

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

November 9, 1971

PRESIDENT:

The Senate will come to the order. Prayer by the Chaplain, Reverend Don Allen Rose of Concordia Seminary here in Springfield. Pastor Rose.

PASTOR ROSE:

(Prayer . . .)

PRESIDENT:

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

SECRETARY:

Senator Donnewald, Chairman of Assignment of Bills, assigns the following bills to committee: Agriculture, House Bill 3704; Education, or Elections, House Bill 2485; Executive, House Bills 2416, 2667, 2703, 2336, 2436, 35 and 3674; Labor and Commerce, House Bills 2881 and 2882; Local Government, House Bills 1849, 1850 and 3648; Appropriation Division of Committee on Public Finance, House Bills 3646 and 3686; Welfare, House Bills 2222 and 2322. Senator Knuppel, Chairman of Agriculture and Conservation, reports out House Bills 3545, 3690, 3691 and 3707 with the recommendation Do Pass.

PRESIDENT:

Resolutions, Petitions, Motions, Introduction of Bills. We have some resolutions.

SECRETARY:

Senate Resolution number 265, introduced by Senator Davidson.

PRESIDENT:

Senator Davidson. Senator Davidson. There is a death

resolution, I understand, you would like adopted today. Is that correct? Is there objection? All in favor signify by saying aye. Contrary minded. The resolution is adopted.

SECRETARY:

Senate Resolution number 266 introduced by Senator Johns. It's a congratulatory resolution.

PRESIDENT:

Senator Johns, I understand you want to move on this?

SENATOR JOHNS:

Yes, I do.

PRESIDENT:

Is there objection? All in favor of the adoption of the resolution indicate by saying aye. Contrary minded. The resolution is adopted.

SECRETARY:

Senate Resolution number 267 introduced by Senator Carpentier and all Senators. It is a death resolution.

PRESIDENT:

Senator Carpentier, you wanted to move on this immediately. Is that correct?

SENATOR CARPENTIER:

Yes, Mr. President. It's a death resolution, I believe.

PRESIDENT:

That's correct. Is there objection? All in favor signify by saying aye. Contrary minded. The resolution is adopted. We have a motion.

SECRETARY:

I move to reconsider the vote by which House Bill 2515 was defeated by the Senate. Senator Terrel E. Clarke.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President. This is a bill that came up yesterday and Senator Dougherty didn't quite explain it properly.

I think he should have the opportunity to explain it. It does implement a constitutional provision. I'm not sure I'm for it, but I move to reconsider it so it can be, at least, illuminated.

PRESIDENT:

Senator Dougherty, do you wish to take this motion up now, or would you like to . . .

SENATOR DOUGHERTY:

Yes, I will. 2515. Mr. President and members of the Senate. At the time I called this bill, I believe that in explaining it I was incorrect in one of my explanations or in answer to a question, if you will. The question as directed to me was this, "Does this provision apply to any contract now in being?", and I answered I thought it did. It does not apply to any now in being or at the present time. Any contract entered into between a county or a building authority was under the 20 year plan, is still in vogue, and will prevail. But from now on, from this day forward, any contracts entered into between any county and a public building commission will be of 40 years duration. That is precisely what it does and this is in keeping with the constitutional implementation. I feel it is good legislation because it provides a means of over a longer period of time to provide those facilities that might be needed and could probably be on a long scale planning that would endure for forty years or more. I would ask favorable consideration for a vote to recommit this bill to the floor for a hearing. I believe that's the proper motion.

PRESIDENT:

The motion has been made by Senator Clarke to reconsider.
Senator Laughlin.

SENATOR LAUGHLIN:

Well, President. Senator Dougherty, if I recall this bill . . . I read it yesterday. I don't have it in front of me, but it applies to personal property as well as real estate. Now, can you tell me what kind of personal property is to be leased for forty years?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

There's a bill passed here a number of years ago that was sponsored by Senator Merritt, I believe, that provided you could buy fire trucks or various road equipment on a mortgage basis. Is that right, Senator?

PRESIDENT:

Senator Merritt. Senator Merritt.

SENATOR MERRITT:

I think that particular bill, Senator Dougherty, if I remember right, there was one for counties that started out to be counties and then I put in one for townships. And I think, at that time, I forget the Senator handling the other ones, but it did provide for financing over a ten year period the very thing you're talking about.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, that's a far different cry. While I didn't support the bill that Senator Merritt had when he called it, because I think it's poor policy, nonetheless, there's a lot of

difference between leasing a personal property for ten years than for leasing it for forty years. To me that's inconceivable. I still think this is a bad bill.

PRESIDENT:

Is there further discussion? Secretary . . . Senator Dougherty may close the debate.

SENATOR DOUGHERTY:

Well, my . . . it does include the term "personal property". I don't know why it was put in there, but what my bill does, only this: It provides to extend the time from 20 to 40 years, which is permissible under the new Constitution, and will give to these counties the right to purchase these properties as they need or to lease or to construct, whatever you want to put it. And I would assume, possibly, some of the personal property would be included in there would be the desks and the appliances necessary to operate the facility. That's the only supposition I could put upon it. The bill comes out of the counties, and I do know that in some of the public building commissions, that the furniture, the desks, the filing cabinets, and that's all inclusive, and I would assume this would mean the same thing. That's the only supposition I could put on it. I think it's good legislation. Possibly one or two may be of the opinion that it's not. I don't disagree with that, but I do believe that in the long pull and in the over-all, this is good legislation and, as a matter of fact, Lake County had a situation a number of years ago that they were in and out of the courts 'til such time that the courts said they would not hear any more of these cases. That's how they got their courthouse. I would ask the Senate to reconsider the vote by which this bill was defeated yes-

terday and then I intend to recall it and see if it cannot be passed.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Now as I understand it, the motion is to reconsider the vote by which the bill was defeated and if we give him that right, then the bill is simply alive again and it is not a passed bill. I would suggest, Senator Laughlin, that if we could do that, that Senator Dougherty then could probably hold the bill until we could make some determination on the personal property factor which bothers you, and if they don't need the personal property aspect of it, we could take that out and then give them the bill. Could we do that? If we could just reconsider the vote. We won't try to move it until we can make a new determination on that personal property factor.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Request for a call of the absentees. Absentees will

be called.

SECRETARY:

Arrington, . . .

PRESIDENT:

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

SENATOR DOUGHERTY:

To remind some of those who are remaining silent that their desires might . . . their vote might be in opposition to some of the desires of their counties downstate. This is truly permissive. It is not a bill of my own, but it's vitally necessary in order to implement the Constitution. That's all.

PRESIDENT:

Secretary will call the absentees.

SECRETARY:

. . . Baltz, . . .

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

I'm not recorded. I haven't changed my mind one bit about this bill. We've already, foolishly enough, put mortgages on the heads of all of our grandchildren with the Illinois Public Building Authority and also the public building commissions, and now we're about to mortgage our great-great grandchildren, and I oppose this bill and I vote no.

SECRETARY:

. . . Bidwill, Bruce, Carpentier, Carroll, Davidson, Fawell, Graham, Harris, Horsley, Knuepfer, Latherow, McBroom, Lyons, Merritt, Mitchler, Mohr, Newhouse, Ozinga, Romano,

Vadalabene, Walker.

PRESIDENT:

Senator Ozinga, the Secretary . . . no, okay. On that question the yeas are 29, the nays are 17. The motion to reconsider fails. Senator Groen.

SENATOR GROEN:

Mr. President, we are on the order of Motions?

PRESIDENT:

That's correct.

SENATOR GROEN:

I would move to discharge the Committee on Agriculture and Conservation from further consideration of House Bill 3704, have the bill placed on the order of Second Reading. I've discussed it with Senator Knuppel, the Chairman of that committee. He has no objection to it. The bill creates the Illinois Valley Regional Court District Act; it applies to the county of Putnam and the townships of LaSalle, Peru, Utica, Eden, Demmick in LaSalle County, and Hall, Selby, and Leopards-town Townships in Bureau County. It contains all the usual safeguards: they can't levy taxes without a referendum, none of the obligations shall ever be specifically an obligation of the State, and I would ask for favorable consideration.

PRESIDENT:

Is there objection? Leave is granted. Messages from the House.

SECRETARY:

Message from the House by Mr. Selcke, Clerk.

"Mr. President--I am directed to inform the Senate that the House of Representatives has adopted the following preamble and joint resolution, in the adoption of which I am instructed

to ask the concurrence of the Senate, to-wit: House Joint Resolution 101. . . ." It's relative to the hospital at Mt. Vernon, Illinois.

PRESIDENT:

Senator . . . Is Senator Bruce here? Senator Dougherty.

SENATOR DOUGHERTY:

The Journal should show that Senator Bruce is on his way to Olney, Illinois, where his first-born is being expected.

PRESIDENT:

The Journal should certainly so . . . so show. Let's list Senator Bruce as the sponsor of that and put it on the Consent Calendar. The . . . Senate Bills on Second Reading. For what purpose does Senator Coulson arise?

SENATOR COULSON:

I had understood that perhaps we could have some priority on House Bill 3700. We're going to try to pass it today and it may take a lengthy series of debates on amendments. If I could have unanimous consent to revert to the order of House Billson Third Reading and, Mr. President, have you call House Bill 3700, we could get started.

PRESIDENT:

Well, what I thought I would do, if I may have the attention of Senator Partee and Clarke also, in addition to Senator Coulson, I'd go through Senate Bills on Second Reading and Senator Harris' Senate Bill 82 is the first one and then 675, 1302, and then 3700, and any other bills in connection with . . . just take them in numerical order-- any bills in connection with ethics or this whole field. Now . . . Well, this is what the Chair was going to do in line with what Senator Coulson mentioned yesterday of a

priority on 3700. That this . . . All the bills in this field would be considered as soon as we get the Senate Bills on Third Reading, Senate Bill 82, Senate Bill 675, Senate Bill 1302, Senate Bill . . . House Bill 3700, and then any others in that particular field. Now, Senator Coulson, is that satisfactory, or . . .

SENATOR COULSON:

My only thought, Mr. President, was that all other bills I would like to have . . . I agree with you, should be called for the purpose of getting a voice vote or some expression of opinion from the membership. We know this is going to go to conference committee. I would like to have the viewpoint of the membership on the collateral bills, but they might well be offered as amendments to 3700 and discussed in that fashion. I plan to do that with both of my bills.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Well, Mr. President, I understand the allocation of priority, but if you will recall, I called the Agreed Unemployment Compensation Bill yesterday. It's effective February 6th and you indicated that I'd have some priority on that.

PRESIDENT:

Right. Now, what . . . The Chair has a note on the Calendar that your bill would come immediately after all the ethics bills.

SENATOR McCARTHY:

All right, thank you.

PRESIDENT:

Senator Partee, do you have any . . . do you have any feeling on how we proceed on this matter?

SENATOR PARTEE:

Well, I . . . I heard what you said and that . . . I have no problem with that or I have no problem with any other way, so if you want to keep them in sequential order, that's quite all right. I don't have any problem with them.

PRESIDENT:

Let's just . . . Senator Coulson, if we can, let's just do it that way and then keep it in sequential order and then we'll move on to . . . yours will be up about third or fourth here and we'll . . .

SENATOR COULSON:

It's all right. I would simply like the Pro tem and the membership to understand, if they wish to offer bills as amendments to 3700, I will waive any technical requirements and, if they should receive a majority vote, we'll see to it that they're redrafted to be incorporated properly. But, I don't wish to have any technical deficiencies or failure to have copies on the members' desks or things like that impede 3700. I do intend, if at all possible, to call it for passage today and my purpose is to give this body maximum time to consider a conference committee report.

