

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

November 10, 1971

PRESIDENT:

Senate will come to order. Prayer by the Chaplain, Reverend Eugene L. Bungay, Pastor of St. John the Baptist Church in Red Bud. Father Bungay.

PRESIDENT:

Reading of the Journal. Moved by Senator Johns the reading of the Journal be dispensed with. All in favor signify by saying aye. Contrary minded. Motion prevails. If I may have the attention of the body...if I may have the attention of the body. For what purpose does Senator Graham arise?

SENATOR GRAHAM:

I arise to make a point of parliamentary inquiry.

PRESIDENT:

What is your inquiry?

SENATOR GRAHAM:

I think that it has been the rule of this Senate that someone in the leadership capacity screens and suggests what can or cannot be passed out. We have just received a little printed material regarding 808 and I, as a Senator, believe that anyone that is interested in handing out this kind of propoganda should be interested in putting their name on it...it isn't on here, and I think this practice should be discontinued.

PRESIDENT:

Well...the Chair is unaware of who distributed this, but I agree that anything like that that is distributed ought to be signed. I think your point is well taken, Senator. The...if I may have the attention of the Senators...if I may have your attention. Since we're...since we're operating with a, not only with a Journal, but with a recording of our procedures, after the motion to adjourn five senators requested discharge of various bills. If there is...now I don't see all the Senators here. Maybe we'll take this up a little later, but the...Senator Course is here. I think probably the best thing would be to repeat your request for discharge of committees in all events. Senator Course.

SENATOR COURSE:

Mr. President...Mr. President, I would like to have the Executive Committee discharged of consideration of House Bills 3633, 34, and 35 and have these bills placed on the order of second reading without reference.

PRESIDENT:

Is there objection? Just...just a moment. Senator Knuepfer.

SENATOR KNUEPFER:

If you'll give me a moment to look them up I'll know whether I have objection, but we had such a fast gavel yesterday that we got by without them. I didn't have an objection, but I think we ought to have a moment on these to find out what we're talking about before all of a sudden leave goes through.

PRESIDENT:

Senator Course. 3633.

SENATOR COURSE:

Mr. President, probably I was remiss last night. I wasn't aware that we had adjourned and I asked for permission to have these bills advanced. They are the State Treasurer's bills and they are the recommendation of the auditors of Arthur Young & Company.

PRESIDENT:

Is...is there objection? Is there objection? Leave is granted. Senator Latherow. We're...last night you asked for discharge of 3736. This happened after the motion to adjourn. I think we'd better redo that. Is there...Senator Latherow asked for discharge of Local Government on House Bill 3736.

SENATOR LATHEROW:

Yes. I talked to Senator Dougherty beforehand. It's in Local Government, Mr. President, and this is a County Coroner's bill. Many of these small counties do not have population enough or possibly coroner's action enough to afford to pay a coroner \$9,000 a year. And I...this bill calls for \$25 to \$50 per day and for population under 50,000. Now my intent is to amend both of those and I talked that with Senator Dougherty yesterday,

when we got it on second reading.

PRESIDENT:

Is there objection? Leave is granted. Senator Knuepfer, you made the motion to send Senate Bills 1177, 79, and 80...discharge Executive and send them to Local Government.

SENATOR KNUEPFER:

That's correct, yes sir.

PRESIDENT:

Is there objection to that? Leave is granted. Senator Dougherty, you made the motion in connection with House Bill 2485.

SENATOR DOUGHERTY:

Yes, sir. This is a bill that provides for the placing on the ballot, in the proper sequence. I asked that it be discharged from the Committee on Elections and put on the order of second reading. I discussed it with Senator Swinarski, the chairman, he has no objection.

PRESIDENT:

Is there objection from the floor? 2485. There is no objection. Leave is granted. Senator Walker...Is Senator Walker on the floor? Well, he...we'll get back to his. He also had a request. Senator Partee.

SENATOR PARTEE:

I don't think we have to worry about 2322. It's already on second reading. But it shouldn't be...Oh, I see, I see.

PRESIDENT:

Yes, the point is...the question...

SENATOR PARTEE:

Well, let's wait til he gets back because I have an objection to it, and I wouldn't want to do it in his absence.

PRESIDENT:

Alright. Senator...for what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

As long as we're on the order of discharging committee and having bills advanced to second reading without reference to committee, I did talk to

the President Pro Tem about a bill that I have been given to sponsor in the Senate, House Bill 2222. This bill was sponsored in the House by Representative Gardner. What this bill does, it sets up rules and regulations relating to lead poisoning, and this is a very serious state-wide problem. Now we can put the bill in committee, the Welfare Committee is not meeting anymore this week, and that bill would lay over. And according to the newspaper this morning, I read we are not coming back in January, but back in March, and this is a very serious problem dealing with children affected by lead poisoning. We had a young child die in the City of Aurora as a result of after-effects of lead poisoning, and this bill has passed the House by a tremendous vote, about 147 to nothing. It has some good points to it and I think that we could adopt something in this session that would be very responsive. And I'm going to ask that the committee be discharged, the Senate Welfare Committee be discharged, and this bill be advanced to second reading. That's House Bill 2222. It deals with lead poisoning.

PRESIDENT:

Is there objection? Senator Partee.

SENATOR PARTEE:

It is a subject matter of grave importance, but I note that on June 12th the bill was put on the fall Calendar; with 18 days remaining in the session of the House, they did not consider it as important as you feel that it is. More than that, we've looked at this bill and it has some substantial problems and we are not going to go pell-mell into passing this bill without getting a chance for an in-depth study of it, and without getting a chance to amend it to a more palatable and reasonable form. So we are objecting to its being discharged from committee.

PRESIDENT:

There is objection. Committee reports. For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

I would like to move to suspend the rules and ask for this committee

to be discharged and have this bill advanced to second reading. I call for a vote...a roll call.

PRESIDENT:

The Chair will not recognize that motion right now. We will...do come to the order of motions shortly and we've promised Senator Groen a priority on that...on that order.

SECRETARY:

Senator Donnewald, Chairman of Assignment of Bills, assigns the following: To Appropriation Division of the Committee on Public Finance, Senate Bill 1315, 1316, and 1317.

PRESIDENT:

Resolutions. The...

SECRETARY:

Senate Resolution number 268, introduced by Senator Coulson, it is a death resolution.

PRESIDENT:

Is there objection to the immediate adoption. All in favor signify by saying aye. Contrary minded. Resolution is adopted. We come to the order of motions. Senator Groen is recognized.

SENATOR GROEN:

Yes, Mr. President. I would like to proceed to consideration of... I move that we proceed to the consideration of...consideration...bills on consideration postponed.

PRESIDENT:

The...Senator McCarthy, what is your objection?

SENATOR MCCARTHY:

First of all, I wonder if the motion is in writing. Could I have a copy of the motion?

PRESIDENT:

We have it in writing; we'll get you a copy of it.

SENATOR MCCARTHY:

Read the motion, please.

PRESIDENT:

The motion is that the body proceed to the order of bills on postponed consideration.

SENATOR MCCARTHY:

Alright. Alright, Mr. President.

PRESIDENT:

Just...just a moment. Let's...we have that noise on the outside and it aggravates things, but we're going to have to...Senators Nihill, Smith, Cherry, Hall, Donnewald, and staff members everywhere, please, let's... Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President. You have informed me that the motion is in writing, then? Now, I would make a first substitute motion which is present on the Secretary's desk.

PRESIDENT:

What is your point of order, Senator Groen?

SENATOR GROEN:

The rules do not provide for substitute motions on the floor.

PRESIDENT:

The...what is your motion? There is no such thing as a substitute motion. There are other motions that take priority, but there is no such thing as a substitute motion.

SENATOR MCCARTHY:

Well, if there is no such thing as a substitute motion, there would be a motion, I presume in order, to lay Senator Groen's motion upon the table.

PRESIDENT:

That would be in order.

SENATOR MCCARTHY:

Do I have to put that in writing?

PRESIDENT:

Not unless it is demanded by someone. Senator Groen.

SENATOR GROEN:

In...for the matter of expediency and not to unduly delay the deliberations of this body, take the time of the membership, I would not make such a motion...a request.

PRESIDENT:

The motion is to table the motion by Senator Groen. The motion is not debatable. The motion is withdrawn. Senator McCarthy. McCarthy.

SENATOR MCCARTHY:

Now, Mr. President, I wish to speak on this motion, and I don't wish to lose control. I do not wish to lose control, but when we...when we got into this matter...

PRESIDENT:

For what purpose does Senator Bidwill arise?

SENATOR BIDWILL:

Point of information, Sir. We have a real tough calendar here, and there's many, many important bills to take up. I'd like to know, for the benefit of the Senate, how long these dilatory tactics are going to be carried on. If it's going to take a couple hours, we can go out for lunch.

PRESIDENT:

Senator...Senator McCarthy is recognized for debate of the motion.

SENATOR MCCARTHY:

As I stated, Mr. President, I like to observe the rules of this body, and one of the rules of this body is that everyone conduct themselves in debate in a proper manner. And when this matter was under consideration, yesterday evening, one member of this body...one member of this body offered a motion on the previous question. And, Mr. President, in a matter such as this which effects the automobile rates of every person that drives a car in the State of Illinois, I believe such a matter deserves debate, particularly in view of the fact that there has been no Senate committee hearing on this matter, and I further think that it's most inappropriate of one Senator to attempt to foreclose me from debate, from speaking on something that effects every driver in my district when that particular

Senator has, on many occasions...many occasions, said that he and people that he represents want to be heard. We've always allowed that Senator the right to be heard. In this great State of Illinois we've passed constructive legislation that have allowed people of any origin and any race to be heard...to be heard on the floor of this Senate, and I will give to any member of this Senate, be he white or be he black, an opportunity to be heard and I resent...

PRESIDENT:

Senator Newhouse, what is your point of order?

SENATOR NEWHOUSE:

Well, Mr. President, are we about to go into a filibuster or are we going to get to the merits of this bill?

PRESIDENT:

The Chair would have to rule that's not a point of order, Senator Newhouse. Senator McCarthy may proceed.

SENATOR MCCARTHY:

I might state, Mr. President, we'll get into the merits of the bill more quickly if the interruption is less. Now the essential issue...the essential legislative issue that surrounds the motion to move to House Bill 1568 can be said this way. Last January when I was sworn into office as a member of the majority in this body, my aspiration for a legislative program for the people consisted of three matters. One, I wish to pay more money to the widows and children of working men killed on the job, to pay more money to men and women who suffer injuries while working. This has been accomplished.

PRESIDENT:

For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Mr. President, what order of business are we on?

PRESIDENT:

We are on the order of motions. Senator Groen has made a motion that we proceed to the order of Postponed Consideration.

SENATOR NEWHOUSE:

Well, Mr. President, shouldn't the remarks be germane to the order of the motion?

PRESIDENT:

They should be.

SENATOR NEWHOUSE:

It appears to me that they're not, Mr. President.

PRESIDENT:

The Chair was engaging in conversation here with Senator Gilbert on another matter and I can't really rule...the Senator will confine himself to the motion. For...for what purpose does Senator Groen arise?

SENATOR GROEN:

Mr. President, I have no objection to any member speaking the authorized time on any matter before this body, including this bill. I would ask the Chair to direct the Parliamentarian to keep his stop watch going.

PRESIDENT:

We are doing that. Senator McCarthy may proceed.

SENATOR MCCARTHY:

Yes, Mr. President, thank you. One objective of this member as a member of the majority was to do something for the motorist. The people that drive cars, the people that ride...

PRESIDENT:

For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Mr. President, I'm sure we're all concerned with the aspirations of the Senator, but that's not germane to the question before the House. Can you ask him to be germane to the issue that's before us presently?

PRESIDENT:

Senator McCarthy will confine himself to the motion at hand. Senator McCarthy may proceed.

SENATOR MCCARTHY:

And I hope on the stop watch that my time, when I'm interrupted by

Senator Newhouse and others, be charged to them.

PRESIDENT:

No Senator's time is...when anyone else speaks, this is not true only for Senator McCarthy, but any Senator, that time is not charged. Now, unless it's a question. If a Senator asks a question another time, that is charged to the Senator asking the question. The Senator may proceed.

SENATOR MCCARTHY:

Thank you, Mr. President. In speaking to this motion, which has been stated here that we want to move to 1568, which effects people that drive cars. It's been my desire to do something for the people who ride in cars in my district and in the State of Illinois. I, along with others, want to do something for these people who must pay insurance, but have no way of controlling the cost to them of the insurance that they must purchase at the risk of losing their driving privileges. This is the subject matter of House Bill 1568 and, at the risk of over-simplification, the question may be simply stated this way. Should Rhonda Wiggins, an employee in this building, a resident of Taylorville, in renewing her car insurance have to pay the amount that Allstate, or State Farm, or Country Mutual says she has to pay or should we make the Department of Insurance of the State of Illinois...

PRESIDENT:

Just...just a moment. For what purpose is Senator Newhouse arising?

SENATOR NEWHOUSE:

A point of order. Mr. President, what is germane to the issue before us now? It seems to me that we're getting into the merits of the bill. That's fine, I think we ought to be able to discuss the merits of the bill, but I think we ought to discuss the merits of that bill when that point is before this body. Otherwise, we're talking about a filibuster. I'll sit here, I've got no problems.

PRESIDENT:

The Chair would have to rule that you can't really discuss the motion to move to this order of business without also discussing the bill.

SENATOR NEWHOUSE:

The Chair would say that the merits of the bill are germane at this point?

PRESIDENT:

I think they are.

SENATOR NEWHOUSE:

Then how many bites of the apple is the Senator going to get? He's got forty or fifty questions. How many bites is he going to get, Mr. President? I'd like to know because it seems to us we all have some interest in what kind of time is going to be spent here today.

PRESIDENT:

Senator...Senator McCarthy and Senator Newhouse and all members of the Senate will be able to use the rules of the Senate.

SENATOR NEWHOUSE:

I'm not concerned about that, Mr. President. What I'm concerned about is that at some point we get to discuss the issues, and we have some time limitation on it, so we all don't sit here until 7 o'clock. I'm perfectly willing to sit, Mr. President, I suspect that most of us don't want to do that. I think that you ought to proceed with the business as expeditiously as possible.

PRESIDENT:

Well, the Chair is not eager to do that either, but we're going to proceed. Senator McCarthy is recognized.

SENATOR MCCARTHY:

Thank you very much. I don't...thank you very much, Mr. President.

PRESIDENT:

What...what...for what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

May I ask, what's the time? How much time do we have left here?

PRESIDENT:

Seven minutes have expired, I'm advised. Senator McCarthy is recognized.

SENATOR MCCARTHY:

Thank you very much. I'm reminded of what I said when I prefaced my remarks about the right to be heard by the continuous interruption by the Senator in the rear.

PRESIDENT:

Well, Senator Newhouse, you're postponing the agony rather than hastening. Senator Newhouse.

SENATOR NEWHOUSE:

The implication, Mr. President, is that the gentleman is being cut off. He's going to be given his full time, is that not correct?

PRESIDENT:

He will.

SENATOR NEWHOUSE:

So the fact of the matter is that a Senator from Cook County can't cut him off in any kind of way. Isn't that also correct?

PRESIDENT:

This is correct.

SENATOR NEWHOUSE:

Then he's crying in his soup over nothing as I see it.

PRESIDENT:

Senator McCarthy is recognized.

SENATOR MCCARTHY:

I'd state that I'm neither crying nor do I have a soup bowl in front of me. Now, Mr. President, if I could revert at least to a paragraph before I was interrupted in the rear. I phrased the question should Rhonda Wiggins, a resident of Taylorville, in renewing her car insurance have to pay the amount that Allstate, or State Farm, or Country Mutual says she has to pay or should we make the Department of Insurance of the State of Illinois screen rate increase proposals, and approve or disapprove these proposals so that Rhonda Wiggins may have some governmental protection in this field. Use any argument you wish. Cloud the issue if you will. Talk about the occult and mysterious practices of rating bureaus and rating

policy. Attempt to confuse this body and the public by an unprecise definition of underwriting profit. Use extraneous arguments. Allow the Governor of this State, through his publications, allow the narrow, special interests of the insurance companies to persuade you, but nevertheless, the essential issue, the ultimate question is this: Should my constituents and yours have someone regulating the cost of their auto insurance? That's the issue. I believe, as a matter of contract, under the existing law, the insurance company does not have to sell the policy to me, or any of my constituents. They don't have to sell to me, if they don't want to. But, I, as a practical matter, must buy insurance and that is not a fair contractual atmosphere; when you have a discretionary seller and a purchaser who must purchase. And so, we need, or I need for my constituents, the help of the Department of Insurance to intervene in this proposed contract so as to assure fairness. Fairness for the motoring public...

PRESIDENT:

For what purpose does Senator Graham arise?

SENATOR GRAHAM:

First of all, Mr. President, I'd like to compliment you on saying that this is agony and second of all, I'd like to know how much time we have left for agony.

PRESIDENT:

Four minutes and 18 seconds left, Senator Graham. Senator McCarthy may proceed.

SENATOR MCCARTHY:

Thank you, Mr. President. Senator Graham, I'm sorry I didn't get that electronic system worked up where my voice could be blocked out from your ear. Now as I was coming to, on the point about the fairness of contract where the insurance company does not have to sell, but the people, as a practical matter, have to buy. I have suggested that that is not a fair contractual atmosphere. But I need for my constituents the help of the Department of Insurance to intervene into this proposed contract so as to assure fairness. Fairness to the motoring public that they can get adequate

protection at a reasonable price. And fairness to the economy in general so as to prevent insurance companies from reaping excessive benefits and profits. Now Mr. President, that is a preliminary statement and I'm sorry if it's agonizing to any member in this body. That is the preliminary statement of the question and is the basis of why I object to the allowance of Senator Groen's motion because he stated that we will get into the matter of House Bill 1568, which, as proposed now, continued the so-called open rating policy which I call ceiling unlimited policy, where people can charge whatever they want without departmental regulation. And the question of whether or not auto insurance and the cost should be regulated by the state; whether it comes closer to telephone service and power line or whether you should consider it as buying apples or avocados will be the ultimate issue. I thank you, Mr. President, very much for allowing me to speak in opposition to this motion.

PRESIDENT:

Is there further discussion? Senator Groen may close the debate.

SENATOR GROEN:

Mr. President, all of these issues are going to be discussed at length...

PRESIDENT:

Just...just...just...just a moment. Senator Knuppel is recognized.

SENATOR KNUPPEL:

I have some questions to direct to the sponsor of this motion. Number one, just exactly what is the status of open rating in the State of Illinois under the present law that has...as it has expired?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, I hope I won't have to do this again. I intended to go into this in detail if and when we get to the bill.

PRESIDENT:

I...I think that that's probably the more proper...If Senator Knuppel

will hold his questions, I think that really is more to the bill itself than to the immediate motion. Senator Knuppel.

SENATOR KNUPPEL:

Of course I think this troubles a lot of us to how we're going to vote on this motion and this...I think we need to know something about what we're going to go into here and what the status of it is and whether it's worth the time and effort. And I think we have to know something about what we're talking about to vote intelligently even on a motion to take this up out of order.

PRESIDENT:

Senator Knuppel may proceed. Senator Groen.

SENATOR GROEN:

I...I...I'm perfectly willing to do this. It's going to be time consuming. It is a complex, somewhat lengthy explanation. I'm...I'm...if... if the Chair feels this is appropriate and the Chair rules that it is a proper question and germane to the motion, I'll answer it, but I'll ask for a ruling on it.

PRESIDENT:

Well, the Chair will rule that it's awfully difficult to consider the motion to move to this order of business without considering the merits of the legislation, so that I think the question is in order, is germane, and the Senator may respond.

SENATOR GROEN:

Alright. Well, Mr. Chairman, or Mr. President, I beg your pardon, Senator Knuppel, members. Prior to the enactment of the open rating concept two years ago, insurance rates were set, generally, in this manner. The insurance companies had what they called rating bureaus. The rating bureaus would study given areas and then would come up, based upon risk... uh, uh, of accident, based upon cost of repairs and a complicated formula, they would come up with a recommendation which rates they would turn over to the companies and the companies, frankly, sat in with the bureaus in making those rates. And if I ever saw what I thought was a violation of

the Sherman Anti-Trust Act, that was probably it. Then all of the companies filed the same rates with the Department of Insurance and the Department of Insurance accepted those rates and they became the rates that the companies would charge. Now, under open rating...and while I am speaking on this and without directing to the inconsistencies, the inaccuracies of Senator McCarthy's comments, which I propose to get to later. Under the present system, for example, he made the statement that the companies can charge what they want without department regulation. Nothing is further from the truth. That is simply a complete, a complete misrepresentation of the truth. The way it is now is this: They don't use the rating bureaus anymore. They set their own rates. They file those rates with the Department. It is true that they have the authority to put those rates into effect at the time they are filed with the Department. The Department then reviews those rates and if the Department finds them to be unconscionable and in...and improper, the Department finds they are too high; the Department has the right to review those rates and tell the company they cannot put them into effect and must withdraw them. Now, that's the present...that was the past and that is the present method of doing this.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Has the failure to extend the open rating law affected insurance companies in their rates in any way since the adjournment here on June 30?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, when the...and again we've got to allude here to another bill, that being the no-fault bill. Uh...shortly after the enactment of that law, I presume you read in the paper where one of the leading insurance companies providing personal injury, property damage, automobile insurance in the State of Illinois, reduced their rates substantially. Now,

I would be the first to admit that there are individual cases where insurance premiums have gone up. Mine went up. Mine went up because my wife had an accident and, uh, I can't quarrel with the company about it. I think it was probably justified. And I think that any competitive system must include the element of risk, the element of the individual driver and so on, in determining these things. But as far as the Department has reported to me, and I made the statement on this floor last June that if the open rating bill passed at that time I would be one Senator who pledged himself to keep a close look and a watchful eye on the Department to see what they were doing with this, and I have done that and I have contacted them repeatedly about the experience on this and the reports to me from the Department that such has not been the case from its inception two years ago, that many companies have in fact reduced their rates, that in their judgment, the system is working well. Now the problem arises, the request for continuation, and I said this in June when a similar bill which I was sponsoring went down to defeat and I didn't even move to postpone consideration, prior to adjournment and when this matter was under discussion I spent one whole weekend in my law office, uh, researching what would happen if no...if, if the open competitive rating bill died. I had persons who are far better qualified to do that research, who have better...who are better equipped, law library-wise, to do that research, uh, research the same question. The fear was that if there was no law at all, that the Sherman Anti-Trust Act would come into being, and I think that's one of the motives behind all of this, in an effort to block legislative authorization for continuation of open rating in the hope that the Sherman Anti-Trust Act might be invoked against companies in this state and this then would get what I think, really think, Senator McCarthy and Senator Philip Hart, from Michigan, and others seem to want, and that's a national law dealing with both no-fault and rating. I think this is what they want - federal control of the insurance industry. Now, this is a philosophic viewpoint. Some people believe that's good, some people believe that's bad. But my search revealed, Senator Knuppel, and in my

judgment, that the Department of Insurance did have the power, by regulation, to extend the open rating concept, after August 1, 1971. The Department did this and by regulation open rating was continued. There is a difference of opinion as to whether or not continuation by regulation is the same as continuation by legislative enactment insofar as the Sherman Anti-Trust Act is concerned. I'm one who believes that regulation is adequate. There are many who believe that it is not. But this bill, as the amendment is going to be offered and which was distributed to the members some two weeks ago, goes beyond the extension of open rating and includes within it a provision that would establish one rate for cities over 2 million population and do away with the districting or zoning, as it is called, where different rates might be applied to different areas in the City of Chicago. I hope I have answered your question. I have tried to.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Uh, Senator Groen, did this practice of districting cities arise and develop under the open rating laws that existed, or did it arise and was it developed prior to that time?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Uh, Senator Knuppel, it was in existence for a long time prior to the enactment of open rating.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Have any rates been disapproved under the open rating statute either before or after June 30, 1971?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I am advised by the Department that the answer to that is yes. Rates were, apps were...were filed with the Department and the Department has disapproved those rates.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Was that prior to or after June 30, 1971?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

That was subsequent, I am advised, again by the Department...subsequent to June 30, 1971.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Two more questions. One of them is you said that...you used the word unconscionable, and, uh, I'm one of these people that gets kind of befuddled with that word over two syllables. Uh, just exactly what is the test as to when a rate under the open rating is unconscionable?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I am advised by the Department that their procedure is this. That when a rate is filed with them, they get their auditors, they get out the financial reports that are required to be filed with the Department of Insurance showing the complete financial structure of the company, they audit it to determine if they believe that the increase is not justified, they audit it to determine what the profit picture is, just what the income has been from investment, they look at the entire structure, the entire financial condition of that company, they look to its efficiency and its operation and its management to determine whether it is being operated effi-

ciently and properly; and if in their judgment, then, they feel that some increase in rate is justified, they approve it. If they don't believe that, that those conditions are met, they disapprove it.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Then I assume this is a subjective test -- that there have been no regulations nor norms nor standards promulgated by the Department of Insurance, but this is purely a subjective matter with the Director.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, with the Director, as he is advised by his assistants who are charged with the responsibility of determining whether the rate is or is not justified.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Alright. Uh, I think you said that as one, you've been an ongoing committee of one to watch performance of the Department under the suspended open rating laws. Is there any statutory or other regulatory group or other group sanctioned to observe performance of the Department other than your...you as a volunteer?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Senator, yes, I would say that there is. We have a permanent, what is now a permanent, I am informed, ongoing insurance study commission that I have alerted, and at my request they have placed on their agenda a continuing study of this matter of not only open rating, but the effect which no-fault insurance is going to have when it becomes effective in the State of Illinois on January 1, because I think the two somewhat work to-

gether. Uh, in addition of that, I think it behooves every member of the General Assembly, on a matter of this kind, to acquaint himself with the effect which open rating has in the State of Illinois on insurance rates and the people of this State. And, uh, uh, so to answer your question -- yes, I think we as individual members have that responsibility. Secondly, the Insurance Study Commission has been directed by me and has on their agenda a continuing study of this problem.

PRESIDENT:

Senator Knuppel, and you will just...uh. Your time is about used up, Senator.

SENATOR KNUPPEL:

Uh, Senator Groen, I am somewhat apprehensive, as you know, about the performance of the Department of Insurance in Illinois over a number of years, particularly where politics become involved. And I served on a committee, a Joint House Senate Committee here, to investigate open rating earlier this year in this session, and it was at that...and as a result of those hearings that, uh, evidence was uncovered and action taken in this bill to provide by amendment for abolition of the zoning of cities. I personally feel that the morass of administrative agencies and the executive branch are so interrelated that, if we're going to get performance, if we're going to have open rating laws, that this body, as such, who are the voice of the people, ought to carry ongoing...an ongoing committee and an ongoing study of this because it's relatively new to Illinois. Would you object, if in fact this is brought back to the floor out of order on postponed consideration, to returning it to second reading, and uh, where it's subject to an amendment along those lines?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, Senator Knuppel, you will recall that the subcommittee to which you referred, uh, on that subcommittee, I was also a member. And you will recall that I drafted an amendment to the bill that

I was handling at that time, where I provided for such continuing ongoing committee study. When that bill failed to receive the required number of votes for passage last June, it was then...because that provision failed, and I wanted a continuing ongoing study, it was then that I directed the Chairman of the Insurance Study Commission to place this matter on the agenda for continued study and observation by the Insurance Study Committee, so that the legislative watchdog would be there to see that the... that there were no abuses and that it was working properly, and if amendments to it...if it should be revoked, for example, because it wasn't working or if amendments were necessary to make it properly workable, the Legislature would be informed, by that Commission, on the problem and be able to take affirmative action to correct it. But, no, I have no objection. I want legislative intervention, legislative watching of this; I want the same thing with no-fault. We...we have entered into a field here where we have little or no experience to go on, and I think it's terribly important that the Legislature continue to address itself to an ongoing observation of the effect of both of these concepts of insurance.

PRESIDENT:

In...incidentally, some members have asked the Chair...the gentleman from the Associated Press is apparently taking some pictures. He has the ...he did contact the President pro tem on that and received permission for that. Senator Vadalabene.

SENATOR VADALABENE:

Yes. Senator Groen, I have just a brief question to ask you. If I heard right, now did you state that in the City of Chicago, that there will be a uniform rate for the entire city?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Uh, Mr. Pres...Senator Vadalabene, the amendment which I propose to offer states that in cities of 2 million there shall be one rate on personal injury and property damage insurance, and, as involved auto vehicles.

