

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

NOVEMBER 12, 1971

CHAPLAIN: Reverend Don Alan Rose, Concordia Seminary,
Springfield, Ill.

PRESIDENT:

Reading of the journal. Moved by Senator Davidson
the reading of the journal be dispensed with. All in
favor signify by saying aye. Contrary minded. Motion
prevails. Committee reports.

SECRETARY:

Senator Cherry, Chairman of the Executive Committee,
reports out the following bills: House bills 3709, 3710,
3711, 3712, 3713, 3714, and 3715, with the recommendation
Do Pass. House bill 2667 with the recommendation Do Not
Pass as amended. House bill 3708 with the recommendation
Do Not Pass. Governor's message of Nov. 9, 1971, recommend
confirmation. Governor's Message of Nov. 4, 1971, recommend
confirmation in part.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I now move that the Senate resolve itself into execu-
tive session to consider the recommendations of the Governor
and the action taken by the sum of the Executive Committee.

PRESIDENT:

All in favor signify by saying aye. Contrary minded.
Motion prevails. Senator Cherry.

SENATOR CHERRY:

I now move that the Senate advise and consent to the
recommendations made by the Governor and the messages as
read by the Secretary of the Senate.

PRESIDENT:

Motion that the Senate do advise and consent. For what purpose does Senator Bidwill arise?

SENATOR BIDWILL:

I didn't hear the names that were read out -- that we... Were they unsalaried?

PRESIDENT:

The....Senator Cherry.

SENATOR CHERRY:

These are the unsalaried and there is one salaried position that we advised and consent in the Executive Committee. Senator Bidwill, and that was the member of the parole and pardon board, Mrs. Washington.

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

I object to that one appointment. I want them separated--the non-salaries separated from the salary.

PRESIDENT:

There . . .

SENATOR BIDWILL:

Can we vote on the non-salaried?

PRESIDENT:

We will separate the ... Let ... Let's take a roll call, if this is acceptable now, Senator Bidwill and Senator Cherry, first on the non-salaried recommendations of the ... from the Executive Committee.

SENATOR BIDWILL:

Alright.

PRESIDENT:

On that question the Secretary will call the roll.

This is the non-salaried.

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:

Bruce aye. On that question the yeas are 36, the nays are none. The Senate does advise and consent. Senator Cherry?

SENATOR CHERRY:

I wish to withdraw my motion at the moment for the advise and consent of Mrs. Washington as a member of the Parole and Pardon Board. I'll make the motion later, and I now move that the Senate ... uh ...

PRESIDENT:

. . . Executive Session do now arise.

SENATOR CHERRY:

. . . Executive Session do now arise.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. Motion prevails.

Resolutions. Petitions. Motions. Introduce
Senator Merritt. Senator Lyons? Alright.

Messages from the House.

SECRETARY:

A message from the House, Mr. Selcke, Clerk: Mr. President, I am directed to inform the Senate that the House of Representatives has adopted the following preamble and joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit: HOUSE JOINT RESOLUTION 109. It's congratulating Senator . . . I mean, Representative Connolly on being President of N.L.C.

PRESIDENT:

Who's the sponsor on this? Senator Coulson, do you want to . . . This is a congratulatory . . . on the Consent Calendar, Joint Resolution. It involves your district. Consent Calendar.

SECRETARY:

Message from the House from Mr. Selcke, Clerk: Mr. President, I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit: HOUSE BILL 3060.

Message from the House from Mr. Selcke, Clerk: Mr. President, I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit: HOUSE BILL 2874. This bill is Senator Harris's bill.

PRESIDENT:

Is Senator Harris on the floor? Senator Harris? We have a message from the House. Now what's the number again?

SECRETARY:

2874.

PRESIDENT:

2874.

SECRETARY:

They refused to concur in amendment number 1, House Amendment number 1 . . . or Senate Amendment, rather. It's the Home Rule Amendment that they refused to concur with, Senator.

SENATOR HARRIS:

Hmm. What do you know about that?! I refused to . . . I moved that the Senate not recede and request the House to recede. I guess that's my motion. I got a . . . Oh, are we at the point for committee. . .

PRESIDENT:

Right.

SENATOR HARRIS:

Okay.

PRESIDENT:

Senator Harris moves that the Senate refuse to recede and request a conference committee. All in favor signify by saying aye. Cont. . . Senator Partee?

SENATOR PARTEE:

I'm trying to read that? Is that 52 . . . or what is that other on the end? Oh! That's different. Thank you.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. Motion prevails.

SECRETARY:

A message from the House by Mr. Selcke, Clerk: Mr. President, I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to-wit: HOUSE BILL 1509. That's

Senate amendments number 1 and 2 and this bill is Senator John's.

PRESIDENT:

Senator, this is a bill It's a return over from the House. If you want to wait on it, we can get back to you, Senator. Senator Johns?

SENATOR JOHNS:

Mr. President, what . . . This will be short and sweet. I do not accept the amendment from the House and if . . .

PRESIDENT:

Senator Johns moves that the Senate refuse to recede and requests a conference committee. All in favor signify by saying aye. Contrary minded. Motion prevails.

PRESIDENT:

We are again operating with lists supplied by the leadership on both sides. If senators wish bills called please make requests on both sides. For what purpose does Senator McCarthy arise?

SENATOR McCARTHY:

I, I presume you're talking about House bills?

PRESIDENT:

Talking about House bills and Senate bills.

SENATOR McCARTHY:

Well, are you going to go Senate first?

PRESIDENT:

We're going to take the Senate bills first that are requested by the leadership.

Senate Bill 1308, Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President, I would like to draw Senate Bill 1308

back to second reading for a very simple amendment.

PRESIDENT:

Bringing it back to second reading for amendment.

Can you explain the amendment, Senator?

SENATOR SAPERSTEIN:

Yes. It is a reduction of \$40,000,000 from the original appropriation of 170. I move its adoption.

PRESIDENT:

Is there any discussion?

SENATOR SAPERSTEIN:

Thousand, right. Of course.

PRESIDENT:

All in favor signify by saying aye. Contrary minded.

Motion prevails.

SENATOR SAPERSTEIN:

Hundred and . . .

PRESIDENT:

1315, Senator Smith. Senator Smith.

SENATOR SMITH:

I haven't discussed this with the President Pro Tem, but I should like that this bill and Senate Bill 1316 and 17 be considered as a package. They all are interrelated and I am hoping, personally, that a vote on either of these Bills apply to all three bills.

PRESIDENT:

Is there objection to that? Leave is granted. Senator Smith may pro . . . Senator Carroll? No, we're . . . Senator Smith asked that the same roll call be applied to all three bills--1315, 16, and 17. Senator Smith is now recognized.

SENATOR SMITH:

Mr. President and members of the Senate, this is a series of bills that were given to me about two or three days ago. They have traveled thus far to the point where they are now on third reading. One of the bills makes an appropriation, which I hope I won't have to discuss later, and the other two seeks to provide the means of raising the monies or having the monies available to support the proposed appropriation. Senate... the first bill, Senate Bill 1315, I hope...

PRESIDENT:

Just a moment. Please. Let's...let's...proceed, Senator.

SENATOR SMITH:

House Bill 13...or rather, Senate Bill, it is, 1315, the first of the three bills, seeks to transfer certain funds from the...from the Drivers' and Education fund to the General Revenue Fund. I will speak of that in a minute if you wish. There is another bill, Senate Bill 1316, that seeks to transfer from the Road Fund some 20 millions of dollars to the General Revenue Fund in the State Treasury. Now, Mr. President and members of the Senate, I will speak now, then, briefly, to Senate Bill 1316. I call attention to the fact that in his Excellency's budget document, in Table 5 on page a102, he states that there will be a surplus of some 18 or more millions of dollars in that particular fund after all appropriations have been paid in fiscal 1972. It is the purpose of this particular bill...I might first state also, that his Excellency inferred... that we may infer from his Excellency's statement, connection there-with, that as a result of certain other economies that there will be an additional, from 2 to 3 or perhaps 4 million dollars additional, in that particular fund, the Road Fund. It is the purpose of this particular bill, or the hope, that a portion of this amount be used to support the transfer of 20 millions of

dollars to the General Revenue Fund as proposed in this bill. Further support of our contention, I can call your attention to the fact that his Excellency has also stated that the funds appropriated for General Assistance will be exhausted next month, in the month of December, and if that is true..., and of course I admit that his Excellency knows what he's talking about; we don't deny that, but if it be true that the funds will be exhausted next month, then Illinois, Gentlemen and Lady, will face a condition which I suggest will stagger the imagination of all of us. If that is true and the funds will be exhausted and none provided, the conditions that will follow will cause hunger, illness, the closing of hospitals. And you may say what you wish or may, the facts of life indicate that men and women just simply will not endure such hardships while other men and other women are being paid to prevent the raising of foodstuffs. Briefly, that explains this particular bill. Now, there are the three bills, 1315, 16, and 17. Having said what I've said thus far in order not to take up additional time with regards to these bills, which if passed will have to go to the House, I will accept a roll call vote on House...on Senate Bill 31...1316, and have it applied to the other two bills. If there's no discussion, Mr. President, then I ask for a roll call.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. Speaker, or Mr. President, can I ask a procedural question?

PRESIDENT:

Yes.

SENATOR CLARKE:

We are planning, hopefully, to adjourn today, or, at worst, tomorrow. These are Senate bills on third reading and I thought

we had decided we'd take up priority items and uh...how, procedurally, could these possibly get passed in that time schedule?

PRESIDENT:

Well, the Chair isn't going to predict what this body is going to be doing as far as schedule, and they're on the list, and any...I indicated to your staff man, too, if you have any Senate bills, they would be given priority in being called.

SENATOR CLARKE:

Well, alright. I'll go on then, Mr. President. I do think, though, that there are priority bills that we should address ourselves to, and of course, as we all know, this has become a political issue, unfortunately.

PRESIDENT:

If I may interrupt, Senator Clarke, just for a moment. I've just been advised that the House plans to be in Session through Sunday, so that if a Senate bill passes today, it could pass the House. Excuse me for interrupting, Senator.

SENATOR CLARKE:

Well, as the Pro Tem knows, I have different information from the speaker that he hopefully plans, if we can cooperate and address ourselves to the important things, to be out of here by Saturday at the latest; and I would hope that that maintains, because I think that we can, because we are all reasonable people. In this case, though, I would just like to say that I think it's very interesting. A week ago we discussed a bill to give the Chief Executive of this State the flexibility to transfer, for emergency purposes, from the very type of fund that this series of bills now addresses itself to; and there was a statement on this floor that the other side of the aisle would never give that kind of power to the Chief Executive. Now, of course, I know that here

they want to give it to him specifically from certain funds and specifically by legislative directive; and so, of course, you are retaining your legislative prerogative. But I would also...I would suggest, though, there is a little anomaly here. The whole thrust of the Constitutional Convention, which your mayor and your leaders supported too, was towards giving the Chief Executive the kind of management tools with which to do a job, as well as giving the local home rule units the tools with which to do the job. And it has been pointed out in debates over in the House and in the papers that the local home rule units, the County of Cook, the City of Chicago, has funds available of this nature. They can use those funds if they want to, to alleviate this situation. They are coming to the State. I think that we are really spinning our wheels because these issues are being negotiated and are going to have to be decided at a much higher level. And I would urge the members on this side to oppose these series of bills.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I too rise in opposition. The notion that the legislative branch would select which funds are surplus in their opinion, rather than giving the executive branch some opportunity to search for such surpluses is outrageous to me. And I call your attention particularly to the richest, most luxurious, well funded item in the state budget from which, if you need money, it could well be taken; and that is the judges' salary fund and the judges' retirement fund which is tremendously well funded and one of the richest funds in the State of Illinois. And if you do need money, I suggest that we tell Judge Cavelli that we take it from his judges' retirement fund, which is, I believe, a 90% reserve funded pension

system. And the idea of taking it away from one impoverished section and preserving intact, by the discretion of the other side of the aisle, the wonderful prerogatives of the judicially funded salary and retirement system is to me outrageous. It's not only robbing Peter to pay Paul, it is telling Paul that he can keep what he has got as well.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, Mr. President, I didn't know these bills were going to excite people to that extent. We are only trying to be helpful to the Governor. We know that he has a problem in this area, as do we. We took these figures from areas where the Governor's figures showed that there was money available. Now, Senator Clarke, I still say that the Legislature ought to have something to do with the selection of the funds from which the money comes. We want the Governor to have some flexibility, but we don't want to make him a fiscal dictator to the distress of the Legislature. And that is, of course, why we take the position we did about the bill you are alluded to. I would suggest that we ought to have as many priorities as are possible. The Governor is burning midnight oil, his budget bureau is still working feverishly, I am told, to do something about this situation. I don't know how Judge Cavelli got involved in this, except that he was the judge who tried the case and I guess if a case goes to court, it has to have a judge by some name or description. But we wanted to try to give the Governor as many options as possible, and that is why we were trying with this bill. Now, if the Legislature has to meet a day longer or two days longer, it doesn't bother me, particularly when people are hungry, particularly when people in nursing homes need care and help and medicine and

doctors aid. So I don't know if we are going to adjourn tomorrow or the day after, but I do know that we should do everything that is humanly possible to bring some relief to people who are suffering. And on that basis I urge the support of this bill.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I would like to ask the sponsor of the bill or Senator Partee, either one. I have read these three bills. Are there any amendments to them?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

There's an amendment to two of the bills, in one of which a new section is added. With reference to 316 a new section was added and a new figure was inserted. The reference to the bill now under consideration, Senator, there were two amendments. The first of which...

PRESIDENT:

Some of the Senators can't hear you, Senator. If you can speak into the mike.

SENATOR SMITH:

I might say to the Senator, I saw to it personally that one of the then proposed amendments was placed on your desk. Ah...the amendment to the particular bill...was a change of figures on line two...Well, you don't have them.

PRESIDENT:

Speak into your mike there, Senator.

SENATOR SMITH:

Do you have it? I will bring one to you, Senator.

PRESIDENT:

Is there further discussion? I am not trying to cut you off here, Senator Horsley. Senator Carpentier? Senator Horsley.

SENATOR HORSLEY:

My question to you and Senator Partee is this. Even reading the amendment, which you have sent over, this does not require the money to be repaid back into the motor fuel fund or any other fund that you are taking it out of. Now are you proposing that we start a new program in Illinois whereby we are going to divert these monies into general revenue without repaying them into the fund that had a special purpose for which the tax was levied for that fund?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

You will notice, Senator, that there is no prohibition against paying the money back.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

That's like the old question, "Have you quit beating your wife?" You know. And ah...I agree there is no prohibition, but I, certainly, for one, will not stand up here and give anybody, I don't care whether he is a Republican or a Democrat or who he is, the right to tap these funds and put them into general revenue without a requirement to pay it back. Now we did have a bill here, there was a lot of opposition to it, allowing the Governor to transfer these funds, with a definite provision the money had to be paid back within 6 months after it was transferred. Now we have a wide open procedure here allowing for this money to be taken out of these special funds with no requirement whatsoever that they be paid back. Now

you are going to invite bankruptcy in this State, fiscal irresponsibility; and I don't want this to say, or to be understood as saying that we should not feed people, we should not take care of their needs, but let's face up to our responsibilities. We don't have the money. Let's find a way to get it, but let's keep this State solvent and not go down the drain under a secret thing like this. I want the people of this State to know that you are proposing that we tap the very funds...I just came back from Harrisburg, Illinois. I have been down there about 5 times in the last 2 weeks trying an injunction suit, and I tell you when you see what is being done with our motor fuel money, the roads that have being repaired, the lives that are being saved because the roads are being widened, they are being straightened; and when you tell these people we are going to quit this program because there won't be any money; we're going to take it away from you even though we collected it off of every gallon of gasoline; we are going to take it and use it for another purpose, I think you are going to find some pretty mad people whose highways cannot be straightened and completed in their areas under a comprehensive program which has been started. I will not vote for any bill that does not have a repayment provision in it.

PRESIDENT:

Is there further discussion? Senator Berning. Senator Smith will be recognized before we close debate. Senator Berning.

SENATOR BERNING:

Yes, Mr. President and members of the Body. I would like to ask the sponsor what the amendment to Senate Bill 1315 did. I don't seem to have a copy of that.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

It changes two figures, Senator. It inserts, on line 2, the figure 15. And, frankly, I am speaking from memory. And on the...and on the...and on the following, in speaking with reference to the amendment which was just handed you, Senator, and which was placed on his desk. On line 2 the amendment changes a figure. I don't recall what the previous figure was, but it changed that figure to the figure 15 and on the next line, it changed a given figure from 15 to 16, as I recall.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Then, Mr. President, and members of the Body. I would like to call attention to what appears to me to be a serious defect in the bill. If the amendment, which I don't seem to have a copy of, is as represented by the sponsor, it does not address itself to the very matter that concerns me here with Senate Bill 1315. The representation is, according to the digest, that this is a transfer of funds from the driver education fund, and so it states on the face of the bill. However, in the body of the bill, and I call your attention to section one: "An Act providing for the transfer of money from the fair and exposition fund to the agriculture premium fund." And then goes on to make the amendment that this bill provides for a transfer to the general revenue fund. So this is not out of the driver education fund, this is out of the educational premium fund and, therefore, I think the bill is defective.

PRESIDENT:

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

SENATOR SMITH:

First, may I reply to Senator Berning. The amendment,

Senator, and it is not my fault that you did not receive it, because it was placed there. It refers to both funds, Senator. Now with reference to my very good friend, Senator Horsley, frankly, I anticipated that you would ask that question. I am sorry you raised it. The annual...proper in having raised it. I knew you would catch it. But, Senator, I want to assure you that I realize that there is no statement..., anything in this bill with reference to the restoration of these funds at all; but I assure you in my honor as a man that if the bill passes, I will...when the general revenue fund is healthy, that I will personally sponsor a bill for the restoration of these funds.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Can you predict at anytime in the foreseeable future, under present revenues and obligations, when the revenue fund will ever be healthy.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

I can only say that I have watched the trend of thought that has been suggested generally, Senator, and I am sure that his Excellency, in his wisdom and his farsightedness, having brought forth an income tax after stating that he was opposed to it, will have the wisdom and the knowledge and the experience to find means of raising the additional funds.

PRESIDENT:

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,

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I have sat in these Bodies for many years and I have seen the rights of the people eroded, and taken away from them, and chipped at here and there until we are almost down to the bottom of the barrel. And when we come along and say to these people, "We are going to take the money that we said to you in good faith..." And when we raised the tax to build highways, these people bought it, when we said we are going to have bond issues to do this and to do that, the people went along with it because they believed in our integrity. Now we are going to violate that integrity and say, "We are going to take that money and spend it for something else without any requirement that we repay." Without a repayment provision, I want to be recorded no.

SECRETARY:

...Hynes, Johns, Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I only wish that Senator Coulson had offered such an amendment. I think maybe I could have voted for it where they would take this money from the judicial pension fund and their salary fund. I think that would be great, but unfortunately he talked and didn't do it. And this doesn't appropriate any money. It merely makes it available if the Governor cares to do it. And he wants to transfer funds around and play with them, and I don't see why we shouldn't allow him in this instance and see how he does, first of all,

on a trial basis. I vote aye.

SECRETARY:

...Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith...

PRESIDENT:

Senator Smith.

SENATOR SMITH:

I want to make one brief statement. The Senator from Sangamon stated that we are at the bottom of the barrel. That statement was made a few days ago by the distinguished Senator from Peoria, also. I merely state that these gentlemen certainly know that we are not at the bottom of the barrel. There is plenty of money available. There will be plenty of money available when we leave here tomorrow, or Sunday or whenever we are permitted to do so; and there will be plenty of money in June of next year. He also suggested that we should have taken the monies from a different fund. We preferred the bill as it is from this particular fund because of what his Excellency's budget document shows, and I designated the page. We think that this series of bills is a good series and I vote aye.

SECRETARY:

...Soper, Spours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

On that question the yeas are 25, the nays are 14. The bill having failed to receive the necessary three-fifths vote, the bills are declared defeated. Senate...Senator Smith.

SENATOR SMITH:

On the two bills?

PRESIDENT:

Right. That was the understanding. Senate Bill 1130, Senator Carroll.

SENATOR CARROLL:

Mr. President and Senators. I'd like to return Senate Bill 1130 to second reading for the purpose of an amendment. The amendment should be passed around because they were given to the Pages a little while ago. This is a simple amendment that preserves the rights under credit union membership for the employees of the Department of Public Aid of Cook County, as the original bill transfers that Department to the State Department of Public Aid. And I ask for the adoption of the amendment, please.

PRESIDENT:

Is there any discussion? Of the...this is on the amendment. Amendment number 1. All in favor signify by saying aye. Contrary minded. The amendment is adopted. We'll return it to third reading and after intervening business, we'll get back to your bill, Senator. 1308, Senator Saperstein. This is the bill you amended and we now have had intervening business. Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Senators. In June of the latter day in our previous session, '71, we passed House Bill 2547, which mandated the Department of Public Instruction to develop...

PRESIDENT:

Just a moment, please. Let's...we have conferences, let's get them off the floor. Please, gentlemen. This... Proceed, Senator.

SENATOR SAPERSTEIN:

Thank you. ...to develop a comprehensive school health education program. The bill passed, was signed...it carried no

appropriation. The Superintendent of Public Instruction had in his budget an amount of \$250,000 not only for the comprehensive program, but also to continue the drug abuse program, venereal disease, public health and etc. (smoking, alcoholism and its effect on health). The Governor vetoed the \$250,000 appropriation in the Superintendent's budget. Now we have today an ongoing program in drug abuse, in alcoholism, in smoking, venereal disease. These programs were started during the previous Superintendent, Ray Page, but there are no funds to continue this program on the local levels because the money for drug abuse was in the item that was vetoed by the Governor. We have reduced the amount of 170 as originally in the bill, \$170,000 to \$130,000...

PRESIDENT:

Just... Please. Let's... Proceed, Senator.

SENATOR SAPERSTEIN:

Thank you... so we may continue this program. Now, Superintendent Bakalis says there is absolutely no money in the budget to carry on the essential drug abuse, venereal disease, alcoholism and smoking. Now these are ongoing programs. They have been developed. We have had in-service training for teachers, and if we do not get this appropriation these programs will have to cease. Now I want you to think about this carefully and what this will mean to these programs right in the schools, and I hope that you will realize that \$130,000 is a very minute sum to carry on these programs. I urge your support.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Well this, this, as Senator Saperstein has pointed out, was part of the \$250,000 that was originally stricken from the

Office of the Superintendent's budget by the Governor in his... when he signed the bill, and at that time we discussed it at length. It's the contention of the Bureau of the Budget, I've checked with them this week on it. They say that the funds are not available. If this program is going to have to be curtailed for a short time or slowed down, there are probably some local funds in some of these schools that can help to continue with this. If it cannot be, I'm afraid we'll just have to wait on it because the funds are not available. The 130,000 is not much, yes, but there's 130,000 here, there's 20,000 there, there's 500,000 some place else; and when you add it all up, it gets up into the millions. We're already... as Auditor Howlett said, we must tighten our purse strings. We're already approaching a \$40,000,000 deficit. It could probably be more, depending, of course, on the economy. There are no new sources of revenue coming in and I urge you to defeat this legislation.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President, members of the Senate. Very briefly, I think this is highly important legislation. It involves the drug education program for the entire State of Illinois. Without this appropriation, we are not going to have such a program. I think all of us recognize the need for it and I think it would be false economy at its worst to defeat this bill.

PRESIDENT:

The Secretary will call the roll. Senator Berning, I'm sorry.

SENATOR BERNING:

Thank you, Mr. President, and members of the body. First

I... Let me commend the sponsor for her sincerity in attempting to, in her view, meet a serious problem. Without getting into the merits of the program itself, because I think any member of this body will agree that irrespective of anything that we have been able to do either on a local level or nationally through television and everything else, smoking, for one thing, is on the rise among our students. Drug use, whether you call it abuse or what else, I call it use, drug use, is on the rise in our schools, reaching down now even into the junior high and grammar school level; so these programs have been less than effective in my opinion. However, if there is any justification for the programs at all, and I'm always willing to give the benefit of the doubt to anything that has an admirable objective, here, in my opinion, would be justification for transfer of funds out of the Driver Education program into another education program. Had this been your proposal, madam sponsor, I would have been inclined to support it.

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:

Senator Saperstein.

SENATOR SAPERSTEIN:

In explaining my vote I would like to say, thank you to Mr. Berning for commending me on this legislation, proposed legislation, but may I say to my esteemed colleague that his recognition of the rise of the serious question is no reason for us to turn our backs on trying to do something about it. Now the genesis of this program...the...I think in the 1968, '67, came about as a recognition of the serious questions by Ray Page, the then Superintendent of Schools, and I cannot understand this party position, this party position to turn its back on a subject matter that they considered of great importance. And if we were asking for millions of dollars, this would be another question, but I am sure during the days work that you are going to pass many bills that require more than \$130,000. Then I shall have the pleasure of asking you, "Where are you going to get the money?" I vote aye.

PRESIDENT:

On that question the yeas are 26, the nays are 10. The bill having failed to receive the necessary three-fifths majority is declared defeated. For what purpose does Senator Saperstein arise?

SENATOR SAPERSTEIN:

I would like to put on proposed...to postpone consideration.

PRESIDENT:

The Chair is sorry, but he announced the results already. It is not possible to do so. The...Senate Bill 1130, Senator Carroll.

SENATOR CARROLL:

Mr. President, Senators. Senate Bill 1130, as amended, transfers the authority for operation of the Cook County Department of Public Aid to the State of Illinois, makes the

necessary technical changes to preserve employee rights for persons currently employed by Cook County and to meet federal requirements for reimbursement. In effect, it puts Cook County Department on the same basis as the Departments in the other 101 counties of the State. Last week the President of the Cook County Board, Mr. George Dunne, publicly endorsed this legislation. I believe this will help the welfare problem for the whole State and I'd ask for a favorable vote.

PRESIDENT:

Is there any discussion? Senator ParTEE.

SENATOR PARTEE:

Well, Mr. President and members of the Senate. For many years there has been a ping pong ball situation involving the Department of Public Aid and the Cook County Department of Public Welfare, and it's been volleyed from one part of the State to the other across the net. And we're in some strange and distressful times with reference to Public Aid, and it occurs to me that perhaps to transfer this authority from Cook County to the State is where it rightfully belongs because by so doing we obviate the discussions which take place and the lack of responsibility that is expressed by both agencies, and we put it in one place, it seems that we can then affix responsibility on the person where responsibility ultimately lay and that's with the Governor's office and through and by one of his Departments. So I'm going to support this legislation and I would ask the men on this side to support it, and let's put it in one place and let's see what happens. I vote...I'm going to vote aye.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Bidwill, Berning, 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...

PRESIDING OFFICER: (O'BRIEN)

Senator Smith.

SENATOR SMITH:

I have been quietly waiting. It's possible that I will rise on a point of personal privilege at the close of this roll call.

PRESIDING OFFICER: (O'BRIEN)

Senator, did you vote? Continue the roll call.

SECRETARY:

...Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDING OFFICER: (O'BRIEN)

Bruce aye. Latherow aye. The vote on that question is 44 yeas, no nays. The bill having received the constitutional majority is declared passed. Senate Bill 890. Senator McCarthy. 890.

SENATOR MCCARTHY:

Yes, Mr. Chairman and members of the body. I...Senate Bill 890, I'd like to bring back for the purpose of attaching an amendment. I'd like to suggest what the proposed amendment is. It just makes the effective date of the report of the Commission May 15 of 1972. May I have the consent of the body for the purpose of attaching that amendment?

PRESIDING OFFICER: (O'BRIEN)

Is there any objection to bringing Senate Bill 890 back to second reading for purposes of amendment? Leave is granted. Senate Bill 890 is on...Clerk will read the amendment. Senator,

explain the amendment.

SENATOR MCCARTHY:

The amendment makes the reporting date May 15, 1972. I move its adoption.

PRESIDING OFFICER: (O'BRIEN)

All in favor, signify by saying aye. Nay. The ayes have it. Amendment number 1 to Senate Bill 890. Third reading. House Bill 1398. Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President. House Bill 1398 I would like to call back for the purpose of offering an amendment. I have the amendment here. I would like... It's amendment number 2.

PRESIDING OFFICER: (O'BRIEN)

Can we get a Page for Senator Dougherty?

SENATOR DOUGHERTY:

Page...Joey, get somebody over here.

PRESIDING OFFICER: (O'BRIEN)

Thank you, Senator Rock. Is there any objection to bringing House Bill...

SENATOR DOUGHERTY:

I would like to...is there any objection to bringing it back to the order of second reading for the purpose of offering an amendment? Senator McBroom.

PRESIDING OFFICER: (O'BRIEN)

Senator McBroom.

SENATOR MCBROOM:

I object, yes.

PRESIDING OFFICER: (O'BRIEN)

Senator Dougherty.

SENATOR DOUGHERTY:

It's been long in the tradition of this body that any member has the right to call a bill back from third to second

reading for the purpose of amending the bill to put it in the proper form before he calls it to...for passage. I think I have that privilege to amend the bill. Accepting the amendment does not indicate that the bill is going to be accepted in its entirety.

PRESIDING OFFICER: (O'BRIEN)

Senator McBroom.

SENATOR MCBROOM:

Mr. Chairman and members of the Senate. I hesitate to object on this matter. I...as I have said before, I admire and respect Senator Dougherty. This particular measure, Mr. President, has taken up an inordinate amount of time of the Senate. I would like to... In only the kindest way, Mr.... In only the kindest way, Mr. President, I would like to remind Senator Dougherty that I don't come in here with bills that affect the Chicago School System, the Chicago Library System, the Metropolitan Sanitary District and on and on and on; and I would suggest and submit that some of the Senators from the Chicago area leave some of these matters alone downstate. This measure has been heard and heard, and I think it's time we leave our Boards of Supervisors alone and forget this bill and I do object.

PRESIDENT:

Well, the Chair will rule that a member has a right to pull a bill back for the purpose of offering an amendment. However, Senator Dougherty, that bill isn't up quite yet. You're down a ways on the list so we'll wait until we get there. Senate Bill 890. Is Senator McCarthy on the floor? Some intervening business, I see. Sorry. House Bill 2373, Senator Mohr. This is on postponed consideration, I believe.

SENATOR MOHR:

Mr. President. This is identical or nearly identical to

Senator McCarthy's and I was going to ask that both Senate Bill 890 and House Bill 2373 be...use the same roll call for both bills. They are Data Processing Commission bills and they're... It's a Commission that is wanted by all departments, all code departments, and I know of no objection.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

What Senator Mohr has said is correct, but the procedure would be to vote on Senator Mohr's two bills and then take a roll call on Senate Bill 890. Is that satisfactory, the same roll call for all three.

SENATOR MOHR:

I just have the one bill, that's House Bill 2373.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Since this is a commission, I feel some obligation to explain to the membership that I am in approval of these commissions because this commission has a function which is completely foreign to and different from any kind of function that could be structured within an existing committee. Hence, I think it is an exception to that general rule, and I am going to support it.

PRESIDENT:

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:

Berning aye. Horsley aye. Graham aye. Johns aye. O'Brien aye. Cherry aye. On that question the yeas are 45, the nays are 2. The bill is declared passed. 890, Senator McCarthy.

SENATOR MCCARTHY:

It is my understanding that same roll call applied.

PRESIDENT:

Yes, this roll call applied to both bills. I'm advised by the Secretary. 3560, Senator Rock. House Bill 3560.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. This is now the third time we have attempted to call this bill. I would like to move it back to second for the purpose of a proper amendment. Senator O'Brien has an amendment he would like to offer.

PRESIDENT:

3560 is pulled back to second reading for purpose of amendment. Senator O'Brien offers amendment number 1. Can you explain the amendment, Senator? Just a moment.

SENATOR O'BRIEN:

Amendment number 1.

PRESIDENT:

Just a moment. That is not amendment number 1. This is amendment number 2, then.

SENATOR O'BRIEN:

Is that a House amendment?

PRESIDENT:

Let's take that out of the record. If you can get together

with the Secretary and get this straightened out. There is an amendment on the bill already. If you can get together with the Secretary on that. House Bill 2673, Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President. I would like to have Senator Merritt's attention because he supports this bill, as does Senator Groen. House Bill 2673 is an implementation of the Constitution in the following amendments to sections 47 and 48 of the Illinois Banking Act. What this does is various technical changes involving the collection of the fees from the bank. It provides for more even cash flow into the department of...into the commissioner's office. It provides that the commissioner's office shall operate under general revenues, that the fees go into general revenue. It also makes another change that would correct and allow the remodeling that has taken place on the space in which they are now located, and repeals the section that requires them to remain in the state capitol. The bill is technical in nature. I tried to give you some of it. Senator Merritt, if you have any explanation, if any member desires an explanation. I urge the support of the members.

PRESIDENT:

Is there...? Senator Merritt.

SENATOR MERRITT:

Mr. President, everything that Senator McCarthy has said is exactly true. This is needed legislation, simply because all of the funds go into the general revenue fund anymore that come out of the examination fees of the banks. You would force that commissioner, because of the quarterly payments on these examination fees, to go to every bank which he regulates to borrow funds at the end of the year to carry over until that last payment comes in. I don't believe that is a position they should be placed in. I would certainly urge the members of my side of the aisle to support this.

PRESIDENT:

Is there further discussion? Senator McCarthy may close the discussion. 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, Vadabalabene, Walker, Weaver.

PRESIDING OFFICER: (JOHNS)

Bruce aye. Ozinga no. Collins aye. That motion having received 36 yeas, one nay, is passed, and declared passed. We will now move to House Bill 2618. Senator Berning. Wait just a moment, Senator Berning. Senator O'Brien, has some question here with the Secretary. Shall we continue?

SENATOR O'BRIEN:

House Bill 3560. There was an amendment number 1 to House Bill 3560, which is Senator Rock's bill, on the required number of signatures for a petition. We made a clerical error yesterday in the amendment that we adopted, as Senator Clarke pointed out. We'd like to table that amendment and put in the proper amendment. I make a motion to table amendment number 1 to House Bill 3560.

PRESIDING OFFICER: (JOHNS)

House Bill 3560 is returned to the order of second reading. A motion by Senator O'Brien to table amendment number 1. Any objections? Amendment is tabled.

SENATOR O'BRIEN:

I have another amendment I guess you would consider it amendment number 2. It is the corrected amendment. I just increases the number of signatures that are required for state senator and state representative from 200 to 500, for congressman from 500 to 1000, and it also increases the number of signatures that are required for anybody running under the independent party of the State of Illinois. It does one other thing. It takes the maximum number of signatures off that can be submitted by a candidate, at Senator Groen's request. I move for the adoption of amendment number 1.

PRESIDING OFFICER: (JOHNS)

Any discussion? Senator Palmer.

SENATOR PALMER:

With this amendment there is no maximum at all?

SENATOR O'BRIEN:

Yes, Senator Palmer, that is correct. Correct.

PRESIDING OFFICER: (JOHNS)

Those in favor of the adoption of the amendment signify by saying aye. Those opposed. The amendment is adopted. Third reading. Now Senator Berning, what is your pleasure, Sir. House Bill 2618.

SENATOR BERNING:

Yes, Mr. President. I am not just sure where 2618 is, but I have an amendment here that I'd like to offer. May I inquire as to the status of the bill. Is there an amendment on it?

PRESIDENT:

Mr. Secretary.

SENATOR BERNING:

Then if there is, may I take the bill back to second reading for the purpose of this amendment, and I'll furnish

the leadership on the other side with copies of the amendment. This is in conformance with the request for clarification on the part of several of the members on both sides and I think it meets the intent.

PRESIDENT:

There is no amendment on the bill. Senator Berning offers amendment number 1. It's being called back to second reading. It's on consideration postponed. The bill is called back to second reading. Senator Berning offers amendment number 1. All in favor of the adoption of the amendment indicate by saying aye. Contrary minded. Amendment is adopted. We will return to your bill a little later, Senator. Senator Rock. Just a moment. Please. Let's... There is going to be enough confusion in these last days anyway. Let's.

SENATOR ROCK:

I, I was just kinda looking for an explanation of the amendment.

PRESIDENT:

Is Senator Berning... He is over there. Senator Rock, are we ready on yours now.

SENATOR ROCK:

Yes we are.

PRESIDENT:

3560 is brought back to second reading for purposes of amendment. Oh, it's been taken care of. Alright, we are ready for passage on that, then. 3560, Senator Rock.

SENATOR ROCK:

Mr. President, members of the Senate. House Bill 3560 was introduced at the request of the Secretary of State's office, the index division. As you know, with the reapportionment, the reapportionment was drawn along census tract lines, not precinct lines, so as a result many precincts have been split

in half or they are replaced. It is extremely difficult for the Secretary of State's office and for all the county clerks and so forth to determine exactly how many signatures are required, since it is presently based on a percentage of the primary electors. Therefore, House Bill 3560 was...

PRESIDENT:

Just a moment. I am not even sure Senator Romano can hear you right now. Please, gentlemen. Senators Graham, Horsley, Latherow, Representative Burditt. Gentlemen, let's get some order. That conference right in back of Senator Rock, Senators Cherry, Berning, Dougherty, et al. Please. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. House Bill 3560, as it now reads, states that once, and once only, in the first primary following a reapportionment, which is the stage we are in now, there will be fixed number of signatures required for the offices of Congress and State Senator and State Representative. Once the new precinct lines have been established, the law will revert back to the normal method of securing one half percent of the qualified primary electors signatures of any candidate for the primary. We have been over this a couple of times. The bill has been amended. There is no maximum number of signatures required and the minimums have, in fact, been raised. A look at the number of signatures required throughout the State for the last election, for the last senatorial election, indicates that an average of around 200 signatures was required per district. We have raised that minimum to 500, and I would ask the favorable support of the membership.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

I would like to ask Senator Rock a question, please.

PRESIDENT:

Senator Rock indicates he'll yield.

