

79th GENERAL ASSEMBLY

REGULAR SESSION

JANUARY 7, 1977

1. PRESIDENT:

2. The hour of two having arrived, the Senate will come
3. to order. Will our guests in the gallery please stand as
4. we have prayer by Senator Kenneth Hall.

5. SENAOTR HALL:

6. Eternal God, our Father, reaching from end to end of the
7. universe, and art in all things with Your mighty arm. For
8. You time is the unfolding of truth that already is, the
9. unveiling of beauty that is yet to be. Your son has saved us
10. in history by rising from the dead so that transisting time
11. he might free us from death. May His presence among us
12. lead to the vision of unlimited truth and unfold the beauty
13. of Your love. We ask this in the name of Jesus, the Lord.
14. Amen.

15. PRESIDENT:

16. Reading of the Journal.

17. SECRETARY:

18. December the 1st, 1976, December the 2nd, 1976,
19. Tuesday, December the 14th, 1976, Wednesday, December the
20. 15th, 1976 and Thursday, December the 16th, 1976.

21. PRESIDENT:

22. Senator Kenneth Hall.

23. SENATOR HALL:

24. Mr. President, I move that the Journals just read by the
25. Secretary be approved unless some Senator has additions or
26. corrections to offer.

27. PRESIDENT:

28. You've heard the motion. All in favor say Aye. Opposed
29. Nay. The Ayes have it. The motion carries. The Senate
30. will be at ease for a moment. May the Chair have your attention.
31. Since we were last here, one of the Senators has gone on to
32. the bench and has resigned from the Senate. Senator Nudleman,
33. now Judge Nudelman and he has been replaced by a new Senator,
34. Senator Richard Guidice. I'd like for you to know him and have him

1. say a word. Senator Guidice.

2. SENATOR GUIDICE:

3. Thank you, Mr. President. I'm certainly happy to be here, and
4. plan to cooperate with everyone to the best of my ability.
5. Thank you.

6. PRESIDENT:

7. May I have your attention. There are two matters I'd
8. like you to know about. One of them is that there are some pictures
9. which will be given to each of us which are pictures of the
10. Chamber and the idea is that they are bound in material sufficient
11. in size and color to have you sign them so that each member
12. would have one bearing the signatures of the other members.
13. And they will be in the President's Office for...they're laid
14. out on tables in there for your signatures. Now, as to our
15. time schedule, we had a meeting a few moments ago in the Speaker's
16. Office. I unfortunately, had to leave before it was over and I
17. would like to ask Senator Harris if he could give us a current
18. report on what that situation is.

19. SENATOR HARRIS:

20. Thank you, Mr. President. A discussion was had there with
21. respect to a matter that we're all receiving a great deal of
22. communication from our constituents with...and that of course,
23. are the problems that obtain with respect to the passage,
24. I believe, of House Bill 3318 which is now law and the attempt
25. to remedy that by means of the action we took here amending House
26. Bill 1930 a couple of weeks ago that is now in the House for
27. concurrence. The hope is, of course, that the House will
28. nonconcur and that we will ultimately refuse to recede and get
29. the bill into Conference Committee. That Conference Committee
30. we anticipate, can take action today and the...the kind of general
31. understanding among the discussion of those...the...among the
32. leadership was that we might consider recessing subject to the
33. call of the Chair here in the Senate. In the meantime, be available

1. for the perfunctory motions, those of us who can be on the Floor
2. immediately, to put the motions for the motion to refuse to
3. recede and get the bill into Conference Committee, appoint
4. a Conference Committee and the Conference Committee can go to work
5. on seeing if we can't resolve the differences between the two
6. Houses. Then, if we do get that done this afternoon, we can
7. then come back into Session and take action on the product of
8. the Conference Committee if they are able to reach a...a majority
9. opinion.

10. PRESIDENT:

11. Senator Harris, I might just say, I've just gotten the
12. word that they have just nonconcluded so then...

13. SENATOR HARRIS:

14. Excellent.

15. PRESIDENT:

16. Fine.

17. SENATOR HARRIS:

18. Then we could...then we can frame our motion to refuse to
19. recede and send the message to them for...that's automatic then
20. and we can...they must recede to our message to refuse to recede.
21. I mean, accept and appoint a Conference Committee and we can get that
22. done right now.

23. PRESIDENT:

24. I'm sure it will be here in just a moment.

25. SENATOR HARRIS:

26. Great. That's great. Well, then...then, Mr. President,
27. it seems to me that you could entertain a motion to recess
28. subject to your call and if the members would keep their
29. offices notified of their whereabouts and we convene ourselves
30. say within thirty minutes notice or so, why we could take up
31. the product that we hope the Conference Committee might produce.

32. PRESIDENT:

33. Well, that's fine, except...but...let's wait until it comes...

1. SENATOR HARRIS:
2. Yeah.
3. PRESIDENT:
4. ...so that we can make the appointments on people...
5. SENATOR HARRIS:
6. Yeah.
7. PRESIDENT:
8. ...we put on the Conference Committee will not have gone.
9. Anyway, it has to come here first and then we got to send it back
10. there. Senator McCarthy, for what purpose to you arise?
11. SENATOR MCCARTHY:
12. Well, just to...isn't there a motion that has to be put
13. before any Conference Committee can ever be appointed?
14. PRESIDENT:
15. Well, no message can be put until the message is physically
16. in the...
17. SENATOR MCCARTHY:
18. Yeah.
19. PRESIDENT:
20. ...possession of the Secretary.
21. SENATOR MCCARTHY:
22. But, then after that, doesn't a motion have to be put
23. one way or another?
24. PRESIDENT:
25. It's automatic.
26. SENATOR MCCARTHY:
27. Which...
28. PRESIDENT:
29. Well...well, I think for the record we will entertain such
30. a motion so the record will be clear. Senator Harris.
31. Senate will be at ease for a moment and while we are at ease,
32. if there are those of you who want to go in and sign the pictures
33. right here, you can do it. Senator Kosinski.

1. SENATOR KOSINSKI:

2. Mr. President, the good Lord answered our prayers. I'm most happy
3. and I'm sure all of us here today are most happy to see
4. Senator Sam back at his desk and working again. God bless
5. you Sam.

6. PRESIDENT:

7. Senator Sam is recognized.

8. SENATOR VADALABENE:

9. Well, what do I say? First of all, thank you, Mr.
10. President and my colleagues. I guess first of all maybe I
11. probably should thank God for being here today. Possibly,
12. I could say I beat the rap, but I don't want to offend God.
13. I don't know any other way to say it. And...but I do want to take
14. this opportunity to thank...I don't want to say the other
15. members on the other side of the aisle or to other members
16. on this side of the aisle. I think when we're sick there is no
17. aisle. And the response I got from all of you, your cards,
18. your telegrams, your letters, your flowers, your plants and last
19. but not least, your prayers, was most gratifying. I know that
20. one card in particular that sort of made tears flow
21. was the one that said, "get well tiger" and all of you signed
22. it. You know, I thought that was really a lifter, but there's
23. also a lot of other people. The lobbyists the press, the staff,
24. that works with the Senate and all the other people across the
25. State of Illinois. We're still sending thank you letters.
26. I've never seen a body of people like we have here in the Senate
27. who are so warm and emotional at a time when one of us gets
28. sick, or needs some help. I guess I could go on and on for so
29. many things I would like to say to some of you personally, especially
30. Senator John Graham, who called me, I guess, half a dozen times
31. and...and reflected to me his situation and said, Sam you can make
32. it just hang in there. And Senator Graham, I appreciate your
33. frequent calls and I will never forget you for that. With that,

1. Mr. President and members of the Senate, I want to thank each
2. and everyone of you. God bless you and thank you for bringing
3. me back. I think you was a big help.

4. PRESIDENT:

5. Resolutions.

6. SECRETARY:

7. Senate Resolution 477 introduced by Senator Partee and all
8. Senators.

9. PRESIDENT:

10. It's a congratulatory resolution. Senator Lane moves the
11. suspension of the rules for the immediate consideration of this
12. resolution. All in favor say Aye. The...the rules are suspended.
13. Senator Lane now moves the immediate adoption of this resolution.
14. All in favor say Aye. Opposed Nay. The Ayes have it. The
15. resolution is adopted. Senator Kosinski is recognized.