It does not cover physical damage.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Would the rate, though, be the same?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I am advised by the industry and by the Department that, in their judgment, there should not be any necessity for increases when it...when it has been limited, as it is by this proposed amendment, to personal injury and property damage.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I was gonna ask him about collision next. How about collision, Senator Groen?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

This, I'm...I'm not positive. It would be my thinking that it is not included. Well, maybe I'd better elaborate on this. The...the problem, the problem on the rate structure does not really deal with personal injury and property damage. This is why, in the opinion of everyone who was involved in this, there would be no necessity for increases in it. The problem arises with vandalism; the stealing of hubcaps and the stealing of wheels, and...and the promiscuous breaking of auto windows, and this sort of thing. But, I...I...I, I will find out definitely whether collision is covered or...or whether it isn't. I am not positive as I stand here.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Senator Groen, would take an amendment to include collision?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, not until I find out whether it is, and whether it is covered or whether it isn't. And, secondly, I would want to think about it, because I would want to think about what it will do to the rate structure.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

I have on more question, but would you hold the motion until you find out about the collision aspect of it, Senator Groen?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, I see no reason for holding this motion on that. If you want to hold the final vote on that, on the...on the amendment, that is a different thing, but not on the motion, Senator.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Well, okay. I just wanted to ask you if you would hold your motion. Now, my other question is: Now, since you've taken care, or since your amendment takes care of the...of cities of 2 million or over; I happen to live in one of the highest rated sections in the State of Illinois, Madison County; and I'm sure St. Clair County is also another high rated section of the State of Illinois. Why are these two highly rated counties being excluded? Would you take an amendment to include these two counties, Sir?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Senator, all I can tell you is this. From June 30, or July 1st, to as late as three weeks ago, a committee worked long and hard. Senator Newhouse was on that committee. Senator Partee was on the committee. I don't know who else was on it. Corneal Davis was on it, industry people were on it, in an effort to try to resolve this problem. This was the agreement they worked out and I'm afraid you'd have to ask them why Madison and St. Clair County wasn't included; and, I do not know whether they would...whether they would want such an amendment to include Madison and St. Clair County. The amendment they submitted to me was that it was... was cities over 2 million population. This was their decision.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Well, Mr. President, as a Senator from that District, I feel that it is unconscionable...whatever the word is, that an area of 250,000 people should be just as protected as an area of 2 million people. And I think, Senator Groen, that this should be taken care of and reported back to this committee, whoever they were, that those people in those areas can't afford to pay as...any more for insurance than they can in the areas of Cook County and Chicago. And I think the entire State of Illinois should be considered, but not cities of 2 million or over. These people are human downstate, also.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Mr. President, lady and gentlemen of the Senate. I wish to oppose this motion. I want to state that I have no conflict of interest. I own no insurance stock and no options. I'm not an attorney. So, therefore, I have no conflicts of interest. I feel that this bill merits a great deal of study. Thank you very much.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Senator Groen, would you answer a few questions, please? You may not know it, but, uh, the fact is that I live in an area which is directly bounded on the suburban area on the Northwest side of the City. I would su... I would think that my district, north of Belmont and west of Austin, within the city limits, would be a, a rated district which is... that...the...uh, which would begin further south and further east, so that the entire area that I represent is in that particular rated area. Directly in the middle of that district is Norwood Park township, which comprises the cities of Harwood Heights, and Noridge, Illinois. That's a suburb, but it is an island in the middle of the city. Now is it not true, Senator Groen, that that rate is different from the rate which I pay? Presently?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Uh, Senator Egan, I can't answer that question. I don't know whether it is or whether it isn't. If...at the present time, if the experience of companies is that they have a great incident of loss in the area to which you refer, I would presume that it is a rated area.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

I suggest, Senator Groen, that I do know the answer to that question, and the fact is that they do pay a lesser rate in Norwood Park Township, as they do in Evanston, as they do in Wilmette, as they do in Skokie, as they do in Niles, as they do in Forest Park, and in Franklin Park and all the suburbs that border directly on the City of Chicago. And let me say further, Senator Groen, that my constituents pay more money for their automobile insurance than do those people that live in the suburban area,

and that area is merely feet away from the people that live in my district. Now, if that is true, it would certainly seem inequitable, and that inequity could be resolved. I was recently elected Vice-Chairman of the Insurance Law Study Commission and I sincerely intend to do something about the situation. But, Senator Groen, would you accept an amendment which would include the entire County of Cook, rather than just the cities of over two million?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, as I have stated before, this is not my amendment. This amendment was given to me by the committee that worked all summer in an effort to resolve the differences that existed among them, and I would again have to refer that amendment back to the committee that did the work. It is not my amendment; I am merely handling it. I am the vehicle by which their amendment is being presented to the Senate for consideration.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Well, you see my problem, Senator. And my question is, can we then refer it back to the committee and let them work on the amendment and see whether or not they'd approve it?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Senator, I'm delighted to learn that you're a member of the Insurance Problem Study Commission. I am convinced you're going to be a valuable member. It's people like you who have problems we want on that Commission, because you'll address yourself to that problem and try to reach solutions. Frankly, I don't know what to tell you. I...I am perfectly willing that, that, you bring this up at the first meeting of

that commission and, if it's deemed advisable that that recommendation be made to the General Assembly, I'll certainly join you in it. I would state this, at this moment, that I have checked with Boyd Crocksen from the Department, and I was correct in my assumption; and, I wanted to be positive before I made a positive assertion that I was correct. I was correct, collision is not included. Now I am also advised by Mr. Crocksen that the question of St. Clair County is presently under consideration by the Department as to whether or not the Department should recommend the inclusion of that area as a one-rate area rather than a zone area. That for Senator Vadalabene.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Well, you see the problem, Senator Groen, that if we pass this bill and it becomes law, it will have been passed and signed without due deliberation. And I can't go back and run again for office in those areas that border the City of Chicago without some answer. And it leave me in a... in a very bad position. It leaves me in an unknowledgeable position, and consequently I just can't support it. I would like, however, to further the study and ask that this whole matter be considered and that just is, too quickly, it's done too quickly to do it now.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Senator Groen, could you tell me what Governor Ogilvie's position is on this legislation?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I am advised that Governor Ogilvie's position is this. That as far as he has been able to ascertain, the concept of open rating has worked well in Illinois and if this bill passes he will sign it.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Are you aware of that booklet I showed you; I have it on my desk, that he issued a few weeks ago, The New Illinois On Insurance, in which he states, and I read it yesterday, that much is needed to be done.

That legislation is needed in the regulation of companies.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, I haven't seen that. If you would furnish me a copy I would appreciate it. I would certainly agree with the Governor that much regulation, much...how did you put it...much regulation is needed, or much attention is needed to the regulation. I think that is a true statement; I commend him for making it.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

I commend him, too. I made that speech yesterday and he called me and said, you were very considerate in your remarks; but, in this statement I read, he said much legislation is needed in the regulation of rates.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, I would have to see the statement; I have not seen the statement. I wish you would furnish it to me so that I can read it in its entirety, rather than something taken out of context, ah, context.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Could you tell me what Director Baylor's position is on open rating

permanently?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Yes, I can, Senator. I have conferred with Senator...with Director Baylor about this matter at least monthly. Ah...not only subsequent to June 30th, but I did...because you will recall that I handled the open rating bill when it was enacted two years ago. And I have conferred with Director Baylor almost monthly regarding the experience with this bill and, in his judgment, it is working well and deserves continuation so that we can observe further its effect on insurance rates that a competitive, rather than a collusion, approach to this problem might continue.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Do you know the position of the insurance companies on open rating, Senator?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

It has been...Well, when you say this you are covering a very broad, a very broad field. I can tell you that...that I am advised by some companies that it has opened up entirely new fields. For example, I have been contacted by Aetna, indicating their appreciation of open rating, in that it afforded them the opportunity, by the competitive method, to offer and guarantee insurance to any citizen of this state who is otherwise qualified to own and drive an automobile. That never happened before open rating, and it was that vehicle which made it possible for them to do it. Others are starting innovative things that they could not have done before because of the...frankly, because of the collusion that went into the method of making ratings prior to open competitive ratings. It was simply a situation, Senator, where everybody sat around the table and decided what

they were going to charge, and everybody charged the same thing. And I think that is bad, and this bill eliminated that and required companies to stand on their own feet, to operate efficiently, to offer to the public competitively the best rates they could in offering coverages. And I...to answer your question again directly, Director Baylor feels that the new system is working well, has been working well, is working well at the present, and feels that it should be continued.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Senator Groen, you mention about sitting around the table in collusion. What's to prevent the companies from doing it now, whether it's open rating or regulated rating? Does that do away with sitting around a table and setting up a rate?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Senator, that's...that's really a silly question. You know and I know that before that's the way they had to do it under the law in effect, because they had to have the same rates in effect. Today, at least, a company that is progressive, a company that can do a better job, doesn't have to sit around a table and agree to what a rate is going to be. They can go out on their own and establish their own rates in competition. I...I certainly would not stand here and tell you that it can't happen; of course it can happen. But, I say to you that the chance of it is far less now than it ever was before.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

I'll agree with that part. Senator Groen, I'm not asking these questions to put you on the spot or, as a witness, to cross examine, but these are questions that disturb me. One point that you seem fond of making on

measures that are before the House, who is behind the bill, Senator, if you know?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

The Department of Insurance.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Was this bill heard in the Senate committee?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I cannot answer whether this bill was heard in the Senate committee.

It is my recollection that my bill was, which went down to defeat.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Well, Senator Dougherty just told me that it never was in the Senate committee and there was a motion to discharge the committee and take the bill from committee. I understand it was never heard.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, I can advise Senator Neistein that the whole question of open rating was a subject of long committee consideration when it was originally enacted two years ago.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Yes, I'm not disputing that. But, today we have new legislation and a new group that don't know about open rating, and I think a bill of such

magnitude should, especially one that's generated this much discussion, and the arguments we had yesterday and the debate, that a bill of this magnitude should...especially one that's generated this much discussion and the arguments we had yesterday in debate, that a bill of this magnitude should have been, and one that touches on the welfare of all the citizens of the sovereign State of Illinois and their welfare, that a bill of this magnitude should have been heard in committee with a thorough, thorough discussion. And that's the reason I asked if it was heard in committee, and I understand...Senator Dougherty just told me, on June 26th the motion was made to discharge the committee and take the bill from the committee and it was put on the Calendar and there was no discussion.

PRESIDING OFFICER (Egan):

Senator Groen. Senator Partee.

SENATOR PARTEE:

I want to make an announcement that we are going to break for lunch at 12:30 and come back at 2 o'clock. I thought I should make this announcement before you ordered sandwiches and other things.

PRESIDING OFFICER (Egan):

Is there further discussion on the motion? Senator Groen, would you like to close?

SENATOR GROEN:

Well, Mr. President, I'm not going to prolong this debate any longer. You know what the issue is. The question is, shall the bill be returned to the order of second reading. Well, no, this is the...this is only the motion as to whether we are going to go to postponed consideration, I guess. Is that...is that correct, Mr. Parliamentarian?

PRESIDING OFFICER (Egan):

The motion is by Senator Groen to return to the order of postponed consideration which is out of order.

SENATOR GROEN:

Alright. I do not propose to...I do not propose to continue the de-

bate. This is a courtesy that has been extended over the years. If the body wants to deny me that privilege, it has that right by this vote. I ask an affirmative vote that I be allowed to go to the order of postponed consideration that I might call, for the purpose of returning to second reading for amendment, the bill under consideration.

PRESIDING OFFICER (Egan):

The motion will prevail by a majority of those present. The Secretary will call the roll. For what reason does Senator Cherry arise?

SENATOR CHERRY:

To make an inquiry from Senator Groen. Senator, I'm having an amendment prepared to this bill, which I assume you have because you've made the motion to have the bill returned to second reading. I, too, would like the bill returned to second reading and to have an opportunity to offer my amendment. Would you withhold the calling of this bill until my amendment is prepared? I think it will be approximately 15 or 20 minutes it is concluded.

PRESIDING OFFICER (Egan):

Senator Groen, the question is, will you hold the bill until Senator Cherry can prepare an amendment. The motion here, Senator Cherry, is to, ah...go out of order from the Calendar and consider this on postponed consideration...to return to the order of postponed consideration. And we are not...we have not discussed the bill yet. Yes, Senator Cherry.

SENATOR CHERRY:

I heard Senator Groen make a motion to have the bill returned to second reading for the purpose of...

PRESIDING OFFICER (Egan):

That motion is not now before the body.

SENATOR CHERRY:

That is right. Okay.

PRESIDING OFFICER (Egan):

Senator Partee.

SENATOR PARTEE:

I tried very hard in the interest of your health to have a break there today for lunch, but I'm reminded by chairmen of three committees that we do have committee hearings scheduled for this afternoon. Some on...some on some rather vital things, so there will not be a break for lunch and we will just keep going.

PRESIDING OFFICER (Egan):

Senator Groen, have you finished? Have you concluded your discussion?

SENATOR GROEN:

In answer to Senator Cherry, if I could have his attention. Senator Cherry? I...I do want to respond to your inquiry. I propose to offer the amendment that is involved. Now, I have a hunch that Senator McCarthy is going to speak his full time on any amendment that I propose. Senator Partee has announced that we are going to recess from 12:30 until 1:30 or something like that. I don't know what kind of an amendment you have. I would think that you could get it drawn promptly and have it distributed, as we do. And I am perfectly willing to consider any other amendments anyone has...it's on second reading, anyone who has an amendment has a right to offer that amendment and it be voted up or down. But, the hour is late. This bill has to go back to the House for concurrence in whatever we do with it, and I...I would like to have the matter disposed of now.

PRESIDING OFFICER (Egan):

I would mention that this motion is to revert to the order of postponed consideration. Upon the deliberation of the body on that motion, then the order of which bill will be taken will be next. After that is done, and if it has succeeded that far, then...then it would be in order to address yourself to amendments, Senator Cherry. Senator Cherry.

SENATOR CHERRY:

Well, what you say is correct, Mr. President. The offering of the amendments is approximately two motions away because of the fact that.

other motions need to be made; for example, to bring this bill back to second reading, assuming that this body will approve going to the order of postponed consideration. I just want to make one comment with respect to Senator Groen's comment upon my amendment. My amendment, in my opinion, is as much important as yours is, Senator Groen. You said you haven't seen mine and you don't know what it does, and I want to say to you I haven't seen yours and I don't know what yours does. So we find ourselves, I would say, in a similar position. My amendment is being typed and will be ready, as I said, within the next 15 or 20 minutes.

PRESIDING OFFICER (Egan):

Senator Groen.

SENATOR GROEN:

Well, Mr. President, Senator Cherry, this bill has been on the Calendar for a long time. You are one of the assistant leaders over there; you have a larger staff than I. I managed to get my amendment prepared and it was distributed and placed on your desk two weeks ago. Now, if you didn't see it, that's your fault, and if your staff hasn't kept you advised, that's also your fault.

PRESIDING OFFICER (Egan):

The, a...yes, Senator Cherry.

SENATOR CHERRY:

To respond to that, it is Senator Groen's motion to take this matter out of order. You're asking that a bill that has been heard and has been previously defeated be heard again. Now...would...it seems to me it would be logical to assume that we're proceeding on the regular order of business. So that your acceleration of this issue is your fault and not mine. You're the one that wants to bring this to the attention of the members of this body out of order.

PRESIDING OFFICER (Egan):

The motion is to revert to the order of postponed consideration. Senator Groen.

SENATOR GROEN:

Well, Mr. President, I must reply to that. Yes, I am doing this; only because, Senator, when we were on that order weeks ago, out of courtesy to your leader and at his request, I did not call the bill.

PRESIDING OFFICER (Egan):

The motion is to revert to the order of postponed consideration and the motion will prevail only upon a majority of those present. Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. In my consideration, this motion, as is the deliberation of the bill itself, far premature, and I have to vote no.

SECRETARY:

...Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy...

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I should like to explain my vote, which will be no. I believe that this bill ultimately should be heard by a Senate committee, and I would suggest that those that believe that a committee should hear the vote... or hear this bill should vote no or else the matter will continue in the usual parliamentary way, and those wishing to dispose of the matter for this session should vote no and dispose of it now. No.

SECRETARY:

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

PRESIDENT:

Senator Rock:

SENATOR ROCK:

Point of inquiry, Mr. President. How many votes does this require?

PRESIDENT:

This takes a majority of those present.

SENATOR ROCK:

May I ask, Sir, do we know how many are present?

PRESIDENT:

The parliamentarian is keeping very close tabs on that.

SECRETARY:

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

PRESIDENT:

Berning, aye. Horsley, aye. Lyons, no. For what purpose does Senator Rock arise?

SENATOR ROCK:

Inquiry, Mr. President. How do we know, in fact, whether or not a majority of the Senators present have voted? Can I ask for a quorum call and find out who's here and how many are here?

PRESIDENT:

Well, this is a determination by the Chair and we're going to list... announce those who are present and not voting in addition to... On the question, the yeas are 31, the nays are 17, so the motion does prevail. The... Senator Groen requests House Bill 1568 be considered at this time. Senator... for what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

I arise, Sir, to present to you a motion in writing that is on the Secretary's desk.

PRESIDENT:

What is the...will the Secretary read the motion?

SECRETARY:

I move to recommit House Bill 1568 to the Committee on Local Government, signed by Senator Robert McCarthy.

PRESIDENT:

Well, that motion is in order. Senator Groen.

SENATOR GROEN:

I would move that that motion lie upon the table.

PRESIDENT:

Motion to table...that...the motion by Senator McCarthy, and on that question the Secretary will call the roll. Those in agreement with Senator Groen will vote in the affirmative. Those in agreement with Senator McCarthy will vote in the negative. Senator McCarthy.

SENATOR MCCARTHY:

Inquiry. Is a motion to table debatable?

PRESIDENT:

It is not.

SENATOR MCCARTHY:

Is it subject to explanation of vote?

PRESIDENT:

Yes. Any motion is subject to explanation of vote on roll call.

SENATOR MCCARTHY:

Now what happens, Mr. President, if the motion to table my motion to recommit this bill to the Committee on Local Government, which has never heard the bill, but it was assigned there...what happens to my motion?

PRESIDENT:

If the motion to table prevails, then your motion is defeated.

SENATOR MCCARTHY:

A...then in essence, Sir, in essence, do I understand correctly that if Senator Groen can prevail, this forecloses my motion of having a committee hearing the bill on this particular time?

PRESIDENT:

I think that would be the end result.

SENATOR MCCARTHY:

And we can't talk about that?

PRESIDENT:

You can explain your vote, but...

SENATOR MCCARTHY:

And what's that, three minutes?

PRESIDENT:

Three minutes per person, that is correct. The Secretary...for what purpose does Senator Egan arise?

SENATOR EGAN:

Mr. President, a parliamentary inquiry. What is necessary for the motion to prevail?

PRESIDENT:

A majority of those voting on the question. Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew...

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

In explaining my vote, Mr. President, I would simply say that this bill has not been before a committee of the Senate. It probably was before it, however, it hasn't been considered or debated or reviewed by any committee of the Senate since the defeat of this bill in last June. It would seem to me that on important issues such as this, which probably effects every family owning an automobile in this state or any family that has an insurance premium insuring whatever property or rights that the citizens of this state have, should be given a full and complete hearing before a committee. What is attempting to be done here is simply a rail-

road...a railroad of this bill to be considered before we come back in 1972. And I think this issue has sufficient importance affecting everybody in the State of Illinois, the people who have no lobbyists down here to protect their interests, so that it should be heard before a committee; and, I am in support of Senator McCarthy's motion and opposed of the tabling motion. I vote no.

SECRETARY:

...Chew, Clarke, Collins, Coulson, Dourse, Davidson, Donnewald, Dougherty...

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

In casting my vote on this motion, which will be nay, I would like to state this. That as Chairman of Local Government, when this bill, for the proposal to discharge the Committee on Local Government was offered last June, I protested. I have opposed the motion because I thought that the matter, the matter involved, was of such importance it should have been gotten...given a very thorough hearing. And one of my reasons was the fact that I, too, live in Zone 43, which has a...provides that those of us who live in there will pay a higher rate, and all of my neighbors. However, I do believe that the question of open rating is something that should be discussed very thoroughly as, strangely enough, I find that I have a strange bedfellow, the Governor of the State; that I, therefore, resist this motion. I vote nay on the motion to table.

SECRETARY:

...Egan...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President, could I call for some order, please.

PRESIDENT:

Just, just a moment, let's...Please, gentlemen. Take our conferences

off the floor. Senator Egan.

SENATOR EGAN:

Now, Mr. President and members of the Senate, in explaining my vote. By the very admissions during the argument on the motion to revert to the order of postponed consideration, it is obvious that this legislation has not been deliberated upon by any committee. Not the Committee on Local Government, not the Insurance Laws Study Commission, and it is now being presented for a vote for consideration prematurely. I again vote no.

SECRETARY:

...Fawell, Gilbert, Graham, Groen...

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I'm rather amused at this oratory. Again it's a matter, I guess, of whose ox is being gored as we pass down the...the history of this Senate. Last June, Senator Cherry, you offered amendment after amendment, after amendment, after amendment, all dealing with home rule affecting every citizen of this state very critically. Not a committee ever heard one of those amendments or the effect that it had, and it didn't seem to worry you then at all. I vote aye.

SECRETARY:

...Hall, Harris, Horsley, Hynes, Johns...

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

I wish to explain my vote, Mr. President. When you think about whose ox is being gored in this particular instance, and you realize that the insurance companies, the lobbyists are packing this place today. They've got a definite interest; they know where their bread is buttered. But I think the people's ox is being gored today, and I vote no.

SECRETARY:

...Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons,

McBroom, McCarthy.....

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Mr. President, since I offered the motion to recommit this bill to Local Government, naturally I shall vote for it. I do not like to air the intricacies and nuances of the bill on the floor, but since Senator Groen has moved to table my motion, that throttles me and cuts off debate. I will, however, attempt to assert a couple of facts. First, I, like Senator Johns, am ready to disclaim any interest...any interest in the subject matter of this litigation. I mention that because we spent all day yesterday on ethics in government. Now, we move to the question of cutting off debate where there is the private, narrow, special interests of the insurance companies against the interest of the motoring public. The only possible conflict of interest I have in this matter, Mr. President, is occasionally I represent people who complain to me about automobile insurance rates, and I represent them in a professional manner. So, if that's a conflict of interest, you know it. There may be another possible conflict of interest in that I happen to be a registered agent and a director of an insurance agency for which I receive no compensation whatsoever. Those are the only possible areas of conflict that I have in this bill. Now questions have been raised, Mr. President, and Senator Groen says he doesn't know the answer. Senator Vadalabene asked a question, and Senator Groen says, "I don't know". Senator Egan asked a question; Senator Groen says, "I don't know.". I have here in my hand the report of the Illinois Insurance Study Commission. What's so significant about the Illinois Insurance Study Commission, dated March, 1971? Let me tell you why I think it's important. Because when this bill was passed in 1969 allowing the ceiling unlimited bill, it was to be for a trial period of two years only. And the only reason this bill is here before us now is because, in the present form, they wish to extend the trial period for an additional two years, and I've been advised that if

Senator Groen can prevail here and bring his bill back for amendment, the trial period goes out the window and it's frozen into the law; no prior regulation by the Director...

PRESIDENT:

For what purpose does Senator Groen arise? We are on roll call.

SENATOR GROEN:

I am perfectly willing, Mr. President, that the time I now take not be charged to Senator McCarthy.

PRESIDENT:

Well, if Senator McCarthy...

SENATOR GROEN:

But I want him to tell the truth and he is not telling the truth.

PRESIDENT:

Just...just...

SENATOR GROEN:

I do not have an opportunity to respond to him.

PRESIDENT:

Just a moment. Senator Groen is not in order. We are on roll call.

Senator McCarthy has used up his time; he will conclude his remarks. For what purpose does Senator Johns arise?

SENATOR JOHNS:

I know that I did not use up all of my time, and I yield the remaining time to Senator McCarthy.

PRESIDENT:

This is not in order. You cannot yield time from one Senator to another. Senator McCarthy will conclude his remarks.

SENATOR MCCARTHY:

Alright, Mr. President. The Illinois Insurance Study Commission, March, 1971, fails to show in their report, to my eyes, any recommendation, any result of any study of the two year trial period of open rating. And I would suggest, if they've been silent on it, the Committee on Local Government to which it was referred, should have an opportunity to ques-

tion the Director, to determine the relevant facts. Thank you very much.

SECRETARY:

...Merritt, Mitchler, Mohr, Neistein...

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

In casting my vote, I'm sorry to hear that Senator McCarthy doesn't own any stock in insurance companies because if he did, and this bill passes, the value of that stock will go way, way up, because this is the greatest bonanza for the insurance companies. I think that they never dreamt that they'd get a double dip. They got no-fault last session and now they're getting this. This is a real double dip. I don't know, we were discussing yesterday double dippers and double dip. This is a huge, mammoth, gargantuan double dipper. So, Senator McCarthy, I wish you did have some because it would be valu...it would be very, very valuable. I vote no.

PRESIDENT:

For what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

For a one minute point of personal privilege. In stating...in stating about my lack of ownership, I omitted to state that I am the owner of 3,350 shares of stock in a company that sells life insurance only, and I wanted to make that correct. It doesn't have anything to do with automobile insurance.

PRESIDENT:

Continue with the roll call.

SECRETARY:

...Newhouse...

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, Senators. I would suggest that Senator McCarthy's declarations on the reasons this bill is before this House is not quite

complete. I think he knows that there are other interests in this bill, and I have one.

PRESIDENT:

For what purpose does Senator Knuppel arise?

SENATOR KNUPPTEL:

I would like for the man to speak distinctly. I can't hear.

PRESIDENT:

Well, Senator Newhouse. The Chair can understand Senator Newhouse.

SENATOR KNUPPTEL:

There's some kind of microphone trouble over in this corner.

PRESIDENT:

Senator Newhouse is recognized.

SENATOR NEWHOUSE:

I certainly want to accommodate the Senator. Can you hear me now, Senator?

SENATOR KNUPPTEL:

Yes.

SENATOR NEWHOUSE:

Good. Alright. Then let me begin again. I would suggest that Senator McCarthy's rationale for the reason why this bill is before this House isn't complete. The Senator, I think, knows that there are other interests in this bill and mine is one of them. And I think, Senator, you are going to get a lot of time to speak today. And, you have done an admirable job, so far, standing in the doorway; you seem rather comfortable there...I'm surprised at that. Now, Senators, the bill that's before us now doesn't really do anything, so to say that this bill is a bone of contention isn't accurate at all. It's the amendment that's coming up that's the bone of contention, and you know it and I know it and everybody else does. Now what we have, apparently, is the makings of a full-scale filibuster. That's all right with me. I think it's simply going to just point up the fact that...that people have got some problems they didn't realize they had, and they've got some problems among those who call themselves our friends, that

they didn't realize they had. I noticed there was a flurry of picking up the roll call last time around. I hope everybody did get a copy, because I think it's very significant. Now, it seems to me that what we ought to do is, perhaps, Mr. President, just make some sort of division and get to the issue...if we want to get to the issue. I think that what we've done is, in all of the motions that are coming up, provide a forum for a lot of repetitive rhetoric which really has no place in this body at this time. And to save time, Mr. President, at this point I will cut off and vote aye.

SECRETARY:

...Nihill, O'Brien...

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

I'd like to explain my vote on Senator Groen's motion to table Senator McCarthy's motion to recommit this bill back to the Senate Committee where it would receive a full hearing. My vote is going to be no, and I think that it's very imperative that this issue receive a full hearing. We voted, and we are the voice of the people in the State of Illinois, we voted at the last session; we voted this bill down. Since that time, I've received information and letters from residents of my district, and I hope at a later time to be able to read one of those letters, and I think it's going to be very informative to the body at large. But I do feel that this bill should be recommitted back to committee where it can receive not only a full hearing in the Senate, but also, perhaps, a public hearing, because this bill involves every family in the State of Illinois who has an automobile. Senator Groen, I'd like to point out...if I can have Senator Groen's attention...Senator Groen, I'd like to point out that you, yourself, admit that this issue isn't completely solved, it isn't completely finalized, that it is a problem; because in the bill, Senator Groen, on lines 25, 6 and 7, if I can read from the bill: The sum of \$10,000 or so much thereof as may be necessary is appropriated to the Department of Insurance for the purpose of investigation to determine

whether there exists under this Article any unfair discrimination between individuals or risk of the same class or essentially the same hazard and expense element because of race, color, religion, national origin, or such insurance risk for applicants. Senator Groen, you, yourself, admit, right in the contents of this bill, that this issue hasn't been thoroughly investigated. And I feel that the Senate Committee could set up a subcommittee to study this point and that we should not vote on this bill.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, the question was directed to me and an accusation made, and I think I have a right to answer it.

PRESIDENT:

Well, you may...you can be recognized on a point of personal privilege only. Beyond that we'll have to proceed...

SENATOR GROEN:

Alright. Then I make that request.

PRESIDENT:

Alright. Senator Groen is recognized on a point of personal privilege.

SENATOR GROEN:

Well, Senator O'Brien, if you will read the proposed amendment which was placed on your desk two weeks ago, you will find that all of that language has been deleted, and would not be a part of the bill if the proposed amendment would be adopted. Now, the reference to no committee hearing. I would call your attention to the fact that Senate Bill 1131, which has for its purpose, and I read from the digest: Amending the Illinois Insurance Code. Removes time limit restriction originally placed on Article XXX and a half, which authorizes property and liability insurance companies to establish rates without prior department approval. Now that bill was introduced on April the 20th, placed on first reading, referred to the Committee on Labor and Commerce; on April 28th, the Committee on Labor and Commerce heard that bill and recommended that it be reported to the Senate,

do pass. Thank you.

SECRETARY:

...Ozinga, Palmer, Partee...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I have always been a strong supporter of the committee system, and I want the committee system to obtain, as it has always obtained. But it's a little distressing to me to hear people say that this has to go in the committee system before they can find out something about it. I took the time to read, probably over a two or three hour period, everything that was available to me on this question of open rating in comparison with the prior approval of statutes in other states. I found out the history of prior...of this open rating in California where it's been the law for 16 years, and I do not have the feeling, as many of my colleagues, that this question ought to be reconsidered because I happen to have the kind of information already on which I can vote on it. This is not a new subject. I would assume that most of us who are members of the Legislature have taken the personal time to make some in-depth assessment of the question, because it is a large question. And there is absolutely no necessity, as far as I am concerned, for this matter to go back to a committee for any recogitation or rumination about it. We know what it is and I think everybody here knows how he is going to vote, and whether the measure loses or does not lose is just a matter of prospective history. The truth of the matter is we ought to address ourselves to it and vote on it, so I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I think I probably ought to disclose, Mr. President and Senators, that...

members of my family have a miniscule interest in an insurance company which is not affected by this legislation because it is a life insurance company. I am going to vote aye on this bill; I just regret that my family doesn't have stock in the Southern Illinois Light Company because in the wintertime, when you come to visit me, you can find my house because it looks like the Thomas A. Edison Memorial Home. I vote aye.

SECRETARY:

...Swinarski, Vadalabene...

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate. First to Senator Newhouse, I was not one who rushed up to the Secretary of the Senate and got a call on the roll, or got a copy of the roll call. I'm sure that the people of Madison County are interested in how I vote rather than how Senator Newhouse or anyone else votes on an issue of where they have been eliminated. Now in regard to Senator Groen, whose ox is being gored, I want to restate again that Madison County is one of the highest rated zone rating of counties in the State of Illinois. And it is not being considered by the committee or there is no study underway, and until that study or some kind of a resemblance to include Madison County, which again I say is a high zone rated county should be included, I have to, for the people of that district, vote no at this time.

SECRETARY:

...Walker, Weaver.

PRESIDENT:

On that question the yeas are 31, the nays are 21. The motion of Senator McCarthy is tabled. For what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

There is another motion.

PRESIDENT:

The bill is pending before the body at the present time. What,

what...Senator McCarthy, what is your motion?

SENATOR MCCARTHY:

I wish the Secretary would read it and, for those that are interested, I wish they would listen.

PRESIDENT:

The Secretary will read the motion.

SECRETARY:

I move to commit House Bill 1568 to a special committee consisting of ten Senators. Five appointed by the President Pro Tem and five appointed by the Minority Leader of the Senate. Each of whom will make one appointment from the Committee on Judiciary, one appointment from the Committee on Financial Institutions, two appointments from the Committee on Labor and Commerce, and one appointment from the membership of the Senate at large; which committee shall report the result of its study and investigation to the Senate before April 15, 1972, signed Senator Robert McCarthy.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I would like to speak to that motion.

PRESIDENT:

The...what is your point of order, Senator Groen?

SENATOR GROEN:

A parliamentary inquiry. I do not know whether our rules provide for it, but Roberts Rules of Order certainly do and where our rules do not cover a given subject, Roberts Rules of Order do. Roberts Rules of Order clearly provides that when a motion of this kind is made and it is, in substance, an identical motion to that which was, or a similar motion, which is designed only to impede the normal parliamentary progress of a body such as this, that the motion is out of order. And I ask the Chair for a ruling.

PRESIDENT:

Well...the Chair will rule this is not an identical motion. The form, I think, is...since it is not committing or recommitting, it is a motion to suspend the rules for this purpose. The Chair would add, however, that I will not continue to take motions indefinitely along this line. Senator McCarthy.

SENATOR MCCARTHY:

Mr. President, I thank you for your ruling and I want to indicate to the Chair that the only thing I wish to do is put a motion before the body that can be debated. And I think it is not fair under Roberts Rules of Order, the rules of this Senate, for Senator Groen to move to table each of my motions where I cannot even explain or speak on them, which has been his practice on the first motion.