PRESIDENT:

We'll call them all today and vote on them all today. Let's . . . Senate Bills on Second Reading. 674, Senator Knuepfer.

SENATOR KNUEPFER:

Move that, please.

PRESIDENT:

674.

SECRETARY:

Second Reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

SENATOR KNUEPFER:

I want this moved. This is an ethics bill. I'm moving it with the understanding that if anybody wants to move it back, I'll be happy to move it back at a later date.

PRESIDENT:

1090, Senator Knuppel. Hold. 11 . . . Hold. 1290, Senator Berning.

SENATOR BERNING:

Yes, Mr. President, I'm waiting for word from Senator Dougherty. I see he's in conference at the podium. I'd like to, Mr. President, move this. I have two amendments which have been discussed extensively with both sides of the aisle. I'd like to offer the amendments, move the bill with the understanding that if there is further amendment necessary it can be called back tomorrow. But this is a Senate bill. It addresses itself to a critical problem and time is running out, of course. If the House is to have any possibility to consider it, we ought to move it to Third today. Senator Dougherty, do you have any objection?

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate . . .

PRESIDENT:

Just . . . just a moment. Please, let's hold down the noise in the back there.

SENATOR DOUGHERTY:

What, Mr. President and members of the Senate, what Senator Berning says is true. He has two amendments. The amendments that he is proposing were the suggestions of the committee in a meeting the other day. I would suggest that we permit him to put these two amendments on, advance the bill, and then call it back if there are further or, shall we say, clarifying amendments. I would agree.

PRESIDENT:

Is that satisfactory, Senator Berning?

SENATOR BERNING:

Yes. The amendments are now on the Secretary's desk, and if there's need for explanation, I'll be glad to.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I move the adoption of Amendment number 1 and then Amendment number 2.

PRESIDENT:

Senator Berning moves the adoption of Amendments number 1 and 2. All in favor signify by saying aye. Contrary minded. Amendments are adopted. Third Reading.

Senate Bills on Third Reading. 82, Senator Harris.

SENATOR HARRIS:

Mr. President, as Senator Cherry is working on an amendment to this bill, might we have an understanding that we will come back to Senate Bills on Third Reading sometime today and get to this bill? He is not quite prepared on it.

but we do, I think, want to take final action on this bill today because it will ultimately be a part of our package resolving this issue of ethics and disclosure and campaign limitations or regulation legislation.

PRESIDENT:

Senate Bill 675. Senator Knuepfer.

SENATOR KNUEPFER:

I'd like Senate Bill 675 called back for the purpose of putting an amendment on, and I would offer Amendment number 1. The amendment will be distributed in a few minutes. I'd like to put this amendment on, then I will hold it here and if anybody has any changes or recommendations, I would be happy to have them. What this does, in essence, is add to the present Board of Ethics, four additional members-- two members appointed by the Governor of both political . . . one of each political party, and two members appointed by the Chief Justice of the Supreme Court. The bill as amended provides for disclosure. It provides for disclosure to the Board of Ethics on economic interests over \$5,000.00. I cannot expect you to react to it until you get the amendment. You will have it on your desks in a few minutes and it's again subject to being brought back for further amendment.

PRESIDENT:

But you do not wish to call it at this time?

SENATOR KNUEPFER:

I'd like to call the amendment. Yes, I would.

PRESIDENT:

Recalling it for amendment. Is there any discussion of the amendment? Senator ParTEE.

SENATOR PARTEE:

There's no discussion of the amendment. These are very

important bills and I'd asked the Chair to clear the floor of persons not entitled to the floor. These are bills that we ought to be able to hear and there are 100 conversations going on and I just simply can't follow what's going on.

All not entitled, that means persons from the House and otherwise. I mean, we just can't hear.

PRESIDENT:

Point is well taken. All those not entitled to the floor, please leave the floor. Will the Senators be in their seats. We're going to have to break up the conversations. Senator Laughlin, Representative Hart. Senator Harris, staff members, please, gentlemen.

Is there any discussion of the amendment? All in favor of the adoption of the amendment indicate by saying aye. Contrary minded. Amendment is adopted. Comes back to Third Reading.

1302, Senator ParTEE:

SENATOR PARTEE:

This is a . . . an ethics bill which, in my opinion, goes to the heart of some of the matters. One of the problems, it seems to me, is that there has never been any real enforcement procedures and inforcement procedures have been left sort of in limbo, and the idea of this bill was to enlist . . . enlist the already structured help of an existing organization, and that is the Internal Revenue Service, which has several hundreds of employees who have easy and quick reference to income tax returns. Now the bill--we call it the Accountability Government Act and provides that all candidates for public office and all public officials and all employees whose compensation exceeds \$15,000.00 per year shall file a verified written statement

of his assets, liabilities, and sources of his income with this Commission and with the County Clerk in the county in which he resides--it establishes what is to be the content of the statement of assets, liabilities, and sources of income. It includes (a) any and all interest . . . assets or interest valued over \$1,000.00 to be specifically identified, and it includes the names of all creditors in excess of \$1,000.00, which also includes the creditors of one's spouse or unemancipated minor children, and one must file a duplicate original of the federal income tax return which, of course, includes the spouse's income, also the identity of all officers, directorships, and judiciary positions; the identity of all gifts and gratuities in excess of \$100.00. Now, it proves that this statement must be . . . provides that the statement must be verified and must be filed initially at the time the person required to make such a filing takes office or employment, or when he seeks nomination or election or reelection or retention in office, and these statements shall be available to the public. And provides for a limitation of \$500.00 in cash or kind as a contribution from an anonymous donor; authorizes all political committees to file statements of organization with the Commission; authorizes the Commission to promulgate regulations concerning the preservation of records by any political committees; establishes the duties of the treasurer of a political committee; establishes a reporting period for political committees and candidates; establishes how the report of contributions and expenditures is to be filed. And it's a nine member commission. It establishes their duties and powers and it appropriates \$250,000.00 for its implementation and it provides that the Act becomes effective upon its becoming law. Now, I know and realize that there are many versions and many approaches to this question. It

occurs to me that this is an approach which would be a very viable one and which would serve the purposes intended by such a proposition and I would solicit your support.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Senator, I've been reading this bill and I haven't quite kept up with you all the way through, but on page 6, I find a very interesting aspect here. As I understand this bill, if I'm a contractor dealing with the State of Illinois like the man who is now, let's say, doing the sand-blasting on the building, he'll have to file his income tax return in the county of his residence as well as with the State. Is that correct?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

That is correct, Senator.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

What good will it do if he lives in Wisconsin and he has to file it at the place of his residence?

PRESIDENT:

Senator . . .

SENATOR PARTEE:

I didn't understand the question.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

What if he lives in Wisconsin, or Missouri, or Arkansas,

and under this bill he is required to file it at the place of his residence. What good will that do?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

In that instance, he would file it with the Secretary of State. He does anyway; he has to file it with the Secretary of State anyway.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

On page 6 is one of the most interesting paragraphs that I have ever seen in a bill. One of the most clever wording and use of language found in Section 4-2. And that says that the candidate cannot spend more than 50¢ per vote. Now that would mean, in the State of Illinois, around \$5,000,000.00 for state office. Is that correct?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I think that's about right.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Can we leave this thing on until we get done, back and forth, please?

PRESIDENT:

Well, the Chair makes it a policy and, as the presiding officer always has, that we recognize senators. Otherwise you get two or three Senators talking at the same time.

Senator Horsley.

SENATOR HORSLEY:

Now, the thing in this bill that gives me a lot of concern, in this 50¢ you only include the money spent by political committees. Now, if I have some friends who want to spend a half a million dollars to elect me and they're just individuals, that's not included, is it?

PRESIDENT:

Senator Partee:

SENATOR PARTEE:

First of all, Senator, although there are 10,000,000 people in this State, I think you only have about 2,500,000 voters. But we're talking now about . . . If you'll read the Section 4-2, "No candidate shall spend directly or indirectly more than 50¢." So what you're saying isn't so because you couldn't have a friend spend any money for you because that would be indirect spending.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

The last sentence says, "In determining the amount spent by each candidate, the amount spent for his benefit by all political committees shall be included." Now that does not include private individuals and others.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

It does, Senator, because the prohibition is against spending either directly or indirectly, whether it's by a committee, an individual, or some anonymous person. It can't be spent either directly or indirectly, in excess of the amount set forth.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Mr. President, I know that the question you must answer . . . ask before the roll call is taken is, can this bill pass? I would prefer that the members would regard the question as, can you vote for an ethics bill package which includes this, and the vote of yes or no be determined on that basis, because I think Senator Partee would agree that there isn't time to pass this in the House as a separate bill. So I would appreciate it if we would direct our discussion to the question of whether this should be included within 3700 conference committee report, and to vote yes or no on that basis.

PRESIDENT:

Is there further discussion? Senator Knuepfer.

SENATOR KNUEPFER:

Well, as far . . . in this light, Senator Coulson, I think you've got to take a look at the possible effect of this income disclosed . . . so-called income disclosure bill upon not only the legislature, but we've obviously included a whole variety of bodies like school boards, park districts, sanitary districts, and what have you. Now, I'm not suggesting that they oughtn't to be lumped in the same boat, but I think we ought to take a look at the effect, particularly let's just talk about one area, school boards. How many men could you get to run for school board, which is an nonpaid job, if one of the provisions was total income disclosure? Many members of school boards that I know in my district, for example, are small businessmen. Generally, small businessmen run small private companies. The income

disclosure is one of the last things that they want to have. I think you might have a disastrous effect upon the kind of people who give of their time and service to governments, but who would have to resign under these kind of disclosures. Now I can only suggest to you that I think a better approach and a more reasonable approach is perhaps a two-tiered approach. That some . . . some disclosure in the public arena and some disclosure to the Board of Ethics. I'm not trying to argue the merits of House Bill 674 . . . 675, rather, but I would suggest to you there, that what we have done is to provide assets disclosure in 675, but that assets disclosure is to the Board of Ethics. The Board of Ethics, incidentally, under that bill, has been expanded to include other members, so we are less suspect when we . . . than when we had only legislative members looking into legislative ethical problems. I would suggest to you that this provides a better avenue for the . . . in the area of income and asset disclosure to the Board of Ethics than I do feel the disclosure provisions of this bill require. I'm seriously concerned about the effect upon, not only the legislature, more seriously upon those kind of things that are usually looked on as public service and that is the local boards of education, local park districts, etcetera.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, I think we're getting down to the point that we should ought to consider, perhaps, the words of Senator Peters a couple of years ago, when he said, "If you keep on piddling around, making second-class citizens out of everyone, the only persons you're going to have in

government are the people on relief or retired millionaires in Miami Beach." Now, the thing I see about this bill that I think we should consider, and I think there's a clever intrigue embodied in it; and that is the expenditure of friends. Now, there isn't anyone going to tell me that they're going to stand up here and tell anyone else how much their friends spent on them getting elected. Now, what we are doing, those of us who are not completely embraced by the A.F. of L.-C.I.O. and other people, we're sitting idly by while these fellows are going to kick the living hell out of us in a campaign and no one's going to know anything about it. Now, I . . . as far as I am personally concerned, the only thing wrong about my disclosing my income, assets, or anything else of tangible nature that I have, is that I'm ashamed that it's so small. I have nothing to worry about in my income or my expenditures, but I can see, and I can warn you, gentlemen, that while we're attempting to be ethical on one side of the aisle or one side of an issue, we may be creating an unethical situation on the other. That I don't want. If I'm going to disclose my income and make my income tax form available, a copy of it to everyone, which I'm willing to do, I've said I would before and I'll do it now, I want to be sure that everyone else does it and I want to be sure that everyone else that is associated with it, does it too. And I don't think we have that covered in this bill.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Mr. President, Pro tem. It's understood that if we pass this bill, this will be a part of the package with 3711

and go into conference committee. Is that right?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I can't tell you that as a definite fact. I can only say to you, if we pass this bill it will be considered in the House. If they pass it, then we won't have any conference committee. If they don't pass it, we will.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. All in favor of the previous question, please rise. All those opposed, please rise. Motion for the previous question prevails. Senator Partee may close the debate.