16. SENATOR KOSINSKI:

17. Point of personal privilege.

18. PRESIDENT:

19. State your point, Senator Kosinski.

20. SENATOR KOSINSKI:

21. It gives me a great honor and great privilege to introduce
22. my colleagues...beautiful lady, his wife of many years
23. and devoted wife, in his hard times of sickness and is now
24. Sam's recovery and his son, Charles. They are sitting here in
25. the back of me. Will you please rise.

26. PRESIDENT:

27. Will you please rise and be recognized by the Senate.
28. While we are waiting, the Chair would just point out that there's
29. a lot of discussion in this Chamber from time to time about
30. law and what the law is and perhaps we have said it so often that
31. we've inspired two of our staff to go out to find out really what the
32. law is. And I see two of them in the gallery in the...in the rear
33. of the Chamber, both of whom are freshman students at Southern

1. Illinois University of Law School, Doug McCarthy and Kitty
2. Monahan. Would you please stand and be recognized by the
3. Senate? They're just finishing their first semester
4. in law school. While we are waiting for the
5. message to come over, could we go...some of you could start
6. in. I'll go in with you first and we'll sign some of those
7. pictures so that everybody will have one. Let's get that
8. started and the Senate will be at ease for a moment.
9. A Message from the House.
10. SECRETARY:
11. A Message from the House by Mr. O'Brien, Clerk.
12. Mr. President - I am directed to inform the Senate
13. that the House of Representatives has refused to concur with the
14. Senate in the adoption of their amendment to a bill with the
15. following title:
16. House Bill 1930 with Senate Amendment No. 1
17. Senator McCarthy is the Chief Sponsor of the bill.
18. PRESIDENT:
19. Senator McCarthy.
20. SENATOR McCARTHY:
21. Yes, ...
22. PRESIDENT:
23. Just a moment. Wait a minute, now. Is Senator Harris on
24. the Floor? I think I ought to at least get him here before we
25. start this. Senator McCarthy.
26. SENATOR McCARTHY:
27. Yes, Mr. Chairman. I want to put a motion at this stage
28. and I'd like to make some remarks preparatory to placing
29. the motion. What we're faced here is 1930 which deals with
30. an amendment to the Minimum Wage Act that took up the last day
31. we were here as to who are exempt under the overtime provisions.
32. And to refresh the recollections of the members of the Senate
33. when this bill went out of the Senate, bonafide executives,

1. professionals, were exempt under the Minimum Wage Act as to
2. overtime requirements as well as those people whose wages
3. exceeded a hundred and seventy percent of the State-wide average
4. weekly wage. That was the majority decision, bi-partisan,
5. in this Body. It went over to the House and if I understand the
6. message is correct, messages that the House has refused to
7. concur in that Senate amendment. Now, the whole problem,
8. the whole decision is shall the 79th General Assembly
9. continue to deal with this one bill or should rather the 80th
10. General Assembly deal with the subject matter contained in the bill.
11. I'm of the opinion as sponsor of the bill that it's much
12. better for the 80th General Assembly to deal with this subject
13. matter. I don't mind interest groups, be they labor, be they
14. commerce employer groups having fair hearings. I don't mind
15. them being a participant in the legislative process. But, I think
16. there comes a time when the membership is here on a day that was
17. scheduled to be perfunctory, some people are absent, that we now
18. are called to try to reach once again a legislation decision
19. on what is essentially a battle between the Chamber of Commerce,
20. the Employers Association on the one hand and organized labor
21. on the other.

22. PRESIDENT:

23. Senator, I'd just like to...interrupt you for a moment to
24. say that although this was originally scheduled to be perfunctory
25. every single member of the Senate was, in fact, notified that there
26. would be a Session today. I want that record to be clear.

27. SENATOR MCCARTHY:

28. Well, I am sorry if I left a faulty inference there and I
29. subscribe to the fact that every member was notified. I just
30. mentioned that the action of the House and the bill coming back
31. over here on this day, I think is rather unusual, but we do
32. know about the notice. So, Mr. President, it's my feeling that
33. rather than to place a motion to concur or rather to place a motion

1. to recede, or nonconcur, I think that the welfare of the State
2. of Illinois would be better served if this entire matter
3. of looking after the contents of Senate Bill...House Bill 1930
4. as it now is restricted to the question of voluntary overtime
5. and the payment thereof, is best left to the 80th General
6. Assembly which will take office at noon Wednesday of next week.
7. And accordingly, Mr. President, I would move you, that any further
8. consideration of this House message be postponed indefinitely.

9. PRESIDENT:

10. Any further discussion on the motion? Senator Graham.

11. SENATOR GRAHAM:

12. Mr. President and members of the Senate. I can hardly
13. appreciate as I have in the past, being able to agree with the
14. gentleman from Decatur with regard to what we should or should
15. not do. The thing we should not have done was ever pass the
16. damn bill in the first place, but we did. At a time when the
17. people of the State of Illinois are looking towards this
18. General Assembly whether it's the 79th or the 80th, we still
19. have a legislative responsibility, they acknowledged the fact
20. and are ready to concede that we have left the State in one
21. terrible shape. Now, for us to say here today that we are
22. not able to deal with this during this Session of the General
23. Assembly is admission to the general public that the 79th
24. General Assembly failed in its entirety. I think it's wrong.
25. I think it's wrong for us to expect that we can go into
26. the next Session of the General Assembly and jack this issue around
27. for another three or four months and do a greater disservice
28. to the industrial climate of the State of Illinois. It's wrong.
29. We are here today, we are paid to be legislators. We are paid
30. to do a job and this is one of the most important jobs we could do
31. and I would suggest that the Senator from Decatur withdraw that
32. motion and that we proceed forthwith in getting a Conference
33. Committee to deal with it and exhibit once and for all to the people

1. of the State of Illinois that we can and are willing to address
2. ourselves to a very complex problem. Thank you, very much.

3. PRESIDENT:
4. Senator Glass.

5. SENATOR GLASS:
6. Mr. President, I move that Senator McCarthy's motion
7. lie on the Table.

8. PRESIDENT:
9. Senator McCarthy. It cuts off debate Senator.

10. SENATOR McCARTHY:
11. Well, I was going to ask Senator Glass, I don't mind
12. him...his motion. I think it's a wonderful motion, but wonder
13. if you would hold it just for a minute while I might respond
14. to Senator Graham.

15. PRESIDENT:
16. Well, he...he will hold the motion. And let's do it
17. straight up and down anyway.

18. SENATOR McCARTHY:
19. Yeah.

20. PRESIDENT:
21. Senator McCarthy...

22. SENATOR McCARTHY:
23. Well, if I might, we're going to do it straight up on
24. the motion to postpone that...

25. PRESIDENT:
26. That would be my suggestion then nobody gets confused.

27. SENATOR McCARTHY:
28. All right. Now,...

29. PRESIDENT:
30. You've made a motion to postpone any further discussion on
31. House Bill 1930 for the remainder of this Session and Senator
32. Graham has responded to that. You desire to respond to Senator
33. Graham.

