

6-6-72

PRESIDENT:

Prayer by the Chaplain, Reverend Joseph Ferriera, Pastor of the Zenobia Baptist Church. Pastor Ferriera.

PRAYER:

1. PRESIDENT:

2. The reading of the Journal moved by Senator Sours. The reading
3. of the Journal be dispensed with. All in favor signify by saying
4. aye. Contrary minded. The motion prevails. Senator Sours.

5. SENATOR SOURS:

6. Mr. President and Senators. I find an error in the morning
7. clalendar if I may call it to the President's attention. House
8. Bill 4180 is misdescribed. It's on second reading. It is a bill
9. of Representative Day, Carrigan, and Tuerk which I had advanced
10. yesterday without reference inasmuch as it simply provides for
11. the payment of a paving bill on city owned property. However,
12. it is misdescribed, on second reading.

13. PRESIDENT:

14. All right. Thank you very much Senator. Committee reports.

15. SECRETARY:

16. The Committee on the Rules and met directed at the House that
17. House Bill 4445 be retained in Rules Committee and further ordered
18. that House Bills with the following numbers be placed on the order
19. of first reading: 4305, 4260, 4528, 4649, 4082, 4085, 4420, 4385,
20. 4453, 4499, 4505, 4651, 4653, 4665. The Committee on Rules upon
21. consideration of the question referred to it by the Chair on Friday,
22. June the 2nd., with reference the motion to discharge committee on
23. House Bill 2532 rules, Senator Coulson abstaining that the motion
24. to discharge was not timely and House Bill 2532 should be considered
25. tabled.

26. PRESIDENT:

27. Resolutions. We have some resolutions at this point.

28. SECRETARY:

29. Senate Joint Resolution Number 77 introduced by Senator Horsley.
30. It's a Constitutional change and go to Executive. Senate Joint
31. Resolution...

32. PRESIDENT:

33. Just a moment. Senator Horsley.

1. SENATOR HORSLEY:

2. I want to make the same motion about both of them if I might.

3. PRESIDENT:

4. They go automatically to Executive.

5. SENATOR HORSLEY:

6. I understand but I want them heard tomorrow if possible.

7. SECRETARY:

8. Senate Joint Resolution number 78 amends the Constitution
9. and it'll go to Executive.

10. PRESIDENT:

11. Senator Horsley.

12. SENATOR HORSLEY:

13. Senator Partee if you'd...these two resolutions have to do with
14. biennial sessions. And one resolution is the same as we had at
15. another time and goes back to the old Constitutional provision that
16. says we shall only have a biennial session subject to the right to
17. call a special. I have introduced an alternative resolution that
18. says that you will have the biennial six months session but in the
19. other year the only thing under the Constitution you can talk about
20. is money bills. Now that would not of course prohibit the Governor
21. from calling a Special Session to run at the same time if he wanted
22. to. But at least it puts a limit on amending bills time after
23. time. All I'm asking is that both of these go to the Executive
24. Committee and I'm asking they be set for tomorrow so that we can
25. at least dispose of them. If not time doesn't allow tomorrow
26. they wouldn't be dead we might get to them next week because I
27. would like to have the voters have a chance. I understand the
28. Illinois State Chamber of Commerce has come out with a brochure
29. endorsing that we go back to biennial session and I more...more and
30. people I talk to all over this place are very much opposed to our
31. being in session all of the time. You're not only getting rid of
32. a lot of us who cannot stand this pressure every year but you're also
33. prohibiting a lot of good people from running. And you're costing

1. a lot of money and I'll be able to prove that to the Committee. So
2. I'm merely asking leave that they be set for tomorrow.

3. PRESIDENT:

4. Is there objection...Senator Partee. Leave is granted.
5. Further resolutions.

6. SECRETARY:

7. Senate Joint Resolution number 79 introduced by Senator
8. Horsley. It's relative to add-on, kick-backs and contracts.

9. PRESIDENT:

10. Senator Horsley.

11. SENATOR HORSLEY:

12. Mr. President because of the fact that we now have appropriation
13. bills pending in this Body on the Calendar that amount to over
14. 20 million dollars for state building projects, now this becomes
15. a very important matter because of the unfavorable publicity that
16. we had. We had an architect who was handling projects here. That
17. architect has since been fired. To his credit I have a headline
18. here in which he demands that an investigation be made. And in all
19. fairness if a man has nothing to be concerned about he should
20. certainly be given the right to defend himself. But that man was
21. paid well over a million dollars. He has been paid hundreds of
22. thousands of dollars on individual contracts. We started out here
23. in nineteen and sixty-seven expecting to spend on this building
24. about eight million dollars, is what it was represented to us
25. that it would cost to remodel this building. At one time it was
26. thought that legislative office might be moved. That has been
27. changed around. We now have, and I can prove this point, a clear
28. violation of the law that has not only been done by previous
29. administrations but in my opinion is still going on today. The
30. statute that created the Space Needs Commission says in so many
31. words and these are in plain English as you can find, "No contracts
32. shall be let in connection with the remodeling or the renovation
33. of the State House Complex without the prior approval of the Space

1. Needs Commission." Now you don't find that in any plainer English
2. than we find in the statute itself. And that statute has been
3. violated because they have not had meetings. They have not approved
4. these contracts. The only thing in the minutes of that group, if
5. you please, on phase one, they did say that they've approved phase
6. one. I have been told and this is mere hear_say, that they can not
7. even get a quorum present to attend the Space Needs Commission.
8. There is a story in yesterday or day before's paper...

9. PRESIDENT:

10. Just a moment. For what purpose does Senator Graham arise?

11. SENATOR GRAHAM:

12. First I'd like to rise on the point of inquiry to find out
13. what order of business we were on when this harangue started.

14. PRESIDENT:

15. We're on the order of resolutions and Senator Horsley is in
16. order. Senator Horsley may proceed.

17. SENATOR HORSLEY:

18. We have been told that the Speaker of the House in a headline
19. in the paper just two days ago says there will be no money appropriat-
20. ed by the House for the Space Needs Commission. Now we're involved
21. in a terrible mess. I don't want to put the finger on anybody and I
22. don't think we ought to be taking our time here to try and solve the
23. mess. I don't think the Executive Committee can solve this thing.

24. PRESIDENT:

25. Just a moment. For what purpose does Senator Partee arise?

26. SENATOR PARTEE:

27. If the Senator is attempting to persuade us to support it I
28. would suggest that he perhaps curtail his speech. I don't know of
29. anybody that's opposed to this Senator. Do you want to take a vote?

30. PRESIDENT:

31. Senator Horsley.

32. SENATOR HORSLEY:

33. Sir, all I'm asking is that this be turned over to the Committee

1. of which you are a member, to let them go into this thing completely
2. and come back and tell us what to do because I'm not going to vote
3. for one to spend 20 million dollars more on this project on contracts
4. which appear on their face to be illegal and I think in a short
5. while we might clear this up and we could come back, let's say in
6. October, November maybe and get it done. I would move for the
7. suspension of the rules and for the immediate adoption. This is
8. a joint resolution. It has to go to the House for their approval
9. asking that the Legislative Investigation Commission look into
10. this whole problem and try to come up with recommendations that
11. will be helpful to us. That is my purpose.

12. PRESIDENT:

13. Motion is for the suspension of the rules for the immediate
14. consideration of the resolution. Senator Clarke. Is there further
15. discussion? All in favor of the suspension of the rules indicate
16. by saying aye. Contrary minded. All in favor of the adoption of
17. the resolution indicate by saying aye. Just a moment. Senator
18. Clarke.

19. SENATOR CLARKE:

20. Mr. President I just want to support this motion this resolution.
21. I just wanted to state that I had a press conference this morning
22. to state a position. I feel that all funds, all appropriations for
23. reconstruction of the Capital Building should be held up pending
24. adoption of this resolution and a thorough investigation by the
25. Legislative Investigating Committee as well as a thorough check out
26. of the finances by the Auditor General through a request of the
27. Audit Commission. I think this is too important a matter to have
28. a cloud over the legislature. There have been all sorts of charges
29. and I think that this is something that is urgently needed before
30. we go any further in appropriating these millions of dollars.

31. PRESIDENT:

32. Is there further discussion? Senator Rock.

33. SENATOR ROCK:

1. Just as a matter of clarification Mr. President. Senator,
2. why this resolution do you call on the Legislative Investigating
3. Commission in which you know I am co-chairman to conduct an
4. immediate inquiry which is fine. There is, however, no reporting
5. date. Do you envision that this report will be some time prior
6. to our proposed immediate adjournment so that we can vote on
7. these appropriation bills prior to the next ten days or so or
8. how do you envision this?

9. PRESIDENT:

10. Senator Horsley.

11. SENATOR HORSLEY:

12. Senator Rock I have utmost faith in your ability as co-chairman
13. and good faith to get the job done as soon as you can do it and do
14. a good job. Now I don't think you can do it between now and next
15. week. And I think it will have to be done and these things are going
16. to have to wait until maybe October or November to get them done.
17. And that's why I purposely did not tie your hands with a date.

18. PRESIDENT:

19. Senator Partee.

20. SENATOR PARTEE:

21. Well, I was going to say I didn't know how anyone could determine
22. what the reporting date would be when you are going into six years
23. of activities. I just don't think that you could judgmentalize
24. any time period that this is going to take. I suppose as they
25. commence to look into to it we can then bring it back at a time
26. when it's feasible. I don't know any other way to approach it. I
27. don't know how they could have any reporting dates specifically.

28. PRESIDENT:

29. Senator Sours.

30. SENATOR SOURS:

31. I'd just like to make this comment Mr. President and Senators.
32. The Commission itself ought to have some descretion in this not
33. unlimited, of course, and as Senator Horsley has said it is impossible

1. to get this done quickly. Haste will make waste and there'll be
2. a lot of recriminations and it will be groundless. This is some-
3. thing that will have to have some care and probably could be done but
4. not in the next week or ten days. Or even in the next month.

5. PRESIDENT:

6. All in favor of the adoption of the resolution indicate by
7. saying aye. Contrary minded. Resolution is adopted. Senator
8. ParTEE you wanted to make an announcement in connection with the
9. reporting.

10. SENATOR PARTEE:

11. Oh yes. Mr. President and members of the Senate. The question
12. has been proposed by those persons who use electronic recording
13. devices for the media as to what is the position of the Senate
14. with reference to their recording during a Senate Session. We
15. have agreed in both caucuses that persons with the electronic
16. devices may record during a session under these conditions: That
17. first they be granted that provision on a day to day basis; that
18. they indicate for what periods they desire to record; that the
19. recordation made by them on their devices be used for the purpose
20. intended of disseminating that information to people through radio
21. and other areas and that it not be used for any other purpose; that it
22. not be used subsequent by them to that information be given to any
23. other person. They may use it for the purpose of intended...that
24. is to use it on the radio and so forth but for no other purpose.
25. I think that fairly sums up what the position is and each time that
26. permission has been granted the membership will be told in advance
27. that we are on a recording for dissemination. Any questions about that
28. I'll be able to answer. But I think that sums it up.

29. PRESIDENT:

30. Thank you Senator. Senate Bills on second, Senator Clarke.

31. SENATOR CLARKE:

32. I'd just like to have read in the record the fact that Senator
33. Harris is ill and is absent because of illness. He says he's feeling

1. much better and ought to be back tomorrow.

2. PRESIDENT:

3. The Journal will so show. Senate Bills on second reading.

4. 1323, Senator Fawell. 1323.

5. SECRETARY:

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

7. PRESIDENT:

8. Any amendments from the floor? Third reading. 1394, Senator

9. Gilbert.

10. SENATOR GILBERT:

11. I have an amendment for that bill. It has been misled and I

12. was suppose to get another one this morning and I would like to

13. have leave to come back to that...

14. PRESIDENT:

15. We'll come back to that...

16. SENATOR GILBERT:

17. the amendment on. I want to reduce the appropriation \$700,000

18. dollars and make it merely a reappropriation.

19. PRESIDENT:

20. We'll just let the Chair know when you have that. Senator

21. Clarke what about the series by Senator Carpentier. Do we hold that

22. whole series? 1406, Senator Harris. 1406.

23. SECRETARY:

24. Second reading of the bill, No committee amendment.

25. PRESIDENT:

26. Any amendments from the floor? Third reading. 1410, Senator

27. Fawell. 1410.

28. SECRETARY:

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

30. PRESIDENT:

31. Any amendments from the floor? Third reading. 1569, Senator

32. Graham.

33. SENATOR GRAHAM:

1. Mr. President, I would like to tell the Senate.

2. PRESIDENT:

3. Just a moment. Let's get the Senate listening to you.

4. SENATOR GRAHAM:

5. That there has been and was yesterday a considerable amount
6. of discussion regarding this bill and there is a considerable amount
7. of proposals amendment wise to be offered to it. I would like to
8. advance to third reading with the suggestion that we have those
9. amendments in tomorrow. I think they will...to be called to second
10. reading for the adoption of the proposed amendments, one lengthy
11. one that corrects only typographical and spelling errors. And then
12. have it in a position to pass it out of the Senate if this body is
13. willing. Send it over to the House of Representatives which body
14. has indicated to me that they have some amendments that they want
15. to consider. See if it is possible then to get this messy piece of
16. legislation in acceptable and Constitutional and signable form.
17. And if not, it would be my desire that the bill would not die in
18. the House and that was something that I'll negotiate with them,
19. feeling that if it cannot be worked out that it will be alive and
20. a viable piece of legislation so that the Election Laws Commission
21. may if necessary conduct part of their inquiries into feasibility
22. of further amendments that may be suggested by public bodies that
23. are interested truly in making this a workable piece of legislation.
24. With that thought in mind, I would like to move it up to third
25. reading to present some amendments tomorrow and then offer it to the
26. Senate for their consideration under the outline that I have given
27. us here today.

28. PRESIDENT:

29. 1569.

30. SECRETARY:

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

32. PRESIDENT:

33. Any amendments from the floor? Third reading. 1397, it has

1. been requested that we take. 1397.

2. SECRETARY:

3. Second reading of the bill. One committee amendment from
4. Appropriations.

5. PRESIDENT:

6. Senator Clarke moves the adoption of the committee amendment.
7. All in favor signify by saying aye. Contrary minded. The amendment
8. is adopted. Any further amendments? Third reading. 1587, Senator
9. Carroll. 1587.

10. SECRETARY:

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

12. PRESIDENT:

13. Any amendments from the floor? Third reading. 1592, Senator
14. Dougherty requests that it be held, Senator Clarke. All right will
15. be held. It will be held, Senator Dougherty. 1598, is Senator
16. McCarthy on the floor? Hold, 1599 also. 1600 that whole series.
17. 1603, Senator Davidson. 1603.

18. SECRETARY:

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

20. PRESIDENT:

21. Any amendments from the floor? Third reading. Senator Gilbert,
22. you don't have your amendments as yet? All right, okay. Senate
23. Bills on third reading. 147, Senator Saperstein. Senator Saperstein.

24. SENATOR SAPERSTEIN:

25. Mr. President and gentlemen of...

26. PRESIDENT:

27. Just a moment Senator Saperstein is entitled to your attention.
28. Let's...proceed Senator.

29. SENATOR SAPERSTEIN:

30. Mr. President and gentlemen of the Senate, Senate Bill 147 is
31. not correctly described on the calendar. The appropriation of \$200,000
32. was amended out of the bill in the Appropriation's Committee. The
33. reason for this was that in the event 147 does pass which removes

1. the division of caring for the program of the elderly citizens
2. from the Department of Public Aid to the Governor's office the
3. funds will go along with the agency. 147 was heard before the
4. Public Welfare Committee in the last session of the legislature
5. and received a do pass. What it does is establish an agency for
6. Senior Citizens in the office of the Governor with the co-ordinator
7. with a co-ordinating committee which would focus attention on the
8. needs of the Senior Citizens in the office of the Governor. The
9. Governor would have control of the disbursement of the funds. It
10. would create an advisory council for the office of the Senior Citizens.
11. It would have a co-ordinating committee made up of those state
12. agencies that have something to do with rehabilitation, with education,
13. with recreation for the Senior Citizens.

14. PRESIDENT:

15. Just a moment. Please let's give the Senator our attention.
16. Proceed Senator and I would urge all Senators to be as brief as
17. possible during these final days so that we can proceed with some
18. dispatch.

19. SENATOR SAPERSTEIN:

20. At the recent conference on aging the White House Conference
21. unanimously passed a resolution that the agency dealing with Senior
22. Citizens should be on a Cabinet level. Should not be buried in a
23. Code Department where it could not receive the kind of attention that
24. we through the American the older American Citizen's Act and
25. it was adopted unanimously by the White House Conference on aging.
26. This bill follows that pattern and the State of Illinois certainly
27. will be the recipient of federal funds provided that we give the
28. older American Act the kind of cabinet status that is recommended.
29. Now this bill has been approved by every organization in the State
30. of Illinois dealing with the needs of the elderly. I urge your
31. support of this bill. I want to remind you that it places the
32. program of meeting the needs of the aged in the office of the
33. Governor. It does not belong in Public Welfare meeting the needs of

1. the Senior Citizens is not a public aid in a public welfare program.
2. And should it stand alone, I urge your support.

3. PRESIDENT:

4. Senator ParTEE.

5. SENATOR PARTEE:

6. I just wanted to announce to the membership that the recording
7. is being done at this moment.

8. PRESIDENT:

9. Senator Clarke.

10. SENATOR CLARKE:

11. Mr. President and members of the Senate, I think this is a
12. very commendable bill but I don't think this is the time for it
13. because we have a new Director. We have the... Who is very service
14. orientated. They are working on programs of this nature. This
15. can be done without statutory authority and I think that our
16. administration is moving in that direction. And I would urge that
17. we would withhold votes on this bill not kill it but leave it alive
18. and let's see how the situation is developing later in the year.

19. PRESIDENT:

20. Is there further discussion? Senator Saperstein may close
21. the debate.

22. SENATOR SAPERSTEIN:

23. I don't think that the charge that this is a political bill
24. is a fair one. I know it is not a fair one because this bill was
25. introduced in the previous session. It was kept alive in committee
26. because there was every reason to believe that the direction of this
27. bill is a good one. I just reiterate the fact that it does not
28. belong in public aid that it is unfair to the Senior Citizens of
29. the State of Illinois to consider their needs, their education, their
30. rehabilitation, their recreation or wherever it takes us to be a matter
31. of public aid. And, therefore, I urge you to vote for this bill
32. because it has received total, total community support. I urge you
33. to vote for it.

1. PRESIDENT:
2. The Secretary will call the roll.
3. SECRETARY:
4. Arrington, Baltz, Berning, Bidwell, Bruce, Carpentier, Carroll,
5. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
6. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,
7. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
8. Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,
9. Neistein, Newhouse, Nihill,
10. PRESIDENT:
11. Senator Nihill.
12. SENATOR NIHILL:
13. Mr. President and Senators, I think I have a conflict of interest
14. here. I'm over 65 and I vote aye.
15. SECRETARY:
16. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,
17. Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene,
18. Walker, Weaver.
19. PRESIDENT:
20. Senator Saperstein.
21. SENATOR SAPERSTEIN:
22. Call the absentees.
23. PRESIDENT:
24. A request for a call of the absentees, the absentees will
25. be called.
26. SECRETARY:
27. Arrington, Baltz, Berning, Bidwell, Carpentier, Carroll,
28. Clarke, Collins, Coulson, Davidson, Fawell, Gilbert, Graham, Groen,
29. Harris, Horsley, Knuepfer, Latherow, Laughlin, McBroom, Merritt,
30. Mitchler, Mohr, Newhouse, Ozinga, Rosander, Saperstein, Savickas,
31. Soper, Sours, Walker, Weaver.
32. PRESIDENT:
33. On that question the yeas are 26, the nays are none.

6-19-72
SIB 1505
2nd & 3rd readings

1. The bill having failed to receive the Constitutional majority
2. is declared defeated. 1062, Senator O'Brien. 1154, Senator
3. Kosinski, 1382, is Senator Chew on the floor? 1389, Senator
4. Latherow. Senator Latherow. Senator Latherow, 1389. 1400, the
5. same. 1401, same. 1408, is Senator McCarthy on the floor?
6. 1425, Senator McBroom. 1425, Senator McBroom. Do you want it
7. held. Okay, request that it be held. It will be held. 1432,
8. Senator Saperstein. Senator Saperstein, 1432. 1433, Senator
9. Partee. Hold. 1459, Senator Rock. Senator Rock.

10. SENATOR ROCK:

11. Yes, Mr. President and members of the Senate I wonder if
12. 1459 is totally dependent on Senate Bill 1505. I understand
13. Senator Laughlin does intend to call it. I wonder if I could pass
14. it until we just get beyond 1505 and then call it.

15. PRESIDENT:

16. And then come back. We will do that. 1464, Senator Gilbert.
17. Hold. 1465, is Senator Merritt on the floor? Senator Merritt,
18. 1465, Senator Merritt.

19. SENATOR MERRITT:

20. Yes, Mr. President and members of the Senate. I feel that
21. under the terms I would like to first of all consider this bill
22. in conjunction with the other appropriation bill, 1597 so we
23. might address our remarks to both bills at the same time.

24. PRESIDENT:

25. Is there objection to having both bills on the same roll
26. call? Leave is granted. 1465 and 1597 will be considered right
27. now. Senator Merritt, you may proceed.

28. SENATOR MERRITT:

29. If we're in the Constitutional area of doing it that way
30. it's fine with me.

31. PRESIDENT:

32. The Chair is under the opinion that we can.

33. SENATOR MERRITT:

1. I believe to begin with that Illinois can take a considerable
2. amount of pride in the enviable position of our State as the
3. number one State in the nation of the export of agricultural
4. products and a very close second place in the nation in the export
5. of our manufactured goods. However, as a result of increasing
6. competition in the world markets, we in Illinois wisely recognize
7. that our State could not depend on its past business alone to pro-
8. tect and enhance this number one position. With this in mind, the
9. legislator...the legislature, under Governor Kerner's administration
10. in 1967, passed legislation which established an Illinois office
11. overseas in Brussels. This office has been a most highly successful
12. operation and by their efforts alone in the year 1970 a Belgium
13. based copper production firm know as the Chemico Metals Corpora-
14. tion established a plant in Illinois located between East Alton
15. and Granite City. Where we're happy to report that they are
16. currently employing 128 people, certainly a great boom to this
17. high unemployment area of Southern Illinois. That we can attribute
18. to the work of that office alone. This means jobs in the area, it
19. means additional revenues for the State of Illinois and the
20. local governments in that area. In bricks and mortar alone there's
21. 14 million invested in that plant. Now our commission report just
22. last year recommended that a Far East office market be explored,
23. and if proven feasible that a Illinois office be established there.
24. To implement this recommendation late last year two of our commission
25. public members, and our Executive Director, conducted a series of
26. conferences and visits with key business and industrial owned
27. governmental officials in the Orient. This project was undertaken
28. in view of the rapidly increasingly importance that the Far East
29. is assuming in international and commercial circles. It is the
30. feeling of our commission that Illinois as one of the top ex-
31. porting states in the nation and agricultural products and manu-
32. facturers goods cannot afford to ignore any longer such a large
33. and expanding market for Illinois goods. And Senate Bills 1465...

1. PRESIDENT:

2. Just a moment please. Right by your side there, Senator
3. Knuepfer, Soper. Please gentlemen.

4. SENATOR MERRITT:

5. I'll be very brief. Senate Bills 1465 and 1597 will implement
6. this recommendation. The appropriations attached of \$125,000 in
7. Senate Bill 1597 for fiscal year '73 is certainly a small amount
8. compared to the eventual financial benefits that will accrue to
9. the State of Illinois. I know that this has the full and complete
10. support of all of our commission members in the Senate here, they
11. are co-sponsors on the bill. I certainly would appreciate a most
12. favorable roll call.

13. PRESIDENT:

14. Senator Neistein.

15. SENATOR NEISTEIN:

16. Mr. President, there was some disturbance back here. I wonder
17. if Senator Merritt would be kind enough to read that prepared statement
18. again so I can digest it very well.

19. PRESIDENT:

20. Senator Merritt, do you wish to respond?

21. SENATOR MERRITT:

22. For the sake of brevity, Senator Neistein, I will meet with you
23. privately and give you the entire text.

24. PRESIDENT:

25. Senator Neistein.

26. SENATOR NEISTEIN:

27. This is the agency that for three years I have been speaking
28. against because I've never heard of anyone that wants to foster
29. and encourage people to come to Illinois and to avail itself or
30. avail oneself of its facilities and to charge them 75 cents or a
31. dollar and then to give out the printing to a private company when
32. the State of Illinois has adequate printing facilities and presses
33. where they can prepare these brochures. I say and I've been saying

1. right along that to encourage people to come here maybe we ought
2. to give them a dollar or two with each inquiry instead of charging
3. people money just because they write in and want to know about
4. the lakes and the fishing facilities and educational facilities
5. and the historical facilities that we have to charge them money.
6. And I oppose these measures as I always have for the last years.

7. PRESIDENT:
8. Senator Hall.

9. SENATOR HALL:
10. Would the sponsor yield to a question?

11. PRESIDENT:
12. He indicates he will.

13. SENATOR HALL:
14. Senator, are these offices already established? And if so,
15. what was the appropriation last year?

16. PRESIDENT:
17. Senator Merritt.

18. SENATOR MERRITT:
19. I believe Senator in this years, well the Brussels office
20. yes, has been established since January 1968. I believe the fiscal
21. '73 appropriation is a hundred and either a hundred and seventy-six
22. or hundred and eighty-six thousand. They currently have seven very
23. competent manager of that office who formerly was in the diplomatic
24. service as a commercial attache for several countries. We were
25. fortunate enough to get him on retirement, to head up that office.
26. They are doing a tremendous job and as I pointed out if we can con-
27. tinue in the same vein and there's others developing now just like
28. the plant I referred to down in Southern Illinois. I can't help
29. but think that that's part of what we're all about. To make
30. job opportunities in those high unemployment areas because in every
31. instance it does prove revenues to the State of Illinois and local
32. government.

33. PRESIDENT:

1. Senator Hall.

2. SENATOR HALL:

3. Senator, you've made reference to a plant in Senator
4. Vadalabene's district down there. Would you know the name of
5. that plant? That was supposed to have been started?

6. PRESIDENT:

7. Senator Merritt.

8. SENATOR MERRITT:

9. Yes, came here in 1970 or at least that's when they perhaps
10. started operation '71. It's known as the Chemico Metal's Corpora-
11. tion. They're a copper production firm.

12. PRESIDENT:

13. Senator Hall.

14. SENATOR HALL:

15. And how many you say there are employed?

16. PRESIDENT:

17. Senator Merritt.

18. SENATOR MERRITT:

19. A hundred and twenty-eight currently. That's that figure is
20. expanding. They have a payroll of last year of a million hundred
21. and thirteen thousand six hundred dollars. They paid in local
22. real estate taxes two hundred and ten thousand dollars. Illinois
23. Corporate taxes, thirty thousand. Personal income tax estimated
24. on the employees is sixteen thousand. That to me begins to prove
25. that an expenditure like this that we're asking for in this type
26. of legislation can certainly prove feasible.

27. PRESIDENT:

28. Senator Nihill.

29. SENATOR NIHILL:

30. Mr. President, and Senator Merritt, this here bill I'm holding
31. in my hand here 1597 I had to dig down the basement to get a copy
32. of this I can't I couldn't find it no place. And I finally had the
33. one of the Pages get me this bill. Now they're here for one reason

1. in the State of Illinois to contract and get business. Is that
2. true or false?

3. PRESIDENT:

4. Senator Merritt.

5. SENATOR MERRITT:

6. Will you repeat your question, Senator?

7. PRESIDENT:

8. Senator Nihill.

9. SENATOR NIHILL:

10. They're here in the State of Illinois to get contracts in
11. business for overseas for their place over there where they're
12. from. Is that true or false?

13. PRESIDENT:

14. Senator Merritt.

15. SENATOR MERRITT:

16. They're here in Illinois you say? I...I'm not...

17. PRESIDENT:

18. Just a moment. Please, let's break-up...Just a moment. Let's
19. cut down the noise level please.

20. SENATOR MERRITT:

21. Maybe I can answer it this way, Senator. They're established
22. in Brussels to do two things. Number one, to make the necessary
23. contacts for our Illinois based industries to obtain all the foreign
24. markets we can possibly obtain and then by the reverse to obtain
25. companies based over in that area. This one that came here happened
26. to be a Belgium based firm to come to Illinois. After all, we've
27. never reached a point in this State that we can't welcome plenty
28. of new industries.

29. PRESIDENT:

30. Senator Davidson, do you wish to comment on this question?

31. SENATOR DAVIDSON:

32. Mr. President, I'd like to move the previous question.

33. PRESIDENT:

1. Now, just a moment. I before that motion is in order we have
2. some others on the list here. Senator Dougherty.

3. SENATOR DOUGHERTY:

4. I'll explain my vote for the purpose given the roll call.

5. PRESIDENT:

6. Senator Vadalabene. Senator Davidson moves the previous
7. question. All in favor signify by saying aye. Contrary minded.
8. Motion prevails. Senator Merritt may close the debate.

9. SENATOR MERRITT:

10. Well, I won't belabor the issue, I've gone way too long
11. here. I think that those of us who really know the importance of new
12. industries coming into this State. The importance of our manu-
13. factured goods and our agricultural products flowing out at an ever
14. increasing rate will truly know the meaning of this and to get to
15. that one question of Senator Nihill's. Why there's this Senate
16. Bill 1597, I think most of you are aware, we had to divide the bill
17. for appropriation purposes. And 1597 is nothing but just the
18. appropriation itself. And I'll certainly appreciate a most favor-
19. able roll call. As I said it has the complete endorsement of every
20. member of the Senate who happens to be on that commission.

21. PRESIDENT:

22. The Secretary will call the roll.

23. SECRETARY:

24. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
25. Cherry,

26. PRESIDENT:

27. Senator Cherry.

28. SENATOR CHERRY:

29. Senator Merritt, what's the appropriation on this bill?
30. A hundred and twenty-five thousand?

31. PRESIDENT:

32. Yes, we're considering two bills, 1465 and 1597. The appropriation
33. is a hundred and twenty-five thousand.

1. SENATOR CHERRY:
2. For both bills?
3. PRESIDENT:
4. The vote is on both bills.
5. SENATOR CHERRY:
6. And the appropriation for opening an office in the Far East
7. is ten thousand dollars for furniture, is that correct?
8. PRESIDENT:
9. Senator Merritt.
10. SENATOR MERRITT:
11. Just a minute. Well, I don't see any such item in there for
12. that Senator. Well, for all equipment, yes. All equipment.
13. PRESIDENT:
14. Senator Cherry.
15. SENATOR CHERRY:
16. And the equipment that would be necessary would be
17. to furnish one office, is that correct?
18. PRESIDENT:
19. Senator Merritt.
20. SENATOR MERRITT:
21. That's that's correct with the possible exception that there
22. could well be, say a one man operation in another location.
23. PRESIDENT:
24. Senator Cherry.
25. SENATOR CHERRY:
26. I vote no.
27. SECRETARY:
28. Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
29. Dougherty, Egan,
30. PRESIDENT:
31. Senator Egan. Oh, Senator Dougherty.
32. SENATOR DOUGHERTY:
33. I'd like to explain my vote and give you a little history. In

1. 1963 under the Kerner Administration, I introduced a bill that would
2. set-up what is now known as the Department of Business and Economic
3. Development. The bill was defeated in the Senate Executive Committee,
4. whereupon Senator Gottschalk who was the principal opponent of the
5. bill, discovered some merit of what I had said due to the fact that
6. the Illinois Congressional Delegation in Washington and both United States
7. Senators were of the opinion that this was needed. The original
8. purpose was to set up an office in Washington where we might obtain
9. some of the defense contracts for Illinois. At that time, it was
10. pointed out by Congressman Derwinski of the Fourth District, that
11. everything that they used that the Defense Department used a greater
12. portion the components are manufactured in the ourth Congressional
13. District. Governor Kerner visited in Washington with the Congressional
14. Delegation and they assured him that they would insist upon a bill
15. of this type being passed and it was passed in 1965. However, there
16. was still objection to the Washington office. Good sense, however,
17. prevailed that we did establish an office in Washington. And the
18. response was remarkable, the amount of business that resulted in
19. our having two men assigned there in Washington. Kevin McGrath
20. and Tom Fitzsimmons whose wife is employed here in the chambers.
21. Whereupon it was discovered that they could do even better if they
22. established an office in New York to deal with the Eastern seaboard.
23. Tremendous results were involved then the office in Brussels is
24. the result of several millions of dollars of business accruing to
25. Illinois because of the fact that we had a commerical attache over
26. there who work with the exporters and importers in Europe, but
27. together with our counterparts in the United States and there has
28. been a tremendous increase in the import export program. Senator
29. Kerner or Governor Kerner was extremely aware of what was the potential
30. of the Far East. As a matter of fact, he took two trade delega-
31. tions to the Far East and they did achieve some business over there.
32. Now the purpose of this bill is to establish an office in the Far
33. East either in Singapore or Hong Kong. The idea of abandoning an

1. office in Japan has been temporarily disbanded...abandoned for the
2. reason that the Japanese motivation in their economic problems
3. is not conducive to better trade agreements. However, we are of
4. the opinion who heard this report on the Far Eastern trip where
5. two members of the commission and the secretary went over there
6. and explored it. They consulted with other states that had
7. representatives over there. The State of Alaska has a representative in
8. the Far East. They are doing a tremendous amount of business. We
9. are the number one agricultural exports State in the nation.
10. We are number two in the machinery and heavy equipment. And there's
11. no reason why....