SENATOR PARTEE:

Let me simply say this, that this is a disclosure bill. It's fair to persons who vote for and support candidates for public office to know what those candidates are in terms of their financial and commercial interests. Now, just because a person owns a bank or just because a person is interested in another industry, does not mean, to me, that he can't cast an intelligent vote on a bill which relates to that subject of interest. It does mean, however, that persons who support him ought to know that he has an interest in that particular field of endeavor. The persons who support you may well know that you have a particular interest and may agree in toto with the position you take, but they ought

to be in a position to determine . . .

PRESIDENT:

Just . . . Just a moment. Let's . . . Please.

SENATOR PARTEE:

. . . They should be in a position to determine that you're voting on something in which you do have an interest.

They may agree with the position you take and it would then, of course, leave it to the voters to determine whether or not you really had a conflict of interest and they would make the final determination at the ballot box whether you had voted on an issue on which . . . which position you could not justify. So I think this is a pure disclosure kind of thing that people should know about and it does not mean that you would have nothing here but millionaires or persons who have not been fortunate enough to earn a living in the outside world, and I solicit your vote.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I'm going to vote no, but I just wanted to read one paragraph of a letter. I was going through my mail last night, a little belatedly, and this letter related to ethics and it's from a fellow Kiwanis back in my home town who is a minister of the First Baptist Church. And he says, "Who down there besides yourselves is going to have the guts to say to the rest of us, if we want integrity, then we're

going to have to send men with integrity to represent us. Disclosure of income laws are a lot of balderbush, balderbut, balderdash. The Good Book says we reap what we sow, and what we are reaping now doesn't speak very well for the seeds we have been using in this State." Now these are not my words. It is merely a friend of mine who happens to be, ah, preaching the Gospel, and I am going to vote no.

SECRETARY:

. . . Collins, . . .

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

I supported Senate Bill 81 at the last session--ethics bill. There were some provisions in there I didn't like. Now we have two bills, House Bill 3700 and now we are offering . . . we've offered Senate Bill 81 as an amendment to that bill. It's my understanding now that they will go to a conference committee, hopefully, and a reasonable bill will come out which will protect the electorate of the State of Illinois and which will protect everyone and give them reasonable protection. The thing that I am interested in, and, as you know, I am retiring; but I am interested in the future on good men running for public office and if you make this thing too broad, if you make it too stringent, we will discourage good men from assuming the responsibility of the State of Illinois and many other governmental positions. And I vote no.

SECRETARY:

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

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President. When they put in this bill, an amendment setting out the provisions of creating a commission that will investigate the books of the A.F.L.-C.I.O. and the U.A.W., I would vote for it. Up to now, I vote no.

SECRETARY:

. . . Groen, . . .

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, it seems to me that House Bill 3700, in its present form as it now has been amended, actually requires the disclosure of pertinent information contained in an income tax return. Ah, the additional information that might be available in an income tax return, I really don't believe is anybody's business. For example, how much I gave to the Salvation Army or how much I gave to the United Fund or other charities and this sort of thing, I don't believe is really of interest of, or should not be of real interest, to my constituency. I believe that 3700 as it is now amended does reveal the pertinent information in that tax return. I therefore don't believe this is necessary. I think the only useful purpose that might come from it would be for the press who would have a feature story of 177 House members and 59 Senate members which would also give them a whole year's newspaper headlines publishing each individual member's income tax return, none of which really would be, would be significant for the purpose for which disclosure legislation is intended. I vote no.

SECRETARY:

. . . Hall, Harris, Horsley, . . .

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Mr. President, I would like to know if the amendment . . .

PRESIDENT:

Just . . . Just a moment. Let's . . . Please. Gentle-
men. Will those not entitled to the floor please leave the
floor. Proceed Senator.

SENATOR HORSLEY:

I would like to know if the amendment has been printed
and on our desks.

PRESIDENT:

I . . . There is . . . To the Chair's knowledge, there
is no amendment on the bill.

SENATOR HORSLEY:

What?

PRESIDENT:

There is no amendment on the bill, to my knowledge.

SENATOR HORSLEY:

I understood that Senator Partee offered an amendment
on this bill earlier.

PRESIDENT:

That is not correct. Is it, Senator? Senator Partee.

SENATOR PARTEE:

No, there is no amendment on this bill. This is a
regular form, the first form, and it's final.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Mr. President, I think this is a terrible bill. I think you are going to discourage a lot of people. I can't believe that Mayor Daley and some of his people are serious and sincere about passing this bill, but in order to get them to disclose their income and in order to get them to come forward and tell us how many of them have 2 or 3 government jobs and pensions therefrom, I think it might be very enlightening and I am willing to try it for a while and I vote aye.

SECRETARY:

. . . Hynes, Johns, Knuspfer, Knuppel, Kosinski, Kusibab, Latherow, . . .

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, a matter . . . Before I vote I would like to have an answer to a question on this. On page 4, in the revelation of all interests over \$1,000.00 you say you give the name, location, and value. Now how do I . . . how do I express this in the form of, we will say, an International 560 tractor? How am I going to tell where it is located?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I assume, Senator, harkening back to my days as a farmer that you would just simply put it as located on the farm that you own.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Maybe it isn't. Maybe it is located on somebody else's farm. Then I would say it is located on so and so's farm?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, that wouldn't be very complicated, Senator. You would simply list where the equipment is on the date that you filed your return.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Then I list each one of these pieces of equipment by name, location, and value?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Yes. And of course the job would be larger if you owned more and if you owned more then you would have more help to help you find out where everything was and you just simply put it down on the sheet.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Where do I file the lien against it?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Pardon me.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Where do I file the lien against it?

PRESIDENT:

~~Senator Partee.~~

SENATOR PARTEE:

If the lien was in excess of \$1,000.00 you would
note that. If it was less than \$1,000.00 there would be
no requirement to note it.

SECRETARY:

. . . Laughlin, Lyons . . .

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Ah . . . Mr. President, I am voting aye on this,
largely for the reasons expressed earlier by Senator
Coulson, so that the matter contained in this bill can get
to the conference committee where House Bill 3700, presum-
ably, will go and all these concepts can be discussed.
Were it not for that fact, I would not vote aye because I
think the bill contains some provisions which are less . . .
which are subversive of constitutional rights, and when I
say subversive of constitutional rights, that is not my
language. That is the language of the Supreme Court of the
State of California in the case of City of Carmel by the
Sea versus Young and others, in which case the court . . .
the Supreme Court of the State of California held uncon-
stitutional in its entirety pretty much the kind of bill
that this bill is. We will hear more about that case before
many of us grow much older, I think. I vote aye.

SECRETARY:

. . . McBroom, McCarthy, . . .

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Mr. President and members of the Senate. There is some features connected with this bill that I find to be, I think, disruptive of something that is very important to our country. I would like to explain my vote in this way, though. Here we have a bill that deals with disclosure, which like Gaul is only one part of three parts involved in the whole question before us that was contained in one bill--3700. We have the three parts of ethics, which is a code of conduct, and a second part of prohibited activities, and a third part of disclosure, and this bill is a isolation on the question disclosure, and, as such, is goi . . . should be passed so that disclosure can be dealt with as a part of the total package but not inextricably intertwined with some of the other two features of the problem. But I would want to mention this to the members and those on the conference committee, if it goes to a conference committee, this problem: The sanctity of a federal income tax return has been responsible, Mr. President, the sanctity of a federal income tax return has been responsible for increased tax collections at the national, and I would hope, at the state level. That is to say, I have been taught and told that an individual will report his income if he knows that the federal government will keep it confidential. If the source of his income happens to be gambling, he will report that to the federal government and pay the tax; but if it becomes a public document he may not wish to report that income because he will not want his neighbors, his business acquaintances to know that, in fact, he does make money off of

gambling. Keeping that balance in mind, that all is not necessarily good upon a compulsory disclosure on your federal income and state income tax returns because it may affect the budgetary income, but yet keeping into mind the isolation of this segment of the problem being disclosure, I am persuaded to think that this is the best vehicle we have to move forward in this isolated part, so therefore, I vote aye.

SECRETARY:

. . . Merritt, . . .

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate. In explaining my vote here, I have no doubt but what some ethics legislation is going to pass out of this body and I would just hope that in the flurry of all the do-gooding that accompanies this type of legislation that I for one might be able to keep my head responsibly in addressing myself to this important problem. The thing that concerns me to some extent, and I am certain there are certain portions of 1302 that would be highly acceptable to me, I would have been hopeful that it could have been incorporated by amendment into 3709 so that we might have had one bill to have dealt with. But the thing that really disturbs me, and I think Senator Groen hit upon it, is, perhaps, the manner in which that information could be used especially as concerns contributions in your income tax return. I know in my family, and I am certain my colleagues in the Senate here are faced the same thing, that my wife and I have certain charitable things that we feel like that we want to carry on mainly because our families

have done it for years. And if we choose to do that and we have made that judgment, in the eyes of some other people, we might be frowned upon terribly. Why didn't you do more for us? We had no idea you had give away this much money to this institution. I just think that opening up that type of a thing . . . it is a very personable and a deep-seated feeling how you would like to handle contributions. I just cannot see that part of it. I will vote for some reasonable ethic legislation, but not 1302. I vote no.

SECRETARY:

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

PRESIDENT:

Senator Mohr.

SENATOR MOHR:

Mr. President and members of the Senate. Very briefly, I am really pleased to see Senator Partee now sponsoring a bill that has a commission connected with it. We have heard all this session that we are not going to have any new commissions and we don't care how much work has been put into the old commissions and what good might come out of some of them. I have two commissions and I certainly don't want to influence your vote, Mr. President pro tem, when we call the roll on my two commission bills. One for \$20,000.00 for Railroad Crossing Study Commission which will help people throughout the entire state and especially people from down-state where many of the Democratic Senators hail from and many of them, in fact all of them, recognize the real seriousness of that problem, but they are not able to vote for a commission. I also have the data processing bill which can save the State nothing but money, but I guess we're not interested in that at this point. . . . Senator, I

think you have a real good bill here and it's a worthwhile commission. Even though it is only \$250,000.00 I am going to support you and I vote aye.

SECRETARY:

Neistein, . . .

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate. I have supported every ethics bill that has reached this floor in my years here. The remarks by Senator Knuepfer and Senator Graham and Senator McCarthy would be in point if they were made 20 years ago, but today there is nothing sacrosanct about income tax returns. The Department of Revenue sends two men every morning at 8:30 to the Department of Revenue . . . to the income tax or Internal Revenue Service to pick up returns. They're open to them. The newspapers write stories every day, and they will continue to write them until the presidential election in 1972 in which they talk about what the returns show on various people. So there is nothing that is sacrosanct about the I.R.S. statements or the returns that are filed by the taxpayers. Twenty years ago this might cause concern to people who felt and were told that income tax returns were secret and there were no leaking of information, but, as I stated, every day I pick up the paper and I read, it has been told to us by reliable I.R.S. officials, or, it has been leaked by certain ones by the I.R.S. So there is nothing to get alarmed about filing your I.R.S. statement attached to a statement of candidacy. This is common knowledge anyway and it has been available to the press, to the Department of Revenue, to various agencies.

and they're not particular about keeping it secret so that myth has been exploded that has grown up through the years and been developed. And, as I say, twenty years ago, Senator Graham and Senator Knuepfer and Senator McCarthy, there might be something to what you say about it has always been felt that your Internal Revenue statement or that your return was secret and nobody would know and that it was suppose to be privileged communication; but under the circumstances today and in the new world we live in and in the new ideology . . . I read in the paper today how wire-tapping and pigeon-stooling and all that is the thing of the day. I have read where J. Edgar Hoover encouraged boy scouts to snitch on their parents and families, that they would be doing the right thing for America if they'd snitched. And so this is nothing new and in line with the modern new trend and the new reasoning about wire-tapping and electronic eavesdropping and snitching and leaking. I support this bill and I vote aye.