1. SENATOR McCARTHY:
2. I do.
3. PRESIDENT:
4. Senator McCarthy.
5. SENATOR McCARTHY:
6. Yes, that is to say, Mr. President and members of the Body,
7. if we adopt my motion to postpone indefinitely any consideration
8. of this message, that does not necessarily mean that the
9. action of the 79th General Assembly is...is stymied.
10. It's my opinion that the House can on the motion of its
11. sponsor, reconsider the vote by which they failed to concur
12. in the Senate amendment. And so, we I think...
13. PRESIDENT:
14. Senator...Senator I think that just as a technical matter
15. the bill will be here. They...they would not have that
16. latitude to make such a motion.
17. SENATOR McCARTHY:
18. Well, I wanted to make that inquiry. Is the bill here or
19. is the bill in the House?
20. PRESIDENT:
21. The message is here.
22. SENATOR McCARTHY:
23. I know the message is here.
24. PRESIDENT:
25. And we have to act on that message and that message only.
26. The bill pursuant to custom is always kept in the original House.
27. So, the bill is there, but the message has been sent here and this
28. message must be dealt with in one way or the other. Senator
29. McCarthy.
30. SENATOR McCARTHY:
31. Yeah, well, I...I...I had kind have done some studying on
32. that, Mr. President, and that was my thought that the bill was
33. still in the House. If the bill was still over here, there would

1. a number of alternative motions that might have been in order. I
2. might have moved to recommit the bill to the Committee on Labor
3. and Commerce, might move to Table the bill. Any type of
4. motion would be in order if the bill were in the possession
5. of this Chamber. But, the bill isn't in possession of the Chamber.
6. The only thing we have before us is the message. And I wanted
7. to respond to Senator Graham to say that if my motion to postpone
8. action on this message indefinitely carries, the House having
9. possession of the bill, in my opinion, can reconsider their
10. action. We had this bill worked out to where it comes down
11. to two words, or one word, administrators or administrative
12. capacity. And it's been the concerted effort of associations
13. that represent corporations, not people, that are styming us
14. at this time. It's been the concerted effort of corporations
15. not people, that have been complaining and bellyaching
16. about administrative capacity who want us to put back into this
17. bill as exempt. People...

18. PRESIDENT:

19. Point of...just a moment. For what purpose do you arise,
20. Senator?

21. SENATOR BUZBEE:

22. Point of...

23. PRESIDENT:

24. Senator Buzbee.

25. SENATOR BUZBEE:

26. Point of order and a parliamentary inquiry, Mr. President.

27. PRESIDENT:

28. State your point.

29. SENATOR BUZBEE:

30. As I recall, was there not a motion which was to lay
31. Senator McCarthy's motion upon the Table and if so...

32. PRESIDENT:

33. That motion was withheld so that he might close the debate.

1. You may continue, Senator McCarthy.

2. SENATOR McCARTHY:

3. Yes, as I said, this...this gets down to two words,

4. administrative capacity and I think before we vote intelligently,

5. we have to know what that is. Administrative capacity, I think,

6. is just...

7. PRESIDENT:

8. Senator Glass.

9. SENATOR McCARTHY:

10. ...difficult for us...

11. PRESIDENT:

12. Just a moment. Senator Glass, for what purpose do you

13. arise?

14. SENATOR GLASS:

15. Well, thank you, Mr. President. A point of order. I was

16. willing to withdraw the motion to Table on the understanding that

17. Senator McCarthy would close on his motion to postpone. But, instead

18. of that, he's going into the merits of the bill and talking about the

19. meaning of administrative personnel, et cetera and I would

20. respectfully ask him to conclude so that we might vote on his

21. motion and if not, I'd like to renew my motion to Table.

22. PRESIDENT:

23. Senator McCarthy.

24. SENATOR McCARTHY:

25. I...I want to confess that point of order. I did, Senator

26. Glass, ask you and you acceded in withdrawing your motion to

27. Table so that I might respond and I apologize to you for acceding

28. that. No, I think I've stated the question. We can, by postponing

29. action on this bill indefinitely, allow the House to reconsider

30. their action, or in the alternative, allow the 80th General

31. Assembly. I think the motion to postpone indefinitely is the one

32. that should carry and should be deserving of the supports at least

33. of the Democrats, in this Chamber and we're in the majority. Thank

1. you.

2. PRESIDENT:

3. The...the question is on the motion of Senator McCarthy
4. to postpone further discussion of House Bill 1930 for the
5. remainder of this Session. All in favor will vote Aye. Opposed
6. will vote Nay. The voting is open. ...simple majority. Majority
7. of those voting. Pardon me.

8. SENATOR SOPER:

9. Thirty votes, or what?

10. PRESIDENT:

11. No, a majority of those voting. There is no motion to
12. Table. We are voting on the motion I just stated which is a
13. motion to postpone indefinitely further discussion on House
14. Bill 1930. Have all voted who wish? Take the record.
15. Have all voted who wish? For what...for what purpose does
16. Senator Vadalabene arise?

17. SENATOR VADALABENE:

18. Yes, Mr. President and members of the Senate. I didn't
19. realize that my key wasn't turned on, and had it been turned
20. on, I would have voted No.

21. PRESIDENT:

22. Let the record so show. On this question the Ayes are
23. 7, the Nays are 34, the motion fails. Any further motions.
24. Senator Harris.

25. SENATOR HARRIS:

26. Well, now, Mr. President, parliamentary inquiry. We
27. are...we are at this point then, I believe, and we've had some
28. rhetoric about this being unusual procedure. I would just like
29. to state that there is an unusual problem abroad with respect
30. to Illinois' relationship to the other forty-nine states. And
31. I don't care whether we're talking about corporations or people,
32. I tell you this, corporations create jobs for people and what
33. I'm talking about is jobs. And jobs can only be filled by people

1. and right now, Illinois is in an extremely disadvantageous
2. competitive position with the other states. And there is
3. opportunity for us to take some action today, some studied action
4. if we will just get about the business of making Illinois the
5. great state it has the potential to be. And I must now
6. inquire, Mr. President, is it not in order then for the Senate,
7. since we are dealing with a Message from the House, to take
8. action as a Body, to respond to the request of the House to recede
9. and if, in fact, we choose not to recede, that automatically,
10. there will then be appointed a Committee of Conference to resolve
11. the differences between the two Houses.

12. PRESIDENT:

13. That is correct.

14. SENATOR HARRIS:

15. And...

16. PRESIDENT:

17. And any...any member may make such a motion.

18. SENATOR HARRIS:

19. All right. Then, I will now move that the Senate
20. refuse to recede with respect to the differences between the two
21. Houses...

22. PRESIDENT:

23. No, you're...you're refusing to recede from the adoption of
24. Amendment No. 1.

25. SENATOR HARRIS:

26. Yes.

27. PRESIDENT:

28. And asking that...

29. SENATOR HARRIS:

30. Yes.

31. PRESIDENT:

32. ...a Conference Committee be appointed.

33. SENATOR HARRIS:

1. That's correct.

2. PRESIDENT:

3. Senator McCarthy, for what purpose do you arise?

4. SENATOR McCARTHY:

5. For a point of order.

6. PRESIDENT:

7. State your point, Senator.

8. SENATOR McCARTHY:

9. Well, I'm sorry, for a parliamentary inquiry.

10. PRESIDENT:

11. State your inquiry, Senator.

12. SENATOR McCARTHY:

13. First time I remember this ever came up. Would you indicate

14. to me where in the rules this subject matter is covered. I know

15. how to count on the board, so I'm not going to, you know,

16. go through a series of motions but...

17. PRESIDENT:

18. To answer your question, Senator, this specific matter

19. was at one point covered in the joint rules. There are no joint

20. rules and we are preceding in accordance with custom and usage.

21. SENATOR McCARTHY:

22. And that's...

23. PRESIDENT:

24. That's what we've always done, yes Sir.

25. SENATOR McCARTHY:

26. That custom of usage being...

27. PRESIDENT:

28. Custom and usage.

29. SENATOR McCARTHY:

30. ...custom and usage being that even though the sponsor

31. of the House Bill under consideration does not initiate in a

32. motion, that any member of the Body can initiate a motion?

33. PRESIDENT:

1. That is correct, Senator, and the...

2. SENATOR McCARTHY:

3. So, you're putting the bill, roughly, in the same type
4. of...of posture as a bill that has been vetoed where it becomes
5. a product of the Chamber. That's about what you're doing.

6. PRESIDENT:

7. No, it isn't exactly what I'm doing, Senator. We are
8. operating on the basis of custom usage and of course, logic
9. and the logic of the matter is that the will of the majority
10. shall prevail and to permit the course of action that you are
11. suggesting to prevail, may, in accordance with the votes which
12. will be cast later, be frustrative of the intention and the desire
13. of the entire Senate. That is why the motion shall be put and then
14. we can determine how many people agree with the position you're
15. taking and how many oppose it. On that basis, the will of the
16. majority shall prevail. Senator McCarthy.