PRESIDENT:

Well, I think it is clear we are going to have ample debate on this question before the vote comes before the body. The...for what purpose does Senator Groen arise?

SENATOR GROEN:

Mr. President, I move to...move that the motion of Senator McCarthy lie upon the table. This is simply a dilatory tactic to delay getting to the proposition.

PRESIDENT:

Sen...Senator McCarthy is recognized.

SENATOR MCCARTHY:

Now, Mr. President, I would ask you to declare Senator Groen out of order in his motion. He should be declared out of order in his motion because it is for the same purpose to which he objected. It will cut off debate.

PRESIDENT:

It is not...the motion is not recognized because Senator McCarthy had the floor. Senator McCarthy may proceed. But, otherwise, the motion is in order. What is your parliamentary inquiry, Senator Neistein?

SENATOR NEISTEIN:

I want to know by what authority you give advance ruling that you are not going to hear anymore motions, because I'm preparing about six or seven additional motions. And, how you can prejudge the motions and say you are not going to hear anymore, and stop the dilatory proceedings, and so on; I want to know by what rule in the book gives you that authority to...

PRESIDENT:

The Chair...the Chair is going to...not going to accept motions endlessly that are somewhat in the similar nature...that when a decision has been made by the body on a certain thing...I think that must prevail and we have to go with the business. I think that we have to keep in mind, gentlemen, whatever your position on this particular bill, we have a lot of business that has to be concluded by Friday night; hopefully, by Friday night, and the Chair wants to expedite that business.

SENATOR NEISTEIN:

Mr. President. Mr. President.

PRESIDENT:

The...Senator Neistein, what is your...

SENATOR NEISTEIN:

Well, I want to allay your fears, Mr. President. If we don't pass anymore bills, life will go on and the state will exist and may be better off without us passing anymore bills. So don't get upset about going home without passing anymore legislation.

PRESIDENT:

I won't get too upset, but I do want to give all senators their... their opportunity. For what purpose does Senator Knuppel arise?

SENATOR KNUPPÉL:

A matter of personal privilege. I am also concerned because probably today one of the largest items in any house holder's budget is the cost of auto insurance, home insurance; but, particularly auto insurance. And I think that we ought not to be taking a predisposition with respect to

these, and even if they are imposed for a purpose, dilatory motions do have a purpose; they have an end, they serve a purpose in legislative bodies and I would hope that the importance of this would override any predeterminations or advance decisions and that we could keep this open even if it takes two or three weeks, because it is a large item.

PRESIDENT:

The Chair is going to judge each motion as it comes before the body. Senator McCarthy is recognized. For what purpose does Senator Smith arise?

SENATOR SMITH:

Thank you, Mr. President. Mr. President and members of the Senate. I have noticed that with the efforts that are being made to hinder and prevent the one thing that we want, and apparently will get, if we have to stay here until Christmas. We merely want a vote, you may vote your honest sentiment, vote with us or vote against us. That's alright. But there are those of us that are prepared to stay as long as is necessary. We don't object to the efforts on the part of Senators to delay; we are not trying to rush anything. We are as firmly committed as are they and, whereas, as an honest difference of opinion on this side of the aisle with reference to the worthwhileness of this legislation, that can be determined and will be determined when we get to the point of passage on third reading. I rather commend men who express their differences honestly. There is no difference here except for the fact that there are those of us who want to see this legislation defeated, and there are some 31 of us who want to get to the point where we can express our opinions by our vote on final roll call. And I say, Mr. President, that it might be well to let them have their field day, let the forces that have voted with us stand firm as they have stood and as long as may be necessary. Let us continue until the final roll call on this vote, on this measure.

PRESIDENT:

For what purpose does Senator Vadabalabene arise? Unless it's a

point of order or parliamentary inquiry, Senator McCarthy is recognized.

SENATOR VADALABENE:

Point of personal privilege, Sir.

PRESIDENT:

What is your point of personal privilege?

SENATOR VADALABENE:

I have expressed my views. As a Senator from my district, I want this bill to have the same treatment as Senator Smith or anyone else has in the State of Illinois, and I am not using dilatory tactics.

PRESIDENT:

Senator McCarthy is recognized.

SENATOR MCCARTHY:

Yes, Mr. President. Thank you very much. The motion now is to commit this bill to a special committee which is unusual in its structure. Members shall be selected by leadership from the committees on Judiciary...

PRESIDENT:

For what purpose does Senator Soper arise?

SENATOR SOPER:

Parliamentary inquiry. Is the motion to lie his motion on the table?

PRESIDENT:

That is not the motion. The motion before the body is Senator McCarthy's motion to suspend the rules to create a special committee. And Senator McCarthy is recognized and may proceed. For what purpose...

SENATOR MCCARTHY:

And I have the Chair, I have...

PRESIDENT:

You continue to have the floor and no other motions will be recognized. Senator McCarth...Senator Groen.

SENATOR GROEN:

Under Rule 45, Mr....question, Mr. President, precedence of motions, I move to close the debate on the pending question of whether his motion shall or shall not...

PRESIDENT:

You can...Senator Groen cannot be recognized for the point of making a motion while another Senator has the floor. Senator McCarthy is recognized.

SENATOR MCCARTHY:

Thank you very much, Mr. President, for allowing me to speak, representing 176,000 people in this chamber. As I started to explain, the composition of this special committee is interdisciplinary in nature. Members shall be selected from the Committee on Judiciary because this is substantive law. Members shall be selected from the Committee on Labor and Commerce which normally deals with some aspects of insurance legislation. Members shall be collected...selected from the Committee on Financial Institutions, and memberships shall be appointed by leadership from the Senate as a whole. It is my hope that such a select committee, and, Mr. President, I might point out, parenthetically, that Senator Groen had an identical resolution passed on the Uniform Consumer Credit proposed legislation. Senator Rock was a member of that committee; he and I attended hearings and it was most effective. And I didn't object to his allocation of that bill, which normally would have gone to Financial Institutions to study by a select, interdisciplinary committee. But why is this motion in order? This motion, Sir, is in order because there has never been a committee hearing by the Local Government Committee, and the predisposition of the body is to not recommit that matter to the Local Governmental Committee. The bill to which Senator Groen alluded, Senate Bill 1131, did receive an approval by the Committee on Labor and Commerce, but it failed even to pass this body. And as I have pointed out before, the report of the Illinois Insurance Study Commission doesn't even contain, in this report, the subject of unregulated rates. Now, what would...what would such a committee bring forth to this body? This committee would bring forth to this body questions that have been asked on the floor that have been unanswered. This committee would bring forth to this floor recommendations of the entire Senate from the members selected. Senator Knuppel asked the

question whether or not, subsequent to June 30, 1971, there had been any rate increases put in that had been disapproved subsequently by the Director of Insurance. Senator Groen's answer was that he...that there had been some; he did not mention what they were. The question was not asked, nor could I ask the question at that stage of the parliamentary inquiry, whether or not there had been rate increases put into effect from August 1, 1969, when the bill became law, until June 30 of 1971, which had subsequently been disapproved by the Director. I, Mr. President, would like to ask Director Baylor that question. As to whether or not the disapproval was a practice that started only because, or at least partially because, this body refused to pass this legislation on June 30, 1971. I'd like to have an opportunity to ask the Director of Insurance, who was on the floor of this Senate until 2 o'clock in the morning of July 1; I would like to ask the Deputy Director of Insurance, when this bill was still pending, who was on the floor of this body until ten minutes til four, July 1, 1971, that question. The question is, did you start disallowing some rate increases only after this Legislature started to show some resistance to the high handed tactics that the insurance companies have utilized in the State of Illinois since they have had the law called ceiling unlimited. And only, Mr. President, through a committee can such questions be asked. We as a Senate, sitting on the floor, cannot ask Director Baylor or the Director...the Deputy Director to come in here on the floor and answer these questions. The questions have to be transmitted through Senator Groen or some other Senator down to the Department of Insurance, which is some blocks away, and when the answers come back we have no right of cross examination. And we and the people are entitled to know, we're entitled to know. Senator O'Brien asked me a question; the question was this: Is there any state that has no regulation of insurance rates or the so called ceiling unlimited, and also no-fault or the additional first party liability. I do not know the answer to that question, but let me point out to you the implications of that question, Mr. President. Mr. President, you understand that, commencing January 1st of next year, every purchase...

every person that purchases insurance has to buy, if the company will sell him insurance, the additional first party coverages that were passed under open rating; excuse me, under so called no-fault. The next question that arises is: Well, since the public has to buy it, how much can the companies charge for it. Who knows the answer to that question. Except to say that if this bill is passed, Mr. President, when I say the ceiling is unlimited, the insurance companies can charge anything they want, because they don't have any prior experience in Illinois, and these two bills fit together. I compare it to...and there's another bill kicking around that fits in as a package, too. And I suggest and I give credit to the Department of Insurance for staying here with us, the Director until 2 o'clock in the morning on July 1, and the Deputy Director until 10 minutes til 4 on July 1, and I also give credit for the persistence of the insurance companies in attempting to railroad this bill through, without hearing, because it would be pretty nice. It works this way, Mr. President. You have to buy no-fault next January. They can charge you anything they want to, and then the only protection we have is for the Director of Insurance to come in and say, "You're doing the wrong thing." Now, if he's for the bill so bad to get on here until 2 o'clock in the morning of July 1, when they couldn't pass the bill, and if the Deputy Director, who has prior connections with insurance companies, is so interested in passing this bill that he stays on the floor until 3:50 am on July 1, then I suggest, Mr. President, that a reasonable inference might be drawn that they're not going to disprove rates unless the public demands that the rates be reduced, or unless the public demands that something be done about the contractual relationship between the seller of the insurance and the buyer of the insurance, and that's the purpose of this select committee. Mr. President, in support of this select committee, questions could be raised and answered that have been raised on this floor. Other avenues of approach to the whole problem of automobile insurance could be explored. I received a letter from Maryland the day before yesterday. I would like to read that letter to you, because I think this would be a matter that might properly come before this

select committee. The letter, Mr. President, is dated November 4, 1971; it comes from the Department of Licensing and Regulation of Annapolis, Maryland. It is signed...

PRESIDENT:

For...for...for what purpose does Senator O'Brien arise?

SENATOR O'BRIEN:

Mr. President, I think that Senator McCarthy should have some attention. I think he's going to read some information that every Senator should have the opportunity to hear, and I think he should have some order.

PRESIDENT:

We...we...we will have some...for what purpose does Senator Mohr arise?

SENATOR MOHR:

Mr. President, I just wonder how much time Senator McCarthy has. Number 1...

PRESIDENT:

He...he has about two minutes left, I'm advised.

SENATOR MOHR:

I just wondered. I wanted to go out and get some lunch and I won't be able to do it in two minutes.

PRESIDENT:

Senator McCarthy may proceed. There will...we will have order.

SENATOR MCCARTHY:

Well, I appreciate Senator O'Brien asking for attention. If I can't get attention of the body it is my fault. Let me say this, that John R. Jewel said this: "I am pleased to send with you the basic presentation of the Maryland Pay As You Drive Automobile Insurance Plan. As you are aware, we are currently in the process of compiling our report to Governor Mandel which will contain all detail involved in the program. It is expected that this report will be submitted to Governor Mandel within the next six weeks." He goes on to say that the Maryland Plan means that our citizens have a voice through their legislative representative, that would be like you and

I, in any change in automobile insurance costs. Thereafter follows a ten page presentation, done at the request of Governor Marvin Mandel, which would mean reduced insurance rates, reduced cancellations. A plan that everybody in Illinois could look at; and, Mr. President, if it is good enough to study in Maryland where Governor Mandel commissioned a study and they are going to report on it, I suggest this identical situation is good enough for the select committee to be appointed to take up this, and the other questions that have been asked. Thank you very much. And I would urge that my colleagues, Senator O'Brien has asked for recognition, I know, join in me...in supporting this motion to submit to the select committee.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I move the motion lie upon the table.

PRESIDENT:

Mo...motion to table the motion by Senator McCarthy. On that question Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce...

PRESIDENT:

If the Chair may interrupt the roll call to note the presence of the father of Emily Ann Bruce here in the body. We are happy to have you here with us, Senator. Senator Donnewald is recognized on a point of personal privilege.

SENATOR DONNEWALD:

Oh, yeah...Mr. President and members, I think this is what you call a lucky baby. 7-11 was the weight, and I think it was born at, let's see, 12:12. Yes. And I think he is going to have the cigars shortly, Senators.

PRESIDENT:

Continue the roll call.

SECRETARY:

...Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I served on a joint House-Senate Committee that studied the effects of open rating here pursuant to a resolution of this body, and after extensive hearings we were unable to reach and finalize the report to the body with respect to the effect of open rating. At that time there were not enough votes in this body to have an extension of the open rating law. I feel a great deal of pressure as I stand here in this chamber today from some, or for some unknown reason that didn't exist during the time that we were holding these hearings. There was not an overwhelming turnout of the public...

PRESIDENT:

Just a moment...just a moment. Senator Neistein asked for some order. He is entitled to it. Gentlemen.

SENATOR KNUPPEL:

There was not an overwhelming response of the public to these hearings. Neither was there even an overwhelming response from the black segment of the population in Chicago, which was being discriminated against. These people...we had to call meetings again and again and again to try to find if there was any evidence, any opposition to open rating in the State of Illinois. All the evidence that was available...is available now, was available then. The discriminatory practices were obvious, and yet there was no overwhelming tide of public sentiment by the black population themselves, or others, concerning this. I made a speech here on the evening of the 30th day of June with reference to...

PRESIDENT:

Just a moment. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

I would like to get a little order. The Senator couldn't hear me when I was talking, and I can't hear him and he just said something; I would like to know what it was. And I wondered if he would be willing to go back and repeat it. It sounded...

PRESIDENT:

The Senator may, but he only has about 35 seconds left. Senator Knuppel is recognized.

SENATOR KNUPPEL:

Well, I hope this time will be charged to Senator Newhouse because he wants to hear what I have to say. I said there was no overwhelming voice or public interest by the black segment of society in Illinois with reference to those hearings despite...despite the obvious and overwhelming evidence of discriminatory practices of zoning. Now for some reason, and I made this statement on the 30th day of June on this floor, now for some reason there is a great deal of pressure from some source with respect to adoption of this legislation. Not merely in the form of an extension of the open rating practice, but with reference to an unrestricted extension of this period, and I wonder why. At that time I said I was very, very suspect of allowing politics and the wealth of insurance companies to fall in together and what might result. I feel this even more impending in this body. I, I cannot for some reason...I cannot for some reason tell why. I can't sense the reason why now...

PRESIDENT:

The Senator will conclude his remarks.

SENATOR KNUPPEL:

Yes, I understand...why, why for some reason there was not enough votes then, but there are now.

PRESIDENT:

Continue the roll call.

SECRETARY:

...Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy...

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President. Mr. President, I should like to explain my vote. I wish Senator Harris were here. I wish for Senator Harris because he has, I understand, some legislation that would take away from the cities the right to regulate insurance agents...

PRESIDENT:

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

Senator Nihill.

SENATOR NIHILL:

Mr. President, can we have some order here?

PRESIDENT:

Just a moment. Senators Newhouse and Knuppel will take that debate off the floor for a moment. Senators Newhouse and Knuppel, will you take that...Senator McCarthy is recognized.

SENATOR MCCARTHY:

Yes, Mr. President. Because Senator Harris, who has these bills in that would take away from home rule units the power to regulate the sales of insurance, I wish he were here now and participating...Because this is going to be an explanation of my vote.

PRESIDENT:

Just a moment. Just a moment. For what reason does Senator Graham arise?

SENATOR GRAHAM:

I would like to, on a point of personal privilege, inform the Senator from Decatur that I am sure he will be talking adequately long enough for us to get someone to find Senator Harris, so I think no more reference need to be made to a bill that has nothing to do with the subject matter at hand.

PRESIDENT:

Senator McCarthy may proceed.

SENATOR MCCARTHY:

Will you please tell me how much of my three minutes the other members have consumed?

PRESIDENT:

Everytime they interrupt we stop the clock.

SENATOR MCCARTHY:

Thank you.

PRESIDENT:

So you still have two and a half minutes to go.

SENATOR MCCARTHY:

Thank you. Because there is, pending in this body, and each legislative item that we consider precisely must be viewed against the background of other pending legislation that's germane, Senator Harris's bill that would take away from home rule units the power of license sales of insurance, gets weaker and weaker as this type of parliamentary procedure goes on. I wouldn't want the City of Decatur to let the insurance industry come into the City of Decatur and sell insurance policies if this bill goes through. I wouldn't want the City of Springfield or the City of Chicago or any home rule unit to be deprived of the power of cutting off state...stop them at the state line. And while we're talking on explanation of vote, I would like to know this as a fact, because it has been told to me that Allstate Insurance Company has been denied the right to sell policies in the State of New York, someone can do that. We could do it now if Senator Groen hadn't moved to table my motion and cut off debate. And if New York is going to kick Allstate out of New York, Senator Harris, your bill doesn't look any very good, because I'll be the first one out there in the City of Decatur saying none of these policies get sold in the City of Decatur because you're a home rule unit. In the interest of trying to delineate and articulate, Mr. President, the issue at hand viewed against the background of pending legislation, I want Senator Groen's motion to table mine to be defeated, because we're entitled, and the public is entitled, to a ventilation...a ventilation of this issue. I vote no.

SECRETARY:

...Merritt, Mitchler, Mohr, Neistein...

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

As I understand, Mr. President, we're voting on a motion to table, proposed by Senator Groen, to table Senator McCarthy's motion.

PRESIDENT:

That is correct.

SENATOR NEISTEIN:

And if I support Senator McCarthy, I vote no on this issue. Is that right?

PRESIDENT:

That is correct.

SENATOR NEISTEIN:

Well, I rise in support of Senator McCarthy. I think he is to be complimented on his stand on behalf of the people of Illinois who have nobody to lobby for them except the Senators and Representatives that are here. The insurance lobby is well represented. The insurance lobbyists have been around this building since this session began five weeks ago, and they can't wait to get that second dip. After no-fault they want this part, open rating. This is the greatest thing that could happen to them. They know it; they smell that victory and they want this bill to pass. I think that Senator McCarthy is correct. There is nothing earthshaking in railroading this measure through this body, and I vote no.

SECRETARY:

...Newhouse, Nihill, O'Brien...

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Before I, Mr. President and members of the Senate, before I vote on Senator McCarthy's motion to set up a special committee, and it does appear

there was quite a bit of thought that went into that motion that is up there on that table consisting of members from the Senate and so forth, I would like to get a little information, if I possibly could, from any member of the Senate. I would like to know what states in the United States have no-fault. To my knowledge...I know that Oregon, Florida, and the State of Illinois both, all three of them have no-fault right now. I don't know of any other state, as Senator Partee mentioned, other than California, that has an open rating and it does appear that California has had that open rating for some 16 years. Can anybody tell me any state in the United States, as Senator Neistein mentioned, that has the double dip, both no-fault and open rating? If we pass this open rating in the 77th General Assembly, Gentlemen, this isn't the State of Illinois; it's the State of Insurance. I wonder if anybody could possibly answer those questions. What state in the United States has both no-fault and the open rating? Is there anybody who can answer that question? Senator Newhouse?

PRESIDING OFFICER (Rock):

For what purpose does Senator Neistein arise?

SENATOR NEISTEIN:

Well, my beloved and learned colleague is seeking an answer and so I'd like to give it to him. There's no state in the United States that has the double-dipper; that's no-fault and open rating. And if we pass this, this will be the only state to be held up to the world, the eyes of the world, to the eyes of the greedy and the grubby, that Illinois passed no-fault and open rating at the same time.

PRESIDING OFFICER (Rock):

Continue with the roll call. For what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

To say that Senator Neistein gave the precise answer, with the dubious distinction involved, that I was going to give.

PRESIDING OFFICER (Rock):

Senator O'Brien, for what purpose do you arise?

SENATOR O'BRIEN:

Mr. President and members of the Senate. With the knowledge that no state in the United States has both the double dip -- no fault and open rating -- and, with the knowledge that open rating only exists in the State of California, and with the knowledge that no-fault only exists within the states of Oregon, Florida, and the State of Illinois, I vote no.

SECRETARY:

...Ozinga, Palmer, Partee...

PRESIDING OFFICER (Rock):

Senator Partee.

SENATOR PARTEE:

I was off the floor for a moment, but I thought, I thought that the motion we are considering was a motion of Senator McCarthy to appoint certain designated persons from certain designated commissions...committees to formulate a commission to study the problem. Is that the question?

PRESIDING OFFICER (Rock):

Mr...

SENATOR PARTEE:

What is the...what is the question?

PRESIDING OFFICER (Rock):

There...there...

SENATOR PARTEE:

I'm addressing the Chair, whom I assume would know.

PRESIDING OFFICER (Rock):

Yes. We are voting on Senator Groen's motion to have Senator McCarthy's motion lie upon the table.

SENATOR PARTEE:

Well, that's the same thing...basically the same thing. The basic consideration is the motion and a motion to table it. Now, I assume that...

I don't want to assume anything. I want to say that a lot of the statements

that are being made in terms of the bill or the bill's merits is very... not germane to the point under consideration. And people can express themselves; I'm one who believes in expression, but I think we ought to at least have comments that are germane to the question under consideration. I would be opposed to the motion on the same reasons I've been before. I would further be opposed to any motion or petition that designates, or even suggests, or mandates to the person who makes the selection, the President Pro Tem in this section, who the people should be or where they should come from. I vote aye.

SECRETARY:

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

PRESIDING OFFICER (Rock):

Senator Groen, for what...

SENATOR GROEN:

Mr. President, am I recorded? I don't believe I am.

PRESIDING OFFICER (Rock):

You are recorded in the affirmative.

SENATOR GROEN:

Well, then on a point of personal privilege, I...I...I would ask for attention here.

PRESIDING OFFICER (Rock):

Senator Groen is entitled to be heard.

SENATOR GROEN:

I would just point out to everybody who has spoken about our establishing something here and putting something on the books that no other state has and all of this garbage...Gentlemen, you have it now. It's in effect; by regulation it was extended. That's not the issue before us. The question is, shall we give the blacks in Chicago a fair break on insurance rates? That's the question; not are we going to establish open rating. We've got it now, and it's going to be here between now and January, from January to July, from July to December...Gentlemen, we've got

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it. You're not establishing anything. What we want to establish is fair rates for people in Chicago. I'd certainly like to clarify that issue, Mr. President.

PRESIDING OFFICER (Rock):

On that...for what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

Mr. President, I...I don't want to take any more personal privileges than Senator Groen does. Senator Harris, your bill's getting worse and worse. But I do rise on a personal privilege because Senator Groen, on his statement of personal privilege, stated that he wanted to do something fair for the blacks in Chicago. I want to do something fair for the blacks, the whites, the red; not only in Chicago, but throughout the State of Illinois. I want to do that because under the proposed bill there is no, no compulsion of the insurance companies to sell these...

PRESIDING OFFICER (Rock):

For what purpose does Senator Merritt arise? Excuse me. For what purpose...

SENATOR MERRITT:

Mr. President, as I understand, the roll call's been completed.

PRESIDING OFFICER (Rock):

That is correct.

SENATOR MERRITT:

I think we should have announcement of that vote.

PRESIDING OFFICER (Rock):

Senator McCarthy has the floor on a point of personal privilege.

SENATOR MCCARTHY:

Thank you very much, Mr. President. As I was interrupted in my train of thought, and I thank God for being able to give me the recuperative powers of getting back on it, there's no compulsion on the insurance companies to sell their particular policies to the people in these areas. So merely because they abolish the zone doesn't mean that they have to sell. We have ample precedent here in the State of Illinois through the

fire companies. What happened just last session, or was it this session, that the fire companies wouldn't insure burned down ghetto areas? And so the same insurance interests -- or at least the same Department, it may be a different insurance interest -- came to us and asked us to put taxpayers' money into a fund that would underwrite their risks in the ghetto areas. I raise that as a point of personal privilege because of the stated mes...the stated purpose of Senator Groen's point of personal privilege, and I'd be happy to repeat it for those who want a further explanation. Thank you.

PRESIDING OFFICER (Rock):

On that question the yeas are 30, the nays are 23. The motion that it lie upon the table prevails. Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate. I have a motion on the Secretary's desk; and don't read the one where I repeal the no-fault. I have an amendment to repeal no-fault, but that comes up later if your motion prevails. But read the motion, one of the motions I gave you there, Mr. Secretary. Would you please?

PRESIDING OFFICER (Rock):

Secretary will read the motion.

SECRETARY:

I move to postpone further discussion of House Bill 1568 to a date certain; namely, December 31, 1971. Signed, Senator Neistein.

PRESIDING OFFICER (Rock):

Senator Neistein.

SENATOR NEISTEIN:

Mr. President, according to our rules, a motion to postpone further discussion on a bill to a date certain is in order. I checked it with my staff and the date certain that I set is December 31, 1971. And on that motion, Mr. President, I think it's aware to everyone in this body that there'll be no bill railroaded through this body, that if further persistence is made, I have one other amendment that's going to go...be offered.

--if the Senator who's making these motions prevails, and that's to repeal the no-fault insurance provision. And so therefore, I persist in my motion that discussion on this bill be postponed, House Bill 1568, until a date certain, December 31, 1971.

PRESIDING OFFICER (Rock):

Senator Sours.

SENATOR SOURS:

I'd like to call Senator Neistein's attention to the fact that even in those times, Senator, when we had 38 over here and your side had the remainder, at no time did we ever make such a motion; because at that time, and I'm sure now, we felt that would be taking a little undue advantage of the weaker side, and I feel that it's a motion that you probably ought to voluntarily withdraw.

PRESIDING OFFICER (Rock):

Senator Neistein.

SENATOR NEISTEIN:

Senator Sours, the reason a motion like that was never made, my rule book had no more pages in it and I couldn't find this section in the rule book. But, since the last session, all the pages are intact in my new rule book and in perusing it the last few minutes, I discovered this provision which is perfectly in order. I'm sorry if it doesn't meet your approval, but you know my strong feelings in this matter and therefore I'm constrained to persist in my motion which was just read.

PRESIDING OFFICER (Rock):

Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate, I don't shrink from anything. I've grown up in a political world, in a political system, and I know and understand that various tactics will be employed from time to time for carrying on the purpose intended by the person who utilizes those tactics. I would have liked to have had the courtesy from Senator Neistein of being informed that he had such a motion in the first instance, but more than

that, to adjourn to a date which the Legislature would not be in session is, to me, completely out of order and does not give the legislative process the integrity to which it's entitled. We're not going to be in session on December 31, 1971, and everybody knows that. So to put in a motion for that purpose and have people vote aye on a motion of such a designation, to me, is just abusing the legislative process.

PRESIDING OFFICER (Rock):

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate, and particularly my esteemed leader, Senator Pro Tem, Senator Partee. Before I made this motion, I checked with some of the staff and they couldn't answer what date we're coming back in January, and I think you'll find that that's correct. One of the staff members is standing at your side and he's the one I directed the question to, and he said, "Well, the only safe date to use is December 31." Now, if you would like, I'll amend my motion to have this discussion continued until January 6 or January 10 or May 15, of 1972 or whatever date's certain that we are going to come back here, and I'd be pleased to do that and follow your esteemed and able leadership.

PRESIDING OFFICER (Rock):

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I move that that motion lie upon the table. Formal roll call.

PRESIDING OFFICER (Rock):

Senator Newhouse has moved that Senator Neistein's motion lie upon the table and on that question the Clerk will call the roll.

SECRETARY:

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

PRESIDING OFFICER (Rock):

Senator Knuppel.

SENATOR KNUPPEL:

Well, it appears that the motion to lay this on the table's going to carry. I'm deeply disappointed because I had hoped that I could amend it til...until December the 24th. I'd like to see us all here in a festive and gay mood when we could really enjoy ourselves and do justice to this legislation. Senator Neistein has offered to amend this until January and for reference to the Constitution, the date would be, I think, the second Wednesday, which I believe will be the 12th of January; and I'd like to see him have an opportunity to amend this til the 12th of January, even though I'm so disappointed that I couldn't amend it til the 24th of December and so I have to vote no to give him that opportunity. I like to see the process of debate and full and open discussion have sway here in the legislative body and so, if I could be recorded no, I'd be very happy.

SECRETARY:

...Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy...

PRESIDING OFFICER (Rock):

Senator McCarthy.

SENATOR MCCARTHY:

I favor Senator Neistein's motion as he proposes to amend it, because one of the things that we could look up, Senator Partee, would be the definition of what is an underwriting profit. At the present time, we don't know what an underwriting profit is. Certainly it's not the normal profit and loss. Director Baylor, in the Executive Committee hearing when he came up for confirmation, admitted to us in Executive Committee that the insurance company only considers as income the premium. He admitted that they do not consider as income the interest earned on the unused premium. He admitted insurance companies do not use the interest accumulated on loss reserves. An example of a loss reserve is if it's \$50,000 is set aside for a loss that draws 6 percent a year, that's \$3,000 additional income to the company, but it's not considered by the company in determining their

rates. And so, this whole concept of what's a fair underwriting profit is something that I'd like to study between now and January so that we could precisely determine the nature of this bill and its implications. Therefore, because this proposal is before us I vote no on the motion to table, again reminding the members that every time a motion to table is made, you are foreclosing us from debate, you're limiting us to three minutes on explanation of vote. I vote no.

SECRETARY:

...Merritt, Mitchler, Mohr...

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, in explaining my vote, it just seems to me that it's absolutely absurd what we're doing here today, and I would be hopeful that all the people of Illinois, especially those back in my district, know that delaying tactics are going on here when we have important legislation for consideration in these final days. Now we've had the open rating law and everybody knows what it is. It's really free enterprise at work at its best, with rates seeking their own level in a competitive market, and we've got it by regulation and I don't know what goes on over there in trying to delay all day and all night, maybe, so that we can get down to the business at hand. I vote aye.

SECRETARY:

...Neistein...