SENATOR GRAHAM:

I didn't have time to read this in its entirety. You said that after this election we would revert to one half of a percent, one half of one percent; back to the old law. And, as opposed to the amendment you were offering yesterday, you only tampered with the votes as they apply to independent candidates, right?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

I am sorry, I didn't understand that question.

PRESIDENT:

Senator Graham. Just a moment. Let's...

SENATOR GRAHAM:

I'll get a megaphone, then I won't have to wait. The only change you made was in the numbers as they apply to independent candidates.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

No Sir, Senator, we changed...As a matter of fact, we didn't even want to tamper with independent candidates. They are kind of a sui generis breed. What we did do, was we changed... We took the maximum number of signatures off each of the three categories. We raised the minimum of the Senator and the Representative and the Congressman. Now, in order to accomplish that constitutionally, we also had to take the maximum off the independent party people, which we

did.

PRESIDENT:

Secretary will call the roll. Senator Clarke.

SENATOR CLARKE:

Senator, I just wanted to ask. I had heard that there was some discussion and disturbance over in the other body regarding the increase in the... to 500 signatures. I don't think we want to get ourselves afoul now at this point of time.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Senator Clarke, that is correct. I talked to Representative Wolfe this morning. Some of the Republican House members have indicated that in their judgment 500 is too large a minimum. I think that what Representative Wolfe is going to do, so long as we can keep this thing moving, is that when the bill goes back over there, he will non concur and we will have a conference committee and probably strike a balance somewhere between two and five hundred.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Couldn't we try and reach an agreement so we don't have to have a conference committee. I don't think there is any magic in 500. I mean... What would they take? Would 300 be all right?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

The problem is that Representative Wolfe, who is the chief sponsor of this bill is not sure what they would take, and I am not sure what they'd take, and we have held the bill now

for three days, and I've called it three different times and there is always some problem with it. I don't know whether we need the bill at all, frankly. Maybe we will scuttle the whole thing, and let the Secretary of State figure it out.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Well, but I do think that if there is an indication in that regard maybe we should just change the amendment, make it a little more, hopefully, palatable so that we won't have to have a conference committee and they would concur, and I think it would be agreeable.

PRESIDENT:

If the Chair could interject here, this is about the third or fourth time we have had this bill up. If it's... If we are not too far from off, if we can get this bill passed and then have the conference committee get this thing worked out. I think it would be wise if... It's the sense of the body to pass something. Senator Rock.

SENATOR ROCK:

Well, as ordinarily will happen with any piece of legislation that directly affects sitting members, you are probably going to have a difference of opinion among the 170 of those guys and our 58. I don't think... If I say 300, what if Jake Wolfe comes back and tells me no, they will only go for 250. Then we are right back where we started. I think we ought to just implant this thing and then let's try to work it out. I... I've got... There's no magic in 500 anymore than there is in 15,000. It doesn't make a bit of difference to me.

PRESIDENT:

Secretary will call the roll.

SENATOR ROCK:

I would point out that this has an emergency clause. We need 35 votes.

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:

Ozinga aye. Vadalabene aye. Swinarski aye. Fawell aye. On that question the yeas are 48, the nays are 1. The bill is declared passed. Senator Carpentier is recognized for the purpose of making a motion.

SENATOR CARPENTIER:

Mr. President and members of the Senate, at this time I would like to have House Bill 802 rereferred to the Judiciary Committee.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Partee.

SENATOR PARTEE:

An announcement, Mr. President. We are going to take a break today from one to three. So, I would like to let you know now so that you can make whatever plans you might along those lines, but we will not be here between one and three today. There will be some conference committees meeting in the intervening period.

PRESIDENT:

2618, Senator... House Bill 2618 on postponed consideration, Senator Berning.

SENATOR BERNING:

Thank you Mr. President, members of the body. 2618 as originally presented had some difficulties with members of the body primarily because it seemed to restrict the right of the Treasurer to accept deposits from other officers in anything less than monthly intervals. The bill has now been amended so as to provide that daily, weekly, or at most monthly, the county officer shall deposit with the county Treasurer. We also provided, as was suggested in committee, that we provide for supplemental budgets. So far as I know all questions have been now answered and I would appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? Secretary will call the roll. Just a moment. Senator Cherry...

SENATOR CHERRY:

I thought... Are we acting now on the bill prior to amendment, or has this bill...

PRESIDENT:

This bill has been amended.

SENATOR CHERRY:

Is that the amendment that we just received a few moments ago, Senator Berning? Can you hold that Senator Berning? Our staff is checking out that amendment and we will be through with our review in approximately 5 or 10 minutes.

PRESIDENT:

Senator Berning, if you can advise the Chair, then I'll... We'll continue with the list. 3572, Senator Baltz. House Bill 3572. Senator Baltz.

SENATOR BALTZ:

3572?

PRESIDENT:

That is correct.

SENATOR BALTZ:

Mr. President and fellow Senators, House Bill 3572 on the Calendar and on the bill has an appropriation of \$8,010. This has been amended. The appropriation has been increased to \$40,095. The reason for this bill is that there were... Park Forest South and the County of Warren, the Village of London Mills and the City of Chillicothe, through reporting errors of their census figures, found that money due them by the State was not forthcoming. The proper information is now at hand. The bill not only allows the appropriation... This is not state money. It will be money that has been paid through error to either a county or a city. It will be deducted from the county or city that it was paid to and returned to its rightful community. This is the income tax state revenue sharing. This legislation, the amendment and the appropriation, authorizes the State to make the proper transfer of funds from one local government agency to the proper government agency. If there are any questions, I will be glad to answer them, otherwise I would appreciate a favorable roll call.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Baltz, just a question. Why wouldn't this requested amount be referred by a claim to the court of claims... if an error was made? Why do we need to appropriate this money here?

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Senator Cherry, the error was not actually made by these communities. It was made by the information that was sent to the Secretary of State, Paul Powell's office, at that time. It was not transferred to the Department of Local Governmental Affairs. It was a mistake in computing... or his getting the proper population figures to the Department and as a result, they did not send them the amount of money that was due them. This is the way... that... the simple way that it should be handled. I can read you in detail on each one. It is not very long, if you would like to have them. It will show you how it happened. And this just simply authorizes the correction of the mistake. What it does, in effect... Municipalities, their population, are deducted from the total population of a county and then this money is sent to the municipalities, the remaining population, then, is used to compute the amount of money sent to the county. Now in the case of the Village of Chillicothe, this is an oversight by the Secretary of State in adjusting the census figures. They annexed North Chillicothe with a population of 2259. Their original population was 3,054. This then made their adjusted population 5617. Proper notification was sent to the Secretary of State as the bill provides. The Secretary of State's office did not transfer this information to the Department of Local Governmental Services. Therefore, the county got this extra money where... for the part that used to be unincorporated rather than the Village of

Chillicothe. This legislation just simply allows the administration to deduct this money, which is in the amount of \$15,000, over a period of several months from the county share, where it was wrongfully sent, and give it to Chillicothe where it rightfully belongs. This is all it does.

PRESIDENT:

Senator Cherry:

SENATOR CHERRY:

Are you saying then that we are going to get the money back from the county by deduction for its share, so that there will not be a duplicate payment of this \$8,000? Is that what you are telling us?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Are we talking about \$8,000, Senator, or \$15,000? You just mentioned \$15,000.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Representative Houlihan introduced this bill in the House to take care of just one community, and that was Park Forest South, a new community in Will County and in Representative Houlihan's district. At the time the bill was introduced, the Governor's office came to Representative Houlihan and said that we have three other situations that exist like this in the State, we want you to amend the bill, if you will, and include the other three. This brings the total transfer from 8,000 up to 40,000. Now the transfer that goes to South... Park Forest South is \$8,000. The County of Warren will get \$14,109 that was erroneously paid to other areas in their county. The Village of London Mills will get \$2,728 and the City of

Chillicothe will get \$15,248. This bill then has a total of \$40,095. It is not an appropriation, it's an authorization to transfer.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

... 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:

Berning aye. Carpentier aye. Laughlin aye. On that question the yeas are 41, the nays are none. The bill is declared passed. 2586, Senator Knuppel.

SENATOR KNUPPEL:

This is a bill on postponed consideration. It ... We voted on it the other day, there were some fellows absent from the floor. This bill as amended appropriates \$20,000. for engineering and a feasibility study on Little Coal Creek in Fulton County, which would provide water reservoirs and recreational areas if, if proved feasible; and it would later, at some other time, if proved feasible, call for an additional appropriation. I think maybe there was some misunderstanding about it. I think it is a good bill for these communities that are going to require these water supplies lying a little ways west of Peoria and Fulton and Knox Counties. I would urge an affirmative vote.

PRESIDENT:

Is there ... Senator Knuepfer.

SENATOR KNUEFFER:

Well, it seemed to me that all of these kinds of bills we put together in one agreed package at the end of last year. There were a whole lot of separate bills introduced separately. It was, I believe, the suggestion on your side of the aisle, Senator, that those all ought to be put in one package. That package was passed, this then is an unbudgeted item and I would urge a no vote.

PRESIDENT:

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

SENATOR KNUPPEL:

Well it hasn't been done, so I would just like to move on and call the roll and see if we can save some time that way.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, members of the Senate. You know, I just want to pass on a comment that my seatmate here made earlier today, that this session is the first session, or the session in which we have seen more bills come back and back and back than any other. And the longer we stay in continuous session, the more of that we are going to have and I vote no.

SECRETARY:

... 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:

Swinarski aye. Request for a call of the absentees.

The absentees will be called.

SECRETARY:

Arrington, Baltz; Berning, Bidwill, Carpentier, Carroll, Fawell, Graham, Harris, Horsley, Hynes, Johns, Knuepfer, Latherow, Laughlin, Merritt, Mitchler, Newhouse, O'Brien, Ozinga, Soper, Sours, Walker, Weaver.

PRESIDENT:

On that question the yeas are 27, the nays are 8. The bill having failed to receive a constitutional majority is declared defeated. 2422. House Bill 2422, Senator Knuepfer.

SENATOR KNUEPFER:

This is a bill that simply permits school districts, which have had a referendum and passed that referendum on a vocational education program, to enter into joint agreements, either with the school building commission, with another school district, or with the State of Illinois, the Illinois Building Authority, to construct their buildings. Without this legislation they would have to wait for a period of approximately five years while the money came in, and from ... and this money has been agreed to at a referendum. They would have to wait for a period of five years until they collected enough to build a building. This simply enables them to contract with one of these agencies to have the building built, and then to pay the building off over the period ... period of five years. I would appreciate a favorable roll call. It affects two or three vocational education programs that have already been

approved by the voters of this State. If there are any questions, I will be happy to answer them.

PRESIDENT:

Is there any discussion? 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 ...

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, I would just like to call your attention to the fact that this is another bill that says they may issue such bonds without referendum. I vote no.

SECRETARY:

... McCarthy, Merritt ...

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, there seems to be ... and members of the Senate. There seems to be a lot of misunderstanding on this. This bill I know is important to Senator Knuepfer. It's important to me in my county where the State has already provided these funds for these area centers, in our particular Vermilion County, it's the Votax center. Now for them to come up with their share of the, the matching funds, they can do it over that five year period with a five cent tax, which has already been authorized. It just means this much: They will do the building today. If the future is to be governed by the past as far as building costs are concerned, they will do

that cheaper today than they will have five years from today. It just is absolutely ridiculous to think that you could not support this type of legislation. I would vote aye.

SECRETARY:

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

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I haven't voted on this bill, but, in looking at it quickly, it seems to me that this is another attempt to be able to give to the School Building Commission the right to sell schools, or finance schools, which are already built and constructed. I think we debated this issue quite some time ago. At least the members on this side refused to accept that new concept. I think that what we are doing, the program and the method and formula that we presently have for school construction is a good one and should not be changed. I want to vote no on this bill.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I want to vote first ... I want to vote first and explain my vote and then I would like a call of the absentees. Senator Cherry, I don't believe this really is what you are suggesting it is. This applies to school districts, and if I can have the attention of the body because I evidently did not get a point across. I ... This applies to school districts that have had a ... vocational education school districts that have had a referendum. Now that referendum gave them a tax rate

to build a building. That tax rate isn't enough, in one year, to construct a building. It takes about five years of applying that tax rate before they can build a building. Now if you don't pass this, here is what happens: The school districts that have adopted this vocational education principle would have to save up the money for the first year, save up the money for the second year, the third year and the fourth year; and about the end of the fifth year, they would have acquired enough money to finally build the building. So if you don't pass this, you are putting the vocational education program, which the voters have approved, off for five whole years. If you do pass it, then the school ... then the Vocational Education Authority can contract either with the Illinois Building Authority, with the School Commission or with the local school district, to pay for this building and do it right now. It all has been authorized in referendum, it is not a non-referendum. It is simply a means to try and get the will of the voters, which has been expressed in my county, Senator Merritt's county, and I don't know how many others, to get this job done now rather than waiting year by year to pile up this money to construct the building. I vote aye and I would ask for a call of the absentees.

PRESIDENT:

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

SECRETARY:

Arrington, Baltz, Chew, Davidson, Groen, Hall, Harris, Hynes, Johns, Kosinski, Laughlin, Lyons, McCarthy, Mitchler, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Saperstein, Savickas, Smith, Sours, Swinarski, Vadalabene.

PRESIDENT:

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

SENATOR FAWELL:

I'd like to explain my vote. I think that there is a grave misunderstanding about this bill because you have, in areas where vocational high schools are going into being, you have the different districts who are in a joint agreement program approved by referendum, a tax levy which, as Senator Knuepfer has pointed out, is extended over a five year period. And in a number of areas this has been done, but now the joint agreement high schools who have gone into this program for a vocational high school find that they can't go ahead and build a high school unless they were simply to wait for the five year period to go by when they could accumulate all the money because they can levy this tax over a five year period. All that is being authorized in this bill is the power to go ahead and borrow on the basis of referendum, which is already passed, so that they can have the money right now to build that vocational high school. There's no other way to do it and there is full approval and referendum by the people, but it's merely a financing technique that is absolutely necessary and without it all of these areas that are trying to use the joint agreement program for the construction of a vocational high school will simply have to sit back and wait until they can accumulate the money and thus, it is important in a number of areas in the State and I hope those of you who are not voting would reconsider because it simply is going to hold back the development of the joint agreement high school vocational programs in the State of Illinois. I vote aye.

PRESIDENT:

Senator Knuepfer moves to postpone consideration. All in favor signify by saying aye. Contrary minded. The motion prevails. 3654, Senator Partee.

SENATOR PARTEE:

This is a bill known as the Witness Protection Act. It doesn't cost the State one dime. There is an agency known as the Illinois Law Enforcement Commission, which agency came into existence through the long and arduous work of one of our now departed members of the Senate, Senator Al Bennett, and the Illinois Law Enforcement Commission receives its funds from the federal government pursuant to the Safe Streets Act which was passed at the federal level some years ago. Now, the Illinois Law Enforcement Commission apportions the funds that it receives from the federal government to various law enforcement agencies throughout the State of Illinois. There has been a crying need in many of our cities, particularly the largest metropolitan city in this State, for witness protection. One of the key facets of a successful prosecution is the availability of a witness, and in many instances witnesses have been threatened, they've been cajoled and, in some instances, they've been killed to prevent them from testifying in criminal cases. So the Witness Protection Act would permit state's attorneys to make application for federal funds which would then be in the possession of the Illinois Law Enforcement Commission to use to either house witnesses or assist them in any manner necessary to preserve their testimony for some rather important criminal cases. As I say, it would not require an appropriation. As it was structured originally in the House there was an appropriation and I suggested to them that it should be changed and the money should come from the Illinois Law Enforcement Commission. We have talked with the Director Bilek there and he has absolutely no objection, and we've cleared it all the way along the line and this would, in my opinion, be a very meaningful piece of legislation which, at the same time, would help us to make certain that the Safe

Streets Act, as originally structured, and the Illinois Law Enforcement Commission would be given great impetus in the suppression of crime and would help us to reach, hopefully, law and order and I solicit your vote.

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:

Hall aye. On that question the yeas are 42, the nays are none. The bill is declared passed. Senator Collins, House Bill 1058. Senator Collins.

SENATOR COLLINS:

This is a departmental bill of agriculture, and, as you know, I was Chairman of Agriculture in both the House and Senate for about twenty-four years, and now Senator Knuppel has that responsibility. And this bill was heard in the Agriculture Committee and all the agriculture leaders were for it and there wasn't any opposition to it. And it provides that the Director shall send a copy of service of process to an applicant by certified rather than registered mail. A failure to apply for the license renewal by December 31st of each year results in the forfeiture of the right to renewal. A bond required of a license must provide that it may be cancelled only upon

thirty days written notice to the Department. Now, there may be some objection to this. I think Senator Latherow has an objection to just one provision in the bill. I might as well be fair about it. He may have something to say, and that's a small increase in the fees. Otherwise, I think the bill is alright.

PRESIDENT:

Is there any discussion? 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:

Kosinski aye. Chew aye. On that question the yeas are 37, the nays are 1. The bill is declared passed. 331, Senator O'Brien.

SENATOR O'BRIEN:

Yes, Mr. President and members of the Senate. House Bill 331 is one that is familiar to all of us. This bill has had a peculiar background. It passed out of the House without very much opposition, came into the Senate, was passed out of the Senate Elections Committee 16 to 0. It came to the floor of the Senate, where I was handling it, and we ran into a lot of difficulty. There were a lot of questions that were raised. This bill amends the Election Code and provides a procedure whereby the permanently physically incapacitated voter may vote his absentee ballot without requiring the physician's affidavit

at each election. Mr. President and members of the Senate, this bill has four amendments currently adopted to it.

Amendment number 1 was proposed by Senator Graham. Mr. President, can I have attention, please? Mr. President, this bill has four amendments adopted to it. Amendment number 1 was proposed by Senator Graham, which would increase the fine for any physician caught lying on the physician's affidavit. We increased the penalty from \$100 to \$1000. Amendment number 2 and 3 were tabled. The other amendment that was adopted was amendment number 4 and this was put on, I believe, by myself at the request of Senator Sours. This requires that the physician's affidavit be one which is notarized. Amendment number 5 was put on at the request of Senator Clarke on the other side of the aisle. This would require that the ballot that the physically handicapped voter votes his absentee ballot on be notarized. We had wanted to take that off, but in the art of compromise to get a bill that would provide an opportunity for this group of individuals, the permanently physically incapacitated, the right to vote, we compromised and allowed the ballot and accepted an amendment that would allow the ballot to be notarized. Amendment number 6 ...

PRESIDENT:

Just a moment. Please, gentlemen. Let's break up some of these little groups over here and get some order.

SENATOR O'BRIEN:

Amendment number 6 was presented by ... I put on the bill at the request of Senator Coulson. It had been mentioned that perhaps this could cause voting irregularities and vote fraud in areas throughout the State of Illinois. This amendment says that a disabled voter's identification card authorized by this section shall not be issued to an elector whose voting residence is in a facility licensed under the Nursing Home, Sheltered

Care Homes or Homes for the Aged Act; so, Mr. President, there you have it. There are four amendments adopted on this bill.

All four amendments came at the request of Senators on the other side of the aisle. This bill went on postponed consideration in June. It had 29 votes. It is backed ..., and I have letters and I distributed them in June. It's backed by the Muscular Dystrophy Association, The Disabled American Veterans, The March of Dimes, Goodwill Industries, The Visiting Nurses Association, The United Cerebral Palsy Association, The Multiple Sclerosis Society, The Easter Seal Society, The National Paraplegia Foundation, The Chicago Heart Association and the Congress of Organizations of Physically Handicapped. Mr. President and members of the Senate, I don't know what else I can do in an effort to pass this bill. I think these people are being disenfranchised by the requirements that the voting laws now request of them and I urge a yes vote on this bill.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate. I compliment Senator O'Brien on his tenaciousness; also compliment him on the many hours of work he's put in on this and I sympathize with him for having received all of the phone calls he has received because I've got some of them too. I shared you from some of those ... kept you away from some of those; but in addition to the fact that this bill hasn't been materially changed, hasn't been changed at all since last June 29th, I think doesn't remove the entire objection of this side of the aisle. In connection with the fact that right now we are in the middle of and will, in the first part of December, or the middle part of December, we will be reviewing the new Election

Code for the entire State of Illinois dealing with every facet of election, election regularities, guidelines and the whole gamete built around the mandate of the new Constitution. Hopefully, we will be able to do something in the area of consolidation of elections. I don't think that this bill at this particular time is of that great importance. I don't think that we should have to deal with this particular one should it be placed on the Statute Books to confuse an already confusing issue that we have four experienced election officials working with. I think that, this one time, that if Senator O'Brien doesn't get more than 29 votes that it will be alright with me.

PRESIDENT:

Senator O'Brien may close the debate.

SENATOR O'BRIEN:

In summarizing the occurrences that have transpired with the handling of this bill Senator Graham, I think that every effort has been made by myself to come up with a bill that some members on the other aisle ... other side of the aisle can support. And what you're, in effect, saying to me and every physically incapacitated voter in the State of Illinois is that, "Well, you just wait until we get around to rewriting the election laws and then we'll give you the opportunity to vote, but right now you can just sit this one out." Well, I think that that's the wrong attitude to take and I think that all the associations that have endorsed this and all of the work that has gone into this, Senator, deserves a certainly, a much better attitude or a different attitude from some of the members on your side of the aisle, and I request a roll call.

PRESIDENT:

Secretary ... Senator Graham.

SENATOR GRAHAM:

Senator O'Brien, I think you purposely missed my point, and I think you purposely didn't recognize the fact that I do compliment you for all the work you've done on this. You purposely missed the point when I didn't say they were going to sit around. I said that we're going to have an election code and we're going to prefile it, and we're going to have it ready for January. And if you think there is a disinterested party insofar as Chicago's concerned with the rewriting of this election code, check with Stanley Kusper because he's one of the consultants.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I'd just like to shed a little later light on this, even if I were favorably disposed to vote for this bill, that one of our staff members had a call from the Chief of Police of Evanston yesterday saying that a group had called the police station indicating they were going to come out and picket Senator Arrington's house. They wanted a permit to do it. They were told that Senator Arrington had nothing to do with this, that he wasn't down here. So I understand I'm next on the list and I certainly wouldn't vote under that kind of pressure even if it were a good bill. I vote no.

SECRETARY:

... Collins, Coulson, Course, Davidson, Donnewald, Dougherty ...

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I do not like to disagree with my colleague Senator Graham, and I know that his opposition is well within his rights and that it is as he sees it, and I agree with him that we are going to have a new election code. However, Senator O'Brien has worked very hard on this bill, and this bill is necessary to some of these people who are incapacitated to have to go through this rigamarold every time in order to cast their ballot when they've ... some of them will never recover. The things that they have are almost terminal insofar as their occupation or making a living is concerned. But they have the inviolate right or privilege of voting and they should be granted this privilege. Senator O'Brien has done everything reasonably possible to put this bill in workable shape. I think it's a good bill and I would ask the support of every member of this body. I vote aye.

SECRETARY:

... 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 ...

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Well, Mr. President, it appears quite evident that every effort has been made by myself, some of the members over there on the Republican aisle, to get this bill passed, but yet nobody is voting for it. Nobody has a good reason not to vote for it. There have been made ... There have not been made any objections to the bill. One individual says we are going to rewrite the entire Election Code. The other individual says that Senator Arrington was picketed, so he's not going to vote for it. I can't understand why they are laying off.

There's absolutely nothing wrong with this bill. The only reason is that they don't want to provide the opportunity for physically incapacitated voters and give them the right to vote. I vote aye.

SECRETARY:

... Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas ...

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I'm appalled at the Republican members in this Legislature. First of all they refuse, refuse to vote for money for educating handicapped children, now they want to refuse to allow the handicapped people the privilege of having an easier time to vote. I vote aye for this measure.

SECRETARY:

... Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Rock aye. Request for a call of the absentees.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Carpentier, Carroll, Collins, Coulson, Davidson, Fawell, Gilbert, Graham, Groen, Hall ... or Harris, Horsley, Knuepfer, Latherow, Laughlin, McBroom, Merritt, Mitchler, Mohr, Newhouse, Ozinga, Soper, Sours, Walker, Weaver.

PRESIDENT:

On that question the yeas are 27, the nays are 4. The bill having failed to receive a constitutional majority is declared defeated. I understand 2422, Senator Knuepfer, is now ready for passage. Senator Knuepfer. No, no, I'm sorry. I'm getting different signals here. 3690, Senator Harris. 3690 and 3691, can they be considered on one roll call, Senator?

SENATOR HARRIS:

Yes, you can as far as I'm concerned.

PRESIDENT:

Is there objection to that? Leave is granted.

SENATOR HARRIS:

Yes, these two bills are essential in order for us to qualify for federal funds to implement this Illinois Rehabilitation Corporation. It is funded ... I must apologize. I don't have my file here. I think it is a 60% federal contribution and this is emergency legislation. I know that there have been lengthy discussions between the department representative, Dick Davidson, and the staff representative of the other side. They are important administration bills and I know of no opposition. They are merely implementing bills in order to qualify for this federal inflow of funds.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, after the way the Republican side has been acting this morning, I'd like to tell my people that they ought not to vote for this, but this is too important a bill because the State of Illinois will lose about eight hundred and some thousand dollars. I'm going to tell my people that they should vote for it even though we haven't gotten a vote on anything reasonable over there this morning. Most of all the O'Brien bill. I don't know what happened, but you people over there are not looking at the bill. You don't give a damn about the people on this side and we ought to feel the same way over here, but I say this is a good bill and we should support it.

PRESIDENT:

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. O'Brien aye. Cherry aye. Nihill aye. Saperstein aye. Romano aye. Berning aye. Palmer aye. On that question the yeas are 39, the nays are none. The bills are declared passed. 808, Senator Lyons. House Bill 808 on postponed consideration.

SENATOR LYONS:

This bill is on postponed consideration and it is a bill that would have the effect of making permanent a license plate registration. And the purpose of the bill, which is supported by numerous organizations including all the police associations, the Polish National Alliance, the Better Government Association, the League of Women Voters, and numerous others, Veteran's Organizations. The purpose of the bill is to make more ascertainable and more meaningful the system of license plate identification which, at the moment, contains many defects largely due to the free transferability of license plate registration. This would make it permanent. As I said the last time when the bill was up, when it was heard the first time, any doubt as to the inhibition of the practice of reassignment has been removed from the bill because it specifically recites now that the practice, the practice of

reassignment is to be continued. And I think everybody here has a pretty good idea of what the bill does and I would ask for the support of the membership and a favorable roll call.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Senator Lyons, can you tell me the urgency of this bill that we have to consider it the last day of the session and on a special five week session that we came back, or tomorrow is the last day. Can't this bill hold til next year or the year after that and then see if we like it at that point?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, Senator Neistein, you gave a longer speech on the bill than I did. It has been pretty well discussed and what we ask for now is the roll call vote and the support of the membership.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Could you tell me how many votes this bill got last time you called it, if you remember?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

I'll never forget. It got 26.

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

Well, we've discussed this bill before. And it still

has the provisions in there to take away our Land of Lincoln. We're still ... I'm not completely satisfied that the way the bill is drafted that, in any shape or form, that we still wouldn't lose our reassignment numbers. I think this is a bad bill. We've had it for about 10 years now and it's been in more ... in the Highways Committee in the Senate for years and years. It has been out in the House and has been hashed over. And I still find no way that we need a bill such as this. The surveys from other states tell us we have the best system, the most economical system there is in our present annual license plates. And I think this is a bad piece of legislation and I urge the members of the Senate to defeat the bill.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Senator Lyons, isn't the main reason that the police ... the Protective Police Association and all are in favor of this is because of the decal that is on the car?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

That is a large part of it because of the fact that it is so easy to steal a license plate or just lose one. One of the features of this bill is that it makes identification more easy and it makes the registration system more meaningful, because if the plate doesn't match the decal, any policeman can tell that there's something wrong.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Can't we do that and just ... separate legislation on

that type of thing similar to the fact that we get the motor fuel ... I mean local vehicle tax each year. We don't use the same number on that. We get it each year. It seems to me that the decal could be put on whether you had this bill or not.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well it could be, certainly. If the Secretary of State wanted to do it, he can, I suppose, issue a decal with each plate, but what this bill does is make the registration permanent and require the display of the decal as well as the plate.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President, there's been some misleading facts on here. I have talked to representatives of the Secretary of State's office and I have been assured by these representatives that no one will lose a reassignment. The plates that you have at the time that this goes into effect are the plates that you will keep for three years. Now if one wants a new assigned plate ... newly assigned plate to his car, it can get that and continue with that because we will be dealing with dates of the month and the decal. Now I talked to some members of the Chicago Police Department in high positions, and they are not opposed to this bill. There was some opposition from the Secretary of State's office when the bill was first proposed, and he, at that point, thought that there would be some confusion on reassignment, but that the opposition that Senator Carpentier had and he expressed it in the Committee, and if there were no reassignment rights, I would be against

the bill also. But having been assured that there are means of reassignment, and Senator Carpentier doesn't want to lose number three and I don't want to lose number 377. I think we both cherish those numbers. And then again, Mr. President, it does have a provision in the bill whereby you can pay for a three year plate at the time that you are making your first purpose, if this bill becomes law, and that gives the State an additional two years for investment purposes of that money that's paid in advance to produce a great interest which, in a sense, would keep us from going broke, as the Governor has said. And there is an economy factor in it. You only have to get your decal once a year and that decal would indicate that the plate that's on your automobile is a valid plate. And it's a great help to the various police departments to be able to know for three years that John Jones has the same license plate. And honestly I think it's an excellent bill. There are other states that have this law, and they have made no loud outcry on the reassignment feature of it. The reassignment is a privilege that I am assured now that will remain in effect and this new law, if it becomes law, would not effect it where it would be detrimental to those people in the State that are concerned about reassignment. So I would ask a favorable vote on the bill.

PRESIDENT:

Senator Soper. Motion for the previous question. All in favor signify by saying aye. Contrary minded. Motion prevails. Secretary will call the roll, or Senator Lyons may close the debate.

SENATOR LYONS:

Mr. President and members, I don't know that there's anything that I could add to what's already been said. The motion to terminate debate has prevailed and I don't want to

drag the discussion out. I think everybody knows what the bill does. I think everybody knows what the intent behind the bill is. Senator Chew very forcefully made some of the points that I would have made, and I ask for a favorable roll call.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz ...

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

I think this bill has some good features. I didn't get a chance to ask a couple of questions that probably still confuse me. Number one, I seem to be assured now that I will be able to hold my Senate number 41 license plate for three years regardless of what the outcome of the election might be next year in my district. That's a desirable feature. It re ..., you know, kind of comforting, like having a pipe in your mouth. The other thing that I wondered about that was more in a serious vein. I don't think I've ever traded automobiles exactly at the time a new plate came out, and I would assume there would have to be some provision made for making it illegal for me to leave the decal on my old automobile; and then I don't know what the provision in the bill is that would secure an identical decal for that license plate of mine that I'm transferring to my new automobile. This ... there may be some bugs in this legislation that still have to be worked out, and I am going to vote present at this time.

SECRETARY:

... 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 ...

PRESIDENT:

Senator Nihill.

SENATOR NIHILL:

Mr. President and Senators, this bill, in my estimation, is a good bill. I wonder what Senator Baltz is worrying about holding his number. He said he may not be back here. I wouldn't feel too much worried about it. It might be true, but nevertheless, when you can go along and the police start to come to the front of your car and the back of your car and check your number, and I understand the decal is on there, when you sell your car, it is shaved off. You cannot get rid of your car, sell your car unless it is taken off. I believe it's a good bill and I'd like to see this passed. I vote aye.

SECRETARY:

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

PRESIDENT:

Johns aye. Rock aye. Lyons aye. O'Brien aye. For what purpose does Senator Lyons arise?

SENATOR LYONS:

Call the absentees, Mr. President.

PRESIDENT:

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

SECRETARY:

Arrington, Bidwill, Bruce, Carroll, Clarke, Collins, Coulson, Davidson, Fawell, Groen, Harris, Laughlin, McBroom,

Mitchler, Mohr, Newhouse, Ozinga, Soper, Sours, Walker, Weaver.

PRESIDENT:

For what purpose does Senator Lyons arise?

SENATOR LYONS:

I move to postpone consideration, Mr. President.

PRESIDENT:

The ... the ... You can't ... That motion is not in order, Senator Lyons.

SENATOR LYONS:

Alright.

PRESIDENT:

But it was a good try anyway, Senator. On that question the yeas are 28, the nays are 9. The bill having failed to receive a constitutional majority is declared defeated. Senator Partee moves that the Senate stands in recess until 3 o'clock. All in favor signify by saying aye. Contrary minded.

R E C E S S

PRESIDENT:

Is ... there's Senator Collins. Senator Collins, 2712. We're ready to move on. 2712.

SENATOR COLLINS:

This is another bill, departmental bill of agriculture. It went through the House unanimously and through the House committee and also through the Senate Agricultural Committee, and I think it's a good bill ...

PRESIDENT:

Just a moment. Let's have some order. Would you ring the bell again there, because we ... If you don't have enough votes, we'll just pull it out of the record here, Senator, but I think once we start, they'll start coming. Senator Merritt.

SENATOR MERRITT:

Mr. President, are we on somewhere now? If you'll

remember this morning when we had a resolution in there because of one of our colleagues being off the floor.

Is he...

PRESIDENT:

That colleague is not on the floor right now, Senator.

SENATOR MERRITT:

Alright; we'll get back to it later.

PRESIDENT:

You remind me as soon as you... Senator Collins may proceed.

SENATOR COLLINS:

Mr. President, I don't believe we have enough here.

PRESIDENT:

I, I think you can go ahead. We'll... If you don't, we'll pull it out of the record.

SENATOR COLLINS:

Okay. Alright. That's fair enough. Roll call. I think everybody understands this 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.

PRESIDENT:

Fawell aye. Coulson aye. Lyons aye. Carroll aye. On

that question the yeas are 37, the nays are none. The bill is declared passed. Is Senator Hall here? Senator Dougherty, 493. Will that be a matter of controversy?

SENATOR DOUGHERTY:

Well, I'm afraid there might be one objection to it, Sir, but I would hope to think there wouldn't be too much controversy. Well, maybe I...could I amend it and I'll call it back to the order of third...second reading, offer an amendment and then wait until the opposition might develop.

PRESIDENT:

Alright.

SENATOR DOUGHERTY:

I would ask the...request that the vote by which amendment number 1 was adopted be reconsidered for the purpose of striking amendment number, or tabling amendment number 1.

PRESIDENT:

The motion is to reconsider the vote by which amendment number 1 was adopted. All in favor signify by saying aye. Contrary minded. The motion...

SENATOR DOUGHERTY:

Now, I have here amendment number 2.

PRESIDENT:

The motion is, secondly, to table amendment number 1. All in favor signify by saying aye. Contrary minded.

SENATOR DOUGHERTY:

Here is amendment number 2.

PRESIDENT:

Can you explain the amendment, Senator?

SENATOR DOUGHERTY:

I will explain, it is clarifying language, Sir, if I have my note here on it. It provides, it changes the name

from facility to institution; it deletes the qualifications of the members of the authority; provides for public meetings; it authorizes the authority must make an application...must submit the application to the Comprehensive Health Planning Agency; and it provides that the coupon bonds or note...this is on the bond houses; but the most significant thing it does, it provides that no building or facility or institution, call it what you will, will be provided for the use of religious worship or sectarian denominations of any sort; and it also provides that the full faith or credit of the state or any other division of government is not obligated. I would ask favorable consideration of the amendment.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. The amendment is...

SENATOR DOUGHERTY:

Put it back on the order of third reading and I will wait.

PRESIDENT:

Right, it will be held there. Senator Merritt. Is Senator Merritt on the floor? Senator, you want to go... you had this resolution a moment ago that there was some controversy on. Do you want the Secretary to read that now? Resolution introduced by Senator Merritt.

SECRETARY:

Senate Resolution number 275, introduced by Senator Merritt. WHEREAS the ideal of service to humanity is exemplified in the life of our esteemed colleague, Clifford B. Latherow, in that he served his country as a Lieutenant in the United States Navy during World War II; in that he served his community as a member of the board of education from 1946 to 1959 and as a member of the county board from

1951 to 1965; and in that he has faithfully served the people of this State as a member of this body since 1965; and WHEREAS, He has been a member of Lodge No. 195, A.F. & A.M. at LaHarpe since 1938 and is a member of the Consistory and other Scottish Rite bodies at Quincy and Mohammed Temple at Peoria; and WHEREAS, He has been elected by the Supreme Council of the Ancient Accepted Scottish Rite of Freemasonry to receive its 33rd degree in 1972, which degree is awarded only for "outstanding contributions to Freemasonry or for dedicated service to humanity reflecting credit on Freemasonry"; therefore, be it RESOLVED, By the Senate of the Seventy-seventh General Assembly of the State of Illinois, that we commend and congratulate our highly respected friend and colleague, the Honorable Clifford B. Latherow, on his attainment of this well-deserved honor; and be it further RESOLVED, That a suitable copy of this resolution be presented to Senator Clifford B. Latherow.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate. I don't know just exactly what brought me about to introduce this resolution, as being a Freemason myself I can well understand that you have to work diligently and long and hard within your lodge and within Masonry to achieve this high honor. I believe that our esteemed colleague has been way too busy with his legislative duties here to participate in his lodge much. I question that to some extent and then on top of it he did nothing but malign me all noon during the lunch hour which makes me wonder why I'm doing this, but anyway it is the highest honor in Masonry and I think we should be proud of our esteemed colleague, Senator Latherow. APPLAUSE.

PRESIDENT:

The resolution is adopted. Senator Latherow.

SENATOR LATHEROW:

Well, Mr. President...

PRESIDENT:

All Senators will be shown as sponsoring the resolution.

SENATOR LATHEROW:

Mr. President and members of the Senate, I...I guess about all I can say is 'thank you'.

PRESIDENT:

In connection with resolutions, Senator Rock, you have a motion?

SENATOR ROCK:

Yes, Mr. President and members of the Senate.

