFFICER: (Senator Chew)

21. Collins, aye. Romano, aye. Lyons, aye. On the question,
22. the yeas are 41, the nays are none. The bill, having a consti-
23. tutional majority is declared passed. Going to House Bills on
24. Second Reading now. Senator Carroll, House Bill 14. Senator
25. Carroll, House Bill 14.

26. SECRETARY:

27. Second reading of the bill. No committee amendments.

28. PRESIDING OFFICER: (Senator Chew)

29. Any amendments from the floor? Third Reading. House Bill
30. 2033, Senator Mohr. Is Senator Mohr on the floor? We can refer
31. back to that. House Bill 2222, Senator Mitchler. Hold. 2525,
32. Senator Knuepfer. Hold. House Bill 2031, Senator Knuepfer.

33. SENATOR KNUEPFER:

1. Go on and move it. There are committee amendments.

2. SECRETARY:

3. Second reading of the bill. Three committee amendments from
4. Constitutional Implementation.

5. PRESIDING OFFICER: (Senator Chew)

6. Do I hear a motion? Senator Knuepfer.

7. SENATOR KNUEPFER:

8. I move the adoption of the committee amendments.

9. PRESIDING OFFICER: (Senator Chew)

10. Any discussion on the amendments? Any amendments from the
11. floor? Third Reading. House Bill 4149, Senator Carpentier is
12. not on the floor. Senator Carroll, do you want that held? 4149.
13. Senator Carpentier's bill. He's not on the floor. It'll be held.
14. 4142, Senator Davidson. Hold. 4154, Senator Cherry.

15. SECRETARY:

16. Second reading of the bill. No committee amendments.

17. PRESIDING OFFICER: (Senator Chew)

18. Any amendments from the floor? Third Reading. 4181, Senator
19. Sours. Will be held. 4189, Senator Ozinga.

20. SECRETARY:

21. Second reading of the bill. No committee amendments.

22. PRESIDING OFFICER: (Senator Chew)

23. Any amendments from the floor? Third Reading. 4196, Senator
24. Graham. Hold. Move it.

25. SECRETARY:

26. Second reading of the bill. No committee amendments.

27. PRESIDING OFFICER: (Senator Chew)

28. Any amendments from the floor? Third Reading. 4209, Senator
29. Harris. Senator Harris. You don't have to stand. You may be
30. seated if you so desire.

31. SECRETARY:

32. Second reading of the bill. No committee amendments.

33. PRESIDING OFFICER: (Senator Chew)

1. Any amendments from the floor? Third Reading. 4270, Senator
2. Bruce.
3. SECRETARY:
4. Second reading of the bill. No committee amendments.
5. PRESIDING OFFICER: (Senator Chew)
6. Any amendments from the floor? The Secretary has the amendment.
7. SECRETARY:
8. Floor amendment offered by Senator Bruce.
9. PRESIDING OFFICER: (Senator Chew)
10. Would you like to explain the amendment, Senator.
11. SENATOR BRUCE:
12. Well, the amendment adds some clarifying language. It also
13. deletes and I think Senator Mitchler and some would like to...
14. deletes language that was objectionable to the State Farm Bureau
15. and, at this point, the bill now meets with their approval and
16. I move the adoption. ~~There is no objection.~~
17. PRESIDENT:
18. Is there any discussion? All in favor signify by saying aye.
19. Contrary minded. The amendment is adopted. Any further amend-
20. ments. Third Reading. 4296, Senator Mohr. 4296.
21. SECRETARY:
22. Second reading of the bill. No committee amendments.
23. PRESIDENT:
24. Any amendments from the floor? Third Reading. 4541. Is
25. Senator Groen on the floor? 4547, Senator Carroll. 4547.
26. SECRETARY:
27. Second reading of the bill. No committee amendments.
28. PRESIDENT:
29. Any amendments from the floor? Third Reading. 4577,
30. Senator McCarthy. 4577.
31. SECRETARY:
32. Second reading of the bill. No committee amendments. One
33. floor amendment offered by Senator McCarthy.

1. PRESIDENT:
2. Can you explain the amendment, Senator?
3. SENATOR McCARTHY:
4. Yes, Mr. President. The amendment adds the word "official"
5. which was inadvertently left off in the draft of the bill and
6. this corrects it to what the statute presently reads. I move
7. its adoption.
8. PRESIDENT:
9. Any discussion? All in favor signify by saying... Senator
10. Partee.
11. SENATOR PARTEE:
12. What does "official" refer to. What does it modify? Official.
13. PRESIDENT:
14. Senator McCarthy.
15. SENATOR McCARTHY:
16. The official is the official of any city, town, township or
17. incorporated village.
18. PRESIDENT:
19. Further discussion? All in favor signify by saying aye.
20. Contrary minded. The amendment is adopted. Any further amend-
21. ments? Third Reading. House Bills on Third Reading. Senator
22. Harris.
23. SENATOR HARRIS:
24. Mr. President. Might I seek leave of the Senate to proceed
25. out of the regular order and I'm going to leave. I'm just not
26. feeling well. I have a conference committee report on Senate
27. Bill 1182 and 1183. Now, these are the two bills that I intro-
28. duced quite some time ago that originally dealt with the matter
29. of providing by statute a percentage for purses and also dealt
30. with elimination of the escalated scale for the tracks' share
31. of the takeout in the wagering at the tracks in Illinois. These
32. bills now do not deal with that subject matter at all. I don't
33. know whether the members of the Senate recall but the conference

1. committee report...I'm sorry...the Senate...the House amendments
2. to these bills when they were called for passage back in June a
3. year ago, there were only about 35 members on the floor at the
4. time and my recollection is that we got about 25 or 26 votes
5. for ratification of the House amendments. Now, the House amend-
6. ments to these two bills strike everything after the enacting
7. clause, eliminate entirely the consideration of these bills as
8. I introduced them and now deals with implementing by law the
9. administrative rules promulgated by the Racing Board in con-
10. nection with the requirements for public disclosure of benefi-
11. cial interest in the tracks' stock. The amendments deal also
12. with the question of prohibition of business with the tracks
13. unless a corporation or person doing business with the tracks
14. would make known their identity. We can describe these bills
15. now strictly as motherhood bills raising no question whatsoever
16. about the provisions of the bills as they were originally intro-
17. duced. I know a good many of you have expressed to me the indi-
18. cation that at the time a year ago in June when the House amend-
19. ment ratification was called for, the fact that there were so
20. few of us on the floor and there was some misunderstanding that
21. several just withheld their vote. I know of no objection to the
22. bills with the conference committee report that is before us.
23. The members of this committee were Representatives Telcser,
24. Scariano, Merlo, Wolf, Tom McMaster and Senators Dougherty, Palmer,
25. Soper and myself. I would be happy to respond to any questions
26. on the motion to adopt the conference committee report and they,
27. in fact result in just ratifying the amendments that were adopted
28. by the House a year ago in June but because of a misunderstanding,
29. they were not approved here and then we, of course, had to go to
30. a conference committee in order to get this matter back before us
31. again.

32. PRESIDENT:

33. Is there any discussion? Senator Dougherty.

1. SENATOR DOUGHERTY:

2. Mr. President and members of the Senate. As a member of
3. the conference committee, what Senator Harris says is essen-
4. tially true. Incorporated in the amendments offered by the
5. House were...they were such as to provide every safety factor
6. ...many of the things have become public knowledge. The Bills,
7. as they are in the present form, really bear very little re-
8. semblance to what they were in the original form. However,
9. they do accomplish some of what was sought to be accomplished
10. by the original admission of these bills which merely were
11. provided to give a greater share in the stake to the horse
12. owners. This is really part of the bills in their original
13. form to thus avoiding any horseman's strikes which was the
14. reason for it and it does provide a certain degree of pro-
15. tection but it does write in certain features and certain
16. factors to provide for the disclosure of ownership and so
17. forth as Senator Harris has said. I voted for it and was on
18. the conference committee that approved it.

19. PRESIDENT:

20. Is there further discussion? Is it acceptable, Senator
21. Harris, to have one roll call for both reports? Senator Knuppel.

22. SENATOR KNUPPEL:

23. I want to ask Senator Dougherty a question. What did you
24. say with reference to strikes? I think you mentioned this. Now
25. this is what the bills were originally designed to but there is
26. nothing in those bills now that deals with this at all, is there?

27. PRESIDENT:

28. Senator Dougherty.

29. SENATOR DOUGHERTY:

30. It is very limited matter.

31. PRESIDENT:

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. There is material in here, now; that still...it was my
2. understanding that all they dealt with now was the ownership
3. of stock and nothing to do with the operation of the track...
4. it has nothing to do with strikes.

5. PRESIDENT:

6. Senator Harris.

7. SENATOR HARRIS:

8. That's correct.

9. PRESIDENT:

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. Because this was one of the things I objected to at the
13. time those bills originally came through here. Owners were
14. negotiating contracts which gave them as much as 46% of the
15. gross take at the gate and these would have prevented them
16. from negotiating for any more than 43% and, as I understand
17. the bills, there is nothing like that in there now and I read
18. the bill and I didn't see anything in there that looked like
19. that. I, personally, was probably the person most opposed to
20. those bills because I'm familiar. I have harness horses. I
21. was in Chicago last night, incidentally, and one of my horses
22. finished second and I was very interested in the bill. I didn't
23. vote on it because...but I spoke on it because I was vitally af-
24. fected...only harness horses. The bills that I considered ob-
25. jectionable to racing in this State which is industry that needs
26. encouragement rather than discouragement now meet the objections
27. that were created by the scandals that rocked this State and
28. which I predicted at the time I spoke on this bill because, at
29. that time, Internal Revenue Service was investigating Judges and
30. others who were associated with these tracks and subsequently,
31. the newspapers disclosed these problems. Now these bills, as
32. they stand now, are badly needed by the racing industry in Illinois
33. to restore confidence. We have to go through a long ordeal in the

1. General Assembly to restore the confidence of the people in a
2. legitimate operation and industry and these bills will go a
3. long ways toward doing it. Now, there was not a misunderstand-
4. ing when the bills came back. The problem was that the bills
5. had been over at the House and they came over here late in
6. November and I said I hadn't had a chance to read them and
7. there were not copies even available and they come up on a
8. short notice and that was the reason they had to go to a con-
9. ference committee because I spoke against the bills without
10. having had a opportunity to read them. I, at this time, en-
11. courage the members of this body to support these. this legis-
12. lation. I think it's badly needed and will help to restore
13. confidence in the racing industry.

14. PRESIDENT:

15. Senator Latherow.

16. SENATOR LATHEROW:

17. Mr. President, I hate to add to any further discussion of
18. this but Senator Knuppel, would you answer a question for me?

19. PRESIDENT:

20. He indicates he will.

21. SENATOR LATHEROW:

22. When you were referring to last night's races, were you
23. bragging or giving us a status report?

24. PRESIDENT:

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. Just a status report. He's a very good horse. He's been
28. out 6 times. Third, 3 times; second, twice and first, once.

29. PRESIDENT:

30. Senator Graham.

31. SENATOR GRAHAM:

32. Mr. President, I'm wondering if a continuation of the con-
33. versation by the Senator from Petersburg with regard to him having

1. harness horses doesn't actually represent a conflict of interest.

2. PRESIDENT:

3. Is there further discussion? The roll call will be on the
4. conference report on both bills, 1182 and 1183, and on that ques-
5. tion, the Secretary will call the roll.

6. SECRETARY:

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

15. PRESIDENT:

16. Newhouse, aye. Nihill, aye. Hynes, aye. On the conference
17. committee report on those two bills, the yeas are 44, the nays
18. are nothing. The conference committee reports are accepted.
19. House Bills on Third Reading and, again, what the Chair will do
20. will take the priority list given the Chair by the leadership
21. on both sides and then following that, proceed down the list.
22. 493, Senator Dougherty. 493.

23. SENATOR DOUGHERTY:

24. Mr. President and members of the Senate, House Bill 493 is
25. a bill that provides precisely what the synopsis says it does.
26. Under the terms of this bill there is created the Illinois Health
27. Facilities Authority and under terms of the Act there would be a
28. 7 member board who will provide a method or an implement whereby
29. a not-for-profit hospitals, nursing homes and homes for the aged
30. can obtain needed funds for the reconstruction, construction,
31. rehabilitation of these not-for-profit facilities. It provides
32. the issuance of bonds...for the issuance of bonds under the
33. authority of this act tax-free and thus are a better form of

1. investment to large investors. The bills are...will in this
2. sense...there's a seven member board. The bill sets out all
3. the powers and authorities. It's designed to promote the
4. financing of these hospitals. The incentive is a lower cost
5. of tax exempt bonds will make it easier for these facilities
6. to provide these much needed care facilities. The...as you
7. all know interest rates on tax exempt bonds are far less than
8. what they are on other bonds of this type. The bonds will re-
9. tire over a period of 30 years and that's longer than bank
10. loans are normally held. They have the effect of reducing
11. costs, I am of the opinion, of hospital care and nursing home
12. care. Under this hospital facilities act, that's 7 members
13. appointed by the Governor with the advice and consent of the
14. Senate. It creates a mechanism for the planning. It makes
15. loans available not-for-profit and creates some mechanism for
16. the financing of this here. It's a badly needed act. The
17. same bill passed this body last year and it was vetoed by the
18. Governor for the reason that it refunded the Illinois Building
19. Authority. I am informed...I cannot say that there's any
20. precise truth that the Governor is approved of this. I know
21. that the opposition to these bills comes from the private nursing
22. home sector. Senator Groen is an opponent of the bill and I be-
23. lieve Senator Walker and Senator O'Brien. I think this is much
24. needed legislation. I have been very patient. I've been waiting
25. around here for about a year. I think it's needed and I would be
26. very happy to answer questions if I can. I'm prepared to resist
27. any amendments.

28. PRESIDENT:

29. Senator Laughlin.

30. SENATOR LAUGHLIN:

31. Yes, I have some questions and I'm glad you didn't characterize
32. me as an opponent. I'm trying to have you educate me. I'm trying
33. to read this bill since we last had it up here and I've got some

1. notes and I wonder if you could explain some of these things
2. to me. On page 10, there's Section 419...4-19 where it says
3. "to make studies of needed health facilities that could not
4. sustain a loan where made under this Act and to recommend
5. remedial action to the General Assembly to do the same with
6. regard to any laws or regulations that prevent health facili-
7. ties from benefiting under this Act." Now, I don't see that
8. this has got any place in this bill at all. Can you explain
9. the rationale to me?

10. PRESIDENT:

11. Senator Dougherty.

12. SENATOR DOUGHERTY:

13. Very frankly, I cannot but these are to be submitted to
14. the Comprehensive Health Planning Commission who, in turn,
15. would make recommendations as to whether or not these people
16. would be eligible for the loan. There must be a body that
17. must pass on it or recommend or not recommend as the case may be.

18. PRESIDENT:

19. Senator Laughlin.

20. SENATOR LAUGHLIN:

21. All right. And the second question, in other words, as I
22. gather, Senator, you're not precisely sure and I'm not precisely
23. sure as to the reason for the inclusion of that provision. Now,
24. on page 12, there's a provision that, in addition to the initial
25. fee, an annual health planning service fee shall be paid to the
26. Authority by each participating health institution in an amount
27. not exceeding 1/4th of 1 percent of the unpaid principal amount
28. of the bonds or loans outstanding. Now that's clear what it does
29. but it then goes on and says "with such annual health planning
30. service fee amounts the Authority may negotiate and provide
31. assistance to the State and Regional Comprehensive Health Plan-
32. ing organizations." I don't understand that as being relevant
33. or material to the real purpose of this bill. Can you help me

1. with it, please.

