

REGULAR SESSION

of the 78th GENERAL ASSEMBLY

November 7, 1973

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. The Senate will now come to order on the Regular Session
3. of the 78th General Assembly. Reading of the Journal.
4. Senator Soper. Regular Session.

5. SENATOR SOPER:

6. Yeah. Mr...Mr. President I move that we postpone the
7. reading of the Journal of November 6th pending the arrival
8. of the printed Journal.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. You've heard the motion of the genial gentlemen from
11. Cicero. All in favor will signify by saying aye. Opposed.
12. The ayes have it and the motion carries. We go to...are
13. there committee reports? Messages? Then it...the Senate
14. will now direct its attention to concurrence in House
15. action, on Total Vetoes. Senator Harris are you prepared
16. on Senate...HB 1505?

17. SENATOR HARRIS:

18. Yes, I'm ready to go. Before I get to that I've had
19. a memo here on my desk. I want to alert the members of
20. the Senate, today is the last day in the House for House
21. action on any Senate Bill that has gone from here following
22. an override or a concurrence. So, I want the Senate members
23. to be aware that those of you who have bills that might
24. be on the House Calendar this is the last day, effectively
25. for that to be considered by the House. And I would alert
26. you to contact your House sponsor because after the House
27. closes business today the issue will be resolved in the
28. negative if your bill has not been called. Mr. President
29. I'm ready to proceed with a consideration of the motion that
30. I have filed in connection with both House Bill 1505
31. and 1506. Now, you'll recall the downstate Teacher's
32. Pension System is the least funded of all of the State
33. Pension Systems. In a suit filed in the Court of Claims

1. by the downstate participants in this system through
2. their membership association the IEA, ultimately a
3. stipulation was arrived at in the courts and the
4. suit was withdrawn acknowledging a program of 100%
5. funding over a 50 year period. This stipulation was
6. implemented by two series of bills. One series introduced
7. in the House, the other introduced here in the Senate.
8. I was the Senate sponsor of the Senate Bills and
9. Representative Washburn was the sponsor of the House
10. Bills. Ultimately the vehicle that found its way to
11. the Governor were the House Bills. The Governor vetoed
12. the bills and that veto was considered by the House.
13. Two of the bills were overridden. I might point out
14. with very substantial pluralities. I don't recall the
15. specific roll call in the House but it was significantly
16. greater than the 3/5's vote, 107. We now have this
17. important question before us, and I would hope that
18. this Body would concur in the House action. One of
19. the great issues facing Illinois is the question of
20. the integrity of its pension systems. And the question
21. of what the General Assembly can do to reassure those
22. participants. Now, this series of bills passed here
23. without a dissenting vote. And I would say to you that
24. those of you who are deeply concerned about whether
25. the State can afford this or not, let me just reassure
26. you that in my judgment we will wind up this fiscal
27. year with a significant surplus. And the only issue
28. before us now is shall the General Assembly take
29. that step as did, or shall the Senate take that step
30. as did the House, and communicate to all of the
31. Illinois citizenry and more specifically those participating
32. in the Downstate Teacher's Retirement System. The System
33. least funded of any State System, that the General Assembly

1. does care, and this contractual obligation will be met.
2. Honestly, I don't think I need say anything more. I would
3. hope that this not become a partisan question. I don't
4. want to go into comments that have been made in the past.
5. I think that's inappropriate. The thing that is appropriate
6. is our obligation not only to this specific system, but to
7. every participant in a State supported retirement system
8. that the General Assembly is serving notice that we're
9. beginning to really care and we are going to take that
10. first step. The total involved here is some \$39,000,000.
11. And I'll put it on the line that that kind of money is
12. available in this fiscal year. And I encourage the entire
13. membership as we did on passage of these bills in the first
14. place, to join with our House colleagues to significantly
15. communicate and reassure the people of Illinois that this
16. obligation is going to be met. I seek a favorable roll
17. call.

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Senator Rock.

20. SENATOR ROCK:

21. Thank you Mr. President. Ladies and Gentlemen of the
22. Senate, I cannot but agree with Senator Harris that this is
23. an extremely important and significant problem. You will
24. recall in the 77th General Assembly, the Pension Laws
25. Commission had two nine hour meetings concerning the
26. unfunded liabilities of each and every one of the State
27. run pension funds. It was thought such an important problem
28. that in the 78th General Assembly we appropriated
29. some \$200,000 to the Pension Laws Commission to make a
30. thorough and definitive study of the unfunded liability
31. question as it relates to these systems. We are I think
32. with this legislation however taking the short run,
33. piecemeal approach to a problem that I think must be