17. SENATOR McCARTHY:

18. Well, yes, thanks for the answer to the parliamentary inquiry. Just
19. for the record I would like to interject a point of order and have
20. it in the record that I'm objecting to Senator Harris' motion
21. being placed before the Body. I feel that it's not within the
22. scope of the rules. I would hope that a court in ruling upon
23. this bill later on would note that I am the Senate sponsor of this
24. bill, that I have placed no motion, that I object to any other
25. member of this Senate placing a motion when I am the sponsor of the
26. bill and am in control of the bill and I just want that shown in the
27. record.

28. PRESIDENT:

29. The record will so show. Senator Lemke.

30. SENATOR LEMKE:

31. Mr. President and members of the Senate. It's always
32. been my understanding since I've been here that a sponsor of a
33. particular piece of legislation has that legislation, he can do what

1. he wants with it. And Senator McCarthy is the sponsor of this
2. bill. I had disagreed on coming down to this Session because I
3. cannot see State money paid for the interest of the Chamber of
4. Commerce or the Manufacturer's Association. What affect does
5. this have on the operation of effective government? It does...

6. PRESIDENT:

7. It has the same affect, Senator, that it has on...

8. SENATOR LEMKE:

9. ...it does...

10. PRESIDENT:

11. ...all of the universities, and all of the eleemosynary
12. institutions and all of the other schools involved in this
13. situation.

14. SENATOR LEMKE:

15. And I think...

16. PRESIDENT:

17. The record ought to be clear that this does not relate
18. simply to manufacturers. It relates to schools, universities,
19. and a lot of other governmental agencies.

20. SENATOR LEMKE:

21. You are saying in this matter that you can take
22. a bill from a sponsor which has not been the custom either
23. in the House of Representative or here. To take a bill away
24. from the sponsor as to what he wants to do with it. That's what
25. you're saying. You're setting precedent on that. Is that what
26. you're going to do to our sponsor of a bill, take it away
27. from him, let somebody else motion it?

28. PRESIDENT:

29. Let me answer your questions as you have asked them. In
30. the first instance, no one is taking a bill away from the sponsor.
31. The sponsor has certain courses of action which he may
32. or may not take. The sponsor in this instance requested that there
33. be no further consideration on the bill. That motion was

1. overwhelmingly defeated by this Body. It has been the custom
2. and usage of this Body since time immemorial for a motion to be
3. made of the nature which has been made on this bill. I am
4. not unaware of the fact that this matter has, on some other
5. occasions, been litigated. That's why I have perfect
6. ...a perfect feeling that this is a correct decision. It is
7. not based on what I think, what I hope, what I dream.
8. It's based on my knowledge of the law as respects this kind of
9. a matter and you'll find it in the lawbooks. Senator, you
10. care to say something else?

11. SENATOR LEMKE:

12. I see no precedent of lawbooks. There's been no precedent.
13. I have never seen a bill taken from a sponsor and when the
14. Republicans were in control, they never took a bill from
15. a original sponsor. And we're going now, we're leaving...we're
16. changing the...the order of custom and usage in this Body
17. and in the General Assembly, taking a bill away and the
18. only reason we're taking it away is...I didn't get any letters
19. from universities or any government bodies. I got letters from
20. the Chamber of Commerce and big business whose threatened us that
21. are fearing and everything else that they're threatening us
22. and I do not go for threats, by any party. No matter if
23. they're labor or by business. And I don't think this bill should
24. be taken away from a sponsor. He has the destiny. It has not
25. been put into a Conference Committee. He could do what he wants
26. with it and the House can reconsider what they did.

27. PRESIDENT:

28. Any further discussion? Senator Harris has moved that the
29. Senate refuse to recede from the adoption of Amendment No. 1 to
30. House Bill 1930 and that a Conference Committee be appointed.
31. All those in favor will vote Aye. Opposed will vote Nay. The
32. voting is open. Have all voted who wish? Have all voted
33. who wish? Take the record. On that question the Ayes are 40, the

1. Nays are none, the motion carries and the Secretary shall so
2. inform the House. Senator McCarthy.

3. SENATOR McCARTHY:

4. I wonder, Mr. President, I might rise to a point. Now, that
5. there has been by this Body, I...over my objection, I think
6. it's a nullity there has been a call for a Committee on Conference.
7. I've had in my hand for some half hour a...not half hour,
8. for fifteen minutes, I've had a list of the Senate members of the
9. Committee on Conference. Of the five members from the Senate
10. who apparently will be designated by the Chairman, my name
11. appears, because I objected to the procedure and still object
12. and feel that it's a legal nullity, I don't want to participate
13. in any Committee on Conference springing from Senator Harris'
14. motion so...don't want to cause Senator Hall any undue clerical
15. work...

16. PRESIDENT:

17. Senator, the...the...the list that you have was
18. a perspective, projective list of persons who would be on
19. it. Out of respect for you as a...as a sponsor of the bill,
20. I felt and asked you if you wanted to be on it. If you make
21. a conscious choice to not be on a bill which is a matter of deep
22. and abiding concern to you, I would certainly abide your
23. wishes.

24. SENATOR McCARTHY:

25. Well, I think I stated for the record why I didn't want to
26. be on it because I don't think the procedure is right.

27. PRESIDENT:

28. Fine. I'll honor that Senator. You will not be on it at
29. your request. Committee Report.

30. SECRETARY:

31. To the members of the Senate, I do hereby appoint
32. the following to serve as members of the Conference Committee on
33. House Bill 1930, Senators Donnewald, Egan, Joyce, Harris and
34. Graham. Sincerely, Kenneth Hall, Chairman of Committee on Committees.

1. PRESIDENT:

2. The Senate will, so that you don't have to sit here while
3. this committee is meeting, the Senate will be in recess until
4. 4:00 o'clock. Now, that doesn't mean...I would suggest that that
5. 4:00 o'clock means that you should be within a half hour of here
6. and call in at 4:00 to determine where we are. It will save
7. you from having to come back and forward. So the committee...
8. the Senate will be in recess until 4:00 o'clock. Keep your
9. office informed as to your whereabouts.

10. RECESS

11. AFTER RECESS

12. PRESIDENT:

13. The Senate will come to order. The Conference Committee,
14. we're given to understand is meeting and we will stay...stand at
15. ease till the call of the Chair. The Senate will come to order.
16. The Chair wishes to make an announcement. The Chair has been
17. informed that there is progress being made in the Conference
18. Committee and hopefully within an hour to forty-five...within
19. a half hour to forty-five minutes, there will be a report
20. for the inspection and perusal of the members of this Body.
21. It is not about twenty minutes of six. We will be back in Session
22. at 6:30. Hopefully it can be accomplished by then. We will be
23. at ease until 6:30.

24.
25. End of reel
26.
27.
28.
29.

1. PRESIDENT:

2. Will the members be in their seats. Could we have some
3. order. The Senate will come to order. We have a very special
4. guest here today and Senator Harris has a presentation to
5. make to that quest. Senator Harris is recognized.

6. SENATOR HARRIS:

7. Thank you, Mr. President. Back in the latter part of 1973
8. when I had the privilege to serve as the President of this
9. great Body, I had delivered to my office...or there was
10. delivered to my office a plaque commemorating a resolution...
11. Senate Resolution 403 that was adopted on the 28th of June,
12. 1972 before I became President of the 78th General Assembly...
13. of the Senate of the 78th General Assembly. It was a plaque
14. that this Body had unanimously adopted recognizing the great
15. job of presiding that Lieutenant Governor Paul Simon had done
16. in serving his former colleagues in the Senate here. We had
17. been in communication from time to time trying to find an
18. appropriate occasion during which this plague could be awarded to
19. the Governor here in the Senate Chamber when we were in Session.
20. And we both vowed from time to time that we'd get that job
21. done while I was still a member of this Body and we're close
22. and we are getting that job done here today. This plaque is
23. a creation of Senate Resolution 403, and it was signed by all
24. of the members of the Senate on that occasion. It was prepared
25. by Senator Neistein and I'm not certain whether I should fix
26. any blame about the tardiness in its eventual delivery but I
27. did talk with Senator Neistein about it on two or three occasions,
28. and as I've already informed you, it...it...it is a fine piece
29. and I know the Lieutenant Governor will cherish it. It does
30. contain signatures of some who are no longer with us, and so
31. Governor on behalf of your former colleagues and on behalf of
32. the members of the Senate on the 28th of June, 1972, I am proud
33. and pleased to make the long awaited delivery of this plaque

1. commemorating your outstanding service as our Presiding Officer
2. and President.

