

REGULAR SESSION

MAY 21, 1975

1. PRESIDENT:

2. The hour of nine having arrived, the Senate will come to order.
3. The prayer will be by Father Hugh P. Cassidy of the Blessed Sacrament
4. Church, Springfield, Illinois.

5. FATHER CASSIDY:

6. (Prayer given by Father Cassidy)

7. PRESIDENT:

8. It's me, oh Lord, standing in a need of prayer. Reading of the
9. Journal. Senator Johns.

10. SENATOR JOHNS:

11. Thank you, Mr. President. I move that reading and approval of the
12. Journals of Thursday, May the 1st, Friday, May the 2nd, Tuesday, May the
13. 6th, Friday, May the 16th, Monday, May the 19th, Tuesday, May the 20th,
14. all 1975, be postponed pending arrival of the printed Journals.

15. PRESIDENT:

16. you heard the motion. All in favor will say Aye. Opposed Nay.
17. The Ayes have it. The motion is carried. Committee Reports.

18. SECRETARY:

19. Senator Donnewald, Chairman of Assignment of Bills, assigns the
20. following bills to Committee:

21. Agriculture, Conservation and Energy - House Bills 13, 15, 170,
22. 911, 1787, 2170, 2763, 2768; Appropriations - Senate Bill 1497, House
23. Bills 110, 176, 942, 964 and 2998; Education - House Bills 858, 922,
24. 2155, 2157, 2872; Elections and Reapportionment - House Bills 145,
25. 378, 628, 782, 963 and 1030; Executive - House Bills 501, 512, 566,
26. 894, 1230, 1232, 1237, 1529 and 1788; Finance and Credit Regulation -
27. House Bill 952; Insurance and Licensed Activities - House Bill 367;
28. Judiciary - House Bills 155, 175, 382, 504, 563, 716, 733, 768, 1246,
29. 1247, 1248, 1357; Labor and Commerce - House Bill 160, 2...2868 and
30. 2869; Local Government - House Bill 216, 316, 372, 554, 640, 641, 679,
31. 886, 940, 1097, 1255, 1269, 2236, 2237, 2875; Pensions, Personnel and
32. Veterans Affairs - House Bills 674, 689, 1808, 1810, 1849; Public Health,
33. Welfare and Corrections - House Bill 682, 1244, 1479, 2982; Revenue -

1. House Bill 164, 557, 569, 752, 847, 2617; Transportation - House Bill
2. 111, 322, 756, 829, 1468, 2210, 2218, 2221, 2222 and 2224.

3. PRESIDING OFFICER: (SENATOR LANE)

4. Message from the House.

5. SECRETARY:

6. A Message from the House by Mr. O'Brien, Clerk..

7. Mr. President.- I am directed to inform the Senate that the House
8. of Representatives has passed bills of the following titles, in the
9. passage of which I am instructed to ask the concurrence of the Senate,
10. to-wit:

11. House Bill 1103, 1109, 1124, 1127, 1129, 1133, 1137, 1146, 1152,
12. 1155, 1164, 1165, 1168, 1174, 1179, 1181, 1182, 1183, 1184, 1185, 1186,
13. 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198,
14. 1200, 1201, 1203, 1204, 1208, 1209, 1211, 1213, 1214, 1215, 1216, 1220,
15. 1224, 1228, 1231, 1236, 1238, 1240, 1245, 1249, 1265, 1275, 1280, 1281,
16. 1284, 1285, 1286, 1289, 1292, 1323, 1324 and 1367.

17. PRESIDING OFFICER: (SENATOR LANE)

18. House Bills on 1st reading. House Bill 165, Senator Donnewald.

19. SECRETARY:

20. House Bill...House Bill 165.

21. (Secretary reads title of bill)

22. 1st reading of the bill.

23. PRESIDING OFFICER: (SENATOR LANE)

24. House Bill 745, Senator Buzbee.

25. SECRETARY:

26. House Bill 745.

27. (Secretary reads title of bill)

28. 1st reading of the bill.

29. PRESIDING OFFICER: (SENATOR LANE)

30. House Bill 789, Senator Harris.

31. SECRETARY:

32. House Bill 789.

33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDING OFFICER: (SENATOR LANE)
3. House Bill 980, Senator Welsh.
4. SECRETARY:
5. House Bill 980.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDING OFFICER: (SENATOR LANE)
9. House Bill 1035, Senator Dougherty.
10. SECRETARY:
11. House Bill 1035.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDING OFFICER: (SENATOR LANE)
15. House Bill 1043, Senator Lemke.
16. SECRETARY:
17. House Bill 1043.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. PRESIDING OFFICER: (SENATOR LANE)
21. House Bill 1044, Senator Lemke.
22. SECRETARY:
23. House Bill 1044.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. PRESIDING OFFICER: (SENATOR LANE)
27. House Bill 1045, Senator Lemke.
28. SECRETARY:
29. House Bill 1045.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. PRESIDING OFFICER: (SENATOR LANE)
33. House Bill 1055, Senator Rock.

1. SECRETARY:
2. House Bill 1055.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. PRESIDING OFFICER: (SENATOR LANE)
6. (House Bill 1057, Senator Johns.
7. SECRETARY:
8. House Bill 1057.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. PRESIDING OFFICER: (SENATOR LANE)
12. House Bill 1092, Senator Lemke.
13. SECRETARY:
14. House Bill 1092.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. PRESIDING OFFICER: (SENATOR LANE)
18. House Bill 17 ...89, Senator Ozinga.
19. SECRETARY:
20. House Bill 1789.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDING OFFICER: (SENATOR LANE)
24. Senator Sommer.
25. SENATOR SOMMER:
26. Mr. President, someone stole my yes and no buttons over the night.
27. Whoever has got them, would they return them. There will be a reward.
28. PRESIDING OFFICER: (SENATOR LANE)
29. There's a red and green button in the ashtray up here. House
30. Bill 840, Senator Romano.
31. SECRETARY:
32. House Bill 840.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDING OFFICER: (SENATOR LANE)
3. House Bill 1034, Senator Shapiro.
4. SECRETARY:
5. House Bill...House Bill 1034.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDING OFFICER: (SENATOR LANE)
9. House Bill 1037, Senator Welsh.
10. SECRETARY:
11. House Bill 1037.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDING OFFICER: (SENATOR LANE)
15. Senator Welsh:
16. SENATOR WELSH:
17. Mr. President, I would seek leave of the Senate to advance House
18. Bill 1037 to the order of 2nd reading without reference to committee.
19. It is the same bill as...that we passed out of here, Senate Bill 449,
20. that we passed out of here forty-six to nothing, April 25th. I seek
21. that leave, Mr. President.
22. PRESIDING OFFICER: (SENATOR LANE)
23. Senator Welsh has moved to suspend the rules, to...to advance House
24. Bill 1037 to the order of 2nd reading. Is there leave? Leave is granted.
25. 2nd reading. House Bill 1079, Senator Palmer.
26. SECRETARY:
27. House Bill 1079.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. PRESIDING OFFICER: (SENATOR LANE)
31. House Bill 1086, Senator Demuzio.
32. SECRETARY:
33. House Bill 1086.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. PRESIDING OFFICER: (SENATOR LANE)
4. House Bill 1089, Senator Dougherty.
5. SECRETARY:
6. House Bill 1089.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. PRESIDING OFFICER: (SENATOR LANE)
10. House Bill 1092, Senator Netsch. Take that out of the record.
11. It's already been read. Senator Dougherty.
12. SENATOR DOUGHERTY:
13. I would like to have the House Bill 1035 advanced to the order of
14. 2nd reading without reference for the reason this bill is...the counter-
15. part to this bill has already passed the Senate.
16. PRESIDING OFFICER: (SENATOR LANE)
17. Senator Dougherty has moved to suspend the rules for the purpose
18. of advancing House Bill 1035 to the order of 2nd reading. Is there
19. leave? Leave is granted. House Bill 1117, Senator Kosinski.
20. SECRETARY:
21. House Bill 1117.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. PRESIDING OFFICER: (SENATOR LANE)
25. House Bill 1577, Senator Morris.
26. SECRETARY:
27. House Bill 15...
28. PRESIDING OFFICER: (SENATOR LANE)
29. For what...for what purpose does Senator Kosinski arise?
30. SENATOR KOSINSKI:
31. Mr. President and members of the Senate, I would like to move House
32. Bill 1117. It's almost identical as the bill that passed from the Senate
33. on the probation officer's raise. And I'd like to move it into 2nd.

1. PRESIDING OFFICER: (SENATOR LANE)
2. Senator Kosinski has moved the...advance House Bill 117...to
3. suspend the rules and move House Bill 1117 to the order of 2nd reading.
4. Is there leave? Leave is granted. House Bill 1577, Senator Morris.
5. SECRETARY:
6. House Bill 1577.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. PRESIDING OFFICER: (SENATOR LANE)
10. House Bill 2720, Senator Wooten.
11. SECRETARY:
12. House Bill 2720.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. PRESIDING OFFICER: (SENATOR LANE)
16. House Bill 525, Senator Newhouse.
17. SECRETARY:
18. House Bill 525.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. PRESIDING OFFICER: (SENATOR LANE)
22. House Bill 1041, Senator Kenney Hall.
23. SECRETARY:
24. House Bill 1041.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. PRESIDING OFFICER: (SENATOR LANE)
28. House Bill 1042, Senator Kenney Hall.
29. SECRETARY:
30. House Bill 1042.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. PRESIDING OFFICER: (SENATOR LANE)

1. House Bill 2571, Senator Weaver.
2. SECRETARY:
3. House Bill 2571.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. PRESIDING OFFICER: (SENATOR LANE)
7. House Bill 2706, Senator Graham.
8. SECRETARY:
9. House Bill 2706.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. PRESIDING OFFICER: (SENATOR LANE)
13. House Bill 2708, Senator Graham.
14. SECRETARY:
15. House Bill 2708.
16. (Secretary reads title of bill)
17. PRESIDING OFFICER: (SENATOR LANE)
18. House Bill 2709, Senator Regner.
19. SECRETARY:
20. House Bill 2709.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDING OFFICER: (SENATOR LANE)
24. House Bill 182, Senator Knuppel.
25. SECRETARY:
26. House Bill 182.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. PRESIDING OFFICER: (SENATOR LANE)
30. House Bill 354, Senator Knuppel.
31. SECRETARY:
32. House Bill 354.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDING OFFICER: (SENATOR LANE)
3. House Bill 2286, Senator Knuppel.
4. SECRETARY:
5. House Bill 2286.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDING OFFICER: (SENATOR LANE)
9. House Bill 2395, Senator Knuppel.
10. SECRETARY:
11. House Bill 2395.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDING OFFICER: (SENATOR LANE)
15. House Bill 654, Senator Bruce.
16. SECRETARY:
17. House Bill 654.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. PRESIDING OFFICER: (SENATOR LANE)
21. House Bill 803, Senator Bruce.
22. SECRETARY:
23. House Bill 803.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. PRESIDING OFFICER: (SENATOR LANE)
27. House Bill 1047, Senator Brady.
28. SECRETARY:
29. House Bill 1047.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. PRESIDING OFFICER: (SENATOR LANE)
33. House Bill 1416, Senator...House Bill 1416, Senator Bruce.

1. SECRETARY:

2. House Bill 1416.

3. (Secretary reads title of bill)

4. 1st reading of the bill.

5. PRESIDING OFFICER: (SENATOR LANE)

6. Do any other Senators have House Bills on 1st reading that they
7. wish to advance?

8. PRESIDENT:

9. What purpose does Senator Carroll arise?

10. SENATOR CARROLL:

11. I would ask leave, Mr. President, to be added as a cosponsor to
12. Senate Bill 1396. I have discussed it with the chief sponsor.

13. PRESIDENT:

14. Is there leave? Leave is granted. Senate Bills on 2nd reading.

15. Senate Bill 5, Senator Mitchler. Senate Bill 9, Senator Donnewald.

16. Senate Bill 337, Senator Dougherty. Senate Bill 348, Senator Course.

17. Senate Bill 397, Senator Buzbee. Senate Bill 429, Senator Fawell.

18. Senate Bill 472, Senator Bruce. Senate Bill 477, Senator Egan. Senator

19. Bruce, did you...going to move 472? 477, Senator Egan. Senate Bill

20. 505, Senator Bruce. Read the bill.

21. SECRETARY:

22. Senate Bill 505.

23. (Secretary begins reading title of bill)...

24. PRESIDENT:

25. What purpose does Senator Graham arise?

26. SENATOR GRAHAM:

27. Mr. President, some of our members that have some proposed amend-
28. ments to 505 that we'd like to have considered, and I see that one of
29. them is not on the Floor. I wonder if Senator Bruce would extend
30. us the courtesy of waiting until Senator Hall and some get here, and
31. we could revert to this bill a little bit later.

32. PRESIDENT:

33. Senator Bruce, what is your pleasure? I think it's pretty well

1. established what time we start. Senator Bruce.

2. SENATOR BRUCE:

3. Well, today is Wednesday. I...I don't want to inconvenience any-
4. one. I wonder if we could adopt the committee amendments and come
5. back to this on 3rd reading. I'll bring it back for any amendments
6. you want to offer.

7. PRESIDENT:

8. Senator Graham.

9. SENATOR GRAHAM:

10. I could tell you what I wish you'd do with it, but that...that's
11. what you want to do. I'll try to help you so it's not painful. I suppose
12. he has control of his own bill, and if that's what he chooses, that's
13. what he can do, but we'd like to discuss it, and we want that opportunity
14. and it's...Senator Bruce.

15. SENATOR BRUCE:

16. I've said I'll bring the bill back, but it is Wednesday. I...I
17. have no problem bringing the bill back from 3rd reading to 2nd, but I
18. do want to adopt the committee amendment and not lose a day today.

19. PRESIDENT:

20. Read the bill. Did you finish reading it?

21. SECRETARY:

22. No, I didn't finish, Sir.

23. PRESIDENT:

24. Read the bill.

25. SECRETARY:

26. House Bill 505.

27. (Secretary begins reading title of bill)...

28. PRESIDENT:

29. Senate Bill 505...Senate Bill 505.

30. SECRETARY:

31. Senate Bill 505.

32. (Secretary reads title of bill)

33. 2nd reading of the bill. Committee on Education offers two amendments.

1. PRESIDENT:

2. Senator Bruce.

3. SENATOR BRUCE:

4. Yes, Mr. President, Amendment No. 1 changes the percentage of
5. required to have an election from fifteen to thirty percent and changes
6. it...the time limits from sixty days to forty-five days. Move its
7. adoption.

8. PRESIDENT:

9. Any further discussion? Senator Bruce moves the adoption of
10. Amendment No. 1 to Senate Bill 505. All in favor will say Aye. Opposed
11. Nay. The Ayes have it. The amendment is adopted. Amendment No. 2,
12. Senator Bruce.

13. SENATOR BRUCE:

14. Yes, Mr. President, Senator Fawell and the School Board Association
15. pointed out that in the event that no representative, the choice, no rep-
16. resentative does...receives a majority of the ballots, there should not be
17. an election for twelve months, and it clarifies the language. Frankly,
18. I had not read it that way, but I think they have a good point, and I
19. would move its adoption.

20. PRESIDENT:

21. Any further discussion? Senator Bruce moves the adoption of Amend-
22. ment No. 2 to Senate Bill 505. All in favor will say Aye. Opposed Nay.
23. Ayes have it. Amendment No. 2 is adopted. Any further amendments?
24. 3rd reading. Well, that's what I asked. Any further amendments? Well,
25. he'll bring the bill back. If we're not ready, we'll go to something
26. else. Senate Bill 510, Senator Kenneth Hall. Senate Bill 633, Senator
27. Hynes. Senate Bill 634, Senator Hynes. Senate Bill 66...no, 699,
28. Senator Shapiro. Senate Bill 855, Senator Graham. Senate Bill 1286,
29. Senator Graham. Senate Bill 1324, Senator Buzbee. Senator Buzbee.

30. SENATOR BUZBEE:

31. Mr. President, are we going to get back to the order of Senate
32. Bills on 2nd anytime today?

33. PRESIDENT:

1. It is likely. If you are ready, I would advise you...

2. SENATOR BUZBEE:

3. I...I'm not ready. I have some amendments...

4. PRESIDENT:

5. Fine. All right. Fine. We'll get back. Senate Bill 1378,

6. Senator Sommer. Senate Bill 1396, Senator Welsh. Senate Bill 1399,

7. Senator Hynes. Senate Bill 1455, Senator Bruce. Senate Bills on

8. 3rd reading. Well, just a moment. For what purpose does Senator

9. Vadalabene arise?

10. SENATOR VADALABENE:

11. Yes, Mr. President, I would like Senate Bill 814 is on 3rd reading,

12. and I would like to move it back to 2nd reading for the purpose of an

13. amendment.

14. PRESIDENT:

15. Is there leave?

16. SENATOR VADALABENE:

17. Leave.

18. PRESIDENT:

19. Leave is granted. Senate Bill 814 is now on 2nd reading. Explain...

20. are you offering the amendment, Senator?

21. SENATOR VADALABENE:

22. Yes, I'm offering the amendment. It's a technical amendment.

23. PRESIDENT:

24. One moment. One moment. What is the number of the amendment?

25. Is it...

26. SENATOR VADALABENE:

27. Amendment No. 1.

28. PRESIDENT:

29. Amendment No. 1 offered by Senator Vadalabene. Chair recognizes

30. Senator Vadalabene.

31. SENATOR VADALABENE:

32. It's a technical amendment. It was a date change. It had 1975,

33. it should have been 1979, and just clears up some language in the bill.

1. PRESIDENT:

2. Any further discussion on the amendment? Senator Vadalabene
3. moves the adoption of Amendment No. 1 to Senate Bill 814. All in
4. favor will say Aye. Opposed Nay. The Ayes have it. The amendment
5. is adopted. Any further amendments? 3rd reading. Senate Bills on
6. 3rd reading. Would you ring the bell, Mr. Sergeant-at-Arms? Senate
7. Bill 286, Senator Rock. Read the bill. Senator Rock is recognized.

8. SENATOR ROCK:

9. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
10. I would seek leave at this time to return Senate Bill 286 to 2nd
11. reading for the purpose of an amendment. I understand Senator Nudelman
12. does have an amendment on the Secretary's Desk that he wishes to offer.

13. PRESIDENT:

14. Is there leave? Leave is granted. Senate Bill 286 is now on the
15. order of 2nd reading. Chair recognizes Senator Nudelman for the purpose
16. of Amendment No. 1. Senator Nudelman.

17. SENATOR NUDELMAN:

18. Thank you, Mr. President, Ladies and Gentlemen of the Senate, this
19. is an amendment to Senate Bill 286 which would limit the State's
20. Attorney and it...and seeking indictments or findings by a...in a
21. preliminary hearing that there was probable cause to one bite of the
22. apple. In...in effect, it would mean that if the State's Attorney
23. takes a matter to the Grand Jury, and by some chance the Grand Jury
24. should return a no bill which very infrequently happens, that the
25. State's Attorney could not go back with the same...the same information
26. against the same defendant, either to a court or to another Grand Jury
27. to seek an indictment. I think it's a good amendment to the bill. It
28. fits...it's compatible with the intent of the bill which is, in fact,
29. to give the State's Attorney greater latitudes so that he can go either
30. to a Grand Jury or to a court on an information, and I seek your approval
31. of the amendment.

32. PRESIDENT:

33. Senator Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President. As the sponsor of this bill, I think
3. the amendment is a good one, and I would urge its adoption.

4. PRESIDENT:

5. Senator Nudelman moves the adoption of Amendment No. ...Senator
6. Sommer.

7. SENATOR SOMMER:

8. Senator Nudelman, is this in relation to the exact same charge?

9. PRESIDENT:

10. Any further discussion? Senator Nudelman moves the adoption of
11. Amendment No. 1 to Senate Bill 286. All in favor will vote Aye. Opposed
12. Nay. The Ayes have it. The amendment is adopted. Any further amend-
13. ments? 3rd reading. Senate Bill 293, Senator Fawell.

14. SECRETARY:

15. Senate Bill 293.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDENT:

19. Senator Fawell.

20. SENATOR FAWELL:

21. Mr. President and members of the Senate, Senate Bill 293 deals
22. with the Agricultural Assessment Law. It makes four changes. Three
23. are, I think, very noncontroversial. The fourth, I don't think is to
24. controversial but it's the one substantive change. It, first of all,
25. clarifies that failure to apply for agricultural assessments will have
26. the affect of triggering the so-called rollback tax, which has been the
27. practice in the past, but we are putting it in statutory form. It clari-
28. fies how the five percent interest on the taxes which are eventually, the
29. deferred taxes, which are eventually to be paid will accrue. It clarifies
30. the mode of the distribution of the rollback taxes, and then it also
31. states that for the years 1972, 1973 and 1974, in regard to those roll-
32. back taxes that pertain to those years, the...any public entity that
33. may be responsible for paying those taxes would have tax exemptions.

1. The reason for this, Mr. President, is that a number of counties and
2. school districts, park districts, purchased agricultural land without
3. knowledge of the fact that the so-called rollback taxes were potentially
4. collectible and thus, it's a case where they stand responsible for
5. paying those taxes. The taxpayer, of course, would have to pay in
6. either event. And thus, for those three years, we are stating that
7. there are...would be tax exemption granted. At this point, I...I don't
8. believe there's any controversy in regard to the bills and the forms
9. in which these amendments...this is an amendment of the Local Government
10. Committee, and I...I believe it's acceptable at this point.

11. PRESIDENT:

12. Senator Rock.

13. SENATOR ROCK:

14. Thank you, Mr. President, if the sponsor will yield.

15. PRESIDENT:

16. He indicates he will.

17. SENATOR ROCK:

18. Senator, Amendment No. 1 was, in fact, adopted to this bill, is
19. that correct? That amendment which said that it amended...the amend-
20. ment on Page 2, by deleting Lines 4 through 8 and inserting...essentially
21. what it says is no additional payment of taxes for any of the years '72,
22. '73 or 4 may be required from the owner of that real property and whose
23. hands the property qualifies for any such exemption. Was...has that
24. been adopted? My question then is, I do, in fact, as was discussed, I'm
25. told, in committee. I do, in fact, have a further amendment to delete
26. that section. My question is do you...would you have any objection to
27. that amendment? It just seems to me that the rationale for the amendment
28. as you proposed it, if I understand it correctly, is that certain tax
29. exempt entities and title insurers were caught by surprise by the original
30. Act. The Act, in fact, has been in existence for a number of years, and
31. it seems to me that to let them off the hook on the basis that the title
32. company or...or their attorneys missed this is just something we should
33. not do. Would you have any objection to an amendment which would merely

1. delete Lines 3 through 7 on Page 2?

2. PRESIDENT:

3. Senator Fawell.

4. SENATOR FAWELL:

5. I...if...if it would delete the tax exemption, I would have objection,
6. and I...I talked extensively with Al Green, for instance. I think
7. County of Cook, County of DuPage, a number of entities have...are in
8. a position where they would be responsible for paying these rollback
9. taxes, and there, I think, it would defeat one of the major reasons for
10. the introduction of the legislation, yes. I...that is a...a cardinal
11. point. The County of DuPage, for instance, is in position where the
12. Forest Preserve District would be responsible for paying something like
13. five hundred thousand dollars in rollback taxes. We don't see any...any
14. real rationale for their...for their doing so. Other counties, I am sure,
15. are going to find themselves in the same position because this rollback
16. is a...a deferred thing. Whenever the assessor determines that that
17. property is no longer used for real estate...for agricultural purposes,
18. then he...he sends out these tax bills. A number of the counties and
19. school districts or whatever you may have, that, as you've indicated,
20. the red flag wasn't set forth by the title company, they've got them-
21. selves a pregnant cat, you might say. They, then, are going to be in
22. a position where they would have to pay those taxes so that I...I...I
23. wouldn't want to see that deleted. I guess the bill would just go up
24. or down on...on the basis of whether one would agree with that kind of
25. exemption. I had thought, though, in talking with...with Al Green and
26. others on your side of the aisle that...that...that there was agreement
27. that that exemption ought to be granted for that limited period of time.

28. PRESIDENT:

29. Any further discussion? Senator Carroll.

30. SENATOR CARROLL:

31. Yes, Senator Fawell, I'm getting a little confused by the discussion.
32. I think we're talking about both the three year '72, '73, '74. All right.
33. In addition to that, where in the original bill on Page 2, you talk about

1. that if it was exempt from a taxation under another section of the Act
2. that whether disqualified or not, it would not be taxed under this
3. section. What are you getting at there? Are you saying that if a
4. school district takes and builds apartment units on the property, there
5. is no rollback?

6. PRESIDENT:

7. Senator Fawell.

8. SENATOR FAWELL:

9. I'm not...I'm not sure if I followed your question, Senator, but
10. the intent is that if a rollback tax bill is sent out to any public
11. entity that is otherwise tax exempt from paying taxes and it pertains
12. to the years 1972, or '73, or '74, that we will agree that the exemption
13. carries over into that type of a rollback tax. Anything after that,
14. as far as rollback taxes only are concerned, there would be no tax exemp-
15. tion. Does that answer the question?

16. PRESIDENT:

17. Senator Carroll.

18. SENATOR CARROLL:

19. In part, but what I'm also getting at, Senator Fawell, is, and
20. I don't know the answer, what happens if an exempt body acquires farm
21. land and develops it for income purposes, let's say a school district
22. decides to build apartment units, or a church group decides to build
23. a shopping center, even though the organization would be exempt, the
24. purpose for which their acquiring the property would not have been
25. exempt. Does this bill give them an exemption?

26. PRESIDENT:

27. Senator Fawell.

28. SENATOR FAWELL:

29. No. No, absolutely not. In fact, they would not even have basic
30. exemption under those...if they're not using it for school purposes,
31. then they wouldn't have it even to begin with.

32. PRESIDENT:

33. Any further discussion? The question is shall Senate Bill 293

1. pass. Those in favor will vote Aye. Opposed Nay. The voting is
2. open. Have all voted who wish? Take the record. On this question,
3. the Ayes are 21, the Nays are 1, Present, 10. Senate Bill 293 having
4. failed to receive a constitutional majority is declared lost. Senate
5. Bill 286, Senator Rock. Read the bill.

6. SECRETARY:

7. Senate Bill 280...Senate Bill 286.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Rock.

12. SENATOR ROCK:

13. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
14. Senate Bill 286 is an amendment to the Code of Criminal Procedure, and
15. what it provides essentially, is it affords the prosecuting attorney
16. another way to proceed, in that it allows him to proceed in felony in-
17. dictments without the use of the Grand Jury. Now, as you know under
18. our Illinois Constitution, Section 7 of the Bill of Rights, it says
19. the General Assembly may, by law, abolish the Grand Jury or further
20. limit its use. What we are saying by this bill, which is supported
21. and was proposed by the Chicago Crime Commission and the Illinois
22. State's Attorneys' Association, is that we are affording the State's
23. Attorneys of the respective counties another avenue. We are not so
24. much limiting the use of the Grand Jury, as we affording to the State's
25. Attorney the option to proceed either by...the use of the Grand Jury or
26. by information or complaint coupled with the right of a preliminary
27. hearing. This morning, as you know, Senator Nudelman did present
28. an amendment which, I think, even further strengthens the bill, in that
29. it says any...in any case where preliminary hearing has found no probable
30. cause, or a Grand Jury has failed to return a true bill, no further
31. action may be taken against the defendant. In other words, the State's
32. Attorney just cannot shotgun around until he finds a sympathetic Grand
33. Jury. The bill is a good one. It's one that's sorely needed especially

1. in the County of Cook with the enormous backlog of cases to require
2. the State's Attorney to proceed by...by Grand Jury action in all felony
3. cases, just merely clogs the system. This will afford him another
4. opportunity. I would seek a favorable roll call.

5. PRESIDENT:

6. Any further discussion? The question is shall Senate Bill 286
7. pass. Those in favor will vote Aye. Opposed Nay. The voting is open.
8. Have all voted who wish? Take the record. On this question, the Ayes
9. are 42, the Nays are 2, 1 Voting Present. Senate Bill 286 having
10. received a constitutional majority is declared passed. For what purpose
11. does Senator Hynes arise?

12. SENATOR HYNES:

13. Mr. President, I would like to offer an amendment to a bill on
14. 3rd reading, if it would be possible to bring it back. Have we gone by
15. that?

16. PRESIDENT:

17. We'll have several of those. We can take them. Senate...Senator
18. Hynes seeks leave to return the Senate Bill 135 from the order of 3rd
19. reading to 2nd reading. Is there leave? Leave is granted. Senator
20. Hynes, Amendment No. ...

21. SENATOR HYNES:

22. One.

23. PRESIDENT:

24. One.

25. SENATOR HYNES:

26. Amendment No. 1. This amendment would increase the authorization
27. by two million, seven hundred fifty thousand dollars overall, and it
28. specifically would increase the authorization for assistance to Port
29. Districts by that amount. and I'd move the adoption of the amendment.

30. PRESIDENT:

31. Any further discussion on the amendment? Senator Hynes moves
32. the adoption of Amendment No. 1 to Senate Bill 135. All in favor
33. will say Aye. Opposed Nay. The Ayes have it. The amendment is adopted.

SB 285
5-21-75
Recalled

1. Any further amendments? 3rd reading. Chair recognizes Senator
2. McCarthy.

3. SENATOR MCCARTHY:

4. Yes, Mr. President, I'd like to have leave of the Body to bring
5. Senate Bill 285 back for the purpose of amendment. Senator Nudelman...
6. Senator Knuppel has an amendment that I think is palatable.

7. PRESIDENT:

8. Senator Donnewald, come to the roster. Senator Knuppel.

9. SENATOR KNUPPEL:

10. This proposed amendment, Mr. President and members of this Body,
11. is designed to correct what I think is a deficiency in this bill as
12. far as the people in my district are concerned, and that is to allow
13. someone who becomes unemployed to draw immediately unemployment comp-
14. ensation. This amendment would provide the same type of a situation
15. you have in a Workmen's Compensation case where a person is injured.
16. He does not immediately qualify for unemployment insurance, but must
17. wait and be unemployed for at least twenty consecutive days in order
18. to qualify for unemployment for the first week. In any event, he would
19. qualify then for first week benefits where, at the present time under
20. the bill, he would qualify immediately. It makes one other change.
21. The bill, as it's so circumstanced now, would allow in certain instances
22. computations of as high as eighty percent of a married worker's earnings
23. with dependents. This would give the man more money or computation
24. of a part of benefits, more money than he would make after he paid...
25. after he paid taxes on full-time employment. I think that is...is
26. incompatible with any concept, that...that a person should draw more
27. on unemployment having due regard to what's taxed and what's not taxed,
28. than he would have if...if he were...if he were actually drawing un-
29. employment insurance, so this provides that in no event would the
30. benefits to any worker on unemployment exceed two-thirds at any time,
31. two-thirds, at what he would be drawing as a regular employee in the
32. computation. I think these corrections make the Unemployment Act or
33. the Act providing this, 285, much more palatable and in line with what

5/3 285
Donnell - A
2-21-25

1. I can accept. I would appreciate a favorable roll call.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is...is there further...Senator Buzbee.

4. SENATOR BUZBEE:

5. I'm sorry, Senator Knuppel, I was called off the Floor during
6. your first part of your explanation. I know what the thrust of your
7. amendments...I just want to know which one this is...what it...very
8. briefly, what it does.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Knuppel, one more time.

11. SENATOR KNUPPEL:

12. It provides that a person must be unemployed for at least twenty
13. days in order to draw benefits for the first week of unemployment. It
14. provides that no employee shall draw more than two-thirds of his regular
15. salary as unemployment benefits, to alleviate for the fact that under
16. some of the way the things set up now, he might draw more because the
17. unemployment is not taxable, he might draw more being unemployed than
18. he would if he were employed and paid tax.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Buzbee.

21. SENATOR BUZBEE:

22. Thank you. Do you have another amendment after this one, Senator
23. Knuppel, which deals with another question we discussed yesterday? Okay.
24. Well, let me...let me go on with a little bit more detail then. It's
25. two-thirds and I'll get sixty-seven percent of the...of this salary up
26. to a maximum of what now? What's...what's the...

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Knuppel.

29. SENATOR KNUPPEL:

30. As I understand it, he gets up to the hundred and twenty-three
31. dollars, he gets not more than two-thirds, and then on the business with
32. the two hundred and twenty-five dollars and the hundred and fifty limit,
33. is this not true, Senator McCarthy.

59385
Rec'd
5-21-75

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator McCarthy.

3. SENATOR MCCARTHY:

4. I...I think I can answer your question, Senator Buzbee. Under
5. Senator Knuppel's amendment, the maximum allowable would be a hundred
6. and twenty-three dollars, two-thirds of the State average wage which
7. is...we're using a hundred eighty-five dollars, so that's a hundred and
8. twenty-three dollars. The situation of the high priced employee making
9. up to two hundred and twenty-five dollars being able to draw a hundred
10. and fifty dollars, is removed by this amendment. I support the amendment

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Rock.

13. SENATOR ROCK:

14. Yes, Mr. President, if the sponsor will yield?

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. He indicates he will.

17. SENATOR ROCK:

18. I wonder, I have been hearing on the radio all last night and
19. again early this morning that this bill will cost the Illinois industry
20. in its present form, prior to this amendment, some twelve million
21. dollars a week. I wonder, Senator, do you have any idea what the fiscal
22. impact of this amendment will be?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. No, I have no idea, but I would think that it would decrease
27. whatever the fiscal impact might otherwise be.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Is there further discussion? The question is shall amendment No.
30. 5 to Senate Bill 285 pass. All those in favor indicate by saying Aye.
31. All those opposed No. The Ayes have it. The amendment is adopted. Are
32. there further amendments? 3rd reading. Senate Bill...Senator Vadalabene
33. for what purpose do you arise?

1. SENATOR VADALABENE:

2. On a point of personal privilege.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. State your point.

5. SENATOR VADALABENE:

6. I, ...inadvertently, pressed the red button on Senate Bill 286,
7. and I want that to change. It doesn't have any affect on the bill, to be
8. recorded as Aye.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. The...the record will reflect what you have indicated, Senator.

11. SENATOR VADALABENE:

12. Thank you, Mr. President.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senate Bill 517 is to be recalled to the order of 2nd reading
15. for the purpose of amendment. Senator Carroll. Is Senator Carroll
16. on the Floor or in his seat? Well, all right. We'll go to Senate
17. Bill 7...take it out of the record. Senate Bill 739. Motion is to
18. take that back to the order of 2nd reading for the purpose of amendment.
19. Senator Berning. Read the bill. No. Senator Berning.

20. SENATOR BERNING:

21. Thank you, Mr. President, members of the Senate, this would be
22. Amendment No. 4, I believe. Amendment No. 4 to Senate Bill 739; and
23. provides in place of the terminology - a physician licensed to practice
24. medicine in all of its branches - with the terminology - licensed to prac
25. tice under the Medical Practice Act. This would, then, assure there woul
26. be no doubt that those persons licensed under the various health services
27. licenses such as chiropractors and others, would be equally as eligible
28. for an assistant as an M. D. that we think of in terms of a general
29. practitioner. I move for the adoption of Amendment No. 4.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Is there further discussion? Question is shall Amendment No. 4
32. be adopted. All those indicate by saying Aye. All those in favor say
33. Aye. All those opposed No. The Ayes have it. The amendment is adopted.

AB 322
5/21/75

1. Are there further amendments? 3rd reading. Senator Carroll return?
2. Senate Bill 322, Senator Hickey. 3rd reading. We are now on the
3. order of 3rd reading. Senator Hickey, 322. Read the bill.

4. SECRETARY:

5. Senate Bill 322.

6. (Secretary reads title of the bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Hickey.

10. SENATOR HICKEY:

11. Many, many years ago when this was all prairie and there weren't
12. even any buildings here, families came to this part of the country and
13. many of them began and established their own small cemeteries. Most of
14. them never did grow beyond about five acres, and they were fenced in
15. and so animals didn't...didn't bother the cemeteries even after the
16. families disappeared, and the prairie vegetation continued to thrive
17. in those places. There probably aren't more than about twenty of these
18. in the State of Illinois at this point. Right now, two of them have
19. been cared for by the Nature Preserves Commission for two reasons, to
20. protect the valuable prairie vegetation which is almost extinct in the
21. State of Illinois, and also to preserve them as historical burial places.
22. Now, the Nature Preserve Commission would like, through this bill, to
23. be allowed to have others of those cemeteries dedicated to them for care
24. and preservation. The process is a...is a very careful and somewhat com-
25. plex one. County boards have to designate these cemeteries as possible
26. places of dedication to the...Nature Preserve Commission. Hearings have to
27. be set up so that any objections by the public could be raised and then the
28. Commission would so designate them, and there would be further...that is
29. the final dedication would take place by the county board. Now, these are
30. places where no one has been buried for at least seventy-five years, where
31. there are no families around who are caring for them at all. Some people
32. have said that they shouldn't be allowed to grow up in weeds. If
33. there are weeds there now, the Nature Preserve Commission could

1. get the weeds out and allow the real valuable prairie vegetation to
2. thrive. Now, while we get rid of weeds, some people feel they ought
3. to be mowed with a lawn mower. Let's remember that since no one's been
4. buried there for seventy-five years, lawn mowers have never touched these
5. We would be maintaining them in the original state that the people who
6. started the...the cemeteries in the first place were accustomed to, it
7. was part of their life that they should grow this way and the Nature
8. Preserve Commission would like to be able to keep them that way. As far
9. as cost of this is concerned, there would be practically none. The
10. two that have been taken care of by the Nature Preserve Commission have
11. been taken care of by volunteers who have both the reverence and the
12. interest in the, scientific interest, in the preservation of the prairie
13. vegetation. I'd be glad to answer any questions, and I ask for a favor-
14. able roll call.

15. PRESIDENT:

16. Any further discussion? Senator Ozinga.

17. SENATOR OZINGA:

18. Senator, I...over the last weekend, I received a letter in con-
19. junction with a half a dozen other people with reference to a real
20. erie letter with reference to the raking up of bones and et cetera,
21. et cetera on a cemetery and...just this morning I received a letter
22. of response to people in my district who had visited a cemetery and
23. found this erie situation. Now, the reason that I...I rise to question
24. this - who owns the land that these so-called cemeteries that you speak
25. of are on?

26. PRESIDENT:

27. Senator Hickey.

28. SENATOR OZINGA:

29. ...Who...who really owns this property?

30. SENATOR HICKEY:

31. There...there may be a variety of situations. They haven't...
32. none of them have been taxed for thirty years, and I...I think that
33. for the most part the title would...would rest with the county, would

1. it not? If...if families have gone and are dispersed and they are
2. completely abandoned. Now, ...now, if someone...

3. PRESIDENT:

4. Just one moment, Senator Hickey. Right behind Senator Hickey,
5. would you gentlemen move your conferences so that she can hear the
6. persons questioning her. Senator Joyce, Senator Knuppel, Senator
7. Smith, hold your voices down, gentlemen. Go right ahead, Senator
8. Hickey. I beg your pardon, Senator. I know you never speak loudly.
9. I'm sorry. Surely.

10. SENATOR HICKEY:

11. No...no portion of these have...have been conveyed or transferred
12. other than by inheritance or operation of law, for at least seventy-five
13. years, and the real...they are exempt from real estate taxes and tax
14. liability for at least...for at least thirty years.

15. PRESIDENT:

16. Senator Ozinga.

17. SENATOR OZINGA:

18. Getting...getting back to this erie situation that I...was disclosed
19. in this letter coming from these people in Palos Hills. It was referred
20. to Comptroller Lindberg's Office and one of his remarks in this reply
21. to them was that he had referred it to the Illinois Cemetery Associations
22. Task Force for investigating. Now, the reason for the investigation was
23. because this is with regard to perpetual care, and if this goes back
24. all the way back to a hundred years and there is an Association that is
25. designated for this, I would think that it would be up to that Association
26. to go in and negotiate with the Historical Society or whatever society
27. it is that you are attempting to negotiate or give power to accept, to
28. be able to negotiate that rather than to...to just go in and...and be
29. able to take over. Now, the only reason that I ask is that I'm just
30. wondering if there has been such an investigation. Now, here in this
31. letter, it says an answer should be forthcoming and this gets to be
32. a real sticky problem when it comes to these people. Now, the relatives
33. of even, shall I say Daniel Boone, coming back. Let's face it.

1. PRESIDENT:

2. Senator Schaffer.

3. SENATOR SCHAFFER:

4. Well, I just going through the bill, I...I was trying to figure
5. out what a Nature Preserve is. I guess that's something the county
6. board creates. I...I really can't argue with the bill, but again I
7. think your, despite the feeling of the sponsor, I'm sure that if this
8. becomes a...a big thing, and in my county, I am personally aware of
9. twenty-five or thirty of these small cemeteries, and somebody should
10. take care of them, and I'm not arguing with the sponsor. I'm just
11. saying that once the county gets on board, the volunteer effort, I'm
12. sure, will go down the chute and it'll be another five hundred dollars a
13. cemetery to maintain every year, and perhaps this should be, but in my
14. county with twenty-five or thirty of these things that could very well
15. fall under this area, you're talking about handing county government, an-
16. other twenty-five, thirty thousand dollar a year expenditure, and I...I
17. sure hope the Senator is right about volunteers, but those of us in poli-
18. tics dearly love volunteers and we know how hard there come...they are to
19. come by. And I...I think it's something that ought to be done. I'm
20. going to vote for the bill, but it's another big cost on county government

21. PRESIDENT:

22. Senator Course. Senator Wooten.

23. SENATOR WOOTEN:

24. Mr. President, I merely wanted to point out to the membership
25. that Senator Hickey circulated an analysis and explanation of this
26. bill yesterday which answered all the questions which have been raised.
27. And if you look at the bill, everything in it is conditioned on mutual
28. consent all the way down the line. Everybody has to agree and...it
29. has minimal application. Really, it's...it's a piece of legislation
30. to which I think every objection has been answered in advance and it...
31. it serves a limited, but I think a good function. I urge its adoption.

32. PRESIDENT:

33. Thank you for that comment. Senator Welsh.

1. SENATOR WELSH:

2. Question of the sponsor, Mr. President.

3. PRESIDENT:

4. Indicates she'll yield.

5. SENATOR WELSH:

6. Vivian, who makes...who makes the determination whether an heir
7. is still alive, the county or the State?

8. PRESIDENT:

9. Any further...Senator Hickey.

10. SENATOR HICKEY:

11. I don't know who makes the determination of whether there is
12. or not, but there are public hearings held so that any possible ob-
13. jection has a very...has a tremendous chance of being aired and respect-
14. ed. Nothing can get slipped out from under anybody whatsoever.

15. PRESIDENT:

16. Senator Welsh.

17. SENATOR WELSH:

18. Then the county, the county boards conduct these hearings and
19. they, you know, pay...are they reimbursed for these...hearings?

20. SENATOR HICKEY:

21. For the hearings, no. There isn't any provision for...for that
22. I know of for reimbursement for the hearings. I don't think that that
23. ...any county board may in the manner provided in this Act dedicate
24. all or part of an abandoned cemetery. Let's see, no, wait. This is
25. about the hearing. Hearings...

26. PRESIDENT:

27. Any further discussion? I'm sorry. I'm sorry. I thought you
28. were finished. Senator Hickey.

29. SENATOR HICKEY:

30. In response to...to Senator Ozinga, I, of course, it's a little
31. difficult to know about what situation he's talking about raking up
32. bones. I don't know what cemetery this is where the bones are left on...
33. on top of the ground, but I doubt very much if that has anything to do

1. with this particular cemetery situation. Also, while I certainly
2. wouldn't question Senator Schaffer's accuracy, it would seem very
3. strange to me that if there are only about twenty of these in the
4. whole State of Illinois, that there could be twenty-five in McHenry County
5. I think we're confusing these ancient, ancient cemeteries with ones of
6. more recent vintage which possibly have had the grass mowed and therefore
7. are of no value for prairie vegetation as a thing of scientific value.
8. I...I think we're spreading this to all kinds of other cemeteries which
9. are not involved at all.

10. PRESIDENT:

11. Senator Latherow.

12. SENATOR LATHEROW:

13. Thank you, Mr. President, I wonder if the Senator would yield?

14. PRESIDENT:

15. She indicates she'll yield.

16. SENATOR LATHEROW:

17. Would this Nature Preserve group have control of any private
18. cemeteries. I might...

19. PRESIDENT:

20. Just a moment please. One moment. Can we reduce the noise levels
21. so the members may be heard. Senator Latherow.

22. SENATOR LATHEROW:

23. Would there be apt to be any private cemeteries come under this
24. control?

25. PRESIDENT:

26. Senator Hickey.

27. SENATOR HICKEY:

28. Senator Latherow, I would think that it...that these at one time
29. would all have been private cemeteries, probably were, you know, family
30. plots.

31. PRESIDENT:

32. Senator Latherow.

33. SENATOR LATHEROW:

1. Otherwise, this Nature Control Group would have control over
2. both private and public cemeteries possibly.

3. PRESIDENT:

4. Senator Hickey.

5. SENATOR HICKEY:

6. They would only have, Senator, these cemeteries dedicated to them
7. if all the people interested in those were absolutely willing.

8. PRESIDENT:

9. Senator Latherow.

10. SENATOR LATHEROW:

11. I would like to call attention, then, to the provision that says -
12. you shall have a hearing and give all persons interested the opportunity
13. to be heard, but yet when they...the consideration after receiving the
14. transcript that just says the Commission shall render their decision.
15. Now, that doesn't say whether according to the evidence or...or what
16. renders their decision. It only says that they receive...

17. PRESIDENT:

18. Just a moment. One moment, Senator. The adrenalin is pretty
19. high this morning. We just can't hear. We understand your need to
20. converse with each other, but keep your voices down, please. Senator
21. Latherow may conclude.

22. SENATOR LATHEROW:

23. Thank you, Mr. President, I can be brief with the rest of my
24. remarks. My objection, main objection, to this particular piece of
25. legislation is, as I stated in committee, is not the fact that we
26. want to preserve a cemetery to be allowed to forever be a decrepit
27. position and so on. It's a fact that these cemeteries should be cleaned
28. up and taken care of. Now, if they have natural grass which has been
29. there for years and so forth. I think, without question, that same
30. thing could be found in a nearby fence row. But when we start taking
31. these over with no intent of maintenance and apparently that is it,
32. because the same has been said, it will cost nothing, and no intent of
33. maintenance, I think we'd better look to the position of taking better

1. care of what we have rather than lesser care. I also want to draw
2. attention to the fact that there are many, many partials of land
3. over the county that I'm acquainted with real well, where back in
4. some part of that field there is an area of a what was at one time
5. called a private burial ground and hasn't been used for many years.
6. Now, this, of course, could take control of all of them, I believe.
7. So, I certainly would want to register my opposition to this bill.

8. PRESIDENT:

9. Senator Howard Mohr.

10. SENATOR MOHR:

11. Yes, Mr. President, I note that we have about a hundred and fifty
12. bills on the Calendar to...to get out of here between now and Friday,
13. and I would say that...that the point that was raised by Senator Wooten
14. that a sheet was sent out by Senator Hickey explaining this bill in
15. detail. That should have been read, and we should know where we're
16. going with this and other bills, and I would move the previous question.

17. PRESIDENT:

18. Senator Mohr moves the previous question. All in favor say Aye.
19. Opposed Nay. Ayes have it. The previous question prevails. The question
20. is shall Senate Bill 322...Senator Knuppel, for what purpose do you arise?

21. SENATOR KNUPPEL:

22. Point of personal privilege.

23. PRESIDENT:

24. State your point.

25. SENATOR KNUPPEL:

26. All that does is explain one side of it. It didn't explain the
27. other side, and I know we have the previous question and I won't debate
28. it, but this is a thoroughly bad bill, but to say just because she sent
29. a sheet around.

30. PRESIDENT:

31. Senator...Senator...

32. SENATOR KNUPPEL:

33. ...which tells one side...

1. PRESIDENT:

2. Senator. Senator, you are out of order. The question is shall
3. Senate Bill 322 pass. Those in favor will vote Aye. Opposed Nay. The
4. voting is open. Have all voted who wish? Take the record. On this
5. question, the Ayes are 40, the Nays are 10, 3 Voting Present. Senate
6. Bill 322 having received a constitutional majority is declared passed.
7. Senate Bill 341, Senator Hickey. Senate Bill 341, Senator Hickey.

8. SECRETARY:

9. Senate Bill 341.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDENT:

13. Senator Hickey.

14. SENATOR HICKEY:

15. This just simply adds the definition of supplier to the Motor
16. Fuel Tax Law. Right now it really...it...it's against the law for
17. special motor fuels to be delivered from one truck into another, but
18. as I understand, it's being done anyway. It's very difficult to...to
19. apprehend. If this definition is included in the Motor Fuel Tax Law,
20. we then would have two ways of spotting those violations, one through
21. the fire marshall regulations, which we have now, and then also through
22. the Department of Revenue. I'd be glad to answer any questions, and I
23. ask for a favorable roll call.

24. PRESIDENT:

25. Senator Course.

26. SENATOR COURSE:

27. Yes, Senator Hickey, supposing a person had a truck and they fill
28. that truck with gasoline, could they then go out and peddle gasoline
29. into a person's car or a truck? Are we talking about special fuels here?

30. PRESIDENT:

31. Senator Hickey.

32. SENATOR HICKEY:

33. We're talking about special motor fuels not gasoline, and the

1. thing that I'm talking about is right now prohibited. It is not
2. supposed to be done, but it is not...but it's...this adds the definition
3. of this kind of supplier to the list of those which can be taxed,
4. even though, it is now against the law to do it, this would mean that
5. we could tax it and, thereby, have two ways to spot the violations.
6. But it does not pertain to gasoline, it pertains to special fuels.

7. PRESIDENT:

8. Senator Course.

9. SENATOR COURSE:

10. Then you're talking about diesel fuels, is that correct?

11. PRESIDENT:

12. Senator Hickey.

13. SENATOR HICKEY:

14. Yes.

15. PRESIDENT:

16. Any further discussion? The question is shall Senate Bill 341
17. pass. Those in favor will vote Aye. Opposed will vote Nay. The voting
18. is open. Have all voted who wish? Take the record. On this question,
19. the Ayes are 27, the Nays are 7, 6 Voting Present. Senate Bill 341
20. having failed to receive a constitutional majority is declared lost.
21. Senate Bill 360, Senator Knuppel.

22. SECRETARY:

23. Senate Bill 360.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDENT:

27. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Mr. President and members of the Body, this bill is...

30. PRESIDENT:

31. One minute, Senator. I'm going to try to get you some order,
32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Me a lot. They'll hear me.

2. PRESIDENT:

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Mr. Chairman and members of the Body, this bill is a bill designed
6. when coupled with the resolution which I have distributed, to provide
7. for one call service before excavation with respect to underground
8. utilities. There...there has been a lot of damage caused by people
9. who assume they know where underground utilities are located. It's a
10. very dangerous procedure and the Commerce Commission says that if this
11. bill is passed, they can institute one call service where a person calls
12. the Illinois Commerce Commission, they will advise within at least forty-
13. eight hours before they start digging, and this, will then, allow the
14. Commerce Commission and the utilities who have facilities in place to
15. notify the contractor where their facilities are. This will protect
16. the workmen who are engaged in the digging process; as well as to pre-
17. vent interruption of service. The Federal Government, in keeping with
18. legislation, which they have adopted, have been pressing for such a
19. corrective legislation in Illinois for some time. This is good legis-
20. lation to protect people, protect services. It...will be only the re-
21. quirement of one telephone call at least forty-eight hours before they
22. start to dig for the protection of the people, the utility and service.
23. I would appreciate a favorable roll call.

24. PRESIDENT:

25. Any further discussion? Senator Davidson.

26. SENATOR DAVIDSON:

27. Would the sponsor yield for a question?

28. PRESIDENT:

29. He indicates he will.

30. SENATOR KNUPPEL:

31. Certainly.

32. SENATOR DAVIDSON:

33. Would this penalties in this bill include that individual who is

1. a farmer who has to make an emergency repair on stock fence on a
2. weekend or et cetera, when no one is available to come out and tell
3. him that that line's not there and in the same two part since the...
4. underground cables...buried underground utilities have a habit of
5. not being where the utilities scheme or work order show them to be.
6. Is this farmer or this individual who is out there trying to make
7. an emergency repair going to be held responsible for damages or fine
8. up to a thousand dollars?

9. PRESIDENT:

10. Senator Fawell. I mean, pardon me. Pardon me, Senator Knuppel.

11. SENATOR KNUPPEL:

12. Senator Davidson, Section 3 expressly says that every person who
13. shall engage in nonemergency excavation. From what you're telling me
14. this man is engaged in an emergency excavation. He's not responsible for
15. any of the penalties.

16. PRESIDENT:

17. Any further discussion? Senator Davidson.

18. SENATOR DAVIDSON:

19. Well, that may be what I describe as an emergency, but it may
20. not be what the utility or the Commerce Commission would...as an emer-
21. gency. The fact that the guy who normally works on Saturday would not
22. be an emergency to him. It would be a work day. But for those who work
23. a five day work week, this would be an emergency, and then, therefore,
24. they could say you'd be excluded. But suppose some guy gets a bright
25. idea, the Commerce Commission saying - well, the man normally works
26. Saturday, isn't emergency should call us. I, frankly, tell you gentle-
27. men, this is not a good piece of legislation whether the utilities
28. want it or not, because the penalties are high and I don't know how many
29. of you have delt with utilities on underground locations of utilities,
30. but most of the time or a lot of the time, their blueprint or their work
31. order does not show that utility where it's supposed to be. They'll
32. come out and say it's here and it's several feet over, and you, in-
33. advertently, damage it - now you're liable for suit, and I think every

1. person who is in the contracting business already has insurance to
2. cover these things. I think this bill is unnecessary, and irregardless
3. of the chairman of the Commerce Commission saying there's going to be
4. a one call place - you and I both know utilities are just like govern-
5. ment. There's a lot of bureaucrats. They all claim the same father
6. and not the same family, and they're going to pass responsibility and
7. they're not going to be out there to service the people, and you're
8. going to delay someone from earning a living because he's not
9. able to get a permit to do the work that he's scheduled to do. And
10. I urge you to defeat this bill.

11. PRESIDENT:

12. Any further discussion? Senator Latherow.

13. SENATOR LATHEROW:

14. Thank you, Mr. President. I had one question I wanted to ask.
15. Has the forty-eight hour waiting period been cleared or is it still in
16. the bill?

17. PRESIDENT:

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. I didn't...I didn't hear the question.