1. dealt with in total. We are saying with these bills that
2. we will attempt to amortize the unfunded liability over a
3. period of 40 or 50 years, in this one fund. And this
4. will be a step forward. I suggest to you Ladies and
5. Gentlemen that it is not a step forward. The foremost
6. argument and I think here, and Senator Harris and I would
7. part company, foremost is the argument that the State
8. frankly cannot now afford these appropriations. The
9. revenue and expenditure estimates both by the Comptroller
10. and by the Bureau of the Budget I think will substantiate
11. that at this time and place we just cannot afford these
12. two bills. And I think we're really doing a disservice
13. to the General Assembly Retirement Fund, to the Judges
14. Retirement Fund, to the State Employees Retirement Fund.
15. We have I think the Downstate Teacher's an unfunded
16. liability that approaches about a billion point eight.
17. I think if you take a look at the other systems it's
18. about 2.8 or close to three billion dollars. I for
19. one was prepared at the time the bills came before us
20. to vote for that plan which was proposed by Senator
21. Weaver. Again, not knowing at that point with any
22. certitude the estimated expenditures or the estimated
23. revenue, the Governor saw fit to pare those bills down.
24. And I think to give credence to this one fund over others
25. on the basis that it is perhaps the lowest funded of the
26. funds and I think the percentages that have been talked
27. about by some of the proponents of this legislation are
28. just frankly in error. They talk about being funded at
29. a point between 24 and 26%. The latest figures are that
30. they are funded about 32%, and there has been a steady
31. increase each and every Session. I think one of the
32. major problems that we in the Pension Laws Commission
33. and we as members of the General Assembly are going to

1. have to face is that as an actuarial, philosophical
2. tenent what is the proper level of funding. There is
3. not now a teacher who has missed a check if he is on
4. retirement, nor I am sure will there be. And for the
5. reason is very simple, that the State is the absolute
6. guarantor of their pension rights. A guarantor to
7. such an extent that the people in the Constitutional
8. Convention saw fit to make as an Article of our
9. Constitution that those pension rights cannot in any
10. way be impaired. I think that when this study is
11. completed and when the report is made to the General
12. Assembly next year we will see that on the basis of
13. expert testimony from actuaries across the country
14. that the proper level for funding of any fund would
15. be somewhere in the neighborhood of 60 to 65%. I
16. think the Chief Executive recognizes this. I know
17. there are a number of members in this Chamber who do.
18. And I think that to approach this problem piecemeal
19. and to act on these bills in derogation mind you of
20. the other funds and in derogation of that money which
21. would otherwise be available for the common school fund,
22. I think is a mistake and I would urge a no vote.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. ...Senator Shapiro.

25. SENATOR SHAPIRO:

26. Mr. President, Ladies and Gentlemen of the Senate,
27. I think most of the comments here made today are valid
28. ones and that there are arguments pro and con on both
29. sides of this question. I have to agree however with
30. Senator Harris that if we are going to address ourselves
31. to this problem, that the opportunity as its presented
32. here today may be the best that it has been in years.
33. I think the overriding concern is that the State as an

1. employer owes these funds to the various retirement
2. systems. And this General Assembly had an opportunity
3. to address itself properly to each of the State Systems
4. in a series of bills sponsored by Senator Weaver. However
5. the necessary votes to override the Governor's veto
6. were not present and I think you all know where the
7. deficiency of votes resided. Above and beyond the
8. claim that the State owes this particular fund these
9. monies, I think we should take into consideration the
10. precarious position of the Downstate Teachers' Fund
11. as well as the other funds. And a lot of this blame
12. has to rest right here in the General Assembly. And
13. the representatives that these various funds have that
14. are lobbying for them. During the period of 1969 to 1972
15. the accrued liability of this particular fund grew 115%
16. for a total of 1.4 billion dollars. And during that
17. same time its assets only grew by 58% which means that
18. the benefits that this General Assembly voted the
19. Downstate Teachers' Retirement did not match the
20. contributions that the teachers made plus the State,
21. and I suspect that the State's contribution contributed
22. to the lack of growth in assets. In 1971 the accrued
23. liability of this particular fund grew by 58% in a
24. single year. Not only this particular funding problem
25. has to be addressed, but there are other problems
26. which reside here with we legislators that has to
27. be taken care of too at some future date and hopefully
28. soon. But I think that if you would listen to this
29. information that I have and was just presented to me
30. yesterday by the Downstate Teachers' Fund I think it
31. would make you stand up and pay attention to what is
32. going on. This system presently has assets of approximately
33. \$844,000,000. However, of that \$844,000,000 approximately

1. 500,000,000 represents the accumulated balances that
2. are based on contributions by teachers that are presently
3. working. Over 900,000,000 is required just to meet the
4. pay out for those teachers who are now retired, so
5. I think you can see that the available balances in the
6. fund at the present time just to meet the retirement
7. qualifications lack...is lacking by approximately
8. \$600,000,000. The active teacher contributions cannot
9. be used to pay benefits for those retired teachers,
10. in other words \$500,000,000 lies there in the teachers'
11. account that belongs to the teachers. It's almost a
12. demand deposit that the teacher can withdraw at any
13. time. I think that we should address ourselves to this
14. problem properly. It's unfortunate that this is the
15. only solution we have before us at the present time
16. which addresses itself to the one system. I'm going
17. to urge a yes vote on this override because I feel
18. very strongly that the money is owed to the system.
19. It calls for 100% funding over a 50 year period, but
20. let me tell you that is contingent upon the current
21. appropriation being made at 100% and I would venture
22. to say that the current appropriation can be adjusted
23. downward to reflect a 65% total funding if and when
24. that time is ever achieved. And I think Ladies and
25. Gentlemen of the Senate that now is the time to move
26. forward. We all know what the solution is, and that
27. solution is appropriating the proper amount of funds.
28. And again in closing I would urge a yes vote.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Knuepfer and then Senator Sours.