12. PRESIDENT:

13. The Senator will conclude his remarks.

14. SENATOR DOUGHERTY:

15. There's no reason why this office should not be established
16. and I think it would be a benefit for the people in Illinois and
17. I vote yes.

18. SECRETARY:

19. Egan,

20. PRESIDENT:

21. Senator Egan.

22. SENATOR EGAN:

23. Mr. President and members of the Senate I'll be very brief but
24. I would like to point out to the Senate that last June, 1971, we passed
25. out of the Senate a bill to clean up several of the State's waterways...
26. a bill which amounted to almost a million dollars. Part of that
27. bill, I asked for a hundred and twenty-five thousand dollars, Senator
28. Merritt for the Governor's office the Division of Waterways, the
29. Department of the Division of Highways to clean up the North branch
30. of the Chicago River in my neighborhood. We've had a hundred or two
31. hundred or three hundred boyscouts digging out tires and old cars and
32. every other imaginable item out of that river and we want to have it
33. dredged Senator Merritt, and we want to have it dredged so that it

1. will be clean enough so that the children who play on its banks
2. won't be diseased. And if we can't get a hundred and twenty-five
3. thousand dollars from the Division of Waterways because the Governor's
4. holding the money, money which was appropriated one year ago, we
5. can't afford to have people out in Europe trying to dig up business.
6. I vote no.

7. SECRETARY:

8. Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes,
9. Johns,

10. PRESIDENT:

11. Senator Johns.

12. SENATOR JOHNS:

13. Lady and gentlemen of the Senate and Mr. President, I don't
14. know that many people here in this Body are more familiar than I
15. am with the Department of Business and Economic Development nor
16. with what we're trying to do here. I joined in Senate sponsor-
17. ship with Senator Merritt of bill 1465 and I am aware of 1597. I
18. can tell you all very truthfully that the ramifications and the
19. benefits of the offices have been more than profitable from the
20. amount of money that we put into them. I would say that the quality
21. of the personnel chosen is very very important in these very selective
22. offices. And these men have been chosen on the basis of experience.
23. and ability and know. And I would say that this money would
24. be well spent if we would see fit to approve it. I urge your favor-
25. able vote on this or these two bills. Thank you very much.

26. SECRETARY:

27. Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,

28. PRESIDENT:

29. Senator Latherow.

30. SENATOR LATHEROW:

31. Mr. President, I just wondered if you knew Superintendent and
32. Mrs. Roscoe Scott brought my wife down here today to see how we were
33. doing. They're over in the East corridor here and I wonder if they

1. would stand and be recognized.

2. PRESIDENT:

3. That was a very lucid explanation of your vote, Senator
4. Latherow.

5. SECRETARY:

6. Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,
7. Neistein, Newhouse, Nihill,

8. PRESIDENT:

9. Senator Nihill.

10. SENATOR NIHILL:

11. Mr. President and Senators, if we have a hundred and twenty-
12. five thousand dollars to spend, let's spend it Illinois and my
13. vote is no.

14. SECRETARY:

15. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,
16. Saperstein, Savickas, Smith, Soper, Sours,

17. PRESIDENT:

18. Senator Sours.

19. SENATOR SOURS:

20. I favor this bill Mr. President and Senators. We had Governor
21. Kerner in Peoria several years ago before the Rotary Club and
22. he extolled the virtue of doing business overseas. Doing Illinois
23. business overseas. My district, of course, includes the main office
24. of Caterpillar overseas home office. Caterpillar international home
25. office. Were it not for the foreign business I don't think we'd have
26. Caterpillar as the number one private industrial complex in this State,
27. excluding of course Illinois Bell which is a quasi situation there.
28. Now, I have seen for years, ads in magazines, "Bring your business
29. to Alabama, bring your business to South Carolina, bring your business
30. to North Carolina." In that span of time all the woolen mills have
31. left Manchester, New Hampshire. All the cotton mills have left
32. Lawrence, Massachusetts. Now somewhere along the line this advertising
33. does pay. Were it not for advertising probably we wouldn't have the

1. business structures we have today. This is a good bill, this is
2. a bill that I'm sure Governor Kerner would have wanted. I vote aye.

3. SECRETARY:

4. Swinarski, Vadalabene, Walker,

5. PRESIDENT:

6. Senator Vadalabene.

7. SENATOR VADALABENE:

8. In explaining my vote Mr. President and members of the Senate,
9. I merely want to confirm a statement made by Senator Merritt in regard
10. to the Chemico plant which is located in my senatorial district
11. south of Wood River on U.S. Route 3, in Madison County. This plant
12. has really helped our economic area which is one of the highest
13. unemployment areas and problems in the State of Illinois. And I,
14. like Senator Sours, know that Governor Kerner would want me to vote
15. for this bill, former Governor Kerner, and I happily vote aye.

16. SECRETARY:

17. Walker,

18. PRESIDENT:

19. Senator Walker.

20. SENATOR WALKER:

21. Thank you Mr. President and members of the Senate. In voting
22. I'm supporting this bill and in explaining my vote, I would like
23. to say that in my fifteen years of the legislature I've seen a lot
24. of serious hard working articulate persuasive legislators. I've
25. seen legislators with a depth and an analytical minds. The wife
26. of one of those legislators who came here in '57 with the class
27. of '57 after reapportionment, Mr. President, is sitting in the
28. gallery. Mrs. Art Simmons. And I wish she and her family would
29. arise so that the Senate can pay their proper respects to Mrs.
30. Simmons. Wasn't that an explanation?

31. PRESIDENT:

32. I'm not sure that the Secretary knows how you're voting on
33. that question.

1. SENATOR WALKER:

2. I voted aye.

3. SECRETARY:

4. Weaver.

5. PRESIDENT:

6. For what purpose does Senator Johns arise? Senator Johns.

7. SENATOR JOHNS:

8. Mr. President and members of the Senate, after my grand and
9. glorious fourth of July speech, I failed to vote aye as pointed out
10. by my colleague, Senator Bidwell but I do want that to be understood.
11. It is aye.

12. PRESIDENT:

13. On that question the yeas are 32 the nays are 7. The two bills
14. 1465 and 1597 are declared passed. Senator Merritt moves to recon-
15. sider, Senator McBroom moves to table the motion to reconsider. All
16. in favor signify by saying aye, contrary minded. The motion to table
17. prevails. We have some bills on third reading that we have passed
18. over the sponsors who are now ready to call. 1433, Senator Hynes
19. you were handling that for Senator Partee?

20. SENATOR HYNES:

21. Senate Bill 1433 is the appropriation for the Office of the
22. Superintendent of Public Instruction. It is the operating budget
23. for that office and also includes most of the grants for special
24. education and other educational purposes. It has been amended
25. in the Appropriations Committee to remove one million three hundred
26. fifty thousand dollars. I believe that it is a...that the budget is
27. in good condition and I would ask for your favorable support.

28. PRESIDENT:

29. Is there any discussion? Senator Knuepfer.

30. SENATOR KNEUPFER:

31. Senator Hynes, I'm wondering if I could ask for a one day delay
32. in this bill and that's all I will ask for. We...we were still
33. looking over a couple of things. If there are an amendments to be

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- 1. proposed we would advise you in advance. I'd like one day this to
- 2. be held if you will.
- 3. PRESIDENT:
- 4. Senator Hynes.
- 5. SENATOR HYNES:
- 6. Senator, did you say you are going to propose an amendment?
- 7. PRESIDENT:
- 8. Senator Knuepfer.
- 9. SENATOR KNUEPFER:
- 10. Senator, we are looking it over before I make any proposal
- 11. I will consult with you. I'd like just one day.
- 12. PRESIDENT:
- 13. Senator Hynes indicates he will hold. 1505, there will be
- 14. a proposed amendment we have to take care of that then we'll get
- 15. back to the others, 1401 and 1382. I've received requests from
- 16. sponsors on. 1505, Senator Laughlin.
- 17. SENATOR LAUGHLIN:
- 18. I have an agreement Mr. President and members of the Senate,
- 19. with Senator McBroom that this bill will be returned to second
- 20. reading so that he can offer an amendment that I intend to oppose.
- 21. PRESIDENT:
- 22. Just a moment. Let's get some order. Gentlemen. Senator
- 23. Neistein, Senator Egan, Senator Savickas. Proceed.
- 24. SENATOR LAUGHLIN:
- 25. So I would move that the bill will be returned to second reading.
- 26. PRESIDENT:
- 27. The bill will be returned to second reading for purpose of
- 28. amendment. Senator McBroom offers, Senator McBroom offers. Senator
- 29. McBroom offers an amendment, we're not sure of the number of the
- 30. amendment but we'll journalize that. Senator McBroom, this is
- 31. Amendment Number Two. Senator McBroom.
- 32. SENATOR MCBROOM:
- 33. Mr. President and members of the Senate, I appreciate the fact

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1. that Senator Laughlin would be good enough to move this bill back
2. to second reading even though he has to oppose the amendment. It
3. was my understanding Mr. President that he was going to do this for
4. Senator Harris. Of course, the membership knows Senator Harris
5. is not here with us. I would particularly like to invite the
6. attention of Senator Partee. I believe he has some interest in
7. this and my...

8. PRESIDENT:

9. Just a moment. Let's please, this is one of our noisy days
10. apparently, let's get some order. Let's try and maintain it.
11. Proceed Senator.

12. SENATOR MCBROOM:

13. I said I'd like to invite the attention of Senator Partee
14. and I believe my seatmate, Senator Merritt, has some interest in
15. this particular amendment. This amendment would...

16. PRESIDENT:

17. Just a moment. Senator Partee says he cannot hear. I can
18. understand that. Please, gentlemen let's take our seats. Proceed
19. Senator.

20. SENATOR MCBROOM:

21. I might say Mr. President that I was in Kankakee to a fish fry
22. and as I was speaking I told the audience that they give me the
23. exact amount of attention that I receive in the Illinois Senate.
24. At any rate Mr. President the thrust of this amendment would clear up
25. what I consider a deficiency in the bill in non-titled states in
26. regard to automobiles when they come into Illinois and they are
27. sold to a dealer or taken in trade by a dealer which ever phraseology
28. you care to use. The position of the bill now would be that the
29. encumbrance, if there should be one, is the dealer's obligation and
30. it's his position to seek it out and by some unknown means to determine
31. whether or not there is an encumbrance. Whereas Mr. President
32. if the same individual would sell an automobile to a private party
33. here in Illinois, the car is free and clear and there is no en-

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1. cumbrance on it. And it seems to me that it puts the automobile
2. dealer in a position of second class citizenship. And furthermore,
3. the Illinois Auto Trade Association is opposed to this particular
4. bill in its present status. And the last reason for the amendment
5. is that this is the first date that is doing something of this
6. nature and that's the thrust of the amendment Mr. President.

7. PRESIDENT:

8. Is there any discussion? Senator Rock.

9. SENATOR ROCK:

10. Yes, Mr. President and members of the Senate, I rise in
11. opposition to this amendment.

12. PRESIDENT:

13. Just a moment. Please, Senator Horsley, Senator Walker.
14. Let's try and get some order, take our conferences off the
15. floor. Senator Rock.

16. SENATOR ROCK:

17. Yes, Mr. President and members of the Senate, I rise in
18. opposition to this amendment. And I want to explain why. When
19. this bill this series of bills, as a matter of fact was heard,
20. by the Senate sitting as a Committee of the Whole, you will
21. recall I'm sure Senator Laughlin will recall that I raised this
22. very question and I raised that question to the gentleman who
23. was down here to testify by the name of Carl Funk. And Mr. Funk
24. had an article in the Business Lawyer, for November 1971, a very
25. lengthy article concerning the proposed revision of Article 9
26. in the Uniform Commercial Code. And one of the points that Mr.
27. Funk made is that there is this situation which seems at least
28. ostensibly to put the automobile dealers of our State at somewhat
29. of a disadvantage. And the situation occurs when and only when
30. an automobile comes from what's commonly known as a non-title
31. state. So that, if an automobile is subject to a bank lien or a
32. savings and loan lien or any kind of a lien and there is it's
33. a non-title certificate state, there's really no way to know

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1. about the existence of the lien because it is not shown on the
2. certificate of title obviously. Now this situation occurs I
3. am convinced at least rarely. And I don't think that we ought to
4. adopt this amendment just to protect or attempt to protect a person
5. who is in the automobile business. If a gentlemen is in the stream
6. of commerce and knows the laws which he is presumed to know, and
7. especially knows that if he's taking an automobile from a non-title
8. state there is a period under the proposed Article 9 of four
9. months within which any lienholder from that non-title certificate
10. state can perfect his lien and it will be superior to the automobile
11. dealer's vested interest. This is a singular situation. Now the
12. whole thrust of the Uniform Commercial Code is just exactly that.
13. It is uniform. If we adopt this amendment or any other coma or any
14. other period it then becomes nonuniform and we have lost the whole
15. thrust of the code. I don't think that the automobile dealers...and
16. I love Seymour Lewis and all the automobile dealers...I don't think
17. that they need this amendment and by virtue of adopting this amend-
18. ment we would destroy the very thrust of the Uniform Commercial Code
19. that is its uniformity and I hope all the members vote not to adopt
20. this amendment.

21. PRESIDENT:

22. Senator Merritt.

23. SENATOR MERRITT:

24. Yes, Mr. President, I certainly rise in support of this
25. amendment. I think it's unfortunate situation when we give individuals
26. this type of treatment and then say no to our many fine new car
27. dealers throughout Illinois. And it just doesn't stop there either.
28. Financial institutions that finance those dealers are placed in an
29. almost unterable position as compared to the individual. This is
30. a good amendment. It is in the best interest of our financial inst-
31. itutions handling this paper throughout the State as well as our
32. many fine new car dealers and I think they should be entitled to
33. that break. I certainly support the amendment very strongly.

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1. PRESIDENT:

2. Senator Laughlin.

3. SENATOR LAUGHLIN:

4. Mr. President and member, I said before, I oppose the
5. amendment. I hate to take the time but I think Senator Rock has
6. covered it pretty well. But I'm going to take a little bit of
7. your time. Under the present law, neither a consumer purchaser
8. or a dealer purchaser has the protection from loss in the situation when
9. the Secretary of State of Illinois issues a clean certificate of
10. title on an automobile brought into Illinois from another jurisdiction
11. all within four months from its removal from the other
12. jurisdiction and there then exist a security interest in that
13. automobile perfected in any matter under the law of jurisdiction
14. from which it is removed. The holder of a foreign security interest
15. would prevail against either a consumer or a dealer. I want to
16. interject this at this point, Senator Rock touched on it. This
17. Senate Bill 1505 was drafted by the National Conference of Commissioners
18. on Uniform State Laws and the American Law Institute through the
19. permanent editorial board for the Uniform Commercial Code. And I
20. cannot help but again emphasize the importance of uniform, uniformity
21. of this law. Now revised Article 9 as drafted prior to the amend-
22. ment changes the rule I just referred to in a way that benefits both
23. the consumer and the dealer. Under revised Article 9 the consumer
24. is protected from loss in this situation to the extent that he gives
25. value and receives delivery of the goods after issuance of the
26. Illinois Certificate of Title and without knowledge of the foreign
27. security interest. The reasoning of the draftsman was that the
28. consumer purchasers, non-professionals should be entitled to rely
29. on an Illinois certificate of title in this situation. The same
30. new protection for consumers is not extended to automobile dealers
31. for the reason they're considered professionals and either know or
32. are in a better position to know the foreign origin of the automobile.
33. Now we could go on and make further comment but I think the issue

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1. is clearly drawn here. The National Conference of Commissioner's
2. on Uniform State Laws in the American Law Institute after extensive
3. consideration balanced the interest of automobile dealers in all
4. states and the holders of security interests perfected in foreign
5. states in accordance with the new rule. Uniformity is necessary
6. to preserve that balance. I would ask that the amendment be
7. defeated.

8. PRESIDENT:

9. Is there further discussion? Senator McBroom may close the
10. debate.

11. SENATOR MCBROOM:

12. Well, Mr. President I think we've heard the arguments pro and
13. con. I think Senator Merritt who is in the banking business alluded
14. to the fact that its conceivable that some dealers that exist entirely
15. through the good offices of a finance company may be put in an unten-
16. able position with this particular amendment. I don't know why
17. we have to take aim on the one industry that probably generates
18. more income in the United States and State of Illinois than any
19. other single industry. And I just don't know why I just don't
20. know why citizens should be given protection and a dealer should
21. not be given protection. And I would strongly urge an affirmative
22. vote on the amendment.

23. PRESIDENT:

24. Do you wish a roll call or a division?

25. SENATOR MCBROOM:

26. Roll call.

27. PRESIDENT:

28. Roll call is requested. The Secretary will call the roll.
29. Those in agreement with Senator McBroom will vote in the affirmative.
30. Those in agreement with Senator Laughlin will vote in the negative.
31. The Secretary will call the roll.

32. SECRETARY:

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

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2nd reading * 3rd reading

1. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
2. Dougherty, Egan, Fawell, Gilbert,
3. PRESIDENT:

4. Senator Gilbert.

5. SENATOR GILBERT:

6. I'm not going to worry about the banking institutions and all
7. because I believe that I'm correct in saying and I don't know of
8. many instances where they accept a title without it being endorsed
9. by the dealer and with recourse and therefore I am convinced that
10. if there is a bad title the bank is not going to be a loser.
11. There going back against the dealer, I vote no.

12. SECRETARY:

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

18. PRESIDENT:

SENATOR MCBROOM:

19. Senator McBroom. Call the absentees Mr. President.

20. PRESIDENT:

21. Request for call of the absentees, the absentees will be called.
22. What is the point of order, Senator Laughlin?

23. SENATOR LAUGHLIN:

24. I just want to inquire. It's a majority of those voting that
25. determines whether the amendment passes or not, is that correct?

26. PRESIDENT:

27. That is correct. If only three people vote and they vote
28. two to one in favor of the adoption of the amendment the amendment
29. is adopted. The Secretary will call the roll.

30. SECRETARY:

31. Arrington, Baltz, Bidwill, Carpentier, Chew, Collins, Course,
32. Davidson, Groen, Harris, Knuppel, McBroom, O'Brien, Romano, Saperstein,
33. Vadalabene, Weaver.

1. PRESIDENT:

2. On that question the yeas are 15 the nays are 29, the amend-
3. ment having failed to receive the necessary majority is declared
4. defeated. I wonder if we could proceed to the bill itself, Senator
5. Laughlin since we have been discussing it.

6. SENATOR LAUGHLIN:

7. Yes, I want to call attention of the fact that the principal
8. sponsor is Senator Arrington and I'm doing the chore for him because
9. of his inability to be here. And the reason for it is that Senator
10. Arrington originally introduced the commercial code here in 1971 and
11. properly took great pride in the fact that the bill passed by this
12. body and has been effective. At that time the Uniform Commissioners
13. Commissioner 's on uniform laws, thank you, made a promise that they
14. would over the years see how the code was working. And the code
15. is in effect in all of the states except for the tate of Louisiana
16. which is not a common law state and it is therefore something that
17. won't work there. The other states have it. The big virtue in
18. the code is uniformity and that's the constant struggle to protect
19. and maintain uniformity. Now, Senate Bill 1505 encompasses changes
20. made by the editorial board with their design to clear up some of
21. the problems that have not been successfully, completely successfully
22. handled during the time the code has been in force. I would be the
23. first to tell you gentlemen that I don't understand it all because
24. this is not a field in which I have any expertise at all. I will
25. spend some time here with you giving you examples if you like of
26. some of the things it does. If you think that this will help you
27. I will do it. I will not impose upon you further, I'll ask you to
28. take it as a matter of faith. The things go to the matter of
29. recording of instruments, subordination of lien interest between
30. two creditors, places of filing, warehousemen's lien. In addition
31. to the amendments. Well, for example, the amendment to Section
32. 3501 removes the cumbersome protest requirement for bank items going
33. to or from Puerto Rico and dependencies and possessions of the

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1. United States. The reason for the amendment is that with more
2. rapid means of communication, bank collections between Puerto
3. Rico and dependencies and possessions of the United States in-
4. creasingly are handled by federal reserve banks and other banks
5. in the same manner as bank collections between the several states.
6. In addition to the amendment to Article 9, Section 7209 gives
7. the warehouseman a lien on household goods for charges and expenses
8. in relation to such goods which is effective against all persons,
9. if the depositor was the legal possessor of goods at the time of
10. deposit. The amendment is necessary so that the warehouseman
11. will accept emergency storage of household goods in cases of
12. loss or changes of employment, death in the family or other family
13. desolution. These are simply by a way of illustration. You will
14. recall we had a Committee of the Whole hearing. We had some of the
15. most eminent professors in this field here to testify. Each
16. member of the Senate has had a letter from Mr. Albert Jenner, our
17. member of the Commission on Uniform Law explaining in general
18. language what this amendment does. The only objection that I know
19. of was the one we just voted on. I know of no other objections
20. to it and I simply ask for a favorable roll call.

21. PRESIDENT:

22. Senator Neistein.

23. SENATOR NEISTEIN:

24. I endorse everything that Senator Laughlin has said. I urge
25. all our members on this side of the aisle. Bert Jenner, who was the
26. moving force and Senator Arrington to put Illinois number one in
27. Uniform Commercial Code was here and testified. I think this is
28. another step to make Illinois one again in the Uniform Commercial
29. Code and I urge every member on this side of the aisle to support
30. it.

31. PRESIDENT:

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

1. SECRETARY:

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

9. PRESIDENT:

10. Senator Sours.

11. SENATOR SOURS:

12. I'm going to vote for this, Mr. President and Senators, but
13. it seems to me that every time we come back here for matters like
14. appropriations we get bills like this that changes the case law
15. that puts money in somebody's pocket by taking it from the pocket
16. of somebody else. First of all there's no great virtue in uniformity.
17. I don't think we'll ever have state laws that will all be congruent
18. one on the other. I dare say that when this gets signed into law
19. and we get a little litigation over it we'll regret. I'm going to
20. vote aye because I do believe in some uniformity but this is going
21. to upset much case law the lawyers can go back to law school and take a
22. course in credit transaction and what we used to call chattel mortgages and
23. conditional sales now security agreements. This is fraught with
24. a lot of danger for those who haven't read the bill. I vote aye.

25. SECRETARY:

26. Swinarski, Vadalabene, Walker, Weaver.

27. PRESIDENT:

28. Fawell, aye. Bruce, aye. Course, aye. Horsley, aye.
29. On that question the yeas are 45, the nays are none. The bill
30. having received the constitutional majority is declared passed.
31. Motion by Senator Rock to reconsider, motion by Senator Neistein
32. to table, all in favor of the motion to table signify by saying
33. aye, contrary minded. The motion to table prevails. 1459, Senator

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1. Rock.

2. SENATOR ROCK:

3. Yes, Mr. President and members of the Senate, Senate Bill
4. 1459 is implementation of a section of Senate Bill 1505 which
5. we just passed and Senate Bill 1459 creates a new statute concerning
6. the powers of corporations authorized to accept and execute trusts
7. to register and hold securities of fiduciary counts and bulk. Under
8. the present law a trustee must have separate certificates for the
9. shares of each company owned by a particular trust account and this
10. has contributed as you know greatly to the paper crisis in the securities
11. exchanges. Theft incident to the great number of physical deliveries
12. of securities required in difficulty in making dividend reconciliations.
13. Senate Bill 1459 simply authorizes banks and trust companies to hold
14. shares of the same issuer in bulk for the various trust accounts.
15. Banks are being authorized by one of the amendments to the Uniform
16. Commercial Code which is Senate Bill 1505 to participate in the
17. creation and ownership of a clearing corporation for the Chicago
18. land area. There are only two presently existing in the country.
19. New York has one and San Francisco has one. The clearing corporation
20. under Senate Bill 1459 must be organized as the trust company in
21. Illinois, consequently the Commissioner of Banks will have full
22. authority to examine and to regulate that corporation. The National
23. Bank of Examiners and the Securities and Exchange Commission
24. will have additional supervisory power. This is greatly needed
25. legislation and I frankly know of no organization opposed to this
26. bill. It is supported by the Bankers Association, the Corporate
27. Fiduciaries, the Mid-West Stock Exchange, the Securities Department
28. of the Secretary of State's office and the Commissioner of Banks
29. of Illinois. I solicit your support.

30. PRESIDENT:

31. Is there any discussion? Senator Sours.

32. SENATOR SOURS:

33. Mr. President and Senators, I thought when we defeated

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1. House Bill 1695 we had put an end at least for this session
2. to all those matters that bill stood for. Now this is a very
3. complicated bill, it may not seem that way but it is. It has
4. some very drastic amendments. For example, Section 58 of the
5. Chapter 16 1/2 entitled banks, states "Fiduciary means acting
6. in any of the following capacities namely: testamentary trustee,
7. trustee appointed by any court, trustee or agent under any written
8. agreement declaration or instrument of trust, guardian or
9. conservator." Let me show you know what has been changed on that.
10. This new bill would define fiduciary, means a corporation qualified
11. to administer trusts in this State under an act to provide for
12. and regulate the administration of trusts under an act authorizing
13. foreign corporations. Listen to this, foreign corporations including
14. banks and national banking associations domiciled in other states
15. to act in a fiduciary capacity in this State. Upon certain condi-
16. tions herein set forth and so forth. When acting in any of the
17. following capacities: testamentary trustee, trustee appointed by any
18. court, trustee under any written agreement, declaration or instrument
19. of trust, executor, administrator, administrator to collect, and listen
20. to this, guardian, conservator. When we talk of guardians we're
21. talking about a minor who has no standing in court and has a legal
22. representative. Conservator, we're talking about perhaps some senile
23. person and no judge would listen to that kind of person anyway so
24. we have guardian conservator, agent, custodian, depository, or
25. any like fiduciary capacity. Now Mr. President if we could have
26. a little quiet back here I'd like to proceed. Now, security, the
27. definition of security. Stocks, bonds, debentures, notes or
28. other security of a corporation and listen to this. And all other
29. instruments of a type commonly dealt in open security exchanges.

30. PRESIDING OFFICER: (Senator Gilbert)

31. Let's have a little more quiet please, Senator Sours is entitled
32. to be heard.

33. SENATOR SOURS:

1. Or markets, or commonly recognized in any area in which it
2. is issued or dealt in as a medium for investment. I submit that
3. includes any blue sky futures, any wild cat gold mining stocks,
4. and probably even a few Russian rubles that were repudiated
5. fifty years ago. Now, on page two of the bill we talk about
6. the nominee. Now as of now, if I create a testamentary trust or
7. intervivos trust I look to the fiduciary to handle my trust and
8. not co-mingle it with anybody else's portfolio and as I indicated
9. last June when we were talking about the other bills similiar to
10. this. Back in the early thirties, a large Chicago bank took all
11. the Triple securities out of one portfolio and spread those
12. Triple securities among some other trusts and later that bank
13. was sued and that bank had a judgment against it up in the hundreds
14. of thousand of dollars. Now, so far as I know the only bank^s
15. really truly supporting this legislation are two or three on gouth
16. LaSalle Street. I haven't received a letter from banks which we
17. represent. I haven't received a letter from any bank in the City
18. of Peoria and we have one that has as much as three hundred million
19. dollars assets. I say that when we have a fiduciary handle our
20. money that fiduciary should not co-mingle. Now I know there'll be
21. a comment perhaps that this is simply buying in bulk and then having
22. individual live ownerships. But don't forget it's buying in bulk
23. and if it loses thy'll spread the loss that way....

24. PRESIDING OFFICER: (Senator Gilbert)

25. Senator Sours let's get a little more quiet so you can be
26. heard, please. Senator Sours is entitled to be heard, please give
27. him attention lady and gentlemen of the Senate. Proceed Senator
28. Sours.

29. SENATOR SOURS:

30. If we're going to have a clearing corporation, I want to remind
31. the Senators here, then the records need not show ownership and if
32. the records need not show ownership then you cannot catch the owner
33. by a deposition under oath. Now, the last paragraph of the new bill.

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1. Notice what it says. The provisions of this act shall apply to all
2. trusts even though even those that have been in operation say in
3. my case for twenty years in Peoria. Estates and other fiduciary
4. accounts including those heretofore at any time created or established
5. as well as those created or established on and after the effect date of
6. this act.

7. PRESIDING OFFICER: (SENATOR GILBERT)

8. Senator Sours if you please conclude your remarks.

9. SENATOR SOURS:

10. I find it very difficult to conclude my remarks in such a
11. short time Mr. President because this is a bill of grave considera-
12. tion. I don't think it ought to be enacted. I don't think a trustee
13. should pay loose. I don't think he should invest in Russian rubles
14. or invest in anything that isn't to the best interest of the estate
15. of the ward, the conservator, the minor, the old senile person.

16. PRESIDING OFFICER: (SENATOR GILBERT)

17. Senator Laughlin.

18. SENATOR LAUGHLIN:

19. Yes, Mr. President, and members of the Senate I rise in support
20. of the bill. I don't think it changes the power of fiduciaries
21. to invest one little bit. What it does is to set up the mechanics
22. so that investments can be handled a little easier and you don't
23. have to shove all the paper work around from place to place. And
24. I don't think that's bad. Let me give you a quick illustration how
25. it happens just in a minor way in the little law business that I
26. have. Back when the Board of Review decided to call in all executors
27. and administrators and ask them what they had on hand that was
28. taxable as personal property, on April 1st. of a given year, the
29. executor or the administrator had the choice of deciding of whether
30. he took money out of a bank account where it was taxable and lost
31. some interest and shoved it into Treasury Bills to try and truthfully
32. tell the Board of Review that on April 1st. he didn't have anything
33. that was taxable.

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1. PRESIDING OFFICER: (SENATOR GILBERT)

2. Senator Laughlin, excuse me just a moment. Senator Soper,
3. Senator Romano, Senator Course and Senator O'Brien let's please
4. be in our seats. Senator Laughlin you may proceed.

5. SENATOR LAUGHLIN:

6. Well, what I am saying is that you went down to the bank
7. and you never got the actual Treasury Bills. You probably couldn't
8. get them in time. But you bought some Treasury Bills from the
9. bills that the bank had on hand and they gave you a receipt and you
10. could in good conscience honestly and in good faith go to the
11. Board of Review and say the money isn't in the bank the money is
12. in Treasury Bills as of April 1st., and therefore you can't assess
13. it and we're not going to pay any tax on it. Now this is the same
14. principle that is involved in this bill. I don't think that a
15. fiduciary, not only the powers of investment are not changed by
16. this act but the responsibility of the fiduciary is the same as
17. it is presently.