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

In answer to Senator Mitchler, two things...when he says we've got important business to get to, I don't think there's anything more important that faces the people of this state than to give insurance companies no-fault insurance and open rating. It's a matter that affects every individual in every section of our state. I think this is one of the most

important things to come before this body and should take plenty of time and discussion and airing out and hearing of witnesses before we can intelligently arrive at a conclusion. The second point, Senator Mitchler... Mitch...Merritt, is this: that if you think this is consuming too much time, my motion states that we should postpone the consideration of this bill until a date certain, namely December 31, 1971, which I'm willing to amend because my esteemed leader, who was miffed because I didn't clear the motion with him, suggests that I use a date when we're back in session, and it's been determined that January the 12th is the date we're coming back. So, Senator Merritt, if you're so firm and steadfast in your stand, then I'm sure you would join with me in voting to keep the discussion...or to postpone consideration of this bill and the discussion until January 12 so we can hear other earthshaking bills that are before this body. I think this is just another bit of evidence to show how important this measure must be to the insurance companies that there's no debate, that there's no discussion, that there's no delay, that there's no postponement of the consideration of this bill. I don't see what harm there would be if a complete and full hearing were held on this bill, but when you get a finger you want a hand. And how grubby and how crass and brass can people be when the insurance companies get no-fault and they want open rating. They want everything and I don't see how important this is to the people of the State of Illinois that we have to rush it through so that we can accomodate big business and insurance companies. Senator Merritt, that free enterprise is a thing of the past. You've got to live with the present age. We've got 18 year olds voting, we've got wire-tapping, we've got pigeon stools, we've got snitchers, we've got leakers, and you might as well join step and learn the facts of life that the free enterprise is out the window. That was the laissez-faire theory by Adam Smith in 1700, but this now is 1971, and it's a thing of the past and we've got to protect the people of the sovereign State of Illinois who look to you and me, Senator Merritt, for their protection; and I know you'll join with me, that you'll change your vote because you so eloquently.

stated that we shouldn't talk about this all day and all night. We should put it over...

PRESIDENT:

The Senator will conclude his remarks.

SENATOR NEISTEIN:

I beg your pardon, Mr. President? What's wrong?

PRESIDENT:

Your time is used up, Senator. You will conclude your remarks.

SENATOR NEISTEIN:

Oh! I thought something was the matter, Mr. President. Meanwhile you stopped me from what I was talking about and I'll have to wind up again...

PRESIDENT:

That was the intent.

SENATOR NEISTEIN:

I beg your pardon.

PRESIDENT:

That was the intent, Senator.

SENATOR NEISTEIN:

Well, Senator Merritt, I'm sure that you'll join with me, that you want to have full and complete discussion. After all, I've observed your positions many, many times. You don't believe in overriding committee. I've heard it so many times. I remember when we considered open housing and you got up and said that we never override a committee, that you want a complete and full hearing in the committee. And so to be consistent, and I know you're not hypocritical, you're a dear friend of mine and colleague. I admire you very, very much. I admire your stands. I'm sure that you'll join with me in postponing further consideration of this bill until a date certain. I vote no on their motion.

SECRETARY:

...Newhouse, Nihill, O'Brien...

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Mr. President and members of the Senate. Before I vote I want to clear up one point. I mentioned that Florida, Oregon, and Illinois were the only states that had no-fault. Massachusetts also has no-fault as of 1970, so there are four states; however, Illinois is the only state that's...

PRESIDENT:

What is the point of order? Senator Partee.

SENATOR PARTEE:

Point of order is that the gentleman is entitled to be edified and enlightened, but not on this roll call because the matter he talks about is not germane to the subject matter under discussion on the particular question.

PRESIDENT:

The Senator will confine himself to the motion at hand in explaining his vote.

SENATOR O'BRIEN:

I want to apologize, Mr. President and members of the Senate. However, I did want to make that crystal clear to everybody right now. Senator Merritt mentioned that perhaps the tactics that are being used are absurd and some of the methods and amendments are a little ridiculous. Well, I'd...I'd like to say that I think this is a real important issue and that every state in the United States, by some of the action that they're taking on the insurance regulations, is tired, is tired of the high cost of auto insurance. And I say to you, Mr. President and the members of this General Assembly, that this issue alone, the high cost of auto insurance, is enough to elect a new Governor of the State of Illinois. Because anybody that can come up with a program that will lower the costs for auto insurance in this state will have the vote of almost every man and woman in this state. This is an important issue and this may be called a filibuster, but if it goes long enough, Senator McCarthy, and if your

strength holds out, this can change from a filibuster into a public hearing. And perhaps we can go five, six, perhaps seven days and bring down people to listen to the debate and get ideas from them. Mr. President, I'd like to vote no on this motion.

SECRETARY:

...Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Suvickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Mr. President, I would like to ask that on this roll call and all others, and I ask this in all honesty and sincerity of purpose, that those who hold any insurance stock in connection with this bill, that those that have a conflict of interest state so as they vote. Thank you very much.

PRESIDENT:

For what purpose does Senator Groen arise?

SENATOR GROEN:

In the event that the comment made by the most recent Senator, to speak, is directed at me, I am pleased to advise you, Senator, I own not one share of stock in any insurance company that sells automobile liability insurance, nor does any member of my family.

PRESIDENT:

On that...on that question the yeas are 30; the nays are 22. The motion to table prevails. Senator Groen.

SENATOR GROEN:

Mr. President, I would...

PRESIDENT:

Just...just...what is your point of inquiry, Senator McCarthy?

SENATOR MCCARTHY:

Point of parliamentary inquiry. My point...my question is this. I have some other motions. So does Senator Neistein. Now we want to know

that in the event all of our motions are unsuccessful, where precisely are we at that time?

PRESIDENT:

We...the...we are on consideration postponed. I assume that Senator Groen will request, in connection with his motion, that we consider House Bill 1568. That's our situation.

SENATOR MCCARTHY:

Now I'd like to make a further inquiry. The inquiry is this. What is necessary to move a bill from postponed consideration to second reading? What sort of a motion is it? What time of day does that come in? What's the order of business? There are several questions.

PRESIDENT:

Traditionally, members have always been able to call their bills from third reading, or postponed consideration, back to second reading for purpose of amendment.

SENATOR MCCARTHY:

I wasn't asking that...

PRESIDENT:

The sponsor has control of his bill.

SENATOR MCCARTHY:

Well, Sir, I wasn't asking you what the tradition was. I wanted to know what the order of business was. Would that come up on House Bills on second reading?

PRESIDENT:

No, no, this...this would come up if Senator Groen, as he indicates, wishes to do this, he...

SENATOR MCCARTHY:

Well, then he would have to do that over the objection of the body, would he not? If objection was interposed?

PRESIDENT:

I'm advised that is not the case.

SENATOR MCCARTHY:

Well...

PRESIDENT:

For what purpose does Senator Partee arise?

SENATOR PARTEE:

I didn't want to raise this motion earlier because it might give the impression that we were trying to shut off debate here, and several of the motions on which we have voted, if I read Rule 48 correctly, were absolutely out of order. 48 says that no motion to postpone to a day certain or indefinitely or to commit or recommit, being decided in the negative, shall again be allowed on the same day or at the same stage of the bill or proposition. Now, after the first motion of Senator McCarthy's, and after it was decided in the negative, the other motions were really out of order. I knew that and I recognized it. I can read the rules here, but I didn't raise the question because it would seem that we're trying to stymie his very devoted proposition and his belief in this subject matter. But I do raise it now because we do have a lot of other legislation, a lot of other bills that we must consider and I would invoke Rule 48 with reference to any subsequent motions which may be filed in that vein.

PRESIDENT:

Well, the Chair would differ with the President Pro Tem in his interpretation of Rule 48. However, he is correct in saying that an additional motion to recommit or to postpone to a day certain or to commit to a specific committee to be established can no longer be considered today. Senator Groen.

SENATOR GROEN:

Mr. President, I take it that...I now move to consider House Bill 1568.

PRESIDENT:

What...what...for what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

I...I want to second the remarks of Senator Johns. I've said here earlier that I'm deeply concerned about what motivates this body. And I

feel that if...if ethics legislation we spent an entire day on yesterday...I think it behooves every member of this body, before he votes on this legislation, that he tell us in detail exactly what, if any, insurance company stock he may own on auto insurance or auto insurance agencies...There has been something happen in this body since June 30th and I want to know what it is! And the only way I can know what it is, is if I hear from the lips of each of these individuals that he's clean, that he doesn't own an automobile insurance agency, and that he doesn't own auto insurance company stock. I spent a great deal of time listening to witnesses on this legislation and I was told when we voted here we didn't have the votes. And I want to know why there's been a change. I want to know why we couldn't get the votes to pass this and why I felt that I shouldn't vote for it on June the 30th and now I'm told it's good legislation. There's something wrong, and I tell you as I told you about 1182 and 1183, when this bill might have been alright, it smells now...it smells!

PRESIDENT:

Senator Groen is recognized.

SENATOR GROEN:

Well, Mr. President, I suppose I should make some comment. And I would hope, colleagues, that before this session ends somebody offers a resolution praising me for patience. I think I've demonstrated it this morning beyond, beyond that of Job. I will yield...well, apparently we have no permission to yield?

PRESIDENT:

We have two...two...two members who have asked for...what is...for what purpose does Senator Johns request the floor?

SENATOR JOHNS:

Mr. President, Lady and Gentlemen of the Senate. On a point of personal privilege. May I inquiry if I have the right to make a motion to that effect? That each one, as he votes, state clearly and concisely if he has a conflict of interest. I make a motion to that effect.

PRESIDENT:

The Chair would have to rule that that is...first of all, you'd have to have a suspension of the rules for that. I think...I don't think...I don't think that we can add requirements, not by statute, as far as members voting. Desirable or as undesirable as it may be. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Point of personal privilege, Mr. President. The Senator raised the question. I think it can be answered very simply, I don't think there's any need for this nonsense. The facts of life are that when we came back down here on this floor on that night that he mentions, there were several votes that were about to change on the floor that night. And those same votes are about to change right now. Now the implication that something happened, I don't know what that means. If we're all going to issue disclaimers, I don't own any stock in any insurance company and not much of anything else. But the facts of life are that when we came down here there had been one decision made based upon a presentation that did not mention this bill in question, and when I arrived down here on this floor there were House members waiting for me to tell me what a mistake I had made and what a hoax I had participated in, and those votes were changed on that night. And we've spent all this subsequent time trying to work this bill out. There's nothing funny going on, Senator, you ought to be ashamed of yourself.

PRESIDENT:

Just...let's...let's all of us, let's try to stick to the issues at hand and avoid...for what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

The remarks of Senator Newhouse...personal privilege. All of the information that's available here today was brought out in committee hearings over a six month period. It was available long before June 30th, and it was long before that night.

PRESIDENT:

Senator Groen is recognized.

SENATOR GROEN:

Well, Mr. President, I'd like to answer Senator Knuppel, as I understand the situation. It was my understanding that back on June 30th, if the problem that is presented in the proposed amendment which I have had redistributed to all of the members, namely the rating problem for the City of Chicago, had been included and solved in the June 30th bill, it would have passed. But it did not include that kind of a proposition, and thus couldn't muster the votes. Now, over the summer, I have told you two or three times here this morning, a joint committee met to try to resolve this problem of the inequity that exists in the City of Chicago in certain areas, over insurance rates for automobile coverage. They met, they came up with an agreed solution, and I would repeat again, the question today before us has nothing to do with open competitive rating. I said it a few moments ago. It's here, it's being practiced, it's going to be...continue to be practiced. The only question before you today is, do you or do you not want to establish a uniform rate for personal injury and property damage, automobile coverage for the blacks in Chicago. Now that's the simple question before you.

PRESIDENT:

For...for what purpose does Senator Bruce arise? We have no motion before the body right now, so unless it's a point of personal privilege or a parliamentary inquiry, there is no...Senator, Senator Groen.

SENATOR GROEN:

Is it my understanding that there are no more motions on the Secretary's desk and that we now have the bill on consideration postponed. We are on that procedure and I am recognized. Is that...

PRESIDENT:

That is correct.

SENATOR GROEN:

Alright.

PRESIDENT:

Senator...Senator Neistein.

SENATOR NEISTEIN:

In a point of personal privilege. Senator Groen just made the remark that all we're discussing is to establish a zone to take care of the blacks of Chicago. Then what do we need the bill about open rating; why couldn't there have been a bill introduced at the beginning of the five week period to set up this zone...and we're all for it, no one's opposed to the idea of the zone, the single zone. Why does open rating have to be tied in with the zone? This is my point. All this discussion could have been avoided. A bill could have been introduced if that was the wisdom and the decision of a committee, and we're all for it. I think I can speak for the Senators on this side that there isn't one man who's opposed to the idea of one zone, but the kicker is that open rating is tied in with it.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I apologize for being late, but just so...

PRESIDENT:

You have a good excuse, Senator.

SENATOR BRUCE:

...I have no motion. I just ask this question. An amendment evidently was adopted.

PRESIDENT:

No.

SENATOR BRUCE:

No. No amendment. I thought the bill was brought back from postponed consideration for the...I'm sorry. So no...the bill, as I have it on my desk, is the way it is presently?

PRESIDENT:

There is no...no amendment has been adopted as of right now. Sena-

tor Hynes.

SENATOR HYNES:

Mr. President, members of the Senate, on a point of personal privilege. I have been sitting here very quietly for the past hour. I am opposed to the open rating concept, as much opposed as anyone in this body. I do believe, however, that we ought to get to the merits of the bill, we are getting there. But I do want to set the record straight because there has been a gross misrepresentation here which was started by Senator Newhouse and has just been repeated by Senator Groen; that the only issue before us is whether we want to do something to protect the blacks in Chicago. That is to say, that is to say that we would have one zone in Chicago. I support the concept of one zone and I think, as Senator Neistein indicated, all of us on this side of the aisle do so support it. Furthermore, we are going to offer an amendment to this bill which will establish one zone for Chicago and, at the same time, will reinstitute prior approval by the Department of Insurance in terms of increases in insurance rates. Therefore, if the issue is one zone, we can accomplish that by supporting our amendment.

PRESIDENT:

Well, the Chair is going to have to start...On a question, a point of personal privilege, we're debating issues rather than rising on...pardon? Senator Newhouse is recognized.

SENATOR NEWHOUSE:

I'd like to set the Senator straight. The facts of life, I have never said to my recollection that this is the only issue. As a matter of fact, I began by saying that what Senator McCarthy said was not the only issue, that there were other dimensions. Perhaps the Senator misunderstood me. That was not my point at all. Now, the second point is, Senator, if you're so interested in this as you say you are, you know this has been the issue for some time. This don't come as a surprise to you. I'm happy to have you aboard, but I hope we can get something worked out.

PRESIDENT:

I think we're going to have to proceed with our business here now.
Senator Groen.

SENATOR KNUPPEL:

Mr. President. Mr. President:

PRESIDENT:

Alright, what is your parliamentary inquiry, Senator Knuppel?

SENATOR KNUPPEL:

Mr. Chairman, Senator Groen referred to a committee, a joint committee, that met with reference to this and I want to know how that committee was chosen, by what resolution...

PRESIDENT:

That is not a parliamentary inquiry.

SENATOR KNUPPEL:

Let me continue, please...just a moment. I was a member of the original rates study...of the original Rates Study Committee, and...

PRESIDENT:

That is not a parliamentary inquiry. Senator Partee. Just a moment...

SENATOR PARTEE:

Mr. President and members of the Senate. There will be a meeting of the Rules Committee immediately in Senator Donnewald's office.

PRESIDENT:

Motion by Senator Partee to have a ten minute recess of the Senate. All in favor signify by saying aye, Contrary minded. The Senate stands in recess.

(RECESS)

PRESIDENT:

The Senate will come to order. The Senate will come to order. Senator Partee.

SENATOR PARTEE:

Mr. President, a few moments ago we were in a state of disarray. We

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—did not reflect our full and complete respect for the Senate and for its rules and for that reason, Mr. President, I would like for you to read Rules 29, 30, 32, and 33, and would ask you, Mr. President, to please enforce those rules no matter who is offended by the enforcement of those rules. We must have rules and we must recognize that there are rules, and we cannot get ourselves in a position of anarchy.

PRESIDENT:

The Senator is correct in that. Rather than the Chair reading the rules, I would direct the attention of the body to the rules. I hope that as we proceed we will try to maintain some respect for one another while we differ, and differ sharply. Senator Groen. For what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

An inquiry...a parliamentary inquiry. I've read the rules and I hope I haven't violated the rules mentioned by Senator Partee, but my inquiry is this: We started out under Rule 4. That was the motion Senator Groen made under Rule 4, which I will read to you on Page 80. It says the Senate may, at any time, by unanimous consent or on motion supported by a majority vote of those Senators present, proceed out of order to any order of business or return to any order already passed. When the Senate shall have reached any particular order of business any time thereunder may be taken up for consideration out of its regular order upon motion supported by a majority vote of the Senators present. Now we are to, as I understand it, to an order of business. That being the business of bills on postponed consideration. We have reached that particular order of business and one item thereunder can be taken up, and I presume that they'll want to take up 1568, out of its regular order because you'd have to go down the start of postponed consideration until you reached 1568; but my inquiry, Sir, is...Mr. President, now that we've reached the order, assuming that there are no further motions, that we've reached the order of third reading, what constitutes taking up the bill for consideration?

PRESIDENT:

We have not reached the order of third reading.

SENATOR MCCARTHY:

I'm sorry...consideration postponed. Which is...

PRESIDENT:

We are on consideration postponed.

SENATOR MCCARTHY:

Would you repeat to me on my point of inquiry what your ruling was on the latter part of June about bills on postponed consideration.

PRESIDENT:

The...I'm advised that I ruled that we would consider them last at the end of June, because they had been considered once.

SENATOR MCCARTHY:

Does that rule still hold that this item shall be last considered and we can get on to the Calendar and Senator Harris's bills?

PRESIDENT:

Well, the...what we have been doing as we go through the Calendar, the last items considered has been consideration postponed. But the body has now over...has made a determination under Rule 4 to proceed immediately to this bill on postponed consideration.

SENATOR MCCARTHY:

Well, now...now just a minute here. Alright. So that Senator Groen can take up on third reading, as I understand it, House Bill 1568, on consideration postponed.

PRESIDENT:

On consideration postponed. That is correct.

SENATOR MCCARTHY:

Well, now, Mr. President, does that not require a suspension of the rules?

PRESIDENT:

No.

SENATOR MCCARTHY:

Not even your rule?

PRESIDENT:

It does not, because under Rule 4 the majority of this body can proceed out of order to any order of business.

SENATOR MCCARTHY:

Now, Mr. President, my final question is: If Senator Groen doesn't like the complete language of this bill and he desires to get the request of the body to return it to the order of second reading and there are objections interposed, would that not be a violation of the rules and require 35 votes if objection was interposed?

PRESIDENT:

No, it would not.

SENATOR MCCARTHY:

How many votes would it require if there was objection?

PRESIDENT:

Well, the Chair has, and I think this came up in connection with a matter Senator Johns had one of the last days of the session; the Chair has always recognized the right of a Senate sponsor to pull a bill back to second reading for purposes of amendment.

SENATOR MCCARTHY:

Well, now I can understand why you do that if there's no objection, but I want to pose a hypothetical to you on an inquiry. Suppose this bill was amended to increase the income tax from two and a half and four to five and eight, and that amendment was attached. You'd say...you'd say, then, that after the amendment was attached, that would go to third reading.

PRESIDENT:

That is correct.

SENATOR MCCARTHY:

Or postponed consideration.

PRESIDENT:

It stays on postponed consideration, not third reading on the Calen-

dar.

SENATOR MCCARTHY:

And then, at what point of time would the income tax bill then be considered? Right away?

PRESIDENT:

It could be considered after intervening business.

SENATOR MCCARTHY:

After intervening business.

PRESIDENT:

That is correct.

SENATOR MCCARTHY:

Alright, thanks.

PRESIDENT:

Senator...For what purpose does Senator Bruce arise?

SENATOR BRUCE:

Well, a point of inquiry. When a bill is on postponed consideration and we somehow amend that bill and there's intervening business, under what rule do you make that determination that we can return to that bill after intervening business? If we go from postponed consideration to bills on third reading, we have returned to another order of business. To return to postponed consideration would again take a majority of this body.

PRESIDENT:

Well, one of the functions of the Chair is to try and expedite the business in the body and I think the body has expressed itself as to where...what business it wants to take up, and the Chair is going to accommodate the body in that regard.

SENATOR BRUCE:

Well, Mr. President, we've made the point several times; we are a body that operates under rules. My question is: What rule of this body allows a sponsor to go from consideration postponed to second reading, the adoption of amendment, intervening business, and then recalling that bill? All I want to know is the rule.

PRESIDENT:

It is not part of the rules. It is part of the tradition of the Senate, which is, at times, as important as the rules. Senator Neistein.

SENATOR NEISTEIN:

Mr. President, just a parliamentary question. If we're on matters postponed and the sponsor moves the bill, it goes to third reading. Is that right? Before he moves it to second reading. I mean those are the steps.

PRESIDENT:

In a...it is on postponed consideration which is a form of third reading.

SENATOR NEISTEIN:

And at that point, I can ask for a roll call, is that right?

PRESIDENT:

That is correct.

SENATOR NEISTEIN:

Thank you, because that is what I propose to do.

PRESIDENT:

You...just...the...Senator McCarthy.

SENATOR MCCARTHY:

Thank you, Mr. President. I can't disagree that there has been an expression of the body that they wish to allow the Senator to ultimately take his bill back to second reading. I don't believe there has been any indication of the body at this time as to what they might want to do after any amendments are attached. And I ask you...and I, I say I don't believe there's been any...I don't think you can crystal ball to see the attitude of the body after any amendments are attached, because it might be an income tax bill under an extreme situation. So what I'm asking you is a parliamentary inquiry and an exhortation to perhaps reserve your rulings as the sequences occur.

PRESIDENT:

I'll reserve my rulings as the sequences occur, Senator Groen is

recognized.

SENATOR GROEN:

Well, Mr. President, I take it we are now considering House Bill 1568...

PRESIDENT:

That is correct.

SENATOR GROEN:

...on postponed consideration. I call the bill back from that order to the order of second reading for the purpose of offering an amendment, which amendment is on the Secretary's desk.

PRESIDENT:

What...there is objection to calling it back. Now, the Chair is again, as we...as we have on many occasions...the Chair is going to recognize the right of a sponsor to pull a bill back from third to second reading for purpose of amendment. And, obviously, if he doesn't have the 30 votes to pass his bill...if he has those, he has the votes to move it around as he would see fit. For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

Well, I challenge the...and appeal the ruling of the Chair. I feel that I have seen the Chair act differently here. I recall a long debate one night from the other side about pulling back a bill and we had to have leave with respect to an educational bill...educational bill, and also the ethics bill. We wanted to bring the ethics bill back to have it amended as it was amended yesterday, 81, when it went out of here, and we had to have the votes to pull it back.

PRESIDENT:

Well, now, just...if the Chair may interject. If the sponsor does not want to call the bill back, that's a different question. The sponsor has control of his bill, but if a sponsor wishes to call his bill back, the Chair has always recognized the right of a sponsor to do that.

SENATOR KNUPPEL:

By what rule?

PRESIDENT:

That is a tradition of the...Rule 7...the end of Rule 7 is sponsor's control of his own bill. It is the tradition of the Senate on pulling it back. It is on second reading. For what purpose does Senator Neistein arise?

SENATOR NEISTEIN:

What's on second? I made an objection. I said I want roll call. I asked you specifically when he makes his move, it goes to third, then to second from postponed, and I'm asking for a roll call on that bill the way it is on third reading.

PRESIDENT:

Well, maybe the Chair misunderstood your question. You do get a roll call on all amendments if you want a...

SENATOR NEISTEIN:

I'm not asking about amendments. I know about amendments. My motion is differently. I say I'm entitled to a roll call at the time it hits third reading, which is right now before it gets to second.

PRESIDENT:

You have a right to appeal the ruling of the Chair.

SENATOR NEISTEIN:

I'm not appealing the rule. I'm just asking you to read the rules, Mr. President, and your Parliamentarian.

PRESIDENT:

Well, we think we're abiding by the rules, Senator. Senator Knuppel is recognized.

SENATOR KNUPPEL:

I did appeal the ruling of the Chair.

PRESIDENT:

Senator Knuppel appeals the ruling of the Chair. And on that question the Secretary will call the...the question is shall the ruling of the Chair be sustained. The Chair has ruled that a sponsor has the right to pull his bill back to second reading for purposes of amendment, and on that question

the Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Mr. President, we're voting right now on whether or not the ruling of the Chair should stand. In my estimation I feel that we could have voted on Senator Neistein's objection to bringing the bill back from second reading and still had the same roll call. You indicated, Mr. President, to the members of this Senate that we operate under rules and also tradition. Well, I would like to ask you just exactly how tradition is set in this body. In my estimation it would be set by long standing precedent which would be guided by the rules and regulations under which the Senate operates, and I think we should adhere to every rule and that every method that is going to be invoked to prohibit this legislation should be honored and if it takes three or four days the bill will have a good hearing and I think we should stick to the rules and not use tradition as a substitute for a rule. I vote no.

SECRETARY:

...Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President, I have yet to disagree with the ruling of the Chair. I'm not going to start now. I'm going to vote to sustain the ruling of

the Chair. We're wasting our time.

PRESIDENT:

On that question the yeas are 32, the nays are 13. The decision of the Chair is sustained. Senator Groen has brought the bill back to second reading for purpose of amendment. Senator McCarthy.

SENATOR MCCARTHY:

Inquiry. By what order do you consider the amendments that are on the Secretary's desk?

PRESIDENT:

The order in which they are filed. The Secretary numbers the amendments as they come in.

SENATOR MCCARTHY:

Before we consider them, I would like to have the information as to the order of the amendments as filed.

PRESIDENT:

The Secretary will indicate what order...what amendments you have and what...who the sponsor are, and what the number of the amendment is.

SECRETARY:

At the present time I have four amendments. Number 1, introduced by Senator Groen, numbers two and three, by Senator McCarthy, number four by Senator Palmer. I have one more now, number 5, by Senator Knuppel.

PRESIDENT:

For what purpose does Senator Cherry arise?

SENATOR CHERRY:

Are we on the order of taking up and debating the amendments that are in the hands of the Secretary?

PRESIDENT:

That is correct.

SENATOR CHERRY:

Now I would suggest, Mr. President, we have some important bills on third reading. And I don't want to offend any of the sponsors of these amendments; I will have one, too, that will be placed on the Secretary's

desk, but it would seem to me that we have already come to the position of taking a bill back from third reading to second reading. Now, the action of this body was to take up the consideration of bills on third reading, on consideration postponed. Now then, you ruled, and you were sustained in your ruling, that the bill should be brought to second reading and that's the prerogative of the sponsor. We did not, however, vote to debate amendments to that bill which was brought back because when the vote was taken on bringing the bill back from consideration postponed, that that would be the position of the bill on consideration postponed and we were to take it up for a vote. Now then, the situation and the facts have changed. The bill now is back on second reading and we have substantial amendments and important amendments, including Senator Groen's, which have to be debated and considered for adoption or rejection, and it would seem to me that we have some bills on third reading that we should go to now. And I would respectfully suggest to the sponsors of these amendments to withhold their argument, debate and presentation of their amendments, which they have the right to have considered on second reading, so that we can go to some very important bills that are on third reading, Senate Bills which are on third reading.

PRESIDENT:

Just, just a moment...so that I understand. Senator Cherry, are you suggesting, and I'm aware there are a number of members who have mentioned their concern about bills on third reading, that there be intervening... that we proceed to the order of third reading and then come back to this? Is this correct for certain bills?

SENATOR CHERRY:

Right.

PRESIDENT:

Well, that would be up to the consent of the body. It would be countered with the motion that was adopted by the body. Senator Chew.

SENATOR CHEW:

Mr. President. We have been on this bill since we got here this mor-

ning, and I'm prepared to stay here until we can take a vote on Senator Groen's bill. It's no use attempting to delay it. If it's going to get back to second reading, we can put the amendments on it or we'll reject it. But I don't think anything is more important than the bill that's in question now and I would respectfully request the Chair completely ignore Senator Cherry's request.

PRESIDENT:

Well. Senator Partee.

SENATOR PARTEE:

Let's not get ourselves in a tizzy. There's a reason for everything and the reason here is that we have some bills on third reading that if they are not acted on today, they're going to not have an opportunity to be heard. Some of the bills relate to the schools in other, in other areas. Now we're going to get back to this bill, but I think the suggestion he made has some real merit and we're going to get back to this bill, and it's no diversionary tactic. It's not trying to get away from it all. It's a matter of doing what has to be done today and making certain that it is done with reference to schools. Some of which, Senator Chew, are in your district.

PRESIDENT:

Just...just a moment. Senator Groen, I, I sense there's a request... Are you talking about certain, specific bills, Senator Cherry?

SENATOR CHERRY:

Yes, I am.

PRESIDENT:

Which bill are you talking about?

SENATOR CHERRY:

The bills are sponsored by Senator Hynes. Tom Hynes, what's the number of those bills? Senate Bills...I'm sorry. Senator Saperstein. Senate Bills 1312, 1313 and 1314. If no action is taken on these bills, they're dead. They're most important.

PRESIDENT:

Well, now...Senator Groen, there is a request that we...and this would have to be with the consent of the sponsor or by a motion of the body, that we go to those three bills and then get back to these bills on second reading. Senator Groen. Senator Groen.

SENATOR GROEN:

Well, Mr. President, I...I truly think I have just about exhausted my patience. I have been willing to have a vote on this bill at 8:15 this morning, or 10:15 this morning. I limited my discussion and my debate to a very minimum; I only answered questions that were propounded to me that I felt deserved answering. I haven't gone into any long explanations. I've given everybody an opportunity to say what he had to say. I don't know what these bills are and I don't know how long they're going to take, but if these bills...Are these Senate bills that we're talking about?

PRESIDENT:

These are Senate bills. That's correct.

SENATOR GROEN:

That would have to go to the House for what?

PRESIDENT:

They have to go to the House today if they're to be passed this week.

SENATOR GROEN:

Well, Mr. President, I would not want to obstruct the proceedings of the Senate to defeat or to make impossible the passage of legislation, but I would call to the attention of those who make this request that if they will simply stop their dilatory tactics and get to the heart of the problem here and get to this bill and get to this amendment, we can dispose of this in 15 minutes or ten minutes or five minutes. The fact that it's taking this long and that the other bills are in jeopardy is not my fault. It's their fault -- those who have deliberately delayed the consideration of this bill. Now why I should be asked to do this, in all fairness and honesty, I don't know. If it...

PRESIDENT:

Just...just...just a moment. There...I'm advised by Senator Horsley that 1310 has to be acted on today and also 1311, and 1290. For what purpose does Senator Carroll arise?

SENATOR CARROLL:

Well, Mr. President, as I understand it, we have to have some intervening business. I have a bill on second reading...

PRESIDENT:

We're not looking for that right now, Senator Carroll. Senator... just a moment. Senator Groen, the decision is yours as of right now.

SENATOR GROEN:

Well, Mr. President, are these controversial bills we're going to take up that will take a lot of time?

PRESIDENT:

Just...just a moment. The question has been asked, are these controversial bills? Let me to just direct this to the...let me direct this to the sponsors. Senator Berning? 1290, is that controversial?

SENATOR BERNING:

No. We have reconciled all of our differences. 1290 should have no difficulty passing.

PRESIDENT:

1310, Senator Horsley. Is that controversial? 1311, Senator Sours. Is that controversial?

SENATOR SOURS:

We're agreed...agreed upon.

PRESIDENT:

Senator Saperstein, are your three bills controversial? I gather that they're controversial. Senator Partee.