31. SENATOR KNUEPFER:

32. Well, in my opinion we need \$200,000 to steady
33. the issue, like we need twice as many Senators in this

1. Body. This is one of those issues that is so clearly
2. resolved, do you want to fund your liabilities or don't
3. you? It's kind of like the head of a household who's
4. got money to take all the boys out to the local tavern,
5. but hasn't paid his grocery bill. And we're all...we've
6. all been saying we've got enough money available for tax
7. relief but unfortunately we haven't paid all of our
8. bills yet. And this is one of those bills. This issue
9. doesn't need study. This issue simply needs backbone.
10. That's all it's ever needed since I've been in the Body,
11. to face up to the fact that you do owe some money and
12. put it in. How would we react if the teachers took
13. the same attitude and said well, I'm a little pressed
14. this year. I really can't afford this contribution.
15. Call on me next year and I'll see if I can do any
16. better. The United States government is presently
17. looking into private pension plans, looking into
18. funding of those. Almost every one of those are funded
19. at rates of 65, 70, 75 to 100%. If we're intending to
20. go the route of social security which is not a pension
21. plan at all, it's a tax. Then say it and tell the
22. teachers that this is a tax, and we're going to tax
23. you to pay for somebody else. But when you put it
24. under the cloak of a pension and say here, you kick your
25. money in and we'll use yours and maybe someday we in
26. this Body will get around to doing something insofar as
27. our share. For nine years we haven't done it. It may
28. be piecemeal, but Gentlemen we gave you your option just
29. last week to make it a unified approach and you turned
30. that down. The State of Illinois ought to face up
31. to the debt that it owes, just as it would make any
32. private citizen face up to their debts. This ought to
33. be passed. Along with it we ought to next year increase

1. the funding for the other plans. But the 200,000 for
2. a study of the issue would be better served by putting
3. that 200,000 in one of the plans. I urge your support.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Sours.

6. SENATOR SOURS:

7. A little while ago Mr. President, Senators I heard
8. that the reason some of us favored this was because it
9. was to thwart the Governor or in the alternative to call to
10. the attention of the voters his assurances in the election
11. of last year. Now so far as I'm concerned nothing could
12. be farther from the truth. And I admit, I'm partisan.
13. As long as I've been here we've talked about funding
14. pensions, that goes back to the year 1960. We've been
15. talking about funding pensions. And Senator Rock we've
16. always heard the complaint we don't have the money. We
17. haven't had the money in 14 years. Even...even with...
18. with what may remain in the till this year we still don't
19. have the money. Now we're going to have to start some-
20. time to fund actuarially the pensions of those people who
21. have contributed into the fund. They didn't deposit
22. counterfeit money, they put in their hard earned treasure
23. in most instances. It's no example to refer to social
24. security which is neither social or secure. It wasn't
25. started out that way and it hasn't remained that way.
26. Social Security today Senator Rock is nothing more than
27. a tax. Actuarially it is funded point zero, zero, zero,
28. zero, zero as long as I care to mention the word zero.
29. And that's a miserable example. Now let's also talk
30. about other obligations. In my short term here, I've
31. seen the development of buy today and pay tomorrow, no
32. money down, the Capital Development is another way of
33. getting something today and laying on the shoulders of

1. the future taxpayers the obligation to repay while all
2. of us go blithely along home and have our own little fun
3. putting the heavy burden on future taxpayers. The same
4. can be said also about the bond issue for roads. I
5. didn't support that because I believe we ought to buy
6. today and pay tomorrow never. Now here's a good opportunity.
7. It is not to offend the Governor. I...I don't know what
8. he has in mind in his veto, I've read it however. We
9. have the funds. If we don't have the funds let's cut
10. something else out. You know the big competitors are
11. bastard children and welfare and mental health and every-
12. body else at the wailing wall of appropriations. They
13. all want money. Now, you say this is not going to be
14. much of a contribution. Admittedly but it's a precedent.
15. And maybe we can come back next year and the next year
16. and the next year and take away from some of the other
17. functions of government appropriations enough money to
18. get going on this. I'm not here to offend the Governor.
19. I don't talk about the Governor in public or in private,
20. in an adverse fashion. I'm here to try to have a little
21. sense, to try to have a little economy and also try to
22. fund these actuarially where they'll have some reason
23. to believe that we are doing our duty. I doubt seriously
24. if any one of us here would go and put money in a private
25. insurance company for an annuity or a pension if we
26. didn't have faith that they...that the payments would be
27. made. I know they're not...all going to die the same month
28. of the same year or the same decade. But now's the time
29. to start. This is a good bit of legislation and is long
30. long overdue and ought to be supported.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Is there further discussion? President Harris may
33. close debate.