21. PRESIDENT:

22. Senator, repeat your question.

23. SENATOR LATHEROW:

24. Has the forty-eight hour waiting period been taken from the bill?

25. PRESIDENT:

26. Senator Knuppel.

27. SENATOR KNUPPEL:

28. No, Sir. It is forty-eight hours in advance of when they start
29. to dig unless it's emergency services any...any time that emergency
30. arises, as Senator Davidson has pointed out, and, of course, he's tried
31. to interpret, it as to what is or isn't an emergency. But actually, I
32. think that the Commerce Commission will be liberal on that. Any kind
33. of emergency digging on a weekend will be excused. Otherwise, it's

1. forty-eight hours.

2. PRESIDENT:

3. Any further discussion? Senator Latherow.

4. SENATOR LATHEROW:

5. I'd like to recognize, of course, the...the possibility and
6. probability that all these properties are supposed to be so far below
7. the surface of the ground, which most of us who might be involved...
8. in some project of this type might consider to be so. Now, then,
9. regardless of when we started and so on, whether we thought we were
10. going to be close to it or not and we might assume that we weren't
11. and all at once, as an illustration I gave just recently, where they're
12. to be laid along the fence row and you find them just buried under-
13. neath a twelve inch culvert pipe, in all probability, if you'd called
14. that man to come out, he'd have said - yes, it's right here but it's
15. supposed to be so many inches below the ground. Now, to say that we have
16. willfully done such as far as destruction of these concerned, I think
17. is very unuseful. Now, of course, no one would willingly destroy this
18. property, I'm sure. Without the thought that on many of these properties,
19. there are buried lines that cross them, and in the case that we might
20. be doing, as Senator Knuppel on May the 1, and I do have some buried
21. property...buried property underneath the property that I owe...own,
22. and I'd like to recognize too, that when we starting digging recently,
23. we did call the people. But if the location would have been consider-
24. ably off, we'll say ten feet, twenty feet off, Senator Knuppel, I know
25. you will answer this without me giving it as a question. I wonder in
26. a case of that type who do it be liable? I am in opposition to this
27. legislation.

28. PRESIDENT:

29. Senator Joyce.

30. SENATOR JOYCE:

31. Mr. President and members of the Body, I, too, rise in opposition
32. to this bill. I think that so many times that the utility companies
33. are just not quite sure where they're at and a farmer can be out digging

1. a pond or a ditch or something and hit one of these, and, you know,
2. he had that first and they have the right of eminent domain to go
3. through there. Also a homeowner could be digging a hole to plant a
4. tree and he'd be liable. And, also, governmental entities are liable
5. for this. The operator of a machine, a foreman, a township highway
6. commissioner, or the superintendent of highways in the county, so I
7. think this is a bad bill.

8. PRESIDENT:

9. Senator Glass.

10. SENATOR GLASS:

11. Thank you, Mr. President. I...I voted for this bill in the
12. committee and I did so primarily for the reason that every organization
13. that came before the committee supported the bill. There were a couple
14. of objections, I believe, that were to be resolved by amendment, and I'd
15. like to clarify with Senator Knuppel if that has been done. And, if the
16. emergency situation is covered and if so, how. And I...I still support
17. the bill, but I'd like to be satisfied that that is the case.

18. PRESIDENT:

19. Senator Mitchler.

20. SENATOR MITCHLER:

21. Mr. President, members of the Senate...

22. PRESIDENT:

23. Excuse me a moment. I thought you at in closing, you could take
24. care of all of them. Senator Mitchler.

25. SENATOR MITCHLER:

26. This piece of legislation is not a new piece of legislation. It
27. could be termed as a new approach. Maybe it has got different language
28. than what we had before, but on Page 2, Section 3, it tells what every
29. person who shall engage in nonemergency excavation or demolition shall,
30. and it tells you several things. And this item No. C goes A, B. C. I
31. want you to read C on Line...15. Provide notice by an effective means.
32. Now, what is an effective means? That produces a written record not
33. less than forty-eight hours - forty eight hours - exclusive of Saturdays,

1. Sundays and Holidays, I suppose that would include both Memorial-
2. Day under the 26th and the 30th. In advance of the start of the
3. excavation and/or demolition of the known owners of the underground
4. utility facilities in and near the construction area. Now, let's
5. stop and think, when, you have utility companies, and this is why I
6. speak on this bill, because I know how they operate, how...how can they
7. give a forty-eight hour written notice to everybody and get that de-
8. livered when they're out working. Many times they don't know what the
9. ...work schedule is going to be in the afternoon, and it all depends where
10. their equipment is, where they finish up, and they can get started on
11. a new job. Now, this is just imposing another costly unadministra-
12. tiveable type of bureaucracy on industry, and it's going to cost the
13. consumer some more. And, as I said when I started to speak, this bill
14. is nothing new, but a warmed over version of something that has been
15. defeated time and time again, and we should defeat it this time.

16. PRESIDENT:

17. Senator Harris desire?

18. SENATOR HARRIS:

19. Just one more voice in opposition to this thoroughly bad bill.

20. PRESIDENT:

21. Senator Knuppel may close the debate. Oh, Senator Bruce.

22. SENATOR BRUCE:

23. Yes, I'll add one more, Senator Harris. That is, this bill has
24. been...we've talked about the bill as applying to land contractors and
25. people who do the digging professionally. I think we ought to all notice
26. that the bill applys to everyone, homeowner digging in a hole for a
27. tree, farmer digging a pond, city, county and township workers who
28. are cleaning ditches along the side of the road. All of these people
29. would be covered. The penalties are such that, he gets a thousand
30. dollar pop the first time, then two thousand, then three thousand,
31. then four thousand. It's a fairly expensive proposition. The penalties
32. are totally unrealistic. I would propose a no vote on this legislation.

33. PRESIDENT:

1. Senator Knuppel may close the debate.

2. SENATOR KNUPPEL:

3. Mr. Chairman, I would expect the type of response from Senator
4. Bruce that he gave. I'll try to answer the other peoples' questions.
5. Actually, this is for the protection of the person who is going to
6. make an excavation. If you don't know where you're digging, and you
7. dig down and strike an electrical utility line or a kil, this
8. is for your protection. It's also for...for the protection for those
9. people who may be in hospitals or other places where services may be
10. interrupted. Now, any telephone call produces a written record. It
11. doesn't say written notice, and Senator Mitchler tries to change the
12. fact, as he does so frequently. Now, as to the fact, as to the argu-
13. ment that facilities are not where they're...not generally where they're
14. supposed to be, even enhances the need or the reason for this, because
15. this protects the person. If the utility company comes out and tells
16. him that this...that this line is in x place and it's not, he, at least,
17. has a general idea where it is. He can be careful and it frees him from
18. any liability for...for cutting it. It also gives him some protection
19. if he would happen to check there and it's not there. This is a
20. thoroughly good bill. It's been endorsed by the contractors, and that's
21. ...this is the first time...this is the first time that the Contracting
22. Association has ever, has ever endorsed such a bill. It's been brought
23. into keeping with what the contractors, except for the land earth movers,
24. country, the rural people who build farm ponds and so forth, the presi-
25. dent of whom is named Knuppel and a cousin of mine, but they're the
26. only people who object to this as far as I know. Otherwise, it has the
27. support of everybody. Now, in answer to Senator Glass, yes, the bill
28. has been amended. The penalties have been reduced, as...as were
29. suggested at that time, and I did secure from the Commerce Commission
30. a resolution to the effect that they would be one call service. Now,
31. I really, you know, vote it up or vote it down, it isn't going to make
32. any difference to me, because I'm not doing any excavating. However,
33. it's for the protection, not only of that person, not only that person

1. who's going to do the excavation, but also the utilities. It's good
2. legislation.

3. PRESIDENT:

4. The question is shall Senate Bill 360 pass. Those in favor
5. will vote Aye. Opposed will vote Nay. The voting is open. Have
6. all voted who wish? Take the record. On this question, the Ayes
7. are 21, the Nays are 32. Senate Bill 360 having failed to receive
8. a constitutional majority is declared lost. I want to apologize to
9. Senator Fawell, who wanted to introduce his group, but they left
10. during the debate. I'm sorry. Chair wishes to announce to the Body
11. that there are representatives here from TV Station WAND, Channel 17
12. in Decatur, who desire to take still pictures. They say they will take
13. no pictures which would in any way compromise you. Is there leave? Leave
14. is granted. Senator Harris.

15. SENATOR HARRIS:

16. Mr. President, the Republicans would like to have about a twenty
17. minute caucus in Room 400 immediately. We'll return to the Floor in
18. about twenty minutes.

19. PRESIDENT:

20. Senator Welsh.

21. SENATOR WELSH:

22. The Democrats will meet in the President's office immediately.

23. PRESIDENT:

24. Senate will be in recess until the call of the Chair.

25. (RECESS)

26. (AFTER RECESS)

27. PRESIDENT:

28. Has the Chair leave to go to the order of resolutions? Leave
29. is granted. Resolutions.

30. SECRETARY:

31. Senate Resolution 81 introduced by Senator Lane. It's congratu-
32. latory.

33. PRESIDENT:

1. Senator Lane moves for the suspension of the rules for the
2. immediate consideration of...Senate Resolution 81. All in favor
3. will say Aye. Opposed Nay. The Senate Resolution is under-consideration.
4. Senator Lane moves for the immediate adoption of Senate
5. Resolution 81. All in favor will say Aye. Opposed Nay. The resolution
6. is adopted. Committee report.

7. SECRETARY:

8. Senator Donnewald, Chairman of Assignment of Bills, assigns
9. the following to Committee:

10. Appropriation - House Bills No. 767, 816, 957; Education -
11. House Bills 493, 766, 1322 and 1589; Elections and Reapportionment -
12. House Bill 1916; Executive - House Bill 1680; Finance and...Credit
13. Regulation - House Bill 2209; Insurance and Licensed Activities -
14. House Bills 1080 and 2275; Judiciary - House Bills 62, 63, 64, 66, 72,
15. 373, 375, 376, 671, 1407, 1619, 1627, 1634, 1638 and 2740; Local
16. Government - House Bills 909, 949, 989, 1331, 2191 and 2192; Pensions,
17. Personnel and Veterans Affairs - House Bills 533 and 625; Public
18. Health, Welfare and Corrections - House Bills 598, 780 and 2193;
19. Revenue - House Bills 229, 729 and 883; Transportation - House Bills
20. 948, 1558 and 2220.

21. PRESIDENT:

22. Senate Bills on 3rd reading. Senate Bill 362, Senator Bruce.
23. Senate Bill 364, Senator Knuppel. Senator Knuppel is recognized.

24. SENATOR KNUPPEL:

25. I don't want the bill read. I want...on a matter of personal
26. privilege, this happens to be an administration bill and before I
27. call this bill, I want to know where the hell the administration is,
28. so pass it.

29. PRESIDENT:

30. Senate Bill 375, Senator Howard R. Mohr. Senate Bill 375.
31. Senator Howard Mohr.

32. SENATOR MOHR:

33. Yes, Mr. President, I wonder if Senator Glass is on the Floor.

1. I'd like to return that bill to the order of 2nd reading for an
2. amendment that Senator Glass has.
3. PRESIDENT:
4. Senator Glass. Is Senator Glass on the Floor? Apparently he
5. isn't, Senator.
6. SENATOR MOHR:
7. Can we come back to that?
8. PRESIDENT:
9. We'll go back to it. Take it out of the record. Senate Bill
10. 379, Senator Rock. Read the bill.
11. SECRETARY:
12. Senate Bill 379.
13. (Secretary reads title of bill)
14. 3rd reading of the bill.
15. PRESIDENT:
16. Senator Rock.
17. SENATOR ROCK:
18. Thank you, Mr. President, Ladies and Gentlemen of the Senate,
19. Senate Bill 379 is an amendment to the School Code and the Capital
20. Bond Development Act. And very briefly after about eighteen months
21. of intensive study and dialogue with both the office of...Illinois
22. Office of Education, at that time, the Office of the Superintendent
23. of Public Instruction, and the Department of Children and Family Services
24. and the Department of Mental Health. What this...this bill is the
25. result of those discussions. There was a similar House Bill last year
26. which, frankly, got snafued in committee and a subcommittee was appoint-
27. ed, and I was asked by the interested people to handle the bill in the
28. Senate to bring the negotiations to a head. Very briefly, what the
29. bill does is that it mandates the Illinois Office of Education to
30. develop and operate a service facility, a school if you will, for those
31. children who are both deaf and blind. Currently, there is but one pro-
32. gram in the State of Illinois...
33. PRESIDENT:

1. One minute, Senator. Will the members be in their seats and
2. those not entitled to the Floor, please leave the Floor. Now, we
3. just have to have some order here. Just cannot do business in a atmosphere
4. of chaos. This is the State Senate, at least it purports to be.
5. Continue, Senator Rock.

6. SENATOR ROCK:

7. Thank you, I had something to discuss with the Majority Leader
8. of the House. Again, briefly what the bills does, it mandates the
9. Illinois Office of Education to set up with the help of an Advisory
10. Council that is provided for in the bill, a facility, an institution
11. for those young unfortunate citizens who are both deaf and blind in
12. out State. As I started to say, there is presently only one program
13. in this State, that being a facility at Jacksonville, which is in
14. Southern Illinois, as everybody knows. However, the majority of these
15. youngsters who are, in fact, both deaf and blind happen to come from
16. the Chicago Metropolitan Area. There is neither a private nor a public
17. program in that area, and what this bill says, is that for those hundred
18. and twenty-three individuals at this point who are...have the unfortunate
19. disability of being both deaf and blind, that this will mandate the
20. Illinois Office of Education to set up an institution with the help
21. and advise and consent of the Capital Bond Development Board. The
22. money will come from bond proceeds. The school will be run by the
23. Illinois Office of Education. I think the bill is a good one, and
24. merits the support of everybody. Fiscal note was requested. I do
25. have, in fact, a fiscal note. The Illinois Office of Education has
26. provided that the first year cost would be somewhere in the neighbor-
27. hood of eight hundred thousand dollars. Again, I think the...given
28. the fact that there are these individuals and there...there are just
29. simply not adequate programs in the State of Illinois. I think the
30. bill is a good one. It merits the support of each and everyone of us,
31. and I solicit your favorable vote.

32. PRESIDENT:

33. Senator Berning.

1. SENATOR BERNING:

2. Just like to ask the sponsor a question.

3. PRESIDENT:

4. He indicates he will yield, the sponsor.

5. SENATOR BERNING:

6. Senator Rock, does this remove these children from the special
7. education programs?

8. PRESIDENT:

9. Senator Rock.

10. SENATOR ROCK:

11. Does it...does it remove them? No, Sir, it does not. If they
12. are in existing programs, this...this...this does not mandate to the
13. child who is deaf and blind, understand this, deaf and blind. Okay.
14. Not just deaf or blind, deaf and blind.

15. SENATOR BERNING:

16. This is a special service center?

17. SENATOR ROCK:

18. That is correct.

19. SENATOR BERNING:

20. I...I don't really quarrel with the objectives, but I was curious
21. as to whether or not such a...an institution, such a facility would be
22. operated as a part of the special education districts that...installation
23. that are now run as special education...can I come and talk to you just
24. a minute about this.

25. SENATOR ROCK:

26. Well, under...I...I...I think part...part of the problem has been
27. or part of the genesis of this bill below these past eighteen months, is
28. that these persons, these hundred and twenty-three persons, cannot,
29. frankly, be accommodated properly in the existing special ed programs.

30. SENATOR BERNING:

31. Right.

32. SENATOR ROCK:

33. That is the problem.

1. PRESIDENT:

2. The question is shall Senate Bill 379 pass. All in favor will
3. vote Aye. Opposed Nay. The voting is open. Have all voted who wish?
4. Take the record. On this question, the Ayes are 52, the Nays are 1.
5. Senate Bill 379 having received a...constitutional...well, just a moment,
6. Senator. I'll get back to you. Senator, the record has been taken.
7. It is closed. You...yeah, you'll have that opportunity, Senator. Fine.
8. Senator Vadalabene states for the record that his desk light is green in
9. color and his light as recorded on the board is red in color. Senator
10. Vadalabene.

11. SENATOR VADALABENE:

12. On a point of personal privilege. Now, something-is-wrong with
13. my switch. Somebody has even worked on it over the night and so that
14. when I vote yes, it votes no, and that's why Senator Knuppel is mad at
15. me. You know, and I...and there's been sabotage at my desk, and this is
16. ...it's very serious on the record.

17. PRESIDENT:

18. Senator Howard Mohr.

19. SENATOR VADALBENE:

20. Someone has switched my buttons, Mr. President.

21. PRESIDENT:

22. One moment, Senator. We'll have an electrician. We'll get an
23. electrician to alter that situation. Senator Howard Mohr is recognized.

24. SENATOR MOHR:

25. Mr. President, I was just going to suggest that there's nothing
26. wrong with his...button. He's been voting wrong all Session.

27. PRESIDENT:

28. Senator Kosinski.

29. SENATOR KOSINSKI:

30. If he has got any troubles with his buttons, he might as well get
31. a zipper.

32. PRESIDENT:

33. Senator Ozinga, this is a moment of levity.

1. SENATOR OZINGA:

2. Now...now, he finds the hazards that run with the chairmanship
3. of those executive appointments.

4. PRESIDENT:

5. Now, let's see if we can't get this straightened out for the record.
6. We have not yet announced the roll call. There are two ways...there
7. are two ways of doing it. We can announce the roll call and then permit
8. Senator Vadalabene having voted on...no, we can't. We can have someone
9. else who voted on the prevailing side move to reconsider the vote, which
10. will give us an opportunity to then take a second roll call which hopefull
11. will come out properly. Senator Bruce.

12. SENATOR BRUCE:

13. Well, Mr. President, I would follow your suggestion and in having
14. voting on the...having voted on the prevailing side, move to reconsider
15. the vote by which Senate Bill 379 passed the Senate.

16. PRESIDENT:

17. Well, hold that motion until I make the announcement and then it
18. will be sequentially proper. On this question, the Ayes are 52, the
19. Nays are 1. Senate Bill 379 having received a constitutional majority
20. is declared passed. The Chair now recognizes Senator Bruce.

21. SENATOR BRUCE:

22. Yes, Mr. President, having voted on the prevailing side, I now
23. move to reconsider the vote by which Senate Bill 379 passed.

24. PRESIDENT:

25. You heard the motion. All in favor. Opposed. The motion carries.
26. The question now is...Senator Rock.

27. SENATOR ROCK:

28. Thank you, I...I don't think there's any need for any further
29. discussion. I would suggest that this is a bill that properly every-
30. one should be recorded Aye, and I would solicit that kind of vote.

31. PRESIDENT:

32. The question is shall Senate Bill 379 pass. All in favor vote
33. Aye. Those opposed will vote Nay. The voting is open. Take the...

5/12/68
3/12/68

1. have all voted who wish? Take the record. On this question, the
2. Ayes are 56, the Nays are none. Senate Bill 379 having received a
3. constitutional majority is declared passed. Senate Bill 373, Senator
4. Knuppel. Pardon me, 383, Senator Knuppel.

5. ACTING SECRETARY: (MR. FERNANDES)

6. Senate Bill 383.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. Mr. President and members of the Body, this bill was passed
13. through both the Senate and the House and erroneously, because of a lack
14. of understanding, vetoed by the Governor in the last Session.
15. This involves reckless homicide and involuntary manslaughter, and
16. there was an individual whom I represented who was found guilty of
17. both offenses. This matter was appealed to Appellate Court which
18. reversed to Circuit Court by a 3 to 0 decision. That opinion was then
19. appealed to the Supreme Court which reversed the Appellate Court by
20. a 3 to 4 decision. So, there...or 4 to 3 decision. So, there's a
21. great deal of confusion with respect to this statute still existing
22. in the law of Illinois. Since there were six Appellate judges voted
23. one way - said that this statute was confused and created problems
24. and four who voted the other. Just happened that the right four
25. were on the Supreme Court. I lost the case, but I think it's a thing
26. that the Legislature ought to and can clear up. This bill came out
27. of committee with a unanimous vote, and as I say was passed by both the
28. House and Senate two years ago. What it does is eliminate one kind of
29. ...it eliminates the...the involuntary manslaughter with respect to
30. somebody killed by an automobile, and provides only for the offense of
31. reckless homicide and makes it a Class A misdemeanor. I think this is
32. a good bill. It will clear away confusion. It will clarify the rights
33. of people who are being charged by State's Attorneys and those who have

1. to defend them. I would ask for a favorable roll call.
2. PRESIDENT:
3. Any further discussion? Senator Glass.
4. SENATOR GLASS:
5. I'd like to ask Senator Knuppel a question. Senator Knuppel,
6. is this virtually the same bill, and you may have mentioned this,
7. that was passed at the last Session and vetoed by the Governor?
8. PRESIDENT:
9. He mentioned that, Senator.
10. SENATOR GLASS:
11. Alright. I beg your pardon. Well, then let me ask you this. Would.
12. would the bill lower the penalty for the offense of killing or injuring
13. and individual while driving in a drunken condition? Would it...
14. would it, in effect, lower that to a misdemeanor status?
15. SENATOR KNUPPEL:
16. I don't know if it'd lower it or not. You see the way the bill
17. is drawn now, the State's Attorney has the discretion as to how he wants
18. to charge. Now, it does away with involuntary manslaughter which was
19. a felony, and keeps the reckless homicide as a Class A misdemeanor.
20. So the penalty is less than it was for involuntary manslaughter, but
21. it allows the greatest misdemeanor possibility.
22. PRESIDING OFFICER: (SENATOR DOUGHERTY)
23. Any further discussion on this bill? The question is shall
24. Senate Bill 383 pass. Those in favor will vote Aye. Those opposed
25. will vote No. The voting is open. Have all voted who wish? Take
26. the record. On that question, those voting Aye are 53, the Nays 3,
27. 1 Voting Present. Having received a...Senate Bill 383 having received
28. a constitutional majority is declared passed. Senate Bill 375, Senator
29. Howard Mohr. Senator Mohr, Senate Bill 375.
30. SENATOR MOHR:
31. Yes, Mr. President.
32. PRESIDING OFFICER: (SENATOR DOUGHERTY)
33. Senator Mohr.

1. SENATOR MOHR:

2. Senator Glass is on the Floor now, and he has an amendment he'd
3. like to offer to Senate Bill 375. If we can bring it back to the
4. order of 2nd reading for that purpose.

5. PRESIDING OFFICER: (SENATOR DOUGHERTY)

6. Senator Mohr moves that we recall Senate Bill 375 to the order
7. of 2nd reading for the purpose of amendment. Is there leave? Senator
8. Chew.

9. SENATOR CHEW:

10. I...I would object to bringing this bill back to 2nd reading for
11. the purpose of an amendment. I have talked to the sponsor of the amend-
12. ment. He's not gung-ho on the amendment. Now, if he persists in offer-
13. ing this amendment, I think it ought to be adequately explained as to
14. what the amendment does and why the amendment should be defeated. I
15. think this is an act of candor and it is not an honest, it's not a fair
16. act to attempt to amend this bill. I had it in my committee. We voted
17. the bill out in its present form. I am not really amenable to have
18. bills voted out of committee and then somebody grabs a hand full
19. of air and then attempt to take up time on the Senate Floor for the
20. purpose of nothing. So, I'm going to resist the move to bring the bill
21. back to the 2nd reading for that purpose.

22. PRESIDING OFFICER: (SENATOR DOUGHERTY)

23. Unanimous consent has been refused. Senator Mohr.

24. SENATOR MOHR:

25. Well, Mr. President, I'm in kind of the middle on this...this
26. bill. Senator Glass, I think, does have a valid point and Senator
27. Chew does also. I'll be guided by the will of the Body. Maybe if
28. I took a minute to explain it, somebody might make the proper motion,
29. either permit it to come back to 2nd for the amendment or...or remain
30. on 3rd.

31. PRESIDING OFFICER: (SENATOR DOUGHERTY)

32. For what purpose does Senator Chew arise?

33. SENATOR CHEW:

1. I'm going to move that this Senate does not concur to go back
2. to 2nd reading on the bill. The sponsor has...the sponsor of the bill
3. has explained it adequately. He is in the middle of the situation,
4. and I'm going to make that motion if the Chair will so allow.
5. I move that the Senate does...

6. PRESIDING OFFICER: (SENATOR DOUGHERTY)

7. The motion is out of order. There's nothing pending. It's
8. on 3rd reading. For what purpose does Senator Glass...you're ruled
9. out of order, Senator Chew.

10. SENATOR GLASS:

11. Mr. President, I...I wonder if I might explain the proposed
12. amendment and either...the bill, you say, is on 3rd reading and
13. we would ask for leave to return it to the order of 2nd reading for
14. considering an amendment.

15. PRESIDING OFFICER: (SENATOR DOUGHERTY)

16. Leave has been denied Senator Glass. We'll take a motion.

17. SENATOR GLASS:

18. Well, I would then move to suspend the rules for purposes
19. of returning it to 2nd reading.

20. PRESIDING OFFICER: (SENATOR DOUGHERTY)

21. Does Senator Mohr concur in the motion? Senator Rock.

22. SENATOR ROCK:

23. Thank you, Mr. President. I think the proper motion would
24. be made by Senator Howard Mohr. He is the sponsor. And in these
25. days of the crunch, it's been pretty well acknowledged around here, that
26. each and every one of us that has a bill on 3rd, if...if another
27. member requests an opportunity to run an amendment at us because of
28. the quick movement from 2nd to 3rd in many instances, that the member
29. just out of courtesy ought to be afforded that opportunity. Now,
30. whether or not the sponsor ultimately agrees with or agrees to accept
31. the amendment, is another question. But it's a simple matter of
32. courtesy to bring a bill back.

33. PRESIDING OFFICER: (SENATOR DOUGHERTY)

1. Senator Mohr has concurred, Sir. Does Senator Chew persist
2. in your objection? The motion is to return Senate Bill 375 to 2nd
3. reading for the purpose of amendment. All those in favor will say
4. ...all right. Roll call has been requested on that. The Clerk will
5. call the roll. Those in favor of calling it back to 2nd reading
6. for the purpose of amendment will vote Aye. Those opposed will vote
7. Nay. The voting is open:--Have all voted who wish?-- Take the record.
8. Senate Bill 375 is now on the order of 2nd reading. Senator Glass.
9. SENATOR GLASS:

10. Thank you, Mr. President. The amendment which I am offering
11. would place a value of seventy thousand dollars on the property which
12. Mr. Van Osdale seeks to have returned to him by the State of Illinois.
13. Briefly, back in 1951 his ancestor...his ancestor had his...that pro-
14. perty taken by eminent domain.

15. PRESIDING OFFICER: (SENATOR DOUGHERTY)

16. For what purpose does Senator Chew arise?

17. SENATOR CHEW:

18. We can't hear the explanation of the amendment. I can't hear it.
19. You can't hear it.

20. PRESIDING OFFICER: (SENATOR DOUGHERTY)

21. Well, I can't hear it when I'm listening to you neither.

22. SENATOR CHEW:

23. Well, you just get some order in here and then you won't have to
24. worry about it. You're presiding and that's your job.

25. PRESIDING OFFICER: (SENATOR DOUGHERTY)

26. Will the Senate please be in order. Senator Glass, continue.

27. SENATOR GLASS:

28. Thank you, Mr. President. The property I refer to, approximately
29. one point eight, four, five acres, was taken by the State of Illinois
30. under the threat of eminent domain from an ancestor of...of Bobby Van
31. Osdale. The State of Illinois never used the property, and Bobby Van
32. Osdale seeks to have it returned to him. He offeres to pay four thousand
33. dollars for it, which was the amount that the State paid him for it

1. originally. The amendment, however, would...would set the value at
2. seventy thousand dollars, which is consistent with the current appraised
3. value, and would provide that fifty percent of the money so received
4. would be returned to all of the eligible local taxing entities as
5. quickly as possible and prorated among them on the basis of their
6. 1973 tax levies. In other words, it recognizes a difficult situation
7. here with the State of Illinois, I think, was clearly wrong in what it
8. did in taking property and not using it, depriving this individual the
9. use of it, but at the same time, there were taxes that were not paid
10. over the years on that property, that it seems to me ought to have
11. been paid, and the amount that would be contained in the amendment is...
12. is based on...on appraisals of the current fair market values. So that
13. is...in essence is what the amendment provides.

14. PRESIDING OFFICER: (SENATOR DOUGHERTY)

15. Any further discussion? Senator Chew.

16. SENATOR CHEW:

17. Yeah. Mr. President, Mr. President, ...

18. PRESIDING OFFICER: (SENATOR DOUGHERTY)

19. Please be in order. Senator Knuppel, would you please...Senator
20. Knuppel, please. Senator Chew.

21. SENATOR CHEW:

22. Mr. President, the State of Illinois, by eminent domain, took
23. the property from the heir's family for the purpose of widening 66
24. highway. It was subsequently discovered that a highway would be
25. built in that section parallel to 66 highway and consequently, the land
26. was of no use to the State. It has been vacant since the eminent domain
27. was used against this family. The State paid the family four thousand
28. dollars and took the land. The only heir to the estate of that family
29. is merely asking for the land to be returned to him for the same dollar
30. that the State paid for it. It hasn't had no use, Mr. President, since
31. the time of eminent domain. Now, the State is not in the business of
32. real estate. It's only fair, legally and morally, that insomuch as the
33. State does not have any use for this land, that they should gain back in

1. return the exact dollar paid. They did not purchase the land as an
2. investment. It was not purchased to make a profit. Morally, legally
3. and rightfully, the heir to this property, the family estate, Mr. Pres-
4. ident, should not be made to pay any more than the State paid him,
5. because the land is now like a prairie and the State has no use, and
6. for that I must resist this amendment. And, Mr. President, I cannot
7. think of any land in twenty years to increase in value from four
8. thousand to seventy thousand. Now, there are two things in consideration.
9. Either the State cheated the man in taking the land and now they want
10. to make a profit, or the law of eminent domain is totally designed to
11. displace citizens and use the big brother tactics, and for that, I would
12. request that every person here would vote against this amendment to
13. increase this to seventy thousand dollars. I think that's fair.

14. PRESIDING OFFICER: (SENATOR DOUGHERTY)

15. Senator Course.

16. SENATOR COURSE:

17. Mr. ...Mr. President and members of the Senate, what hasn't been
18. brought out, that when this property was taken under...eminent domain, that
19. the original owner went into court with this thing, he was...it was in
20. litigation for four years until he ran out of money and he had to aband-
21. on his court fight. Then he left the State and went down south into one o
22. the southern states. This property was never used. The State of Illinois
23. does not have clear title to that property today. They cannot get clear
24. title to that property. The heir to the original owner, the son of the
25. owner, was willing to pay the back taxes on what the State of Illinois
26. paid his father plus the interest. Now, I think this is only fair.
27. Senator Chew says - the State of Illinois is not in the real estate busi-
28. ness. If we want to go in the real estate business, let's come out and
29. pass legislation and say we're going to go in the real estate business.
30. We're going to take property by eminent...domain, keep it for a...few
31. years, and then turn around and sell it and make a huge profit. If this
32. is what we want, let's pass legislation to do it.

33. PRESIDING OFFICER: (SENATOR DOUGHERTY)

1. Senator Johns.

2. SENATOR JOHNS:

3. Mr. President, I join Senator Chew and Senator Course. I think
4. the State made a grievous error here. They denied, really, the right
5. of future generations, the privilege of obtaining this land and at per-
6. haps of making a profit on it, as the inflationary spiral causes land
7. to increase in value, and to ask now, after the litigation and the
8. costly litigation probably that the man, the original owner, the cost
9. that he had to pay. It seems to me that this amendment is entirely in
10. error, in ill error, if you ask my opinion.

11. PRESIDING OFFICER: (SENATOR DOUGHERTY)

12. Any further...Senator Fawell.

13. SENATOR FAWELL:

14. I...I don't know if I know all of the facts here, but it seems to
15. me the amendment is quite proper. If we do not put an amendment like
16. this on a bill such as this, what we are saying is that when the State
17. pays, as I assume they paid, fair cash market value for the property
18. back in 1950, and then for one reason or another find that they do not
19. have a public purpose for which they are going to use the property, and
20. let me say that if they didn't have a public purpose, they couldn't have
21. acquired the property by eminent domain in the...in the first place. But
22. the important point is that we would be setting precedent here and, in
23. effect, saying that any time the State of Illinois finds that it was mis-
24. taken in regard to the public purpose which prompted it by eminent domain
25. to acquire property or should subsequently find that its plans have changed
26. so that it no longer has use for the property, it will then turn around
27. and sell back to the heirs of the person from whom they took the property
28. originally, for the very same consideration which they paid to the an-
29. cestor. Now, they paid, I repeat, to the ancestor, fair cash market val-
30. ue, and the...the seller therefore received everything that he had a right
31. to at the time under the law. He could have, of course, and I assume he
32. did use that money. I think it...it would be very poor precedent for us to
33. say at this point that...that the State of Illinois will, if it subse-

1. quently turns out that they do not have a use for the property, will
2. return it to the seller or his family for the same amount of money
3. they purchased it for. I...I think it's very poor precedent. I
4. could be stronger in my language than that. I...but here with the
5. amendment, we're simply saying that - all right, we will...we will
6. sell it to the family from which the property was purchased, but
7. obviously they ought to pay fair cash market value for the property
8. like any other asset, any other property that's ever sold by the State
9. of Illinois. It belongs to the people and the people have a right to
10. receive fair cash market value for the property. So I do support the
11. amendment wholeheartedly.

12. PRESIDING OFFICER: (SENATOR DOUGHERTY)

13. Senator Glass may close the debate.

14. SENATOR GLASS:

15. I think the issue has been well covered, Mr. President. The...
16. the land now has been appraised, I think by the Department of Trans-
17. portation, as over a hundred thousand dollars. This, we felt, was too
18. much, but the seventy thousand is based on the best information we can
19. come up with, and it seems to me that there are some local taxing bodies
20. that have not received taxes over the years, because the property has
21. been off the tax roll, and this would benefit them to some degree also.
22. So I would urge adoption of the amendment.

23. PRESIDING OFFICER: (SENATOR DOUGHERTY)

24. Senator moves the adoption of Amendment No. 1 to...Senator Glass
25. moves the adoption of Amendment No. 1 to Senate Bill 375. All in favor
26. will...signify by saying Aye. Those Opposed. The Noes have it. The
27. Noes have it. Roll call has been requested. All those in favor will...
28. of the Amendment No. 1 to Senate Bill 375 will vote Aye. Those opposed
29. will vote Nay. The voting is open. Have all voted who wish? Take the
30. record. On that, the Ayes are 18, the Nays are 16, 1 Voting Present.
31. The Amendment No. 1 to...Senate Bill 375 is lost...is adopted rather.
32. Any further amendments? I'm sorry, I made an error. Any further amend-
33. ments? 3rd reading. Senate Bill 362, Senator Bruce.

1. SECRETARY:

2. Senate Bill 362.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR DOUGHERTY)

6. Senator Bruce.

7. SENATOR BRUCE:

8. Yes, Mr. President and members of the Senate, Senate Bill 362 is
9. a proposal by the Department of Agriculture to create trust funds for
10. the purpose of encouraging and promoting trade fairs. At the present
11. time, we cannot establish such trust funds...

12. PRESIDING OFFICER: (SENATOR DOUGHERTY)

13. Excuse me Senator, let's have a little order, please. Let's break
14. up those conferences back there.

15. SENATOR BRUCE:

16. ...We cannot create the trust fund...

17. PRESIDING OFFICER: (SENATOR DOUGHERTY)

18. Senator Chew, would you please be in order.

19. SENATOR BRUCE:

20. We cannot create the trust funds for the development of...of programs
21. at the State Fair where money is contributed by private investors. We
22. cannot mix that with the public funds. This would allow them to create
23. a fund. We will appropriate the money. It also allows money received
24. from several consumer protection laws to be put into a trust fund. The
25. one that I am most interested in, I think, Senator Latherow is...the Grain
26. Dealers Act and the Public Grain Warehouse and Warehouse receipts where
27. the department will marshall these bond proceeds into a fund and then
28. distribute them on an equitable basis. I would ask you favorable con-
29. sideration on this legislation.

30. PRESIDING OFFICER: (SENATOR DOUGHERTY)

31. Any further debate? The question is shall Senate Bill 362 pass.
32. Those in favor will vote Aye. Those opposed will vote Nay. The voting
33. is on. Senator Bruce, will you vote me Aye. Take the vote. Have all

1. voted who wish? Take the record. On that, the Ayes are 53, the
2. Nays are none, and none Voting Present. Senate Bill 362 having
3. the constitutional majority is declared passed. Senate Bill 375,
4. Senator Mohr.

5. SECRETARY:

6. Senate Bill 375.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR DOUGHERTY)

10. Senator Mohr.

11. SENATOR MOHR:

12. Yes, Mr. President, this is the bill that we just debated here
13. a couple a minutes ago, and now with the amendment on, it would require
14. the former owner to pay seventy thousand dollars for this piece of
15. property which I...I said earlier, I have mixed emotions. I...I felt
16. that the man was not treated fairly by the State. The State did
17. acquire the porperty and held it since 1951 and did not use it, had
18. no plans of using it after about 1957. And I would point out that
19. through this bill, I think, Senate Bill 981, sponsored by Senatoe Roe,
20. now mandates the department to dispose of surplus properties, which
21. I think is a move in the right direction. That did pass this Body.
22. But, I would like to...to pass this bill out of here today and let
23. it go to the House, and they have debated it during the last Session.
24. I'd like them to have that opportunity once again.

25. PRESIDING OFFICER: (SENATOR DOUGHERTY)

26. Any further debate? Senator Chew.

27. SENATOR CHEW:

28. I'd like to tell the Body that there is a statute on the books
29. in the State of Illinois that's clearly understood, if you read it,
30. that whenever public body condemns land and have no use for it, that
31. that land is to be returned to the original owner without cost. The
32. only hitch we have here is the fact that there's a statute of limita-
33. tion attached to it. So the man should really be getting his land back

1. for nothing.

2. PRESIDING OFFICER: (SENATOR DOUGHERTY)

3. Any further debate? Senator Latherow and Senator Morris.

4. SENATOR LATHEROW:

5. Thank you, Mr. President. I have sentiments for this piece of
6. legislation similar to what Senator Chew expressed earlier. I think
7. it's quite time that we recognize the position that the State of
8. Illinois has put a lot of private citizens in by going about and either
9. taking or putting them in a position where they agreed to have their
10. property sold to the State of Illinois without condemnation. They're
11. having these properties that they certainly approve a few years later
12. to have had no use for. Now, I agree that Senator Roe's bill will
13. probably take care of this later on. But I think we have to recognize
14. here that there has been some improprieties listed upon this particu-
15. lar ownership and we in the State...State government should take some
16. responsibility toward it. I would recognize also, of course, that if
17. this property today probably only had a value of five hundred dollars, it
18. probably...the original owner would not have been interested in rebuying
19. it at the purchase price a few years ago. I think we do recognize that.
20. But I am very pleased to...will be very pleased to support Senator
21. Roe's bill, and I think we'd get away from problems just like we're
22. presented with here today.

23. PRESIDING OFFICER: (SENATOR DOUGHERTY)

24. Senator Morris.

25. SENATOR MORRIS:

26. I would just like to point out that this land was not condemned,
27. that the original owner chose to exercise the option of selling the
28. land to the State, rather than continuing through condemnation. There-
29. fore, this was a private sale to the State, and as a result, the law
30. does not require that it be given back to the owner. I understand
31. that Senator Roe's bill will begin to deal with this problem. Senator
32. Daley has mentioned that there is another program being considered
33. that could deal with this kind of a problem in the future, and I think

1. this is a very good thing. I think this situation does point to
2. a problem we have, and I think that at this point, we ought to
3. dispose of this issue now. Seventy thousand dollars seems to be
4. a fair price and it would also reimburse some of the taxing bodies
5. and it would get rid of this problem so we can deal with it with the
6. future legislation which Senator Roe and Senator Daley have spoken
7. about.

8. PRESIDING OFFICER: (SENATOR DOUGHERTY)

9. Senator Course.

10. SENATOR COURSE:

11. Yes, what Senator Morris says is true. The man did consent to
12. sell the property for four thousand dollars. But only after he had
13. gone through a lengthy litigation and the man ran out of money and
14. he had no more money left. Then and only then did he consent to
15. sell the property for four thousand dollars, because he had no alterna-
16. tive. And it's just...and it's just been recently that the State of
17. Illinois has gotten clear title to that property. For twenty years
18. they've held this property and they couldn't get a clear title to it.

19. PRESIDING OFFICER: (SENATOR DOUGHERTY)

20. Any further debate? Senator Mohr may close the debate. The
21. question before us is shall Senate Bill 375 pass. And those in favor
22. will vote Aye. Those opposed will vote Nay. The voting is open. Will
23. you please vote me Aye, Senator Bruce. Have all voted who wish? Take
24. the record. On that Senate Bill...on that question the vote is 34
25. Ayes, 7 Nays, 9 Voting Present. Senate Bill 375 having received a
26. constitutional majority is declared passed. Senate Bill 398, Senator
27. Palmer.

28. SECRETARY:

29. Senate Bill 398.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR DOUGHERTY)

33. Senator Palmer.

1. SENATOR PALMER:

2. Mr. President and members of the Senate, Senate Bill 398
3. requires the Department of Mental Health to establish an in-patient
4. facility for long-term care in Cook County. For the last two
5. years the Commission on Mental Health and Senate Democratic Task Force
6. on Mental Health, have recommended to the Legislature that such long-
7. term care facility be provided for and operated in the City of Chicago
8. area. Senator Smith, Chairman of the Public Health and Welfare and
9. Corrections Committee, appointed the gracious lady, a former Senator
10. here, Esther Saperstein, as chairman of the subcommittee to review
11. this matter, and they recommended and it was their work that resulted
12. in Senate Bill 398 which, of course, I will repeat requires the depart-
13. ment to establish this long-term care facility in the Cook County area
14. for the mentally ill. This bill in no way requires the department or
15. suggests the construction of a new facility. The department has exist-
16. ing facilities to fulfill this need within...within Cook County, and
17. they, of course, are the Chicago Reed Mental Health Center, the John
18. Madden Mental Health Center and the Tinley Park Mental Health Center.
19. Now, many times some of the Senators ask the question - who needs this
20. bill? I'm going to answer that in advance. The gracious lady, Senator
21. Saperstein, put a lot of work in this bill and she received a great deal
22. of support from all those who are interested in the subject of mental
23. health, and many, many Chicago and Cook County Senators are receiving
24. complaints and demands and requests that this be continued, because
25. there is some sort of a program to phase out this program from Cook
26. County.

27. PRESIDING OFFICER: (SENATOR DOUGHERTY)

28. Any further discussion?

29. SENATOR PALMER:

30. I ask for a favorable roll call.

31. PRESIDING OFFICER: (SENATOR DOUGHERTY)

32. Senator Nimrod.

33. SENATOR NIMROD:

1. Yes, Mr. President, as a member of the Mental Health Commission,
2. I was with Senator Saperstein and when she...thus we had discussed this
3. very subject, and there certainly is a need in the changing time of mental
4. health...in its five year program and all its activities, now is the
5. time to get this kind of legislation in, and I do think that the parents
6. and the families of these people who are in long-term care facilities
7. ought to be able to travel back and forth to see their loved ones.
8. And I certainly support Senator Palmer in his move.

9. PRESIDING OFFICER: (SENATOR DOUGHERTY)

10. Any further discussion? The question is shall Senate Bill 398
11. pass. Those voting in favor will vote Aye. Those opposed will vote
12. Nay. The voting is open. Senator Donnewald, will you please vote
13. me Aye. Have all voted who wish? On that question...take the record.
14. On that question, the Ayes are 51, the Ayes...the...the Nays are 1,
15. none Voting Present. Senate Bill 398 having passed...having received
16. a constitutional majority is declared passed. Senate Bill 405, Senator
17. Egan.

18. SECRETARY:

19. Senate Bill 405.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER: (SENATOR DOUGHERTY)

23. Senator Egan.

24. SENATOR EGAN:

25. Thank you, Mr. President and members of the Senate, Senate Bill
26. 405 would increase the reimbursement for handicapped children receiving
27. special education at private schools, from two thousand per year to an
28. increase to two thousand five hundred. I know of no opposition to
29. this Bill. It passed out of the committee without any opposition. I
30. would axsk for your favorable support.

31. PRESIDING OFFICER: (SENATOR DOUGHERTY)

32. Any further discussion on...on this bill? The question is shall
33. Senate Bill 405 pass. Those voting Aye will vote...those voting in

1. favor will vote...will vote Aye. Those opposed will vote Nay. The
2. voting is open. Senator Bruce, will you please vote me Aye. Have all
3. voted who wish? Take the record. On that question, the Ayes are 49,
4. the Noes...the Nays are 5, none Voting Present. Senate Bill 405 having
5. received a constitutional majority is declared passed. 407, Senator
6. Morris.

7. SECRETARY:

8. Senate Bill 407.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER: (SENATOR DOUGHERTY)

12. Senator Morris.

13. SENATOR MORRIS:

14. Thank you very much, Mr. President. This is a law designed to
15. broaden the Consumer Fraud and Deceptive Practices Act, which was approv-
16. ed in Illinois in 1967. At that time, we put in a three day cooling
17. off period on home solicitation of sales which are more than twenty-
18. five dollars. The law provided that in the case of a sale that was
19. not solicited by the consumer, the seller must present the consumer
20. with a notice of cancellation, which informs the consumer that he may
21. cancel the sale within three days. However, the scope of the current
22. law is rather narrow. It is limited to unsolicited sales and creates
23. some real problems in the definition of unsolicited sales. Some people
24. clip a coupon out of a newspaper and send it in for further information,
25. the next week someone shows up at the house with such a deal they can't
26. avoid. They purchase something and they have then been told that they
27. solicited that contact. What Senate Bill 407 attempts to do is deal
28. with this problem in making three changes. First of all, all home
29. sales with some specific exceptions, are covered by the three day cool-
30. ing off period, rather than just the so-called unsolicited sale. There
31. are situations when the buyer should be willing to accept responsibility
32. for a sale, however, and we have dealt with those in the exemptions in
33. the amendment. For instance, transactions made pursuant to pre-existing

1. retail charge agreements from a retail business having a fixed
2. permanent location, and the sale of good and services needed to
3. meet a personal emergency. This would include fixing a refriger-
4. ator or something like that. Those would be exempted. We have
5. also exempted sales which involve farm equipment, and this was at
6. the request of Senator...Senator Latherow. The second way that we
7. attempt to broaden the scope of this bill is the specific form of
8. notice of cancellation which is to be presented to the consumer. It
9. has to be specific according to this amendment or this law as amended,
10. unless they follow the Federal Trade Commission's form. We added in
11. one extra provision at the request of the Committee on Public Health,
12. Welfare and Corrections. designed to allow the money-back guarantee
13. as the similar provision of the notice of cancellation. This would
14. now also put in four cases of unlawful practices. One would be the
15. failure to inform the buyer orally of his right to cancel, the second
16. would be to fail to refuse or honor a valid notice of cancellation.
17. The third would be to fail to return any good or property traded or
18. to fail or refund the payments within ten days, and then the fourth
19. provision would be to negotiate transfer and sell or sign any
20. note prior to midnight of the tenth day following the date of purchase.
21. This just makes our consumer legislation on home sales broader, and
22. it's a good piece of legislation. It was unanimously approved by the
23. committee, and I would appreciate support from the Senate.

24. PRESIDING OFFICER: (SENATOR DOUGHERTY)

25. Any further debate? Senator Nudelman.

26. SENATOR NUDELMAN:

27. Mr. President, Ladies and Gentlemen of the Senate, this is horrendous
28. legislation, and I wonder if the sponsor would yield to a question or
29. two.

30. PRESIDING OFFICER: (SENATOR DOUGHERTY)

31. He will.

32. SENATOR NUDELMAN:

33. Senator, was this the same bill that you had before the Judiciary

1. Committee?

2. PRESIDING OFFICER: (SENATOR DOUGHERTY)

3. Senator...Morris.

4. SENATOR MORRIS:

5. No.

6. SENATOR NUDELMAN:

7. Did you have a similar bill?

8. SENATOR MORRIS:

9. The bill I had before Judiciary Committee dealt with the secreting
10. of land trusts. That's the only bill I've ever had there.

11. SENATOR NUDELMAN:

12. I wonder...I wonder if somebody else had a similar bill before
13. the Judiciary Committee?

14. PRESIDING OFFICER: (SENATOR DOUGHERTY)

15. Do you have any knowledge of another bill of the similar nature being
16. before the Judiciary Committee? I see. Any further discussion, Sir?

17. SENATOR NUDELMAN:

18. Question.

19. PRESIDING OFFICER: (SENATOR DOUGHERTY)

20. Senator Nudelman.

21. SENATOR NUDELMAN:

22. Does...does this bill include merchandise which is sold to the
23. recipient based on a solicitation by the purchaser from the seller?

24. SENATOR MORRIS:

25. What is your definition of a solicitation by the purchaser to
26. the seller?

27. SENATOR NUDELMAN:

28. Form or request that the seller come to his home and...and
29. provide him with merchandise or samples or a discussion of services
30. to be rendered.

31. SENATOR MORRIS:

32. That's what this bill is trying to deal with. The current law
33. is being interpreted that if you send in a coupon or if somebody calls

1. your house and says I have a gift for you, I'd like to drop it off.
2. That is being interpreted as solicited sales. We're trying to
3. say that that is not necessarily solicited sales and we are covering it
4. under this law.

5. SENATOR NUDELMAN:

6. I don't think, Senator, that anybody...that any lawyer in his
7. right mind would interpret somebody telling you that we have a gift
8. for you and coming out to deliver your gift, and then selling you
9. something, is a solicitation by the purchaser. I think that's just
10. poppycock. However, if...if somebody advertises something for sale
11. in a newspaper or something of general circulation or on...on the
12. radio or television, and I called in and asked them to bring that
13. item to my home or a sample or come out and discuss repairs to my
14. home, that...that type of sale is included in...in your bill.

15. PRESIDING OFFICER: (SENATOR DOUGHERTY)

16. Senator Morris.

17. SENATOR MORRIS:

18. The...there are several exemptions that were provided in the
19. bill, if you have a copy of the amendment.

20. SENATOR NUDELMAN:

21. I have such...I have your amendment. I'd like to...what are
22. exempted?

23. SENATOR MORRIS:

24. Well any...

25. PRESIDING OFFICER: (SENATOR DOUGHERTY)

26. Need some order please. Let's...Senator Course...would you
27. please break up the conversation. Senator Nudleman...Senator Morris

28. SENATOR MORRIS:

29. I think...I think the answer to your question would be covered
30. under exemption A, which would be that a store that is in a permanent
31. fixed location has the goods on continuous display, is exempted under
32. exemption A of the amendment.

33. SENATOR NUDELMAN:

1. Where is that exemption...what page of your amendment?

2. SENATOR MORRIS:

3. The first page. I'll read it to you. The transaction is
4. made, this section does not apply when, A - the transaction is
5. made pursuant to a pre-existing retail charge agreement or pursuant
6. to prior negotiations between the parties at or from a retail business
7. establishment having a fixed permanent location where the goods are
8. exhibited or the services are offered for sale on a continuing basis.

9. PRESIDENT:

10. Any further discussion? The Senator will conclude. His time
11. is waning.

12. SENATOR NUDELMAN:

13. My time has not waned, Mr. President.

14. PRESIDENT:

15. It's actually expired; they tell me, but go right ahead, Senator.
16. We...

17. SENATOR NUDELMAN:

18. Well, if it's expired maybe somebody will give me some of theirs.
19. And my time has been consumed by the comments of the sponsor, Mr.
20. President, and I would submit that anybody who read that subsection
21. would realize that the only exemption contained in that subsection,
22. is a sale which is made pursuant to prior negotiation, as the Senator
23. has suggested. But that doesn't include the type of a situation where
24. I send in a coupon or where I call up a retail establishment and ask
25. them to come out to my...to my residence or to my place of business to
26. ...to conduct business so that I might purchase something from them.
27. I think that's a misrepresentation by the...sponsor or he doesn't
28. understand the language of his own bill. And I would further ask the
29. sponsor what is meant by substantially in its good condition.

30. PRESIDENT:

31. Senator Morris.

32. SENATOR NUDELMAN:

33. What does he mean by the word substantially?

1. PRESIDENT:
2. Senator Morris.
3. SENATOR MORRIS:
4. In what section?
5. PRESIDENT:
6. Senator Nudelman.
7. SENATOR NUDELMAN:
8. How of the sections were used substantially in its good condition
9. relative to returning...merchandise to the seller.
10. PRESIDENT:
11. Senator Morris.
12. SENATOR MORRIS:
13. That would be in basically the condition in which it was delivered
14. unless you use the exemption which is the money-back guarantee, where
15. the seller would be agreeing to accept back the merchandise regardless
16. of the condition. All of the Avon ladies who say that they will take
17. back the merchandise at any time, and this was the Avon amendment.
18. PRESIDENT:
19. Senator Nudelman, have you...conclude.
20. SENATOR NUDELMAN:
21. So that the purchaser has the use and ordinary wear and tear, for
22. the...period of time that he has it in his...in his possession is not
23. included, is that correct?
24. PRESIDENT:
25. Senator Morris.
26. SENATOR MORRIS:
27. I am not quite sure that I understand you. We're...we're dealing
28. in two levels here. One is - at the request of the people like Avon,
29. we put in the money-back guarantee thing. They're saying - we'll
30. take it back whenever. The other one provides for the three day cooling
31. off period and the time to cancel. You wouldn't be able to hold the
32. goods any more than three to four days before you would have to return
33. them. You wouldn't have them for several months and then decide to

1. take them back.

2. PRESIDENT:

3. Senator Nudelman.

4. SENATOR NUDELMAN:

5. But you...but you could, in fact, use it for three days and
6. then if you were unsatisfied, you could send it back. And the fact
7. that you used it would not deter the return. I would also ask what it
8. means in Page 3 of your...of your amendment on Paragraph B. It says
9. for any reason whatsoever, any reason whatsoever, the purchaser can
10. now send it back. Is that correct?

11. PRESIDENT:

12. Senator Morris.

13. SENATOR MORRIS:

14. That's correct, and that is the Avon amendment that is an option.
15. They can either exercise the unconditional money-back guarantee or the
16. three day cooling off period and the notice of cancelation. This is
17. what was requested by many of the direct sales companies, that they
18. would rather have the option of a money-back unconditional guarantee,
19. and we're giving them that option.

20. PRESIDENT:

21. Any further discussion? Senator Bloom. Oh, pardon me. Senator
22. Nudelman.

23. SENATOR NUDELMAN:

24. Mr. President, I don't get up to speak all that often, and I haven't
25. made a comment on the legislation. I've merely been asking questions,
26. and I would...