2. PRESIDENT:

3. Senator Dougherty.

4. SENATOR DOUGHERTY:

5. It is my premise that this one quarter of one percent of
6. the remaining outstanding bonds is used to finance the opera-
7. tions of the Authority and then to advise what other health
8. planning agencies as to the feasibility of what they have
9. suggested. That's the way I understand it.

10. PRESIDENT:

11. Senator Laughlin.

12. SENATOR LAUGHLIN:

13. My only comment is that it seems to me a very broad authority
14. and I'm not sure what you're creating when you do this. On page
15. 14 and 15, there's some language which indicates that the Authority
16. may mortgage property and so I want to know an answer to this
17. question if you can, sir. Suppose a mortgage is foreclosed by
18. this Authority. Is there anything in here that gives them the
19. authority to authorize and operate the facility after the mort-
20. gage is foreclosed?

21. PRESIDENT:

22. Senator Dougherty.

23. SENATOR DOUGHERTY:

24. It is my assumption they will appoint a receiver to operate
25. it in order to recoup the funds that they have invested in it.
26. Yes, sir.

27. PRESIDENT:

28. Senator Laughlin.

29. SENATOR LAUGHLIN:

30. I can't go fast enough here. Just a minute, Senator. On
31. page 19, there is a provision that shall...the Authority shall
32. not be liable for claims of any kind in tort. Now, recently in
33. recent years, immunity from a civil liability that used to attach

1. particularly to non-profit hospitals has sort of disappeared
2. and now those hospitals carry insurance, most of them, and are
3. responsible. Now my question is, if the title to the property
4. is...

5. PRESIDENT:

6. Just a moment...Just a moment. Senator Laughlin gives
7. courteous attention to his colleagues. He is entitled to the
8. same.

9. SENATOR LAUGHLIN:

10. Thank you, Mr. President. My question is, if the title
11. to the property is in the Authority and they lease it back
12. to a non-profit organization, where and against whom can a
13. person injured by negligence in a hospital gain his remedy?

14. PRESIDENT:

15. Senator Dougherty.

16. SENATOR DOUGHERTY:

17. It would be my assumption, sir, that it would be...the suit
18. would be against both the hospital and the Authority.

19. PRESIDENT:

20. Senator Laughlin.

21. SENATOR LAUGHLIN:

22. But, I don't understand that this bill says that. I'm not
23. sure that the...I know it says at the beginning it can sue or
24. be sued but I think that the funds that it has are protected
25. because they're trust funds and so I don't know how they'd ever
26. be able to pay the judgment and I don't know whether the Authority
27. would have an insurable interest. That's the reason for my
28. question, Senator.

29. PRESIDENT:

30. Senator Dougherty.

31. SENATOR DOUGHERTY:

32. It's a very good question and I'm not completely alert as
33. to what the implications are. However, I know this, that this

1. bill is going to have to go to a court suit and I think that
2. would be determined in the court action.

3. PRESIDENT:

4. Senator Laughlin.

5. SENATOR LAUGHLIN:

6. Well, I appreciate that Senator Dougherty. I'm sure that
7. nobody's going to pay willingly but the question comes where
8. they can compromise where they'd have the authority, and against
9. whom the suit should actually be brought. Ah, one other question,
10. and I'll limit myself to one other one. On Page 23, line 24 and
11. 25, contain the language that this act is not a limit on any
12. home rule unit. Now for the life of me I don't get the significance
13. of that amendment, and I'm intrigued by it because on the next
14. page there is a provision that this authority shall pay no taxes,
15. no assessments, including mortgage recording taxes. I think they
16. mean mortgage recording fees. I never heard of a mortgage
17. recording tax. Ah, and it's at all times be from tax...free
18. from taxation of every kind by the State and by the municipal-
19. ities or other political subdivisions of the State. Now it
20. seems to me that you're a little bit inconsistent by saying it's
21. not subject to a home rule unit or this act is not a limit
22. upon any home rule unit. And I'd like to have an explanation
23. of a reason for that provision.

24. PRESIDENT:

25. Senator Dougherty.

26. SENATOR DOUGHERTY:

27. Would you wait just a minute while I look at my notes on this?
28. Senator, if you look on 23 and 24, as you have stated there's no
29. mention of a home rule unit. I believe that was stricken in the
30. amendment that was offered some time ago.

31. PRESIDENT:

32. Senator Laughlin.

33. SENATOR LAUGHLIN:

1. I'm sorry and I beg your pardon if it has been amended. I'm
2. going from the bill, House Bill 493 marked amended on the front.
3. Now if you've deleted the provision in lines 24 and 25 on page
4. 23, this act is not a limit upon any home rule unit, I withdraw,
5. of course, the question.

6. PRESIDENT:

7. Senator Dougherty.

8. SENATOR DOUGHERTY:

9. I have in my hand the Senate Bill as amended which was
10. reprinted with the amendment at the request of this body. Line
11. 23...or line 23 says this. Provisions acted upon their income,
12. there's not a word in there about the home rule.

13. PRESIDENT:

14. Senator Laughlin.

15. SENATOR LAUGHLIN:

16. In other words, that was deleted.

17. SENATOR DOUGHERTY:

18. Right.

19. SENATOR LAUGHLIN:

20. Thank you, sir.

21. PRESIDENT:

22. Senator Groen.

23. SENATOR GROEN:

24. Well Mr. President, members of the Senate, this is a long,
25. complicated, complex bill and has been in this body for a year.
26. As late as yesterday afternoon when Loretta Purcell, the Director
27. of Health Care Licensure Commission, called me off the floor and
28. she said, Senator, I probably should not even be lobbying in re-
29. gard to this bill, but if this bill becomes the law of Illinois,
30. we are going to have literally a nightmare and I can understand
31. why. Now, at the outset, let me say that I am not opposed to
32. the concept, the purpose and intent of what is trying to be
33. accomplished, and I think I'll prove that later on in the day

1. when I ask for a...for the adoption of a Senate Joint Resolution
2. that deals with another phase of this situation. But I would
3. say to you that we have offered to the sponsors of this bill
4. in a meeting held in M-3, I believe it was, several weeks ago
5. a number of amendments went over what I am going to give you
6. this morning as my objections to the wording of this bill.
7. Senator Dougherty at that time admitted that he could not
8. refute what I was saying. I was reading from the bill. This
9. is what the bill does, and he did not concur with all of this.
10. The only answer we could get from the House sponsor was, any
11. amendment will have to go back to Chapman and Cutler. It is
12. in effect, their bill. Now I say to you that Chapman and
13. Cutler may be excellent in the bonding field and heavens only
14. knows I have no objection to bonds, but the way this bill is
15. drawn, it has one purpose and one purpose only, and that is
16. to protect bond owners and to hell with the patients. I say
17. to you, if you read this bill you can't form any other con-
18. clusions. Now I just want to go through some of these things,
19. and I know that I can't cover all the defects in this bill
20. in fifteen minutes. I would say to you when you start on page 1
21. a health facility as it's defined in this bill could be your
22. local health spa where you go for saunas and massages and any
23. other kind of thing that you might want to get, and it would
24. authorize the use of these monies for that purpose. Project
25. means any structure or structure suitable for use as a health
26. facility, laboratory, laundry, nurses or interns residence, or
27. other multi-unit housing facilities for staff employees, physicians
28. facilities, and I'll talk more about that later, may include any
29. one of combination of the foregoing undertaken jointly by any
30. participating health facility with one or more other health
31. facilities. We go on and then we wonder why this bill, and under
32. the terms of this bill, if you will read it carefully, a hospital
33. that has presently accepted funds from the Hill Burton Act...under

1. the Hill Burton Act and is now under that Act called upon because
2. they took money from that fund to build facilities, will be
3. called upon to offer for charitable purposes up to 25% of their
4. gross. They want to get out of that, and I say to you, if this
5. bill becomes law, a hospital that has accepted money under the
6. Hill Burton Fund is going to renegotiate that situation and
7. use these funds to pay it back so they don't have to provide
8. that charitable function. Now we go on in the bill. We go to
9. page 7 and we find an amazing thing. There can be no such thing
10. as a conflict of interest of a Board member. If he happens to
11. be in the business of operating or owning a hospital or a non-
12. profit nursing home, ah, it does not constitute a conflict of
13. interest that he sit in judgment of his own benefits. We go
14. on to page 8, and here is one that I think is the most abominable
15. perhaps of all in this bill. If your local hospital takes
16. nickel one from this agent, this is what the agency can do to
17. you. Can come into your hospital and I quote, to fix and
18. revise from time to time and charge and collect rates, rents,
19. fees and charges, now get this, for the use of and for the
20. services furnished or to be furnished by a project or any
21. portion thereof. Now what does that mean, gentlemen. That
22. means that they're going to be able to come into your hospital
23. and set the charges that your hospital must assess against its
24. patients for the services that it offers. And I say to you that
25. if that isn't a built in, absolute, guilt edge, blue chip pro-
26. tection for a bond holder, I never saw one. It isn't going to
27. make any difference what it does to the patient or patient care.
28. What they are concerned about is that the bonds be a hundred
29. percent fool proof in the hands of the investors. Now I don't
30. think you want that and I don't want that. It's one of the amend-
31. ments I wanted them to accept, I think frankly Senator Dougherty
32. would have accepted it, but apparently Chapman and Cutler wouldn't.
33. They can also come into your hospital whenever they please, and

1. I'm quoting from page 9, to establish rules and regulations for
2. the use of the project or any portion thereof. Now I guess
3. that means that they can establish any kind of rules and regulations
4. they like. There certainly is not limitation contained in the
5. bill. Now they can also contract with others as their agents
6. to do all of the things that they can otherwise do in this act
7. and that's contained on page 9 in section 4.11. You go on to
8. page 10 of the bill. They can make loans to a participating
9. health facility to refund outstanding obligations or advances
10. issued, made or given by such a participating health facility
11. for the cost of the project including the function to issue
12. bonds and make loans to a participating health facility to
13. refinance indebtedness incurred by a health facility in projects
14. undertaken and completed prior to the enactment of this act,
15. when the authority finds that such refinancing is in the public
16. interest, and therein lies your Hill Burton situation, where
17. not only the Hill Burton situation but any that finds itself
18. in trouble, this constitutes a refinancing under the terms of
19. this. They also have the authority under section 4.18 to
20. mortgage all or any portion of any health facility of any
21. site or site thereof, whether owned or thereafter acquired for
22. the benefit of holders of bonds issued to finance that health
23. facility or any portion thereof. And then it gives them the
24. broad authority to do all things, and I'm quoting again, this
25. isn't my opinion, I'm reading to you from this bill, to do all
26. things necessary or convenient to carry out the purposes of
27. this act. Now we go on in the bill and we get over to page 14,
28. section 9, the authority from time to time issue...may issue
29. bonds for any corporate purpose. Now I say to you that's about
30. as loose a language and as broad a language as I ever heard
31. incorporated into any act coming before this body. Now we've
32. got another problem with this bill, and I think it's a very
33. serious defect in the bill and another one that I could not get

1. changed. And I'm quoting from page 15 of the bill, at the very
2. top. The bonds of each issue shall be payable solely out of
3. revenues as the authority specified in the resolution under
4. which they were issued or in a related trust agreement, trust
5. indenture, indenture of mortgage or deed of trust. And I say
6. to you if that isn't an invitation in the under...to the under-
7. world to come in and get into the health hospital programs of
8. this State, I never saw one. If you're ever going to be able
9. to track down who the beneficiaries of those trusts are, I'd
10. like to know how you're going to do it. You can't do it today.
11. You know it and you're not going to be able to do it under the
12. terms of this act. Now we've got another cute little thing
13. in this bill, and I say that without, without rancor at all.
14. The bonds, and I'm quoting from the middle of page 15, the
15. bonds shall be sold in such manner as the authority shall
16. determine. There isn't even any requirement for public ad-
17. vertisement for bids on these bonds. They simply negotiate
18. it privately without any body knowing about it, and this is
19. it. Now I don't think you want to pass this kind of a bill.
20. I don't want to pass this kind of a bill. It's another of
21. the things that I wanted the House sponsor to change. Apparently
22. Chapman and Cutler want that authority to have these bonds
23. negotiated privately without any public notice, without any
24. public advertisement for bids. And I say to you, that's
25. not in the best interest of the people of this State. Now,
26. we go on in this bill and get to page 17, and this is an
27. unusual section and I've never known it to appear before
28. in a bill before this body. The State of Illinois, and I'm
29. quoting again,...The State of Illinois pledges to and agrees
30. with the holders of any obligations issued under this Act,
31. and with those parties who may enter into contracts with the
32. authorities pursuant to the provisions of this act, that the
33. State will not limit or alter the rights hereby vested in the

1. authority until such obligations together with the interests
2. thereon are fully met and discharged, and such contracts are
3. fully performed on the part of the authority. The authority
4. is agent for the State...as agent for the State, is authorized
5. to include this pledge on undertaking for the State in such
6. obligations or contracts. Now, I'm sure you know what that
7. means as well as I do. It simply means this. That if the
8. authority puts this in, this General Assembly cannot change
9. one of its laws that would affect detrimentally in the judg-
10. ment of this authority their powers under this act, bonds
11. issued, no matter what it might be. It might even be con-
12. strued so far as to go to say that you couldn't even enter...
13. that you could not even interfere with labor negotiation con-
14. tracts because they might have an effect on the ability of the
15. facility to repay these bonds. I don't think you want that
16. in this act. I didn't want it in, but I couldn't get it out.
17. That's why I'm opposed to this bill. Now you go on and you
18. come to page 23, and another thing in that that Senator
19. Laughlin did not raise that I think is important, and it says
20. at the top of the page that none of the powers granted to the
21. authority under this act shall be subject to the supervision
22. or regulation or require the approval or consent of any muni-
23. cipality or political subdivision or any department, division,
24. commission, board, body, bureau, official agency thereof, or
25. of the State. Now I don't know what that means, but I'd say
26. to you that's very broad language again. I think it ~~usurps~~
27. entirely, completely any power or control whether it be police
28. or otherwise, over location, zoning...I-I-I think this facility
29. could come in, violate your zoning laws if they wanted to, put
30. a hospital contrary to it. I think they could build other types
31. of so-call facilities without the consent or without the approval
32. of the municipality involved. Now another thing about this
33. bill. I was interested in an article that appeared in one of

1. the metropolitan newspapers in the voice of the people, and it's
2. against House Bill 493 and it says this among other things.
3. For the last nine years there has been a revenue ruling from the
4. U.S. Treasury Department allowing any non-profit hospital to
5. issue tax exempt bonds for construction. Federal legislation
6. in 1968 provided that hospitals could borrow for construction
7. or renovation with the loan being guaranteed by the Federal
8. Housing Authority. This permitted hospitals that received
9. Health, Education and Welfare Department approval to borrow in
10. the commercial market at very competitive commercial rates.
11. Another federal law passed within the last 6 months adds another
12. possibility for lower cost funds. This law authorizes funds
13. to guarantee loans approved by the State Health Department and
14. H.E.W. for construction and modernization and to pay interest
15. subsidy of 3% of these loans. We also currently have the
16. State Health Department, various other health planning agencies
17. of H.E.W. coordinating planning for health care facilities.
18. It just doesn't seem to me that another State agency, another
19. bureaucracy, is necessary to provide what this bill would do.
20. And I would say to you that there is another provision of
21. the Illinois law that we can use that would be in the interest
22. of patient care rather than be in the interest of bond holders.
23. And I say to you if I ever saw a bill that was drafted by bond
24. holders for bond holder's protection and benefit, this bill is
25. it. If you haven't read this bill, I have, for the life of me
26. I can't understand why the amendments that were offered were
27. rejected by Mrs. Chapman, but the only answer that I could get
28. for her and Senator Dougherty would agree with this, I am sure,
29. was that any amendments have to be approved by Chapman and
30. Cutler. Well, gentlemen, lady, Chapman and Cutler is not running
31. this General Assembly and should not be in the business of
32. operating health facilities in this State and that's what
33. this bill would in effect allow them to do. I think they ought

1. to stay in the bonding business and let the operation of health
2. facilities to hospital administrators and knowledgeable people
3. in that field.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator O'Brien.