1. SENATOR HARRIS:

2. Well, there has been some discussion here today about
3. whether we can afford it or not. And I just want to make
4. two observations about what our general revenue fund is
5. supporting in 19...fiscal '74. I supported the City
6. Savings appropriation of 12 million. That was an expression
7. of faith by Illinois and I'm glad the Governor signed
8. that bill. That's great. But I tell you if there was
9. an obligation there, there is a far greater one here.
10. These are employees directly fulfilling a State service
11. and the State has an opportunity today to say, we're
12. beginning even only on a fifty year basis, we're beginning
13. to meet our obligation. Now let me touch on an item that's
14. been proposed that's under consideration by this General
15. Assembly, \$60,000,000 out of general revenue for an RTA.
16. Well, Members of the Senate, if \$60,000,000 is available
17. for a brand new responsibility that ought to be funded
18. by the area served, but if that's available out of the
19. State Treasury then 39,000,000 is available for a direct
20. State responsibility. Mr. President, I hope we'll have
21. a unanimous roll call for these two bills as they were
22. unanimously acted on when they passed here.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Question is shall HB 1505 pass, the veto of the Governor
25. to the contrary notwithstanding. On that question the
26. Secretary will call the roll.

27. SECRETARY:

28. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
29. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
30. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
31. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
32. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
33. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
2. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
3. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
4. Weaver, Welsh, Wooten, Mr. President.
5. PRESIDING OFFICER (SENATOR WEAVER):
6. Sommer, aye. Request for the absentees. The absentees
7. will be called.
8. SECRETARY:
9. Carroll, Chew, Course, Daley, Donnewald, Dougherty,
10. Kenneth Hall, Hynes, Johns, Kosinski, McCarthy, Newhouse,
11. Nudelman, Palmer, Partee, Regner, Rock, Romano, Saperstein,
12. Savickas,
13. PRESIDING OFFICER (SENATOR WEAVER):
14. Senator Walker.
15. SECRETARY:
16. Smith...
17. SENATOR WALKER:
18. I'm sorry, Mr. President. I can't recall whether I'm
19. on that roll call or not. I can't. How am I recorded
20. Mr. President?
21. PRESIDING OFFICER (SENATOR WEAVER):
22. How is Senator Walker recorded Mr. Secretary?
23. You're recorded aye.
24. SENATOR WALKER:
25. I didn't hear you Mr. President.
26. PRESIDING OFFICER (SENATOR WEAVER):
27. You are recorded aye.
28. SENATOR WALKER:
29. Well, thank you very much.
30. PRESIDING OFFICER (SENATOR WEAVER):
31. Continue the roll call.
32. SECRETARY:
33. Smith, Swinarski, Vadalabene, Welsh, Wooten.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. On that question the ayes are thirty-three, the nays
3. are none, and one present. HB 1505 having failed... The
4. vote is thirty-four ayes and nine...one present and no
5. nays. HB 1505 having failed to receive the required 3/5's
6. vote is declared lost. 1506. Senator Harris.

7. SENATOR HARRIS:

8. Mr. President, no point in using up the time of the
9. Senate, I'm deeply disappointed that this Body did not
10. come forward as did the House and communicate to the
11. people of Illinois that these obligations are going to
12. be recognized and that a start would be made. I seek
13. a roll call and would hope that some miracle might occur
14. during this roll call that three more members of this
15. Body would join in the expression that is so long overdo.

16. PRESIDING OFFICER (WEAVER):

17. Is there any discussion? The question is shall
18. HB 1506, the veto of the Governor to the contrary not-
19. withstanding pass. On that question the Secretary will
20. call the roll.

21. SECRETARY:

22. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
23. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
24. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
25. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
26. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
27. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
28. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
29. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
30. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
31. Weaver, Welsh, Wooten, Mr. President.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Request for the absentees. The absentees will be called.

1. SECRETARY:

2. Carroll, Chew, Course, Daley, Donnewald, Dougherty,
3. ...Kenneth Hall, Hynes, Johns, Kosinski, McCarthy,
4. Newhouse, Nudelman, Palmer, Partee, Rock, Romano,
5. Saperstein, Savickas, Smith, Swinarski, Vadalabene,
6. Welsh, Wooten.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. On that question the ayes are thirty-four, the
9. nays are none, and two present. HB 1506 having failed
10. to receive the required 3/5's vote is declared lost.
11. ...concurrence in House action on Amendatory Vetoes
12. HB 541. Senator Knuppel.

13. SENATOR KNUPPEL:

14. 541 has an Amendatory Veto in which the Governor
15. has added back into the bill Cook County. The original
16. bill excluded Cook County and the City of Chicago. What
17. the bill does is to...eliminate duplication of super-
18. vision over the disputes which may arise between electric
19. cooperatives and public utilities. The...Home Rule pro-
20. visions of the new Constitution would make it possible
21. for Home Rule units to assume jurisdiction over terri-
22. torial disputes thereby creating dual jurisdiction. The
23. bill was introduced to avoid this, and it was origi-
24. nally so structured that Cook County and the City of
25. Chicago were excluded. Now at the present time there
26. are no rural electric cooperatives in Cook County. And
27. ...or in the City of Chicago, so that this bill even
28. though the Governor has added an Amendatory Veto will
29. have no adverse affect on the City of Chicago or Cook
30. County. I would ask this Body to concur in the Amenda-
31. tory Veto of the Governor.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Is there any discussion? Senator Latherow.