18. PRESIDING OFFICER: (SENATOR GILBERT)

19. Gentlemen, please let's be quiet. Senator Romano, Senator
20. Dougherty and all let's be quiet please.

21. SENATOR LAUGHLIN:

22. If the fiduciary mishandles the investments which it makes
23. the fiduciary is liable under the law. I think Senator Rock amended
24. the bill too to tighten it up a little more so there would be no
25. question about the fact that there would be control over the fiduciaries
26. who might be dealing with this clearing house that's involved. I'd
27. like to say this too, as far as spreading the loss, now let me just
28. say this. That if an investment is made that is authorized under
29. our statutes and it is an authorized investment then I suppose that
30. if there is a loss it would be spread. You wouldn't lay it all on one
31. client but it would be spread in proportion to the ownership of
32. those securities and not just lumped in a group and spread the loss.
33. I think in effect what we're doing here and I don't get excited about

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1. the the last paragraph that Senator Sours, God knows I love him
2. and he's a tremendous Senator, I just happen to disagree with him
3. on this particular point. I don't think it's wrong to say that
4. it only applies to trusts, created in the states, created in the
5. future. Some trusts and estates last for sometime. I don't see
6. anything to this bill except to make it more make it easier to
7. handle the vast volume of paper work in this day and age. And as
8. Senator Rock said there are two clearing houses now on the West
9. and East coast and I haven't heard anybody say that the country is
10. going to hell and all the beneficiaries of the estates and trusts
11. are losing all their money, where they're using this this approach.
12. Consequently, I arise in support of the bill.

13. PRESIDENT:

14. Is there further discussion? Senator Rock may close the
15. debate.

16. SENATOR ROCK:

17. Yes, Mr. President and members of the Senate, I appreciate
18. Senator Laughlin's remarks. I also appreciate the remarks of
19. Senator Sours. As Senator Laughlin indicated though, I have a great
20. deal of respect for Senator Sours, he and I on this particular
21. issue don't happen to agree. The use of depositories will eliminate
22. a vast amount of physical handling and the consequent opportunity for
23. error and loss. The trustee remains fully responsible for each and
24. every one of its acts and the acts of the clearing corporation. While
25. the securities of the various trust accounts are merged and held in
26. bulk there is no co-mingling authorized in the traditional sense.
27. That means that the bank cannot mix or co-mingle any trust assets
28. with its own. There is a full accounting system. All we're trying
29. to do is make the paper work easier and I would ask for a favorable
30. roll call.

31. PRESIDENT:

32. The Secretary will call the roll.

33. SECRETARY:

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1. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
2. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
3. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,
4. Horsley, Hunes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Laughlin,
5. Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse,
6. Nihill, O'Brien, Ozinga,

7. PRESIDENT:

8. Senator Ozinga.

9. SENATOR OZINGA:

10. In voting No on this bill, the peer that I have, is the fact
11. that the fiduciary can hold all of these funds or all of these
12. certificates in the name of a nominee and you may call it what you
13. want when it comes to co-mingle. Nobody is trying to accuse the
14. bank of co-mingling with their own. But when you have the funds
15. of a dozen different people all in one certificate you have put
16. a possible power in the hands of that individual. You have
17. put temptation which to me seems just a little bit too great in
18. one man. And even though the fiduciary in the broadest sense is
19. responsible, I still feel that trying to check up on this by
20. the controller's office, by the FDIC or even by the bankers,
21. examiners of the State of Illinois, I still think that this is too
22. broad and I would implore you to vote no on this because I think
23. in voting Yes you are setting up a possible fraud in the hands
24. of individuals rather than to be checked by the banks or examiners.

25. SECRETARY:

26. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
27. Smith, Soper, Sours...

28. PRESIDENT:

29. Senator Sours.

30. SENATOR SOURS:

31. I don't want to be irreconcilable on this but there are a couple
32. of points I think the entire Chamber has missed. Under chapter 16
33. and a half, Section 59, sub-paragraph a, it says in the case of a

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1. fiduciary. Now notice this, other than a guardian or conservator,
2. there they are excluded. This lets them in. The point the Senator
3. Ozinga raised, the nominee. Many lawyers have drawn trusts intervivos
4. and testamentary where they prevent holding the securities in a
5. nominee. This vitiates that and to me you're going to have more
6. litigation, you're going to have more embezzlement, you're going to
7. have more just simply disappearance than you would otherwise. And
8. I think the people who have gone to their graves resting on what
9. their lawyer told them twenty years ago or ten years ago will sure
10. regret it. I vote no.

11. SECRETARY:

12. Swinarski, Vadalabene, Walker, Weaver.

13. PRESIDENT:

14. Carroll, no. On that question the yeas are 42, the nays are
15. 7, the bill having received the constitutional majority is declared
16. passed. Senator Romano moves to reconsider, Senator Rock moves to
17. table. All in favor of the motion to table signify by saying aye.
18. Contrary minded, the motion to table prevails. 1401, Senator
19. Latherow.

20. SENATOR LATHEROW:

21. Mr. President, Senate Bill 1401 is the appropriation for the
22. expenses in connection with printing, distributing and mailing
23. of the proposed Constitutional Amendment.

24. PRESIDENT:

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

26. SECRETARY:

27. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
28. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
29. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,
30. Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
31. Laughlin, Lyons, McBroom, McCarthy . . .

32. PRESIDENT:

33. Senator McCarthy.

1. SENATOR McCARTHY

2. This bill came pretty fast, I wonder, I guess I'm out of
3. order. What Constitutional Amendments do we have up
4. this all, Senator Latherow?

5. PRESIDENT:

6. Senator Latherow.

7. SENATOR LATHEROW:

8. I don't know as I could tell you what they were, Senator.

9. PRESIDENT:

10. Senator McCarthy.

11. SENATOR McCARTHY;

12. Since November of 1972, I don't know of any Constitutional
13. Amendments we have up.

14. PRESIDENT:

15. Senator Latherow.

16.. SENATOR LATHEROW:

17. I think there are four proposed now.

18. PRESIDENT:

19. Senator McCarthy.

20. SENATOR McCARTHY:

21. I haven't had a chance to look at the bill but this appropriation
22. just comes out of general revenue and it doesn't have anything to
23. do with the lapses of the Constitutional Amendment of 1970, does
24. it?

25. PRESIDENT:

26. Senator Latherow.

27. SENATOR LATHEROW:

28. If I understood your question correctly it would be nothing
29. at all.

30. SECRETARY:

31. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,
32. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas,
33. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

1. Horsley, aye. Baltz, aye. Bruce, aye. Newhouse, aye. On that
2. question the yeas are 41, the nays are none the bill having
3. received the constitutional majority is declared passed. 1400,
4. Senator Latherow.

5. SENATOR LATHEROW:

6. Mr. President and members of the Senate, Senate Bill 1400
7. has to do with the ethics bill passed in the last session of the
8. legislature. And this was passed after the appropriation for the
9. Secretary of State was okayed. And if this is declared unconstitu-
10. tional most of this money will lapse. I'd appreciate a favorable
11. roll call.

12. PRESIDENT:

13. Is there any discussion? The Secretary will call the roll.
14. Just a moment, Senator Dougherty.

15. SENATOR DOUGHERTY:

16. 1400, all right fine. Good.

17. PRESIDENT:

18. The Secretary will call the roll.

19. SECRETARY:

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

28. PRESIDENT:

29. Palmer, aye. Course, aye. Senator Bruce.

30. SENATOR BRUCE:

31. Yes, I plan to vote aye. But Senator Latherow, Secretary Lewis
32. was going to put an amendment on this and include a federal governmental
33. ethics act and I don't have I can't find an amendment. Was that put on

1. this bill?

2. PRESIDENT:

3. Senator Latherow.

4. SENATOR LATHEROW:

5. I think this is on this bill, Senator Bruce, isn't it?

6. PRESIDENT:

7. I'm advised by the Secretary it has been added. Romano, aye.
8. Neistein, aye. Rock, aye. On that question the yeas are 43, the
9. nays are none. The bill having received the constitutional majority
10. is declared passed. 1382, Senator Chew, do you wish to bring that
11. up? Hold. All right. 1509, Senator Latherow, do you wish to
12. bring that up? Hold. 1541, Senator Newhouse. 1541, hold. 1546,
13. Senator Hynes. 1547, 1548, Senator Rock. 1556, is Senator Hall
14. on the floor? 1571, Senator Graham. Senator Graham.

15. SENATOR GRAHAM:

16. Mr. President, I would just like to prevail for a couple of
17. moments to indicate to the Senate that once again we have the amend-
18. ment to 1571 printed and distributed due to the fact that we don't
19. have our regular amendment back from the printers. Hopefully it will
20. be back tomorrow. I would suggest again that we scrutinize this.
21. Offer me any suggestions that you might have because I would like to
22. call this bill for a roll call tomorrow.

23. PRESIDENT:

24. 1571 will be held. 1583, Senator Sours.

25. SENATOR SOURS:

26. Mr. President and Senators, this appropriates 42 thousand dollars
27. but actually it will simply be evened up by the addition of \$250.00
28. for each licensed distributor of cigarettes. It is estimated in another
29. bill that 42 thousand dollars will be produced by the addition. This
30. simply this simply appropriates the money which will be received from
31. the distributor. We've already passed the companion bill.

32. PRESIDENT:

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

1. SECRETARY:

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

10. PRESIDENT:

11. Palmer, aye. Lyons, aye. Newhouse, aye. Kusibab, aye.
12. Romano, aye. Johns, aye. Nihill, aye. On that question the
13. yeas are 41 the nays are none. The bill having received the
14. constitutional majority is declared passed. Senator Hall is now
15. on the floor. 1556, Senator Hall do you wish to call that? 1556.

16. SENATOR HALL:

17. Thank you Mr. President and members of the Senate. This bill
18. was unanimously adopted by the School Problems Commission and
19. unanimously passed the Senate Education Committee. This bill necessitates
20. a study of the organization and structure of the Illinois
21. School Districts. The emphasis of this bill was provided by Judge James
22. Parson who is the presiding judge in the Rothchild verses Bakalis.
23. Judge Parson requested development of this bill and the approval of
24. it by all the attorneys of record of this case. The courts requested
25. that legislation because it is convinced that the present qualifying rate,
26. disparities, in the school aid formula were enacted by the General
27. Assembly in an effort to achieve school districts reorganization. The
28. amendment which struck out the appropriation was clarified the administr-
29. ation of this act. The amendment has been cleared by the Republican
30. staff and found to be satisfactory. I seek a favorable roll call
31. on this legislation.

32. PRESIDENT:

33. Is there any discussion? Senator Clarke.

1. SENATOR CLARKE:
2. I don't know whether Senator Gilbert wanted to talk to this
3. or not but I would suggest that there was a disagreement in committee
4. on this bill. The Republicans all voted no, I really seriously
5. question that there is need for this. It would cost a hundred
6. thousand dollars and I think we ought to oppose it.
7. PRESIDENT:
8. Is there further discussion? Senator Gilbert.
9. SENATOR GILBERT:
10. Did I understand you say Senator Hall, that the hundred thousand
11. dollars was stricken from the bill?
12. PRESIDENT:
13. Senator Hall.
14. SENATOR HALL:
15. That's correct.
16. PRESIDENT:
17. Senator Gilbert.
18. SENATOR GILBERT:
19. Was it re-introduced in another bill?
20. PRESIDENT:
21. Senator Hall.
22. SENATOR HALL:
23. Yes, it was introduced in another bill.
24. PRESIDENT:
25. Senator Gilbert.
26. SENATOR GILBERT:
27. Then if this bill passes then there will be a requirement
28. of a hundred thousand dollar appropriation bill to pass. So, as
29. for practical purposes a hundred thousand dollars is still in the
30. bill?
31. PRESIDENT:
32. Senator Hall.
33. SENATOR HALL:

1. It will be in the OSPI budget bill, Senator. The hundred
2. thousand will be in that.

3. PRESIDENT:

4. Senator Gilbert.

5. SENATOR GILBERT:

6. Was it in his budget as presented and was that why it was
7. stricken from the bill. In other words, it was a duplication?

8. PRESIDENT:

9. Senator Hall.

10. SENATOR HALL:

11. No, we took it out when we were taking out the appropriations
12. out of these other bills, Senator.

13. PRESIDENT:

14. Senator Gilbert.

15. SENATOR GILBERT:

16. Well, I'm not trying to be difficult I'm just trying to get the
17. picture. It is actually then a hundred thousand dollars that was
18. not in the OSPI's original appropriation bill and would be^a separate
19. bill would it not? Or is it an amendment to the OSPI bill? It's an
20. amendment to it? All right, thank you.

21. PRESIDENT:

22. Is there further discussion? Senator Laughlin.

23. SENATOR LAUGHLIN:

24. Yes, Mr. President and members of the Senate, Senator Hall, on
25. postpone^d consideration there is Senate Bill 1430 which mandates an
26. assessment of the state educational needs by the OSPI. I understand
27. and I voted against it, I understand that the objectionable language
28. in it or was objectionable to me can be removed and if so I, just
29. speaking for myself, can vote for the bill. What I am concerned about
30. is whether or not there is an overlapping. If OSPI is going to make
31. this assessment and determine what is best, why do we need the other?
32. For example, in your bill the committee so developed a definition
33. of high quality education. Now that will take them a long time just

1. to do that because I don't think educators agree on what is the
2. definition unless you make it very simplistic and we could all
3. decide that. That's the one the kids learn the most of the easiest
4. in the shortest possible time. I don't understand the purpose of
5. your bill as contrasted with Senate Bill 1460. Would you explain
6. it to me, please?

7. PRESIDENT:

8. Senator Hall.

9. SENATOR HALL:

10. Mr. President I'll hold this bill until I get a chance to
11. talk to Senator over there.

12. PRESIDENT:

13. The bill will be held. 1584, Senator Hynes. 1589, Senator
14. Dougherty. Senator Dougherty.

15. SENATOR DOUGHERTY:

16. Members of the Senate, Senate Bill 1589, does particular...
17. specifically what the synopsis says it does. It amends the
18. Civil Administrative Code. It broadens the matching credits for
19. transferring mass transportation equipment or facilities for the purpose of
20. receiving matching grants from the State. And it further adds another
21. section to these districts under the...created under the Mass Trans-
22. portation Act and applies only to the City of Chicago. Now what the
23. bill does it provides in adding this one district which any district
24. created pursuant to the Urban Transportation Act approved July 31,
25. 1969. That was a facility in an area within the city of
26. Chicago running roughly from 26th Street to North Avenue from the
27. Lake to Ashland Avenue whereby a referendum the residents and the
28. taxpayers in that district agreed to pay for the removal of the
29. elevated tracks and for their subsequent transfer to the underground
30. to the subway to match up with the Dan Ryan and other expressways.
31. This particular section is being paid for by the people who reside
32. in that area in a referendum as conducted. And it further does
33. this, it provides for the matching the value of any mass transportation

1. facilities or equipment transferred by and it strikes the
2. word private carrier private by a carrier, a municipality or
3. a county to municipality or a district which means that a county
4. or a city having a mass transportation district. They transfer
5. to the that district anything of value such as a building, lands,
6. equipment or any other thing of tangible or intangible value.
7. And then this may be used as a matching to assist in receiving
8. matching grants from the State Transportation Department. Now this
9. effects Chicago it effects every other area of the State that has
10. a mass transportation district. Such facilities of cities as
11. Springfield, Peoria, Joliet, and Rockford and others that had established
12. this. It does not take in any other areas in the State except those
13. areas where a mass transportation district has been established by
14. the city or the county as the case may be. It just means that it
15. will be a little bit easier to obtain some matching grants from the
16. Transportation Department on the basis of the action of a municipality
17. or a county and reserves to the carrier that right to do likewise.
18. This bill was opposed in the Transportation Committee by a represent-
19. ative of a certain railroad who has received some benefits and may
20. have transferred some equipment to a mass transportation district
21. and as the law provides. And however in my opinion has received
22. far more than it should have received in the form of matching grants.
23. This bill has a safety factor that it does not impose upon the
24. Transportation Department a must. That they may in their discretion
25. find if there is need for a matching grant based upon the transfer
26. of this other matching materials such as building, land or other
27. appurtenances that are conducive to operation of mass transportation
28. can receive these funds. The Director of Transportation shall be
29. the sole judge and his discretions be used. No one is going to
30. get anything from anybody unless the Director of Transportation
31. approves of it. Is is a very good bill. It will effect other
32. areas downstate where they have established mass transportation
33. districts. I'd ask a favorable roll call.

1. PRESIDENT:

2. Is there any discussion? Senator Clarke.

3. SENATOR CLARKE:

4. Mr. President, I'm not an expert in this field and I wasn't
5. in the committee but again this was a situation where the Republicans
6. opposed this. As I understand it this would allow the transfers
7. of credits between public bodies whereas under the present grant
8. program it's aimed at private groups and therefore it's felt that
9. this would give public bodies a chance of avoiding their matching
10. in this grant program. Let me ask a question, is this grant program
11. under the new bond issue program that we just passed a year ago?

12. PRESIDENT:

13. Senator Dougherty.

14. SENATOR DOUGHERTY:

15. I'm of the opinion that it is, yes sir.

16. PRESIDENT:

17. Senator Clarke.

18. SENATOR CLARKE:

19. So you're already starting to make changes in something that
20. just started really and that has barely gotten into operation?

21. PRESIDENT:

22. Senator Dougherty.

23. SENATOR DOUGHERTY:

24. While we're making changes, nevertheless it is entirely up to
25. the discretion of the Director of Transportation. He is the man
26. who holds the purse strings. There are about 10 districts I believe...
27. maybe more.

28. PRESIDENT:

29. Senator Clarke.

30. SENATOR CLARKE:

31. Well, it's my understanding that this Chicago Urban Transportation
32. District was designed to provide the required matching funds for the
33. federal program and that actually even under the present program
the Chicago area

1. receives around 90 percent of the State Capital Grant Funds. And
2. I think we should really give it a longer time and operation before
3. we start making changes.

4. PRESIDENT:

5. If the Chair may interrupt I've been advised that there is
6. an emergency call for Mr. Rovert Hise who may be visting the Senate.
7. Hise, if any of you see him, if you could advise him. Senator
8. Dougherty.

9. SENATOR DOUGHERTY:

10. What you say is substantially true, Senator, however, as I said
11. before the safeguard is the purse strings are held by the Department
12. of Transportation. We . . . the people living in this urban mass trans-
13. portation district on the near North Side of the City of Chicago
14. have voted by a referendum to tax themselves to replace the outdated
15. El structures and to provide for new subways and for a general overall
16. creating a co-ordinated transit district...badly needed. Now whether
17. they're eligible for state funds or not is merely and larely up to the
18. discretion of the Director of Transportation. This is no give away but i
19. is an attempt to provide a matching...a "self-match", it's called. It
20. means something other than carriers. Now the carriers who have made some
21. transmissions over to the various districts have done very well because
22. they have received not only state grants but federal grants. They have
23. done exceptionally well, I assure you, Senator. And I think this is a
24. good bill. It will help the City of Springfield, it will help Rockford,
25. it will help Joliet, it'll help Peoria, it'll help Pekin, I don't
26. know why the emphasis is on the City of Chicago but there are these
27. other districts that will benefit by this and as I said the purse
28. strings are held by the Director of Transportation and in his discretion
29. he may do as he feels is the proper thing to do.

30. PRESIDENT:

31. Senator Gilbert.

32. SENATOR GILBERT:

33. Well I was a member of the Committee and heard the testimony.

1. Senator Dougherty is correct in stating that the man who
2. testified represented a railroad that had made a conveyance
3. or gift of one-third of their stock or their that is when I say
4. stock I'm speaking of equipment and all. And then had
5. other two-thirds but they had given every penny that they had
6. received back to the district that bought the property from them.
7. But this gentleman, I want Senator Dougherty to correct this, this
8. gentleman represented all of the transportation, privately owned,
9. transportation facilities...the Illinois Central, the Burlington,
10. the Northwestern and all of that group. He was just not representing
11. the Burlington which I believe is a company for which he worked.
12. So all of the private agencies in the Chicago area objected to this.
13. Now, 90 million dollars I understand it from the bond issue, pro-
14. posed bond issue has been set aside for the CTA. Now if this group
15. came under this bill they likewise would be entitled to ask for
16. funds under the bond issue. They either have to take it away from the
17. CTA or get additional funds if they got any from the rest of the
18. State and for that reason in the committee I opposed the legislation
19. because I feel that as Senator Clarke has mentioned it's a little
20. too early. We've just passed this bond issue let's see where we
21. go and then if later on this agency should come in and be able to
22. transfer back and forth between public agencies well then that's
23. something that we should consider then.

24. PRESIDENT:

25. Senator Partee.

26. SENATOR PARTEE:

27. Mr. President, mass transportation is a very much needed part
28. of American life and development. As we proliferate and our numbers
29. become larger on a day to day basis, people simply have to get back-
30. ward and forward to work in the most convenient fashion. This is not
31. a new bill this is simply an amendment as Senator Dougherty explained
32. which would give the cities some options give them a little breath
33. give them a little light. They cannot make any unilateral decisions.

1. They cannot decide for themselves whether or not they are going
2. to be able to get money. They can certainly under this bill
3. if they are permitted to have such a district make an application.
4. The Secretary of a Transportation Department of state government
5. is a final arbiter of whether or not this can be granted. So actually
6. you are giving away nothing but you are at least giving all of our
7. municipalities an opportunity to make an application where the need
8. is demonstrated for these kind of mass transportation programs. It's
9. obvious, of course, the railroads who were the only persons here
10. opposed to it would be opposed. But we have to consider that not only
11. are the railroads interested but the people are interested...people
12. who have to get backward and forward to work ...people who have to go
13. to visit sick aunts or uncles or mothers or fathers. Mass transpor-
14. tation is a much needed thing and the idea here is that you're giving
15. away something. Nothing is being given away except an opportunity
16. to make an application is all it really amounts to and that amounts
17. that's for every city. You may not have quite as crushing a
18. problem in some of our smaller cities as we have in Chicago but
19. you're going to have it too. I've been in Decatur and I've been
20. in other towns at 5:00 o'clock in the afternoon and I've seen 5:00
21. o'clock traffic in every city of this state. And you're going to
22. have more and more. It ought to be passed so that these cities can
23. plan ahead and program how they're going to meet this traffic and the
24. movement of people. This is a problem and we certainly solicit your
25. vote.

26. PRESIDENT:

27. Is there...Senator Knuepfer.

28. SENATOR KNUEPFER:

29. Yeah, I would like to point out what I think is one of the
30. very serious objections to this bill and that is this would permit a
31. a transfer of property to the CTA and which thereby would could be
32. the matching credits that have to be provided by the local transit
33. authority. And those matching credits would be such that they could

1. use up the whole sum and substance of the bond issue which is allocated
2. for mass transit and one of the effects of this could be that all
3. of the money would flow to the CTA. Now, I think the CTA deserves
4. a substantial part of that money but the net result of this bill
5. could be that all of the money would flow there and there would be
6. none left for anybody else.

7. PRESIDENT:

8. Senator Partee.

9. SENATOR PARTEE:

10. Could I ask you this question, Senator Knuepfer? Do you
11. realize that the decision has to be made by the Secretary of
12. Transportation and that he is not likely to permit what you have
13. just suggested?

14. PRESIDENT:

15. Senator Knuepfer.

16. SENATOR KNUEPFER:

17. Well, I can only say that the Department of Transportation
18. is presently...are you talking about the federal or the state one,
19. Senator?

20. PRESIDENT:

21. Senator Partee.

22. SENATOR PARTEE:

23. The State Department of Transportation.

24. PRESIDENT:

25. Senator Knuepfer.

26. SENATOR KNUEPFER:

27. The answer to that is two fold. At the present time the Department
28. of Transportation opposes the concept. Come next January who knows
29. who's going to be the head of the Department of Transportation so
30. I think that is not a substantial guarantee of any kind of fair
31. allocation of funds.

32. PRESIDENT:

33. Senator Partee.

1. SENATOR PARTEE:

2. Ho matter who the Secretary is, don't we have the right to
3. assume that he'd make a valid judgement based on facts and reason...
4. logic?

5. PRESIDENT:

6. Senator Knuepfer.

7. SENATOR KNUEPFER:

8. Senator, I would rather leave that to the legislature in pro-
9. viding a more specific allocation and in reference to some problems
10. we had with another bill that was a concern of yours and I think it
11. was rightly a concern of yours and I think the allocation...the busi-
12. ness of allocation is the business of the legislature not simply to
13. suggest to a government agency that allocation is their problem and we
14. just provide lump sum funds. I think that's our problem, I think
15. that's our concern and I think we ought to spell it out.

16. PRESIDENT:

17. Senator Dougherty may close the debate.

18. SENATOR DOUGHERTY:

19. Well, I think it is a good bill and the sphere of the CTA
20. obtaining the bulk of this fund reposes within the Secretary...the
21. Director of Transportation. He is the sole allocator of the funds.
22. He knows where the funds will be needed. He will therefore grant
23. those grants where they feel they are needed. And I don't think
24. that the CTA is going to oppose his will upon this gentleman, I
25. feel he will try to act fairly. I would point out that there are
26. nine times as many people carried by the CTA as there are on the
27. other other mass transportation district. I think this is a good
28. bill and it warrants approval. Thank you.

29. PRESIDENT:

30. The Secretary will call the roll.

31. SECRETARY:

32. Arrington, Baltz, Berning,

33. PRESIDENT:

1. SENATOR BERNING:

2. Mr. President, I briefly want to explain my vote. This
3. obviously is a matter of great concern and rightfully so. Mass
4. transportation is one of the serious problems confronting us as a
5. society and I doubt that there is a person in the body who seriously
6. would impede the expansion of the possibility for mass transporta-
7. tion. But this bill as I have quickly tried to read it is fraught
8. with ramifications that I am unable to evaluate. And the most
9. distressing aspect of this is as says in the synopsis, at broadening
10. of the qualifications for matching funds. Now without being able
11. to identify the part of this bill which is broadening this ability
12. to achieve greater share of state funds and alerted by the provision
13. to expand from private to municipal and county, it seems quite
14. obvious that we are making a dramatic and far reaching change in
15. what has been described as brand new legislation and it does seem
16. to me that this ought to have a little greater attention than many
17. of us have been able to present to it at this time. And I am at
18. the point that where I feel I am not adequately informed as to the
19. ramifications and can't make a judgement on a quick cursory review
20. of this bill and unfortunately I will have to vote no.

21. SECRETARY:

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

30. PRESIDING OFFICER:

31. Request for call of the absentees. The absentees will be called.

32. SECRETARY:

33. Arrington, Baltz, Bruce, Carpentier, Carroll, Cherry, Coulson,

1. Davidson, Fawell, Gilbert, Graham, Groen, Harris, Horsley,
2. Knuppel, Laughlin, Mitchler, Newhouse, Sours, Walker, Weaver.

3. PRESIDING OFFICER: (Senator Rock)

4. Bruce, aye. Newhouse, aye.

5. PRESIDENT:

6. On that question the yeas are 31 the nays are 11. The bill
7. having received the constitutional majority is declared passed.
8. For what purpose does Senator Latherow arise?

9. SENATOR LATHEROW:

10. Mr. President I ask for a verification of roll call.

11. PRESIDENT:

12. Verification of the roll call has been requested. The
13. Senators will be in their seats. The Senators will be in their
14. seats. The Secretary will call the affirmative votes.

15. SECRETARY:

16. Bidwill, Bruce, Cherry, Chew, Course, Donnewald, Dougherty, Egan,
17. Hall, Hynes, Johns, Knuppel, Kosinski, Kusibab, Lyons, McCarthy,
18. Mohr, Neistein, Newhouse, Nihill, O'Brien, Palmer, Partee, Rock,
19. Romano, Saperstein, Savickas, Smith, Soper, Swinarski, Vadalabene,

20. PRESIDENT:

21. Senator Latherow.

22. SENATOR LATHEROW:

23. Where is Senator Kusibab?

24. PRESIDENT:

25. Is Senator Kusibab on the floor? Remove Senator Kusibab's
26. name.

27. SENATOR LATHEROW:

28. Mr. President.

29. PRESIDENT:

30. Senator, Senator Latherow. On that question the yeas are 30
31. and the bill did receive the constitutional majority. Senator Neistein.
32. Senator Neistein moves to reconsider, Senator Rock moves to table. All
33. in favor of the motion to table signify by saying aye, contrary minded.

Motion

1. to table prevails. 1593, Senator Sours. Senator Sours, 1593.

2. SENATOR SOURS:

3. Mr. President and Senators, Senate Bill 1593 originally was
4. a bill creating the Bi-centennial Commission with an appropriation.
5. It came over from the House, we amended that bill to excise the
6. appropriation because of the possibility of a constitutional
7. infirmity if it remained in. And this is the appropriation for
8. that commission.

9. PRESIDENT:

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

12. SECRETARY:

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

21. PRESIDENT:

22. Donnewald, aye. Merritt, aye. Neistein, aye. Newhouse, aye.
23. Kosinski, aye. On that question the yeas are 38 the nays are none.
24. The bill having received the constitutional majority is declared
25. passed. 1595, hold. House Bills on third reading. We will take
26. the priority bills and then proceed in numerical order on the
27. non-priority bills. 2683, Senator Graham, now that series can that
28. be considered on one vote?

29. SENATOR GRAHAM:

30. Mr. President, I would like to at this point in time have
31. consent of the Senate to move back to second reading Senate Bill
32. 2684 and 2685. Is that not correct Senator Soper? For the purposes
33. of adopting two amendments to the bills and then we can consider all

1. three in a package and move them out.

2. PRESIDENT:

3. 2684 and 2685 are brought back for purpose of amendment, is

4. that correct?

5. SENATOR GRAHAM:

6. That's right.

7. PRESIDENT:

8. All right. 2684, Senator Soper offers Amendment Number One.

9. Can you explain the amendment, Senator?

10. SENATOR SOPER:

11. This amendment Mr. President comes at the request of the
12. Racing Board and the Department of Law Enforcement. It tightens up
13. the investigating services that makes the race tracks responsible
14. for the payment of the investigative services and it also puts upon
15. the race track the payment for their, for their security personnel
16. in the maintenance of this security personnel. It takes out some
17. language which would have create a investigative service revolving
18. fund and it keeps the fund in the Agricultural Premium Fund which would
19. be repaid from the track that request this service.

20. PRESIDENT:

21. Is there any discussion? All in favor signify by saying aye,
22. contrary minded. The amendment is adopted. 2684, no further amendments.
23. Third reading. 2685 is returned to third to second reading for
24. the purpose of amendment.

25. SENATOR SOPER:

26. Now in order to conform with the ...with 2684 we had to take out
27. some language in 2685 so that the Department of Law Enforcement would
28. receive the fund from the Agricultural Premium Fund instead of putting
29. it into the special revolving fund. That's all this bill does.

30. PRESIDENT:

31. This is Amendment Number Two. Senator Rock.

32. SENATOR SOPER:

33. Number one.

1. PRESIDENT:

2. No, there is already an amendment on...

3. SENATOR SOPER:

4. Oh, okay number two.

5. PRESIDENT:

6. Senator Rock.

7. SENATOR ROCK:

8. I wonder Mr. President, I don't have any quarrel with that and
9. I think it's a good amendment. Amendment Number One which was the
10. committee amendment which I offered in the Appropriations Committee
11. I think does exactly that so it may just... your amendment may be
12. a duplicate cause all we're doing all we did was take out that
13. revolving fund and just have it go directly from the gricultural
14. remium und. So I don't think the amendment is necessary is all
15. I'm saying.

16. PRESIDENT:

17. The Secretary concurs that there is a duplication there.

18. They^{re} identical amendments. Senator Soper.

19. SENATOR SOPER:

20. Mr. President then with that explanation we don't need the
21. second amendment. I didn't know it was on. So, I'll withdraw the
22. second amendment.

23. PRESIDENT:

24. The amendment number two is withdrawn. The third reading. Now
25. the, Senator Graham would like leave of the body to consider 2683,84
26. and 85 on one roll call. Is there objection? Leave is granted.

27. SENATOR GRAHAM:

28. Mr. President, these bills have been adequately explained. What
29. they do is put the race track...

30. PRESIDENT:

31. Just a moment. If the Chair may interrupt, we had a situation
32. before we were getting request for a roll call on the bill that was
33. here before. Senator Kusibab was off the floor temporarily for a

1. telephone call and his name was removed on the verification on by
2. order of the Chair. He would like unanimous consent of the body
3. to have his name added now on the roll call. Leave is granted.
4. Proceed Senator Graham.

5. SENATOR GRAHAM:

6. What these bills actually do is allow the Department of Law
7. Enforcement to set up the police and investigative services at
8. the various race tracks in Illinois not to supplant the fact that
9. these race tracks may have their own security personnel that will
10. work in conjunction with the Department of Law Enforcement men.
11. The fees to be charged are as a result of an agreement between the
12. Department of Law Enforcement and the tracks dependent upon the length
13. of the meeting, the daily handle, number of people, attendance and
14. so forth. We, on the changes that were submitted by the amendments by
15. Senator Rock and Senator Sober eliminated the revolving fund and says in
16. fact that this money will be paid not to exceed the appropriations
17. from the Agricultural Premium Fund and after the assessment has been
18. made to the track this money in turn will be returned to the Agricul-
19. tural Premium Fund and I ask for a favorable roll call on these
20. very important measures.