6. SENATOR O'BRIEN:

7. Mr. President and members of the Senate, I rise in opposition
8. to this very complex technical bill that we have before us. Much
9. of the opposition that I have to this bill has already been mentioned
10. by Senator Laughlin and Senator Groen. Senator Dougherty mentioned
11. that the opposition to this bill is coming from the nursing home
12. sector, the private nursing home operators and Senator Walker,
13. Senator O'Brien, etc., etc. Well, I'd like to make it quite clear
14. to this General Assembly right now that I'm on my feet opposing
15. this bill because I think it's the biggest rip off that the
16. people of the State of Illinois have been exposed to in this
17. Session of the General Assembly. Now, I was a nursing home
18. administrator before I got elected as a member of the General
19. Assembly and each and every member in this Chamber knows that my
20. family is in the nursing home business in this State and another
21. State. Quite frankly, I am not on the payroll of that nursing
22. home and not only that, my father is under 50 years old and there
23. are six kids in our family, so I stand nothing to gain by working
24. against this bill. As Senator Dougherty mentioned the private
25. sector of the nursing home industry is against it. I think this
26. bill is the biggest rip off of the people in the State of Illinois.
27. It just opens the door for any non-for-profit organization to
28. come in, any organization, set up an authority and issue tax
29. exempt bonds for the funding, construction or operation of anything
30. that it deems necessary. If this bill passes, you're going to
31. open the door for veteran's organizations, non-for-profit veteran's
32. organizations to come in and build veteran's halls. You're
33. going to open the door for church organizations to come in, set up

1. authorities, issue tax exempt bonds, and construct things. Now,
2. this bill has been mentioned as being a bill that will provide
3. better health care. Well, I can't see how it's going to provide
4. better health care at all. Quite frankly, if you just take a
5. look at Sections 202 on page 1, Sections 204 and Sections 205,
6. dealing with health facility, the project and the cost. Those
7. three paragraphs right there are broad enough to include every-
8. thing. Even the financing and the construction of a dog house
9. to house the dogs that are going to protect the hospital facility
10. could be included under the broad generalities that are in this
11. bill. I don't think that this bill is certainly going to provide
12. better health care for the patients of the State of Illinois. I
13. certainly feel that it's not going to reduce hospital care for
14. the residents of this State. This is a very broad authority that
15. is being created in this bill. It's so broad that as Senator
16. Groen mentioned, won't have to answer to local municipalities
17. for zoning, won't be required to come back for the State of
18. Illinois for some sort of regulatory intervention in relation
19. to the planning of the hospitals and the methods that they're
20. going to be used in developing further...developing and furthering
21. these facilities in the State of Illinois. I think just briefly
22. that this bill should have further study and should go to the
23. Health Licensure Commission. I can talk on some of the specifics
24. that are included in projects. Senator Groen mentioned that. I
25. can talk about the financing, 100% financing, but if you'll just
26. turn to page 1 and take a look at the definition of health facility,
27. just to show you how broad this bill is. Health facility means
28. any non-for-profit private institution, place, building or agency
29. required to be licensed under either the Hospital Licensing Act
30. or Nursing Home, Shelter Care Homes or Homes for The Aged Act, and
31. also means any such facility exempted from such licensure when
32. the Director of Public Health attests that such exempt facility
33. meets the statutory definition of a facility subject to licensure;

1. so, if the Director of Public Health says that it meets the
2. requirements, that it should be licensed under this Act even
3. if it isn't, as I read it, it's still eligible to partake in this
4. program. It goes on even farther. The Director of Public Health
5. attests is subject to the certification by the Secretary of the
6. U. S. Department of Health, Education and Welfare under the Social
7. Security Act, and now is hereafter amended or which the Director
8. of Public Health attests is subject to the standard setting by
9. any recognized public or voluntary accreditation of a standard
10. setting agency. So, if you pay your dues to the American Hospital
11. Association or the Illinois Hospital Association, then you can
12. become eligible to receive funds and financing underneath this
13. Bill. I can't say any more other than it's probably the broadest
14. bill I've ever seen. I certainly don't think it's in the best
15. interest of the people of the State of Illinois, and I urge every
16. member to vote no.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Senator Dougherty is recognized to close the...oh, I'm
19. sorry, Senator Baltz.

20. SENATOR BALTZ:

21. Senator Walker was ahead of me. You go ahead.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. You fellows decide which one wants to go first. Senator
24. Walker.

25. SENATOR WALKER:

26. Thank you, Mr. President. Did I understand you, Senator
27. Dougherty, to say that you would resist any amendments? How about
28. Page 2, striking the words "health facility" wherever it appears
29. in lines 13, 16 and 19 and inserting in lieu thereof the word
30. "hospital". Would you go for that amendment?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Dougherty.

33. SENATOR DOUGHERTY:

1. I had prior knowledge that Senator Walker intended to
2. do that and let it provide for hospitals only. This provides
3. for nursing homes and homes for the aged, not-for-profit. Therefore,
4. I would resist that.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Walker.

7. SENATOR WALKER:

8. In other words, you won't buy this amendment? We'll fix
9. that one. Are you familiar, Senator Dougherty, with an article
10. that appeared in the Voice of the People in Chicago Trib by a
11. gentleman by the name of Charles O. VanMeter who was totally
12. opposed to the bill and the concept of the bill?

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Dougherty.

15. SENATOR DOUGHERTY:

16. I am thoroughly familiar with it. Are you familiar with
17. the editorial that appeared in the Chicago Tribune upholding this
18. bill?

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Walker.

21. SENATOR WALKER:

22. Senator, wouldn't this put the larger hospital in a more
23. favorable position if this legislation is enacted as compared
24. to the more...hospitals of a more moderate means, and wouldn't
25. it put the hospitals in competition with the nursing home business?

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Dougherty.

28. SENATOR DOUGHERTY:

29. Senator, I do not believe that it would put the moderate...
30. the smaller hospitals if you will, in competition with the larger
31. hospital. They are all eligible for these grants, and as a...What
32. was the other part of your question, Sir?

33. SENATOR WALKER:

1. The question...I should have given you a double charge there.
2. First question was, "Wouldn't it put the larger hospitals in a more
3. favorable position than the hospitals of moderate means?"

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Dougherty.

6. SENATOR DOUGHERTY:

7. The answer is no.

8. SENATOR WALKER:

9. Hit 'er again. Wouldn't it put the hospitals in competition
10. with the nursing homes?

11. SENATOR DOUGHERTY:

12. Then...that has been the premise that most of the attacks
13. that have been made upon this bill, that the hospitals are going
14. to build nursing homes. The hospitals are having a difficult
15. enough time to staff the hospitals as they are. I do not envision
16. them at any time going into the nursing home business. Remember,
17. this is not-for-profit, and it provides for those hospitals who
18. are so chartered and it provides for nursing homes so chartered
19. and homes for the aged which are run, in the main, by fraternal
20. groups, religious groups of all natures. This is strictly not-
21. for-profit. The owner...it does not injure the private nursing
22. sector or nursing home sector in any way.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Walker.

25. SENATOR WALKER:

26. Thank you. I also have a question as to the constitutionality
27. and this is something that I try and avoid. I would rather leave
28. it up to the lawyers here in the Senate. I do have a question on
29. Page 12...Page 13 where it states, "In addition to such initial
30. fee, an annual health planning service fee shall be paid to the
31. authority by each participating health institution in an amount
32. exceeding...not exceeding a fourth of one percent of the unpaid
33. principle of the amount of bonds or the loan outstanding on each

1. anniversary date," and so forth. It seemed to me that that
2. provision delegates the Authority the power to impose this
3. tax of a quarter of one per cent. And if so, it would
4. be in conflict with Section 1, Article 9 of the State
5. Constitution.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Dougherty.

8. SENATOR DOUGHERTY:

9. I'm aware of that one quarter of one per cent, but that's
10. to pay for the operating expenses of the Authority, put in
11. there for the sole purpose that no State money will be
12. involved in this at any time. Or any money from any public
13. body. It is merely an operating cost . . . Is what it is . . .
14. the cost of operating the facility.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Soper.

17. SENATOR SOPER:

18. I move the previous question.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. The previous question has been moved. Senator Baltz
21. is next, Senator. Senator Baltz.

22. SENATOR BALTZ:

23. Mr. President and members of the Senate, I rise in
24. support of this bill. I think two years ago, I had a bill
25. that did the same thing for private, not-for-profit, hospitals
26. and health care facilities. And my bill used the Illinois
27. Building Authority to . . . as an establishment that would
28. provide the State the credit that would be necessary to
29. attract bondholders to buy bonds at a reduced, or loan money
30. to these institutions at a much reduced rate of interest. I
31. think the Attorney General at that time, after the bill
32. passed both the House and the Senate, made a recommendation
33. that the bill not be signed by the Governor because private

1. institutions could not use a public agency, in this case
2. the Illinois Building Authority, as someone to guarantee
3. their debts. As I recall it, this bill came along
4. attempting to do the same thing. The a . . . a setting up
5. a . . . a hospital . . . or Illinois Health Facilities
6. Authority. And I would like to address myself to number one,
7. the discussions that have gone on here seem to circle around
8. somehow that this is going to cost the . . . the State
9. a lot of money that . . . actually it's putting the State
10. in a difficult position . . . that they may have to guarantee
11. funds or have an appropriation to make this bill work.
12. Information that I have is exactly the opposite of that. The
13. question asked here, and answered. The question is, are
14. State appropriations or revenues required to operate the
15. I.H.F.A., and the answer is no. Neither State appropriations
16. nor revenues are required to operate I.H.F.A. However, if
17. the occasion should arise I.H.F.A. is empowered to receive
18. appropriations, grants, and so forth. This allows the I.H.F.A.
19. to receive temporary appropriations to enable them to carry
20. out any special program or study required by the Legislature,
21. or an appropriate department of the State. But there isn't
22. any appropriation required to establish a reserve fund to
23. guarantee payment of these bonds. The bill as I see it, and
24. as Chapman and Cutler have been accused of drafting it,
25. probably they have. Anyone who would care to invest a
26. sizable amount of their own money, at a very much reduced
27. rate of interest, would most certainly, I think, like to
28. have Chapman and Cutler make every determination possible
29. in order to secure their investment, particularly if they
30. were going to loan money to one of these private institutions
31. at, say at 2 1/2% or 3% rate of interest. One of the
32. interesting things about this legislation, if it should pass,
33. was a fact that was brought out about the impact it would

1. have on our Public Aid Medical Bill in Illinois. Just
2. the reduced rate of interest that private institutions in
3. the medical field would be paying, would result in a
4. savings of some three million dollars a year in public
5. aid bills alone that the State of Illinois now pays for
6. their recipients. I think this puts in perspective a
7. little bit, the full impact of what this bill would do
8. for health care facilities. It can result as I see, if
9. it is . . . if it is utilized . . . if the bill's passed,
10. and it's utilized in hospital expansion in Illinois, it
11. can result in a savings that has to be passed on to the patient.
12. This might be you, or I, or public aid patient, or who it might
13. be. It only, of course, applies to private, not-for-profit
14. institutions. It does allow them to borrow money at a
15. much reduced rate of interest. Certainly it would relieve
16. greatly the burden of capital fund drives that have to
17. be made throughout the State in order to provide money for
18. these much needed institutions. All of us have been
19. confronted with the shortage of doctors, the shortage of
20. health care facilities, the high cost of health care
21. facilities. This, in my estimation, is one way that would
22. substantially help hospitals, particularly the private,
23. not-for-profit ones, to solve their problem at the local
24. level and give adequate health service and health care,
25. to the people back home at a reduced cost. And I would
26. certainly support this legislation, support Senator
27. Dougherty's efforts to resist any amendments. I think
28. this bill has been on Third Reading for a long time,
29. certainly it's been on our Senate Calendars since last
30. October, certainly the opposition was aware of this bill and
31. its existence since last October and there's been a great
32. deal of discussion of it. But to be offering some of the
33. amendments, some brand new ones, now at this stage of the game,

1. I join Senator Dougherty in resisting any attempt to
2. amend it and I urge your support of this bill.

3. PRESIDENT:

4. Senator Laughlin.

5. SENATOR LAUGHLIN:

6. Yes, Mr. President and members, I hesitate to rise
7. again because that I said when I got up I wasn't an opponent,
8. I was trying to educate myself. I may have become an
9. opponent, I'm not sure. Senator Dougherty, I understood
10. you to say in response to my question, that this provision
11. about Home Rule had been stricken from the bill. Now I
12. have in my hand, the bill and the amendment, which I have
13. gotten from the Secretary. And the amendment says, you amend
14. on page 23, by striking lines 1 through 4, and 1 through 4
15. read, "Provided in this Act, none of the powers granted to
16. the Authority under this act, shall be subject to the
17. supervision or regulation or require the approval, or
18. consent of any municipality or political subdivision or
19. any department, division, commission, board, body, bureau,
20. official or agency thereof of the State." That's what is
21. stricken. And inserting in lieu thereof, "This Act is
22. not a limit upon any home rule unit." Now this to me, is just
23. contrary to what I understood you to say. Could you
24. explain it for me?

25. PRESIDENT:

26. Senator Dougherty.

27. SENATOR DOUGHERTY:

28. Senator, I was looking at page 23, as you were, and
29. I agree with you what was in there. And I will also agree,
30. that the Home Rule Amendment is still in there. I would
31. agree.

32. PRESIDENT:

33. Senator Laughlin.

1. SENATOR LAUGHLIN:

2. All right. Now that it's in there, I want you to
3. explain to me why it's necessary and why it has to be in
4. this bill. To me the original language was much better
5. than to have it stricken and put in this provision about
6. the home rule unit. Why?

7. PRESIDENT:

8. Senator Dougherty.

9. SENATOR DOUGHERTY:

10. Frankly, I do not know, so I'm going to be very truthful
11. with you. And if . . . Senator, I did not mean to mislead
12. you, you know that. No attempt was made to mislead you.

13. PRESIDENT:

14. Senator Dougherty may close the debate.

15. SENATOR DOUGHERTY:

16. Well I tell you, there has been enough talk about this
17. bill. It's been around here for a year. All I'm going to
18. ask of this body, is give favorable consideration of the
19. bill and proceed with the roll call.