1. SENATOR LATHEROW:

2. Mr. President and Members of the Senate I too
3. would like to add to the remarks of Senator Knuppel
4. that there's no harm at all done in what has been
5. added by the Governor here and adding those areas
6. of the State that were omitted, there is no Coop
7. there to say the same as he has said. And I think
8. we should adopt this Amendatory Veto.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Rock.

11. SENATOR ROCK:

12. Point of inquiry of the Chair, Mr. President.
13. The Governor in his Veto Message put back into a
14. piece of legislation the County of Cook which is the
15. only Home Rule County. He admits or states in his
16. Veto Message that this legislation is in fact preemptive.
17. I suggest to the Chair that if in fact it is preemptive,
18. it will require more than 30 votes, and I would ask
19. for a ruling from the Chair.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senate will stand at ease for just a couple of
22. minutes. Senator Rock.

23. SENATOR KNUPPEL:

24. ...engage in a lengthy debate with Senator Rock,
25. however, I don't believe this is regulation at all,
26. this...this matter deals not with regulation because
27. rural electric cooperatives are not regulated by the
28. Illinois Commerce Commission. This is merely a method
29. ...no they are not...this is merely a method, the
30. Electric Suppliers Act is a method of determining
31. disputes with respect to territory. Electric cooperatives
32. are not otherwise regulated by the Public Utility Act.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Rock, the Chair will rule it takes 30 votes.
2. Just to be consistent. Senator Rock.

3. SENATOR ROCK:

4. Well, thank you Mr. President. So that I may be
5. consistent for the purposes of the Record under Article
6. 7, Section 6(g), the General Assembly may deny or limit
7. the power or function of a Home Rule Unit only by vote
8. of 3/5's of this Body. And I would quote from the
9. Governor's message of September 12 in relation to this
10. bill and I would quote obviously out of context, I will
11. read only one sentence. He says, therefore, there may
12. be no need for this preemption legislation. In my view
13. this is preemptive and as such would require a 3/5's vote.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. ...Senator Rock, the Chair will say that the
16. applicable Section in the Constitution is under Section
17. 6(h), the General Assembly may provide specifically by
18. law for the exclusive exercise by the State of any power
19. or function of the Home Rule Unit other than the taxing
20. power or the power or function specified in subsection
21. 1 of this Section as it relates to the Governor's veto
22. message. Further discussion? Senator Netsch.

23. SENATOR NETSCH:

24. Mr. President the discussion seems to be centered
25. on the size of the vote rather than the substance of the
26. bill. I would like to point out and this won't help any-
27. one at all, that this is probably...we have just hit upon
28. the gray area of preemption under the State...the new
29. State Constitution. The real question is whether the
30. State itself is exercising the power or performing the
31. function. If it is then the 3/5's is the appropriate
32. vote. If it is not it may preempt by a majority vote
33. and...the, as I understand it the Illinois Commerce

1. Commission does not regulate the coops but it does
2. have something to do with determining their area of...
3. of coverage and I would suggest that probably is about
4. as close a...a case and a question as you are going to
5. get. My...my own judgment is that probably the State
6. is not performing the function now, but it's obviously
7. we're just in a shadow land. And I think there's no
8. way to settle it except by getting the required number
9. of votes and hoping no one ever challenges it.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Is there further discussion? Senator Merritt.

12. SENATOR MERRITT:

13. Mr. President just very briefly, might be a
14. significant point for us to consider that this bill
15. did pass out of the House with 140 votes which was a
16. way far margin over the necessary 3/5's. It might
17. also be significant to note that for the first time
18. almost in history that I can remember that we find
19. our many fine rural electric cooperatives throughout
20. Illinois joining with practically every power company
21. in Illinois in sustaining this veto. That to me,
22. those two things are significant and I certainly
23. would ask members of my side to support and sustain
24. the Governor's Amendatory Veto. Thank you.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Partee.

27. SENATOR PARTEE:

28. I'm not going to address myself to the merits of
29. the bill I think they have been very well articulated
30. and delineated. I would point out though that I think
31. the record now shows that a decision to be made on whether
32. something is or is not home rule seems to be in this
33. Body a rather fluctuative one and we shall watch with

1. care all of the decisions made on the basis of whether
2. something is or is not Home Rule, because there will be
3. a reckoning day and there will be a time when someone
4. other than this Body will make a decision as to whether
5. or not we are consistent in our evaluation of whether a...
6. an issue comes within the ambit of Home Rule powers or
7. does not. I think we ought to be very careful in de-
8. cisions as to whether something is or is not Home Rule
9. because consistency is the better part, I think, of valor.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Knuppel may close debate.

12. SENATOR KNUPPEL:

13. I think everything's been said. If the Home...Presi-
14. dent Harris would like to say something if you would...

15. PRESIDING OFFICER (SENATOR MOHR):

16. Excuse me, President Harris.

17. SENATOR HARRIS:

18. Well, I...before Senator Knuppel closes debate on
19. this question it seems to me that this is a very simple
20. matter. What we're talking about here is an Amendatory
21. Veto and nothing else. And I read the Constitution on
22. that question as being absolutely explicit and absolutely
23. clear. This question requires 30 votes and no more.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. I think that...to what Senator Harris says is true,
28. also that the State has, this is a public utility matter
29. and they have taken that under their own jurisdiction.
30. I would ask for a favorable roll call.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. The question is shall the Senate accept the specific
33. recommendations of the Governor as to HB 541, in the manner .