21. PRESIDENT:

22. Is there any discussion? Senator Neistein.

23. SENATOR NEISTEIN:

24. I join with Senator Graham. These bills were heard thoroughly
25. in Judiciary. Chairman Alexander MacArthur appeared as a witness
26. and explained that he needed these bills very badly and we passed
27. the bills unanimously out of the Senate out of the Judiciary. How-
28. ever, because of any possible conflict of interest I'd like to be
29. voted present on these bills but I recommend them highly.

30. PRESIDENT:

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

32. SECRETARY:

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

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

8. PRESIDENT:

9. Horsley, aye. Senator Knuppel.

10. SENATOR KNUPPEL:

11. As an owner and track man I'd like to make an announcement
12. that my horse did win last night out of the nine hole and with
13. that conflict of interest I think

14. that the announcement of it I think that we should have
15. all the security possible and therefore I vote aye.

16. PRESIDENT:

17. On those bills the yeas are 46 the nays none, one present.
18. The bills having received the constitutional majority are declared
19. passed. 3068, Senator Hynes. It's on that, you do not wish to
20. call that? 4109, is Senator Egan on the floor? 4110 and 4111,
21. Senator O'Brien. Can these two be considered on one roll call
22. Senator?

23. SENATOR O'BRIEN:

24. Yes, I think so.

25. PRESIDENT:

26. Is there objection to that? Leave is granted. Senator Clarke.

27. SENATOR CLARKE:

28. Before we start I'd just like to ask the Pro Tem a question
29. as to the schedule when we're planning to adjourn or how long
30. we're going to be here. I think we'll be here a little while with
31. these bills coming up.

32. PRESIDENT:

33. Senator Partee.

1. SENATOR PARTEE:

2. Well we hope to get out before 3:30 before the meeting of
3. the committee but we're rolling along pretty good. Let's keep
4. going then we won't have to come back tonight. We'll have the
5. appropriations after we adjourn. I'd rather than come back tonight,
6. wouldn't you Senator?

7. PRESIDENT:

8. The Chair heartily concurs in that the more we can get out of the
9. way as we move along each day the less the buildup the last few days.
10. 4110, 4111 we have leave of the body for same roll call on both.
11. Senator O'Brien.

12. SENATOR O'BRIEN:

13. Mr. President and Senators, House Bill 4110 and 4111 I think
14. gives us the first opportunity or I should say the first chance this
15. morning to vote for a couple of bills that will generate some
16. revenue for the State of Illinois. Just briefly they authorize the
17. Department of Revenue to issue a license to certain non-for-profit
18. organizations, for the conducting of raffles and chances. There
19. was an amendment that was out on in Committee, Mr. President, which
20. did away with the limitation on the amount of purchasing the amount
21. of purchase price of a ticket and the State's share of funds that
22. would be generated was set at the same level as that of bingo. The
23. per cent, to go to the common school fund. Mr. President, could we
24. have some order please?

25. PRESIDENT:

26. Please, let's go. Senator O'Brien has asked for some order and
27. he's entitled to it.

28. SENATOR O'BRIEN:

29. There's a \$50.00 license fee. There are several guidelines in
30. that individuals who have had peculiar backgrounds and have been
31. convicted of crimes are not eligible to become licensed nor any
32. organization that they are affiliated with. I think it's a good
33. bill. The Department of Revenue is in favor of it. There are

1. many veterans and civic organizations that are behind this bill.
2. There are approximately I would imagine some ten thousand organiza-
3. tions in the State of Illinois that are currently holding raffles
4. and chances every year. This is being done illegal. If we tap
5. this I think that we can generate a considerable amount of revenue
6. for the State of Illinois. Now this is the first chance I think
7. that some Senators in this body have had an opportunity to see the
8. types of funds that bingo generated. And I've got some figures here
9. from Willard Ice of the Department of Revenue and for six months
10. the total amount of revenue that has been brought in from bingo is
11. one million two hundred and seventy-eight thousand dollars. A hundred
12. and seventy-eight thousand of that came from the licensing fees. The
13. first quarter they collected four hundred and eleven thousand dollars.
14. The second quarter seven hundred and thirty thousand. The reasons
15. for the difference between the two quarters I am told is because the
16. amendment the Governor put an amendment on the bill and allowed an
17. individual to buy more than one bingo card when they went in to play
18. bingo. So had the amendment been on for the first quarter there
19. probably would have been about well three or four hundred thousand
20. dollars more revenue generated. So you can estimate that in one year's
21. time bingo should generate approximately three to four million dollars
22. worth of revenue for the State of Illinois. Now this bill is some-
23. what along that line. I think that it's something that we certainly
24. need with all the appropriations that we currently have and I'd ask
25. for a favorable roll call and I'd answer any questions that any of the
26. members have.

27. PRESIDING OFFICER: (Senator Newhouse)

28. For what purpose does Senator Cherry arise?

29. SENATOR CHERRY:

30. To ask the sponsor a question. Senator O'Brien, in the Executive
31. Committee we adopted an amendment to this bill increasing the State's
32. share ten per cent. Is that still on the bill?

33. PRESIDING OFFICER: (Senator Newhouse)

1. Senator O'Brien.

2. SENATOR O'BRIEN:

3. Senator, you're correct, we did adopt an amendment in the
4. Executive Committee, However, it, the original bill called for
5. five per cent for the state share. The bill passed out of the
6. House with a 20 per cent amendment on it for the State share and
7. in the Committee we dropped^{it} back down to the same status as the
8. bingo bills which is 10 per cent. That amendment is on the bill
9. right now and the State share is 10 per cent. It was adopted
10. in the Executive Committee.

11. PRESIDING OFFICER: (Senator Newhouse)

12. Senator Latherow.

13. SENATOR LATHEROW:

14. Mr. President there's no amendment in our books back here
15. on it on those bills.

16. PRESIDING OFFICER: (Senator Newhouse)

17. Senator, have the amendments been distributed?

18. SENATOR O'BRIEN:

19. The amendment was adopted in Committee, You should have it in
20. your book. Quite frankly, It passed out of Committee 15 to 1 to
21. 3, three voting present so there was no problem in the Committee.

22. PRESIDING OFFICER: (Senator Newhouse)

23. Senator, it is my information that 4111 was amended but 4110
24. was not. Would you check that please?

25. SENATOR O'BRIEN:

26. That's correct.

27. PRESIDING OFFICER: (Senator Newhouse)

28. So 4110 was not amended, Senator? Senator Knuepfer.

29. SENATOR O'BRIEN:

30. 4110 just removes the the...

31. SENATOR KNUEPFER:

32. I just wanted to ask if the Secretary had the amendment. We
33. can clarify that real simply if the Secretary has the amendment

1. it's been amended. If he doesn't it hasn't been.

2. PRESIDING OFFICER: (Senator Newhouse)

3. 4110 was not amended, Senator. 4111 was. Senator Soper.

4. Were you through, Senator?

5. SENATOR KNUEPFER:

6. I'm through with that discussion. Later on...

7. PRESIDING OFFICER: (Senator Newhouse)

8. 4110. Senator Soper.

9. SENATOR SOPER:

10. 4110 and 4111. Now does 4110 deal with the percentage on

11. this? Has the amendment been put on at ten per cent?

12. PRESIDING OFFICER:

13. Senator O'Brien.

14. SENATOR O'BRIEN:

15. Maybe I can clear this up. 4111 is the bill that the amendment

16. was put on in Committee. It's a Committee amendment. It has been

17. adopted and the State share is ten per cent. 4110 is merely the

18. bill that amends the criminal code and takes gambling, exempts

19. raffles and chances from the definition of gambling. That's all that

20. 4110 does. 4111 is the one that has been amended.

21. PRESIDING OFFICER: (Senator Newhouse)

22. Senator Soper.

23. SENATOR SOPER:

24. All right now, just a question or two. I want to support. I

25. want to support this sort of bill but I just want to be sure that

26. we know what we're talking about. Does this include the bowl games

27. and so forth?

28. PRESIDING OFFICER: (Senator Newhouse)

29. Senator O'Brien.

30. SENATOR O'BRIEN:

31. Senator, I would imagine that what you are talking about are

32. bowl games or bag games where you may have approximately 2500 tickets

33. in a bag or in a bowl. Yes, it does include that. And I...

1. PRESIDING OFFICER (Senator Newhouse)

2. Senator Soper.

3. SENATOR SOPER:

4. Now I understand from these bills, I've read the bills that
5. the Department of Revenue can make the rules and regulations concern-
6. ing...concerning the manipulation or whatever you call the of these
7. games...in other words set-up the regulation as far as the bowl games
8. are concerned. What I am concerned about is the checks on these
9. things to be able to check to see that somebody just doesn't come out
10. with a bowl then and that there is no reasonable way that we could
11. get our ten per cent because these things are happening now.
12. You take the bowl game, you take the raffles, you take the chances
13. on automobiles, these things all occur and all these things are
14. sold and the only thing that doesn't occur is that the State
15. doesn't get any money out of it. If these things are going to
16. happen and we've got to be realistic I want the State to get some
17. profit out of it. I can't close my eyes and say that these things
18. happen and a lot of people are unregulated and there's no concern
19. about the legislature about regulating these things. We want to
20. keep these things out of the hands of people who use them for nefarious
21. purposes and use this money to prosper in a way that, that's not
22. helpful and healthful for the State of Illinois. But with the fact
23. in here that the Department of Revenue will regulate and be able
24. to regulate these things I think we'll be able to have some good
25. bills and help the State.

26. PRESIDING OFFICER: (Senator Newhouse)

27. Senators, may I have courtesy of interrupting this debate for
28. just a moment. I see that the persons who have just come on the
29. floor of the Senate, Senator Broyles and his wife. We certainly would
30. like to welcome them back to this body. Senator Broyles. For what
31. purpose does Senator Bidwill arise?

32. SENATOR BIDWILL:

33. I would like to hear the melodious voice of my former seatmate

1. for about thirty some years Mr. President.

2. PRESIDING OFFICER: (SENATOR NEWHOUSE)

3. I think we all would, Senator.

4. SENATOR BROYLES:

5. Mr. President and my former colleagues and the new colleagues
6. in the Illinois Senate, it's really a pleasure to get back here.
7. In fact, when you're not sure your're coming back here here
8. in any shape, form or fashion. But I got back all right, I'm not
9. running for office, however, but I am so happy I'm here and it's
10. so nice to see all of you. It makes me just a little bit homesick.
11. I want to say this I keep in touch with the press, radio and all
12. and I think you're all doing a pretty fair job. Thank you so much.

13. PRESIDING OFFICER: (SENATOR NEWHOUSE)

14. Senator I think I speak for all Senators when I say welcome
15. and it's a pleasure to have you back. Senator Fawell.

16. SENATOR FAWELL:

17. I've been fairly unaware of this bill but there's one
18. question that I have. I'm trying to find the definition for
19. raffles and chances. Is there a definition of what we mean by
20. a raffle or the selling of a raffle or the selling of a chance?
21. I'm propounding this to Senator O'Brien. Excuse me.

22. PRESIDING OFFICER:

23. Senator O'Brien.

24. SENATOR O'BRIEN:

25. In the bill. I'll yield to Senator Egan.

26. PRESIDING OFFICER:

27. Senator O'Brien yields to Senator Egan.

28. SENATOR EGAN:

29. Senator Fawell the definition is has been set out in case law
30. and there is no legislative definition to my knowledge but there
31. are there have been a few cases that do set it out.

32. PRESIDENT:

33. Senator Fawell.

1. SENATOR FAWELL:

2. I don't...the thing that strikes me as important here
3. is the tremendous amount of publicity and attention rightfully
4. so that was given in regard to the passage of the bingo bill.
5. And it seems to me that what we're doing here now is extending
6. the form of gambling which is known as bingo and extending it
7. rather broadly. It would seem to me, I stand to be corrected here
8. that when you use such generic words as chance,.....you're
9. selling a chance, it seems to me that you're making lawful book-
10. making, if your selling a chance on Luckylegs coming in
11. on the 7th. I think it's lawful under this bill. I think you're
12. making lawful individual lotteries. I think anything that you
13. wanted to bet on could be made lawful under this bill from what
14. I can see of it. Then of course you've amended the criminal code.
15. It just strikes me as amazing how we do things in the Illinois
16. Legislature. The labor pains were so tremendous in regard to
17. giving birth to a child known as bingo. And now we're we giving
18. birth to quintuplets and more. And just opening the door completely.
19. And saying that as long you happen to be an entity which is a bona-
20. fide civic, religious, charitable, social, recreational, scouting,
21. labor, fraternal, educational or a veteran's organization you can
22. sell a chance on almost anything and gambling is wide open for any
23. of these entities. If I'm misconstruing this please correct me but
24. I think it's a tremendously broad step to take and one that at least
25. I am not ready to take at this time. Thank you.

26. PRESIDENT:

27. Senator Clarke is the next one that I have down. Scratch him
28. I am advised by Senator Clarke. Senator Sours.

29. SENATOR SOURS:

30. Mr. President, first of all somebody's lunch is on my desk.
31. The Page has delivered it to the wrong eater the wrong purchaser.
32. You know who's it is? All right we'll get it to Senator Clarke.
33. Now, I want to address a few comments of this bill. I'd like to

1. harken back, Mr. President and Senators, about twenty-two years
2. in the City of Peoria. One could walk down Jefferson Avenue about
3. a good two hundred feet from the County Court House or if he turned
4. the corner about a 180 feet from the City Hall you could hear the
5. dice click. Saturday was the big day for the ball pool and one
6. doesn't have to be angelic to recall that every year each one of
7. our Justices of the Peace was lucky enough to win that ball pool
8. but always on a Saturday when the pot was big. I didn't ask the
9. universal question who wants this bill because I would probably
10. have an answer that good moral people want this bill. We're
11. going to found a society on gambling. Now I know all the angels are in
12. heaven and I'm not among them nor is anybody here but this springing
13. a leak in the moral character of our people today with gambling
14. in any form, I characterize the last session as the saloon keeper's
15. session and how true that statement is even now. This is going
16. to be the gambler's session. I can still recall that it took a
17. State's Attorney who was'nt reelected to put the Empire out of
18. business. Now if you were a lady, so called, you didn't have to
19. go to the Empire. You could go to the Alacazar and you went up two
20. flights and you put money on the ball pool. This is going to
21. attract, Senator, your compulsory gamblers and they **they are**
22. legend. They even have gambler's anonymous today. This is going to
23. attract the lowest or the lower stratum of society once we open the
24. flood gates. We're going to have a raffle here and a raffle there and
25. a ball ticket...you call it...anything that will have a serial number.
26. Now I don't care whether we put some of the profits, so called, in any
27. treasury of any fraternal organization or any government, we're still
28. going to take it from the welfare recipient. We're going to take it
29. from the compulsive gambler. And the generation behind you and
30. me will be casual observers to all that. And it's normally wrong. Now
31. it's no answer to say it's always occurred which is true. You can
32. get out your copy of Siretonius's Lives of The Twelve Caesars and
33. Caesar number two, Augustus, used to shoot craps for a villa, not for

1. money but for a villa on one of the Seven Hills of Rome. So to say
2. that it's here.... One Senator on our side remarked it's here, well
3. it's there only because the State's Attorney isn't shutting it
4. up. We do not have this in Peoria County. For years and years and years,
5. there was a K C barbeque that did just this and our State's Attorneys
6. then and since have extirpated that kind of gambling. And it's
7. morally wrong.

8. PRESIDENT:

9. Senator Davidson.

10. SENATOR DAVIDSON:

11. Senator O'Brien, just to clear up a question in my mind. Do
12. you think this would legalize the baseball pools that they had in
13. the past and like the Irish sweepstakes and one other thing. Would
14. this legalize punchboards? They use punchboards in raffles and
15. there's many things like that. I'm afraid we're going to get
16. back into the gambling...legalizing gambling under this. Could you
17. answer that? What you think it would do.

18. PRESIDENT:

19. Senator O'Brien.

20. SENATOR O'BRIEN:

21. Well, Senator Davidson, this bill clearly sets out just exactly
22. what is going to transpire with raffles and chances. A punchboard
23. would definitely not be included. I think that there has been a
24. lot of misrepresentation. There aren't going to be any dice being
25. thrown and gambling isn't going to be rampant in Peoria again as it
26. once was. This bill is for the benefit of civic, fraternal, religious
27. organizations in the State of Illinois that are non-for-profit, quite
28. frankly right now, Senator, are operating are raffling off their
29. Chevrolet every year like they have been doing for years.
30. Nobody is being prosecuted, nobody is being put in jail. Under
31. the new Constitution of the State of Illinois we can have
32. legislation like this. Prior to the new Constitution, it wasn't
33. possible to pass bills of this nature. The new Constitution gave

1. us this opportunity. Twenty-two states in the United States
2. have already taken some form of a lottery or something. But I
3. don't want to mix this bill up with the lottery. This isn't
4. going to open the gates. This is a small bill. Each
5. organization has to be licensed. The organization has to be
6. non-for-profit, in existence two years before this bill becomes
7. law. It's got a lot of guidelines in it. Anybody that's been
8. affiliated or connec . . . convicted of a felony is not
9. eligible or the organization that they belong to. Punchboards
10. wouldn't be included. In relation to Senator Soper's question
11. on a bag or a jar game, that quite frankly this bill requires
12. that the organizations keep books. All right, if the organizations
13. are going to keep books and they have three jar games or bag games
14. at a raffle, say 500 tickets in a jar selling for 5 cents a piece,
15. that comes to \$250. The State's share would be \$25 from that
16. booth. Not only are they required to keep these books, but
17. they are required to keep them for three years. The Department
18. of Revenue may revoke anybody's license at any time if they
19. find any irregularity. These are good bills. Senator, it's
20. being done. Senator, this will generate approximately, in my
21. estimation, more than Bingo, and Bingo is going to generate
22. approximately 4 million dollars for the State. I think this
23. has the possibility of generating 6 million dollars. I think
24. they're good bills, Senator. I think they're being misrepresented
25. here.

26. PRESIDENT:

27. Senator Merritt.

28. SENATOR MERRITT:

29. Mr. President, I just want to ask Senator O'Brien a brief
30. question on 4111, page 3 the first line or the third line -- the
31. drawings under the license may not exceed a dollar. As I under-
32. stand, Senator, I believe I asked you that once before and you
33. said that had been eliminated by amendment. Is that correct?

1. PRESIDENT:

2. Senator O'Brien.

3. SENATOR O'BRIEN:

4. That's correct. That was eliminated by the amendment that
5. was put on committee that set the 10% level for the State's
6. share. There are . . . that is eliminated, Senator.

7. PRESIDENT:

8. Senator Merritt.

9. SENATOR MERRITT:

10. Then, that was one of my questions Senator, you remember,
11. I had in committee. I voted present there, but I was deeply
12. disturbed about an unlimited amount, it could run into 100, 500 a
13. thousand dollars. You've really got big gambling going it looks
14. like to me. I had originally thought I would like to support
15. this, although I voted present in committee because I couldn't
16. see anything wrong with the . . . most of the little raffles
17. going on in my area, my Legion Post giving away a car and that
18. type of thing. But now I am deeply disturbed about just exactly
19. what a game of chance is. I think that you're going into bowl
20. games on this, punchboards. In fact nobody yet has given me
21. a definition of what a game of chance is. I always thought
22. slot machines are games of chances. And to cloak it under the
23. disguise of helping our school children in Illinois doesn't
24. make it any more palatable to me or to the people of my
25. district.

26. PRESIDING OFFICER: (SENATOR JOHNS)

27. Senator Neistein. And please speak up - please speak up.

28. SENATOR NEISTEIN:

29. Yeh, stand up, Johns, everybody will see your new suit. Mr.
30. President and members of the Senate, I think that this bill,
31. raffles and chances and the Bingo before it, this represents
32. the new philosophy that's been in the making for many, many
33. years. The newspapers have printed all their additions and

1. and called it the Turf Edition, and proudly so, on the front
2. page. The newspapers hire hundreds of thousands of dollars
3. payroll for the day, so that they can hire the best handi-
4. cappers and the touts and the print the odds and the amount
5. of money that's paid and they got Apple Annie and the long shots
6. and the good ones and the hot ones and they're the ones that
7. generate...they've educated us that gambling must be fine
8. because a newspaper wouldn't, on the front page, label their
9. edition the Turf Edition if there was anything distastful
10. about gambling or chance or lotteries. And so this is just
11. the philosophy that's actually becoming in being - bearing
12. our now. And I think that we ought to wake up that the chances
13. are taking place. The A & P and the National Tea and the Texaco
14. and there is television programs with horse races and you pick the
15. numbers. Shell Stations, Shell Oil. So we're just making
16. legal what's been going on right along. And at least the State
17. will get revenue and it'll be licensed. And a corporation that
18. isn't for profit would be the only one eligible. I don't see
19. anything wrong with this. I think we ought to stop putting
20. out head in the sand. I agree with the papers. There's a
21. Turf Edition and they foster everybody to bet and get the right
22. odds and get the handicappers and the scoops and it's time we
23. woke up and accepted it. I think this is a good bill. And
24. a good concept.

25. PRESIDENT:

26. Senator Mohr.

27. SENATOR MOHR:

28. Mr. President and members of the Senate, I do have a little
29. something to say on this bill in view of the fact that I was
30. the Bingo sponsor and went through much of the same debate that
31. Senator O'Brien is going through, and I'd like to make a suggestion
32. to Senator O'Brien. I had talked to him earlier about the bill and
33. I think from what we hear here this afternoon that possibly if he

1. were to hold this bill for a couple of days and go over the
2. bill, as I did with the opponents, those that have spoken out
3. against this bill. Take their suggestions and the way that
4. this bill might be made tight and be able to be properly
5. administered by the Department of Revenue without any loop-
6. holes. I am sure that you would pass the bill, Senator, and
7. I would offer that suggestion, that you sit down with some
8. of the legal minds that we have, Senator Sours and Senator
9. Laughlin, if he would, Senator Fawell and Senator Horsley, those that
10. were opposed to Bingo, did a great service to the State in
11. helping put that bill into what I feel, and most people feel is
12. a model bill for the entire country and I'd like to see you
13. do that and I'm sure that it would pass, if you take that route.

14. PRESIDENT:

15. Senator Rosander.

16. SENATOR ROSANDER:

17. Mr. President and members of the Senate, I've just checked
18. the bill, and of course, some of the questions have already
19. been raised were question I had in mind as to what is the
20. meaning of chance. But as I understand this legislation, it's
21. going to be made available to non-for-profit organizations
22. which relate to fraternal, religious and educational institutions.
23. I was . . . had the privilege of serving on the non-for-profit
24. corporation committee, study committee, which held a series
25. of six meetings. And when you consider the accessibility or
26. the easiness of being able to get a charter from the State of
27. Illinois by simply sending in the fee of \$25 and you state
28. the purpose of the organization, which is pretty much . . . follows
29. that which is included in the non-for-profit booklet. There is
30. no investigation. Any organization, any group of people who
31. send in \$25 and follow this type of a charter. When you realize
32. that in the State of Illinois, we have some 35,000 fraternal
33. organizations and there is approximately about 3,000 -- 3,500

1. every year and you . . . we attempted by legislation to at least give
2. the Attorney General to be able to investigate those who
3. firms . . . not those already in existence so much, although
4. we did find that the Vice Lords and the Missionary's for Truth
5. who were issuing Degrees of Divinity for a simple sum of \$10
6. and if you were able to bring in six or seven members, you'd
7. become a Bishop and et cetera. It shows the laxity on the
8. part of the Secretary of State's Office, because inability
9. to screen out all of these fraternal, religious and educational
10. institutions who apply for this type of a charter. I think
11. that's one of the bad things and this State Legislature refused.
12. In the last Session, bills did . . . were introduced and they
13. were not apparently given the opportunity to be heard in
14. committee and most recently those that would have given the
15. Attorney General some ability to check, at least those who
16. would now be seeking or petitioning for charters, were killed
17. in the Judiciary Committee, and it was strictly on a party line
18. vote. And anyone who has sat on that Committee could not
19. help but feel that some action of some kind a legislation ought
20. to have been enacted and offer some control. So here we come
21. along with a bill that's going to be made available to the
22. non-for-profit organizations, and with no control, I think we
23. are simply just going down the drain. Yes, and when you look
24. back in history, particularly of our own country, we've probably
25. moved from puritanism to mid-victorianism and now to the liberal
26. views of the Twentieth Century, and particularly of this decade
27. of the seventy's. And when you feel and consider the impact
28. it has on the young people of today, it's true, as Senator
29. Neistein pointed out, the philosophy of our society is changing.
30. But I wonder whether it's changing actually in the right
31. direction. Yes, I did vote for giving the 18 year old the
32. right to vote. Yet when it came to the legislation to permit
33. them to drink, I opposed that type of legislation. But surely

1. and slowly we're moving down, I think into an immoral society.
2. I think when you look at the Roman Empire, the prosperity that
3. they enjoyed in those days, and the gambling that was rampant.
4. It certainly brought around . . . about the . . . first the right
5. and consequently the decline of that Empire. And I think this
6. is what could very well happen to our volatile society, particularly
7. the unrestfulness that we find today, that legislation of this
8. kind only seems to urge and bring about the lowering of morals
9. and et cetera. And I would say on that basis, that this kind
10. of legislation, I don't . . . do not believe is good for the
11. younger generation that's coming along and I think we've always
12. built our country up on sacrifice, the ability to work hard for
13. what we feel is the right thing to have and to put the time
14. and effort. Now it seems like we're changing to a society of
15. not only for the hand outs so much, as we do have in public
16. welfare, but that everything now is a matter of chance. The
17. young . . . youngsters will be sitting around with a family,
18. with a Mother and Dad, and they'll say we hope we win the
19. television set or we hope we can win the new car or we hope
20. we can win enough money to pay off the mortgage. And I think
21. this is the basis of a poor concept, a poor moral concept to
22. build a strong and united nation.

23. PRESIDENT:

24. Senator Palmer.

25. SENATOR PALMER:

26. Mr. President and members of the Senate, many things I
27. wanted to say in support of this bill has already been said. But
28. in answer to what Senator Mohr stated about the opposition that
29. that has been raised. I think the opposition has taken us to
30. the Seven Hills of Rome and we're quite a distance from the
31. Seven Hills of Rome and has also taken us to the times of
32. Caesar and Cleopatra. We're not interested in the games of chance
33. that they played and the raffles that they played, but that's just

1. for a matter of history. But I think that we should adhere
2. and listen to the common sense and practical statements that have
3. been made by Senator O'Brien who sponsored this bill and by
4. the statements that have been made by Senator Soper. It's plain
5. common sense and practical sense when they tell us that these
6. things are going on now. There's thousands and thousands of
7. raffles being conducted and as Senator Soper said why should not
8. the State take their part and especially when this bill provides
9. that the State's take shall be allocated for education which is
10. so badly needed.

11. PRESIDENT:

12. Senator Knuppel.

13. SENATOR KNUPPEL:

14. Well in the interest of time in view of Senator Mohr's
15. request which hasn't been answered, I'd like to know, in other
16. words if these bills are going to be debated at length and then
17. held we're going to waste a lot of time. I even question that they
18. ought to be in the package of priorities that we're considering
19. here now. And it just seems to me like we've spent an awful lot
20. of time on debate. And if the bills are going to be held it's all
21. going to be wasted.

22. PRESIDENT:

23. Senator O'Brien, do you wish to comment on, pardon? Senator
24. O'Brien.

25. SENATOR O'BRIEN:

26. I think Senator Merritt wanted to raise a question. I
27. wanted to all right. Well Mr. President and members of the Senate,
28. may I ask Senator Merritt a question? Senator Merritt, prior to some
29. of the discussion and the debate that has transpired today on these
30. bills I felt that you somewhat could vote for the bills. You
31. indicated to me that the thing that you now object to is the
32. limitation on the amount of a ticket or a chance, the limitation
33. from a dollar being lifted. If there was an amendment put on the

1. bill could you then vote for it?

2. PRESIDENT:

3. Senator Merritt.

4. SENATOR MERRITT:

5. I would perhaps if you could define game of chance for
6. me, by an amendment. And if it came within...

7. PRESIDENT:

8. Senator O'Brien.

9. SENATOR O'BRIEN:

10. The definition of a game of chance is a drawing for a prize
11. for a price. Now I've heard comments you know that this is very
12. broad and very general going to include the keypunch and things of
13. this nature. Punchboard, etc. Quite frankly that's not going to
14. be the case. Senator, the reason we took the dollar limitation off
15. on the purchasing price for a ticket is because several church
16. organizations raffle off a Cadillac and they sell the tickets at
17. \$25.00 or \$50.00 and that's the reason that we took that off. I
18. think the market will bear the price of the raffle or the chance.
19. Now I'd be perfectly willing to hold this bill for a day and work
20. with any interested Senators who have an amendment to propose that
21. they'll put on the bill then vote for it. But quite frankly I've
22. heard so many comments about the Roman Empire and moral decay of
23. the State of Illinois because we're going to license and regulate
24. something that has been transpiring in everybody's Senatorial District
25. for the last 50 years without any convictions, etc. I think it
26. would be kind of foolish to hold the bill if I wasn't going to get
27. legitimate support from somebody that had a legitimate amendment
28. that they wanted to put on and then we would vote for the bill.
29. I think it's a good bill. I think it will generate revenue for
30. the State of Illinois. Bingo has generated approximately 4 million
31. dollars. There are plenty of guidelines set up in this bill. The
32. Department of Revenue is the sole licensing agency and can take the
33. license to operate these raffles and chances away at any time.

1. Let's let's give it a roll call. I'll ask for a roll call.

2. PRESIDENT:

3. The Secretary will call the roll. The call will be on both
4. bills. 4110 and 4111. The Secretary will call the roll.

5. SECRETARY:

6. Arrington, Baltz, Berning,

7. PRESIDENT:

8. Senator Berning.

9. SENATOR BERNING:

10. Briefly I'd like to explain my vote before I do cast it on this
11. particular issue. I want to clearly emphasize that I am not in favor
12. of personally or collectively, nor am I promoting gambling. However,
13. I recognize the hard cold facts of life. I realize that our police
14. departments are beset with the necessities of policing activities
15. which seem to appeal to people anyway and we on the other hand need
16. the services of police departments in combating serious crime, there-
17. fore, while I recognize we cannot legislate morality and human
18. activities such as this and don't want to be construed as promoting
19. it. I will vote yes.

20. SECRETARY:

21. Bidwell, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke,
22. Collins,

23. PRESIDENT:

24. Senator Collins.

25. SENATOR COLLINS:

26. As a practicing attorney at law, many many sad cases have come
27. to my office... Mothers, wives with children, where the father has
28. become a gambler addict...A compulsive gambler, as Senator Sours
29. has said. The children go without necessities, food and clothing
30. and eventually they wind up on public aid at the expense of the
31. taxpayers. Where do most of the unfortunates come that live on
32. skidrow. Well, we know excessive use of alcohol and gambling.
33. Oh they try to give it a very high sounding name and say it's for

1. the benefit of education. Does that make a bad bill good because
2. it's going to save a few pennies to the taxpayers...

3. PRESIDENT

4. Just...just a moment Senator Collins.

5. SENATOR COLLINS:

6. I think it's a bad bill and I vote no.

7. SECRETARY:

8. Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell,

9. PRESIDENT:

10. Senator Fawell.

11. SENATOR FAWELL:

12. I can recall a number of years ago when I was just starting
13. out in politics. I went to the VFW Hall in DuPage in West Chicago
14. in DuPage County and I heard an eminent jurist addressing a gathering
15. at the VFW Hall. It was a good speech except at one particular time
16. when he was trying to make a point about law and order somebody hit
17. the slot machines in the room next door. And there's was quite a lot
18. of laughing about that at that time the VFW was in this particular
19. area utilized quite a bit for gambling. As I look at these bills I...