PRESIDENT:

Just a moment, please. Senator Rock.

SENATOR ROCK:

There is presently residing in the Senate Committee on Executive House Joint Resolution 103 which, in substance, requests or mandates the Illinois Legislative Investigating Commission to conduct a full investigation of the allegations concerning the Cook County Hospital dispute. I have spoken with Senator Cherry and with Senator Partee and I am asking, at this time, that the Committee on Executive be discharged from further consideration of this resolution and that it be taken up immediately.

PRESIDENT:

Is there objection? All in favor of the adoption of resolution indicate by saying aye. Contrary minded. The resolution is adopted. Senator Horsley, in connection with... Is Senator Horsley on the floor? Senator Horsley will be on the floor in a moment. House Resolution 55 has to be

read in full again. The Secretary will read the resolution, for a third time. House Joint Resolution...Senate Joint Resolution, I'm sorry.

SECRETARY:

Resolved by the Senate of the Seventy-seventh General Assembly of the State of Illinois, the House of Representatives concurring herein, that there shall be submitted to the electors of this State at the General Election next occurring at least 6 months after the adoption of this resolution, a proposition to amend Sections 5, 6, 10 and 15 of Article IV and Section 2 of Article VIII of the Constitution to read as follows:

Article IV, Section 5 SESSIONS (a) The General Assembly shall convene on the second Wednesday of January of each odd-numbered year, and at no other time except as provided in paragraph (b) of this Section, and may transact no business after June 30 of that year except to act on bills returned by the Governor pursuant to Section 9 of this Article IV. (b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session, and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law. (c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members to each house so determine.

Section 6. ORGANIZATION (a) A majority of the members elected to each house constitutes a quorum. (b) On the first day of each biennial regular session of the General Assembly, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer. (c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be. (d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior. Section 10. EFFECTIVE DATE OF LAWS. The General Assembly shall provide by law for a uniform effective date for bills passed at a regular session. The General Assembly may provide for a different effective date in any bill passed at a regular session. A bill passed at a special session shall not become effective prior to July 1 next after its passage unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date. Section 15. ADJOURNMENT (a) 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.

(b) If either house certifies that a disagreement exists between the houses as to the time for adjourning a session, the Governor may adjourn the General Assembly to a time not later than the first day of the next regular session.

ARTICLE VIII Section 2. STATE FINANCE (a) The Governor shall prepare and submit to the General Assembly at each regular session, at a time prescribed by law, a State budget for the ensuing fiscal biennium. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal biennium, the estimated receipts and a plan for expenditures and obligations during the fiscal biennium of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal biennium as shown in the budget.

(b) The General Assembly by law shall make appropriation for all expenditures of public funds by the State. Appropriations for a fiscal biennium shall not exceed funds estimated by the General Assembly to be available during that biennium.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Mr. President and members of the Senate. We discussed this matter quite at length yesterday and Senator Lyons

rightfully pointed out that the matter had to be read three times in full before passage. And for that reason, the matter was postponed yesterday in order to allow it to be read the second time and the third time today. Now it's hopeful that this matter can be passed now in order to get it over to the House so it can be read a first time there this afternoon. And if we are going to be in session tomorrow, it will be read the second. If we'll be there Sunday, it will be read then. If not, the matter will be held over for third reading in the House, end of March, so that it will still be in time to be put on the ballot next November. I went over all the financial figures with you yesterday. I put them on your desks. I showed you how this is costing the State millions and millions of dollars in added appropriations, how the number of bills have gone up from 2,000 and some in a two year period to 6,000 and some bills in the past year, only one time, at a cost of over \$4,000 per bill. Now you're not voting here today yes or no on this proposition; you're merely voting upon placing it upon the ballot and letting the people make up their minds as to whether they want annual sessions or to go back to the biennial system where we met once every two years. Some people are a little bit open, maybe, or pay attention to some criticism, that may be because of the money we're now being paid on these jobs that we should work here everyday; but they're overlooking the fact of the number of men who work on the Budgetary Commission who work on Appropriations, who work on other committees, commissions and bodies. Like I know one committee that's met all over the State here since we've been in recess, Senator Knuppel's Committee on Scenic Rivers. Different bodies like that, that go all over the State holding hearings, gives us time

to go to the public and hear from them and to do a better job of legislating than when we're right here and we make everybody come to us. My mail on this matter has run about 10 to 1 in favor of going back to the biennial sessions rather than the annual. I think most of the gentlemen of the press with whom I have talked figure this thing is getting to the fiasco stage when we come up to like we did yesterday where we were amending a bill that only passed this body on October 20, and here we are on November 11th, amending that same legislation. Now this is getting to the point where the public does not know what the law is, and I think the public would much prefer to go back to the biennial session, to what we've had in the past. And I think we ought to give them the right to vote upon it rather than for us to say yea or nay. If we deny them that right, they cannot vote on it; if we give them that right by three-fifths vote here today, then it will be up to the public to determine their future. So I sincerely hope that you will give a three-fifths vote here today on this matter.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Mr. President, I have an inquiry which is not addressed to the merits of the bill. I'm just wondering if today is the appropriate day to vote on this for the same reason that we discussed yesterday. The new Constitution says that the constitutional amendment should be read in full on three separate days. I know we read...we read bills by title, but the new Constitution permits that in the case of bills. In the case of constitutional amendments, it specifically says in full. And I don't know that we...you know, the first, the introduction day meets with that requirement.

Maybe it does, but I just adduce that as a...

as a thing that might foul the works up even if the thing is passed, because if somebody introduces a lawsuit and says that it was...the procedure was not in conformity with the new Constitution, I really don't know where that leaves us.

PRESIDENT:

The, the question posed by Senator Lyons I think is a very serious one. We have...

SENATOR LYONS:

This is...this is because its a brand new procedure.

PRESIDENT:

Right.

SENATOR LYONS:

We've never operated under the thing before.

PRESIDENT:

There's no question on the second and third reading. It has been read in full. The question...Senator Horsley.

SENATOR HORSLEY:

Senator, I think it has been read in full and I think the Journal so recites. And I'm willing to take my chance with it...that it has been read and I think the matter is legally sufficient at this point. The Journal shows that it has been read in full three times.

PRESIDENT:

Well, since we have no...no court clarification on this, if this is satisfactory to the sponsor I think we can proceed.

SENATOR HORSLEY:

I think so, yes.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Well, Senator Horsley, I will confess that I used to be a fan of annual sessions. I am disenchanted at this point in time by the annual session. I think on...as we're winding up this fall session, it is easier to become even more disenchanted. Usually the last few days of any session are which...are the time that many legislators decide this is the last time they're ever going to come back here again. A few weeks later, they've changed their minds. I think it's an awkward time to vote on this, because I think there is a great desire on the part of many, after the many frustrations that we've had in the last week, to say, "Yeah, let's be done with it and turn it back to the voters and let them put us back on a...on the basis we were before." I can only suggest that I think our experience has been too short at this point in time. I don't know what the requirements are time-wise to get on the ballot in November; I would suspect that we can deal with the problem equally as well next April. I'm very tempted to vote aye on this, but I do think, in fairness to the framers of the Constitution, whatever mistakes they may have made, we ought to give them a little time to make sure they are mistakes. I support your principle. I am not for annual sessions any longer, but I, frankly, hesitate to react this early in the game and vote on this resolution.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, of course, this proposed amendment points up the ever-increasing impact that the society we live has on the General Assembly. There was a strong dissenting opinion to go into annual sessions in the Constitutional Convention on

the Legislative Committee. I, for one, supported the proposition which we had at that time, where under the Attorney General's opinion we could adjourn from time to time to a day certain, or recess. I feel that all the new Constitution does is impose upon the General Assembly the burden of making sure that it meets each year, and I think, and I said at that time, that I felt that the work of the General Assembly was progressing satisfactorily under the old Constitution and under the Attorney General's opinion and that the Constitutional Convention was hooked on sloganism, on the term annual sessions, which had been sold by the League of Women Voters and others, believing this would cure our problems. I don't think that going back to where we were is going to cure the problem of the effectiveness of the General Assembly. In the last 50 years the General Assembly has fallen out of orbit with the other two branches of government. We're no longer a full partner with the Executive and the court system, the judicial branch of government. We're held in lower esteem than either of these others. We have to find some way to restore ourselves; otherwise the tripartite form of government is going to fail. I don't feel that annual session has done anything to improve our image; I don't think it will do anything to improve our image. I think it leads to additional bills, larger numbers of bills, and greater expense to the people. I still feel, and I know that there are members of this chamber who snicker when I say this, that the only solution, the only solution to our problem is a unicameral Legislature of about 100 members, elected from throughout the State, staffed with committees who can carry on the continuing functions of hearing bills in recess and to bring back to the body, when it is convened, legislation as thoroughly thought out, that can be debated

and considered. This business of turning loose here in the closing days...We do more legislation in about six days, the three concluding days before July 1st and the three days before we adjourn now, than we do all the rest of the time, because the bills haven't been heard, the amendments haven't been considered, and that's why we come back to amend. I think this is a step, even though it's a step backward, sometimes you have to back up to go in the right direction. And I think that this is one step backwards that we can take to correct our direction, to stop and pause and think what we've done. I personally am going to support this resolution, and when you find I and Senator Horsley on the same side of an issue, it's rather infrequent, but this time we are. I think he's right and I think it's costing the people of the State of Illinois a lot of money. I think I read some place where it costs about 92...\$292,000 a year. It's not just our salaries, but about \$292,000 a year to support one legislator, and his figures come awful close to this when you figure it up by bills. This is too expensive. We're talking about taking over two floors of the State Office Building. Space needs for staff and otherwise and here we have 59 Senators coming and 177 Legislators. It's one of the largest General Assemblies in the nation. We're confronted with some real problems. I think we should be responsible. I think this is a step, even though backward, I think it's a step in the right direction so that we can start over to do the job we have to do.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I'd like to call the attention, Mr. President, of the chamber to Constitutions as a generic term. Now there's

nothing holy about that, that new Constitution under which we operate. I would like to call the attention of the chamber to the fact that the original federal Constitution permitted slavery, and as late as 1854, Chief Justice Taney sustained slavery throughout the 48 states under that Constitution. Now, getting back to annual session. Annual sessions prove very little, other than useless, perfunctory gyrations, we dispense legislation at retail rather than wholesale. We'll part anybody's hair, we'll fix anybody's bridge, we'll restore this road and that creek, and all that; and that, to me, is a real travesty. When it comes to the taxpayer who has to pay the freight of what we do plus what we get in coming down here. Now, let me say something about annual sessions. Senator Knuppel, if they had so much virtue, I cannot understand why only Nebraska, which is a very backward state... What'd I say? I meant unicameral... That's the only state in the Union, out of 50, that has tolerated unicameral, a unicameral legislature. That goes back to Senator George Norris, and God rest his soul. We don't need unicameral and I'll tell you why. Two years ago two bills came over from the House that passed 177 to zero, and they got two votes over here. One of them was Alan Dixon, the other one was Art McGloin, and the rest of your side forsook those bills because they were strictly for the birds. Annual sessions. Annual sessions. What have we done here except dawdle? We've made a few enemies. We've created a lot of newsprint, all of which will be borne by Senator Knuppel, you, a taxpayer, by your constituents, by me and others. Now is the time to nail this, get it on the books, let the people vote for it; and I'll tell you, I will take off valuable time to tell my people how necessary it is. Not so this State can prosper, but rather so it can survive.

PRESIDENT:

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

SENATOR HORSLEY:

Well, Mr. President, in closing I would merely point out that there is ample protection under this amendment because after June 30th of each odd numbered year, we would come back to consider vetoes, amendatory vetoes, and further, that the legislative leaders can call a special session anytime, and the Governor can call a special session anytime, but then we're limited only to the purposes of the call. And that will save millions of dollars for the State of Illinois and the taxpayers, and I earnestly urge that you vote for this resolution. Thank you.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Collins:

SENATOR COLLINS:

Like Senator Horsley, I don't like annual sessions where you're going to be in session eight or nine months out of the year, but for sometime I have felt that because of the increased appropriations and the complex controversial budgetary matters, that we should have annual sessions. A session may be for four months or may be even six months for general legislative proposals, and a two month session for fiscal and budgetary and appropriations; therefore, I vote no.

SECRETARY:

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

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

With apologies to State Treasurer Dixon and Minority
Leader Choate, who tried to tell me that annual sessions
are a mistake, I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I would submit that Nebraska is not a backward state,
but a progressive state; that every province in Canada has
adopted a unicameral system. The Continental Congress which
established these great United States was a single body,
legislative body; that all of the great nations through
history, from the great Grecian and other types of civili-
zations were of unicameral nature. Never have we had a
two headed monster such as we have here. Who ever heard
of a city council like in Chicago or New York being a two
headed legislative body? A county board or a constitutional
convention...

PRESIDENT:

What is your point of order?

SENATOR GRAHAM:

The point of order strickly is this, that in this
resolution there was no provision for us to consider a
unicameral legislature.

PRESIDENT:

The point is well taken. The Senator will confine himself to the annual sessions provision. Senator Knuppel.

SENATOR KNUPPEL:

I realize what's happening and I was ready to conclude anyway. I think I have established my point; history has established it. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate. Certainly by this juncture in this short abbreviated session, we ought to begin to see the real boondoggle of the fallacy of annual sessions. It's done nothing but bring about requests for more, more, more money when the cupboard is bare and we know it. It gives every pressure group the right to come down here again and put the pressure on us to spend more and more. I'd like to see a return to some sanity in spending and I think that the biennial sessions will do it. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Rosander.

SENATOR ROSANDER:

Mr. President and members of the Illinois Senate. I have for a long time been a proponent of annual sessions. I can recall when I was a member of the House of Representatives, I volunteered to be a participant of the economy block,

primarily to review the budget process and to eliminate the fat and unnecessary expenditures as applied to state government. Yes, I've been for annual sessions for sometime, but in reviewing the budgetary process confronted us in the several years.

PRESIDENT:

Just a moment, just a moment, Senator Rosander is entitled to be heard. Proceed Senator.

SENATOR ROSANDER:

It would appear that rather than having a better understanding of the budgetary process and the cost of state government that we find ourselves at the...receiving...with more introductions of bills to provide more and more services for the people of the state of Illinois irrespective of whether those services are needed or wanted. And for that very reason I have felt, that at this point or juncture, that annual sessions are going to cost the taxpayers more, as is pretty much evidenced by the factual sheet that has been presented to each member of this general body. And I would certainly agree that the life, liberty, and the property of every citizen of the state of Illinois is pretty much in danger when the General Session is...when the General Assembly is in session, and for that very reason I vote aye.

SECRETARY:

...Saperstein, Savickas...

PRESIDENT:

Senator Saperstein.

SECRETARY:

...Smith...

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and gentlemen. I have never been an advocate of annual sessions and some of the points and the problems that Senator Horsley presented to us are real and very effective. However, I think that we have an obligation to give it another try. I think we have an obligation to refine it. This has not been the most satisfactory session, we all agree, but to abandon it without further trial, I think would be a miscarriage of the mandate that the people gave us. Therefore, I vote no.

SECRETARY:

....Savickas...

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Mr. President, members of the Senate. I think Senator Chew was correct when he tried to put on the amendment to limit the service of lawyers in the Legislature to practice, because it seems today that the only ones speaking for the passage of this bill and the majority of the voters for it are lawyers who want to get back home and get back to their law practice. They haven't the concern in state government that they should have and are more interested in their law practice. I vote no.

SECRETARY:

...Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

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

SECRETARY:

Arrington, Cherry, Chew, Course, Dougherty, Horsley, Johns, Kosinski, Lyons, McCarthy, Newhouse, Nihill, O'Brien,

Palmer, Partee, Rock, Romano...

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

I'm gonna vote no and I want Senator Savickas to know that I am a practicing attorney.

SECRETARY:

...Smith, Walker.

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I am not going to postpone this. I'm going to let it die. No! I'm going to let it die. I have been the victim of broken promises in this Senate; and when I come to a time when gentlemen of this sentiment...this Senate breaks their word to me, then I want no more of this Senate. Senator Cherry told me to introduce this. He said, "I not only will vote for it, I'll actively support it." Senator Partee told me that he would vote for this and he would support it. Now I'm telling the people just...

PRESIDENT:

What is your point of...what is your point of order, Senator?

SENATOR PARTEE:

A point of personal privilege. Senator, I told you that I would give you a vote to get it out of committee; that I gave you. You seem to be lacking in gratitude for that, but I did not tell you I would give you a vote on the floor of the Senate. Get your facts straight.

PRESIDENT:

Senator Horsley, in the...The chair...

SENATOR HORSLEY:

Senator Partee, I have my facts straight. My ears don't have any wax in them. And when you and Senator Cherry told me and encouraged me to introduce this, you said you believed in it and you would support it. You didn't limit that to a vote in committee and don't tell me you did. Now the time has come...

PRESIDENT:

The chair is going to rule Senator Horsley out of order here. I think...confine yourself to the issue at hand, if...

SENATOR HORSLEY:

Alright I'll confine myself to the issue at hand, and the issue at hand is that Mayor Daley has realized he can't make annual deals to get bills through the Senate and House. He feels he can get more by milking the downstate's taxpayers annually than if he only gets them bi-annually and that's what's wrong here today. Now let's face the facts as they are. Let's tell the people of this state they've been had in more ways than one in this session and in the previous session, and I'm not going to let this be kept alive by postponing it. I'm going to let this roll call go into the record. I wasn't going to run for another term, but I think now I'm leaning toward running because I think this and the licensing of professions is one of the greatest issues facing the people of this state and I think they need some of us to go out and campaign and tell them what the truth is.

PRESIDENT:

On that question, on that question the yeas are 30, the nays are 12. The resolution having failed to receive the necessary two thirds majority...three fifths majority is declared defeated. 2422, Senator Knuepfer.

SENATOR KNUEPFER:

I'd like leave to bring Senate bill or House bill 2422 back to second reading for the or...to place on an amendment. The amendment is on all of your desks. The amendment was drawn up by Sherwood Dees and the Democratic staff to make certain that the language was as I said it was. They feel it will be better with this amendment and I would move the adoption of amendment number one.

PRESIDENT:

Motion for the adoption of amendment number one. All in favor signify by saying aye. Contrary minded. Does the Secretary have the amendment, Senator?

SENATOR KNUEPFER:

I brought it up there. I'll give him some more if he doesn't.

PRESIDENT:

We'll get back to it shortly. Just a moment. Gentlemen, let's maintain some order. 3063, Senator Hall. Can those two be considered in one roll call, Senator, 3063 and 3064?

SENATOR HALL:

Please.

PRESIDENT:

Is there objection? Leave is granted. Senator Hall.

SENATOR HALL:

Thank you Mr. President and members of the Senate. House Bill 3063 amends the school code and requires sickle cell anemia tests for all pupils at time the regular school examining physician deems it necessary. It requires the physicians to report on physical examinations from where the test was given, and it requires the physician to file a report on all positive records and keep one for his own record and send the other to the Department of Public Health. Now House Bill 3064, sickle cell anemia tests should be adminis-

tered if the examining physician determine such a test to be necessary.

PRESIDENT:

Just, just a moment. Please, gentlemen, let's settle down. Proceed Senator.

SENATOR HALL:

All positive results shall be filed with the examining physician and the Department of Public Health. Now, gentlemen, these bills are to thwart a killer, and I'll just be brief and give you a review of the facts. Put very simply, sickle cell anemia is a blood disease that is hereditary. The normal red blood cells are round, but sickle cells are crescent shaped. As a result they tend to clot easily and they cannot carry enough oxygen to the body. One big problem with this epidemic is that a person can be a carrier without actually having the disease. But if two persons who carry the sickle cell traits have a child, the chance is one in four that the child will have the disease itself. So it's very important that individuals know if they have this disease or if they're carriers, and this can be done with a simple blood test. If a child is found to have the disease, he can be treated. There is no cure, but treatment can be made and the disease is less painful. About one of every ten blacks is a carrier. About one out of every 500 blacks have the disease, so testing is important. This bill is supported by State of Illinois Department of Public Health, the Illinois Association of the Mentally Retarded, it was editorialized by station WMT...WMAQ TV, WBBM TV, as well as all the other news media throughout this nation. Gentlemen this is a killer. We need your favorable support. Please give me that.

PRESIDENT:

Is there any discussion? Senator Fawell.

SENATOR FAWELL:

I have just one question, Senator Hall. In reference to the requirement in 3064 in the amendment to the School Code, who pays the costs for these added tests and...I've very much in support. I am in sympathy with the bill, but recognizing that this would be, I think, perhaps a costly matter, I just wondering what, what the costs are. And is this to be taken from the Board of Education, for instance, the public schools in the city of Chicago from their regular budget?

PRESIDENT:

Senator Hall.

SENATOR HALL:

Ah, Senator, I don't have anything on that. I imagine that the families will...Whatever is happening now, I imagine that if the child that's being examined would follow the same line, whatever...I don't have...I couldn't actually answer that question. It hasn't been brought up to my knowledge.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Well, I, I think this is important. I, several days ago, of course, when the legislature responded without any action in regard to the financial plight of the public schools in the city of Chicago...Ah, I think that we, we know what the plight is there, they're planning on closing the schools for two weeks. I understand, and if there's any appreciable costs involved here, I think we have to be very realistic and look at it.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Senator Fawell, on page 3 of House Bill 3064, it says here if the parent or guardian of a child is unable to otherwise secure the immunization required under this section those immunizations shall be provided by the local Health Department serving the area in which the child resides, or, if there is no local Health Department, by the school district under an agreement with physicians licensed to practice medicine and all its branches or under an arrangement with a voluntary agency.

PRESIDING OFFICER: (Senator Johns)

Roll call.

SECRETARY:

Arrington...

PRESIDING OFFICER (Senator Johns)

Any further consideration? Alright, roll call.

SECRETARY:

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

PRESIDING OFFICER: (Senator Johns)

Gilbert aye. Partee aye. Lyons aye. Hall aye.

PRESIDENT:

Senator...On that...on those bills the yeas are 38, the nays are none. Bills are declared passed. Senator Hall.

SENATOR HALL:

Mr. President, I just wanted to thank the members of this body.

PRESIDENT:

2422, Senator Knuepfer, Senator Knuepfer on the floor?
2422.

SENATOR KNUEPFER:

I, I think no further explanations are necessary. I will be happy to give them if you want. We added by amendment the protection that this now applies to, at the most 6 school districts, probably 2 school districts. They have had a referendum. They have voted for the tax rate. I would appreciate a favorable roll call unless somebody has any questions. I don't want to take the time of this body further otherwise.

PRESIDENT:

Is there any discussion? 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...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:

Knuppel no. Bruce aye. Rock aye. Vadalabene aye. Swinarski aye. McBroom aye. Ozinga aye. Fawell aye. Romano aye. Graham aye. Partee aye. Saperstein aye.

On that question the yeas 37, the nays 3. The bill is declared passed. For what purpose... Motion by Senator Groen to reconsider. Motion by Senator Knuepfer to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 1693, Senator Rock. Can we... have the members in their seats. Senator Rock, 1693, 94 and 95 are those...

SENATOR ROCK:

...and 1767. It's series of 4 bills.

PRESIDENT:

1767. Can they be considered on one... They cannot.

SENATOR ROCK:

I'd like to take 1693 on one roll call and then we can probably take the other three together on another roll call.

PRESIDENT:

Alright. 1693. Senator Rock.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. I see Senator Sours is here. He had ask me last night to defer these bills until he did arrive late today. The members of the Senate will recall that late on the evening of June 30 these bills were up for consideration and at the request of the leadership of both sides of the aisle I deferred consideration at that time. There is no question but House Bill 1693 does work a substantial change in the Illinois law. As I said at that time and reiterate here, any time we work a substantial change in Illinois law, there's going to be some opposition. House Bill 1693 amends the Principal and Income Act and establishes how a trustee's annual fees for ordinary services should be allocated or charged to the principal and income of a trust. Historically the assets of most personal trusts consisted of real estate and fixed in-

come obligations. Consequently most statutes required that the trustee's fees for ordinary services be paid by the income taker who derived the principal benefit of course. In the...in the past two decades...

PRESIDENT:

Just, just a moment Senator. Let's...Will members in be in their seats. Those not entitled to the floor, please leave the floor. Just a moment...Let's...Senators Clarke, Rosander and Collins. Senators Carpentier and Harris. Please, gentlemen. Senator Rock.

SENATOR ROCK:

Yes, Mr. President, members of the Senate. In the past few decades we have enacted laws that authorize the investment of trust assets in common stocks, so that today it is not uncommon I am advised, to have 60% of a trust assets invested in common stocks. Therefore, much of the trustee's day to day duties relate to the management of the common stock portion of the portfolios, which in large measure is for the benefit of the remainder man, who under our present law pays nothing. With this change in investment policy we see a dramatic change in the various state statutes dealing with this matter of trustee's fees. Of the 36 states having statutes on this subject, 19 of those states now allocate the fee between the income and the principal, generally on a fifty-fifty basis. Of the 19 only 4 give the trustee broad discretion as to how the charge should be allocated. On the other hand, the Uniform Principal and Income Act charges one half of the trustee's regular compensation, whether based on a percentage of principal or income, and all expenses reasonably incurred for current management of principal and application of income, to income and one half to principal. This is the so called mandatory

half and half rule, which is now in effect in 11 states including California, Delaware, Michigan, Mississippi, South Carolina, Wisconsin, and Wyoming. I believe at this time it is fair to say that most authorities are uniformly in agreement that a change in the law is necessary, and that there should be now an equitable allocation of the trustee's annual fee between income and principal. The income beneficiary...

PRESIDENT:

Just a moment. Please. We're going to be here for awhile. We'll be here less long if we can pay attention to what's going on. Senator.

SENATOR ROCK:

Thank you, Mr. President. The income beneficiary, as you know, is more often than not the primary beneficiary, the widow, the widower, or children; and it has been patently unfair, I submit, that the income beneficiary bear the whole burden of the fees. While banks and trust companies would have preferred the uniform law commissioner's recommendation for a mandatory 50-50 split with no exceptions, there has been a sincere effort made with House Bill 1693 to grant discretion to the trustee to charge all of the annual fee to income in the following circumstances; if the trustee, in his discretion, feels that it is in the best interest of the trust estate. And that can be done where the trust estate consists (1) of real estate, (2) of closely held business, (3) an agricultural enterprise, or (4) animals as defined in section 9 of the Principal and Income Act. Broad discretion only foments disputes between the life tenant and the remainder man. This bill has received significant support throughout the State of Illinois, and I submit it to you for your approval.

PRESIDENT:

Is there any discussion? Senator Sours.

SENATOR SOURS:

Mr. President and Senators. This bill is probably one of the most important bills we will discuss in this session. And I think that a moral decision here is not only relevant, but also ought to determine the vote. I don't think we need to discuss the right or wrong of any bill, including ethics legislation, unless we're willing to live up to what's right and not who's right. This bill is strictly immoral. It will be a license to loot. It will be license to extract and remove a part of the corpus of a trust and the only basis for it, when we separate the wheat from the chaff and all the folly-ra and all the lingo and all the hokus-pokus, the only basis, lady and gentlemen, is greed. Just plain g-r-e-e-d. For years, even before the Principal and Income Act of 1941, the annual compensation of a trustee was a charge solely against income and earnings of the trust unless otherwise directed by the trust indenture or by the testator's will. Now, this bill changes the rule. This greedy bill changes the rule and substitutes a fifty-fifty allocation of the fee between principal, p-a-l, and income. Unless...and of course this is the prestidigitation, this is the slight of hand. Unless the nature of the assets...and that's not defined, and I tell you it defies definition. Unless the nature of the assets makes it impractical, impracticable, or inadvisable...Now listen to this...in the judgment of the trustee, in the judgment of the trustee..., that's putting the cat in the canary bird cage...to change any part of the compensation to principal, and then the trustee shall charge the part otherwise allocable to principal to income. Mr. President, this bill makes the judgment of the trustee conclusive, forever, eternally, from which there can be no

appeal. It purports to give the trustee the discretion to charge all the fee to income; but if that's the case, why the bill? But only then if the nature of the assets makes it advisable. But the nature of the assets is too narrow a qualification. Besides, it's not defined. Let me pose some more than theoretical questions for the lawyer who practices law. Not the licensed house lawyer, but the practicing lawyer. What about a case where the control of a corporation is at stake? The nature of the assets. What about a case where tax planning for the income beneficiary is important? The nature of the assets. Let's take a widow whose income from other sources is adequate and as an estate planning consideration she would be better served if all the expenses were charged to income. We're having a little...we have some caucus's here. I'd like to conclude this if I may. Now, Mr. President and Senators, what about an oil and gas royalty interest. How many of you practicing lawyers who are going to support it on your side have ever dealt with that kind of a shows and action? Is it real estate or a closely held business interest? The Illinois Case Law says that it is personal property, whether you like it or not, it is personal property. Even though you are going in the bowels of land. There are many attorney's and trustees as well as beneficiaries who believe, either rightfully or erroneously, that the trustee gets paid out of income. Out of...and the current expense of a trustee is out of income. That it should be fully paid out of income. This bill will force many, many lawyers, if they're worth their salt, to redraft many, many wills and trusts, to draft around this little greed gadget, and that's an alliteration. I say to you, expensive to clients? You bet cha. The Board of Governor's of the State Bar, with

whom I am not in contact, voted to oppose this bill. Who wants it? The two big Chicago banks, primarily, and nobody else. Now, it's true that other smaller banks in our Senate districts have called us on the phone. I had a principal or a major executive of one of the state's largest corporations call me about a month ago suggesting I support this bill, and he's a money man. And I asked him if he knew what the bill did. He said no. Well, I said, "Why are you calling me?" He said, "Because I am on the board of the X bank in Peoria, and they've asked me to." And I think that represents pretty much the basis of the many, many calls that some of the Senators have received. Let me say this in closing, and I hope this bill goes down for keeps because there is nothing as disillusioning to an electorate, nothing as disappointing as to see the element of greed or financial gain enter into the decision of a legislature to pass legislation. Income from principal constantly renews itself. But when we expend principal, p-a-l, every year, and once it's expended it's gone forever, and it doesn't produce any more income. If the income cannot bear the cost of administration, then the testator has erred or the settler, in an inter vivos trust. But it does not make sense to then correct the testator's miscalculation by destroying all the principal, and that is the destiny of this bill depending upon the term of the trust, if it is sufficiently long. Since the testator granted the principal to another, he obviously, that means the trustee, he obviously intended the income after expenses go to the life tenant, but only the income. Now future income is necessarily lessened since the amount of principal is constantly declining, and the only real gainer from this bill will be the trustee. Now some of you may wonder why I am up here opposing this, because I have always been

a great fan and a devotee of the free enterprise system. There are two things, even with that background, that I will not tolerate. One is monopoly and the other is greed. And this is one of them. I'll go straight down the road for private enterprise and a free enterprise system until we get to a fork in the road where there is monopoly on one side and greed on the other. The only basis, the only basis for this bill is greed. And may I say in closing, I know of no bank, truly, even out in the provinces where I come from, out in nature's unbroken loveliness...I know of no bank that's hard put. They have a point or two or three in every penny they lend, in every instance. They have so much money rolling around that even their junior executives are given automobiles. Now what we're talking about here is giving lawyers more work; and if this bill becomes the law, every trust created, whether it's testamentary or whether it's inter vivos, among the living, in the lifetime, will have to provide against this vicious, greedy provision that says that the trustee may sit back supinely and acquiescently and breathe and still get his full payment for services performed or not performed. This bill should be defeated.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President. I think the membership is aware now, why we decided to defer this late on June 30. There is, as I said before, legitimate opposition, obviously, to any substantial change in Illinois law, in any section of Illinois law. This is, I submit, a substantial change. It seems to me, however, that the underlying presumption or premise, if you will, of the argument of the Senator from

Peoria kind of assumes the sinister nature of a trustee, and I, for one, am not prepared to so assume. The opposition would claim that this will allow a trustee to loot the corpus and deplete the trust estate. Now I submit to the membership and to you, Mr. President, that the case law has been checked in the 19 states which have statutes authorizing the charging of regular trustee's fees to both principal and income, and no single case was uncovered where the charge was ever made that the trustee had misused this allocation of fee. A trustee, and I use the word with a capital T trustee, is only entitled to a reasonable fee for services rendered. If a trustee does nothing and simply depletes the principal by fee charges, he would not only be not entitled to a fee, but would be subject, I submit, to a surcharge. The trust departments are subject to examination by the Commissioner of Banks and in addition by the federal bank examiners in the case of national banks. The Senator mentioned the oil and gas interest in an attempt, I assume, to garner some support from the downstate lawyers. He is aware, as am I, that where royalties are received on an oil or gas lease a portion of the cash received will be allocated to principal as a depletion allowance and thus there will be principal cash readily available. This bill and the three subsequent bills have the support of the Illinois Bankers Association. I have passed out the little brochure that they have prepared outlining what these bills do. In addition, I have received innumerable letters and telegrams and phone calls, and I would just like to tick off a few of these. The First National Bank of Peoria, Commercial National Bank of Peoria, The Bank of Bloomington, the National Bank of Champaign, The First Bank & Trust Company of Cairo, The Commercial Bank of Champaign Again, The Bank of Decatur, The Champaign National Bank, The Champaign

County Bank and Trust, People's Bank, Bloomington, Citizen's National Bank of Decatur, The First National Bank of Rock Island, The National Bank of Joliet, The First Bank & Trust Company of Mt. Vernon, The Millikin National Bank, The First National Bank & Trust Company of Centralia. I would ask for a favorable roll call.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I'm sorry, Mr. President and members of the Senate, but I thought we'd get to talk before Senator Rock concluded his statements. Would the Senator yield to a few questions?

PRESIDENT:

He indicates he will.

SENATOR SOPER:

Now, under this bill, if a trust is drawn; then it would be mandatory upon the trustee to take his fees out of the principal and out of the interest equally. Is that correct?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

That is correct with the stated exceptions.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now, Senator, at this time, if a testator, or one who makes a trust, wishes that the principal should be left in violate, and that the interest should maintain the trust, and that the...that the cost of this trust should come only from the interest on that principal, that could not be done. Is that correct?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

I assume that...It says it's a mandatory half and half allocation. That's correct.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now, in other words, you're going to tell...by enacting this law, you're going to take the privilege from the testator or from the maker of a trust the privilege of determining how the costs are going to be allocated. He can do what you want done on his own initiative, but if he doesn't want done what this bill tells him to do, he must have done if this bill is enacted. Is that true?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Well, I think with any trust agreement or will, he can provide whatever he wants.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now Senator, you said that it is mandatory to take 50% of the cost of maintaining this trust to the trustee or his fees from the principal and from the interest. That would be by law. You couldn't do anything else, right?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Well, I think that would pertain where the instrument is silent, but I think if you are in control of your own trust you could do whatever you want.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Then if that's true why do you need the bill? If the trustee can do...if the testator can do anything that he wants, why do you need the bill?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

The bill is submitted so that where the instrument or the will is silent on this point the trustee will in fact be able to allocate his fee one half to principal and one half to income. He can't do that right now.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now, all existing trusts would have to be remade?

Rewritten?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Senator Soper, if you look at the bill on page 4, the amendments made to this section by the amendatory act of '71 shall apply to services rendered and expenses incurred after December 31, '71, and shall apply to all trusts including those heretofore or hereafter at any time created and the limitations contained in the first paragraph of section 16 of this act shall not apply to the amendments made by this section 14.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

One more question. Now, under the law, all the...all the trustee's fees are taken from the interest on the principal of the trust. Is that correct?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

From the income, yes sir.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

That's from the income. And you say that with this law that then the, then the trustee's fees would come from the principal and the interest 50 percent each. Is that true?

PRESIDENT:

Senator Rock.

SENATOR ROCK:

That's what we've been talking about. Yes sir.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now, I never thought in my days that I'd come down here and I'd find a fat cat bankers bill on that other side of the aisle, but this is really a fat cat bankers bill if I ever saw one and I am happy to see that we have some so called fat cats that we've been called on this side of the aisle and the other side of the aisle and I hope that Senator Neistein makes his regular, regular speech about the fat cats and protecting the state of Illinois. This is a very bad bill, gentlemen.

PRESIDENT:

Senator Rock may close the debate.

SENATOR ROCK:

Alright. I submit to the members of the body and to Mr. President that this bill is for the income beneficiaries of trusts who have been bearing heretofore the whole burden of a trustee's regular fees. The ultimate remainder man, be they charitable, or relatives or somebody else, has been getting the full benefit of free management of the trust estate. I submit that this is a most equitable bill and I ask for your favorable support.

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...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Yes, Mr. President, members of the Senate. This has been described as an immoral bill, so I feel somewhat constrained to address myself, before I vote on it, to the fact that if I, as an attorney, handle a decedent's estate wherein the decedent has willed a farm, let's say in the value of a half of million dollars, to a friend; my fee comes from the sale of that real estate, not from its income unless there is enough income to pay the fee. I don't think that's immoral. The fee, incidentally, is about \$50,000 for an estate that size. I don't think that's immoral and I don't think this bill is immoral and I vote aye.

SECRETARY:

...Fawell, Gilbert...

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Well, the only way I know trusts are created is someone who creates the trust by written instrument. The man who creates the trust can designate how he wants the cost of that trust established and I do not think that the Legislature ought to pass an act which tells him how it has to be done when he has that right to do it now. If he wishes now to make it one half out of it, he certainly can. There's nothing in the law to prevent it. That's his trust and that's his desire and I think that this is not good legislation. I vote no.

SECRETARY:

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

PRESIDENT:

Senator Merritt:

SENATOR MERRITT:

Mr. President and members of the Senate. I resent somewhat that an organization here, of which...one of the banks of which I am a director, is a member and participates in and has the audacity to put this out as a feeling of all of their member banks. To me, as far as our small little institution is concerned and I am speaking of, would not participate in such an action. To me it would violate one of the most sacred positions of a banker. And that is to carry out the will of that individual who had the trust and the faith and the confidence in our institution to place that trust there in the first place. I vote no.