3. CONGRESSMAN PAUL SIMON:

4. Thank you. Thank you, very, very much. My speech will
5. be very brief, because I have to grab a plane at ten after
6. seven out of here. I...my colleague, Senator Bill Harris,
7. Mr. President Senator Partee, my constituent Senator
8. Donnewald, I better acknowledge Ken...Senator Ken Buzbee, and
9. where is Senator Gene Johns? He's absent. All right. I...
10. I...tell him I acknowledged anyway, but it is great to be
11. here in these new quarters which are a tremendous improvement
12. over the old days. The furnishings have changed but the...the
13. the people, you know there's Frank Ozinga, and Cliff Latherow
14. and Harris Fawell, and Howard Mohr, the...the...Sam, and...and
15. all the rest of you, it's great to see all of you. I'm proud
16. to have spent ten years in this Body. They were great years
17. for me personally. I hope I contributed a little to the
18. State of Illinois. Proud to have been here with my colleagues
19. like the two...the three of them who are up here. Bill, you
20. and I started in the House together, back in 1954. You were
21. a latecomer. Quite a bit younger than I am, Mr. President,
22. but it has been great to follow the progress through the
23. years. I've been proud to be associated with this Body. I'm
24. proud of what you're doing. I disagree with you once in awhile
25. as I am sure you do with those of us in Washington. I've one
26. question though, Mr. President. How come you're meeting on
27. a Friday night? That's one thing we rarely do in Washington.

28. PRESIDENT:

29. Well, we're very preceptive to the people's business and
30. the people in this State must be served.

31. CONGRESSMAN PAUL SIMON:

32. Okay. Anyway, my thanks to all of you. I...you're very
33. gracious and I shall hang this in our office in Washington with

1. pride, come back and see us. Let me add this to any possible
2. future members of Congress that are...who may be here, it...
3. it's fun. Washington is like Springfield, you simply add
4. three zeroes and the process is the same otherwise. Thank you,
5. very, very much.

6. PRESIDENT:

7. For what purpose does Senator Buzbee arise?

8. SENATOR BUZBEE:

9. Mr. President, I feel it incumbent upon me since I am
10. the Governor's Senator to say a very...make a very brief remark.
11. I did not have the privilege to serve in this Body with
12. Governor Simon or with Senator Simon, but I do have the distinct
13. privilege of calling him my friend and my Congressman, and
14. I appreciate that.

15. PRESIDENT:

16. To the order of the Secretary's Desk on concurrences on
17. page 3 of your Calendar, Senate Bill 2044, Senator Rock.

18. SENATOR ROCK:

19. Thank you, Mr. President and Ladies and Gentlemen of
20. the Senate. Senate Bill 2044 you will recall is that bill
21. which we sent to the House calling for an increase in the
22. authorization for correctional institutions in...in amendment
23. to the Capital Development Bond Act calling for an increase
24. of some nine hundred thousand dollars. The House chose not
25. to approve that increase but instead took advantage of Senate
26. Bill 2044 and added two amendments. The amendments increase
27. the total authorization under the Capital Development Bond
28. Act by some thirty-four million dollars and in the course and
29. in accord with that increase, the House, also by virtue of Amendment
30. No. 9...there are two amendments, House Amendment No. 2 and
31. House Amendment No. 9. By virtue of House Amendment No. 9,
32. it also corrected or attempted to correct the individual line
33. item authorizations in an attempt to make them correspond

1. with the actual appropriations that have been approved by
2. this General Assembly. So, when we get, I suppose, to the
3. bottom line, we are saying that the total authorization is
4. increased by 34.76 million dollars. You will recall when
5. we discussed this bill earlier in the Session, we have, in
6. fact, authorized only seven hundred and fifty-two million
7. dollars under the Capital Development Bond Act while we had
8. appropriated eight hundred and twenty-three million dollars in
9. individual projects. Actually, in actual fact, subsequent
10. to the Governor's action and everything else, the total
11. appropriations for all projects and this will include all
12. those waterways projects and...there's an increase in water
13. resources of seven million dollars, there's an increase in
14. child care of fourteen million dollars pursuant to Senator
15. Philip's bills, there's an increase in the educational lines
16. of seventeen million dollars, so the sum and substance of
17. the bill is, that we will now have totally appropriated in
18. dollar amount projects amounting to seven hundred and eight-seven
19. million eight hundred and thirty-five thousand dollars. This
20. bill will take the authorization to seven hundred and eighty-six
21. ...seven hundred and eighty-six million nine hundred and
22. sixty-nine thousand dollars. There is, in fact, an eight
23. hundred thousand dollar difference, but it's a great deal
24. better and the Capital Development Board will breathe a
25. lot easier as will the Governor's Office because the differences...
26. no longer that difference between seven hundred and fifty-two
27. million dollars authorized and eight hundred and twenty-three
28. dollars appropriated. We are now at seven eighty-seven and
29. seven eighty-six. I would ask that this Senate concur with
30. House Amendments No. 2 and No. 9 to Senate Bill 2044.

31. PRESIDENT:

32. Senator Fawell.

33. SENATOR FAWELL:

1. Senator Rock, what actually are the new projects for
2. which bond authorization though is now given? I...I follow
3. your remarks that we had appropriated more than that for which
4. we had given bond authorization, but...and the thirty-four million,
5. what...what are these new projects that...then we do have
6. bond authorization for?

7. PRESIDENT:

8. Senator Rock.

9. SENATOR ROCK:

10. Well, the...the...the new one...the only new one are the
11. specialized living centers that were part of Senator Philip and
12. Representative Daniels' bills and that's an expenditure of
13. fourteen million dollars. The others are not so much new
14. projects as they are authorization for projects which we have
15. already approved in terms of Capital construction at the
16. educational facilities, is the big one. That's seventeen
17. million dollars. You see what happened before was, that the
18. total and the individual line items, there was a discrepancy,
19. they did not correspond. By virtue of these two amendments,
20. we have made them we think correspond.

21. PRESIDENT:

22. Senator Fawell.

23. SENATOR FAWELL:

24. So, I...there'll be fourteen million insofar as Senator
25. Philip's bills are concerned, and then seventeen million that, as
26. you point out, is not new, but it...it makes the two now
27. coincide. That's...you say, educational facilities, that's
28. secondary...elementary and secondary or higher education?

29. PRESIDENT:

30. Senator Rock.

31. SENATOR ROCK:

32. I think these projects are all higher education.

33. PRESIDENT:

1. Senator Glass.

2. SENATOR GLASS:

3. Thank you, Mr. President. Senator Rock, is it correct

4. then that...that the correctional projects...correctional

5. facilities, planning funds or projects that we had put in the

6. bill are...are gone completely and that none of this money

7. that the House has restored by way of authorization affects

8. those?

9. PRESIDENT:

10. Senator Rock.

11. SENATOR ROCK:

12. Well, this..this bill when...when it was introduced by

13. myself and Senator Graham was a companion to 2043 which called

14. for that nine hundred thousand dollar planning expenditure.

15. That bill failed in the House, and this bill was then resurrected

16. for the purpose of attempting at least to correlate all these

17. various numbers.

18. PRESIDENT:

19. Any further discussion? Senator Berning.

20. SENATOR BERNING:

21. Question of the sponsor, please.

22. PRESIDENT:

23. He indicates he'll yield.

24. SENATOR BERNING:

25. What is the reasonable anticipation in the way of debt

26. service for the increase you are now proposing for the bond

27. authorization?

28. PRESIDENT:

29. Senator Rock.

30. SENATOR ROCK:

31. Approximately three million dollars. I think on a

32. hundred million the...the Comptroller's Office and the Capital

33. Development Board figured it at ten and so this is a third of a

1. hundred, and roughly it'd be...roughly three million dollars.