SENATOR PARTEE:

It's kind of hard to have a bill around that isn't controversial in some measure; even if it was for motherhood, there may be someone who might think that they meant...who hadn't read the bill, might think they meant

mothers-in-law or something. But let me just say that in order to get these bills to the House today, I think most of us know how we're going to vote on them. The membership will just have to, it seems to me, make an agreement one with the other that although these matters are controversial, no sales job is going to be done by any speeches of any kind or description. We can simply call these bills and vote on them, the ones that have to get to the House today. Now I'm not saying in any way that there should be a suppression of a genuine desire to debate them. But I think that these are questions that don't have to be debated because we all know how we're going to vote on them and any debate is just really surplusage, particularly at this point. I think we have to make a decision that even if they are called and even if they are in any way controversial, I would just certainly ask the membership to just forego the beautiful speeches you might make on them and, let's just vote on them and get them to the House, or defeat them. One way or the other.

PRESIDENT:

For what purpose does Senator Bruce arise?

SENATOR BRUCE:

Parliamentary inquiry. Under Rule 4, we, last evening, went to this particular matter. Now we are asked, as a body...

PRESIDENT:

No, we did that this morning.

SENATOR BRUCE:

Alright. Have we concluded that matter then?

PRESIDENT:

No.

SENATOR BRUCE:

Under Rule 4 are we now going to...

PRESIDENT:

We're...we're...What we're asking for is unanimous consent of the body to move away from this temporarily and then come right back to it...

SENATOR BRUCE:

Now, that...

PRESIDENT:

...so we can consider six bills.

SENATOR BRUCE:

Now, Mr. President, under Rule 4, the Senate may at any time by unanimous consent or on motion supported by a majority vote of the senators proceed out of order. Now are you asking for a majority vote to proceed out of order?

PRESIDENT:

I'm asking for unanimous consent.

SENATOR BRUCE:

We are on second reading on this particular matter. Am I right in that?

PRESIDENT:

You are not correct. We...the bill is on second reading. We are on consideration postponed and what we're asking for is unanimous consent...

SENATOR BRUCE:

To go to another order.

PRESIDENT:

We're asking for unanimous consent to suspend this business right now for discussion of six Senate bills. If that unanimous consent is not given, we're going to proceed with the postponed consideration, consideration bill. Senator Groen.

SENATOR GROEN:

Mr. President, I would not do to those what they are doing to me and I am perfectly willing that the bills that are noncontroversial, that have been agreed upon in effect, be considered at this time. I would not agree with Senator Saperstein's bills be considered at this time because they are controversial and I'm sure that they will be used as a means of delaying getting to the consideration of this proposed amendment today by those who are opposed to considering it. Further, I would want an understanding that

upon completion of those bills we return to this matter of this proposed amendment that I might have it considered.

PRESIDENT:

Well, the Chair would certainly assure the, Senator Croen, of that. Can we have...on Senator Saperstein's bills, I think she is entitled to a vote at the earliest possible moment, can all members agree that any remarks will be very brief on those bills so that we...is there...Senator Gilbert.

SENATOR GILBERT:

Long before this matter came on the floor today and long before we had a time issue, it was discussed by me with our caucus that we would not make long-winded speeches. Senator Harris plans to say two or three sentences, I plan to say two or three sentences, and will sit down. This issue has been discussed on this floor about three or four times this session, the fall session, and I see a waste of everybody's time. Senator Saperstein is certainly entitled to present it, but I'm certainly not going to make it an issue as far as I'm concerned, and I can assure you that we will not on this side of the aisle.

PRESIDENT:

Senate bills on third reading. 12...For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Point of order, Mr. President. You know, Mr. President, we started considering this bill yesterday, and we stopped because several times several of the senators were tired and I can understand that and they had some other engagements. Well, I have another engagement in Chicago today at 6 o'clock, Mr. President, and I very much want to vote on the bill that's before the house right now. Now if we'll quit pussy-footing around and get down to business, we can vote on this bill and get it out of the way the same as the others that we're talking about. Now why can't we...you see, the only pressure we're going to have, Mr. President, is for there to be some pressure of business to make us take care of the business before

this body and I see no reason why we can't get it done on the basis of the order in which the bills have been called for Senator Groen previously.

PRESIDENT:

Well, the Chair...

SENATOR NEWHOUSE:

Now it's a question of whether or not this body is going to buckle down and do its business, Mr. President.

PRESIDENT:

Well, we're on...We have an agreement to move to Senate bills on third reading. 1290, Senator...

SENATOR NEWHOUSE:

Mr. President, you...That agreement was to be unanimous. Is that correct?

PRESIDENT:

It was unanimous.

SENATOR NEWHOUSE:

Well, I think you better talk to me a little bit because I'm not unanimous yet.

PRESIDENT:

Well, you did not object at the time. Senator Donnewald.

SENATOR DONNEWALD:

Mr. President, I think everyone of us were elected to serve in the Senate and if we have to stay here today, tomorrow, and the next day, we stay here. This is our first and primary duty.

PRESIDENT:

1290. Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. Members of the body, Senate Bill 1290 is important and must be passed today in order to get it to the House. I, at this time, defer to Senator Dougherty, if you please.

PRESIDENT:

Senator Dougherty. Senator Dougherty offers amendment number...

SENATOR DOUGHERTY:

Number three, Mr. President. This amendment is, has been reached by agreement; it was drafted at the behest of Representative, or of Senator Berning in order to clarify some of the...what we thought might be, erroneous connotations in the two amendments that he's offered. This bill... He will then move to strike amendments number 1 and 2 and insert number three. What we...What this bill does is provide a means of replenishing the funds, or returning to the funds, to the counties, that had been lost by virtue of the constitutional admonition that no fees can be charged. This is a cost system. It provides that the county will be reimbursed for the cost for the extension, distribution, and collection of taxes or the assessment of property of any unit of local government or school districts within a county. The amendment is perfectly acceptable to Senator Berning. We've thrashed this out for a period of three days. I would urge that we join with Senator Berning in striking amendments number 1 and 2, and inserting amendment number three. Is that right, Senator Berning?

PRESIDENT:

Motion to reconsider the vote by which Amendment number 1 and 2 were adopted. All in favor signify by saying aye. Contrary minded. Motion to table amendment number 1 and 2, all in favor signify by saying aye. Motion prevails. Motion to adopt amendment number three. All in favor signify by saying aye. Contrary minded. The amendment is adopted. Third reading. 1310, Senator Horsley.

SENATOR HORSLEY:

Mr. President, that is the Court of Claims Award Bill and represents awards that have been made by the Court of Claims and is in the dollar amount. However, Senator Cherry has an amendment on one award that was made by the Court of Claims, and rather than to hold this bill up, I'm going to accept his amendment, knock that one item out, and we'll have to fight about it next January, February or March, whenever we're here, so I'd like to call it back to second reading for Senator Cherry's

amendment and adopt that and then bring it back for passage.

PRESIDENT:

Senator Cherry moves for the adoption of amendment number one. Is there any discussion? All in favor signify by saying aye. Contrary minded. The amendment is adopted. Third reading. 1290. Senator Berning.

SENATOR BERNING:

Thank you, Mr. President, members of the body. As Senator Dougherty has indicated, there seems to be now complete unanimity of opinion on Senate Bill 1290. I'd appreciate a favorable roll call. This must get to the House.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Knuepfer, aye. Graham, aye. For what purpose...for what purpose does Senator Graham arise?

SENATOR GRAHAM:

Change my vote from aye to no.

PRESIDENT:

Senator Graham, no. Clarke, no. For, for what purpose...

SENATOR CARPENTIER:

Change my vote from aye to no.

PRESIDENT:

Carpentier, no. On that question the yeas are 39, the nays are 6. The bill is declared passed. Motion to reconsider by Senator Collins, motion by Senator Mitchler to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 1310. Senator Horsley.

SENATOR HORSLEY:

Mr. President and members of the Senate. This is the appropriation of awards that have been approved by the Court of Claims. As far as I know, there's no opposition to the bill.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

On that question the yeas are 45, the nays are none. The bill is declared passed. 1311. Senator Sours.

SENATOR SOURS:

Mr. President and Senators. That bill was amended as suggested by the majority of the committee which is on the other side of the aisle here. It's an appropriation for the additional work and duties in connection with the Controls Substantive Act. It goes to the Department of Registration and Education. I'd appreciate a sufficient roll call.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Clarke, aye. Dougherty, aye. Groen, aye. Johns, aye. Mohr, aye. On that question the yeas are 45, the nays are 1. The bill is declared passed. 1312. Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and gentlemen of the Senate. Thank you for this opportunity to present these three bills which I hope will solve a crisis in education both downstate and in Chicago.

PRESIDENT:

Is, is, is it satisfactory to take one roll call on all three bills, Senator?

SENATOR SAPERSTEIN:

Well, if you so desire. I would rather have a single roll call, but if...President...Alright, we'll take it all on one roll call. The first of the bills, Senate Bill 1312, is entitled Equalizing Educational Opportunity and adds a new section, 14c, to the School Code. What it does in essence, takes the culturally deprived, the educationally deprived, who have for many reasons no opportunity to reach their potential. It also provides a way of helping these children by providing programs and individualized instruction in remedial reading and counseling and all the compensatory services that are necessary to do it for this kind of child. This bill will appropriate 40...\$24,000 and part of this, about 17,000, will go to Chicago. Senate Bill...May I have some order, Presi-

dent?

PRESIDENT:

You may. Just a moment. Please. Senator Harris, Senator Sours, Gentlemen.

SENATOR SAPERSTEIN:

You've asked me to make this brief. I was very happy to comply with your request. If you think this is a laughing matter you're mistaken, because if we do not provide some help both for downstate and especially for Chicago, Chicago schools will close the first week in December and will not open until the first week in January; and if you think that this is not a serious matter, it will go down in history as the first time that schools in the State of Illinois will close because we refused to help them in order to prevent these schools from closing. Now, if you want to laugh at that, go ahead and laugh. The second bill is the series of 13...1313. This is a bill to extend our bilingual program which we have accepted as an important concept in education. There are about 45,000 children in the State of...in the City of Chicago for whom the English language is not the primary language, and we know that unless we provide some help for these children, some help for the families, that we are spinning our wheels, so to speak, because these children cannot get the benefit of their instruction in their classes. And we know that there are thousands of children throughout the state which require the very same services. This bill will appropriate \$9,000,000 for the state and \$7,000,000 for Chicago. The third bill, 1314, is a concept that we have accepted in terms of federal impaction. This is the state impaction law. Now, Chicago cannot qualify for this under the present law; and 1314 merely adds two words...three words. The present law said in order to qualify for impaction aid, one must have at least 5 percent of the enrollment. We are amending this by providing 5 percent or 500 enrolled pupils. This bill appropriates approximately \$2,000,000. Some of it will go downstate; most of it in Chicago. The total of these bills is approximately \$34,000,000 out of which Chicago will get approximately 24...23...or \$24,000,000. Now, Gentlemen, you're probably going

to ask where can we get the money. And I have made some studies of this problem, we've indulged in some research, and we have found that two Governors have helped local government, have helped the schools in previous years -- Governor Kerner in 1961, Governor Shapiro in 196...I think it was 1968 -- and borrowed money, not only for the schools, but for local governments. There is a way to do it if we are willing to do it and I would urge you and caution you very carefully before you cast your vote because if you do not support it, this administration will be known as the administration that allowed schools to be closed for the first time in the history of the State of Illinois. I urge your support.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

In answer to Senator Saperstein, I would point out that the closing of the schools is a determination of a way of running the school system in Chicago by the Board. There were other ways in which they could have taken the money that was allotted to them which they have known for months. It was similar to the problem we had with the universities whenever they took money from personal services, from the library and other places. It was a matter of priorities. Instead of discharging certain employees and doing other things to cut the cost of operation of the schools, both in the faculty, the teaching staff, as well as the maintenance and all, they elected this way to do it because it would create a much greater sensation in the State of Illinois. The money that she is speaking of is being proposed for various sources. I have a news release in front of me from Senator Smith, Representative Corneal Davis and Harold Washington. The same funds that she is talking about, they wish to be taken and given for public aid. We know that the state is in dire financial conditions. It is just impossible to find the funds available to have these programs. In relation to some of these programs, they're already under the control of the Office of Superintendent of Public Instruction, the bi-lingual program, we appropriated \$850,000.

for that. They're working on that program. These programs will have to be taken up in the next annual session, considered in the budget and allocated on a basis of priorities, as were the other programs which we have. I urge everyone on this side of the aisle to vote no and for sake of time, I will not attempt to go into this in detail.

PRESIDENT:

I see others wanting the floor. I urge all Senators to be brief. We assured Senator Groen that would happen. Senator Soper.

SENATOR SOPER:

Just a point of information, Mr. President. And I'd like to have, I think Senator Gilbert would know, what...what's the difference in the amount of money that was spent in prior years under prior Governors, and the amount that the Ogilvie administration has allotted to schools...the school districts in the State of Illinois at this time?

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

In the common schools the increase in appropriations in the last three years, over the previous three years, is 102%.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, I just want to very, very briefly quote a responsible public official who spoke at a political meeting last night. This is a man that I have had the personal experience of directly campaigning head-to-head with, a guy by the name of Mike Howlett. A great campaigner; an experienced public servant. State Auditor Michael J. Howlett says, "Cut costs." He urges us to cut costs. He further says, "That although presently the Legislature has appropriated nearly \$6,000,000,000 for state government, the money", I quote Mike, "the money isn't coming in to pay for the services budgeted. The State must either raise more money or not increase spending, but reduce spending; and the latter is probably the

only answer." Now, one point I want to make in response to what Senator Saperstein said, that the...this administration would be known as the administration that closed the schools. And I just resent that allegation emphatically! This administration has increased the allocation of state resources to the common schools by a vaster percentage, and the single school district that has benefited the most has been, of course, the largest school district; there's a reason for it. It is the largest, but it still isn't making the kind of local commitment that the rest of the school districts are making, locally, to fund this important need. And one more closing point. When you hammer together a collective bargaining agreement in the municipal office, instead of the school office, I just question whether the responsibility need be transferred 200 miles away to the Illinois General Assembly. From time to time we've had described in the metropolitan media and by the local media that the reason the Chicago schools are in trouble is that the Legislature failed to appropriate money. The Legislature has appropriated tremendous increases, but when that Board of Education adopted a budget and agreed to a collective bargaining agreement to spend money it in fact didn't have, it's not the responsibility of this body, and this body has been tremendously responsible in its allocation of state resources for the common schools. Now these bills just cannot be accepted. We don't have the money, and Mike Howlett said so.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President, members of the Senate, and I will be very brief. Three, three points basically. This bill is an attempt to bail out the schools in Chicago and throughout the state, which are in serious financial trouble. This is not a crisis that is limited to Chicago. In particular, Rockford, Peoria, East St. Louis, Alton, Kankakee, Decatur, Rock Island, and Moline are in serious financial condition and face a very real possibility of a similar situation such as that that now faces Chi-

cago. This is an attempt to do something about that, to enable these schools to get through the current year. On the question of the source of the funds, no one disputes the fact that there is a limitation on the funds available, but I do point out, at the risk of sounding like a broken record, that we have pointed out the existence of ear-marked funds, totaling \$30,000,000, which have not been employed...they will have surpluses of \$30,000,000 at the end of this year. Those funds have not been used and no plan has been agreed to for the use of the funds. In addition, I think everyone in this body recognizes that there will be a significant lapse in terms of the parochial aid bills that were passed just a couple of weeks ago. So that I do think we have the necessary money to fund these bills. And finally, on the point raised by Senator Soper, that...the gratuitous question that was asked, I might point out that the state, this year, is going to bear a lesser percentage of the cost of education in Illinois than it did last year. Which to me is not consistent with the mandate of the new Constitution that the state should have the primary responsibility for education. I would urge your support for these proposals.

PRESIDENT:

Senator...Senator Knuppel.

SENATOR KNUPPEL:

Well, I'm going to respond to some of the remarks of Senator Harris in which he said that some districts weren't doing as much at home as others. I don't think you can condemn a district in Illinois on that basis, because the same disparity exists in Illinois that exists in every other state. And we here in the Legislature and the people of the State of Illinois must come to the realization that we cannot much longer finance education in the method established in the 1870's. I only need to call attention to the recent case in California, John Soreno, Jr. vs. Ivy Baker Priest, and some of the comments made by the court in that case. These bills attempt to do what the Constitution of the State of Illinois mandates, and that is to assume the primary responsibility for equalizing

the disparities which exist between schools and to provide the type of education that's mandated by that Constitution. The court in that case said, "The only meaningful measure of a district's wealth in the present context is not the absolute value of its property, but the ratio of its resources to pupils; because it is the latter figure which determines how much the district can devote to education each of its students. In some we are of the opinion that the school financing system discriminates on the basis of wealth of a district and its residents. Plaintiff's equal protection attack on the fiscal system has an additional dimension. They assert that the system not only draws lines on the basis of wealth, but that it touches upon, indeed has a direct and significant impact upon a fundamental interest; namely, education. First, education is a major determinate of an individual's chances for economic and social success in our competitive society." I submit that that's accurate and where money is needed it should be spent now rather than to overcome the tremendous costs of the welfare program now being borne by this State as a result of failure to meet that challenge. Second, education is a unique influence on a child's development as a citizen and his participation in political and community life. The pivotal question of education to success in American society and its essential role in opening up the individual and central experiences of our culture, lend it an importance that is undeniable. The classic expression of this position came in Brown vs. The Board of Education, where the high court declared, "Today education is perhaps the most important function of state and local government. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibility, even service in the armed forces. It is the very foundation of good citizenship." And I think we here, as members of this General Assembly, should encourage that by voting for this legislation. We should encourage good citizenship. Today it is a principle instrument in awakening the child to cultural values, in preparing him

for later professional training, and in helping him to adjust normally to his environment. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. So that the argument of the Senator from Pontiac to the effect that others are making more of an effort, is without merit in the society of the day in which we live. Accordingly, the public schools of this state are the bright hope for entry of the poor and oppressed into the mainstream of American society. Although a child of wealthy parents has the opportunity to attend a private school, this freedom is seldom available to the indigent. The poor district cannot freely choose to tax itself into an excellence which its tax rolls cannot provide. I therefore submit that this legislation tends to accomplish the ends that are mandated by the Constitution of 1970, by the decision of the California courts, and the preeminent decision that will follow from the Supreme Court of the United States. I say that we should discharge our responsibility to these boys and girls by voting for this legislation. We've appropriated money for...And I voted no, the only one who voted no...for a couple of hundred thousand dollars with respect to control of...some kind of administration of controlled substances. We've appropriated money and we have hundreds of people on the payroll of the State of Illinois drawing over \$30,000 a year. I don't believe, and hopefully I've tried not ever to vote for such a ridiculous salary for any public official, because it's unnecessary, it's inappropriate. If we can't fund the needs of our education and provide an equal educational opportunity for every boy and girl regardless of race, color, or consequence of geographic location, and if we can't provide those basic needs which the California decision has said are preeminent; then we can't honor our election here nor can we fulfil or discharge the obligations thereof. I therefore urge you on the other side of the aisle to reconsider, if you have listened to the remarks of those who have argued against this legislation, and solicit your vote in favor thereof.

PRESIDENT:

Senator Saperstein may close the debate. For...for what purpose does Senator Fawell arise?

SENATOR FAWELL:

I did want to say just a few words.

PRESIDENT:

Senator Fawell's recognized.

SENATOR FAWELL:

I realize that there's been a lot of talking this afternoon. I haven't said anything. And as I look at this piece of legislation, basically, I'm referring to Senate Bill 1312 although I gather that all of these bills are being considered one in the same time. Now I have spoken often in saying that if we really are pursuing excellence within our public educational system and striving for equality of educational opportunity, that in all honesty we have to recognize that there are certain areas of our state, such as in the City of Chicago, where if you're going to have equality of educational opportunity it's going to mean inequality insofar as funding from the state. And I have expressed several times this year that I think, of all the public services rendered by the State of Illinois, that we can be the most proud of the public educational services which we do render, when one considers all the other services. And, yet, as I look at this bill I, I am ambivalent because I know the cupboard is bare. I feel very badly that a bill like this comes at the last minute, more or less on the last day and the last hour. And I commend Senator Saperstein for presenting it. I, I wonder if in her heart she really believes, though, that it can be passed. And I, I just can't help but wish that the, the energies and the amalgamation of political powers and the lobbying efforts that have taken place on behalf of other educational bills, when the greatest political powers in the state have gone together to bring out millions of dollars for a given educational cause, not to see that same effort, that same drive, that same enthusiasm which I think ought to have, as we look at priorities, been primarily reserved for those children referred to by

Senator Knuppel as the very poor, the dirt poor, in Cairo, in Chicago, and in pockets throughout the State of Illinois who are in public schools and who are forgotten and who, if they will ever have the constitutional mandate fulfilled to them of equality of educational opportunity, will require a form of discrimination, in the good sense of that word, of added funds. And thus, here at the last minute, the last hour of the last day here, when there is no real opportunity at all to do very much, almost as a last thought of a dying assembly, we turn and say oh, what about the poor children in the City of Chicago and the public educational system which has been berated so much by so many people so much in the last couple of years, in the last year especially. I can only say that I, I really wonder at how good the public system of education in Chicago is, recognizing that there are many faults. But when one considers the problems that face that educational system, when one considers that they're on the very front lines of democracy trying to meet the problems of racism, trying to have equal educational opportunities, and I think often with the political powers that should be most concerned, not being give the priority, politically and otherwise, that they ought to be given. It simply causes me to wonder where we are going. Here, I think, is an example of just plain accomplishing nothing. I suppose I shouldn't say anything at all. I'm going to vote for Senate Bill 1312, which is the equal educational opportunities. I know very well it's not going anywhere, Senator Saperstein, and I suspect that you know it, too, and I suspect that the Mayor of the City of Chicago knows it, and I suspect that the Governor of the State of Illinois knows it, and I suspect that a lot of other people know it, too. And perhaps none of us are particularly really concerned to the degree that we ought to be concerned; but I, I think it's so tragic that when the cupboard is bare, when we know there isn't much of a chance, when we've seen the energies exerted to do something for children that probably need the economic help the least of all the children in this state; that when we come to the dirt poor, to the kids that can't even speak English, to the kids that come from culturally deprived areas,

to the kids that really need top priority, even though they may not be in our particular constituencies, there just isn't a great and deep and abiding, energetic, enthusiastic concern that I think we ought to have. I'm going to support that one bill. The other two I think have got some merit. I know there is no chance, even less chance for them; but, I do support the Equal Educational Opportunities Bill, at least as a step in the right direction, if nothing more than the first step on a thousand mile journey.

PRESIDENT:

Senator Saperstein may close the debate. Senator Saperstein.

SENATOR SAPERSTEIN:

Thank you, Mr. President and gentlemen. I would like to answer a few of the questions that were raised by me, by my colleagues, my respected colleagues, and I say this with true admiration. This is not a personal matter at all. This is a matter of whether or not Chicago schools and some schools downstate will remain open to educate our children or will be closed. Now I want to say on the...at the beginning of my last remark that I would fight this way for any school district in the State of Illinois that faces closing. I would do it for you, Senator Soper, I would do it for Senator Gilbert, I would do it for anyone; I would do it for Joliet, I would do it for Alton, any school district that faced closing; I think that we would make the same kind of...put out the same kind of effort, and certainly I'm doing it for Chicago because there will be 500,000 children on the streets of Chicago between December 8th and January...some date in the first week in January. Now the question was asked, "Can these bills pass?" Of course they can be passed if we wanted to. Both Senator Hynes and I have pointed out there are funds in the ear-marked funds; surplus funds are lying there doing nothing. Senator...Governor Kerner and Governor Shapiro both borrowed for the schools and paid back. It can be done now as it was then. The second, third or fourth question asked was how much is the state now providing for education in relation to the

local effort. And may I tell you, Senator Hynes touched on it, but it... the state contribution to local effort slipped from 38%, Senator Gilbert, to 34% in this year. And I also want to say that again, and I'm very grateful to Senator Fawell for making this eloquent plea for the children... for the poor, for those children that require special services, and for the fact that these are not new programs except for the state impaction act. And I remember very clearly that, I think it was Senator Weaver, that had a bill to provide state impaction. We, too, in Chicago have a University and all that land is off the tax rolls. We, too, are entitled to state impaction. So it can be done if you want it, if you will it. And therefore, Mr. President, I close with a fervent hope that these bills will be supported and that we can prevent the schools from closing.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz...

PRESIDENT:

This roll call applies to three bills; 1312, 13 and 14.

SECRETARY:

...Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President, members of the Senate. I'm not verbose nor have I been, nor am I sesquipedalian and I'm not giving...given to histrionics; but I think a picture is worth a thousand words. The picture is right here in Senator Horsley's figures. The cost of state government has risen dramatically more than the funding of education in Illinois since the current Governor has taken office. The question is going to be asked,

"Why?", and the Governor will have to answer the question. The question is going to be asked, "Why did the Governor veto a bill which would have led, perhaps, to another source of funding for education in Illinois?", and only the Governor is going to have to answer that question. The third question is, "We have the money in the state today. We need the money for an emergency situation in Chicago. Why, Mr. Governor, won't you spend the money?", and only the Governor is going to answer that question. I vote aye.

SECRETARY:

...Fawell, Gilbert, Graham, Groen, Hall...

PRESIDENT:

Senator Hall.

SENATOR HALL:

Mr. President, members of the Senate. Gentlemen, this is vitally important to an area that I represent alongside of Chicago. We need this bill. In District 189, which is part of my district, East St. Louis, we have an enrollment of over 23,000 children and 67% of these are Title I eligibles. In other words, they are from families who have an annual income of less than \$3,000. Gentlemen, we need this bill. Please give us this vote. Not only in the City of Chicago, but throughout the whole state. I thank you.

SECRETARY:

...Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusi-
bab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,
Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,
Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene,
Walker, Weaver.

PRESIDENT:

Bruce, aye. Saperstein, aye. For what purpose does Senator Saperstein arise?

SENATOR SAPERSTEIN:

Call the absentees, please.

PRESIDENT:

Absentees will be called.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Course, Davidson, Dougherty, Graham, Groen, Horsley, Latherow, Mitchler, Ozinga, Sours, Walker.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion prevails. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Mr. President, I would arise on a point of personal privilege. I would like, at this time, in the President's gallery, to introduce the Chairman of the Edwardsville Park and Recreation Board, Ernie Koslowski, and his membership of which I am a member, also. Will you please stand and be recognized.

PRESIDENT:

Senator Vadalabene has just violated the rules. Senator, we now revert to the order of consideration...postponed consideration. House Bill 1568. Senator Groen offers amendment number 1. Can you explain...Senator...For what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

I arise pursuant to Rule 17 which provides, and I hope I can get four other colleagues to join with me, that when requested by five or more members, amendments shall be printed and properly filed in the binders before such amendments may be voted upon on the order of second reading. Am I joined by five members? So I would ask that Senator Groen's amendment be printed, put in the binder, before we vote or debate the matter.

PRESIDENT:

Well, just a moment. Is...they have been distributed. Is that correct, Senator Groen? Have they been...twice.

SENATOR GROEN:

They have been distributed on two occasions. Two weeks ago and again this afternoon.

PRESIDENT:

The...now technically your point, Senator McCarthy, is they have to be in the binders. Is that correct?

SENATOR MCCARTHY:

I'm just reading from the rules, Mr. President.

PRESIDENT:

The Sergeant...we'll take one minute recess while the Sergeant at Arms goes around and puts them in the binders. The...copies that are mimeographed or xeroxed are considered printed and have been all, all the time by the Chair. For what purpose does Senator Savickas arise?

SENATOR SAVICKAS:

Ah, Mr. President, while we are on postponed consideration and waiting for a few minutes, I have a bill, 1787, on postponed consideration that I understand is agreed upon by both parties concerned and both sides of the aisle, and if we can move to that order and pass that legislation, I'm sure we can save a few more minutes.

PRESIDENT:

I think you had better discuss anything like that with Senator Groen, who's already...

SENATOR GROEN:

I'm sorry, Senator Savickas, I was engaged and did not hear what you said. I apologize.

PRESIDENT:

The...while we're waiting, Senator Horsley, I understand you object to one of the resolutions on the consent calendar. Is that correct?

SENATOR HORSLEY:

I've been requested by some of the members on this side as being on that committee. I know nothing about it at all, but the members have requested that it be taken off the consent calendar and I request that House

Joint Resolution 101 be taken off the consent calendar.

PRESIDENT:

It will be sent to the Executive Committee. The...Are we...Alright. Rules have been complied with. Senator Groen is recognized. They are being put in...I've been advised by the Sergeant of Arms they are in the binders. Senator Groen may proceed.

SENATOR GROEN:

Mr. President, members of the Senate. I suppose it would be futile for me at this point to go into a lengthy explanation, because by reason of the debate that has, if it could be called that, that has ensued up to this point, I think everyone on both sides of the aisle is completely aware of the content of this bill, House Bill 1568, and I think everyone is completely aware of the amendment that is being offered; word for word what that amendment does. But, so that there be no question and that everyone understands completely, if they will listen. Amendment number 1 amended House Bill 1568 on page 1 by striking lines 20 thru 31 and inserting in lieu thereof the following: In cities with a population of 2,000,000 or more there shall be no variation in the rate charged for bodily injury liability or property damage liability based on location of the automobile's garaging place or the owner's address. And on page 2 by striking lines 1 thru 3 and inserting in lieu thereof: The following section to this amendatory act becomes effective on January 1, '72. Now I think that's the third time, Mr. President, if my recollection serves me correct, that I have read the amendment on the floor. I did it when I offered it the first time two weeks ago and said it was being distributed, and have practically read it in toto subsequent to that. Now I would only reiterate again so that it is crystal clear. We presently have open rating in Illinois. We have had it since it became effective after the January '69 session and from all of the information available it has worked well. In June of this year, when we were in the regular session, an effort was made to extend it. That effort failed, and the reason it failed was primarily due to the fact that it did not solve the

problem that existed in the City of Chicago where zones were employed and different rates established for personal injury and property damage automobile liability insurance in those zones. During the summer, as I have told you, a number of persons interested in this from both Houses met and they came up with this amendment which I offer to you today for your consideration. If you do not adopt this amendment and then pass the bill you are entitled to know what the effect will be, and it will simply be this: Open rating will continue as it is now by executive order of the Director of Insurance and the same identical procedure in establishing rates that has existed since the passage of the open rating law in the 1969 session will continue to be in effect. The only thing that you will have accomplished by defeating this bill, in substance, is to deny to the people of the City of Chicago who are interested in this legislation, the establishment of one, one rate for all of the City of Chicago, as the, as the amendment states, irrespective of where the automobile's garaging place is or where the owner may live. That's what the amendment does; that's all it does and I would yield to any questions. I can't think of one that might be asked that hasn't already been asked, but I'll do the best I can to try to answer any additional questions.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, members of the Senate. I rise in opposition to this amendment and the reason that I'm opposed to this amendment is not because it's an attempt to help the black people in the City of Chicago. As a matter of fact, my district encompasses about half of Lawndale, part of Garfield Park. The reason I'm against this is when the bill originally came over there was already incorporated in the bill, in the printed House Bill 1568 as amended, a provision which said no company issuing policies subject to this Article may, for the purpose of establishing bodily injury automobile liability rates, divide for territorial classification purposes any city with a population in excess of 2,000,000 persons. So what we

had was when the bill came over, this one zone amendment was already in the bill. I am suggesting, and my reason for opposing this amendment is that one, it is really not necessary for the purpose of this bill as introduced, but I think and suggest, Mr. President, to you and the members of the Senate, that line 9 of the amendment is really the sum and substance of that amendment, because line 9 says, on page 2 by striking lines 1 thru 3. Now let me read what lines 1 thru 3 are. Lines 1 thru 3 in House Bill 1568 as amended and passed by the House say, this article shall be effective only until August 1, 1973 unless the General Assembly extends the term of, or removes this restriction. I suggest that this amendment is... has as its sole and only purpose, the removal of this time restriction. What we will do, members of the Senate, Mr. President, is that we will establish that open rating will continue in perpetuity in the State of Illinois. And I do not think this amendment is necessary, and I frankly, personally resent the fact that it is being offered as an attempt to help the Blacks of my district. I suggest that it is much, much more than that and that this type of language creating one zone is merely a carrot, if you will, to shroud the real purpose and effect of this amendment. And I intend to oppose it.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, I intend to oppose this amendment because the only reason I heard it...it's being offered, other than the explanation Senator Rock gave me, was that the people of Chicago wanted it. Well, I can definitely tell you that the people of the 27th District do not want it. By creating the single zone in the City of Chicago, we cause the people of the 27th District to pay an increase in their premiums and insurance rate. We cause the people in the 27th District that live in a low crime, low accident area to subsidize all the other districts or the whole City of Chicago that live in a high crime and a high accident area. I think our position, or any insurance position should be that you must pay for the

risk and the gamble that it's taking to insure somebody. Every insurance company does this. If you are a licensed driver and if you are a child, you pay a higher premium because it is a proven fact that you are more susceptible to accidents. If you live in a high mobile area it is a definite proven fact that there are more accidents, more chances of your car getting damaged, and your insurance rates are based accordingly. So, when we talk about the people of Chicago wanting this amendment, it's a lie and it's a fallacy, because my people live in Chicago, they live in the 27th District of Chicago, and they definitely are opposed to single zone rating for the City of Chicago. I vote no on this.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Mr. President, members of the Senate. I would like to ask Senator Groen a question in regard to this amendment.