27. PRESIDENT:

28. Senator Nudelman is recognized.

29. SENATOR NUDELMAN:

30. I would attempt to point out to this Body that this bill, while
31. it may be well intentioned, and I am sure knowing its sponsor that it
32. is well intentioned, doesn't do to those people it is intended to cover
33. what it suggests it does. It, in effect, gives a purchaser the right

1. to call any retail establishment or...or any wholesale establishment
2. for that matter, in request that they came out to his home, sell them
3. some item of merchandise and then arbitrarily, capriciously, or
4. however, call them back in three days and they say take your item, I
5. don't want it. Now, if that same purchaser goes to a grocery store
6. or a retail establishment of any kind, he doesn't have that right, and
7. I would submit, Mr. President and Ladies and Gentlemen of the Senate,
8. that based on the type of sale, the fact that the purchaser institutes
9. it, it's the same type of sale that would take place in a retail establish-
10. ment, and the purchaser should have no more right here than he has at
11. any other establishment, and I would strongly suggest a no vote on this
12. bill. Thank you.

13. PRESIDENT:

14. Any further discussion? Senator Morris may close the debate.

15. SENATOR MORRIS:

16. Thank you very much, Mr. President. I feel this is a very impor-
17. tant piece of legislation. This is a piece of legislation which I
18. was helped in drafting by the Democratic leadership. It's something
19. that I think is very necessary if we are to protect the...the person
20. in their home from people on the door to door sales basis. We have
21. to deal with the problems presented by the current law, which was adopt-
22. ed in 1967, the Consumer Fraud and Deceptive Practices Act, which is
23. not broad enough in defining unsolicited sales, and I contend that the
24. coupon or that free gift that you're going to get when someone arrives
25. at your house and lays the pitch on you, is, in fact, unsolicited sales,
26. and this bill will deal with that situation. It's a very simple vote.
27. If you want to vote to give the consumer a break - vote yes.

28. PRESIDENT:

29. The question is shall Senate Bill 407 pass? Those in favor will
30. vote Aye. Those opposed Nay. The voting is open. Have all voted who
31. wish? Take the record. On this question, the Ayes are 26, the Nays
32. are 8, 5 Voting Present. Senate Bill 407 having failed to receive a
33. constitutional majority is declared lost. Senate Bill 410, Senator

1. Knuppel.

2. SECRETARY:

3. (Machine cut-off)...10.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDENT:

7. Senator Knuppel. For what purpose does Senator Graham arise?

8. SENATOR KNUPPEL:

9. Mr. ...

10. PRESIDENT:

11. One moment please, Senator Knuppel. What purpose do you arise,

12. Senator?

13. SENATOR GRAHAM:

14. I think Senator Knuppel is going to take care of that.

15. PRESIDENT:

16. Fine. Senator Knuppel is recognized.

17. SENATOR KNUPPEL:

18. Mr. Chairman, when I advanced this bill, there was a request

19. by Senator Graham that if he had an amendment whether I would recall

20. to 2nd reading. I...

21. PRESIDENT:

22. Is there leave?

23. SENATOR KNUPPEL:

24. I'm going to oppose the amendment, but I will recall it to...

25. recall to 2nd reading for the purpose of him attempting to amend it.

26. PRESIDENT:

27. Is there leave to return Senate Bill 410 to the order of 2nd

28. reading for the purpose of an amendment? Leave is granted. The bill

29. is now on 2nd reading. Senator Graham is recognized for Amendment No.

30. 2. Senator Graham.

31. SENATOR GRAHAM:

32. Mr. President and members of the Senate, with my batting average

33. on these amendments, I'm thrilled. But I feel compelled to offer

1. this amendment. It's on the desk of the Senators. I feel constrained
2. to indicate to you that I think it's a sensible approach to this
3. problem, and the amendment simply says that an employee organization
4. or any subdivision, thereof, shall be prohibited from sponsoring or
5. otherwise hiring or organizing any group that customarily and repeatedly
6. or offers its services in professional pickets on similar functions.
7. In other word, this is going to defeat the purpose of Senator Knuppel's
8. bill. I think that is a good thing to do. I think this amendment will
9. do the thing that this climate...industrial climate would like to have
10. done, and for goodness sakes, we've destroyed them enough in the last
11. couple of days. I think this amendment might be well taken and it
12. might be an indication for the gentlemen who feels strongly about this
13. sort of philosophy - you fellows mind if I have this amendment on? Is
14. it all right with you, Joey? - that have this kind of philosophy would
15. say - hurray to those gentlemen down there. They have finally awakened
16. to our request. I offer this amendment, and move its adoption.

17. PRESIDENT:

18. Senator Glass.

19. SENATOR GLASS:

20. Thank you, Mr. President. I would just like to speak in support
21. of Senator Graham's amendment, and I can recall the last Session, a
22. similar amendment being adopted in committee without any objection from
23. the sponsor of the bill. I believe at that time it was Representative
24. Hanahan. However, subsequently, opposition did arise and the bill was
25. either vetoed or...or...or defeated. But it seems to me that Senator
26. Graham is entirely correct. If professional strikebreaking is bad,
27. so also is the professional striker, and his...his amendment would
28. simply put both on an even keel and treat them evenly. I...I think
29. the amendment should be adopted and hope it will be adopted. Thank
30. you.

31. PRESIDENT:

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Well, Mr. Chairman, the amendment was just placed on my
2. desk about ten minutes ago, which I regret that I didn't have it
3. sooner. So, I'm not able to form an opinion as to whether this
4. is good or bad. I haven't been able to discuss it with the sponsor.
5. In view of the lateness of the amendment, I just have say that I'd
6. like to take my bill in the form that it's in. Maybe I can talk to
7. him and if it's a good amendment, we can put it on in the House. I
8. would encourage that this amendment, just based on the fact that I
9. haven't had time to review it or discuss it, be defeated. I don't know
10. that a lot of members have it on their desk. If it's a good amend-
11. ment, I'll be happy to consider and talk to Mr. Graham about it and
12. maybe we can put it on over in the House. But at this time,—in view
13. of the lateness in which I received it, I would encourage everybody
14. to cast a no vote with respect to the amendment.

15. PRESIDENT:

16. The question is shall Senate Bill 410 pass. Oh, pardon me. I'm
17. sorry. I was diverted. Senator Graham has moved Amendment No. 2 to
18. Senate Bill 410. All in favor of the adoption of the amendment will
19. say Aye. All right. All in favor of the adoption of Amendment No.
20. 2 will vote Aye. Those opposed will vote Nay. The voting is open.
21. Have all voted who wish? Take the record. On this question the
22. Nays are 32, the Ayes are 23. The amendment fails. For what purpose
23. does Senator Nudelman arise?

24. SENATOR NUDELMAN:

25. Mr. President, in the Gallery behind me, there's a group of
26. school children from the Samuel Morris School, from my district lead
27. by their teacher, Miss Dorothy Henderson. I'd like the Senate to
28. greet them.

29. PRESIDENT:

30. Will they stand and be recognized by the Senate. Any further
31. amendments? Senator...for what purpose does Senator Buzbee arise?

32. SENATOR BUZBEE:

33. Mr. President, on a point of personal privilege, if you're through

1. with action on this bill.

2. PRESIDENT:

3. Not yet. In a moment.

4. SENATOR BUZBEE:

5. Would you get...would you get back to me please.

6. PRESIDENT:

7. Yes, Sir. Any further amendments? 3rd reading. Senator Buzbee.

8. SENATOR BUZBEE:

9. Mr. President, yesterday there was a bill brought up on the Floor
10. of this Senate by Senator Palmer concerning the control of handguns.
11. I spoke and voted against that bill based on what I interpret to be
12. the strong belief in my district, to opposition to any further gun
13. control. And I think it's today's mail, I received, as I think other
14. members of this Legislature did, probably one of the worst pieces
15. of trite, manure that I have ever seen in opposition to gun control
16. legislation. Mr. President, I think this sort of thing falls in the
17. category of the hate literature that I observed in the 1960 campaign,
18. the anti-Catholicism campaign against John Kennedy, that I observed
19. against my congressman in 1974, presently my congressman, hate litera-
20. ture that was put out against him. This was not a partisan thing,
21. by the way, I'm not throwing any darts at the other side. It was the
22. sort of hate literature crap and trite that only the smallest of small
23. infinitesimal minds can put out. Now, this particular thing has absolute-
24. ly no place...this particular thing has absolutely no place...

25. PRESIDENT:

26. Just a minute, Senator. Will the members be in their seats.

27. Continue Senator Buzbee.

28. SENATOR BUZBEE:

29. Has no place, as far as I'm concerned, in the legislative process
30. nor in the American process. Now, it's very popular in this country
31. that whenever things of a controversial nature come up for people to
32. stand up and say - this is a Commie plot. It's the typical cry so many
33. times of...of small minds that this is a Commie plot. I don't know

1. what kind of a plot this is, but let me tell you, Mr. President, that
2. I hold no truck whatsoever with this sort of garbage. I will continue
3. to oppose gun control legislation because I believe that's what my
4. district wants me to do. But I will not for one minute tolerate this
5. sort of garbage in anything that I'm associated with, and I notice
6. that the...the return address...there is not a return address, pardon
7. me, but on the blue cartoon form, it's called the Thunderbolt Incorp-
8. orated, Box 1211, Marietta, Georgia. Mr. President, I'm going on
9. record right now to ask you to have United States Postal authorities
10. to please check into this organization, if there is such an organization,
11. and I want every possible means of the law being brought against them.
12. Now, of course, they didn't have guts enough to put a return address
13. on the envelope. The postal marking is Chicago, Illinois. But, I hope
14. this Body will go on record as being one hundred percent opposed to
15. this sort of trite, and that we will again have the legal authorities
16. do everything they possibly can to get this sort of stuff stopped. Thank
17. you.

18. PRESIDENT:

19. Consider it done. Senator Shapiro is next. Senator Shapiro. Try
20. Senator Harber, Hall's mike.

21. SENATOR SHAPIRO:

22. A point of personal privilege, Mr. President.

23. PRESIDENT:

24. State your point.

25. SENATOR SHAPIRO:

26. In the southeast Gallery is the 7th and 8th grades of Bureau
27. Grade School in my district in Lee County. I would appreciate it if
28. the Senate could acknowledge their presence.

29. PRESIDENT:

30. Will they stand and be acknowledged by the Senate. Senator
31. Nudelman.

32. SENATOR NUDELMAN:

33. Mr. President, also on a point of personal privilege. There is

1. another group of children from the Samuel Morris School from my district
2. and I would appreciate it if the Senate would recognize their presence.

3. PRESIDENT:

4. Will they stand and be recognized by the Senate. Senator Harber
5. Hall.

6. SENATOR HALL:

7. Mr. President, Senator Buzbee and I vote, sometimes, differently
8. on issues, but I want this Body to know as a Republican, I endorse
9. everything that Senator Buzbee has just advised this Body about. I
10. endorse his recommendation, and I also have seen what he referred to
11. just now, and I agree with him that it is trash of the worst order.

12. PRESIDENT:

13. We will do something about it, Senator. Senator Knuppel.

14. SENATOR KNUPPEL:

15. On the same topic, I'm...I'm truly embarrassed by the scurrilous
16. nature of the material.

17. PRESIDENT:

18. Senate Bill 425, Senator Fawell. No, we were dealing with 410.
19. There was...oh, the amendment failed. I'm sorry. Senate Bill 410.
20. Senator Knuppel. There were no further amendments and the bill is
21. back on 3rd reading. Senator Knuppel.

22. SENATOR KNUPPEL:

23. Mr. President and members of the Body, this bill does exactly
24. what the caption on the bill says it does. It's an Act to prohibit
25. the recruiting and hiring of persons who customarily and repeatedly
26. offer themselves as replacements for striking employees. These are
27. prostitutes of the dispute between labor and management. This is
28. good legislation, and I request a favorable roll call.

29. PRESIDENT:

30. Read the bill.

31. SECRETARY:

32. Senate Bill 410.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDENT:

3. The question...question is shall Senate Bill...for what purpose
4. does Senator Fawell arise?

5. SENATOR FAWELL:

6. I have...I have a question on the bill.

7. PRESIDENT:

8. He's closed the debate, Senator. We asked for further discussion,
9. but state your question.

10. SENATOR FAWELL:

11. Well, I understand the...the intent of the bill, but Section 2,
12. Senator Knuppel, I don't understand when it says - a person may not
13. offer himself for hire when the result may be to replace employees
14. involved in a labor dispute. Now, you mean to say that an employer
15. doesn't have a right to hire anybody to replace somebody who may be
16. out on strike. I can understand what you're saying in...if it's to
17. hire somebody who is customarily...hiring himself out to...in situa-
18. tions like that, but...but it seems to me a man has to still be able
19. to conduct business if...if he possible can and would have a right
20. to hire...

21. PRESIDENT:

22. Senator Knuppel.

23. SENATOR KNUPPEL:

24. Mr. President, the...the amendment strikes everything the...
25. you're looking at the bill, I assume. The amendment strikes every-
26. thing by deleting lines 1, 2 and 3 and provides - that an Act
27. prohibiting the recruiting and hiring of persons who customarily and
28. repeatedly offer themselves as replacements for striking employees.
29. And, so that...I don't see how that...that in...in Line 8, it also
30. amends the original bill. I don't...I don't think that the bill does
31. what you say it does at the present time. I think you're looking at
32. the original bill which has been amended.

33. PRESIDENT:

1. Senator Fawell.

2. SENATOR FAWELL:

3. No. I...I don't think so, Senator. I'm sincere in what I'm...
4. I'm not...I'm not trying to talk against what...what I understand to
5. be your intent. But Section 2, I believe, is...is left in. I think
6. that what you're saying is that the employer simply can't hire anybody,
7. and I think this would be violative of Federal law. I don't...I don't...
8. I don't think that certainly Federal law has preempted this area. I
9. don't think we would have a right to say that in a labor dispute, a
10. man does not even have a right to hire replacements. I can understand,
11. I repeat again, if it is somebody who is customarily...now, if...if that
12. ...the amendment I have does not delete Section 2.

13. PRESIDENT:

14. Senator Knuppel.

15. SENATOR KNUPPEL:

16. Take it out of the record. I think he's correct. The amendment
17. doesn't do fully and totally what I expected it to do. It should...
18. it should have corrected Section 2 as well, and I will amend it to
19. provide that they can't hire somebody who customarily offers himself.
20. Just take it out of the record.

21. PRESIDENT:

22. Take it out of the record. Senate Bill 425, Senator Fawell.

23. SECRETARY:

24. Senate Bill 425.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDENT:

28. Senator Fawell.

29. SENATOR FAWELL:

30. Mr. President and members of the Senate, this bill does for joint
31. agreement programs for the construction of capital facilities for handi-
32. capped children, what we did several Sessions back for joint agreement
33. programs for Voc-Ed Capital Construction Projects. It authorizes

1. the school district to be able to utilize their existing two cent
2. levy. There is not any additional taxes involved. They utilize
3. their existing two cent levy against a bond issue. That's all that
4. the bill does. Do I know of no opposition, and would appreciate a
5. favorable roll call.

6. PRESIDENT:

7. Any further discussion? Senator Nimrod.

8. SENATOR NIMROD:

9. I wonder if the sponsor would yield to a question?

10. PRESIDENT:

11. He indicates he will.

12. SENATOR NIMROD:

13. Yeah. Senator Fawell, from the Revenue records here, it indicates
14. that...you said there's no additional taxes and this is done without
15. a referendum and there's no specific amount appropriated for this. Is
16. this...is this all correct?

17. PRESIDENT:

18. Senator Fawell.

19. SENATOR FAWELL:

20. There are no...no additional taxes, because what you must do is
21. utilize your two cent levy and abate your existing two cent levy to
22. support the bond issue. It's the same...same process, Senator, we
23. utilize in joint agreements in regard to Voc-Ed where there's a five
24. cent levy. You issue...you need the money to build a building right
25. now rather than over a period of time. So you simply issue bonds and
26. then you pay it off over a period of time on the basis of the existing
27. two cent levy that you have.

28. PRESIDENT:

29. Senator Nimrod.

30. SENATOR NIMROD:

31. Then, in fact, we are...this is not the same as The Area Vocational
32. Centers Act. What we are actually doing is authorizing a bond issue
33. on this, is that not right?

1. PRESIDENT:

2. Senator Fawell.

3. SENATOR FAWELL:

4. No. It is the same as the Voc-Ed. We...authorized the issuance
5. of bonds in Voc-Ed too. You...you cannot build a building, whether
6. it's Voc-Ed or for a special education purposes, unless you're able
7. to borrow the money at one time to have the funds to enter into the
8. contract. The bonds, of course, are amortized over a period of
9. time, and in paying off those bonds over the amortization period,
10. you utilize your regular five cent levy as far as Voc-Ed is concerned,
11. and here the two cent levy insofar as special ed is concerned. So
12. they...they are exactly the same.

13. PRESIDENT:

14. Senator Nimrod.

15. SENATOR NIMROD:

16. It was...my understanding from the record here that a referendum is
17. required for the vocational agreements under The Area Vocational Centers
18. Act.

19. PRESIDENT:

20. Senator Fawell.

21. SENATOR FAWELL:

22. No. That's...that's...that's not so. You've got a regular five
23. cent levy for Voc-Ed. You have a regular two cent levy for special
24. ed.

25. PRESIDENT:

26. Senator Weaver.

27. SENATOR WEAVER:

28. Well, Senator Fawell, you have left the referendum out of this
29. bill, though. The bill is practically the same as The Vocational Ed-
30. ucation Section...

31. PRESIDENT:

32. Just a minute please. May we have your attention.

33. SENATOR WEAVER:

1. ...with the exception you've left the referendum section out.
2. of this.

3. PRESIDENT:
4. Senator Fawell.

5. SENATOR FAWELL:
6. There...there is no need for referendum, because there is no
7. new tax. You're simply utilizing an existing two cent levy, in order
8. to be able to pay off the bonds.

9. PRESIDENT:
10. Senator Weaver.

11. SENATOR WEAVER:
12. But, do they not have to agree by referendum to use that tax for
13. this purpose?

14. PRESIDENT:
15. Senator Fawell.

16. SENATOR FAWELL:
17. No, I...they...they...they would not have to. No. The...in the
18. joint agreement, of course they come together, they agree as to how
19. much money each school district will put into the pot, so to speak, and
20. ...but, there is no necessity for any...any referendum on the matter.

21. PRESIDENT:
22. Any further discussion? Senator Hynes. Senator...does Senator
23. Fawell desire to close the debate?

24. SENATOR FAWELL:
25. I...I hope people aren't confused on this. Again, I repeat, there's
26. an existing two cent levy, and the only problem is that you can't
27. build a building for a special education project on the basis of a two
28. cent lev, each year. You've got to have the money at one time in order
29. to build the building. So you borrow the money and then you pay it off
30. over the period of time that you have the two cent levy, and it's limit-
31. ed to that period of time, and you utilize a portion of the two cent
32. levy to pay off the bonds. I...I do hope we'll have a favorable roll
33. call. You can't really have the local funds available to get aid from

1. Capital Development Board unless this type of bill does pass. Thank
2. you.

3. PRESIDENT:

4. The question is shall Senate Bill 425 pass. Those in favor will
5. vote Aye. Those opposed will vote Nay. The voting is open. Have all
6. voted who wish? Take the record. On this question, the Ayes are 39,
7. the Nays are none, 6 Present. Senate Bill 425 having received a
8. constitutional majority is declared passed. Senate Bill 427, Senator
9. Rock. Senator Rock is recognized.

10. SENATOR ROCK:

11. Thank you, Mr. President and Ladies and Gentlemen of the Senate,
12. I wonder if I might have a leave of the Senate to go to 428. They are
13. companion bills and the necessity for 427 will become evident if and
14. when 428 passes.

15. PRESIDENT:

16. Is there leave? Leave is granted. Senate Bill 428, Senator
17. Rock. Read the bill.

18. SECRETARY:

19. Senate Bill 428.

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDENT:

23. Senator Rock.

24. SENATOR ROCK:

25. Well, I think in fairness, I'll wait till Senator...Senator Harris,
26. I know had something to say on this bill.

27. PRESIDENT:

28. Senator Harris. Senator Rock.

29. SENATOR ROCK:

30. I did not intend to yield to him. He'll have his say. I just
31. want to have mine first.

32. PRESIDENT:

33. I understand that. You wanted him in his seat, is that right?

1. SENATOR ROCK:

2. Thank you, Mr. President and Ladies and Gentlemen of the Senate,
3. Senate Bill 428 really constitutes a policy decision that has to be
4. made by this General Assembly. It is an amendment to the Harness Racing
5. Act, as the Act presently states, and under the Act, as presently
6. written, parimutuel wagering or other gambling on harness races can
7. not be conducted at any State, County, Township, Agricultural or other
8. fair. What this bill would allow is it would allow the Board, it would
9. authorize the Board, the Racing Board, it would authorize them to
10. issue licenses under this Harness Racing Act, authorizing the parimutuel
11. or certificate system of wagering on harness races held at two places -
12. one at the Illinois State Fair Grounds at Springfield, and two - at the
13. DuQuoin State Fair and Fairgrounds in Perry County. That's all the bill
14. does. It's a policy determination that...that has to be made by this
15. General Assembly. It is my judgement, and the judgement of others, that
16. both of these events, the Illinois State Fair held in August right here
17. in Springfield and the DuQuoin State Fair held in the last part of
18. August and early September down in DuQuoin, the parameters of which
19. contain, of course, the Hambletonian, that these two fairs and the
20. State of Illinois, itself, will be enhanced by the allowance if the
21. Board so wishes of parimutuel wagering on the harness meets to be held
22. at those two, and only those two fairs. I would solicit your favorable
23. support.

24. PRESIDENT:

25. Any further discussion? Senator Mitchler.

26. SENATOR MITCHLER:

27. Mr. President and members of the Senate, what this bill does is
28. to wipe the egg off the face of the Governor of the State of Illinois.
29. Now, the reason, and I'll explain that, because the Governor of the
30. State of Illinois and with the State Fair Manager, decided to have pari-
31. mutuel betting in 1974 at the Illinois State Fair. As a member of the
32. State Fair Advisory Board, we tried to inform the State Fair manager
33. and the Governor that the statutes of Illinois prohibited parimutuel

1. betting at the State Fair. But even in defiance of this suggestion,
2. parimutuel betting equipment was shipped in from out of state from
3. out east. Constructed on the Grandstand at the State Fair race track
4. was the framework for the tote board or whatever you call it out there
5. that gives the racing results, and in order to determine this, an opinion
6. was asked of the Attorney General and the Attorney General had to quote
7. the statutes to the Governor and the manager of the State Fair that
8. parimutuel betting at the Illinois State Fair was prohibited by law. So
9. they had to ship all that equipment back. I don't know how any of that
10. equipment would be shipped out unless there was money available for that.
11. I can't find out any vouchers that was paid for it, but since then all
12. of the...that woodwork and all that for the construction for the tote board
13. has wound up in a fire out at the State Fair and has been destroyed.
14. Now, we go down to the DuQuoin. I have a press release distributed on
15. your desk dated August 28th, 1974, where Governor Dan Walker signed a
16. bill, 2873, as part of the administration's program to retain the
17. Hambletonian Trotting Race at the DuQuoin State Fair and promote tourism.
18. Now, a little further...

19. PRESIDENT:

20. The Senator will conclude his remarks. Go right ahead, Senator.
21. Conclude.

22. SENATOR MITCHLER:

23. Down a little farther...

24. PRESIDENT:

25. One moment...Senator Rock, why do you arise?

26. SENATOR ROCK:

27. A point of order.

28. PRESIDENT:

29. State your point.

30. SENATOR ROCK:

31. Well, there are really two - one, the time appears to have expired,
32. and secondly - Senator Mitchler's been on his feet for quite a few min-
33. utes and has yet to relate himself to Senate Bill 428 as introduced.

1. And while I'm on my feet, Mr. President, I just received at my desk
2. a communique of some sort apparently against this and the other bill.
3. There is no identification as to who is passing this out. I just
4. wonder if the sponsor would be kind enough to identify himself.

5. PRESIDENT:

6. Well we've not seen it. Mr. Sergeant-at-Arms, who authorized
7. that document he's talking about? Senator Mitchler may close his
8. remarks.

9. SENATOR MITCHLER:

10. Thank you, Mr. President. In the news release that I distributed
11. to members of the Senate, it points out that the track at the DuQuoin
12. State Fair would be resurfaced and the fact that the Grandstand would
13. be wired for parimutuel betting, this is August 28th, 1974, and mind
14. you, this was done by an appropriation that was in here due to a fire
15. down there where they went. So as long as they fixed it up, they
16. thought they might as well get ready for what they're already going to
17. do anyway. But parimutuel betting out at the State Fair isn't going
18. to bring in any revenue as described in the Fun, But Just Fun At Spring-
19. field, and this comes out of Focus On Perspectives, dated November, 1974,
20. was distributed by this Senator and this is a publication by Larry Marsh
21. who is a friend, I know of many of the Senators, he's a personal friend
22. of mine and a member of the State Fair Advisory Board, and for that
23. reason I asked him about this and this is his way of expressing the
24. fact that you wouldn't get any profit out of there and he points out
25. that the amount of people that would participate - a thousand cautious
26. friendly fans at twenty-five dollars per capita...

27. PRESIDENT:

28. Senator will conclude remarks.

29. SENATOR MITCHLER:

30. So, I think that this is just wiping egg off the face of the
31. Governor for things that he did in 1974, trying to get a bill through
32. now that the Attorney General told him was unconstitutional and against
33. the statutes to the State of Illinois.

1. PRESIDENT:

2. Senator Knuppel is recognized.

3. SENATOR KNUPPEL:

4. After all that verbal diarrhea, I'd like to say that I won't be
5. voting on the bill, because I have a conflict of interest. I have
6. harness horses and I expect to win some of that money at both the State
7. Fair and the DuQuoin State Fair. I just wanted to explain my absence
8. on the roll call.

9. PRESIDENT:

10. Any further discussion? Senator Berning.

11. SENATOR BERNING:

12. Thank you, Mr. President. I agree with the sponsor of this
13. bill. This is a basic policy decision which this Body is going to be
14. making for the State of Illinois from here on, and in that context,
15. I feel compelled to comment that for the average attendee at the State
16. Fair or I assume at DuQuoin, since it's called a Fair, these are family
17. fun days and it seems rather inconsistent that a wagering operation,
18. a full-bloom horse race parimutuel operation should be incorporated into
19. a State Fair. There isn't anything more distressing than to see the
20. litter that occurs after every race. Parimutuel tickets are scattered
21. around like snow storms. That in itself presents an additional problem
22. to the State Fair administration. Again, Mr. President, I repeat, this
23. is a basic policy decision which this Body is about to make and if we
24. do, if we do provide for parimutuel betting at the State Fair, it seems
25. to me we are then, once more, moving toward that point where we will be
26. soon recognizing handbooks. And I don't know how we could deny them.

27. PRESIDENT:

28. Senator Harris.

29. SENATOR HARRIS:

30. Well, Mr. President, you recall that we went through my position
31. on this question during the consideration of amendments that would
32. authorize parimutuel racing at DuQuoin, but still continue the prohibi-
33. tion against racing at the State Fair. Now I just think the State Fair

1. is something different from the engagement by the State in Revenue
2. production and the use of parimutuel betting for that purpose. I, m
3. sorry that this Body did not support my amendment. I just want to,
4. at this last opportunity, once again point out that I think there is
5. a distinction between the State Fair and DuQuoin, and that the General
6. Assembly and this Body in particular, would withhold its authorization
7. for parimutuel betting at the State Fair. I do want to add to the
8. discussion the fact that the administration of the State Fair a year
9. ago was just absolutely oblivious to the law or arrogant to a degree
10. that really almost defies understanding. For example, I've got their
11. printed brochure. This is the brochure printed with State Funds issued
12. way in advance, that advertises their racing dates for 1974. Now, it's
13. against the law to engage in parimutuel racing at State Fair, but here
14. we have the expenditure of Illinois funds to advertise the State Fair.
15. Now, that...that kind of responsibility and stewardship is just consis-
16. tent with the mismanagement of that entire operation in the last two
17. years. I suggest sincerely that it is a wrong thing to do, to authorize
18. parimutuel betting at the State Fair.

19. PRESIDENT:

20. Any further discussion? Senator Rock may close the debate.

21. SENATOR ROCK:

22. Thank you, Mr. President and Ladies and Gentlemen of the Senate,
23. just in very briefly to respond to some of the questions that were legit-
24. imately raised, Senator Harris has pointed out very ably when he spoke of
25. the amendment that there certainly is a difference between the Illinois
26. State Fair and the DuQuoin State Fair, obviously one is public and one
27. is private. However, the purpose of the bill is not so much the produc-
28. tion of revenue to be used for school purposes or some other laudatory
29. motive. The purpose is to enhance the Illinois State Fair during that
30. week or ten days in August when the fair is on. Obviously, there will
31. be an expected and hoped for great increase in the attendance at that fair
32. so that more and more people from Illinois and outside Illinois can become
33. acquainted with our...with our State and its agricultural products. I think

1. the bill is a good one. It certainly, certainly has nothing whatever to
2. do, nor does it inevitably lead to the question of handbooks or off-
3. track betting or anything of that sort. I think Senator Berning's fears
4. are...are simply unfounded. And while I am not here, certainly on any
5. given day to defend the Governor and his press release, perhaps we can
6. say that last year in 1974, the Attorney General's opinion was issued
7. in July after lengthy delay, I might add, but in addition to that, per-
8. haps the press release by the Governor in an attempt to again, promote
9. the fair and attendance at the fair was a little premature. This bill
10. is here. In my judgement, it's a good one. It will merely authorize
11. the Board in a permissive way to say to them that you can, in fact, you
12. may issue a parimutuel or allow parimutuel wagering at these two fairs
13. and only these two fairs. I think the bill has merit and it's worthy
14. of your support, and I solicit a favorable roll call.

15. PRESIDENT:

16. The question is shall Senate Bill 428 pass. Those in favor will
17. vote Aye. Opposed Nay. The voting is open. Have all voted who wish?
18. Take the record. Senator Rock seeks to place Senate Bill 428 on Post-
19. poned Consideration. Postponed Consideration. 427, or go with it now
20. Sir. Hold 427. Senate Bill 442, Senator...for what purpose does
21. Senator Johns arise?

22. SENATOR JOHNS:

23. Point of personal privilege.

24. PRESIDENT:

25. State your point, Senator.

26. SENATOR JOHNS:

27. A few moments ago, Senator Buzbee brought forth an article,
28. and I did a little investigative work for him while he was on the
29. Floor here. And the material that he had was listed under Thunderbolt
30. Incorporated, Box 1211, Marietta, Georgia. One of my friends sug-
31. gested maybe there was a ammunitions factory or arms factory near there.
32. I did further checking. I found the phone number of Thunderbolt,
33. Incorporated to be Area Code 404-427-0283. A little further information

1. on my part, found out that it is a newspaper that supplies this
2. information at 539 Cherokee Street. Now, get this, Doctor Fields
3. is the editor. I said - well, would you care to send me a copy
4. of your paper. She said - yes. Her name was Mrs. Roland. It is
5. a segregationist newspaper. They're going to mail me a copy in a
6. few days.

7. PRESIDENT:

8. We'll include this information in the information we give to
9. the postal authorities for proper action. For what purpose does
10. Senator Demuzio arise?

11. SENATOR DEMUZIO:

12. Point of personal privilege, Mr. President.

13. PRESIDENT:

14. State your point.

15. SENATOR DEMUZIO:

16. Seated in the Gallery behind the President is a group, a govern-
17. ment class from the Illinois Braille and Sight Saving School in Jackson-
18. ville, under the direction of Mrs. Smith and Mrs. Beard. I'd like to
19. have them rise and be recognized by the Illinois Senate.

20. PRESIDENT:

21. Senate Bill 442, Senator Buzbee.

22. SECRETARY:

23. Senate Bill 442.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDENT:

27. Senator Buzbee. Senator Buzbee is recognized.

28. SENATOR BUZBEE:

29. Yes, Mr. President, this bill refers to the State Universities
30. Retirement System. I see Senator Shapiro is not on the Floor right
31. now. Yes, there he is. I'm sorry. This is a bill that says that
32. the trustees of the State Universities Retirement System shall incur
33. no liability for any act done or omitted to be done in good faith in

1. the administration of the provisions of the State Universities
2. Retirement System Article. Now, in conversations with Senator Shapiro
3. this particular stance has not been approved as of this moment by
4. the Pension Laws Commission. However, I hope Senator Shapiro is
5. listening if he can stop talking to the press long enough, I think
6. he's in agreement that this is an acceptable bill, even though it
7. has not been approved by the Pension Laws Commission, because all
8. we're doing is saying that these folks will not have to be personally
9. liable for actions that they may take as a member of the Board of the
10. State Universities Retirement System, and I would ask for a favorable
11. roll call.

12. PRESIDENT:

13. Any further discussion? The question is shall Senate Bill 442
14. pass. Those in favor will vote Aye. Opposed Nay. The voting is open.
15. Have all voted who wish? Take the record. On this question, the Ayes
16. are 51, the Nays are none. Senate Bill 442 having received a consti-
17. tutional majority is declared passed. For what purpose does Senator
18. Course arise?

19. SENATOR COURSE:

20. Thank you, Mr. President, I'd like to return Senate Bill 433 to
21. the order of 2nd reading for the purpose of Tabling...an amendment, and
22. putting another amendment on there.

23. PRESIDENT:

24. Senator Course seeks leave to take Senate Bill 442 from the order
25. of 3rd reading to the order of 2nd reading. Is there leave? 44...433,
26. correct. Is there leave? Leave is granted. Senate Bill 433 is on
27. 2nd reading. Senator Course is recognized.

28. SENATOR COURSE:

29. Yes, Mr. President, I'd like to Table Amendment No. 3. I'd like
30. to...it's a technical amendment...technical error in the Amendment No.
31. 3. Mr. Chairman, I'd like to Table that amendment.

32. PRESIDENT:

33. Senator Course moves to Table Amendment No. 3 to Senate Bill 433.

1. All in favor will say Aye. Opposed Nay. The amendment is Tabled.
2. Senator Course is recognized for Amendment No. 4. Senator Course.
3. SENATOR COURSE:
4. Mr. Chairman, I believe that I'm in error. I think that is
5. Amendment No. 5. We defeated Amendment No. 4, which was Senator
6. Regner's bill, and this would be Amendment No. 5.
7. PRESIDENT:
8. The amendment under consideration is not Amendment No. 4, but
9. instead Amendment No. 5. Senator Course is recognized.
10. SENATOR COURSE:
11. I offer Amendment No. 5. It's a technical error was made in
12. Amendment No. 3. They put two hundred and fifty or two-hundred and
13. fifty-eight thousand instead of a hundred and fifty-eight thousand.
14. This will correct that error.
15. PRESIDENT:
16. Any further discussion on Amendment No. 5? Senator Course moves
17. the adoption of Amendment No. 5 to Senate Bill 433. All in favor will
18. say Aye. Opposed Nay. The Ayes have it. The amendment is adopted.
19. Any further amendments? 3rd reading. Senate Bill 452, Senator Egan.
20. SECRETARY:
21. Senate Bill 452.
22. (Secretary begins reading title of bill)...
23. PRESIDENT:
24. Pardon...I'm sorry. I'm sorry. I skipped one. The next bill,
25. in fact, is 443 by Senator Buzbee. Senator Buzbee.
26. SECRETARY:
27. Senate Bill 443.
28. (Secretary reads title of bill)
29. 3rd reading of the bill.
30. PRESIDENT:
31. Senator Buzbee.
32. SENATOR BUZBEE:
33. Yes, Mr. President, this is the appropriations bill for the com-

1. panion bill which we will be getting to in just a few minutes, 457.
2. Senator Rock had some questions on 457 the other day, and he was
3. absolutely correct. I have an amendment to take care of the questions
4. that he had on 457, so I guess it will probably be all right just to
5. go ahead with appropriation...
6. PRESIDENT:
7. Let's deal with 433.
8. SENATOR BUZBEE:
9. Okay.
10. PRESIDENT:
11. 443.
12. SENATOR BUZBEE:
13. Who's on first?
14. PRESIDENT:
15. I'm all right.
16. SENATOR BUZBEE:
17. 443 is an appropriation bill of three hundred and fifty thousand
18. dollars for the companion bill of 457, which amends the Pension Code
19. relating to the Universities Retirement System. Now, what this does
20. is it brings the University Retirement System in line with what we
21. did for the downstate teachers last year and what we're doing for the
22. Chicago teachers this year, that is those older retired teachers who
23. have been living, actually in this case, in the University Pension
24. System it really doesn't even affect any of the people that were
25. actually teaching. It affects the lower income people who are in
26. their mid-seventies and older. That is the people who were janitors,
27. and cooks, and so forth back several years ago, retired, are now living
28. on pensions as small as ten, twenty, thirty and eighty dollars a month.
29. And it's a good bill, Senator Sommer. And, what we're just trying to
30. do is to bring this in line with the...with the other systems now to
31. assure these people of a minimal pension, and this is the appropriation
32. bill of three hundred and fifty thousand dollars. I'd ask for a
33. favorable roll call.

1. PRESIDENT:

2. Any further discussion? The question is shall Senate Bill 443
3. pass. Those in favor will vote Aye. Opposed Nay. The voting is
4. open. Have all voted who wish? Take the record. On this question,
5. the Ayes are 51, the Nays are none. Senate Bill 443 having received
6. a constitutional majority is declared passed. Senate Bill 433, Senator
7. Course.

8. SECRETARY:

9. Senate...Senate Bill 433.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDENT:

13. Senator Course.

14. SENATOR COURSE:

15. Thank you, Mr. President and members of the Senate. Senate
16. Bill 433 provides the fiscal '76 appropriation of three hundred,
17. fifteen million, seven hundred, forty-nine thousand dollars to the
18. Department of Revenue. I think this bill has been discussed and
19. everybody is familiar with it. I'd ask for a favorable roll call.

20. PRESIDENT:

21. Any further discussion? The question is shall Senate Bill 433
22. pass. Those in favor will vote Aye. Those opposed Nay. The voting
23. is open. Have all voted who wish? Take the record. On this question,
24. the Ayes are 50...the Ayes are 55, the Nays are none. Senate Bill
25. 433 having received a constitutional majority is declared passed.
26. Senate Bill 452, Senator Egan.

27. SECRETARY:

28. Senate Bill 452.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDENT:

32. For what purpose does Senator Smith arise?

33. SENATOR SMITH:

1. Mr. President, I rise on a point of personal privilege.

2. PRESIDENT:

3. State your point, Senator.

4. SENATOR SMITH:

5. In the Gallery here, the southwest side of the building, or
6. of this edifice, now, to introduce, Sir, the some of the students
7. from the Ed...Hay-Edward Grade School, the third grade, here in the
8. City of Springfield. They are accompanied by their teacher, one,
9. Mrs. Robinson, and the reason that I take the liberty is by reason
10. of the fact that seated there, the fifth, sixth child from the left
11. end in the front row is one that's really dear to me. Little Miss
12. Shiela Jackson, who affectionately refers to me as Uncle Fred, the daugh-
13. ter of my secretary. May you ask them to rise and be recognized. Thank
14. you. Thank you, Mr. President.

15. PRESIDENT:

16. Senator Egan.

17. SENATOR EGAN:

18. Thank you, Mr. President and members of the Senate. Senate Bill
19. 452 amends the Revenue Code to increase the homestead exemption for
20. senior citizens over sixty-five years of age, from fifteen hundred to
21. two thousand dollars. Very simple concept. It received no negative
22. votes in the committee. It has bipartisan support. I would ask for
23. your favorable support.

24. PRESIDENT:

25. Senator Nimrod.

26. SENATOR NIMROD:

27. I wonder if Senator would yield to some questions, Mr. President?

28. PRESIDENT:

29. He indicates he'll yield.

30. SENATOR NIMROD:

31. Senator, I have no qualms in what you're trying to do, but I
32. think there's a problem in what you're doing, and you...in addition
33. to raising this from fifteen hundred to two thousand, we are also

1. reimbursing the local governments for this amount of money and the
2. total amount of money. And this is going to become a, from the
3. figures that I received, a problem here because what is happening
4. is that the levies are already made by the local government. They
5. will get the money assuming a community levies a million dollars, they
6. will get a million dollars to the taxpayers, and assuming this
7. homestead exemption provides for five hundred thousand, they will also
8. get the five hundred thousand. So they're really getting the money
9. twice. Now, I think that you've injected a problem here that makes a
10. very complicated situation for probably a simple proposal. I would
11. have no qualms with your ...with your plan or approach, if you
12. just included the five hundred dollars that you're increasing. But
13. you're taking the total two thousand dollars and providing that for
14. that area. Are you aware of this situation?

15. PRESIDENT:

16. Senator Egan.

17. SENATOR EGAN:

18. Yes, Senator Nimrod, I am. That...that discussion came up
19. subsequent to the time that the bill came out of committee. But
20. no one has offered any amendment to me, and I'm satisfied that the
21. present bill is workable and I'm satisfied that it can be accomplished
22. in the manner in which it's set out. Now, if...if there's some
23. conviction differently in the House, I'm sure it can be amended.

24. PRESIDENT:

25. Senator Nimrod.

26. SENATOR NIMROD:

27. Well, I...I would think that under that circumstance, you make
28. it very difficult and almost impossible to support, since we are really
29. adding a tax onto this that would really not be expected in order to
30. accomplish something for the senior citizens. And what we're saying
31. is that the local governments will get double payment, and under that
32. pretense, I don't believe...I don't see how we can support it and I
33. think you're doing your bill a disservice, and under that sense, I

1. cannot support you.

2. PRESIDENT:

3. Senator Weaver.

4. SENATOR WEAVER:

5. Mr. President, I was just wondering...

6. PRESIDENT:

7. Just a minute, Senator. Will the members be in their seats.

8. Senator Weaver.

9. SENATOR WEAVER:

10. Well, Mr. President, I was just wondering where is the appropria-

11. tion bill for this. I...I haven't seen any bill introduced and it's

12. about a sixty million dollar price on this bill. I was just wondering, are

13. you planning on introducing an appropriation for this or adding to some

14. other appropriation bill?

15. PRESIDENT:

16. Senator Egan.

17. SENATOR EGAN:

18. No. No, there is no anticipated need for an appropriation bill

19. for this purpose. There will be enough fund available, and so I did

20. not introduce one. No.

21. PRESIDENT:

22. Senator Weaver.

23. SENATOR WEAVER:

24. From what area? Where's the money coming from, Senator Egan?

25. PRESIDENT:

26. Senator Egan.

27. SENATOR EGAN:

28. It comes from the General Revenue Fund.

29. PRESIDENT:

30. Senator Weaver.

31. SENATOR WEAVER:

32. I just wonder...it has to be appropriated by the General Assembly.

33. I just wondered through what...what vehicle are you going to use to

1. appropriate this sixty million dollars?

2. PRESIDENT:

3. Senator Egan.

4. SENATOR EGAN:

5. Senator Weaver, I...I'm...I'm not exactly sure which...which
6. bill it would be included in, but there will be appropriated enough
7. money to pay for this return to the local taxing districts.

8. PRESIDENT:

9. Any further discussion? Oh, yes. Senator Netsch.

10. SENATOR NETSCH:

11. Mr. President, will the sponsor yield for a question?

12. PRESIDENT:

13. He indicates he will.

14. SENATOR NETSCH:

15. Well, Senator Egan, is there any provision in either the existing
16. or this greatly extended homestead exemption for those people who are
17. renters rather than homeowners?

18. PRESIDENT:

19. Senator Egan.

20. SENATOR EGAN:

21. There is...no, not in this bill.

22. PRESIDENT:

23. Senator Egan.

24. SENATOR EGAN:

25. Mr. Speaker, not in this bill.

26. PRESIDENT:

27. Senator Netsch.

28. SENATOR NETSCH:

29. To the best of my knowledge, there is no provision in the exist-
30. ing homestead exemption law for renters either, and if...if it has not
31. been added in your bill, then that pattern continues. And this raised
32. up, I think, a very serious question about the fairness of this approach
33. to tax relief for senior citizens. I think that one of the main reasons

1. why we turned a few years ago to the Circuit Breaker, was that it
2. provided a much fairer form of tax relief to those who are sixty-
3. five and over or disabled, because it did, indeed, include all of
4. those who lived in rented facilities. And while, I think, all of us
5. share the sympathy with and hope that those who are senior citizens
6. are not in their later years going to be deprived of their homes
7. because of the burden of property taxation, it is...it is...does not
8. follow that those who are over sixty-five and live in rented facilities
9. are not equally in need. And, indeed, in an area such as Chicago and
10. urban area most of the poor...most of the people over sixth-five live
11. in rented facilities and do not, in fact, own their own homes. So, it
12. seems to me that any form of tax relief that we adopt from this day
13. forward, and, indeed, we've made great strides in this respect, ought
14. to recognize that the people who are over sixty-five or disabled and
15. live in rented facilities have got to be equal participants. And, indeed,
16. back in...if I may mention this, back in 1969 and '70 when we wrote
17. the new Illinois Constitution, we recognized the basic unfairness of the
18. homestead exemption and specifically made possible that provision of this
19. kind of relief to those who live in rented facilities. I regret to say I
20. don't think that has yet been accomplished and in my judgement, we should
21. not continue to...to increase and rely on the homestead exemption until
22. that kind of a decision is made and even if it were, it seems to me that
23. we still have worked out a much, much fairer form of tax relief to
24. senior citizens - that is the Circuit Breaker, and I would much rather
25. see us put all of our emphasis on that from this time forward.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Glass.

28. SENATOR GLASS:

29. Thank you, Mr. President and Senators. I would say to Senator
30. Egan that I certainly have no quarrel with your attempts to provide
31. tax relief for senior citizens in this form, but what worries me and what
32. worried me was the measure that we passed earlier this year and the
33. Governor vetoed, is that it is a thirty million dollar program that is

1. going to make it more difficult for the State to meet its budget.
2. Now, this particular program, as I understand it, would cost
3. the State forty-five million dollars. If you put that together with
4. the other programs that are not in the Governor's budget that are
5. coming before us for consideration and those that we've already passed,
6. I think we're placing this State in very precarious financial condition.
7. The Comptroller is predicting at the end of the current fiscal year,
8. a balance of three hundred and eighty million dollars if we stay with-
9. in the Governor's budget figures. By the end of fiscal '76, that
10. balance will be no higher than one hundred and sixty-five million.
11. These are estimates and we're...we're simply not staying within those
12. figures. And the closer we get to spending all that money that's in
13. reserve the...the closer we're bringing the State to financial bank-
14. ruptcy or the inevitability of a tax increase. I...I think laudable
15. as this program may be, we simply can't afford it and should not support
16. a program that will cost the State forty-five million dollars.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Harber Hall.

19. SENATOR HALL:

20. Briefly, Mr. President, I just would like to commend the sponsor
21. of this measure for recognizing a need of homeowners in the State of
22. Illinois to get a decent opportunity to...when...when they reach their
23. senior years to get some type of a tax break. As most of the members
24. know, I have long...advocated homestead exemptions, and in this Session,
25. I have a bill similar to this that would increase it even more than
26. five hundred dollars, and I think it should eventually get to the order
27. of maybe five thousand dollars with modest increases every year. So
28. I'm in...in support of Senator Egan's bill here that gives a modest
29. increase to the homeowners. And I would point out in doing so that
30. in respect to renters, they have had two tax breaks through the senior
31. citizens tax relief act in the last year and half, and if anything,
32. you could say it's discrimination in favor of renters rather than
33. property taxpayers. This gives a modest increase to property tax-

1. payers who reach the senior age of...sixty-five and is very appropriate.
2. I'd like to suggest that maybe because Senator Egan is a member of
3. the majority party in the Senate that perhaps my bill got overlooked
4. and did not receive the attention that maybe it should have had. But
5. in any case, I commend this bill for your consideration.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. For what purpose does Senator Course arise?

8. SENATOR COURSE:

9. Point of personal privilege, Mr. President.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. State your point.

12. SENATOR COURSE:

13. In the absence of...of Senator Savickas, I'd like to introduce
14. a group from his...a group of school children from his area. They're
15. from the Queen of Universal School, and the teacher who is accompanying
16. the group is Sister Patricia. I'd like to have them stand and be
17. recognized.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Our guests please stand and be recognized. Any further discussion?
20. Senator Egan may close the debate.

21. SENATOR EGAN:

22. Thank you, Mr. President. I share Senator Netsch's concern,
23. indeed, about the plight of the renter, but that is not the intention
24. of this bill. This bill is to give relief to homeowners, and that's
25. all it's intended to do. It's intended to give the relief to those
26. people in the excess of sixty-five years of age who've been paying
27. real estate tax until that age, at least since they bought their home.
28. They do need...the relief without a question of a doubt. This also
29. allows for...the...local taxing district to get the money back. so it
30. doesn't cost them any money. And if you favor the concept of...of aid-
31. ing the...the senior citizens who are homeowners, and if you favor the
32. concept of not reducing the tax locally but take it from the State,
33. you've got to support the bill, and I would ask for your favorable

1. consideration.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. The question is shall Senate Bill 452 pass. Those in favor will
4. vote Aye. Those opposed will vote Nay. The voting is open. Have all
5. voted who wish? Take the record. On that question, the Yeas are 36,
6. the Nays are 5, 4 Voting Present. Senate Bill 452 as amended having
7. received a constitutional majority is declared passed. 457, Mr.
8. Secretary. Senator Buzbee. Yes, we are...

9. SENATOR BUZBEE:

10. Oh, I'm sorry.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. We're...we're well aware of what's going on as long as you are,
13. we are. Okay.

14. SENATOR BUZBEE:

15. Thank you. I'm glad to know that you have control of the situation,
16. Mr. President. Having just passed that tremendous bill of Senator
17. Egan's, we now have another tremendous bill, but we have to pull it
18. back to 2nd for...

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Buzbee seeks leave of this Body to move Senate Bill 457
21. back to the order of 2nd reading for the purpose of amendment. Is
22. leave granted? Leave. On the order of 2nd reading, Senate Bill 457.
23. Amendment No. 1 offered by Senator Buzbee.

24. SENATOR BUZBEE:

25. Yes, what this amendment does, again in reference to the older
26. retired persons of the Universities Pensions System, we had built in
27. the minimum amount that they can receive but we also, inadvertently,
28. left in a portion of an automatic two percent increase each year. In
29. checking back, we did not do that for those older retired teachers
30. or for the...or from downstate system or from the Chicago system and
31. so we thought to make this uniform with all systems that we would put
32. this amendment on, and I believe that Senator Shapiro is in agreement
33. with this amendment. I would ask...I would move for its adoption.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Buzbee moves the adoption of Amendment No. 1 to Senate
3. Bill 457. All those in favor signify by saying Aye. All those
4. Opposed. The Ayes have it. The amendment is adopted. Any further
5. amendments? 3rd reading. We'll get back to you, Senator. 460,
6. Senator Sommer. 460, Mr. Secretary.
7. SECRETARY:
8. Senate Bill 460.
9. (Secretary reads title of bill)
10. 3rd reading of the bill.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Senator Sommer.
13. SENATOR SOMMER:
14. Mr. President, members, this...this bill amends the Illinois
15. Income Tax in relation to capital gains treatment. It brings the
16. Illinois Income Tax in line perfectly with the Federal Tax. What
17. it does, it adds that you can subtract short-term capital gains
18. from long-term capital losses. Take fifty percent of that to arrive
19. at your base income amount. I'd appreciate a favorable roll call.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. Senator Clarke.
22. SENATOR CLARKE:
23. Senator, did you ever check with Representative Porter? Is
24. this the same bill that passed over here from the House?
25. PRESIDING OFFICER: (SENATOR ROCK)
26. Senator Sommer.
27. SENATOR SOMMER:
28. Senator Clarke, to my understanding, it's not. I think he's
29. got an amendment on it that changes it. That's my understanding, and
30. I may be incorrect.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Clarke.
33. SENATOR CLARKE:

1. But, your staff nods that it is the same.

2. SENATOR SOMMER:

3. Essentially it does the same thing. And I'd just like to

4. say that I think this is a good bill and provides for putting the

5. Income Tax Law back in the position that we intended it to be in 1969

6. before the Federal Law was changed.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Carroll.

9. SENATOR CARROLL:

10. Some...a question of the sponsor.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Indicates he will yield.

13. SENATOR CARROLL:

14. Thank you. On the opposite vain of what Senator Clarke has said,

15. if I might, I find his remarks a little bit surprising. Senator

16. Sommer, to date, as I understand it, basically the Illinois Income Tax

17. is what they call the pure adjusted gross form from the Federal Tax

18. return. In other words, we allow any deductions the Feds would have

19. allowed to arrive at adjusted gross income. Right?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Sommer.

22. SENATOR SOMMER:

23. I...I assume so, Senator Carroll.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Carroll.

26. SENATOR CARROLL:

27. Does this now...this proposal treat capital gains and capital

28. losses in a totally different way than the Federal Tax return treats

29. them?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Sommer.

32. SENATOR SOMMER:

33. Senator Carroll, my understanding is not. This brings the Illinois

1. law into conformity, currently is not in conformity with the Federal
2. law.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Carroll.

5. SENATOR CARROLL:

6. Senator Sommer, I read it exactly the opposite way, because
7. Federal law has been changed. The change now allows deductions
8. before you get to adjusted gross income, which means before you get
9. to the original base income that Illinois uses in order to create
10. its Income Tax. So the Federal law allows you to take that fifty
11. percent of earned income up to a thousand dollars before you arrive
12. at the adjusted gross Federal income, which is the level we start
13. from for State taxes. This would allow a double deduction for
14. State purposes that you don't get for Federal purposes.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. That's a question, I take it. Senator Sommer.

17. SENATOR SOMMER:

18. Senator Carroll, I...I don't believe, and that's simply a
19. belief, that that's accurate. All I'm trying to do is track the
20. Federal language in regard to capital gains treatment.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Carroll.

23. SENATOR CARROLL:

24. Then I would suggest, Senator Sommer, because in committee I...
25. I tended to agree with you, and we have checked the State Income Tax
26. form books which show very clearly since the Federal amendment that
27. capital gains and losses are treated prior to arriving at adjusted
28. gross income, which means that they are already taken care of before
29. we get to the Illinois base figure that we start from. And this
30. would, therefore, be a double deduction.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Sommer.

33. SENATOR SOMMER:

1. Senator Carroll, you're partially accurate. We tax a hundred
2. percent of gains but we don't tax all of losses now. What we're
3. doing is picking up that extra fifty percent on the loss side.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Any further discussion? Senator Sommer, you wish to close?

6. SENATOR SOMMER:

7. Mr. President, would you call the roll please?

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Yes, Sir. The question is shall Senate Bill 460 as amended pass.
10. All those in favor will vote Aye. Those opposed will vote Nay. The
11. voting is open. Have all voted who wish? Take the record. On that
12. question, the Ayes are 28, the Nays are 2, 12 Voting Present. Senate
13. Bill 460 having failed to receive a constitutional majority is declared
14. lost. 457 will be next. 457, Mr. Secretary.