SECRETARY:

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

Weaver.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I have not voted and I desire to explain my vote. I will not reiterate the things which Senator Sours has said about this bill. Everything he said was true. Two days ago, with regards to another bill, I stated that almost all of my adult life since 1939, I believe it was or 1938, I have been active in the field of banking. As late as four years ago, my brother, now deceased, was President of the Illinois Bankers Association. I have been affiliated with that organization for many, many years and I held it in high esteem. And I know the quality of its product when my brother served as its president. I am ashamed for the first time in my life, which spans a good long number of years that I have been engaged in banking. I am ashamed to stand here and admit it. If this reflects, if this reflects the true opinion of the bankers of the State of Illinois and the banks of this state, then I say to you they better reexamine their own ethics. I don't believe it does. I believe this represents the feeling of their executive council; and I do not believe that this was ever put to a vote of its membership, because I feel most confident that if this had been done, this November 1 release would never have been submitted to you. I am amazed at some of the people who are voting for this. Those who have stood on this floor and repeatedly castigated banks, fat cat bankers and all of these accusations. Well I am telling you right now, here is one banker who recognizes here a conflict of interest and he is going to be on the right side. This is a bill for banks. Some bankers

do want this, but thank God the overwhelming majority of us don't. We want to do the honorable thing. We want banking to be an honorable industry and we don't want this kind of consideration. I assure you I'll contact the association and find out just what procedure was followed in the adoption of this memorandum of the Illinois Bankers Association, dated November 1, 1971. That has been placed on your desk. I vote no.

PRESIDENT:

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

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Carroll, Chew, Clarke, Davidson, Fawell, Graham, Johns, Knuepfer, Knuppel, Mitchler, Newhouse, Ozinga, Rock, Walker.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion to postpone consideration prevails. 1224, Senator Collins.

SENATOR COLLINS:

Mr. President and members of the Senate. I thought we had 1224, Mr. President.

PRESIDENT:

Not according to my...

SENATOR COLLINS:

I thought we had 1224.

PRESIDENT:

We're checking it. No, not according to my notes nor the Secretary's.

SENATOR COLLINS:

Well, this is another departmental bill of agriculture, and it...the, the objective of the bill is to amend the

Act so it requires the Director to serve processes by certified mail, corrects the terminology pertaining to livestock auction markets, sets forth the procedure for the failure to renew a license within the prescribed period, changes the figuring of a bond from 1,000 to 2,000, raises the minimum bond from 5,000 to 6,000, raises the present percentage for figuring a bond over 50,000 from 10% to 15%, requires a 30-day written notice to the Director prior to cancellation on a dealer's bond, and redesignates stockyards division to packers and stockyards administration, adds a new section requiring a dealer...requiring a dealer to make an annual and financial report to the Department and increases a small license fee.

PRESIDENT:

Is there any discussion? 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:

Senator Horsley.

SENATOR HORSLEY:

How am I recorded?

PRESIDENT:

In the affirmative.

SENATOR HORSLEY:

Well, Mr. President, I've had time to read this bill since it was called, and I...The reason I read it is because the other day I recall Senator Latherow got up and took his name off of this bill as a co-sponsor, and after I read the bill I asked him why and I looked over the bill and I agree with him. This bill is penalizing the farmers of the State of Illinois and trying to make a revenue producing unit out of the Department of Agriculture, rather than a licensing provision. Now, when you get to that point, you're going to hurt a lot of farmers in the State of Illinois; and when you're pledged to hold the line and not raise taxes, I don't see how you can come along with a bill like this and say you're not raising taxes because you are. So after I've read this bill and studied it, I want to change my vote from aye to no.

PRESIDENT:

Senator Horsley will be recorded as voting in the negative. For what...Senator Collins.

SENATOR COLLINS:

I might try to answer Senator Horsley and say that I believe that since we consider the condition of the treasury of the State of Illinois, when the farmers expect additional services, then I think we ought to have an additional... an increase in the fees.

PRESIDENT:

On that question the yeas are 30, the nays are 7. The bill is declared passed. Motion to reconsider the vote by Senator Collins. Motion by Senator Berning to table. All in favor of the motion to table, signify by saying aye. Contrary minded. Motion to table prevails. 5...Senator Egan, 526. House Bill 526 on postponed consideration.

SENATOR EGAN:

Yes, Mr. President and members of the Senate. Senate Bill 5...or House Bill 526 is the identical bill as Senate Bill...is identical to Senate Bill 138, which passed this chamber last May. This is the House version, exactly as that, with no amendments. We have debated the issue...

PRESIDENT:

Just, just a moment. I'm afraid no one is hearing you, Senator. Please, members be in their seats. Will the members be in their seats. Let's have some order. Proceed, Senator.

SENATOR EGAN:

The Senate Bill, Senator Gilbert, is in the House Committee on Conservation. This bill, by 1973, will require that detergents contain no phosphates after January 1st of that year. We've discussed the bill. We've discussed its importance. It has received a considerable amount of publicity. It does not provide for abrasive substitutes. It merely provides that phosphates will be removed from detergents, those detergents which are sold in Illinois. Chicago has an ordinance exactly as this bill states. Skokie, River Forest, Arlington Heights is considering one; the Village of, or the City of Park Ridge is, either has enacted it or is enacting it. And I will ask for your favorable consideration of the bill without any further discussion.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Well, Senator, I appreciate what you're trying to do and I don't claim to be an expert in this field by a long shot, but, maybe I'm reading the wrong literature, I'm not sure; but some of the things that I have read lately would

indicate...would lead me to believe that if you eliminate the phosphates, you've got something a lot worse. I suppose we could go back to soap although that may have some problems, I'm not so sure. I'm very hesitant, frankly, to take this step at this time. I think the...as I understand it, the EPA is evaluating this. I understand one of the reasons that they haven't come out on this is if we want to still wash our clothes when we're all done, we've got to have an effective substitute. I can remember reading an article in one of the magazines, Scientific American, that I read, not so long ago, saying that three of the substitutes that have been commercially...or have been suggested, all have certain drawbacks. One tends to produce cancer and the other two tend to do something else. I'm not so sure this is a field for legislation. I think it may be a better field for the technicians, and I think it had better be left...I'm not suggesting we shouldn't concern ourselves but I think it had better be left to the chemists to determine, and our experts in the EPA, when we have got a satisfactory substitute, so that we can resolve our problems and still not offend one another. I would urge that we consider this and vote no at this time.

PRESIDENT:

Senator Mitchler:

SENATOR MITCHLER:

Mr. President, I'd like to ask the sponsor a question.

PRESIDENT:

He indicates he'll yield.

SENATOR MITCHLER:

Senator Egan, I know you have a wide knowledge in law and all that, but I'm going to ask you the old question that we ask about all of these bills: Who actually wants this

bill and who's behind having this bill put through?

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Senator, I, I introduced the bill in the Senate at the request of Representative Capparelli, who is the principle sponsor of this House Bill. But we discussed the bill at length; we live on the north side in the City of Chicago; we not only use Lake Michigan for boating and fishing and swimming, but we drink that water, Senator, and if you know anything about the northwest side of the County of Cook, and the north end, you'll know that the Skokie Lagoon fills up with algae in the month of August so that you could practically walk across the lagoon. That water spills down into the north branch of the Chicago River, which flows approximately 200 yards away from my house. My children play on the banks of that river, as do my neighbor's children. That river flows down in the Mississippi. Now, Senator, this bill will prevent the distribution of phosphorous into the Skokie Lagoon, into Lake Michigan, consequently into the north branch, and consequently, into all of the water systems throughout the State of Illinois. Now...

PRESIDENT:

Just...just. For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

Well, I ask for recognition here and I only get allotted so much time, and I...the Senator has not answered my question yet, and I doubt if he ever would. But, I'll answer it for him. He's going into an explanation of the bill and that's not what I asked for. I asked him, who wants the bill, and I'll answer for him. Mayor Daley of the

City of Chicago wants the bill just to try to prove what's good for the City of Chicago is good for the State. Now, I rise in opposition to this bill, and I fought it before and I'm going to tell you why. Because I originally thought that, inasmuch as the City of Chicago put this ban on phosphates in detergents through, and the City of Aurora, in Kane County, in my district did, I thought it might have some merit; but I had drafted a bill, and I discussed this with Clarence Klassen, who was the then Director of the Environmental Protection Agency, and I had already passed out on a previous occasion to you a letter dated January 29, 1971, over the signature of Director Clarence Klassen. And he points out in there that there would be alternatives to legislation banning phosphates.

PRESIDENT:

Gentlemen, let's try and keep some order.

SENATOR MITCHLER:

And I am going to read these briefly to you. (1) Encouragement of the soap and detergent industry to continue seeking, as they are now, adequate and appropriate substitutes for phosphate builders or alternative effective cleaning compounds, (2), continued study and implementation of plants for the removal of phosphates and waste treatment facility effluence, and (3) continued study to determine the nutrient and control of that nutrient which is most critical in regulating the size of biological populations. Now the reasons for this are on the fact that phosphates in detergents is not causing all of that algae growth in the south branch of whatever river, Fox River or Illinois River or any river or stream that you are talking about. It's a big hoax and these ecology nuts that get going on this without consulting the intelligent scientists and the people that

have something to know about this. I am going to also refer you to Samral...Samuel R. Aldridge. He is a member of the Illinois Pollution Control Board. The State of Illinois pays him \$30,000 a year and I have here a file in where he points out about the comments that have been going around about taking these phosphates out of the detergents, and he points out that it is wrong. And if the Illinois Pollution Control Board has gone on record as...they should investigate this and have a continued study. Now we have an Illinois Pollution Control Board set up and if they found that this was detrimental to the rivers and streams and the water of the communities, they would. Now Senator Knuepfer pointed out briefly...and I have had a little research into this serving as chairman of the Illinois Water Pollution Water Resources Commission, and we have done a lot of study on this, and I think that I am qualified to get up and point this out to you. Now it's a great for an industry to come out, and this was a test case here with Sears and Roebuck, and the detergent industry will tell you it was a test case, and they have had advertising after advertising, and it is a great thing to hoodwink the housewife with this across the front and tell them it's a pollution free detergent. But they don't tell them anything about the warning, the caution that goes on the back, and I am going to read it to you. It says, "Caution. Avoid contact with eyes and mucous membranes. Contains sodium silicate and alcohols." And they have an antidote on here. "Flush with cool water." Children if they would eat this in your home, they could die. Yet you want to put this on the shelf instead of phosphate in detergents. And I tell you that phosphate in detergents will not cause any bodily harm to infants. Now you are putting this on the shelf and there have been known

cases where it has come into contact where they have directly related, even to so far as to have causes of death, because of coming into contact with this new enzymes and things that they are putting in detergents. Now a number of you have met with the detergent manufacturer and I am certainly not protecting them because look, if anyone of the detergent manufacturers could come up with the solution to this problem don't think that they wouldn't make a million dollars. One of the most highly competitive industries in the entire United States. But this idea to come out and ban and force them into taking phosphates out of detergents is wrong, and I am not trying to put myself up here as one who's going for these ecology nuts who want to jump on the bandwagon and think what's good for Chicago and some of these communities...They are doing it all over the state and all over the nation, but it is wrong. We are way ahead of times and I am going to believe Dr. Aldridge who we're paying \$30,000 a year to talk and discuss these things as a member of the Illinois Pollution Control Board. And I am going to believe a fellow like Clarence Klassen, who, for over 40 years, has been one of the top men in the Water Sanitary Board and was director of the Environmental Protection Agency. I urge you to consider this when you cast your vote. And vote as you did before and do not cast a vote for this and vote no.

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

I received a call from Dr. Aldridge and he suggest I move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify

by saying aye. Contrary minded. Motion prevails. Senator Egan may close the debate.

SENATOR EGAN:

Yes, Mr. President and members of the Senate. Very briefly, the arguments that are used by Senator Mitchler, we have heard before. This bill does not, does not require a substitute for phosphates. Those companies that use abrasive substitutes, in my opinion, should not use them either. However, people like Russell Trane, who is chairman on the Council on Environmental Quality, says that families ought to use soap that contains the least phosphates that they can buy, and he says so to those people that live along the great lakes because that will help slow the aging of the lakes. Aging of the lakes and the waterways in this great State of Illinois is slowed by the prevention of phosphorous emission into the water system. It cannot be removed at the sewage treatment plants. Consequently, it must be removed from the detergents, it's as simple as that. And to further continue on to answer the question, Senator Mitchler, I want this bill because I would like to see my children fish in the north branch of the Chicago River. If they clean up the north branch with the \$125,000 that was appropriated, and there is less algae in that river we may be able to stock it with fish some day. I would like to see that. I would also like to see the filtration plant with less algae clogging its maintainence and its performance. That's why I want the bill, Senator Mitchler, and I would appreciate a favorable vote.

PRESIDENT:

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.

PRESIDING OFFICER: (Senator Vadalabene)

Senator Horsley.

SENATOR HORSLEY:

I told Senator Egan I would vote for this bill and I
keep my word and I vote aye.

PRESIDING OFFICER: (Senator Vadalabene)

Senator Groen.

SENATOR GROEN:

Well, Mr. President, on a point of personal privilege, I
would like to say a couple of things. Since I have already
voted, I would not state that I haven't. I was a member of
the Agricultural Committee, I believe, when this bill was
first heard in the Committee on Agriculture; or at least a
similar bill. And I recall there were people there from
the...there were people there from Lever Brothers, as I
recall, and, and others who testified regarding phosphates
and the effect of phosphates in the detergents and the effect
on streams and algae and this sort of thing. After one of
those meetings I engaged the...one of the chemists or engineers
from one of those companies, and my recollection is it was
Lever Brothers, about this; and ah...I discussed this thing
with him and he admitted that the manufacturers could sub-
stitute other things, that they did not have to use phosphates,
but that engineering wise, and construction wise and the changing

wise they would prefer that it be deferred for a year or two. The allegation was also made that one of the reasons this bill was in was that it was a bonanza to the city of Chicago in that it would result in considerable reduced cost to them at their filtration plants and this sort of thing. I went home and I checked with my sanitation department and my water people at home, and they concurred that there would be a saving to my community if detergents would be used, certainly, in lesser amounts. I don't see anything wrong with this bill. I think it is a bill that industry can comply with without undue hardship. I think it would be beneficial to the people at large and that is the reason I am voting aye.

PRESIDING OFFICER: (Senator Vadalabene)

On this question the yeas are 31, the nays are 11. Having received the constitutional majority this bill is declared passed. Senator Rock moves to reconsider. Senator Johns. Senator Johns second it. Moves to table it. All in favor signify by saying aye. Opposed no. The yeas have it. Senator Latherow.

SENATOR LATHEROW:

Mr. President, I want a verification of the roll call.

PRESIDENT:

Will all the members be in their seats. Do you want the verification of the affirmative? Verification. Roll call.

SECRETARY:

Carpentier, Carroll, Cherry, Course, Donnewald, Dougherty, Egan, Groen, Hall, Horsley, Hynes, Johns, Knuppel, Kosinski, Lyons, McCarthy, Mohr, Neistein, Nihill, O'Brien, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Swinarski, Vadalabene.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Where is Senator Carroll?

PRESIDENT:

Is Senator Carroll on the floor? Remove the name of Senator Carroll. Is Senator Horsley on the floor? Remove the name of Senator Horsley. Senator Egan.

SENATOR EGAN:

Mr. President, I suggest, Mr. President, that the verification comes at a time which is too late. The motion was made to table the motion to reconsider. The ayes had it and then the motion to verify the motion was made. When the verification was announced the people that were verified were here on the floor. I would like to get on with the business of the Senate.

PRESIDENT:

Well...the...Senate...Senator Latherow.

SENATOR LATHEROW:

I was asking for verification of the roll call at the same time the motion was being made over there, and I wasn't recognized.

PRESIDENT:

The...as long as the matter before the body was still on the same bill, the request for verification is in order. For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

I just wanted to verify two things, and I...One of them is that Senator Latherow was up. You can't recognize two people at one time. I was watching him. And at the time of the vote was taken, however, Horsley was here because he and Cherry had a conversation back there by the door and I think he is in the anteroom now.

PRESIDENT:

The...We will remove the names of Senator Carroll and

Senator Horsley. I have been advised that on the verification the name of Senator Kusibab was not listed and that he had indicated to the Secretary that he wished to be recorded as voting aye. On that question...For what purpose does Senator Latherow arise?

SENATOR LATHEROW:

Senator O'Brien where's he? How...Where is he?

PRESIDENT:

Senator O'Brien listed in the affirmative? Senator O'Brien will be removed from the list. On that question the yeas are...For what purpose Senator Egan arise? For what purpose Senator Egan arise?

SENATOR EGAN:

If we are going to verify the roll call, Mr. President, I would like to do it.

PRESIDENT:

Well it has been done.

SENATOR EGAN:

We have people walking in and out of the door since the beginning. It has been 5 minutes.

PRESIDENT:

On that question...

SENATOR EGAN:

I would like for you to verify the negative, then.

PRESIDENT:

Request for a verification of the negative. The negative will be verified.

SECRETARY:

Baltz, Berning, Bruce, Clarke, Davidson, Harris, Knuepfer, Latherow, McBroom, Merritt, Mitchler, Weaver.

PRESIDENT:

On that...Senator Egan.

SENATOR EGAN:

I would like a verification of those that voted present.

PRESIDENT:

There are no...there are none voting present. On that question the yeas are 29, the nays are 11. The bill having failed to receive the constitutional majority is declared defeated. Senator Latherow moves to reconsider. Senator Clarke moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 3686. Senator Soper.

SENATOR SOPER:

Mr. President and members of the Senate. This bill does exactly what the synopsis says. It reappropriates \$56,000 a balance from a lapsed appropriation to pay for the...This is a heck of a time to bring this up...the Anti-pollution Bond Act. We forgot to pay some people, like the fellow that did the printing and the fellow that did the advertising on it, that was necessary, and some of the lawyers that didn't get paid. I'd move a favorable roll call.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

I wonder, Mr. President, if we can have a little order.

PRESIDENT:

Just a moment. Please. Gentlemen. Let's...Will the members be in their seats. Members be in their seats. Senators Carroll, Fawell. Senator Ozinga, Bob Cahill. Gentlemen. Senator Rock.

SENATOR ROCK:

Yes. Mr. President and members of the Senate. I rise in opposition to House Bill 3686 and suggest to the members that it does not do exactly what the calendar says it does.

It is not a reappropriation bill. It is a new appropriation bill to the Secretary of State. This bill was filed...came over here late and was discharged from the committee on appropriations without a hearing; and I would particularly like...advise that Senator Harris should pay attention. We have been through this many, many times. Under public act 762460 the Secretary of State received a \$250,000 appropriation. That appropriation or the balance remaining as of September 30 of this year, has lapsed. Now in order to pay certain fees, the sum of which is \$56,954.68, this is an act making an appropriation. It is not a reappropriation. We don't know who the money is going to for one thing because the bill does not spell it out. We did not have an opportunity to question the sponsor. If the money is now owing to, let's assume, to somebody like Chapman and Cutler or anybody else, such a debt was presumably incurred against the old appropriation, which was public act 762460. The unexpended balance lapsed, I suggest, on September 30. Now it has been common knowledge in this state that if, in fact, one has a claim against an appropriation that has lapsed, the proper redress is the court of claims. If the present bill is to cover a debt, and we're not sure it is, at least I'm not. But if it is to cover a debt incurred against the \$250,000 76th General Assembly appropriation and the debt did not get paid prior to the lapsing and the person or firms now have no recourse, I suggest, as Senator Harris reiterated a couple times in the appropriations committee, no redress except the court of claims. However, if the debt was not incurred against the \$250,000 appropriation, then it was incurred illegally with no appropriation against which to charge such indebtedness because public act 762460 in no way provides for legal fees, in no way. A new appropriation would hardly be appropriate to meet an illegally incurred

indebtedness. If the debt had not yet been incurred it probably could legally be incurred...could not legally be incurred by the Secretary of State due to the fact that the Anti-pollution functions are vested right now in the Environmental Protection Agency. Not the Secretary of State. I suggest that this is a matter for the court of claims and solicit a no vote.

PRESIDENT:

Senator Partee:

SENATOR PARTEE:

Well, this is a matter of form rather than substance. The original appropriation was for \$250,000 for the Anti-pollution Bond Act to service this program and of that the Secretary of State spent \$191,000. Now there was 59...I wish you would go home now, please, because I can't hear. I'm sorry I didn't know...There was \$59,000 left which was adequate to pay this obligation. The attorney in the Secretary of State's office a former representative, Les Jones, told me that he felt that this was not payable out of those funds, although, he said it was a valid obligation. Now either the state pay it out of the remaining \$59,000 or we reappropriate or he goes to the court of claims for the money. Technically Senator Rock is exactly right, but it is a matter of form and not substance. It seems to me that it is cheaper with a bill being on this stature, in this posture, to vote the money now rather than have the matter go to the court of claims. It is still coming from the state of Illinois and it doesn't make, to me, that kind of difference. But I thought I should make that explanation, so that you would know what the real situation is.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I would like to address a question to Senator Partee because now I am confused. Recently we passed a bill here, that Senator Baltz handled a sequel of today, where we appropriated money that could not have been appropriated for the towns of Chillicothe, County of Warren, and London Mills; and as a result of that the Governor found it necessary to veto it. The bill...we had to have a new bill, a new method, a whole new procedure. And in the veto, the only reason that it was vetoed was because it...this type of claim had to be established in a court of claims. Now I agree with the Senator that it is a question of form rather than substance and it would be cheaper to do it this way; but it certainly, if we...if we are going to get it vetoed or if it is going to be technically set aside in court wouldn't it be better to stop now and find out where we are at...It appears to me that we are going to be here tomorrow...and see if we can't get a technical, legal opinion as to whether this has to be vetoed or tried in court. I just don't think we should go ahead at this point. We have two conflicting situations here and we have a case where we had to bring a bill completely through again on refunding those sales taxes that were mis-computed. We've got time. Why don't we find out exactly what the legal aspect of this is.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

We were conferring with the staff on this side...if the staff has produced something on this ah...with the President Pro Tem we would be glad to share it with them but we have requested through our staff for the Environmental Protection Agency to provide us with the information on this bill. Now

the EPA is charged with the administration with the Anti-pollution Bond Act and it is very unusual or very usual, I don't know which way to put it. But we have not heard from the Environmental Protection Agency yet, and Mr. President and members, I would like to suggest that we hold it over one day and see if they can function and give us a reply to the request that we asked them on this, because they're the administrators on it and I think that several weeks have gone by and they still haven't replied to our request; and I think that we should give them one more day and hold this over til tomorrow. I guess we are going to be in session. I would ask for that consideration.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Well, I don't know what the Environmental Protection Agency has got to do with this. It has nothing to do with this bill. It has nothing to do with this money. They don't know anything about it, and this money is old. It is for printing and everything else, and I ah...let's vote this up or down. I don't care what you do with it. It's up to you if you don't want to pay the just debt of the State of Illinois, and if you want to barber this thing you can stay here and barber it; you can look it up and down the river, but it does exactly what it said. Ah...the money...the money that was to be used to pay this lapsed, and now you've got to either reappropriate the money and pay these people or don't pay them. A part of the money is due for printing the bonds and part for advertising of this program, and the other is to Chapman and Cutler for their opinion. If you don't want to pay them, it's o.k. I call for a vote on this thing. Let's go up and down; we don't need any static. We have a lot of things to do here.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well Senator Soper, I have a couple of questions before we vote on this. Could you answer those for me?

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I would be happy to if I can. I have told you everything about this bill there is to tell. It is about 5 lines long and if you have 5 questions you have a line.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

I may have more than that. Now which law firm are we talking about. We have heard of Chapman and Cutler. Is that the only law firm involved?

PRESIDENT:

Senator Soper.

SENATOR SOPER:

What does this...the ah...the sheet I got on this, I will read it to you. It was shown to ah...the Honorable C. Partee President Pro Tem and the leader on your side. And it says that to conferences, preparations of legal servites, approving opinion on the 100 million dollar anti-pollution bond issue, series A, State of Illinois, Chapman, Cutler, 111 West Monroe Street, Chicago, Illinois 60603. Now there's ah...45 thousand dollars, and there is 4 thousand 332 dollars for postage air rate, and 4,500 copies of the official statement on the bonds, and there was a charge of printing of the bonds, the rack for signing and a few other things that went to the American Bank Note Company. They have got \$7,622 coming.

Yeah...do you want to know where they are from? It says the executive office for correspondence only at 70 Broad Street, New York, New York, 10004, New York.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Yes. When was that bill submitted to the state?

PRESIDENT:

Senator Soper.

SENATOR SOPER:

This bill is dated June 29, 1971. And they failed to pay the bill. That's why we are here. The money elapsed before they...it was an oversight and they didn't pay the bill.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Are you saying that an auditor on a bill turned in by Chapman and Cutler between June 29th and September 30th did not pay that bill. Are we talking about 45 thousand plus an additional 56 thousand?

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Senator Bruce, I'm not saying that the auditor didn't pay the bill. You asked me what the date of the bill was and I said the date is June 29, 1971, and whether he got it that day or he didn't get it, I don't know. But the total amount that's asked and this is 56 thousand dollars and there was 59 thousand dollars left, the people didn't get it. Now this comes from the House, and this is all I know about it, and whether the auditors sat on it or didn't sit on it or didn't get it I don't know. You will have to ask him; he

is a member of your firm.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Well, part of the problem may be that under Public Act 76-2460 which is in controversy here, I don't believe that the auditor could legally pay that fund, and I solicit your attention to the Act itself and to the duties of the Secretary of State as they are set forth in Public Act 76-2460. He has the duty of attesting to the...to the signature of the Governor and adding the seal of the State of Illinois. I believe he can do that without a law firm's opinion. He also must lithograph a facsimile signature of the Governor, and the Secretary of State, and the State Treasurer. Again, if he, I believe he can do on his own. He does everyday. His final duty under 76-2640 is in article 9, it says: the Secretary of State shall cause publication of this Act to be made once each week for 3 months at least before the vote of the people is taken on this act, in at least two daily newspapers, one of which shall be published in the city of Springfield, and the other in the city of Chicago. The Secretary of State shall make an additional publication in other counties as in the case of constitutional amendments. Now we helped him in that matter by setting out in section 8 of Public Law 76-2460 the proposition that was to be put to the people. Basically shall the Anti-pollution Bond Act enacted by the 76th General Assembly become effective. It goes on as set forth in that law. I hope that Chapman, Cutler was not asked to redraft that since that is the way we commanded the Secretary of State to submit it to the newspapers. I, unfortunately, could not get a copy of any newspaper that contained that, but I am assured that that was the form, and it

was not altered by Chapman and Cutler. The last duty is that the sum of 250 thousand or so much thereof as may be necessary is appropriated to the Secretary of State for administration of this Act. His duties under this Act I have already enumerated. Fixing his signature, attesting to the signature of the Governor and the Secretary of State; and his third duty is putting it in the newspapers. Somehow I hope that our Secretary of State, be he Democrat or Republican, has the intelligency to run that without the opinion of the law firm in Chicago. I am not sure the reason the bill was not paid. Well, it's been a question that is not what the opinion...

PRESIDENT:

Senator Bruce has the floor. Senator Bruce.

SENATOR BRUCE:

I am still trying to find out how under Public Law 76-2460 we authorized the Secretary of State to seek any opinion at all. I am also curious that the bill was submitted on June 29th. I would check with the auditor happily to find out, and I believe that any voucher that was submitted by June 29th had been paid by September 30th. I think we have a question of whether or not this is not a dual payment. Finally as to what is in the account, I would draw the attention of the body to the fact that the bill is drawn in the alternative. The sum of 56 thousand dollars or so much thereof remains unexpended. On the final report issued by the Department of Finance Sunday after June 30th, which is the final report for closing out all accounts by the auditor, the sum of \$58,653.53 remains in the account. I would ask this body then if we are paying not \$56,954.68, but we are paying to the law firm \$58,653.53 if it were to be paid legally it could not be paid legally because the period for payment has lapsed. I don't believe that this is a legal appropriation, and I would solicit the

no vote of the members of this body.

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Mr. President, I move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. All those in favor of the previous question please rise. All those opposed to the motion please rise. The motion does not prevail. Senator McCarthy.

SENATOR MCCARTHY:

I have a question for the sponsor or anyone. The sponsor... Senator Soper? Senator Soper, the way I understand is that the sum of \$56,954.38 is the money that was appropriated to the Secretary of State for the various matters in connection with the referendum on the pollution bond issues. Am I correct in thinking that?

PRESIDENT:

Senator Soper.

SENATOR SOPER:

There was 250 thousand dollars that was appropriated to them as I understand it. Of that 250 thousand from the memorandum I have here and the only thing I am working is...from this. This bill was instituted by Regner and Lechowicz or whatever ah...Lechowicz...he's on the Appropriation Committee and he is a Democrat, and they tell me he is worse than a Bohemian when it comes to paying out money. So he knows about this, but ah...there was 250 thousand dollars appropriated, as I understand it. This bill was not paid, and this was for the opinion so the bonds could be sold together with the printing of the bonds.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Now I think that you have answered my question, Senator Soper. And that is this. Are we now taking monies that were appropriated for the passage of the bond issue and now using that money which was not spent to pay for a subsequent action; that being expenses in connection with the sale of the first 100 million dollars.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I understand what you are driving at. I don't know. I think that this first 250 thousand that was appropriated was appropriated for the purposes of the issuance of the 100 million. If it wasn't then you know more about it than I do. And this was put on my desk and I was asked to handle it because of the fact of that these bills are unpaid; and the explanation is as simple as I told you. If you believe it okay. If you don't believe it vote no. If you do believe it vote aye, and let's get on with the business of the house. And let's go ahead because this isn't big enough to barber about and I could care less.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I should like to speak against this bill on this basis. Two hundred fifty thousand dollars was appropriated by the General Assembly that proceeded this one to pay for the expenses of the referendum on the bond issue. All of that money was not spent. Now the way I get it...the way I get it and I want to be corrected...we authorized the Pollution Control

Board to sell a 100 million dollars worth of bond issues this spring, and what we are doing to pay part of the expenses on selling the bonds is to take the money that was utilized on the promotion of the referendum itself. Now if I am wrong I want to be corrected. Now the reason it becomes important is I have yet to see a detailed report of how much money was spent on the money that we appropriated this spring, Mr. President, for the cost incurred in connection with the sale of the bonds. Now I don't think it is fair to this General Assembly to say that we should appropriate 56 thousand dollars more in connection with sale of bonds when we haven't even got the first bills on how much has been spent on the money that was specifically appropriated to the proper authority on the sale of the bonds. Now, do I make myself clear? Well I hope I do, and until we get those answers, I would suggest we vote no.

PRESIDENT:

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, Kunppel, 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 21, the nays are 8. The bill having failed to receive the necessary three-fifths majority is declared defeated. 206, Senator Palmer. Do

you want to call that back to second reading for amendment, is that right? House Bill 206 on postponed consideration. Can you explain the amendment? Do you have a copy to the Secretary?

SENATOR PALMER:

Ah...Mr. President...

PRESIDENT:

House Bill 206 on postponed consideration.

SENATOR PALMER:

Mr. President, and members of the Senate, before I explain the amendment, I would like to make a motion that there has been an amendment number one that was adopted by this body. And at this time I would like to move to reconsider that vote that adopted that amendment.

PRESIDENT:

Motion to reconsider the vote by which amendment #1 was adopted. All in favor signify by saying aye. Contrary minded. The motion prevails. The motion by Senator Palmer to table amendment #1. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Palmer offers amendment number 2. Can you explain the amendment Senator?

SENATOR PALMER:

And for the edification the motion that just tabled removes the Home Rule Amendment; and now the amendment number two just deletes the state prohibition ah...for the sale of liquor and sets the section in the proper way...just deleting state prohibition. That's all it does.

PRESIDENT:

Is there any discussion of the amendment. Senator Sours.

SENATOR SOURS:

What does it do, Mr. President. What is the status of that bill now. We have had some very quick gaveling here; some very brief explanation. I would like to know what is going on, what this bill does now in its present form.

PRESIDENT:

We are on the amendment right now, Senator Palmer.

SENATOR PALMER:

Like to explain that on third reading if you want to do it now.

PRESIDENT:

Senator Palmer, the Senator has asked for an explanation of the amendment, and I think he is entitled to that.

SENATOR PALMER:

Well, the amendment right now, I...the best way I can explain it is to read the bill as it is now. Let me explain to Senator Sours this. We had a bill, 205 and also 206...

PRESIDENT:

Senator Palmer, if I may...I think the President Pro Tempore would like the mike here.

SENATOR PARTEE:

Mr. President and members of the Senate. This is a matter that came up yesterday. There were two bills originally, 205 and 206. The office of both those bills was to permit taverns to remain open on election day. 205 and 206 are identical, but one is an amendment to the Election Code and the other is an amendment to the Alcohol Beverage Act, chapter 43. They both must go together. Now the thing that complicated here yesterday was there was an amendment on 206 that involved it in the home rule concept. That has now been removed and is now in identical shape as the other bill, which bill has already been signed by the Governor. So this now takes that home rule question out that Senator Horsley and Fawell were concerned about yesterday, and it now puts it in the same posture as 205; one amending the Election Code, the other amending the Alcohol Beverage Act. One has already been signed and it's necessary to sign this bill to give efficacy

to the other--to pass this bill rather.

PRESIDENT:

Is there further discussion of the amendment? Senator Fawell.

SENATOR FAWELL:

I just want to add that this quite correct as Senator Partee has indicated; and in addition, the new amendment which is also being suggested takes away a portion of what was in House Bill 206, which had the effect of proscribing all communities from prohibiting the sale of liquor on election day. So I think the deletion of amendment number one and the new amendment which is being suggested puts the bill in, in fine shape.

PRESIDENT:

Is there...All in favor of the adoption of the amendment indicate by saying aye. Contrary minded. The amendment is adopted. Third reading. Senator Gilbert.

SENATOR GILBERT:

On a matter of personal privilege, I would like for all the members of the Senate to give to me attention, to please rise for one moment of silent prayer in memory of Senator Mitchler's brother who died at twenty minutes of four this afternoon. Thank you.

PRESIDENT:

3680, Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate. This bill deals with advertising bill boards along the interstate and primary systems in the State of Illinois. A...this is a bill that is required by the Federal government. According to the information that the highway department has given me, if we do not adopt a Bill of this nature by December first of this year, we are liable for a penalty amounting to over 32

million dollars in highway funds from the Federal government. It is a fairly complex bill, and yet it's a bill that's been worked on and worked out by not only the highway people, but the advertising people; and it is my understanding that by and large that they are agreeable to this. And I would appreciate your support.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Senator Clarke this action on my...is entirely not on my part. I've just been asked to ask you, by a member of our staff who is interested in working out some details on this bill, if you would mind holding it until tomorrow. This is not my volition, sir, but it has just been asked.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

The only thing that worries me, Senator, is the attrition that is liable to occur in this body...a...I am willing to hold it, but a-a-a it's been on the calendar and I've left it there purposely so that people could look at it and ask questions, and I haven't had any really; but I'll hold it for a little while if that would help.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

As you were speaking one of our staff members called me over sir. It's...I think it's in the interest of passing the bill.

PRESIDENT:

The bill will be held. Senator Clarke you can let the Chair know. 3646. Senator Harris.

SENATOR HARRIS:

Mr. President...

PRESIDENT:

3646...

SENATOR HARRIS:

Senate Bill 3646...

PRESIDENT:

House Bill...

SENATOR HARRIS:

I'm sorry, House Bill 3646 is a bill that has an emergency clause on it. It provides for the utilization of the monies that are accumulating now in the income funds of the Regency System institutions, as a result of the tuition increases that are in effect. Students attending these universities are paying this money. The decision to impose that rate of tuition was made by the Board of Regents on March 18 of this year. This is a tremendously important matter to this system. Let me give you an example of the product of just a couple of instances. For example, within the personal services appropriation, 95 thousand dollars of this total will provide for approximately 300 student jobs. In the loan account 30 thousand dollars will be rolled over ten times and we will qualify for \$300,000 of federal money for that loan program. This will provide loans for some 300 students. These figures are greater than this as relates to Northern, and not quite this significant at Sangamon State. I would be glad to respond to any questions that might apply here. I state again and make this as unmistakeable as I can that this money is being paid by the young people and the families who are sending them that...to our university Regency System. This bill passed the House with a 155 votes. We do need it. I solicit the support of this body. It does require 35 votes.

PRESIDENT:

Is there any discussion? Senator Hynes. Senator Hynes. Just a second. Something...you're not on for some reason. Is you light showing?