PRESIDENT:

Senator Groen indicates he will yield.

SENATOR VADALABENE:

Senator Groen, Sir, what was the rationale behind the second part of the amendment where this amendatory act becomes effective on January 1, 1972...What was the rationale of taking the effective only until August 1, 1973? Why was that removed and what was the purpose of removing that?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I'm sorry, there was conversation. I could not, I could not hear, Senator. Would you repeat it please?

PRESIDENT:

Repeat the conversation, please, and...

SENATOR VADALABENE:

Senator Groen, Sir, my question was this. In the original bill you had, the effective would only last until August the 1st of 1973. Now you

come along and amend it, that it would become effective on January 1, 1972, and which would put this act in perpetuity, so that it would take a Governor, two Houses, a Senate and a complete...everyone in the court, if there was anyone...if there was any abuses, to repeal this. Now, my question was: What was the rationale and who promulgated this amendment?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, in reply to your question, I would answer this way. I am advised that the industry has discussed this particular problem with the Department of Insurance and its Director, and I would cite for you a couple of examples. And I alluded to one of these before. Aetna Casualty and Insurance, by reason of the open rating system in Illinois, entered upon a new program whereby they now guarantee to every citizen of this state who is licensed to own and operate an automobile, that they will provide him automobile insurance. They say that they were able to innovate this program and put it into effect because of the competitive rating system where they could go into an area and by volume, because of reduced premium rates, make available insurance to everybody. If they have to go back to the old system where they've got to charge the same rates that everybody else does, they would have to withdraw this program. They want the assurance that if some successor Director of Insurance, for example, does not see this picture another way and arbitrarily, without really looking into it, for example, or by reason of pressures brought; and certainly you can see that the pressures have been great in opposition to this, that he would find himself, or this company would find itself, in a position where they have a program they have instituted and the rug is pulled out from under them and the competitive rating from which it was based, no longer afforded to them. Now there are other programs that companies are presently studying that they plan to offer to the people of this state. They, too, are predicated on the continued existence; not for just one year or two years, they've got to plan these programs ahead

over a long period of time. That's how insurance actuaries work. They've got to determine what experience has been for a long time, what it's anticipated that it will be with increased costs of repairs and all this sort of thing. They can't do this for a period of six months or a year or two years. They've got to do this with the thought in mind that the rates they establish are going to be able to be changed when conditions warrant and substantiate those changes. That is the primary reason for it.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President. I wonder if the sponsor would yield to several questions. One by one. One by one, Senator.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I'd like to answer Senator McCarthy's request. I have stood here for a long time and I have answered question after question he has answered...asked. I have tried to fairly and honestly answer every other question that has been propounded to me. I have learned a long time ago, Senator, that apparently your education failed to include courses in economics in college, and I'm not about to conduct a classroom for you here on the floor of the Senate. Now, I just don't propose to stand here any longer and answer questions that in my judgment are not really germane to the issue, questions to which you know the obvious answers, questions which are given to me for the sole purpose of confusing the issue, questions that are given to me for only one purpose and that's dilatory tactics in an effort to stall a final decision on this matter and I do not choose to answer any further questions you may propound.

PRESIDENT:

For...what...Senator Cherry, what is your point of order?

SENATOR CHERRY:

My point of order is simply that Senator Groen is out of order in commenting upon questions that are being propounded to him by other mem-

bers of the Senate. Certainly, a member of this Senate has a right to know why they are removing the date from this bill and in this amendment which we are considering. It is not devious, and I think every member should have the answer, and I think the answer Senator Groen has indicated is that the insurance companies are afraid that they won't be able to increase the premiums unless they're given carte blanche. That's the answer...that's the way I interpret his answer because of rising cost, et cetera, et cetera. I think every member of the Senate should know that. And I think every member of the Senate should be able to address his remarks to the proposed amendment that Senator Groen is presently considering.

PRESIDENT:

Senator McCarthy, Senator Groen indicates he will not yield. Senator McCarthy is recognized.

SENATOR MCCARTHY:

Yes, well then, Mr. President, I have some questions for the body in general. The reason I ask these questions is that Senator Groen said he had asked questions, and I have the floor, Senator Groen. You were the one, you were the one that made the motion to table on the motion to commit, on the motion to recommit to Local Government, thereby precluding debate. You are the one who opposed the creation of a select committee where the Director of Insurance would be asked questions that this body has not had an opportunity to ask. And, so if you choose not to answer, that's alright to me; but when you get up and persuade your members how fully this bill has been explained after it's been called once on June 30, when it didn't get the votes, and when you get up and try to explain the priority of why we have gone out of order, reaching deep into the calendar for this particular item of business. To me, Sir, I may be ignorant in the law of economics because we fought about interest rates, but you, Sir, are not doing the job of a Senator in explaining the bill under consideration.

PRESIDENT:

What is your point of order, Senator Horsley?

SENATOR HORSLEY:

What is the question before the House?

PRESIDENT:

The question before the House is whether amendment number 1 shall be adopted.

SENATOR HORSLEY:

Well, I submit, Mr. President, this is not germane and he is not talking on the point before the House.

PRESIDENT:

Senator McCarthy will confine his remarks to the amendment.

SENATOR MCCARTHY:

Thank you and thank you, Senator Horsley. I only did that in response to other matters, but I guess I shouldn't go out of order merely because somebody else goes out of order. First question, to anybody, anybody who wants to answer it; Senator Newhouse, you might want to answer this one. If this amendment is adopted, would this compel Allstate Insurance Company as a for instance, to sell you insurance in Chicago?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

No. No.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I think the same answer would prevail if I asked any member in Chicago or any member in the State of Illinois if this so called zone would compel an insurance company to enter into a contract with an individual. The answer is no; the insurance company doesn't have to sell, they can pick and choose. My next question is, What's going to happen to the people who must buy insurance when the companies won't sell it to them? I'll answer that question. What's going to happen to the people who want to buy insurance when the companies won't sell it to them? A couple of possibilities; one

is you have a bunch of uninsured motorists running around in the City of Chicago and elsewhere who might cripple and maim people in your family and mine, and the only protection you have is under the uninsured motorist clause, and that's not considered to be a satisfactory solution. Another possibility, Mr. President, is that the problem precipitated by people running around without insurance would be to create a crisis of the next session of this General Assembly where we would be asked to take taxpayers' funds, funds from the general revenue, and put them into a fund so that the people who can't buy insurance might be able to get insurance where the cost and risk would be underwritten by the taxpayer. That's a possible answer; neither one of them are very satisfactory. We have ample precedent for the last answer, Senator Neistein, because is it your recollection that the fire insurance companies came to this General Assembly and said we have disaster areas in Chicago of buildings being burnt down and we can't afford to write insurance? Do you recall that? And do you know what we did? We paid some taxpayers' monies to create a fund so that the buildings could be insured. And I hate to see a similar situation come about in the automobile insurance business in Illinois. Now another question that I have to ask...

PRESIDENT:

For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Well, there was a question propounded and I'd like to answer it.

PRESIDENT:

Well...In, in fairness, I think Senator McCarthy is discussing the issue and you will be recognized. Senator McCarthy.

SENATOR MCCARTHY:

I wanted an answer to these questions, Mr. President, because when questions are answered it doesn't count against the fifteen minutes on your time.

PRESIDENT:

It does count against your fifteen minutes.

SENATOR MCCARTHY:

Oh, well...Then, then I withdraw that question to Senator Newhouse and you can answer it, Sir, when you take the floor. Well, now, Mr. President, in...so far as the amendment is concerned. Senator Rock has stated it, but I reaffirm it and repeat it. The reason this amendment is desired is to freeze into perpetuity the ceiling unlimited feature insofar as rates are concerned. That product is undesirable, because what would it require in Illinois to undo that if it were done; it would require thirty members of this body at the next session of the Legislature to affirmatively vote to restore regulation on the insurance or some other solution. It would require 89 members of the House to affirmatively vote regulation on insurance rates and it would require the unembellished signature of the Governor to such a bill. Suppose...come in here two years from now and try to get approval to protect the people, that requires 30 votes, and suppose I put the bill in and the bill's called. It might get 28, it might get 27, and then it might have three people against it. So I win 27 to 3, but I lose. I go around to my colleagues and they say, "Well, gee, I didn't know that bill was coming up.", and we've all been around here to know that once that law is put on there without a cutoff date, it stays there. And let us assume that we had a House and Senate that thought that we had made a mistake by the passage of this bill and we did repeal it. We still, with the powers in the Constitution reposed in the man on the second floor, he could amend our action, in effect veto it and then it would require 60% or three-fifths to overcome what we are considering now. Oh, Senator Groen says he's been patient. He missed his flight to New Orleans. The weather was partly cloudy down there, Senator Groen, a high of 64, a low of 46, but to the people here, when we are talking about ceiling unlimited on the rates, I suggest to you the atmosphere is partly cloudy around here also. Now when one opposes, Mr. President, one must propose and I have on this desk amendments that I think are reasonable. These amendments would do these things. They would give the zone that Senator Newhouse wants. They would extend from this date

until the effective date of the law, which would be next July 1, open rating. July 1 of 1972, rates would have to be first approved by the Director before put in, and that would go on for a period of two years until July 1 of 1974. Now that's fair. If open rating's so good, on July 1 of 1974, it can come back. There's an automatic repealer on this one. It gives them a chance, from January 1 of the coming year until next July, to set up their own rates on no-fault; it gives them that chance. I think that's meeting them half way. But Senator Groen doesn't want that amendment. He wants to drive into perpetuity the concept here. And what excuses does he give as to the necessity for this legislation and this amendment? He expresses the fear that if we don't do it his way, it's possible that the federal government will come in under the monopoly and anti-trust section of the federal law. I don't want the federal government coming into Illinois to investigate the insurance industry, but I don't want ceiling unlimited rates frozen perpetually as a product of this Senator's work in this legislative body. If I had to choose between the two, I'd pick the federal government. I think they'd do a better job than your proposal. There's new areas, new avenues, the most radical of which comes from Maryland, who had a similar problem. Maryland is suggesting, Mr. President, that you have a pay as you drive plan where...pay as you drive plan where insurance has to be sold to everybody in the State of Maryland. It also provides that no cancellations on motor vehicles can be made, and you people up there know about the cancellations. The Maryland Plan completely eliminates and prohibits discrimination because of: a) race, color, or creed; b) age; c) sex; d) marital status; e) occupation; and, f) geographical area. It goes on to explain it and that's your zoning thing, it prohibits that. Now, these are the alternatives that we face, and what we do right now on this amendment, I believe, affects each and every individual in the State of Illinois. Now, Mr. President, I appreciate the fact that you have given me this time and I appreciate, to the members of this Senate, an opportunity to express myself on this bill, on this amendment

and the offers have been given to you. But I just want to tell you that when you have a situation where a buyer has to buy, but the seller doesn't have to sell, you don't have competition because the competition is where the buyer doesn't have to buy, but many sellers have to sell. I think if I talked any too longer I would be repeating what was said, but this bill deserves a negative treatment and the amendment should be defeated.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPTEL:

Mr. President and members of this body. I'd like to, if he would yield, to ask a couple of questions of Senator Groen.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, yesterday Senator McCarthy said that he had 21 questions. Had I known they were going to be what they were I would have been delighted to have answered them. I didn't want to answer 21. I am sure they would have been repetitive. I was certain that he knew the answers to the question he was going to ask; and he did know, he admitted that. I will be delighted to answer any questions that you may have, Senator Knuppel.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPTEL:

My question...No, no, I didn't understand it that way.

PRESIDENT:

Senator Knuppel is...

SENATOR KNUPPTEL:

That's alright...My question is this. In debate this morning, Senator Groen said there had been a committee that met with reference to this amendment and there was an agreed amendment; and I was ruled out of order for asking this question and I think it is appropriate now. I'd like to

know who met, what committee, the source of the authority for their appointment, and whom, if anyone, was present at that meeting besides the members of the committee?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, in reply to that question, and again, Senator, I was not a member of that committee as I think you know; but it was my understanding that it came about at the instigation of Representative Corneal Davis in the House. I believe that's correct. It began on March 31st, I think, in Springfield by invitation of Senator Cecil Partee. The meeting was between legislators representing the south side of Chicago and representatives of insurance companies. At this meeting Representative Davis was asked to appoint a chairman for the ad hoc committee, which he did. Subsequent meetings were held in May and those meetings resulted at that time because they could not reach unanimity of thought, as I understand it, on the failures in June. Then they started meeting in July, one of those meetings, I believe, was at the Conrad Hilton Hotel in Chicago. At the July meeting it was asked that the size of the meeting be reduced in the hopes that an agreement could be reached within a smaller time frame than seemed possible if the group was as unwieldy and as large as it apparently was at that time. For that meeting Representative Davis chose Senators Partee, Newhouse, and Hall; Representatives Davis, Caldwell and Washington; Director Baylor and persons from the insurance industry. There was a person from Allstate, a person from Aetna, a person from Merritt, for...who was representing the specialty companies, I am advised, and a representative from Kempfer. Now the smaller group, I am advised, met on three occasions subsequent to that, at Senator Partee's office and at the office of Senator Newhouse. At all of the meetings they say there was free expression of opinion representing the many viewpoints and the problems that were involved. At the meeting in Senator Newhouse's office, Otis Collins joined the group. After various forms of competitive

rating bills were discussed, the compromise situation was reached and that's the amendment before you. Now, Senator, that's the extent of my knowledge of the meetings and if...Senator Partee is here, Senator Newhouse is here, Senator Hall is here; if I have misstated anything I am perfectly willing to be corrected.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Mr. President and members of the body. I am glad to have that information. I am disappointed, however, that functions of this body should be conducted clandestinely. I was appointed to a committee, was appointed as one of the two chairmen of that committee in January of last year pursuant to a Senate resolution. We conducted hearings, and I made the statement here on this floor this morning that we had to beg, we had to continue meetings to get people to testify and to even get the information that there was a zone that was being discriminated against in the City of Chicago. We had an existing committee for this purpose; we conducted hearings, they were open hearings for the public. I feel that, and I really do, I feel that, that...with...that this type of a committee, composed entirely of blacks and the insurance industry, does a disservice to the legislative process of this body. Now that committee, Senator Groen was a member of. The blacks have asked for equal opportunity, they've asked us to give them equality and I am absolutely in favor of it; but I don't see why, I don't see why secret meetings should be held between one ethnic group and the insurance industry to work out problems that affect all of the insurance and the insured people of the State of Illinois. That committee, after lengthy hearings, came to these conclusions, and let me read to you. After hearings and careful consideration of testimony and exhibits presented therein, the joint committee on insurance rate laws recommends that the competitive rate making statute, Public Law 76943, be extended beyond August 1, 1971. The committee further recommends that amendment of three years be presented on any bill extending the current open compe-

tition rating law. This period of time is suggested because of the necessity of allowing the development of adequate loss experience statistics, as well as the necessity of assurance to the industry that it may have adequate time to develop additional innovative programs. Any lesser period of time would inhibit such potential development. The committee further recommends that the Department of Insurance establish a study committee to specifically concern itself with the question of racial discrimination in the insurance industry in Illinois. This committee further recommends that the insurance industry offer a single rate in the City of Chicago for automobile liability insurance and that a period of one year be allowed for voluntary cooperation by the insurance industry in this regard. The end of which period of time such statutes shall be enacted as necessary to affectuate this recommendation. The committee should recommend that the Insurance Rate Study Committee, pursuant to House Joint Resolution 30, be extended as a permanent committee to evaluate progress in these areas. I assume that I was there to gather information for the other members of this body and to bring it before this body and to bring forth a recommendation such as this. We had this recommendation prepared; we had agreed on a date of August 1, 1973, and this was unacceptable. I was told that we had to negotiate for more or something else, and the roll call will show that I voted contrary to most of my contemporaries on this side of the aisle to discharge this Senate Bill 1568 from committee, because I felt that it should be heard here on the Senate floor. Now, at that time, at that time I did not have the support of certain members on this side of the aisle. And secretly, clandestinely, without any report to me, any suggestion, ignoring the fact that I had been appointed as the Chairman of this committee to conduct these hearings, apparently, an ad hoc committee met in secrecy with representatives of the insurance industry to foster and benefit a certain group of people in our society. Now, I submit to those people, they have a heavy load to carry in the society we live in; they cannot carry it alone. They need friends, and they had friends; and they deserted those friends and they did things

without talking with those friends. This, I say, is highly, highly irresponsible, and I say that we should go back, this was a trial period, we should go back to the recommendations of that committee which heard the evidence in open hearings, and that's what we should adopt. This trial... this open rating should extend only, only to August 1st, 1973, and it should include a prohibition on establishing zones. And I tell you that, don't sell your souls, the benefit of your people, with the insurance industry for this mess of pottage.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate. In speaking on this bill, first I want to compliment all the insurance lobbyists who have been sitting by so patiently in the galleries. I think they exhibit great patience. Secondly, I want to compliment Senator Merritt on his words of wisdom where he said there's so many things on our calendar, and here we find ourselves engaged in a lengthy, lengthy debate on a matter that could have been solved if, as the sponsors profess, if it's a question of setting a zone for Chicago or any city over 2,000,000 or under...what's the...over 2,000,000; a new measure could have been brought in at the beginning of this five week session, and I think it would have received unanimity, and it would have passed, and we wouldn't be discussing it today. But that's just a kicker. That's a facade. That's not why we've got this bill here today or this amendment. The real issue is covered up. It reminds me years ago in the Legislature when people came down here and said let's get money for the kiddies and we'll help the kiddies with their education, pass the jai alai bill. The education for the kiddies was secondary. That was a facade. But the real thing they wanted was to pass jai alai. And in this measure, it's the same thing. They're talking about a black question in a certain zone, and this measure will correct it. But they're not talking about the real reason. People wouldn't be in this gallery for eight or ten hours if they didn't have a vested inter-

est in knowing what's happening on this particular measure. It's not a black problem; it's a human problem. It's a matter of dealing with the insurance companies in open rating. I remember when I went to law school they taught us to be against the rule of perpetuities. This amendment wants to lock in and make for perpetual enforcement the open rating system. Now from the law school training days, being against the rule of perpetuities, we know that it's a dangerous thing to, to lock in future generations and future Legislatures and future directors, as the sponsor has stated, that the insurance companies don't know what a successor Director of Insurance might do with the open rating problem, so therefore, we should lock in our generation and the next generation so that for all times the insurance companies can have a heyday, have smorgasboard and charge any rate they want. This is all a facade. Before I talked about the double dip, no-fault insurance and open rating. But actually I think there's a triple dip in the offing. There's no-fault and here's open rating and then there's implied consent. Imagine what that means for the insurance companies. And yet they always come back and they set up an obscure issue. They say this is for the black people. Well, I'm all for it. I'm for a bill that would say one zone, but they don't come in with a bill one zone, and you and I know the reason. It's obvious why they don't come in with a separate bill. This has been a trying day. Senator Merritt said there's important things to be heard. This is important, Senator Merritt, but you're right; we have a calendar that's full and yet this is just the beginning. I don't think we're going to finish the amendments today or tomorrow or the next day. And when we get to my amendment to abolish, or repeal the no-fault provision, I think that's going to touch off a long debate also. But I think the insurance companies bit off more than they can chew because they thought they had no-fault with them, and now they were going to get real brazen and get the open rating and then they add implied consent. Can you imagine what that would mean to the companies? Can you imagine companies advertising on billboards, Illinois needs implied consent? Now they don't do it

because they're so magnanimous, and they don't do it because they're public spirited minded. They do it because it's going to help them in the earnings and in their pocketbooks. That's why they do it. And they're not concerned about the people of the sovereign State of Illinois. They're not concerned about the average man on the street. They couldn't care less. And yet we're being talked to all day today that we want to help the black people and make one zone. Well, there isn't one of us here that doesn't want to help them, and there isn't one of us here that wouldn't vote for one zone. But what's the kicker? There was no bill here for one zone. It's tied in. It's all a facade. It's tied in with that open rating, and that's the thing that we should see through. And I've been maintaining it all day today, although I don't seem to get too far or my position isn't accepted. But I'll promise you this. Senator Mohr, thank you. But I'll promise you this. Each member has 15 minutes to speak. This is amendment number one. There are many, many amendments on the Secretary's desk, and it's a long way before this bill will be called. And I don't see why this bill should have priority. I don't see what's so earthshaking. Maybe the men up in the gallery who have been sitting all day and watching this might know, from the insurance companies; but I don't know why this should take up all the time of the Senate. I don't know why one of my motions wasn't supported that this matter be postponed to a day definite, like December 31st, 1971, and if you wanted me to amend it, I'd make it December 31st, 1979, or anything to accommodate the members of this august body, my dear and treasured colleagues. I know Senator Soper would join me in that; but he was off the floor when the vote was taken. However, this is one of the worst pieces of legislation that I've seen offered in this body; and I think it behooves us to stand up and let everybody know that this is not a bill to establish zones because if it were, as I stated, there'd be one simple bill, four lines or eight lines, and it would have passed, and by four weeks ago or five weeks ago, but this is a tie in deal. This is like jai alai, because we want to help the little kiddies and this

is like with zone, get the zone, we want to help the black people, but in the meantime let's have open rating ad infinitum, impurity, perpetuity, and this is the real thrust of the bill. I urge everybody to vote against this amendment and to kill the bill when it comes up to vote, if it comes up tonight or tomorrow or Sunday or December 31st, 1979, because I'm prepared to prepare and to offer amendment after amendment, and the opponents of this bill are prepared to stand here and argue and speak on this measure, and we're in for a long, long siege. I urge the defeat of this amendment.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. Senator Smith insisted that I not answer some of the questions that have been raised that I think cast somewhat of a reflection upon the people who, in good faith, worked upon this bill and I won't. I'm happy, though, Mr. President, to find out that I've got an awful lot of friends today that I didn't have yesterday, last week, two weeks or June 31st, who are coming up with all kinds of ideas about how this might be done other than the fashion in which it was done by people who sat down and worked long hard hours to arrive at a conclusion. Of course there was a quid for a quo. That's politics. How else do you ever get anything done? But the fact of life is that everybody who is now squalling that they are in favor of relieving that black tax from the insurance payers in Chicago wasn't to be found either several weeks ago or yesterday. Now, Mr. President, we've been here quite a while and I said to you previously that I do have an engagement. I'd like to vote on this bill. I'd like that courtesy. If we cannot agree that I will make my engagement and we will vote on this bill tomorrow, then I want to move the question now.

PRESIDENT:

There is objection. Are you moving a previous question...?

SENATOR NEWHOUSE:

I'm moving the previous question and asking a roll call.

PRESIDENT:

That motion is in order. It is not debatable. Motion for the previous question. The motion is to stop debate on this amendment. That is correct. What is your point of inquiry, Senator Savickas?

SENATOR SAVICKAS:

Can a Senator arise, deliver a speech, and then ask for the previous question? It is my understanding that he must submit this motion as a separate piece instead of after his oratory.

PRESIDENT:

He can do that. For what purpose does Senator O'Brien arise?

SENATOR O'BRIEN:

A point of information from the Chair, Mr. President. I approached the Chair some 10 or 15 minutes ago and asked that my name be placed on the list of the Senators that wished to speak on this amendment. At that time, you told me that I followed Senator Neistein. I later found out that I followed Senator Newhouse because Senator Newhouse had an engagement in Chicago at 6 o'clock and to accommodate him, would I let him speak before me. Well, when you said that to me I was more than happy to allow and accommodate Senator Newhouse. However, Mr. President, if Senator Newhouse is going to take the position and persist with his motion that debate be cut off on the amendment to House Bill 1568, I would ask that my name be reinstated above his name and that he follow in the logical progression that was first instituted right there on your desk. Senator...

PRESIDENT:

Senator Newhouse...Senator Newhouse will yield in submitting his motion to Senator O'Brien. Senator O'Brien is recognized.

SENATOR O'BRIEN:

Am I...Do I understand now that I have my full 15 minutes...

PRESIDENT:

You have your full 15 minutes and then Senator Newhouse may renew his

motion if he wishes to at that time. For what purpose does Senator Bruce arise?

SENATOR BRUCE:

I am to follow Senator O'Brien, but above Senator O'Brien's name was inserted Senator Newhouse. Now if you take Senator O'Brien and allow him the privilege of speaking before Senator Newhouse, then I, too, should go before Senator Newhouse.

PRESIDENT:

The Chair, as a courtesy to Senator Newhouse who requested this, inserted his name above there. You can talk to Senator Newhouse on that, but Senator Newhouse is entitled to renew his motion when he wishes. Senator O'Brien. Senator O'Brien is recognized.

SENATOR O'BRIEN:

To get back to this issue. Senator Newhouse does have the opportunity and the right to renew his motion when he is recognized, but what Senator Bruce is indicating to you is that Senator Newhouse should be recognized after Senator Bruce. And Senator Newhouse is not giving the courtesy to the rest of the Senators that we afforded him when we said fine, if Dick Newhouse has to be in Chicago at 6 o'clock, let him go before me.

PRESIDENT:

What is the point of order, Senator Horsley?

SENATOR HORSLEY:

Well, I thought this man was going to speak on the amendment instead of Senator Newhouse.

PRESIDENT:

He is going to speak on the amendment. For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

Mr. President, what was the order of the persons to speak when I approached you at the podium?

PRESIDENT:

The order I had was O'Brien, Bruce and Newhouse, so Senators O'Brien and Bruce are correct, and then Vadalabene, Sours, Johns, and Hynes for the information of the body. I'll be happy to add your name to the list, Senator Cherry. Senator...

SENATOR NEWHOUSE:

Mr. President, I now renew my motion to move the previous question.

PRESIDENT:

Senator Newhouse had the floor, made the motion, withdrew it temporarily, and, and... Senator O'Brien, I recognize what you're saying, but I, I think that technically Senator Newhouse is in order making that motion. Now I think all of us have to be aware that it takes a two-thirds majority to cutoff debate. Secretary will call the roll. Two-thirds. For what purpose does Senator Neistein arise?

SENATOR NEISTEIN:

I think a motion to adjourn is always in order and takes precedence over all motions. I move we adjourn until January 12th, 1972.

PRESIDENT:

Motion to adjourn. All in favor signify by saying aye. Contrary minded. Motion to adjourn does not prevail. The, the Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce...

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I understand we're on a motion to adjourn, is that correct? A roll call on a motion to adjourn?

PRESIDENT:

That is correct.

SENATOR BRUCE:

I vote aye.

SECRETARY:

...Carpentier, Carroll, Cherry, Chew, Clarke, Collins...

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President and Senators. I think that this motion is irresponsible. The man that made it knows it and I think that we had better settle down and start discussing the issues. If this motion were to prevail, let me just suggest to you that you would be back here next Tuesday or next Wednesday at the call of the Governor in a special session. So you're not going to adjourn in any...

PRESIDENT:

Senator Clarke has the floor. Just...just...Gentlemen, let's...Just a moment. Let's settle down. Will the members be in their seats. Members be in their seats. We're not...the Chair isn't recognizing anyone until we get settled down. Senator...What is your point of order, Senator Cherry?

SENATOR CHERRY:

The point of order is on Senator Clarke's comments that the motion to adjourn is irresponsible. I think the motion to, to...for the previous question is the one that's irresponsible without giving every member in the Senate the opportunity of commenting on any amendments.

PRESIDENT:

The Chair is going to rule that that's not a point of order, Senator Cherry. Senator Clarke may proceed.

SENATOR CLARKE:

Gentlemen, I just...

PRESIDENT:

Senator Clarke may proceed.

SENATOR CLARKE:

...I just want to suggest...

PRESIDENT:

What is your point of order, Senator Savickas?

SENATOR SAVICKAS:

A motion to adjourn is undebatable, isn't it?

PRESIDENT:

We are on roll call. It is not being debated.

SENATOR SAVICKAS:

Well, what's he doing then?

PRESIDENT:

Senator Clarke is explaining his vote. He is entitled to do that.

SENATOR CLARKE:

And I vote no.

SECRETARY:

...Collins, Coulson...

PRESIDENT:

What is your point of order, Senator Neistein?

SENATOR NEISTEIN:

Just a parliamentary inquiry. That if we adjourn until January 12th, and the Governor calls us back next week into session, he would have to set out what the matters of business would be from that point on, is that correct?

PRESIDENT:

That is not a point of...

SENATOR NEISTEIN:

Well, I'm just asking for my edification, and if that would be so, he would have to say that he wants open rating for the sovereign State of Ill...

PRESIDENT:

That is not a point of order, Senator Neistein. Proceed with the roll call.

SECRETARY:

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

Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer,
Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPTEL:

For the edification of Senator Hall, if the Governor calls a special session it says that by a proclamation stating the purpose of that session.