20. PRESIDENT:

21. The Secretary will call the roll.

22. SECRETARY:

23. Arrington, Baltz, Berning, . . .

24. PRESIDENT:

25. Just a moment. What is your point, Senator O'Brien.

26. SENATOR O'BRIEN:

27. Article 9, Section 9 of the new Constitution dealing
28. with revenue. Section 9 dealing with State debt. I'd like
29. to read this and to ask for clarification on how many votes
30. is necessary for this bill to pass. Section 9, Paragraph A -
31. "No State debt shall be incurred except as provided in this
32. Section. For the purpose of this Section, State debt means
33. bonds or other evidences of indebtedness which are secured

1. by the full faith and credit of the State, are required to
2. be repaid directly or indirectly from tax revenue, and
3. which are incurred by the State, any department, authority,
4. public corporation or quasi-public corporation." On page
5. 4 of this bill, Section 3, there is hereby created a body
6. politic and a corporate to be known as the Illinois Health
7. Facility Authority. The Authority is construed a public
8. instrumentality. Further in Paragraph B, under Section 9 -
9. "State debt for specific purposes may be incurred or the
10. payment of State or other debt guaranteed in such amounts
11. as may be provided, either in a law passed by a vote of
12. 3/5 of the members elected to each House of the General
13. Assembly." You turn to page 7 on the bill, this is to issue
14. bonds. This Authority will issue bonds for a specific
15. purpose. Now my contention is this bill needs a 3/5 vote, or
16. 35 votes to become law or to be declared passed out of the
17. State Senate.

18. PRESIDENT:

19. The question was raised earlier by someone to the
20. Parliamentarian. The Chair would rule that while there is
21. some question here, there is no direct creation of indebtedness
22. on the part of the State. Section 11 of the Act, states
23. specifically bonds issued under the provisions of this Act
24. shall not be deemed to constitute a debt or liability of
25. this State or of any public subdivision . . . political
26. subdivision thereof. So that the Chair would rule that 30
27. votes is adequate. Senator O'Brien.

28. SENATOR O'BRIEN:

29. In Section 9, Paragraph A, it says - the State are
30. required to be paid directly or indirectly from tax revenue.
31. And I think . . .

32. PRESIDENT:

33. When you get into indirectly, then you're getting into

1. fuzzy areas and I think the courts would have to rule on
2. that.

3. SENATOR O'BRIEN:

4. That's my contention. This bill needs 35 votes to
5. become law in the State of Illinois.

6. PRESIDENT:

7. Well, the Chair will rule that it . . . 30 votes will
8. constitute passage, and the question may ultimately have
9. to be determined by the courts. The Secretary will call
10. the roll.

11. SECRETARY:

12. Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew,
13. Clarke, . . .

14. PRESIDENT:

15. Senator Clarke.

16. SENATOR CLARKE:

17. Mr. President I would like to confirm what Senator
18. Dougherty said in his opening remarks. That this is a
19. program that is supported by the Administration and I think
20. for the reasons that Senator Baltz indicated, that this a
21. means of helping, over the coming years, to deal with one
22. of our most grievous problems from a financial standpoint,
23. the relief problem. That this would help to cut down the
24. cost. And I would urge an aye vote. I vote aye.

25. SECRETARY:

26. Collins, Coulson, Course, Davidson, Donnewald, Dougherty,
27. Egan, Fawell, Gilbert, Graham, Groen, . . .

28. PRESIDENT:

29. Senator Groen.

30. SENATOR GROEN:

31. Well, Mr. President I indicated that I couldn't cover
32. my time in 15 minutes and I will try not to use the 3. But
33. I think there are, among many, just a few things that ought

1. to be stated here. Number one, we say that it's going to
2. reduce the cost of public aid. How can it, gentlemen, when
3. more than 70% of all Public Aid patients in nursing homes
4. are in private proprietary for profit homes. And a relatively
5. small per cent of the persons who are in nursing homes today,
6. would be the beneficiaries of any rate reductions here, or
7. the State would be the beneficiary of any reduction here.
8. Because they just aren't in the non-profit homes, when it
9. comes to nursing homes and extended care homes. Now, Senator
10. Baltz says that we shouldn't accept amendments at this late
11. date. I say to you that last June I tried to get amendments...
12. unsuccessfully. This bill simply has to go in it's present
13. form or it isn't going to go at all, apparently. Now another
14. thing I think you should be aware that this bill would allow.
15. It would allow doctors to form clinics, and if the Agency
16. so decided, they could come under the provisions of this
17. bond benefit and I see no reason why this should be done. I
18. would call your attention to the fact that there is absolutely
19. no limit in this bill on the total amount of bonds that the
20. Authority may issue under this Act. It is unlimited in that
21. respect and carries no maximum interest rate. Now I did try
22. to include private homes in this under the limited profit entity
23. theory that has been upheld by our Supreme Court before, and
24. that was turned down by the House sponsor of the bill. I am . . .
25. I am sorry that this concept has to be in this form. I
26. think it could come under the Illinois Housing Authority
27. where all of these other things would not be involved, where
28. we would have some control by this General Assembly on what
29. this Agency does. And unless these changes are made, which
30. I have suggested, I can't support the bill and I vote no.

31. SECRETARY:

32. Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,
33. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,

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

5. PRESIDENT:

6. Senator Fawell.

7. SENATOR FAWELL:

8. I have not voted and I do wish to cast my vote aye. I
9. recognize that some of the objections here are very sincerely
10. set forth, but I also know that we're talking about not-for-
11. profit entities trying to deliver health care services. And
12. I am experienced in revenue bond issues. It's awfully hard
13. to find anybody who'll even buy any of those bonds. And I
14. think in this way, if we can help those not-for-profit
15. entities and that it could constitutionally be done so that
16. it could help for profit entities, fine. But it simply can't.
17. I think it's a step in the right direction, so I do vote
18. aye.

19. PRESIDENT:

20. Senator McCarthy.

21. SENATOR MCCARTHY:

22. Mr. President and members of the Senate, I should like to
23. explain my vote and do it with a sense of regret. I was
24. contacted about this bill. I've been around the Legislature
25. long enough to know better. I was contacted to be for the
26. bill by women from the Auxiliary. And I just mention this
27. to you without . . . so that I hope that I won't happen
28. again and I hope that other members won't find themselves
29. in this situation. That they commit themselves to vote
30. for a bill, then later find out they wished they had not
31. made their commitment. This bill, in my instance, is a
32. wrong bit of legislation. It allows private corporations
33. not-for-profit, to invade the governmental bond market which

1. creates inflationary pressures. It reduces the cost it . . .
2. it has a tendency to increase the cost of money to all of
3. the private sector that are competing for these funds. And
4. the only carrot that's hoped out . . . held out to the
5. people is that there will be reduced hospital costs. Mr.
6. President, I explain my vote because I made my commitment
7. I would be for it and I hope that I'll never make that
8. mistake again. But reluctantly, because I said it, I voted
9. aye.

10. PRESIDENT:

11. Senator Laughlin.

12. SENATOR LAUGHLIN:

13. Yes, Mr. President. Briefly to explain my vote, which
14. will be present. I am not satisfied with the content of
15. this bill. I do not object to what it's trying to accomplish.
16. I think it's an extremely poorly drafted bill. I don't care
17. whether Chapman and Cutler did it or not. It's far too broad.
18. And even though I like the idea behind the bill, and can't
19. really vote no, I can't vote yes. So I'll vote present.

20. PRESIDENT:

21. McBroom, no. Senator Partee.

22. SENATOR PARTEE:

23. Uh, I said aye on the original roll call, but I think
24. I want to be present because I've had too much conflicting
25. statement by persons in my community and my district on this
26. particular bill. Now I would hope that some of the amendments
27. that have been proposed might have been taken. I don't think
28. it's too late for us to take a more careful look at this.
29. I've never really seen an issue which I think there is much
30. misunderstanding surrounding as this one. I frankly think
31. that most of the persons voting here today aren't absolutely
32. certain as to what they're voting on. This is my personal
33. feeling. Maybe I'm gauging everybody by myself, but I just

1. don't know enough about it. We have . . . I've talked to
2. three or four different sets of people, and I'm not sure
3. they know. They are adamant in their positions, but I'm
4. not so sure they know what they're talking about. So I
5. want to vote present.

6. PRESIDENT:

7. Senator . . . for what reason does Senator Groen
8. arise? He has explained his vote.

9. SENATOR GROEN:

10. Well, yes, Mr. President . . .

11. PRESIDENT:

12. Unless it's a parliamentary inquiry, the Chair is
13. going to have to rule you're not entitled to the Floor.

14. SENATOR GROEN:

15. Well, does one have a right to change his vote before
16. the vote is announced?

17. PRESIDENT:

18. You have that right.

19. SENATOR GROEN:

20. As I stated at the outset, I am not opposed to the concept
21. of this bill. I am opposed to this bill in its present form.
22. I think a negative vote would be misleading as to my real
23. position on this issue and I, therefore, would like to be
24. recorded present.

25. PRESIDENT:

26. Senator Newhouse.

27. SENATOR NEWHOUSE:

28. Mr. Chairman, I've been recorded on both sides of this
29. issue and I'm just as confused now as I was when I started
30. out. I'd like to get off this bill entirely.

31. PRESIDENT:

32. Take Senator Newhouse's name off the roll call. On
33. that measure the yeas are 31, the nays are 7, 5 present.

1. The bill is declared passed. The request for and verification
2. of the roll call has been made and is in order. The Senators
3. will be in their seats. The Secretary will call the affirmative
4. votes.

5. SECRETARY:

6. Baltz, Carroll, Chew, Clarke, Collins, Coulson, Course,
7. Donnewald, Dougherty, Egan, Fawell, Harris, Horsley, Hynes, . . .

8. PRESIDENT:

9. Just a moment. Is Senator Harris on the Floor? Senator
10. Harris' name will be removed.

11. SECRETARY:

12. Hynes, Knuepfer, Kosinski, Kusibab, . . .

13. PRESIDENT:

14. Senator Kosinski is on the Floor.

15. SECRETARY:

16. Lyons, McCarthy, Mitchler, Mohr, Nihill, Ozinga, Palmer,
17. Rock, Romano, Rosander, Savickas, Soper, Vadalabene, Weaver.

18. PRESIDENT:

19. Senator Harris has returned and is on the Floor. 31
20. votes. The bill is declared passed. Motion by Senator
21. Dougherty to reconsider. Motion by Senator Lyons to Table.
22. All in favor of the Motion to Table signify by saying aye.
23. Contrary minded. The Motion to Table prevails. 2683, Senator
24. Graham.

25. SENATOR GRAHAM:

26. I uh . . . Mr. President and members of the Senate,
27. while we're right here at this order of business, I would like
28. to first of all explain there is an appropriation bill in
29. committee today, which will perhaps be coming out and be
30. necessary to go with these bills. I would like to leave 2683
31. where it is and move to have 2684 moved back to Second
32. Reading for the purpose of Senator Soper offering an
33. amendment.

1. PRESIDENT:

2. 2684 is brought back to Second Reading for purpose
3. of amendment. Can you explain the amendment, Senator
4. Soper? Just a moment. Senator Partee.

5. SENATOR PARTEE:

6. Before there is any vote on this amendment, I want a
7. copy of this amendment on every desk, certainly on mine
8. because I haven't seen it, and I would like to see it before
9. I vote on it.

10. PRESIDENT:

11. Request for . . . have copies been distributed? Senator
12. Soper, have they been distributed to all Senators?

13. SENATOR SOPER:

14. No, I'll get 'em out.

15. PRESIDENT:

16. Well . . . the Chair is going to rule we can't take up
17. this amendment until copies have been distributed to
18. everyone and we'll get back to it shortly. 2707, Senator
19. Carroll.

20. SENATOR CARROLL:

21. Mr. President and Senators, the purpose of House Bill
22. 2707 is to provide a mechanism for the receipt and disposition
23. of federal reimbursements for expenditures from the General
24. Revenue Fund for administrative and distributive purposes relating
25. to welfare. This bill is necessary so that we can pick up
26. some of these federal funds that are coming to the State
27. of Illinois, according to the Department of Public Aid. And
28. I'd ask for a favorable roll call.

29. PRESIDENT:

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

32. SECRETARY:

33. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,

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

9. PRESIDENT:

10. Swinarski, aye. Walker, aye. Savickas, aye. McBroom,
11. aye. Hynes, aye. Knuppel, aye. Rock, aye. Kosinski and
12. Palmer, aye. On that question the yeas are 45, the nays
13. are none. The bill having received a constitutional majority
14. is declared passed. 3047, Senator Knuppel. Senator
15. Knuppel. 3047.

16. SENATOR KNUPPEL:

17. 3047 is the bill which was debated at length here on
18. the Floor a couple of weeks ago, dealing with the language
19. on the Judicial Inquiry Board' . . .

20. PRESIDENT:

21. Just a moment. Senator Knuppel is speaking. He is
22. entitled to be heard by his colleagues. Senator McBroom.
23. Gentlemen. Let's take our conferences off the Floor. Senators
24. Cadigan, Durbin, Feuer, O'Keefe, et al., you can take that
25. conference off the Floor, too. Proceed Senator Knuppel.

26. SENATOR KNUPPEL:

27. The bill was argued at length. What it does is to
28. provide that people who serve on the Judicial Inquiry
29. Board shall not occupy a position that constitutes a conflict
30. of interest when they know they have a matter before a
31. judge that's being investigated. Secondly, it provides that . . .
32. it provides that members of the Judicial Inquiry Board shall
33. not be paid a salary . . . a salary for the same time that

1. they are serving in two capacities. They may be on a
2. public retainer as well as on a per diem as a member of
3. the Judicial Inquiry Board. And it requires that they do
4. as judges are required to do by the Consitution, that is
5. forego their per diem. Now there was one other . . . let's
6. see . . . well actually the Section 6 and Section 7 . . .
7. well 7 says that no member of the Judicial Inquiry Board who
8. is a judge or associate judge, shall participate as a member
9. of any board inquiry, including him. Now this has been
10. debated at length, heatedly. All I can say is that the way
11. it stands now, it's very simple. Either you're in favor of
12. allowing these people to draw two salaries for the same time,
13. you're in favor of allowing them to sit in judgment on themselves
14. if they're a Judicial member of the Inquiry Board or you're in
15. favor of allowing them when they know there is a conflict
16. of interests involving them in a court matter before a judge
17. to try a case before him. It's just very simple. Either you're for
18. it, or you're against it. And if you're . . . if you're
19. against a man drawing two salaries for the same time, you
20. will vote aye. If you're against a judge sitting in judgment
21. on himself, you'll vote aye. If you're against an attorney
22. member of the Judicial Inquiry Board hearing a matter before
23. a judge that's being investigated, you'll vote aye. It's
24. just whether you're for motherhood or you aren't. It's
25. that simple. Do you really . . . do you really mean that
26. you're against . . . we've heard all this . . . you're against
27. double dipping. Well this is against triple dipping. And
28. if ultimately some place along the line, and I question that
29. the Supreme Court of the State of Illinois can hold that
30. it's . . . that it's unconstitutional or that it's improper,
31. but that . . . even if it's some time, it is held that we're in
32. error and what we're attempting to do here, at least you will
33. have voted on the side of right and justice. You won't

1. be standing in a position where you will have said, "Well
2. I was in favor of allowing men to draw two salaries for the
3. same time. I was in favor of allowing judges who were being
4. investigated to sit in judgment on themselves, and I voted in
5. favor of allowing the conflicts of interest to exist."

6. PRESIDENT:

7. Please. Just a moment. Let's have some order. Our
8. guests in the gallery, please help us try to maintain order.
9. Senator Knuppel may proceed.

10. SENATOR KNUPPEL:

11. This is an attempt at prescribing ethics for those who
12. would be subjectively involved. My experience, short as it may
13. have been, has taught me in my lifetime that anyone who is
14. granted a monopoly, anyone who is subjectively involved, regardless
15. of how much he may think that he's able to sit in judgment,
16. is not; that he is prejudiced, and all that this attempts
17. to do is to set up some standard by which to judge those
18. conflicts. I submit that this is good legislation. I
19. submit that we have the right to do it, and even if we don't
20. have the right to do it, it's a good expression to guide those
21. people in the adoption of rules that they'll judge themselves
22. by. Either you're for right or you're not. I'd ask for a
23. favorable roll call.