15. SECRETARY:

16. Senate Bill 457.

17. (Secretary reads title of bill)

18. 3rd reading of the bill.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Buzbee.

21. SENATOR BUZBEE:

22. Mr. President, I think we've explained this bill two or three
23. times in the last ten minutes. Unless there's any further questions,
24. I'd ask for a favorable roll call.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there any discussion? The question is shall Senate Bill 457
27. as amended pass. Those in favor will vote Aye. Those opposed will
28. vote Nay. The voting is open. Have all voted who wish? Take the
29. record. On that question, the Ayes are 53, the Nays are none, none
30. Voting Present. Senate Bill 457 as amended having received a consti-
31. tutional majority is declared passed. 468. Senator Hynes, come to
32. the podium a minute.

33. SECRETARY:

1. Senate Bill 468.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Hold it a minute. Hold it a minute. Yeah, that will be held

4. until tomorrow. That will be held, Mr. Secretary. 473, Senator

5. Knuppel. 47...473, Mr. Secretary.

6. SECRETARY:

7. Senate Bill 473.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Mr. President and members of the Body, the Illinois Workmen's

14. Compensation Act and the Industrial Diseases Act have for a long

15. time under Section 22 provided that in the event of the death of

16. the person entitled to recover that the action for temporary, accrued

17. temporary total would abate. Now, what we're running into before

18. the Industrial Commission, is often the transcript today in downstate

19. Illinois is not even typed up for a period of twelve months. A person

20. where there is a dispute as to whether it rose out of in the course

21. of their employment very well may die in that period from other causes,

22. and be deprived, or their heirs and...and their...deputies of their

23. estate deprived of the temporary total that they ought to have received.

24. This legislation would repeal Section 22 and provide that the decedent's

25. estate or heirs would be entitled to the accrued temporary total that

26. the...that the injured party would otherwise have received, had their

27. matter gone to a full and complete hearing. I submit this is good

28. legislation. It's in keeping with the legislation now that allows a

29. ...an injured party to...recover for pain and suffering from the time

30. of injury until death, and also with the decision which revoked the

31. old theory that the right to recover in wrongful death abated with

32. the...with the decease of the beneficiary when suits sometimes pended

33. for six or seven years. I would request a favorable roll call.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Is there any discussion? Senator Regner.
3. SENATOR REGNER:
4. Sponsor yield to question?
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Indicates he will yield. Senator Regner.
7. SENATOR REGNER:
8. Senator Knuppel, the one question I have is whether that fifty
9. percent...dependency qualification is for both heirs and immediate
10. family?
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Senator Knuppel.
13. SENATOR KNUPPEL:
14. Well, I assume that you have to have the same dependency. You
15. have to prove the dependency which exists. For example, in a Workmen's
16. Compensation case it isn't fifty percent, it's whether the person who
17. was dependent on the decedent for...for substantial support. That's
18. what the cases hold, whether it was for substantial support, and I
19. assume that the...that the Act as it defines it and as the cases would
20. indicate, that anyone who is dependent on the decedent for substantial
21. support would have to come in and show, you know. But in any event...
22. in any event, the...the person would have drawn it if it actually rose
23. out of in the course of his employment. He would have drawn that before
24. his decease anyway. So, I assume that it would go to his estate
25. and be distributed in the same manner as an asset, which seems only
26. reasonable.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Senator Regner.
29. SENATOR REGNER:
30. In other words, the usual assumption is fifty percent would qualify
31. for dependency. So, therefore, under this bill it would come that way
32. that it's fifty percent support for heirs and dependents.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. No. In the Workmen's Compensation Act dependency is different,
4. but in any event what this bill does is if you're injured and you
5. go for a year while there's a dispute about whether it rose out of
6. or in the course of your employment, therefore, the insurance company
7. doesn't pay temporary total, and you die in an auto collision some
8. place away that that amount, if it's...that you go ahead to a deter-
9. mination and if it's found that your injury did arise out of and in
10. the course of your employment that amount would be paid to your estate for
11. distribution to the heirs and relatives.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Any further discussion? Senator Knuppel, do you wish to close?

14. SENATOR KNUPPEL:

15. All I can say is that this is for accrued temporary total and a
16. person might have incurred bills, loans and other things to support
17. himself during a period while this dispute hung fire, and as I say I've
18. got cases now where the court reporter hasn't even gotten the transcript
19. typed up in fifteen months. And all of this hangs fire until it's
20. determined. This is good legislation. It's...it's for the worker who
21. may have gone out and incurred debts, and it should be adopted. Thank you

22. PRESIDING OFFICER: (SENATOR ROCK)

23. The question is shall Senate Bill 473 as amended pass. Those
24. in favor will vote Aye. Those opposed will vote Nay. The voting
25. is open. Have all voted who wish? Take the record. On that question,
26. the Yeas are 46, the Nays are none, 3 Voting Present. Senate Bill
27. 473 as amended having received a constitutional majority is declared
28. passed. 506, Mr. Secretary. Senate Bill 506.

29. SECRETARY:

30. Senate Bill 506.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Mr. President and members of the Senate, there are various
4. versions of amendments to the Illinois Inheritance Tax Act which are
5. floating around in the General Assembly. This is my version. I
6. handle a great number of probate cases, and I feel that...that the...
7. there should be a discrepancy between the exemption that's allowed
8. a widow and what's allowed children who may not be dependent or who
9. may be already grown and married. As we all know, due to inflation,
10. the dollar has...has shrunk tremendously and an exemption of twenty
11. thousand dollars is a very small exemption. This enlarges the exemp-
12. tions of the widow through the...to the amount of seventy-five or
13. seventy-five thousand dollars, which would be the equivalent of seven
14. thousand, five hundred dollars a year for ten years of support. And
15. generally women outlive men by about that amount. But then anyway
16. it would be the same for a husband. I have made only small...increases
17. in the exemptions to children and descendants from twenty to twenty-five
18. thousand have not changed the exemptions with respect to collateral...
19. collateral errors and on related persons. I really think that this
20. is the most, and I reviewed the other bills, I really think this is
21. the most equitable one. I think that it does more than just double
22. the exemptions of the widow. It enlarges it in the same manner, that
23. for example, in a rural area, real estate has inflated by approximately
24. three times. The cost of living has gone up approximately three times
25. since there's been a change in the exemption. It does little for other
26. people. It does raise by five thousand, exemptions to descendants only.
27. It does not change exemptions to other people. I feel that this is the
28. type of change that we want where the surviving spouse secures a
29. larger exemption by reason of...of what's occurred with the dollar.
30. I would encourage a favorable roll call.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Is there any discussion? The question is...oh, I'm sorry.

33. Senator Fawell.

1. SENATOR FAWELL:

2. I think that it is certainly proper to have some changes
3. made in the exemptions insofar as the inheritance tax is concerned,
4. but before I vote probably for the bill, Senator Knuppel, is there
5. a fiscal...

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Knuppel.

8. SENATOR FAWELL:

9. Senator Knuppel.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Sponsor indicates he will yield. Senator Fawell.

12. SENATOR FAWELL:

13. How much...how much money is it estimated that the State will
14. lose as a result of this?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. I don't have it on my fingertips. Just a moment, here. It's
19. approximately twenty million dollars annually is what the estimate
20. is.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Fawell.

23. SENATOR FAWELL:

24. I...I was just wondering.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Any further discussion? The question is shall Senate Bill 506
27. pass. Those in favor will vote Aye. Those opposed will vote Nay. The
28. voting is open. Have all voted who wish? Take the record. On that
29. question, the Ayes are 44, the Nays are 1, 2 Voting Present. Senate
30. Bill 506 having received a constitutional majority is declared passed.
31. 508, Senator Knuppel. Senator Knuppel, you wish that called, is...

32. SENATOR KNUPPEL:

33. I want it called back to 2nd reading for...

1. PRESIDING OFFICER: (SENATOR ROCK)
2. I see. Okay.
3. SENATOR KNUPPEL:
4. For an amendment which has to go on.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. 508, Mr. Secretary. Senator Knuppel seeks leave of this Body
7. to bring Senate Bill 508 to the order of 2nd reading for the purpose
8. of an amendment. Is leave granted? Leave. 508 on the order of
9. 2nd reading.
10. SENATOR KNUPPEL:
11. The amendment which I propose, I have not sent down to the
12. desk yet. Just a moment here.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Okay.
15. SENATOR KNUPPEL:
16. All it does is...
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Well, wait a minute, Senator. Let's wait till we get it in
19. front of us.
20. SENATOR KNUPPEL:
21. All right.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. This will, I take it, be Amendment No. 1 to Senate Bill 508.
24. Is that correct, Mr. Secretary? Amendment No. 1 offered by Senator
25. Knuppel. Senator Knuppel.
26. SENATOR KNUPPEL:
27. It's a very simple amendment. It change...it deletes Line 26
28. and in lieu thereof inserts the language -"dependent beneficiary
29. a widow or". ...And this amendment has...is the amendment
30. that Senator Berning has proposed to me in relation to this. I move
31. the adoption of this amendment.
32. PRESIDING OFFICER: (SENATOR ROCK)
33. Senator Knuppel moves the adoption of Amendment No. 1 to Senate

1. Bill 508. All those in favor signify by saying Aye. All those
2. Opposed. The Ayes have it. The amendment is adopted. Any further
3. amendments? 3rd reading. Do you wish to go back to that, Senator?
4. Okay. Senate Bill 530, Mr. Secretary. Senate Bill 530.

5. SECRETARY:

6. Senate Bill 530.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Shapiro.

11. SENATOR SHAPIRO:

12. Mr. President and Ladies and Gentlemen of the Senate, Senate Bill
13. 530 is a new Act which authorizes the Board of Higher Education to make
14. grants to all public State universities and private colleges, so that the
15. financial aid directors may provide additional employment opportunities
16. for students. This bill is the work product of a great number of
17. people, mainly the financial aids advisors and staff and several
18. members of the General Assembly. This product has been in the works
19. for well over a year, and what it attempts to do is to provide relief
20. to those middle income families who have children attending our
21. institutions of higher education throughout the State. In effect,
22. what the bill will do when it takes effect in 1976, is appropriate
23. money to the Board of Higher Education and they in turn will make
24. grants to the various universities and colleges throughout the
25. State so that the financial aids officers will have State funds,
26. General Revenue Funds, to provide for student employment. Over a
27. period of years, General Revenue and personal services line item
28. appropriations have been steadily reduced, and the first victims of
29. this were the students who held part-time employment. There have
30. been studies conducted throughout the State and one of the most
31. important is the one of the Fiscal and Economic Commission, that shows that
32. a student would rather work if he has the opportunity than take a
33. loan or an outright grant from the State of Illinois or the Scholar-

1. ship Commission. The bill as drafted, provides that the students...
2. that the universities and colleges must maintain the same and
3. expend the same amount of the funds they have available at the
4. present in order to qualify for these additional funds. These
5. funds will provide for additional jobs. I think it's the one, specific
6. concrete answer that we have to helping these middle income families.
7. I know of no better solution to it, and I would urge a favorable
8. vote. If there are any questions, I'll be glad to answer them.
9. PRESIDING OFFICER: (SENATOR ROCK)

10. Is there any discussion? Senator Buzbee.

11. SENATOR BUZBEE:

12. Mr. President, I was very supportive of this legislation, and
13. have worked and talked to a lot of people for a long time about this
14. particular concept...feel very supportive of it. But the other day
15. Senator Shapiro put on an amendment which has cost my support, and
16. at this time, I'm asking my name be withdrawn as a cosponsor and then
17. I want to say something further if I could have leave of the Body to
18. have my name withdrawn as a cosponsor.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Buzbee asks leave to be withdrawn as a cosponsor. Is
21. leave granted? So Ordered. Senator Buzbee.

22. SENATOR BUZBEE:

23. My opposition to the bill now arises from the fact that Senator
24. Weaver...pardon me, Senator Shapiro added on an amendment to...to
25. include in the private colleges. Now, I have no problem with the
26. private colleges. I have a very...very outstanding private college
27. in my district. But it seems to me that we just keep on and keep on
28. and keep on taking the public dollar and sinking it into the private
29. colleges. We are at the place right now of providing scholarship
30. support to the tune of thirteen hundred and fifty dollars per year to
31. those students who want to go to privates. There is a bill in the
32. House which will raise that up to fifteen hundred dollars per year.
33. We just...we've got a bill in the Governor's Accelerated Bonding Program,

1. which will give fifteen million dollars worth of grants to the
2. private colleges, pardon me, twelve million dollars worth of grants
3. to the private colleges. The other day in the IBHE appropriation
4. bill, we added another six or seven million dollars to the operation
5. of the private colleges. Now, we're taking the public buck once
6. again, and we're going to continue on and on and on and on, and putting
7. public money into the private colleges. Now, it seems to me that at
8. some point or other the private colleges are going to have to get
9. together and say - this is our legislative program. This is what we're
10. asking the Legislature for this year. Instead of coming in with
11. amendments, all kinds of bills and saying - give us this one and then
12. two days later they're in for another one, give us this one. I sub-
13. mit to you that we have State universities all over this State, huge
14. edifices built there with public monies in the last several years with
15. empty classrooms...

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Buzbee, I was just reliably informed that the sponsor at
18. this point wishes to bring it back for the purpose of an amendment.
19. Is that correct, Senator Shapiro?

20. SENATOR BUZBEE:

21. Now, am I going to have to get back on as a cosponsor after
22. he takes the privates out...

23. PRESIDING OFFICER: (SENATOR ROCK)

24. I have no idea what the amendment does. I'm just suggesting
25. to you that your speech is a little premature. Lengthy and premature,
26. I might add. Senator Shapiro...Senator Shapiro seeks leave of this
27. Body to bring Senate Bill 530 back to the order of 2nd reading for
28. the purpose of an amendment. Is leave granted? Senate Bill 530 on
29. 2nd reading. This will be Amendment No. 2, offered by Senator Hickey.
30. Senator Hickey.

31. SENATOR HICKEY:

32. Thank you, Mr. President. Senator Shapiro did tell me the other
33. day when he had not...not forewarned me that he had an amendment to

1. introduce which negated one of mine, that he would bring it back
2. after I changed mine to suit his. The amendment that I have here,
3. I was on the telephone when...when...when he arose, and that's why
4. I am...am late with this. They're getting copies of the amendment
5. and will bring it in and distribute it immediately.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Why don't...yeah, why don't you explain the amendment.

8. SENATOR HICKEY:

9. What it does is add the community colleges. I cannot see
10. giving this kind of help to the State universities and to the private
11. colleges and ignoring that large sector of higher education in the
12. State, which is the community colleges. And that's what my amendment
13. does, is to add this to it. I will still say that I feel that this
14. kind of program is best worked out in conjunction with the General Aid
15. Program through the Scholarship Commission and under the Board of
16. Higher Education, but since Senator Shapiro has chosen not to go that
17. route, I think it quite unfair to exclude the largest and one...one
18. of the largest and certainly one of the parts of higher education
19. in our State which could well use this kind of assistance.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. The question is on the adoption of Amendment No. 2. Senator Glass.

22. SENATOR GLASS:

23. Senator Hickey...Senator Hickey, what...what would be the cost...
24. additional cost added by your amendment?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Hickey.

27. SENATOR HICKEY:

28. Well, let's just double his guess on the first. Nobody has any
29. idea what the...what the first really...it's not based on...on very
30. firm estimates. I think it's a guesstimate. Let's double it.

31. SENATOR GLASS:

32. What...what was the...

33. SENATOR HICKEY:

1. I think he said something like six million, as I remember. ...

2. SENATOR GLASS:

3. This would add another six.

4. SENATOR HICKEY:

5. But, it...maybe...

6. SENATOR GLASS:

7. No, but...

8. SENATOR HICKEY:

9. Nobody...nobody really knows.

10. SENATOR GLASS:

11. All right. I...I would just make this comment. I...I do under-

12. stand the purpose of your amendment. I do also oppose it. It seems

13. to me one of the...one of the reasons for people going to community

14. colleges right now is because they are working part-time, and they...

15. they spend half a day or an evening going to the junior colleges or

16. community colleges, and I would rather see the money available for

17. those who are full-time and who obviously do...are not able to keep

18. full-time jobs. I think that's...that's one reason for opposing this

19. amendment in addition to the cost.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Shapiro.

22. SENATOR SHAPIRO:

23. Mr. President, I am in opposition to the amendment. It amends in

24. those students who would attend our Illinios Community colleges. These

25. students are not in as great a need for financial help as a student who

26. attends a public senior institution or unversity or college in the State.

27. They usually live at home. They are not on-campus residents. A great

28. many of them are part-time students and have other employment. This

29. amendment would double the cost approximately. The...community college

30. trustees and the other groups concerned with the community colleges,

31. at this particular time, are not interestéd in pursuing an amendment at

32. this time. I would urge everyone in this Body to resist the amendment.

33. I think, Senator Hickey is really concerned about having the community

1. college students involved in a program of this type, that she should
2. come in with a bill of her own.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Any further discussion? The question is on the adoption of
5. Amendment No. 2 offered by Senator Hickey to Senate Bill 530. All
6. those in favor signify by saying Aye. All those Opposed. The Noes
7. have it. The amendment fails. Further amendments? 3rd reading.
8. I think we can go right to it, can we not? Senate Bill 530 on the
9. order of 3rd reading. The ex-cosponsor I know wishes more recognition.
10. Let's start the way we should start: Senator Shapiro. Why don't we...
11. why don't we just to be on the safe side re-read the bill. Just to
12. make sure everything's proper.
13. SECRETARY:
14. Senate Bill 530.
15. (Secretary reads title of bill)
16. 3rd reading of the bill.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Senator Shapiro.
19. SENATOR SHAPIRO:
20. Mr. President, if there are any questions, I'll be glad to answer
21. them. The bill has been thoroughly discussed, otherwise I would
22. appreciate a favorable roll call.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Any discussion? The question is shall Senate Bill 530 pass.
25. Those in favor will vote Aye. Those opposed will vote Nay. The
26. voting is open. Have all voted who wish? Take the record. On that
27. question, the Yeas are 40, the Nays are 6, 1 Voting Present. Senate
28. Bill 530, 5-3-0 as amended having received a constitutional majority
29. is declared passed. Senator Lane, for what purpose do you arise?
30. SENATOR LANE:
31. A point of personal privilege, Mr. President.
32. PRESIDING OFFICER: (SENATOR ROCK)
33. State your point, Senator.

1. SENATOR LANE:

2. Mr. President and members of the Senate, I'd like to have a
3. group recognized from the Wilson School in Chicago Heights City,
4. in the south Gallery.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Would our guests please rise and be recognized by the Senate.
7. Senate Bill 517. Senator Carroll seeks leave to return 517 to the
8. order of 2nd reading for the purpose of an amendment. Is leave granted?
9. Leave. 517 on the order of 2nd reading. Senator Carroll, there are
10. presently two amendments on already. Oh, this will be No. 2. Okay.
11. Senator Carroll.

12. SENATOR CARROLL:

13. First Mr. President, I would ask leave having voted on the pre-
14. vailing side to reconsider the vote by which Amendment No. 1 passed
15. for the purposes of Tabling Amendment No. 1.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Carroll moves to reconsider the vote by which Amendment No. 1
18. to Senate Bill 517 was adopted. All those in favor signify by saying
19. Aye. All those Opposed. The Ayes have it. The vote is reconsidered.
20. Senator Carroll now moves to Table Amendment No. 1 to Senate Bill 517.
21. All those in favor signify by saying Aye. All those Opposed. The Ayes
22. have it. Amendment No. 1 is Tabled. Amendment No. 2, offered by Senator
23. Carroll.

24. SENATOR CARROLL:

25. There was...

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Wait...wait just a minute. We...we're...

28. SENATOR CARROLL:

29. Okay.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. We're sorting out the paper here.

32. SENATOR CARROLL:

33. While he's doing that, Mr. President, this...

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Wait...why don't you just go ahead and explain it...
3. SENATOR CARROLL:
4. Yeah.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. ...while he's finding it.
7. SENATOR CARROLL:
8. Basically...
9. PRESIDING OFFICER: (SENATOR ROCK)
10. This is Amendment No. 2.
11. SENATOR CARROLL:
12. Thank you, Mr. President. It's basically the same and just puts
13. back in the clarifying language that we took out by Amendment No. 1.
14. It's a technical correction. Senator Weaver is aware of it and has
15. approved it.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Senator Carroll, can you come down here for a minute and make
18. sure we've got the right copy, and then we can proceed. While Senator
19. Carroll is checking the amendment, for what purpose does Senator
20. Netsch arise? Senator Netsch.
21. SENATOR NETSCH:
22. Mr. President, on a point of personal privilege, I would like
23. to introduce the members of the sixth grade class from the Latin
24. School in Chicago and they are here with several of their teachers
25. including Mr. Dowal. They are in the Gallery at the far end, and
26. if they would stand and be acknowledged by the members of the Senate.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Will our guests please stand and be recognized. Senator Carroll
29. has moved the adoption of Amendment No. 2 to Senate Bill 517. All
30. those in favor signify by saying Aye. All those Opposed. The Ayes
31. have it. The amendment is adopted. Any further amendments? 3rd
32. reading. This...this bill will also be held. But we just wanted to
33. get the amendment on. Okay. 508. On the order of 3rd reading, Senate

1. Bill 508.

2. SECRETARY:

3. Senate Bill...

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Will you put...put the number up. Okay. 508.

6. SECRETARY:

7. Senate Bill 508.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Senate Bill 508 is a similar bill to a bill that was defeated on 3rd
14. reading with a vote of twenty-nine in...in the last Session. This bill
15. would provide that retired teachers who lose their wives in one manner or
16. another and remarry can, if their wives if they have been married for
17. at least one year, can draw their pensions. It's that simple. The
18. way it is today unless they're married at the time of retirement, their
19. wives would never qualify, their second wife or their wife they marry
20. after retirement, would never...qualify for pension benefits. This
21. is the same bill as House Bill 474 which was voted out. It is now on
22. our Calendar as a House Bill. I recommend a favorable roll call.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Any further discussion? Senator Berning.

25. SENATOR BERNING:

26. Thank you, Mr. President. Out of deference to the sponsor who
27. has been very cordial in discussing a proposed amendment, I...I hes-
28. itate to rise in opposition, but I do feel impelled to point out that
29. with the provisions in this bill, we are establishing a precedent as
30. is true with House Bill 474, in providing for benefits for a spouse at...
31. that will accrue at the time of death rather than, predicated upon ben-
32. efits at the time of death, rather than retirement which is the situation
33. now, and it seems to me, we will be opening the door for the necessity

1. for this change in all other systems. For that reason, and that
2. reason alone, I would have to vote No.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Any further discussion? The question is shall Senate Bill 508
5. pass. Those in favor will vote Aye. Those opposed will vote Nay.
6. The voting is open. Have all voted who wish? Take the record. On
7. that question, the Ayes are 41, the Nays are 2, none Voting Present.
8. Senate Bill 508 having received a constitutional majority is declared
9. passed. Senate Bill 542, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 542.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Hickey.

16. SENATOR HICKEY:

17. Mr. President and fellow Senators, this bill adds two teaching
18. teachers to the State School Board. It would enlarge the Board from
19. seventeen to nineteen. We tried to figure out some way to include the
20. two in the seventeen, but inasmuch as the Board now, the seventeen
21. people are...are equally distributed through the appellate districts in
22. the State, they're...and the terms are set, there seemed to be no way
23. to do that, so we added them. As you know, at the time the original
24. bill was written, it was provided that no one gainfully employed or
25. connected with schools could be on the Board. That time, I thought
26. that was a good idea, because there could be a real conflict of interest,
27. and there was a court decision which supported that. This,
28. however, and that could have meant that the Board, if the decision
29. had come the other way, that the Board could have been controlled by
30. teachers or administrators or Board members from other...other school
31. Boards. Since that time, the Board has been functioning, I guess,
32. about a year. I've been told by someone on the Board that their big-
33. gest need is, at this point, in communications. And it seems to me

1. the communications with the current classroom, as it now exists,
2. is the most important communication that we could help them with.
3. This bill provides that two teachers would be appointed to the Board,
4. appointed in the same way that all the Board members are now appoint-
5. ed, by the Governor from nominations submitted to him and approved
6. by the Senate. One of the...these teachers would be from the 1st
7. Judicial District, the other one would be from the State at large.
8. The nominations would be made up by nominating petitions signed by
9. four hundred people could nominate a teacher, or the Teachers' Organ-
10. izations could nominate teachers, that is, one for each fourteen thou-
11. sand members. But the number of...of nominations are really unlimited.
12. The Governor does not have to choose any from that original list, if
13. he does not, then the nominating process would start over again. I
14. put this before you as a way to keep a lay board in direct contact with
15. what is going on currently in the classrooms in...in the schools
16. throughout the State. I would be glad to answer questions, and I
17. solicit your support and your vote.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Savickas, for what purpose do you arise?

20. SENATOR SAVICKAS:

21. Just for a point of personal privilege. I would like to intro-
22. duce a group of children from the fifth grade. It's the Lincoln
23. School, a school that's close to my district from Gary, Indiana.
24. Right in the southwest balcony.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Will our guests please stand and be recognized. Senator Shapiro.

27. SENATOR SHAPIRO:

28. Mr. President, Ladies and Gentlemen of the Senate, I'm rising in
29. opposition to Senate Bill 542. I think the first fact that we should
30. take into consideration, that we have a newly appointed State Board
31. of Education which has been in existence for less than a year. It now
32. consists of seventeen members appointed by the Governor with the
33. advise and consent of the Senate, and with a geographical distribution

1. that is aligned with our judicial districts throughout the State.
2. This bill, if it becomes law, will add two teacher members, one for
3. the 1st Judicial District and another for from any of the other
4. judicial districts throughout the State. This, in contrast to what
5. the intent of the original law is, would place two persons upon that
6. Board who would have a conflict of interest. In other words, they
7. would be acting upon legislation that would affect their well-being,
8. their salaries and the monies that the school districts would receive
9. in direct conflict to the jobs that they hold. Immediately after
10. the law was passed, approximately a year or so ago, there was a law
11. suit filed challenging the constitutionality of the law as it regarded
12. conflict of interest. And I want to read to you, and it's very brief,
13. what the Supreme Court of the State of Illinois said in rejecting the
14. argument...on the conflict of interest - The obvious purpose to be
15. served in limiting membership on the State Board of Education to persons
16. not actively engaged in or connected with any school or school system,
17. is to prevent any potential conflict of interest and to prevent placing
18. people on the Board whose other interest would naturally tend to promote
19. or favor one segment of the State's educational structure over another.
20. Considering the broad range of powers currently exercised by the
21. Superintendent of Public Instruction, and which will soon be assumed
22. by the State Board of Education, we think the State has a legitimate
23. interest in acting to accomplish these goals. Disqualification from
24. Board membership of all persons associated with any school or school
25. system is surely a reasonable method of doing this. And it goes on
26. to list other arguments and the rejection of the argument that a con-
27. flict of interest could exist. I happen to think that there should be
28. no conflicts on this Board. The law adequately provides for people
29. with educational interest. At the present time, there are a few former
30. school board members, a few former teachers who are on the Board,
31. and I think a person who served as a school administrator in the past.
32. I don't think we should hamper the Board in its present operation, and
33. I would urge everyone to vote against the bill.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Fawell.

3. SENATOR FAWELL:

4. I rise, also, in opposition. I think the only thing I can
5. add to what Senator Shapiro has pointed out is that we debated quite
6. extensively the last Session about whether or not we're going to
7. have a lay board or not. I think it...it isn't accurate to say that
8. this is the way that these members of the Board of Education can be
9. apprised of how the classroom teacher feels. You've got people who
10. have demonstrated in their past conduct and experience that they are
11. in debt, so they're certainly aware of the problems of education.
12. This opens the door, and it means that you have in the best sense of the
13. word, a special interest group that wants to get on that Board so that
14. they can exercise their particular muscle or their particular view.
15. Now, obviously, the administrators have every right to think that way,
16. members of school boards, the private school sector, the higher educa...
17. we can just go on and on. You can't grant some special right such as
18. this to one particular part of the educational area and...and expect
19. to close the door to others. It...it just is not reasonable, and I think
20. when this...especially when we realize that this a fledgling board,
21. the concept that we're attempting to get off the ground, come in here
22. and present a bill like this which is part in parcel of other bills
23. that come from the Illinois Education Association in their...their
24. desire to be able to exercise more and more control in education, in
25. the long run, is very detrimental for quality education for all of our
26. children. I would hope that we can, most respectfully again, say to
27. the Illinois Education Association and that's whom we're talking to -
28. no.

29. PRESIDING OFFICER. (SENATOR ROCK)

30. Is there any further discussion? Senator Hickey may close the
31. debate.

32. SENATOR HICKEY:

33. Mr. President, I'd like to say to Senator Shapiro that when he

1. speaks of conflict of interest and...then he immediately mentions
2. salaries and nothing else, that the State School Board does not
3. decide salaries for teachers in individual districts. And, then
4. again, both he and Senator Fawell repeated after him, the point of
5. conflict of interest and control by those with conflict of interest.
6. Even if there could be some conflict of interest, which certainly
7. does not include salaries which was cited, two people on a board of
8. nineteen is certainly not going to be able to control it. As far as
9. the...the court opinion which was written...

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Partee, for what purpose do you arise?

12. SENATOR PARTEE:

13. Well, Mr. President, this is an important matter. This lady
14. is entitled to some attention so she can be heard. I can hardly
15. hear a word.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Your point is well taken. Will the Sergeant-at-Arms please
18. clear the Floor. Those not entitled to the Floor, please vacate.
19. Will the members be in their seats. Proceed, Senator Hickey.

20. SENATOR HICKEY:

21. Thank you, Mr. President. I want to point out that this opinion
22. was written regarding opening the whole school board to people connected
23. with schools. It was not written...pertaining to two people being added
24. to the board, and as far as what Senator Fawell said about special...
25. we couldn't have special groups on there. I mentioned the other day
26. that I was on the Governor's selection committee that gave the list
27. of fifty. We were very careful to see that there were very many special
28. groups represented in that list of fifty, that parents were represented
29. that ex-board members were represented, that ex-administrators were
30. represented, that ex-teachers were represented. That already is the
31. case even though it is not designated in the law, in order to have a
32. good rounded board, all of those groups we hoped would have represen-
33. tation on that Board. This simply says that this way there can be

1. direct communication not into has been situations by people who
2. have been all of those things, but into the direct teaching current
3. situation. So I urge you to vote for this bill. Thank you.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. The question is shall Senate Bill 542 as amended pass. Those
6. in favor will vote Aye. Those opposed will vote Nay. The voting is
7. open. Have all voted who wish? Take the record. Senator Hickey
8. moves that the bill be placed on the order of Postponed Consideration.
9. So ordered. Senate Bill 546, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 546.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Wooten.

16. SENATOR WOOTEN:

17. Mr. President and colleagues, as long as we're talking about
18. teachers, this seems to be a very good time to take up Senate Bill
19. 546 as amended. We're dealing with another aspect of the question
20. of teacher representation, one that I think can perhaps be more
21. easily defended. We're talking about the State Board of Certification.
22. I might point out that there are two Boards of Certification, one for the
23. City of Chicago, one for downstate. They each have their own spheres
24. of power and influence, but we are addressing ourselves to the down-
25. state segment of the...or the downstate board. What my bill does is
26. fairly simple. It reconstitutes that fourteen member board. It
27. states that seven of the fourteen shall be classroom teachers and that
28. those classroom teachers be elected from the certified teachers in the
29. State. There would also be two administrative or faculty members
30. from a public college or university, and then something which is entire-
31. ly new, one representative from the administration or faculty of a
32. private college or university. Two superintendents, either of public
33. schools or of educational service regions, and two members of the Board

1. of Education. Now there is an important reason for that last in-
2. clusion. The Board, as presently constituted,...thank you. I...

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Well, let me see if I can....

5. SENATOR WOOTEN:

6. Okay. Fine.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. ...attempt to get some order here. Will anyone having a
9. conference, please take it off the Floor. We are on the order of
10. 3rd reading. The Senator is explaining his bill.

11. SENATOR WOOTEN:

12. Thank you, Mr. President.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Will those at the rail, not Senator Partee, but the other group.
15. No, not you. I was talking to the other group. Can you move that?

16. Senator Wooten.

17. SENATOR WOOTEN:

18. It is particularly important to note the inclusion of two members
19. of the Board of Education. One of the things that makes this bill and
20. another I have on the subject somewhat touchy, is because we are dealing
21. with a transfer of power, and I think all of us know how difficult it is
22. to achieve such transitions easily. The Superintendent of Public
23. Instruction is currently on the State Certification Board. According
24. to the will of the people, as expressed in our constitution, he is no
25. longer a constitutional officer. He does not have that power. The
26. Board of Education does. So it is entirely proper that at least one,
27. but in this case two members of the Board of Education, replace the
28. Superintendent of Public Instruction. But myself, I don't really see
29. how we can argue with that. There may be some attachment to the office.
30. but the plain fact is, Ladies and Gentlemen, the office is gone. It
31. has changed, and so members of the Board of Education should replace
32. the Superintendent of Public Instruction. Then we simply come down
33. to who else is left on the Board, and I must say, I have read the article

1. and enjoyed those places where they are not factual, but I can't
2. understand what the hysteria is that is generated in some quarters
3. at the fear of having teachers make up half the Board. I would
4. point out to you that it takes a...a majority of eight to have a
5. quorum in order to meet. We let every other profession certify
6. itself, regulate itself. We have the State Board of Education repre-
7. senting the people. I really am at a loss to understand the hysteria
8. that in some quarters attends the horrible thought of letting half
9. the Certification Board be made up of teachers. It probably ought
10. to be all teachers. But at least fifty percent. That's the thrust of
11. the bill. I'll be ready to answer any questions.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Is there any discussion? Senator Glass.

14. SENATOR GLASS:

15. Well, Mr. President, I would just like to...to attempt to point
16. out that...that perhaps Senator Wooten's closing remark is indicative
17. of what direction we're going. He indicates perhaps the Board should
18. be made up of all teachers. And certainly that is the direction that
19. the IEA, is seeking go with this bill. As I understand it, the members
20. of the Certification Board would be elected throughout the State by
21. the IEA, since it is the organization that controls the largest member-
22. ship in the State. I see no reason whatever for adding an additional
23. teacher member to this Board. Many of the members are already former
24. classroom teachers, and I think it's an unfortunate power grab by this
25. labor organization and should be defeated.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Fawell.

28. SENATOR FAWELL:

29. One of the points I think that also should be brought out, I...I
30. disagree with Senator Wooten when he indicates that because of the
31. change of the elected State Superintendent that for some reason, I
32. didn't follow his argument, the Superintendent should be taken off the...
33. the Certification Board. I don't quite follow that. But, I think what

1. has been overlooked, is the fact that as I read this bill the
2. seven teacher representatives would be elected. Now, frankly, I
3. don't know of any Certification Board, maybe there are some, in the
4. State of Illinois where you have a state-wide election in order to
5. put the teachers on Board, and of course, the AFT, another group
6. of people who are concerned about teacher education and education in
7. general, construe that to mean that they won't have anybody on the
8. Board, but IEA representatives will. And so I think that ought to
9. be pointed out. We have read editorials, I believe in the Chicago
10. Daily News and Sun Times pointing out, that in their opinion this is
11. "power grab". That's not anybody in the Legislature speaking, but
12. some objective editorial writing on the subject. I might ask
13. Senator Wooten this point too, and I'm confused as I read the bill,
14. there is a deletion, Senator, of the power of appointment and, of
15. course, there is an election process insofar as the teacher represen-
16. tatives are concerned. But have you not taken out the power of
17. appointment altogether, and what about the other people who aren't
18. going to be running state-wide for election? How are they appoint-
19. ed to the Board?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Wooten. Senator Wooten.

22. SENATOR WOOTEN:

23. My intent is that they should be appointed by the Board of
24. Education. If we have that flaw in here, just let me check down
25. right quick. I...that should be covered.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Fawell.

28. SENATOR FAWELL:

29. Well, I...I just wanted to point out that in really in some
30. very...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Wooten.

33. SENATOR WOOTEN:

1. Yeah. All it says, all of the members of the...State Teachers
2. Certification Board shall be appointed by the State School Board...
3. State...pardon me, Board of Education. I'm reading the original
4. copy.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Fawell.

7. SENATOR FAWELL: ...

8. Yeah. You're correct. I wasn't...I..I missed that and wasn't
9. quite sure whether or not, because of the change in regard to teachers
10. that that could...that was altered. But at any rate, what we have
11. done here is to...is to delete two of the administrative faculty members
12. of colleges and universities. We've taken the State Superintendent
13. off, we've taken the Regional Superintendent off, and I...I think really
14. in all objectivity, and I hate to...dwell on this point and I'll try
15. not to be hysterical, as Senator Wooten has indicated some opponents
16. may be, but this again, is just an effort by IEA to move in and...and
17. have, if not control, to move in that direction, and I can't and I am
18. not persuaded that there is enough motivation on their part that this
19. juncture...that they can convince me that this is going to bring about
20. quality education. We ought to certainly strengthen our new State
21. Superintendent and let him certainly retain his seat on that Board.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any further discussion? Senator Wooten may close the debate.

24. SENATOR WOOTEN:

25. I would simply like to respond, Mr. President. A power grab
26. is a slogan. I, you know, it's...it's too bad that we resort to
27. slogans instead of a...a meaningful discussion, but that's all it is.
28. Senator Glass talks about a tendency, a movement toward. I'm not
29. worried about that. I'm talking about this bill now. I'm not saying
30. I'm going to come back in here and want one more and two more. I'm
31. talking about fifty percent. Fifty percent, that's all. Representa-
32. tion of the teachers, the vast majority of the people who are certified.
33. The only profession that doesn't have that right. You talk about

1. teachers downstate are mostly IEA. That's true. Most teachers in
2. Chicago are IFT. I can't help that. Most human beings in the State
3. are Democrats or Republicans. You don't hold that against them
4. when those human beings get involved in voting. It's the instrument
5. through which they express their desires. If you're against that,
6. you're against an awful lot of things that I can't control. Why is
7. the Superintendent off? If you can't accept the power that he is gone,
8. as an elected official, there's nothing I can do about it. His power is
9. gone. It's in the State Board of Education and they must accept that
10. power whether they want it or not. Why elect them? I can't argue with
11. that. I believe in elections. I think it's the best way to get people
12. in this Chamber, to get people on the Board. By the way, you said I
13. deleted two of the four representatives of private and public colleges.
14. That's not true. We deleted one. We've given the public colleges
15. something they've never had before - guaranteed representation. And
16. finally, why not teachers? It seems to me after a long time of
17. teaching, admittedly part-time most of the way, that one of the things
18. we run into is the extraordinary lag for changes to take place. We
19. have real problems in education. I don't for a minute believe that
20. the presence of teachers on the State Certification Board would clog
21. the process, would mess things up, would serve as...as obstructionists,
22. on the contrary. I think they can work with the other elements in-
23. volved in the whole process to help solve the problems of teaching.
24. If I did not believe that, I wouldn't touch the bill. It's not the
25. difficult problem that many people wish to make it. That's as simply
26. as I can present it. I would ask for your favorable consideration.
27. PRESIDING OFFICER: (SENATOR ROCK)

28. The question is shall Senate Bill 546 as amended pass. Those
29. in favor will vote Aye. Those opposed will vote Nay. The voting
30. is open. Have all voted who wish? Take the record. Senator Wooten
31. moves to place this bill on the order of Consideration Postponed.
32. Senator Palmer, are you ready to go? Okay. 558, Senate Bill 558.
33. SENATOR PALMER:

1. Mr. President.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Hold it. Are you bringing...are you bringing it back for an
4. amendment?

5. SENATOR PALMER:

6. Yes. I'm bringing around for two amendments.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Palmer asks leave of this Body to return Senate Bill 558
9. to the order of 2nd reading for the purpose of amendments. Is leave
10. granted? So ordered. Senate Bill 558 on the order of 2nd reading.
11. Amendment No. 1...wait till...wait...wait till we get...Senator Palmer
12. wait a minute till we get the paper. Well, there are two. Let's
13. make sure we've got the right one. That's all. Senator Lemke, I
14. understand, has Amendment No. 1. Is that correct? Okay. Amendment
15. No. 1 to Senate Bill 558, Senator Lemke.

16. SENATOR LEMKE:

17. Mr. President, Senators, this is an amendment to put a clause on
18. there that no group legal expense policy may be written to insure any
19. group which designates any specific attorney or firm of attorneys to
20. perform legal services provided under the policy.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Palmer. Any discussion? Senator Palmer.

23. SENATOR PALMER:

24. I move the adoption of Amendment No. 1 just offered.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator...any discussion? Senator...Senator Harris, do you wish...
27. we're on...the question is the adoption of Amendment No. 1 to Senate
28. Bill 558. Senator Harris.

29. SENATOR HARRIS:

30. Well, I just...I have a question of the sponsor of the bill, not
31. of the sponsor of the amendment, relative to Amendment No. 1. It's my
32. understanding that the Department objects to this amendment. Is that
33. not the case, Senator Palmer?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Palmer.

3. SENATOR PALMER:

4. That is right, Mr. Harris. But Senator Nudelman don't object
5. to it.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. He indicates that you...you are correct.

8. SENATOR HARRIS:

9. Okay. Well, I...I do know that they've...they've discussed
10. Senator Lemke's amendment with me. I personally felt that the making
11. available the option for a free choice option to the insured for the
12. selection of attorneys, was sound. The Department has contacted me
13. stating that the experience with other such authorized insured programs
14. has demonstrated that the closed end type of contract results in a
15. cost savings to the insured, and for that reason, primarily, the
16. Department does oppose Senator Lemke's amendment. I...I just felt
17. that before the members took a position on it that some awareness
18. of that departmental position ought to be understood.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Lemke.

21. SENATOR LEMKE:

22. Actually, I am surprised. I got a memo from the Department as
23. being in opposition, because they want to see the program work, and
24. in the memo they talked favorable into leaving a man have his free
25. choice of lawyers and prohibiting the certain...insurance companies
26. setting up their own attorneys and saying this is where you have to
27. go and the man won't be properly represented, if they do this. And
28. they have found this experience in Wisconsin with Judicare, and I
29. don't think that...I think the man should have the right to where he
30. wants to go. I don't think he'll be in a jeopardized position as
31. far as a closed group or an open group. A closed group would directly
32. limit them, and with a open end with the policyholder or the insured
33. under the policy having the free choice of selecting his lawyer, he

1. can go any place he wants.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Harris.

4. SENATOR HARRIS:

5. Well, I think it's appropriate to point out that the company,
6. the insuring company, is specifically prohibited under the terms of
7. the bill from selecting the attorney, but the group, the insured
8. group, have the option to make that selection. And that distinction
9. should be understood, I think, and therefore, I think that is the basis
10. of the objection on the part of the Department to Senator Lemke's
11. amendment.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. All right. Senator Lemke and Senator Palmer have moved the
14. adoption of Amendment No. 1 to Senate Bill 558. All those in favor
15. signify by saying Aye. All those Opposed. The Ayes have it. The
16. amendment is adopted. Amendment No. 2 offered by Senator Palmer.
17. Senator Palmer.

18. SENATOR PALMER:

19. Amendment No. w2 removes the right to convert from the group
20. policy to an...individual policy. It's a committee and department
21. amendment. And I offer it for its approval, and I...

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Palmer moves the adoption of Amendment No. 2. Is there
24. any discussion? All those in favor signify by saying Aye. All those
25. Opposed. The Ayes have it. Amendment No. 2 is adopted. Are there
26. any further amendments? 3rd reading. Senator Palmer, do you wish
27. to get right back to that? Yes, okay. 563, Senator Palmer. Okay.
28. He does not wish to call 563. 565, Mr. Secretary. 565.

29. SECRETARY:

30. Senate Bill 565.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Palmer.

2. SENATOR PALMER:

3. Mr. President and members of the Senate, Senate Bill 565 simply
4. eliminates the unfair sex discrimination in insurance policies. This
5. bill adds the unfair sex discrimination to the definition of unfair
6. methods of competition unfair or deceptive acts or...policies. The
7. amendment does not prohibit the classification on the basis of sex,
8. however, when a classification can be proved valid. And I ask for a
9. favorable roll call.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Is there any discussion? I'll just wait till the crowd clears
12. out. Senator Harris,.

13. SENATOR HARRIS:

14. Well, Mr. President, I want the membership to be very thoroughly
15. aware of the provision in this bill the way it is now. It would
16. prohibit the opportunity for insurance companies to take into cogni-
17. zance the very clear and scientific actuarial differences between male
18. and female. Now the position of the Department is that they want this
19. bill as is. Now experience is, that in several other states that have
20. attempted to enact this kind of reasonable anti-sex discrimination
21. public policy, that provision for actuarial data differentiation is
22. made a part of the bill, and that kind of information being the basis
23. of a differentiation would, in fact, not constitute discrimination on
24. account of sex. Now, it's clearly sensible to accommodate that differen-
25. insofar as the issuing of contracts in connection with life insurance.
26. The Department takes a very rigid and fixed position on this and for
27. that reason, I would urge the Senate, since the Department has not
28. been willing to accept an obvious reasonable basis for differentiation,
29. and since they are intractable on this question, I would urge the
30. Senate to reject Senate Bill 565.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Any further discussion? Senator Palmer, do you wish to close
33. the debate?

1. SENATOR PALMER:

2. All I can say is that sex discrimination is now clearly
3. against public policy as a general matter, and I ask for a favor-
4. able roll call.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. The question is shall Senate Bill 565 as amended pass. Those
7. in favor will vote Aye. Those opposed will vote Nay. The voting is
8. open. Have all voted who wish? Take the record. On that question,
9. the Ayes are 14, the Nays are 26, 1 Voting Present. Senate Bill 565
10. as amended having failed to receive a constitutional majority is
11. declared lost. 558, I believe. Senator Palmer, Senate Bill 558.

12. SECRETARY:

13. Senate Bill 558.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Palmer.

18. SENATOR PALMER:

19. Mr. President, oh, yeah. Mr. President and members of the Senate,
20. Senate Bill 558 provides that legal expenses to be included as a class
21. of insurable risk, provides that coverage against loss resulting from
22. legal expenses may be written on a group basis. Now, this is a very,
23. very good bill accepted by all concerned, and I move for a favorable
24. roll call.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there any discussion? Senator Harris. No, I'm sorry. Any
27. discussion? The question is shall Senate Bill 558 as amended pass.
28. Those in favor will vote Aye. Those opposed will vote Nay. The
29. voting is open. Have all voted who wish? Take the record. On that
30. question, the Ayes are 46, the Nays are none, 4 Voting Present. Senate
31. Bill 558 as amended having received a constitutional majority is
32. declared passed. On the order of 3rd reading, Senate Bill 602.

33. SECRETARY:

1. Senate Bill 602.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Lane.

6. SENATOR LANE:

7. Thank you, Mr. President, members of the Senate, Senate Bill 602

8. amends the Act concerning public utilities. Requires the Illinois

9. Commerce Commission to hold hearings, establish minimum standards,

10. specify procedures for enforcement concerning the insulation of all

11. classes of new buildings to be heated or cooled. This is a good bill,

12. members, and I'd appreciate a favorable roll call.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Is there any discussion? Senator Glass.

15. SENATOR GLASS:

16. Senator Lane, was this bill amended? My notes indicate you

17. were going to add...an amendment to it.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Lane.

20. SENATOR LANE:

21. There's a couple technical amendments have been made. I've been

22. waiting and asking about...an additional amendment and none has been

23. forthcoming.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Glass.

26. SENATOR GLASS:

27. Well, I...I was under the impression that you were going to amend

28. out existing buildings from this regulation. Am I wrong on that? I

29. know that there was a lot of opposition in committee, and one of the

30. reasons was the application of the rules and regulations to existing

31. buildings, and you have a lot of existing buildings, of course, that

32. may not be insulated in...in accordance with the standards that would be

33. promulgated by the Commerce Commission. So, I...I thought that it

1. would be made clear that existing buildings would be exempted.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Lane.

4. SENATOR LANE:

5. I don't believe that the existing buildings do come under this
6. classification. It is mentioned that a study and possibly feasible
7. guidelines could be established for existing buildings, however, there's
8. no requirements.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Glass.

11. SENATOR GLASS:

12. In other words, are you stating that under the bill as it is
13. now written, the Commerce Commission may adopt regulations and suggest
14. them for existing buildings, but they will not be mandatory?

15. SENATOR LANE:

16. Yes, that's my impression of the bill.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator...Senator Glass.

19. SENATOR GLASS:

20. Will...will there...will there be a requirement for additional
21. people to be hired to administer this bill to inspect and so forth,
22. and if so, how many?

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Lane.

25. SENATOR LANE:

26. No. I...there would be no requirement this year, and next year
27. they feel that two additional personnel could handle this project.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Latherow.

30. SENATOR LATHEROW:

31. Well, Mr. President and members of the Senate, I rise in opposition
32. to this bill. I think we have to recognize the fact that most businesses
33. and enterprizes in the building construction trades and those furnishing

1. materials, do make effort to furnish the best of insulation to all
2. people without having the State of Illinois and in this case the
3. Illinois Commerce Commission, who probably in most cases do not have
4. any particular good background as far as insulative materials are
5. concerned to go about holding committee...or holding hearings and adopting
6. rules and regulations to establish voluntary, minimum guidelines for
7. all existing buildings. Now, I think...and when you give somebody the
8. advantage of...is in this portion which says that they may adopt rules
9. and regulations to establish voluntary minimum guidelines for all
10. existing buildings, I think you're stepping in a wrong, wide, wrong
11. direction, and I'd be in hopes that this bill would be defeated.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Soper.

14. SENATOR SOPER:

15. Thank you, Mr. President. Would the Senator answer a few questions?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Indicates he will yield.

18. SENATOR SOPER:

19. Thank you.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Soper.

22. SENATOR SOPER:

23. Now, after you establish these so-called guidelines, what...what's
24. the recourse if somebody builds a building and doesn't follow the
25. guidelines?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Lane.

28. SENATOR LANE:

29. Well on new construction, they work through the electrical
30. service. Your electrical service wouldn't be hooked up until you
31. met the...the requirements.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Soper.

1. SENATOR SOPER:

2. Now, in other words, if...if you establish certain...certain
3. qualifications for insulation, then the electrician or the electrical
4. inspector comes around and after everything is in, and he tells you that
5. the insulation isn't right in the building and he's tested the elec-
6. trical outlets and so forth, what do you do, tear the building apart?

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Lane.

9. SENATOR LANE:

10. No, you build it to conform to the guidelines, and then...

11. SENATOR SOPER:

12. Who makes the...

13. SENATOR LANE:

14. ...once those guidelines have been met, you have no problem.

15. Services...

16. SENATOR SOPER:

17. Who makes the...yeah, who makes the determination what the
18. guidelines are?

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Lane.

21. SENATOR LANE:

22. The Illinois Commerce Commission is going to hold meetings, of
23. course, and get some input on that and set up those guidelines.

24. SENATOR SOPER:

25. Well, isn't this a little different...different avenue or a
26. different department for the Commerce Commission to be in...in building
27. insulation?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Lane.

30. SENATOR LANE:

31. I think it has to do with the power companies. I think that's
32. how the Illinois Commerce Commission is involved working with the
33. electrical companies, gas companies.

1. SENATOR SOPER:

2. Well, what's electricity or gas got to do with insulation?

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Lane.

5. SENATOR LANE:

6. It conserves the energy, the electricity and gas companies are
7. all part of our energy crisis. They have the problem, and I feel
8. that this bill will help overcome their crisis.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. For what purpose does Senator Partee arise?

11. SENATOR PARTEE:

12. Well, I just wanted to point out, especially to the last Senator
13. who asked the question, that, you know, for such a long time in this
14. country we have not been very conservation minded about things like
15. energy. People walk out of the house and leave on the...leave the
16. radio on, leave the lights on, leave the fan on, all kinds of things.
17. But we're now having to conserve energy. We had a problem, you know,
18. we thought that we could always drive into a gasoline station and say
19. fill 'er up and the attendant would wipe the windows while the tank
20. was being filled. We found ourselves being able...fighting long lines
21. to get a couple of gallons of gas for maybe five dollars worth. Energy
22. is a very precious commodity in America today, and rather than wait
23. until we have to fight for it, whatever we can do on a day-to-day basis
24. that will conserve the energy is something that we ought to do. Insu-
25. lation relates to the amount of energy which will be used. So this
26. is a very simple bill where the Commerce Commission is interested in
27. insulation. The more insulation there is, the less energy that is used.
28. It sounds like a little at your house, a little at my house, a little
29. at this place, a little at another place, but all those things add up,

30. SENATOR LANE:

31. I think it has to do with the power companies. I think that's
32. how the Illinois Commerce Commission is involved working with the
33. electrical companies, gas companies.

1. SENATOR SOPER:

2. I don't know whether Senator Partee wants to answer this
3. question or Senator Lane, but is there a home rule amendment
4. on this...on this bill?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Lane.

7. SENATOR LANE:

8. No, there isn't.

9. SENATOR SOPER:

10. You mean this concerns every municipality in the State of
11. Illinois? That includes every village, every city of any size,
12. every county?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Lane.

15. SENATOR LANE:

16. As far as I read the bill, and that's the way it reads, Senator.

17. SENATOR SOPER:

18. Well, there's an amendment on here, and I...I'll have to look
19. at this. I think there's a home rule amendment on this. I would
20. say if there is, well then the conservation, as far as energy is
21. concerned, doesn't...doesn't concern the bigger home rule units, and
22. I think all you'll be doing is insulating elevators, grain elevators.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Mitchler, did you desire recognition? Senator Mitchler.

25. SENATOR MITCHLER:

26. Mr. President and members of the Senate, when this bill was heard
27. in committee, some very interesting points were brought to light. Now,
28. I recognize the fact that, as purported by the sponsor, that the Illinois
29. Commerce Commission supports this bill. But I don't believe that this
30. really is a big major effort of the Illinois Commerce Commission in the
31. field of energy. The young attorney that is associated with the Illinois
32. Commerce Commission, and his name escapes me at this moment, I believe
33. was with the Commerce Commission about eight months. He's a recent

1. graduate from an eastern school and he took full credit for the
2. idea in the construction of this particular piece of legislation,
3. and that's really what accounts from the Illinois Commerce Commission.
4. Now, with the home rule amendment, you...you've taken out about all
5. of the major population of the State of Illinois. So, if you're ser-
6. ious...

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Well, my...Senator...Senator. Point of order. Senator Lane
9. is correct. There was some discussion about that. There is not,
10. in fact, a home rule amendment on it. Okay. Senator Newhouse, for
11. what purpose do you arise? Excuse me, Senator. Senator Newhouse.