1. and form just indicated by Senator Knuppel. Upon that
2. question the Secretary will call the roll.

3. SECRETARY:

4. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
5. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
6. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
7. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
8. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
9. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
10. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
11. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
12. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
13. Weaver, Welsh, Wooten, Mr. President.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Regner,-aye. Bell, aye. McBroom, aye. On that
16. question the ayes are thirty-nine, the nays are none.
17. The specific recommendations of the Governor as to
18. HB 541 having received the required majority vote of
19. the Senators elected are declared accepted. Other
20. business? ...from the House. Committee Reports.

21. SECRETARY:

22. A Message from the House by Mr. Selcke, Clerk.

23. (Secretary reads Message from House)

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Committee Reports.

26. SECRETARY:

27. (Secretary reads Committee Reports)

28. PRESIDENT:

29. Senator Moore.

30. SENATOR DON MOORE:

31. Thank you Mr. President, Members of the Senate before
32. I move to concur and adopt the Senate Elections Committee
33. report, I want to personally thank Senator Vadalabene,

1. Senator Regner were the other two members with myself
2. on this subcommittee. We personally recounted over
3. 40,000 paper ballots in the six or seven counties requested,
4. as an end result Senator Knuppel ended up picking up
5. some 98 or a 100 votes. They spent Mother's Day counting
6. ballots, we spent week-ends counting ballots, they gave
7. a considerable amount of their time and I for one personally
8. want to thank them. At this time, Mr. President, I would
9. move that the Senate concur and adopt the Senate Election
10. Committee's report which has just been read by the Secretary
11. and I would request a roll call vote on that motion.

12. PRESIDENT:

13. Senator Vadalabene.

14. SENATOR VADALABENE:

15. Well, thank you, Mr. President. I wish...Senator
16. Moore would you withhold your motion until...I would like
17. to just make a few comments in regard to that same
18. election contest. I do want, as the Minority Member
19. of the subcommittee who served on that election contest,
20. Mr. President, I do want to let you know and the Members
21. of the Senate that the instructions that you gave the Chairman
22. Senator Moore were followed to a T. It was a fair
23. contest. We counted approximately 40,000 ballots. It
24. was held in the wishes that you instructed the Chairman
25. of this subcommittee but I also want to give praise to
26. Craig Lovitt and also to Dave Belknap the two staff
27. members who were assigned to this committee and of
28. course to Don Moore's secretary and also to my secretary
29. Merv Montgomery. It was a hard...worked committee.
30. As Senator Moore said we spent week-ends, holidays,
31. Mother's Day to reach this conclusion and we want to
32. commend you for the instructions that you gave this
33. committee to do it a...a fair and honorable fashion. Thank you.

1. Thank you.

2. PRESIDENT:

3. The Chair just would observe that since Senator
4. Vadalabene has made reference to my instructions to
5. the Chairman which he communicated to the members of
6. the subcommittee were, to go into the district and get
7. the facts. That this was not to be a politically in-
8. spired hunt for advantage but to discover the facts and
9. come to a conclusion on the basis of the facts. And I
10. know that the Chairman will support that. I think as
11. long as we conduct ourselves that way, we're never going
12. to have the kinds of problems that have developed in
13. earlier occasions and in other Bodies. Nothing is more im-
14. portant, nothing is more important to us as the question
15. of our rights to seat our members. Senator Moore.

16. SENATOR DON MOORE:

17. If there's no other discussion Mr. President, I would
18. now move that the full Senate concur in the Senate Elections
19. Committee report which the Secretary has just read and I
20. would request a roll call vote.

21. PRESIDENT:

22. The question... The question is on the concurrence
23. by the Senate of the Elections Committee report. And on
24. that question the Secretary will call the roll.

25. SECRETARY:

26. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
27. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
28. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
29. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
30. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
31. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
32. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
33. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,

1. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
2. Weaver, Welsh, Wooten, Mr. President.

3. PRESIDENT:

4. Senator Moore.

5. SENATOR DON MOORE:

6. I think we had better poll the absentees Mr. President.
7. If the Secretary would call the absentees it might help out
8. the vote a little bit.

9. PRESIDENT:

10. Call the absentees.

11. SECRETARY:

12. Bell, Berning, Clarke, Conolly, Course, Davidson,
13. Donnewald, Dougherty, Glass, Graham, Harber Hall, Kenneth
14. Hall, Johns, Knuppel, Latherow, McCarthy, Don Moore,
15. Newhouse, Nimrod, Ozinga, Regner, Scholl, Shapiro, Sours,
16. Swinarski, Wooten.

17. PRESIDENT:

18. McCarthy, aye. Clarke, aye. On that question the
19. yeas are fifty...the yeas are fifty-one, the nays are
20. none. Senator Knuppel can stand relieved and the Senate
21. concurs in the Election Committee report. Senator Knuppel.