2. PRESIDENT:

3. Senator Berning.

4. SENATOR BERNING:

5. That's three million dollars a year starting with the
6. next fiscal year and for how long?

7. PRESIDENT:

8. Senator Rock.

9. SENATOR ROCK:

10. No, I...I...my understanding is that that debt service
11. only becomes a liability when in fact the bonds are sold.
12. What...what we are doing here is authorizing and there is
13. a difference between...there is always a difference I am told
14. by those who really know in the amount authorized and the
15. amount actually issued and sold. I think right now, although
16. we have to date right up and to this bill authorized seven
17. hundred and fifty-two million. I...I think the last report
18. ...we have actually sold somewhere in the neighborhood of five
19. hundred and fifty million, so there's a two hundred million
20. dollar lag there so that I...I don't think it would be accurate to say
21. that it will start the...the debt service will start next year
22. for so many years.

23. PRESIDENT:

24. Senator Berning.

25. SENATOR BERNING:

26. Mr. President, this is part of what I was attempting to
27. get to. Our bonded indebtedness really is huge. The authorization
28. is almost fifty percent greater than what we have already issued.
29. Our debt service which is an obligation that we must provide
30. for out of General Revenue every year continues to go up as
31. more of these bonds which we authorize are sold. I really don't
32. know, Mr. President, how many years these bond authorization...or
33. bond debt service years extend to, but I would suspect they're

1. in the neighborhood of forty years. Now, it's no secret, we
2. have a rather difficult fiscal situation confronting the
3. citizens in the State of Illinois, and even if the new authoriza-
4. tion only amounts to an additional three million dollars, that
5. three million dollars is in addition to what will obviously be a...a
6. firm commitment, a definite requirement for appropriation as
7. the other two hundred odd million dollars which are already
8. authorized are ultimately sold. So, Mr. President, I want
9. to emphasize that in my opinion we are inviting a debt service
10. obligation for not only the existing bonds which are sold, but
11. those which are authorized already, that is going to be most
12. difficult to attempt to cover and I think we ought to refrain
13. from any additional authorizations even though a strong
14. argument can be made for any and all of the projects worthwhile
15. as they be in the eyes of most of us. We have to stop.

16. PRESIDENT:

17. Senator Weaver.

18. SENATOR WEAVER:

19. Thank you, Mr. President. Well, I would just like to
20. concur with Senator Rock's observations that this is an
21. attempt to match authorizations with appropriations in needed
22. areas, and although it's not perfect, it is step in the right
23. direction and certainly we're going to have to look at authoriza-
24. tions next year and consider the appropriations or further
25. appropriations for bond authorization but I think this a step
26. that should be taken at this time, and I would urge the colleagues
27. on this side of the aisle to support this concurrence.

28. PRESIDENT:

29. Senator Rock.

30. SENATOR ROCK:

31. It...does anybody else wish to speak, Mr. President? I
32. just wish to close.

33. PRESIDENT:

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1. There's no indication of any additional persons desiring
2. to speak.

3. SENATOR ROCK:

4. All right, thank you, Mr. President, Ladies and Gentlemen
5. of the Senate. I think Senator Weaver aptly concluded by
6. pointing out that this is something we really have to do. You
7. will recall that when we were at the seven fifty-two versus
8. eight twenty-three appropriated level, the Governor saw fit
9. and I think rightfully so and we all concurred that he had
10. to cut and veto those new appropriated projects for the reason
11. that Bond Council had indicated that if, in fact, the General
12. Assembly was as a regular course of business going to appropriate
13. more for projects than they had in fact authorized, the salability
14. of the bonds would, in fact, be impaired. We are making, I
15. think, a responsible effort to have the authorization correspond
16. to those projects that we have appropriated for and which the
17. Governor has to date approved. I think the bill is a good
18. one and deserves our support. I would urge a favorable roll call.

19. PRESIDENT:

20. The question is, shall the Senate concur in Amendments
21. Numbered 2 and 9 to Senate Bill 2044? Those in favor vote Aye.
22. Opposed vote Nay. The voting is open. Yes, Senator...Senator
23. Rock.

24. SENATOR ROCK:

25. Parliamentary inquiry of the Chair, Mr. President.
26. Since this is an increase in the bonding authority under our
27. Constitution, I think it requires an extraordinary vote, is
28. that correct?

29. PRESIDENT:

30. That is correct. It requires thirty-six votes. Have all
31. voted who wish? Take the record. Postponed consideration is
32. requested. There is a request that all members of the Conference
33. Committee on House Bill 1930 please come over to Representative

1. Shea's office immediately. Well, I don't know what he's
2. talking about. I guess it's for signatures. I don't know what
3. it's about. Hold it...just hold it a minute. Senator Harris,
4. the Chair has been informed that the Conference Committee
5. Report is now live and in being, has been signed, and is at
6. present being duplicated. I thought perhaps we might start and
7. initiate the discussion, and there will be copies for all members,
8. so the Chair...Senator Harris, you are the person who made
9. the motion. The Chair recognizes Senator Harris.

10. SENATOR HARRIS:

11. Thank you, Mr. President. If you will recall some
12. two weeks ago or three, our final week of the Session,
13. the day before we adjourned, we sent to the House an amend-
14. ment to House Bill 1930 that read...

15. PRESIDENT:

16. Well, just one moment...one moment. Now, Gentlemen
17. and Ladies, this is a...an important piece of legislation
18. over about which there has been much controversy, about which
19. there has been much rhetoric, and about which there has been
20. much communication by people all over this State concerning
21. it. It has finalized itself hopefully in this present draft.
22. May we have the attention of the membership so that we can
23. conclude our business in a logical fashion. Senator Harris.

24. SENATOR HARRIS:

25. ...First of all, I'll...I will just explain to you that
26. our former action which resulted in the adoption of Amendment
27. No. 1 to House Bill 1930 exempted employees employed in a bona-
28. fide executive or professional capacity or whose regular weekly
29. rate of pay was not less than a hundred seventy percent of the
30. State-wide average weekly wage as determined by the Department of Labor
31. as that department normally deals with the averages for the
32. calculation of unemployment compensation. After much discussion
33. and public hearing down in 212 and with the appearance of

1. witness, the ten members of the Committee on Conference con-
2. cluded that that section, that was our amendment, the addition
3. of Section E to...well, I'm not going to...to Section 4a of the
4. Illinois Minimum Wage Act was agreed to be changed to read as
5. follows: The addition of paragraph E that now would read -
6. being accepted from the provisions of the time and a half section
7. in the Illinois Minimum Wage Statute. Exempting if we adopt
8. this will be any employee employed in a bonafide executive
9. administrative or professional capacity as defined by the
10. Federal Fair Labor Standards Act of 1938 as now or hereafter
11. amended, and further that for bonafide executive administrative
12. and professional employees of not-for-profit corporations, the
13. director may by regulation...adopt a weekly wage rate standard
14. lower than that provided for under the Federal Fair Labor
15. Standards Act. This will cure the problem with not-for-profit
16. and particularly educational institutions that many of us
17. have...have heard from, and we think that this is an excellent
18. compromise that will go a long way to restoring Illinois to its
19. rightful competitive relationship with her sister states, with
20. respect to our Minimum Wage Statute. The Conference Committee
21. also recommended changing the definition of outside salesman
22. provided for in the Statute. That definition will now read -
23. outside salesman means an employee regularly, and this is the
24. new language, regularly engaged in making sales or obtaining
25. orders or contracts for services where a major portion of such
26. duties are performed away from his employer's place of business.
27. That definition is accepted and embraced by the representative
28. of Labor that...that appeared before the Committee in 212, Mr.
29. Bob Gibson. It also was embraced by Representative Tom
30. Hanahan who is a member of the Conference Committee and he
31. accepted this provision, however, he was not persuaded of the
32. efficacy of the first provision that I mentioned to you. Representa-
33. tive Hanahan dissents to the first provision I described, but the other

1. nine members of the Conference Committee have all signed it.
2. I would be happy to respond to any questions, and when we do
3. have the copies of the Conference Committee before us, if
4. we are ready to proceed with action on my motion or of the
5. motion to adopt the Conference Committee Report with respect
6. to the differences between the two Houses, concerning House
7. Bill 1930, we can be on our way home.