SENATOR HYNES:

Yes, Mr. President and members of the Senate. I was temporarily unplugged. This bill involves appropriation of the money derived from the tuition increases imposed by the Regency Universities for the September semester. I oppose this bill now. I have opposed the tuition increase consistently since the last session. I think there was a clear record made during the last session as to our position on a proposed tuition increase; a statement was issued by Democratic leadership at the beginning of this session with respect to a tuition increase and that position remains the same now, that we are opposed to it. Now, if I could comment on some of the factors that are involved here. First of all, the other universities in this state have not imposed a tuition increase. The Regency Universities are the only ones at this point that have decided to go ahead. In terms of the tuition charged at these schools in 1968-'69 it was \$120; in 1969-'70 it went up to \$195, and increase of 62%; in 1970-'71 in September it went up again 38% to \$270; then in January of 1971, barely six months later, an additional increase to \$345 or another 28% was added; and now here again, one semester later, we propose to add a tuition increase. The tuition increase is in effect... there is a tuition increase in effect at the command of the Board of Regents, and we have repeatedly said that we are opposed to a tuition increase at this time. The Board of Regents had the opportunity when we considered this matter a few weeks ago to introduce a transfer bill such as that which the other universities introduced. The Board of Regents can still go to the Governor's Office and get a permission to

transfer 2% from each of their funds into any fund that might be lacking, so that if there are shortages, they can be made up. Our information is that in terms of personal services, the Board of Regents have already allocated enough of their money to give pay raises equal to what the other schools are doing. And finally, I would say this that this money should be...this increase should be rescinded because I think the combination of factors that have been taking place over the past six months have contributed to make an intolerable situation for the students at this school...at these schools, and to say that we are going to take the tuition increase money and reinstitute some of the jobs that were cut from the budget; with the budget cuts that were made, to me is arguing in a circle. We're raising the student's tuition so that we can set up or use part of the money to set up jobs so that they can earn money to pay the increased tuition. They are also suffering from a loss of off-campus jobs, from a lack of summer employment in the general economic conditions, from a cut in scholarship funds, and I think it is intolerable to impose this tuition increase at this time; particularly when we consider that prices in all other areas have been frozen. I oppose this bill and I would urge all those on this side to do the same.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Well, I would point out to the members that the question of the amount of tuition rests solely with the various Boards of the institutions; Southern Illinois University Board of Trustees enacted an increase in tuition. When we did not make an authorization for them to spend it, they have made a refund of it. But it is still their wish and they would like to. Senator Hynes and myself, and I have mentioned Senator

Laughlin and I think Senator Newhouse will probably be with us, and we will certainly ask him and I'm sure he will because we were the subcommittee that went into this question, and some others are hoping to have something done about increased tuitions possibly in the September session. But the Board has the right to do this; they have done this. Most of this money will be for the benefit of the students as Senator Harris has pointed out. A very small part of it will go for salary increases and all because the Board of Regents, as Senator Hynes has pointed out, did take care of that at the time that they adjusted their budget last year. I do not think that there was a clear mandate that we would not have tuition increases. It was the feeling of Senator Hynes and Senator Newhouse of the subcommittee that we not have tuition increases. Senator Laughlin and I both thought that tuition increases possibly should not go into effect in September but that we certainly did not rule out the possibility of tuition increases at a later date. I think inasmuch as this is being collected, the universities do need this money primarily for the students that are there; I think they're going to benefit by it. When the Governor established his budget for higher education it was the general thinking of the Bureau of the Budget, the Governor, and many of us that there would be tuition increases. It certainly was the recommendation of the Board of Higher Education that tuition increases be instituted as of September, and a large amount of money was expected to be generated in the income fund and that is what has been done here. I think inasmuch as this money is here, the problem of redistributing it, that the students enrolled knowing what the tuition was; it was the school of their choice. I think we should allow this money to be spent particularly since as Senator Hynes has pointed out, there

have been reduced jobs outside of the school; there was less work this summer. These students have gone to school. They have paid this tuition. They went knowing what the tuition was. Now, let's try to get some of it back to those that might need it. I urge you to vote aye on this bill.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Well, Mr. President, I'm certainly going to be brief. I just point out that to discriminate against the Regency System would be a most unfortunate judgment of this body. The yield of this additional tuition money was anticipated in the very careful, selective reduction vetoes that were applied to the various systems. Now we know darn well that we're short money; but here is money that people voluntarily, knowingly are paying in the product of a decision made back on March 18th, timely in advance. This isn't the product of a post veto matter, and I don't think this General Assembly wants to directly accept responsibility of setting rates of tuition. That'll come back to haunt us plenty if we ever take that step. Now the comparative rates of tuition between the various systems, the Board of Governors, the Board of Regents, Southern and the University of Illinois, the Board of Regents System still compares quite favorably and in some instances even less than some of the other institutions within our Board system; and we're just kidding ourselves. Now, I hope this does not become any kind of a partisan question. This is a matter of just meeting our responsibility of utilizing available funds from one of the systems that obviously should be treated differently because it has reacted differently and responsibly in connection with the operation of these schools. Now the people who are going to be denied the use of their

own funds will be the very students that we have heard much concern for, and I couldn't agree with you more, we ought to show concern for these students. I urge your support for the passage of this bill. It requires 35 votes.

PRESIDENT:

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...

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Two points, two points Senator. First, to say that this money is being paid voluntarily is nonsense. If the...a student desires to go to school and he is told he cannot go unless he pays a certain amount of money and then he pays it. To call that voluntarily to me distorts the definition of the word. Secondly, there is no discrimination against the Regency Universities. The Regency Universities are the only ones that decided to impose a tuition increase notwithstanding the number of times we have considered this matter. They Regency Universities had an opportunity to introduce a transfer bill or any other bill. They still have the opportunity to do so in January; furthermore, they have the opportunity, and with the Governor's permission, they can transfer money among the various funds that exist. And I say to you that this bill should not be passed and I vote no.

SECRETARY:

...Johns, Knuepfer, Kunppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPTEL:

This is what is known as robbing Peter to pay Paul. It is a form of playing political roulette with the students. Now it just doesn't make sense that one student who doesn't qualify for a job after he's been held up and blackjacked out of additional tuition ought to have that money used for some other youngster or some other job on that campus as a means of avoiding our responsibility here in the General Assembly. Now, we played politics with education on this floor from the time we started. I don't know. We get two different stories, and I don't always understand what those stories are, but I certainly can understand here when you are funding the job program with the student's own money, taking out of one student's pocket to provide a job for another. And I say that you're playing political roulette when you do it this way. You are robbing Peter to pay Paul. It's a bad system. We'd better start re-examining how we finance education. I hope when I am back here two years from now that we've got a little better judgment on this whole thing because we've got to start all over and reorient our thinking.

SECRETARY:

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:

Senator Horsley, aye. Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion to postpone consideration prevails. Senator Harris.

SENATOR HARRIS:

Mr. President, might I have the attention of the President Pro Tem.

PRESIDENT:

He apparently is not on the floor right now.

SENATOR HARRIS:

Well, I discussed with him earlier today the possibility of proceeding to that order of business involving House Bill 3636 at 3 o'clock. He acknowledged that that would be fine. I've been patiently waiting to have this regency bill called first, and obviously it's considerably later than 3 o'clock. How long will the President Pro Tem be detained?

PRESIDENT:

He is here.

SENATOR HARRIS:

Well, it does seem to me that we have proceeded beyond the hour of three that we discussed earlier today to try to get some work out of the way, and we do have a serious and important matter here. Might I have an understanding with the President Pro Tem to proceed to that series of bills that was discussed yesterday beginning with House Bill 3636, and I request that they be called back to the order of second reading because I know that the President has an amendment.

PRESIDENT:

3636 is called back to second reading for purpose of amendment. Senator ParTEE.

SENATOR PARTEE:

Mr. President and members of the Senate, the amendment on the Secretary's desk is a very simple amendment. And on page 1, lines 2 and 8, it strikes the word regulate and inserts the word license. Now this series of bills has caused a great deal of concern and consternation. A lot of people

throughout this state in various occupations have had some fears, many of which I feel are without foundation, but in any event, they have them. One very unfortunate thing took place up in Harvey, Illinois, where they put a \$1000 fee on for real estate brokers. That is...

PRESIDENT:

Please...Senator Horsley and...

SENATOR PARTEE:

That is clearly an unconstitutional assessment and it will be so proved in the court action which is now pending. If this series of bills, sought merely to preempt cities and other home rule units from the licensing provisions of professions and trades, it would be one matter. It does a great deal more than that. It not only seeks to license, but it seeks to regulate. And if the state is permitted through the exclusion of the cities and other home rule units to regulate, it simply means...

PRESIDENT:

Just a moment, Senator...For two reasons. One to get order, and secondly I call this to the attention of the members and our visitors in the gallery also. I've just been informed that a car has...that was parked has moved of its own volition. Its license number is 677743 and is now blocking the driveway outside. Senator Partee is recognized.

SENATOR PARTEE:

This is a matter of importance to every city, town, village, home rule unit in this state. The Illinois Municipal League in a letter on the 26th of October, 1971, said that its position, which was adopted by the Board of Directors as well as by meeting of home rule officials, is that the state should not preempt constitutional, local home rule powers before we have had the opportunity to prove

ourselves. This position against preemption was affirmed by our membership at our recent annual conference. Municipal home rule authority must be protected. Now these towns have sought home rule for many years. The Constitution now gives them home rule. Before there is any real attempt to determine how they will utilize it or whether they will abuse it, we come in with a series of bills to preempt the home rule provisions. Now, more than that, the home rule power, which we have always known a city to have, is a power which is used by a city to protect the public health, the safety, the morals and the welfare of the residents of that city. The licensing schemes of House Bill 3636 are not sufficiently complete exercises or performances by the state of the power or function of regulation of the various named economic activities to warrant complete, regulatory preemption. Let's look at some of the things that will happen as a result. In the city of Chicago, for example, we have some home rule ordinances, or some city ordinances, which regulate the conduct of real estate brokers. Yes, the city licenses...the state licenses real estate brokers, but we have many ordinances which real estate brokers cannot abrogate because if they do they may be penalized for so doing. We have an ordinance against block busting. We have an ordinance in the area... We have an ordinance in the area of fair housing. And when a real estate broker violates that ordinance, we may suspend or close his business; but with this kind of legislation we could not protect the health, the safety, the morals and the welfare of our citizenry. Take a barbershop. If this bill passes, the Board of Health in your town and mine cannot go into that barbershop and close it or suspend the license if hair is on the floor waist deep. The regulatory power is in the state. And we are taking away the power of a city to

regulate for the safety, and for the health, and for the morals of people who reside there. The same thing in terms of a tavern. If it's a bartender standing out at the front door passing our salacious literature to every child that passes that place, if the state is the only regulatory power, we must stand idly by and see our people corrupted by the activities of a person where preemption has taken place. We have a rather expansive public health program in our city, and I am sure that there are in others; and if we are denied the regulatory power that we need to go along with our health department in nursing homes, and hospitals, and other places, we effectively will be denied the right to protect the public health, the safety, the

morals and the welfare of our people. We can't even enforce local building codes if we have no regulatory power. If preemption is ever to be justified, it should be justified after there has been a demonstrable showing that it is abused. And that is not the case. In fact, home rule units have exercised discretion and good judgment, and have not used their powers for disruptive purposes, but for soundly treating the real problems. In any event, sound economics would dictate discretion in exercising these various powers. Home rule units do not wish to destroy economic activities within their jurisdiction. They wish to enhance them, and are well aware of the problems of over regulation. No case has been made that existing licensing provisions are sufficient and properly administered. I am, therefore, directed to the Senate Executive Committee with the concurrence of Chairman Cherry to thoroughly examine all aspects of such state activity. These bills do not maintain the status quo. They take away power from home rule units. In at least one instance they appear to take away a power that existed before home rule, the power to license real estate brokers. Yes, the Harvey case I mentioned, where there was a \$1000 license fee. If it is a license for revenue, it is invalid under both the old and the new Constitution. Under the new Constitution, licensing for revenue only, as provided by all, and if it actually cost \$1000 to regulate real estate brokers it would be valid, but it is hard to imagine such costs being incurred. But if they are, the occupation should be well regulated. We have also a competition for ideas. America is built on competition, and home rule allows for trying out new ideas on a smaller scale than that of the statewide observation. And preemption would prevent that competition.

PRESIDENT:

Just a moment. Please. Let's have some order.

SENATOR PARTEE:

Competition is in the best public interest. The concurrent exercise of governmental powers allows home rule units to compete with the state for the protection and the enhancement of the public good. And preemption would simply prevent that competition. In any event, the way the bills are drafted certainly may make them both unconstitutional or ineffectual. I submit, Mr. President and members of the Senate, that these resolutions, though painted as being the finest thing since baseball, are in fact destructive of the police power of states and inimical to the public good. And I solicit your vote on the adoption of this amendment which simply says that the state may not regulate, although it may license, may not regulate in this area.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, this issue...I must in all humility say has been somewhat exaggerated by my dear friend, the President Pro Tem. This is a tremendously important piece of legislation. We have spent a great deal of time constructing it. The effect of the President Pro Tem's amendment would be to apply overwhelming effect and consequence; it is unacceptable to me. It is unacceptable to the interest, not only of the specifically regulated professions and industries, but insofar as this Senator's judgment is concerned, the consequence on the people themselves directly. I must resist this amendment. I, therefore, move to table, and I certainly will withhold that motion until those who wanted to express themselves...I don't want to cut off debate. I would hope that this member-

ship could be brief.

PRESIDENT:

Senator Lyons. Senator Knuppel.

SENATOR KNUPPEL:

Mr. President, in the Constitutional Convention I recognized what we were doing and I made a speech there. This is not the...this is not the end of this battle with respect to home rule. I said at that time we were making a tragic mistake by leaving it open to a simple majority in every session of the General Assembly. That the fight here would be, and one of the principal fights, and at an inordinate amount of time and expense of the people would be consumed each year in geeing and hawing about how much home rule we were going to give back, and how much we were going to take away. Right now we are dealing with licensing as opposed to regulation. Inherently municipalities have always had the right to exercise police power, as has been pointed out by Senator Cherry... or Senator Partee. These bills do exactly as he says. They actually take away and limit the police power of a home rule unit. We have many counties now who are looking hopefully toward becoming home rule units. I'm sure that the people of the state of Illinois, who approved the Constitution, did not intend that we as legislators within a very short period of time should be spending our time and our money when we so badly need to act on matters of welfare, education, the abolition of personal property taxes, ethics, so many other things that should be consuming our time in debate. We spend here, on attempting to erode a principle which has been debated in thought, and so if, for example, someone wins this time and they clutch a little bit of this eroded home rule to their chest and dash off in victory, we'll be back here two years from now to battle about it again; and two years

after that to battle about it again, again, and again. This in unfortunáte. It is like a big white egg out there in the middle of the field, and everybody runs to get it, and how much can they collect. Now I think that to ask the home rule units, and I'm sure the home rule units oppose this, to allow them to stand by and have their power, under the police power, eroded is to ask too much. Just, just the other day we saw where the city of Springfield closed certain floors of the old Leland Hotel as being unsafe. This was a reasonable exercise of their, of their police powers. Now I assume that there are architects in charge of that job. This legislation says that the state only can regulate architects. Now I assume that this would make an argument then as to whether the city, under its powers, under its police powers, could take such action. I feel that the Constitution should be left as it was written. At least for a period of time necessary to see whether, in fact, whether, in fact, communities owning home rule rights exercise those intelligently. This legislation assumes that our public officials will act on fairly. Now there's only one case cited. That case is now in litigation. There is not one other allegation from the floor of this Senate that those who hold the power of home rule have in any otherwise violated that sacred trust that was put in them by the 116 delegates to the Constitutional Convention. One flower doesn't make a summer; nor one swallow a season. Surely, there will be isolated abuses by those who do not discharge their trust properly, but they will be infrequent; and I think that we should at this time withhold such action, such drastic action as in here intended until we see, until we see whether in fact those people charged with the public trust in home rule units breach that trust.

PRESIDING OFFICER: (Senator Donnewald)

Senator Lyons. Well, Senator, I'm going to put your name down on this list. I've got a long list. I'll sure put it down after Senator Savickas.

SENATOR LYONS:

—Mr. President, I will yield to the Senator. I'd just as soon hear what he has to say before I speak anyway.

PRESIDING OFFICER:

All right, Senator Graham.

SENATOR GRAHAM:

Isn't this wonderful. Mr. President, members of the Senate, this is going to be brief. I'm going back to what I said once before. When we got involved in this Constitutional Convention, and we got all bogged down in it, I'll hearken back to the time I said when the leaders of both parties got so magnanimous that they thought we were going to have a non-partisan Constitutional Convention body, that's when we blew it. I said then and I said now, that if you have anybody that is non-partisan involved in something like this and is not responsible for anyone, or to anyone, you come up with a mess. Now, we know how the home rule provision got added to the Constitution. Our non-partisanship let the Chicago influence shove it down the throats of the delegates. That's how it's there. And the 23% of the people that voted to ratify this last year, I'll bet you 1% of those 23% didn't have any idea what the home rule provision did. I opposed it then, and I oppose it now. And believe you me, if we're going to stand in defense of anything, if we're going to stand in defense of a regulatory licensing power to be used for harassment, for political and personal gains for the power arrests, for prohibition of the free movement of professional peoples without additional licensing...if that's what we want that's what we're going to have. And we go back

to the time that we submitted ourselves to the product of a Constitutional Convention that was non-partisan.

PRESIDING OFFICER: (Senator Donnewald)

Senator Lyons.

SENATOR LYONS:-

Well Mr. President and members of the Senate. Ah, first of all I'm not sure that anybody is, that everybody fully comprehends what this bill does and what this amendment is calculated to do. What this bill does is to declare it to be the exclusive power of the State, to license and to regulate...to regulate, excuse me, ah, various enumerated so-called professions. We won't get into whether or not well diggers, and barbers and so forth, are properly denominated as professions...at least we won't get into that yet. Ah, let me say that in each instance of these enumerated occupations, the municipalities at the present time, that is to say right now and prior to the enactment of the new Constitution, had certain regulatory powers over these occupations which were granted to them by the state. This bill would preempt all of those powers. In other words, powers that have been exercised in some cases by municipalities for years would be taken away by this bill. I do not...I do not think that everyone is fully cognizant of that fact; but I commend to your attention the notion that you will be taking away powers that many municipalities have exercised for many decades in some instances. I doubt that that's the intent of the bill, and if it is the intent of the bill, it certainly flies in the face of the mandate that was given by the people when they adopted the new Constitution. Now, I distinctly recall remarks of Senator Knuppel at the Constitutional Convention, and one of the reasons I recall it so well is I made a similar talk myself when I said that to allow the General Assembly to preempt

municipal home rule powers by a vote of a simple majority of membership would mean this. That in every session of the General Assembly the whole concept of municipal home rule would become a matter of political leverage, of bargaining and haggling for partisan advantage; in short members of the Senate, exactly what is going on here today. Everybody knows that it cannot possibly be seriously intended that powers that have been exercised by municipalities for years and years in some instances should in one bill be dried up and taken away. Everybody realizes that half of the occupations, at least listed in here, cannot by any rational process be called professions; certainly no one would say that the municipal corporations of this state should be ousted of any jurisdiction to regulate the real estate brokers. That would mean, for instance, that our anti-block busting ordinances in Chicago are...our fair housing ordinances in Chicago would be unconstitutional under this provision. That many, many municipal regulatory ordinances would be struck down if this bill becomes law. This is an irresponsible piece of legislation that has been put in for political jockeying back and forth and for the gaining of partisan leverage; and if it ever passes, God help the citizens of this state because they will be at the mercy for the first time in many instances in decades of totally unregulated industries within the corporate limits of many of the municipalities of this state. Now that simply cannot be allowed to happen, and it cannot be said that a legislature which presumes to call itself responsible could be a party of any such infantile goings on. Let me also say something else. It has been said that the home rule provision was shoved down the throats of the Constitutional Convention. That statement was made by a gentleman who wasn't around the Convention very much. Speak-

ing as one who was, let me say that home rule provision was the subject of an awful lot of debate, an awful lot of consideration, and the only question about the whole thing really was who was going to get it--what size municipalities should be involved. No one ever said, for instance, that a community the size of the city of Chicago should not have many, should not have the very powers that are sought to be preempted by this bill. The real problem was, as I have mentioned before, and Senator Knuppel touched upon, the weird provision that all of this could be undone by a vote of a simple majority of the elected members of the General Assembly at any session. That's what we have today...blatant political reach for partisan advantage. That's the way this bill should be treated, and I promise you that's the way the citizens of this state will look upon it.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Mr. President, members of the Senate. I would like to refer back to the problem of the Real Estate brokers that were licensed in Harvey and expound a little on the reason for this. Because it seems many of the Senators here think that this city took the power granted them by the home rule to really, ah, license out of business and license for profit one group of people. In fact, it got to the point that Robert Cook of the Real Estate Board sent a memorandum around to all the House members while he was supporting House Bill 3636, stating that the necessity for prohibiting home rule units from regulating and licensing those professions and occupations already being regulated by the State of Illinois was vividly demonstrated this past August when the city of Harvey decided to charge a license fee of a thousand dollars per

year for each real estate broker wanting to do business in Harvey. He didn't go on to say that the reason that the city did this, that the city of Harvey, a city of thirty-seven thousand people, was inundated by 40 new real estate brokers in this small town for the sole purpose of creating panic in that area, for the sole purpose of like vultures to destroy an integrated community to make the profits from the panic of the people in that area selling the real estate now. It wasn't the city council that initiated this license fee; it was the real estate...the reputable real estate brokers that lived and worked in the city of Harvey, that asked the city council to do something to prevent these vultures from coming in and destroying the community, their only recourse because there were no state laws that they could turn to, and no municipal ordinances that they could turn to, was to enact the stiff licensing fees. It's true it may be unconstitutional, but maybe in the vein that these fees were charged, it may be held constitutional. It was done in the vein to protect the community from being destroyed, and I think this should be brought out to reason for this licensing.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. Senator Gilbert told me about two weeks ago of a famous speech that was made by Prime Minister of Israeli who said that his comments to the House of Commons might change some opinions but would never change a vote; and I think we're probably in that kind of position this moment. A million, a hundred twenty-two thousand people approved the new Constitution. A substantial number of those votes came from the city of Chicago which,

I'm sure you all know, has a population of over three million people. I made, I personally made some twenty-five or thirty speeches on behalf of the adoption of the new Constitution. And whether the strong issues that I discussed and talked about to the people that I was trying to get to vote for the new Constitution was that the city of Chicago would get home rule, and that some three million people who contribute substantially to the revenue of this state would have an opportunity to regulate and govern itself. Now capriciously and arbitrarily the vote of a million a hundred twenty-two thousand people is sought to be removed, and completely disregarded, and held for naught. I don't think that's cricket, and I think that we're going to do that, and I'm hopeful that it will not be done, that if it is done, then the people of Illinois, including the people of Chicago, have been sold a cat in the bag. And that it never was the intention of the people who constructed this Constitution to give the cities and villages over twenty-five thousand the right to govern themselves by the home rule inclusion. And so I think it's only fair and equitable and legal that when we adopted this new Constitution that we meant what we said, that the framers of the new Constitution meant what they said. And they said to give home rule to cities and villages of over twenty-five thousand. Now that is all we're asking here is to retain that provision, and not to take it away arbitrarily and capriciously as the attempt is being made to be done by this bill. And I would recommend to every member of this Senate, my distinguished colleagues, to vote to support the amendment that's being proposed by our distinguished President Pro Tempore. And I think by taking this bill out of the Executive Committee and have it heard without even a committee hearing, so that the people of Illinois could send their representatives down here. All of the civic organi-

zations and all of the people who are interested in the welfare of the cities and villages of this state have an opportunity to come in before our committee and testify as to the validity and merits of the proposed legislation. I think that was wrong, and I think the consideration of this bill without Senator Partee's amendment is wrong. So I would urge respectively all the members of the Senate to carefully consider the resolution and the amendment of Senator Partee and adopt it.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

I also urge, ah, Mr. President and gentlemen, the adoption of the amendment. I want to tell you too that I have received many calls from many of the professions involved in this bill. And I have told them earnestly that I appreciate their call, I appreciate their letter writing, but I have worked too long and too hard, as many of us have, to secure home rule, and I am not apt to give it up lightly under these conditions. I urge you to support the amendment.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, members of the Senate. I am not a constitutional authority. I beg to differ for a moment with my colleague, Senator Lyons. I'm looking at the Constitution, Article 7, Section 6, Powers of Home Rule Units...which states the General Assembly by a law approved by the vote of three-fifths of the members elected in each house may deny or limit the power to tax and any other power of function of the home rule unit not exercised or performed

by the State. It would be my opinion, based upon that, that perhaps you will need more than a simple majority. I would suggest that they examine this section of the Constitution to determine whether or not it shall meet the necessary three-fifths.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President, members of the Senate. This legislation is not only unfortunate, in my judgment it constitutes a gross misrepresentation. Various professional groups around this state have been stirred up for political purposes with threats, and suggestions, that if this legislation is not passed that these professions are going to be licensed, regulated, and taxed by every municipality in this state which qualifies as a home-rule unit. That is simply not the case. I have been contacted personally by many members of these professions; and when we discussed the facts the support for these bills waned; and I think it's important that the facts come out. There will be no revenue raising scheme involved here. The Constitution clearly prohibits that. Other than the one isolated instance in Harvey, Illinois, which I think is perfectly explicable, and, in fact, what was done there is not permissible, there is no example of the abuse of these powers by any home rule unit. And to take them away at this point when the people of the state of Illinois have recently spoken, I think would be tragic. Let me just mention a couple of questions that I see here as to the impact of this legislation. Several points have been made already with respect to fair housing laws and anti-block busting legislation and ordinances and so on that exist in municipalities. But let me ask you this. Would this act

invalidate local zoning ordinances insofar as they might effect or regulate one of the named professions or businesses in this bill. I think they would. Would this legislation invalidate local building codes if those building codes affected one of the named professions. I mention specifically nursing homes. Would the very comprehensive ordinances adopted in Chicago and elsewhere to regulate nursing homes and provide protection for the elderly be invalidated under this statute? I think those ordinances would be invalid, and certainly we should not be put in the position of sweeping away these carefully thought out and very important regulations on a local level. Would traffic ordinances be invalid if they interfered in any way with the operation with a named profession? Would other criminal statutes be invalid? For example, municipal ordinances dealing with fraudulent selling or with other fraudulent conduct? I think so. Would municipal consumer protection ordinances be invalid if they applied to the beauty operators or any other named profession or business listed in this bill? I think they clearly would. If this is what we intend by this legislation, then I think we are making the most sweeping change made in Illinois government in the history of this state; and certainly I do not want to participate in it. Another example, and I could go on and on and on with every area of municipal regulation, gun control ordinances. Would those ordinances be effected insofar as detective agencies which are named in this bill. I think the examples are legend that can be cited to show how ill advised this legislation is. It's an attempt to gain pure political advantage, and I suggest it be defeated.

PRESIDENT:

Senator Nihill.

SENATOR NIHILL;

Ah, Mr. President, Senators. First of all, I'd like to get a little attention from this Senate here. Have the Senators be seated. First of all, I support this amendment of our leader, Senator Partee. We have a great Health Department in the City of Chicago, police, firemen, housing inspection. The great people of this state voted for this...

PRESIDENT:

Just, let's have some order.

SENATOR NIHILL:

We voted on this...the people of the State of Illinois when we had the Constitutional Convention. If we're not going to abide by what the people want, their wishes, I don't know why we can come down here and tear this apart. I think this is one of the most ridiculous things that could ever happen here. Where a few Senators can take away everything that was done in the Convention. Now some of you gentlemen on the other side, your home rule where you live, and if this ever breaks through you'll have to face it. I never get up here and talk very often, but when you're taking home rule away from the people in the State of Illinois it is a drastic thing. You got your health department which is good. When a few Senators come down here and they want to take this away, this bill 3636...I hope every man on our side gets up here and talks today regarding this. This is a ridiculous bill and without the amendments I don't know where we are going to go, and I vote for the amendment.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I wonder if Senator Hynes is still here. Well Senator Hynes isn't here, but on the amendment I hadn't planned on

asking any questions because I did not have the annotated statutes in front of me with reference to...Oh, Senator Hynes, I wonder if you would mind yielding to a question or two? The question that I have relates to your assertion and you, of course, are a professor of law. You raised the question, did you not, that if the State of Illinois took away all of the regulatory powers, say of the City of Decatur, that that may...

PRESIDENT:

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

SENATOR BERNING:

Mr. President, members of the body. I respectfully direct this inquiry...are we not considering the amendment only and not the body of the bill itself?

PRESIDENT:

That is correct.

SENATOR BERNING:

Well, Mr. President and members of the Senate, I respectfully suggest that there is nothing that anybody on that side or this side can say that is going to make any difference in what we do. The only thing that you on that side are successfully doing is filibustering and I...

PRESIDENT:

What is your point of order Senator Cherry?

SENATOR CHERRY:

Senator Berning has said there isn't anything that any member of this body can say to make anybody change their vote, and I think that's contrary to our rules. Every member has a right to speak on the issue, and that is precisely what Senator McCarthy's doing.

PRESIDENT:

Well that's not exactly a point of order and nor is Senator Berning's, and unless Senator McCarthy should confine himself to the amendment, and if that is the point of order, the Senator will confine himself to the amendment.

SENATOR MCCARTHY:

Well, I'm quite familiar with that rule. I don't think anyone suggested before I even got my first question on the item of regulation propounded to a professor of a law school that you have the powers of the occult to divine what my question is, but if after I propound the question, Senator Berning, you think it has nothing to do with the question of regulation, then I'm sure the Chair will entertain that point of order. Now, may I proceed with the question?

PRESIDENT:

You may proceed, Senator.

SENATOR MCCARTHY:

All right; thank you very much. Now, Senator Hynes, you raised an interesting point here, that if the power to regulate is denied the City of Decatur on these enumerated licensed groups, that the question of local zoning ordinances and their inapplication may be not applied uniformly throughout the home rule unit. Now, my specific question on that point...do you remember the point you raised? My specific question on that point is this: Real estate people sometimes do business in a real estate office. It so happens I live in Decatur in an area that's zoned for residential only. In your opinion, if all of the powers to regulate the business of real estate are taken away from the city and vested in the State, and the State does not enact a zoning ordinance for the whole State, then what's to prohibit a real estate company from building a building and conducting

a business next to my house?

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

I have...Senator, I have grave fear there wouldn't be anything to prohibit it because, I think, that any attempt by a municipality to do so would be regulation of that business; and if a municipality attempts to regulate a business or profession that's mentioned, and the real estate profession is mentioned, they are...they would be in contradiction of the language of the statute which prohibits regulation.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I presume that if I propounded to you a question about, ah, the height of a building where there is a local ordinance that limits the height of a building, and an architect...say, like on the approaches to an airport...say there is zoning on approaches to the airport where heights of buildings are limited by virtue of home rule unit height limitation ordinances. And an architect who would be exempt under this Act, would he, if he build a building higher than that which was prohibited by the appropriate local height limitation ordinance, be immune from a charge of violation unless the State of Illinois did, in fact, go in and substitute such a proper height of building ordinance?

PRESIDING OFFICER: (Senator Bruce)

Senator Hynes.

SENATOR HYNES:

I think, in those circumstances, the sole remedy of the municipality would be against the property owner. There

would be no means of enforcing these ordinances with respect to the architect. And the owner, unfortunately, is not in a position that the architect is, so that I think a problem would arise there, also.

PRESIDING OFFICER: (Senator Bruce)

Senator McCarthy.

SENATOR MCCARTHY:

Then, on the amendment, Senator Berning, I can ask a couple of more questions just rhetorically. Suppose we have a doctor who wishes to go to St. Mary's Hospital in Decatur and he uses the city street. There's a city street ordinance in the Decatur that regulates the speed in residential areas at 30 miles per hour. This doctor gets a call from his exchange to go out to St. Mary's Hospital and he violates that city ordinance, 45 or 50 miles, and he is charged with violating it, he can assert as a defense, that he was engaged in the practice of medicine, and thereby was immune from prosecution. That's a question...that's a possible defense that can be interposed. We can go on and on about how real estate salesmen...there's a local ordinance against...there's a local ordinance against...well, I'm not going to use real estate salesmen, I'm going to...yes, real estate salesmen, that there is a local ordinance against disorderly conduct and disturbing the peace. Disturbing the peace, Mr. President, and an insurance salesman begins a door-to-door solicitation at 2 o'clock in the morning. He disturbs the peace in the neighborhood; he's charged with violation of a local ordinance, which is a regulatory power; and he claims immunity because the city or the home rule unit has no power to regulate him in the conduct of his insurance business. The questions could go on and on. You can even get into all sorts of situations but the essential question

Mr. President, is that the term regulation, which is attempted to be removed by this amendment, is an extremely dangerous term to leave in the bill. The amendment, in the interest of maintaining a system of law and order which everybody, I believe, is for equal law enforcement, no immunities, that this amendment should be adopted.

PRESIDING OFFICER: (Senator Bruce)

Senator McCarthy, have you concluded? Senator Rock.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. Speaking to the amendment...excuse me, speaking to the amendment by which we are attempting to strike the word regulate, I wonder if Senator Lyons, who is the erstwhile Vice President of Con-Con, would answer a question or two?

PRESIDING OFFICER: (Senator Bruce)

Senator Lyons. Senator Rock would like to ask you a question. Will you yield?

SENATOR ROCK?

I'm wondering, Senator, we're concerned pretty much with Section 6, which is headed: Powers of a Home Rule Unit. And if I might for a moment, I'll just read part of Section a. It says: A county which has a chief executive officer elected by the electors of the county...Can you tell me, sir, how many home rule unit counties there are?

PRESIDING OFFICER: (Senator Bruce)

Senator Lyons.

SENATOR LYONS:

At the moment, Senator Rock, there is only one county in the State of Illinois which has an elected chief executive officer. That is to say an elected chief executive officer, elected by the people, that's the County of Cook.

PRESIDING OFFICER: (Senator Bruce)

Senator Rock.

SENATOR ROCK:

Now, this section goes on to say: and any municipality which has a population of more than 25,000...and those two are defined as home rule units. I'm wondering, sir, why the Constitutional Convention did not, in its wisdom, limit or define a municipality or circumscribe the definition of municipality to include only those municipalities that have a population of, say, 1,000,000 or more.

PRESIDING OFFICER: (Senator Bruce)

Senator Lyons.

SENATOR LYONS:

Well, the answer to that, Senator Rock, is this. Originally, the home rule article provided that all municipal... all municipalities would have the home rule powers. This evoked some intense reaction in some areas, so the grant of home rule powers was then restricted to certain communities... which had a higher population than a certain threshold figure which I don't remember...I think it was about 100,000. When that happened, many municipalities were heard from which expressed a desire to be granted the home rule powers, so that the figure, 25,000 was ultimately fastened upon by the Convention as a reasonable figure at which to point...to peg the grant of self-executing home rule power. I should point this out. Any county in the state can get home rule powers by choosing to go to a form of government which elects the chief executive officer. That's as it applies to counties. Any municipal...any municipality...any city, town or village which has a population...no matter what the population, if it's under 25,000, can get home rule powers by voting affirmatively in a referendum on the question. The communities over 25,000 have an automatic grant of home

rule powers. The ones under 25,000 can get it simply by saying, in a referendum they want it. Those over 25,000 which have the automatic grant can divest themselves of the home rule powers any time they want simply by voting to do so at a referendum.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Well, then, just to pursue that for another moment, there is listed in the Handbook of Illinois Government which is furnished to each of us by the Secretary of State, some statistical information. And one of the items listed there says that incorporated municipalities, there are 1165 of those. Now, under this Constitution, we could then have 1165 home rule units. Is that correct?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, that would be so if all 1165 of them called a referendum and voted to take...to get the home rule powers, but under the self-executing provisions of this Constitution, at the moment there are only 58 communities that have a population in excess of 25,000. The 1165...of the 1165, all but 58 do not have home rule powers and would have to hold a referendum and vote affirmatively on the question of whether or not they would get the home rule powers. They can do that under the provisions of the new Constitution.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

The point I'm making and I thank the good Senator and a former Con-Con delegate for his answers, the point happens to be that the definition of a home rule municipality

could well have circumscribed only the City of Chicago, but, in fact, there were some 58 other municipalities who, in fact, wanted these types of powers. And it seems to me that if, in fact, we do not adopt this amendment, we are doing a great disservice to the municipalities of the State of Illinois, not only the City of Chicago, of the whole entire State.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Well, Mr. President, just as a point of inquiry...maybe I can't read this but as I understand this, aren't we addressing ourselves to this amendment?

PRESIDENT:

That is correct.

SENATOR MERRITT:

It seems like, to me, that all the debate has been on something different than this amendment. It looks like to me if what you're doing is taking out the regulating powers and adding in the licensing. I'd just like to know if that is correct. Is that what this amendment does?

PRESIDENT:

Senator Lyons, do you care to respond to Senator Merritt?

SENATOR LYONS:

If I could hear the question? Senator Partee offered the amendment. I don't see him at the moment, but I'll try to answer the question. Oh, here he is.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

...and if that be the case, all the debate I've heard is on the home rule powers.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

The amendment addresses itself to the concept of the bill. And to intelligently discuss the amendment, there will naturally be references to how the amendment affects the bill and the concept involved.

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

...inquiry. Over the past 25 years, I've been through many of these filibusters, and we are now faced with a real donnybrook of a filibuster; and I'm just wondering if Mayor Daley is willing to send down some cots and some fried chicken so we can have a little bit to eat because this is clearly his filibuster. And I think the people ought to know that we're filibustering in order to help Mayor Daley, and I'd like to inquire if you have sent for cots, as we used to do in the old days, and something to eat because some of us are hungry and sleepy.

PRESIDENT:

Senator Rock. What is your point of order.

SENATOR ROCK:

Well, I will say it's a point of personal privilege. Now, I just spent the best part of 10 minutes explaining to the good Senators, and I'm sorry Senator Horsley wasn't listening, that there are some 58 municipalities involved in this amendment, and if you're going to take the power to regulate for the health and safety of the people away, you should know that this does not apply to the City of Chicago.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, based upon the remarks of Senator Horsley, I'm not very familiar with anything known as a filibuster, and if that's what's coming off, I'm hungry, and I've missed my supper and my doctor is going to be angry, so I move that we adjourn. We've now reached the hour of 7:15, and I thought we got an understanding the other day that probably we're going to treat ourselves, at least decently and like human beings, so I move that we adjourn until 10 o'clock tomorrow morning.

PRESIDENT:

Motion to adjourn until 10:00 in the morning. The... it is not debatable. The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Is it permissible to explain my vote, Mr. President.

PRESIDENT:

It is.

SENATOR CLARKE:

Well, Mr. President, it's always a matter of whose ox is being gored, as we say, and we had a filibuster a couple of days ago on that side of the aisle. And we tried to resolve that so that we could get down to important business and what have we had...what have we had...we've had bills from postponed consideration that have been beaten before, and they got beaten again, and we have had all sorts of garbage. Now, we feel this is an important issue. We felt that was an important issue, but if the other side wants to filibuster

this session to an end, in order to protect Chicago, then they are going to have to bear the responsibility, and we certainly ought to vote no.