22. SENATOR KNUPPEL:

23. On a matter of personal privilege Mr. President,
24. I want to extend to you personally and to every Member
25. of this Body my sincere thanks. It truly is a relief
26. when you realize how long a campaign lasts that you
27. file your petitions in December and here we are almost
28. two years later. I...I feel that it sets a precedent
29. that follows the precedent that was set in the last
30. Session where I was a Member of the Election Committee
31. and two of the Senators on the other side were there.
32. And I assured you and every member on that side that
33. if the votes were there for seating your people, they

1. would be seated that I would not participate in...in
2. underhanded or unauthorized type of procedure. I
3. realize that at times I'm rather irascible and that
4. I'm...that I have my faults. But one of them...one
5. of them is not lack of fairness and I appreciate it
6. when it's returned to me in kind. I thank Senator
7. Moore, Senator Vadalabene and Senator Regner and all
8. the members of the staff who, as they have said, gave
9. unstintedly of their time over weekends to resolve this.
10. I was always confident of the outcome. I'm happy and
11. proud to be a member of this Body. And I thank you
12. again.

13. PRESIDENT:

14. ...Partee.

15. SENATOR PARTEE:

16. I'm just motivated to say what I'm going to say
17. on a point of personal privilege. This is I think a
18. very responsible Body. And I think whatever differences
19. exist among us are sometimes magnified by the media.
20. I recall last term when we had a situation involving an
21. election contest where Senators Carpentier and Senator
22. Baltz had been made a part of this Body and then there
23. was this election contest. I recall that in the
24. assignment of the various committees the Chairman of
25. the Committee on Elections was Senator Swinarski.
26. And the...the media read into that assignment...

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1. SENATOR PARTEE:

2. ...something dire and something ribald on the
3. basis that Senator Swinarski had himself at a time,
4. prior to his appointment as Chairman the last time he
5. was here, been deprived of his seat and they said
6. this means this was some devious way we were approach-
7. ing it in order to unseat Senator Carpentier and
8. Senator Baltz and I did exactly what you did in this
9. current election by saying to the Committee that they should
10. go out and make a conscientious, honest search for the votes
11. and make a determination based on honesty and sincerity.
12. And I think it should be said that this Senate has shown
13. on two successive occasions in two successive Sessions that
14. we aren't as partisan as they would want us to be, that we
15. aren't as devisive as they want us to be and that we don't
16. make decisions based purely on political considerations
17. and that there is this amount of fairness and integrity
18. in this Body and I think it's something that's worthy
19. of mention and I took just a moment to say so. Thank
20. you.

21. PRESIDENT:

22. Senator Latherow.

23. SENATOR LATHEROW:

24. Mr. President, I...just like to mention that some
25. of this recount went on in considerable area that used to
26. be in the District that I represented and naturally I have
27. a lot of correspondence concerning it and a lot of telephone
28. calls and people stop me on the street and wonder what was
29. going on and I assured each and every one of them that this
30. Senator and he didn't think any other member on this side
31. was participating in this on the idea that there was going
32. to be any irregularities on the outcome of this election.
33. This was to take into consideration all the facts and it

1. would be handled just exactly that way and I think
2. those people felt sure that the actual determination
3. was what we're looking for and not looking for some-
4. thing to throw out Senator Knuppel.

5. PRESIDENT:

6. Senator McBroom.

7. SENATOR MCBROOM:

8. Mr. President, Members of the Senate, I wasn't going
9. to say anything and usually we're better off if we don't
10. but sometimes we sit here and we listen and we're...are...
11. are really tempted...is...is Senator Donnewald on the
12. Floor, Mr. President. Yeah.

13. PRESIDENT:

14. Yes.

15. SENATOR MCBROOM:

16. Yes. I thought he was. ...I just wanted to point out
17. to the members of the Senate that I served on the sub-
18. committee...regarding the Baltz-Carpentier contest and
19. wanted to point out and I particularly wanted Senator
20. Donnewald to hear it. I don't know about Senator Knuppel's
21. contest, Mr. President, but practically all of the precincts
22. in question in the Baltz and Carpentier contest either had
23. the punch card machines or the type used...the crank type
24. machines, they were not paper ballots. I wanted to give
25. you that report Senator Donnewald.

26. PRESIDENT:

27. Senator Moore.

28. SENATOR MOORE:

29. ...Mr. President about a week or so ago, I did report
30. back on the other election contest that was assigned to this
31. Committee...dealing with Elmer W. Conti, Petitioner, vs Philip J.
32. Rock, Respondent and reported back that the...petitioner
33. Elmer W. Conti had withdrawn his petition to contest this

1. election. I do have a copy of the motion of petitioner
2. for leave to file statement of withdrawal which I would
3. like unanimous consent of the Body to be Journalized in
4. our Journal and I'd be happy to have it brought up to the
5. Secretary. I would ask for unanimous consent Mr. President.
6. PRESIDENT:

7. Leave is granted for the filing and journalization
8. of the motion to withdraw the petition of contest. So
9. ordered. Resolutions.