24. PESIDENT:

25. Senator Laughlin.

26. SENATOR LAUGHLIN:

27. Well Mr. President and members of the Senate, I rise in
28. opposition to the bill and as Senator Knuppel has said, "We've
29. been through this before,," and I don't mind saying that I don't
30. grant him that he's for motherhood and that I'm agin it at all.
31. The basic legal question is whether the Legislature, other than
32. to appropriate money, should mess into the conduct of the Judicial
33. Inquiry Board as established by the new Constitution. It's been

1. our position that we should not; that only mischief can come
2. from that; that only politics can come from that. They should
3. be left independent, and this would be a precedent, and the
4. next time we came, we might figure out some other reason why
5. we should prescribe or proscribe something else for the Judicial
6. Inquiry Board, and I would encourage the people on my side of
7. the aisle not to vote for this bill.

8. PRESIDENT:

9. Is there further discussion? Senator Horsley.

10. SENATOR HORSLEY:

11. Mr. President and members of the Senate, all of my adult
12. life I have believed very strongly in separation of powers and
13. the separation of the Judiciary, the Executive and the Legislative.
14. We have a Constitution that the gentleman who introduced this
15. bill says he helped to draw, although I sometimes wonder how
16. much help he gave, but at least...

17. PRESIDENT:

18. What is...For what purpose does Senator Knuppel arise?

19. SENATOR KNUPPEL:

20. I rise to a point of order. This is something that the
21. Senator from Springfield did yesterday, he does continuously.
22. He engages in belittling other people and when he does this, I do
23. become angry and I do get out of line, but someone ought to slap
24. him down, and it ought not to have to be the member or somebody
25. else that he attacks.

26. PRESIDENT:

27. Now, Senator...

28. SENATOR KNUPPEL:

29. He just wasn't lucky enough to get elected to serve in the
30. Constitutional Convention because they voted that legislative
31. members couldn't, and thank God he didn't when I see how he
32. legislates.

33. PRESIDENT:

1. Well, Senator Knuppel is out of order there. Senator
2. Horsley will confine himself to the bill at hand. The point
3. of order is well taken.

4. SENATOR HORSLEY:

5. Well, I apologize at saying that if I've belittled him
6. because he beat me to it. He already belittled himself.

7. PRESIDENT:

8. Now, The Chair will rule that Senator Horsley is out of
9. order. The Senator will confine himself to the bill at hand.
10. For what purpose does Senator Soper arise?

11. SENATOR SOPER:

12. Point of parliamentary inquiry. How do we get that off
13. the tape here--all this monkey business.

14. PRESIDENT:

15. You don't get it off the tape. Senator Horsley may
16. proceed with the discussion...

17. SENATOR HORSLEY:

18. The only point that I care to make is that our Constitution
19. has a very clear concise statement as to the Judicial Inquiry
20. Board, gives it the powers and the duties and yet we think we
21. should set ourselves up as super judges, and tell our court
22. what to do. Now, if we're fair with the public, the public is
23. now demanding that we take our judges out of politics. They're
24. demanding it. The press is demanding it. Everybody says, "Get
25. the judges out of politics and let's free them from political
26. interference." Now, if you want to keep the judges out of
27. politics and free of independ...free of interference, then let's
28. defeat this bill and let's show to the public that we're not
29. down here playing penny ante and trying to tell the judges how
30. to run the Inquiry and how to handle the courts, but it's up
31. to them to run their courts and we'll run the Legislature and
32. keep them as two separate independent branches of government.

33. PRESIDENT:

1. Senator Neistein.

2. SENATOR NEISTEIN:

3. I move the previous question and the only reason I do,
4. we debated this a week or two ago and we heard all this before.

5. PRESIDENT:

6. Motion for the previous question. All in favor signify
7. by saying aye. Contrary minded. The motion prevails. Senator
8. Knuppel may close the debate.

9. SENATOR KNUPPEL:

10. Mr. President and members of this body, this bill in
11. no wise involves the separation of powers, and anyone who's
12. read it or understands it or has read the Constitution knows
13. that it does not. The question here is whether or not we're
14. creating a fourth and separate entity which is free from any
15. type of regulation with respect to conflict of interest. I
16. think the people of the State of Illinois have just about had it
17. up to their ears with respect to conflicts of interest and they
18. know that people who are subjectively involved cannot, will not
19. and do not serve the interest of the people, but rather tend to
20. serve their own subjective purposes. Now, it's as I said about
21. this bill. Even if we're wrong, even if we're wrong and the
22. Legislature has no power over the Judicial Inquiry Board and some
23. higher body, I would suggest that the United States Supreme
24. Court would be the only body who could so hold because I think
25. the courts here are also involved and also subjectively involved.
26. This is nothing more or less than a statement with respect to
27. policy, with respect to the guidelines that these people should be
28. controlled by when they are subjectively involved. Now, you
29. people vote on this Floor anyway you want to vote. It's just
30. this simple--either you're against conflicts of interests as
31. respects the Judicial Inquiry Board as it respects a judge who
32. may be under investigation who's sitting as a member of the
33. Judicial Inquiry Board or a member of the Judicial Inquiry Board

1. who's drawing two or three hundred dollars a month...a day as
2. a member of a public body in a retainer and then comes in and
3. asks for an additional stipend, an additional per diem so that
4. he's paid twice for the same time. Now, this Constitutional
5. Convention was and did see, was able and could see that this
6. might happen with a judge who's on a regular salary. I don't
7. think that they anticipated...we could not anticipate everything
8. and certainly we weren't perfect, but weren't as bad as some people
9. would have you believe. We have a reasonably good Constitution;
10. but we could not foresee lawyers sitting on that who would be
11. flunkies, lackeys of the Governor of the State of Illinois or
12. some municipality who were actually drawing salaries they had
13. their hand in the public till. Now, either you're against people
14. getting paid twice for the same time, and I submit that those
15. people who sit on the other side of this aisle have belly ached
16. for years and months about double dipping. Well, double dipping,
17. what they call double dipping is when a man has two jobs but gets
18. paid only one salary because the Constitution now forbids him being
19. paid twice for the same time. If they don't vote for this, then
20. they must be in favor of a member of the Judicial Inquiry Board
21. getting paid twice for the same time. Now, if that's the kind of
22. a record you want to take back to the voters of their district,
23. they're free to vote no or sit on their hands; but either you're
24. for a white hat deal or a black hat deal; you're against conflict
25. of interest and you mean what you say, and we've got a Governor
26. that's been talking about getting some ethics legislation. Well,
27. now here's a piece of ethics legislation. Every man in this body
28. ought to stand up and roar aye. I ask for a favorable roll call.

29. PRESIDENT:

30. The Secretary will call the roll.

31. SECRETARY:

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

1. Dougherty, Egan, Fawell, Gilbert...

2. PRESIDENT:

3. Senator Gilbert.

4. SENATOR GILBERT:

5. The Judicial Inquiry Board has already adopted a policy
6. statement on conflict of interest, and I'll read it to you. It's
7. very brief. "Any member of the Judicial Inquiry Board shall
8. disqualify himself from participation on any action of the Board
9. when there exists a conflict of interest or an appearance thereof.
10. As a guide to this area, the members of the Board will consider
11. the standards of ethics applicable to the Illinois judges." Now,
12. that is their policy statement. They have adopted it. When this
13. Board was set up, the records of the Constitutional Convention
14. show that there was discussion as to whether the Senate should
15. have the power of confirmation. It was determined that they
16. should not have because they didn't want us to be dictating to
17. the Board, and if you want to start this kind of a bill, then
18. in the future you're going to have other bills which tell the
19. Judicial Inquiry Board what to do and pretty soon when somebody's
20. up before them, you as a Legislator will have control over them,
21. and that's what the Constitution Convention was trying to prohibit.
22. I vote no.

23. SECRETARY:

24. ...Graham, Groen, Hall, Harris, Horsley, Hynes...

25. PRESIDENT:

26. Senator Hynes.

27. SENATOR HYNES:

28. Mr. President and member of the Senate, I rise in support of
29. this bill and I would make only a few very brief points. First of
30. all, I believe the General Assembly does have the power to adopt
31. reasonable regulations with respect to conflict of interest and
32. the compensation such as this bill as amended would do. This does
33. not in any way interfere with the operation of the Board, and I think

1. these regulations are reasonable on their face and should be
2. supported by every member of this Body. I would like to reply
3. though to a couple of points that were raised. The Senator
4. from Springfield questioned the desirability or even constitu-
5. tionality of this bill in terms of the concept of the separation
6. of powers which is built into our Constitution. The fact of the
7. matter is that does not have anything to do with the issue here.
8. The Senator referred to this Board as though it were an arm of
9. the Judicial Branch and, therefore, the Legislature would be
10. interfering with the activities of an independent branch of
11. government. The fact is that the Judicial Inquiry Board is
12. intended to be independent of the Judiciary so that it will be
13. free to investigate the Judiciary. It is, therefore, not a
14. question of the Legislative Branch trying to regulate the
15. Judicial Branch. The question is, "Where does the Judicial
16. Inquiry Board fit in?" It is not subject to regulation by
17. the Judicial Branch. If we listen to the arguments of the
18. opponents of this bill, it is not subject to any regulation by
19. the Legislative Branch, and it is not subject to any regulation
20. by the Executive Branch. It is, therefore, an independent fourth
21. branch of government, a super power, if you will, over which no
22. one has any control after an appointment has been made. This,
23. I do not think, was the intention of the Constitutional Convention
24. nor is it a position reasonably defensible. Finally, with respect
25. to the conflict of interest provision or regulation adopted by
26. the Judicial Inquiry Board, I might point out that when the Board
27. adopted its rules and regulations last November, not word one was
28. said in those regulations about the question of conflict of interest.
29. Thereafter, at the hearings of the subcommittee on the Judicial
30. Inquiry Board, it became obvious that the most important question
31. was precisely that--conflict of interest. After the first two
32. hearings, these regulations were adopted. Furthermore, I do not
33. think that the regulations adopted by the Board are adequate.

1. They do not address specifically the questions raised here about
2. double compensation. They do not address the question of a lawyer
3. member of that Board practicing before a judge who may be under
4. investigation. I do not think that question is at all answered.
5. I think it is the most serious single problem facing us with
6. respect to the operation of this Board, and I think this legis-
7. lation is necessary to make clear once and for all that that
8. kind of conflict of interest will not be tolerated. We want to
9. keep this Board free of suspicion, free of criticism, and the
10. best way to do it is to set out a guideline that is easily
11. followed. I vote aye.

12. SECRETARY:

13. ...Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
14. Laughlin, Lyons, McBroom, McCarthy...

15. PRESIDENT:

16. Senator McCarthy.

17. SENATOR MCCARTHY:

18. Yes, Mr. President and members, I'd like to call your
19. attention to page 2, line 7 of the bill which says that the
20. Board shall designate and establish a permanent office within
21. the City of Springfield where its business shall be transacted.
22. There's nothing wrong with the Legislature telling this Judicial
23. Advisory Board that they have to have their office in Springfield
24. because if we failed to tell them where they should be, we won't
25. know how to find them. Now, one of the members of the Inquiry
26. Board at the Subcommittee said, "We are not responsible to the
27. Judiciary. We are not responsible to the Executive. We are
28. not responsible to the Legislature. We are responsible only to
29. the Constitution, but you have to pay us." Now, I submit that
30. we as the guardians of the taxpayer funds have to know where this
31. office is going to be located so that we can tell our constituents
32. if you have a complaint against the...some sitting in Judiciary, you
33. can get a hold of the Judicial Inquiry Board and they have an

1. office in Springfield, and this is a statutory framework that
2. tells them to put it here, and if we don't have it, they might
3. meet in Bloomington one day or change it to Chicago and you have
4. a State agency where we can't tell the people where to find
5. them, and that's what this bill is. It's implementation of the
6. Constitution which is a prerogative that we must control because
7. had the Constitution set up a State Fair Agency, they could say,
8. "We are independent of the Legislature because we were created
9. by the Constitution," and all we could do would be appropriate money
10. to the State Fair Agency. We wouldn't tell them where to have
11. the fair or any of the mechanisms. That's what this is and
12. that's the reason this implementation bill should pass.

13. I vote aye.

14. SECRETARY:

15. ...Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,
16. O'Brien, Ozinga, Palmer, Partee...

17. PRESIDENT:

18. Senator Partee.

19. SENATOR PARTEE:

20. Mr. President, it seems to me that defeat of this bill would
21. be a very serious setback to the efforts of many good government
22. advocates who have sought the production of ethics in government
23. legislation. I really don't understand the opposition from the
24. other side because many of those have been mouthing rhetoric for
25. months about the crucial needs to restore public confidence in
26. our government through strong ethics legislation. I've heard you
27. say that the faith in the leaders of our country and our nation
28. and our legislative members is at an all time low. Now, simply
29. it seems to me that a negative vote reinforces the man on the
30. street's distrust, reinforces his cynicism about what we really
31. mean here in government. To use the incredible argument that the
32. Judicial Inquiry Board is somehow exempt from either Legislative
33. or Judicial or Executive Control, that it's outside the purview

1. of any external control. Well, it wasn't outside the purview
2. of the Legislature when we passed the funding bill. If they
3. are autonomous, then they should raise their own money. They
4. said they are autonomous; they don't need anybody to help them;
5. there ain't nobody can tell them what to do, but they came here
6. for the money to run their show; so, it indicates to me that they
7. are not autonomous. It makes a fourth branch of government. The
8. Judicial Inquiry Board is a fourth branch of government. It belongs
9. to, is shepherded by, it is under the domain of no branch of
10. government. They made no attempt to pass any ethics legislation
11. until this question was raised by the Legislature, and then
12. haphazardly they put in some rules and regulations which they may
13. tomorrow, if this bill doesn't pass, take out. If they can put
14. in rules and regulations which govern their operation, all they
15. need do is wait until you defeat this bill and take those rules
16. and regulations out which call for their so-called approach to
17. ethics, and there they would be--a governmental hybrid, neither
18. Executive, Legislative or Judicial, making its own rules and
19. regulations. I think this is a terrible situation and I certainly
20. cannot understand your not supporting the concept you say you
21. cherish so much--ethics in government. I vote aye.

22. SECRETARY:

23. ...Rock, Romano, Rosander, Saperstein, Savickas, Smith,
24. Soper, Sours...