SECRETARY:

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

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

In explaining my vote, I'd simply like to say that Senator Clarke's description of bills that have been on postponed consideration, that have been threshed out before, that are garbage and so on and so forth, is perfectly apt for the legislation we're considering now. I vote aye.

SECRETARY:

...Johns, Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I didn't make this motion as something frivolous. I've explained to this body and Senator Chew has explained to this body, we can never gain any respect if we mistreat ourselves. If we don't appreciate and respect ourselves, nobody else is going to. I said, the other day here, that we treat ourselves worse than anyone. We don't take decent meal breaks; we can't get decent food here in the restaurant; we don't get decent hours sleep. Some of us have medical problems, and this bill just doesn't warrant it...it just doesn't warrant it...It's been up 4 or 5 times and if we're being held here as supposedly political hostages for blackmail of some kind, when there's 58 communities, including the Illinois Municipal League, who sup-

ported home rule which can't hardly...which can't hardly be considered an arm of the Democratic party. And 57 of those communities are downstate. I intend, and I said this before, and I went through it in the Constitutional Convention, when the time comes to adjourn, I'm going to keep renewing this motion. We can keep having roll calls. We can go on and raise hell here until midnight, but I'm going to renew the motion every five minutes. I vote aye.

SECRETARY:

...Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

When Senator Harris said that the hour had passed three, and he wanted to call the bill, it was substantially later than that. I'd counted the votes, too, and I'm sure that he was withholding it until someone got back here who he was counting on to support it. Well, I don't know why it wasn't called earlier but we were here. The only reason why I'm going to vote to adjourn is because the leadership on the other side and the leadership on this side are scheduled to be at a meeting...a conference committee on a very important subject at 7:30 this evening. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Very briefly...I think we ought to settle in our own

minds once and for all, when you talk about licensing, you're also talking about revenue. My figures suggest that the City of Chicago alone gets \$8,000,000 as license fees from its retailers. And anybody on that side tells me it spends \$8,000,000 to regulate it, I'm gonna give him the Baron Minch- ausen award for 1971. To go a little farther, why I don't believe we should adjourn.

PRESIDENT:

What is your point of order?

SENATOR KNUPPEL:

That has nothing to do with adjournment.

PRESIDENT:

The Senator will confine himself to the adjournment resolution.

SENATOR SOURS:

Mr. President and Senators, I think we've heard enough from the Petersburg flash today but I would like to make this comment.

PRESIDENT:

For what purpose does Senator Knuppel arise.

SENATOR KNUPPEL:

A point of order. My speed on the track has nothing at all to do with the adjournment resolution.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I don't think we should adjourn, and I'm going to vote against this motion because I would like to know, before we adjourn, how much a tavern owner, for example, has to pay off to receive a liquor license. I'm not done yet.

PRESIDENT:

The point...the Senator will confine himself to the

adjournment resolution.

SENATOR SOURS:

I do not want to support this motion, Mr. President, because I'd like to know how much a property owner has to pay his alderman to get a building permit to put a driveway in. That isn't all.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

All of these innuendos, insinuations, and unbuttressed statements are absolutely out of order on this roll call which is simply an adjournment motion.

PRESIDENT:

The Senator has a minute and a half to speak yet. He will confine himself to the adjournment resolution.

SENATOR SOURS:

I'm going to vote no on this resolution because I'd like to know also what a building owner is required by the Chicago Building Department to put in a fire escape.

PRESIDENT:

Senator Sours will confine himself to the motion... that is...

SENATOR SOURS:

Mr. President, the worthies on the other side know exactly what I am talking about. If lightning were to strike here... if lightning were to strike here, I can assure you, Senator Lockjaw, you couldn't be missed. I vote no.

PRESIDENT:

The Senator is out of order. The Senator is out of order. Continue with the roll call.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I don't believe I am recorded as having voted. I would like to explain my vote. The Pro Tem said a moment ago that his reason for voting was that an important meeting of leadership had been called for 7:30, and I checked the records and it's my impression that I am still a part of the leadership. I know nothing of such meeting. I would most humbly inquire when I am going to be privileged to be notified of this leadership meeting which is to occur in two minutes.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, I didn't know what time the meeting was going to be and I asked my Secretary to call the Speaker of the House, and he told me that it was going to be at 7:30, and I suppose if you had made the same inquiry you would have gotten the same information. I assume that the rapport that exists between you had indicated that...I just assumed that he had already told you, otherwise I would have.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

What is the meeting, and where is it?

SENATOR PARTEE:

It's the ethics meeting, in M-1.

SENATOR COULSON:

For the ethics committee...is the ethics board meeting as a board to consider some case? Is that the point why...

SENATOR PARTEE:

No, it's a conference committee on the ethics legislation...

on 3700.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Well, which group is this?

PRESIDENT:

Senator Coulson...Senator Partee.

SENATOR PARTEE:

From your side it's Senator Clarke and Senator Harris. Your being at lunch with us today just caused me to think momentarily that you were on it, but it's Senator Harris and Senator Clarke who are actual members of the committee. No, it's Coulson and Harris...I'm sorry. You know, they all look alike.

PRESIDENT:

Senator Walker...Senator Walker.

SENATOR WALKER:

Mr. President, and members of the Senate, about this same time yesterday the Senator from the other side of the aisle...I'm gonna have this rule down by heart. Number 34, he's about to violate it again. I called the Chair's attention to it. He wants to speak twice on the same subject. Oh well... what the hell.

PRESIDENT:

The point of order is not included in that, but the rule will be enforced.. Senator Partee.

SENATOR PARTEE:

On the wall in my office is a sign which says I admit. I made a mistake as being the six most important words in the English language, and I think, sir, I have made one and I want to correct it. Just seconds ago my Secretary called and said: Are you going to the Board of Ethics meeting at

7:30? I said; No, you told me that it was the conference committee. She said: Well, I made a mistake. So in making a mistake I have made a mistake in telling you that that was where I was going. So I wanted to let you know.

PRESIDENT:

For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

Personal privilege. Yes, certainly...

PRESIDENT:

The Senator...here...hand me those.

SENATOR KNUPPEL:

I...I have a personal privilege...personal privilege.

PRESIDENT:

The Senator is recognized.

SENATOR KNUPPEL:

I thought I distinctly heard Senator Sours say something about Senator Lockjaw. Now Senator Lockjaw is my horse, and I resent him saying something like that about my horse.

PRESIDENT:

It's...Let's all of us...yes...all of us use some charity if we can. On that question, the yeas are 25, the nays are 27. The motion to adjourn does not prevail. For what purpose does Senator Mohr arise?

SENATOR MOHR:

Well, Mr. President I have been quite patient here all day I think. I have been on the preferred list since three o'clock, and I was supposed to be about number four at that time. I think there was about forty bills that have been heard since that time and I just wonder if I might go out of the order, whatever the order might be, and have House Bill 3600 called. It would take five minutes and...

PRESIDENT:

This is up to the leadership on both sides...the...

Senator Partee.

SENATOR PARTEE:

Yes, I would agree. I have felt just a little personally piqued because he hadn't gotten a chance to, and I don't know what happened, but I have no objection.

PRESIDENT:

Is there objection? I gather that there is objection.
Senator Mohr...Senator Mohr.

SENATOR MOHR:

I would like to know then what the order of the bills are that we are going to hear because I think we are entitled to that Mr. President. Like I said, I have been sitting here quietly listening to the same people time after time, all day long, and I have been told that my bill would be heard. And I have been told that from both sides of the aisle. Now, I have been patient, and if you can tell me about what time I can expect to have it called or what number I am in, I think that I am probably ahead of Senator Knuepfer, my good friend from DuPage. I have sat and listened to him quite a bit today. All I am asking for is five minutes and I would like some idea when I might be able to expect that.

PRESIDENT:

Well, just a moment. The Chair has a list that is provided by leaders on both sides. From time to time the leadership on both sides tells me to call another bill prior to the one that's on the list, and I rotate from one side of the aisle to the other side in calling the bills. And if you come up here you can see the arrows...It's true, you were number four and there have been at least a dozen bills called ahead of yours. Senator Lyons.

SENATOR LYONS:

Mr. President, several hours ago when I was temporarily in the Chair, Senator Mohr came up to me and asked me where House Bill 3600 stood in the lineup of bills. I said that it was on both lists...that it was number four on the list tendered by the Republican leadership, and that I thought it would be reached in a very few minutes. Now, I said that because I thought that was what was going to happen. It has not happened, and I would like to make an inquiry of the Chair to this effect: I would like to know what it is that Senator Mohr has to do in order to get...if he wants to do...in order to get House Bill 3600 called right now, because if he does, I'll support him in that effort.

PRESIDENT:

It takes a majority vote of those present to move out of the order of regular business. Senator Harris.

SENATOR HARRIS:

Mr. President, you would have to be on...you would have to recognize the person for that motion, and I would just say to you Mr. President, that yesterday this bill was on third reading, and we got into a discussion about whether we would talk about this whole series, and would I agree to bring them back because of amendment that the other side wanted, and I agreed to that. And I agreed when we got to... and there was recognition by the President Pro Tem to proceed to 3636, and the amendments and the discussion, and much of the time has been contributed to this discussion on this amendment by Senator Lyons. And the matter before us on second reading is 3636. I don't know that any person can be recognized except to discuss the amendment that is before the Senate, and that's the issue before us except, of course, a motion that takes precedence that you have recognized. But the order of business that we are on is second reading,

and I assume it's amendment number one, offered by Senator Partee.

PRESIDENT:

Yes, this is correct. At the same time, any Senator may at any time move for the majority of those present to go out of the regular order of business for this purpose, or to proceed from one order of business to the other; but the matter before the body right now is amendment number one to House Bill 3636. Senator Egan is recognized.

SENATOR EGAN:

Mr. President and members of the Senate, now that we have returned to the calm deliberations of the matter at hand, I would like to address myself to this fact. I am from Chicago, and I have heard tonight that this amendment affects, as the bill does, only...this amendment affects only the city of Chicago. There is in the booklet passed out by the Secretary of State, a list of statistics, one of which shows as has been previously pointed out, that there are in the State of Illinois, 1165 incorporated municipalities. To those of you today who think that this amendment applies only to Chicago, I address this fact to you...that 1165 municipalities today have regulatory powers. This amendment affects all of them...not just Chicago.

PRESIDENT:

Is...For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

Mr. President, we have been here twenty minutes now since I made my last motion to adjourn, and I am much hungrier than I was and much more ill. I move that we adjourn until ten o'clock tomorrow morning.

PRESIDENT:

Well, the Chair is going to rule that we have voted on

that motion just recently, and from time to time I am willing to recognize that motion, but I think we have just recently disposed of it.

SENATOR KNUFFEL:

Then I appeal your decision.

PRESIDENT:

No. There has been no intervening business and the Chair will not recognize that motion at this time. You...is there further...It's good to have support from the former speaker. I appreciate that. The...Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate. I'd like to ask Senator Clarke a question. Senator Clarke, while we're on this question of home rule and the new Constitution, could you tell me how much money you asked for. When I say you, I don't mean you personally, but you were the sponsor of those bills, and I was the opponent of all those bills and the opponent of calling the Constitutional Convention, and an opponent of having a new Constitution. What was your initial request for money?

PRESIDENT:

What...to whom...Senator Groen.

SENATOR GROEN:

Mr. President, on a point of personal privilege. The hour is late, minds are frayed, they're tired. We've got work to do. If we're going to do it, we should address ourselves toward that end. I have repeatedly, and I would again renew to you, Mr. President, and to the President Pro Tempore, the rules under which we operate are completely inadequate to conduct the business of this body in a deliberative manner with demeanor, with purpose that the people of this State have a right to expect. Now, if we're going to proceed in

an orderly manner to attend to the business for which we are here, then we should stay; but if we are going to continue this frivolity and this gaiety, then we do a disservice to the people of this State. We do a...

PRESIDENT:

Senator Groen has the floor.

SENATOR GROEN:

And we do a disservice to ourselves and the reputation of this Body. It seems to me that we should make a choice. We should proceed and do the job we're here to do, or we should adjourn until tomorrow morning. Again, I would implore both the Chair and the President Pro Tempore, as I have repeatedly done, to appoint a special committee of this body to study and to revise the rules of this body that we may prevent episodes such as this. Thank you.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President. This has nothing to do with the bill, but I back Senator Groen all the way with his suggestion because we discussed that earlier today, and I'm certainly in favor of his position. We heard nothing, somebody said garbage today, and how true it was. Bills that were on third reading, postponed consideration, hashed and rehashed; and I don't know why they called this Legislature into session and held them here all day just to hear these matters when there were real important major issues that are facing the Legislature. But to get back to my initial question, Senator Clarke, I'm leading up to something and it has to do with the amendment, Senator Horsley, when I asked Senator Clarke what the initial request was for money to call a Constitutional Convention.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Twelve million.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Did you say twelve million? And how much additional appropriations, deficit appropriations were we called upon after that initial outlay and expenditure?

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I think this is out of order.

PRESIDENT:

The Chair...I'm not sure what direction Senator Neistein is going. Senator Neistein.

SENATOR NEISTEIN:

I'll tell you the direction I'm going. Number 1, I oppose the Constitutional Convention; and I opposed spending all that money; and I warned at the time that what was asked in the initial appropriation was only a drop in the bucket. That we'd be back to give more and more millions. Now, my point and the direction I'm going, Mr. President, you're not following my direction, Mr. President. Thank you for looking my way.

PRESIDENT:

Someone...

SENATOR NEISTEIN:

The direction I'm going now...the direction I'm going...

PRESIDENT:

Proceed Senator, I'm listening to you.

SENATOR NEISTEIN;

There's so much noise on this side. I can't hear anything. I can't...The direction I'm going is this, Mr. President; that if we paid and spent 12 or 20 million dollars or whatever it came to to call a Constitutional Convention, and then to have the Constitution ratified by the people, then we're derelict in our duty if we want to abrogate the work we've spent all the money for, and if the Constitutional Convention came out and the Constitution that was a product of the Convention and which was approved by the people by referendum; and if we're going to abrogate their work and now a short time after the Constitution is adopted, if we're going to change the terms of the Constitution relating to home rule, we're doing a disservice to the people of the State. We're throwing out all the millions of dollars when there's people who are poor, that are starving and haven't got jobs; when the students are going to be charged tuition and higher tuition; and I think we should abide by the decision of the referendum and the money that we spent to call this Constitutional Convention. And, Senator Clarke, you were the moving Senator in that direction. I compliment you for your tenacity in getting all those bills through and spending all that money. I think we should avail ourselves of the product through your great efforts, Herculean efforts, to get the Constitution passed. Let's abide by what the Constitution says, namely, home rule for, at present, 58 cities in the State of Illinois.

PRESIDENT:

Is there further discussion? Senator Partee may close the debate. For that...motion is out of order, Senator Knuppel. There has not been intervening business. Senator Partee is recognized to close the debate.

SENATOR PARTEE:

Unless Senator Harris wanted to speak... We've got ourselves into sort of a tizzy, but for me this is a very important issue. Many references have been made here today about the Mayor of one of the finest cities in the world, and about his interest in the bill. I would point out that he is interested, I am sure, as a Mayor of a home rule unit, and he is a member of the Municipal League Board, the Illinois Municipal League Board of Directors. He is one of 38 members. Chicago has 1 vote on that Board. The vote of the Illinois Municipal League Board of Directors was unanimous in opposition to this bill. There were 58 municipalities, 57 other than Chicago, which will be deprived of basic home rule powers; who will be deprived of the police power that they have always possessed and enjoyed in the interest of protecting the health, the welfare, the morals of the persons who reside within the confines of those municipalities. In this city, Springfield, Illinois, had it not been for the police power of this city, hundreds of people who were working for a State facility would have had their health and lives endangered if we were depending only on the State of Illinois. Senator Knuppel made the point that at the Leland Hotel the other day, Commissioner Knox came in and had the judgment to protect the health and welfare and safety of the people in Springfield who were employed there under hazardous and ruinous conditions. This wasn't some outside entity which had taken over the Leland Hotel; this was no commercial enterprise that had taken over the Leland Hotel; this was no business engagement that had taken over the Leland Hotel. This was a branch of the Illinois government, a State agency, if you please, the Illinois Commerce Commission. You talk about the State preempting the rights of the city, and here is a State agency endangering the lives and welfare and well being of persons who are employed by a State agency, working almost within the shadow of the

Capitol. And you would take away from the City of Springfield the right to protect its citizens. It's unbelievable; it's unthinkable to take away the basic rights which a city has to protect and shelter those persons who reside in it. There's this conversation about harassment; there's this conversation about shakedowns; there's this conversation about a city wanting to use these powers for some scurrilous or nefarious purposes. You can say things like that all day long. I suppose it goes over very well in a political meeting when there's no one there to challenge it, but I've noticed time and time again that when these statements are made, they are general accusations, innuendos, and basically gossip. I hear no statements which would show the truth of those remarks. If this is so true, if this is so widespread, give some examples. Tell about some things that have in fact been recorded. It just simply isn't so, and when I stand here, I stand here not only for the people who reside in Chicago, but to be protective of the people in the municipalities and home rule units in this State powers they have had and enjoyed for many, many years. It gives it to a central agency, the State, who has already shown us in Springfield just last week their lack of concern. Government closest to the people is that government which governs best and any home rule unit where people see everyday the persons who are in charge of the operation of that city, who are in charge of its fire laws, who are in charge of its health laws, who are in charge of its building laws. When people see them everyday, they are naturally more responsive to those people than some bureaucracy way down in Springfield. There are people who live in hamlets, in towns, in villages and cities in this State who have never been to Springfield; who have never seen the second floor; who have never seen

this building in which we now seek to return to the people the likes that they had prior to the 1970 Constitution. If you came here and said, "Here are many, many documented cases of abuse, of foulness, of ribald action," then I would say to you, "Gentlemen, you have made a case." I would say to you that perhaps it is in the best interest of all of the people of this State that the State move into this area and preempt this licensing and regulation power, but no case has been made. All that has been done is to speculate as to what might happen; all that has been done is to say is that it is possible that they are going to do this, that they are going to do that. Let me say to you who say to me that I have had letter after letter from the engineers, and from the doctors, and from the nurses, and from all of these trades and professions, that we must do this because this might happen; that I personally, and I hope you will excuse the personal reference, have one of the greatest lobbyist in the world who asked me about this bill everytime she sees me; and she's at my home quite often, she is the sister of my wife. And she is a nurse, and everytime I walk into that house from here which isn't very often these days, she seems to know when I'm coming home and she seems to be there and she says to me, "What about those preemption bills?" And I have explained to her over and over again that municipalities do not desire to give up their home rule, but that if the day arrives when municipalities abuse that home rule privilege, when municipalities use that home rule privilege to the distress of its citizens, that the Constitution then guarantees the State the right to move in and protect the citizens who live in those municipalities. This is a good amendment; this is a sound amendment. I have not heard one iota, or one word of contradiction of the points

we've made in terms of not permitting the States to regulate in this instance. It has become an emotional issue here; it has become an issue where people are reacting to organized groups to the distress of people who are not organized, yet until they find out what you have done to them; until they find out that hair can stand on a barber floor six feet deep, and the Mayor or the head of that local government unit must stand idly by until the State comes in to do something about it. You've not heard from the people of Springfield until they find out that if you pass this bill without this amendment that Joe Knox could not have gone over to the Leland Hotel the other day and sent those people home from work.

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I arise on a point of personal privilege.

SENATOR PARTEE:

Can your point of personal privilege wait until I finish, sir?

PRESIDENT:

The point of personal privilege cannot interrupt a member who is speaking. Senator Partee will continue.

SENATOR HORSLEY:

I think that I have the right to interrupt something that...

PRESIDENT:

Senator, Senator Partee may continue.

SENATOR PARTEE:

For many years I believed that people, all people, should have an equal opportunity for housing and introduced in this Legislature on many occasions, bills which would have guaranteed, in my view, a more equal opportunity for housing

for all people. None of those bills ever passed at the State level, but in the intervening period, several things happened. We got a decision from the Supreme Court which was meaningful in that area. The Congress of the United States passed some legislation which was meaningful in that area. The Constitution of 1870, through the Constitutional Convention, passed some legislation which was meaningful in that area; but in the intervening period some 80 or 90 municipal units in this State passed fair housing ordinances and based on those fair housing ordinances, the...

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

Germanes of the amendment under consideration and I ask that he keep this...

PRESIDENT:

The Chair will rull that it is germane and the Senator may continue.

SENATOR PARTEE:

And under those fair housing ordinances, the city has the right to regulate the conduct of real estate brokers. We're not talking about licensing, we're talking about regulation at this moment; and if you pass this bill without this amendment, you are destroying the fair housing ordinance in my town and in 89 or 90 others. Maybe that's what you planned to do; maybe that's what you want to do. I know not; but that's just one example of hundreds of pieces of legislation on the books in municipal entities which has been passed to protect the health or the welfare or the morals of the people who reside in those entities. And this piece of legislation is entirely inimical to that purpose; this legislation kills it all; this legislation says to a city, "You can't regulate

it's now up to the State." Does the State fulfill all its obligations in regulation now. I think not. I can give you example after example of the failure of the State to do what it is already obligated to do; and here you would add other things all over the State for 58 municipalities. Where is the regulation going to come from? Who's going to pay for the regulation? Where is the money going to come from...

PRESIDENT:

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

SENATOR GROEN:

To inquire of the parliamentarian the amount of time still remaining still allotted to Senator Partee.

PRESIDENT:

He has two minutes remaining.

SENATOR GROEN:

Thank you.

PRESIDENT:

Senator Partee may continue.

SENATOR PARTEE:

The State wants more duties, huh? I can't believe that this State is asking for the duties of regulating 58 municipalities. The Governor says we're broke, we're going to be broke. The Bureau of the Budget says that we don't have the money to do the things we're now obligated to do. And you would add an additional burden, a horrendous burden, of regulating every single one of these areas of concentration in professions and trades to the State. I can't believe you intend to do it. If I must tell you the truth, I think that you don't even plan to regulate it. I think you plan to use it for political purposes. I think you plan to use it for patronage purposes. I think you plan to take the basic right of a city to control itself, a municipality to control

itself away from it, and that it is a rapacious, greedy grab to the distress of every citizen in this State.

PRESIDENT:

For what purpose does Senator Donnewald arise?

SENATOR DONNEWALD:

I move the previous question, Mr. President.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Donnewald.

SENATOR DONNEWALD:

Mr. President, I've been here, and my colleagues on this side of the aisle and on that side of the aisle have been here since 8 o'clock. The Republican party had a caucus at 8:30; it ended at 10:30. Many of us are tired; many of us are hungry. I do now, Mr. President, move that we adjourn until 10 o'clock tomorrow morning.

PRESIDENT:

That motion is in order. There has been intervening business. There was a motion for the previous question and the...for what purpose does Senator Harris arise?

SENATOR HARRIS:

Well Mr. President, I just point out that the rationale that you used in connection with your response to Senator Knuppel's motion was that there had not been intervening business because we were still on the amendment. And I suggest to you, Mr. President, that you recognized Senator Donnewald for putting the motion of the previous question which carried. Now the motion before us is the adoption of amendment number 1 to House Bill 3636. At the time Senator Partee offered that amendment I said to this body, and I invite your recollection, and I made the motion to

table but that I would withdraw it to permit every Senator the right to discussion. Now Mr. President, I recognize that the motion to adjourn is in order at any time except that your ruling on Senator Knuppel's motion should be applied to Senator Donnewald's motion because we are not in a different order of business than we were in, nor is there any additional activity that would meet a different opportunity for conclusion than when you ruled on Senator Knuppel's motion.

PRESIDENT:

The Chair would rule there has been intervening business. This is the requirement of the rules and the motion to adjourn is in order. For what purpose does Senator Groen arise?

SENATOR GROEN:

Mr. President, on a matter of parliamentary inquiry. It has always been the ruling for 20 years in this body that intervening business means final disposition of some matter whether it be...anything, it doesn't make any difference what it is, but a 15 minute speech by somebody never, never, in the 20 years that I have been here, ever constituted intervening business by the Chair and that includes the rulings of the President, President of the Senate.

PRESIDENT:

You, you are correct that a speech is not intervening business; however, a motion that is acted upon at any time is intervening business whatever the nature of the motion. There has been intervening business. The Secretary will call the roll on the motion to adjourn. For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

Point of personal privilege. Many of the members and many of the people in the gallery might think that this

is an object of futility, but I sort of got in a heated debate, took a walk across the rotunda and I'd like to report back that they are progressing very rapidly on a resolution that they are now arguing about ending the war in Ireland, so I think that may be we're down to some good business.

PRESIDENT:

For what purpose does Senator Knuepfer arise?

SENATOR KNUEPFER:

On a point of parliamentary inquiry. It seems to me that the decision was already made to call for the vote and that, Senator, when you asked Senator Partee to close the debate, there was no necessity whatsoever and the...actually Senator Donnewald's motion was totally out of order. That decision had already been made by this body. That motion was unnecessary.

PRESIDENT:

Well the motion was in order. The motion was adopted by the House. The motion to adjourn is in order. The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

As Senator Donnewald stated, we started working here at 8:30 this morning. That means we had to get up at 7:30 this morning in order to be here by 8:30. Last night, Mr. President, and yesterday afternoon there was no adjournment for lunch; there was no adjournment for dinner because we went right into Executive Committee meeting. Now it would seem to me that we are normal human beings and need our rest

and need our food; and while we serve the people in Illinois in whatever capacities we do, I don't think that we are called upon to destroy our physical beings because of an issue that is pending before this body. And it would seem to me, as Senator Chew stated yesterday, that being intelligent people and having served in this body for whatever length of time that we are entitled to have some dinner, and I think that every man in this body is entitled to have a few moments of meditation quietly over whatever kind of food that we want to partake, and it would seem to me, Mr. President, that we ought to support this motion. I've had men from the other side come over here, and heard the inquiry from both Senator Partee and myself and Senator Donnewald, when are we going to adjourn? Well we didn't see fit to adjourn because of this vital issue that's pending before the members of the Senate, but it would seem to me that we ought to act like rational human beings. I'm prepared to stay here for however long in order to come to a decision on this legislation that's pending; and so I'm going to support Senator Donnewald's motion to adjourn because I think that it is fair and equitable to the people and members of the Senate. I vote aye.

SECRETARY:

...Chew, Clarke...

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Well Mr. President and members of the Senate. Everything that's been said is true, but I think there are some more points that should be said. Senator Groen has made several speeches here suggesting we amend the rules. Now I would like to tell you about the rules because we had a

filibuster here a couple of days ago and the Rules Committee adjourned in the middle...we adjourned the session, recessed, the Rules Committee met and our decision was that if a filibuster is in effect in this body, there's only one person that can do something about it and that's the presiding officer. And we came out and we went on with that debate for about five more hours. And I would suggest that this ruling that you appear to be so fair in making does not hold any water in any precedent in this body or in the procedures that we are having. And that if we are going to adjourn this session in this kind of a filibuster from that side, you, Mr. President, are going to share the blame for participating as you have actively in arguing in two filibusters within 48 hours. I vote no.

SECRETARY:

...Collins, Coulson, Course...

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I assume without further notice that whatever leadership meeting was called, I've either missed it or it has been held, the hour having passed and the place having disappeared. However, I would like to address myself most seriously to what is happening to the legislative branch of government. We have spun our wheels now here for several weeks, cautiously, like beautiful ballet dancers awaiting making a decision on anything. Whenever we have come close to the point of truth, whenever we have reached a point where members had to honestly exercise some independent judgment and display a little integrity or bear a little integrity, we have shied away from it and gone out to have a few snorts of booze and come back again the next day. And then again, as we approach the moment of truth

again, the time when a decision must be made, we have backed away again. This is the position the German Legislature was in a few days before Hitler; this is the position the Italian Legislature reached; this is the position of the Cuban Legislature when Castro came down out of the hills. The salvation of the people in this State, the salvation of this American self-governing process is the effectiveness and the integrity and the honorableness of you gentlemen in this room. Not your obedience, but your integrity and your honesty. This is the people's part of the government and if you let this be a telephone extension branch of the Executive branch of government; you have betrayed the entire process, you have betrayed the entire system. We all share in that betrayal. Senator Cherry said very bravely he was willing to stay here all night and then votes yes for adjournment. This is precisely what I mean. You have danced with a neat pirouette right around the point of decision. Senator Partee challenges to mention specific cases of where municipal regulation failed to solve the problem, and how wonderful it was that you could close that Leland Hotel. I tell you that everyday Chicago newspapers..., everyday three children burn in a fire, and the Chicago system is failing and you know it and I know it. The city system is failing. Every driveway permit you buy, you buy from the alderman. Is that home rule? Is that what you're defending? Really! You've got to face your consciences. I know you all want to be judges. I know you've given the pledge of obedience. I'm proud of you that each of you has earned his brownie points. I think they're recorded in the tables of Heaven and I think tapes of this will be sent to the proper generals, but please have some regard for the future generations who are going to inhabit this planet, inhabit this State.

Preserve this system of self-government and let us proceed to the business of making honorable, independent, courageous decisions and say yes or no; and I vote no on a motion to adjourn. APPLAUSE.

PRESIDENT:

Proceed with the roll call.

SECRETARY:

...Davidson, Donnewald...

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Mr. President and members of the body. I'm going to address myself to the question of adjournment. I think that we all need a very, very lengthy rest. I think we need more than eight hours sleep this evening because we will have a long day tomorrow. We had a long day yesterday, consumed more than 12 hours on the floor. Today we've consumed more than 12 hours. The day before yesterday it was the same way. We're only human beings here, Mr. President and members of the body. We can stand so much, but in order to serve the people back home we've got to have our rest, build up our resistance, have a decent meal. And Mr. President, if we don't do that, we're foresaking our duties as a legislative representative in this General Assembly. I think Senator Coulson, in his speech which wasn't addressed to the particular subject matter, he certainly needs a rest this evening, and I would vote, Mr. President, that we would adjourn until tomorrow at 10 o'clock.

SECRETARY:

...Dougherty...

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Before casting my vote I would like to join with Senator Cherry in the statements he made about the length of the day.

Senator Harris will verify the fact that we had a meeting of the subcommittee of the Budgetary Commission at 7:30 yesterday morning. Am I right Senator? We spent some time over there, then we came back and we went in here yesterday and you fellows took quite a long time in a caucus. It was three hours, I believe; thus taking a lot of time. And further that after we completed here, we walked off here about a quarter after nine last night. Am I right Senator? Well, maybe a little bit earlier, a little bit later; but somewhere about that time after a meeting of the Executive Committee and I might tell you fellows on the other side of the aisle, we didn't adjourn, somebody gave us a quorum call. We were here. We were here. Lack of a quorum was the only reason we quit. Now I think I'm a little bit beyond the age of brownie points, and I don't want to be a judge; but I'm a little bit concerned about the welfare of some of the younger men of this body. You know we old graybeards over here and some of us don't have too much hair, we don't mind taking the gripes and the groans that go with it. I'm willing to work, but in view of the fact that I look around here I see some of these younger men, Senator Bruce with a newborn baby and family, these other young men; somehow I don't want to take and put anymore wear and tear on them. I'm concerned about their health. I'm concerned about their well-being. I think they belong by their own hearthside, and those of you who are staying in hotels, you need your rest. You need something to eat. I'm hungry too. I'm eating crackers here. Polly want a cracker. I'm eating a cracker. So, therefore, I honestly believe that in the best interest of this body and the people, so that we don't arrive at any injudicious decision. I move that this body...I'm going to vote yes on the motion to adjourn.

SECRETARY:

...Egan...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. Reference was earlier made to the comparison between this body and the German Parliament before Hitler took over and the Italian Parliament before Mussolini took over and the Cuban Parliament before Castro took over. These references, I assume, were made with the anticipation that someone new is coming to govern us. I share your anticipation and we look forward to it. I vote yes.

SECRETARY:

...Fawell, Gilbert...

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Well, I don't recall that any...I believe there was one session since 1961 when we were at the end of the session that we didn't spend long hours. This is nothing unusual. We have even gone until after midnight before the 30th of June and even attempted then and questioned whether the clock could be held back or not so it would be a question of a legislative day. This isn't anything unusual. And how you gentlemen can have discussed this matter for the hours that you did and be at the stage of a roll call which would have taken about two or three minutes and then want to adjourn. I think the press realizes what responsibility is. I don't think that they think your action is responsible. You know it isn't responsible, and I certainly hope that they will give you the credit that you deserve for such tactics;

and particularly, to call for an adjournment when everything
~~was done except for a roll call~~ which could have been done
while I have been talking. I vote no.

SECRETARY:

...Graham...

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, I'm sure as I stand here, I'm going to
convince everyone in this Chamber as I ususally do. I
heard a remark made about us destroying our health and
all those things as we appear down here. I'm almost sure
that everyone that comes down here originally is a man of
sound body, an alert brain, and a willingness to be of
service. I'm not so sure after he associates himself in
this kind of a zoo that he can go out and be psychoanalyzed
on the same night and stay out of the nut house. I'm sure
of one thing as we approach our problems here tonight,
that we must be reminded of the man and the wife who always
see eye to eye. The reason they see eye to eye is because
they're the same height. Now I think what we have to do here
is to find out who is the tallest and who is the shortest
and let the short ones grow a little bit and the tall ones
stay where they are so that we can see eye to eye and assume
our responsibilities and get on with this business and cut
out this damn monkey business and if we would have, we
wouldn't have been back this fall because there wouldn't
have been any bills on the calendar. We'd gotten rid of them
in June. I vote no.

SECRETARY:

...Groen, Hall, Harris...

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President. We've got work to do. We've got work to do. This is important. There is other important work before us. I vote no.

SECRETARY:

....Horsley...

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I have stood here and I've listened to all of these crocodile tears about the time involved. Gentlemen, you are the ones who are wasting our time. You're the ones who are keeping us here by your filibuster, and let's don't call it anything else than that because it is a filibuster; but the point is that everything I have heard tonight has not been directed to House Bill 3636 nor to the amendment thereto. I've heard Senator Partee talk about the Leland Hotel. That is not even involved in this bill nor the amendment. We're talking about regulating certain professions here. I don't know why he has turned into such an individual as he's making these talks. Jeckyl and Heidi if you please from one day to the next. Why he is doing that, I don't know. The city still has the power to close down an unsafe building. That has absolutely nothing to do with the power to regulate beauty operators, if you please; dental surgery, physicians and the other people that we're talking about under this bill. Now, we're getting the biggest snow job we've ever had in the State of Illinois. Now, I'm prepared to stay here all night; all day tomorrow, all day Sunday; I don't care how long it takes. You go ahead with your filibuster. I'm prepared to stay here and point out to the people what you're trying to do to them. Your amendment has nothing to

do with the Leland Hotel and what happened there, and this bill has nothing to do with it. All we're saying is the State should license architects, dentists, physicians, beauty culturists, physical therapists and all the other people rather than the cities, and that phony talk about the Leland Hotel is just that and nothing but that.

PRESIDENT:

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

SENATOR ROCK:

Point of order, Mr. President. The Senator from Sangamon was very solicitous about speaking to the point just a few minutes ago. He is nowhere near the point on a motion to adjourn.

PRESIDENT:

The Senator will confine himself. Senator Horsley may proceed.

SENATOR HORSLEY:

Mr. President, I'm saying that all of this double talk that we've been getting has nothing to do with the point of this bill or the point of the amendment and if these people want to adjourn and say to the people of Illinois, "We're not going to protect you," then the burden is on their shoulders. I for one am not willing to give up my responsibility. I want to say to my people, "I'm here to protect the architects, the beauty culturists, the dentists, the physicians, the real estate people, everybody else." They don't want the cities to regulate them and that's all in the world we're talking about. I want to vote no, let's stay here and get on with our business. I vote no.

SECRETARY:

...Hynes, Johns...

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President and members of the Senate. First I would like to thank Senator Dougherty for his consideration, but Senator, it's really not necessary because I am prepared to stay here all night and work and I'm one who believes in getting it done and then getting on to other matters. In this case, however, I think there is a very important reason to justify adjourning at this moment, because I think many of us are about to vote for a series of bills which would constitute a very serious mistake.

PRESIDENT:

Just a moment. Let's have some order, please. Proceed, Senator.

SENATOR HYNES:

And I think that the hours between now, when we adjourn, and tomorrow morning when we return to consider these bills, it would be very helpful if we all had a chance to carefully consider some of these questions; so I would suggest, gentlemen, that this evening when you go home that you ask yourselves, "Are you really interested in invalidating build codes in many areas? Are you interested in invalidating zoning laws? Are you interested in interfering with well thought out, carefully planned consumer protection legislation? Are you interested in interfering with local gun control laws? Are you interested in interfering with drug control legislation? Are you interested in interfering with panic peddling and fair housing...?"

PRESIDENT:

For what purpose does Senator Berning arise?

SENATOR BERNING:

Mr. President, I beg to differ with the speaker that

this has anything to do with the adjournment motion.

PRESIDENT:

The point is well taken. The Senator will confine himself to the adjournment resolution.

SENATOR HYNES:

Mr. President, I think it is very relevant to the adjournment resolution. I am simply suggesting that this is why we should adjourn. That these points ought to be carefully considered, and I could go on down the list of these items. I think we need additional time. I think we should stop to think if we haven't made a mistake. It's very difficult when you have advanced a position, to withdraw from it; and I do think we need these additional hours so that we can carefully re-think our position. I vote aye.

SECRETARY:

....Johns...

PRESIDENT:

Senator Johns.

SENATOR JOHNS:

Mr. President, lady and gentlemen of the Senate. I would like to explain my vote. You know a lobbyist, a good one, tells each of us the real good in a bill and vice versa. I listen to them and I respect them; most of them, anyway. Many representing all the professions have approached me stating of the concern of their employers about duplicate licensing. This amendment clarifies that easily. The State will handle that item now and the fears of all the professionals are allayed. Now I charge all the lobbyists, and there's many of them here tonight...

PRESIDENT:

Just a moment. Let's. Gentlemen, let's maintain some order. I hope we're not going to be here too much longer.

but let's, while we're here, let's maintain some order.