I assume that he would not be brave enough to list this piece of legislation as a part thereof, and at least maybe we could hear some of the important things without all the drivel and all the chaff that's scattered through this calendar that we've wasted time on over the last several days. Now we've put in full days, and if anybody's unhappy with a 5 o'clock adjournment or thereabouts, I'd say let's start a little earlier in the morning. Let's put in an eight hour day. I think if we put in an eight hour day, five days a week, we'd serve the people's purpose. I don't think we'd do that, but when it comes 5 o'clock in the evening for a person who gets up at five, I'm ready to go home and not to abuse myself physically. I'd like to think that I exhibit reasonable intelligence. How you people can sit here all day...

PRESIDENT:

Please, please, gentlemen...Senator Knuppel is entitled to be heard.

SENATOR KNUPPTEL:

How you people can sit here all day and punish yourselves, cage yourselves up like animals, it's no wonder that the people come and sit in the galleries and watch the animals perform in the colosseum.

PRESIDENT:

Just, just a moment...Let's...Let's settle down.

SENATOR KNUPPTEL:

Now, because of that, I vote aye.

SECRETARY:

...Kosinski...

PRESIDENT:

Just a moment, we're not gonna proceed with the roll call until we get some order here. The Secretary can't even hear the answers. Just a moment. Gentlemen. Senators Clarke, Ozinga, Smith, Graham...Continue with the roll call.

SECRETARY:

...Kusibab, Latherow, Laughlin...

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President and members of the Senate. I probably should say that I have sat here for two days. I've walked around quite a little bit knowing that probably while I was gone I wasn't going to miss anything, and as far as I am concerned personally, I would have to say that I think the past two days, of course, I'm considering that this may carry, have been a complete loss. And I believe with those things in mind, Mr. President, I will join in the resolution. I vote aye.

SECRETARY:

...Laughlin, Lyons, McBroom, McCarthy...

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Mr. President, members of the Senate. I would like to make an inquiry of you, Mr. President. I hope that Senator Neistein is listening. I was off the floor, Mr. President. How do you get a...avail yourself to the tapes? I missed Senator Neistein's last speech and I would like to have a replay of that.

PRESIDENT:

You'll have to check with the Secretary on that, Senator McBroom.

SENATOR MCBROOM:

I vote no.

SECRETARY:

...Merritt, Mitchler, Mohr...

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

Mr. President, I kind of share Senator Latherow's feelings about the last two days. I think this whole episode has been nauseating as far as I'm concerned. I don't know why we aren't men enough to vote up or down any issue without all of the conversation. I don't know who we are trying to impress or who we're trying to kid. I wonder, we talked about the tapes, I wonder what it's costing for all of this debate. All the conversations in the last couple of days, as far as I'm concerned, those tapes aren't worth 15¢. Nobody's vote is going to be changed, so let's be men and vote it up or down. I vote no.

SECRETARY:

...Neistein, Newhouse...

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

In answer to Senator Mohr, what the tapes will cost will be miniscule compared to what it's going to cost the poor taxpayer on the streets of every corner in the sovereign State of Illinois, so we're playing with big stakes here. And this wasn't a frivolous motion, Senator Clarke, but it was precipitated because I know that Senator O'Brien and Senator Bruce put their name up to be called and in courtesy to Senator Newhouse they agreed to let him be called ahead of them and then he made this motion to move the previous question, and to me that isn't cricket. And that is what precipitated my motion. And as far as Senator Mohr, you said let's vote it up or down. We voted it down last June, and now we're asked to go all through this again, and again, and I feel that there's no urgency to this matter. It could be gone into next year or two years from now or even ten years from now as far as I'm concerned, so I'm not the moving one in this

cause, and I vote aye that we adjourn until January 12th.

SECRETARY:

...Nihill, O'Brien, Ozinga, Palmer, Partee...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I am quite regretful that I was not here when this began. I was over in the House conferring with the Speaker of the House on some legislation which is quite important to the people of this state, and from what I have heard, and if I am wrong please correct me, this motion was precipitated by one of our members asking for the floor out of order when two other persons had indicated they desired to speak on it and the motion then was to shut off debate. Well, that of course would be, if that is true, a, an act of discourtesy, but I would hope that a simple act of discourtesy would not lead us to take precipitous action which is not in the best interest of the people. Now to adjourn now would not mean, in fact, an adjournment to the 12th of January even if this motion would carry. There happens to be a rule which is numbered, it isn't a rule actually, it's a part of the Constitution of this state, and it is Article IV...Mr. President, Mr. President. May I have your attention, Sir.

PRESIDENT:

Yes.

SENATOR PARTEE:

Article IV, Section 15, Subsection A, which reads: When the General Assembly is in session neither House, without the consent of the other, shall adjourn for more than three days or to a place other than where the two Houses are sitting. So it would be my judgment that even if this motion carried, it would not have the effect of adjourning this House to January 15th, then we would be back here Sunday. So we're really not accomplishing, I think, by an affirmative vote, what we think we're accomplishing. I can understand that there are men on this floor who are upset, who are frustrated, who feel that an inordinate amount of time has been

-- spent on one bill. I share that feeling on this bill and on several other bills during the 14 years that I have served here, but because of one bill I have never said I'm going to take my bat and ball and go home. I think I'm an adult and I think I approach things in an adult fashion, and I know that politics is not a bed of roses, nor is it a feather duster. It's a game, a profession, a business, a calling which has its ups and downs. It isn't all a plateau. There are peaks and dips and valleys, and although we may feel very strongly about issues, and there have been issues about which I have felt very, very strongly. I've never taken the easy way out. I've stood and fought. And I don't think we would be doing a service to the people, as a matter of fact it would be a distinct service to the people with the kind of important measures which are still on this calendar, to vote to adjourn. And I vote no.

SECRETARY:

...Rock...

PRESIDENT:

The Chair might add in response that Senator Partee is correct on the Constitution. If this motion did in...was in fact adopted the Senate would not be in adjournment, because we could not adjourn without the consent of the other body. The adjournment motion would simply be a nullity until there was action by the House. Continue with the roll call.

SECRETARY:

...Rock, Romano, Rosander, Saperstein, Savickas, Smith...

PRESIDENT:

Senator Neistein, for what purpose do you arise?

SENATOR NEISTEIN:

After hearing that eloquent plea by our distinguished leader, the President Pro Tem, and how he spoke about politics, it reminded me of a statement by...

PRESIDENT:

Unless you have a...

SENATOR NEISTEIN:

I'm making my motion, but I just want to explain that politics is a jungle torn between doing the right thing and staying in office...

PRESIDENT:

Just...Just...The point of order is well taken by many of your colleagues. Are you withdrawing your motion?

SENATOR NEISTEIN:

Yes, I am.

PRESIDENT:

Alright. Senator Newhouse has moved for the...Is Senator Newhouse on the floor? Senator O'Brien is recognized.

SENATOR O'BRIEN:

Well, Mr. President and members of the Senate. Thank you very much for the opportunity to say a few words in relation to House Bill 1568. The good Senator from Pekin, Illinois, basically gave two reasons why we should vote for the adoption of the amendment to House Bill 1568. One reason was because it would prohibit the high risk zones which exist within the City of Chicago in poverty areas where poor people live, both black and white; where men own businesses, both black and white; and these zones should not exist at all. Now I'm not going to comment because it has been commented by Senator Hynes on this specific reason for voting. We can have this without open rating which would make the State of Illinois the only double dip state in the United States. But I'd like to re...ah...I'd like to present most of my comments or address them to the second reason that the Senator from Pekin gave for voting for the amendment to House Bill 1568. His second reason was that open rating, Mr. President... Mr. President, his second reason for voting for amendment 156...the amendment to House Bill 1568 was that open rating is good and that it works well and that we should adopt it indefinitely. Well, I would like to state to you and everybody right here in this room and the members of the press and the gallery, that open rating is not good and should not be continued in this state indefinitely. Rather, as Senator McCarthy has

so appropriately put it, open rating means ceiling unlimited on auto insurance rates within the State of Illinois. I think that ceiling unlimited is the proper phrase that should be, that should be placed in the position, and we shouldn't refer to this bill as open rating. Now I'd like to address myself to this open rating or ceiling unlimited, as the Senator from Pekin put it, that that is good and that we should adopt indefinitely. Do the people, Mr. President, of the State of Illinois want this? I doubt not. Are they satisfied with the auto insurance rates as we have them in the State of Illinois? I doubt that also. I'd like...

PRESIDENT:

Just a moment. Let's have some order.

SENATOR O'BRIEN:

I'd like to read a letter, part of a letter, from a constituent in my district whose name I'll mention. His name is Michael Conroy. Michael is a new resident of my district and I'd like to read part of that letter if I could have your attention for a few minutes. "Senator O'Brien, I recently moved to my Burling Street address from a small town in western Illinois. I was horrified to learn that my auto insurance was cancelled and hunted high and low before finally finding a company who would insure me for a rate of \$625 yearly. I have never been involved in an accident nor have I ever received a ticket." Does that sound familiar to some of the requests and some of the complaints that you get in your district? He goes further on in the letter and he states, "As a security analyst, I am fortunate that I can afford this form of highway robbery, yet my resident...yet many residents on the Burling Street area are not as well off as I. For this reason, Senator O'Brien, I urge you to contact the State of Maryland for additional information they might pass to you and perhaps you or some of your colleagues can introduce similar legislation, similar legislation into the Illinois Legislature. Although the proposal would be strongly defeated by the insurance lobbyists..." And I must ask for a pardon from Senator Partee. "...although the proposal would be strongly defeated by the insurance lobbyists, at least it might scare the hell out of them." And that's the exact word

on this printed page. Gentlemen, this is the feeling of each and every family man in the State of Illinois. He feels right now that the insurance lobbyists are so strong that you and I aren't representing the people. We're no longer the voice of the people. We're going to become the only state -- I hope not -- in the United States with a double dip. The no-fault and the open rating, or, as Senator McCarthy put it, the ceiling unlimited bill. Well, Mr. President, that's just a few comments from this individual. One thing I'd like to go into right now are the -- are some of the things that were mentioned in the Maryland plan. As Senator McCarthy said...

PRESIDENT:

Just a moment. Please. Just...Proceed.

SENATOR O'BRIEN:

As Senator McCarthy said, this issue is of utmost importance. I happen to feel so strong about it that I was willing to vote in favor of a motion to adjourn rather than let the State of Illinois become the first state with the double dip policy. The State of Maryland, among other states, has been having trouble with their auto insurance and they have come up with a proposal. It's a proposal that will put the state in the auto insurance business. I'm gonna read some comments, and I think that each member of the body should have the opportunity to hear this thing in full. And then, after that, I'm gonna read, if I have the time left, and editorial that appeared in the Des Moines, Iowa Sunday Register about the Maryland proposal, and it goes a little bit farther than explaining the Maryland proposal. It talks about the politics of the situation in that Legislature; the problems that the Governor has been having; the lobbyists and so forth; and it's an in depth criticism of just exactly what is happening in that state. To get on to some of the comments in regards to this insurance study in the new proposals in the State of Maryland; Governor Mandel has given a mandate to conduct a state-wide study of automobile insurance coverages as they now affect Maryland motorists. On January 28, 1971, I received a directive from Governor Mandel that I would like to read to you and I believe it expresses his feelings in this matter much

more eloquently than I could, and I quote, "Dear Secretary Jewel, I am deeply concerned and alarmed over the increasing and frequent arbitrary cancellation of automobile insurance policies by certain companies operating within the state, and the soaring costs of this necessary protection for the citizens of the State of Maryland. Because of these practices automobile insurance coverage has become so selective that even the average driver is finding it difficult to obtain coverage at regular rates."

PRESIDENT:

Just a moment. Let's have some order, please. Senator O'Brien's cousin, Representative O'Brien, is here and he wants to hear his cousin speak. Please.

SENATOR O'BRIEN:

I'm sure he is as concerned over this issue and the residents of his district are as concerned over this issue as the members of this entire...as the members of my district also. I'm gonna go on reading this. If some of the Senators would like to join in and follow through, there's a copy on your desks. There was a kit that was prepared by Senator McCarthy which covers this entire issue and gives you the explanation of the program that's proposed in Maryland; however, I'll go on. "Often a driver's only resource is the assigned risk program which is written at a substantial increase in premium. It is the feeling of many people that they are being arbitrarily cancelled by one company so another company can write coverage at a much higher premium base." It's a very interesting comment. "We are now confronted with the problem of whether the automobile insurance industry is meeting its obligations fairly to the public and whether action by the State of Maryland is needed to assure every motorist in Maryland the protection that he is entitled to. Accordingly, I am directing you to conduct a thorough study of the overall automobile insurance problem as it is now being experienced by Maryland motorists. The nature of your study should be directed ultimately to whether it would be feasible to establish a state program under which motorists could obtain minimal protection at reasonable rates. I would

suggest that you make your study as thorough as possible, including such matters as complaints by motorists, cancellation patterns, and rate structures. It is strongly recommended that you conduct public hearings on these matters so that our citizens, as well as the representatives of the insurance industry, have equal opportunities to make their views known. It goes without saying that you will be working with other appropriate state officials such as the Commissioner of Motor Vehicles, the State Insurance Commissioner, and whomever else you consider appropriate in pursuing this request. I am asking that you complete this study and submit your findings and recommendations to me not later than January 1972, so that appropriate action can be taken by the 1972 General Assembly if it is needed...if it is needed and found to be necessary." Well, Mr. President and members of the Senate, the letter goes on, but I'd like to make a few comments on some of the statements that were made by Governor Mandel to Secretary of State Jewel. It seems quite clear...it seems quite clear that what's being done here tonight is something of a horrendous nature for the State of Illinois. We're going to be the only double dip state in the United States. We're not going to be called the State of Illinois, Senator Berning, we're going to be called the state of insurance. But what's more important than that is that Senator McCarthy offered to this body and the Senator from Pekin, the opportunity to accept an amendment that would extend the open rating until July of 1972, at which time this study will be comp...

PRESIDING OFFICER (Savickas):

Senator Berning.

SENATOR BERNING:

How much time does the orator have, Mr. Chairman?

PRESIDING OFFICER (Savickas):

Three minutes and thirty-three seconds.

SENATOR BERNING:

Thank you.

SENATOR O'BRIEN:

To get back to my point, Senator McCarthy has an amendment that he prepared for this bill that would extend the open rating system in the State of Illinois and make it the only double dip state in the United States until July of 1972, at which time this study will be completed, at which time the Maryland...the State of Maryland will definitely take action. We can learn from the State of Maryland and from the actions of their General Assembly and I think that if we're gonna approach this problem in respect for the people of the State of Illinois in an intelligent manner, and give it the high priority rating that it should have, because I'm sure you've had complaints from the residents of your district, that we accept this amendment which is a compromise proposal which is what government is all about. That we accept Senator McCarthy's amendment and wait to see what happens in the State of Maryland rather than putting this open rating or ceiling unlimited bill into existence in the State of Illinois forever and causing auto insurance rates to stay there. Senator, I think that that would be the proper action for this body to take. I believe it is absolutely and abundantly clear from the Governor's letter that he has strong convictions that something must be done; and that I interpret it, this directive, that a total reform of the automobile liability insurance program, rather than just applying for another bandaid to the wound, has been in practice passed. "Since receiving Governor Mandel's letter we have been conducting an intensive study and pursuing various ideas and possible programs which would develop a wholly new concept of automobile insurance coverage that would eliminate excessive premiums and arbitrary cancellations within the State of Maryland. Therefore, I feel that it is incumbent upon me to not only meet with you and receive your comments regarding the difficulties and problems you are now experiencing with your automobile insurance, but also I should, as these meetings continue throughout the state, keep you, the public, advised of the progress that we are making. In carrying out the Governor's mandate we have studied the no-fault system and we have

developed the Maryland Pay As You Drive plan." P-A-Y-D, Pay As You Drive Plan.

PRESIDING OFFICER (Savickas):

Senator, will you bring your remarks to a conclusion.

SENATOR O'BRIEN:

Mr. President and members of the Senate. I'll cut off my comments right now, because I hope that another Senator will pick up and read the rest of this study so that you don't miss one line or one thought.

PRESIDING OFFICER (Savickas):

Senator Bruce. Senator Rock, did you have a question?

SENATOR ROCK:

Yes, Mr. President. I wonder if we could get a little order, especially back where Representative Madigan is?

PRESIDING OFFICER (Savickas):

Thank you.

SENATOR BRUCE:

Mr. President and members of the body. Perhaps we have gone a little afield on the discussion this afternoon, and I believe I would like to restrict my comments somewhat to the amendment before the body, which I believe is amendment number one to House Bill 1568. Now, the bill itself; the sole purpose, according to the sponsor of the bill, is to solve a problem within the City of Chicago relating to classification of policyholders by either their residence or where their automobile is located. Now that problem exists in Chicago and it exists because of insurance companies, rating bureaus, and the way they classify people who have automobile insurance. We are asked today to solve that problem. That problem is one that should be solved by this body, and I believe, as it has been said here many times, that if the only matter involved here today was that insurance companies within municipalities having a population of more than 2,000,000 that those companies could not get, grant different zones, then I believe the bill would pass without any problem whatsoever. Unfortunately, I disagree with the sponsor somewhat that

the only affect of the bill...that it relates only to classifications in zones within the City of Chicago. It goes far beyond that in section 472.1, and if the sponsor were willing, I would be in favor of striking that section, that portion that relates to open rating. Therefore, I was somewhat shocked, or appaled as it is said in this body, that when the amendment came in, much to my surprise, the amendment only struck lines 20 through 31. Now that's the part that was already drafted, over which there is already agreement, and now we have new language. The section that's in controversy is not the language that is amended, but rather the language that's already in the bill. So I was surprised that the sponsor did not have the foresight to have stricken that language and put only the bill in the form that everyone agrees that it should be, and that is that there should be no zones within the City of Chicago. Now, let's talk a little more about the amendment itself. And a close reading, I believe, will show the amendment does not do...Mr. President, can we have some order, please?

PRESIDENT:

We have some comments here by Senator Bruce that I am sure everybody's interested in. Would you please have a little quiet?

SENATOR BRUCE:

Yes, Mr. President, I was discussing the amendment number one to House Bill 1568 and the problems it may create for those people who are in favor of not having multiple zones within the City of Chicago. I call your attention to the language we discussed until 3:50 in the morning on June 30th. This...I'd like to make this side comment. It's interesting to me that the Department of Insurance, our bulldog of regulation in Illinois, had such an abiding interest in this piece of legislation which removes from their Department the right to set rates before they're implemented and charged to the consumers. The representatives from that Department, on June 30th, when this bill in its form before amended was before this body, stayed here until 3:50 in the morning trying as they could, best they could to persuade some people in this body to extend

at that time, and I will make further comments about the time limit involved, extend until August 1st, 1973 open rating within Illinois. However, let's go back to just what the amendment...bill was at 3:50 in the morning on June 30th. It's interesting if you compare the two amendments. The amendment, as the bill...The bill as it was on June 30th says no company, no company issuing policies subject to this Article, which is the Illinois Insurance Code, may, for the purpose of establishing bodily injury automobile liability rates, divide for territorial classification purposes any city with a population of excess of 2,000,000. Now since the amendment is identical in the question of 2,000,000, I will restrict my comments to the deletion of certain words within the original bill and the words as they are in the present amendment as proposed. In the bill no company could classify, no company issuing policies could classify anyone in the city in excess of 2,000,000. Now note the new amendment, and particularly, if you look at the amendment more logically, what it may allow insurance companies to do even with regard to classification. And if, as the sponsor says, the sole purpose of this legislation is to solve the problem of zoning, zone classification within the City of Chicago. And I call it to his attention that there may be some flaws to allow companies to continue to classify and zone within that city. We no longer restrict insurance companies. We no longer say no to insurance companies. It says that there shall be no variation in rate charged for bodily injury liability or property damage liability based on location of the automobile's garaging place or their owner's address; and that seems a very..., at a first glance seems to solve the problem of classification that no zones could be allowed. And in a normal competitive situation, which the consumer has a chance to pursue the seller rather than the seller pursuing the buyer in this instance, you would have competition between companies. That is not what exists in the State of Illinois. Companies in Illinois, two companies within the State of Illinois do 29% of the business. Therefore, there is not competition. Six companies within the State of Illinois do 50% of the business. I take that, for Senator Groen's notice, from

Best Executive Data Service whom I understand is a highly respected insurance information distributor. The two companies mentioned would be State Farm and Allstate. Those two combined do 29.4% of the business. If you add Country Companies and Traveler's, the top four companies do 36%, 36.7%. If you add Aetna, Continental, Hartford, Chicago Motor Club, Motors and Home, the top ten companies within this state, and this is taking table 24 from Best Executive Data Service, share of Illinois auto insurance market in 1968, dollars and thousands, 50.2% of the business is done by those two companies. Now at the bottom of the table they said that 9% of the total groups, 9% of the total groups wrote 29.4% of the total auto business. In other words, State Farm and Allstate. 1.9% of the companies wrote 36.7%. 4.8% of the companies in Illinois wrote 50% and 9.6% wrote 64%. Now on the other hand, when you eliminate that 9.6 companies, 9.6 of the companies wrote some 64% of the business, the other 90% of the companies within the State of Illinois, all the other companies wrote merely 35%. So to say that we will have competition; somehow this amendment will not allow zones is fallacious. It is fallacious for another reason. It has not been a history in this state that anti-trust legislation at the federal level applies to insurance companies nor does it apply to their rating. In fact, I am told by Mr...from a speech of Mr. Don Sharp, who is Legislative Counsel to the Anti-Trust and Monopoly Subcommittee of the United States Senate Judiciary Committee, Senator Hart's subcommittee, that in fact there is an exclusion on rate making from insurance companies of all the utilities, of all the companies regulated, that they in conjunction and can collude, they are not prohibited; they are explicitly allowed to collude on insurance rates. My understanding is they have...the Federal Anti-Trust legislation does not apply. Now if it does not apply...

PRESIDING OFFICER (Savickas):

Just a moment. Senator Soper.

SENATOR SOPER:

...two fellas get up and it is forty minutes for two fellas. I don't know what it is. What kind of watch are you using, or what?

PRESIDING OFFICER (Savickas):

Senator Bruce, if you'd bring your remarks to a conclusion, you have about ten seconds.

SENATOR BRUCE:

Mr. President, I started my speech at five minutes until five according to my clock. It is right now five and one half minutes after five. I have 15 minutes by the rules. If the Chair's ruling is that I have to terminate my comments, I appeal from the ruling of the Chair.

PRESIDING OFFICER(Savickas):

I'm sorry, Senator Bruce, but my parliamentarian read the clock wrong.

SENATOR BRUCE:

I have five minutes I take it Mr. President. Is that correct? Thank you. I was talking about the Federal Anti-Trust Legislation, and it's nonapplicability to this particular industry. Now...Thank you, Senator Soper, for helping me along in keeping track of the time...Now, there is nothing to say in this bill, since we have eliminated the company, since we eliminate any reference to company, and if you take into consideration that anti-trust legislation does not apply, then there is nothing to say that two companies cannot come together and agree to divide up the city by differential rates, and thereby attracting business in differing sections of a community. They could sit down under the Federal Anti-Trust Legislation, there's nothing illegal about it, and collude to say XYZ insurance company will offer policies in a certain section at a certain rate. I, as ABC insurance company president, will not offer policies in that section at that rate, but I will offer in another zone in another section at a differing rate. Therefore, we will not have to compete together, so that insurance companies would have to compete, but rather we will divide the city into zones and again be able to do what we are already doing. That is a significant point; I point out again to this body, that when you delete the word "no company". Now even if we did not have anti-trust legislation, which do not, and you

leave in the word "company", it would be a violation of the law for companies to collude to establish zones. May I have a little order, Mr. President...

PRESIDING OFFICER (Savickas):

Let's have a little order in the back there. If we'd break off those conferences...Senator Madigan, Pierce...

SENATOR BRUCE:

They could collude...They could not collude under the original bill because it explicitly prohibits companies, but now we just have a prohibition in general and not by company. Now, another significant portion of the problem when we say whether or not this bill will prohibit zones, is that there's nothing in this bill, and I don't think anyone want it in this bill, that would require all companies to offer the same rate. Again we come back to the same old tired question of anti-trust and collusion between companies. Now if we don't require them to offer the same rate, that means that they may offer policies of differential rates. If they offer policies of differential rates, they can attract policy holders in varying sections of the city. They will offer in that portion of the city where they want to attract business, they will offer rates to policy holders at a very high rate where they do not wish to attract business. Another problem, besides the problem of collusion, besides the problem that no companies..., that companies can offer policies at different rates, is a problem that companies...I'm lead...I'm told, other than State Farm and Allstate, and I do not have an overwhelming knowledge of the insurance industry, they do not use a rating bureau. Now a rating bureau is something that takes the statistical average of claims within an area. Now it's my understanding, at least, that rating bureaus are not prohibited from gathering statistical data, that they will continue to gather that data, and they will continue to suggest and in fact give rates to companies. Now if rating bureaus continue to exist and in this bill they obviously will, there's nothing to say that they will not continue to offer and tell companies what rates

they wish. The only way you can get away from the rating bureau is for each company, individually...

PRESIDING OFFICER (Savickas):

Senator Bruce, you have about 30 seconds left, and if you'd conclude your remarks.

SENATOR BRUCE:

Well, I would just make, other than the fact that anti-trust legislation is not applicable and that companies could collude; that this bill does not give the necessary regulation; that by deleting the word "companies", I believe that this is a sham amendment; that companies will continue, they will give zones if they wish. There's nothing in that amendment that will stop them from doing so. They can get together. They do not have to offer rates..., a similar rates to policyholders. They can select their group. As Senator McCarthy so aptly pointed out, they do not have to offer insurance to anyone. If they do not want policy holders in a particular section, they will simply instruct their agents not to do so. Under the original bill, where it says no company shall establish differing rates, or differing zones, that would be illegal. Under this bill I see no illegality to that. It says there shall be no variation in the rate charged. Obviously they are not going to charge all the same rate within the City of Chicago. I wish that every company would join offering a similar policy at a similar rate to every policyholder who wishes it in the City of Chicago, but that's not going to happen. We will continue to have varying companies. They will continue to offer to varying policyholders at varying rates. And with that in mind, and when you remove the word "company", it means that they do not..., they're not restricted by the question of zoning. I'd like to make just one comment about who would like to have the date deleted from the...

PRESIDING OFFICER (Savickas):

Senator, if you'd bring your remarks to a close.

SENATOR BRUCE:

I would just make this comment. That it's interesting that the con-

sumers are not here today demanding that the time limit be removed. The people who are interested in having the time limit removed were not here on June 30th. They were not here and they are not here today.

PRESIDING OFFICER (Savickas):

Senator Gilbert.

SENATOR GILBERT:

(Unintelligible; microphone not on.)

SENATOR BRUCE:

I may be over.

PRESIDING OFFICER (Savickas):

Senator Gilbert, you are right. Senator Bruce, if you'd bring your remarks to a close.

SENATOR BRUCE:

That's what I am trying to do. I've been interrupted a couple of times. I will admit I have exceeded my time, but this is a very important amendment because as the way it is drafted I do not believe that it will do what the people want, and one of the things the sponsor said, the major reason for this bill is that there would not be zoning within the City of Chicago. And I think that under the amendment as it is proposed zoning can continue. And I say again, the problem is you removed the word "companies"; that anyone can continue to offer...Well, I don't know what the amens are for. Perhaps that's a conclusion to my comments. Thank you, Senator Laughlin.

PRESIDING OFFICER (Savickas):

For what purpose does Senator Hynes...?

SENATOR HYNES:

To comment on the amendment.

PRESIDING OFFICER (Savickas):

Senator Hynes, we have you on the list here. Senator Sours has been waiting patiently and he's next in line here.

SENATOR SOURS:

Mr. President and Senators, I think there's a matter of correction.

I've been waiting very impatiently. I finally found out today who the friends of the poor are. I've also found out today who the enemies of the poor are. I've also found out who makes the most noise and says the least. I've also found out who's going to be the recipient of the soap box award. This has been a rather interesting afternoon because it has absolutely exemplified the hypocrisy that we talked about yesterday. It is also set out by name and serial number and rank, and some of it is pretty rank, the hysterical sychophants who tell the poor, we're your friends, we'll vote you, but you've got to take care of your own insurance, believe me. Maybe a little candor, maybe a little forthrightness, maybe a little on top of the table sincerity would be a good thing for the soul, gentlemen. You know, we all have consciences and the conscience tells each one of us to do the right thing, but doesn't give us a road map, and therein is the mystery of life. Mr. President, I move the previous question and I think it's time we got rid of this damn foolishness.

PRESIDENT:

Motion for the previous question. All in...Roll call is requested. The Sec...Motion for the previous question is not debatable. Senator... For what purpose does Senator McCarthy arise?

SENATOR MCCARTHY:

I understand that a motion for the previous question is not debatable, but the only recourse I have is to file the motion which I have just filed. And I think it takes precedence.

PRESIDENT:

What is that motion? Read the motion.

SECRETARY:

I move to strike the enacting clause of House Bill 1568 in the Senate, signed Senator Robert McCarthy.

PRESIDENT:

The motion to strike the enacting clause has precedence over the motion to amend. It does not have precedence over the motion to halt debate and that is the motion before the body right now. No. The Chair has not

recognized anyone. The motion before the body is, right now, to close debate. Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning...

PRESIDENT:

This, this requires a two thirds vote of those voting on the question. Proceed with the question.

SECRETARY:

...Bruce...

PRESIDENT:

For...for what purpose does Senator Bruce arise?

SENATOR BRUCE:

Do I get to explain my vote on this?

PRESIDENT:

You do.

SENATOR BRUCE:

Thank you, Mr. President. And I'm allowed three minutes, is that correct?

PRESIDENT:

That is correct.

SENATOR BRUCE:

Thank you. Now, Mr. President, I have taken up the time of this body this afternoon in explaining why I believe this amendment is not in proper form to do what the sponsor wishes. And I do not believe...There are several behind me who wish to comment on this bill. Now because of that, I do not believe that it's fair to cut off debate. I was one of the ones who allowed Senator Newhouse to make some comments before he had to leave and he made the same motion, to cut off debate. Now if I wished I could have been like Senator Sours or others and taken my time of this body, and it is valuable time, in explaining what we're doing. And then somehow, right at the end of my speech, say let's close off the debate. I believe that's unfair a little bit, until we've gone through

everybody who wishes to make some comment on this piece of legislation. Now those who say this is an unimportant piece of legislation, I believe the very fact that we've spent the greater part now of this day, and I understand a large part of yesterday discussing it, indicates it is an important piece of legislation. There's nothing in this body that should draw us away from discussing it, and for those who do not wish to discuss it, I question their motives. Any bill that is going to pass this body should have full, perhaps what we should call full disclosure. I understand that the House is now debating on House Bill 3700, as it's amended with Senate Bill 81, requiring disclosure. I think it's somehow strange that today, after a great group of ethics legislation passed, that we would cut off debate on a bill that needs to have some, quote, disclosure. And for that reason, and because I believe that only when a bill is fully discussed, only when all the proponents and the opponents, are heard, only then can we have a cutting off of debate; and for that reason I vote no.