12. SENATOR NEWHOUSE:

13. Thank you, Mr. President. On a point of personal privilege,
14. while we're at a halt here. I'd like to introduce a group from my
15. district, the Bradwell School, in the Gallery just behind me. I'd
16. like to recognize them.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Thank you. Will our guests please stand and be recognized.
19. Okay. We're back to Senator Mitchler. Senator Mitchler, do you
20. wish to pursue this? Senator Mitchler.

21. SENATOR MITCHLER:

22. Thank you, Mr. President. So I want to point out the real
23. support that is from the Commerce Commission. Now, if the Illinois
24. Commerce Commission were really to enforce and conduct these hearings
25. and put out these rules and follow through, the cost on this would
26. be just prohibitive. Now if the sponsor of the bill does have a cost
27. figure on this to the Commerce Commission and the State of Illinois
28. and the cost to the consumer to comply with the anticipated rules and
29. regulations to be put out, I'd like to have him answer that in his
30. closing arguments. The...opposition of this is from the Illinois
31. Municipal League, Illinois Council of American Architects. Now, when
32. I asked this attorney, from the Illinois Commerce Commission, I said -
33. who wants this bill? And, of course, he wanted it. He thought it was

1. a good idea, another one of these eco nuts. But, anyway, he answered
2. and replied to me that the insulation people are the ones that came
3. to him and are promoting this. And that was good enough for me, Gentle-
4. men and Ladies.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Well, we've got about six people on the list. Okay. Let's
7. just take them as they're on the list. Senator Berning.

8. SENATOR BERNING:

9. Thank you, Mr. President. Senator Mitchler touched on what I
10. want to reiterate really, but first, it appears to me that this goes
11. far beyond what is the normal area of responsibility for the Commerce
12. Commission, and secondly, looking at it objectively, one has to come
13. to the conclusion that there is somebody who is interested in the
14. insulation business.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. Senate Bill...oh, we're...oh...

19. PRESIDING OFFICER: (SENATOR ROCK)

20. It's recognition on 602.

21. SENATOR KNUPPEL:

22. I...we're...somebody else is talking to me. This is good leg-
23. islation. About one third of the energy that we can conserve...or
24. that we can make available is going to be through conservation practices,
25. and the implementation of this bill is no more difficult than present
26. wiring standards. The...the different utilities have to inspect any
27. house that's built or constructed to see that they meet certain stand-
28. ards with respect to wiring for safety and so forth. This is good
29. legislation. It's a step in the right direction. We're going to have
30. to do a lot more in this field. I would encourage a favorable roll
31. call.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Schaffer.

1. SENATOR SCHAFFER:

2. This bill, I believe, will increase the cost of construction
3. in Illinois, probably ought to. I had an opportunity, compliments
4. of Uncle Sam, to spend a year and half in Europe. This type of
5. standard or very tough insulation standards have been the rule in
6. Europe for a hundred years, simply because they haven't had the
7. luxury of excess or surplus or cheap energy. I suggest to you that
8. a major part of our energy problem in this country today is simply
9. because it's...the energy has been so cheap that we haven't felt the
10. need for insulation. I think it is time that we take a look at the
11. real world and realize that there isn't an unlimited amount of energy
12. and provide in new construction, and as much as possible in old construc-
13. tion, for adequate insulation to provide for economical heating and air
14. conditioning. We can't afford to be the energy pigs we always have been.
15. I'm not sure this bill is the best way to do it, but it appears to be
16. a workable way to do it, and I rise in its support. And I hope those
17. other people here who are concerned about not whether their house is
18. going to cost a little bit more or not, but whether or not our whole
19. way of life is going to be able to continue over the next few genera-
20. tions, will support this bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Any further discussion? Senator ParTEE I know has sought recog-
23. nition. That's the second time, Senator.

24. SENATOR PARTEE:

25. Well, I was only going to say that it only applies to new construc-
26. tion, and nobody has to go and redo their building, and Senator
27. Schaffer has said it well.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Lane may close the debate.

30. SENATOR LANE:

31. Yes, Amendment No. 2 strikes out existing...buildings. Also there
32. had been an estimate made on an average three bedroom house. It
33. approximate two hundred dollars. This is a good bill. This is a bill

1. that's needed, and I'd appreciate a favorable roll call.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. The...the question is shall Senate Bill...Senator Latherow,

4. for what purpose do you arise?

5. SENATOR LATHEROW:

6. A point of order, Mr. President.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. State your point, Senator Latherow.

9. SENATOR LATHEROW:

10. I think it should be clarified in this bill before we go any

11. farther that this does not only apply to new construction.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Well, now we...we've had two totally opposite statements. I...

14. I...

15. SENATOR LATHEROW:

16. Right.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. I would assume that everybody can read it in his own peculiar

19. way. The question is shall Senate Bill 602 as amended pass. Those

20. in favor will vote Aye. Those opposed will vote Nay. The voting

21. is open. Have all voted who wish? Take the record. On that question,

22. the Ayes are 32, the Nays are 11, none Voting Present. Senate Bill

23. 602 as amended having received a constitutional majority is declared

24. passed. Senator Harris, for what purpose do you arise?

25. SENATOR HARRIS:

26. Mr. President, I rise on a point of personal privilege. I

27. would like for the membership of the Senate to be aware of the

28. presence in the President's Gallery, a group of college Young

29. Republicans from throughout the State, who are here taking part

30. in the 2nd Annual College Republican Day. We're delighted that

31. the Chairman of the Illinois College Republicans, Al Pruis, is

32. with them, and I would like for the Senate to stand and acknow-

33. ledge the presence of this fine group of young people interested

1. in the process, and particularly the political process, of State
2. Government.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Will our guests please rise. Senate Bill 610, Mr. Secretary.
5. SECRETARY:
6. Senate Bill 610.
7. (Secretary reads title of bill)
8. 3rd reading of the bill.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Senator Partee.
11. SENATOR PARTEE:
12. Mr. President and members of the Senate, Senate Bill 610 goes
13. into another area that we have already been into. First of all, this
14. Legislature authorized the writing of group automobile insurance
15. coverage. Later, we authorized the writing of group life, health and
16. accident coverage. This bill, to make it even, would amend the
17. Insurance Code by providing that companies may write group professional
18. liability and homeowners insurance coverage. In other words, they
19. may write group casualty policies. I would appreciate a favorable
20. roll call.
21. PRESIDING OFFICER: (SENATOR ROCK)
22. Any discussion? The question is shall Senate Bill 610 pass.
23. Those in favor will vote Aye. Those opposed will vote Nay. The
24. voting is open. Have all voted who wish? Take the record. On that
25. question, the Ayes are 44, the Nays are none, 1 Voting Present.
26. Senate Bill 610 having received a constitutional majority is declared
27. passed. 613 and 614 will be held by request, not mine, but by request.
28. Senator Bloom, for what purpose do you arise?
29. SENATOR BLOOM:
30. Thank you, Mr. President and fellow Senators, I was off the Floor
31. and was not on that last vote, and I'd like the Journal to reflect
32. that I'd be voting Aye.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. The record will reflect that Senator Bloom wished to...
2. SENATOR BLOOM:
3. Thank you very much.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. ...vote affirmatively on Senate Bill 610. Senator Latherow.
6. SENATOR LATHEROW:
7. Thank you, Mr. President and members of the Senate. A while
8. ago I disputed Senator Partee's statement that this applied only
9. to new construction. I must apologize for that. I had no record
10. at all of the adoption of Amendment No. 2 which did strike all except
11. new construction. I wanted to make that clear.
12. PRESIDING OFFICER: (SENATOR ROCK)
13. Senator Partee.
14. SENATOR PARTEE:
15. I just wanted to say, Senator, that you are the gentleman that
16. you've always been, and it shows, I think, the real gentility and
17. the kind of men that are in this Body. The Senator made a mistake.
18. He came here to say he was sorry, which is the kind of thing we need
19. to do a little more of. We all make mistakes. I make them, you
20. make them, but sometimes when people make them instead of apologizing
21. they, you know, come up...get up on their haunches, and I appreciate
22. what you've said, Senator. And this...we need a little more of this,
23. and this is what would make this a fine Body.
24. PRESIDING OFFICER: (SENATOR ROCK)
25. Senate Bill 627 on the order of 3rd reading. Senate Bill 627.
26. SECRETARY:
27. Senate Bill 627.
28. (Secretary reads title of bill)
29. 3rd reading of the bill.
30. PRESIDING OFFICER: (SENATOR ROCK)
31. Senator Palmer.
32. SENATOR PALMER:
33. Mr. ...I mean, Mr. President and members of the Senate, 627 is a

1. very, very important bill to many people, and what it provides
2. is that the assessment of rental housing subject to rental rate
3. limitation because of public subsidy, shall take into consideration
4. the diminution of such property because of rate limitation. What
5. this bill means and it's...it's directed really against those pro-
6. perties that are under the control and supervision of HUD, of the
7. Federal Government and under the control and supervision of IDA under
8. the State...State government. What we are talking about is that
9. it became necessary and recognized by your government, that housing
10. should be established or helped for those people in low income and
11. fixed incomes. And we are talking about approximately twelve thous-
12. and, two hundred and forty-eight units under IDA and about twenty-
13. five thousand units under HUD. And you must realize the importance
14. of this housing when we have a cabinet of the United...United States
15. supervising this...theses...these type of property, and...what has
16. happened...what they are asking and what this bill is telling the
17. assessor since HUD and since IDA regulate the rentals, limit the
18. rentals, restrict the rentals, then the assessor of that county
19. should take in consideration those rentals when he assesses the
20. property. Now this bill is permissive. They're telling him to
21. take in consideration the reduced rentals or the limit rentals
22. that are imposed upon this property owner or developer, not to
23. assess him the same as they assess the next door property by fair
24. cash market value. Now, generally recognized that subsidized housing
25. are unique, and the standards...the standards for assessing fair
26. cash market value property are not...cannot be applied and be the
27. same for these properties. And it became apparent and...that some
28. of these properties, not apparent, it just actually happened that
29. there were resultant defaults and foreclosures when the developers
30. or owners could not meet the payments because of the high and excessive
31. taxes. All this bill asks is that the assessor take in consideration
32. the low rentals when he assesses that property, and I ask for a favor-
33. able roll call.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Carroll.
3. SENATOR CARROLL:
4. Question of the sponsor.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Indicates he will yield.
7. SENATOR CARROLL:
8. Senator Palmer...Senator Palmer, if HUD and IDA have been going
9. together for so long, when are they going to get married.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Senator Palmer.
12. SENATOR PALMER:
13. What is that? They're trying...they're trying to get a Rabbi
14. to do that because they are different faiths.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. Senator Soper.
17. SENATOR SOPER:
18. Thank you, Mr. President. Senator Palmer, I...I...I'm a little
19. confused about what you said about all of the foreclosures. Give
20. me one housing unit that has rentals in it that's been foreclosed.
21. PRESIDING OFFICER: (SENATOR ROCK)
22. Senator Palmer.
23. SENATOR PALMER:
24. Well, I...HUD...HUD, I'll give you quite a list, if you will
25. just give me a moment. HUD has quite a list that John Weiner of the
26. regional office appeared and testified and told your committee and
27. my committee of how many foreclosures there are because of the fail-
28. ure to meet these...why...why are you going like this?
29. PRESIDING OFFICER: (SENATOR ROCK)
30. Senator Soper.
31. SENATOR PALMER:
32. It's an absolute...
33. SENATOR SOPER:

1. I just...I just want to be put on record. We're talking about
2. two different things, Senator. You're talking about HUD in individ-
3. ual homes that have been purchased and been foreclosed. Now, you
4. tell me about a rental unit that...that is...and then I'll ask you
5. a few more questions, that's been foreclosed because of the fact
6. that the rents couldn't be paid or that the taxes couldn't be paid,
7. cause the taxes were high. Give me a rental unit.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator...Senator Partee, for what purpose...Senator Partee, for
10. what purpose do you arise?

11. SENATOR PARTEE:

12. Well, I don't want this very serious bill to get laughed into
13. antiquity. Now, let me just say to you that this is a subject which
14. has been before this Body in another form. I had this bill, and
15. while I'm on my feet, I'd like to ask leave to be made a cosponsor.
16. Senator Palmer, inadvertently, left me off of my bill.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Partee seeks leave to be added as a cosponsor. Leave
19. is granted. So ordered.

20. SENATOR PARTEE:

21. This applies in the first instance not to private homes. This
22. applies to property which was built with subsidy from public funds.
23. These are the large apartment buildings for which HUD lent money
24. under the 243, 241 D-3 programs, which housing is now unable to re-
25. main viable because of the assessment practices. I think, in all
26. honesty and candor, that this, Senator Soper, is a better approach
27. than we took in the bill last time. The bill last time mandated
28. a fifteen percent, across-the-board reduction of taxes, or rather it
29. said that taxes should not exceed fifty percent of the gross income
30. of the property. This now lets the assessor, in a proper case, look
31. at a building, determine what is being taken in, determine what has
32. to be paid, and if that building also, and it would have to if the
33. money was borrowed from the government, have a rental rate limitation

1. in that instance, then the assessor could reduce the assessment
2. which would permit the building to not only pay its mortgage, which
3. mortgage money would go back into the coffers of the Federal Govern-
4. ment. The...the problems is that there are many large buildings
5. where the tax rate with a rate limitation imposed, prevents the
6. building from earning and more than that, prevents the building
7. from repaying what is owed to the government, to the Federal
8. Government. This is the way that should be done. Now, if you
9. ask about some of them, let me point out to you that they are not
10. individual buildings. There are two or three of them, for example,
11. in Senator Smith's district at 35th Street, the Lawless buildings.
12. There are two or three very large structures there which under this
13. kind of a bill cannot only pay their...a reasonable taxes, but can
14. repay the Federal Government money which is owed to it under its
15. financing. There's another one at 51st and Michigan, the Baptist
16. Towers, in the same situation. There's a building, if you please,
17. in my district, the TWO Complex which has the same problem. I can
18. name them north, south, east, west, suburban and all, and many of
19. them are now ten, twenty months in arrears. With this kind of a bill,
20. money can come back into the Federal Treasury to repay the loans
21. which they've made. The assessor has to make the assessment based
22. on the things which I have mentioned. Under the terms of the bill
23. as I proposed it before, there was some flat rate which the...the
24. assessor had to follow. This is, in my opinion, even more constitu-
25. tional and is indeed the way to get money back into the Federal
26. Treasury and to have these buildings survive.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Soper.

29. SENATOR SOPER:

30. That, I understand, Senator Partee, but right now the assessor
31. can do exactly what you're talking about. If you've ever, and I
32. think you're cognizant of objections one, that are filed through the
33. assessors office and...and prosecuted by the State's Attorney. If a

1. building does not bring in enough income on the assessed valuation,
2. and I think this would...this would come to that purview, that...that
3. ...that rate could be lowered and the taxes could be lowered to meet
4. ...to meet the requirement that the..that the income would be suffi-
5. cient to pay the taxes and give a fellow a reasonable amount. The
6. only thing that worries me about this bill is it's so broadly worded
7. that I think this would take a lot more buildings in than the ones
8. you're talking about. Would this...I want to ask one question.
9. Would this concern itself with any building where...where there was
10. a...where...where the...the city or the State or the community took
11. over some...property and then sold it for a development and Federal
12. money was put into this development, like you have on the near north
13. side?

14. SENATOR PARTEE:

15. No, Sir, I think not.

16. SENATOR SOPER:

17. For instance the Sandburg Village or some of those.

18. SENATOR PARTEE:

19. No, Sir.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Partee.

22. SENATOR PARTEE:

23. No, Sir, Senator. There's a difference between private develop-
24. ed housing and governmentally developed housing. This is, and is
25. limited to, bovernmentally developed housing, and it would not help
26. Sandburg Village or any of those private developments. It is abso-
27. lutely limited to the kind of housing that is sponsored and funded
28. by HUD and those kinds of organizations. It would not be for public
29. housing, not at all. And on the other question that you mentioned,
30. if I might, the county home rule force could perhaps, as you suggest,
31. do this without the bill. That's possible. The only thing is then
32. when you're talking about no limitations then there are no limitations.
33. This bill at least focuses on a particular subject, has particular

1. limitations. More than that, if it is made a statute, then the
2. assessor has then the obligation, has then the purview within this
3. statute to work. If...if he did not have it, more than that, suits
4. could be filed claiming that he did not have the authority to do
5. what you've suggested. What you and I agree he has to do. Then
6. those suits have to be defended. This just makes it simple. This
7. makes it the law and it can be accomplished. I think you'd do the
8. county and our government a service if you support it.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Soper, your time has, in fact, expired.

11. SENATOR SOPER:

12. I know. I have had a lot of time here by everybody else. I
13. just want to say one thing.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Okay.

16. SENATOR SOPER:

17. I'd like to say that you're talking about Federally built
18. housing projects that are privately owned. Is that what you're
19. talking about?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Partee.

22. SENATOR PARTEE:

23. The...the projects in this development are not only funded
24. by the government, but they are-not-for profit corporations. I'm
25. not talking about Sandburg Village...

26. SENATOR SOPER:

27. Are you talking about Cabrini Green or something...something
28. like that?

29. SENATOR PARTEE:

30. Pardon.

31. SENATOR SOPER:

32. Are you talking about a project like...Cabrini Green?

33. SENATOR PARTEE:

1. No, Sir. Absolutely not. These are not-for-profit corpor-
2. ations under the 64...241 D-3 program which are not-for-profit in
3. the first instance. That's why they have the rental limitation.
4. They're for low and middle income people, and they have a rental
5. limitation. Now the private ones you're talking about, this
6. wouldn't come near it, because it...there is no rental limitation
7. in a private owned building. All of these buildings have a
8. rental limitation. When you borrow the money from the government,
9. you must tell them - there's six hundred apartments here, two hundred
10. of them must rent for x number of dollars, three hundred of them must
11. rent for x number of dollars, but there is a ceiling, a limitation
12. on the amount of money which the landlord can...can ask for from
13. the tenant, and that's what the problem is. That's why they are
14. limited in the amount they can take in by virtue of the terms of
15. their mortgage.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Nudleman.

18. SENATOR NUDELMAN:

19. Mr. President, I just wanted to dispell Senator Soper's problem
20. with objection one. It just doesn't work all that easy. You have
21. to have a State's Attorney, an assessor and a county judge all in
22. agreement, and sometimes the process takes years and years and years
23. and then you fail with it. So it's not a foolproof system.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Netsch.

26. SENATOR NETSCH:

27. Mr. President, I also would urge support of this bill. As
28. many of you are aware, we have been on this merry-go-round for a
29. couple of years now, but it seems to me that it...this is the time
30. to do it, and it is still an absolutely essential bill. One of the
31. things that I would like to point out is that the particular form
32. which this bill now takes, I think obviates any constitutional
33. question that somehow we are involved in...an constitutionally

1. illegal classification. What it does is recognize that the
2. peculiar nature of these projects...may I have some order please.
3. I can't hear myself think, Mr. Chairman.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Will the Senate come to order please. Senators be in their
6. seats. Will you take the staff conferences off the Floor. Senator
7. Netsch is entitled to be heard.

8. SENATOR NETSCH:

9. Thankyou...thank you, Mr. President. By reading this into
10. the basis valuation of the property, the fact that there are these
11. rental and income limitations, I think that we have made it clear
12. that this is a question of valuation, and we are in no-way involved
13. in any problem of unconstitutional classification in the non-Cook
14. County units of government. I think that is important. I think
15. the record should show, and I believe now, Senator Soper, it has
16. been said by certainly, forcefully by Senator Partee, that this bill
17. is not intended to aid the Sandberg Villages or projects of that
18. sort. And I say that with some feeling, even though Sandberg Village
19. happens to be in my district. It is possibly true that one of the
20. limitations that was written in last years version of this bill
21. might have made that even a little bit clearer, but it seems to
22. me that the rental limitation language that is written in here right
23. now absolutely precludes any possibility that those projects which
24. are not low-income, subsidized projects in that sense, are included.
25. And we should be absolutely clear about that. The...it is intended to
26. include projects like Wood Lawn Gardens and others that Senator Partee
27. has mentioned and there is one such project in my area. It has not
28. gone over yet, but it probably will be in financial trouble also. Finally
29. I would like to say that I would strongly urge that we not rely on
30. the objection one procedure. That has given rise to too many problems
31. in Cook County already, and it seems to me that the fact that it
32. contains that much discretion is exactly why we should not use that
33. as a means of solving this problem. If Cook County, I believe, could

1. do this under its home rule powers and I have urged that from
2. time to time on the Cook County Board, but it would not make
3. it available in any other urban area of the State where sim-
4. ilar problems might arise, and I think they have already be-
5. gun to arise in several areas. Illinois Housing Development
6. Authority which is very familiar with the kind of problem rep-
7. resented by thses buildings, because many of them has been in-
8. volved with financing and helping, has strongly urged the sup-
9. port of this bill, as have all of the good government housing
10. groups in the City of Chicago. It is absolutely essential to
11. help solve this problem, and I strongly urge support.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Harber Hall.

14. SENATOR HALL:

15. I yield to Sentator Clarke.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Clarke.

18. SENATOR CLARKE:

19. Well, Mr. President, I...I just want to ask, and I might
20. have missed something, that if this applies state-wide, it's consider-
21. ably different from the bill that the President had before the
22. Revenue Committee a year ago which I support in concept, but
23. it seems to me that Cook County can classify. We're trying to
24. equalize downstate now, and this could provide problems in the
25. downstate counties that I think are not asked for and really the
26. problem is in the metropolitan area.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Any further discussion? Senator Berning.

29. SENATOR BERNING:

30. There's just one observation that I'd like to make, and I'm
31. trying desperately to grasp the problem as delineated by the pro-
32. ponents. But it occurs to me that by a diminution of the assessed
33. valuation, we are compounding an already different situation for
question that somehow we are involved in...an constitutionally

1. the school funding program. The reduced valuation with reduced
2. taxes is reduced...support locally for the schools and thereby
3. requires increased State contribution, which in turn then affects
4. every other school district. In that sense, this seems to me to
5. be unfair.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Any further discussion? The question is...Senator Palmer,
8. do you wish to close? The question is shall Senate Bill 627 as
9. amended pass. Those in favor will vote Aye. Those opposed will
10. vote Nay. The voting is open. Have all voted who wish? Take
11. the record. On that question, the Ayes are 30, the Nays are 10,
12. 3 Voting Present. Senate Bill 627 as amended having received a
13. constitutional majority is declared passed. Verification has been
14. requested. Will the members please be in their seats. Senator
15. Howard Mohr and others requested a verification of the affirmative
16. votes on Senate Bill 627. Mr. Secretary. Will...Secretary will
17. read the affirmative votes.

18. SECRETARY:

19. Those voting in the affirmative were:

20. Brady, Bruce, Buzbee, Chew, Demuzio, Donnewald, Dougherty,
21. Egan, Fawell, Kenneth Hall, Harris, Hickey, Johns, Joyce, Knuppel,
22. Kosinski, Lane, McCarthy, Morris, Netsch, Newhouse, Nudelman,
23. Palmer, Rock, Shapiro, Smith, Vadalabene, Welsh, Wooten, Mr.
24. President.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Morris on the Floor? He is on the Floor, back with
27. Senator Bloom. Senator Buzbee on the Floor? Senator Buzbee is
28. on the Floor. Senator Harris on the Floor? Is Senator Harris
29. on the Floor? Strike Senator Harris from the roll call. Senator
30. Palmer has moved to postpone Consideration. Consideration will
31. be postponed. Senate Bill 630 on the order of 3rd reading. Senate
32. Bill 630. Senator Knuppel. 630, Mr. Secretary.

33. SECRETARY:

1. Senate Bill 630.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Knuppel.

6. SENATOR KNUPPEL:

7. This bill is designed to change the names of part of the
8. division of the...of the Department of Conservation, to change
9. the name of Division of Parks and Memorials to Division of
10. Land and Historic Sites. It...it is in keeping with the up-
11. coming reorganization of the Department of Conservation. I'm sure
12. this takes into consideration Senator Donnewald's bill, which
13. will create a commission as well, and it provides that monies
14. will be...the purpose of the bill is it will reflect the up and coming re
15. organization which will transfer all lands managed by the Depart-
16. ment into different divisions, under one management division.
17. Also will allow for the deposit of money derived from those lands
18. which are not parks into the Game and Fish Fund. In other words,
19. those monies derived from licenses and so forth will go in the
20. Game and Fish Fund. I think this is in keeping with the thinking
21. expressed here the other day. It's a formal type of bill, probably
22. should have been on the Consent Calandar. I'll request a favorable
23. roll call.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Is there any discussion? The question is shall Senate Bill
26. 630 pass. Those in favor will vote Aye. Those opposed will vote
27. Nay. The voting is open. Have all voted who wish? Take the re-
28. cord. On that question, the Ayes are 42, the Nays are 2, 1 voting
29. Present. Senate Bill 630 having received a constitutional majority
30. is declared passed. 643. Senator Chew on the Floor? I'm sorry.
31. 637. Senator Partee, do you wish 637 called? The appropriation
32. bill. 637, Mr. Secretary, on the order of 3rd reading.

33. SECRETARY:

1. Senate Bill 637.

2. (Secretary reads title of bill)

3. 3rd reading of the bill.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Partee.

6. SENATOR PARTEE:

7. Mr. President and members of the Senate, Senate Bill 637 does
8. precisely what the Calendar says. I'd appreciate a favorable roll
9. call.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Any discussion? The question is shall Senate Bill 637 pass.
12. Those in favor will vote Aye. Those opposed will vote Nay. The
13. voting is open. Have all voted who wish? Take the record. On
14. that question, the Yeas are 53, the Nays are none, none Voting
15. Present. Senate Bill 637 having received a constitutional majority
16. is declared passed. Senator Partee, for what purpose do you arise?
17. SENATOR PARTEE:

18. Let the record show that I intended to vote for my bill and
19. just neglected to do so, and I wanted to do so, and I want to
20. vote in the affirmative.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. The record will so indicate. 643, is Senator Chew on the Floor?
23. Senate Bill 643 on the order of 3rd reading. 661, do you want to...
24. okay. Senator Johns has asked leave to recall Senate Bill 661 to
25. the order of 2nd reading for the purpose of consideration of an
26. amendment. Is leave granted? Senate Bill 661, Mr. Secretary, on
27. the order of 2nd reading. Under consideration is Amendment No. 3
28. to Senate Bill 661. Amendment No. 3, offered from the Floor by
29. Senator Merritt. Senator Merritt.

30. SENATOR MERRITT:

31. Yes, Mr. President, members of the Senate, I'm currently having
32. copies put on the desks of the Senators. I did provide Senator
33. Johns with a copy of the amendment a couple of days ago. What it

1. actually does, I guess it's Senate Amendment, you say, No. 3,
2. Mr. President.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. That is correct. Senate Amendment No. 3, offered by yourself.

5. SENATOR MERRITT:

6. That merely reduces the item for contractual services in
7. international trade activity in the amount of forty thousand dollars,
8. reducing it from three hundred and ninety-three thousand, eight
9. hundred down to three hundred...fifty-three thousand, eight hundred. It
10. was brought out in examining that particular item that the Brussels
11. office, perhaps, proposed in some manner, rather than hiring some people
12. to go on some contractual arrangement with...with some competent, able
13. people down in Iran or Beirut. We just felt like that it was a
14. something that could be proceeded with out of the Brussels office
15. as they have currently done and out of the current budget, and I
16. think that we're being quite modest in cutting it back forty thousand
17. dollars, and I would certainly welcome a favorable roll call vote
18. on this amendment.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Question is the consideration of Amendment No. 3. Any discussion?
21. Senator Buzbee.

22. SENATOR BUZBEE:

23. Mr. President, we're talking about only forty thousand dollars
24. here, but I think this is a very, very important concept. I don't
25. know exactly the genesis of their decision to try to get into the
26. middle eastern markets. But I can tell you for over a year and a
27. half now at the behest of a...an Arab student, a graduate student at
28. SIU who is interested in seeing the opening of an office in the
29. Middle East, an Illinois trade office, because as he put it to me,
30. we, in the Arab countries, need your farm products, need you farm
31. machinery and need your industrial machinery, and you here in Illinois
32. need our oil and need our money. If you've been watching, of course,
33. you know that the Arab world controls a huge portion of the world's

1. money supply right now. I don't pretend to know anything about
2. the intricacies of economics, but it seems to me that it makes
3. very good sense. I've been talking to the Department of Business
4. and Economic Development for quite some time, and the Department
5. of Agriculture about this. They both agree that they think that
6. the concept is a good one. That the return will be many thousands
7. of times our investment of forty thousand dollars or whatever it
8. may be. Now, let me go on just a wee bit further in closing, and
9. say that we worked quite extensively on this budget. We whacked
10. it and whacked it and whacked it, and I think that we did a good job.
11. Senator Egan was in on the working of this. I think we did a good
12. job. I think we ought to resist this amendment because we're not
13. talking about forty thousand dollars of taxpayers dollars. We're
14. talking about maybe ten to twenty to five hundred million or what-
15. ever the case may be in return to the businesses of the State of
16. Illinois for the opening of a little branch office. It's not...
17. they're not going to go into it in a big way. They do want to go
18. into contractual services to hire somebody to open up a little
19. branch office in the Middle East to report to the Brussel office,
20. and I think it's money well, well spent.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Egan.

23. SENATOR EGAN:

24. Thank you, Mr. Speaker. I rise in opposition to your amendment,
25. Senator Merritt, because we've...a very hard working subcommittee has
26. screened this budget extremely carefully and found that it was not
27. wonting, as you say, and we decided to leave this in. As in matter
28. of fact Senator Merritt, I oppose this amendment as...vigorously
29. as I would...oppose a like amendment to the Municipal Problems Com-
30. mission.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Dougherty.

33. SENATOR DOUGHERTY:

1. Thank you, Mr. President. I am in agreement with what Senator
2. Egan has said...and what Senator Buzbee has said. I, too, am a
3. member of that subcommittee, and I can understand very well why
4. Senator Merritt feels as he does. But on the other hand, I must
5. agree with Senator Buzbee and Senator Egan, for the reason there
6. is a need for the location of this office in Beirut and in the
7. Middle East for the reason...immense trade facilities there and
8. opportunity, if you will. However, I'm in agreement with Senator
9. Merritt to this end, that they were less than honest when they
10. approached this office. They were not completely honest with
11. Senator Merritt when this thing was approached, but nevertheless
12. there's no way to beat a dead horse. I do believe that we...budget
13. ...we do need this forty thousand dollars in order to work in the
14. trade in the Far East; and I'm going to resist the amendment, although
15. I think that he has a reason to feel as he does.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Harris.

18. SENATOR HARRIS:

19. Well, Mr. President, I think the issue here is not the amount
20. of money at all. The issue is the integrity and the significance of
21. the commission. Now, no member of this General Assembly has devoted
22. more dedicated service and concern for the development of this depart-
23. ment and the good things that it accomplishes for the entire citizenry
24. of Illinois. And for the department to proceed on this matter with no
25. consultation with the commission, is the real issue here. If the Leg-
26. islative Commission on Economic Development is, in fact, going to be
27. productive and meaningful, then it ought to be just that. If it's
28. going to be ignored, then perhaps we should consider abolishing the
29. commission. And in this Body, there are additional members who have
30. given long hours to the activities and responsibilities of the commis-
31. sion, and I think that's really what's at issue here. Not the dollars
32. involved, not the fact to open a Mid East office or not, but whether
33. in fact there is a basis for our commission to in fact be an effective

1. instrument of this General Assembly.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Latherow.

4. SENATOR LATHEROW:

5. Well, thank you, Mr. President and members of the Senate, I'd
6. only want to recognize, I think, that when our Office of Business
7. and Economic Development is doing these great things for the people
8. of the State of Illinois, they had ought to be willing to let us
9. know about it rather than to have us have to search it out. That's my
10. objection to some things...goes on, and not only this department,
11. but others in government, regardless of politics. I think we
12. shouldn't have to search out this information. I think it should
13. be there available to us.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Johns.

16. SENATOR JOHNS:

17. Mr. President and members of the Senate, I had a very frank
18. discussion with Senator Tom Merritt about this argument, and I
19. don't want to open the wounds any further. I told him that we were
20. together at a commission meeting at which time the subject at hand
21. was brought up, and I told him the time and the place. And I sin-
22. cerely say that as chairman of this commission, he's done an admirable
23. job. We've had the best of relations. I...I hate it a great deal
24. that it's cropped up this way. I think it's just one of those human
25. errors, and the intention was never to...to do any harm or fail to
26. keep the chairman informed, but I was at a commission banquet at
27. which time this very issue was discussed, and I had a great deal to
28. say about it, and I thought he was listening, but he did have some
29. distractions. So I would say to you, Senator Merritt, that as one of
30. the members of the commission and one has worked a great deal with
31. you, that if there's an apology due...if there's an apology due, I
32. would be one of the first to say - we're sorry, Senator Merritt, that
33. there was a misunderstanding, but we do need this money. All of the

1. countries of the world are rushing into this area to seek...thank
2. you, Sam...to seek the benefits that could be derived from an
3. exchange of ideas, an exchange of monies, exchange of people and talents,
4. and so I would say this forty thousand dollars is needed, and I
5. would urge that my colleagues support the refusal of this amendment.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Merritt may close the debate.

8. SENATOR MERRITT:

9. Well, Mr. President and members of the Senate, I hate to...this
10. debate to get into this type of a situation. I've been proud of the
11. fact that our commission for Economic Development a very nonpartisan
12. group, has worked closely with the department over the ~~ten~~ years that
13. we have been in existence. I do not believe we would have a foreign
14. office anywhere today around the world. Illinois would not enjoy
15. that enviable position, if it were not for the positive attitude of
16. our commission toward creating those offices. Brussels has now been
17. operating eight years with a good track record showing good reverse
18. investment. Hong Kong is now on its second year of operation. We
19. look forward to great things there. I think that we can look forward
20. to the South American office in Sao Paulo to be in operation shortly,
21. but this to me learning when a bill...appropriation bill is on 2nd
22. reading in May and having it called to my attention by the Appropria-
23. tions staff that funds are in there, and you can't find them by look-
24. ing for it in the bill, they're buried under all other services, but
25. some fifty thousand to seventy-five thousand are in there not for the
26. purpose of establishing an office in the Middle East, but for the
27. purpose of entering into a contract with some man down there that our
28. present, very able...Arthur Compton of the Brussels office has been
29. servicing. Now, I get a bit disgusted when all these people claim
30. themselves as experts after having served on a subcommittee, when we've
31. worked diligently on this for ten years. And I'm a bit disappointed
32. to think that the people that have been the most staunch supporters
33. of this solid program, Senator Dougherty, Senator Johns, Senator Partee,

1. all of them loyal members of that commission, we've gone forward
2. together on every one of these offices. We've asked for a communi-
3. cation from the department, and I'm sorry that in the meeting this
4. week that the Director was not there and I had to pick on the acting
5. director. He knew in January when the information...when his budget
6. went into BOB that that money was there. We had many commission
7. meetings after that. The Director never informed us at any time
8. that was his intention. I'll be the first to help the Director
9. fight for what is right for increasing our exports and our...of our
10. Illinois agricultural products and manufactured goods, but I'll be
11. the first also to tell him when he lacks to communicate and we've
12. got to learn it the hard way. Now I just want you to know, Ladies
13. and Gentlemen here in the Senate, every dime is in tact. I've heard
14. about it being cut out of that budget. There's over a million dollars
15. in there, a million, hundred and eighty-nine thousand that was never
16. touched in any cuts. This is the first forty thousand that comes out
17. and we will continue to do a good job in that area without it, and
18. this is just money down the drain at a time we shouldn't be thinking
19. in that direction.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. The question is shall Amendment No. 3 to Senate Bill 661 be
22. adopted. Those in favor will signify by saying Aye. Those Opposed.
23. The Noes have it. The amendment fails. All right. Roll call has
24. been requested. The question is the adoption of Amendment No. 3.
25. Those in favor of the adoption will vote Aye. Those opposed will
26. vote Nay. The voting is open. Have all voted who wish? Take the
27. record. On that question, the Yeas are 22, the Nays are 28. The...
28. Amendment No. 3 to Senate Bill 661 fails. Any further amendments?
29. Amendment No. 4...for what purpose Senator Savickas arise?

30. SENATOR SAVICKAS:

31. I thought we were through with the bill, and I...

32. PRESIDING OFFICER: (SENATOR ROCK)

33. We're not. We are not. Amendment No. 4 from the Floor is

1. offered by Senator Shapiro. Senator Shapiro.

2. SENATOR SHAPIRO:

3. Mr. President and Ladies and Gentlemen of the Senate, Amendment
4. No. 4 takes out twenty-four thousand, two hundred dollars for requested
5. new personnel in the Division of Tourism and the related costs such
6. as retirement and social security. It also reduces the amount requested
7. for media advertising by a hundred and twenty thousand dollars. The
8. department has requested an additional amount of a hundred and sixty-
9. five thousand for advertising in FY-76, and this is supposed to be done
10. by radio, so on, and so forth. The department could do much of this
11. advertising by using the public service spots and leaving forty-five
12. thousand should give sufficient monies to...to do any special adver-
13. tising that they need in the next fiscal year. I would urge adoption
14. of the amendment.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Any discussion? Senator Johns.

17. SENATOR JOHNS:

18. Now, Mr. President and my fellow colleagues, ...

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Can we have some order. Will the staff please clear the Floor.

21. SENATOR JOHNS:

22. I talked with Dr. Shapiro, Senator Shapiro, about this and I
23. told him that I would...resist this amendment because this very small
24. department does a monumental task, and as a member of the commission,
25. and one who is very familiar with the department having served in that
26. department, I can tell you that the thrust of that department is often
27. in and through the media. Other states, our sister states, and those that
28. we compete against for industrial development, do a beautiful job on
29. advertising in the trade journals, in the prominent magazines of finan-
30. cial interest and so forth. And I would tell my colleagues that this
31. is a good, sound investment, and I would appreciate their resistance to
32. this amendment.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Further discussion? Senator Wooten.

2. SENATOR WOOTEN:

3. Just as a brief comment. As a media consultant, I can tell
4. you that there is very little space left in most markets for public
5. service announcements. If you want to be assured of using the media
6. properly, you're going to have to buy some time.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Egan.

9. SENATOR EGAN:

10. Yes, Mr. Speaker and members of the Senate, we...as the sub-
11. committee of the Appropriations Committee, looked at this budget very
12. closely, Senator Shapiro, and this...this is relatively a harmless
13. amendment, but let me just say that we felt no need to reduce that
14. tourism budget at all, because of all of the things that the depart-
15. ment does, this is the area that they should be encouraged to do more.
16. And so what you're doing is eliminating one job, and I would resist
17. the amendment only because I don't think...I think it's nit-picking,
18. and I don't think it's necessary.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any further discussion? Senator Shapiro may close the debate.

21. SENATOR SHAPIRO:

22. I just want to ask a question. Who are the members of the sub-
23. committee, Senator Egan?

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Egan.

26. SENATOR EGAN:

27. Senator Buzbee, Senator Dougherty and myself.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Shapiro may close the debate.

30. SENATOR SHAPIRO:

31. I urge a favorable roll call on the adoption of this amendment.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Do you wish a roll call? The question is shall Amendment No. 4

1. to Senate Bill 661 be adopted. Those in favor will vote Aye. Those
2. opposed will vote Nay. The voting is open. Have all voted who wish?
3. Take the record. On that question, the Yeas are 24, the Nays are 26.
4. Amendment No. 4 to Senate Bill 661 fails. Any further amendments?
5. 3rd reading. You wish to call the bill, Senator Johns? Senator
6. Savickas, for what purpose do you arise?
7. SENATOR SAVICKAS:

8. A point of personal privilege, Mr. President. If I could get
9. a little order...I've talked to most of the members on this side of
10. the aisle and a few on the other, and Senator Partee, and it was my
11. consideration, and I would like a consensus of the members here, that
12. when we break from five to seven, we drift back. We don't fully
13. start till seven-thirty, eight o'clock, work till ten with nerves that
14. are frayed and tempers that are short, that it might behoove us to
15. work continually through till seven or seven-thirty. Allow us time
16. then to get out and obtain a decent, reasonable meal and a time to
17. unwind, because what we're talking about is actually two hours of
18. work at night. If I work that extra two hours, I'd just as soon work
19. it straight through so that we can at least live like human beings
20. in the evening and get some rest and relaxation. Our schedule seems to
21. be going...following a good, proper order and I think that the Senators
22. should be allowed this privilege. I would ask your consensus or your
23. opinion, the leadership's opinion, and see if we could work this out.
24. PRESIDING OFFICER: (SENATOR ROCK)

25. You mean immediately. Senator Partee.

26. SENATOR PARTEE:

27. Well, we have tried as diligently as we possibly can to arrange
28. a schedule that met with the approval of the majority of the members.
29. At a point when we were not as crowded as we are now, we had a lunch
30. period and a dinner period, prior to the time we'd come back from
31. committees, we would have a luncheon period. Now, it seems to me that
32. if a schedule is working, it ought not be changed. Now I've talked
33. to several of the members here since Senator Savickas has mentioned this

1. to me, and for example Senator Knuppel, for example, said to me
2. you know, we do need the break. Many members have said we need
3. the break. It's pretty difficult to work straight through from
4. nine o'clock in the morning to eight o'clock at night. We are...
5. we are not taking lunch breaks because of our situation, and it
6. just seems to me that we ought to take that break in the evening.
7. And if you don't believe it, you have to just know that as people
8. get tired, they start leaving here, and if we started working
9. through on a straight, ten hour basis, we are just going to be
10. losing people or we may make some people ill. Now, if we can leave
11. at five each day and come back at seven, I think that's the way
12. it ought to be. We still have action...we have to still act on
13. fifty bills a day to conclude by Friday. And if we...if we start
14. walking away and trying to work through a straight ten hour period,
15. it just isn't going to work out. Five o'clock is a reasonable time
16. to break for dinner. Most people eat light lunches at their
17. desks and go out at five and have a dinner and come back, and I think
18. it has been working. I see no need to change it.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Harris.

21. SENATOR HARRIS:

22. Mr. President, I would rise in support of the schedule that
23. the President worked out in which schedule we had ample notice on.
24. I commend him for the product of sticking to the schedule. I would
25. concur that there are those among us, perhaps more physically en-
26. dowed, that could work through on a ten hour basis, and then take the
27. rest of the day off, but I think on balance that the total membership
28. is better served, and the result of wear and tear physically is reduced
29. and minimized by having the break from five to seven. And I would
30. stand at this point and confirm the effectiveness of the schedule we
31. have been observing. I would think that on balance that really the
32. majority of members concur in meeting this schedule that the President
33. has suggested to us, in which I believe is working effectively.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. And beside that, we have baseball practice tonight. Senator
3. Vadalabene, for what purpose do you arise?

4. SENATOR VADALABENE:

5. Yes, on a point of personal privilege, Sir.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. State your point.

8. SENATOR VADALABENE:

9. While there's this break in the action and pretty soon we will
10. be breaking for dinner tonight, I would like to in...in form of a
11. request to have Senator Partee notify the guards or whoever is on the
12. Floor of the Senate, when the Senators are gone, in the event that
13. their switches are tampered with like my was. Now, this seems funny
14. to some people, but what this is done is that we have had the Secretary
15. of the Senate go over my voting records on the bills today which were
16. voted incorrectly, and now they're going back into the Senate and
17. seeing about bills that I voted on last night to see if I voted on
18. incorrectly. This is a serious matter. No one should have his
19. switches tampered with, and Senator Partee, I hope that in a form
20. of a memo that you get someone to watch our desks when we are away
21. from them. Thank you.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Point's well taken. Senator Harber Hall, for what purpose do
24. you arise?

25. SENATOR HALL:

26. Mr. President, I rise to ask that my name be shown as Senate sponsor
27. on House Bill 182.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. House Bill 182 was previously, I'm informed, picked up by Senator
30. Knuppel. There is agreement. Is leave granted for Senator Hall to
31. be shown as the Senate sponsor, House Bill 182. Leave is granted. So
32. ordered. Senator Mitchler, for what purpose do you arise? We're still
33. on...we're going, you know, we're on 3rd reading. For what purpose do you

1. arise?

2. SENATOR MITCHLER:

3. Well, Mr. President, yesterday when Senate Bill 234 and Senate
4. Bill 235 were called, it was necessary that I was off the Floor on
5. a very important meeting, and I'm not recorded. Had I been on the
6. Floor at that time, I'd like to have the record show that I would
7. be cast as a No vote on Senate Bill 234 and a No vote on Senate Bill
8. 235. Thank...
(The motion is...the motion is to work straight through until)

9. PRESIDING OFFICER: (SENATOR ROCK)

10. The record...the record will so show. On the order of Senate
11. Bills on 3rd reading. Senate Bill 661. Pardon me. I'm sorry. I
12. thought that discussion was over. Excuse me, Senator Nudelman. Usually
13. we stand and seek recognition. Senator Savickas, for what purpose
14. do you arise?

15. SENATOR SAVICKAS:

16. Well, there were a few fellows that were standing to seek
17. recognition to speak on my suggestion.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. And they...and they sat down, Sir.

20. SENATOR SAVICKAS:

21. Well, other people were recognized for intervening business.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Nudelman, for what purpose do you arise?

24. SENATOR NUDELMAN:

25. Point of personal privilege. When the Chair properly conducts
26. the meeting, then people will stand to be recognized. Otherwise,
27. sometimes they sit down.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. I assume so. That's why I made the point. Senate Bill 661.
30. Senator Savickas, for what purpose do you arise?

31. SENATOR SAVICKAS:

32. Am I assuming...assuming then that the vote was two to one,
33. and my suggestion was defeated?

1. PRESIDING OFFICER: (SENATOR ROCK)
2. No, the suggestion was never put in the form of a motion.
3. If you wish it so put, we can have it so put.
4. SENATOR SAVICKAS:
5. Well, put it in the form of a motion then.
6. PRESIDING OFFICER: (SENATOR ROCK)
7. The motion is...the motion is to work straight through until
8. eight o'clock tonight. All those in favor signify by saying Aye.
9. All those Opposed. The Noes have it. The motion fails. On the
10. order of 3rd reading is Senate Bill 661. Senator Johns. Mr.
11. Secretary, read the bill.
12. SECRETARY:
13. Senate Bill 661.
14. (Secretary reads title of bill)
15. 3rd reading of the bill.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Senator Johns.
18. SENATOR JOHNS:
19. Mr. ...Mr. President, I feel that most of the members have
20. their minds made up as to the merits of this bill or any disadvan-
21. tages to it. I would just merely, in order to cut time, call for
22. a favorable roll call.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Any discussion? The question is shall Senate Bill 661 as
25. amended pass. Those in favor will vote Aye. Those opposed will
26. vote Nay. The voting is open. Have all voted who wish? Take the
27. record. On that question the Yeas are 48, the Nays are none, none
28. Voting Present. Senate Bill 661 as amended having received a con-
29. stitutional majority is declared passed. Senator Philip seeks
30. leave to recall Senate Bill 665 to the order of 2nd reading for the
31. purpose of an amendment. Is leave granted. Leave. Senate Bill 665
32. is now on the order of 2nd reading for the consideration of Floor
33. Amendment No. 1 offered by Senator Philip. Senator Philip.

1. SENATOR PHILIP:

2. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
3. Senate Bill 665 amends the Industrial Building Revenue Bond Act. It
4. does two things basically. One, it changes the rate of interest from
5. six to eight percent. Secondly, it permits counties and park districts
6. to issue these bonds. This is a request from the Calumet Industrial
7. Development Commission. What the amendment does, and I'd like to call
8. this the Knuppel Amendment, because Senator Knuppel did the same thing
9. in the 78th General Assembly when he amended the Municipal Code, the
10. Commercial Blight Area Act, and what it says specifically is - Revenue
11. bonds issued solely for the purpose of financing industrial bonding
12. building projects may be sold at private sale. I move the adoption of
13. Amendment No. 1 to Senate Bill 665.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. The question is the adoption of Amendment No. 1 to Senate Bill
16. 665. Any discussion? All those in favor of the adoption of the...
17. Amendment No. 1 to Senate Bill 665 signify by saying Aye. All those
18. Opposed. The Ayes have it. Amendment No. 1 is adopted. Any further
19. amendments? 3rd reading. Do you wish to come back to that right away?
20. Okay. Then just hold it here, Mr. Secretary. 682, Senator Egan. On
21. the order of...Senate Bills on 3rd reading, Senate Bill 682.

22. SECRETARY:

23. Senate Bill 682.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Egan.

28. SENATOR EGAN:

29. Thank you, Mr. President, members of the Senate, if you'll recall
30. just the other day we amended Senate Bill 682 to conform to the wishes
31. of both the chairman and the vice...or the minority spokesman of the
32. ...the committee, and Senator Latherow's staff and our staff have very
33. carefully screened all of the amendments. This bill is now in what I

1. would consider uniform agreement, and our usual bipartisan approach
2. to a...amendments. We carefully studied them, and I...I think every-
3. body is in agreement. Senator Latherow and I would say that this,
4. although, sponsored by the Department of Conservation, deals primarily
5. for the hunters and fishermen and those are the people that had
6. had their voice in the shaping of the bill. I would ask for a
7. favorable roll call.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Any discussion? The question is shall Senate Bill 682 as
10. amended pass. All those in favor will vote Aye. Those opposed will
11. vote Nay. The voting is open. Have all voted who wish? Take the
12. record. On that question, the Ayes are 45, the Nays are none, none
13. Voting Present. Senate Bill 682 as amended having received a consti-
14. tutional majority is declared passed.. Senator Vadalabene, for what
15. purpose do you arise?

16. SENATOR VADALABENE:

17. On a point of personal privilege, Sir.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. State your point.

20. SENATOR VADALABENE:

21. Seated in the Gallery, in the southeast Gallery, is the principal
22. of the Trinity Lutheran School at Edwardsville and his class. Would
23. they please stand and rise for recognition.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Our guests please rise. Senator Hynes, for what purpose do you
26. arise?

27. SENATOR HYNES:

28. Mr. President, before the adjournment hour arrives, and I forget
29. to make the announcement, I'd like to do it now, if I might. There
30. will be a meeting of the Appropriations Committee tomorrow morning at
31. eight o'clock. The meeting that had been tentatively scheduled for five
32. o'clock this afternoon has been cancelled, and all the members have
33. been notified and those involved with the bills. I would, just to make

1. the record clear, I'd like to ask leave for...and make a motion...
2. form a motion for waiver of the six day notice requirement with
3. respect to hearing the following three bills - Senate Bill 1497,
4. Senator Berning, Senate Bill 1487, Senator Rock, House Bill 1173,
5. Senator Buzbee, and I would so move that the six day notice require-
6. ment be waived for these bills to be heard in Appropriations tomorrow
7. morning at eight o'clock, in Room 212.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. You heard the motion. All in favor signify by saying Aye. All
10. Opposed. The Ayes have it. So ordered. On the order of Senate Bills
11. on 3rd reading, Senate Bill 665, Mr. Secretary.
12. SECRETARY:
13. Senate Bill 665.
14. (Secretary reads title of bill)
15. 3rd reading of the bill.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Senator Philip.
18. SENATOR PHILIP:
19. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
20. As I mentioned before, Senate Bill 665 as amended basically does two
21. things. It increases the interest rate on Industrial Building Revenue
22. Bonds from six to eight percent, which we have been doing consistently
23. during this Session. Secondly it permits counties and port districts
24. to issue these bonds. This, once again, was a request from the Calumet
25. Industrial Development Commission. I ask for your favorable considera-
26. tion.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Any discussion? The question is...I'm sorry, Senator Clarke.
29. SENATOR CLARKE:
30. Well, I think it should be pointed out, Mr. President, that we
31. have made several exceptions, as Representative Walsh knows, that
32. we had, a bill about four years ago, Oak Park wanted them all and
33. they wanted a tax exempt unit. Last year Canton came in and Senator

1. Knuppel had a bill and we kind of modified that in order to allow
2. them to do some development of downtown area, and now we are, in
3. effect, talking about a policy decision of the State in terms of
4. giving, in effect, tax free revenue bonds that would have an effec-
5. tive rate as my financial expert to the left of me tells me of
6. anywhere from sixteen to eighteen percent to attract industry. We
7. could go all the way and give an exemption for real estate taxes
8. and get a lot more industry, but I think that you've got to determine
9. what you want to do. So this just isn't another bill. It's a
10. determination of State policy, and I think you ought to look at it
11. that way.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Any further discussion? The question is shall Senate Bill 665
14. as amended pass. Those in favor will vote Aye. Those opposed will
15. vote Nay. The voting is open. Have all voted who wish? Take the
16. record. On that question, the Yeas are 36, the Nays are 4, 1 Voting
17. Present. Senate Bill 665 having received a constitutional majority
18. is declared passed. Senator Demuzio, for what purpose do you arise?

19. SENATOR DEMUZIO:

20. I pushed the wrong button, and I want to be recorded as voting
21. Yes.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. The record will so state that Senator Demuzio wished to be
24. recorded Yes on Senate Bill 665 as amended. On the order of Senate
25. Bills on 3rd reading, Senate Bill 685, Mr. Secretary.

26. SECRETARY:

27. Senate Bill 685.
28. (Secretary reads title of bill)
29. 3rd reading of the bill.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Buzbee.

32. SENATOR BUZBEE:

33. Mr. President, members of the Senate, as Senator Harris knows...

1. as Senator Harris knows, this is a bill whose time has truly come.
2. This one has been around a while, much before my time. Senator
3. Harris asked me the other day if this was the Senator Gilbert bill. I as-
4. sured him that yes, in fact, it was. It was also the Representative
5. Springer bill. The Senator Buzbee bill. The history is that, and
6. I guess, about '71 or '72, Senator Gilbert introduced this bill and
7. it was defeated. In '73 in the Senate...in '73, I introduced it. It
8. was defeated in the Senate, and then in '74 the people who wanted the
9. bill came to me and said - who should we get to sponsor the bill? And
10. I said - well, I think you ought to go to the House this time. Start it
11. in the House, start with a Republican member, because the Republicans
12. controlled both the Senate and the House at that time, and the possibility
13. of passage is much better if you do that. And so they did, and then
14. I found that the Republican Senate...the Republican Legislator they
15. chose was the man who was my opponent, and they took...took my advice
16. too well, and got Representative Springer to handle the bill. He got it
17. passed through the House...got it passed through the House, brought
18. it to the Senate where Senator Weaver and I both worked together on it,
19. and we got it passed through the Senate. Then the Governor vetoed it.
20. So, year number four, we're starting all over again. The bill's just
21. as good as it ever was, better probably. Community Education Act,
22. provides the lighted school house concept where an Act for the planning,
23. and establishment, and expansion of community education programs and to
24. provide grants for the training of directors, thereof. Now, there have
25. been a lot of allegations made about what this bill will or will not
26. do. I seriously doubt that the...the allegations as to what it's going
27. to cost in the future are true. But, let me say that there is
28. Federal Legislation on the books right now which provides quite a bit
29. of Federal money available for those communities and the schools that
30. choose to participate in the community education program. Now, the
31. accompanying appropriation bill was three hundred thousand dollars.
32. I've had people tell me - all right, that's only three hundred this
33. year, but you wait, next year it'll be up to ten million or something

1. like that. Let me assure you, as long as I have anything to say
2. about it, that I will be fighting any raise of that sort, if that,
3. in fact, is attempted in years to come. But I think this is a good con-
4. cept where we can have directors in communities coordinating all
5. of the efforts of senior citizen programs, pre-school programs for
6. the use of...for the use of school facilities and public facilities,
7. park districts, cities and so forth. I think it's a good bill, and
8. I would stand ready to attempt to answer any questions.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Weaver.