SENATOR JOHNS:

Now Mr. President, as I was saying...

PRESIDENT:

For what purpose does Senator Clarke arise?

SENATOR CLARKE:

In that connection, Mr. President, I would like to have the floor cleared of all lobbyists and other unauthorized personnel. We've had them on the floor all afternoon.

PRESIDENT:

Anyone not authorized to be on the floor should leave the floor. The Sergeant-at-Arms will enforce the rules.

Senator Johns.

SENATOR JOHNS:

Thank you Mr. President. Again lady and gentlemen of the Senate, now I charge all lobbyists in the galleries and so forth; all within my listening voice, then I respectfully ask that the press to carry the facts back to the people. I will vote in favor of this amendment, and if it fails, I will vote against the bill otherwise. For your plea that licensing and the charges would get out of hand will and cannot, under state administration; but to take away the right to regulate the safety, the health and welfare of the people under "homes rules" that has been a normal and natural policy of the administration of cities and municipalities for years. Yes, I was one of those that voted with the men across the aisle to bring it out of postponed consideration and bring it up to second because I thought your purposes were sincere, that your interests were against licensing, and I thought that that was what you wanted. Well, I await your decision and if you vote against this amendment, I'll realize how your real motives were and what they were, and therefore

I vote aye.

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I've had my stop watch going here. The gentleman has talked three and one-half minutes.

PRESIDENT:

Senator Horsley is not correct in that whenever there is an interruption of a speaker on...whether it's on roll call or any other time, that's taken away. In other words, when we called for order, when Senator Clarke spoke, that time is not counted for the speaker. Continue the roll call.

SECRETARY:

...Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Mr. Chairman, will you restore order for me?

PRESIDENT:

Senator Knuppel is...Let's main...Senator Knuppel.

SENATOR KNUPPEL:

Well, I regret that I heard a very poor imitation of a cow call over there on the other side. I would like sometime to demonstrate for these people just exactly how you call cows because I do a very good job, but to get to the subject at hand, which is my health, and that's the reason I'm going to have to vote the way I do. I was born August 5, 1923, a 12 and 3/4 pound sibling, the second sibling in the family; and because of a storm the night before, the doctor was unable to get there to help my mother so she delivered me alone. She was bright enough that she was able to accomplish this and a couple of hours later the doctor came and performed the rest of the ceremonies. I was an unusually healthy, strong little youngster

and my mother told me I awoke at 6 o'clock bright and early the next morning and that I've gotten up before that time every morning since. And I find myself at the office by 6 o'clock every morning including Sunday, Christmas and New Years. When I was 6 years old my parents thought I might be able to assimilate a little knowledge so they started me off towards the one room country school. I spent some 5 years in country school without missing a single day or being late, and the teachers thought I showed some promise academically but not very much as far as my conduct was concerned.

PRESIDENT:

For what purpose Senator Horsley arise?

SENATOR HORSLEY:

Would the gentleman yield to a question? I understand you to say...

PRESIDENT:

Just a moment. If you have a point of order you may speak, or parliamentary inquiry.

SENATOR HORSLEY:

Well, I want to inquire if he spent that 5 years in one grade.

PRESIDENT:

Senator Knuppel may proceed.

SENATOR KNUPPEL:

Well, there were many threats that they would burn the school house down to get me out and fortunately they didn't have to but they closed it. It was a one room country school; they finally got me out that way.

PRESIDENT:

For what purpose Senator Walker arise?

SENATOR WALKER:

How much time does the Senator have left?

PRESIDENT:

He has a minute and 22 seconds left.

SENATOR WALKER:

It seems like he had been talking much longer than that, Mr. President, that is why I inquired.

PRESIDENT:

Senator Knuppel may proceed.

SENATOR KNUPPEL:

Unfortunately after the 5th grade, after I had completed those 5 years of perfect attendance, I contracted scarlet fever. Although I wasn't very sick, the directors insisted that my parents quarantine me and keep me away from school because they were afraid I would infect the other children. I finally accomplished the 8th grade and entered high school and somehow they got me out of there and then the Marine Corps decided they wanted me. So ah...I wanted to be a Marine pilot, and I went to St. Louis to take the physical examination and discovered I was color blind. Now, this is the start of the breakdown of my physical health.

PRESIDENT:

The Senator may continue.

SENATOR KNUPPEL:

Well, I cheated a little bit, you see, and I learned the plates; and by learning the plates and memorizing these 12 or 13 plates, I went to Chicago and they admitted me to the Marine Corps as an enlisted gyrene. I served overseas and there I had dingué fever. And...

PRESIDENT:

The Senator has 20 seconds...The Senator has 20 seconds left. He would have been finished a minute and a half ago if he had not been interrupted. The Senator may continue.

SENATOR KNUPPEL:

That is spelled d-i-n-g-u-e, and it's something that's indigenous to the Marianna Islands. Very sick for about 7 days with tremendous migraine headaches...

PRESIDENT:

The Senator will conclude his remarks:

SENATOR KNUPPEL:

Well, anyway my health has deteriorated continuously since that time and, because of that I am hungry tonight and I think we have put in a full day. I would like to adjourn. I vote aye.

PRESIDENT:

For what purpose Senator Groen arise?

SENATOR GROEN:

Mr. President, another parliamentary inquiry. I call the Chair's attention to Rule 47. It clearly, clearly says motions to adjourn or to lay on the table shall be decided without debate. Now, Mr. President, if you have any respect for this body, and I sincerely believe you do, I would think that you would apply the rule that explaining a vote on debate of this issue, when the explanation actually constitutes a debate and is not relative to an adjournment. Certainly, there is no justification for the Chair allowing this to continue. And I would ask the Chair to invoke Rule 47 of our rules and state and rule that there is no debate on a motion to adjourn and that there is no explanation of a vote on a motion to adjourn. It only makes sense.

PRESIDENT:

Senator Groen is partially correct in that a motion to adjourn is not debatable. On all nondebatale motions members have always had the right to explain their vote. That has always been the case. Continue the roll call.

SECRETARY:

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

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Yes, Mr. President and members of this body. I should like to explain my vote on the motion to adjourn. Mr. President, the motion to adjourn is a desirable one because the function of the Fall Session has been completed. It was completed some ten days ago. The Constitution structured and invited a Fall Session to consider three items of business. Number 1, Mr. President, to consider those matters which were vetoed by the Governor between the time we left July 1 and the constitutional time in which his excellency had to act on those matters. That didn't expire until October 1st. As I recall, his last veto was sent to the chamber on October 4th. The time has run out, Mr. President, and we have considered all of the matters where his excellency has either vetoed a bill outright or where there have been line item reductions which required a vote of the chambers, approval or rejection. And we also got an interesting initiation into a new constitutional concept of the Governor's amendatory veto powers which, I think, have been an erosion of the legislative process; and if there is anything for which the Constitution of 1970 is susceptible of criticism, it is the extended power granted to the Governor to intrude himself into the the legislative matters. Those matters having been taken care of, all other items of legislation are not necessarily before us with a necessity to act upon them. Now, we do have rules, Mr. President, and items of legislation similar to the bills that have been under discussion were offered in this body. They were turned down and...

PRESIDING OFFICER: (Senator Egan)

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

His time is up.

PRESIDING OFFICER: (Senator Egan)

I am informed by the parliamentarian that the speaker has another 5 seconds.

SENATOR McCARTHY:

5 seconds. We're here to protect the people or let the special interest prevail and I am here to protect the people defensively and move...vote aye.

SECRETARY:

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

PRESIDING OFFICER: (Senator Egan)

Senator Mohr.

SENATOR MOHR:

Yes, Mr. President, I would like the record to show that ah...my seatmate, Senator Soper, reported into the hospital and was sent home. He was told to be put in the hospital here, but he preferred to go back home to Cicero and I can't hardly blame him for wanting to get out of Springfield. But he was given some medication and a couple of fellows are driving him home now. But this just gives you some idea of what can happen to people around here. We have seen it in this House and the other House has seen it on many occasions and I would just like to urge each member of this body to use a little good judgment from time to time and, as Senator Coulson said, vote yes or no. Now, I know this dingué fever; I had some experience in the islands, too. And once you get that dingué fever, why God help you, you never get rid of it. But I would like to just ask each of us to say yes or no. If they ever take these tapes back into some of the districts why I think that will take

care of some of our colleagues for the next term. But I would remind you, too, that I have a bill that, I think, probably could be one of the few bills that would be passed out here with unanimous consent, if I ever have the opportunity to call it. I vote no.

PRESIDING OFFICER: (Senator Egan)

Senator Mohr, the Journal will reflect the fact that Senator Soper has been excused for illness.

SECRETARY:

...Neistein...

PRESIDING OFFICER: (Senator Egan)

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate. I am sorry to learn that my very close and dear friend Senator Soper is ill. Senator Groen, a few days ago, made some comments on this floor, and I complimented him that he was a statesman and that he had both feet on the ground and I repeat that today. When this session started, all we were to do were to go over some of the Governor's vetoes and amendatory messages, but since that period 5 weeks ago we have had everything under the sun for discussion. Now I am a firm believer, as Senator Groen is, I think we should have had a meeting of the Rules Committee. I think that three-fourths of this Calendar should have been struck. I think the gentlemen on both sides of the aisle know my position. If my position had prevailed, we would have been home a week or 2 weeks ago. I think we should have culled out the bills. The important matters that are facing us today are Senator Harris's bill, 3636, and the series of bills that are related to it, implied consent, the ethics bills, the welfare, and maybe one or two others; and had we pursued Senator Groen's idea, we would have had these 8 or 9

measures to contend with, we would have measured up to the problems and been home by this time. I think we all should be statesmen. I think we shouldn't let tempers flare. I don't want to say I was right, but you know my position. I wanted to adjourn many, many times and I said all this garbage... somebody called it garbage. I agree with them. We should have killed all those bills on the calendar and just addressed ourselves to these 5 or 6 or 7 bills that I mentioned. Now, I don't know if I am out of order, Mr. President, and I have no authority from the President Pro Tem, but I don't know if I can take it upon myself to call a Democratic caucus right now.

PRESIDENT:

Not in the middle of a roll call.

SENATOR NEISTEIN:

I vote aye on the motion to adjourn, but I would like to have a caucus right now.

PRESIDENT:

The motion to adjourn is before the body and we're in the middle of a roll call, and no motion is in order at this time.

SECRETARY:

...Newhouse, Nihill...

PRESIDENT:

Senator Nihill.

SENATOR NIHILL:

Ah...Mr. President and Senators. The conduct of this Senate here tonight is ridiculous. The great Senator from Sangamon County here...I don't know if he would like to move his seat up in the balcony or keep it down here. I don't know who he is talking to, to the Senate or the people in the balcony. Now, this is a very essential thing here. We are conducting a...not a filibuster at all, under no circumstances.

But we are trying to explain the right of the people of the State of Illinois. When you come down here, you raise your hand to be sworn. It is just a crime. I know if the people of my district ever seen me conduct myself like they did... like they are watching Senator Horsley from Springfield, I wouldn't be down here 15 minutes. I think it is a crime to see a man like him running around like a chicken with his head off and I vote no. Yes.

SECRETARY:

...O'Brien...

PRESIDENT:

Let's...Let's...If the Chair may interject here, let's all of us try and refrain from personal comments about our colleagues. Continue the roll call.

SECRETARY:

...Ozinga, Palmer, Partee...

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

Mr. President, point of inquiry. May I ask what motion is before the House. I have been kind of sleepy here, being here all day.

PRESIDENT:

The motion is to adjourn until 10 o'clock tomorrow morning.

SENATOR PALMER:

Well, I can't see why anybody would object to that. I vote aye.

SECRETARY:

...Partee...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I hadn't planned to explain my vote, but a couple of things have been said here which I can't let go unanswered. One is that there has been some remarks that I consider disparaging about the Rules Committee and probably very sensitive to that statement for the reason that since I came to the Senate in 1967, I have always been very, very upset and frustrated and annoyed and piqued by the operation of the Rules Committee when I first came over here. Rules were changed unceremoniously and rapidly to fit individual situations. Rules Committees were held at the desk of the Pro Tem and the decision was made before people from over on this side of the aisle got to the meeting. And I have always said that I would certainly not want to be a party to the Rules Committee that operated in that fashion. And, as a consequence, I have tried as best we can to have a Rules Committee that operated properly and above board and it shall for always be that way. As a matter of fact, tomorrow morning each person is going to be verb...not just verbally solicited, but by letter, to make any contributions you have or any suggestions you have about changes in the rules. The rules should be embracive to cover all situations. We can't always do that but we can certainly try. Now, the other thing that has been mentioned that nettles and bothers me is this business of a filibuster. And it said that I was participating in a filibuster. Well, sometimes we use words that we don't actually know what they mean in depth. And I have a dictionary here that was given me by a former Senator, Senator Jim Loukas, and I looked up this word 'filibuster' and here is what it says: The use of obstructionist tactics such as the making of prolonged speeches or the introduction of irrelevant material for the purpose of delaying legislative action. Now, I say to you, I am not guilty of a

filibuster because I have not introduced one single word of irrelevant material. Everything I have said has been relevant on the subject under consideration. There is another definition here: An instance of the use of such tactics, especially in the United States Senate. Now, what they are talking about here is, if I should stand here and start reading from the dictionary or starting reading from the House Bills or from the Journal something on a subject which did not relate to the matter under consideration. We've not done that. We've focused, channelized our every remark on matters that related to the subject matter under consideration. Hence, we have not engaged in any filibuster. There is a third definition which obviously does not apply: An adventurer who engages in a private military action in a foreign country. That obviously is not what you meant by a filibuster.

PRESIDENT:

The Senator will conclude his remarks.

SENATOR PARTEE:

It was suggested that somebody wants to be a judge. Well, sir, let me tell you, and I don't say this by braggadocio, I could have been a judge 10 years ago. So that is not the reason I am doing this. The reason I am doing this is because the police power of the municipalities of this State are at stake. And I shall employ every ounce of breath in my body to prevent it from being taken away. Now, our mood is not good and, in the interest of our health I would join in this motion to adjourn. I vote aye.

SECRETARY:

...Rock...

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Mr. President...

PRESIDENT:

For what purpose does Senator Cherry arise?

SENATOR CHERRY:

Can we get Senator Horsley to be quiet and listen to the comments made by the persons that have the floor? I have noticed that at every individual speaking, every Senator makes comments, he has cat calls and he is insolent.

PRESIDENT:

Well, all Senators will obey the rules and hopefully keep order. Just...Senator Rock is recognized. Senator Rock is recognized.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. In explaining my vote on a motion to adjourn I would first direct a parliamentary inquiry to the chair, so that we keep the parliamentarian awake. Assuming that this motion does not carry, and I were to make a motion worded something like, having voted on the prevailing side, I move to reconsider the vote by which the motion for the previous question prevailed; would then motions under rule 46 be in order? I speak specifically of a motion to recommit this matter to committee. It is my judgment that some of the members don't really understand what this is all about.

PRESIDENT:

I can't give you a decision right now. We are on the motion to adjourn. You may explain your vote.

SENATOR ROCK:

Well, Mr. President, the...whether or not I would vote to adjourn has a direct relevance as to future parliamentary moves that I might wish to make. It seems to me that we are considering a piece of legislation that is extremely important. We are talking about, on page 2 of the bill, an Act in relation to the definition, registration and regulation...regulation of real estate brokers. Now, the aldermen in my area just, a number of weeks ago, voted aye on an ordinance to ban

the posting of For Sale signs and this is a very relevant thing in my area, and if the city can't do that, I want to be aware of it.

PRESIDENT:

Well, the motion for the previous question, which we revert to, which has been approved, is a motion that takes precedence over the motion to recommit.

SENATOR ROCK:

No, no question about that, but if I were to move the reconsideration of the vote by which that motion prevailed.

PRESIDENT:

To move to reconsider the motion for the previous question?

SENATOR ROCK:

Then we would revert back, I am sure, to the question of whether or not an amendment should be adopted. In which event I would be able to make a motion to recommit.

PRESIDENT:

Well, the motion for the previous question requires a two-thirds majority. The motion to reconsider the previous question would also require a two-thirds majority.

SENATOR ROCK:

Fine. In that event, Mr. President, I vote aye.

SECRETARY:

...Romano, Rosander, Saperstein...

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Here we go. Mr. President and Gentlemen. Many of you have known me for many, many years and I think I have never asked for a special privilege, special consideration. I have tried to meet my responsibilities as a man, in the generic term. Now, at the risk of having my lib friends point their finger at me, I'm going to ask for a special privilege. I've been up since 3:15 this morning. I just couldn't sleep, and I'm tired,

I'm hungry, I'm sleepy and I don't feel that I can continue very long this evening. It is nearly 9:00 o'clock and I'm going to ask you Gentlemen to please adjourn so we can come back tomorrow and do a full day's work. I vote aye.

SECRETARY:

...Savickas...

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Mr. President, Gentlemen of the Senate and Lady of the Senate. One of the statements brought out here was that if the cities were allowed to license, that the people using this power would abuse it. I have a statement here from a Reverend Richard Dadero and a Roy Magnuson dated March 15 of 1971 and it regards the Director of the State Department of Registration and Education, who issued...

PRESIDENT:

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

SENATOR HORSLEY:

He's talking about something else, now. We're talking about adjournment and...

PRESIDENT:

The Chair was not listening. The Senator will confine himself to the motion to adjourn.

SENATOR SAVICKAS:

Well, this is the reason why I'm voting the way I am on the adjournment resolution. Now, the Director of the Registration and Education Department had issued a real estate salesman's license to a woman by the name of Elaine Baumgardner Dice. The license was issued under her son's broker's license Robert Jane of the Realty Company, U.S.A. at 4124 West North Avenue.

PRESIDENT:

Just a moment. What is your...Senator Horsley.

SENATOR HORSLEY:

Well, if he wants to talk about adjournment, let him talk about it; but this idea he's talking about has nothing to do with adjournment.

PRESIDENT:

Well, the Chair is not in a position to be able to determine that. If...the Senator may continue, but please move in the direction of discussing adjournment, Senator.

SENATOR SAVICKAS:

This Elaine Baumgardner Dice has been convicted of 25 counts of fraud by the State's Attorney, and according to Barbara Davis, an Assistant State's Attorney, she was on a five-year probation paying back around \$147,000 of escrow money which she stole. This Elaine Baumgardner Dice was a broker at...

PRESIDENT:

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

SENATOR GRAHAM:

On a point of order, Mr. President: It's one of the few times I've ever joined you real thoroughly. I wasn't listening either.

PRESIDENT:

I'm not sure what your point of order is, Senator Graham, but I... The Senator will confine himself to the adjournment resolution.

SENATOR SAVICKAS:

Well, Mr. President, and members of the Senate, I brought this matter up to show why I am voting on the adjournment resolution. It seems that many of the Senators on the other side are concerned with the quality of the administration of any licensing act that would be issued through the City of Chicago or the County of Cook. These same Senators who get up on the other side of the aisle when we have a downstate matter and ask for the support of the Senators from Cook County saying that you shouldn't worry about what's happening downstate. This is a good bill. This is what we want, so why not support us. In the same token, when we need support for the people of Chicago, the County of Cook and the other 57 municipalities that are interested in governing themselves, we have

seen...

PRESIDENT:

Senator Horsley, he would have been through two minutes ago if it had not been for interruptions. He now has another 40 seconds left.

The Senator may continue.

SENATOR SAVICKAS:

If it wasn't for some of these Senators that really don't know what is happening in Chicago, have no care and no knowledge of probably what is happening throughout the State except for their own private law business and their own associations in Springfield, but, if they would allow the City of Chicago and these other municipalities...

PRESIDENT:

The Senator will conclude his remarks.

SENATOR SAVICKAS:

...to regulate themselves, I'm sure that we can adjourn quickly, go home and take care of our own business. I vote aye on the adjournment resolution.

SECRETARY:

...Smith...

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Mr. President and members of the Senate, I'm...In explaining my vote, I'm inclined to the belief that if I should fail to seek to explain my vote, it might be construed as an effort and attempt on my part to abide by the words that Senator Mohr spoke a few moments ago when he requested that we merely cast our vote. If there is any member on the floor of this House who should not be here at this late hour of the evening, I think it is the speaker who stands before his mike at this particular moment. I was here last night until past 9:00 o'clock, I've been here today since early morning and it now appears that during the consideration of the 7 or 8 additional amendments that will be offered to this bill, that we will all be here until daylight. If, in order

to hear properly the 7 or 8 additional amendments that will be offered to this bill, it becomes necessary that I remain here and it is necessary that I remain, I assure you that with whatever strength I have I propose to be here until the last amendment with regards to this particular bill is concerned and subsequent bills that I will be here. I think that the issue before us is of such great...of such great importance that it's needful and necessary that we be as quiet as possible, yes. But if it becomes necessary to remain here until daylight, I will find the strength to be here. But as regards to the particular motion before us, I'm happy to vote aye.

SECRETARY:

...Soper, Sours...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators, I should like to advert to the contention made that there's no hanky panky in licensing in Chicago. I've had a lot of...

PRESIDENT:

For, for what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

Point of order. What does licensing have to do with adjournment?

PRESIDENT:

Senator Sours may proceed. He will confine himself to the motion... discussing the motion to adjourn. Senator Sours:

SENATOR SOURS:

I am thinking, Mr. President, of those actors. There's a man named Rubloff, he plays the part of MacBeth in the play MacBeth. Then there's a fellow by the name of Parky Cullerton who plays the part of Hamlet in Hamlet...

PRESIDENT:

The point of order is well taken. Senator Sours will confine him-

self to the motion to adjourn.

SENATOR SOURS:

So, I am thinking about all of these experts we've heard here tonight, Mr. President and Senators. I don't ever mean to suggest the Chicago invented corruption, but at the same time Chicago has tolerated it.

PRESIDENT:

Senator Sours will confine himself more directly to the motion to adjourn.

SENATOR SOURS:

In adverting to the, to the matter of adjournment I would like to suggest to this chamber that the only expert I ever met, as I suggested a couple of years ago, was a chambermaid in the Palmer House who could look at a bed that had been slept in and could tell you whether it was for love or money. I vote no.

SECRETARY:

...Swinarski, Vadalabene....

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate. I would like to explain my vote on a motion to adjourn. Now Senator Harris knows without going into detail how I have voted for the pre-emption bills. Now in the last two hours, Senator, I have been called to the phone on three different occasions by the heads of municipalities in my district concerning the regulatory powers of House Bill 3636. They have expressed to me that they want to continue to regulate their professions. I had to cut my conversation short with them, but I do want to cite you a case in point of two weeks ago when I had the Director of Agriculture, Gordon Robb, come down to Madison County and appear before 20 people of businesses there because they are constantly being harassed by investigators and inspectors. And I would hope that we would adjourn this issue so that

I could talk a little bit more with these mayors. You know how I feel about your bills and I would like to have a little bit more time on this and I am going to vote aye on the motion to adjourn.

SECRETARY:

Walker, Weaver.

PRESIDENT:

For what purpose does Senator Fawell arise?

SENATOR FAWELL:

I didn't, I did not vote. I just briefly want to make this observation. That it is extremely interesting to me to see what type of an issue will prompt the other side of the aisle to use these kinds of tactics. Now I think the filibuster is a perfectly legitimate vehicle for one to use, but quite understandably I think it's to be utilized only for very high priority items that are of the utmost importance. I've heard some very high sounding words, but I've noticed that when it comes to some of the very vital issues of welfare or the public schools of the city of Chicago or even of open occupancy that's been talked about. For the first time you've got the votes, Gentlemen, and I haven't seen anybody on that side of the aisle even file the bill this time. Some of the real gut issues that really are important to this state, not that this issue is not important; but I note that you don't utilize the energies and the enthusiasm that you reserve when it may be that the city of Chicago won't be able to license architects or control the plumbers and things of this sort. I think that everyone who is watching what is occurring here is got a bad taste in their mouth. It is a rather disgusting thing to see, and I would suggest that if you're going to use these kinds of tactics that you reserve it for something that's really very, very important for the people who need it the most, about whom I have heard you talk a great deal often. But when you have some real opportunities to do something about it, I don't see you doing very much. I vote no.

PRESIDENT:

For what purpose does Senator...On...For what purpose does Senator

Latherow arise?

SENATOR LATHEROW:

How am I recorded?

PRESIDENT:

You are not.

SENATOR LATHEROW:

Mr. President I have sat here and listened to some elements of distinguished careers in the military service, and I won't discuss mine. I think possibly I might have something unique and I wouldn't want to add that to tonight. But I couldn't help but worry about that old adage that I've heard so many times, and I'm wondering whether it's true or false that anymore whether you can learn more when you're tuned in than you can when you're broadcasting. I vote no.

PRESIDENT:

On that question the yeas are 25, the nays are 27. The motion to adjourn does not prevail. For what purpose does Senator Egan arise?

SENATOR EGAN:

Mr. President and members of the Senate. To demonstrate to the members and to those present the facility with which the body has moved tonight and the speed with which it has moved. We have had previously only one verification of the roll call. I would like this roll call also to be verified.

PRESIDENT:

Do you wish the affirmative or the negative votes?

SENATOR EGAN:

The negative votes.

PRESIDENT:

That is in order. Senators will be in their seats. The Secretary will call the negative votes.

SECRETARY:

Baltz...

PRESIDENT:

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

SENATOR NEISTEIN:

Am I in order to ask for a Democratic caucus at this time?

PRESIDENT:

Not...We...Verification has been requested. That is not in order at this time.

SECRETARY:

Baltz, Berning, Bidwill, Carpentier, Carroll, Clarke, Collins, Coulson...

PRESIDENT:

Is Senator Collins here? Remove Senate Collin's name.

SECRETARY:

...Davidson, Fawell, Gilbert...

PRESIDENT:

Gentlemen, Gentlemen, Senator Collin's name will be added. Let me just add, if I may join in a bit of bi-partisanship. I think Senator Fawell's comments were...the portion of them in talking about our decorum, were well put and I think that we have to conduct ourselves in such a way that we reflect credit upon ourselves and upon our state. Continue with the roll call of...verification.

SECRETARY:

...Graham, Groen, Harris, Horsley, Knuepfer, Latherow, Laughlin, McBroom, Merritt, Mitchler, Mohr, Ozinga, Rosander, Sours, Walker, Weaver.

PRESIDENT:

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

SENATOR HARRIS:

To proceed with the order of business that is before us which is the consideration of amendment number two. Senator Partee has closed the debate and I move to table amendment number one to 3636. It is not debatable and I've been standing here patiently, cooperating with your responsibility to recognize everyone; but I say to you, Mr. President, that my motion is in order and it is the matter now before this body, to

table amendment number one to House Bill 3636 and it is not debatable.

PRESIDENT:

The motion to table is in order. For what purpose does Senator Donnewald arise?

SENATOR DONNEWALD:

Well, Mr. President, I voted on the prevailing side of the motion for the previous question, and having voted on that prevailing side I wanted to move to reconsider the vote by which this motion for the previous question prevailed and I asked for a roll call.

PRESIDENT:

I...Senator Donnewald did vote on the prevailing side. However, I am advised that the motion to lay on the table takes precedence and the motion before the body is the motion to lay on the table. And on that...Senator Donnewald?

SENATOR DONNEWALD:

I am going to appeal the ruling of the Chair.

PRESIDENT:

Senator Donnewald appeals the ruling of the Chair. On...Senator Neistein?

SENATOR NEISTEIN:

I know that Senator Donnewald has made a motion to appeal the ruling, but I wonder if we could, in an effort to restore sanity here, if we could have a democratic caucus at this time in the 6th floor office. And I so move.

PRESIDENT:

Well, the motion for a recess is in order, but it takes...The motion... just...if I can back up a little bit...I have just been advised that the motion, under rule 52, the motion to reconsider takes precedence over all other questions except the motion to adjourn, so that Senator Donnewald's motion is in order. The...When Senator Donnewald's motion...When we have no motion before the body your motion will be in order, Senator, or if you can get agreement on leadership, and if you can work something

out to get this thing ironed out I'm for it, believe me. QUESTION before the body is the reconsideration of the motion for the previous question.

Senator Harris.

SENATOR HARRIS:

Now, Mr. President, I want evidence of what time this body reconsidered this motion which is before us now, my motion to table.

PRESIDENT:

The, the motion is not the motion to reconsider the motion to lay on the table. The motion is to reconsider the motion for the previous question, and the Chair ruled initially, as it turns out, in error because, frankly, I don't recall this ever having arisen before. The Chair ruled in error that that...your motion took precedence. As it turns out the motion to reconsider, which may be made on any question, takes precedence over all motions except the motion to adjourn. The Secretary will call the roll. This requires the two-thirds majority to reconsider.

SECRETARY:

Arrington, Baltz, Berning, Bidwill...

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Would you explain for the members...They are getting a little tired of these maneuvers. Would you explain for them how they would vote if they want to uphold the Chair?

PRESIDENT:

The question is no longer the upholding of the ruling of the Chair because the Chair was in error, in my ruling. The Chair, the Chair ruled that Senator Donnewald's motion was not in order. The...It has been pointed out to me since that, under rule 52, that is in order and the Chair reversed that decision and now we are voting on Senator Donnewald's motion, to reconsider. Those in favor of the motion to reconsider will vote in the affirmative. Those opposed to the motion to reconsider will

vote in the negative. Yes, Senator Clarke.

SENATOR CLARKE:

What are we reconsidering, Mr. President?

PRESIDENT:

The motion to...The motion to close debate. And the Chair will add, when this is disposed of I'm going to recognize Senator Harris for the motion to lay on the table, so we're going to end debate one way or another here. The question is the motion to reconsider.

SECRETARY:

...Bidwill, Bruce...

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

It's late and I'm tired. If I want to vote with Senator Donnewald, which way do I vote?

PRESIDENT:

You vote yes.

SENATOR BRUCE:

I vote aye.

SECRETARY:

...Carpentier, Carroll, Cherry, Chew...

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I believe we're voting on a motion to reconsider the vote by which the motion for the previous question was passed. Is that correct?

PRESIDENT:

That's correct.

SENATOR CHERRY:

Okay, I voted for that motion, also. Now it seems to me that in view of the comments that were made with respect for the merits of the bill, together with the amendment that was offered by Senator Partee,

that it would seem to me that we should not limit the debate on this issue. It has been pointed out by the various members of the Senate that this is an important issue in 58 municipalities of the State of Illinois. And as I said before, 1,122,000 people voted to adopt our present Constitution; and in view of that vote and in view of the fact that we are trying to stop debate on this vital issue ignoring and completely emaciating, if you please, the vote by which this new Constitution was adopted. And it would seem to me there are many provisions of this Constitution if again submitted to the people of the State; that the new Constitution would...the results adopting the new Constitution would be considerably changed.

PRESIDENT:

For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

This has absolutely nothing to do with the question before the House, and I'm getting tired of these speeches that have nothing to do with the issue.

PRESIDENT:

Senator will confine himself...

SENATOR HORSLEY:

Now, let's hold it in the line, please.

SENATOR CHERRY:

I'd suggest to Senator Horsley, if he's tired, he lives in Springfield and his home is not too far away. And I am addressing myself to the issue of this motion because this motion limited the debates, Senator Horsley. I don't know if you know on what order of business we're on because you've been constantly harassing every member of this Senate on our side who seeks to speak on this vital issue. Now again he's doing that, and I'm going to make a motion...I'm going to make a motion to discipline Senator Horsley from interrupting every member of the Senate on this side who wants to make a vital and valid comment.

PRESIDENT:

Just a moment. Senator Horsley, you are prolonging things tonight.
There's no question about it.

SENATOR CHERRY:

And he's out of order.

PRESIDENT:

And let's move along. Senator. Senator Cherry.

SENATOR CHERRY:

Now it's vital that we don't limit the debate on this issue and it would seem to me there are many more members of the Senate on both sides that would like to talk to the merits of the amendment that's been offered by Senator Partee; and in view of this fact I think that we hastily voted to end the debate and moved for the previous question. Now in view of that fact, Mr. President and members of the Senate, it would seem to me that we ought to seriously consider our thoughts in cutting off debate and limiting the comments of the members of the Senate to consider this vital problem and so on this vote...If you'd sit down, Senator Horsley, and behave yourself, I'm not sure if that's easy for you to do. And I'm going to ask, Mr. President, that Senator Horsley be committed to his seat

PRESIDENT:

Senator Cherry's time is up. The Senator will conclude his remarks.

SENATOR CHERRY:

Maybe just committed, I'm not sure what motion I want to make. I vote aye.

SECRETARY:

...Clarke...

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate. The other day we debated a bill that was a major bill in this session called ethics. And I made a statement at that time that that was a terrible way to consider a bill,

as we did that day and as we are still in the process of doing. And that bill is still before this legislative body, or that subject. We have some other important subjects that are before this body and I want to make the point that no matter how the pro tem defines it...And I'm going to...I don't want to be timed while I'm not being listened to by the presiding officer. No matter how you define a filibuster, you know and we know and the public knows that this is a filibuster. And you, Mr. Lt. Governor, are participating in it just as you did the other day. If this session ends up, if this session ends up in a disgraceful...

PRESIDENT:

Senator Clarke has the Floor.

SENATOR CLARKE:

...in a disgraceful situation like this, it is your responsibility for killing ethics, for killing personal property tax. Yes, killing a personal property tax and relief for the people of this state.

PRESIDENT:

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

SENATOR KNUPPEL:

I've been in this body for a long time and the man who conducts himself, the man who conducts himself...

PRESIDENT:

Just a moment. Just a moment. Gentlemen, Senator Knuppel has the floor. What is your point, the point of order?

SENATOR KNUPPEL:

Certainly the Lieutenant Governor of our state should not be demeaned by anyone for his conduct. His conduct is exemplary at all times. Attack me if you want to, it's not...

PRESIDENT:

Just...Senator Clarke may proceed.

SENATOR CLARKE:

I am not attacking anybody's conduct. I am merely pointing out the

fact, as I did previously, that a presiding officer can or cannot shut off this kind of disgraceful conduct anytime he wants to. Paul Powell did it, I've seen him. John Lewis did it, I've seen him. And it could be done right here tonight anytime the presiding officer wants to. But if he wants ethics and personal property tax relief and other important issues to go down the drain this session, that's just what is happening.

PRESIDENT:

What is the point of order, Senator Partee?

SENATOR PARTEE:

Would Senator Clarke yield to a question? Are you suggesting that the Lieutenant Governor is Paul Powell or John Lewis? And are you suggesting that he should do anything other than, outside...other than what the rules of this Senate provide?

PRESIDENT:

Continue the roll call.

SECRETARY:

...Collins, Coulson...

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I should like to recount the parliamentary position in which I, I am convinced we find ourselves and ask for confirmation at this stage. A series of amendments were going to be offered to Senator Harris's bill. He made a motion to table the first amendment and then stated he would withhold that motion while there was full debate upon it. There was full debate. Everyone who wished to be heard upon this subject was heard. It was debated extensively. Everyone was recognized and the Chair finally said, "Senator Harris may now close the debate." These are words of art in a parliamentary body. That statement was made by the Chair. Senator Harris did speak. He then did close debate and as of that moment, with a hundred years of tradition behind us, a motion for the previous question was out of order, was completely unnecessary, was completely superfluous. No further debate could have been entertained.

Whether this motion prevails or not, the immediate next order of business is a roll call and I submit that is what the tape on the fifth floor will show. I have listened to it carefully and, omit the interruptions, that is our parliamentary position. The debate is closed on the merits. It has been conducted. The Chair specifically authorized Senator Harris to close the debate. He did so, and I vote no on the present motion.

PRESIDENT:

Senator Coulson is in error in his recollection, but the man who closed...the Senator...Senator...you can...Senator Coulson check with Senator Harris on this, if you will. Senator Donnewald was recognized following Senator Partee's closing of the debate, and he made a motion that according to our rules was in order. Now he has made another motion that according to the rules is in order, even though I have to confess I don't recall it ever having been made before. And...The motion to reconsider the vote on the previous question. And that is the question before the body now and the Secretary will continue with the roll.

SECRETARY:

...Course, Davidson, Donnewald...

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

This is a motion I'm voting on that I made and it's having voted on the prevailing side I did then move to reconsider the vote by which the motion for the previous question prevailed, and that's what we're voting on at the present time. During the course of the debate on this particular motion I heard the word disgraceful. Yes, Mr. President and members of the Senate, the means and methods used by lobbyist of the various organizations telling their members half truths to press their legislators in their various districts to vote for this legislation. They don't tell them everything, believe me, not everything, about a fourth or less of the truth. When they're really aware of what oppor-

tunities they have to have this legislation they say, "Well I didn't know that." That's the part that's disgraceful, Mr. President and members of this body, that these lobbyist didn't tell, didn't tell their membership. They weren't truthful with them and that's what I resent. And I've told everyone of the people that called me and written that they better go back, each and everyone, and they apologized for not knowing all of the facts and I vote aye on this motion.

SECRETARY:

...Dougherty...

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Much of this argument we've heard here tonight has been...the premise has been one city in the State of Illinois. That we who are residents of that city are attempting to do something here that is not right, which is not the truth. As I stand here I remember standing down in the well of the House, of the Senate here quite a number of years ago I took an oath to uphold the Constitution of the State of Illinois and to serve all residents of the state as well as I could. And that's what I am trying to do and I'd like to tell you that we're a great state opposed to many villages, hamlets, corporated villages if you will. We have the town of Cicero, the largest town in the United States. We have the village of Oak Park, the largest village in the United States. And these people in these cities have made great progress. They've made Illinois the State that it is. They have made Illinois the third richest state in the Union. They have made Illinois outstanding in the field of education. It is these cities, it is these towns that we're standing here trying to protect. I can think of Springfield, needs the protection of this body and you're not giving it to it. I can think of Peoria, you're not helping Peoria. I can think of Pekin, you're not helping Pekin. I can think of Granite City, you're not trying to take from Granite City the rights that they have. From East St. Louis, from

from Danville, from all of these towns. You people are the perpetrators of a fraud upon the people you represent, is what you are doing. Standing here listening to the blandishments of a group of well-healed people who do not really have the best interest of the state of heart. We on this side of the aisle are trying to protect the rights of all of the people in the State of Illinois, and you are succumbing to the rights of just a few individuals who know not where they're going and they don't know where they've been. And they are leading you down the same path, you don't know where you're going. I am really embarrassed to think that the men that I serve with are in, put in a position that they don't know what they are doing. They are betraying their interest. They are walking away from their oath of office. That's what you are doing in supporting legislation of this type. That's what we want a full hearing a clear hearing.