SECRETARY:

. . . Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, . . .

PRESIDENT:

Senator Soper.

SENATOR SOPER:

The only part I don't like about this bill is the part where you got to spend \$250,000.00, but I am all for ethics. I vote aye.

SECRETARY:

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

PRESIDENT:

Request for a call of the absentees. The absentees

will be called.

SECRETARY:

Bruce, Carroll, Chew, . . .

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Mr. President and Gentlemen. I purposely passed my vote on the first roll call. I want the Senate and the people of the State of Illinois to understand as this bill provides many parts that I certainly can approve. By the same token this bill provides many parts that I don't think are constitutional. Now, are we going to penalize a young lady simply because she is married to a public official? The answer is, we should not. It is nobody's business but Mrs. Charles Chew, Jr. and Mr. Charles Chew, Jr. what Mrs. Charles Chew, Jr. is worth unless she happens to be an elected official. That I shall approve. We have talked about a code of ethics for a long time. Some do and some don't. Very frankly, I don't own much of anything but integrity, and I don't mind putting that on paper and submitting it to the entire State of Illinois, but I don't intend to embarrass my wife or my children simply for the business of nonsense, and this is what I am describing it--nonsense. Now I'm going to vote for a code of ethics for elected officials. But I'm going to vote for a bill that makes sense and I'm not going to support a bill that I feel does not make sense. I think that is my privilege. I think the clarity ought to be understood that I can give you in total, assets, liabilities, incomes, expenditures of Senator Charles Chew, Jr., but I am not going to, and if I violate a law of the ethic code, I shall never submit to any board, I shall never submit to any board the financial standings of my family. Now, they

say there is a penalty involved. Well, maybe we ought to have a class action. Maybe you ought to put me in jail for not telling you what my wife makes or where she works or where her income comes from. Some of these things are just as stupid as an amendment attached to a bill for newspapermen and reporters to declare their income and sources of income. I think that is a stupid idea. Newspapermen are not elected by the public. They are merely out here trying to gather news and report it to the public. Why do they have to be included? Sometimes we get so emotionally disturbed until pretty soon we'll have a bill here where, you know, I can take your wife out of your disclosure and you can take mine out. We're going to run this thing into the ground. I'm going to disclose, as I have every year, my source of income, my expenditures, my net worth, if I have one, but I shall never tell you or anybody else, because I don't think it's your business as to whether my wife owns \$1,000,000.00 or whether she owes \$1,000,000.00. That is not your business. I'm going to support an ethics bill because, very frankly, I believe in it. If I want to be a representative of the people and this is what the people want, then if I want to maintain my position as their representative, yes, I'll disclose it. But the one thing we have failed to spell out--the average person in the State of Illinois does not know what the word ethics means. I have received not one letter or any kind of communication asking me to support an ethics bill. So what are we up in the air about? I think our ethics law we have in Illinois today is about the best in the country. I don't know of one that is better. Now everybody has been shouting about dishonesty in government. What about the guy who steals a million dollars

from the bank? Does he have to disclose his income? No, because he is not an elected official. I would never want to require a banker to tell the people of the State of Illinois what his net worth is. That's none of my business and just like it is not of your business about Mrs. Chew and the Chew family, like it is not my business what one of these reporters owns. I'm not concerned about that. I'm not talking for my district. I just happen to bring out things that some other people have a fear of bring out, which I do not. The newspapers know everything I own because every-time I pick it up, they are talking about my Rolls Royce or my home or something like that; so, I'm not concerned about that. I'll advertise it. I'll advertise this, but I believe the United State Congress has a law--a Congressional Act--that says that only the Governor of a state, and correct me if I'm wrong, some of you gentlemen . . .

PRESIDING OFFICER: (Senator Rock)

For what purpose does Senator Soper arise?

SENATOR SOPER:

Privilege. How many minutes does the Senator get to explain his vote?

PRESIDING OFFICER: (Senator Rock)

Ordinarily, Senator, under the rules, one would get three minutes to explain one's vote.

SENATOR SOPER:

He's been on it fifteen.

PRESIDING OFFICER: (Senator Rock)

Pardon me, Sir.

SENATOR CHEW:

I believe there is an Act of Congress . . .

PRESIDING OFFICER: (Senator Rock)

Senator . . . Senator Chew, I'm advised by the Parliamentarian that you have approximately one minute remaining.

SENATOR CHEW:

Fine. Congress . . . By an Act of Congress, only the Governor of the State can require a federal income tax for use. Why are we going to try to create a board that can take your income tax and wave it to your opponent or leak out the news and there you go. So they'll show me worth \$50,000.00 and my opponent as worth \$150,000.00 and that gets to the newspapers and say, well this guy is too poor. We're going to go with this guy who has a lot of money. I want to make it clear that I am going to support an ethics bill, but I'm going to make it perfectly clear--crystal clear--I am going to support a bill that makes sense and I'm not going to support one of these emotionally drawn bills to satisfy nobody and knowing damn well we're not going to follow it. I'm just as authentic as I can be on it and my vote is no until we get one that's sensible.

SECRETARY:

. . . Knuepfer, Ozinga, Walker.

PRESIDING OFFICER: (Senator Rock)

On that question the yeas are 32, the nays are 19. The Chair recognizes Senator ParTEE.

SENATOR PARTEE:

Now, Mr. President, I invoke the provisions of Rule 23 as relates to emergency bills, particularly that part of Rule 23 that says, "After an announcement of the vote and the vote did not reach two-thirds . . ." which in this instance would be 35, " . . . then the vote on the bill shall be deemed reconsidered and the bill subject to

amendment by striking out such part thereof as expresses an emergency and the time of taking effect, and then said bill shall be under consideration upon its Third Reading with the emergency clause and the time of taking effect stricken out." Pursuant to that rule, I now desire to strike . . . file a motion to strike the emergency clause and then ask for a reconsideration. Now I want the membership to know that I'm doing this because we do not have the required 35 votes. I want to keep this concept alive and to have this a part of the conference committee package. They may react either positively or negatively to the proposals in 1302, but I am seeking that it should be a part of the consideration. We could use the same roll call, if we may.

PRESIDING OFFICER: (Senator Rock)

Mr. President, have you filed this motion with the Secretary . . . this amendment with the Secretary?

SENATOR PARTEE:

Yes, we have. It has been filed.

PRESIDING OFFICER: (Senator Rock)

Do you desire a roll call at this point? The Secretary will call the roll. Senator Horsley, for what . . .

SENATOR HORSLEY:

I voted with Senator Partee on this. I don't think your Party is totally very hip about this bill. I don't think they really want it to pass. Frankly, I'd just as soon have it pass; but if it does pass, I want it to apply in the next primary and I want it to apply in the next general election and for that reason I object to taking . . .
I . . .

PRESIDING OFFICER: (Senator Rock)

For what purpose does Senator Cherry arise?

SENATOR CHERRY:

The vote has already been announced on this bill. What Senator Horsley is referring to is something that did not occur; namely, the bill did not get sufficient votes to establish a priority or an emergency so that it could be considered immediately upon becoming a law. Not what he is referring to and what he is talking about has absolutely nothing to do with Senator Partee's motion to expunge or remove the emergency language so that this bill now requires 30 votes for passage. I think he should address himself to the issue that we are debating.

PRESIDING OFFICER: (Senator Rock)

I think the point is well taken. Senator Horsley.

SENATOR HORSLEY:

No, no, no, no. The vote has not been announced, has it?

PRESIDING OFFICER: (Senator Rock)

It has indeed. Yes sir.

SENATOR HORSLEY:

But then his motion now is to remove the emergency clause from the bill, and to that I object and I ask for a roll call on it because I think if we're going to have ethics legislation, let's don't talk about it, let's do it. And let's have people next primary and next November file their income tax returns, bare their chests and let's go. Why put it off?

PRESIDING OFFICER: (Senator Rock)

Senator Partee.

SENATOR PARTEE:

The only way . . . the only way that this bill can pass at all, it's obvious to me, is without the emergency clause.

You say you object. I think there is nothing in our rules that would provide for an objection. We're not in court. We have rules here that run the Senate that are sometimes extrinsic to the rules of court. Now, you may, of course, not vote for my removal of the emergency clause, but you can't simply object because that's a rule, Sir.

PRESIDENT:

The Chair just came back on the rostrum. Have you submitted the amendment to strike the emergency . . . All right.

SENATOR PARTEE:

Yes, we have.

PRESIDENT:

The motion is to amend Senate Bill 1302 by striking the emergency clause. Roll call is requested. The Secretary will call the roll. No. The majority of those voting on the question is all that is needed for the adoption of the amendment.

SECRETARY:

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

PRESIDENT:

For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

Mr. President, I believe I am recorded present. I thought

that this amendment required 30 votes. I'm informed that to remove this amendment, it requires a simple majority and, therefore, I would like to change my vote from present to no.

PRESIDENT:

Senator Mitchler will be voted no. Lyons aye. Berning no. Mohr no. On that question the yeas are 26, the nays are 23. The amendment is adopted. Senate Bill 1302 is reconsidered and is now up for consideration and roll call. The Secretary will call the roll.

SECRETARY:

Arrington, . . .

PRESIDENT:

As amended.

SECRETARY:

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

PRESIDENT:

On that question the yeas are 30, the nays are 13. The bill having received a constitutional majority is declared passed. Motion to reconsider by Senator Rock. Motion to table by Senator Johns. All in favor of the motion to table signify by saying aye. Contrary minded. The motion to table prevails.

House Bill 3700. Senator Coulson is recognized.

SENATOR COULSON:

Mr. President. I would like consent to call this bill back from the order of Third Reading to the order of Second Reading for the purpose of considering further amendments as they are presently on the Secretary's desk.

PRESIDENT:

3700 is brought back to Second Reading for purpose of amendment. Senator Coulson offers . . . Senator Groen offers Amendment number 2. Senator Groen is recognized.