11. SENATOR WEAVER:

12. Thank you, Mr. President. I rise in support of this bill.
13. Senator Buzbee has assured me that next year this bill will not be
14. any more than three million dollars, and I think we ought to give
15. the Governor another shot at it.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Any further discussion? The question is shall Senate Bill 685
18. pass. Those in favor will vote Aye. Those opposed will vote Nay.
19. The voting is open. Have all voted who wish? Take the record. On
20. that question, the Yeas are 35, the Nays are 8, 1 Voting Present.
21. Senate Bill 685 having received a constitutional majority is declared
22. passed. 686 on the order of 3rd reading, Senate Bill 686, Mr. Secretary.

23. SECRETARY:

24. Senate Bill 686.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Buzbee.

29. SENATOR BUZBEE:

30. Yes, thank you, Mr. President. Senator Gilbert thanks you,
31. Representative Springer thanks you, and I thank you. The appropria-
32. tion bill is three hundred thousand dollars. One hundred thousand...
33. it's all to be...to be appropriated to the Superintendent of Education.

1. One hundred thousand to go for the training of directors, one hundred
2. thousand for community education grants to community college districts
3. who apply for this program, and for...one hundred thousand for grants
4. to school districts or units of local governments who apply, and I
5. would ask for a favorable roll call.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. ...Any discussion? The question is shall Senate Bill 686 pass.
8. Those in favor will vote Aye. Those opposed will vote Nay. The voting
9. is open. Have all voted who wish? Take the record. On that question,
10. the Ayes are 32, the Nays are 7, 6 Voting Present. Senate Bill 686
11. having received a constitutional majority is declared passed. Senator
12. Hall, for what purpose do you arise? _____

13. SENATOR HALL:

14. I would like leave of the Senate, Mr. President. The other day
15. when the reading of the bills on 1st reading, it was, inadvertently,
16. Senate...House Bill 2210 was assigned to Senator...Hickey instead of
17. to myself. I would like for me to be shown as the principal sponsor.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Hall seeks leave of this Body to be shown as the principal
20. sponsor of House Bill 2210. Is leave granted? So ordered. Senator
21. Regner...Senator Regner seeks leave to move down the line to Senate
22. Bill 767. He has a couple of amendments. He wants to call it back,
23. and he will not call it until tomorrow. He just wants to get the
24. amendments on so people can have a chance to read them. Is leave
25. granted? Senate Bill 767 on the order now of 2nd reading for the
26. purpose of amendments. I explained it. He sought leave of this
27. Body. Amendment No. 3, offered by Senator Regner.

28. SENATOR REGNER:

29. Mr. President and members of the Senate, last week when this
30. bill was discussed on 3rd reading, and I took it out of the record
31. at that time, there was some concern expressed regarding the floor
32. level as to where contractors could be...would come under this bill.
33. In the original bill, it was a hundred dollar work, and the consensus

1. seemed to be when I talked to many of the objectors that a thousand
2. dollars would be a much better floor and this amendment strikes one
3. hundred dollars and inserts one thousand dollars, and I would move
4. for the adoption of Amendment No. 3.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Regner moves the adoption of Amendment No. 3. Any
7. discussion? All those in favor signify by saying Aye. All those
8. Opposed. The Ayes have it. Amendment No. 3 is adopted. Amendment
9. No. 4 offered by Senator Regner. Senator Regner.

10. SENATOR REGNER:

11. There was also some concern expressed by mainly the people
12. at some of our institutions of higher learning on the definition
13. of...residences, and what this does, it eliminates people that build
14. residences over four stories high from coming under this Act, and
15. I move for the adoption of Amendment No. 4 to Senate Bill 767.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator...Senator Regner moves the adoption of Amendment No. 4.
18. Any discussion? Senator Bruce.

19. SENATOR BRUCE:

20. The problem with the amendment, Senator Regner, is I'm...I'm not
21. sure that we don't have one too many nots. The Act does not apply to
22. any person whose business is not related to construction which is less
23. than four stories. Doesn't that mean that it applies only to those
24. that do work over four stories?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Regner.

27. SENATOR REGNER:

28. That's the exact question I asked the Reference Bureau when
29. they drafted this amendment, and they assured me that it was correct
30. in this form.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Bruce.

33. SENATOR BRUCE:

1. Well, it's very late, but I...I am almost certain with the
2. three negatives that you are including, only those people who work
3. above the fourth story.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Regner moves the adoption of Amendment No. 4 to Senate
6. Bill 767. All those in favor signify by saying Aye. All those Opposed.
7. The Ayes have it...The amendment is adopted. Any further amendments?
8. 3rd reading. On the order of Senate Bills on 3rd reading, Senate Bill
9. 692, Senator Demuzio. Senate Bill 692.

10. SECRETARY:

11. Senate Bill 692.

12. (Secretary reads title of bill)

13. 3rd reading of the bill.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator...Senator Demuzio.

16. SENATOR DEMUZIO:

17. Well, thank you very much, Mr. President and members of the
18. Senate, the Calander is absolutely wrong. It says - extends the implied
19. consent provisions to boat operators and establishes new boat for
20. safety regulations. The implied consent part of this bill has been
21. deleted. It has been amended out by Senator Latherow. All this bill
22. does now is to bring the Illinois law in...conform to the Federal law.
23. It defines, makes several definitions on several terms such as personal
24. floatation devices, provides that every motor boat must have a whistle,
25. horn or other appliance capable of producing a...a two second blast
26. audible for half a mile, it provides that at least a fire extinguisher
27. ...readily accessible and in ready condition must be on every motor
28. boat, and I don't think that there are any objections to this bill as
29. of right now, and ask for a most favorable roll call.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Any discussion? The question is shall Senate Bill 692 as amended
32. pass. All those in favor will vote Aye. Those opposed will vote Nay.
33. The voting is open. Senator Bruce, will you vote me Aye please. Have

1. all voted who wish? Take the record. On that question, the Yeas are
2. 42, the Nays are 2, none Voting Present. Senate Bill 692 as amended
3. having received a constitutional majority is declared passed. On the
4. order of Senate Bills on 3rd reading, Senate Bill 697, Senator Kosinski.

5. SECRETARY:

6. Senate Bill 697.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Kosinski.

11. SENATOR KOSINSKI:

12. Mr. President and members of the Senate, this is an exceptional
13. savings bill for the schools. It exempts school districts from State
14. motor fuel tax. With spiraling costs of purchase of motor fuel,
15. school districts throughout Illinois have been hard hit in meeting
16. their obligation. One every effective measure to provide additional
17. dollars for the education of children would be to except the school
18. districts from paying the seven and half cent per gallon for motor
19. fuel tax. Currently the State provides for most of schools' trans-
20. portation cost. Through the fuel tax exemption proposed in Senate Bill
21. 697, schools will be relieved of this obligation, and transportation
22. dollars that must be provided through the General Revenue Fund by the
23. State of Illinois for school expenditures can be reduced. This is
24. sensible legislation, and will be extremely helpful for the school
25. districts as well as the State. And remember, Senators, those children
26. that come to visit us, that you introduce, will be more so because
27. there will be more money available for bussing them here, and this is
28. what we want. I am pleased, Mr. President, to offer this legislation,
29. that it can have so uniform a state-wide affect on all school districts,
30. struggling to provide education services for our children. I thank
31. you, Mr. President.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Bruce.

1. SENATOR BRUCE:
2. Would the sponsor yield to a question?
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Indicates he will yield. Senator Bruce.
5. SENATOR BRUCE:
6. Well, there are two questions that come to mind. First of
7. all what this is going to cost.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Senator Kosinski.
10. SENATOR KOSINSKI:
11. As soon as I get my fiscal note, here. That shouldn't be very
12. long. Eight hundred and twenty-five thousand dollars per year. The
13. Department of Transportation will lose approximately three hundred
14. and thirty-five thousand. The local government losing...a remaining
15. four hundred and ninety thousand. And brother, that's cheap to ed-
16. ucate our children.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Senator Bruce. Senator Bruce. Senator Bruce.
19. SENATOR BRUCE:
20. Senator Kosinski, the other, only other two groups that I know
21. that we exempt from paying motor fuel tax are airplane operators and
22. farmers, because the tax does not pay for their use in the sense that
23. they do not travel upon the highways. Now buses and school districts
24. do travel upon the highways and byways. What is the rationale for
25. excluding them from paying what it costs the...the upkeep of the
26. highway?
27. PRESIDING OFFICER: (SENATOR ROCK)
28. Senator Kosinski.
29. SENATOR KOSINSKI.
30. Well, maybe if you come up with another bill, we'll explain
31. that one. But, right now, I'm interested in saving money for the
32. schools and getting this fuel tax off the school rolls.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Harber Hall.

2. SENATOR HALL:

3. Well, Mr. President, downstate our roads are in pretty rough
4. shape as it is, and I think this infringement into what little
5. revenue they get from the motor fuel tax would be untoward of us
6. downstate. I don't know much about the Chicago schools, but I would
7. point out that it would be a direct loss for the upkeep of our
8. roads. Also I would point out that many of our school buses are
9. operated by private contractors on contract for profit motive. I
10. think they should be expected to pay the...motor fuel tax on gasoline
11. they purchase, just as you and I and every other citizen does. So
12. in the case of user fees, I think we ought to maintain the integrity
13. of those fees and keep them on.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Any further discussion? Senator Kosinski may close the debate.

16. SENATOR KOSINSKI:

17. I'd like to answer the good Senator that many contracted fuel
18. oil or fuel to the schools. These private people get special
19. permits or special permits from the State to not pay sales tax, but
20. our schools who are...do direct business do pay sales tax, and if...
21. I didn't know that before, but I found out now and I never knew that
22. why should one government agency pay tax to another government agency
23. within the State. I would rather see this savings in schools for
24. the education of our children, and I don't think that...I think that
25. investment is just the greatest investment in the world.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. The question is shall Senate Bill 697 pass. Those in favor
28. will vote Aye. Those opposed will vote Nay. The voting is open.
29. Have all voted who wish? have all voted who wish? Take the record.
30. Senator Kosinski moves to postpone consideration. Consideration will
31. be postponed. If we have leave of the Body now, we'll go to the
32. order of resolutions. Senate Joint Resolution 41.

33. SECRETARY:

1. Senate Joint Resolution 41 introduced by Senators Don Moore,
2. Partee and Harris.

3. PRESIDING OFFICER (SENATOR ROCK):

4. Senate Joint Resolution 41, Senator Don Moore.

5. SENATOR MOORE:

6. Mr. ...President, I think we could perhaps save some time if
7. the Secretary would read the resolution.

8. PRESIDING OFFICER (SENATOR ROCK):

9. The...the entire resolution? The entire...

10. SENATOR MOORE:

11. The entire resolution.

12. PRESIDING OFFICER (SENATOR ROCK):

13. The entire resolution. Mr. Secretary.

14. SECRETARY:

15. Whereas the Constitution of the State of Illinois of 1970
16. provides in Article III, Section 5, that: "A State Board of
17. Elections shall have general supervision over the administration
18. of the registration and election laws throughout the State. The
19. General Assembly by law shall determine the size, manner of
20. selection and compensation of the Board. No political party shall
21. have a majority of members of the Board."; and

22. Whereas it was clearly the intent of the framers of the new
23. Constitution of the State of Illinois that the State Board of
24. Elections shall be an independent agency in order to best serve
25. and protect the interests of the people of the State of Illinois;
26. and

27. Whereas the Constitution clearly delegated to the General
28. Assembly the responsibility for determining the manner of selec-
29. tion of the members of the State Board of Elections; and

30. Whereas the General Assembly enacted legislation which was
31. vetoed by the Governor and subsequently overridden, resulting
32. in Public Act 78-918; and

33. Whereas the General Assembly in Public Act 78-918 (Chapter

1. 46, Section 1A-3 of the Illinois Revised Statutes of 1973)
2. provided the following: "In the appointment of the first State
3. Board of Elections the Speaker of the House and the House Minority
4. Leader shall each designate two nominees to serve for a term
5. ending June 30, 1975; and the President of the Senate and the
6. Senate Minority Leader shall each designate two nominees to
7. serve for a term ending June 30, 1977. All nominees to the first
8. Board and all subsequent nominees shall be persons who have
9. extensive knowledge of the election laws of this State. The
10. Governor shall appoint to the Board one of the nominees of each
11. legislative officer. The terms of all subsequent members of the
12. Board, upon expiration of the original terms, shall be for terms
13. of four years. Each member of the Board shall serve until his
14. successor is duly appointed and has qualified."; and

15. Whereas in Section 1A-5, the General Assembly also provided:
16. "An appointment to fill each vacancy and for each new term on the
17. State Board of Elections shall be made from two nominees designated
18. by the same legislative officer and in the same manner as the
19. original appointment for that position. Each appointment to fill
20. a vacancy shall be for the completion of the term of that position.
21. In odd-numbered years, the legislative officer authorized in
22. this Article to designate nominees shall so designate the nominees
23. no later than May 30 and the Governor shall appoint the members
24. no later than June 15. If the Leadership of either the Senate or
25. the House of Representatives shall have changed in such manner
26. that the officer authorized to designate nominees to fill a vacancy
27. is of different political party affiliation from the officer making
28. the prior designation for the vacated position, the other officer
29. of the Senate or House of Representatives, as the case may be, shall
30. designate the nominees to fill the vacancy."; and

31. Whereas, although the General Assembly did provide for
32. appointment of the members of the State Board of Elections by the
33. Governor, such appointing power was limited as set forth above to

1. a selection from two persons nominated by each of the four named
2. legislative officers and therefore in fact represented a selection
3. of one of two persons designated as possible appointees which in
4. itself further indicates the intent of the General Assembly to
5. remove the Governor from any control once the selection had been
6. made; and

7. Whereas the General Assembly in order to further remove the
8. State Board of Elections from any control by the Governor, in
9. 1974 passed legislation to remove the State Board of Elections from
10. the State Personnel Code, which was also vetoed by the Governor and
11. such veto subsequently was overridden by the General Assembly to
12. become law; and

13. Whereas at the 1975 session of the General Assembly Senate
14. Bill 71 has been passed and sent to the Governor to remove the
15. State Board of Elections from any control by the State Department
16. of Finance, and this legislation has not yet been acted upon by
17. the Governor; and

18. Whereas all of the foregoing indicate the clear intent of the
19. General Assembly that the State Board of Elections shall not be
20. construed as part of the Executive Branch of State Government; and

21. Whereas the Illinois Constitution in Article III, Section 5,
22. states that: "No political party shall have a majority of members
23. of the Board.", removal of a member from office until his successor
24. has been appointed and qualified would preclude any action by the
25. remaining three members of the State Board of Elections until such
26. vacancy has been filled, which also could be extremely detrimental
27. to the best interests of the people of the State of Illinois; and

28. Whereas the Governor has seen fit to attempt to remove a member
29. of the State Board of Elections for "neglect of duty" in failing to
30. comply with an executive order of the Governor requiring members
31. of the State Board of Elections to file ethics statements required
32. under such executive order; and

33. Whereas the member attempted to be removed, along with the

1. other members of the State Board of Elections, have all complied
2. with the law requiring filing of ethics statements with the Secretary of State; and

3.
4. Whereas the State Board of Ethics, appointed by the Governor
5. and removable by the Governor at his discretion as part of this
6. executive order, has granted the request by the member of the
7. State Board of Elections for a delay in filing until May 21, which
8. in itself makes the Governor's action in attempting to remove the
9. member of the State Board of Elections premature on its face; and

10. Whereas a temporary injunction has also been issued since the
11. member upon receipt of the letter from the Governor removing him
12. from office, requested such an injunction for the purpose of
13. obtaining judicial determination of the Constitutionality of the
14. Governor's action; now, therefore,

15. BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY,
16. THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN that it is the
17. intent of the Illinois General Assembly that members of the State
18. Board of Elections are not subject to any Executive Order of the
19. Governor; and

20. BE IT FURTHER RESOLVED that it is hereby also declared to be the
21. intent of the Illinois General Assembly that the State Board of
22. Election is an independent agency not subject to the Executive
23. Branch of the State Government in any way; and

24. BE IT FURTHER RESOLVED that it is also the clear intent of the
25. Illinois General Assembly that the power given under Public Act
26. 78-918 to the Governor to "appoint" was limited in fact to a
27. selection between two appointees by each respective leader of the
28. General Assembly and therefore would not be subject to removal by
29. the Governor under any circumstances under Article V, Section 10
30. of the Illinois Constitution of 1970.

31. PRESIDING OFFICER (SENATOR ROCK):

32. Senator Don Moore.

33. SENATOR MOORE:

1. Thank you, Mr. President and members of the Senate. I thought
2. it would be well to read this resolution into the record. I think
3. that we have all seen the resolution. It has been distributed to
4. us, and what we have here, Mr. Chairman or Mr. President, is a
5. matter of legislative intent. During the time that two bills were
6. passed by this Body, Senate Bill 1198 and Senate Bill 1641, I had
7. the honor of being the Chairman of the Senate Committee on Elections
8. and Reapportionment. These two bills were committee bills, and as
9. Chairman of those...those of the committee, I therefore became the
10. head sponsor of these two bills. When the matter came up a few
11. days ago about the alleged dismissal of a member of the State Board
12. of Elections and this resolution was subsequently prepared, I felt
13. that perhaps the best way to ascertain legislative intent would be
14. to go back to the transcript of the two bills that I just mentioned.
15. And what I would like to do at this time, Mr. President, is to
16. quote from the transcript and I'll start off with Senate Bill 1198
17. on October 16th, 1973. This is my quote - "I think this is nothing
18. more than a blatant attempt to grab power of the State election
19. machinery by the Governor, and I don't want to see this Governor or
20. any Governor of the State of Illinois during the term of this
21. Constitution that we're acting under to have this authority." I
22. would like to quote from Senator Dougherty on the same date, and I
23. quote - "I feel now that it is time to resolve this situation and
24. my joining in this attempt to override is without any malice what-
25. soever. It is based upon reasonable consideration of what the
26. Constitution requires." Senator Graham on the same date, and I
27. quote - "I think if our action today means anything, and it should,
28. this should be an indication to the Governor of the State of Illinois
29. that we have in existence on the third floor a legislative branch,
30. and this State has not been so erected or constituted so as to
31. allow the Executive Branch of Government to take over every segment
32. of our society." I would like to now quote from a former colleague
33. of ours, a member of the Constitutional Convention, Congressman...

1. or Senator Marianne Keegan...Betty Ann Keegan, and I quote, and she
2. is now referring to the time when she was in the Constitutional
3. Convention - "I never thought after the battle was over that I would
4. ever lay claim to this difficult language that you read in the
5. Constitution, but the time has come and I must confess that I was
6. the author of the language." I go further with Senator Keegan's
7. statement - "Two years ago, I think it was, you passed a bill or
8. perhaps it was immediately after the Constitutional Convention in
9. which the determination of the members of the Board would have been
10. made entirely by the Legislature. I was terribly upset about this
11. because I felt that the Board stood apart from both the Legislative
12. and Executive Departments." Senator Partee at the same time...
13. Senator Partee also stated that he didn't think, and I quote - "I
14. don't think the Governor was looking for any power grab. I do not
15. agree with that. I think he just got some misinformation by some-
16. one on his staff told him to veto this bill. So, we can correct
17. that for him by overriding the veto and getting the subject behind
18. us." I would like to go on later on, Mr. President, with the over-
19. ride message on Senate Bill 1641, but I would inquire if there are
20. any questions at this time.

21. PRESIDING OFFICER (SENATOR ROCK):

22. Well, rather than consider at this time, Senator Partee and
23. Senator Harris have suggested that since we are going to stand in
24. recess, we could take it up when we get back and give the membership,
25. but now that's it read into the record and the membership knows it's
26. in front of us, we can postpone the actual debate...until we return
27. from our recess. Senator Harris.

28. SENATOR HARRIS:

29. Well, I was just going to suggest, why don't we take a motion
30. to suspend for immediate consideration and then that consideration
31. be scheduled for some time immediately after our convening after
32. the break unless you want to put both matters over until we return.

33. PRESIDING OFFICER (SENATOR ROCK):

1. Senator Partee.

2. SENATOR PARTEE:

3. Well, I wouldn't necessarily say immediately after we return.

4. I would...let's set the hour...we're coming back two hours from

5. the time we leave and let's set it...

6. SENATOR HARRIS:

7. Say 8:00 o'clock then.

8. SENATOR PARTEE:

9. ...Let's set it for one hour after we're...

10. SENATOR HARRIS:

11. Very good.

12. SENATOR PARTEE:

13. ...come back.

14. PRESIDING OFFICER (SENATOR ROCK):

15. All right. No further discussion. The...the Senate will

16. stand in recess. Senator Glass will announce about the ball

17. practice. Senator Glass.

18. SENATOR GLASS:

19. Well, thank you, Mr. President. I would like to announce

20. about the ball practice tonight. It will be immediately after

21. we leave here at Diamond 4 in Lincoln Park. This is a particularly

22. important practice since the uniforms will be distributed tonight.

23. PRESIDING OFFICER (SENATOR ROCK):

24. The Senate will stand now in recess until 7:15 o'clock tonight.

25. (RECESS)

26. (AFTER RECESS)

27. PRESIDENT:

28. The hour of 7:15 having arrived, the Senate will come to order.

29. Committee report

30. SECRETARY:

31. Senator Donnewald, Chairman of Assignment of Bills, ...assigns

32. the following to Committee:

33. Agriculture, Conservation and Energy - House Bills 654, 2395, 2720;

1. Appropriations - House Bills 745, 803, 840, 1042, 1047, 1079,
2. 1086, 1089 and 1092; Education - House Bill 1057; Elections and
3. Reapportionment - House Bills 2706 and 2708; Executive - House
4. Bill 1416; Executive Appointments and Administration - House Bill
5. 2571; Finance and Credit Regulation - House Bill 1041; Insurance
6. and Licensed Activities - House Bill 2286; Judiciary - House Bills
7. 354, 525, 1034, 1789; Labor and Commerce - House Bill 1043, 1044
8. and 1045; Local Government - House Bills 165, 789, 1579, 2709;
9. Pensions, Personnel and Veterans Affairs - House Bill 1055; Revenue -
10. House Bills 182 and 980.

11. PRESIDENT:

12. For what purpose does Senator Savickas arise? _____

13. SENATOR SAVICKAS:

14. For a motion, Mr. President. Motion to take from the Table
15. Senate Bill 618 for the purpose of bringing it to 2nd reading so
16. an amendment could be placed on it. It was a bill that was amended
17. by Senator Graham, and now Senator Graham wishes to remove his
18. original amendment, place another one on it, and pass the bill out.
19. I would, at this point, since I was the sponsor of it, move that we
20. take from the Table Senate Bill 618, place it on 2nd reading for
21. the purpose of amendments.

22. PRESIDENT:

23. Is Senator Graham on the Floor? Is...do we have the amendment?
24. I think we would have to defer that until he arrives, Senator. The
25. amendment is not here, nor is Senator Graham.

26. SENATOR SAVICKAS:

27. Well, I...I've got the amendment here. It was...

28. PRESIDENT:

29. Is this an agreement between you and Senator Graham?

30. SENATOR SAVICKAS:

31. This was a bill that was put in because of people receiving
32. unemployment compensation, then working on training programs funded
33. by the Federal Government. Pres Peden and...

1. PRESIDENT:

2. What I'm saying...

3. SENATOR SAVICKAS:

4. ...and Stan Bernstein from the Manpower office had worked out
5. with Senator Graham a new amendment, and they would like the bill to
6. be brought back so that Senator Graham can place this new amendment
7. on.

8. PRESIDENT:

9. This is an agreed amendment? I see. Fine. Will the Page
10. bring down the amendment, please. The fanciest Page in America.
11. Now, the order of business is taking from the Table Senate Bill 618
12. for the purpose of the offering of an agreed amendment, which amend-
13. ment is proffered by Senator Graham. In his absence, Senator Harris
14. is offering the amendment.

15. SENATOR SAVICKAS:

16. Well, Senator...

17. PRESIDENT:

18. Senator Savickas.

19. SENATOR SAVICKAS:

20. Senator Graham would have to remove the original amendment to
21. place this one on, and...

22. PRESIDENT:

23. We have the bill here. Senate Bill 618. Has someone been sent
24. for it? In the meantime, Senator Savickas, you could be explaining
25. the amendment, Sir. Go Right ahead. We'll get it out of here in
26. a moment.

27. SENATOR SAVICKAS:

28. I don't have the copy amendment in front of me, but the basic
29. question that Senator Graham and many of the members had, was that
30. people that were receiving unemployment compensation and entering
31. a Federal training program to train for jobs, would not exceed the
32. minimum unemployment compensation benefits. This amendment, as now
33. written and agreed to and drawn up by Pres Peden and Mr. Bernstein

1. and okayed by Senator Graham, would insure that those persons on
2. Federal training programs would not draw both the unemployment and
3. the Federal training allowance to exceed the minimum amount of money
4. that they would receive on unemployment.

5. PRESIDENT:

6. The bill will be here presently.

7. SENATOR SAVICKAS:

8. I had an explanation written and distributed to all the
9. members earlier, and, in fact, mine is even missing.

10. PRESIDENT:

11. Senate will be at ease for one moment. For what purpose does
12. Senator Berning arise?

13. SENATOR BERNING:

14. Mr. President, if this is the appropriate time, Senate Bill
15. 1117, which incidentally was inadvertently omitted from the Calendar
16. by the printer. However, it is on 3rd reading. If this is the
17. appropriate time, I'd like to move it back to 2nd reading for the
18. purpose of consideration of an amendment which Senator Savickas and
19. I have. This is also an agreed amendment.

20. PRESIDENT:

21. One...just...just a moment. We'll be right back at you.
22. Now back to the order of Senate Bills off the Calendar to the
23. order of 2nd reading. Senate Bill 618. The bill has an amend-
24. ment. Senator Harris moves that the Amendment No. 1 be Tabled.
25. Having voted on the prevailing side, he moves to reconsider the
26. vote by which that amendment was passed for reconsideration. All
27. in favor say Aye. Opposed Nay. Ayes have it. Senator Harris
28. now moves to Table Amendment No. 1. All in favor will say Aye.
29. Opposed Nay. The amendment is Tabled. Senator Harris now moves
30. Amendment No. 2 to Senate Bill 618. Any further discussion? All
31. in favor will say Aye. Opposed Nay. Amendment No. 2 is adopted.
32. 3rd reading. Now Senator Berning is recognized on Senate Bill 1117.

33. SENATOR BERNING:

1. Thank you, Mr. President, as I mentioned, the Calendar does
2. not show 1117. This is a printer's error. 1117 is on 3rd reading.
3. I'd like leave of the Body to bring it back to 2nd reading for
4. the purposes of an amendment, an agreed amendment which Senator
5. Savickas has and will offer. I think it's on the Secretary's Desk.
6. PRESIDING OFFICER: (SENATOR EGAN)

7. Senator Berning is asking leave of the Senate to return Senate
8. Bill 1117 to the order of 2nd reading for amendment. Is...Is there
9. leave? Leave is granted. Senate Bill 1117 is on the order of 2nd
10. reading. Senator Berning.

11. SENATOR BERNING:

12. Now, then Mr. President, there is on the Secretary's Desk
13. Amendment No. 1...Amendment No. 2 which is an agreed amendment.
14. Senator Savickas and I have gone over this. This will accommodate
15. the pool contractors and the plumbers, and eliminate any point of
16. contention, and I would move for the adoption of Amendment No. 2.

17. PRESIDING OFFICER: (SENATOR EGAN)

18. Is there any discussion? Senator Savickas.

19. SENATOR SAVICKAS:

20. I would also like to join Senator Berning in...stating that
21. this also accommodates the Department of Health, which supports
22. Senate Bill 1117 with this amendment.

23. PRESIDING OFFICER: (SENATOR EGAN)

24. Is there any other discussion on Amendment No. 2 to Senate
25. Bill 1117? Senator Berning moves the adoption of Amendment No. 2
26. to Senate Bill 1117. All in favor will say Aye. Negative No. The
27. Ayes have it. Amendment No. 2 is adopted. Senator Berning. Any
28. further amendments? 3rd...Senator Shapiro, why do you arise?

29. SENATOR SHAPIRO:

30. Mr. President, I would like leave of the Senate to return Senate
31. Bill 1001 from 3rd reading to 2nd for purposes of an amendment.

32. PRESIDING OFFICER: (SENATOR EGAN)

33. Does Senator Shapiro have leave to return Senate Bill 1001 from

SB 699
2nd Reading
5-21-75

- 1. 3rd reading to the order of 2nd reading? Leave is granted. Senator
- 2. Shapiro. Would you explain the amendment?
- 3. SENATOR SHAPIRO:
- 4. Mr. President, Ladies and Gentlemen of the Senate, if you recall
- 5. when this bill was in the record on 3rd reading...Monday, a point arose
- 6. concerning the definition of party membership. Senator Rock raised
- 7. the objection to what the bill, as introduced, had. Between he and I,
- 8. we have worked out the following amendment. Party membership is de-
- 9. fined as having voted in the primary of the party in the last primary
- 10. before appointment. Period. I urge its adoption.
- 11. PRESIDING OFFICER: (SENATOR EGAN)
- 12. Is there any discussion on the amendment? Is there any discussion
- 13. on Amendment No. 1 to Senate Bill 1001? Senator Shapiro moves the
- 14. adoption of Amendment No. 1 to Senate Bill 11001. All in favor say
- 15. Aye. Negative No. The Ayes have it. Senate Amendment No. 1 to
- 16. Senate Bill 1001 is adopted. Any further amendments? 3rd reading.
- 17. PRESIDENT:
- 18. Is there leave to go to the order of Senate Bills on 2nd reading?
- 19. Senate Bill 699, Senator Shapiro.
- 20. SECRETARY:
- 21. Senate Bill 699.
- 22. (Secretary reads title of bill)
- 23. 2nd reading of the bill. No committee amendments.
- 24. PRESIDENT:
- 25. Any amendments from the Floor? 3rd reading. Senator, it's
- 26. almost implicitly understood that if there are members who would have
- 27. one to offer, you could bring it back. Sure. Fine. Thank you
- 28. much. Are there any other members with Senate Bills on 2nd reading
- 29. you desire to move? Senator Welsh.
- 30. SENATOR WELSH:
- 31. 1396, Mr. President.
- 32. PRESIDENT:
- 33. Read the bill.

1. SECRETARY:

2. Senate Bill 1396.

3. (Secretary reads title of bill)

4. 2nd reading of the bill. No committee amendments.

5. PRESIDENT:

6. Any amendments from the Floor? 3rd reading. You can bring
7. it back if they offer any. 3rd reading. Any other members with
8. bills on 2nd reading, Senate Bills on 2nd reading that you desire
9. to call? May we have your attention? The Chair takes note that
10. Senator Roe has returned from some other arduous task. Speech.
11. You want to tell us about the next President?

12. SENATOR ROE:

13. Just briefly, Mr. ...Mr. President. I thank the members of
14. the Senate for their thoughtfulness, and...and I do want you to
15. know that I only had to spend six days in the hospital. But
16. everything else is just fine. Thank you.

17. PRESIDENT:

18. Which means, I hope, that there's some hope for our baseball
19. team this year. Are there members with House Bills on 1st reading
20. you want read a first time and picked up? House Bill 524, Senator
21. Latherow. Read the bill a first time.

22. SECRETARY:

23. House Bill 524.

24. (Secretary reads title of bill)

25. 1st reading of the bill.

26. PRESIDENT:

27. House Bill 690, Senator Glass.

28. SECRETARY:

29. House Bill 690.

30. (Secretary reads title of bill)

31. 1st reading of the bill.

32. PRESIDENT:

33. House Bill 714, Senator...Senator Course.

1. SECRETARY:
2. House Bill 714.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. PRESIDENT:
6. House Bill 876, Senator Palmer. 876, read the bill.
7. SECRETARY:
8. House Bill 876.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. PRESIDENT:
12. House Bill 1069, Senator Vadalabene.
13. SECRETARY:
14. House Bill 1069.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. PRESIDENT:
18. House Bill 1162, Senator Vadalabene.
19. SECRETARY:
20. House Bill 1162.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDENT:
24. House Bill 2203, Senator Lane.
25. SECRETARY:
26. House Bill 2203.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. PRESIDENT:
30. House Bill 2728, Senator Netsch.
31. SECRETARY:
32. House Bill 2728.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDENT:
3. House Bill 2729, Senator Netsch.
4. SECRETARY:
5. House Bill 2729.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDENT:
9. House Bill 2730, Senator Netsch.
10. SECRETARY:
11. House Bill 2730.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDENT:
15. House Bill 2731, Senator Netsch.
16. SECRETARY:
17. House Bill 2731.
18. (Secretary reads title of bill)
19. 1st reading of the bill.
20. PRESIDENT:
21. House Bill 2733, Senator Netsch.
22. SECRETARY:
23. House Bill 2733.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. PRESIDENT:
27. House Bill 2734, Senator Netsch.
28. SECRETARY:
29. House Bill 2734.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. PRESIDENT:
33. House Bill 2735, Senator Netsch.

1. SECRETARY:
2. House Bill 2735.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. PRESIDENT:
6. House Bill 2736, Senator Netsch.
7. SECRETARY:
8. House Bill 2736.
9. (Secretary reads title of bill)
10. 1st reading of the bill.
11. PRESIDENT:
12. House Bill 2738, Senator Netsch.
13. SECRETARY:
14. House Bill 2738.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. PRESIDENT:
18. House Bill 2737, Senator Netsch.
19. SECRETARY:
20. House Bill 2737.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDENT:
24. House Bill 2968, Senator Netsch.
25. SECRETARY:
26. House Bill 2968.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. PRESIDENT:
30. House Bill 1095, Senator Lane.
31. SECRETARY:
32. House Bill 1095.
33. (Secretary reads title of bill)

1. 1st reading of the bill.
2. PRESIDENT:
3. House Bill 1707, Senator Welsh.
4. SECRETARY:
5. House Bill 1707.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDENT:
9. House Bill 2914, Senator Lane.
10. SECRETARY:
11. House Bill 2914.
12. (Secretary reads title of bill)
13. 1st reading of the bill.

- 14.
- 15.
16. (Continued on next page)

- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.

1. PRESIDENT:

2. The Chair recognizes Senator Kosinski. Has the Chair leave to
3. return to the order of resolutions? Take that out of the record.
4. The Chair would just like to say while we pause for a moment how much
5. we appreciate your being here so that we do not waste any time, we
6. are doing things which have to be done either now or at a later time.
7. When sometimes before all the members arrive, we're able to move
8. bills on 1st reading and other mundane tasks, and it helps us to move
9. along in accordance with what we've planned. I want you to know I
10. appreciate it, and I think it will be better for all of us in the end.
11. Senate Bills on 3rd reading. Senate Bill 724, Senator Nimrod. Are
12. you negotiating? You want to pass the bill? Thank you. Senate
13. Bill 726, Senator McCarthy. Senate Bill 739, Senator Berning.

14. SENATOR BERNING:

15. Well, Mr. President, I'm anxious to move on Senate Bill 739.

16. PRESIDENT:

17. You desire we read the bill at this time?

18. SENATOR BERNING:

19. I'm just curious with a...a dearth of membership, if a person
20. is taking an...unwarranted, calculated risk.

21. PRESIDENT:

22. A quorum is present. I'll let you be the judge of that, Senator.

23. SENATOR BERNING:

24. Let's call the bill. I...I think that there have been all the
25. questions resolved. We ought to have no difficulty.

26. PRESIDENT:

27. Read the bill.

28. SECRETARY:

29. Senate Bill 739.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Berning.

1. SENATOR BERNING:

2. Thank you, Mr. President. This 7...Senate Bill 739 enacts
3. the Physicians' Assistants Practice Act. It defines the physician's
4. assistant and sets out the requirements for such an individual.
5. Specifically requires the degree of training and the certification
6. procedure that he must go through with the Department of Registration
7. and Education. We have amended it to accommodate the objections that
8. had been raised in the past. We have now the agreement of the other
9. health care organizations, Senator Davidson speaking for one segment.
10. In the conference committee or rather the subcommittee activity, we
11. worked out the amendments to accommodate the differences, and the Nurses'
12. Association has agreed that they have no objection. So, at this
13. point, Mr. President, unless there are questions which I will attempt
14. to answer, I would appreciate a favorable roll call on 739. There
15. are now thirty-five states which have such a program, and I'd like
16. to see Illinois join these.

17. PRESIDENT:

18. Any further discussion? Senator Smith.

19. SENATOR SMITH:

20. It isn't often...it isn't often, Mr. President, as you know, that
21. I take the Floor either for or against a Senator's bill. I don't
22. know what's wrong. I'm talking...

23. PRESIDENT:

24. You're not close enough or something, Senator. Put it up just
25. a little.

26. SENATOR SMITH:

27. Now...now it's live. Is it alive now?

28. PRESIDENT:

29. Yes, Sir.

30. SENATOR SMITH:

31. Yes, I...I repeat. I said that it isn't often that I take the
32. Floor to voice my opinion either for or against the bills that are
33. sponsored by my fellow Senators. In this instance, I should like to

1. make it clear that I'm heart and soul in favor of this bill sponsored
2. by the Senator on the other side of the aisle, Senator Berning. I
3. remember and recall as I stand here when this type of legislation was
4. first presented to the Senate. At that time, I opposed it with all
5. of my might and strength, but I have sense enough to know, Mr. Presi-
6. dent, that when the time has come or arrived for a given thing, that
7. time is right and should not needlessly be opposed. I take it,
8. Senator, that the physician may have, I note the Calendar says - an
9. assistant - and I hope that's true, but occasions and experience plus
10. the considerable pile about...considerable mail that I received in
11. favor of this particular bill as against former years when it was
12. altogether impossible to read all of the mail that came in opposition
13. to it. I merely rise to say that I...I agree with the Senator with
14. regards to this bill though we've had considerable differences in the
15. past, and to express the hope that the members on this side of the
16. aisle will support this particular bill.

17. PRESIDENT:

18. Any further discussion? Senator Wooten.

19. SENATOR WOOTEN:

20. Mr. President and colleagues, I want to voice nothing that I
21. can put in purely concrete instances, but a lingering fear concerned
22. with this legislation, and I want you to...to think ahead now to
23. another bill that we're going to consider, 1024 on medical malpractice.
24. I think it is legitimate to worry about what may happen in ghetto
25. areas, and what may develop if we...if we permit physicians this kind
26. of help, and at the same time, reduce the problem of malpractice. I
27. fear that something may come out of these two which is not altogether
28. salutary for the health and well-being, particularly, of people in
29. ghettos and in sparsely populated areas. There is no question that
30. we have a shortage of doctors. In my area, a high percentage of all
31. our doctors are sixty-five years or older, and it's going to get just
32. worse and worse for us. In part, this arises from the fact the doctors
33. have protected their profession by, in the past, limiting admissions

1. to medical schools, and I think regardless of what they say, this
2. is still a problem. But to approach the problem this way, I think,
3. may launch us into a direction that is going to prove detrimental
4. to the health and well-being of people in ghettos, possibly in rural
5. areas. If you couple that with the easing of malpractice responsibi-
6. lity, and I think you may have the makings of a truly enormous problem.

7. PRESIDENT:

8. Senator Davidson.

9. SENATOR DAVIDSON:

10. Mr. President and members of the Senate, I'd like to rise in
11. support of this bill, and I, the same as Senator Smith, three years
12. ago opposed this legislation, because it did not have the necessary
13. safeguards in it. Today, after compromise, and in starting in '73
14. and '74, now '75 of allied professions have been involved in this,
15. with the training that is now put forth certification and certification
16. of individuals who may be an...assistant, the medical doctor or who-
17. ever the attending physician is must be responsible for whoever's
18. working under his jurisdiction, and he's certainly not going to put
19. some yo-yo out there that's going to make mistakes that's going to
20. open up a malpractice to him. I urge all of you to vote for this
21. legislation.

22. PRESIDENT:

23. Any further discussion? The question is shall Senate Bill 739
24. pass. Those in favor will vote Aye. Opposed Nay. The voting is
25. open. Have all voted who wish? Take the record. On this question,
26. the Ayes are 37, the Nays are none, 8 Voting Present. Senate Bill
27. 739 having received a constitutional majority is declared passed.
28. Senate Bill 767, Senator Regner. Senate Bill 809, Senator Kosinski.

29.

30.

(Continued on next page)

31.

32.

33.

1. SECRETARY:

2. Senate Bill 809.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. SENATOR KOSINSKI:

6. Mr. President and Honorable Senators, Senate Bill 809, if you
7. want to use the word concocted, together with the administration
8. as well as the currency exchange people, this bill amends the Currency
9. Exchange Act to increase fees for both community and ambulatory
10. trucks, et cetera, currency exchanges, and allows them to sell food
11. stamps, lottery tickets and mass transportation tokens. Also, it
12. specifies the procedure whereby the Director of the Department of
13. Financial Institution, upon receiving a complaint, may require a
14. hearing. That is the synopsis of the bill, and if there are any
15. questions, I'm available.

16. PRESIDENT:

17. Senator Shapiro.

18. SENATOR SHAPIRO:

19. Mr. President, Ladies and Gentlemen of the Senate, I'm rising
20. to oppose this bill just from one aspect only. Again the State of
21. Illinois in the name of the people has...amending the law to discrimi-
22. nate against one businessman in the State, by requiring the mobile
23. or the ambulatory currency exchanges to pay an investigation fee where-
24. by prior to this time they have not. Since this one businessman
25. has a number of locations, and every year, in order to gain more
26. business, asks for permits for as many as thirty to forty new loca-
27. tions, it would mean to him a considerable expenditure of quite a
28. few dollars, because of that one aspect in the bill, I am going to
29. oppose the bill, and I would ask everyone in this Body to do like-
30. wise.

31. PRESIDENT:

32. Any further discussion. Senator Kenneth Hall.

33. SENATOR HALL:

1. Would the sponsor yield for a question?

2. PRESIDENT:

3. He indicates he'll yield.

4. SENATOR HALL:

5. Senator, I'm not opposed to your bill, but when you're saying
6. we have a currency exchange down in our area already, and they're
7. selling food stamps. Isn't the law already...isn't that already
8. the law? Well, the thing that I'm asking is this, now, when you
9. said you're increasing fees. Does that mean that the people are
10. going to have pay more to get their food stamps or...or...is this...
11. this is state-wide, isn't it? Or is this just applied to the City
12. of Chicago?

13. SENATOR KOSINSKI:

14. No, this is state-wide, but this doesn't say anywhere about
15. the raising any fees for stamps or currency exchange checks. As
16. far as service is concerned, I...I...I have nothing like that in
17. the bill. The only thing that raises is the license fees.

18. SENATOR HALL:

19. Oh.

20. SENATOR KOSINSKI:

21. And if you care to hear which fees are involved, I'd be very
22. happy to announce them.

23. SENATOR HALL:

24. Okay. Okay. I...I...

25. PRESIDENT:

26. Any further discussion? The question is shall Senate Bill 809 pass.
27. Those in favor will vote Aye. Opposed Nay. The voting is open.
28. Let the record show that the President votes Present, having a con-
29. flict of interest. Have all voted who wish: Senator Kosinski.

30. SENATOR KOSINSKI:

31. Mr. President, it doesn't look like it's getting anywhere here.
32. Twenty-two, twenty-four, twenty-five...

33. PRESIDENT:

1. Motion to postpone is...
2. SENATOR KOSINSKI:
3. Postpone.
4. PRESIDENT:
5. Senate Bill 814, Senator Vadalabene.
6. SECRETARY:
7. Senate Bill 814.
8. (Secretary reads title of bill)
9. 3rd reading of the bill.
10. PRESIDENT:
11. Senator Vadalabene.
12. SENATOR VADALABENE:
13. Yes, thank you, Mr. President and members of the Senate, Senate
14. Bill 814 creates an Act in relation to the installation of elevators
15. in buildings. First of all, it would require a two key switch to be
16. provided at the main floor of each single elevator and each group of
17. elevators. It would provide that when an elevator is operated, the
18. key switch shall put the elevator on an emergency service, at which
19. time the elevator shall be operative only by a person in the car. This
20. morning, we adopted...Amendment No. 1 to Senate Bill 1814, which makes
21. the bill quite palatable. And what it did was that buildings for
22. wich construction commences after...after December 31, 1975 shall
23. be constructed in compliance with this Act. Buildings in existence
24. or under construction on December 31st, 1975, shall be brought into
25. compliance with this Act not later than January 1st, 1979. This
26. is sponsored by the Illinois Fire Association, and I would appreciate
27. a favorable vote.
28. PRESIDENT:
29. Any further discussion? The question is shall Senate Bill 814
30. pass. Those in favor will vote Aye. Opposed Nay. The voting is
31. open. Have all voted who wish? Take the record. On this question,
32. the Ayes are 42, the Nays are 1, 3 Voting Present. Senate Bill 814
33. having obtained a constitutional majority is declared passed. Senate

1. Bill 819, Senator Knuppel. Senate Bill 820, Senator Rock. Senate
2. Bill 824, Senator Knuppel. Senate Bill 828, Senator Egan.

3. SECRETARY:

4. Senate Bill 828.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDENT:

8. Senator Egan.

9. SENATOR EGAN:

10. Thank you, Mr. President and members of the Senate. Senate
11. Bill 828 amends the Professional Engineering Act to delete the ex-
12. emption already in the Act for manufacturers of industrial or consum-
13. er products which...or equipment that are of a mechanical, electri-
14. cal, hydraulic, nematic or thermal nature insofar as they involve
15. the safeguarding of life, health or property and the means for the
16. control of...environmental pollution. What this bill does, is
17. require that those manufacturing institutions have a supervising,
18. professional, registered engineer to certify the design of the equip-
19. ment or manufactured items that are contained within those terms
20. just used. And it requires that those corporations file with the
21. Department of Registration and Education the names of those register-
22. ed engineers in the company. This bill is...it's passed the Execu-
23. tive Committee by a roll...by a vote of eight Ayes and two Nays and
24. two Voting Present. The only opposition that I have heard from to
25. date are from the Caterpillar Corporation and the General Electric
26. Corporation, and I do think that their fears could alleviated by
27. the explanation of the...my interpretation of the bill, that all they
28. need in either corporation would be a supervising, registered engineer
29. to certify to the design of those operations within the corpora-
30. tion. And if there...I would ask that you favorably consider the
31. piece of legislation. I'm available for questioning.

32. PRESIDENT:

33. Senator Harris.

1. SENATOR HARRIS:

2. Mr. President, members of the Senate, I think this is another
3. example of handcuffing the present and satisfactory operation of
4. literally thousands upon thousands of daily determinations of these
5. engineering requirements in the house shops of existing businesses.
6. This, as far as I'm concerned, meets this particular piece of legis-
7. lation, meets the test of special interest legislation in behalf of
8. the Illinois Society of Professional Engineers. There isn't any
9. question in my mind but what the present safeguards of liability
10. are there today as appropriate safeguards of the in-house engineer-
11. ing requirements of the thousands upon thousands of daily determina-
12. tion in the industrial production activities that go on in Illinois.
13. And if Senate Bill 828 becomes law, the dislocation and frustration
14. and ham stringing result will just be one more expression of public
15. policy to put the handcuffs on legitimate and responsible, economic
16. activity. I think this is a bad bill and ought to be rejected.

17. PRESIDENT:

18. Any further discussion? Senator Latherow.

19. SENATOR LATHEROW:

20. Well, Mr. President, I hesitate to say anything concerning
21. this legislation, but I would want to recognize that in this, I
22. think, there's a requirement for almost every piece of equipment
23. with a motor on it to have some stamp of general approval by a
24. special engineer. I think, without question, most every plant that
25. produces this type of equipment does have many qualified people
26. in the engineering business within it, and I see no necessity
27. of adding an additional one to put his name and stamp of approval
28. on the finished product.

29. PRESIDENT:

30. Any further discussion? Senator Nimrod.

31. SENATOR NIMROD:

32. Mr. President and fellow Senators, as an engineer and a business-
33. man who has hired engineers and has had my own plant, and I am...been...

1. been the consultant for some time. There's no requirement that a
2. engineer who graduates from school become a professional engineer.
3. It has always been traditional, as a professional engineer, to pick
4. a man for either civil engineering or structural engineering, and
5. in those areas, these professional engineers are required to put a
6. stamp of approval on on various projects. However, the thousands
7. and thousands of engineers who are employed into industry, and since
8. those days, engineering has branched into many specialized fields.
9. And in any number of manufacturing products, including the plastic
10. industry, including the metal and the...industry, and of course the
11. wood industry, they've come up with various manufacturing projects,
12. and then you're going to force these people to go out and seek a-
13. nother license when they already are meeting the standards for
14. safety, for health, for product requirement, product safety, meet-
15. ing underwriter's requirements. It's certainly a requirement that
16. really would add nothing except for a particular, specialized group
17. has been mentioned. And I'm an engineer, I'm among the group,
18. and I just do not believe that this kind of approach would be the
19. right answer. I did talk to the representatives for...from this
20. particular...I'm sorry I didn't get a chance to talk to Senator
21. Egan about it, but I just think that this would certainly be an add-
22. ed requirement that is thoroughly unnecessary, and certainly very
23. costly and provide for a specialized group.

24. PRESIDENT:

25. Any further discussion? Senator Egan may close the debate.

26. SENATOR EGAN:

27. Yes, thank you, Mr. President. I will be brief, but I would
28. like to answer those objections. I do agree, Senator Nimrod, that
29. there are many, many engineers in Illinois that are not registered
30. and are good and they're as good as the professional, registered
31. engineers that exist. However, we have no standard, and if they are
32. as good as they are, they should not have any trouble becoming re-
33. gistered if the need arises as a result of this legislation. But,

1. what it does, it does set a floor on the requirements for those
2. people in Illinois who have a say over designing equipment that
3. could be harmful to our citizens. And the intent of the bill is
4. to make equipment which is sold, electrical equipment, mechanical
5. equipment, to make sure that that equipment when it arrives at the
6. shelf of the store where it is sold, has at least the stamp of an
7. approved engineer who has made the test of Illinois and has his
8. stamp on the item so that the safety features have been built into
9. it before they're sold, rather than waiting until afterwards for a...
10. for a law suit. There are numerous examples which I won't go into
11. of items sold in Illinois that do not have such an approval. And
12. that has caused harm. And the intent of the bill is not to
13. handicap industry. It's not to dislocate industry or handcuff
14. industry. The idea is merely to provide for a safety mechanism with-
15. in Illinois, industrial, manufacturing companies as simply as possible
16. to provide for...for the safety of devices that are sold, and I
17. would ask for your favorable consideration.

18. PRESIDENT:

19. The question is shall Senate Bill 828 pass. Those in favor
20. will vote Aye. Opposed Nay. The voting is open. Have all voted
21. who wish? Take the record. On this question, the Ayes are 18,
22. the Nays are 21, 5 Voting Present. Senate Bill 828 having failed
23. to receive a constitutional majority is declared lost. Senate Bill
24. 829, Senator Egan.

25. SECRETARY:

26. Senate Bill 829.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDENT:

30. Senator Egan.

31. SENATOR EGAN:

32. Mr. President, the following four bills...five bills, are a
33. package of bills involving the establishment of the mutual trust

1. fund for those lending institutions which cannot now utilize the...
2. the common trust fund. I am really not...I've been asked to hold
3. these until tomorrow, if it doesn't...

4. PRESIDENT:

5. Take it out of the record. Senate Bill 837, Senator Lane.

6. SECRETARY:

7. Senate Bill 837.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Lane.

12. SENATOR LANE:

13. Mr. President, members of this Senate, Senate Bill 837 amends
14. the Illinois Mobile Home Safety Act, by adding manufactured housing
15. to the jurisdiction of the Act. Provides for a code of standards
16. and requirements for manufactured homes in addition to the...the
17. code for mobile homes. Changes violation of the Act from a Class C
18. to a Class B misdemeanor, and provides for enforcement by the State's
19. Attorney or Attorney General and for injunction. Creates an advisory
20. council for mobile homes and manufactured housing. If there's any
21. questions, fire away.

22. PRESIDENT:

23. Any further discussion? The question is shall Senate Bill 837
24. pass. Those in favor vote Aye. Those opposed Nay. The voting is
25. open. Have all voted who wish? Take the record. On this question,
26. the Ayes are 44, the Nays are none. Senate Bill 837 having received a
27. constitutional majority is declared passed. Senate Bill 845, Senator
28. Berning.

29. SECRETARY:

30. Senate Bill 845.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

1. Senator Berning.

2. SENATOR BERNING:

3. Thank you, Mr. President. Let me call the attention of the
4. Senate to the change in 845 by the amendment the...Calendar is
5. absolutely not what the bill does. The bill now, by virtue of the
6. amendment, provides that an employee reinstated for...for a period
7. for which he was suspended or discharged shall receive full com-
8. pensation for such periods notwithstanding the fact that any per-
9. son was employed to perform any duties of that employee during a
10. time of such suspension or discharge. But it does not include
11. amounts earned by the employee from other sources of income. In
12. other words, we have had employees who have been discharged or sus-
13. pended and ultimately reinstated, and there has been no provision
14. for that employee to be paid the past - due compensation which he
15. rightfully is entitled to. Now the Court of Claims in citing two
16. court cases reducing employee payment by the amount paid to replace-
17. ment employees, is what necessitates this Senate Bill 845 now as it
18. is amended, so as to assure that the reinstated employee is paid
19. all of the lost wages where that discharge or suspension was through
20. no fault of the employee. Mr. President, I'll be happy to attempt
21. to answer questions, but I believe that this is legislation for the
22. well-being of our State employees.