PRESIDENT:

The Senator will conclude his remarks.

SENATOR DOUGHERTY:

I am very happy to vote aye.

PRESIDENT:

For what purpose does Senator Groen arise?

SENATOR GROEN:

Is this a motion to reconsider the previous question?

PRESIDENT:

That is correct.

SENATOR GROEN:

Is the previous question debatable?

PRESIDENT:

It is not.

SENATOR GROEN:

Then this is not debatable.

PRESIDENT:

That is correct.

SENATOR GROEN:

And I would ask the Chair to invoke Rule 47, please Mr. Chairman, in the sense of decency, in the sense of the honor of this body, I implore you to use the Chair to break this.

PRESIDENT:

Well, Senator Groen, I was just speaking with Senators Partee and Harris. I would very much like to see this thing resolved. The fact is the rules say that any Senator may speak for not longer than three minutes in explanation of his vote on any roll call. And this has always been the practice of this body. Senator Groen.

SENATOR GROEN:

So, I would also call the Chair's attention. There is an exclusion of that in rule 47. Very clear, it is not debatable. And I would also call the Chair's attention to Robert's Rules of Order, which says clearly that explanation of a vote on a motion to adjourn for example or any such nondebatable motion constitutes debate and is not permitted. Well, our rules takes precedence over Robert's Rules of Order. The Chair would rule, and I think properly so, under rule 34, Senators may explain their vote. Continue the roll call.

SECRETARY:

...Egan...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. It's interesting indeed to note that Senator Fawell, in his dissertation and filibuster, indicated that he would be in favor of filibustering only, however, when it met the needs of his own interpretation of the gravity of the matter at hand. I recall several times, many days in this body we sat and we heard Senator Fawell express his belief on particular legislation to the point ad nauseam. I, as well as my colleagues, sat silent and let him express his views...

PRESIDENT:

Just a moment now. If anyone wants to make a point of order he should do it properly. The Senator will confine himself to the motion at hand. But you make a point of order not by shouting in your seat, but by getting the attention of the Chair. Senator Egan will proceed.

SENATOR EGAN:

Mr. President, let me continue please on my explanation of my vote on the motion. We were discussing the philosophy of a filibuster and I was recalling, Mr. President and members of the body, some of the history of this 77th General Assembly in this body. And I do that because...

PRESIDENT:

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

SENATOR HORSLEY:

I want him to keep his remarks to the point at hand.

PRESIDENT:

The Senators will confine himself to the question of debate on the issue.

SENATOR EGAN:

Thank you Mr. President. I hope I'm able to do that. But the whole discussion on filibustering is indeed one which has come to express that the subject matter which is at hand is not serious. I again would like to remind the members of the Senate that in the State of Illinois there are more than one municipality. There are 1,165 municipalities in the state. This amendment affects each and every one of the municipalities in the state. That seems to me, Mr. President and members, to be certainly as important as 400,000 school children that attend private schools, and I would suggest that because of the gravity of this subject matter that everyone listening...

PRESIDENT:

Senator will conclude his remarks.

SENATOR EGAN:

...attentively. Thank you. I vote yes.

SECRETARY:

...Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes...

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President, members of the Senate. I originally supported Senator Donnewald's motion for the previous question because at that time I thought we had had ample debate on this matter, that we had made, I think, significant points with respect to the impact this legislation would have on each and every municipality in this state, and we had pointed out the fact that substantial revision of local ordinances would be necessary, that local police powers would be impaired; but now, based upon the discussion that we have had since, I think we should take another look at this matter and reopen the discussion. I think that's particularly true in view of the comments that Senator Horsley has been making. I think he has made some very interesting points and ones which we should consider more carefully than we have. You'll recall that this matter came before us on a motion to discharge committee. It was held in committee, originally, with a view toward again discussing it in the spring session; and I think that that decision to hold it was a wise one when it was made and I think the debate here proves that is even a more sound decision. And I would suggest, particularly in view of the important questions that Senator Horsley has raised and the doubts that he has cast on perhaps the meaning of this legislation, that we should have another look at it. Now perhaps the best place to consider this is not on the floor of the Senate. Perhaps we should send it back to committee for further consideration, and I would certainly be happy to join Senator Horsley in such a motion. But I do think, whether it be done here on the floor or in committee, that this matter, which affects each and every municipality in this city, in this state rather, and which threatens to impair their ability to properly manage themselves in connection with Public Health and Welfare, should be further debated.

We have heard several commentaries to the effect that this is not an important matter. Well I think it is perhaps one of the most significant issues that will come before this session of the General Assembly; and I think that for us to proceed rashly, enact this statute and put the municipalities in a defenseless position would be perhaps the worst act this Legislature has taken in its history. We would be setting the clock back 60 years if this bill passes.

PRESIDENT:

Senator will conclude his remarks.

SENATOR HYNES:

We would be setting the municipalities back to a position less desirable than the one they had prior to the passage of the new Constitution. This does not restore the situation simply to that which existed in November of 1970. It puts us back to the situation of 1890.

PRESIDENT:

Senator will conclude his...

SENATOR HYNES:

I vote aye.

SECRETARY:

...Johns, Knuepfer, Knuppel...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I surely hope that the parliamentarian keeps track of my interruptions. I seem to break all records. But when I heard that motion, you know, to limit debate. What do they call it? Motion to...What was that motion? Motion to...Oh! The previous question. That's right. And you know, the minute I voted I knew I'd made a mistake, because I so seldom make em; and it's for that reason that I feel now I want to correct that, because I didn't realize how important this matter was. As you recall the first time I spoke this evening I pointed out we had ethics legislation, the abolition of personal property taxes, and all

of those really what I thought were important things; and this has been about the third time in this session we have discussed this proposition. And then, too, I would like to hear a little more about this fella Paul Powell. Somebody told me he was earthy and flamboyant kind of bulldoggish and he sounds kind of like, you know, he might have been an interesting character. And he is admired so by the other side and cited as an example that maybe if we reopened the debate we'd get to hear more about him. He's kind of a living legend it seems. I don't remember much about him, but there are some things that have occurred since I made that mistake. You know, they told me, too, that he came from kind of an outlying community and I grew up in an outlying community. The people there, they can just about out lie anybody. And I think that's what's been happening around the state here with some of these people. They have been coming into my district. And I only got one home rule unit, but they been telling the people in Canton, and Podunk, and Pisby Switch, Bone Gap and everyplace else, that they would just be put out of business if they didn't have this state licensing law. Most of those people didn't even realize that. So I think we ought to discuss this matter further.

PRESIDENT:

Senator will conclude his remarks.

SENATOR KNUPEL:

Oh, I will. I will. It takes precedence over some things like abolition of personal property tax and matters of mental health, matters of ethics and all those things. And Paul Powell, come to think of it, had...He kind of got messed up in that ethics question somewhere didn't he? I vote, I vote aye, yes.

SECRETARY:

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

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

Mr. President, after the session, if it should end this evening, I'm going to pass the hat for about three dollars a head, both sides of the aisle and anybody in the press box or in the gallery that might want to contribute. I'm gonna try and get enough money to finance a two week canoe trip for two. Who said that? I vote no.

SECRETARY:

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

PRESIDENT:

Senator Nihill.

SENATOR NIHILL:

Mr. President, Senators of this body. I remember about three, four years back here, about three o'clock in the morning, the late Bill Lyons was alive, and Lord be good to his soul. The conduct of one individual in this here Senate tonight reminds me of that night, that morning rather. This is ridiculous to have a thing like this going on. You know, a little child wouldn't carry on the way this individual is. I'm ashamed of him. I'm ashamed of myself being here in his presence. This is ridiculous. I just can't understand why an individual can carry on like he's doing. I don't know what's going on back there, but occasionally I see a white cup going up and down. This thing here...

PRESIDENT:

Senator will confine himself to the question at hand.

SENATOR NIHILL:

Well, Mr. President and Senators. You just can't sit here and take these things and eat them and swallow them. If I was as close to home as you, I'd go home. And this would be a better place to work this here night. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, this just goes on and on because every time somebody gets up he says something that isn't so that you feel you have to answer. And I was a little suprised at Senator Fawell tonight when he said that sometimes we don't address ourselves to issues which are important to people that we are elected by. And he mentioned that he didn't see a fair housing law in this session of the Legislature, and he knows that the strength of the statutory enactment at the federal level, plus the strength of the Constitution at the state level, plus the strength of the federal United States Supreme Court's decision, makes a law which would possibly be passable here not nearly as strong as our existing situation; and to impune, although circuitously, the integrity of those who have fought in that breach for many years I think is unfortunate, unnecessary and insulting. He knows very well. But I'm just saying here, and this is what this is all about, that the presiding officer in Peoria, in Danville, in Springfield, and in Waukegan, in Freeport or Kankakee, and in Rock Island, and Pontiac, and Bloomington, and Joliet, and Carbondale do not have to come to Springfield with hat in hand after the home rule amendments to be subjected to what I've heard here tonight, hooting and cat calls, and puerile and childish manifestations. Now something, sometime has to give, it seems to me, and I've made every effort to try to see if we could reach some accord. There seems to be an inflexible position with the sponsor of this legislation, and I don't know how we're going to get along here. I'm going to say this. I'm going to vote aye on his motion and at the end of this roll call, Mr. President, I'm going to ask for a democratic caucus of about 30 minutes so that we may sit down and regroup and discuss among ourselves some possibilities so that we can get back to the business. It's distressing to me to hear hollering and shouting like high school boys on the floor of this Senate. I vote aye.

SECRETARY:

...Rock...

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Mr. President, members of the Senate. Again, you will recall that I made the inquiry of the chair the last time on such a motion as we are now voting on. And that was followed by a question, and I'm frankly again not too sure on the way the rules are written. But would then...Assuming we are now back at the point where the amendment is to be adopted or not adopted, would then a motion to recommit be in order?

PRESIDENT:

Motion to recommit would not be in order.

SENATOR ROCK:

Well, I call the Chair's attention to rule 46. And it says until it is decided shall preclude all amendments on the main question.

PRESIDENT:

On rule 45 you will note that to...There is an order of precedence, starting out with to adjourn, to question the presence of a quorum, to lay on the table, the previous question. The motion to lay on the table and the previous question take precedence over the motion to commit.

SENATOR ROCK:

Well, the point of my inquiry, Sir. Excuse me. The point of my inquiry, however, is that the first line of rule 45 establishes a premise under which one lays that priority of motions and it says when a question is under debate. I am told that at the point at which this motion is decided the debate will be closed. Is that correct?

PRESIDENT:

When this question is through, the debate will be completed, yes.

SENATOR ROCK:

Alright, and then before...until the question of a motion to recommit is decided, it shall preclude all amendments and all debate on the main question. And I suggest...

PRESIDENT:

Yes. All amendments and debate on the main question. The main question in this case being the amendment itself.

SENATOR ROCK:

Again, I would respectfully disagree with the Chair and pursue my point of inquiry. It shall preclude all amendments. Now rather than have a motion lie on the table concerning amendment number one which has been offered, I am going to make a motion to preclude any and all amendments at this point.

PRESIDENT:

Well, the Chair will make a decision when that time comes. In the meantime...

SENATOR ROCK:

Well I just wondered. I did the same thing the last time and we got a little bolixed up. I'm going to vote aye.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I think all this foolishness tonight...If it proves anything, if it even mildly suggests anything, it's machine politics; and the tragedy is that some of the downstater also have that silly ring in their nose and a dog collar around their necks. I vote no.

SECRETARY:

...Swinarski, Vadalabene...

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Mr. President, I've just had about enough of this sour diarrhea. I am a downstater without a ring in my nose; and, Senator Harris, if he continues that kind of an attack on me you're going to lose me come hell

or high water and I want him to apologize.

PRESIDENT:

Continue with the roll call.

SECRETARY:

...Walker, Weaver.

PRESIDENT:

For what purpose does Senator Harris arise?

SENATOR HARRIS:

I want to just restate for the benefit of the body here, and certainly this Senator will extend every courtesy to every member, but particularly to the President Pro Tem. It was my understanding that we would proceed at the conclusion of this roll call, to a consideration of my motion to table amendment number one to House Bill 3636. It does seem to me that we should dispose of that course of action and then, if the other side wants to caucus that's just fine. I'm prepared to be as understanding, cooperative, and helpful, to proceed to the business at hand as anyone can possibly be.

PRESIDENT:

On that question the yeas are 23 the nays are 27. The motion having failed to receive the necessary two-thirds majority, it is declared defeated. Senator Partee is recognized.

SENATOR PARTEE:

Now I'm going to ask for a thirty minute caucus. I'm trying to structure something whereby we can settle this issue. I would prefer that we would have a caucus at a time when it occurs to me it will be most meaningful rather than at a time that it might occur to someone else who is not a member of that caucus when it would be most meaningful. I'm asking thirty minute recess for caucus.

PRESIDENT:

Senate stands in recess for thirty minutes.

RECESS

PRESIDENT:

Senate will come to order. The...Question? Senator Harris is recognized. The motion to cut off debate was made. You were going to...and was sustained. Do you wish to renew your motion to lay on the table or do we vote on the amendment directly.

SENATOR HARRIS:

I would prefer, since the motion to table is not debatable, to at least limit it to that restriction, subject to the the problems of the Chair, and table amendment number one to House Bill 3636.

PRESIDENT:

Motion to lay on the table amendment number one. Senator Knuppel.

SENATOR KNUPPEL:

I've had a motion to adjourn up there for as soon as it was feasible to entertain it. It's been there for quite some time. I think there has been intervening business and the motion is to adjourn until 9 a.m. on November the 13th. I now move that we adjourn. Nine.

PRESIDENT:

Well. Senator Harris.

SENATOR HARRIS:

I would observe that you have established earlier this evening that, in fact, intervening business has not transpired since the disposition of Senator Donnewald's motion, and that as a courtesy always extended to the President Pro Tem who requested a caucus, that we are now precisely at the point where we disposed of Senator Donnewald's motion. There has not been intervening business and that the motion before the body at this time that can be acted upon is my motion to table.

PRESIDENT:

Well, I think technically there has been intervening business. Now the Chair is not frankly, going to entertain the motion to adjourn every time there's two minute of intervening business.

SENATOR HARRIS:

Well, Mr. President. Then I want to state categorically, that on

the second motion to adjourn that we used up time. There was some reasonable, subjective problem for you, but I now declare, Mr. President, that you are participating in the effective operation of this filibuster; and you have that power and I don't deny it or take away from it, I just identify it.

PRESIDENT:

Well the Chair is going to abide by the rules and there is a certain amount of leniency that is given to the Chair. Senator Harris is correct. I will, on this occasion, recognize the motion to adjourn. I'm not saying how often I will recognize that. Motion is to adjourn. The Secretary will call the roll. Senator Horsley. For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I'd like to inquire. I didn't hear the motion. What was the motion?

PRESIDENT:

Motion is to adjourn. Until 9 o'clock in the morning.

SENATOR HORSLEY:

No. No. I didn't hear that. That's what I wondered. Your motion, as I heard it, was adjourn and somebody's added until 9 o'clock in the morning.

PRESIDENT:

The motion was to adjourn until 9 a.m. and someone added until 10:00 a.m., but the sponsor of the motion said 9 a.m. and he's given it to the Chair in writing. Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

On the previous motion to adjourn, Mr. President and members of the

Senate, I said I was hungry and I said I was tired. The hour is now eleven twenty five and I think when I last made that statement it was approximately nine fifteen. I want the members of the Senate to know that I am more hungry and more tired than I was before, and it would seem to me that that physical condition applies to every member of the Senate, and Senator Saperstein advises me that she has not only become more tired and more hungry, but she has deteriorated and I don't know how we can be so cruel as to let the only lady of this Senate be in that kind of a condition. I think it's cruel and inhuman that we have to stay here and argue the merits of the kind of a diatribe that is contained in this bill without the amendment that's offered by Senator Partee. I think it's time we came to our senses. I think it's time that we adjourned to a reasonable hour tomorrow morning at 10 o'clock, which is the motion, so that we can go and get some food and that I, a Senator of the State of Illinois, would not be required to eat a ten cent package of corn crunch in order to satiate my appetite. It's almost all gone and I'm about to send the page after another ten cent package of corn crunch. I resent this invasion upon my physical condition which is not being deteriorated, but rather exhausted. I think this is cruel punishment to invoke upon any member of this body who has tried to work hard and diligently in his effort to get for the people of the State of Illinois the kind of thing they voted for in the Constitution which was just adopted. I think we ought to reexamine our positions and analyze them and come to the conclusion that at eleven thirty at night, after meeting until approximately ten o'clock last night, were we would have we continued further had not a motion been made by Senator Merritt calling a quorum of the Executive Committee that has a membership of approximately twenty three members when seven members were exhausted not at the hour of eleven twenty or twenty five as it is now, but rather at nine thirty because we had not had dinner up to that hour. I don't think the people of our state want us to continue this kind of a condition, and so I would vote yes on the motion

to adjourn, Mr. President. Thank you for the time.

SECRETARY:

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

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

I...In regarding this motion to adjourn, I share Senator Cherry's concern for the membership because of the fact that I have been just thinking forward to the time that I generally consume in jogging in order to achieve the exercise that I need, but I am quite sure that the younger members of the Senate do not share my enthusiasm for athletic endeavors; however, I do believe that they are entitled to some relief from the rigors of this day. I was with Senator Cherry last night, early this morning I was with Senator Harris, and I'm here with you tonight. And I...My concern, though, however, is for the health and welfare of all of the members of the body. As I leave here, I intend to jog, do a little jogging. I have my shoes with me, if you will, and therefore, I am going to vote to sustain this motion to adjourn in the interest of the health of my colleagues. I vote aye.

SECRETARY:

...Egan...

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. On this motion to adjourn, let me ask if you'll just sit back in your chairs, close your eyes, and contemplate a nice, hot bath, a clean pair of pajamas, and a warm bed. Consider that, lady and gentlemen, for just about two and a half more minutes and I think that you'll unanimously unite and vote aye on the motion to adjourn.

PRESIDENT:

Senator Egan votes aye.

SENATOR EGAN:

I vote aye.

SECRETARY:

...Fawell, Gilbert, Graham...

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

I want to say one thing to those poor people who've been standing up all night and raising all this fuss. I've been sitting down. I don't need my cane anymore, if they want to borrow it I'll loan it to them, and I vote no.

SECRETARY:

...Groen...

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I just want to comment that I have never seen so many people profess to be hungry who are trying so hard to stay away from food. Another observation I'd like to make; your stomachs may be empty, but your lungs are sure full of hot air. I vote no.

SECRETARY:

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

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Mr. President, members of the Senate. I had hoped that when we took a break a short while ago for a caucus that reason would prevail and that we would have a chance to examine some of the questions that have been raised here this evening, but apparently the time was not sufficient and I say again that this legislation threatens the very viability of the cities and villages in the State of Illinois. I think we need further time to consider this proposed amendment. I

think that an adjournment at this moment would be very appropriate. I would suggest that you reconsider your positions and vote aye on this motion. I vote aye.

SECRETARY:

...Johns, Knuepfer, Knuppel...

SENATOR KNUPPEL:

Mr. President...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I made this motion, as you know. I've been here all evening and Bob may have been contemplating a nice, warm bath in a...in some kind of, of anti...or without detergent soap, but I've been sitting here thinking about nice, quiet apartment with carpeting about so deep, candlelight, nice meal, steak about that thick with baked potato, sour cream, some nice dessert, someone moving about in the room quietly, lay my head back restfully, you know. I think that'd do a lot to help the condition of my health that I was talking about later or earlier. I had to leave off there a bit ago because it was limited to three minutes; but when I came back from the Marine Corps and fully recovered from Dingué Fever, they discovered I had impacted wisdom teeth. I was broke then, and I couldn't afford to go to a regular dentist, so I went to Marquette University School of Dentistry and they removed those 4 impacted wisdom teeth. My health continued to deteriorate. I got married and that made it worse. As time went on, why my hair started falling out; but I was able to put in 9 straight years, not missing a day, getting to the office on time,--6:00 o'clock in the morning, like I said. Worked all day, including Christmas and New Years. Then finally, in 1963, I got a catch in my back. They took me to the hospital one morning about 4:00 o'clock. That's what you get for fast living. I was in the hospital for a whole week. I began to realize then that I was coming apart at the seams...

PRESIDENT:

The Senator will conclude his remarks.

SENATOR KNUPPPEL:

...and as I say...Well, I've got to fill this all in a little later, but my health has continued to deteriorate and I feel terrible tonight, particularly since 11:00 o'clock, and I've been thinking about all these other nice things and so I vote aye.

SECRETARY:

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

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Yes, Mr. President. Members of the body. We are here through no fault of our own unless it can be said that the interests of the narrow, special groups deserve more consideration than that of the broad, general groups that we represent; but there is nothing improper about debating and trying to maintain a position. The rules provide it, the Constitution provides it, but there comes a limit as to how long special interest legislation should keep us in session. The motion to adjourn is now in order because we will come back at 9:00 a.m. in the morning; and I've been informed, as a matter of humor, that the Secretary of State's office, Index Department will be open tomorrow at 8:45 with nominating petitions for the office of State Senator in a packet. There will also be withdrawal slips in that same packet. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Let me just say first of all that I appreciated the courtesy of

the recess which has always been a courtesy that's been given here.

And I want you to know that I tried during that period to effect within my ranks an accommodation to something that would be meaningful to the solution of this problem. But despite my rather valiant efforts and a sincere attempt on my part to do so, I unpleasantly report to you that our situation seems to be the same. Now I am concerned, and question in terms of this motion to adjourn, that if we proceed and continue in this vein, we're going to run into another legislative day. I don't know what this will mean to us in terms of constitutionality on those measures on which we will address ourselves on Saturday, November 13th. I certainly don't want to jeopardize any of the other legislation that has to be passed here tomorrow. There are some rather grave matters and concerns. There are conference reports to be accepted and adopted to some singularly important legislation. I've just been trying to read, during all of this debate, the conference report on the Implied Consent Bill, and it isn't easy to do it while your attention is sometimes momentarily diverted to other matters that are taking place simultaneously. There are other matters that relate to the very method in which we are going to run next year--the time periods involved, the staggering of the terms, and diverse and sundry other matters to which we must address ourselves tomorrow. I am actually concerned, and I'm sure you share that concern, about what is going to happen here tomorrow, the 13th; and for that reason, I'm going to vote aye on this motion to adjourn because I really think it is the only sensible, practical, meaningful thing to do. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator Coulson asked me to talk to you in Lithuanian. He thought maybe I could persuade some of the fellows on the other side. But I

agree with Senator Knuppel here. We have been treating ourselves ill, our health has been receding, and I would at this time ask, if Senator Knuppel would yield to a question.

PRESIDENT:

Senator Savickas has the floor.

SENATOR SAVICKAS:

John, how do you feel now?

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Terrible!

PRESIDENT:

Senator Savickas, how do you vote?

SENATOR SAVICKAS:

Then I will vote yes to adjourn tonight.

SECRETARY:

...Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

How am I recorded, Mr. President?

PRESIDENT:

You are not.

SENATOR CARROLL:

Well, I'd just like to say that while your great conference was going on for the caucus which you took half an hour or whatever it was for, I took the time to go out and have a little bite to eat. And, of course, that, had you gentlemen not done, you probably could have done the same thing. But now I feel fine and if you want to stay all night, it's real good with me; and I think this debate on this issue has gone on long enough and I'd like to vote no on the motion to adjourn because I think you owe it to your constituents to stay here and

and settle this argument tonight.

PRESIDENT:

You are not recorded, Senator.

SENATOR HORSLEY:

I want to be recorded no.

PRESIDENT:

On...For what purpose does Senator Rock arise?

SENATOR ROCK:

Mr. President, I...How am I recorded?

PRESIDENT:

You are not.

SENATOR ROCK:

Well, Mr. President, I'd like to be recorded, but again, as a point of inquiry prior to casting a vote on a motion to adjourn, I'd like to question or pose a hypothetical to the Chair under Rule 46. Now it seems to me, we brought this up before, and it seems to me that the question is no longer under debate. And it says in Rule 46, "A motion to commit or recommit, until it is decided, shall preclude all amendments." Now I suggest to the Chair that under 46 the motion to recommit to the Executive Committee should be prior to any discussion of the adoption of the amendment. Now that question was raised twice before and I, to date, have not received a ruling, so let's put in hypothetical...Can I get a tentative ruling from the Chair?

PRESIDENT:

Well, it depends on what's considered the main question and the Chair is going to...If I may respond, first, to Senator Rock...The Chair is going to rule that we're going to have to move. The next motion that's going to be recognized will be the motion of Senator Harris.

SENATOR ROCK:

And that motion is to lay upon the table?

PRESIDENT:

That is correct.

SENATOR ROCK:

And under Rule 45...it...well...

PRESIDENT:

This is...It is not germane...He is raising a parliamentary inquiry and he has the right to do that.

SENATOR ROCK:

Well, I'd like to...I'd like to be...I'd like to be recorded aye on this motion to adjourn, Mr. President, and I'd also like to say that if you're going to rule that Senator Harris motion to lie upon the table, under Rule 45, has precedence, or precedence, there is one directly above that, and I would wish to make that motion at this time.

PRESIDENT:

Just...Yes.

SENATOR BALTZ:

If he wants to make a parliamentary inquiry, he can make it any time, not during a roll call for adjournment. You rule whether it's germane to his vote on adjournment or not. I'd like to have your ruling.

PRESIDENT:

He...We are now on the motion to adjourn. No other motion takes precedence over that. On that question to adjourn...How is Senator Baltz recorded? You are not.

SENATOR BALTZ:

I'd like to explain my vote. You may sit down, Senator Rock. I, too, like Senator Partee, was interested in trying to effect some consensus about what we were doing here tonight, knowing that we were going to come back and treat a motion to adjourn. And as I summed it up in my own mind, I knew that we were either going to try and force a vote on the Home Rule Amendment that the Democrat side of the aisles were trying to put on for Chicago and 57 other cities that would, in effect, preempt the traditional power of the state to license professionals, doctors, dentists, optometrists, ophthalmologists, architects,

many others; and I felt that the position of the two political parties, with the many motions that have been made either on amendments or the repeated motion for adjournment, had been well established. I was also curious to wondering why the galleries weren't filled with local people from Springfield to see the monkey cage in operation, or more importantly, it appeared in my mind that the galleries ought to have been filled with the many professionals that would be adversely affected by this. I was thinking of an incident where an old legislator, a friend of mine from Chicago, a Democrat, was in an accident in Joliet and was hospitalized in the hospital in Joliet and had his Chicago doctor come down in consultation with the local doctors to see that he got the best care possible during his early days of agony. His Chicago doctor was so faithful that he came to Joliet once every day for the first week and once every other day for the next two weeks of confinement. Under the type of Act that the Democrat side of the aisle is attempting to put upon the professionals of this State, this would not be possible because the Chicago doctor would not be permitted to practice in Joliet because he didn't have a Joliet license or vice versa. I couldn't be treated by a Joliet doctor in St. Luke's Presbyterian. So I'm wondering what we're trying to achieve. I think that we have made an achievement and in attempting to decide my vote...

PRESIDENT:

The Senator will conclude his remarks.

SENATOR BALTZ:

...in attempting to decide my vote I am attempting to try and decide what the two political parties are trying to do. I think the Republican side is trying to preserve the professionalism by the State of Illinois and the Democrat side is trying to fragment it by local licensing. So, therefore, I vote no on the motion to adjourn.

PRESIDENT:

On that question the yeas are 24, the nays are 27. The motion

The motion to adjourn is defeated. Senator Harris is recognized for the motion to lay on the table. For what purpose does Senator Rock arise?

SENATOR ROCK:

Mr. President, members of the Senate, I invoke Rule 45 on a motion that seems to take precedence, and that is to question the presence of a quorum.

PRESIDENT:

The presence of a quorum does take precedence over the question to lay on the table. The sec...except...This is not a motion. It is a question of the presence of...It is a point of order. The Secretary will call...call the roll. Senator Sours.

SENATOR SOURS:

We don't want a roll call. It's obvious we've got a quorum. By whose authority is any roll call being taken?

PRESIDENT:

The Chair rules that the question of a quorum is in order, and the Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I'd like to ask a parliamentary inquiry before I explain my vote.

PRESIDENT:

You may.

SENATOR CLARKE:

You are questioning, or you asking for a roll call on a question of a quorum.

PRESIDENT:

That is correct.

SENATOR CLARKE:

And it appears that a few people have left these chambers. Now, when do we come back under that type of recess?

PRESIDENT:

If a quorum is not present, the Chair will rule that the Senate stands adjourned until 10:00 tomorrow morning.

SENATOR CLARKE:

Under what...under what...Mr. President? Would you show me the rule under which you can rule that?

PRESIDENT:

Rule number 1.

SENATOR CLARKE:

Pardon?

PRESIDENT:

Rule number 1.

SENATOR CLARKE:

Just a minute. Okay. Alright, Mr. President. I'll take your word for that. It's in the Rule Book. I'd like to suggest, and if the facts aren't clear, they certainly should be, that you and the other side are responsible for the...I am explaining my vote and everybody's been explaining their vote tonight and I have that right.

PRESIDENT:

What is your point of order?

SENATOR ROCK:

How does one vote on whether or not one is present?

PRESIDENT:

Well...

SENATOR ROCK:

It's a question of physical presence within the bar.

PRESIDENT:

I, I think...I think that technically you may be correct, Senator Rock, but we have always interpreted that rule liberally and any Senator

who wishes to explain his vote may do so. Senator Clarke may continue.

SENATOR CLARKE:

I think that the records should be perfectly clear who is running away from their responsibility in this Assembly, who is scuttling the important bills that the Pro Tem listed a few minutes ago, who is ending this session in disgrace, and who had the power to do something about it. I have said previously that the presiding officer is the only one. There's no rule that we can put in the book that can change the direction of a filibuster, and this has been a filibuster, if the presiding officer wants it to go on. And it is obvious that this has gone on, so it's obvious what that desire has been. And I would just suggest that if we don't do anything more in this session, and it's very likely we won't, who is responsible. Because...

PRESIDENT:

The Senator will conclude his remarks.

SENATOR CLARKE:

I'll conclude. The facts speak for themselves and I think this is a disgraceful situation from the standpoint of the Chair as well as the other side of the aisle. And I vote no.

PRESIDENT:

Senator Clarke is present. Senator Baltz is present.

SECRETARY:

...Collins...

PRESIDENT:

For what purpose does Senator Walker arise?

SENATOR WALKER:

Parliamentary inquiry. Rule 26, Absentees. Upon the call of the roll on any question, the names of the Senators shall be called by the Secretary of the Senate and the absentees noted, after which names of such absentees shall once again be called if such action be requested by the sponsor. Those absentees, for whom, in the opinion of the majority of the Senate...Senators present, no excuse or insufficient

excuse is made may be taken into custody as he or they appear or he or they may be sent for and taken into custody and brought forthwith to the Senate Chamber by the Sergeant of Arms of the Senate when so ordered by the majority of the Senators present. That rule was invoked on the floor of the House about a year ago, and I think that same rule should apply here. Now I'd like to have an interpretation of that rule there. And it states, those absentees for whom, in the opinion of the majority of the Senators present.

PRESIDENT:

The...Continue with the roll call.

SECRETARY:

...Coulson...

PRESIDENT:

Will the...The question has been raised by Senator Rock. Let's... let's make determination of this question first. Proceed with the roll call. The...We shall make a determination of the Rules following the roll call.

SENATOR GILBERT:

Everybody turn to Rule 1 and read it carefully. Unless otherwise ordered by unanimous consent, or by majority vote of the Senators present, the Senate shall regularly convene at 10:00 o'clock in the morning of each day except Sunday. The majority of the Senators present, Sir. It's not the majority of those elected.

PRESIDENT:

We, we first of all have to establish the quorum, then majority may determine the time in which we will adjourn to. Continue the roll call.

SECRETARY:

...Coulson...

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I, I am here, and I would like to make a motion. First, I would like to have the tapes of this session reflect as they undoubtedly will, that within the last three minutes a roll call on another motion was taken at which a great many persons answered who are now hiding in the carpets and in the molding where perhaps they are happier than they are in places of dignity. The motion which I should like to make is that we adjourn until 5 minutes after 12:00 tomorrow...in the morning. 15 minutes from now.

PRESIDENT:

We are on roll call and that motion is not in order. Continue the roll call.

SECRETARY:

...Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham...

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, before I let you know that I'm here, I only have one observation; that I am glad that I am not a candidate for Governor this year and have to face the professional people of this State after the action taken here tonight.

SECRETARY:

...Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr...

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Could you explain to me exactly what the vote, if it indicates that only less than 30 votes, less than the majority are present? Just what...What status are we in then? Before I cast my vote I'd like

to know just what status are we in. Are we in limbo? Does that mean we're adjourned, or...What's...what...

PRESIDENT:

The only action that...according to Robert's Rules of Order, the only action that can legally be taken in the absence of a quorum is to fix the time to which you adjourn.

SENATOR MITCHLER:

And, Mr. President, who fixes that time?

PRESIDENT:

Unless the body fixes it, the Rules state that we stand adjourned until 10:00 in the morning. And...your motion was not...

SENATOR MITCHLER:

Now, Senator Coulson has made a motion that...

PRESIDENT:

That motion was made during a roll call. That motion is not in order.

SENATOR MITCHLER:

Would it be my understanding, then just so I know in casting my vote, that following the announcement of the roll call that you would recognize Senator Coulson for the purpose of that motion?

PRESIDENT:

Well, we're going to take one step at a time here. Continue the roll call.

SENATOR MITCHLER:

Well, I would like to know that and I'm inquiring of the Chair. If you'd prefer to avoid that call...

PRESIDENT:

I don't have any answer for you right now.

SENATOR MITCHLER:

You've always answered fairly and I would ask you at this time.

PRESIDENT:

You...Senator Horsley may be recorded present.

SENATOR MITCHLER:

Present.

SECRETARY:

...Mohr...

PRESIDENT: ...

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

SENATOR CARPENTIER:

I arise to explain my vote. I did not vote because I understand that you have ruled that you vote present. You know, it's not an aye or a nay. I've been down here since 1941. I have never in my life seen anything like this, and I have not missed a session since 1941. And I'm saying to you, Mr. President, and since I've been here since 1963, I have served under a Democrat presiding officer. I have never seen motions being thrown out and I remember distinctly in 1969 Session, 1971 Session when we started our proceedings, we were told that we were going to go under your rules. And since then, you're right, because our Senate Rules and Robert's Rules of Order have been thrown out the window; and I want you to know that we've got a lot of road runds, we've got a lot of money tied up for the people of the State of Illinois that we can lose and we're going to horse around and act like this, then the responsibility lies on the shoulders of the President Pro Tem and the presiding officer of this body and I want to be recorded present.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Quite early in the session, Mr. President and Senators, I think I sent up to you...Mr. President, you're not listening.

PRESIDENT:

Senator Sours may proceed.

SENATOR SOURS:

I'm addressing my comments to you, Mr. President.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Early in the session, Mr. President, I sent up to you a newspaper account in which you stated publicly that you would wield the gavel fairly. Now I find you in the watchpocket of that very invidious Chicago machine, and I'm terribly disappointed. I vote present.

SECRETARY:

...Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Just...just a moment, Senator. Request for call of the absentees is in order. The Chair...The Chair will note the presence of any who have not answered the call. Request for a call of the absentees.

SECRETARY:

Arrington, Bruce, Cherry, Chew, Donnewald, Dougherty, Egan, Hall, Hynes, Johns, Knuppel, Kosinski, Kusibab, Lyons, McCarthy, Neistein, Nihill, O'Brien, Palmer, Partee, Romano, Saperstein, Savickas, Smith, Soper, Swinarski, Vadalabene.

PRESIDENT:

Well, on that...On that question of a quorum, there are 29 people present. We do not have a quorum. The only motion that is now in order is a motion to adjourn. Now we could...We may do that, Senator Coulson, but it is the thinking of the Chair that if...Let, let, let the Chair just have a word here...that if we...if we adjourn until 9:00 or 10:00 in the morning that cool heads may prevail. You have the right to make the motion to adjourn until two after 12:00, and if you wish to persist in that motion, you may. It is the...We, we, at that point, can go through the same procedure. This is the difficulty, frankly, Senator, and the...For what purpose does Senator Rock arise?

SENATOR ROCK:

Well Mr. President, members of the Senate, it seems to me that, assuming we do adjourn, when we come back, whatever time that is, the first order of business is to question the presence of a quorum.

PRESIDENT:

Well,..It seems to me...The Chair is just going to suggest that we take a 5 minute recess, if I may...and...Just a moment...Just... We'll stop...We'll...The Chair isn't going to lean on a technicality of a past midnight thing now. If I may talk to Senators Clarke and Senator Coulson in my office for five minutes and then we'll come back immediately. The...The...Senator Coulson. Senator Coulson is recognized for making a motion.

SENATOR COULSON:

My motion is that we re...that we adjourn until five minutes after 12:00 on Friday the 13th...is it? Saturday the 13th and that the presiding officer be directed to direct the State Police or other persons to procure absentee members sufficient to obtain a quorum.

PRESIDENT:

Well, the only motion that's technically in order is the part about fixing the time of adjournment. Now, motion is to adjourn until five after twelve a.m. All in favor signify by saying aye. Contrary minded. The Senate stands adjourned until five after twelve. Now, I would ask Senators Clarke and Coulson, if you will, to come to my office for just a few minutes.