SECRETARY:

...Carpentier...

PRESIDENT:

Excuse me. Senator Berning.

SENATOR BERNING:

Mr. President, on a point of personal privilege. I would like to take issue with innuendo of the comments of the previous speaker impugning the intentions, the integrity and the honesty and the dedication to purpose of the members who have indicated that they want to cut off debate. I reject this categorically and beg to remind everybody...every member of this body that I have sat here patiently and listened to a reiteration of the same, identical statements by the same, identical speakers on every vote and on every roll call and on every pretext. I think it is a travesty. I want to, again, say categorically I reject the impugning of those of us who would like to get on with the people's business and get to the next measure.

SECRETARY:

...Cherry...

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President, this is the people's business. The people have no lobbyists here. The only lobbyists that are here are those on behalf of the insurance industry of our state, and of course they have a right to be here. We are representing the people of our state, and I would like to inquire from the Chair, by virtue of what policy has been established with respect to calling only those people whose names are on the list. I heard no direction or request by the President, and I'm not critical of you, but I was unaware of the fact that we have to submit our names to the podium, to the Chair, in the event that we wanted to discuss this very vital bill. And I would inquire of the Chair...I mean what happened that no mention was made?

PRESIDENT:

The Chair has followed the same policy that Samuel Shapiro and John William Chapman, and Hugh Cross followed, and that is that I keep a list of those who raise their hand and wish to discuss the matter and I keep it in the order in which that is received, with the exception that occasionally leadership on either side is recognized prior to others.

SENATOR CHERRY:

Well, I wasn't intending to be recognized before any other members spoke, but I think, however, that I indicated the fact that I was preparing some amendments.

PRESIDENT:

You're on the list here. Johns, Hynes, and Cherry...

SENATOR CHERRY:

That's...that's right, but in the event of the passage of this motion, you might as well strike my name off the list because I will have no opportunity of any kind to ask the questions that I have to ask of Senator Green.

who's the sponsor of this amendment; which I believe are vital and which I believe are in the interests of the people of our state. And I have some very important questions, in my opinion, that need to be answered. Now, comments were made within the past hour which have been very illuminating, such as the fact that this amendment is simply subterfuge to give the blacks an advantage they presently do not have. And the fact that by subterfuge they're limiting or extending the time ad infinitum for the complete program that the insurance industry of our state proposes. Now, I don't want to be limited in my remarks. I think as a member of the Senate, regardless of leadership; this is not a political issue on one side or the other, but I have some important questions that I want to get answers to. That I, as a member of this Senate, am entitled to get answers to just like Senator Groen has had the opportunity of inquiring on any bill which has been under consideration of this body. And I think that this motion to cut off debate by one of the members who's made it, who's not presently here, who's left the halls of the Senate, is completely irresponsible. And I think every member sitting here should continue to have the right to ask questions. Now what is the motion?

PRESIDENT:

The motion is made by Senator Sours, the motion for the previous question.

SENATOR CHERRY:

I vote no.

SECRETARY:

...Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes...

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President and members of the Senatè. I have been waiting for about five hours for an opportunity to speak on this amendment and I do not think

it is fair to cut off debate before I have an opportunity to make one or two points, whether any other member happens to think those points might be redundant. As Senator Cherry pointed out, there are many unanswered questions here. We wanted to know the answer to the question of why the Department hasn't done something about this alleged discrimination. The open rating statute presently in existence prohibits unfair discrimination and gives the Department the power to do something about it. We're being told now that this unfair discrimination exists, and I agree, and it is necessary to pass this bill containing an open rating provision in order to end it. The very act itself, which was in existence for two years, gives that power and nothing was done. We also are being told that it is necessary to pass this legislation in order to have some effective device for regulating the insurance industry; that we will have an uncontrolled situation without it. And I think we're entitled to an opportunity to point out to this body that there is presently pending, and that we will soon discuss another amendment, which Senator McCarthy has offered, which will give the state the power to regulate the insurance industry and specifically will require prior approval of any rate increases. Something that I think the people of this State demand and need. Furthermore, that amendment, which will be available for your consideration and of which you should be fully aware before you vote on this unfortunate amendment, will solve the zoning question, specifically and expressly, in the identical language used in Senator Groen's amendment. We should also have an opportunity to discuss more fully Senator Groen's comments that this will lead to lower rates, that it will help companies that are progressive and interested in moving in the market to offer new plans and new approaches which will benefit the people. We should be able to get an answer to the question of why those companies are not able to do that under a prior approval situation, and of why they did not do it in the past. And we should be made aware of the fact that there is no prohibition in the prior approval statute of charging less than the authorized rates so that innovative companies are not going to be restricted.

PRESIDENT:

The Senator will conclude his remarks.

SENATOR HYNES:

Well, these are, Mr. President and members of the Senate, are just a few of the points that I had hoped to have an opportunity to discuss, but unfortunately, a motion is before us which would deprive me and the other Senators who wish to speak of that opportunity, and I oppose the motion.

I vote no.

SECRETARY:

...Johns...

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Mr. President, lady and gentlemen of the Senate. It's amazing to me that at a time when our illustrious President is freezing all the wages of the working man, and he now tells them by his wage and price board that they can have a 5 1/2% raise, that he leaves this vested interested with no ceiling whatsoever in their rates. The cost of living continues to climb and this item alone, automobile insurance, is taking a heavy toll of the needed money in the working man's pocket. Insurance companies are the largest holders of monies in the world. What they control would stagger the imagination. I have thousands of people in my district that are just as, the same as this ethnic group that reportedly wants this bill. What about them? If we buy this package today, I'm sure it's going to imbed in the minds of citizens of this state that we are the sucker state. The proverbial question, who wants this bill, was amply amplified by the rogues that did sit in the gallery here today. I vote no.

SECRETARY:

...Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

What's happened here today reminds me of a happening when I was a sophomore in college. The sophomore ranks in our class were depleted by the draft and it had been customary if the freshman class didn't wear their green beanies, that we would trim their hair. And they had us outnumbered so they turned upon us and they caught one of the sophomore members in front of a drugstore there in Decatur, and they took him down and they cut his hair. And while these three or four freshmen were cutting his hair, one of the football players, a sophomore, came along and assisted him with these three or four freshmen. As soon as the initial man was extricated he took off running like the wind down the street. He didn't stay and help the football player and he got the hell knocked out of him. Now, I've been standing here on this floor and I've been voting for legislation for the blacks of this state and the whites and every ethnic groups, and I've been reminded of that admonition that's used in that Father Flannigan's school when the boy said, "He ain't heavy, Father. He's my broth.". I have admonished these people today that they have a heavy load, and that they can't carry it alone. Nevertheless, this legislation affects all people. It's not limited to the blacks, nor the whites, nor the Jews, nor the Poles, nor the Germans. And yet, obviously, what has happened here is a small group of legislators have dealt with the scions of the insurance company; the fat, the complacent, the well-paid, the well-dressed; and I ask them where are those legions of blacks in the galleries who so badly want this exchange? They had the votes to pass this legislation last summer. They had the votes to pass it with an extension of the open rating, and told me that I couldn't vote that way, that it would be a breach. That has now been dissipated. I ask you why these meetings were held. These debates have disclosed some things. They've disclosed that an ad hoc committee was formed, composed of one ethnic group, which met in private meetings with, with directors and leaders of the insurance industry; that those meetings held in a hotel were too public and that therefore they were removed to the private law offices of one of those members of this

legislative body. Maybe if this debate goes on, other things will be revealed. I'm sure that they will. Now I ask you why the man who could have answered many of these questions, the man whose private law office these meetings were held on, has departed?

PRESIDENT:

Senator will conclude his remarks.

SENATOR KNUPPPEL:

He was the nature of man who would have dispossessed his fellow Senators of the right to speak by a motion to foreclose debate. Now we have the same kind of a motion from another Senator. I cannot support the motion of Hiram W. Sours this afternoon, and I will therefore vote no.

SECRETARY:

...Kosinski, Kusibab, Latherow, Laughlin...

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President. I guess you can say I've been educated today, but I'd like...and I know there's no way to do it. I would like my further education on this subject to come one...from someone other than Senators Knuppel, McCarthy, and Neistein. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

How am I recorded?

PRESIDENT:

You are recorded in the affirmative.

SENATOR HORSLEY:

Well, it's been so long ago that I had forgotten, and I wanted to make sure.

PRESIDENT:

On that question the yeas are 25, the nays are 22. The motion having failed to receive the necessary two thirds majority is declared defeated. The...Senator Johns is recognized for discussion of the...we're still on amendment number 1 by Senator Groen.

SENATOR JOHNS:

Mr. President, I'm sorry. I've said all that I need to say. Thank you very much.

PRESIDENT:

Senator Hynes is...for what purpose does Senator Palmer arise?

SENATOR PALMER:

...has made a request that he wanted some education from a certain Senator, except certain Senators. In the interest of all the people in the State of Illinois, and for the health and welfare of all my fellow colleagues, I hereby make a motion that this body adjourn until tomorrow morning at 10 a.m.

PRESIDENT:

Motion to adjourn until 10 a.m. in the morning. Now, so that there is no misunderstanding, if...if the body votes in the affirmative on this, the...we continue at the present order of business in the morning. That's the rules. If...the rules state that the matter under consideration is the matter before the body in the morning. Senator Bidwill.

SENATOR BIDWILL:

Mr. President, I believe on the Secretary's desk is a message from the Governor. If he would read it, Sir, so that we can have some action and the Executive...it go to the Executive, Senator Cherry. Those are the nominees we talked about yesterday, Senator, so officially we can have them sent to Executive, and, also...while I'm on my feet, Mr. President, I'd like to announce a caucus of the Republican party at 8:30 tomorrow morning

in 419. 8:30.

PRESIDENT:

Now...Senator Palmer, if I understand, withholds his motion so that this is first referred to the Executive Committee. Is that correct? All right. Now, the motion is that the Senate stand adjourned...for what...

Senator Graham.

SENATOR GRAHAM:

Mr. President, I, too, have sat here rather quietly. I had assigned to me today more bills than I wish I'd ever saw, but I think it's important that we take just a couple of moments to see how many of these we can by-pass committee on and save me some of the labors that are attached with helping pass legislation for my friends in the House.

PRESIDENT:

Well, if...the Chair is going to have to rule that we can't, unless there is agree...unanimous agreement by the body to do this, because otherwise we get into some real rules complications.

SENATOR GRAHAM:

Mr. President, I've already talked to the other side on a couple of these bills.

PRESIDENT:

If we have unanimous consent, we can...we do not have unanimous consent. Senator Partee.

SENATOR PARTEE:

I don't even know what bills they are at the moment, but...

PRESIDENT:

Just...just...just a moment. Senator Graham, what...

SENATOR GRAHAM:

Now, Mr. President, one of the vociferous Senators who made this objection has kept me in my chair all day, and I don't even appreciate him making that objection when he don't know what the hell he's objecting to, much the same as he didn't know what he was talking about half the day. Now I think Senator Partee and I have some understanding on, on a couple

of these bills, and one of them is the extension of the privileges of the Homestead Act. Now if you gentlemen want to tie the bill up, that's alright with me. The 65 year old people will remember it.

PRESIDENT:

Is there objection? There is objection. Senator Partee is recognized.

SENATOR PARTEE:

On that bill, I recognized no reason to not discharge it from committee. I had no objection to that bill, personally. I have no personal objection to it.

PRESIDENT:

Senator Graham, you have the right to move to suspend the rules if you wish to do that.

SENATOR GRAHAM:

I move to suspend the rules and discharge from committee action any consideration of House Bill 3571.

PRESIDENT:

And place it on second reading.

SENATOR GRAHAM:

Second reading.

PRESIDENT:

On that question...on that question, the Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Horsley, aye. Graham, aye. McBroom...On that question the yeas are 47; the nays are 1. The rules are suspended. Bill is advanced. Senator McBroom.

SENATOR MCBROOM:

Mr. President, members of the Senate. I talked to Senator Cherry today, the Chairman of the Executive Committee, about House Bill 2667, and I would like to make the proper motion, Mr. President, to have the bill heard in the Executive Committee either tonight or tomorrow, whenever Senator Cherry sets the meeting.

PRESIDENT:

Is there objection? Leave is granted. Senator Graham, you were not through before? I'm sorry.

SENATOR GRAHAM:

Yes, I was not through. I talked to Senator Dougherty and I think Representative Glass talked to Senator Partee, and I know everybody's talked to him today, on House Bill 2453, Senator. Senator Dougherty had no objection to that.

PRESIDENT:

Leave is granted. Senator Hynes.

SENATOR HYNES:

Mr. President, I ask leave...I ask leave to be shown as Senate sponsor of House Bill 3625, and I would ask for unanimous consent to have it placed on the order of second reading. I have approval from the chairman on our side and I have discussed it with Senator Graham. And I would ask to have it put on second reading without...

PRESIDENT:

Is there objection? Where is the bill now?

SENATOR HYNES:

It's on first reading. House bill on first reading. 3625.

PRESIDENT:

Is there objection? Senator Graham.

SENATOR GRAHAM:

Now, gentlemen, this bill is dealing with a very sensitive area. I've talked to Senator Hynes about it and all of you gentlemen over here realize the numbers game. Now we're dealing with a bill that's going to direct itself to the registration of 18 year old voting. Now if we're going to mandate that this bill go into committee and have a special hearing, they're going to vote it out. If you have any idea that Senator Hynes doesn't have the votes, then you just can't count. And I've talked to Senator Hynes and I think we're going to have some amendments that we hope to prepare for it. Senator Hynes very generously agreed to abide by my suggestions, either on second or third reading, with regard to this bill. Now, let's don't foul up the General Assembly anymore today and I have no objection to 3625 going out. I do object to the bill, but I realize the numbers involved.

PRESIDENT:

Is there objection? Leave is granted. Senator Ozinga.

SENATOR OZINGA:

Mr. President, I am informed that House Bill 3748, which is a judicial reapportionment bill, has come over today, and I am told that nobody has picked it up. Now is that right or is that wrong?

PRESIDENT:

That is correct. We've...

SENATOR OZINGA:

Alright, then, I am told that there is agreement with the other side that this bill be advanced to second reading without reference to committee. Is that right or is that wrong?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I have no agreement with anybody. As a matter of fact, nobody's even mentioned it to me. Is that the legislative reapportionment bill? Pardon?

PRESIDENT:

Judicial.

SENATOR PARTEE:

Judicial reapportionment? I've had no conversation with anybody concerning it.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

The Executive Committee meeting, which was scheduled for after the session, will not be held and will be continued until tomorrow after the session. Now, I might ask whether or not the motion made by Senator Bidwill to include the last Governor's message, I think as of yesterday, will be part of the agenda? That motion passed, did it not?

PRESIDENT:

That...it did, right.

SENATOR CHERRY:

Very well, okay.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President and members, I apologize for being a doggone nuisance, but I have another bill here that...I turned an amendment and the bill over to Senator Partee's staff today...that deals with an area that could stand some legislation before we leave here. It's 3577, dealing with the work release program, and I might say that the Warden of the Cook County Jail is very interested in this bill. I'd just as soon have it out on the floor, too, if it's agreeable.

PRESIDENT:

Is there objection? Senator Partee.

SENATOR PARTEE:

Oh, no, there's not objection to that, but I have some other bills I want to discuss.

PRESIDENT:

Is there objection? Leave is granted. Senator Partee.

SENATOR PARTEE:

Now, we're going to probably have to have some committee meetings tomorrow. I have a suggestion which I think will facilitate our being able to handle all bills that are now pending in committee. First of all, though, let me talk about 3623, 3624, and 3674. The first two are bills by Representative Hart and they're being handled by Senator Bruce; and 3674 is Senator...or Representative Lindberg's bill, which is being handled by Senator Laughlin. Now I'm...would make a motion to discharge committee of those three, of those three bills. Now they are not in agreement and we will have to work out at the debate level which of the bills we're going to take, but there's no sense in keeping them in committee and having a lot of arguments there. Let's take them out of the committee and put them on the Calendar.

PRESIDENT:

Is there objection?

SENATOR PARTEE:

I would make the same motion with reference to...was that 3577 out already? And 3625 is out already? Alright. Now as to tomorrow morning, I wish..Is Senator Bidwill here? I think...

PRESIDENT:

I think he's left.

SENATOR PARTEE:

I think...I heard...I think I heard him say he wanted a caucus in the morning, but we are going to have to at least have a meeting of the Executive Committee tomorrow. There are persons here who are here for the meeting today, which, of course, will not be held, and I would suggest that we have a meeting of the Executive Committee at 8:30 in the morning. 9 o'clock, I'm told...what? Oh, I'm sorry, Executive is going to be held after this meeting and Appropriations has some bills in it which I would suggest that all bills in Appropriations be discharged. And we'll put them all on the Calendar. Well, the ones on call, of course.

PRESIDENT:

Senator Cherry announced that there would not be an Executive Committee meeting tonight. Just...just a moment. Let's...

SENATOR PARTEE:

He tells me he wants to have the Executive meeting immediately after adjournment.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Tomorrow.

PRESIDENT:

Tomorrow, alright. Senator Latherow. Just...Senator Partee, I'm sorry.

SENATOR PARTEE:

Now, as to the bills that are on call in the Appropriations Committee, Senator Lyons has a list of them, now I'm making the move...he'll make the motion to discharge the Appropriations Committee of all bills on call and that will obviate the necessity of an Appropriations meeting.

PRESIDENT:

The, the...Senator Lyons, if you can give this list to the Secretary, please. Senator Lyons is recognized.

SENATOR LYONS:

The bills are Senate Bills 1315, 1316, 1317, House Bill 2503, House Bill 3646, and House Bill 3686.

PRESIDENT:

Is there objection? There is objection. Senator Groen.

SENATOR GROEN:

Mr. President. I am amazed at all of these very important bills, Senator Neistein, affecting the people of the State of Illinois, being bypassed committee, no hearings, and I don't hear a single objection raised from that side of the aisle that complained so bitterly just a few moments before.

Mr. President, I have no objection to it. They'll be discussed and debated

on the floor and I'm sure they'll be given full hearing.

PRESIDENT:

The...Is there objection? Leave is granted. Senator Partee.

SENATOR PARTEE:

Now just to recapitulate so that everybody'll understand exactly where we are. Those bill in Appropriation have been discharged; the next meeting of Executive will be tomorrow after adjournment; there is one bill in the Constitutional Implementation Committee which is being held...pardon? Which is being subcommitteeed; and there are two bills in Revenue, 37...3647 and 3734. Now Revenue will have to meet tomorrow morning... when are you going to meet? Immediately after adjournment tomorrow...tonight. Revenue will meet immediately after adjournment for those two bills.

PRESIDENT:

Senator Latherow. Incidentally, I have a list of about ten Senators who want to speak, so you're not being neglected. Senator Latherow.

SENATOR LATHEROW:

Mr. President, I have one bill of Registration and Education; it's in the Committee of Revenue and we have talked to Senator...

PRESIDENT:

Just...just...please...please, back there. Those not entitled to the floor, please leave the floor. Let's maintain some order. Senator Latherow.

SENATOR LATHEROW:

...And Senator Partee has been talked to about this and I would like to move that from the Committee on Revenue and place it on second.

PRESIDENT:

Is there objection? What's the number of the bill?

SENATOR LATHEROW:

2267.

PRESIDENT:

Is there objection? Leave is granted. Senator Course.

SENATOR COURSE:

Revenue will meet in M-3 immediately after adjournment.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Senator Partee took care of the bill I was referring to in his motion. And I appreciate it and agree with him, so I have nothing to say.

PRESIDENT:

Senator Groen. Is Senator Groen on the floor? Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, I would like to have permission of the Senate to take House Bill 3639 and House Bill 493 from the Executive Committee and put it on the order of second reading. I have consulted Senator Par...Cherry about it, he has no objections, and House Bill 3648 from the Committee on Local Government, my committee, and this is a very innocuous bill. It has to do with the appointment of commissioners, water commissioners and so forth, and I'd ask for these to be put on the order of second reading.

PRESIDENT:

Is...What is the number?

SENATOR DOUGHERTY:

3639, Executive, and 493.

PRESIDENT:

Is...Senator O'Brien objects. Senator O'Brien.

SENATOR O'BRIEN:

Well, I object to House Bill 493 coming out of Executive Committee without a hearing. I don't know whether or not the chairman of Executive Committee has been heard from on that, but I object to it.

PRESIDENT:

There is objection on 493. Senator Neistein. Senator Neistein on the floor? Senator Bidwill. Senator Bidwill on the floor? Senator Hall.

SENATOR HALL:

Mr. Chairman, and Senators, I'd like to have leave to bring back House

Bill 3621 and 3622 for purpose of amendment.

PRESIDENT:

3...What are those numbers?

SENATOR HALL:

3621 and 3622.

PRESIDENT:

Are these House bills, Senate Bills?

SENATOR HALL:

House Bills.

PRESIDENT:

3621 and 3622 for purpose of amendment.

SENATOR HALL:

Senator Graham has the amendments.

PRESIDENT:

Senator Graham offers the amendment. Can he explain the amendment briefly, Senator Graham?

SENATOR GRAHAM:

Yes, what these amendments do are amendments to these bills reconstructing the values involved setting up, in the East St. Louis area, a regional service building; in the Chicago area, diagnostic center for juveniles; the Joliet area, a construction of the adult classification facility. They...the amendments that I'm offering are amendments that were given to me by the Department of Corrections and the administration. This amendment to 3621 entails the spending of some \$17,350,000 in the rehabilitation and diagnostic centers of both adults and juveniles. I move the adoption.

PRESIDENT:

Is...

SENATOR GRAHAM:

I move the adoption.

PRESIDENT:

All in favor signify by saying aye. Contrary minded.

SENATOR GRAHAM:

Now, 3622, I have on there, too, Sir.

PRESIDENT:

3622.

SENATOR GRAHAM:

3622, effectively sets out the amounts of money that are going to be used for the renting of facilities for the Department of General...for the Department of General Services, for rentals of the regional office in the Department of Corrections in East St. Louis for 302,000; one in Chicago for 722; and one in Joliet for 542,160 until we have the buildings completed that are provided for in 3621.

PRESIDENT:

All...Senator, the...Senator Savickas.

SENATOR SAVICKAS:

What does he want to do, move this bill to...

PRESIDENT:

No, he was offering amendment number 1 to 3622.

SENATOR SAVICKAS:

Oh.

PRESIDENT:

All in favor of the adoption of the amendment signify by saying aye. Contrary minded. Amendment is adopted. Senator Neistein.

SENATOR NEISTEIN:

In deference to Senator Soper, the next meeting of the Committee on Judiciary will be January 12th, at 8:30 in the morning, 1972.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Well, Mr. President, we're committing ourselves to a course of action without facing its consequences. I have intentionally kept bills from being reported out of committee because I understood that in a few days there may be a motion made to strike all bills on the Calendar. Now you

who are in such haste to take your bills from committee and put them on the Calendar may very well wish you had done it in just the opposite direction, or I may find that Lake Michigan bill, for example, will suffer from not having received this treatment. I would like to know at this stage whether it's going to be tactically advantageous to get the bill out of committee and on the Calendar, or whether the motion will be to kill all bills in committee and not those on the Calendar. It's vital to me to know with regard, for instance, to that Lake Michigan Bill of Rights program.

PRESIDENT:

Mr. President Pro Tem.

SENATOR PARTEE:

Well, I've been talking to the Speaker of the House about that, because we want to act in concert, and a final decision has not yet been made.

PRESIDENT:

Now is it you have a precise answer to your question, Senator Coulson.

SENATOR COULSON:

Could I then, Mr. President, ask to have my bill half-way discharged from committee?

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mr. President, members of the Senate. House Bill 2222, which is a bill that creates the lead poisoning substance control act, has been referred to the Senate Welfare Committee. The Senate Welfare Committee is not scheduled to have anymore meetings. I would like to have it moved out, but the President Pro Tem objects to that. In substitute to that request, Mr. President Pro Tem, would you consent to having House Bill 2222 reassigned to Senate Executive Committee, so that it could be heard in the Senate Executive Committee and possibly be voted out?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

No, the Chairman on Welfare has some very interesting amendments for it. He tells me he has a problem with this subject matter in his district, and he wants very desperately to help you and to work on it. For that reason, I would prefer that it stay in that committee. I would not want to take it away from the chairman who wants to help you.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Well, then, in as much as it's buried in the Senate Welfare Committee, and the Senate Welfare Committee will not have any hearings, it is your intent that you will not give this bill any proper hearing during the remainder of this session; and, therefore, we can consider that your intention then to bury it and just let it lay over. This is a very important matter dealing with the lead poisoning; it's a state-wide problem. We had a little girl die of lead poisoning in the City of Aurora, in my district, and they've raised some \$5,000. It's a very important, but if you want to bury it in committee, you can take all the credit for doing that.

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Thank you, Mr. President. I have House Bill 2322 on second reading, and I thought I'd discharge it from committee last night about the same time, and I thought under the same circumstances, after a motion had been made to adjourn, which was then, I think, withdrawn until other business was taken care of. But I would like to find out where I stand on 2322.

PRESIDENT:

The Chair...What happened was that Senator Soper moved to adjourn yesterday and then we had these requests, and the Secretary...so that we had adjourned, and the Secretary's office reminded me that we were being taped and that technically, all that action was not legal. So that we then went through the whole list and those who had asked to have their bills dis-

charged, remade the request. Now you were not here this morning when these requests were remade. Senator Walker.

SENATOR WALKER:

Then I assume 2322, instead of being on second reading, is back in the Committee on Public Welfare. Is that correct?

PRESIDENT:

That is correct.

SENATOR WALKER:

At this time, I'd like to move that House Bill 2322 be discharged from the Welfare Committee. It's a very brief, short bill. It only amends the Public Aid Code and requires that physically able recipients may, but need not, be required to work up to six hours a day for any municipal corporation in the county of his residence, provided such work is made available by such a municipal corporation or political subdivision which requests that recipients be made available to it for such work. It exempts persons required at home to give personal care and supervision to children. That is what the synopsis says and that is what the bill does, and I can't, in good conscience, see why anyone would object to this bill being discharged from the Committee on Welfare and placed, or replaced, on second reading. And I so...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, I hate to object, but my objection does not relate to conscience; it relates to the legal part of this bill. I'm told that this bill, if passed, may well jeopardize some federal funds and I'm sure you don't have that intention, but I think we have to hold the bill until we can make a determination in that vein. So I would object.

PRESIDENT:

There is objection. Senator Chew.

SENATOR CHEW:

Mr. President, and I want to take this on a point of personal privilege. I'd like to get the attention of the body, if I may.

PRESIDENT:

You have it.

SENATOR CHEW:

I think in our penal code, there is a provision that allows prisoners time off to nourish their bodies. Since I've been here in this Senate, leadership has not taken this under consideration. I ate my breakfast at 8 o'clock this morning, and since that time, I have not had any food in my body. And one of the reasons as to why everybody is frustrated in the Senate is because leadership has not seen fit to treat the colleagues here as they are human beings. Everything is rush, rush, rush. And, as a rule, every session we have members sick and some are dying simply because it's a rush, rush, rush. I'm going to inform this body that as long as I'm in this Senate, and I don't know how long that will be, that I'm going to take a break for lunch, and if we go until 6 o'clock in the evening, I'm going to take a break for dinner. I think in order to get other people to respect you you must first respect yourself, and I think it's a shame to have our constituents to come here in Springfield to see us in action and then look around and see a bowl of chili or some fried chicken at our desks. Whether we're accomplishing anything or not, is not the question. If we have not finished today at a certain hour, say 6 o'clock, I think we ought to take a break for dinner and if there are things that are important, to come back to this Senate and work a decent hour. If we are in the heat of debate at noon, I think we ought to take a break and have lunch. It's been shown that the restaurant here doesn't have sufficient food for a balanced diet and many of us would like to go out and have lunch, and then if we're going to work, to have dinner. And that will put us in a better frame of mind to come back and do the job that we have ahead of us. I was sorry that Senator Partee withdrew his suggestion today that we would take a lunch break, but as the leader of this Senate, Mr. Partee, I'm not going to ask you to make that sacrifice, because it may be too great a sacrifice. I'm merely informing you that, these times I've outlined, I'm not going to request permission, because I'm grown and independently elected, may I go and eat. I am going

to leave and get my proper foods and work with you as long as you say work, but I think, as a leader, that you should have enough respect for this body to make that provision in our every day's work. I don't mind working Saturdays or Sundays, the only time I miss this Senate is when I have surgery. And I am somewhat upset that we have not had the backbone enough to do this, to keep men in the right frame of mind whereby we can function properly. I wouldn't know what I was voting on now because my stomach is completely empty; there's been terrific confusion here today; nothing has been accomplished and I doubt seriously whether anything will be accomplished in the next two days. I don't mind working next week, but that's the provision that I'm offering to the Senate and I'm not asking, I am telling. So hereafter, I will take a break for my lunch, and if go past 6 o'clock I'm going to take a break for my dinner, because I feel ashamed to have anybody from Chicago in this gallery and watching us eating crackers, soups, and greasy chilies, and pretending, and that's all it is, that we don't have time to break. My health is more important to me than this Senate seat and I don't know who's going to support this idea. I'm not attempting to influence anybody to follow this suggestion, but I'm merely serving notice on this Senate as to what I not only plan to do, but what I am going to do. And thank you very kindly.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Mr. Chairman, I've called attention to this fact several times since I've been here. My physician has told me that I should eat regularly, at regular times, that I should keep a regular schedule, that I should get my rest; and I assure you that what...that no physician would recommend the conduct that we carry on, much less any intelligent person who sits in the gallery. And we sit here...And I've said this about our coats before, too. We sit here, supposedly intelligent people, and abuse ourselves ourselves. I've said this on this floor here today already. I concur, I just didn't want to be the only one. If you'll give me the signal when you're ready to go, Charles, we'll go together.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

I believe we're still on the order of motions and resolutions.

PRESIDENT:

That is correct.

SENATOR LYONS:

I have tendered a resolution to the Clerk. I won't take the time of the body to have it read now, but I do want it considered prior to the time that we leave Springfield. It's up there now and I want to file...I want to make sure it's filed today and officially noted in the Journal and so forth. It's certainly not a controversial one, I don't think.

PRESIDENT:

Then we...Is it congratulatory?

SENATOR LYONS:

No, it's commendatory. I won't take the time of the body now.

PRESIDENT:

Should we put it on the consent calendar? Consent Calendar. Senator Sours.

SENATOR SOURS:

I don't have anything to say.

PRESIDENT:

Oh, you had asked for...Senator Course.

SENATOR COURSE:

Revenue Committee will meet on the floor of this Senate immediately after we adjourn.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, I have about a 15 minute speech up in my office. If the fellows would wait for a minute I want to run up and get it. It's terrific.

PRESIDENT:

We'd love to wait.

SENATOR HARRIS:

Would there be any objection, because it's a dandy.

PRESIDENT:

Senator Palmer moves that the Senate stands adjourned until 10 o'clock tomorrow morning. All in favor signify by saying aye. Contrary minded. Senate stands adjourned.