25. PRESIDENT:

26. Senator Sours.

27. SENATOR SOURS:

28. By way of answer to the Pro Tem's comment that this is an
29. autonomous, which could also become an autocratic, entity, when
30. a Constitution desires to, in some way, control a branch of
31. government, it says so generally. Let's just take the Legislature,
32. Senator Partee. On page 27 of the Constitution, Section 11 refers
33. to compensation and allowances. The same is true in the Judi...in

1. the Judicial Article. The same is true in connection with the
2. Governor, Lieutenant Governor. There is a special Constitutional
3. provision that says that their salaries shall be fixed by the
4. Legislature; meaning that a Legislature is not an autonomous
5. entity either. Now, I read this bill carefully and I've also
6. read Section 15, Section 14 and 15 of Article 6 which sets
7. up this Board. Now, there's no argument that could ever gain-
8. say we don't need this Board, because we do. The events of the
9. last six years are ample proof of that, but as I read the Section,
10. as I read the bill, the bill would be surplusage any way you
11. looked at it. Now, someone has said that only the U.S. Supreme
12. Court could ever determine the constitutionality. That, of
13. course, is wrong too because there's no Federal question in-
14. volved, Senator Knuppel. There's nothing offensive to the
15. Federal Constitution involved in this. There's no Federal
16. question. Consequently, the way the old gentlemen's convention
17. left this is that it necessarily is autonomous, doubtlessly
18. contrary to the best intentions of the members of the old
19. gentlemen's convention, but no court can interpret this. Certainly,
20. it would be improper for the Supreme Court of Illinois probably,
21. but certainly no Federal Court has jurisdiction because there's
22. no Federal question. This doesn't arise under the Constitution
23. of the United States either. So this is it, and when we simply add
24. a little more excrescence, a little more surplusage, we're violating
25. what must have been your intention, and your intention was to create
26. an autonomous organization. You got it. You probably don't like
27. it. I vote no.

28. SECRETARY:

29. ...Swinarski, Vadalabene, Walker, Weaver.

30. PRESIDENT:

31. Swinarski, aye. Savickas, aye. Senator Knuppel.

32. SENATOR KNUPPEL:

33. How am I recorded?

1. PRESIDENT:

2. You're not.

3. SENATOR KNUPPEL:

4. I'd like to be recorded as aye and in so doing, I'd like to
5. ask...say that I would hate to see those members of this body
6. who might have been absent from the Floor or overlooked voting
7. to abjectly surrender their legislative function here. If what
8. the Senator from Peoria says is true, then we, as the voice of
9. the people, must be the group that has the power. He said the
10. courts have no power and the...and the Executive has no power
11. and even the Supreme Court of the United States has no power.
12. Well, I submit that the people have the power and we're the
13. voice of the people. We worked 400 years in legislative body
14. to establish a partnership in tripartite government, and I say
15. don't gentlemen, don't stand here and further surrender your
16. legislative function. Stand up, exercise your partnership. Be
17. a full partner in this organization and if nobody else has the
18. power, at least say you have and let somebody try to take it
19. away from you if you don't have because...because as I've said
20. here so many times, when people are subjectively involved as
21. the members of the Judicial Inquiry Board will be, they are not
22. in a position, no one even choosing a jury would allow a juror
23. to sit on the jury who was subjectively involved. As has been
24. pointed out so many times, this subcommittee has already served
25. a useful purpose because these people didn't even think far
26. enough ahead to adopt rules even bordering on conflict of interest
27. and someone on the outside pointed it out and at least they've
28. adopted a rule now, whether it's adequate or not; and I say that
29. that's our function. Don't surrender and so that nobody, just
30. nobody has to go back and face his constituents and say, "You
31. know I didn't vote for that bill for good ethics and I am
32. for ethics," I want to give them a chance, so I'd like to have
33. the Secretary call the absentees.

1. PRESIDENT:
2. Request for call of the absentees. The absentees will
3. be called.
4. SECRETARY:
5. Arrington, Baltz, Berning, Bidwill, Carpentier, Carroll,
6. Collins, Davidson...
7. PRESIDENT:
8. No, no, your name was not called. Senator Coulson.
9. SENATOR COULSON:
10. How am I recorded?
11. PRESIDENT:
12. How is the Senator recorded?
13. SECRETARY:
14. Present.
15. SENATOR COULSON:
16. Well, I'd like to explain that, Sir. This bill having been
17. a foster child of mine, I didn't have the heart to cruelly vote no
18. and I thought it might be gentler to vote Present and by way of
19. answering the suggestion made by Senator Knuppel, the delay in
20. adopting rules by this Judicial Inquiry Board was occasioned by
21. the fact that somebody in this room wouldn't give them any money
22. to operate on so that they couldn't have any meetings. If you'll
23. recall, there was considerable difficulty for a period of about
24. eleven months when these gentlemen were traveling and meeting at
25. their own expense, and if they did not have a sufficient number
26. of meetings, shame on you not shame on us. I'd like to suggest
27. to you the way this will probably come up, this question which
28. we now vote upon. Some judge sooner or later is going to get
29. nailed for some misbehavior. It will probably be as a result of
30. some newspaper disclosure. He will probably be a Cook County
31. Judge, just by the law of averages, meaning no unkindness. We
32. have our share of sin, but you have a majority of the sinners.
33. All right. After he is found guilty of that misconduct because

1. the question won't come up unless he is found guilty, he
2. will appeal the case because he wants to hang on to that
3. public payroll. And he will appeal the case to the highest
4. court he can reach, meanwhile staying on the public payroll,
5. but generously taking a leave of absence from the
6. responsibility of hearing cases, and guiding himself only
7. to the bank to cash his pay checks while the appeal is
8. pending. When this appeal is presented he will then say
9. one of two things. If this bill passes he will say -
10. look at that Board, it was illegal because it only had to
11. observe one of the judicial canons of ethics. It only had
12. to observe one of the lawyers' canons of ethics. If we don't
13. pass the bill, that judge isn't going to get off the hook
14. that easily. He is not going to be able to offer that
15. argument because without the bill, the lawyers are subject
16. to all the canons of ethics, the judges are subject to all
17. the canons of judicial ethics. And by very cutely selecting
18. just one each, just one each of the judicial ethics and one
19. of the lawyers' ethics, you Loophole Harrys have provided a
20. gateway through which every corrupt judge can march in
21. columns of squads, and I don't think it's a judicious thing
22. for you to do and for that reason, if you press me to vote,
23. instead of voting present on my own little foster child bill.
24. I'll vote no.

25. SECRETARY:

26. Davidson, Fawell, Harris, Latherow, Mitchler, Mohr,
27. Ozinga, Soper.

28. PRESIDENT:

29. On that question the yeas are 28, the nays are 18. The
30. bill having failed receive the constitutional majority is
31. declared defeated. Senator Hynes. Motion by Senator
32. Laughlin to reconsider. Motion by Senator Coulson to Table.
33. All in favor of the Motion to Table signify by saying aye.

1. Contrary minded. The Motion to Table prevails. Is Senator
2. Hynes on the Floor? 3788, Senator Dougherty.

3. SENATOR DOUGHERTY:

4. Senator . . . Mr. President.

5. PRESIDENT:

6. Senator Dougherty.

7. SENATOR DOUGHERTY:

8. Actually, inadvertently my name appears as sponsor..

9. Senator Sours is the Senate sponsor of these two bills.

10. PRESIDENT:

11. Senator Sours, 3788 and 3789. Can they be considered
12. together?

13. SENATOR SOURS:

14. Yes Sir.

15. PRESIDENT:

16. Is there objection to that? Leave is granted. 3788
17. and 3789, Senator Sours.

18. SENATOR SOURS:

19. Those bills, Mr. President and Ladies and Gentlemen of
20. the Senate, simply follow what the syllabus suggests. If I
21. were to go up to Chicago and spend a delightful weekend
22. in one of their fine hostelries, this bill would permit
23. that hotel to put the local hotel tax as a another separate
24. item on my hotel bill, just as it would a long distance
25. call. That's all each of the bills does.

26. PRESIDENT:

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

29. SECRETARY:

30. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
31. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,
32. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,
33. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,

1. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom,
2. McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,
3. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,
4. Saperstein, Savickas, Smith, Soper, Sours, Swinarski,
5. Vadalabene, Walker, Weaver..

6. PRESIDENT:

7. Bruce, aye. Chew, aye. Sours, aye. Johns, aye.
8. On those bills the yeas are 48, the nays are none. The bills
9. having received the constitutional majority are declared
10. passed. 3793, Senator Smith.

11. SENATOR SMITH:

12. Mr. President and members of the Senate, this particular
13. bill which was just announced, House Bill 3793 permits . . .
14. I see the good Senator is approaching Senator Carroll with
15. regards to this bill, and he will find out that Senator
16. Carroll is wholeheartedly in support of this bill as is the
17. Senator now standing here before you. This bill merely
18. permits the Department of Public Aid to make direct payments
19. to volunteer hospitals and to other vendors of service to
20. persons who fall sick or die in the City of Chicago and who
21. are eligible for aid under the medically indigent act. That
22. facet of the bill is something that we of the Advisory
23. Committee fought for for years. We knew then, as we know
24. now that it would have affected if it had applied to
25. rentals and other services generally, the savings of many
26. millions of dollars in the Department. But HEW, as is
27. it's case, would not yield, and would not allow us the
28. right to do that that is sought in this particular bill. Another
29. advantage in this bill is that it allows for payments out
30. of funds available. A practice that we never could follow
31. because of lapsed appropriations. This is a good bill.
32. There should not be a vote against it. Whether there will
33. be or not, I leave to the Senators. This bill has the

1. approval of the Department. It's something we tried to get
2. years ago and it does not apply a cover to all facets of the
3. Public Aid Department.

4. PRESIDENT:

5. Senator Gilbert.

6. SENATOR GILBERT:

7. Senator Smith, does this apply only to Chicago?

8. SENATOR SMITH:

9. Well, I'll tell you frankly, it applies to Chicago and
10. Senator Soper just left his seat. My interpretation would
11. be that it applies to the Township of Cicero. Now I
12. don't . . .

13. SENATOR GILBERT:

14. Well why . . . why shouldn't it apply to all over the
15. State? That's my point.

16. SENATOR SMITH:

17. Well, you'll appreciate the fact that we operate upon
18. different laws to the rest of the State. That is this facet
19. of it. This is allied, Senator, with the General Assistance
20. Program. And you know that your . . . your arrangements
21. downstate has nothing to do with Cook County.

22. SENATOR GILBERT:

23. But it's still Department of Public Aid money, isn't
24. it?

25. SENATOR SMITH:

26. Yes.

27. SENATOR GILBERT:

28. Well now . . .

29. SENATOR SMITH:

30. But more directly a facet of it is, but a tax is levied.

31. SENATOR GILBERT:

32. Well we'd like . . .

33. SENATOR SMITH:

1. As you full well know.

2. SENATOR GILBERT:

3. Well, the point I'm making is that I'm not opposed to
4. the bill, I just wish that we could do this Statewide and
5. I wonder how we're getting around it. Does this have the
6. approval of the Federal HEW? Did you state that? You
7. see they . . . we used to pay certain things for public aid
8. recipients downstate, like rent, direct and all. The Federal
9. Government stopped us from doing that saying that it was
10. illegal. Now it was demeaning to the people. Now how can
11. we pay these and not pay rent and other things? I'm not
12. opposed to the bill, I just wish we could make it broader.
13. I'd like to . . .

14. PRESIDENT:

15. Senator Smith.

16. SENATOR SMITH:

17. As I said originally, the rentals as you now suggest,
18. we tried it. We went to Washington and whereas we were told
19. that the parties with whom we talked, had done just that in
20. her native State of North Carolina. She would not grant
21. that right to Illinois. Now, Senator, whether you know it
22. or not, whatever the Congress passes with reference to
23. public welfare is one thing, but whatever HEW determines,
24. that's the accepted law of the land. We cannot do it up
25. to this moment. Now the Senator shook his head indicating
26. yes, that it will perhaps apply to downstate. I don't think
27. so, but I accept his interpretation. He is the Chairman of
28. the Advisory Committee. Senator Carroll, I yield to you.

29. PRESIDENT:

30. Senator Carroll.

31. SENATOR CARROLL:

32. Well, Mr. Chairman . . . or Mr. President I didn't hear the
33. last question that was asked, but this legislation will overcome

1. some of the delays in medical vendors receiving reimbursement
2. for services delivered in Chicago and Cicero. Its major
3. effect will be to eliminate the dual processing of payments
4. and provide for the role of the Cook County Department of
5. Public Aid to determination of eligibility under supervision
6. and discretion of the Illinois Department. This bill will
7. speed up some of the payments on this to some of the vendors
8. up there. There's been considerable delay in it. The
9. Department approves of it and as far as I know, and I'm sure
10. the Federal Government does too, so I think this is a good
11. bill and should be passed.

12. PRESIDENT:

13. The Secretary will call the roll.

14. SECRETARY:

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

24. PRESIDENT:

25. Bruce, aye. Savickas, aye. Weaver, aye. Clarke, aye.
26. On that question the yeas are 50, the nays are none. The
27. bill having received a constitutional majority is declared
28. passed. We have some messages from the House. For what
29. purpose does Senator Graham arise?

30. SENATOR GRAHAM:

31. Mr. President, I'd like to withdraw my motion previously
32. made on 2684 to return it to Second Reading. We'll do that
33. tomorrow after people have had an opportunity to look at the

1. amendments and it will save the printing problems.

2. PRESIDENT:

3. Okay. Message from the House.

4. SECRETARY:

5. Message from the House from Mr. Selcke, Clerk. Mr.

6. President: I am directed to inform the Senate that the

7. House of Representatives has concurred with the Senate in

8. the passage of a bill with the following title to wit:

9. Senate Bill 835, together with the following amendment and

10. this is . . . or 36, right . . . this amendment is or this

11. bill is Senator Egan's bill.

12. PRESIDENT:

13. Senator Egan.

14. SENATOR EGAN:

15. Uh, Mr. President and members of the Senate, these

16. three . . .

17. PRESIDENT:

18. Just a moment. Let's have Senators in their seats. We're

19. talking about final action on a measure. Senator Neistein, et al.

20. Thank you.

21. SENATOR EGAN:

22. Senate Bills 836 and 837 and 838 passed out of the

23. Senate last year, approximately in the month of May, with

24. about 43 or 44 votes. They're the State's Attorneys' pay

25. raise bills. They cover all the State's Attorneys' in the

26. State of Illinois. These amendments which have been

27. placed on the bills in the House, further classify the

28. counties and bring the total expenditure down. . .the total

29. raise down. So I would ask for a concurrence, Mr. President,

30. if we can with one motion on all the amendments on all three

31. bills.

32. PRESIDENT:

33. We have to have unanimous consent of the Body to take

1. it up at this point, ordinarily it goes over to the Secretary's
2. desk and remains there for one day. Is there objection?
3. Leave is granted. Senator Egan moves concurrence in the House
4. Amendment. Is there any discussion? Senator Sours.

5. SENATOR SOURS:

6. I'd just like to know specifically, Senator Egan, I don't
7. want to be punctilious about this, but I would still like to
8. know.

9. PRESIDENT:

10. Senator Egan.

11. SENATOR EGAN:

12. The Cook County amendment reduces the raise from 46 to
13. 42.2, and the downstate counties are reclassified into three
14. groups up to 20,000, from 20,000 to 80,000, and from
15. 80,000 to 1,000,000. Those increases were somewhat reduced
16. also, Senator Sours. In counties up to 20,000, the amount
17. to be added to that which the State will pay is from \$8,000
18. to \$15,000, depending on what the County Board wishes to
19. do. Those counties between 20,000 and 80,000, the increase
20. is between \$10,000 and \$15,000. And those counties between
21. 80,000 and 1,000,000, is \$20,000 add on.

22. PRESIDENT:

23. Senator Sours.

24. SENATOR SOURS:

25. Can you tell me specifically what my dear friend Calkins,
26. in Peoria, will be receiving if he runs for reelection?

27. PRESIDENT:

28. Senator Egan.

29. SENATOR EGAN:

30. Well, my understanding is that Bob Calkins is not running
31. for reelection, but whoever succeeds him . . . a how many . . .
32. what's the population of Peoria County?