SENATOR GROEN:

Mr. President and members of the Senate. Long before I ever thought of aspiring to public office, I became involved in banking. From the moment of my first filing for public office, I made no secret of that fact. I think if you will read the Blue Book, you will note that in every edition of that publication since that time, I have stated that I am a director of a bank, that I am legal counsel for a bank and over the years I have tried, as fairly and as honestly and judiciously as I can, to evaluate matters affecting banking that have come before the Senate and have cast my vote accordingly. Now we have legislation before us in its amended form and certainly the bill that came over from the House, House Bill 3700 that has now been amended, would indicate by its very context and content that the House of Representatives, in its wisdom or lack of wisdom as you may see fit to adjudicate it, simply has the feeling that no person is capable of doing what I have tried to do over some nineteen years. Now, I want it clearly understood on the other side of the aisle and to the one member of my side of the aisle that would be affected by this bill that there is

nothing personal about it. If you assume that if, for example, you have banking interests and represent a bank as legal counsel you cannot fairly and honestly determine questions which come before you in which a bank or banking may be involved, and that this constitutes automatic disqualification of office, then it seems to me that we should also include in any disclosure bill that situation which, in my nineteen years in this body has indicated to me, constitutes perhaps the greatest conflict of interest of all, and that conflict is dual office holding. If you cannot serve two masters, if you cannot serve the people and banking, if you cannot serve the people and savings and loan associations, if you can't serve the people and insurance, if you can't serve the people where any conflict in judgment might arise, then, by the same token, that applies to public bodies. And when a bill appears before us that affects the people of the State of Illinois but has special significance in dealing with the Metropolitan Sanitary District of Greater Chicago, if it deals with the City Council of Chicago, or if it deals with the City Council of my home town, or if it deals with the County of Cook, or if it deals with the County of Tazewell, then, it seems to me that the same logic and the same reasoning should apply. Certainly what is good for one should be good for the other, and I don't believe that in all honesty and fairness we can differentiate in this situation. I don't believe, if the basic premise is true, I don't believe that one who has a job with the City of Chicago, with the County of Cook, with the Metropolitan Sanitary District, or a person who has such a job with a sanitary district in Tazewell County, or who is employed by the County of Tazewell, or the City of Pekin, can

sit here and in all fairness and honesty adjudicate and determine questions which are conflicting as respects those public bodies any more than you can with regards to previous statements. I would tell you now, to every member of this body, to the press and to all who are within range of my voice or who may hear it or read it that I will not vote for any ethics bill, any disclosure bill, however you term to choose to call it, that permits dual office holding of public officials. I think it constitutes the greatest violation of conflict of interest of any that comes before us and I would move the adoption of Amendment number 2 which has for its purpose the prohibition of dual office holding.

PRESIDING OFFICER: (Senator Rock)

Senator Knuppel.

SENATOR KNUPPEL:

I'd like to ask the sponsor a question. I don't have it ready because of the short time with respect to which this has come forward. I personally don't believe that this is the greatest conflict that occurs in this chamber. My personal opinion is that the greatest conflict that occurs in this chamber is the lawyers who appear here and vote on matters concerning the judiciary. Will you accept an amendment to your amendment which includes lawyers and prohibits them from voting? You're willing to exclude dual office holding or double dipping, but what about it? Let's including lawyers . . . let's include in lawyers who vote on matters affecting the judiciary. That is the greatest conflict that occurs here.

PRESIDING OFFICER: (Senator Rock)

Senator Groen.

SENATOR GROEN:

Mr. President. In reply to Senator Knuppel, I would say this, that perhaps your proposal comes in second. Now when you ultimately get to the final conclusion, and after all, the test of logic is to carry the proposition to its logical conclusion. Now, if we should choose to adopt 3700 as it came from the House, in my judgment, and I read that bill very carefully, it would appear to me that what we have done is simply said to ourselves, to be a member of this body, you must sell everything you own, every stock, all of these things that constitute conflicts. And you then find yourself in a position where being a pauper and a member of the General Assembly, you would have to vote on an appropriation bill for public aid which would benefit you, and you would thus disenfranchise yourself from the right to determine whether or not an appropriation should be made for public aid because you would be a beneficiary of that appropriation. Now that's the logical conclusion to which House Bill 3700 finds itself if you read it and if you studied it. Now I don't believe any of us want that. I think the majority of this body wants a good workable, practical, disclosure bill that will give the public that information which it is entitled to have and also one which will preclude, if that be the will of the body, the conflicts that are obvious and apparent, and I would concur in your statement that I think that constitutes a conflict and I would support an amendment to that effect if you would desire to offer it.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Mr. President, this is a point of parliamentary inquiry. Ah . . . And I haven't listened to the procedure outlined, but Senator Groen has offered an amendment. I don't think I have the amendment. Now, what are we going to do, or is there a consensus on what we are going to do on this bill under . . . What is it--Rule 17? Or what are we going to do with the amendments on this whole subject? Are they going to be printed and distributed?

PRESIDENT:

The . . . ah . . . Senator Groen.

SENATOR GROEN:

Mr. President, I directed that the amendment be distributed. If it has not been, it should have been. It is on my desk and I presume, Senator, if you'll look, it's probably on your desk somewhere.

PRESIDENT:

The . . . If sponsors of all amendments can see that they are distributed and if someone who has a copy can give it to Senator McCarthy . . . Senator Soper is going to be of assistance here. Senator . . . Senator Partee.

SENATOR PARTEE:

While he's reading it, if I might, just to conserve time, address myself to this proposition. I can understand how there are persons who believe that if a person works in the Legislature he cannot, in his off hours and days, work for another governmental agency. This is a concept that has been debated here, it's debated in the House, and I can understand the basis on which this assertion is made. I would suggest, however, that in the House, this particular provision was debated for almost two days and could not pass.

the House. Now for whatever reason it is used here today, for logistics or whatever, I have no concern. I'm only saying to the membership that it can't pass the House-- this particular provision. I would tell you one other thing that I think such a provision will invite, will generate, and will give birth to other provisions and amendments which will be retaliatory in effect. I suggest that there are members of this body and of the House who are not practicing attorneys who believe that lawyers are then in a position where they too should be in some measure placed in a position of deprivation about second jobs. It will come to pass, if we do this, that people will then say, insurance men should not practice their profession, or bankers or writers or any person who has an outside income from work performed for a governmental unit outside of the legislative office. I can understand, I think, the motivation for this amendment, but I suggest to you that it is going to create a great deal of mischief.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Sponsor yield to a question? Senator Groen, I have a question. Senator Soper gave me your amendment, and I direct your attention to line 12 of the amendment where it defines, in part, a public official. On line 12, public official includes any salaried employee of a public agency of this state. Now, I want to have this clear, Senator. Suppose you had a salaried attorney on the Attorney General's office... Would he then fall within the definition of public official?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, in response to the question propounded by Senator McCarthy, it would be my thinking that he would. Yes.

PRESIDENT:

Senator McCarthy:

SENATOR McCARTHY:

All right. Now, Senator Groen, I want to ask you whether or not that prohibition could not be circumvented in this way: That there could be an attorney hired on a contractual basis who would not then be a public official and still could hold public office and escape the restrictions of your prohibition.

SENATOR GROEN:

Mr. President?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, there are those who think that the good Lord Himself was devious in the method by which He got a bite out of an apple some many, many, many centuries, eons ago. I have no question in my mind that no matter what kind of an ethics bill we pass, there are people who are going to find ways of circumventing it. And I would have no doubt in my mind that some lawyer will probably find a means of attempting to circumvent this provision. In the event that he does, I would hope that the machinery set up by the Board is such that the circumvention can be detected. To answer your question directly, I would say, yes, I would think that someone would try to circumvent this provision.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Then, Mr. President, I would like to make this comment about the amendment. That I don't . . . didn't ask Senator Groen whether a person who was doing the work on a contractual basis, that whether that individual would be exempt as opposed to a salaried Assistant Attorney General. That wasn't designed . . . The question was not designed with speculation into the future that such activities do not happen. It's reflected directly in the recent past, where, I believe, the Chief Executive of this State hired private attorneys paying state funds to engage in some sort of litigation or to draft regulations concerning welfare into Chicago, and it was spread across the newspapers of the State that the Attorney General was the person who should have done that or one of his officials. So, Mr. President and Senator Groen, I point this out that here appears to me to be a patent exercise defect in your amendment in that you would allow Mr. Whalen, if that be his name, to serve as a private attorney and also a member of this legislative body, but to prohibit any first Assistant Attorney General from doing the legal work and from serving in this body. I point that out just in the general context of the debate.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, again in response to Senator McCarthy, it would seem to me that this would be a matter for the Board, which is established in the bill, to determine whether there has been, in fact, a circumvention of the law.

And if the Board so finds, it would be illegal, improper and the Board should take action to not only quash that and not permit it, but take whatever punitive action might be appropriate in the circumstances.

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

I move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary. All those in favor of the motion for the previous question please rise. Those opposed please rise. The motion does not prevail. It takes a two-thirds majority, Senator Soper, and if you think that was a two-thirds majority, you better recount. The Chair is being fair in calling these motions. Senator Vadalabene.

SENATOR VADALABENE:

I would like to ask Senator Groen one question . . . a quick question, please.

PRESIDENT:

Senator Groen indicates he will yield.

SENATOR VADALABENE:

Senator Groen, in my city of Edwardsville, we have a mayor who has been elected by the people of Edwardsville and he also has been elected by the people of Edwardsville Township as supervisor. He has two elected positions. Under your bill, would he be prohibited from having one of these elected positions?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

He would.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, members of the Senate. If the sponsor of this amendment will yield to a question, please. Senator Groen, I listened with great interest to your presentation; however, I think the premise was incorrect. You were premising the introduction of this amendment on the basis that we were dealing with House Bill 3700 as amended in the House with the so-called Choate Amendment. However, we have adopted, I understand, Amendment number 1 in the Senate which, in effect, places Senate Bill 81 into House Bill 3700; therefore, there is no prohibition, as I understand it, against one who has banking interests or insurance interests or any other . . . or agriculture interests I might add for Senator Knuppel's benefit, from being a member of the General Assembly. And I was just wonder . . . It seems to me then, the premise upon which you introduce this particular amendment seems to fall.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, in response to Senator Rock I would say this. Senator, I read that monstrosity, 3700, that was sent over here by the House. Now if they are sincere and I cannot . . . while I say this perhaps with tongue in cheek, I will give the House the benefit of the doubt and say that they were sincere in that 3700, when it came over here, reflected the thinking of the House. That being the case, I have no other

alternative but to feel that, when a conference committee is appointed, those things which were contained in House Bill 3700 when it came here, will be matters which will be discussed by that conference committee and the House members of that conference committee will undoubtedly try to have those restored to any final legislation which is presented to both bodies for consideration. So it seems to me that though we . . . though we took it out, it isn't dead. It's going to raise its ugly head, it's going to try to be restored, and if it's going to be restored, then I want all of these concepts included in the final legislation, and I simply want this to be a matter that will be considered by the joint committee of the two houses in determining what final product will be put before us.

PRESIDENT:

Is . . . Senator Chew.

SENATOR CHEW:

Mr. President, on the Secretary's desk I have an amendment to . . .

PRESIDENT:

Just a moment. We haven't disposed of the present amendment yet. No. Is there further discussion? Senator Partee.

SENATOR PARTEE:

Senator Groen, I would like for you particularly to hear this. I probably will support the amendment, but I want to say to you that unless I read the Constitution incorrectly, this amendment is unconstitutional. I don't know if that's so, but you know there's an old expression about when in doubt, read the directions. So we read the directions here, and Article 4, Section 2a . . . It's very short, and I will

read it. It says that no member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly. Now it's quite obvious that this was a matter which was discussed in the Constitutional Convention, and I think I remember reading some of the debates on the subject. I can't recall all of them sufficiently to go into them at the moment, but if the amendment passes it may well be unconstitutional. I just thought I should point that out to you, so that you would know it. I assume you may have read the Constitution and had forgotten that particular paragraph, but it's there.

PRESIDENT:

Senator Groen may close the debate.

SENATOR GROEN:

Mr. President. In answer to Senator Partee. Senator, I am well aware of the provision of the Constitution to which you refer. I read it a number of times before I caused this amendment to be drafted. I do not concur in your conclusion as to the effect of the constitutional provision as it relates to this proposed amendment. I'm perfectly willing to have the Supreme Court of the United States or the State of Illinois, depending on how far it might go, make that determination. In my judgment, this is not an unconstitutional amendment.