23. PRESIDENT:

24. Any further discussion? The question is shall Senate Bill 8...
25. Senator Rock.

26. SENATOR ROCK:

27. Thank you, Mr. President. If the sponsor will yield?

28. PRESIDENT:

29. Indicates he will.

30. SENATOR ROCK:

31. The problem that I have with the bill is the amendment, frankly.
32. Are you aware of what the amendment says?

33. PRESIDENT:

1. Senator Berning. Senator Berning.

2. SENATOR ROCK:

3. I mean specifically. Just...just so you know where I'm
4. coming from. Specifically, the amendment says that we now are
5. going to attempt to make a statutory policy of this State, that
6. if I am reinstated after having been wrongfully discharged, if,
7. in fact, some department puts somebody in in my place, I do not,
8. in fact, get back salary because the amount of salary they paid
9. to my replacement is a set-off. That's, frankly to me, doesn't make
10. any sense.

11. PRESIDENT:

12. Senator Berning.

13. SENATOR BERNING:

14. I question whether Senator Rock has the latest amendment.
15. The first amendment was poorly drafted and that amendment was not
16. adopted. It was discarded, and the second amendment which, incident-
17. ally, has been worked out between the staff on your side and the
18. staff on this side, I believe does answer the point you raise.

19. PRESIDENT:

20. Any further discussion?

21. SENATOR ROCK:

22. No. You...I...I just want the Senator to know. You have,
23. in fact, solved the problem. And the amendment is a good one, and
24. I...you have my full support.

25. PRESIDENT:

26. The question is shall Senate Bill 845 pass. Those in favor
27. will vote Aye. Those opposed Nay. The voting is open. Have all
28. voted who wish? Take the record. On this question, the Ayes are
29. 51, the Nays are none. Senate Bill 845 having received a constitu-
30. tional majority is declared passed. Senate Bill 863, Senator Wooten.

31. SECRETARY:

32. Senate Bill 863.

33. (Secretary reads title of bill)

1. 3rd reading of the bill.

2. PRESIDENT:

3. Senator Wooten.

4. SENATOR WOOTEN:

5. Mr. President, before we begin, I would appreciate very
6. much if our carillonneur would sound the bell so we can summon the
7. troops. Marvelous. The bill is not at all controversial, but
8. I figured we ought to have a unanimous vote on this and no one
9. would want to be left out. Let me say first of all that the
10. earlier demise of Senate Bill 546 makes this bill most attractive
11. to the two major groups that were opposing it, the private colleges,
12. the...I should say the teacher colleges and the IFT. The reason
13. being that the IFT is represented on the present certification
14. board way beyond their proportions, and this gives some consolation
15. to the teacher colleges who requested an amendment which we placed
16. on it. All right, now to the bill itself. What the bill does is rec-
17. ognize the change that has taken place in the office of Superinten-
18. dent of Public Instruction. Under the present situation, which is
19. a carry-over from those days when he was a constitutional officer,
20. the State Certification Board advised, and the State Superintendent
21. executed. He had the power to grant certificates. Since he has lost
22. his constitutional standing, and is now an employee and agent of the
23. State Board of Education, it seems only appropriate that those posi-
24. tions be reversed, that the Superintendent advise the State Board of
25. ...the Certification Board and that the Certification Board have
26. power to make rules and regulations. Now, this switch, which seems
27. logical enough, bothers some of the colleges who have teacher train-
28. ing programs. They are afraid that the Certification Board is going
29. to take some steps to do something to cut down the number of teachers.
30. We have so many teachers produced, only one in six is hired, that is
31. a legitimate fear, because the Certification Board is doing that to-
32. day. In order to give them an appeal to a higher authority, we have
33. amended the bill, with their advice, so that any decision by the

1. State Certification Board is subject to review by the State Board
2. of Education. The only opposition that remains to this is some residing
3. around the Superintendent who would like to keep things as they were
4. in the old days, but the old days are gone. That office has changed,
5. and this legislation recognizes that fact. I'll be glad to answer
6. any questions.

7. PRESIDENT:

8. Dr. Glass...Senator Glass.

9. SENATOR GLASS:

10. Thank you, Mr. President and Senators, the amendment that
11. Senator Wooten put on this bill allowing appeals from the Certifi-
12. cation Board which would be composed of teachers, at least in part,
13. appeal to the State Board, I think, does improve it. But in my judgement,
14. it still is a bad bill. The State Board of Education should be the
15. agency in charge of certification of teachers. We have just created
16. this board. I think it has had good general public acceptance, and
17. before it gets off the ground, we are faced with a challenge to its
18. authority in the form of this bill, which would remove the certifica-
19. tion authority from the board and...and give it to the teachers
20. certification board instead. I think we ought to leave this power
21. with the State Board, and I would urge a No vote on Senate Bill 863.

22. PRESIDENT:

23. Any further discussion? Senator Mitchler.

24. SENATOR MITCHLER:

25. Mr. President, members of the Senate, I'd like to ask the...
26. sponsor of this bill a question.

27. PRESIDENT:

28. He indicates he'd like you to ask him, Senator. He...

29. SENATOR MITCHLER:

30. Senator Wooten, where did you get this bill? Who wants this
31. bill?

32. PRESIDENT:

33. Senator Wooten.

1. SENATOR WOOTEN:

2. The teachers in my district and the Illinois Education
3. Association. I might also add by the way that...Senator Glass...
4. Senator Glass, if I may respond, the power to certify is in the
5. Superintendent of Public Instruction not the Board of Education.
6. So the Board of Education doesn't have that power now. See, that's
7. one of the problems here. That was plain a misstatement, I am sure
8. you didn't realize that. Go ahead, Senator.

9. SENATOR MITCHLER:

10. You were approached by the Illinois Education Association
11. to sponsor this bill?

12. PRESIDENT:

13. Senator Wooten.

14. SENATOR WOOTEN:

15. Senator, you may find this amazing, but I regularly meet with
16. diverse groups in my area including teachers, and this subject was
17. brought up some time ago as they began looking forward to the change
18. in the Office of Superintendent of Public Instruction. I might
19. say they were a little more farseeing in their vision than people
20. in that office.

21. PRESIDENT:

22. Any further discussion...

23. SENATOR MITCHLER:

24. That may be a matter of opinion of yours, Senator. But I
25. just wanted to know who...who...who handed you this bill to sponsor.

26. PRESIDENT:

27. Is that a rhetorical question? Senator Glass, again. Second
28. time, Senator Glass.

29. SENATOR GLASS:

30. Thank you, Mr. President. Only...only to respond to Senator
31. Wooten purported to correct my earlier statement when I said that
32. the State Board of Education does have authority for...for certifi-
33. cation. I stand by that statement, because under the new constitution

1. and under the legislation creating this State Board, the powers
2. of the Superintendent have gone to the State Board, so I would
3. submit that the earlier statement is correct and that they still
4. have the underlying authority.

5. PRESIDENT:

6. Any further discussion? Senator Harber Hall.

7. SENATOR HALL:

8. Well, as just...as just a layman, Mr. President, maybe we ought
9. to take this bill out of the record till we laymen find out what's
10. going on. We have one Senator making one statement, the other making
11. another statement. They don't seem to agree. I don't...I don't know
12. how to judge the bill if...if we don't know what the situation is.

13. PRESIDENT:

14. Senator Wooten..

15. SENATOR HALL:

16. This is important to...in relation to the merit of this bill.

17. SENATOR WOOTEN:

18. All right. The blanket change has taken place. It's true. The
19. State Board of Education assumes the power of the Superintendent of
20. Public Instruction. The statutes do not reflect that change. There
21. is...there are a couple of things about this that are...that relate
22. to custom. The Superintendent of Public Instruction sits on the
23. State Certification Board. He still does, under this bill. The Board
24. makes the decision and the Superintendent just rubber stamps it, which
25. is what would happen right now. In other words, the...the State Board
26. of Education would automatically pass on what this Board does. The
27. question is - whether you want that informal arrangement to be reg-
28. ularized or not. As long as the State Certification Board, in effect,
29. is making the decisions, let's lay that at their door and then set up
30. a formal means by which the State Board of Education can review their
31. judgements. Now, that's the way it has gone before, and that is about
32. the way it'll go now. I don't believe I've misstated the practice..

33. PRESIDENT:

1. Senator Fawell.

2. SENATOR FAWELL:

3. Mr. ...I have just one question, Senator Wooten. On the
4. amendment, the amendment reads that optional review by the State
5. Board of Education, which I think is a good amendment, but it
6. states - any person or organization aggrieved by a decision or a
7. ruling of the State Teachers Certification Board may appeal. My
8. question is - isn't that terribly broad? I...does this mean that
9. any person or any organization that can claim that they are aggrieved
10. by a decision could appeal? It would seem to me that you would
11. normally say any party to the action or any party of record that
12. would be involved in the case. This way, it seems to me, that you
13. have...you have literally thousands of people who could claim that
14. they are aggrieved, and...I...I don't know if it's anything that you'd
15. have to correct right now, but I think you ought to take a long
16. look at that wording.

17. PRESIDENT:

18. Senator Wooten.

19. SENATOR WOOTEN:

20. Senator, that takes a fine, legal eye to point that out, and
21. we did look at that earlier. The assumption is that that...will suf-
22. fice...that will suffice for what the board does, what it may meet.
23. If you feel that we need a tighter...situation, I've got this to
24. go through the House, the same ordeal, and if there need to be
25. legal strictures, I don't share your alarm, but I...I don't want
26. to impede the progress now, but I will certainly see to it that
27. whoever handles this in the House addresses that problem.

28. PRESIDENT:

29. Senator Fawell.

30. SENATOR FAWELL:

31. I don't really think it's that serious a problem.

32. PRESIDENT:

33. Senator Fawell.

1. SENATOR FAWELL:

2. I...I...I...have you checked with your legal counsel in
3. that regard?

4. PRESIDENT:

5. Any further discussion? Senator Wooten, do you desire to
6. close the debate or you want a roll call?

7. SENATOR WOOTEN:

8. Very briefly. Very briefly, Mr. President.

9. PRESIDENT:

10. Senator Wooten.

11. SENATOR WOOTEN:

12. I merely say that this is a recognition of current practice
13. and what exists under the constitution. It is true that with the
14. demise of Senate Bill 546, the major objecting groups are now in
15. agreement with the bill, and I ask for a favorable roll call.

16. PRESIDENT:

17. The question is shall Senate Bill 863 pass. Those in favor
18. will vote Aye. Those opposed will vote Nay. The voting is open.
19. Have all voted who wish? Take the record. Motion of Postponed
20. Consideration on Senate Bill 863. What purpose does Senator Egan
21. arise?

22. SENATOR EGAN:

23. Yes, Mr. President and members of the Senate, I...I do apologize
24. for that series of bills that I asked to be postponed until tomorrow.
25. I have my time table all mixed up, and prefatory remarks that I didn't
26. think I had which I do have, and a few people on the Floor that I
27. do have which I didn't have, and I please ask leave to go back to
28. those four bills. I'm sure they won't take too much of the time.

29. PRESIDENT:

30. Is there leave? Leave is granted. The first bill is Senate
31. Bill 829. Senator Egan. Senator Egan is recognized.

32. SENATOR EGAN:

33. Thank you, Mr. President, members of the Senate. Senate Bill

1. 829 is the enabling legislation to create the Mutual Trust Invest-
2. ment Company Act, and the subsequent three bills are companion bills.
3. I will begin by explaining that this Act, if created, provides a
4. collective investment medium for the banks with smaller trust de-
5. partments. It is intended to do for those small banks with trust
6. departments what the relatively few larger banks have been able to
7. do with the common trust fund which is established today. It will
8. create an investment pool which is large enough to obtain...

9. PRESIDENT:

10. Just a moment. One minute. Now just a minute please. Let's
11. ...let's have some order. Let's be in our seats. You want to summon
12. someone, let's just do it in a fashion commensurate with the dignity
13. of the Senate. Will the members be in their seats. Continue,
14. Senator Egan.

15. SENATOR EGAN:

16. Yes. This...this Act will create an investment pool which is
17. large enough to obtain enough expert opinion on investments that
18. will, of course, be and be governed by the...the prudent man rule
19. to establish a very safe investment pool for smaller trust companies,
20. smaller trust departments in small banks so that they may invest in
21. this trust pool. The...the series of bills, members of the Senate,
22. Mr. President, have been approved by the trust division of the
23. Illinois Bankers Association, the corporate fiduciaries of Illinois,
24. the Commissioner of banks has no objection to the legislation, and
25. it's permissive. There's nothing mandatory about it whatsoever. If
26. a small bank with a trust company wishes to utilize the pool, it may.
27. And if it wishes not, it also may not. It is totally permissive, and
28. I would ask for your favorable consideration.

29. PRESIDENT:

30. Any further discussion? The question is shall Senate Bill 829
31. pass. Those in favor will vote Aye. Those opposed No. The voting
32. is open. Have all voted who wish? Take the record. On this question,
33. the Ayes are 40, the Nays are 1, 4 Voting Present. Senate Bill 829

1. having received a constitutional majority is declared passed.
2. Read that bill again please. Make sure we read it a third time.
3. SECRETARY:
4. Senate Bill 829.
5. (Secretary reads title of bill)
6. 3rd reading of the bill.
7. PRESIDENT: Senate Bill 830.
8. Senate Bill 830. Read the bill. For what purpose does
9. Senator Morris arise?
10. SENATOR MORRIS:
11. I rise on a point of personal privilege. I would like...
12. PRESIDENT:
13. Well, just...state your point.
14. SENATOR MORRIS:
15. I would like the record to show that I would have voted Yes
16. on Bill 829. I was away from my desk for a moment.
17. PRESIDENT:
18. The record will so show. Senate Bill 830. Read the bill.
19. SECRETARY:
20. Senate Bill 830.
21. (Secretary reads title of bill)
22. 3rd reading of the bill.
23. PRESIDENT:
24. Senate Bill 830, Senator Egan.
25. SENATOR EGAN:
26. Thank you, Mr. President, members of the Senate. This is a
27. companion bill to the prior bill, 829, and all it does is establish
28. a method for organizing the investment fund within the Illinois
29. Business Corporation Act. I would ask that you consider this. This is
30. a companion bill merely to support the concept. I...I would appreciate a favorable roll call.
31. PRESIDENT:
32. Any further discussion? The question is shall Senate Bill 830
- 33.

1. pass. Those in favor will vote Aye. Those opposed vote Nay. The
2. voting is open. Have all voted who wish? Take the record. On this
3. question, the Ayes are 42, the Nays are 1, 5 Voting Present. Senate
4. Bill 830 having received a constitutional majority is declared passed.
5. Senate Bill 831, Senator Egan.

6. SECRETARY:

7. Senate Bill 831.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. For what purpose does Senator Graham arise?

12. SENATOR GRAHAM:

13. Mr. President, of this series of bills, I would like to be
14. able to hear the explanation of the sponsor on one of the bills.
15. Just one.

16. PRESIDENT:

17. Senator, you are entitled to hear the explanation on all of
18. them. Those who desire to communicate across the aisle without
19. a microphone will be advised to remember you are a Senator and this
20. purports to be a dignified institution. Senate Bill 831, Senator
21. Egan.

22. SENATOR EGAN:

23. Thank you, Mr. President, members of the Senate. As was Senate
24. Bill 830, 831 is also a companion bill, which provides the power for
25. the investment medium to deposit securities with a clearing corpora-
26. tion. And this is necessary to accomplish the goal that's set out
27. in the bill, and as Senate Bill 829, I would ask again for a favorable
28. consideration.

29. PRESIDENT:

30. Any further discussion? Senator Ozinga.

31. SENATOR OZINGA:

32. Mr. President, I'd like to ask a question on this bill.

33. PRESIDENT:

1. He indicates he'll yield.

2. SENATOR OZINGA:

3. Tell me, is this the bill now that allows trust companies
4. of banks to lose the identity as a fiduciary of all of
5. their securities by putting them into a bulk trust fund away from
6. their own institution? Is that right?

7. PRESIDENT:

8. Senator Egan.

9. SENATOR EGAN:

10. Yes, Senator.

11. PRESIDENT:

12. Any further discussion? Senator Ozinga.

13. SENATOR OZINGA:

14. So that they now can lose all of their responsibilities or
15. liabilities with reference to that particular trust or that parti-
16. cular investment?

17. PRESIDENT:

18. Senator Egan.

19. SENATOR EGAN:

20. Well, what they do...the...when they invest this in a bulk...
21. in bulk form, yes, they lose the identity, but that is regulated.
22. They can withdraw it at any time they wish. If there's any insec-
23. urity, they can withdraw that at...at a moments notice.

24. PRESIDENT:

25. Senator Ozinga.

26. SENATOR OZINGA:

27. Now, wait a minute. When you say withdraw, they can withdraw
28. their share in a mutual trust, but they cannot withdraw the identical
29. securities that they put into that bulk trust, can they?

30. PRESIDENT:

31. Senator Egan.

32. SENATOR EGAN:

33. Let me say Senator, that what they can do under this Act, they

1. already can do today. All trust companies are allowed to do this
2. today.

3. PRESIDENT:

4. Senator Ozinga, I'll give you the mike. He'll hear you better.

5. Senator Ozinga.

6. SENATOR OZINGA:

7. All right. The answer to this one is that they are divest-
8. ing themselves and purchasing...their interest into a bulk trust fund,
9. whereby they can withdraw their interest in that bulk trust fund by
10. x number of dollars and cents out of something, but they lose their
11. responsibility with reference to that particular fiduciary responsi-
12. bility as their identical individual bank or trust company.—Am I
13. not right?

14. PRESIDENT:

15. Senator Egan.

16. SENATOR EGAN

17. Let me just answer that, Senator Ozinga, by saying that it's
18. a book entry system. It's computerized. All records are kept,
19. whatever...identity is lost, the fact of its existing continues.

20. SENATOR OZINGA:

21. With the loss of identity, the loss of responsibility, is that
22. right?

23. PRESIDENT:

24. Senator Egan.

25. SENATOR EGAN:

26. There is no loss of responsibility. There...this is a regulated
27. fund.

28. PRESIDENT:

29. Any further discussion? Senator Merritt.

30. SENATOR MERRITT:

31. Mr. President and members of the Senate, very briefly, it seemed
32. like we're on a railroad track here where everything is already skidded,
33. but I just want to caution you, Gentlemen, Ladies of the Senate, the-

1. Senate, the course that we're taking here. It's an entirely
2. new concept. When that trust is within...your own financial
3. institution, everything is identified and you know where your
4. responsibility lies. And I submit to you, once that gets into
5. that mutual trust, it is an entirely new concept, and let's don't
6. try to kid anybody. It follow, I understand, the same lines and
7. language of the Common Trust Fund Act, but it is a new concept and
8. you've lost the identity of the securities, and I quite agree with
9. Senator Ozinga, you can't get the identical securities back. You
10. can only get your portion out of that mutual trust. Then, I say
11. to myself, and all of us should if we are...have any responsibility
12. in a financial institu'ion, just where does our liability lie
13. at that point once it leaves our institution? I say you're creating
14. a bad, bad thing in these series of bills. It's something that
15. someday you're going to have to account to your depositors, to
16. your customers in your trust department in a financial institution,
17. and it'll be a sad day for Illinois. There's far, far more under-
18. lying in these bills than many of you can see on the surface. It's
19. a bad bill.

20. PRESIDENT:

21. Any further discussion? Senator Sommer. Oh, Senator Egan
22. may close the debate.

23. SENATOR EGAN:

24. Yes, now, Senator Merritt, let me just explain that the present
25. Illinois law which governs the present existing trust companies, has
26. been on the books for some years. That law, all we're doing is
27. amending that law to include the mutual trust investment companies
28. which we just created, and they will be governed by the same laws
29. that all other trusts have been governed by in Illinois over the past
30. years that this has been in force. That's all this bill does.

31. PRESIDENT:

32. Any further discussion? The question is shall Senate Bill 831.
33. pass. Those in favor will vote Aye. Opposed Nay. The voting is open.

1. Have your key now, Senator? Have all voted who wish? Take the
2. record. What happened. On this question the Ayes are 36, the
3. Nays are 11, none Voting Present. Senate Bill 831 having received
4. a constitutional majority is declared passed. Senator Harber Hall.
5. SENATOR HALL:

6. May I ask that the record show that I would have voted No on
7. this had I had the opportunity.

8. PRESIDENT:

9. The record will so show. On a point of personal privilege,
10. the Chair would like to introduce a distinguished Chicagoan, the
11. well-known Jim Conway from WGN TV in Chicago, who's sitting in the
12. southwest Gallery. Will he stand and be recognized by the Senate.
13. Senate Bill 832, Senator Egan.

14. SECRETARY:

15. Senate Bill 832.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDENT:

19. Senator Egan. Just a moment, Senator. Just a moment. I
20. take...take it you all had a good dinner. Let's slow it down. We
21. can get things done. We won't have to be here, and when other people are
22. here working. Senator Egan, 832.

23. SENATOR EGAN:

24. Thank you, Mr. President, members of the Senate. This is the
25. last in the series of the bills which exempts the mutual investment
26. company from the registration under the blue sky laws which is the
27. Illinois Security Law, 1953, and the reason is that the investment
28. company would already be subject to the registration with the Securities
29. and Exchange Commission and the Commissioner of banks. Also at the
30. securities division of the Secretary of State's office, and, as a
31. matter of fact, the...they, in fact, support and approve this bill.
32. I would appreciate your favorable consideration.

33. PRESIDENT:

1. Any further discussion? The question is shall Senate Bill
2. 832 pass. All in favor will vote Aye. Those opposed Nay. The
3. voting is open. Have all voted who wish? Take the record. On
4. this question, the Ayes are 36, the Nays are 10, none Voting
5. Present. Senate Bill 832 having received a constitutional majority
6. is declared passed.

7. date when it becomes effective, is quoted from same.

8. (Continued on next page)

9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.
29.
30.
31.
32.
33.

1. PRESIDENT:

2. Is there leave to return to the order of resolutions for the
3. completion of the resolution as offered by Senator Moore? Leave
4. is granted. The Chair recognizes Senator Don Moore.

5. SENATOR MOORE:

6. Thank you, Mr. President. Just to bring the members up to
7. date when we recessed earlier, I quoted from several members of
8. this Body relative to the arguments made on the debate on over-
9. riding the Governor's Veto concerning Senate Bill 1198. I believe
10. the members of the Body will recall that I did quote from our
11. former colleague Senator Betty Ann Keegan, who was the author of
12. the language contained in Article III, Section 5, mandating the
13. State Board of Elections to be implemented by the General Assembly.
14. And she said as follows, and I quote - "Two years ago, I think it
15. was, you passed a bill or perhaps it was immediately after the
16. Constitutional Convention in which the determination of the members
17. of the Board would have been entirely by the Legislature. I was
18. terribly upset about that because I felt the Board stood apart from
19. both the Legislative and Executive Departments." Mr. President,
20. we will now move until November 8th, 1974 when Senate Bill 1641
21. which was the bill that took the employees of the Department of...
22. or the State Board of the Elections out from under the Personnel
23. Code which the Governor vetoed, and the debate that ensued on that
24. bill on November 8th, 1947, I would like to quote a statement by
25. myself, and I quote - "I think we're all familiar that when we created
26. the State Board of Elections that it was bipartisan group. We have
27. tried to make it as independent as possible." I went on to say, and
28. I quote - "I, for one, do not want this Governor or any Governor
29. appointing the Director of Personnel of the State Board of Elections
30. in the State of Illinois. It's independent. I don't think that
31. there should be any interference from the Executive Branch of
32. Government in the hiring and discharging of employees in the State
33. Board of Elections. I, for one, am for leaving the State Board of

1. Elections alone. Let them run their own shop. They're doing it
2. in a fine job. We've had one of the cleanest elections in the
3. States, in this State, in the...in our history last Tuesday." I'd
4. like to go on to remarks made by Senator Graham on that day, and
5. I quote - "We have proven that we can listen to the desires and I
6. think we can prove further to them that the State Board of Elections
7. as was intended by the new Constitution can handle itself and we
8. need no help from the Department of Personnel." Senator Dougherty
9. on that day stated as follows, and I quote - "I feel that the State
10. Board of Elections should function as an entirely independent body,
11. have a merit system of its own so they shall not be subject to the
12. will of anybody other than the Department for which they serve."
13. Now, Mr. President, perhaps the most persuasive argument that can
14. be made for the concept of a totally independent agency to administer
15. the Election Laws of the State of Illinois through the State Board
16. of Elections is that of our own esteemed colleague, Senator Dawn
17. Netsch, a Con Con delegate to the Sixth Illinois Constitutional
18. Convention who stated according to the minutes of the Constitution
19. or of the Convention in part as follows, and I quote - "Mr. President,
20. I strongly support the concept of a State central election authority."
21. Now, Mr. President, on November 8th, 1974, Senator Netsch stated
22. on debate to the override of the Governor's Veto on Senate Bill 1641
23. as quoted...or let's see, Senator Netsch stated as follows, and I
24. quote - "Mr. President, I am fully in accord with the idea that the
25. State Board of Elections should be independent of the Governor and
26. any other elected public official." Mr. President, the case is
27. clear. The General Assembly of the State of Illinois intended in
28. implementing the Illinois Constitution of 1970 relative to the State
29. Board of Elections that the Governor of this State has absolutely
30. no control or authority over this Board other than selecting one of
31. two names of persons submitted to him from each of the Leadership
32. in the House and Senate and further that the intent of the General
33. Assembly in creating the State Board of Elections was clearly that

1. it be an independent agency of State Government, not dominated,
2. controlled or have any authority of either the Legislative Execu-
3. tive or Judicial Branch of Government. I'd be happy to answer any
4. questions before I move the adoption of the resolution. I believe
5. there are probably some others that would like to speak on the
6. matter. Thank you, Mr. President.

7. PRESIDENT:

8. Any further discussion? Senator Netsch.

9. SENATOR NETSCH:

10. Mr. President and Senator Moore, thank you for reminding me
11. of what I said at that time, and oddly enough, I don't totally
12. disagree with it now. I think if your resolution were limited to
13. making the point that the members of the State Board of Elections
14. should not be subjected to an Executive Order of the Governor which
15. he does have the authority to promulgate and enforce with respect
16. to those employees under his jurisdiction but does not have the
17. authority to promulgate and enforce with respect to those who are
18. not in the...the traditional sense a part of the Executive Branch.
19. There could be no quarrel about it except for one other point which
20. I'll come to in a moment. The...the problem I have with this resolu-
21. tion and the adoption of it right now without a good deal of further
22. consideration is that you are at the same time making a pronounce-
23. ment on two very major constitutional issues with, I think...without,
24. I think, adequate opportunity for a really thoughtful and reflective
25. consideration of the implications of them which is why I think,
26. incidentally, that rather than voting on it now, it ought to be
27. sent to committee so that we really have an opportunity to think
28. about the implications of what we are doing. Those two major con-
29. stitutional pronouncements are that the State Board of Elections
30. is not subject to the Executive Branch of the State Government in
31. any way without qualification. I'm not quite sure what that means
32. and what it might mean in the future, and I think we ought to think
33. carefully about what it means. I agree, I happen to think that the

1. Executive Order of the Governor should not have tried to enforce
2. against a member of the State Board of Elections, but it does not
3. necessarily follow that there is no way in which that Board is
4. subject to the...the Executive Branch of the State Government,
5. and it seems to me that's a fairly dangerous pronouncement to make
6. in such a grandiose and all encompassing way. The other thing
7. that gives me great cause, and I think probably is actually in
8. constitutional error, and incidentally, Senator Moore, I think it's
9. not just legislative intent that we are concerned with, it is
10. constitutional intent because there was a great deal of considera-
11. tion of this issue in the Constitutional Convention, and that is
12. your last paragraph which indicates that under no circumstances
13. does the Governor have the power to remove members of the State
14. Board of Elections. As I read the Constitution, Article V,
15. Section 10, I think that simply cannot be squared. They...that
16. provision says the Governor may remove for incompetence, neglective
17. duty or malfeasance in office, any officer who may be appointed by
18. the Governor and while this Legislature did select a fairly
19. unique way of providing for the selection of the members of the
20. State Board of Elections, it did, nevertheless, give the Governor
21. the final appointing authority. I believe that that makes those
22. members subject to that provision of the Constitution, and if that
23. is true, then I think we cannot say that the Governor has no author-
24. ity whatever under any circumstances to remove members of the State
25. Board of Elections. It may well be that he should not and could
26. not do it under this circumstance, but it does not follow for all
27. time. I dislike very much seeing the Legislature make what are
28. very significant far-reaching constitutional pronouncements without
29. the kind of thought that I think is really necessary. Finally, I
30. would say that as I understand it, this matter is presently pending
31. in the courts. I suppose it doesn't follow that the Legislature
32. has no right to say anything at all about what its attitude is,
33. but it seems to me that if we think that we are going to make

1. legislative history ex post facto the courts very likely are going
2. to ignore that so that, in fact, we are not going to be achieving
3. anything by this resolution. I do not object to this Legislature
4. expressing some view on this matter, but I would really like to
5. see it happen in a more thoughtful way so that we do not end up
6. making statements that, in time, we will regret or find erroneous.

7. PRESIDENT:

8. Any further discussion? Senator Moore.

9. SENATOR MOORE:

10. Well, I'm very happy that Senator Netsch agrees with me
11. ninety-five percent of the way, Mr. President. Just a few remarks,
12. any authority that is granted to the Governor by the Constitution,
13. of course, is prevailing. I think you and I both agree that the
14. matter of Executive Order is not appropriate in this particular
15. case, but I would like to call your attention to Section 10 of
16. Article V, which says the Governor may remove for incompetence,
17. neglective duty or malfeasance in office any officer who may be
18. appointed by the Governor. It is my contention that the members
19. of the State Board of Elections are not appointed by the Governor,
20. they're selected from the Governor from a list of two individuals
21. that are recommended to him by the four members of the Leadership
22. in the House and Senate. I think there is a very definite distinc-
23. tion between an officer who was appointed and one who was mandated
24. to be selected by the Governor. Mr. President, if there's no
25. further debate, I would at this time move that the Senate do adopt
26. Senate Joint Resolution 41.

27. PRESIDENT:

28. The motion is that the...

29. SENATOR MOORE:

30. For immediate consideration and adoption.

31. PRESIDENT:

32. ...Senate that the rules be suspended for the immediate con-
33. sideration of the resolution. Senator Harris.

1. SENATOR HARRIS:

2. Well, I would just like to add my voice to the fact that this
3. Senate not only in the 78th General Assembly but earlier this year
4. in the 79th by its action in removing from any Executive control
5. insofar as the preparation of State vouchers being subject to
6. approval by the Department of Finance, has expressed itself on this
7. issue. That is embodied in the resolution before us, Senate
8. Joint Resolution 41, and I just want to add my voice as one of those
9. persons with the nominating power provided by the Statute which
10. comes from the constitutional mandate to establish this State Board
11. of Elections. That clearly the matter of control is the issue,
12. and the State Board of Elections should be free from the control
13. of any agency or any branch of the State Government. The matter
14. of the integrity of the elections process is too important a matter
15. to be under the control of any one branch of the State Government.
16. That principle has been enunciated time after time since the
17. Constitution of 1970 has been effective. And I think it is most
18. appropriate that the 79th General Assembly will overwhelmingly
19. adopt the expressions contained in Senate Joint Resolution 41.

20. PRESIDENT:

21. Senator Dougherty.

22. SENATOR DOUGHERTY:

23. Thank you, Mr. President. As one who has spent some thirteen
24. years in the last...since 1961 as a matter of fact, and trying to
25. clarify and make more efficient and more answerable to the people,
26. the Election Laws of the State of Illinois, I was one of the prime
27. movers in setting up this State Board of Elections. Prior to that
28. under Senator Graham and myself and including the present Pro Tem,
29. Senator McCarthy, Senator Terrel Clarke, we're all members of the
30. Election Laws Study Commission which is still in existence. At
31. that point in time, it was ambition...it was our ambition to clarify
32. once and for all the sanctity elections of the...of the...within
33. the State of Illinois. And if we even at one...in 1964, the at

1. large election as a matter of fact, we acted in effect as a State
2. Board of Election's in clarifying the sections of...of this at...
3. vast at large and expensive election and we did it without any
4. problems whatsoever anywhere in the State of Illinois. And the
5. end product of our labors in that time is this State Board of
6. Elections. I have sponsored bills, supported bills, supported this
7. in its entirety. I feel then as I do now that the elections of
8. Illinois should be uniform and absolutely free from any...any
9. influence whatsoever. The State Board of Elections was charged
10. with doing that duty. I think they're duty...are doing it, and I
11. do believe as quoted by Senator Moore that Article...that Section 10
12. of Article V preserves the faith that we have given to the people
13. of the State of Illinois, and if...if there is grievance there or
14. malfeasance, it...they can be removed. I urge the adoption of this
15. resolution.

16. PRESIDENT:

17. On the motion of Senator Moore, the question is shall the
18. rules be suspended for the immediate consideration of Senate Joint
19. Resolution 41. Those in favor will say Aye. Opposed Nay. The
20. Ayes have it. The...the resolution is now under consideration.
21. Senator Moore now moves for the immediate adoption of Senate Joint
22. Resolution 41. All in favor will vote Aye. Opposed will vote Nay.
23. The voting is open. Have all voted who wish to vote? Take the
24. record. On this question, the Ayes are 50, the Nays are none, 3
25. Voting Present. Senate Joint Resolution is adopted. Senator
26. Graham.

27. SENATOR GRAHAM:

28. On a point of personal privilege, those of us who served with
29. a great lady from Rockford who fought many of these battles, if she
30. were here, she would say thank you members of the Illinois State
31. Senate and that lady would be Betty Ann Keegan.

32. PRESIDENT:

33. Is there leave to return to the order of Senate Bills on 3rd

1. reading? Leave is granted. Senate Bill 879, Senator Fawell.

2. SECRETARY:

3. Senate Bill 879.

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDENT:

7. Senator Fawell.

8. SENATOR FAWELL:

9. Mr. President and members of the Senate, Senate Bill 879 takes
10. the Chicago method in regard to handling the question of the dismissal
11. of tenured teachers and creates an independent hearing board com-
12. posed of three individuals, one appointed by the Board of Education,
13. one by the teacher, and then another appointed by joint agreement between
14. the two previous appointments. The recommendation of this independent
15. hearing board is advisory, but it is binding to the degree that the
16. board does not or cannot override the advisory opinion without a
17. two thirds vote. It also changes existing law so that if there is
18. an appeal to the courts under the administrative review Act, the teacher
19. does not have a presumption riding against her, but you have what
20. we lawyers call a trial de novo at the trial level. I really believe
21. that this is a compromise between those who have asked for a binding
22. decision, fully binding by an independent hearing office or board that
23. would be made up of traveling professionals that would cost a great
24. deal of money, and one that would take the load...the responsibility
25. in regard to these hearing matters basically away from the board but
26. give them the final power, if they felt by a two thirds vote, they
27. should override this independent advisory opinion. Again, I say that
28. I think that this has worked for Chicago. I believe it can work down-
29. state also, and I'd appreciate a favorable roll call.

30. PRESIDENT:

31. Any further discussion? Senator Bruce.

32. SENATOR BRUCE:

33. Yes, Mr. President and members of the Senate, I rise in opposition

1. to the bill as proposed by Senator Fawell for the purpose that
2. it does not appear to have substantially changed the procedures
3. that presently exist. The opinion is advisory, and if you believe
4. there should be some sort of hearing, the idea is to take it to
5. an independent agency. Now, the hearing board's opinion can be
6. overturned, according to the bill, by two thirds vote. Would
7. point out that in a seven...seven member board, the majority was
8. four, two thirds is five. So we've said it takes one more than
9. half to overturn the decision. What does that mean? It means the
10. same board that made the original decision is then asked to ratify
11. its own recommendation. And if the advisory board decides in op-
12. position to it, all it requires is five members to throw that de-
13. cision away. Now, if the board made the original decision and felt
14. it was right, whether it was right or not, and the advisory board
15. overturns it, five members then tell the advisory board they don't
16. like the opinion. It seems to me, we're doing a lot of game playing
17. in this particular piece of legislation. It is voluntary. If you
18. believe that boards are right, then they're right. If you believe
19. that the board's decisions are subject to an independent binding
20. review, then you ought to vote for 1371. The problem with this bill,
21. it's the worst of both. Either the boards have the integrity to
22. make the decisions by themselves, or they ought to have some sort
23. of outside regulatory control. This bill would just cause trouble
24. for the school teachers, trouble for the board, and expense to the
25. taxpayers in the district.

26. PRESIDENT:

27. Any further discussion? Senator Glass.

28. SENATOR GLASS:

29. Thank you, Mr. President. I'd like to ask the sponsor a
30. question. That...

31. PRESIDENT:

32. Just a moment. He indicates he'll yield. Senator Glass.

33. SENATOR GLASS:

1. Thank you. Senator Fawell, does this bill essentially
2. parallel the legislation that Senator Palmer introduced and
3. was recently passed by the Senate and sent over to the House?

4. PRESIDENT:

5. Senator Fawell.

6. SENATOR FAWELL:

7. I'm...I'm afraid I...you have me at a disadvantage. What
8. legislation are you referring to?

9. SENATOR GLASS:

10. I believe we passed a bill sponsored by Senator Palmer applying
11. to the City of Chicago which provided for an advisory hearing officer...
12. advisory board that's very similar to this. I wondered if
13. this bill essentially parallels that?

14. PRESIDENT:

15. Senator Fawell.

16. SENATOR FAWELL:

17. Yes, I...yeah, I...I did bring that out in my opening remarks.
18. It certainly does. It...it accepts the experience in Chicago as
19. being very valid, and I think we have found from that experience
20. that by and large the advisory opinions are uniformly followed by
21. the board, and a great deal of trouble has been obviated as a result
22. of that system. Yes.

23. PRESIDENT:

24. Any further discussion? The question is shall Senate Bill 879
25. pass. Those in favor will vote Aye. Opposed Nay. The voting is
26. open. Have all voted who wish? Take the record. On this question,
27. the Ayes are 22, the Nays are 19, 1 Voting Present. Senate Bill
28. 879 having failed to receive a constitutional majority is declared
29. lost. Senate Bill 80..880, Senator Fawell.

30. SECRETARY:

31. Senate Bill 880.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDENT:

2. Senator Fawell.

3. SENATOR FAWELL:

4. Mr. President and members of the Senate, this is a bill with
5. some rather far-reaching effects. As many of us know, the park
6. districts for years have been struggling with the relatively limited
7. taxing powers they do have. They have not heretofore been able to
8. receive any portion of the State Income Tax. They do not receive any
9. portion of the Federal Revenue Sharing Fund. And what this legisla-
10. tion does do is to declare that an amount equal to one forty-eighth
11. of the net revenue realized from the State Income Tax is to be
12. distributed to the park districts. I don't think one can say much
13. more than that. The income tax was to a great degree understandably
14. sold on the basis that it was going to help take the load off of the
15. local taxpayer, and this is one of the ways in which we can bring
16. that about. And I would ask for a favorable roll call. I don't know
17. of much opposition to this legislation. Oh...

18. PRESIDENT:

19. Any further discussion? Senator Buzbee.

20. SENATOR BUZBEE:

21. Question of the sponsor.

22. PRESIDENT:

23. Indicates he'll yield.

24. SENATOR BUZBEE:

25. Is this the bill that says we're going to start taking money away
26. from the Illinois State Income Tax to start giving to park districts?

27. PRESIDENT:

28. Senator Fawell.

29. SENATOR FAWELL:

30. Yes. Yes, that's the bill.

31. PRESIDENT:

32. Senator Buzbee.

33. SENATOR BUZBEE:

1. Well, I think the...I think the intent is very good. I
2. would like to say to you that in my particular township right now,
3. I live in a rural township. We're fighting a battle with the
4. City of Carbondale about fire protection. The city wants to cancel
5. its fire protection contract with my rural township the end of this
6. month, and I'm sure that my township would very much like to have
7. some additional state revenue to be able to continue the fire pro-
8. tection the City of Carbondale is now providing, and, you know, I
9. could come in with that sort of bill the next time. But, it just seems
10. to me, that if we keep on taking away the Income Tax Revenue, pretty
11. soon the State is going to be in a pretty bad shape, and...and we're
12. going to need some money to...to run the State one of these days.
13. So in keeping with my philosophy of being a fiscal conservative, I...
14. I...I...I...I cannot see the...you know, I've gotten some letters on
15. this also. Park districts say yes we need this. Of course, we need
16. it, you know. We all need money. But I just can't see how we can
17. possibly start giving away this kind of money and...and...and break
18. the State.

19. PRESIDENT:

20. Senator Harber Hall. Any further discussion? Senator Harris.
21. SENATOR HARRIS:

22. Well, Mr. President. I rise in opposition to this piece of
23. legislation. I want to call attention to the members the fact that
24. back at the time in 1969 when we were considering the State Income
25. Tax, we made a determination that, of course, local governments
26. needed some help. And if we were, in fact, going to impose this
27. major new source of State revenue, the Income Tax, there should be
28. some sharing. So on the basis of a head count, on a per capita,
29. population basis, we provided for a one twelfth redistribution
30. without restriction of the yield of that new State source of revenue.
31. And we distributed that to...two important units of local government.
32. The municipalities and the counties, both of which depend primarily
33. on property taxes, and which are the basic local units. Now, the

1. park districts do a marvelous job and I have no brief in negative
2. attitude toward them. But as a matter of fact, in 1973 the two
3. hundred and ninety park districts extended totally a hundred thirty-
4. nine million in property taxes. And they do an outstanding job.
5. Nobody quarrels with that. But the danger of this proposal is an
6. invitation and an...and an opening wedge concept beyond the very
7. sound distribution of our new 1969 source of revenue, the Income
8. Tax, an invitation to the various other special service districts
9. of government. And Illinois has the dubious honor of providing the
10. home for more units of government than any other of the fifty states.
11. Now, if one were to add to the present one twelfth distribution of
12. the income tax, the tremendous commitment on the part of the State,
13. to the common schools, you will see that the sovereign is being very
14. generous to the most important and the most money needing units of
15. local government that depend primarily on property taxes. For example,
16. we appropriated for Fiscal '75 a billion, eighty-eight million to the
17. common schools, and it is proposed that we appropriate a billion, two
18. hundred fifty-four million to the common school for Fiscal '76. The
19. sovereign clearly is meeting its responsibility. I recommend to you
20. that to increase this redistribution requirement to ten percent, in
21. effect, this is an additional two percent, ten percent of our income
22. tax resources is more than we can afford. We're meeting our commit-
23. ment to the really significant units of local government, and this
24. proposal should be rejected.

25. PRESIDENT:

26. Any further discussion? Senator Glass.

27. SENATOR GLASS:

28. Thank you...thank you, Mr. President. Reluctant as I am to
29. oppose this bill, I...I think Senator Harris' remarks are in order.
30. The cost to the State of this proposal presently would be thirty-
31. two million dollars. It is estimated, however, that...that...that
32. it would grow annually at a rate of nine to twelve percent. So that
33. thirty-two million dollars would...would soon multiply and be signifi-

1. cantly more than that. There are, of course, other units of local
2. government that do find themselves in...in difficult straights
3. that are not being favored by this legislation, and it seems to
4. me if we are are going to share the Income tax with any more
5. units of...of government, we should consider them all comprehensively
6. and not simply favor one as against the others. I don't know the
7. answer, tonight, for some of our park districts. It may be that there...
8. there should be other sources of revenue or other taxing authorities
9. given to them, but I simply cannot support an invasion of the State's
10. Income Tax to this great a degree when all of the other commitments
11. that...that many of us realize are...are being passed at this Session
12. are eroding and eating away at the States revenue. I simply think
13. we cannot afford this luxury as attractive as it is, and I would,
14. therefore, I urge that Senate Bill 880 be defeated.

15. PRESIDENT:

16. Any further discussion? Senator Hynes.

17. SENATOR HYNES:

18. I would also like to join in the adverse commentary with
19. respect to this bill. I simply think it is beyond the capability
20. of the State. In...in addition to that, I would like, as a point
21. of inquiry, to ask how the description of bills is made up for the
22. Calendar? Because the Calendar does not in any way indicate the
23. import of this legislation. And I want, Mr. President, I wonder if...

24. PRESIDENT:

25. Pardon me.

26. SENATOR HYNES:

27. I..I...I am addressing an inquiry to the Chair as to how the
28. description of bills is composed for purposes of this Calendar.

29. PRESIDENT:

30. Generally, it's taken from the Reference Bureau's description.

31. SENATOR HYNES:

32. Well, that is not the case here, and...and the Calendar does
33. not in any way describe what this bill is about.

1. PRESIDENT:

2. That happens quite a bit, Senator. You are quite right.
3. There are one of two ways of doing it. We can do it in this fashion,
4. or as the House does it, which just lists amends Sections so and
5. so which has nothing really to guide the member. That is why it
6. is always advisable to never determine a vote on a bill simply by
7. what is placed on the Calendar. Your point is well taken. Senator
8. Hynes.

9. SENATOR HYNES:

10. Where...where, though, is the description made up. I...I
11. really would like to know.

12. PRESIDENT:

13. Generally, from the Legislative Reference Bureau. But, the
14. point you make is well taken. For example, this bill says what it
15. does on the Calendar. Since its introduction, there have been three
16. amendments on the bill, and certainly those would not be reflected
17. in the names as...in the language as set forth on the Calendar. And
18. that is why from time to time when members say...make arguments both
19. affirmative and negative way based on what they've seen on the Calendar
20. is really meaningless. It happens very often in this Body, unfortunat-
21. ly. But, that's where they come from, the Legislative Reference Bureau.
22. Any further discussion? Senator Nimrod.

23. SENATOR NIMROD:

24. Mr. President, just one...one quick comment, and quickly cal-
25. culating what this bill does from the 1971 levy, it's a fifty percent
26. increase in the amount of money that would be available to the parks.
27. And that seems rather a large exorbitant amount to be giving them at
28. this time.

29. PRESIDENT:

30. Senator Fawell may close the debate.

31. SENATOR FAWELL:

32. Well, I...I'm a bit overwhelmed by the fiscal conservatives
33. that have suddenly emerged, Mr. President. The fact remains that we

1. give a great deal of State aid to school districts, we give a great
2. deal of State aid to cities, we give them the sales tax, we give
3. counties a great deal of aid also. Even townships are getting
4. Federal Revenue sharing funds. And we have, in the last several
5. days, passed community education grants and grants for employment
6. of students, grants for entirely new bussing systems in our public
7. schools. One can go on and on in regards to the appropriations
8. which have been made. I would submit to you in all candor that the
9. park districts of the State of Illinois, the ones who...the entities
10. that have brought about the open space and the recreational facilities
11. for our State. Bear in mind that parks are open to the entire pop-
12. ulation of the State of Illinois, and may I say this pertains to
13. the Chicago Park District also. I don't think we can just dismiss
14. park districts as being sort of a stepchild and not in any way grant
15. to them any type of State aid, and yet at the same time, on the same
16. day that we turned down any...recognition in the form of financial aid
17. to our park districts. We will vote time and time again for massive,
18. and I mean millions and millions of dollars of aid, for all types of
19. special interest. The park districts in our respective areas have
20. every right to ask if we are as fiscally conservative as some of the
21. speeches have indicated we are, then why do we support so many of the
22. other appropriations which of course have the same effect of invading,
23. in effect, the Income tax. I believe this has a lot to recommend
24. it, and I would ask for your favorable roll call.

25. PRESIDENT:

26. The question is shall Senate Bill 880 pass? Those in favor will
27. vote Aye. Those opposed will vote Nay. The voting is open. Have all
28. voted who wish? Take the record. On this question, the Ayes are 15,
29. the Nays are 30, 2 Voting Present. Senate Bill 88...880 having failed
30. to receive a constitutional majority is declared lost. Senate Bill
31. 886, Senator Fawell. Call the bill.

32. SECRETARY:

33. Senate Bill 886.

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Fawell.

5. SENATOR FAWELL:

6. Yes, Mr. ...Mr. President, I believe when you're really hot,
7. you have to keep on going. This legislation, the existing park
8. district law, in regard to the levy for the support of the park
9. districts police force presently states that the levy is authorized
10. for park districts that have full-time, paid policemen and where the
11. full-time, paid policemen were participating before July 1st in the
12. Illinois Police Training Act. This simply removes the date of July
13. 1st, 1974 as a conditioned precedent insofar as participating under
14. the Illinois Police Training Act. Would ask for the favorable roll
15. call.

16. PRESIDENT:

17. The question is shall Senate Bill 886...Senator Nimrod.

18. SENATOR NIMROD:

19. Well, Mr. President, it has been brought to my attention that
20. in this particular bill, as Senator Fawell has stated, this does...
21. is...does apply to a July 1st date, but what also I...I think should
22. be brought to light here is that what we did...what was done here two
23. years ago was to provide for five of the groups which already had
24. the program going and certainly all others had to have a referendum.
25. Now, we're coming back two years later and say that no one needs a
26. referendum. So what we originally did was make a special provision
27. for five particular districts, and now we're opening it up to every-
28. one without a referendum. I would think that this is a bad way to
29. inch up on eliminating a levy by referendum, and I would certainly think
30. that if they're going to do this, there ought to be a referendum for
31. everybody.

32. PRESIDENT:

33. Senator Ozinga. Did you seek...recognition, Senator Ozinza?

1. Any further discussion? Senator Mitchler.

2. SENATOR MITCHLER:

3. One quick question of the sponsor, Mr. President. Does this
4. have a referendum for the increase in taxes, Senator Fawell?

5. PRESIDENT:

6. Senator Fawell.

7. SENATOR FAWELL:

8. There...there is...there is no increase in any tax rate. What
9. the bill does do is to say that if you have a full-time paid police
10. force, and if you have these policemen participating in the...in the
11. Illinois Law Enforcement Training Act, then you have the right to
12. levy that tax which is on the books right now. As it is right now,
13. unless you had your law enforcement officers in this training program
14. before July 1st 1973, you were not authorized to levy this tax. In
15. that sense, I suppose you can say that there is no referendum, but
16. none of the other districts that are levying this tax had to have a
17. referendum either. If you...if you simply had a police trained...
18. if you had your full-time policeman going to this training school
19. before July 1st, 1973, you could levy the tax. What the other park
20. districts are saying is that if we have full-time, paid policemen, and...

21. PRESIDENT:

22. Break up the conferences now so we can hear this gentleman maybe...

23. SENATOR FAWELL:

24. And if we will also participate in this Law Enforcement Training
25. Act, we ought to be able to make the same type of a levy. That's what
26. the bill does do.

27. PRESIDENT:

28. Any further discussion? The question is shall Senate Bill 886
29. pass. All in favor will vote Aye. Opposed Nay The voting is open
30. Have all voted who wish? Take the record. On this question, the
31. Ayes are 14, the Nays are 20, 4 Voting Present. Senate Bill 886
32. having failed to receive a constitutional majority is declared lost.
33. For what purpose does Senator Demuzio arise?

1. SENATOR DEMUZIO:

2. Mr. President, I pushed the wrong button. I wish to be
3. recorded as voting No.

4. PRESIDENT:

5. The record will so reflect. Senate Bill 895, Senator Shapiro.

6. SECRETARY:

7. Senate Bill 895.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Shapiro.

12. SENATOR SHAPIRO:

13. Mr. President and members of the Senate, the pension division
14. of the Department of Insurance is responsible for calculating the
15. required employer contribution to be paid by local governments for
16. firemen and police pensions and for insuring that this amount is
17. paid. However, the Department, under the present statute, has very
18. limited enforcement authority if a local government fails to comply.
19. This bill would greatly strengthen the enforcement powers through
20. the Attorney General. What the bill does - provides for a hearing
21. of compliance period and enforcement by the Attorney General when
22. the local government unit fails to...to comply with the Department
23. of Insurance order regarding provisions of the Pension Code only-
24. that is financing. It also provides for a penalty of up to a thousand
25. dollars which may be assessed against the governing body or the officer
26. or the official.

27. PRESIDENT:

28. Just a minute, Senator. I just received a call from the Fire
29. Marshall and he asked me to ask you gentlemen in the aisles to leave
30. them open in case of fire. Senator Shapiro.

31. SENATOR SHAPIRO:

32. Mr. President, that's what the bill does. If there are any
33. questions, I'll be happy to answer them, otherwise, I would appreciate

1. a favorable roll call.

2. PRESIDENT:

3. Any further discussion? Senator Rock.

4. SENATOR ROCK:

5. Well, let me say initially that I had spoken with Senator
6. Shapiro earlier. He...he is aware of my unalterable opposition to
7. this bill, as introduced, as written. I suggested to him that perhaps
8. I would not speak, but it appears that nobody else will speak in oppo-
9. sition, therefore, I must. This is probably one of the worst bills
10. that we have seen this Session. It would...it would give to the
11. Department of Insurance and the Attorney General just almost unlimit-
12. ed power over all the pension funds in this State. The idea was when
13. the Department of Insurance was unable to...to obtain information from
14. the four hundred and ninety-five or ninety-six downstate police and
15. fire funds, that with some kind of regulatory action perhaps that
16. information would be more readily available. However, this bill goes
17. much further than that, and could, in fact, be interpreted to allow
18. that department and that Attorney General or any Attorney General to
19. have some kind of regulatory power over each and every pension fund
20. in our State, and that, frankly, is just a little much. And I am
21. totally opposed, and I would urge a No vote.

22. PRESIDENT:

23. Any further discussion? Senator Shapiro may close the debate.

24. SENATOR SHAPIRO:

25. Mr. President and Ladies and Gentlemen of the Senate, in rebuttal
26. to the distinguished Senator from Chicago, and in closing my debate,
27. the Department already has compliance powers to require these units
28. of local government to comply, but there are no chiefs in the powers
29. that they have, and that's what this bill does. I would appreciate
30. a favorable roll call.

31. PRESIDENT:

32. The question is shall Senate Bill 895 pass. Those in favor
33. vote Aye. Those opposed vote Nay. The voting is open. Have all

1. voted who wish? Take the record. On this question, the Ayes are 21,
2. the Nays are 20, none Present. Senate Bill 895 having failed to
3. receive a constitutional majority is declared lost. Senate Bill 980,
4. Senator Roe.

5. SECRETARY:

6. Senate Bill 980.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDENT:

10. Senator Roe.

11. SENATOR ROE:

12. Mr. President and members of the Senate, I think that the
13. synopsis adequately describes the bill. The State, over a period
14. of years, has established principle of contributing toward the salary
15. of State's attorneys who are elected. It also has established the
16. principle of making contributions toward assistant State's attorneys
17. and counties that have State universities, and also State penitentiaries.
18. What this bill does, as is established, a contribution made to full-
19. time assistant State's attorneys and all counties, and it commences
20. at a period of eighteen months. In other words, one must have served
21. eighteen months to be eligible for any State contribution. To give
22. you an example, if you are an assistant State's attorney and a full-
23. time assistant State's attorney, this would be one not practicing law,
24. after eighteen months and up to three years, if you're receiving a salary
25. of ten thousand dollars, you would be entitled to a State contribution
26. in addition to that of three thousand dollars. At the top end, if
27. you are a full-time State's attorney receiving seventeen, five and
28. had served eighteen years, you would be entitled to a State contri-
29. bution of eleven thousand dollars per year. We pass a lot of criminal
30. laws down here, Mr. President. We consider from time to time anti-
31. crime packages in the light. I think it's very important that we
32. give an incentive to assistant State's attorneys, who in many counties
33. do a great deal if not most of the prosecution of important cases to

1. stay in the jobs that they have been appointed to. Many of the
2. salaries are low, and many of the large counties, including the
3. County of Cook, a person who is an assistant State's attorney stays
4. for a year or eighteen months or two years and then he quits and
5. he goes into private law practice. We're going to have to encourage
6. in this State people to stay at the job of prosecuting cases. And
7. I'll be glad to answer any questions.