20. PRESIDENT:

21. Just a moment, please. Senator Vadalabene and Senators, pro-
22. ceed Senator Fawell.

23. SENATOR FAWELL:

24. As I look at these bills, I really can't believe it. To have
25. the legislature after we so pains takingly tried to define what
26. bingo was so that we wouldn't be authorizing gambling in any form except
27. as bingo. And then to turn around and here say that although
28. at the in Section 28-1 of the Criminal Code we define gambling as when
29. someone plays a game of chance and then we turn around and say that
30. if you're selling a chance to anyone that it's perfectly all right
31. as long as you're one of these particular entities. I don't think
32. there's any question that if I walked in the door of a VFW Hall
33. let's say, and they gave me a chance which entitled me to play

1. the slot machines or bet on the horses or you name it. Any particular
2. form of chance that it would be perfectly all right. I can't I
3. can't envision the legislature taking a bill like this seriously.
4. And on top of that to do it without any type of demand for a defini-
5. tion of what in the world we're legalizing. As Senator Egan has
6. said maybe a few cases have dealt with that nebulous and extremely
7. generic word "chance". I think you can just take all of the gambling
8. code here and just throw it out the window as long as any particular
9. person is a participant and under Sub Section B it says "partici-
10. pants in any of the following activities shall not be convicted
11. of gambling." And as long as it is a raffle and a chance when con-
12. ducted by one of these organizations then you can't nail that per-
13. son for gambling. I...I can't believe that we're going to take
14. these bills seriously and I vote no.

15. SECRETARY:

16. Gilbert, Graham, Groen, Hall, Harris, Horsley,

17. PRESIDENT:

18. Senator Horsley.

19. SENATOR HORSLEY:

20. As I understand that this one roll call is on both bills and...

21. PRESIDENT:

22. That is correct.

23. SENATOR HORSLEY:

24. Course 410 is rather an innocuous bill and merely the vehicle
25. upon which 411 rides. 411 is a worse bill than the bingo bill be-
26. fore it was handed to Senator Mohr and was cleaned up here in the
27. Senate with a lot of amendments. This 411 is wide open and you
28. could drive a truck through it. Now I wish somebody would define
29. for me what is a professional gambler or a gambling promoter. Now
30. that's one of the exceptions. In other words you cannot issue a
31. license to any individual or any member of the corporation if one
32. of them is a gambling promoter or a professional gambler. Now
33. that is just some of the loose language that we find in this bill.

1. And as you go on down you are opening the door just as wide
2. as you can open it to all types of gambling in the State of Illinois
3. and bingo is peanuts compared to what you are doing here today.
4. Now you may think that you are just letting them raffle off a
5. blanket or take a chance on a blanket as they used to say when I
6. was in college. Or something of that nature but you're going far
7. beyond that. When you are legalizing games of chance under the
8. language that is in this bill you have gone a long way and you're
9. going to come back here to repeal it or have to amend it because
10. we simply cannot live with this type of a bill under our statute
11. as it now exists. And I want to be recorded no.

12. SECRETARY:

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

15. PRESIDENT:

16. Senator Merritt.

17. SENATOR MERRITT:

18. Mr. President and members of the Senate, the more I still
19. consider what Senator O'Brien was telling me I'd like to maybe
20. clean it up and go ahead with the bill anyway. I think the real
21. bad language in that is that you've got an unlimited situation,
22. gentlemen and lady...up to as high as you want to go... \$500.00
23. a chance, a thousand, ten thousand, You can have another Irish Sweep-
24. stakes going right here. And again finally to cloak it under the
25. disguise that we in this State have to use these devious methods
26. to finance our schools makes it quite unpalatable to me and the
27. people of my district. And now I would like to publicly apologize
28. to these 26 fine students sitting in the President's gallery to
29. our essay contest winners from three different REA's. Eastern
30. Illinois Co-operative of Paxton, Wayne White, Co-operative of
31. Fairfield, Southwestern Co-operative of Greenville and I do
32. apologize because I can't be able to introduce them.

33. PRESIDENT:

1. Continue the roll call.
2. SECRETARY:
3. He didn't vote.
4. PRESIDENT:
5. For what purpose does Senator Mitchler arise?
6. SENATOR MITCHLER:
7. To get my vote here.
8. PRESIDENT:
9. Oh. Continue the roll call.
10. SECRETARY:
11. Mitchler.
12. PRESIDENT:
13. Senator Mitchler
14. SENATOR MITCHLER:
15. Yes. Thank you Mr. President, I was originally somewhat
16. sympathetic to these two bills. And I appreciate the comments
17. of my colleagues in explaining the bills and which forced me to
18. really get down to the nitty gritty and read the bill which often
19. we have to explain to the people back home. You don't vote for
20. a concept or an idea or a theory you have to vote what is in the
21. bill. What the legislation says. And I think what the high
22. lights that convinced me to be persuaded to vote in the negative on
23. the bill as it is now presented is a fact I'm not particularly con-
24. cerned about the ten per cent or twenty per cent or five per cent
25. of what the revenue will come to the State because I am opposed and
26. always have been building revenue producing means to an organiza-
27. tion whether it be the State of Illinois or the United State's
28. government or the K of C Hall back in my home town on gambling.
29. But I'd be more interested in seeing some profit come to the local
30. organization through what they have is games of chance.
31. But then it was pointed out by Senator Fawell that raffles and
32. chances are really not defined in this legislation...
33. PRESIDENT:

1. Just a moment please. Let's get some order. Will the
2. Senators be in their seats? Those not entitled to the Senate
3. Floor please leave the Senate Floor. Let's proceed, Senator Mitchler.

4. SENATOR MITCHLER:

5. Thank you. Now the definition not being clarified, I think
6. the bill should be getting into clarification of that. Senator
7. Merritt brought out a most important point and was very instrumental
8. in persuading me to change my affirmative to a negative position
9. because the price paid for a single share or a ticket or a right to
10. participate in any such drawings under the license may not exceed
11. one dollar was amended out so that this could be a sky is the
12. limit deal and could become a very gambling type of operation. Now
13. the money will come from those who can least afford to pay but let
14. me give you the main reason you should be in opposition of
15. this bill. There's nothing in this bill that provides control over
16. the person who sells these little jar tickets or these chances.
17. And let me tell you that's the sweetest little racket that you
18. ever want to get into. And it's the guy who comes around and has
19. the sales of these tickets to the local organization which is
20. a regular deal. He comes around every week every day and continues
21. to sell these and you could get into muscle arm tactics and nothing
22. is provided in this legislation to protect the local organizations
23. and the citizenry of the State from those people. Now I'd like
24. to see this bill defeated now. Go back and get cleaned up as we
25. had to do with bingo and come in again and perhaps would have
26. some. I'm going to vote no.

27. PRESIDENT:

28. For what purpose Senator Partee arise?

29. SENATOR PARTEE:

30. Just wanted to remind the Senator that the red light is on
31. and the Gettysburg Address was on his 68 words.

32. PRESIDENT:

33. Continue the roll call.

1. SECRETARY:

2. Mohr,

3. PRESIDENT:

4. Senator Mohr.

5. SENATOR MOHR:

6. Mr. President and members of the Senate, I had hoped that
7. Senator O'Brien would have taken my suggestion and postponed this for
8. a day or two or a couple of days so that he might work with know-
9. ledgeable people in this field. Fellas that have spent alot of
10. time as I've mentioned before putting our bingo bill together
11. which is a model, truly a model for the entire country. I think
12. that we all or many of us would agree that the bill has a lot of
13. merit when you look at the newspapers that have sweepstakes, social
14. security games, the Shell Oil Company playing bingo which I'm
15. trying to figure out how we're going to get some revenue out of
16. that. They're not licensed to play bingo but they could be incor-
17. porated into this act. I notice that many of the tv and radio
18. people who are against bingo are now supporting lotteries and the
19. likes so the trend is there Senator and I would just hope that
20. you would postpone consideration at this point and not use a lot of
21. more time in debate. Sit down and I would be happy to work with
22. you and Senator Soper and some of the others and try and correct
23. some of the problems that you have on the bill and I think that
24. we can do it on short order.

25. PRESIDENT:

26. Senator Mohr votes present. Senator Neistein.

27. SENATOR NEISTEIN:

28. Mr. President and members of the Senate, not to be redundant,
29. about Turf Editions and the philosophy of our people now. Worrying
30. about a bowl game as Senator Mitchler said or a ball of chances.
31. No individual can operate any of these games. It's under the
32. supervision of the Department Revenue and licensed by the Depart-
33. ment of Revenue and it's a corporation not-for-profit. But Senator

1. Mohr touched on what I was going to say. Every Saturday you buy
2. a newspaper that has a radio TV guide. And on the front of the
3. TV guide is a number and then if you follow during the week there's
4. a game of chance and a raffle and if that number appears you get
5. a hundred dollars or two hundred dollars. The social security numbers
6. are listed in the newspaper. All these games of chance and raffles
7. have been going on for years and this is the chance to license them
8. and to bring to fruition what's been practiced all along by the news-
9. papers and by other organizations and I vote aye.

10. SECRETARY:

11. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,
12. Rosander, Saperstein, Savickas, Smith, Soper, Sours,

13. PRESIDENT:

14. Senator Sours.

15. SENATOR SOURS:

16. Mr. President and Senators in explaining my no vote, I'd like
17. to state that it took a complete reorganization of the city govern-
18. ment of Peoria to run out of the county and the town the gamblers.
19. I can still hear the slot machines click. Many years before that,
20. we elected a reform Sheriff. Prior to his elections there were
21. 1100 slot machines in Peoria County and two weeks after he was
22. elected and took office there were 1400. Mr. President, I can't even
23. hear myself.

24. PRESIDENT:

25. Just a moment. Your point is well taken. Let's have some
26. order, please gentlemen.

27. SENATOR SOURS:

28. And this particular Sheriff, who was elected on a reform ticket
29. had been attending the YMCA for thirty years. That's why I have
30. such a miserable pessimistic outlook on Homo sapiens. Now if this
31. bill passes we're going to have the punch boards, we're going to have
32. ball pools, were going to have crap games. You say no, I say yes. I'm
33. thinking of the Apex Amusement Company which furnished the Siragusa Office
in Chicago of the Crime Commission with one room

1. literally full of punchboards....all varieties. Then there was
2. the jar where you reach in and pick out a number. Now I want to
3. call the attention of the members here too, when we talk about
4. a non-profit corporation that doesn't have to be completely
5. encircled with angels. It can be a lot of other things and still
6. be a non-profit corporation. We have the argument well we're
7. going to have gambling anyway. Well Senators, if we're going to
8. accede to that let's repeal the law for example, against armed robbery.
9. We have armed robbery everyday. And we're going to have it. Should
10. we, therefore, repeal the statute because we can't enforce it.
11. Of course not. Let me close very briefly with what was in my town
12. years ago. There was an emporium operated by a man and it was
13. called the Lyceum. Every year, every four years when our Mayors ran
14. for elections he would go around and give each candidate a five
15. thousand dollar donation. He never even closed on election day.
16. One day a group of old retired ministers came upon him to try to
17. teach him the errors of his ways and he looked down at these
18. desiccated gentlemen and said, "Gentlemen, why be a reformer
19. when the joys of youth have fled." That's the kind of flaunting.
20. You let the gambling element in here and the gambling element will
21. run your town whether you want it, whether you like it or whether
22. you can do a darn thing about it. They'll operate your town.
23. They'll elect Alderman, they'll elect everybody if they can.
24. This is a bad one, I vote no.

25.
26.
27.
28.
29.
30.
31.
32.
33.

1. SECRETARY:

2. Swinarski, Vadalabene, Walker, Weaver,

3. PRESIDENT:

4. For what purpose does Senator Berning arise?

5. SENATOR BERNING:

6. Mr. President, having explained my vote and having casted,
7. cast an aye vote. Now having had the benefits of the
8. debate and a greater clarification of the impact of 4111, I would
9. like to change my vote from aye to nay.

10. PRESIDENT:

11. Senator Berning changes his vote from aye to nay. For what
12. purpose does Senator O'Brien arise? Senator O'Brien. Just a second...
13. we gott...

14. SENATOR O'BRIEN:

15. How am I recorded?

16. PRESIDENT:

17. You are not.

18. SENATOR O'BRIEN:

19. In explaining my yes vote, just briefly like to say that I
20. think there has been a lot of misunderstanding and misrepresentation
21. in relation to this measure. Quite frankly all this bill does,
22. is regulate something that is currently going on illegally in every
23. Senatorial district in the State of Illinois. And yes, even in
24. Peoria there are raffles and chances by civic and fraternal organizations.
25. I think this is a good bill. It's not going to open the door for
26. gambling and corrupt political officials, etc. etc. I am going to
27. take Senator's Mohr suggestion and ask that this bill be placed on
28. postponed consideration to talk to the few Senators over there who
29. made legitimate remarks directly relating to this piece of legislation.
30. I think it was necessary to take this roll call because no matter
31. what happens to this bill there are certain individuals in this
32. chamber who will not vote for the measure. I think that that
33. realization had to be illustrated today and for the benefit of those

1. that think that this ought to be regulated by the Department of
2. Revenue and the State of Illinois and generate funds I'll ask that
3. the bill be put on postponed consideration and work with them any
4. possible amendment that would make the bill more amendable to them.
5. Thank you.

6. PRESIDENT:

7. Motion to postpone consideration on the two bills. All in
8. favor signify by saying aye, contrary minded. The motion prevails.
9. 4109, Senator Egan.

10. SENATOR EGAN:

11. Thank you Mr. President and members of the Senate. House Bill
12. 4109 is an amendment to the Uniform Hazardous Substances Act.
13. It includes a hazard combustionable...the definition of
14. combustible. Actually what the bill does specifically more than
15. than that is it upgrades the hazardous act to meet with the federal
16. standards. This has been a joint effort between the Department of
17. Public Health, the Federal Drug Administration, the Retail Merchants
18. and the Illinois Legislature. I know of no opposition to the bill
19. and I would request a favorable roll call if there are no questions.

20. PRESIDENT:

21. Is there any discussion?

22. SECRETARY:

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

31. PRESIDENT:

32. Savickas, aye. Swinarski, aye. Graham, aye. Latherow, aye.
33. Merritt, aye. On that question the yeas are 43 the nays are none. The

1. bill having received the constitutional majority is declared passed.

2. 4245, is Senator Soper on the floor? 4245. Senator Soper.

3. SENATOR SOPER:

4. Mr. President and members of the Senate. 4245 is a supplemental
5. appropriation of \$70,000 for payment to state employees under provisions
6. of the Workmen's Compensation and Workmen's Occupational Disease Act.
7. You know we need this money. It was without reference and I think
8. everybody agrees on it.

9. PRESIDENT:

10. The Secretary will call the roll.

11. SECRETARY:

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

20. PRESIDENT:

21. On that question the yeas are 40 the nays are none. The bill
22. having received the constitutional majority is declared passed.

23. 4509, Senator Graham.

24. SENATOR GRAHAM:

25. Mr. President and members of the Senate this Department of
26. Mental Health bill which addresses itself to the transfer of some
27. 123 acres of land now occupied by the farm colony of the Elgin State
28. Hospital to School District U46 in Elgin for the purposes of administra-
29. tion buildings or other purposes, that they might deem necessary
30. and if it is not used for that to be transferred to park and recreation.
31. I ask for a favorable roll call.

32. PRESIDENT:

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

1. SECRETARY:

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

10. PRESIDENT:

11. Bruce, aye. Knuppel, aye. On that question are 34 the nays
12. are none. The bill having received the constitutional majority
13. is declared passed. Senator Horsley, for what purpose do you arise?

14. SENATOR HORSLEY:

15. While I was out I was called to the telephone and we passed
16. 4426. It's been amended and it's got to back to the House for
17. concurrence. In the amendment it is an emergency bill that the
18. library districts over the State are asking for help and it's the
19. Secretary of State's bill, Pete Pappas. It's an administration bill
20. from the Secretary of State.

21. PRESIDENT:

22. Senator Horsley. If I may have the attention of the members,
23. other bills that have been called to the attention of the Chair if
24. you have a bill in this category if you would see either Senator
25. Clarke or Senator Partee and then one of the leaders can let
26. the Chair know that this goes on a priority list. Senator Clarke.

27. SENATOR CLARKE:

28. I missed what Senator Horsley said. What category are you talking
29. about now?

30. PRESIDENT:

31. Senator Horsley.

32. SENATOR HORSLEY:

33. Administration, it's from the Secretary of State, Pete Pappas

1. is the one who prepared the bill and has handled it and brought the
2. bill for me to handle.

3. PRESIDENT:

4. Senator Clarke.

5. SENATOR CLARKE:

6. I...when members have come to me I have referred them to Bill
7. DeCardi who is the our staff person who meets with Bob O'Keefe every
8. morning but I just want to make clear and I said this at our caucus
9. this morning that I'm not and Senator Partee we're not using any
10. subjective judgment in the bills that are being called. The under-
11. standing was that we were going to call the bills in the four
12. categories. Appropriation, Revenue, Constitutional Implementation
13. and Administration Programs. And if your bill can qualify for
14. one of those caregories and these two staff men agree and we okay
15. it this is the way we arrive at this list. So when you come to me
16. and say get my bill on as...we only have about ten on each day of this
17. category and then we will just start going down the list. But I don't
18. want to be put in a position and I'm sure Senator Partee doesn't of
19. saying your bill goes on but your bill doesn't. I think that would
20. be a very grave mistake.

21. PRESIDENT:

22. And the Chair will refrain from recognizing and I don't mean
23. any disrespect to your request, Senator Horsley, but I think you have
24. to work with through your leadership on these matters. 4543, Senator
25. Knuepfer.

26. SENATOR KNUEPFER:

27. A...the genesis for 4543 came to me because a municipality
28. in my senatorial district came to me some six or seven months ago
29. and said we have a serious problem. That problem is that we have
30. done all of the things that the fire insurance rating bureau asked
31. us to improve our fire rating which was I think a 9 and they felt
32. they were entitled to a seven which would have meant a substantial
33. rate deduction for all the citizens but they said since there is no

1. longer any statutory authority for this. So I pursued this further
2. with the Director of the Department of Insurance and found out that
3. there had been in the past statutory authority to exempt insurance
4. rating bureaus from the provision of the anti-trust act. Now the
5. insurance rating bureaus for those of you that are not familiar simply
6. collect statistics and gather information and then they determine
7. whether a municipality should have a fire rating of 10, 9, 8, 7, 6,
8. 5 what have you. A..but the rating bureaus cease to operate. Can
9. I have a little quiet?

10. PRESIDENT:

11. You are entitled to that. Just a moment. Please. Gentlemen,
12. if we can interrupt the leadership on that side. If we can interrupt
13. Senator O'Brien and Senator Chew. Proceed. Senator Knuepfer.

14. SENATOR KNUEPFER:

15. These rating bureaus cease to gather information and cease to
16. compile that information because they were afraid that they would
17. be subject to the anti-trust laws of the State of Illinois and
18. consequently everything is in limbo. The Director of the Department
19. of Insurance, Jim Baylor, and I think Jim sent a letter to all of
20. you, prepared a bill which would resolve that problem. A...this in
21. no respects is a rating bill but what it does is to provide that
22. associations approved by the Department of Insurance may collect
23. statistics, may collect information and that information may be made,
24. is to be made available. It exempts then in effect from the collection
25. of these statistics from any charge under the anti-trust laws of the
26. State of Illinois. The second thing it does, in addition to that,
27. is to permit pooling of risks. Now there are some very large risks
28. in which any one company might not wish to take the whole thing. It's
29. too big. There is the possibility that if 2, 3, 4 or more companies
30. get together that there will be a charge that by getting together
31. to accept this risk to insure this property they are then in violation
32. of the anti-trust laws of this State. This bill does correct this as
33. well so it does these two things. I would be pleased to answer any

1. questions on it. I think it's a very important bill for those of
2. you who live in municipalities who are looking for a downward adjust-
3. ment on your fire rates because you are not getting them right now,
4. PRESIDENT:

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

6. SECRETARY:

7. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
8. Cherry, Chew, Clarke, Collins,

9. PRESIDENT:

10. Senator Chew.

11. SENATOR CHEW:

12. Mr. President and Senators. I had asked for some additional
13. background on 4543 and it has been given to me and closely studied.
14. Things that the Senate sponsor said about this bill were the highlights
15. of what it does. But there are other important factors involved.
16. The background I have involves the history of really reinsuring. I
17. did about 14 years with an insurance company and life insurance
18. companies have had this privilege for many years. For instance,
19. an individual buying a million dollars worth of insurance, it's never
20. insured by a single company. It always has, the insuring company has
21. the right by law to have other companies to participate in the risk.
22. So, in my opinion, this gets our House in order, and I would ask for
23. sole support on this bill. I vote aye.

24. SECRETARY:

25. Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell,
26. Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer,
27. Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy

28. PRESIDENT:

29. Senator McCarthy.

30. SENATOR McCARTHY:

31. Mr. President I don't have any point of argument with the representa-
32. tions that have been made about this bill. I think what representa-
33. tions have been made are correct. I'm a little bit concerned but

1. and this is an explanation of vote as to whether or not passage of
2. this bill would preclude any type of federal anti-trust intervention
3. in Illinois on account of there being an absence of rate controls on
4. other types of insurance. Because of this concern that this may
5. preclude the federal anti-trust application to other practices of
6. rating in the State of Illinois that need regulation, I wish to
7. be recorded as voting present.

8. PRESIDENT:

9. Senator McCarthy votes present.

10. SECRETARY:

11. Merritt

12. PRESIDENT:

13. Senator Merritt.

14. SENATOR MERRITT:

15. Mr. President and members of the Senate. Very briefly in
16. explaining my vote I certainly would rise in support of this legis-
17. lation, I know of a community right north of my own home town. It's
18. actually in Senator McBroom's district. For a great expense they
19. put in a complete new water system where they didn't have one before.
20. Just a very small community. As a result of our failure to do some-
21. thing about it before they could not even get a classification for
22. their town. Now this, this bill will help this situation would elevate
23. their problem and I'd like to be a part in helping that. I vote aye.

24. SECRETARY:

25. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer,
26. Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper,
27. Sours, Swinarski, Vadalabene, Walker, Weaver.

28. PRESIDENT:

29. Mitchler, aye. On that question the yeas are 43, the nays are
30. none, one present. The bill having received the constitutional
31. majority is declared passed. 4574, Senator Collins.

32. SENATOR COLLINS:

33. Members of the Senate, this is a non-controversial bill. It

1. clarifies some language in the Statute that we passed in 1969. It's
2. not going to cost the State of Illinois any monies but it will
3. help them to co-operate with the home administration of the
4. Department of Agriculture in Washington so that they can get some
5. funds for some necessary loans for agriculture.

6. PRESIDENT:

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

8. SECRETARY:

9. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
10. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
11. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,
12. Horsley, Hynes, Johns, Knuepfer, Knuppel...

13. PRESIDENT:

14. Senator Knuppel.

15. SENATOR KNUPPEL:

16. This is a good bill. It's a bill we passed a year ago but there
17. was some language that was disapproved in the Department of Rehabilitatio
18. in Washington.. And this has been corrected and this is the purpose
19. of this amendment. I'd ask everybody to vote for it, I vote aye.

20. PRESIDENT:

21. Chew aye.

22. SECRETARY:

23. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,
24. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
25. Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith,
26. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

27. PRESIDENT:

28. On that question, the yeas are 43. The nays are none. The bill
29. having received the constitutional majority is declared passed.

30. 4270, Senator Bruce.

31. SENATOR BRUCE:

32. Yes, Mr. President, I'd like to move House Bill 4270 back to
33. Second Reading for the purpose of amendment. The Secretary has the

1. PRESIDENT:

2. Can you explain the amendment briefly?

3. SENATOR BRUCE:

4. It adds the two words "power or" and clarifies it. The bill
5. relates to a source of power or to power itself. It's electric
6. power.

7. PRESIDENT:

8. Is there any discussion?

9. SENATOR BRUCE:

10. I move its adoption.

11. PRESIDENT:

12. All in favor signify by saying aye, contrary minded. The
13. amendment is adopted. We will come back to the bill after intervening
14. business. If you will go now to the first page of your Calendar
15. We're going to go down House Bills on third reading. I would recommend
16. to Senators if you have bills that you call them because we're not
17. going to get to them very many times. Senator Gilbert.

18. SENATOR GILBERT:

19. I would like leave to refer to the business of Senate Bills on
20. second reading. Senate Bill 1394 which I mentioned this morning
21. for purpose of putting on an amendment so it can be advanced to
22. third reading.

23. PRESIDENT:

24. 1394, Senator Gilbert had asked this morning to bring that up
25. later on second reading. Can you explain the nature of your amend-
26. ment, Senator?

27. SENATOR GILBERT:

28. The amendment means that the bill is now only a reappropriation.
29. \$250,000 was appropriated last year, only \$50,000 of which has been
30. obligated. This is reappropriation of 200. It strikes from the bill
31. 500,000 additional money, I mean \$700,000 additional money which
32. was asked for by the Secretary of State. It has the approval of the
33. task force that this amendment be put on. And I move its adoption.

1. PRESIDENT:

2. All in favor signify by saying aye, the amendment is adopted.
3. House Bills on...any further amendments? Third Reading. House Bills
4. on Third Reading. Is Senator Carroll on the Floor? Senator Carroll,
5. House Bill 14, do you wish to call that? Senator Carroll.

6. SENATOR CARROLL:

7. Mr. President and Senators, House Bill 14, this bill is designed
8. to facilitate the county of judicial retention balance in Cook County.
9. It conforms to the recommendations of the Election Laws Commission. It
10. provides that some judicial retention balance may be counted prior to
11. the 6:00 p.m. by the Judge of elections from both parties in full
12. view of the judges. This bill is...went out of the committee without
13. a dissenting vote. I know of no opposition. I'd ask your favorable
14. consideration.

15. PRESIDENT:

16. Is there any discussion? Senator Rock.

17. SENATOR ROCK:

18. Yes, Mr. Chairman, I just have a question perhaps. Is Senator
19. Graham on the Floor?

20. PRESIDENT:

21. Senator Graham is on the Floor, yes.

22. SENATOR ROCK:

23. I just wondered what the relationship of this bill is with
24. Senate Bill 1569. Is it amenable to 1569 or are we just...

25. PRESIDENT:

26. Senator Graham.

27. SENATOR GRAHAM:

28. It has no direct relationship with 1569. I don't think it does
29. any violence. I'll take a chance on the Second Floor of making
30. that determination.

31. PRESIDENT:

32. Senator Dougherty.

33. SENATOR DOUGHERTY:

1. This bill does no violence to 1569. This bill was drafted and
2. amended on the basis of consultation between the staff of two
3. parties and it applies only to Cook County.

4. PRESIDENT:

5. Senator Rock.

6. SENATOR ROCK:

7. Well, my question, however, was if I understood the testimony
8. of the Committee of the Whole yesterday that the Election Code as
9. we know is going to be repealed and there's a new Election Code.
10. Now what's the sense in passing a bill amending the present Election
11. Code only to have it repealed very shortly.

12. PRESIDENT:

13. Senator Carroll.

14. SENATOR CARROLL:

15. Except as I understand it this will apply to the election
16. that's coming up and the Election Code doesn't take effect that
17. fast. Isn't that correct, Senator Graham?

18. PRESIDENT:

19. Is there further discussion? Senator ParTEE.

20. SENATOR PARTEE:

21. This bill being House Bill...excuse me, Senator.

22. PRESIDENT:

23. Just...just...please, Senator Horsley.

24. SENATOR PARTEE:

25. This bill being House Bill 14 it would be indicated to me was
26. introduced prior to the beginning of the Session probably as a
27. pre-file bill. What is the explanation as to where it has been all
28. this time because since it's so meritorious?

29. PRESIDENT:

30. Senator Carroll.

31. SENATOR CARROLL:

32. All I can say is, Senator, that it cam over here not over three
33. or four weeks ago. I can't give you the exact time. I requested.

1. that it be heard in committee as soon as it reached the Senate. And
2. we did have a hearing. It came out of the Senate committee and got
3. on the Calendar and this is the first opportunity I have had in
4. calling it on Third Reading.

5. PRESIDENT:

6. Senator Partee.

7. SENATOR PARTEE:

8. Will you hold it another day, Senator?

9. PRESIDENT:

10. Senator Carroll.

11. SENATOR CARROLL:

12. I'll be glad to.

13. PRESIDENT:

14. The bill will be held. We have had intervening business. Is
15. Senator Bruce on the Floor? So we can go back to your bill, Senator
16. Bruce. 4270, Senator Bruce had amended.

17. SENATOR BRUCE:

18. House Bill 4270 corrects or adds to the Municipal Code a provision
19. which will allow a community in this particular instance the City
20. of Fairfield who is presently not with adequate power and it's had
21. two power losses over the summer. It will allow them to acquire a
22. source of power outside of the city limits by eminent domain solely
23. for the purpose of power for that municipality. The bill has been
24. substantially amended. We've adopted two amendments to it. After
25. those amendments we have the support of Commonwealth Edison, the
26. Association of Electric Co-operatives, the Illinois Municipal League
27. and the Illinois Agriculture Association. There was some discussion
28. about this bill and its power of eminent domain. If they use the
29. power of eminent domain they must go and prove justification to
30. the Illinois Commerce Commission just as any other carrier would.
31. It actually changes the law not one bit in that city now can
32. go for a source of power. The electric supplier act already allows
33. the supplier by eminent domain to bring source to the city. It just

1. allows the city the same powers subject to the same rules and
2. regulations of the Commerce Commission.

3. PRESIDENT:

4. Is there any discussion? Senator Horsley.

5. SENATOR HORSLEY:

6. Mr. President, I was glad to work on this amendment with Senator
7. Bruce and as he said this is a matter that has been worked out
8. by agreement and satisfied so far as I know everybody that had any
9. objection to the bill. And as far as I know there is no opposition at
10. all now to 4270 in its present form with the amendment which was
11. adopted today.

12. PRESIDENT:

13. Senator Clarke.

14. SENATOR CLARKE:

15. I just wanted to ask, Mr. President, how he got to this number?
16. From 14?

17. PRESIDENT:

18. Well, we had an amendment on this before and it was called back
19. from Third Reading to Second Reading and then we had to have inter-
20. vening business.

21. SENATOR CLARKE:

22. I don't understand that but intervening business doesn't mean
23. that you have to come back to the bill, but if we do have a procedure
24. we ought to stick to the procedure that's all I am suggesting.

25. PRESIDENT:

26. The Chair suggests that we are sticking to the procedure. We
27. simply are going back to this bill once it was amended. Senator
28. Fawell.

29. SENATOR FAWELL:

30. Some of you may remember having placed upon your desk...I think
31. Senator Mitchler had these placed on your desk a copy of a newspaper
32. article which states, "Judge Rules Naperville Must Yank its 85 Utility
33. Poles," and Senator Bruce, I'm sorry I haven't had a chance to talk to

1. you about this bill. I have basically no objection except that...

2. PRESIDENT:

3. Just a moment. We're happy to have our guests in the gallery
4. contrary to the rules of the Senate that you take pictures and we
5. ask you abide by those rules. Proceed Senator Fawell.

6. SENATOR FAWELL:

7. The a...the provision that I think generally those who are
8. concerned about the effect of these giant utility poles having a
9. very detrimental effect on the beauty of the landscape etc.. The
10. problem as I look at this bill is that there are no provisions that
11. would and I think perhaps the time has come for this that would
12. require that these electrical utilities be underground. Again,
13. in these very fast growing areas Senator it seems to me that although
14. it is more expensive I well recognize, the people are suggesting that
15. the electrical utilities be placed underground. We can't do that
16. with existing utilities but I think in the new sub-divisions that
17. this be a condition. I was wondering if it is possible for you to
18. consider pulling this bill back to second reading and placing an
19. amendment which would set forth that any of these easements for the
20. placements of electric utilities ...

21. PRESIDENT:

22. Just a moment. Please can we have some order around you there?
23. Just...please...Senator Horsley. Just..just a moment...just a moment.
24. If Senators wish someone removed from the side line who is disturbing
25. him notify the Chair or the Sergeant at Arms. Senator Fawell may
26. proceed and will the Senators be ...let's have some order.