PRESIDENT:

Secretary will call the roll. Those in agreement with the position of Senator Groen, in favor of the amendment, will vote aye. Those opposed will vote in the negative.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,
Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,
Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,
Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Kruppel,
Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom,
McCarthy, . . .

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Mr. President. This whole thing is designed to allow the voters to make a better judgment, a better measure of the man in his aspirations for office or continuing office. It strikes me that a person holding two public offices is a fact is that the public can ascertain, because we have the right to know statutes, public offices before the public. That is better, Mr. President, than allowing a person to hold one public office and then hold a quasi-public office that they can't find out about. Therefore, on the basis of that, I oppose Senator Groen's motion and vote no.

SECRETARY:

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

PRESIDENT:

Cherry no. Newhouse aye. On that question the yeas are 31, the nays are 23. The amendment is adopted. Senator Groen.

SENATOR GROEN:

Mr. President, I move to reconsider the vote by which

Amendment number 2 was adopted.

PRESIDENT:

Motion to reconsider. Motion by Senator Bidwill to table. All in favor of the motion to table signify by saying aye. Contrary minded. The motion prevails. There are further amendments. Senator Chew.

SENATOR CHEW:

Yes, Mr. President.

PRESIDENT:

Just a moment. I . . . we're taking them in order as they are presented to the Secretary and I understand that someone is ahead of you here . . . 3 or 4 I'm advised. Amendment number 3 is offered by Senator Coulson. Senator Coulson is recognized.

SENATOR COULSON:

Mr. President, Amendments number 3 and 4, and I don't know which is which, are embodiments of legislative proposals, Senate Bills 259 and 275.

PRESIDENT:

Just a moment. So we know what we're . . .

SENATOR COULSON:

I think we're discussing 275 at this time. I think that's Amendment number 3. No legislator may give or receive from any person, firm or corporation any fee, commission or retainer. Is that the one?

SECRETARY:

That's 5, that's 4.

SENATOR COULSON:

That's the next one?

PRESIDENT:

That's the next one. Just a moment, please. Gentlemen,

let's maintain some order.

SENATOR COULSON:

Amendment number 3, then, is an embodiment of Senate Bill 259 which has been previously introduced and which you may seek in your digest although I believe there are sufficient number of copies available. Basically it calls upon bribers to report, if they are licensed by the State, as well as disclosure by alleged bribees. It provides that any entity which compensates any member of the . . . or candidate for the General Assembly or any holder of, or candidate for statewide elective office for services rendered or retained must annually report the nature and dollar value of such compensation.

PRESIDENT:

The . . . Can the Secretary read the first couple of lines. Senator Knuppel asked a question of which amendment is now being discussed. If you will, read the first sentence or two.

SECRETARY:

Amend number 3 amends House Bill 37 as amended in the title of the Act by inserting "1-11" before "4-101" and "4-15" before "4-209". Find that one?

PRESIDENT:

Are you following us here? Just a moment. Well, I think it's important that we understand what's . . . It's, it's the one that begins about the third paragraph, Section 4-115a, any entity which compensates any member or candidate for the General Assembly.

SENATOR COULSON:

You may find it in the Digest. It's Senate Bill 259. No, I simply want to obtain a reading from the entire Senate

as to how they would be receptive to this as a part of a conference committee report. I don't think it should take a great deal of time. It's . . . It deals directly with the problem, but it approaches it from the other point of view.

It would require, for instance, race tracks to report to the State, compensation they paid to any member of the General Assembly. It would require banks to report to the State any payments they make, even for services rendered, and insurance companies and all licensed institutions.

Any, ah . . . even a tavern. You part time bartenders would have to have the tavern report how much they had paid you. It is a part of a total package which I would like to have included in conference committee consideration and it's offered solely to obtain a reading as to how many of you are shocked by it or frightened by it or could not vote for an ethics bill if this were included.

PRESIDENT:

Is there any discussion? All those in favor of the adoption of the amendment indicate by saying aye. Senator Neinstein asks if the amendment is printed. My understanding is that it has been printed and distributed. Is that correct?

SENATOR COULSON:

It is printed. It's among a stack of some 17 amendments that I have on my desk. It may require some searching, but it has been printed and is distributed and for those of you that have trouble finding it, as I say, it's . . . it's Senate Bill 259.

PRESIDENT:

Is . . . Just a moment. If you want recognition address the Chair and we'll try and get things straightened out.

Is there furth . . . Senator Graham.

SENATOR GRAHAM:

I think that my desk is cleaner than Senator Coulson's and I don't find that amendment and I'd like to have it.

PRESIDENT:

Senator Coulson, can we hold off on that for a little bit and make sure it's distributed. Apparently some do not have it.

SENATOR COULSON:

All right. Sure.

PRESIDENT:

Can we proceed to . . .

SENATOR COULSON:

I may not have better luck, then, with Amendment number 4. I don't know. Anybody have that? That, ah . . . I don't know how else to describe it. The underlined section in the middle of the page, no legislator may give to or receive from any person, firm, or corporation, any fee, commission, retainer, rebate or any other form of compensation. It's an anti-kickback type of amendment. Do you all have copies of that? All right. We'll defer those until sufficient copies are available and that leaves us with Amendment number 5 which somebody else has.

PRESIDENT:

Amendment number 5. Amendment number 5 is offered by Senator Laughlin. Can you, first of all, describe the amendment so the members can find it? Senator Laughlin.

SENATOR LAUGHLIN:

Well I don't know which is 5 and which is 6. I have two up there, so if you'll tell me which . . . Oh! All right. Yes, this is a very, very brief amendment and I don't know as it will generate a lot of talk. Maybe it will. It's one that

says amend House Bill 3700 as amended on page 5, Section 4-107 by inserting after line 3 the following. And there is just one sentence. It says, if the creditor is a parent or child, the debt and its amount need not be disclosed. Now there is a provision in this bill that says gifts by parents need not be disclosed and it seems to me this is a complete invasion of family privacy and it doesn't have anything to do as to whether you're going to be ethical or unethical, if your child owes you money or you owe money to your parent. And I'd like to have an expression by this body that this amendment makes good sense, whatever legislative ethics bills should ultimately pass.

PRESIDENT:

Is there any discussion? All in favor of the adopting the amendment indicate by saying aye. Contrary minded. The amendment is adopted. Amendment number 6.

SENATOR LAUGHLIN:

Mr. President, this amendment is a little more lengthy. And it amends House Bill 3700 as amended on page 4, Section 4-106, by inserting immediately after line 17 the following. If you can find that . . . It should be on your desk. What . . . Section 4-106 says presently, and it's not that long. I'll read it. "The identity of any source of income including capital gains aggregating 1,000 or more received during the preceding calendar year, and the total aggregate amount of all income including capital gains from all sources received during the preceding calendar year by the person making disclosure or any member of his immediate family, spouse and minor children living with him." This, then modifies this by saying the information required under this section shall be filed in a sealed envelope which may be opened,

and it restores the language of the two tier provision of House Bill 3700 as it comes over here. Now, very frankly, I voted against Senator Partee's bill because I think it is the incorrect approach and without getting back into that, I simply want to say, consistent with my vote on that bill, I think that this provision is bad and I don't think it is any business of the public's as to what your income is. I don't mind supplying it to a board of ethics made up entirely of non-legislators or anything of the sort, and I would point out that some people, including lawyers, have income which varies very, very much from year to year and it's completely misleading. I think the disclosure of assets is accurate, but the disclosure of income, I think publicly, is wrong. For that reason, I move the adoption of this amendment which would say that, for example, Senator Latherow who is a farmer and whose income may vary greatly from year to year as well as Senator Laughlin who is a lawyer and is out on his own and may do well and may have to take advantage of the Federal Tax Law income averaging provision to level it out, that public disclosure of net worth or assets is one thing. Public disclosure of an income is not necessarily relevant, will confer advantages on opponents in election years. Even though I'm not running again, it seems to me what you have to do if you're going to do this and the bill passes, you're going to have to go back during the period of time you served here in order to show what the true income picture is. It's wrong to place it on one year and for that reason I move the adoption of this amendment.

PRESIDENT:

.. Senator Neistein.

SENATOR NEISTEIN:

Senator Laughlin, we just passed Senator Partee's 1302 which says that the copy of your income statement will be

attached to your statement of candidacy, or whatever way they got it. Now, if that's done, then your amendment is meaningless because your capital gains etcetera are all in the income tax returns.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Let me just reply. I know that, and I stated that earlier, and I also stated that I voted against the bill and why I voted it. Now there may be some people . . . That bill passed with exactly 30 votes and it may be, in the hour that has elapsed or in the 45 minutes that have elapsed since then, that some members in this body have had second thoughts who voted for that bill, and if so, I don't see why we shouldn't take a whack at this and get a roll call and get the sense of the Senate. If nobody's changed their mind, this isn't going to go. I quite agree with you.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well I'd just like to point out, Mr. President and to Senator Laughlin particularly, that the watering down of this bill with this amendment at this time I cannot buy. Now it may be that later in the conference committee and at some other juncture when it is obvious that more stringent provisions cannot be placed in, I could support the amendment, but . . . and I could accept the concept. But at this moment, I cannot. I just want you to know.

PRESIDENT:

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

SENATOR LAUGHLIN:

I . . . I expected Senator Partee to disagree with me. Obviously he is a logical, consistent man. I simply say I'm being consistent with my position and there may be somebody may cast a different vote this time, so I'd just like a roll call and get it over with.

PRESIDENT:

Roll call is requested. The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Davidson aye. Groen aye. Carpentier aye. Vadalabene no. Walker aye. Neistein no. Harris aye. Saperstein no. On that question the yeas are 26, the nays are 19, one present. The amendment is adopted. Motion by Senator Laughlin to reconsider. Motion by Senator Gilbert to table. All in favor of the motion signify by saying aye. Contrary minded. Motion to table prevails.

The next amendment. Amendment number 7 by Senator Chew. Senator Chew, can you explain your amendment?

SENATOR CHEW:

Yes. Mr. President and gentlemen of the Senate and lady, I would be happy to explain this amendment. I'd like

the Secretary to read it and I'd like to speak on the amendment, Mr. President.

PRESIDENT:

The Secretary will read the amendment. It is a very brief one. Will the members be in their seats.

SECRETARY:

Amendment number 7 amends House Bill 3700 on page 6, by inserting between lines 18 and 19 the following: No member of the General Assembly may engage in the practice of law during the term for which he was elected or appointed.

SENATOR CHEW:

Now, Mr. President . . .

MR. PRESIDENT:

Senator Chew.

SENATOR CHEW:

The original sponsor of House Bill 3700 and I debated this question for 2 hours on radio station WFLA. The public has informed me that I won the debate. And, of course, I requested of the sponsor whether he would support an amendment of this nature and I also asked him has he ever been engaged in lawsuits involving directly or indirectly the State of Illinois and he said yes. However, he was attempting to tell the people of the State of Illinois by radio that he was totally honest; that if he had gotten a traffic . . . if he had run a traffic light and the police didn't see him that he would go and submit himself to the police and ask to be arrested. That's how honest he said he was. Now, this amendment merely says that if you are a member of the General Assembly, appointed or elected, that you cannot engage in the practice of law. Now, I have had, Mr. President, several bills in this legislature missing by

one and missing by two, and I have gone to one or two of my friends over on this side 'cause I had them all over here and asked for a vote and I've been told, I can't vote for that because I represent somebody who has an interest in this. Now that is a conflict of interest. The insurance man doesn't vote for anything that's detrimental or even justifiable in the insurance industry. The lawyer who represents big corporations will never find himself voting against anything, say, that General Motors wants. I'm saying, if we're going to have an honest legislature, that we have to disavow ourselves of any kind . . . any trace of interest where you have a conflict of interest. I have seen, time after time, good legislation go down the drain because lawyers, lawyers in this body, Mr. President, would not support it because it would hurt their practice. I had, on the floor of this Senate, a no-fault . . . I'd like the attention, Mr. President, . . .