8. PRESIDENT:

9. Any further discussion? Senator Harber Hall.

10. SENATOR HARBER HALL:

11. I wonder if Senator Harris would yield for a question...

12. PRESIDENT:

13. He indicates he'll yield.

14. SENATOR HARBER HALL:

15. ...if he would. Recalling that a partial sandwich is
16. better than a meal, I just wondering we all know what we were
17. trying to do down here. I'm just wondering why we didn't
18. use the very simplified language that we could have to bring
19. this bill into the shape that would of made the changes that
20. a majority of both Bodies wanted. Why...why do we have to
21. write all the verbiage, the additional wording that seems to
22. get around saying what we really would of said if this were
23. in the proper form to start with?

24. PRESIDENT:

25. Senator Harris.

26. SENATOR HARRIS:

27. Well, Senator, I don't know what you mean, the proper
28. form to start with, but if you mean language that as contained
29. in this conclusion that goes on from the word "capacity",
30. if you mean an exception that would say only, any employee
31. employed in a bonafide executive, administrative or professional
32. capacity and stop there, I would say to you, Senator, that that
33. was my recommendation. I strongly recommended that. There were

1. nine other members of the Committee and much discussion transpired
2. with respect to it. Many of the members were lawyers. There
3. was available to us as resource two highly competent attorneys
4. that represent national corporations that deal with constituencies
5. other than Illinois. This...the additional verbiage actually
6. provides for a result of lowering, lowering the standards that would
7. probably be adopted by the Director of Labor without further
8. explanation than if we had stopped where...where I said I
9. was willing to stop, because he will now be mandated to use
10. the standards of the Fair Labor Standards Act which has in-
11. cluded in its average weekly wage calculation lots more considera-
12. tions than just the statistics of the State of Illinois, so
13. that in fact the...the threshold is significantly lower
14. than the eleven thousand four-forty which is the average annual
15. weekly wage for unemployment calculation purposes for Illinois
16. only. Frankly, we have a better product than what I was originally
17. willing to settle for with respect to exempting additional
18. numbers of executive, professional and administrative personnel.
19. I did make a strong case for my belief that we needed to have
20. a particularly low threshold for those people of those categories
21. entering into the system, and particularly with respect to its
22. impact on minorities and those in the...the teens age authorized
23. to seek permanent employment that want to go into executive
24. training. I think we've got a better product than we would have
25. had if we had just my simple language in the first instance.

26. PRESIDENT:

27. Furthe: discussion? Senator Harber Hall.

28. SENATOR HARBER HALL:

29. You have me at a disadvantage since I don't have the
30. amendment yet and I understand the reason for that, Senator,
31. and so I'm just going to say I'm going to follow your lead as
32. I did two weeks ago and vote to concur.

33. PRESIDENT:

1. Senator Harris.

2. SENATOR HARRIS:

3. I'd just like to add that one other thought that occurred
4. to me when we were acting some three weeks...two or three
5. weeks ago, was that we would continue keeping this matter in
6. a posture that we could take final definitive action in the
7. 79th General Assembly. I...I think it tremendously important
8. that we try to wrap this up. I just cannot perceive of the
9. issue being resolved before late in April or May if we don't
10. meet our responsibilities now in the 79th General Assembly,
11. and I know that the membership of the Conference Committee
12. were committed to that conclusion and I would urge the member-
13. ship to join those of us of the Conference Committee who
14. support this conclusion to act on it with dispatch and
15. affirmative support.

16. PRESIDENT:

17. Senator Nimrod.

18. SENATOR NIMROD:

19. Mr. President, I wonder if Senator Harris would yield
20. to a question for clarification.

21. PRESIDENT:

22. He indicates he'll yield.

23. SENATOR NIMROD:

24. Senator Harris, as...as I see this Section E which we were
25. talking about, that actually is referring this back to the
26. August position prior to the passage of the original bill.
27. Does that include the provision of the Fair Labor Standards
28. Act as I understand this now?

29. PRESIDENT:

30. Senator Harris.

31. SENATOR HARRIS:

32. I...I'm sorry, I was diverted about in the middle of
33. your question, Senator Nimrod. Will you restate it?

1. Senator Nimrod.

2. SENATOR NIMROD:

3. Does...does this amendment as has been agreed to, in fact
4. restore the provisions of the Fair Labor Standards Act which
5. were in the bill as...as of the August date before the change
6. was made of the passage...the change in the Minimum Wage law?

7. PRESIDENT:

8. Senator Harris.

9. SENATOR HARRIS:

10. I believe what you are saying, does this restore old
11. paragraph 7, and the fact is that it...it...it does not do
12. that. It sets forth in...in Section 3d...now, I'm sorry, in
13. Section 4a a new paragraph E. The...the...the point that
14. you make refers to another definition section I believe of
15. the Act dealing with the definition of an employee as provided
16. by the Fair Labor Standards Act. Now, what we are doing in
17. this amendment now, Senator Nimrod, is not amending the
18. definition section but amending the exemption section of the
19. time and a half provision of the Act, and it uses as the
20. standard for the exemption of bonafide executive, administrative,
21. and professional employees, those kinds of employees as
22. defined by the Federal Fair Labor Standards Act of 1938 as
23. now or hereafter amended, so we get that language expressed
24. in the Illinois Minimum Wage Statute. Additionally, we provide
25. the Director with the authority to establish lower
26. standards or a lower weekly wage rate standard for not-for-
27. profit corporations than that standard provided for under the
28. earlier sentence in that new paragraph E.

29. PRESIDENT:

30. Senator Nimrod.

31. SENATOR NIMROD:

32. Thank you, Senator Harris. Then we are providing...not
33. only defining the categories, the professional, administrative

1. and executive, but we then refer them back for those that are
2. defined by the...the Act...Fair Labor Standards Act of 1938.
3. Okay. That takes care of that grouping. We do not attempt in
4. anyway to go any further on any of the definitions. They just
5. ...you feel this is adequate without having to go back to
6. any definitions at all?

7. PRESIDENT:

8. Senator Harris.

9. SENATOR HARRIS:

10. I...I sincerely believe this is a significant affirmative
11. result over where we are in the law as of now, and it's
12. possible that we could get this signed in the next day or so and
13. would be a great benefit to the Department of Labor in dealing
14. with the claims that are presently beginning to pile up with
15. it as a result of our failure to include these exemptions in
16. the Act that became law last August. And I guess I would just
17. answer you in a one word answer, yes this is better and this
18. is...this is...this is a...a great improvement.

19. PRESIDENT:

20. Senator Nimrod.

21. SENATOR NIMROD:

22. Yeah, thank...thank you, Senator. I...I think that this does
23. address itself to the problem that exists today where the
24. businesses are really exposed to paying time and a half and
25. does leave the Illinois employers at a disadvantage. I hope
26. we can then maybe in 80th Session get back and make any of
27. the additional...technical changes that might be necessary,
28. but I...I will support the bill and this present amendment.

29. PRESIDENT:

30. Senator Mitchler.

31. SENATOR MITCHLER:

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

33. PRESIDENT:

1. He indicates he'll yield.

2. SENATOR MITCHLER:

3. I received a considerable amount of mail that was
4. generated by employer organizations. Just for the record so
5. that I can reply and respond to these people, what employer
6. organizations are in support of this Conference Committee
7. Report?

8. PRESIDENT:

9. Senator Harris.

10. SENATOR HARRIS:

11. I have not talked to the representative of the State
12. Chamber, Mr. Neal, since we adopted this, but I have talked
13. individually with Bill Dart who represents the IMA, Hugh
14. Muncey who represents the Illinois Retail Merchants Associa-
15. tion and Pres Peedan who represents the Chicago Association
16. of Commerce and Industry. All three of those representatives
17. are pleased and affirmative about this conclusion of the
18. Conference Committee. It...I...I cannot tell you how Mr. Neal
19. reacts personally because I have not talked with him individually.

20. PRESIDENT:

21. Senator...

22. SENATOR HARRIS:

23. I think he is probably still in the building here somewhere,
24. but I just have not seen him specifically.

25. PRESIDENT:

26. ...Senator Mitchler.