8. PRESIDENT:

9. Any further discussion? Senator Rock.

10. SENATOR ROCK:

11. Allow me, Mr. President and Ladies and Gentlemen of the Senate,
12. just to rise in support of Senate Bill 980, and not only for the
13. reason there is now a John Roe IV, and Mrs. Roe is healthy and happy,
14. but the bill is a good one as it stands, and I think it deserves our
15. support.

16. PRESIDENT:

17. Any further discussion? The question is shall Senate Bill 980
18. pass. Those in...Senator Netsch, did you seek recognition? Senator
19. Netsch.

20. SENATOR NETSCH:

21. I'm sorry. I just had one question that I did not have an
22. opportunity to ask in...in committee, Senator Roe. What...

23. PRESIDENT:

24. He...he indicates he will yield.

25. SENATOR NETSCH:

26. What will be the cost of this bill?

27. PRESIDENT:

28. Senator Roe.

29. SENATOR ROE:

30. If this bill was effective during this calendar year, the
31. estimated cost would be one point seven million dollars.

32. PRESIDENT:

33. Senator Netsch. All right. Any further discussion? The question

1. is...shall Senate Bill 980 pass. Those in favor will vote Aye.
2. Those opposed Nay. The voting is open. Have all voted who wish?
3. Take the record. On this question, the Ayes are 39, the Nays are 3,
4. 2 Voting Present. Senate Bill 980 having received a constitutional
5. majority is declared passed. Senate Bill 992, Senator Hynes. Senate
6. Bill 1001, Senator Shapiro. Senator Shapiro seeks leave to take
7. Senate Bill 1001 from the order of 3rd reading to the order of 2nd
8. reading for the purpose of amendment. Is there leave. Leave is
9. granted. Is Senator Shapiro offering the amendment? Senator Shapiro
10. ...is recognized.
11. SENATOR SHAPIRO:
12. Mr. President, having voted on the prevailing side, by which
13. Amendment No. 1 was adopted, I now move that that vote be reconsidered.
14. PRESIDENT:
15. Senator Shapiro moves to reconsider the vote by which Amendment
16. No. 1 was adopted to Senate Bill 1001. All in favor will say Aye.
17. Opposed Nay. Amendment...the amendment is under reconsideration.
18. Senator Shapiro.
19. SENATOR SHAPIRO:
20. Mr. President and Ladies and Gentlemen of the Senate, that
21. amendment was technically incorrect so I now move it be Tabled. You
22. heard the motion. All in favor will say Aye. Opposed Nay. Amendment
23. No. 1 is Tabled. Senator Shapiro is recognized.
24. SENATOR SHAPIRO:
25. Mr. President and Ladies and Gentlemen of the Senate, I now
26. move for the adoption of Amendment No. 2 to Senate Bill 1001. What
27. this amendment does, it defines party membership as a regards appoint-
28. ment to the State Board of Elections and States. Party membership
29. is defined as having voted in the primary of the party in the last
30. primary before appointment. Period. I move its adoption.
31. PRESIDENT:
32. Any discussion? Senator Hickey.
33. SENATOR HICKEY:

1. He said State Board of Elections. I wonder if he meant that?

2. SENATOR SHAPIRO:

3. Sorry. State Board of Education.

4. PRESIDENT:

5. Any further discussion? Senator Shapiro moves the adoption
6. of Amendment No. 2 to Senate Bill 1001. All in favor will say Aye.
7. Opposed Nay. The amendment is adopted. Any further amendments?
8. 3rd reading. Senate Bill 1008, Senator Fawell.

9. SECRETARY:

10. Senate Bill 1008.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDENT:

14. Senator Fawell.

15. SENATOR FAWELL:

16. Yes, Mr. President and members of the Senate, this bill is a
17. bill that attempts to make it clear that parents of a disabled person
18. primarily...retarded adults for whom parents are technically no longer
19. liable for support who are in a residential facility may make, if they
20. wish, supplemental contributions to the facility over and above what
21. is made available by Public Aid. The Department was objecting to
22. this bill, but the amendment that was put on in 2nd reading obviates
23. their objection, so that I don't believe that there's any objection
24. to this bill at this time. I would ask for a favorable roll call.
25. If there's any questions, I'll be glad to respond.

26. PRESIDENT:

27. Senator Don Moore.

28. SENATOR MOORE:

29. Thank you, Mr. President. I concur with the statements that
30. Senator Fawell made. In committee, the Department of Public Aid
31. did have very violent objections to this bill. But as amended, I
32. spoke to Director Trainor, he has no objection to the bill as it is
33. now written. I think it's a good bill and should receive the support

1. from both sides of the aisle.

2. PRESIDENT:

3. Any further discussion? The question is shall Senate Bill
4. 1008 pass. Those in favor will vote Aye. Opposed Nay. The voting
5. is open. Have all voted who wish? Take the record. On this question,
6. the Ayes are 45, the Nays are none, none Voting Present. Senate Bill
7. 1008 having received a constitutional majority is declared passed.
8. Senate Bill 1001, Senator Shapiro.

9. ACTING SECRETARY: (MR. FERNANDES)

10. Senate Bill 1001.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDENT:

14. Senator Shapiro.

15. SENATOR SHAPIRO:

16. Mr. President and Ladies and Gentlemen of the Senate, Senate
17. Bill 1001 as amended is the same as the amendment that we just...
18. adopted. It defines party membership as it relates to appointment
19. to the State Board of Education. I would appreciate a favorable
20. roll call.

21. PRESIDENT:

22. The question is shall Senate Bill 1001 pass. Those in favor
23. will vote Aye. Those opposed Nay. The voting is open. Have all
24. voted who wish? Take the record. On this question, the Ayes are 45,
25. the Nays are none, none Voting Present. Senate Bill 1001 having
26. received a constitutional majority is declared passed. Senate Bill
27. 1011, Senator Netsch. Does Senator Netsch desire to call Senate Bill
28. 1011? Senate Bill 1013, Senator Fawell.

29. ACTING SECRETARY: (MR. FERNANDES)

30. Senate Bill 1013.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

1. Senator Fawell.

2. SENATOR FAWELL:

3. Mr. President and members of the Senate, this is an Illinois
4. Park District Association Bill. There have been, I forget how many,
5. I think two or three amendments. All that the bill, in its amended
6. form, now does is to make it clear that park districts in applying
7. for a liquor license shall go to the State Liquor Commission, which
8. in its discretion will issue that license. It also, as I recall,
9. applies to your municipalities. So your municipalities, your park
10. districts are not supposed to go to the local Liquor Control Commission
11. which especially insofar as a...a city or village is concerned would
12. obviously not make much sense. But they will go directly to the
13. State Liquor Commission for the issuance of any of their limited
14. licenses which they now have, which, as you know, are limited insofar
15. as their golf course facilities are concerned to be able to...to serve
16. liquor along with dinner. I...I don't know of any opposition to the
17. bill, and would appreciate a favorable roll call.

18. PRESIDENT:

19. Senator Course.

20. SENATOR COURSE:

21. Will the sponsor yield to a question?

22. PRESIDENT:

23. He indicates he will.

24. SENATOR COURSE:

25. Senator Fawell, if...can a concessionaire apply for a liquor
26. license if he leases property from the park district under this bill?

27. SENATOR FAWELL:

28. No.

29. PRESIDENT:

30. Senator Fawell.

31. SENATOR FAWELL:

32. No, he would not.

33. PRESIDENT:

1. Senator Course. Senator Savickas.

2. SENATOR SAVICKAS:

3. Will the sponsor yield to a question?

4. PRESIDENT:

5. He indicates he'll yield.

6. SENATOR SAVICKAS:

7. ACC. According to this bill, it seems that the City of Chicago is...

8. is included in this bill?

9. PRESIDENT:

10. Senator Fawell.

11. SENATOR FAWELL:

12. I...I don't believe, Senator, that City of Chicago...that the

13. Chicago Park District is. This...excuse me, yes. Yes, it is. The

14. Chicago Park District is included, yes. Because this is an amendment

15. to the liquor...to the Dram Shop Act, I believe, and so it does...

16. it would cover Chicago.

17. PRESIDENT:

18. Senator Mitchler. Oh, pardon me. Senator Savickas.

19. SENATOR SAVICKAS:

20. Well, Senator, I've...I've been in constant contact with the

21. Chicago Park District, as early as this morning with the superinten-

22. dent, and he has not indicated any concern from the Chicago Park

23. District to be included with this problem of serving liquor in any

24. of the...on any of the golf courses or any of the eating establish-

25. ments that may be served by the park district. This would also in-

26. clude the beaches, I imagine, all the public beaches in Chicago that

27. are under control of the park district. The golf courses, I imagine,

28. the harbors already are under private contract, but...

29. PRESIDENT:

30. Senator Savickas, are you finished?

31. SENATOR SAVICKAS:

32. I was just listening to the Senator to my left answering a

33. question. But, I...I can't see a need for this idea to serve liquor

1. at the park districts. Maybe the Senator could enlighten me on it.

2. PRESIDENT:

3. Senator Fawell.

4. SENATOR FAWELL:

5. Let...let me make this perfectly clear now. I'm reading from
6. the...from Section 1 of Article 4, Section 11 of the of the Dram Shop
7. Act. I...I...I will correct myself here. The law now states that
8. alcoholic liquors may be sold at retail in buildings of golf courses
9. owned by municipalities or park districts under the Park District Code.
10. That would not include the Chicago Park District. In connection with the
11. operation of established food serving facility during times when food
12. is dispensed for consumption upon the premises, and so that would
13. not, Senator, include the Chicago park district, which is under a
14. separate...separate portion of the statute. I stand to correct my-
15. self.

16. PRESIDENT:

17. Any further discussion? Senator Mitchler.

18. SENATOR MITCHLER:

19. Mr. President and members of the Senate, I'd like to ask the
20. sponsor to clarify this question that I have in my mind in reading
21. the bill. According to the bill, alcoholic liquors may be sold at
22. retail in buildings in parks owned by and under control of a park
23. district organized under provisions of the Park District Code, provided
24. said sale or sales are made in connection with the operation of an
25. established food serving facility during times when food is dis-
26. pensed for consumption upon the premises, and such sales may be
27. made only, one, with food served to the customer and at a dining
28. table and not across a bar. Now with food served to a customer.
29. Now, in other words, when I go to a park district and maybe outside
30. of the Chicago Park District, I'm not concerned, but I go to the
31. Fox Valley Pleasure Driveway and Park District and they set up the
32. hot dog stand and they serve me a hot dog, can I get a double Scotch
33. on the rocks along with it?

1. PRESIDENT:

2. Senator Fawell.

3. SENATOR FAWELL:

4. First...first of all, Senator, we're not in any way altering
5. any of that language. That's got nothing to do with what the bill
6. does. Now, you're...you're talking about existing law, and I will
7. agree with you there has been some confusion on that. We...we
8. haven't entered that thicket whatsoever. All we have done in the amended
9. version, and you're reading the original bill, which...which doesn't
10. have anything to do with what I have been talking about either, it
11. has been amended, as I indicated. And the only effect...the only
12. effect of the amendment is to make it clear that insofar as obtaining
13. a liquor license is concerned for these limited purposes to which you
14. have referred, that the park district or the municipality will go
15. directly to the Illinois Liquor Control Commission. And in its
16. discretion, it may or may not issue such a limited license to sell
17. liquor at golf course facilities only.

18. PRESIDENT:

19. Any further discussion? Senator Mitchler.

20. SENATOR MITCHLER:

21. Well, I don't have the amendment before me here, Senator, and
22. I reach in my bill book here and the amendment, to my knowledge, has
23. not been delivered, but when you extend this, is it only for golf
24. courses that you're talking about or can I out on...

25. PRESIDENT:

26. Senator Fawell, you're being asked a question.

27. SENATOR MITCHLER:

28. I mean are you limiting this only to golf courses or other facilities
29. in a park district. In other words, if there's a hot dog stand, can
30. I get a double Scotch on the rocks if they have a liquor license?

31. PRESIDENT:

32. We're back to the double Scotch. Would you answer the question
33. again.

1. SENATOR FAWELL:

2. Senator, would you please forget about that hot dog stand and
3. your double Scotch on the rocks. I'm not fooling around with that
4. part of the bill at all. There's an amendment and the only thing
5. that the amendment and the bill does, the only thing that it does
6. is to simply say that if thou doest want your liquor license, you shall go
7. directly to the Illinois Liquor Control Commission. It does not
8. change in any way the existing limited use of a liquor license as
9. now exists in the Park District Code. Do I make myself clear?

10. PRESIDENT:

11. Time, Senator Mitchler. Senator Kosinski.

12. SENATOR KOSINSKI:

13. Senator Fawell, are you available for two answers?

14. SENATOR MITCHLER:

15. It's to your left.

16. PRESIDENT:

17. Senator Kosinski.

18. SENATOR MITCHLER:

19. I thought I had a pretty good voice.

20. SENATOR KOSINSKI:

21. Two questions. Give me a good honest answer. Who wants this
22. bill?

23. PRESIDENT:

24. Senator Fawell.

25. SENATOR FAWELL:

26. All of us inebriates, Sir. No, the Illinois Park District
27. Commission has requested this, the Illinois Park and Recreation
28. Association, I should say. There's been confusion on the subject
29. as to whether they have to go through the local liquor control
30. commission or whether they should go directly to the Illinois Liquor
31. Control Commission. Municipalities and park districts both agree
32. that these public entities ought to go directly to the Illinois
33. Liquor Control Commission.

1. PRESIDENT:

2. Senator Kosinski.

3. SENATOR KOSINSKI:

4. Will this replace the Eskimo Pie stands on the corner? No.

5. PRESIDENT:

6. Senator Kosinski. Ask Senator Fawell. Senator Ozinga is
7. recognized.

8. SENATOR OZINGA:

9. Park districts. I would move the previous question.

10. PRESIDENT:

11. Senator...Senator Ozinga moves the previous question. All in
12. favor will say Aye. Opposed Nay. Ayes have it. The question is
13. shall Senate Bill 1013 pass. Those in favor vote Aye. Those opposed
14. Nay. The voting is open. Have all voted who wish or should we buy
15. some toys? Have all voted who wish? Take the record. On this
16. question, the Ayes are 35, the Nays are 3, 3 Voting Present. Senate
17. Bill 1013 having received a constitutional majority is declared passed.
18. Senate Bill 1015, Senator Hynes.

19. ACTING SECRETARY: (MR. FERNANDES)

20. Senate Bill 1015.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDENT:

24. Senator Hynes.

25. SENATOR HYNES:

26. This bill...this bill amends the Pension Code to provide that
27. a police officer who is...who suffers a heart attack during the per-
28. formance of his duties shall be considered as being injured in the...
29. in the line of duty and shall be compensated therefor. It is an
30. effort to provide some relief for a very difficult situation of a
31. ...an individual employed in...in police work who is subject to
32. unusual...subjected to unusual stress and strain, and to give him
33. an opportunity to have a better case in terms of proof of relationship

1. to duty. The bill, I believe, accomplishes this purpose without
2. unduly burdening the pension funds if, in fact, there is a...it does
3. not occur during duty, then there is a burden of proof on the indivi-
4. dual to show that there was some causal connection. Be happy to
5. answer nay questions, and if there are none, I would appreciate a
6. favorable roll call.

7. PRESIDENT: ... Those opposed will vote Nay. The vote

8. Any further discussion? Senator Berning.

9. SENATOR BERNING:

10. Senator Hynes, will you refresh my memory? Where did we leave
11. this on the suggested amendment that we discussed briefly?

12. PRESIDENT:

13. Senator Hynes.

14. SENATOR HYNES:

15. As you will recall, Senator Berning, we decided not to try to
16. adopt the amendment, but to leave the bill in the form as it left
17. the committee.

18. PRESIDENT:

19. Any...

20. SENATOR HYNES:

21. ...offer to discuss with Senator...Shapiro.

22. PRESIDENT:

23. Any further discussion? The question is shall Senate Bill 1015
24. pass. Those in favor will vote Aye. Those opposed Nay. The voting
25. is open. Have all voted who wish? Take the record. On this question,
26. the Ayes are 46, the Nays are none, none Voting Present. Senate Bill
27. 1015 having received a constitutional majority is declared passed.
28. Senate Bill 1016, Senator Hynes.

29. ACTING SECRETARY: (MR. FERNANDES)

30. Senate Bill 1016.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDENT:

1. Senator Hynes.

2. SENATOR HYNES:

3. 1016 is identical to 1015, except that it applies to downstate.

4. 1015 applied to Chicago only.

5. PRESIDENT:

6. The question is shall Senate Bill 1016 pass. Those in favor

7. will vote Aye. Those opposed will vote Nay. The voting is open.

8. Have all voted who wish? Take the record. On this question, the

9. Ayes are 44, the Nays are 1, none Voting Present. Senate Bill 1016

10. having received a constitutional majority is declared passed. Senator

11. Nimrod.

12. SENATOR NIMROD:

13. Yeah...

14. PRESIDENT:

15. ...and one is Present. The board...

16. SENATOR NIMROD:

17. Mr. President...

18. PRESIDENT:

19. I'm sorry. That's correct. 44, Aye, 1 Nay, no Present.

20. SENATOR NIMROD:

21. Mr. President, I don't know how mine ended up red. I thought I pushed

22. green, but I would like the record to so reflect I voted, would have

23. voted for the bill.

24. PRESIDENT:

25. Let the record show he has joined Senator Vadalabene's army.

26. Senate Bill 1018, Senator Harris.

27. SECRETARY:

28. Senate Bill 1018.

29. (Secretary reads title of bill)

30. 3rd reading of the bill.

31. PRESIDENT:

32. Senator Harris.

33. SENATOR HARRIS:

1. Mr. President, Senate Bill 1018 is a bill to provide an option,
2. it's not mandated, it is permissive, to renegotiate contracts limited
3. only to contracts relating to the use of asphalt materials. And...
4. asphalt materials is very carefully defined in the bill. The bill
5. is temporary. It applies to those contracts that were in effect from
6. the period of June 13, 1973 through December 31st, 1974. Now the
7. reason for this is that during that period, that's the period of time
8. just after the lifting of the Phase III price controls. They were
9. lifted on June 13. Now the Federal Government put a ceiling on other
10. petroleum products other than asphalt, and as a consequence, this
11. specific kind of material escalated by some six hundred percent in
12. some instances. I make very significant reference to the fact that
13. this is permissive. The agency must determine and can set up a board
14. to renegotiate these contracts on its option. Additionally, any
15. such contract renegotiated is reimbursable by Federal funds. The
16. Federal Government has recognized this very serious problem and funds
17. for this purpose are available through the Federal Highway Administra-
18. tion. We did provide an amendment that was requested in the hearing
19. in the Executive Committee that would make certain that it would
20. operate in addition to those persons who have not completed contracts
21. that would be covered by this to also to those who have so completed.
22. I would urge you to support this important piece of legislation to
23. cure a very serious problem. In many, many circumstances, there is
24. a question of whether some contracts can, in fact, be completed. The
25. Department of Transportation will be the primary agency affected by
26. this, and they have indicated their cooperation in the forward progress
27. of this bill through the General Assembly. It was carefully worked
28. out with the administration insofar as the drafting of this bill. I
29. know of no opposition to it, and would urge a favorable roll call.

30. PRESIDENT:

31. Any further discussion? Senator Rock.

32. SENATOR ROCK:

33. Thank you, Mr. President and Ladies and Gentlemen of the Senate,

1. as the second sponsor of this legislation, I can only endorse it
2. wholeheartedly. This allows the Department of Transportation a
3. latitude they need. It allows the persons who work in our State
4. something they need. I support Senator Harris wholeheartedly, and
5. I would ask everybody on this side to support this bill.

6. PRESIDENT:

7. Senator Wooten.

8. SENATOR WOOTEN:

9. Mr. President, an innocent inquiry. Would not the provision
10. of a ten percent increase have the practical effect of mandating
11. a ten percent increase? I can't imagine someone not taking advantage
12. of that and whatever the provocation, finding that the cost has somehow
13. gone up ten percent.

14. PRESIDENT:

15. Senator Harris.

16. SENATOR HARRIS:

17. Well, I don't see it that way at all. That's only the...the
18. circumstances that there must have been a ten percent cost increase
19. for a contractor to have been included in the provisions of this Act.
20. But it does not mandate that the Department would, thereupon, auto-
21. matically renegotiate the contract. There must be a proper cause
22. demonstrated and the need, and it is an optional matter on the part
23. of the Department.

24. PRESIDENT:

25. Senator Latherow is next. Then Senator Knuppel. Then Senator
26. Buzbee.

27. SENATOR LATHEROW:

28. Thank you, Mr. President. I have one question. A contractor
29. who may have been shut down for almost a year or year on strike,
30. would he be able to take advantage of this because of having been
31. struck?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Harris.

1. SENATOR HARRIS:

2. Well, if...if he, in fact, has had a ten percent cost in
3. escalation in that part of his contract relating to asphalt products
4. as defined in the bill. Now, any job shut down for a year, I think,
5. probably would have been subject to bonding provisions, and he pro-
6. bably would have been found in default, Senator. But, I...I don't
7. know about that. They...the criteria is set forth very specifically
8. and in a very limited way in the bill.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. This is a good bill. It solves a problem that...that people who
13. contracted had no control over. In the law contracts it's called
14. impossibility and to...to perform and this is objective impossibili-
15. ty. These people were confronted with the Arabic Oil Embargo. Poss-
16. ibly the bill has some problems. I and Senator Harris have talked
17. about it. We're going to continue to work on the bill in the House.
18. It's a good bill, though. It's a good concept, and I think it should pass
19. as Senator Rock has said with...with an affirmative vote, almost
20. unanimous.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Buzbee.

23. SENATOR BUZBEE:

24. Mr. President, I'm very hesitant to...to rise here, because I
25. obviously was not on the committee that heard the bill. But, is...
26. is...a question of the sponsor to start with. Is this similar to
27. what we know as the cost overrun type contracts in the Federal Government
28. wherethey are allowed to go over and say we spent more than we had an-
29. ticipated, now we want to be reimbursed?

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Harris.

32. SENATOR HARRIS:

33. I...I think those Federal that crossed over on contracts are very

1. broad in nature. This is a very specific matter...relates only to
2. asphalt materials and nothing else, and only during that period
3. of time from June 13, 1973 to December 31, 1974. It's a very
4. narrow provision for the opportunity for renegotiation and even then,
5. it is only an optional determination on the part of the Department.
6. The Department makes the determination not to renegotiate, so be it.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Buzbee.

9. SENATOR BUZBEE:

10. Well, again, I speak obviously from a very and extremely limited
11. amount of knowledge, but I would point out to you, and the knowledge
12. I speak from, by the way is comes from the fact that my father was
13. an office manager for an asphalt company back in the latter forties
14. and early fifties for some ten years in the figuring of contracts.
15. They do...they billed in, in their bidding on contracts, they billed
16. in a percentage for unforeseen costs that may arise in addition to
17. their profits that they billed into their bid. Now, you know, maybe
18. they have not been able...could not figure the increase in petroleum
19. products, they could not figure that much of a billed in in their bid,
20. but I'm just not sympathetic.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Fawell.

23. SENATOR FAWELL:

24. The question, Senator Harris, that I would have - I notice in
25. the amendment that apparently this applies to contracts which have
26. been completed. And I was wondering why I could...I could see the
27. situation where somebody has bid, they're in, really, in a position
28. where they can't very well perform because of the situation, but
29. you're going to go back and...and...and make...can the State go back
30. on, make reimbursements to contracts that have been fully completed
31. and are done and over with.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Harris.

1. SENATOR HARRIS:

2. The question is that in the committee, the committee members
3. raised the point that someone who had gone ahead and taken his lumps
4. and completed should not be excluded. Very frankly, I think they
5. might have been covered in the language of the bill, as introduced, but
6. I said we certainly want to make it clear that...that that kind of
7. a contractor is included in the provision. And...and that is the
8. way the bill now reads. Yes, a contract in process of being completed
9. or one that has been completed is subject to the provisions of this
10. very temporary opportunity for renegotiation. But, even then, it's
11. a matter to be determined by the Department, and not mandated.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Fawell.

14. SENATOR FAWELL:

15. All right. Then the...the other question I have, and I...I...
16. I can't make sense out of this, but it's late. Maybe you can explain
17. it to me. It says whenever the actual cost to a contractor for
18. procuring asphalt required in the performance of his contract. All
19. right. Increases by more than ten percent over the actual cost to
20. him for procuring that product on the date the contract was awarded.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Harris.

23. SENATOR HARRIS:

24. That specifies that his cost increase must have increased from
25. the date that the contract was awarded to the period of time during
26. which he has completed his activity on the contract. That fixes the
27. time in which there must have been a ten percent cost escalation for
28. him to have been included, and that just fixes a point in time as
29. being a date that the contract was awarded. Then there must have
30. been a ten percent cost increase shown by his records in order for
31. him to be considered as a prospective contractor to have the provi-
32. sions of this bill operate, to be considered.

33. PRESIDENT:

1. Senator Netsch.

2. SENATOR NETSCH:

3. A question of the sponsor if he will yield.

4. PRESIDENT:

5. He indicates he'll yield.

6. SENATOR NETSCH:

7. Senator Harris, why just asphalt? It seems to me that there
8. have been numerous contractors who have been hit by the escalation
9. in prices, including even the escalation in oil and petroleum product
10. prices. Why...isn't it possible that if we do this, that we are
11. going to be besieged by every other contractor wanting, in effect,
12. a renegotiation of their contract?

13. PRESIDENT:

14. Senator Harris.

15. SENATOR HARRIS:

16. The answer is, and I thought I stated that in my earlier explana-
17. tion, the Federal Government placed ceilings on petroleum products even
18. after the end of the Phase III price control for all petroleum products
19. insofar as Federal contracts were concerned, with the exception of
20. asphalt. And petroleum products in general, while there was some
21. escalation, there was nowhere near the kind of escalation in the
22. market as occurred with asphalt only. The escalation for it was some
23. six hundred percent. For petroleum products, in general, it ran to
24. something like fifty to sixty percent during this time period. This
25. is a very narrow and limited matter because that's wherein the greatest
26. problem exists in the completion of contracts, in effect, insofar as
27. the Department of Transportation is concerned. This is...we are just
28. suggesting that those other problems are the kinds of vicissitudes
29. that have to be met by people who are in a risk business. But this
30. is very narrowly drawn to this very limited problem which had the
31. greatest degree of escalation.

32. PRESIDENT:

33. Any further discussion? Senator Weaver.

1. SENATOR WEAVER:

2. Mr. President, I think during this time frame, asphalt went up
3. from about thirty-five dollars a ton to over seventy dollars a ton.
4. And, I think that it's not in the best interest of the Federal
5. Government or the State Government to see all these contractors
6. go broke. They had no fault in this. They had some firm bids
7. were caught in the crunch, and so I'd move the previous question.

8. PRESIDENT:

9. Senator Weaver moves the previous question. All in favor will
10. say Aye. Opposed Nay. The Ayes have it, the previous question is
11. moved. The question is shall Senate Bill 1018 pass. Those in favor
12. will vote Aye. Those opposed will vote Nay. The voting is open.
13. Have all voted who wish? Take the record. On that question, the
14. Ayes are 33, the Nays are 10, 4 Present. Senate Bill 1018 having
15. received a constitutional majority is declared passed. For what
16. purpose does Senator Buzbee arise?

17. SENATOR BUZBEE:

18. Ask for a verification, Mr. President.

19. PRESIDENT:

20. A verification has been requested. The Secretary will read the
21. affirmative votes. For what purpose does Senator Soper arise?

22. SENATOR SOPER:

23. Mr. President, now, now we...the board is off and I'd like to
24. know when there's a verification, I'd like to have a copy of the
25. results given to each Senator here so we know what's going on. Would
26. you make copies of that so we all know what's going on? Ring the bell
27. in the meantime. And then I want the negative verified.

28. PRESIDENT:

29. For what purpose does Senator Wooten arise?

30. SENATOR WOOTEN:

31. I don't believe there's a provision for such a Byzantine procedure
32. in our rules or in our customs. I believe, I believe the record is
33. right down there, and as I recall, the normal practice is for the

1. Secretary to call off the names. Their presence on the board is
2. not essential. As long as he reads the names, we have the information.
3. May we proceed with the verification?

4. PRESIDENT:

5. Senator Soper.

6. SENATOR SOPER:

7. Well, I'd say this, Mr. President, you know, we have records
8. read and so forth, but I think in order to be correct and to verify...
9. after all the Secretary - in all due respect to the Secretary - he
10. is human too, and he can make mistakes. I'd like to read it while
11. he's going along with it.

12. PRESIDENT:

13. State your point.

14. SENATOR BUZBEE:

15. My point is I have asked for a verification of the roll call.

16. I persist and I resent...

17. PRESIDENT:

18. You don't have to persist, Senator, you don't have to persist.
19. You'll get a verification. Nobody has ever asked for a verification
20. and not gotten it. But nobody has asked for recognition and not been
21. recognized. You don't have to persist. If you'll just abide the
22. moment, the verification will be in order. For what purpose does
23. Senator Soper arise?

24. SENATOR SOPER:

25. Well, I don't want to preclude anyone from a verification.

26. PRESIDENT:

27. You won't be able to do that, I won't give you that...

28. SENATOR SOPER:

29. No, I understand that, I understand that, Mr. President, but I'd
30. like to in the verification I'd like to know what I'm doing too, you know.
31. The names are off the board, and I think it's fair that we should do this.
32. Ring the bell and let's find out where everybody is and give me a
33. copy of this. I think that's fair.

1. PRESIDENT:

2. Senator, Senator, I...I...that just...will the Senate be in
3. order. Will the members be in their seats. Senator, on verification
4. of roll call, the custom of the Senate is for the Secretary to call
5. the roll. You have become accustom to the board. We used to not
6. have a board, hence, you could not tell except by what the Secretary
7. said what the votes were. Now, I'm just delighted that you're so
8. accustomed to this board because it's really a great thing for us.
9. The Secretary will call the affirmative votes. Senator Soper.

10. SENATOR SOPER:

11. Thank you, Mr. President. I'll abide by your ruling.

12. PRESIDENT:

13. Thank you. Secretary, call the roll. Call the affirmative vote.

14. SECRETARY:

15. The following voted in the affirmative:

16. Berning, Bloom, Brady, Bruce, Carroll, Course, Davidson, Donnewald,
17. Dougherty, Egan, Granam, Kenneth Hall, Harris, Johns, Joyce, Knuppei,
18. Kosinski, Mitchler, Howard Mohr, Nimrod, Nudelman, Palmer, Philip, Rock,
19. Savickas, Schaffer, Shapiro, Smith, Soper, Vadalabene, Weaver, Welsh,
20. Mr. President.

21. PRESIDENT:

22. For what purpose does Senator Lemke arise?

23. SENATOR LEMKE:

24. I missed the vote. I'd like to be recorded Aye on this, for the
25. record.

26. PRESIDENT:

27. The vote is 31 Aye. How many Nay were there? The vote is 31
28. Aye, 10 Nay. Senate Bill 1018 has been...Senator Rock.

29. SENATOR ROCK:

30. Thank you, Mr. President, now that roll has been verified, having
31. voted on the prevailing side, I do now move to reconsider the vote by
32. which Senate Bill 1018 has passed.

33. PRESIDENT:

1. Senator Rock moves to verify...to reconsider the vote. Senator
2. Vadalabene moves to lay that on the Table. All in favor will say
3. Aye. Opposed Nay. Ayes have it. Senator Buzbee, what purpose do
4. you arise?

5. SENATOR BUZBEE:

6. Mr. President, I move we adjourn.

7. PRESIDENT:

8. No seconding is necessary. There's been a motion to adjourn.
9. I would like to point out to the membership before we consider it
10. that there are two or three rather vital matters left which will
11. take a few moments. They are bills, one on the Secretary's Desk...
12. Senator...one on 2nd reading which has to be moved, one on the
13. Secretary's Desk which has to be moved, and one which Senator Lemke
14. has to move. And they are of vital necessity to be moved today. You
15. want to withhold your motion until we can deal with those, Senator.

16. SENATOR BUZBEE:

17. Mr. President, I will withhold my motion with the understanding
18. we're not going to go back to any bills on 3rd reading that...that,
19. and at that time, I will persist in my motion. If...if otherwise,
20. I'm going to persist in my motion, now, but I...I respect your decision
21. and your desires.

22. PRESIDENT:

23. The motion to adjourn. All in favor say Aye. Opposed Nay.
24. The motion is lost. Let's go forward. On 2nd reading, has the Chair
25. leave to return to the order of 2nd reading to...for the purpose of
26. Senate Bill 348, Senators Course and...Senator Course. Senate Bill
27. on 2nd reading. Senate Bill 348, Senator Course.

28. SENATOR COURSE:

29. Mr. President, I yield to Senator weaver.

30. PRESIDENT:

31. Senator Weaver.

32. SENATOR WEAVER:

33. Thank you, Mr. President. This amendment would reduce the annual

1. appropriation to the Liquor Control Commission by a hundred and
2. twenty-nine thousand, four hundred dollars. This money is for
3. nine new liquor agents that ILCC wants to add in Fiscal '76. Last
4. year this function of investigation was switched over to the Depart-
5. ment of Revenue and I think that's where it should stay. And I move
6. adoption of this amendment.

7. PRESIDENT:

8. Senator Weaver moves the adoption of Amendment No. 1 to Senate
9. Bill 348. All in favor will say Aye. Opposed Nay. The motion is
10. adopted. Any further amendments? That...3rd reading. Senator Harris.

11. SENATOR HARRIS:

12. Mr. President, I have a bill on 3rd reading that I would like
13. to recall, if it would be appropriate to do it at this time, Senate
14. Bill...

15. PRESIDENT:

16. What is the number of the bill?

17. SENATOR HARRIS:

18. Senate Bill 1380. Seek leave to recall this to 2nd reading for
19. purposes of an amendment.

20. PRESIDENT:

21. Is there leave? Leave is granted. Senate Bill 1380.

22. SENATOR HARRIS:

23. Mr. President, I referred to this amendment last night. I didn't
24. have it prepared last night when we amended this bill. It was a bill...
25. I mean an amendment requested by Senator Regner to change from the
26. authority to the Executive Director to enter into contracts to provide
27. that authority to the Commission itself. Felt that it was just a little
28. bit too specific granting that power to that individual. I move the
29. adoption of what will be new Amendment No. 5.

30. PRESIDENT:

31. Senator Harris moves the adoption of Amendment No. 5 to Senate
32. Bill 1380. All in favor will say Aye. Opposed Nay. The Ayes have
33. it. The amendment is adopted. Any further amendments? 3rd reading.

1. Now Senate Bill 336, Senator Knuppel and Senator Davidson. Are you
2. both on the Floor? Senator Davidson only asked me about this eight
3. times tonight. Now where is he? Senator Knuppel, Senate Bill 336
4. on the order of what - the Secretary's Desk?

5. SENATOR KNUPPEL:

6. Yes, Sir. This...

7. PRESIDENT:

8. What is your motion, Senator?

9. SENATOR KNUPPEL:

10. Motion to concur in the House Amendments 1 and 2 to this bill.
11. This is the bill for the deficiency for the State Fair Organization
12. so that we can get a fair on the road this year. I guess it's 1, 2,
13. and 3.

14. PRESIDENT:

15. Do we have the bill, Mr. Secretary?

16. SENATOR KNUPPEL:

17. Or is it 1 and 3? I don't know.

18. PRESIDENT:

19. Senate Bill...

20. SENATOR KNUPPEL:

21. 1 and 3.

22. PRESIDENT:

23. This is Senate Bill 336. 3...366.

24. SENATOR KNUPPEL:

25. 366, I move...

26. PRESIDENT:

27. ...That's a...

28. SENATOR KNUPPEL:

29. 366, I move that we concur in the House amendments.

30. PRESIDENT:

31. Senator Knuppel moves to...concur in House Amendment No, 1 to
32. Senate Bill 366, which is on the Secretary's Desk. Any further dis-
33. cussion? All in favor will say Aye. Well, what purpose does Senator

1. Buzbee arise?
2. SENATOR BUZBEE:
3. I'm...I just want to know what the House amendment does.
4. PRESIDENT:
5. That was the reason I asked, is there any further discussion?
6. SENATOR BUZBEE:
7. ~~That's~~ That's why I had my hand up, Mr. President.
8. PRESIDENT:
9. Very good. Senator Wooten, will you explain the amendment.
10. SENATOR KNUPPEL:
11. The amendment on...to the bill adds money in different respects,
12. forty-two thousand on Page 1, Line 11 is raised from forty-two thousand
13. to one hundred sixty-one thousand, two hundred. On Page 1, Line 12,
14. they strike two thousand eight hundred and add seven thousand, five
15. hundred. On Page 1, Line 13 they strike twenty-one hundred and add
16. fifty-eight hundred. On Page 1, Line 14, they strike a hundred thousand
17. and put in two hundred and ninety thousand, one hundred. On Page 1,
18. Line 15, they strike fifty thousand and insert one hundred, twenty-
19. six thousand, two hundred, and on Page 1, Line 16, they strike a hundred
20. ninety-six thousand and this is the total, and they insert five hundred
21. ninety thousand, eight hundred.
22. PRESIDENT:
23. Now, Senator Knuppel, so that the membership can be edified,
24. have you explained the terms of both Amendments No. 1 and 3?
25. SENATOR KNUPPEL:
26. I don't believe so. No. 3 is...they have the sum of six hundred
27. either appropriated...they...that's on...they amend Senate Bill 366
28. on Page 1, by inserting between Lines 15 and 16 the following: Section
29. 2, the sum of sixty thousand is appropriated from the Agricultural
30. Premium Fund to remodel, improve and adapt public facilities to the
31. needs of handicapped persons. And on Page 1, Line 16 by deleting
32. Section 2 and inserting...in lieu thereof, Section 3, which is merely
33. a correction.

1. PRESIDENT:

2. The question is shall House Amendments No. 1 and 3 be concurred
3. in? This is final passage and will require a roll call. Senator
4. Mitchler.

5. SENATOR MITCHLER:

6. Well, Mr. President and members of the Senate, House Amendment
7. No. 1 is a rather large increase in an appropriation, and the sponsor
8. explained what it did. But what is the need for this, from three hundred
9. red ninety four thousand, eight hundred dollars, to five hundred ninety
10. thousand, eight hundred dollars? Now, we're appropriating this out
11. there at the State Fair, and there's been a lot of question, and I...
12. I'm not disputing what the sponsor is doing or what the House did.
13. But, I think we ought to have a full explanation so that members of
14. this Body know exactly what type of money they're giving to that
15. State Fair agency. I'm a member of the State Fair Advisory Board.
16. None of this has ever been told to me or any other member of the Board.
17. And I think that it's...that's a discourtesy, but I put up with that
18. for a number of months now. But I think that we should have a full
19. explanation of why the increase in the House and substantiate it, and
20. if you'll give that to us, Senator, I'll be glad to accept it if it's
21. proper.

22. PRESIDENT:

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. Very frankly, Sir, I don't have that information.

26. PRESIDENT:

27. I think Senator Davidson has it. Would you share it with us and
28. let's make it a dialogue instead of a monologue.

29. SENATOR DAVIDSON:

30. Thank you. The...change, as all of you know, this bill was
31. amended and took out all the controversial contract money and you
32. put that on an amendment on a House Bill for the Comptroller's Office.
33. The only thing left in this bill is the monies which are needed to

1. meet the payroll for the State employees who are the permanent employees,
2. and we sent it out of here from the Senate over to the House, we only put
3. in the money to carry the employees up to May 15th. Over in the House
4. it was obvious that this bill would not be done in time to find out the
5. errors, after the Grand Jury investigation to get the additional money.
6. And they requested by both the Comptrollers's Office and the Governor's
7. Bureau of the Budget for additional monies by amendment on this bill
8. in the House, so the supplemental appropriation to pay these employees
9. from May 15th till June 30th would be included. And that's what this
10. bill does. It was...other amendment in relation to...for the handi-
11. capped people which they all agreed to. And this only pays the monies,
12. the salaries of the permanent fair employees so they can receive a
13. pay check on the end of May. If we don't get this passed and get it
14. signed, those employees will be without a pay check.

15. PRESIDENT:

16. Any further discussion? Senator Rock.

17. SENATOR ROCK:

18. Yes. Thank you, Mr. President and Ladies and Gentlemen of the
19. Senate. The bill as it comes back from the House, Senator Davidson
20. is quite right, we have deleted all the controversial, subcontractor
21. contracts which were subject to a Grand Jury investigation that...that's
22. in another bill. It's totally out of here. The only thing that's
23. happening here is there is a...about five hundred to six hundred thou-
24. sand dollars for the supplemental. It's a deficiency appropriation for
25. the operation of the State Fair Agency. It is an agreed amendment that
26. was agreed to in the House, and I think it merits our support.

27. PRESIDENT:

28. Any further discussion? The question is shall the Senate concur
29. in Amendments No. 1 and 3, House Amendments No. 1 and 3, to Senate
30. Bill 366. Those in favor vote Aye. Those opposed vote Nay. The
31. voting is open. Have all voted who wish? Take the record. On that
32. question, the Ayes are 45, the Nays are none, 3 Voting Present. The
33. Senate does concur in Amendments No. 1 and 3 to the...and the bill

5-21-15

1. having received the required constitutional majority is declared
2. passed. Senator Clarke, Senate Bill 1298, where is it on the Calendar?
3. Senate Bill 1298 is an emergency matter. Senator Clarke is recognized
4. on the order of 3rd reading, Senate Bill.

5. SECRETARY:
6. 98...Senate.

7. PRESIDENT:
8. Is it 1298? The Calendar is in error. The Calendar shows Senator
9. Bruce, but Senator Clarke is, in fact, the sponsor. Senator...read
10. the bill.

11. SECRETARY:
12. Senate Bill 1298...

13. PRESIDENT:
14. Just one moment. Senator Clarke is recognized.

15. SENATOR CLARKE:
16. I wish to ask permission to bring it back to 2nd reading. The
17. Clerk has the amendment on his desk.

18. PRESIDENT:
19. Senator Clarke seeks leave to bring the Senate Bill 1285 from
20. the order of 3rd reading back to the order or 2nd reading for the
21. purpose of an amendment. Is there leave? Leave is granted. Senator
22. Clarke.

23. SENATOR CLARKE:
24. This amendment is actually a completely new bill. It's a pro-
25. posal of the Legislative Audit Commission regarding travel boards:
26. We have had a problem for many years and especially in the Legisla-
27. tive area as to travel, especially with public members of commissions,
28. and we are setting up here three, new, separate travel boards, one for
29. the Legislature, the Governor has his own, and the university system
30. has theirs, and I would urge adoption of the amendment.

31. PRESIDENT:
32. Is there discussion? Senator Rock.

33. SENATOR ROCK:

1. I stand again to second the movement for the adoption of Amend-
2. ment No. 1, and also to ask leave of the Senate, and so the Secretary
3. will know, I wish to be added as the chief cosponsor of this bill.
4. Senator Bruce has given us leave to have Senator Clarke and myself
5. handle this bill. Senator Bruce would like to be a cosponsor. It
6. is a super bill, but Senator Clarke and I hope will be shown as the
7. chief sponsors on the Calendar of a child who qualifies for the
8. PRESIDENT:

9. Is there leave for Senator Clarke and Rock to be shown as chief
10. cosponsors of Senate Bill 1298, and for Senator Bruce and Senator
11. Partee to be shown as sponsors? Leave is granted.

12. SENATOR ROCK:

13. Now, Mr. ...Mr. President, while...while I have the Floor, I
14. am urging the adoption of Amendment No. 1, my suggestion is so that
15. everybody has a chance to look at it, that the amendment be adopted
16. and that we hold it over until tomorrow.

17. PRESIDENT:

18. The question is shall Amendment No. 1 to Senate Bill 1298 be
19. adopted. All in favor will say Aye. Opposed Nay. 3rd reading.
20. The bill will be held for a vote until you have had an opportunity
21. to read the amendment. Senate Bill 1021, Senator Rock.

22. SENATOR ROCK:

23. Might I ask the Secretary to read the bill.

24. SECRETARY:

25. Senate Bill 1021.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDENT:

29. Senator Rock.

30. SENATOR ROCK:

31. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
32. I would first ask leave of the Senate, as a cosponsor of this legis-
33. lation, to handle the bill in Senator Romano's absence. He left a

1. little early.

2. PRESIDENT:

3. Is there leave? Leave is granted. Senator Rock.

4. SENATOR ROCK:

5. Mr. President and Ladies and Gentlemen of the Senate, Senate Bill
6. 1021 is an amendment to the Chicago Municipal Employees Retirement
7. Fund. --It revises the definition of a child who qualifies for the
8. Child Survivors Annuity to include a child conceived out of wedlock
9. where the mother is the employee, parent in cases where the father
10. and has married the mother and acknowledged the child. This is the
11. problem that...this particular fund has had. There have been numerous
12. legal opinions and we are trying once and for all to statutorily cor-
13. rect it. The bill, as I understand it, has no known opposition, and
14. I would urge a favorable roll call.

15. PRESIDENT:

16. Have all voted who wish? Oh, pardon me. The question is shall
17. Senate Bill 1021 pass. All in favor will vote Aye. Those opposed
18. Nay. The voting is open. Have all voted who wish? Take the record.
19. On this question, the Ayes are 41, the Nays are none, none Voting
20. Present. Senate Bill 1021 having received a constitutional majority
21. is declared passed. Senate Bill 1022, Senator Rock.

22. SECRETARY:

23. Senate Bill 1022.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDENT:

27. Senator Rock.

28. SENATOR ROCK:

29. Thank you, Mr. President and Ladies and Gentlemen of the Senate,
30. I again seek leave of the Senate to handle this bill in Senator Romano's
31. absence.

32. PRESIDENT:

33. Is leave granted? Leave is granted. Senator Rock.

1. SENATOR ROCK:

2. Mr. President and Ladies and Gentlemen of the Senate, this is an
3. amendment to the Chicago Laborers' and Retirement Board Annuities and
4. Benefit Fund Article, and all it does is clarify that refunds are not
5. exempt from garnishment under this legislation. The bill has no known
6. opposition. I would urge a favorable roll call.

7. PRESIDENT:

8. Senator Berning.

9. SENATOR BERNING:

10. Senator, I have a note that this was to be amended on 2nd read-
11. ing, but I cannot immediately lay hands on my notes as to what the
12. amendment was to be on. Just wonder if you could...

13. PRESIDENT:

14. Senator Rock.

15. SENATOR ROCK:

16. Thank you, Senator, your note is correct. The amendment was
17. offered last week in Senator Romano's absence when he was in the
18. hospital at my urging. The amendment merely says, it was Amendment
19. No. 1, amending Senate Bill 1022 on Page 1, by deleting Line 18 and
20. inserted the provision that provided, however, that nothing in this
21. Section shall be construed to exempt any refund permitted under this
22. Article. It was merely an attempt to accommodate our 1970 Constitu-
23. tion which provides that pension rights are vested. The amendment
24. was requested by the Pension Laws Commission, and the Committee on
25. Pensions. It had the agreement of everybody, and I think the bill is
26. in fine shape, and I would urge a favorable vote.

27. PRESIDENT:

28. Any further discussion? The question is shall Senate Bill 1022
29. pass. All in favor will vote Aye. Those opposed Nay. The voting
30. is open. Have all voted who wish? Take the record. Have all voted
31. who wish? Take the record. On that question, the Ayes are 46, the
32. Nays are none. Senate Bill 1022 having received a constitutional
33. majority is declared passed. May I have the attention of the Senate.

1. The Chair desires to be effusively complimentary to the Senate for
2. its work program and its work schedule. We have considered, with
3. the last bill just heard, a total of sixty-three bills today. There
4. has been vigorous debate on many of them and I am sure that you are
5. satisfied. You have voted as you desired on those issues which have
6. been before you. In addition to that, we have considered other mat-
7. ters like the resolution and others. It is the hope of this Body
8. that we can complete our work by the schedule deadline. We will start
9. again tomorrow at nine. There will be a committee meeting as previous-
10. ly announced by Senator Hynes, at 8:00 o'clock in the morning of Appro-
11. priations. The...the other thing I wanted to say was that we are now
12. with a relatively small number of bills remaining. I hope that we can
13. deal with every single bill on the Calendar that the sponsor desires
14. to. But do remember that there are...there is not only the bills to
15. be considered, there are several motions on the Secretary's Desk, there
16. are several bills on the Secretary's Desk, the Postponed Consideration
17. Calendar has become quite long based on today's record, and there are
18. other Motions in Writing and other motions which are to be dealt with.
19. Hopefully we can start at nine in the morning, go through our regular
20. schedule tomorrow, and on Friday, we can get through with our Calendar
21. in time. Senator Soper, what purpose do you arise?

22. SENATOR SOPER:

23. Mr. President, with due respect, parliamentary inquiry. Is this
24. the time to make the motion to Table all bills on Postponed Consider-
25. ation?

26. PRESIDENT:

27. Not yet.

28. SENATOR SOPER:

29. Thank you very much.

30. PRESIDENT:

31. Senator Shapiro.

32. SENATOR SHAPIRO:

33. Mr. President...

1. PRESIDENT:

2. One moment please.

3. SENATOR SHAPIRO:

4. Yeah...

5. PRESIDENT:

6. One moment please. One moment.

7. SENATOR SHAPIRO:

8. Mr President, referring to your recitation as to the work we
9. accomplished today, I'm curious as to how many groups we introduced
10. from the balcony.

11. PRESIDENT:

12. Well, about seventeen, I think, today. Now all MOTIONS in
13. Writing which are scheduled for hearing today, which obviously have
14. not been heard, will be continued until tomorrow so that we will...
15. pardon. I'm going to ask for leave of the Senate...Senate to do
16. that so nobody will lose their opportunity. Now, does Senator
17. Buzbee desire to make a motion? Hold it, one moment. Senator Rock.

18. SENATOR ROCK:

19. I...I was, frankly, up before he was. In addition to that, I would
20. yield to Senator Lemke. There is a matter of some importance that we
21. did not yet deal with, and...

22. PRESIDENT:

23. I'm sorry. Senator Lemke mentioned it to me. I thought we had
24. dealt with it. Senator Lemke is recognized.

25. SENATOR LEMKE:

26. At this time, I'd like to make a motion to take from the Table
27. Senate Bill 1184 which...for the purpose of amendment, have it moved
28. to 2nd reading.

29. PRESIDENT:

30. Is there leave? Senator Harris.

31. SENATOR HARRIS:

32. Well, I just rise to support Senator Lemke's motion to take from
33. the Table this Senate Bill.

1. PRESIDENT:
2. Read the bill. Till we get it. While we're getting the bill out
3. here, I would remind the membership that the first bill on consideration
4. tomorrow on 3rd reading is a bill which is very important to many of
5. you and...and a bill which you will have occasion to discuss back in
6. your home districts. It is Senate Bill 1024; dealing with the subject
7. of medical malpractice. There will be several amendments offered. It
8. would be advisable to be here on time tomorrow so that you can partici-
9. pate in what might be rather historic debate. Senate Bill 1184. Read
10. the bill.
11. SECRETARY:
12. Senate Bill 1184.
13. (Secretary reads title of bill)
14. 2nd reading of the bill.
15. PRESIDENT:
16. Senator Lemke. Oh, I'm sorry. This is on 2nd reading. You have
17. the amendment, Senator?
18. SENATOR LEMKE:
19. We have an amendment for it.
20. PRESIDENT:
21. Yes. Send the amendment down, please. Would the Page please
22. get the amendment.
23. SENATOR LEMKE:
24. Why don't we just leave it here for a while and...
25. PRESIDENT:
26. Senator Rock.
27. SENATOR ROCK:
28. Parliamentary inquiry. If...if, in fact, the bill shows up on
29. 2nd reading tomorrow, it is passable on Friday, is that not correct?
30. PRESIDENT:
31. That's correct, but is there any problem with attaching the amend-
32. ment to it today and moving it to 3rd?
33. SENATOR ROCK:

1. I don't...I don't...

2. PRESIDENT:

3. If it has to be brought back, it can be. I...I'd just rather

4. do it a day ahead rather...

5. SENATOR ROCK:

6. ...you know, I'm with you. I don't have any problem either, but

7. I'm just....

8. PRESIDENT:

9. This is an agreed amendment. Is there any problem on the amend-

10. ment?

11. SENATOR ROCK:

12. All right. If the Senator will be kind enough to explain the

13. amendment, I'm sure that...

14. PRESIDENT:

15. Explain the amendment, Senator Lemke.

16. SENATOR LEMKE:

17. Amendment No. 1 to Senate Bill 1184 on Page 1, Line 1 by deleting -

18. repealing, and inserting in lieu thereof the following: Amend Section

19. 2 of and the Line 8 inserting after Section 1 the following Section,

20. and Line 12 by deleting - repealing, and inserting in lieu thereof the

21. following amended to read as follows: Section 2 notwithstanding

22. the provisions of any other law to the contrary. Any public corp-

23. oration may agree or contract to pay interest on bonds or other evi-

24. dence of indebtedness and tax anticipation warrant is issued pursuant

25. to law at any interest rate or rates not greater than eight percent

26. per annum. These amendatory Acts of 1971, 1972, 1973 and 1975 are

27. not a limit upon any home rule unit. Section 2 of this amendatory Act

28. of 1975 takes effect upon it becoming a law.

29. PRESIDENT:

30. Any further discussion? Senator Lemke moves the adoption of

31. Amendment No. 1 to Senate Bill 1184. All in favor will say Aye.

32. Opposed Nay. The Ayes have it. The amendment is adopted. Any further

33. amendments? 3rd reading. For what purpose does Senator Donnewald

1. arise? Senator Buzbee. Pardon.

2. SENATOR BUZBEE:

3. Mr. President, the hour of 10:50 having arrived, I move we

4. adjourn.

5. PRESIDENT:

6. We have a double motion. Everybody wants to go home. Any further

7. business to come before the Senate? The Senate is adjourned until

8. 9:00 o'clock tomorrow morning.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.