33. SENATOR SOURS:

1. Greater metropolitan . . . cosmopolitan Peoria is about
2. 140,000.

3. SENATOR EGAN:

4. The salary in that County, and from now on that State's
5. Attorney will not be able to practice law by the amendment
6. also, will be . . . the add on will be \$20,000 and the basic
7. salary that the State pays is \$12,000. So the total will
8. be \$32,000 to be consistent with the judicial pay raise.

9. PRESIDENT:

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

12. SECRETARY:

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

15. PRESIDENT:

16. Just a moment. So there is no misunderstanding, this
17. motion applies to all three bills. That's correct. Proceed.

18. SECRETARY:

19. Coulson, Course, Davidson, Donnewald, Dougherty, Egan,
20. Fawell, Gilbert, Graham, Groen, Harr . . . Hall, Harris,
21. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,
22. Latherow, Laughlin, . . .

23. PRESIDENT:

24. Senator Laughlin.

25. SENATOR LAUGHLIN:

26. While I just arise in support of this motion, we've
27. discussed this matter and it's been here a long time. While
28. this isn't perfect, it is an improvement and as an ex-State's
29. Attorney, I can only say that these salaries that we're
30. fixing now are not out of line, particularly when you
31. consider the judicial salaries that are being paid in this
32. State. Aye.

33. SECRETARY:

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

5. PRESIDENT:

6. Lyons, aye. Egan, aye. Baltz, aye. For what purpose
7. does Senator Knuppel arise?

8. SENATOR KNUPPEL:

9. Just so Mr. Egan won't think that I'm not voting for
10. his bill, I'm very much in favor of it, but I happen to have
11. two partners that are State's Attorneys of two different
12. counties, and I'll have to abstain by reason of my conflict
13. of interests.

14. PRESIDENT:

15. On that motion the yeas are 44, the nays are 2. The
16. Senate concurs in the House Amendment. Senator Rock.

17. SENATOR ROCK:

18. Reconsider.

19. PRESIDENT:

20. Motion to reconsider Sena . . . motion by Senator
21. Kosinski to table. All in favor of the Motion to Table
22. signify by saying aye. Contrary minded. Motion prevails.
23. Additional messages from the House.

24. SECRETARY:

25. Message from the House, Mr. Selcke, Clerk. Mr.
26. President: I am directed to inform the Senate that the
27. House of Representatives have passed bills with the
28. following titles, and the passage of which I am instructed
29. to ask concurrence of the Senate to wit: House Bill 2385,
30. 2608, 2665, 4308 and 4433.

31. PRESIDENT:

32. Motions and resolutions. Senator O'Brien.

33. SENATOR O'BRIEN:

1. Mr. President and members of the Senate, I'd like to
2. have . . . I'd like to move House Bills 3688 and 3689 of
3. Representatives Scariano and Mann be tabled. There is
4. a previous bill that deals with this matter. A Conference
5. Committee has been set up and they're going to be taken care
6. of. They are no longer necessary.

7. PRESIDENT:

8. Where are the bills now?

9. SENATOR O'BRIEN:

10. They're in the Committee on Agriculture.

11. PRESIDENT:

12. The bills are Tabled. Sena . . . for what purpose does
13. Senator Mitchler arise?

14. SENATOR MITCHLER:

15. Mr. President, House Bill 4476 has been assigned to
16. the Committee on Elections and I spoke to Senator Donnewald,
17. and also to Senator Swinarski and also Senator Knuppel, and
18. I would ask that the Committee on Elections be discharged from
19. hearing House Bill 4476 and that the Committee on Agriculture
20. and Conservation hear House Bill 4476 this afternoon.

21. PRESIDENT:

22. Is there objection? The leave is granted. Senator . . .
23. there is objection? Just a moment. Is there objection?
24. Senator Partee.

25. SENATOR PARTEE:

26. I'm sorry, I was distracted. What it is about, Senator?

27. PRESIDENT:

28. Senator Mitchler.

29. SENATOR MITCHLER:

30. I spoke to Senator Donnewald about this, Senator Partee,
31. you were tied up and . . . thank you.

32. PRESIDENT:

33. All right. Senator Rock.

1. SENATOR ROCK:

2. Yes, Mr. President and members of the Senate, I have
3. two motions. One, on House bills on Third Reading, 1467,
4. 68 and 69, I am listed as the sponsor. I believe Senator
5. Knuppel is the sponsor of those bills.

6. PRESIDENT:

7. Is that correct Senator Knuppel? All right. 1467,
8. 68 and 69 the Calendar will show Senator Knuppel as the
9. sponsors. Senator Rock.

10. SENATOR ROCK:

11. Yes, Mr. President and members of the Senate, in
12. addition, I have a motion to discharge the Committee on
13. Local Government from further consideration of House Bill
14. 3746. And in that regard, I wonder if Senator Carroll is
15. on the Floor? The bill came over the last day of last week,
16. and Senator Carroll picked it up. I have been asked to be
17. the sponsor of this bill. I have spoken with Senator Carroll,
18. I'd like to have . . . it's the Municipal League Bill that
19. I spoke to Senator Clarke about yesterday, and I spoke to
20. Senator Partee today, and I would ask . . .

21. PRESIDENT:

22. Senator Carroll is here.

23. SENATOR ROCK:

24. I would ask leave to have Senator Carroll withdraw as
25. the sponsor and put me on as sponsor and have the Committee
26. on Local Government discharged and this bill placed on the
27. order of Second Reading.

28. PRESIDENT:

29. Senator Rock will be shown as the sponsor. Is there
30. objection to the discharge? Leave is granted. Senator
31. Newhouse.

32. SENATOR NEWHOUSE:

33. Mr. President, I'd ask leave of this body to be shown

1. as the sponsor of House Bill No. 4191. The previous sponsor
2. has gotten off the bill and I wish to accept his sponsorship.

3. PRESIDENT:

4. Senator Newhouse shall be shown as the sponsor of . . .
5. and what was the number again?

6. SENATOR NEWHOUSE:

7. House Bill 4191.

8. PRESIDENT:

9. 4191. Senator Latherow.

10. SENATOR LATHEROW:

11. Might I be shown as the sponsor of Senate Bill 1388 and
12. 89. This is Senator Harris' request.

13. PRESIDENT:

14. 1388 and 1389, Senator . . . the Calendar will be
15. corrected and Senator Latherow will be shown as the chief
16. sponsor. Senator Groen.

17. SENATOR GROEN:

18. Mr. President and members, I ask the attention of Senators
19. Partee and Clarke and Senator Romano. Unfortunately, House
20. Bill 4425, which was assigned to Senator Romano's committee . . .
21. it is a pension bill dealing with the downstate teachers'
22. retirement system . . . was given to the Clerk, the secretary
23. of Senator Romano last week for inclusion on this week's
24. Committee Hearing on Tuesday.

25. PRESIDENT:

26. Just a moment.

27. SENATOR GROEN:

28. Unfortunately . . .

29. PRESIDENT:

30. Just a moment. Please gentlemen.

31. SENATOR GROEN:

32. Unfortunately, she became ill . . .

33. PRESIDENT:

1. For what purpose does Senator Partee arise?

2. SENATOR PARTEE:

3. I'm familiar with this situation. He's exactly right.

4. The Secretary made a mistake and I have no objection.

5. PRESIDENT:

6. Is there objection by anyone? Leave is granted. Senator

7. Groen.

8. SENATOR GROEN:

9. I want to do one of...either one of two things. I want to
10. discharge the Committee or I want it set for hearing in Senator
11. Romano's Committee tomorrow morning, and I'll take either of the
12. two.

13. PRESIDENT:

14. Senator Partee.

15. SENATOR PARTEE:

16. Try the former. They may not have anymore meetings. Discharge
17. the Committee.

18. SENATOR GROEN:

19. Then I would move to dis...to ask unanimous consent to
20. discharge the Committee.

21. PRESIDENT:

22. Is there objection? Leave is granted. Are there further
23. announcements. Senator Partee.

24. SENATOR PARTEE:

25. Mr. President and members, I would like your attention because
26. you're likely to ask a question as soon as I finish if I do not
27. have it. As soon as we have adjourned which will be in a few
28. moments, there will be a meeting of the Rules Committee in my
29. office. It will last a very short period of time. Immediately
30. thereafter, let's say, immediately after the adjournment, there
31. will be a Democratic caucus on the sixth floor which will start
32. at 2:35. Appropriations and Agriculture and Conservation will meet
33. at 3:00 o'clock. Tomorrow morning, we will come into Session at 9:30.

1. The two Committees scheduled for tomorrow morning will meet
2. at 9:00 and we will come into Session at 9:30 tomorrow morning.
3. Now, we have the schedule which we will pass out for next
4. week which shows that we will come in Tuesday at noon. Pardon
5. me, Monday at noon and at 1:00 o'clock we will have a Committee
6. of a whole on the Senate Bill 1569, which is the Elections
7. Code package, and that's at 1:00 o'clock, but we'll come into
8. Session at noon on Monday.

9. PRESIDENT:

10. Senator Horsley.

11. SENATOR HORSLEY:

12. Did you pass over the matter of Resolutions or not?

13. PRESIDENT:

14. No, we have not.

15. SENATOR HORSLEY:

16. Are you at that point now?

17. PRESIDENT:

18. Yes, Resolutions are in order.

19. SENATOR HORSLEY:

20. I have one I'd like to offer.

21. PRESIDENT:

22. You may.

23. SENATOR HORSLEY:

24. The Secretary...

25. PRESIDENT:

26. We also, I understand, have a motion by someone here. For
27. what purpose does Senator Clarke arise?

28. SENATOR CLARKE:

29. I just wanted to query the President Pro Tem. You didn't
30. mention the Welfare Committee, but they're meeting this after-
31. noon too.

32. SENATOR PARTEE:

33. Pardon me.

1. SENATOR CLARKE:

2. You didn't mention the Welfare Committee, but they're
3. meeting at 3:00 o'clock too, I presume.

4. SENATOR PARTEE:

5. Oh, yes that's correct, Welfare at 3:00 o'clock...3...3:00 o'clock
6. also.

7. PRESIDENT:

8. We have some Resolutions.

9. SECRETARY:

10. Senate Joint Resolution No. 74 introduced by Senators
11. Groen, Carroll, Dougherty, Smith, Baltz and Saperstein.

12. PRESIDENT:

13. Senator Groen.

14. SENATOR GROEN:

15. Well, Mr. President, could I inquire when the Committee
16. on Executive is going to meet again?

17. PRESIDENT:

18. Senator Cherry. Senator Cherry. A question is being
19. directed to you as to when the Executive Committee will be
20. meeting again.

21. SENATOR CHERRY:

22. It will be meeting next Wednesday.

23. PRESIDENT:

24. Senator Groen.

25. SENATOR GROEN:

26. Does the six day rule apply to Resolutions?

27. PRESIDENT:

28. Senator Cherry.

29. SENATOR CHERRY:

30. We're going to take that up in the Rules Committee which
31. will follow immediately after adjournment, Senator; so, I can't
32. answer your question at this moment.

33. PRESIDENT:

1. Senator Groen.

2. SENATOR GROEN:

3. Well, Mr. President, this Resolution is...has the sponsor-
4. ship of both sides of the aisle and has been approved by the
5. Legislative Advisory Committee on Public Aid, and if we have
6. time, I'll take it now. It is noncontroversial in its subject
7. matter. All the Resolution does is directs the Illinois Housing
8. Authority to implement Section 17.1 which has been on the books
9. since 1965 and they have never done it. All it says is that they
10. may, The Illinois Housing Authority, may look...it will be easier
11. to read it. "The State Housing Board may undertake studies to
12. determine the desirability of extending by legislation the powers
13. of Housing Authorities to assist private construction and development
14. of nursing and convalescent homes for the aged or other persons
15. in need of medical or nursing services or care." And it simply
16. asks them to make that study and report back to the General
17. Assembly not later than the second Wednesday of January, 1973.
18. In view of the fact that more than 70% of the people are in
19. private homes this...in Public Aid, this would help.

20. PRESIDENT:

21. I'm advised incidentally, Senator Groen, that the six day
22. rule does apply to Resolutions. Senator ParTEE.

23. SENATOR PARTEE:

24. Would you take a suggestion that you move for the suspension
25. of the rules now and immediate adoption of the Resolution.

26. PRESIDENT:

27. Motion for suspension of the rules and immediate adoption
28. of the Resolution. Is there any discussion? All in favor signify
29. by saying aye. Contrary minded. The Resolution is adopted.
30. Another Resolution.

31. SECRETARY:

32. Senate Resolution No.... Senate Joint Resolution No. 75
33. introduced by Senator Horsley.

1. PRESIDENT:

2. Senator Horsley.

3. SENATOR HORSLEY:

4. Mr. President, this is a rather lengthy Resolution, and I
5. can explain it very simply. It's an unfortunate Resolution.
6. I'm sorry I've had to introduce it, but after I've offered it,
7. I intend to move to suspend the rules and ask for the immediate
8. consideration of it. Today is Thursday, June 1, and yesterday
9. on May 31st in the Chicago Today, and by the way this Resolution,
10. there are certain other members who indicated to me that they would
11. like to join in the sponsorship of this Resolution. I didn't
12. have time to put their names on it. If they desire to have them
13. put on I'll be glad to have them do it. The headline in the
14. Chicago Today Newspaper continues stories that we have been
15. plagued with and which is casting such a shadow over the dome
16. of this Capitol Building in the State of Illinois that I think
17. something has to be done and done quickly and this is the
18. headline: "McHenry College Chief Charges Offer of Bribes."
19. Here is a man who was the new President of a Junior College
20. called McHenry College up in McHenry County, Illinois, at Crystal
21. Lake, called McHenry County College. Between February and
22. April he was contacted by 27 architectural firms concerning their
23. 9 million dollar building program that they intended to carry
24. on. I'm now reading not what he said, but I'm reading from the
25. newspaper, and I'm not reading this as a factual statement. I'm
26. reading this as a newspaper report; but anyhow the gist of it is
27. that they are now immediately going to build a building costing
28. \$3,830,000, and that just four years from now, they will be
29. building another building costing \$4,500,000 and the present
30. building has set aside the sum of \$337,000 for over-runs and
31. add-ons and in addition the sum of...and in addition the sum of
32. \$426,650 for architectural and consultant fees. This gentleman
33. says that five other Presidents of junior colleges report to him

1. the same trouble that he has had; that he has been plagued by
2. these people, and I did not have time to put into this Resolution,
3. but there is a man named Jones heading up a task force appointed
4. by the Governor to go over these matters of junior colleges and
5. higher educational buildings. They have already in the last
6. few weeks cut over 20 million dollars down from the estimates
7. made by architects who want to construct these buildings. They
8. have already chopped them back by over \$20,000,000 and they
9. are just now getting a head start and gentlemen like Senator
10. Rock who has worked hard; Senator Groen who worked on task
11. forces on higher education; you gentlemen know the hell that
12. we went through four years ago, the hell that we went through
13. two years ago in cutting these budgets down and now here we
14. are right back again because this contract will be let by the
15. Illinois Building Authority, but the architects are in there
16. and they ask one employee three different times if he had a
17. colored TV set. Now, I don't how much plainer you can make
18. it only this was a supplier rather than an architect because
19. the architects are dealing in bigger figures. But this fellow
20. talked to the Purchasing Agent and in the casual conversation
21. three different times he said, "Do you happen to have a good
22. colored television set at home." Now, I talked to this gentleman
23. on the telephone and I'll have to be fair and frank with you. This
24. same article appears in the Sun Times this morning and they
25. say that this gentleman said to them that, "I had a gut feeling
26. that they were really trying to bribe me although they did not
27. come out in so many dollars and cents." Now, we've come to a
28. pretty sorry situation. Right here on the Calendar you've
29. got laying on your desk, you've got over 20 million dollars
30. in contracts you're being asked to vote on this Capitol building
31. in projects right now. With clouds like this hanging over our
32. heads, do you want to go to the taxpayers and say, "We didn't
33. resolve these matters, but if you'll reelect me, we'll go back