27. SENATOR FAWELL:

28. What I am suggesting is that many people are of the opinion that
29. there is a serious problem of eye pollution I guess you would say,
30. by these gigantic poles that are being constructed and that time
31. has come if the city is going to be granted the right to go outside
32. of its boundaries and be able to condemn and take title to land
33. that if this is so and I could recognize the reasonableness of this

1. in order to have a very efficient route that it should be established
2. that we go underground and no longer pollute the surface by these
3. very very large poles. We do have a court case now which has been
4. determined in DuPage County wherein the Circuit Court has held
5. that the city had to take down these very large poles because in
6. that particular instance they did not have the authority to go
7. along the side of a highway and utilize a roadway easement for
8. a public electrical utilities. I think and what I am suggesting
9. Senator that if this could be pulled back and we could verify an
10. amendment that the electrical utilities underground as is the case
11. for sewer facilities, storm and sanitary both, that the bill would have
12. no opposition from a number of Senators here who are very much
13. concerned about this problem in fast growing Kane, Will and DuPage,
14. etc.

15. PRESIDENT:

16. Senator Knuepfer. Senator Bruce, what is your wish on this?
17. Do you wish to hold it another day? Senator Bruce.

18. SENATOR BRUCE:

19. Let me just explain the difficulty with doing that. First of
20. all, when a city goes without its borders and does not use the power
21. of eminent domain what they do when they purchase an easement with
22. the property owner is not subject to any regulation and I don't whether
23. The Commerce Commission will have anything. Now if the city goes
24. without its borders outside inside they have no problem. Any city
25. in this state who wishes to pass an ordinance that every line must
26. be buried that's that's a problem they can handle internally. If
27. they go outside and don't purchase an easement so we've got to make
28. sure we're talking about a non-easement situations. They must go
29. to the Commerce Commission to seek approval of that line. It is
30. clear by this bill that absolutely no one can be saved from that
31. line. This line must be solely as a power source for that municipality.
32. No lines can be dropped to anyone along the way. Not one line can be
33. used for an individual source of power for anyone along that line at

1. all. You could not condemn land from one city out to a new sub-
2. division. That would not apply. It is strictly for the use of a
3. city to go toward or to go to a power source and use the power of
4. eminent domain outside its own borders subject to the Illinois
5. Commerce Commission. They already are pursuing this problem of
6. underground lines. They are going to adopt rules and regulations
7. which will apply statewide. What impact that would have to put
8. in this particular bill which relates only to cities going after
9. a source of power, I don't know and I would be very hesitant to
10. put that in this bill.

11. PRESIDENT:

12. Senator Knuepfer.

13. SENATOR KNUEPFER:

14. Well, I share a great many of Senator Fawell's concerns and
15. maybe that's because in the senatorial district that I represent
16. there is going to be this problem. This problem already exists
17. insofar as the City of Naperville has tried to do to move into
18. an unincorporated area. I really have a great many reservations
19. about authorizing the use of eminent domain outside of the govern-
20. mental entity and I think we ought to think very carefully before
21. we authorize this power. I recognize that we've done it, I think
22. in the area of water supplies and in sewer supplies and last
23. year I think we passed a bill that Senator Horsley sponsored that
24. I gather is held up in the House now. I think we ought to think
25. very seriously about granting eminent domain powers outside of your
26. own boundaries cause you are no longer affecting your own citizens.
27. You're affecting other citizens, the only protection that you have
28. in this bill is of course the Illinois Commerce Commission. And I
29. just cannot buy the concept I will admit it would be a lot sweeter.
30. Senator Bruce if Senator Fawell's amendment providing underground
31. power lines could be accomplished but I think we ought to also think
32. of the other alternative. There's another alternative. And that is
33. the power companies have the authority to come in and bring the power

1. to the municipality. There is a third alternative and that is that
2. maybe the municipality doesn't belong in the power business to begin
3. with. A...obviously the or I would suggest obviously the only reason
4. a municipality wants to go out and secure power is because it has
5. suddenly determined that it can buy power cheaper that it can produce
6. additional power because any municipality that is producing power
7. can go out and buy a couple more diesel units can go out and buy
8. another power unit. So they have made some determination already
9. that power is not an economical municipal function. They're going out
10. for it. I suggest that there are these two remedies. Let the
11. power company come to them or let...and bring the power into them. I
12. think this would be a lot healthier alternative than providing the
13. eminent domain power for municipalities outside of their boundaries.
14. SENATOR ROCK: (PRESIDING OFFICER)

15. Senator, a couple of more Senators have indicated that they
16. wanted to speak to this point...Senator Mitchler.

17. SENATOR MITCHLER:

18. Yes, Mr. President. Senator Bruce, I appreciate and I have
19. discussed this bill with you and pointed out to you the reason that
20. I would have to oppose the bill and other Senators in the area of
21. the DuPage County, Kane County, Will County area, because it involves
22. our area directly. And I cannot see where any amendments that been
23. put on the bill would rule the problem that is existing in the Naperville
24. area and DuPage County at the present time. Now I xeroxed and
25. passed out a picture of the utility poles 85 foot utility poles,
26. electric transmission poles, with large cross members and heavy cables
27. that were being installed about 150 feet apart near the by the
28. Naperville Electrical Department which is a city-owned utility that
29. purchases power from Commonwealth Edison Company and sells it back to
30. its residents. Now this a 1.2 million dollar project to extend their
31. power lines. It's no small project and they went ahead and put these
32. poles on Route 59 on private property and this resolved into a
33. court action, as mentioned by Senator Fawell. The court decision

1. was that the City of Naperville remove the utility poles that they
2. had placed into the ground and cease from erecting additional
3. utility poles. Now what this legislation would do...It would
4. say to that utility company the Naperville Electric Power Company,
5. that this would be the law and if they would appeal their court
6. case and then they would look at the law as it exists after the
7. passage of this, they'd say it's not a case for the courts but a
8. case for the Illinois Commerce Commission. And then the Illinois
9. Commerce Commission would take a look at it and it could very well
10. be that the Illinois Commerce Commission would say as long as you've
11. gone to the expense of putting these poles in which was wrong, but
12. you have a even greater expense to take them out, we'll slap your
13. wrist lightly this time but don't you ever do it again and these
14. things do happen, as you all know. Now I don't see any amendment
15. that eliminates DuPage County, the Naperville Electric Department
16. from the effects of this legislation and I think that there have
17. been alternatives place out and I think that this bill should be
18. held up until something could be worked out if this is important
19. to you in your district and I want to support you if it is and I
20. want to support Representative Ben Blades who is a good friend of
21. mine in the House because I know it effects Fairfield and that area
22. but I cannot do it and I don't think it's proper to ask other Sena-
23. tors where it affects them in exactly the opposite point of view
24. as it does to you so I would ask you to hold it up or either that
25. or ask members on this side of the aisle throughout the entire
26. Senate to just refrain from voting on this bill at this time.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Neistein.

29. SENATOR NEISTEIN:
30.
31.
32.
33.

1. I move the previous question.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Neistein has moved the previous question. All in favor
4. say aye, all opposed. Motion prevails. Senator Bruce may close the
5. debate.

6. SENATOR BRUCE:

7. Senator just to reply briefly to Senator Mitchler's comments
8. this cannot in any way affect the situation at Naperville. At
9. Naperville you're talking about distribution lines to 250 homes in a
10. subdivision. This bill at the request of many people explicitly
11. prohibits that happening at all. The Naperville situation will not
12. be affected by this bill whether it passes or whether it does not pass.
13. It will not affect whether we have lines above the ground or below the
14. ground. It just says the City of Fairfield and I wish Senator Knuepfer
15. were here. In the ideal world of power by municipalities they have
16. adequate power and they can go buy adequate power if they need more.
17. That is not the situation as it presently exists in this State where
18. you have a seller's market. It's just a question of allowing, the law
19. already allows the power company to take by eminent domain land to the
20. city. The question is in a seller's market and Senator Knuepfer has
21. returned. In Fairfield you mentioned one of the alternatives is
22. to have the power companies bring the lines in which they have by
23. power of eminent domain could do that very thing. The
24. concrete example is Fairfield, Illinois where neither power company
25. is interested at all in selling Fairfield power. They don't wish to
26. sell Fairfield power, they are at their capacity. If Fairfield wishes
27. they can build a line to one of their power stations at McLeansboro,
28. Illinois and then they would be glad to supply them. If they take
29. the trouble of getting the easements, if they take the trouble of
30. paying the construction cost, if they pay for all the damages done
31. in repair over the years to come then they're willing to supply the
32. power but it's a theoretical possibility that does not exist. The city
33. has had two blackouts already this summer. They need to get a source
of power. They

1. cannot get a supply. They will not bring it to them. This will not
2. affect the Naperville situation at all.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Secretary will call the roll.

5. SECRETARY:

6. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
7. Cherry, Chew, Clarke,

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Clarke,

10. SENATOR CLARKE:

11. Mr. President. I haven't followed this discussion too closely
12. but it's my understanding that there were some people that wanted to
13. talk over problems and requested a day's delay which is denied. This
14. bill is being called out of order somewhat and I would just suggest
15. that we hold our votes and get back to this tomorrow after we have had
16. a chance to talk over these problems.

17. SECRETARY:

18. Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan,
19. Fawell.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Fawell.

22. SENATOR FAWELL:

23. I just briefly in explaining my vote. This will affect the
24. Naperville situation Senator Bruce because it pertains to any situation
25. where in order to serve one segment of the city they have to cross
26. unincorporated area. I would agree with you that they should be able
27. to do it in unincorporated area where it is the most feasible route to
28. be utilized but I'm simply saying that really insofar as whether they're
29. in unincorporated area or incorporated area I think that when you look
30. at what they're doing today putting up 85 feet utility poles anyone could
31. ask himself or herself if you'd like to have that running down your
32. street. I say that is eye pollution of the worst degree and it's some-
33. thing that we of the legislature ought now simply say that for the

1. future we will not continue to repeat the mistakes of the past and we
2. will ask that these utilities be put underground. Then if it's found
3. to be a necessity to go into an unincorporated area you can do so but
4. you should do so with underground utilities and for that reason I
5. vote no.

6. SECRETARY:

7. Gilbert,

8. PRESIDENT:

9. Senator Gilbert.

10. SENATOR GILBERT:

11. Well because it has been requested some people apparently have
12. a sincere question about this that they would like to have it with-
13. held, I'm going to vote present for today but I certainly favor the
14. legislation..if it's on postpone consideration I'm certainly going to
15. support it but in respect for those who would like to have a opportunity
16. to further work on it for one day I will vote present.

17. SECRETARY:

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

19. PRESIDENT:

20. Senator Horsley.

21. SENATOR HORSLEY:

22. I'm going to vote aye because I think a lot of people misunderstand
23. the bill and the amendment and I think the amendment should be printed
24. and on the desk of everybody so that we understand exactly what it
25. does and I think after enough people talk to the power companies and
26. others you will find they have withdrawn their opposition. They
27. originally opposed to this bill but I think you'll find they have
28. withdrawn their opposition. But I think you should you should have
29. that opportunity to check with them to make certain because I know
30. many of them in your area are friends and you would like to do that.
31. I'm going to vote aye, but I hope you don't get enough votes so it
32. can be postponed so that we can pass it later.

33. SECRETARY:

1. Hynes, Johns,

2. PRESIDENT:

3. Senator Johns.

4. SENATOR JOHNS:

5. Mr. President, lady and gentlemen of the Senate. I arise in
6. support of this bill because it permits a city, Fairfield for example
7. to take a less costly method of obtaining power and its a supplemental
8. power that they are seeking. They do not use, intend to use it at all
9. times and it will as Senator Bruce has stated not be used as a feeder
10. system to take on new accounts but merely to supply power to this
11. municipality and I urge a favorable vote for this particular bill.

12. SECRETARY:

13. Knuepfer, Knuppel,

14. PRESIDENT:

15. Senator Knuppel.

16. SENATOR KNUPPEL:

17. Mr. President. I stood here and listened and generally I
18. admire Senator Clarke tremendously. He uses good judgement in most
19. things but in this instance you have some people that have a particular
20. problem in their own Senatorial district and the only thing that they
21. asked is that these lines be buried underground at a tremendous expense.
22. You have all utilities in the State of Illinois and the municipal
23. utilities agree for one of the first times since they come before
24. this body. We're short of time. In the House today I'm told they
25. struck all the Senate Bills off the Calendar... We're to take this
26. matter up tomorrow when there is no compromise on the issue. This
27. may be fine in DuPage County, but it wouldn't apply in Fulton or Mason
28. or some other county. I submit that if the Commerce Commission has to
29. allow condemnation they can fix the kind of rules that are needed...that
30. are needed with the respect of the particular location and this is true
31. regardless. You can't say that they have to be on poles, that may not
32. be right either. You can't say that it has to be underground. The
33. IEA opposed this. They changed their opposition. I would submit that if

1. we can't have our way that we don't take our bat and go home. We get
2. to work on this thing and get these things off the floor. The only
3. issue here is whether you're going to bury them underground and anybody
4. who uses his logic knows that that rule won't apply to every
5. section of the State and it is not a matter that can be compromised
6. and I say those people that are affected and want it underground
7. vote no but the rest of you vote. Let's move this stuff, I vote aye.

8. SECRETARY:

9. Kosinski, Kusibab, Latherow, Laughlin.

10. PRESIDENT:

11. Senator Latherow.

12. SENATOR LATHEROW:

13. Mr. President for personal reasons I vote present.

14. SECRETARY:

15. Laughlin, Lyons, McBroom.

16. PRESIDENT:

17. Senator McBroom.

18. SENATOR McBROOM:

19. Mr. President this bill was presented to me by several different
20. people as to being absolutely without controversy. Though it doesn't
21. sound to me like it is. Out of respect to Senator Mitchler and
22. Senator Fawell I vote present.

23. SECRETARY:

24. McCarthy, Merritt, Mitchler, Mohr,

25. PRESIDENT:

26. Senator Mitchler.

27. SENATOR MITCHLER:

28. Senator Bruce said this did not apply to the situation in
29. Naperville. Now if this did not apply to the section in my district,
30. Senator, you would have my full support. As I told you that if it
31. would help the City of Fairfield and in their problem I'd be the
32. first fellow to rise in support of this legislation to help
33. Representative Blades and you in your district. I want to point out

1. that this is very detrimental to the Naperville Power Company,
2. municipally owned power company in the construction of these poles and
3. I would say that over 90% of the residents of that area are extremely
4. opposed. This bill has been sent back to these people and the letters
5. are starting to come in. I've received in the mail today. They
6. are in my file and I just opened up on my desk today and I haven't even
7. had time to take them out and I'm asking you, I wouldn't do it to your
8. district and I say you shouldn't do it to my district. Hold the bill
9. so we can talk it over and come to some agreement and see if there is
10. a way we can do the job for Fairfield. I vote no.

11. SECRETARY:

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

15. PRESIDENT:

16. Kosinski, aye. Bruce, aye. For what purpose does Senator Merritt
17. arise?

18. SENATOR MERRITT:

19. How am I recorded.

20. PRESIDENT:

21. You're not.

22. SENATOR MERRITT:

23. Mr. President I had thought all along I voted present in
24. committee because of the wide separation of views of the Illinois
25. Agriculture Association and the Rural Electric Cooperatives. Now
26. they worked diligently and hard and in the best interest of all our
27. people I think to work out these difficulties and we did get to what I
28. thought was an agreed bill 'til I heard all of this other matters
29. brought up today. But in view of my commitment after working that
30. hard to see that it was worked out I want to be recorded as aye.

31. PRESIDENT:

32. Laughlin, aye. Senator Rosander.

33. SENATOR ROSANDER:

1. How am I recorded.

2. PRESIDENT:

3. How's Senator Rosander recorded. Present.

4. SENATOR ROSANDER:

5. I'd like to be recorded as aye.

6. PRESIDENT:

7. Rosander, aye. Senator Sours.

8. SENATOR SOURS:

9. Am I recorded sir?

10. PRESIDENT:

11. You're not.

12. SENATOR SOURS:

13. I'd like to be recorded as present.

14. PRESIDENT:

15. Sours present. On that question the yeas are 35, the nays are 3,
16. 3 present. The bill having received the constitutional majority is
17. declared passed. Senator Johns moves to reconsider, Senator
18. Vadalabene moves to table. All in favor of the motion table signify
19. by saying aye, contrary minded. Motion to table prevails. Senator
20. Cherry is recognized on a point of personal privilege. Members be
21. in their seats.

22. SENATOR CHERRY:

23. Thank you Mr. President. Several moments ago I went into the
24. House and I was on the House Floor. I was ordered off the floor...

25. PRESIDENT:

26. Just, Just a moment. Will Senators be in their seats please, it's
27. a matter of some importance here. Senator Bruce and others. Senator
28. Cherry.

29. SENATOR CHERRY:

30. I was ordered off the floor by the Speaker of the House. I was
31. there on legitimate business of legislation to report some bills to the
32. Minority Leader of the House who had the responsibility of following
33. through some of the legislation which has been passed by the Senate. And

I

1. would consider the act of the President...the Speaker of the House
2. as being one of arrogance, reprehensible and insulting to the members of
3. the Senate. The same treatment I understand was accorded both Senator
4. Egan and Senator Rock. I know of no reason why the Speaker, also
5. Senator Savickas, I know of no reason the Speaker of the House would
6. take this attitude. I have seen in the last week many members of the
7. House come to the floor of the Senate to discuss legitimate business
8. that they had in the Senate and that was concerned in the House. I
9. don't know what we can do about it. I would not advocate the dismissal
10. of members of the House coming on the floor of the Senate but certainly
11. we ought to do something to stop this arrogant act on the part of the
12. Speaker. There is no reason why both Houses can't legitimately discuss
13. the business of the legislature with so many important bills particularly
14. at closing stages of this Session and I am making this point so that the
15. members of this Body will know what has occurred and that will occur to
16. them. The Speaker, the Sergeant of Arms was ordered physically to
17. remove me from the floor of the House. I think that's a reprehensible
18. act.

19. PRESIDENT:

20. Senator Walker.

21. SENATOR WALKER:

22. Thank you Mr. President and members of the Senate. First an
23. hour or so ago and as recently as 10 minutes ago I heard a rumor and
24. I wish someone would confirm it, not that it's going to influence our
25. actions here in the Senate but the rumor I've been hearing is that
26. all House Bills, or all Senate bills in committee or on the Calendar
27. have been tabled over there and I don't whether it's true or whether
28. it's a rumor. As I say, I don't think that should influence our
29. decision here. You got an answer, Neistein.

30. PRESIDENT:

31. The Chair has heard that is true except for appropriations,
32. Revenue and Administration bills. Now Constitutional Implementation
33. whether that is correct or not...Senator Partee I don't know if you

1. have any information.

2. PRESIDENT:

3. I was just going to say that I understand that those 4 categories
4. were exempted. I have an appointment with the Speaker after this
5. session is over and I shall discuss with him his rather proprietary
6. interest in what reports to be a building owned by the people and
7. we'll find out when I talk to him.

8. PRESIDENT:

9. Senator Walker.

10. SENATOR WALKER:

11. May I suggest to the Majority Leader that when you go over there
12. you also suggest to the Speaker that he read the rules of the House
13. particularly rule 81..insofar as decorum is concerned...states that
14. elected State officers, members and officers of the General Assembly,
15. former speakers has access to the floor and if he will flip over a
16. couple of pages in the rule book, Senator Partee, also informing no rule
17. shall be altered unless there is a proper notice posted. Now I don't
18. know, there seems to be an opinion around here in some sources that as
19. former Speaker, that the present Speaker and I have had some difficultie
20. Let me assure you there is nothing further from the truth. I'd buy for
21. him any day. I don't know whether he would do the same for me but
22. I like to remember an expression I first heard in 1957 from the late
23. departed, a very personal friend of mine, Paul Powell when he was
24. a member of the House that if you can't stand the heat stay out of
25. the kitchen and anyone that has ever served in the leadership well
26. knows that, that is a rule that has to be adhered to or an admonition
27. rather than a rule. I notice the press hasn't been too favorable
28. to the present speaker for several months, in fact, back here in the
29. Sun Times with apologies, that's one I hate to give any press to because
30. they have never been very kindly toward me. Monday April the 19th, 1971
31. it says the "cavalier behavior of House Speaker W. Robert Blair can
32. but hurt himself and the administration." Cece, you might call his
33. attention to that. There's others here. The way he hustled that bill
through

1. to put the Legislators over there in glass enclosed cages. To
2. knock the press out of the box so to speak. I would suggest as a
3. former Speaker that when you and the leadership on this side of the
4. aisle go over there to make some of these requests, find out what's
5. going wrong. As a former Speaker I intend to go over as soon as I
6. conclude these few remarks. I'm going to take Horsley and Knuppel
7. with me. And I'll be back, trustfully I'll be back and I'm sure
8. I will with that support. I'll give you a further report in 5 or
9. 10 minutes. Thank you very much for your time.

10. PRESIDENT:

11. Senator Knuepfer.

12. SENATOR KNUEPFER:

13. Well I just wanted to say Senator Cherry that the Speaker's
14. action was totally non-partisan. Senator Berning and I were denied
15. access too. Senator Mohr as well.

16. PRESIDENT:

17. Senator Cherry.

18. SENATOR CHERRY:

19. I just wanted to suggest to Senator Walker when he goes over
20. there, we have a Page outside. I think he's Senator Vadalabene
21. Page. He is 7 feet tall, take him with you and let him get on that
22. big Page, Sergeant at Arms, that they have over there. He is the
23. one that put his arms around me.

24. PRESIDENT:

25. In the meantime, Representative Houlihan, we are pleased to have
26. members of the House here at any time. 260, Senator Mohr.

27. SENATOR MOHR:

28. Yes, Mr. President, I'd like to bring H.B. 260 back to the order
29. of second reading for the purpose of an amendment. Secretary has the
30. amendment on his desk and last week....

31. PRESIDENT:

32. 260 is brought back to second reading for purpose of amendment.
33. Explain the amendment Senator.

1. SENATOR MOHR:

2. Yes in order to qualify for state construction grants or funds
3. this legislation would change the minimum enrollment head count to
4. 2,000 full time equivalent students in Chicago area and 1,000 down-
5. state. Its a recommendation of the Jr. College Board.

6. PRESIDENT:

7. Senator Gilbert.

8. SENATOR GILBERT:

9. Well is this the bill that allows the counting of part time
10. students and all to make up the 1,000 and 2,000?

11. PRESIDENT:

12. Is there further discussion of the amendment, Senator Newhouse.

13. SENATOR NEWHOUSE:

14. Mr. President this wasn't on the amendment. I was off the floor
15. at the tail end of the discussion regarding the House a moment ago and
16. I was among those that was turned away at the door. But there's
17. committee meeting right now and anybody can go in so the measures that
18. have been suggested won't be effective at all and I thought the body
19. should know that.

20. PRESIDENT:..

21. On this amendment, Senator Neistein.

22. SENATOR NEISTEIN:

23. No, in answer to Senator Newhouse, and Senator Walker in absentia
24. and all. I don't think we should be critical of the House, I think
25. they should be congratulated that they killed all the Senate bills in
26. committee and the calendar and tomorrow morning whenever we meet here
27. I'll have a momentous motion to make and I hope I receive support
28. from all the Senators and I assure my colleagues that the House action
29. will not affect the affairs of the Sovereign State of Illinois. We'll
30. all sleep tonight and tomorrow and the next night and the affairs of
31. the State will continue to go on so I for one want to congratulate
32. Speaker Blair and all the members of the House for their wisdom,
33. sagaciousness and their close attention to business.

1. PRESIDENT:

2. Are you congratulating them for killing the bills or for
3. removing Senator Cherry from the floor.

4. SENATOR NEISTEIN:

5. Well since Senator Cherry is my riding mate I won't go that
6. far but I'll congratulate them for killing all the bills and I'll
7. have a motion tomorrow morning.

8. PRESIDENT:

9. Question before the body is the amendment offered by Senator
10. Mohr. All in favor signify by saying aye, contrary minded. The
11. amendment is adopted. We'll get back to that after intervening
12. business Senator. 774 Senator Neistein. House bills on third
13. reading.

14. SENATOR NEISTEIN:

15. Oh, House bill 774 and 775 are two bills that were heard in
16. Judiciary. There....

17. PRESIDENT:

18. Are these to be considered in one roll call?

19. SENATOR NEISTEIN:

20. Well they both reduce the statutes of limitations from 7 years
21. to 3 years and I think Austin Fleming...Senator Laughlin are these the
22. two Austin Fleming wanted?

23. PRESIDENT:

24. Senator Laughlin.

25. SENATOR LAUGHLIN:

26. Yes these are bar association bills and the purpose of them is
27. to reduce the time in which creditors have to file claims in the
28. State. At one time somebody worried about this. I happened to be
29. out in Oklahoma and my son-in-laws a lawyer and I learned out there
30. there is a two months limitation for filing of claims by creditors
31. so if we reduce this from 7 to 6 I don't think its so bad.

32. PRESIDENT:

33. It's....Senator Rock.

1. SENATOR ROCK:

2. Just in order to expedite the calendar, Mr. President, 774 and 775
3. are stated Bar Association bills and they are indeed a companion to
4. 1467, 68 and 69..we could conceivably take all five on the same roll
5. call. They just amend various sections but all have the same effect.

6. PRESIDENT:

7. 774, 775, 1467, 1468 and 1469. Now Senator Knuppel is not on the
8. floor right now and the Chair is reluctant to call for a passage of
9. the bill. Is Senator Rock...

10. SENATOR ROCK:

11. Senator Knuppel was kind enough at the request of the Bar
12. Association, I was the original sponsor or Senator Chew was and I
13. took them from Senator Chew and Senator Knuppel has taken them from
14. me due to the files I have. I'm sure he would have no objection
15. against this series on one roll call.

16. PRESIDENT:

17. Okay, Is there objection on considering all five bills on one
18. roll call? Leave is granted. Secretary will call the roll on
19. 774, 775, 1467, 1468 and 1469. Senator Sours.

20. SENATOR SOURS:

21. Could I have an explanation. I was listening but they got the
22. bills mixed up. Are we reducing the time in which to file a claim
23. in Probate Court from 7 to 6 months? What else we doing on the other
24. bill?

25. PRESIDENT:

26. Senator Rock or Senator Neistein.

27. SENATOR NEISTEIN:

28. These bills minor from 7 years to 3 years Senator Sours. You're
29. referring to the three bills of Senator Rocks.

30. PRESIDENT:

31. Senator Rock.

32. SENATOR SOURS:

33. One of these bills I understand reduces the time in which to

1. file claims in the probate proceedings administration or the
2. probate of a will, 7 months to 6 months. Now what do the other
3. bills do?

4. PRESIDENT:

5. Senator Rock.

6. SENATOR ROCK:

7. Yes, the other bills, Senator, amend...for instance 1467 is a
8. comparable amendment but it amends the Sureties Act. 1468 and 1469...
9. let's take that, that amends the limitations act again from 7 months to
10. 6 months. 1468 concerns the Probate Act and it is...while it conforms
11. to these, it reduces from 7 years to 3 years so that the total would be
12. 10 years instead of 12 years or 13 years a claim against a decedent's
13. estate and Austin Fleming from the banks has put these in because of a
14. change in the federal law and the bar association is in favor of these
15. changes.

16. PRESIDENT:

17. Senator Sours.

18. SENATOR SOURS:

19. Are we doing anythin with the Statute of frauds?

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. No we are not.

24. PRESIDENT:

25. Senator Laughlin.

26. SENATOR LAUGHLIN:

27. Well, 774, Senator Sours, has this effect among others. All claims
28. barrable under the provision of this section are in any event barred
29. three years after the death of the decedent unless letters are issued
30. upon the estate of the decedent within three years after his death
31. and then in the next section there's limitations on the 7 year
32. period. For example the Statute now reads after the expiration of
33. 7 years from the death of the decedent or after the expiration such

1. additional time as may be allowed by the court for good cause shown
2. upon petition filed by any interested person within three year period
3. or any extension thereof no real estate or interest therein to which
4. the decedent had claim or title shall be sold, leased or mortgaged
5. for the purpose of paying claims or expenses of administration. In
6. other words the statutes presently says 7 years. This reduces it to
7. 3 years. (Blank for short time)...effect of this legislation
8. over and above reducing the period in which claims can be filed
9. against the decedents estate from seven months to six months.

10. PRESIDENT:

11. Senator Sours.

12. SENATOR SOURS:

13. Just one other question. What happens for an example if a
14. note has not matured 'til say two or three years after the death of
15. the, of the, obligor. Then does the three year term apply or is it
16. three years from the date of maturity? It frequently happens you
17. know.

18. PRESIDENT:

19. Senator Laughlin.

20. SENATOR LAUGHLIN:

21. Yes, I don't know if I can answer you or not without a Statute
22. in front of me, Senator Sours. I think when there are contingent claims
23. you go into court and present them within the proper time and have
24. them allowed as a claim even though they are not due until a later time.
25. So I think a creditor can protect himself on that score.

26. PRESIDENT:

27. Is there further discussion? Secretary will call the roll.

28. SECRETARY:

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

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

4. PRESIDENT:

5. McBroom, aye. O'Brien, aye. Johns, aye. On those bills the
6. yeas are 41, the nays are none. The bills having received the
7. constitutional majority are declared passed. 260, Senator Mohr.

8. SENATOR MOHR:

9. Yes, I think all the questions have been answered. Senator
10. Gilbert and Senator Knuepfer had a couple of questions. They have
11. been answered. I'll ask for a favorable roll call.

12. PRESIDENT:

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

14. SECRETARY:

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

23. PRESIDENT:

24. Cherry, aye. Swinarski, aye. Bruce, aye. On that question the
25. yeas are 42 the nays are none. The bill having received the
26. constitutional majority is declared passed. The Chair has received
27. a request from Senator Lyons that S. B. 1540 on postponed consideration
28. be considered at this time. Any Senators that have bills on postponed
29. consideration will have to move on them very rapidly, unless there
30. is objection from leadership we will recognize the request of Senator
31. Lyons. Senator Clarke.

32. SENATOR CLARKE:

33. What was the number of the bill?

1. PRESIDENT:

2. Senate Bill 1540 on postponed consideration.

3. SENATOR CLARKE:

4. Well now just a minute. I want to look at it but I'd like to
5. ask. We have you know certain procedures. We could argue bills,
6. all these bills twice and then we will never get to some even the
7. first time of the bills that we're talking about. It seems to me
8. we ought to go through the routine but to break in at this time
9. I think untoward. We just argued this bill. This bill was intro-
10. duced you know late in the session. It was rushed through a
11. committee, it was argued on the floor, it was postponed and I really
12. think this is asking a lot of this assembly and it's just going to
13. foul us all up if we are going to go through these bills a second
14. time.

15. PRESIDENT:

16. Well we're approaching the end of today's session and the
17. Chair mentions this because on any of the Senate bills on
18. postponed consideration unless there is action shortly we're
19. going to...obviously their not going to be alive. Senator Lyons.

20. SENATOR LYONS:

21. Well let me just say we are not in the middle of going
22. through the Calendar on House Bills third reading for the second time
23. today so I don't think this request comes unseasonably. Secondly,
24. this bill was fully debated in Committee between myself and Senator
25. Clarke among others. When the bill was heard the first time it was
26. obvious that certain members on the floor hadn't read it or didn't
27. comprehend the meaning of it. That is why I'm asking to have it
28. heard again.

29. PRESIDENT:

30. Senator Clarke.

31. SENATOR CLARKE:

32. Well I'd just like to point out that we have only gone through
33. the priority bills which are in the exempt category of House Bills. We

1. are not going through them for the second time. We are only now
2. starting to give people a chance to have some of these bills heard.
3. Senator Bidwill has a bill that's on the list here and he has been
4. asking me for several days and if we're going to take time to go
5. back and debate all of these bills for a second time on consideration
6. postponed I think maybe we ought to set a time certain like 10:00
7. tomorrow morning and spend all day on consideration postponed. This
8. is one day out of 6 left.

9. PRESIDENT:

10. The Chair does not agree to that suggestion. I will recognize
11. requests of Senators to consider bills on postponed consideration when
12. we get to the end of the legislative day. We're scheduled to adjourn
13. about 3:30. It's approaching that time. The Chair will recognize
14. Senator Lyons. Senator Clarke.

15. SENATOR CLARKE:

16. Can I inquire then are we at the end of the business for the
17. day? We haven't even taken House Bills on second reading?

18. PRESIDENT:

19. We have not taken House Bills on second reading. We can
20. advance them all tomorrow. We can do this yet today. It's up to
21. the leadership. But...

22. SENATOR CLARKE:

23. But I'm just asking, Mr. President, are we at the end of the
24. day or are we just breaking in to accomodate a candidate for State
25. office?

26. PRESIDENT:

27. We're at the end of the day time-wise. We're not at the end
28. of the day as far as having completed the Calendar. Senator Lyons.