PRESIDENT:

Yes. Let's . . . please, gentlemen . . . Senators Harris and Clarke. Gentlemen. Will the Sergeant at Arms enforce no person not entitled to the floor must not be permitted on the floor. Let's . . .

SENATOR CHEW:

I had, in this Senate, a no-fault divorce bill. I missed passage by a few votes and I went to a few of my lawyer friends and they said this would interfere with my income. I can't vote for this. Why, I make a lot of money on divorces. And what did an editorial say? That no-fault insurance . . . no-fault divorce is good because all they do is build up big estate cases and charge fabulous fees and the divorce laws are set by the State of Illinois, so they

want to hold the divorce grounds as they are. Now I am willing to disclose everything I have. I'm willing to give up any outside employment. I'm willing to stay here the year 'round like the United States Congress does, but I think we all should be in the same boat. When you are elected as a judge, you are prohibited from practicing law. The United States Congress--their members do not practice law unless they do a little moonlighting because they're in Washington all the time. We have now gone into annual sessions. I don't think we can conveniently come down here and represent the interests of people and yet practice law. And I'll tell you what happens. The lawyers down here practice law from Springfield back to their various law offices by telephone. They call their offices and they get other people to go take care of those cases and then they run back and get their fee and they don't care who . . . what the case was about, whether it was with the State, federal government, et cetera. They are concerned about that good lucrative practice and being a legislator. And I'll tell something else that happens. When one of the big Senators or Representatives walks into a judge's chambers, he is given the courtesy of getting his case out immediately so he can come back down and legislate, and I think they ought to be treated like any other lawyer who has no judicial courtesy extended to him. I think he ought to stand in line like everybody else, but that's a judicial courtesy that has been extended to the members of the Legislature. Now, I have no complaints with that because legislators, lawyer legislators, are very busy practicing law. Now, if . . . if Joe Doe who lives down in Anna, Illinois should happen to show up in one of our courts in East St. Louis and he's not known, then Joe Doe is

gonna wait his turn. But now if one of the House members from Lincoln, Illinois, should happen to go before a judge in Lincoln, he's gonna be given that preferential treatment, which I have no quarrel with that. I think he ought to be given that treatment so he can come back and do the job he was elected to do. Now, if there ever were a group of moonlighters and double-dipping, it's the lawyers that serve in this legislature. And I think, Mr. President, since we are going to do the job that the people of the State of Illinois have elected us to do, we need to get away . . . And my tooth is beginning to hurt again; I won't be talking much longer. I know you're glad of that. . . . We need to get away from anything that's gonna involve a conflict of interest. I will sell my business because it's regulated by the State. I will be a full-time legislator. I will come to Springfield . . . As a matter of fact, I'll buy a home in Springfield. I say that we can never be conscientious legislators as long as we're gonna practice law. I heard one of my friends get up on this same floor and he said, "Now let me tell you the bad points about this bill," and one guy whispered to him, he said, "That's a lawyers' bill," and he said, "Oh! Let me tell you the good points about this bill." So, we're not honest. Now, the same people have gotten up and castigated double-dipping or insurance men or newsmen . . . I want to see them come out with that total code of ethics to the people of the State of Illinois and stop practicing law as long as they serve in this body and I would ask for a favorable roll call for the adoption of this amendment.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

I wonder if the sponsor would yield to a question.

SENATOR CHEW:

Yes, sir.

SENATOR NEWHOUSE:

Senator, you mentioned double-dipping. Is that the maximum number of dips that you can take in the Senate?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

That was the only word I heard used. Double-dipping-- Mr. Newhouse, you weren't here on that last amendment--is when you hold two government jobs. That's what they consider double-dipping. And we've got some honest people here, Mr. Newhouse, the Senate President pro tem voted for the amendment, and I like that because he's consistent. He's a lawyer and he gonna vote for this bill. I doubt, seriously, whether you will, however. Does that answer your question, Sir?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Part of your problem, Senator, is I was here on the last bill. I did vote for it.

SENATOR CHEW:

I know you did.

SENATOR NEWHOUSE:

I just want to ask just a couple of questions that I think you can answer for me very quickly. Are you eliminating triple-dippers and quadruple-dippers?

SENATOR CHEW:

All dippers, including the big dipper.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Senator Chew, would you yield to a question?

PRESIDENT:

He will.

SENATOR EGAN:

I'd just like to ask you that if . . . if you would sell all of your State regulated businesses and dispose of all of your earthly belongings and follow the dictates of your ethics code, if you'd do it at the current income?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator Egan, I mean the former State's Attorney, ex . . . er, Assistant State's Attorney, I would sell my business, my business is regulated by the State by the Department of Financial Institutions. I would sell anything that has to do with regulation of the State. I will give up my big dipper or any other dipper and I will be a fulltime legislator, if you give up your law practice.

PRESIDENT:

Senator Horsley. Excuse me, Senator Egan. Yes.

SENATOR EGAN:

The question is, Senator Chew, will you do it for \$17,500 a year?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Well, fortunately, Senator, over the years I have been saving my money. And I'll further state that I am in favor

and will sponsor a bill to pay the legislators enough money where they can give up their law practice and you'll have no conflict of interest.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well, I just have a couple of short questions here. Do you have a job with the County or City of Cook or Chicago or one of those places?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

No, I don't have a job, Senator, I have a position.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

How much does that position pay you annually?

PRESIDENT:

Senator Chew.

SENATOR CHEW:

That would be disclosure and I just told you, I wasn't for that foolishness.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I just picked a book up here called the Handbook of the Legislature, and it doesn't disclose that you have that position.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

[unintelligible] edition.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

It's a 1971 edition. [unintelligible] I see. But it also discloses that you are a business executive. Now, I think while we're being very frank and disclosing all of this, what businesses are you an executive of? I think we ought to know that before we vote on this.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

That is disclosed in the Journal on this jive ethics bill that you people talk about. I assume you can read, Senator, and, if you can't, I'll have it interpreted for you.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Question of the sponsor. I agree with most of his arguments and I want very badly to vote for him, but I'm in a position of conflict of interest. How am I gonna vote on this? I'm with you, but it constitutes a conflict because it affects lawyers. How am I gonna vote for you, Charlie? I want to, but I don't know how I can.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator, I ordered my staff to prepare an amendment to go on an appropriation bill where the legislators could be

like the legislators are in California. Now, in California, each legislator is paid \$19,000.00 . . . \$23,500.00 per year. They are furnished transportation, each legislator has a state-owned automobile, each legislator has a paid office in his district, each legislator has two secretaries in his district and complete, sufficient staff in Sacramento. I would want this legislature to demand . . . If some of you aren't afraid of re-election because that's the tale that you always tell, I can't go back home and tell my people that I got a raise, but those that said it, I didn't see them giving that \$17,000.00 back to the State, so that's just a lot of jive anyway. You can justify a raise. You justify everything else. So you can vote with me because you're an honest man. You want to give your service to the State of Illinois. You're not concerned about your lucrative practice because you just might get a case involving the State and I know you wouldn't take it. You're too honest, Senator, so you can vote with me.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senate. I rise in support of Senator Chew's amendment, and I . . . All isn't levity here. I think that's a serious amendment that deserves our support and consideration. I would go one step further, Senator Chew, I would have the same amendment for the Judicial Inquiry Board that the Governor appointed of 9 people or 7 people--lawyers--and I would make it that they can't practice law either, because that's a terrific weapon to give a member of the Board to go before a judge and if he doesn't do what they tell him, then they'll say we'll . . .

or they could threaten and say we'll institute or initiate an investigation. So I'd like to see in the theory that you've espoused . . . now espoused, that you go one step further when that Judicial Inquiry Bill, if it ever comes up on the appropriation, that you add an amendment that no lawyer on that Board be allowed to practice law and I support you in this amendment, Senator Chew, and urge its adoption.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Just a point of information for Senator Chew. I was at a luncheon Sunday at which the principal speaker, a very prominent elected official, pointed out that one of the reasons, in fact the principal reason that there are so many elected officials who are lawyers, particularly in the General Assembly, is that the people of the State of Illinois, in their wisdom, want to get a great number of ambulance chasers off the street. And I'm afraid, Senator, that if we support your amendment we're going to return many to pray on the people of the State. For that reason, I don't think that I'm going to be able to support it.

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Senator Hynes, Hynes, I don't think this would put these distinguished gentlemen out in the cars like they used to be, chasing ambulances. I don't think this will happen at all because too loyal to do that. There's an ordinance in the City of Chicago that prohibits ambulance chasing and these people here are super honest and I know you would never find one out there chasing an ambulance, so it wouldn't

put them back on the street. It would keep them down here in Springfield where we belong, because it was said that we got a raise of 55 percent only because we went into annual sessions. So, don't be bothered about that. You can support this amendment. I know you're a law professor and you haven't chased any ambulances, and you wouldn't chase any. That's below your social status.

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

Mr. President, I think my good friend, Senator Chew, has had the stage long enough. I don't think this amendment deserves any more further comment. I move for the question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary. Motion prevails. Senator Chew may close the debate.

SENATOR CHEW:

Now my good friend over there, the Senate pro tem, whom I have a great deal of respect for . . . I never do anything unless I first check with him and I asked permission to put this amendment in, which he granted. And I said I could only put it in, Senator and my leader, if I have assurance that you're going to support it. He said, "Charlie, I value your integrity; I value your knowledge. You served in the City Council, you run a business, and you've been loyal to the Democratic Party and I feel that this amendment is a valid one." If we're going to be honest with the people of the State of Illinois, and I do mean totally honest, and we're going to get . . . run red lights and go back and get ourselves arrested, that's what I call honesty, you know,

like the sponsor says he does. So I want . . . I want 100 percent support on this, Mr. President, and I would request that the Secretary furnish me with a duplicate roll call so I can relate this to those nice, good, honest Chicago papers and let them know how hypocritical some of my good, distinguished friends are when the shoe is on the other foot. And for that, Mr. President, I would ask for a roll call.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, . . .

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Mr. President, and lady and gentlemen of the Senate. We have had, I guess, some comic relief about this particular amendment. It probably came at a good time during our discussion of a very serious bill. I'm not too sure but what there isn't a lot of value in Senator's Chew's amendment. I'm wondering whether or not all of us can't recall, that from time to time during our legislative experience, that either some of us or many of our constituents said that the trouble with the Legislature is that there is too damn many lawyers in it. As you look over the membership of both the House and the Senate, you find that there is an overwhelming percentage of the seats that are held by men that are in the legal business. The reasons and the motivation for their running, I'm not sure. Some of us say, well the Legislature peculiarly adapts itself to someone with a legal mind. It fits into their business. They can leave their practice of

law to come down and spend the necessary time with, probably less disadvantage than other professions and maybe this is the reason for it. There are others who feel that the lawyers, with their overwhelming percentage of seats in the General Assembly, do group together in legislation that affects probate, affects trusts, and generally affects the legal business that makes it more easy for them to make a substantial income when they're back home. I'm not sure that is always not the case, too. I'm wondering whether or not, if it would be possible, to have consistency in Senator Chew's approach, whether or not we shouldn't adopt the same system that the Rotary Club or the Kiwanis Club or the Lions Club have, where they can say that our club, in order not to be dominated by any particular segment of the community, professional or otherwise, allows only two classifications for instance for paint dealers, two classifications or two memberships for contractors, two classifications or two memberships for restaurant owners, and maybe in this way we could level off this legislative process and get more people back home properly represented in the Legislature. This amendment of Senator Chew's doesn't do this, but I think it points in the direction that maybe we ought to achieve in having a legislative upheaval and a reconstruction that may come somewhere down the far distant future, so I'm going to support him and vote aye.