1. and see what we can do to clear it up." Now, there are
2. many, many, many reputable architects in the State of Illinois
3. and structural engineers. Don't misunderstand me. We've
4. got our share of good ones right here in Springfield, and
5. we've got a couple I wouldn't recommend for my doghouse
6. out home. I'd rather do it myself because I wouldn't want to have
7. to pay for the extras and the add-ons when they got done with
8. it. They'd have a two car Cadillac garage built onto the
9. doghouse before they got it finished up. Now, I don't know
10. what to do about this situation. I don't know who's telling
11. the truth, but I'm telling you we can no longer look at these
12. gentlemen in the press box and say to them, "Gentlemen, we
13. don't believe you." These are the people that report to the
14. State of Illinois what's going on in the State whether you
15. like it or whether you don't like it. What they write is what
16. the people have to go by, but when they quote a man who is
17. President of a junior college by saying he's had 27 architectural
18. firms call on him and beg to bid on a three million dollar
19. building plus another one to be done four years from now...
20. Well he told the Chicago Today people not the gentlemen sitting
21. in the gallery, but I talked to Mr. Glass, the man in Chicago,
22. on the phone...I just hung up...to whom he did talk and he said
23. they offered him bribes; but when I talked to him and I called
24. this gentleman because I never have stood on this Floor and said
25. something that I couldn't back up unless, or maybe in jest about
26. one or two members on the other side of the aisle that we have
27. a little fun with once in awhile, but, but I will not hurt anybody
28. and a professional man like an architect has his reputation at
29. stake; but also, gentlemen, the President of a junior college
30. has his reputation at stake and a boy or girl who is up here
31. in the Press Gallery has spent four or five years in college
32. learning to be a press reporter, and he has got his or her reputation
33. at stake. I've got 26 years of state government at stake and
I'm not

1. going to have anybody here in Springfield point the finger at
2. me and say you sat there and just look at your Calendar for
3. today and if you'll look at 'em beginning here Thursday, June 31,
4. beginning right up here at the top, we start out with three
5. million three to build a new motor vehicle service building.
6. We go down and we reappropriate five million eight for phases
7. 2 and 3 of the Capitol Building which already a million dollar
8. contract, the add-ons have almost come to more than the contract
9. itself, and that'll be the next Resolution I intend to offer as
10. to let's find out who's doing what to Hezzie here and find out
11. why and I think it's time we did it. But at the moment, the only
12. Resolution before this House is a Joint Resolution for this
13. Senate to adopt and for the House to adopt that says to the
14. Illinois Legislative Investigating Commission to inquire into
15. this matter of these junior, these public junior college additions,
16. and, ladies and gentlemen, in case you would like to know the overall
17. figure to take back home with you, do you know how much there is
18. in this budget?--one hundred and thirty-eight million dollars for
19. construction in these junior colleges and when you start talking
20. about six and seven percent for fees of 138 million dollars, you're
21. not talking about peanuts. Now, it's time for us to let's either
22. put up or shut up, and let's let a Commission that has been appointed
23. by this Body to go into the matter. Let's find out who's telling
24. the truth, but if we've got architects that are going to these
25. Presidents and these Boards and they're advocating already 20
26. million that we've cut off, but if they're advocating these ex-
27. pensive additions in order to get their 7% or if they're offering
28. kickbacks and bribes to these people...

29. PRESIDENT:

30. Just a moment. For what purpose...

31. SENATOR HORSLEY:

32. ...the time has come...

33. PRESIDENT:

1. Just a moment. For what purpose does Senator Nihill
2. arise?

3. SENATOR NIHILL:

4. On a point of order. We've heard all this before, Senator
5. Horsley, and you're just going through the same thing over and over
6. and over.

7. PRESIDENT:

8. It's not a point of order. A point of order is correct,
9. however, that there is no motion before the body, and I think
10. Senator Horsley ought to make a motion...

11. SENATOR HORSLEY:

12. A point of order that I intended to make a motion...

13. PESIDENT:

14. You did not. You said you would be making a motion.

15. SENATOR HORSLEY:

16. My motion is that we suspend the rules for the immediate
17. consideration of this Resolution.

18. PRESIDENT:

19. Motion is for the immediate consideration...

20. SENATOR HORSLEY:

21. ...and that is the matter of which I've been talking to
22. explain the Resolution for the purpose of asking that the rules
23. be suspended and I'm asking that this matter be sent to the House.
24. Let them sit down with this Junior College Board. Let them talk
25. to these other five Presidents. Let them come back to us. We
26. may need to say to the architects of this State, "Gentlemen, sit
27. down and bid against each other. The day of the seven flat percent
28. is over. Bid on this project." I don't know, but the day of
29. bribery and the day of influencing these contracts is over as far
30. as we're concerned and I say the time now is for this matter to be
31. investigated and investigated thoroughly. I, therefore, would move
32. for the...

33. PRESIDENT:

1. Suspension of the rules.

2. SENATOR HORSLEY:

3. Suspension of the rules and the immediate consideration
4. of the Resolution.

5. PRESIDENT:

6. Motion for suspension of the rules. Senator Partee.

7. SENATOR PARTEE:

8. This is a subject which we are all very interested in. No
9. precipitous action is going to get us anywhere. I read the same
10. article that the Senator alludes to and I really wondered about
11. what kind of man the President of that college, that junior
12. college, is. Some of the things that he said was sort of
13. nebulous to me and I think probably we would be advised to
14. summon him here to the Executive Committee and question him.
15. Let's not go off on a tangent asking for a body to do something
16. until we know precisely what we want done. I would suggest
17. that this bill should go to Committee, to the Executive Committee,
18. where we could bring in that Junior College President and any others
19. similarly situated, and I have some questions to ask him and on that
20. basis we could make a judgment as to what we want to find out; what
21. we want to have the Illinois Legislative Investigation find out.
22. From the tone of this Resolution it's an expedition, an excursion.
23. They may come in talking about the Abraham Lincoln Hotel or some-
24. thing. All we want to know is what we need to know in connection
25. with this particular project and similar ones. So, it seems to me,
26. Senator, that a sagacious course of action would almost impel that
27. we summon this gentleman here. He may even say that he didn't say
28. what was in the newspaper. That's been said before around here.
29. Let's have the gentleman come in. Let's talk to him. Let's ask
30. him some questions because as I read the article, he was cold and
31. hot. He wasn't coming straight down the line on the thing. So,
32. let's call him in. Let's find out. Let's have a meeting of the
33. Executive Committee and bring him in and consider the Resolution in a

1. dispassionate manner.

2. PRESIDENT:

3. Senator Horsley.

4. SENATOR HORSLEY:

5. I'm waiting to close the debate if there's anybody else
6. on the matter.

7. PRESIDENT:

8. Is there further discussion on the motion? Senator Knuppel.

9. SENATOR KNUPPEL:

10. Ques...I have one question. If I vote for this, do I have to
11. listen to this speech again?

12. PRESIDENT:

13. Is there further discussion? Senator Horsley.

14. SENATOR HORSLEY:

15. In response to that question, you have to listen to one more
16. speech, and that one more speech will deal with a Resolution to
17. investigate what has happened in this building where we now sit
18. as to all of the millions of dollars and add-ons and the waste of
19. money that has gone on in this building, and you'll have to listen
20. to that and I apologize and I...have I answered your question?

21. PRESIDENT:

22. Does...point of order by...what is your point of order,
23. Senator Cherry?

24. SENATOR CHERRY:

25. I think Senator Horsley, in concluding his remarks, must address
26. himself to his motion to suspend the rules for immediate con-
27. sideration of this Resolution. I think Senator Partee has
28. adequately presented the facts with respect to the need for an
29. Executive Committee hearing to determine some of the facts alleged
30. to have been printed in the press, and I think Senator Horsley
31. should relate his comments to that motion alone. We've heard the
32. debate. We've heard his dialogue and we've heard all the discussions
33. as to why it should be considered immediately. Now, I think he

1. should address himself to the point that I made.

2. PRESIDENT:

3. The point is well taken. The Senator will confine his
4. remarks to his motion.

5. SENATOR HORSLEY:

6. Sir, I was only answering Senator Knuppel's question, is
7. what I was doing. But in closing my remarks here, I would
8. disagree with you, Senator Partee. Ordinarily I don't disagree
9. with you to a great extent, but when you bring these people down
10. before the Executive Committee, you submit them then under cross
11. examination, but when the investigators for the Commission
12. of the Illinois Legislative Commission goes to them to talk
13. to them, they determine by the written statements they take
14. and the evidence they adduce as to whether there will be any
15. public hearing and by that method you keep from hurting innocent
16. people. Now, you as well as all people know that for reasons
17. peculiar only to me, I resigned from this very Commission, but
18. that doesn't mean that I do not respect you, Senator Rock, my friend
19. Senator Sours or and the other members of that Commission. I
20. respect you greatly, and I respect the fact that you would
21. instruct your investigators to go out and privately get the fact.
22. Then if you find there's enough to bring them into the light
23. of day and have a public hearing under oath, you will do it.
24. And if you find there's no substance to it, you then report
25. back there is no substance and that's the end of the matter.
26. I think less people will get hurt by doing it the way I suggest;
27. that in calling these people before a committee and berating
28. them, particularly in these closing days of the Session when
29. you can't devote more than fifteen to thirty minutes to an
30. important matter like this that needs to be gone in for days
31. and days by men who will look at books and records and take
32. statements and affidavits from people. I think this is a job
33. for an investigating commission to do more or less on a private

1. basis first before we drag all of these people in and turn the
2. light of day on them and then if, as you say, there is no substance,
3. then nobody's going to get hurt; but when you bring them in,
4. even if there is no substance, somebody gets hurt. Somebody has
5. already been hurt by two newspaper headlines. Whether it's the
6. architects, whether it's a superintendent, whether it's a reporter,
7. I am not to be the judge. I couldn't be if I wanted to be, but
8. the matter has to be cleared up. We can't go on day after day
9. with scandal after scandal being published in the paper and us
10. sitting here and not doing everything in heaven's earth that
11. we possibly can to prevent it.

12. PRESIDENT:

13. The Secretary will call the roll.

14. SECRETARY:

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

18. PRESIDENT:

19. Senator Groen.

20. SENATOR GROEN:

21. Mr. President, from a parliamentary standpoint, I don't quite
22. understand this. Is this a motion to suspend the rules?

23. PRESIDENT:

24. That is correct.

25. SENATOR GROEN:

26. Has there been an objection?

27. PRESIDENT:

28. There has been.

29. SENATOR GROEN:

30. I vote aye.

31. SECRETARY:

32. ...Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,
33. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,

1. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,
2. Ozinga, Palmer, Partee, Rock...

3. PRESIDENT:

4. Senator Partee.

5. SENATOR PARTEE:

6. This issue seems to be drawn on the question of whether or
7. not...not whether or not we're going to go into the matter, but
8. whether we're going to go into the matter in one fashion or
9. another. Certainly this is a matter that deserves looking into.
10. This is a matter that cries out for some investigation. The
11. only thing I'm suggesting is, and those of you who are voting
12. aye, if you have read this Resolution, you will see that it is
13. done in a rather hasty fashion. I assume that it was done hastily.
14. I would hope that nobody spent a lot of time doing this as
15. carelessly as it is done; but it seems to me that the matter that
16. we seek to have them inquire into is overly broad; there is no
17. pointed direction. It says, "Into the past, pending and future
18. contracts." Now, I don't know how far back they want to go. I
19. don't know which present ones are...I suppose the pending ones
20. would be easiest to pinpoint, but certainly we don't know how
21. far back. We don't know how far in the future and this Resolution
22. needs some clearing up. The Resolution needs clearing up. We
23. ought to hear from the man who started this in the first instance
24. so that we'll have some direction to give to that group that's going
25. to look into it. This isn't the kind of thing where you say, "Go
26. out and catch the man that killed the rabbit." You ought to be
27. able to say, "The man has brown hair. He's six foot tall." We
28. ought to be able to have some pointed direction toward where we're
29. going and not a harebrained, scatterbrained kind of investigation
30. which will not be meaningful. And so far as people getting hurt,
31. Senator, you brought the Resolution. If somebody gets hurt, so be
32. it. You can't say in the first instance, you want to do something.
33. You're going to say, "I want to step on your corn, but I don't want

1. it to hurt you." That doesn't make sense to me. It seems to
2. me that if you want to investigate, you want to go all the
3. way, and you want to do it in some orderly fashion; and that's
4. just why I'm opposing the immediate adoption because we want
5. to get some order in this Resolution.

6. SECRETARY:

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

9. PRESIDENT:

10. For what purpose does Senator Horsley arise?

11. SENATOR HORSLEY:

12. Am I recorded?

13. PRESIDENT:

14. No, Senator Horsley, you are not.

15. SENATOR HORSLEY:

16. Well, Mr. President, just so we understand, it takes 35
17. votes.

18. PRESIDENT:

19. That is correct.

20. SENATOR HORSLEY:

21. On this matter to suspend the rules rather than just a majority
22. of those voting on the Resolution, and I wasn't sure whether everybody
23. knew that or not that it needed 35 votes to suspend the rules. Will
24. you please call the absentees.

25. PRESIDENT:

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

28. SECRETARY:

29. Arrington, Berning, Bidwill, Bruce, Carpentier, Cherry, Chew,
30. Course, Davidson, Donnewald, Dougherty, Egan, Hall, Harris, Horsley,
31. Hynes, Johns, Kosinski, Kusibab, Lyons, McCarthy, Neistein,
32. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,
33. Saperstein, Savickas, Smith, Soper, Swinarski, Vadalabene.

1. PRESIDENT:

2. For what purpose does Senator Partee arise?

3. SENATOR PARTEE:

4. I was going to try to get to the schedule, Mr. President.

5. I was going to move that we adjourn. I think we've done
6. enough campaigning today and we still have these committee
7. hearings. And I'm going to move that we adjourn and that
8. the schedule previously announced is set back just thirty
9. minutes.

10. PRESIDENT:

11. The . . . on that question the yeas are 25, the nays
12. are 3. The motion to suspend the rules does not prevail.
13. Senator Partee moves to adjourn. For what purpose does
14. Senator Horsley arise?

15. SENATOR HORSLEY:

16. Now when I stood up a while ago, I announced I had a
17. resolution immediately following this, and it's on the
18. Clerk's desk and I expect to present that resolution today.
19. And I would like to have that resolution heard today.

20. PRESIDENT:

21. For what purpose does Senator Cherry arise?

22. SENATOR CHERRY:

23. Senator Horsley is out of order. A motion to adjourn
24. has been made. It precedes all other business in the Senate.

25. PRESIDENT:

26. That . . . Senator Cherry is correct, Senator Horsley.
27. The motion to adjourn does take precedence. What is your
28. point of order, Senator?

29. SENATOR HORSLEY:

30. That will be the first order of business taken up
31. tomorrow morning if we adjourn with this matter pending.

32. PRESIDENT:

33. That is correct.

1. SENATOR HORSLEY:

2. Thank you.

3. PRESIDENT:

4. Motion that the Senate adjourn until 9:30 tomorrow
5. morning. All in favor signify by saying aye. Contrary
6. minded. Senate stands adjourned.

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