29. SENATOR LYONS:

30. Before we start talking about candidates for State office, I'm
31. perfectly willing to have this matter heard at 10:00 o'clock tomorrow
32. morning. If that's what you want Senator Clarke, that's what you'll
33. get, if I have that understanding.

1. PRESIDENT:

2. Well if the Chair may interject, I personally think it would
3. not be wise to have these postponed consideration matters coming up
4. at 10:00 o'clock.

5. SENATOR LYONS:

6. Well it wasn't my suggestion Mr. President, it was Senator
7. Clarke's and I accede to it if he persists in it.

8. PRESIDENT:

9. I would hope that we can handle postponed consideration matters
10. with dispatch since they have been debated once and considered once.
11. Ah, Senator Partee.

12. SENATOR PARTEE:

13. I would shrink from a rule that we would call them all at the
14. same time. The fact of the matter is there are probably many bills
15. on consideration postponed which will not be called by the sponsors.
16. If we delegate a time for them then they will feel some obligation
17. to call some of those bills, and you know, knowing they are going
18. no where. Let's let them be called as the members desire them at a
19. particular part of the day but not just go through the calendar
20. because they may not want them.

21. PRESIDENT:

22. Chair has received one request. We will proceed at this point
23. with Senate Bill 1540 by Senator Lyons.

24. SENATOR LYONS:

25. Thank you Mr. President and gentlemen and lady. I'm afraid my
26. explanation of this bill must have been deficient the last time it
27. was heard because nobody seemed to understand what it did. This
28. legislation was filed to cure a fundamental and blatantly discriminatory
29. defect in the Illinois Income Tax Law. The paradoxical situation
30. whereby the Illinois Income Tax Code allows businesses and corporations
31. all the deductions permitted under the Federal Code while allowing
32. wage earners none of the same. This situation is in my judgment
33. a shame to our State. I know of no other tax structure in the land

1. which so favors businesses at the expense of individuals as does
2. Illinois. Let us please hear no protestations that corporations
3. pay at higher rate than do individuals. That fact is meaningful
4. only if the tax base is the same and in Illinois it is most re-
5. gretably not the same. Corporations pay 4% of their net taxable
6. income earned in Illinois. Often for tax purposes this is 4% of
7. nothing because of the business deductions that a Corporation can
8. take. But an individual pays 2½% of his adjusted gross income. For
9. the typical wage earning taxpayer this means 2½% of every cent that he
10. earns, for the gross income and adjusted gross income are usually
11. the same for a wage earner and he gets the benefit of no federally
12. authorized deductions such as medical expenses, state taxes, interest
13. and charitable contributions. How did this ever come to pass? Let
14. me tell the tale. In 1968 I was appointed to a committee convened
15. by then Governor Shapiro to study the revenue situation in Illinois.
16. The Governor named Dr. Simion Leland of Northwestern University as
17. Chairman, the members of the committee elected me Secretary. Almost
18. immediately the corporate lobbies began their inveterate chant, abolish
19. the personal property tax on corporations, abolish real estate
20. classification, reduce the corporate franchise tax, et cetera, et
21. cetera- et cetera. "Give Illinois", they said, "a favorable tax
22. climate." Favorable to whom? Well as the King of Siam so often
23. told Anna you guess, naturally favorable to Corporations and
24. businesses but the old oratorio contained some new harmonics
25. specifically corporate groups now allow that an income tax would be
26. a disaster but if there had to be one they should have a hand
27. in how it would structured. The elaborate corporate choreography
28. now took on a readily discernable purpose. Drafted income tax
29. law which weighed most heavily on individuals, specifically wage
30. earners and those on a fixed income and let businesses and corporations
31. sent forth piercing cries of anguish so that the unformed would be
32. led to believe that business, not individuals were being stretched on the
33. fiscal rack. A bold venture it was and it was crowned with success

1. beyond their wildest imaginings. The business lobbies accordingly
2. proposed, and I'm talking now about 1968, an income tax that might
3. be fairer to all parties if it had a common rate between individuals
4. and corporations and a common base of adjusted gross income with a
5. 1,000 exemption per taxpayer. Then they sat back expecting no doubt
6. to be congratulated for their civic mindedness. In my capacity
7. as Secretary I told them then in 1968 that although I was momentarily
8. stunned at their boldness, I could still recognize that the plan
9. was the most regressive in the English speaking world. I told them
10. in fact that although I was no longer a member of it I was sure that
11. no one could be found in the Illinois General Assembly to sponsor so
12. outrageously discriminatory a plan. In this I was guilty of serious
13. error. A sponsor was found, the Governor of the State. The only
14. difference between the code the Governor sponsored and the one the
15. corporate lobbies wanted was that under the Governor's code there
16. was a \$1,000 exemption per person rather than per return. Later on
17. because of pressure generated in the legislature itself another
18. change was effected. The rate differential of 2½% for individuals
19. as against 4% for corporations. As important as these differences
20. are by writing them into the code we have as Lady MacBeth said
21. Scotched the snake, not killed it. Indeed the federal income tax
22. code now permits the \$750.00 per person exemption is moving I am
23. told toward a \$1,000 exemption and still permits individuals to
24. itemize their deductions or take as this bill would allow them under
25. the Illinois code a standard deduction. The Illinois code I say
26. again so that it is well understood in its present form does not,
27. does not permit individuals any personal deductions. If any in-
28. dividual, let's say a lawyer, also files a business return he takes
29. his business deductions on Schedule C of his federal return or if
30. he is a farmer, Schedule F of his return and the end result becomes
31. a part of adjusted gross income for federal and Illinois tax purposes.
32. If he is a wage earner or a pensioner on a fixed income he gets no
33. deductions at all because he does not file Schedule C or Schedule F in

1. his return. The important point is that no individual taxpayer
2. under Illinois law gets any individual deductions. Contrast this
3. with tender loving care the Illinois Code affords businesses and
4. corporations. Every deduction the federal income tax code allows
5. is allowed under the Illinois Code. This includes golf club charges,
6. the cost of maintaining yachts, night club tabs and hunting lodges,
7. all the creature comforts of modern corporate society. We have
8. an opportunity to end this discrimination. We can and we should do
9. it now. As each year passes we will be told that the revenue loss
10. is too large. It will get large every year. I do not regard this
11. as a partisan matter and I would hope part differences would be
12. obliterated on the roll call. It will admittedly cause some revenue
13. loss to pass this bill. It will cause more of a loss in each
14. succeeding year. The time to act is now. The situation was
15. regrettable from the start. This anomalous state of affairs should
16. never have been allowed to come into existence but it did it and
17. that is that. I doubt if anyone would seek to justify it on the
18. conceptual basis and the revenue loss could better be sustained
19. now than it ever would be in the future. This is an opportunity
20. to take a meaningful step to help people who are ground between
21. fixed incomes and rising cost of living. I refer to wage
22. earners, pensioners and senior citizens. There are plenty of each
23. in both political parties. I ask a favorable vote of the membership
24. on this matter.

25. PRESIDENT:

26. Senator Fawell.

27. SENATOR FAWELL:

28. I don't, I confess, I don't quite understand what you're saying
29. except I gather this that what you evidently are saying is that
30. corporations should have and should be taxed on the basis of their
31. gross income. You seem to deplore the fact that the ordinary business
32. expenses would of course be utilized as deductions. Now maybe I'm
33. mistaken but I don't think there is an income tax law anywhere in the

1. world that just says your going to be...anybody's business whether
2. he is an individual or partnership or cooperation would be taxed on
3. gross income. It would utterly destroy business and I don't think you
4. can possibly be serious in making those allegations. It is impossible
5. it seems to me. Now secondly I think as far as individuals are con-
6. cerned I think the fact that we don't have a million and one exclusions
7. and exemptions that the Federal Income Tax, the graduated federal in-
8. come tax has which in effect means the very rich pay no income tax at
9. all if they can figure out the loopholes and gather into their bosoms
10. the exempt incomes. I think is a step in the right direction and I
11. applaud the Governor for having set that standard and I hope that this
12. legislature can withstand the assaults from individuals with various
13. motivations as to alleging that they want exemptions here and exemptions
14. there. I think that we could ever in this country get to the point
15. where we simply have a flat rate and then everyone pays on income without
16. worrying about the various exemptions which in turn are supposed to
17. motivate business or motivate investments or motivate some other social
18. goods, I think we'll be that much the better. But what your saying Sena-
19. tor in the final analysis is that business ought to pay an income tax on
20. the basis of gross income and I simply say that that is absolutely
21. utterly absurd.

22. PRESIDENT:

23. Senator Clarke. What is your point of personal privilege,
24. Senator Lyons?

25. SENATOR LYONS:

26. I have been blatantly misquoted and I want to straighten out
27. the record. At no time did I ever say...

28. PRESIDENT:

29. Just a moment, just a moment. That is not a point of personal
30. privilege.

31. SENATOR LYONS:

32. It certainly is, he is saying that I said something that I didn't
33. say.

PRESIDENT:

1. No, you will have a chance in closing the debate to respond to that.

2. Senator Clarke.

3. SENATOR CLARKE:

4. Before I start I would like to just suggest that unless we are
5. concluding our business I'd like to read to you a ruld of the House
6. that the Senate may at anytime by unanimous consent or on motion sup-
7. ported by a majority vote of the Senators present proceed out of the
8. order to any order of business or return to any order already passed
9. and this is something in my opinion that is out of the order of business.
10. We haven't even taken House bills on second reading and I would respect-
11. fully disagree with the Chair on that point. However, we are here and
12. I wouls like to suggest that that speech sounded as good the third time as
13. it did the first time that I heard it. I just, I'm sorry it hasn't
14. been reported because I haven't seen it but maybe it will be this time.
15. It's a wonderful political speech and of course what it doesn't say is
16. what was the answer to a question I asked in the Revenue Committee that
17. was, where are the 70 or 80 million dollars in replacement going to come
18. from? Because when we talk about personal property tax suddenly the
19. sponsoring Senator gets very sensitive to any loss of money in Cook
20. County and his answer to the question where this 70 or 80 million was going
21. to come from in the committee was well the Governor has enough high
22. priced staff down there that they can certainly figure out where to get
23. this 70 or 80 million and that sounds vaguely reminiscent of other
24. candidates for state office that are running around the State this year.
25. I think that this is a bill that would gut our income tax when we have
26. started to get substantial revenue for the State. I think we should
27. leave it as is without any exemptions or deductions and maybe the State
28. can get along without us having to raise the rate and I would urge us
29. to vote no.

30. PRESIDENT:

31. Senator Horsley.

32. SENATOR HORSLEY:

33. Well, Mr. President, I started out to ask a question of the
sponsor and he anticipated my standing up awhile ago and I presume his

1. answer is the same now as it was the other day that no interest that I
2. paid on my home mortgage, no taxes that I pay on my home, no personal
3. property tax that I pay on my automobile...None of those items are
4. deductible under your bill for the individual as you have drawn it.
5. That was true the other day and I presume that is still true and has
6. not been amended, is that correct?

7. PRESIDENT:

8. Senator Lyons.

9. SENATOR LYONS:

10. Under the present law you can't deduct you personal property tax,
11. you can't deduct the interest on your mortgage, you can't deduct your
12. charitable contributions, you can't deduct your medical expenses. That's
13. the law right now in the State of Illinois. What this bill would allow
14. you to do is take a deduction that you are presently not given under the
15. Illinois law...the Federal standard deduction. This bill does not
16. allow itemization of deductions. It allows the taking of equivalent of
17. the federal standard deduction which neither you Senator or anybody else
18. under the present Illinois law gets.

19. PRESIDENT:

20. Senator Horsley.

21. SENATOR HORSLEY:

22. To get back to my question this bill has not been amended so
23. that those items are still not in here other than in the indirect way
24. you mentioned.

25. PRESIDENT:

26. Senator Lyons.

27. SENATOR LYONS:

28. I don't, I don't know what you're trying to get me to say. This
29. bill would give the taxpayer a standard deduction which he doesn't have.
30. It does not allow itemized deductions because we are not interested in
31. taking care of the people who have tremendous itemized deductions. We'r
32. interested in taking care of the small taxpayers who get no relief at all

33. PRESIDENT:

1. Senator Horsley.

2. SENATOR HORSLEY:

3. I have this bill in front of me and I've looked at page two
4. of the bill and the only new language in here is minus a standard
5. deduction for individuals. That doesn't say whether it's Woodside
6. Township, the State of Illinois, the Federal Government, or what it is.
7. Can you tell me anywhere in here I can find any reference that would
8. tell me what standard deduction you are talking about?

9. PRESIDENT:

10. Senator Lyons.

11. SENATOR LYONS:

12. Yes, the...in section one of the Illinois Income Tax Act in
13. the definition section it says that the phrases and words used
14. in the Illinois Code have the same meaning that they have in the
15. Federal Code and in the Federal Code we know what the standards deduction
16. is. It used to be 10% of the adjusted gross income. Now it has been
17. increased and there is a percentage calculation. It turns out to be
18. about \$750 a year.

19. PRESIDENT:

20. Senator Horsley.

21. SENATOR HORSLEY:

22. In effect if I understand this bill correctly what you're
23. saying if I have a taxable income of ten thousand dollars I would
24. deduct that \$750 assuming that figure you take is correct so that I
25. then would have a taxable income of \$9,250 and from that I would still
26. have my personal exemptions, is that correct?

27. PRESIDENT:

28. Senator Lyons.

29. SENATOR LYONS:

30. First of all the amount is \$1,000 not a...it can get as high
31. as \$2,000 on the new Federal standard deduction. What I'm saying,
32. Senator, is this. Let's forget about taxable income for the moment.
33. Let's take a lawyer for instance. He has all kinds of income in his
law office. On

1. Schedule C of his federal return he takes off all the expenses incurred
2. in earning that income. That is carried over to page 1 of the form
3. 1040 as profit or loss from business or profession, Schedule C on the
4. Federal return. It will in a minute because he used the phrased taxable
5. income that is why it has bearing. The phrase adjusted gross income
6. then is the...that is the figure against which are charged all personal
7. deductions and all personal exemptions or the standard deduction and
8. personal deduction and that...and that arrives under the Federal Code at
9. taxable income. There are no deductions of any kind allowed under any
10. code even the Federal from taxable income. Any deduction is made from
11. adjusted gross income...whether or not a Schedule C is filed or whether
12. it's just a wage earner we're talking about.

13. PRESIDENT:

14. Senator McBroom.

15. SENATOR MCBROOM:

16. Mr. President and members of the Senate, I move the previous
17. question.

18. PRESIDENT:

19. Motion for the previous question. All in favor signify by
20. saying aye, contrary minded. The motion prevails. Senator Lyons
21. may close the debate.

22. SENATOR LYONS:

23. Well first of all Mr. President so we clear up the question
24. asked by the last Senator to take the floor. If you do not itemize
25. deductions, let's put it this way, if you just are a wage earner and
26. you don't file Schedule C or Schedule F on your federal return your
27. adjusted gross income for all practical purposes is every nickel
28. you earn and it's against that that the 4% is charged. Now if you
29. have business expenses you take them off on Schedule C of your
30. Federal return and every single deduction the Federal Income Tax
31. Code allowed is given you and then you use that as adjusted gross
32. income and you charge the 4% against that if you're an individual. But
33. a wage earner gets none of them. Under the federal code we are allowed

1. four deductions...interest, state taxes paid, charitable contributions,
2. medical expenses. All individuals under the federal code are allowed
3. those four deductions. Under the Illinois code no individual is
4. allowed any of them, none of them. What this bill would do would be
5. to allow individuals not to itemize their personal deductions but to
6. take the same standard deduction that they are allowed under the
7. Federal Income Tax Code. It is of assistance, meaningful, measurable
8. and substantial assistance to low bracket taxpayers. It does not
9. make a great deal of difference to upper bracket taxpayers. But the
10. fact is that the lower bracket taxpayer who are on a fixed income
11. either a low income or a pensioner are the ones that find themselves
12. ground between rising costs of living, the inflationary spiral and
13. high taxes and low incomes. That situation is what this bill is
14. designed to ameliorate. Now at no time did I ever suggest either
15. in Committee or on the floor or at any public or private conversation
16. that corporations or businesses should be taxed on their gross
17. income. What I said was that under the Illinois Income Tax Code
18. presently most individuals are taxed on their gross income and businesses
19. and corporations are charged on their net taxable income out of which
20. we have already deducted night club tabs, hunting lodges, yachts and
21. all of the other various things, golf club charges, that are allowed
22. under the Federal Income Tax Code. These are considered business
23. expenses under the code, federal code. Illinois businesses and
24. corporations take the benefits of every one of them and an Illinois
25. individual taxpayers don't even get the benefit of the Federal Income
26. tax deductions that are allowed under the Federal Code. It is not a
27. question of closing loopholes. It's a question of balancing the
28. equities or really removing a gross inequity. I do not applaud as
29. Senator Fawell says he did the Governor for allowing such a bill to
30. be introduced in the General Assembly and to be passed. Someone
31. mentioned the fact that there may be a 70 to 80 million dollar revenue
32. loss involved here and maybe there will be but next year it will be
33. more and it's going to continue to get more and this discrimination is going
to

1. get more and more blatant and more and more unconscionable as that
2. figure escalates. The time to stop this practice and interdict it
3. once and for all is right now. It will never be cheaper than it is now.
4. To compare this situation to the personal property tax situation is
5. to bear a fundamental lack of knowledge as to what kind of taxes we're
6. talking about. The personal property tax is locally collected, locally
7. administered and locally spent by hundreds and thousands of different
8. taxing bodies. The Illinois Income Tax is administered at the State
9. level and collected at the State level. To compare the income tax with
10. the personal property tax is to compare a horse with an aardvark.
11. So that comparison is totally inapposite. Mr. President and
12. gentlemen this never should have happened in the first place. Just
13. because it did is no reason to keep it in existence. We have a
14. chance to cure what is probably the most blatantly discriminatory
15. provision of any tax code in the land. I ask for a favorable vote
16. of the membership.

17. PRESIDENT:

18. Secretary will call the roll.

19. SECRETARY:

20. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll,
21. Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,
22. Dougherty, Egan, Fawell,

23. PRESIDENT:

24. Senator Fawell.

25. SENATOR FAWELL:

26. Just briefly. I think what Senator Lyons is doing and where
27. I disagree with Senator Lyon's conclusions. He is comparing the standard
28. deduction which is a non business deduction which no one has and he's
29. comparing that to business deduction which anyone in business has and
30. although he didn't say directly that he thinks there should be a tax
31. on gross income of corporations yet he turns around and he complains
32. bitterly about the fact that we gave to corporations the right to
33. utilize the ordinary business deductions which corporations

1. from the beginning of time or anybody in business has always had.
2. And which Senator Lyons himself wouldn't think of taking away from
3. the corporations. Yet, he tells us in the derogatory terms that
4. we evidently did something wrong when we did that and that's what
5. I object to. I don't think that's an honest presentation. And
6. I...I would say this if if we really wanted to do something in re-
7. gard to this situation then we could say all right we're going to
8. take non-business deductions and we're going to grant the standard
9. deduction non-business deductions for everybody. Now obviously
10. if we're going to do that it's going to mean and if we were going
11. to have done that when the income tax law was put into being it
12. would mean that we would have to have correspondingly a higher rate.
13. And I would suggest to Senator Lyons that if he will pull his bill
14. back and attach to it an increase which would be a relatively small
15. increase in rates to the income tax to cover his decision to grant
16. non-business deductions to all rich and poor alike...obviously
17. would have to do this, then I think, he very honestly presents the
18. problem. But he can't continue to compare apples with oranges
19. which is what he is doing. And he just can't complain about the
20. fact that what we have given to corporations like we have given
21. something that we shouldn't have given to them because he turns
22. right around and says oh no I didn't say that. I think that he has
23. to honestly say he favors having non-business deductions for every-
24. one and that he has to honestly say on top of that, of course, that's
25. going to mean a great decrease..or x number of dollars increase and
26. I propose therefore to make amends by having a new tax that'll re-
27. place that. That's the only honest presentation that can be made.
28. And Senator Lyons you are subject, therefore, to those who will
29. suggest that possibly there is some political motivation on what
30. you say even though you may be very sincere in what you are saying
31. unless you couple your presentation of a standard deduction for
32. everyone with obviously a corresponding suggestion for an increase
33. in tax. I vote present.

SECRETARY:

Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns,

1. PRESIDENT:

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. I wasn't a member of the Senate at the time the income
5. tax law was passed and when I hear the debate I wonder just how
6. many the members of the Senate here actually do income tax returns.
7. Our firm does approximately a thousand income tax returns per year.
8. This is a good bill and maybe it doesn't provide for itemization
9. of these expenses but it gives an allowance for them which is
10. the equivalent of at least part of them. And I consider myself
11. not to be a small taxpayer but I will certainly appreciate any
12. relief that comes from this because of the rate that I am in the
13. bracket that I'm in so forth. Actually you can have an older
14. woman as a widow who has extreme medical expenses or any person
15. such as myself this year where I had \$7,000 dollars in medical
16. expenses. I am not allowed under the State law to deduct any
17. of those because I cannot itemize. Yet, in the federal law I can.
18. I think that anyone who knows and understands how we do our
19. Federal Income tax returns feels that there is something unfair
20. about being allowed to take itemized deductions on your federal
21. return or even if they're not great enough to itemize to take
22. the standard deduction when that's not allowed in the tax of the State
23. of Illinois. And I submit that there's been insinuations here
24. today that possibly this has been done because it's political in
25. nature. I submit to you gentlemen that the populous of the State
26. of Illinois objects to this provision in our Code and that they
27. will tell you so at the polls this Fall. You may come from a safe
28. district but when we come back here and I intend to be here, next
29. fall we're going to do something about this because it's eminently
30. unfair, it doesn't compare with the federal laws and it does not
31. allow person who has tragedy such as extreme medical expenses, high
32. taxes, interest rates and the other personal exemptions that are
33. allowed in the federal law makes it appear that there is something

1. unfair in the State of Illinois income tax law. In effect we start
2. at a lower figure because the one thousand dollar exemption takes...
3. makes the actual exemptions, personal exemptions, smaller to the
4. average or even the large taxpayer in the State law than they are
5. in the federal. And I think that anybody that fills out these re-
6. turns, my partner who happens to be a Republican, but maybe wouldn't
7. vote the same way you people do because you are supporting a Governor,
8. has called this to my attention and he even suggested that I introduce
9. the bill and I may do this in the next session which allows the
10. people in the State of Illinois to itemize their deductions the
11. same as they can in a federal return. I vote aye.

12. SECRETARY:

13. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,
14. Merritt, Mitchler, Mohr, Neistein,

15. PRESIDENT:

16. Senator Neistein.

17. SENATOR NEISTEIN:

18. In voting aye, I just want to point out to my friends that I
19. just got the late papers and this one is the turf tab and in one
20. corner it says \$225,000, was awarded to the readers in a drawing
21. in a lottery tv news that you buy on Saturday and you draw during
22. the week \$225,000 and Tuesday's jackpot winner was VV273518. In the
23. other paper which is the late scratch addition there's \$6,000 was won
24. playing social security sweepstakes drawings and there's a new drawing
25. and sweepstakes and raffle to win tickets for the free Elvis Presley
26. contest. And the winner today of \$500 was 322407117 and it also...in
27. explaining my vote I know that two of my colleagues are up in arms.
28. That's Senator Fawell and Senator Knuepfer who are avowed opponents of
29. double dipping, and I'm reading here in DuPage County, they've got
30. quadruple dippers. And it says that the President, Gerald Weeks,
31. supervisor and President of Board Donald Swan, Fred Coverman, Pat
32. Seviono, James Nichols, Charles Kaylan of Naperville, Bloomingdale,
33. Addison Township, Milton Township that they receive \$8,500 from the

1. County Board, \$2,500 as Township Supervisor, \$4,200 as General Assistant
2. Supervisor, and \$954.00 as Township Highway Treasurer. And I know
3. that they were insistent in their vote against double dipping that
4. they certainly will go after the members of their own legislative
5. district and the members of their county DuPage County and put an end
6. to not only double dipping but this is quadruple dipping which
7. reached the new high in the annals of the writing in the State of
8. Illinois. I vote aye on this bill.

9. SECRETARY:

10. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,
11. Rosander, Saperstein, Savickas, Smith, Soper, Sours,

12. PRESIDENT:

13. Senator Sours.

14. SENATOR SOURS:

15. Mr. President, and Senators. I'm certain Senator Lyons is
16. not campaigning for state office on this bill. I am also about
17. to make a confession. I'm really the North Argentine Ambassador
18. to Eastern Outer Mongolia. Now I'd like to make a few comments
19. about the bill. Here we now, I mean here we are now distinguishing
20. between corporate persons and two legged persons. We're also
21. deflating the income of this state probably 80 million dollars.
22. I...here...I have here with me the journal of the Illinois State
23. Senate, June 27th, 1969. And I show in connection with the income
24. tax bill 35 years, 22 days. There were 14 members on the other
25. side who voted for this bill and there were 9...21 on this side
26. voted for the income tax. Now during all that time I haven't
27. heard until this being an election year a...too much objection
28. to the income tax. As a matter of fact, I think most of the
29. objection came from me and just a few others and I mean very, very,
30. few because I could see then and I was later justified by legisla-
31. tion that on your long term gains we could put a poor farmer back
32. in the year 1940. And whatever was the increment in 30 years we
33. would punish him in 1971, when he paid his 1970 income tax, so

1. if anyone has ardently opposed this income tax, it has been I.
2. Now we're faced with a very pragmatic problem and that is where
3. are we going to get the 75 or 80 million dollars. Senator Fawell
4. has a good suggestion. Let's bring these erstwhile students up to
5. the trough now and let them vote to increase the State Income Tax.
6. Let's let these worthys either fish or cut bait. If they
7. want to slice 80 million off the Governor's budget or his income
8. to operate this State at a time when the CTA wants money, new money,
9. more money, at a time when the Chicago public schools want new money,
10. more money, let them come to the election trough and vote again to
11. increase the State Income Tax. I doubt very seriously, Mr. President,
12. Senators if we could find one among more than 50 here today to do
13. that. I vote no.

14. SECRETARY:

15. Swinarski, Vadalabene, Walker, Weaver,

16. PRESIDENT:

17. Senator Lyons.

18. SENATOR LYONS:

19. A...Mr. President, how am I recorded?

20. PRESIDENT:

21. You are not.

22. SENATOR LYONS:

23. Well, I would like to vote aye. And I'd like to explain my
24. vote very briefly because some more matters have been injected into
25. the debate during the explanation of the votes by some of the
26. members. First of all, to reassure the Senator from Naperville, I
27. did very seriously consider drafting this bill to allow all personal
28. deductions all personal itemized deductions. But I abandoned that
29. notion for two reasons. One the revenue loss would have been
30. absolutely in supportable. And two, once you get beyond the
31. standard deduction level you are giving relief to people who don't
32. need it whose need is not as much as those who are given relief at
33. the standard deduction level. If a person pays 2,500 dollars a year

1. in real estate tax I sympathize with them very much. If he pays
2. \$5,000 a year in real estate tax I sympathize with him even more.
3. The bill would not allow him to deduct that. This bill is designed
4. to give a deduction to the man who has five or six or seven thousand
5. dollars of total gross income not five or six or seven thousand
6. dollars in deductible expenses. This bill is not designed to help
7. millionaires. It doesn't do much for them. It doesn't do much good
8. for the country club set. It is designed exclusively for the people
9. in our society who are at the lowest level of income and who take
10. the standard deduction under federal income tax returns. With
11. respect to the remarks of another Senator. I recall quite well the
12. fact that he was disturbed over the lack of a provision in the Illinois
13. Code for a long term capital gain's treatment of certain investment
14. profits. He and I worked with the same people that worked together
15. at the time to try to correct some of the inequities of the code in
16. 1969 and we were unsuccessful. Some of the inequities were corrected
17. in this legislative session last year and this year. This bill is
18. an opportunity to correct the biggest one of all.

19. PRESIDENT:

20. Senator Chew, do you wish the floor?

21. SENATOR CHEW:

22. Yes, Mr. President I'm not presently on the roll call but I've
23. listened to the various discussions here. Senator Lyons has put
24. many hours of research into this legislation. He is very competent
25. in his explanations. We know that it is good legislation a...I think
26. it was said here on the floor that was an increase in taxes. We
27. discussed the 1040 forms. We've discussed many things. But the
28. main thing is that we need to pass this legislation and get it on over
29. to the Governor so that he can sign it and get on to other business
30. at hand. We've debated it, gone through the regards and disregards
31. on it and etc. So I think it's good legislation and I vote aye.

32. PRESIDENT:

33. Senator McBroom.

1. SENATOR MCBROOM:
2. Yea...Mr. President I make an inquiry for Senator Bidwill.
3. Senator Bidwill on the floor?
4. PRESIDENT:
5. He is on the floor. Senator Bidwill you're being...
6. SENATOR MCBROOM:
7. Direct an inquiry for Senator Bidwell and Senator Davidson.
8. They wondered if this could go back on postponed consideration so
9. we could debate it thoroughly again Friday.
10. PRESIDENT:
11. I gather that's a rhetorical question, Senator McBroom.
12. SENATOR MCBROOM:
13. I also a...since we're not allowed to introduce anyone I'd like
14. to present Senator Merritt's wife. Mrs. Merritt, would you take a
15. bow?
16. PRESIDENT:
17. On that question the yeas are 26 the nays are 9. You wish to
18. vote in the affirmative? On that question the yeas are 26...
19. Senator Smith is recognized.
20. SENATOR SMITH:
21. First then, may I discuss this with the sponsor of this bill.
22. The feasibility of calling the roll for the absentees. Has that
23. been done?
24. PRESIDENT:
25. That has not been done.
26. SENATOR SMITH:
27. Will you request it sir?
28. PRESIDENT:
29. A request for call of the absentees. The absentees will be
30. called.
31. SECRETARY:
32. Arrington, Berning, Bidwill, Carpentier, Carroll, Clarke, Collins,
33. PRESIDENT:

1. Senator Clarke.

2. SENATOR CLARKE:

3. Mr. President thank goodness we've only got one State candidate
4. in this body. We've taken up an hour and a half today on an issue
5. we took up an hour and a half a week ago that we took up
6. in committee a week before that. And let me suggest that
7. the point was made and I think that it's well made that if this
8. sponsor was honest about this bill he would have included a tax
9. increase. He certainly he made a slip at the tongue and said talking
10. about individuals a 4 per cent rate and that's what he's heading
11. for. And I think if this is recorded at all the public ought to
12. know that this candidate stands for a tax increase or else for
13. shutting down to the tune of 80 million education, mental health,
14. welfare and the other vital fields. And I vote no.

15. SECRETARY:

16. Collins, Coulson, Davidson, Harris, Knuepfer, Latherow, Merritt,
17. Mitchler, Mohr, Ozinga, Palmer, Smith,

18. PRESIDENT:

19. Senator Smith.

20. SENATOR SMITH:

21. Mr. President and members of the Senate. And...in explaining
22. my vote, may I first call the attention to the remarks of the Senator
23. seated across the aisle with regards to the length of time that has
24. been taken during the course of the discussion with regards to this
25. bill. The Senator called attention to the fact that perhaps an hour
26. and a half has been consumed thus far in discussing that bill this
27. bill and I'm assuming that he means that too much time has been taken
28. in the discussion of this bill in view of the condition of the calendar.
29. It would appear to me that even additional time should be discussed,
30. should be taken in the discussion of a matter of this importance when
31. we realize as we do what and how and to what extent it effects the
32. average persons here in the State of Illinois. I noticed that
33. my friend over here to the extreme left says that what is essential

1. and what we should do is do it now meaning do something with regards
2. to the matter the subject matter contained in this bill. I agree
3. with your reasoning in that respect Senator. It has been said from
4. time to time as we have discussed this and other bills relating to
5. the same subject that it relates to a matter that should be decided.
6. It has been stated from time to time by member after member that
7. the time has come when action should be had. Various perhaps, and
8. honest difference of opinion members concern with feasibility of our
9. favorable vote with regards to this particular bill when as it so
10. happens that we on this side of the Senate have serious doubts about
11. the bills that you have sponsored you members on the other side of
12. the aisle. The Senator from Peoria injected into this discussion
13. the income tax which he of course opposed. I think you made a grand
14. fight Senator along that line. And I could believe and I do believe
15. as I stand here that if we had others with the guts and the courage
16. that you had and that you exhibited from your seat there on that
17. side of the aisle, and whereas others were blindly voting and rushing to
18. vote because the order had apparently come down from on high that
19. that bill was essential and necessary we perhaps would not have had
20. that damnable bill foisted down our throats. However the fact is
21. that is passed. We were told that at that time that if we succeeded
22. in the passing of an income tax law here in the State of Illinois...