27. SENATOR MITCHLER:

28. Well, much...much of mail I believe was generated by the
29. Illinois State Chamber of Commerce and the language that I
30. felt in there was a result of their contact with their members,
31. and that's why I specifically was wondering if the Illinois
32. State Chamber of Commerce did approve of this, but they're
33. probably still reading it over, trying to figure out what's really

1. in the bill.

2. PRESIDENT:

3. Any further discussion? Senator Berning.

4. SENATOR BERNING:

5. Thank you, Mr. President. I must say that I am pleased
6. that apparently a very, very serious problem has been resolved.
7. I have one question, however, which has been raised by some
8. of the people from whom I heard. Senator Harris, I notice that
9. this bill says that this takes effect upon becoming law. Does
10. that mean that there is absolutely no way of correcting the
11. issue on a ex post facto basis so as to eliminate the claims
12. that are now starting to arise?

13. PRESIDENT:

14. Senator Harris.

15. SENATOR HARRIS:

16. This...this bill will become law if the two Houses adopt
17. it by majority votes and on the occasion that it is signed by
18. the Governor, it will be prospective from that day forward.
19. The period of time between August and whatever day this gets
20. signed into law, if it is signed i.e.a...is a period that is a limbo
21. period and it will be the responsibility of the Department to
22. deal with those claims that are filed there. There is no
23. possibility in my judgement to constitutionally deal with
24. the period from August to watever day this might become law.

25. PRESIDENT:

26. Senator Berning.

27. SENATOR BERNING:

28. Thank you, Mr. President. I knew the time would arise
29. sooner or later when I would be able to refer to the action
30. taken by this Body wherein we provided by what I think is
31. termed an ex post facto action to relieve the Chicago schools
32. of an obligation which was the result of their violating of the

1. law and we've made the change retroactive for one full year.
2. Now, I said it was wrong then. I still say it is wrong, but
3. if we can do it in one instance, why we can't do it in another
4. and why cannot this change be made effective as of July 1,
5. 1976?

6. PRESIDENT:

7. Senator Schaffer.

8. SENATOR SCHAFFER:

9. Well, Mr. President, and I...I gueſs I address this comment to
10. Senator Harris. The...the major portion of the publicity on
11. this problem has come from the State Chamber, and several
12. weeks ago when we voted on this the last time, this...the
13. amendment was at that time described as one that the Chamber
14. could support. And I did support that original amendment
15. with that thought in mind and I arrived home to be thoroughly
16. chastised by my local Chambers based on their...State-wide
17. mailings, and I'm personally somewhat reluctant to support
18. this amendment until that group which seems the most concerned
19. about this says something to us about it. Frankly, they...
20. they maintained the most expensive lobbying group down here
21. that I know of. They have people haunting the hallways. Why
22. don't we get some word from them?

23. PRESIDENT:

24. Senator Buzbee.

25. SENATOR BUZBEE:

26. Well, perhaps Senator Harris would be better qualified to
27. answer that question, however, Senator Schaffer, I feel compelled
28. to you that Senator Harris very specifically said he didn't
29. know how the State Chamber stood on it two weeks ago in response
30. to my question, and I, in fact, happened to know that the
31. State Chamber two weeks ago was opposed to it because I went
32. out and talked to Mr. Neal as well...as well as Mr. Dart and
33. Mr. Muncey and the Manufacturers Association and the State

1. Chamber was opposed to it last week or two weeks ago that
2. amendment that was passed. The Retail Merchants Association
3. said they would prefer not to have it, but if they couldn't
4. get anything better, they would accept that, but I think
5. consistently and I'm not one to stand here and defend the
6. State Chamber of Commerce but consistently they said they
7. were opposed to that that was passed two weeks and Senator
8. Harris certainly said he didn't have any idea how they stood at the
9. time I asked him the question on the Floor.

10. PRESIDENT:

11. Senator Harris.

12. SENATOR HARRIS:

13. Another thing I said that day was that, I'm Senator Harris
14. elected by the people of the 38th District to make judgments
15. from time to time on conclusions that I believe to be are the
16. best interest in my district, for my district and for the
17. people of Illinois. I believe then that what we did was
18. right. It kept alive this issue and I stated I think under-
19. standably to Senator Harber Hall that it was not the full meal,
20. but that it was action and we demonstrated that we had the
21. capacity to act and I thought we should show that we had
22. the capacity to act then just as now we are following up on
23. the options that are available to us under our rules once we
24. arrive at a condition wherein there is disagreement between the
25. two Houses and now we do have the word "administrative" back
26. into the question before us. And I don't serve the State
27. Chamber of Commerce. I serve my own conscience and the people
28. of my district, and the needs of the State of Illinois, and
29. I say again to you all, I urge you on my recommendation that
30. this is a sound conclusion and there may still be some other
31. things that we can do to make the Illinois Minimum Wage Act
32. a better statute, but for now and in the 79th General Assembly,
33. we ought to adopt the Conference Committee Report with respect

1. to House Bill 1930.

2. PRESIDENT:

3. Senator Vadalabene.

4. SENATOR VADALABENE:

5. Yes, thank you...

6. PRESIDENT:

7. Senator Vadalabene.

8. SENATOR VADALABENE:

9. ...Mr. President and members of the Senate, I just

10. want to make one observation and possibly I could be in error,

11. but when Senator Berning was...said ex post facto, I think

12. that only applies to criminal law. Now, I don't know whether

13. this legislation has any criminal law in it or not...

14. PRESIDENT:

15. You're very right, council. The question is, shall the

16. Senate adopt the Conference Committee Report on House Bill 1930?

17. Those in favor vote Aye. Those opposed vote Nay. The voting

18. is open. Have all voted who wish? Yes, Senator Philip.

19. Have all voted who wish?

20. SENATOR PHILIP:

21. Mr. President, for some reason I have a problem with my

22. button. It...it doesn't seem to be working properly. No...no....

23. PRESIDENT:

24. Your...your vote is recorded. Yes. Both...both...

25. SENATOR PHILIP:

26. ...then why it is not lit up?

27. PRESIDENT:

28. ...Aye and Present. Well, what's the different, it both

29. starts with B doesn't it? Have all voted who wish? Take the

30. record. On this question, the Ayes are 45, the Nays are none,

31. with none Voting Present. The Senate does adopt the Conference

32. Committe Report on House Bill 1930, and the bill having received

33. the required constitutional majority is declared passed. Senator

1. Rock, for what purpose do you arise?

2. SENATOR ROCK:

3. Thank you, Mr. President. I wonder if I might have leave
4. of this Body to move to the order of Consideration Postponed
5. to again take up Senate Bill 2044 for concurrence on the two
6. House amendments.

7. PRESIDENT:

8. Is leave granted. Leave is granted. We're on the
9. order of...

10. SENATOR ROCK:

11. All right, on the...

12. PRESIDENT:

13. ...Postponed Consideration.

14. SENATOR ROCK:

15. Thank you, Mr. President, Ladies and Gentlemen of the
16. Senate. Senate Bill 2044 was sent back by the House with
17. two amendments. Those amendments in substance do a couple of
18. things. One of which is to increase the bonding authority
19. under the Capital Development Bond Act by some thirty-four
20. million dollars, to make it equivalent to and correspond to
21. the dollar amount appropriations the projects that we have
22. actually appropriated and none, in fact, have been approved. I think
23. the bill is absolutely vital. It does, in fact, require
24. thirty-six votes, and I would solicit a favorable roll call.

25. PRESIDENT:

26. Any further discussion? The question is, shall the
27. Senate concur in Amendments No. 2 and 9 to Senate Bill 2044?
28. Those in favor vote Aye. Opposed Nay. The voting is open.
29. Have all voted who wish? Take the record. On that question,
30. the Ayes are 38, the Nays are 6, with none Voting Present.
31. The Senate does concur in Amendments No. 2 and 9 to Senate Bill
32. 2044, and the bill having received the required constitutional
33. majority is declared passed. (machine cutoff) moves to reconsider

1. the vote by which that bill was passed. And Senator Donnewald
2. moves to Table. All in favor say Aye. Opposed Nay. The
3. Ayes have it. The motion is Tabled. Any further business
4. to come before the Senate. The Senate will stand in adjournment
5. until 9:00 a.m. Monday morning.

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