10. SECRETARY:

11. Senate Resolution 280 by Senators Weaver and Bartulis.

12. PRESIDENT:

13. Senator Weaver.

14. SENATOR WEAVER:

15. Mr. President I'd like to ask leave for unanimous
16. consent to act on this resolution today.

17. PRESIDENT:

18. Senator Weaver has moved to suspend the rules for the
19. immediate consideration of the resolution. All in favor
20. signify by saying aye. Contrary no. The motion carries.
21. On the motion to adopt all in favor signify by saying aye.
22. Contrary no. Motion carries and the resolution is adopted.

23. SECRETARY:

24. Senate Resolution 281 by Senator Mitchler and all
25. members of the Senate.

26. PRESIDENT:

27. Senator Mitchler.

28. SECRETARY:

29. ...Congratulatory.

30. SENATOR MITCHLER:

31. This is a congratulatory resolution Mr. President,
32. Members of the Senate for Mrs. Buford Martin Jarrett.
33. the National President of the American Legion Auxilliary

1. I would ask for a suspension of the rules, immediate
2. consideration and adoption of the resolution.

3. PRESIDENT:

4. Senator Mitchler moves to suspend, all in favor
5. signify by saying aye. Contrary no. The motion carries.
6. On the motion to adopt, all in favor signify by saying
7. aye. Contrary no. Motion to adopt carries and the
8. resolution is adopted. We will return to the order of
9. concurrence in House action on total vetoes, HB 920,
10. Senator Bruce.

11. SENATOR BRUCE:

12. Yes, Mr. President, Members of the Body, HB 920
13. developed a method for computing average final compensation
14. for per diem employees. Want to review with you very
15. quickly what happened to that bill. It was approved by
16. the Pension Laws Commission, passed this Body 36 to nothing,
17. went to the Governor at which time he vetoed the bill on
18. recommendation of the Pension Laws Commission. There was
19. some confusion within the Commission as to whether the bill
20. was approved or disapproved. The message that went to the
21. Governor was that it was disapproved. Since that time
22. and I have a letter...

23. PRESIDENT:

24. Senator Bruce. I think maybe we better...we're not
25. under any embargo...are we on time? This could be dealt
26. with tomorrow.

27. SENATOR BRUCE:

28. Yes. Yes.

29. PRESIDENT:

30. I'm advised that you have not filed the motion on it
31. I think...

32. SENATOR BRUCE:

33. Let me check.

1. PRESIDENT:

2. Okay. Let's take...let's take the matter out of the
3. record I know there are a few absentees here we might
4. have some problems on that anyway. Is there any further
5. business to come before the Senate? Senator Ozinga.

6. SENATOR OZINGA:

7. Well, first of all if you'll look at your watch
8. it's quarter to one. Now Executive Committee will meet
9. at 1 o'clock, Room 212. It should take just a few minutes
10. so go to lunch after Executive and then I think I would
11. be inclined to remind you that at 2:30 the Second Session
12. ...Special Session convenes for the Committee on the
13. Whole and all of this eulogizing that you've been doing
14. you can sit in and listen to the ethics from 2:30 thereon
15. into the night.

16. PRESIDENT:

17. Yes. That will be the First Special Session will
18. reconvene at 2:30 here on the Senate Floor for the
19. special order of business. Senator Ozinga announces that
20. Executive will meet in Room 212 at 1 p.m. Is there any
21. further business to...Senator Weaver.

22. SENATOR WEAVER:

23. Mr...Mr. President, I would like to call a caucus of
24. the Republican membership at 9:30 a.m. in the morning in
25. the President's office.

26. PRESIDENT:

27. Republican caucus at 9:30 in the President's office.
28. Senator McBroom.

29. SENATOR MCBROOM:

30. Just wanted to remind the members of the Appropriation
31. Committee that our meeting is at 4 o'clock this afternoon
32. Senate Chambers, Mr. President.

33. PRESIDENT:

1. Appropriations at 4. Are there any further announcements?
2. Senator Weaver moves that the Regular Session adjourn until
3. 11:15 tomorrow morning, November 8. The schedule for
4. tomorrow. The Second at 10. The First at 10:15. The
5. Third at 10:30. The Fourth at 11. And the Regular at
6. 11:15. For the information of the members it is anticipated
7. that we will adjourn for the week tomorrow night and return
8. Tuesday at 10. Tuesday will be a very heavy day and I
9. know that that convention time does militate against those
10. of you who use the train. But those two hours are essential
11. I believe to our deliberations here. Tuesday will be a big
12. day. We will reconvene at 10. Under present plans we
13. will adjourn tomorrow until Tuesday at 10. They...

14. Senator Chew.

15. SENATOR CHEW:

16. ...you...you realize Monday's a holiday?

17. PRESIDENT:

18. Yes. That's why we're coming back in Tuesday. Now
19. I've made it clear what our schedule is going to be and
20. it's not to inconvenience anybody but it's to meet our
21. responsibility. Are there further announce...
22. SENATOR CHEW:

23. ...As President of...of...the railroad to get that

24. train out a little earlier?
25. PRESIDENT:

26. Well, I've made it clear, our schedule will be at

27. 10 Tuesday if we go home tomorrow. Now it's conceivable
28. that we might have to work Friday. I hope not. The
29. Senate stands adjourned until 11:15 tomorrow morning
30. in the Regular Session. First Special will reconvene
31. at 2:30.
32.
33.