23. PRESIDING OFFICER: (Senator Donnewald)

24. Senator just a moment I've been reminded that the red light is
25. on and have been asked that you conclude your remarks.

26. SENATOR SMITH:

27. I think it came on prematurely...the light went off, the light.
28. Is he here yet? Is Palmer here? Is he here? I think
29. it is a serious doubt in the minds of some of the members as to
30. whether or not when the light came on it came on in red. I think
31. Mr. Speaker if you test that light you might find that when it came
32. on in came on in red rather than the bright light that we usually have.
33. I think..I suggest the feasibility of testing the lights, Mr. President.

1. PRESIDING OFFICER: (Senator Donnewald)

2. Senator we'll have to test the lights tomorrow. I think...that
3. the...I think that...

4. SENATOR SMITH:

5. I confess I was not serious.

6. PRESIDING OFFICER: (Senator Donnewald)

7. I understand...Senator Palmer did you wish to cast your vote?

8. Palmer aye. Smith aye. The yeas are 28 the nays are 10 and one
9. present. The bill not having received the constitutional majority
10. fails. I recognize Senator Carroll...or Senator Clarke.

11. SENATOR CLARKE:

12. Mr. President I just wanted to alert the House to the fact that
13. I have filed a notice with the Secretary for a motion that I want
14. to call tomorrow that will discharge the Appropriation Committee
15. of all House and Senate appropriation bills. I am deeply disturbed
16. about the time element of this session. I think that we have to
17. finish our business in an orderly fashion. And when we first talked
18. about the ninth of June as a deadline for finishing this session,
19. it was generally understood even though we relaxed our rules in terms
20. of the introduction of bills that appropriation bills would be out
21. of the Senate by the first of the month and House appropriation
22. bills out of the House by the first of the month. And today is
23. the sixth of the month and we have had an illustration of an hour and a half
24. on the subject. And the Appropriation Committee at times has not
25. met or they've met and just considered a couple of bills. So I
26. just wanted to put you on notice this motion the notice has been
27. filed for a motion tomorrow to discharge the Appropriation Committee
28. of all bills and put them on the calendar.

29. PRESIDING OFFICER: (Senator Donnewald)

30. Senator Cher..Senator Carroll desired recognition. Is Senator
31. Carroll...Senator Carroll.

32. SENATOR CARROLL:

33. Mr. President and Senators. A...House Bill 14 was called

1. earlier today and it needs an amendment. There was an error dis-
2. covered in the bill. I think Senator Dougherty has an amendment
3. that he'd like to offer so I'd like to call it back to second reading
4. for the purpose of amendment.

5. SENATOR DONNEWALD: (PRESIDING OFFICER)

6. Is there objection? The bill's on second reading. Senator
7. Dougherty.

8. SENATOR DOUGHERTY:

9. The amendment just changes the date from September ...from
10. July 15, 1970, to August 15, 1972. It puts it in proper form. I urge
11. the adoption of the amendment.

12. SENATOR DONNEWALD: (PRESIDING OFFICER)

13. There's move for the adoption of amendment. Is there argu...
14. is there debate? All those in favor say aye, all those opposed.
15. The ayes have it. Senator Rock.

16. SENATOR ROCK:

17. Yes, Mr. President, thank you. Members of the Senate I would
18. at this time like to make a motion to take from the table a bill
19. which I'd thought was going to be exempt and which is extremely
20. important. A...House Bill 4128. And I would ask that this be taken
21. from the table and placed on the order of second reading.

22. SENATOR DONNEWALD: (PRESIDING OFFICER)

23. The motion is House Bill 2148 was that....4128 be taken from
24. the table and placed on the order of second reading? Senator Rock,
25. would you explain what the bill is?

26. SENATOR ROCK:

27. This ...this Mr. President and members of the Senate is a new
28. act called the litter ontrol ct. It was heard in Executive. There
29. was some misunderstanding about the bill. A.. there's an amendment
30. that I have presently in hand and apparently all segments are satisfied
31. that the bill should now be reported out. And I'd like to ask leave
32. of this body to have it placed on the order of second reading.

33. PRESIDING OFFICER: (Senator Donnewald)

1. Is there...there is objection? Is there a request for a roll
2. call Senator? Senator Rock.

3. SENATOR ROCK:

4. Then I presume Mr. President and members of the Senate I would
5. have to move to suspend the rules and then ask this to be placed.

6. SENATOR DONNEWALD: (PRESIDING OFFICER)

7. That would be the proper motion.

8. SENATOR ROCK:

9. All right, I so move and request a roll call.

10. SENATOR DONNEWALD: (PRESIDING OFFICER)

11. The Secretary will call the roll. Senator Partee.

12. SENATOR PARTEE:

13. On this motion I'd like to have the membership know that this
14. is a rather important bill. I've discussed it with Senator Clarke
15. and we are both of the view that this bill should be brought to the
16. calendar.

17. SENATOR DONNEWALD: (PRESIDING OFFICER)

18. Senator Knuepfer.

19. SENATOR KNUEPFER:

20. Well I've heard alot about the title of the bill but I haven't
21. heard anything pro or con and I'm not quite sure how I'm going to
22. vote cause I don't even know...I'm not a part of the Executive Committee
23. and consequently I don't know anything about the bill but the title.
24. I would presume that there might be some kind of at least short
25. description of what the bill does before I make up my mind.

26. SENATOR DONNEWALD:

27. Senator Partee.

28. SENATOR PARTEE:

29. Well perhaps Senator Rock might want to say something. But
30. let me just say succienctly Senator. This is a bill which has very bro
31. based and wide support from many many segments of the community which
32. has as its office an official function, the bringing together a group

33.

1. of laws calculated to ban the practice of littering. The bill
2. in Executive, I think, was misunderstood by some persons who
3. voted against it because it had some references to automobiles
4. or motorcycle or something which got it all out of position
5. in terms of understanding. It is an important and I am certain that
6. when we vote on it if we can get 35 votes to suspend the rules to
7. bring it to the calendar there will be a full and complete explanation
8. of it. But it is indeed an important piece of legislation.

9. SENATOR DONNEWALD: (PRESIDING OFFICER)

10. Senator Rock.

11. SENATOR ROCK:

12. Well I have little to add at this point, I intend once it gets on
13. the calendar if that's the will of the body that I will hold it
14. and explain it to everyone. What it does in fact is it enacts a
15. new act called the litter control act and it provides for uniform
16. prohibition of littering throughout the State of Illinois. There
17. are provision for strict enforcement of litter control measurers
18. and it also incorporates an educational program for the members
19. of the general public. I think it is worthwhile and I think it
20. at least deserves floor debate.

21. SENATOR DONNEWALD: (PRESIDING OFFICER)

22. The Secretary will call the roll. This require 35 votes.

23. SECRETARY:

24. Arrington, Baltz,

25. SENATOR DONNEWALD: (PRESIDING OFFICER)

26. Senator Baltz.

27. SENATOR BALTZ:

28. Well Mr. President and members of the Senate. I agree that this
29. is an important piece of legislation and it's one that we have had
30. a considerable amount of correspondence on both pro and con over the
31. past several weeks. A...I did get a report. I wasn't present at
32. the committee hearing but I did get a report that it was rather
33. extensively heard on in the Executive Committee or wherever it was.

1. I think that the principal objection to it one of the things
2. too, that makes it most important is that if there is evidence that
3. you have thrown litter from your automobile that this will be
4. considered as a moving violation and will also be discretionary
5. as far as suspending your license is concerned. I think this should be
6. a great concern to all of us. I think obviously this bill is an
7. important one but I think it should be taken up at another session
8. of the legislature when it can get full committee hearing and not
9. be brought out to the floor of this body in its last days. It's
10. a completely new Act, it's one that has very far reaching effect
11. and I would urge the members not to vote to bring this out on the
12. floor. I vote no.

13. SENATOR DONNEWALD: (PRESIDING OFFICER)

14. The Secretary....continue the roll.

15. SECRETARY:

16. Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew,
17. Clarke, Collins, Coulson,

18. SENATOR DONNEWALD:

19. Senator Clarke.

20. SENATOR CLARKE:

21. Mr. President, I think it should be explained to the membership
22. that the tabling motion of last Friday was a blanket motion. Now
23. we went over the bills that were left in committee and there were
24. approximately maybe 30 bills that could have been classified as
25. administration bills of one kind or another. Rather than try and
26. make a list of exempt bills we just felt that we would leave them
27. all tabled and if anybody wanted to try and bring a bill back, if
28. it fell in one of the exempt categories it would require 30 votes
29. but if it didn't as in this case then it requires a suspension of
30. the rules or a 35 votes. And so in that regard this is perfectly
31. proper and everybody is on their own. However, we've got a lot of
32. bills to consider already and you know I would discourage unless
33. we really have a severe need for it so I'm going to vote no.

1. SECRETARY:

2. Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan,
3. Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,

4. SENATOR DONNEWALD: (PRESIDING OFFICER)

5. Senator Horsley.

6. SENATOR HORSLEY:

7. Very briefly, I would urge as many as possible to vote aye
8. on this motion. In this day of pollution the most polluting thing
9. is to drive up and down the highways on our county roads and our
10. township roads. Particularly out where I live we could collect
11. a ton of beer cans on every Monday morning. And this idea of
12. littering from cars is serious. We're doing everything in a hurry
13. right now for pollution and here is one of the greatest nonpolluters
14. that we can get involved in right quick by very simply passing a bill
15. to make it a moving violation to pollute the ground by throwing.
16. stuff out of your car. I want to vote aye because I want to vote
17. for this bill. I think it's a good bill.

18. SECRETARY:

19. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,
20. Laughlin, Lyons, McBroom, McCarthy, Merritt,

21. SENATOR DONNEWALD:

22. Senator Merritt.

23. SENATOR MERRITT:

24. Mr. President and members of the Senate. I happen to be a member
25. of Executive Committee when this or when this bill was heard. I'm
26. in total agreement with the concept, I happen to live on a corner lot
27. that seems to be littered badly every Sunday morning. Beer cans
28. other recepticals, pop bottles, everything you can think of. And
29. I'm in total agreement with the concept but I still through the
30. very thorough hearings in that Executive Committee am convinced
31. when you tie it in with the Motor Vehicle Code to the extent and this
32. is the testimony came out in committee. When that parked was
33. parked and something was thrown out of it maybe as much as small

1. as a cigarette and some law enforcement officer had it in for you
2. you've got a moving violation. Now I think that's way too much
3. to put on any of our people to be sitting in a parked automobile
4. and get a moving violation. I just have to vote no although I
5. do like the concept of it.

6. SENATOR DONNEWALD: (PRESIDING OFFICER)

7. The Secretary will call the roll.

8. SECRETARY:

9. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga,
10. Palmer, Partee, Rock,

11. SENATOR DONNEWALD: (PRESIDING OFFICER)

12. Senator Partee.

13. SENATOR PARTEE:

14. Giving a moving violation for somebody who deliberately throws
15. something out a car into your front lawn doesn't disturb me a bit.
16. What do you want to give them ...a gold cup? I vote aye.

17. SENATOR DONNEWALD: (PRESIDING OFFICER)

18. Senator Rock.

19. SENATOR ROCK:

20. Mr. President and members of the Senate I really hate to keep
21. pushing this but just in an effort to clear up for instance what
22. Senator Merritt said that was a valid objection and I think and
23. Representative Fleck in the last hour given me an amendment which
24. he's had drawn to delete that portion of this bill so that there
25. will no longer be a three moving violations subject to revocation
26. or suspension. That was an apparently the only objection that was
27. heard on this bill. Now there were some 28 registered witnesses
28. that we did not get a chance to hear who were in favor of this
29. bill. All the major associations all the major labor unions. Every-
30. body seems to be in favor of it. The only question was what about
31. this provision that would make this a moving violation. And
32. Representative Fleck has just tendered to me an amendment which
33. deletes that and which I will put on in second reading and vote aye.

1. SENATOR DONNEWALD: (PRESIDING OFFICER)

2. The Secretary will continue the roll.

3. SECRETARY:

4. Romano, Rosander, saperstein, Savickas, Smith, Soper, Sours

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Sours.

7. SENATOR SOURS:

8. Was it the intention Mr. President to excise that portion

9. Senator Rock which would not make it a moving violation?

10. SENATOR ROCK:

11. The amendment is going to that. Yes sir. It is going to

12. delete that section of it because that was the only area of objection

13. I'm told.

14. SENATOR SOURS:

15. I vote present.

16. SECRETARY:

17. Vadalabene, Walker, Weaver

18. SENATOR DONNEWALD: (PRESIDING OFFICER)

19. Senator Merritt desires recognition.

20. SENATOR MERRITT:

21. A...if you come to me in a minute I want to get a copy of that

22. bill and see what is deleted and then I may change my vote.

23. SENATOR DONNEWALD: (PRESIDING OFFICER)

24. For what purpose does Senator Palmer arise? Okay. Senator Chew

25. for what purpose do you arise?

26. SENATOR CHEW:

27. Is roll call over with?

28. SENATOR DONNEWALD: (PRESIDING OFFICER)

29. Roll call is not over with.

30. SENATOR CHEW:

31. Thank you.

32. SENATOR DONNEWALD: (PRESIDING OFFICER)

33. Senator Graham.

SENATOR GRAHAM:

1. How am I recorded? Then may I ask the Senator from Chicago
2. a question?

3. SENATOR DONNEWALD:

4. Senator Rock.

5. SENATOR GRAHAM:

6. Senator Rock I was one who opposed this bill as you remember.
7. Now you have just proposed as I was coming inf from a phone call,
8. an amendment to delete the provision making this a moving violation
9. whereby they would lose their license or be a portion of them losing
10. their license. What's the content of your amendment? What is con-
11. tained in your amendment?

12. SENATOR ROCK:

13. Well if you've got a copy of the bill as drawn it just deletes
14. certain lines and sections. Now Representative Fleck tells me that
15. the amendment is designed to delete that portion that relates to
16. the moving violation section of the motor vehicle code.

17. SENATOR GRAHAM:

18. Well, I thought I was the one asking the Senator the questions?

19. SENATOR DONNEWALD: (PRESIDING OFFICER)

20. Senator Graham is recognized.

21. SENATOR GRAHAM:

22. Senator, also in the original bill there was a provision and
23. correct me if I am wrong, that said that if a person lost their
24. license and this violation was a part of that then upon their
25. application for a new license then they had to be completely
26. familiar with the contents of the Litter Control Act as a part of their
27. examination. Is that still in there or is it?

28. SENATOR ROCK:

29. That again Senator is ...the whole section starting at page
30. 6 concerning Article II, amendments to the Illinois Vehicle Code
31. is being deleted. Or will be deleted by virtue....

32. SENATOR GRAHAM:

33. That portion is out of it entirely.

1. SENATOR ROCK:

2. Well, it's not out of it yet. I'm suggesting to the members
3. of the Senate, that when this bill...if and when it reaches second
4. reading, I will offer the amendment that will take care of this.

5. SENATOR GRAHAM:

6. Will you...will you then Senator, and I'm sure you will, agree
7. with me that an...if this comes out, that an amendment or amendments
8. that might be proposed by well-meaning people that might contribute
9. to the environmental quality of this bill and not be so specifically
10. heavy on the penalty of it, would you be amenable to at least con-
11. sidering those amendments?

12. SENATOR ROCK:

13. Senator Graham, as with any bill that I'm the sponsor of, I'm
14. amenable to any and all amendments.

15. SENATOR GRAHAM:

16. Now I have one other concern. Pollution is one thing, and those
17. who do it is another. I had another concern in Committee, and that
18. was the fact that there is a specific penalty placed upon a motorist
19. and I'm not defending a motorist who litters our highways or playgrounds,
20. don't misunderstand me. But there isn't anything being done about
21. the motorcyclists or bicyclists and the pedestrians who cause just as
22. much damage. Now, can we work that out?

23. SENATOR ROCK:

24. Senator I think so. As I said in Committee at that time when you
25. raised that question, that under the definitions of this bill the words
26. "motor vehicle" have the meaning ascribed to that term in section 1-146
27. of the Illinois Vehicle Code. Now my assumption was, and I will again
28. check with Representative Fleck who is the House sponsor, that he
29. intended to cover all of those vehicles that are in fact covered by the
30. Motor Vehicle Code, which would cover motorcycles and bicycles. Yes,
31. sir.

32. SENATOR GRAHAM:

33. One more...

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Graham.

3. SENATOR GRAHAM:

4. I'll tell you what I'm going to do. I'm going to help you get
5. this back for an opportunity to do some specific amending on this
6. bill because I think there may be some good that could be salvaged
7. from it. But I'm also at the same time going to reserve the right
8. to offer the same kind of opposition on third reading I did in
9. Committee if we don't get it cleaned up, and I vote aye.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Sours for what purpose do you arise?

12. SENATOR SOURS:

13. Ah, Mr. President, I should like to change my vote on this
14. provided we get the amendments that I asked for a minute ago, and
15. provided Senator Graham is satisfied with his amendment. For that
16. reason I ask unanimous consent to change my vote to aye.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. We have leave? Leave is granted. Senator Chew.

19. SENATOR CHEW:

20. ...been recorded on that as of yet, and in explaining my vote it
21. was made clear to the Senate sponsor, Senator Rock, in Committee that
22. this bill had to be cleaned up and a total dele...deletion of the
23. moving violations. We have enough things attached to our driving
24. privileges without imposing this law and he certainly agreed, now my
25. leader said what should we give them other than a...a...suspension,
26. a gold cup? Well, no, Senator, I don't think they ought to have a
27. gold cup, but when you determine the revenue that the State of Illinois
28. gains from drivers alone, maybe we shouldn't be so anxious to get every-
29. body off the highway. I might drive a wagon down the highway and
30. litter the highway, well you can't take my driver's license cause I
31. don't have any to drive a wagon. So we want the litter law, but we
32. want..we do not want this bill at all to touch in any part, Senator
33. Rock, the driver's license. Now do you promise that?

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Rock.
3. SENATOR ROCK:
4. Senator Chew, as I indicated before to Senators Graham and Sours,
5. the bill with the proposed amendment which I have and will offer, takes
6. the Secretary of State and the driver's license completely out of the
7. bill.
8. SENATOR CHEW:
9. Mr. President, I will vote aye.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)
11. Senator Chew votes aye. Senator Merritt, for what purpose do you
12. arise?
13. SENATOR MERRITT:
14. Ah, for the purpose, perhaps, of changing my vote if I can ask
15. one question.
16. PRESIDING OFFICER: (SENATOR DONNEWALD)
17. Will you yield, Senator Rock? Inquire.
18. SENATOR MERRITT:
19. I'd want to first of all commend you, Senator Rock, for the fine
20. manner in which you have approached this. Now do I understand correctly
21. on page 6 on Article II amendments you delete that plus page 7, 8, 9,
22. and 10, down to Article III. Is that substantially what the amendment
23. does, Senator?
24. PRESIDING OFFICER: (SENATOR DONNEWALD)
25. Senator Rock.
26. SENATOR ROCK:
27. That is correct.
28. SENATOR MERRITT:
29. With that provision then, I ask unanimous consent of the Senate
30. to change my vote from no to aye.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Do we have leave? Leave is granted. For what purpose does Senator
33. Baltz arise?

1. SENATOR BALTZ:

2. Mr. President and members of the Senate when I cast my vote on
3. roll call, I think I'm the first one called that has a chance to
4. respond when the Secretary calls the roll. At that time, there
5. wasn't any talk about these amendments at all. I was very definitely
6. opposed to the bill, and the argument that I gave was that it did
7. become a moving violation on your driver's license. Since hearing
8. Senator Rock's explanation to a number of the Senator's who were
9. concerned about this same thing on the Floor and that there was
10. assurance that the amendment would eliminate this difficulty, why
11. I want to change my vote from no to aye.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Do we have leave? Leave is granted. For what purpose does
14. Senator Knuppel arise?

15. SENATOR KNUPPEL:

16. I don't believe I've voted yet, and I certainly want to be recorded
17. on this momentous bill, and at first I was doubtful about it too, but
18. now I see that our State Policemen will be relegated to the situation
19. where they will be picking up cigarette butts as evidence in court,
20. all those kinds of things. I thought we had anti-litter bills and
21. penalties for it, but the thing that really made up my mind on this
22. bill was when they decided they were going to include bicycles because
23. I've always said that when my son got his driver's license I wanted
24. him to start with two moving violations because I knew he'd be very
25. careful then and he wouldn't be killed in a auto accident. And this
26. way he can get his two moving violations before he can get his driver's
27. license. I'm going to vote aye.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Latherow.

30. SENATOR LATHEROW:

31. Mr. President, I know I'm recorded as no, but I think you will
32. recognize possibly that this is not the same bill that we're talking
33. about now as what it was prior to that time when we were voting. I

1. recognize also that it was introduced over here on the came over
2. here on the 18th day of May. I think probably once again we're
3. giving ample time for hearing and then taking from the committee.
4. Since this is a new bill I change my vote from no to aye.

5. SENATOR DONNEWALD: (PRESIDING OFFICER)

6. Do we have leave? Leave is granted. 46 ayes and 2 nays, the
7. bill is now placed in the order of second reading. For what purpose
8. does Senator Carroll arise? I think that you have consent to consider on
9. 'third reading House Bill 14 which was moved to third after the
10. amendment awhile ago.

11. SENATOR CARROLL:

12. That that is correct Mr. President and I gave a description
13. of the bill before. This is the bill that is designed to facilitate
14. the counting of judicial retention ballots and there was an error
15. in the wording of the bill that we had corrected on the amendment
16. and I've asked for a favorable roll call.

17. SENATOR DONNEWALD: (PRESIDING OFFICER)

18. Is there further debate? The Secretary will call the...
19. Senator Partee.

20. SENATOR PARTEE:

21. Just so we can do this with dispatch I was the one who asked it
22. to be held before we have absolutely no problems with it so I want
23. everybody to know that. And let's have a quick roll call...

24. SENATOR DONNEWALD: (PRESIDING OFFICER)

25. The Secretary will call the roll.

26. SECRETARY:

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

1. Walker, Weaver,

2. SENATOR DONNEWALD: (PRESIDING OFFICER)

3. Senator Walker.

4. SENATOR WALKER:

5. After the roll call.

6. SENATOR DONNEWALD: (PRESIDING OFFICER)

7. Thought you wanted to explain your vote. Senator Dougherty,
8. what purpose do you arise?

9. SENATOR DOUGHERTY:

10. Mr. President I'd like to ask for suspension of the rules
11. to take 42...

12. SENATOR DONNEWALD: (PRESIDING OFFICER)

13. A...just a minute Senator we have to announce the....the
14. ayes are 43 the nays are 0. The bill is declared passed. Senator
15. Laughlin for what purpose do you arise?

16. SENATOR LAUGHLIN:

17. Yes Mr. President Senator Lyons of the Constitutional Implementation
18. Committee has asked that I make a motion and I am most willing to
19. do it to discharge the committee from further consideration of House
20. Bills 3665 and 3666. The bills prescribe the procedure where two
21. or more counties after referendum may provide for joint election
22. of a State's Attorney.

23. SENATOR DONNEWALD: (PRESIDING OFFICER)

24. I believe that we could do this by a voice vote. Or do we have
25. further debate? Do we have further debate? All those in favor
26. say aye. Those opposed no, the ayes have it. The bill is discharged
27. in the order of second reading. Senator Walker for what purpose do
28. you arise?

29. SENATOR WALKER:

30. I, thank you Mr. President, I promised you about an hour ago
31. and members of the Senate that I'd report back on conditions on the floor
32. of the House. And first I'd like to state that I didn't take Senators
33. Horsley and Knuppel along with me because I needed any muscle man

1. and if I had of needed any muscle man I'd picked someone closer
2. to my age after all at the age of 40 or 41 you don't need any help
3. and I'd picked younger men rather than those two old geezers.
4. When the House found out we were coming over they adjourned and
5. went into a committee meeting so we didn't have any difficulty on
6. getting on the floor of the House and then we went back to the
7. Speaker's office and had a very friendly reception. And there seems
8. to be a little lack of liaison here on both sides of the rotunda.
9. It seems like one of the members sitting on the opposite side of the
10. aisle in the House was bounced off the floor of the Senate here a week
11. or two ago and I checked with him and that was true. And he was bounced
12. by a...our Sergeant-at-Arms. So I would suggest to that Sergeant
13. that you do what they do down in Congress 'cause I've been told never
14. having been there although I've turned down the opportunity on one
15. or two occasions. They take...they take...the Sergeants take pictures
16. and when that new Congressman walks in they say how are you Congress-
17. man Weaver and they recognize you from the picture but a...this
18. gentleman from Ladd nevertheless was expelled from the floor of the
19. Senate and I was told that as long as the House members were being
20. expelled from the floor of the Senate that the Senators are not going
21. to be permitted on the floor and I asked if that included the Speaker
22. and I don't think I got a direct answer to that former Speaker and I
23. didn't get a direct answer to that. Then I went into the rules and
24. then I was told in order to change the rules someone on the floor
25. would have to make the motion that the Chair be overruled and my
26. answer to that was that I didn't think from what I had been reading
27. and hearing on this side of the rotunda that would be too difficult to
28. do that there probably wouldn't have been over a hundred and seventy
29. offer to do that. In any event when I think the Republican and Democrat
30. Leadership go over that we should get this straightened around with
31. the Speaker of the House. He had a few other unkind remarks for the
32. Senate but I will refrain from telling you what they were because
33. I have often felt the same way when I sat on the other side of the
Rotunda as the numerous

1. members of the Senate who formerly served in the House. In fact, I
2. was told that the House was going to adjourn sine die
3. and I told the Speaker that that was the best news that I'd heard
4. since we come down here and I just hope that it went through, however,
5. I think that is wishful thinking. That's the report fella Senators
6. and Lady Senator the best as I can give it to you but I would suggest
7. again being repetitious that our Leadership confer with the Leadership
8. over there. Let them know who the Senators are. We should know who
9. the House members are so that they are ruled out of order thrown off
10. when they're over here. Thank you very much.

11. SENATOR DONNEWALD: (PRESIDING OFFICER)

12. Senator Dougherty, did you wish recognition?

13. SENATOR DOUGHERTY:

14. I...Mr. President I'd like suspension of the rules for the
15. purpose of bringing House Bill 4283 from the committee on Local
16. Government. This is comes in the purview. It is an administration
17. bill. I discussed with Senator Clarke, Senator Partee has no
18. objection.

19. SENATOR DONNEWALD: (PRESIDING OFFICER)

20. Is there objection? All those in favor say aye, those opposed no,
21. the ayes have it. The bill's on second reading. Senator Course.

22. SENATOR COURSE:

23. Yes, Mr. President, Revenue Committee will meet immediately after
24. adjournment in M-3 and there will be a meeting Thursday morning at
25. 9:00 in M-3.

26. SENATOR DONNEWALD: (PRESIDING OFFICER)

27. Senator O'Brien.

28. SENATOR O'BRIEN:

29. Mr. President and Senators I'd like to have leave of the Body to have
30. House Bills 3608 and 3609 heard Thursday morning at 9:00 a.m. in
31. the Revenue Committee.

32. PRESIDENT:

33. Is there objection? Leave is granted. For what purpose does

1. Senator Mitchler arise?

2. SENATOR MITCHLER:

3. Mr. President and members of the Senate, the Constitutional
4. Implementation Committee in addition to the two bills that Senator
5. Laughlin has two of my bills 1502 and 1503 and I'd like to move
6. to discharge the committee and advance those to second because I
7. don't know when you're going to have a meeting of your Constitutional
8. Implementation.

9. PRESIDENT:

10. There is objection.

11. SENATOR MITCHLER:

12. When will the Constitutional Implementation Committee meet again
13. then?

14. PRESIDENT:

15. Senator Lyons.

16. SENATOR LYONS:

17. Probably tomorrow, Senator.

18. PRESIDENT:

19. Senator Mitchler.

20. SENATOR MITCHLER:

21. Will the bills be posted and will a notice be sent out that they
22. will be tomorrow? And I mean you just can't hold these bills in
23. Committee.

24. PRESIDENT:

25. Senator Lyons.

26. SENATOR LYONS:

27. I thought that rule had been waived with respect to Constitutional
28. Implementation bills. And I thought you just told me a couple of
29. minutes ago that if we had a meeting tomorrow that would be satisfactory
30. with you.

31. PRESIDENT:

32. Senator Mitchler.

33. SENATOR MITCHLER:

If we have a meeting tomorrow that will be satisfactory.

PRESIDENT:

1. SENATOR MERRITT:

2. Mr. President a point of inquiry. A...I wonder will Appropriations
3. Committee meet immediately following adjournment today?

4. PRESIDENT:

5. Senator Lyons.

6. SENATOR LYONS:

7. Appropriations Committee will meet immediately after adjournment
8. of the Senate today on the floor.

9. PRESIDENT:

10. We have a couple of Resolutions here yet that have to be
11. disposed of. Just one left...Senator Latherow.

12. SENATOR LATHEROW:

13. Mr. President you know earlier in the afternoon I mentioned
14. to you that my wife was down here looking after me and I don't know
15. why whether it something collusion going on or not but I think
16. Senator Merritt's wife is in the gallery maybe down here looking after
17. him. I wonder if she would rise and be....

18. PRESIDENT:

19. At the end of business of the day this is legitimate, incidentally,
20. for people to introduce guests. We have a Resolution.

21. SECRETARY:

22. Senate Resolution 360 introduced by Senator Lyons.

23. PRESIDENT:

24. Senator Lyons this is the death reso...Senator Lyons.

25. SENATOR LYONS:

26. This this is a death resolution commemorating the fourth anniversary
27. of the death of former United States Senator, former U.S. Attorney
28. General, Robert F. Kennedy. And I'd ask the clerk read the Resolution.

29. PRESIDENT:

30. Death Resolution request that it be read the Senator will be in
31. their seats. Just a moment, Senator Egan. We will not proceed until
32. the Senators are in their seats. The Secretary will read the
33. Resolution.

1. SECRETARY:

2. WHEREAS, United States Senator Robert Francis Kennedy died four
3. years ago this day, the victim of an assassin's bullet; and

4. WHEREAS, He was struck down at the peak of his brilliant political
5. career while participating in the ultimate political process of this
6. society, candidacy for the presidency of the United States; and

7. WHEREAS, Senator Kennedy was a devoted husband and father, and
8. a devout man of God, and let his deeply held religious principles guide
9. his personal life and his public career; and

10. WHEREAS, He was an outstanding public servant as United States
11. Senator and Attorney General of the United States; and

12. WHEREAS, Senator Kennedy typified all the qualities so highly
13. valued in public men and so seldom found: indomitable courage, deep-
14. seated patriotism, unflagging devotion to duty, and selfless willing-
15. ness to use all proper means to further the best interests of his
16. Country and its people; and

17. WHEREAS, Although born to wealth and privilege and accustomed to
18. great power early in his career, he numbered among his most devoted
19. and loyal supporters the poor and the powerless, who responded to
20. his boundless compassion for them and their lot; and

21. WHEREAS, His political credo is summed up in the words he so
22. often used:

23. "Some men see things as they are and say 'why?'"

24. I dream of things that never were and say 'why not?'"
25. now therefore, be it

26. RESOLVED, BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY
27. OF THE STATE OF ILLINOIS, that on this the fourth anniversary of the
28. assassination of Robert Kennedy we feel still a profound sense of loss
29. over the death of so young and talented a leader; that we join with all
30. those who loved him in expressing our deepest and most heartfelt regret
31. of his untimely death; and be it further RESOLVED, That a suitable
32. copy of this preamble and resolution be forwarded to his widow, Mrs.
33. Ethel Kennedy, for acceptance by her on behalf of the entire family.

1. **PRESIDENT:**

2. Those in favor of the adoption of the Resolution, please rise.
3. The Resolution is adopted. Senator Partee moves that the Senate
4. adjourn until 10:00 tomorrow morning. All in favor signify by
5. saying aye. Contrary. The Senate stands adjourned. Senator
6. Clarke.

7. **SENATOR CLARKE:**

8. A Republican caucus at 9:00 tomorrow morning.

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