SECRETARY:

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

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Mr. President and members of the Senate. We know that lawyers have to take at least five or six years of specialized training in universities and colleges throughout our nation. We know that they must study law, the very thing that we come down here to Springfield to make, to pass good laws and defeat bad laws. And they also study the Constitution, which is a very important thing in the making . . . in law-making. Now, I have always felt that no lawyer should represent a corporation and then come down here with special legislation to help the corporations. I think that is going too far, but if you eliminate the legal knowledge that you now have in the Legislature and the people back home give a lawyer that has the integrity and is honest, I think they are more liable to look to him for guidance and counsel than they are someone without the law training. Now, as far as native ability is concerned, perhaps maybe there is no difference. I won't exalt the legal profession, but certainly there is a difference when it comes to training and knowledge-ability. And, Charlie, all due respect to your good faith and forthrightness, I think this would be a terrible calamity to the taxpayers and the people of the State of Illinois if you were to eliminate the lawyers here, if they couldn't have outside legal business if there was no conflict in lawmaking, and I vote no.

SECRETARY:

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

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Senator Chew, I detect a little bit of jealousy in your amendment and I don't blame you. I don't blame you one bit.

It's a very wonderful thing to be a lawyer, a very difficult status to attain, and I want to tell you, Charlie, that I did it because I worked my way through and I appreciate every bit of it very much more because of it. And I'm going to vote no on your amendment with the same spirit that the amendment is offered. In my opinion, it's silly.

SECRETARY:

. . . Fawell, Gilbert, . . .

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I . . . I simply want to bring out this one point. Perhaps what we're witnessing with this amendment is what we witnessed in the debates in regard to the Sunday closing laws. There were so many . . . There were so many amendments offered to that legislation, which in its inception was seriously considered, and yet with the growing number of amendments I began . . . I think that we in the Legislature recognize the rather difficult task that we had set before us. And I think we're recognizing more and more that finitely you just can't set down laws which are going to guarantee integrity and ethical behavior. I don't think this amendment is being taken too seriously, and I don't think that many people really want to see this type of an amendment passed. And I would suggest this, if we are serious in presenting it, and the analogy to the judicial branch of government has been brought in--judges are not allowed to practice law--and thus there is there an elimination of conflicts of interest, I would suggest

that if we're going to continue to carry on with all of the different amendments which are forthcoming here, which I have said illustrate to a degree the very nebulous end which we are trying to achieve, that we consider the perhaps greatest conflict of interest that everybody in this chamber has, and that is the fact that we are a member of a political party and if there's ever one element that destroys objectivity of everybody here at given instances, it is the fact that we are a member of a political party which all too often calls our adherence and our loyalty over and above our objective decisions for what is best for the people of the State of Illinois. So if we're going to suggest that the judiciary is the proper analogy, I would suggest, Senator Chew, that you also state that, as in the judiciary, that we not have the conflicts of interest which would come from being members of a political party and we ought to erase that, too. Obviously, that shows, I think, how absurd, really, this amendment is and until such time, I suppose, as we have fulltime legislatures and just completely abandon the parttime legislator concept which has always been the case in Illinois, I think we're just plain wasting our time with the types of amendments and debates that we're having here and I vote no.

PRESIDENT:

We are on roll call.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I always admired this guy Charlie Chew. He's pretty clever. He knows that I want to vote . . . I don't want to vote against . . . you know, in favor of a conflict of

interest. I notice there's a lot of lawyers voting on this floor, no. Because I think they believe that this is going to hurt their pocketbook and they're voting despite their conflict. They're voting against poor Charlie. Now, I'm going to get hurt, too, if I vote for this, but I can't vote the other way, Charlie, without . . . without violating the very thing we're here to argue about, and that is conflicts of interest in the position we occupy. So you . . . you've just euchred me into voting aye.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

You know somewhere . . . somewhere, you know, you come to realize sometimes that you've made a wrong decision. And I go back to the days when I was in college, Mr. President, and I was interested in the statistical sciences. I wanted to be an insurance actuary. And I got involved in debating and somebody told me I was gregarious and I got shunted off into the field of law. So I think I've probably made a wrong decision because I remember that lawyers have, throughout the course of history, been subjected to ridicule and to railing, and it was Shakespeare who said the first thing we must do is kill all the lawyers, you know. I'm aware of these things. Now, I said to Senator Groen, when he had his bill against double-dipping, that I suspected that it would engender a great number of recriminatory actions. We have unhappily come to see that become a reality. I

think, Mr. President, in obeisance to consistency and permitting it to preponderate my logic, I'm going to vote aye, but I'm going to ask Senator Chew to bring me to Springfield from time to time and to not bring me in a small car, like a Pinto or something, but bring me down in a Rolls Royce.

SECRETARY:

. . . Rock, Romano, Rosander, Saperstein, . . .

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Senators, I thought I would let you in on a very interesting incident that happened when Warren Wood was Speaker of the House and I served in the House at that time. One evening when he was planning an evening session to consider judicial reform, he said, "If all the lawyers in the House would take the first train to St. Louis, we might get some work done." I vote aye.

SECRETARY:

. . . Savickas, . . .

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Seems strange to hear all these lawyers voting against this amendment. It seems that they all gather together to support pay raises for judges before whom they practice. I think that they should gather together to support this legislation and support Senator Chew's effort then to raise the pay to give them a good salary where they don't have to run out and practice. I think it's a good amendment. I think I would urge all of our lawyers to prevent themselves from being caught in double-dipping, and this is just what they

do, and support this amendment. I vote aye.

SECRETARY:

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

PRESIDENT:

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

SECRETARY:

Arrington, . . .

PRESIDENT:

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

SECRETARY:

. . . Bidwill, Bruce, Dougherty, Knuepfer, Latherow, McBroom, McCarthy, Nihill.

PRESIDENT:

I'm . . . as soon as the Secretary hands it to the Chair, the Chair will . . . On . . . On that question the yeas are 25, the nays are 25. The . . . Just . . . There are two considerations here. One is . . . Just a moment. For what purpose does Senator Chew arise?

SENATOR CHEW:

I want to know the two alternatives. I believe according to this, the rules of the Senate, that the Lieutenant Governor has the right to break a tie vote.

PRESIDENT:

That is . . . that . . . The . . . On that question the yeas are 25, the nays are 25, and the Chair will explain his vote. Senator : . . Senator Hynes wishes to be recorded as voting present. Is . . . does he have the consent of the body to do that? There is objection. The Chair wishes to

explain his vote. I'm voting in the negative. I am voting in the negative for two reasons. Number one, I think we have to recognize that any ethics bill that contains this provision will not pass and I think to view it any other way is to not face reality. I vote reluctantly negatively, however. I think that Senator Chew has pointed out, and Senator Fawell has pointed out the direction that I think we're going to have to be going one of these years, and that is the direction of full-time legislators. Now I don't think we can take one profession and say lawyers cannot practice law while insurance men can continue to practice insurance or whatever the other fields may be, but I do think the field of law is particularly one where abuses are very easy to come by and I think we . . . Senator Chew has pointed out an area that sooner or later in this whole ethics field that we're going to have to face. But the Chair votes in the negative. The amendment is defeated. Senator Chew.

SENATOR CHEW:

I request verification of the roll call.

PRESIDENT:

Verification . . . verification of the roll call has been requested. That is in order. Do you wish to . . . verification of the negative votes, is that correct?

SENATOR CHEW:

Negative.

PRESIDENT:

Of the negative vote. Senators be in their seats. Those voting in the negative . . . those voting in the negative. Secretary will call the roll.

SECRETARY:

Bidwill, Carpentier, Cherry, Clarke, Collins, Donnewald, Egan, Fawell, Gilbert, Graham, Groen, Harris, . . .

PRESIDENT:

For what purpose does Senator Chew arise?

SENATOR CHEW:

Well, Mr. President, I think we gave this a good try, and as you stated in voting reluctantly in the negative, I respect your judgment and as I said in the beginning, that I'm ethics all the way as far as a legislator. I'm going to withdraw the verification of this vote out of respect for the people that voted for it; not the ones that voted against it, because it does show a lot of hypocritical, so-called honest people here and yet they don't want what they're crying for. I'm going to withdraw that motion, but I'm going to tell you, gentlemen, I'm going to get this bill through this legislature as sure as I'm black, and you see me. I'm going to get it through.

PRESIDENT:

For what purpose does Senator Baltz arise?

SENATOR BALTZ:

What is the ruling on withdrawing a motion in the middle of a roll call?

PRESIDENT:

Well, it was not a motion. It was a request for verification. The request was withdrawn and the action of the body is final now.

SENATOR BALTZ:

And that can be done?

PRESIDENT:

It can be done, yes. Senator Smith.

SENATOR SMITH:

We have established here, in the last five minutes, the right of the Chair to vote on a roll call on matters

pertaining as such as was before us. This is a matter to which I have given considerable study, as to the right of the Chair to participate on a roll call on matters of this kind. I call your attention to the fact that during the vote that was had on the Carswell nomination, I went to Washington. I wanted to see and to know for my own knowledge, the outcome. I saw . . . I saw the Vice-President sitting a short distance from the then presiding officer of the United States Senate. That caused me to do some research. I came to the conclusion, from my research as a layman, that under certain conditions the Chair has a right to vote, but on a roll call, on a matter of this sort, I came to the conclusion that the Chair does not have the legal right to vote--not a constitutional right to vote. You have established a precedent and I take the . . . My inquiry is this. Is it the intent to follow such proceedings during the balance of this session, allowing the Chair the right to cast a vote on a roll call on an amendment or a bill? That's my question.

PRESIDENT:

The Chair would simply respond by saying that the Attorney General's opinion of the . . . current Attorney General gives the Chair the right to cast, to break a tie in this event and this has been . . . similar decisions have been made by previous Attorneys General. For what purpose does Senator Knuppel arise?

The decision, incidentally, would have been the same whether the Chair had voted or not, because you need a majority of those voting on the question to prevail. If it had remained at a 25-25 tie, the amendment would not have been adopted anyway.

SENATOR KNUPPEL:

Well, that's what I wanted to point out and I . . . that was the reason I was making the parliamentary inquiry because I think the Attorney General's opinion you refer to was written while we were under the old Constitution rather than the new Constitution and as a guideline for future amendments which may come before this body, I think that the amendment failed by reason of the fact that it did not receive a majority, and I think therefore it is unnecessary. It's all right that it happened that way, but I think that it failed of its own weight in any event and I question, under the new Constitution, I think, although you remain as presiding officer under the Constitution, I question that your rights or function is the same as it was at the time that the Attorney General's opinion was written. Nevertheless, it has nothing to do with this particular amendment because it failed anyway for not having received the majority the same as the Scenic Rivers Bill failed to be passed out of committee because the tie was 7 to 7.

PRESIDENT:

The outcome is the same in either event. Senator Cherry.

SENATOR CHERRY:

I now move that the vote be reconsidered. The vote by which this motion . . . I voted on the prevailing side.

PRESIDENT:

Motion . . . Motion to reconsider. Senator Chew.

SENATOR CHEW:

The distinguished gentleman from the 11th District indicated to me, and I hope I am not wrong, that he did not vote for it and inasmuch as your vote doesn't count, then he cannot make the motion. Your vote doesn't count, as was

brought out by the astute gentleman over here who was a Con-Con delegate, and he cannot make that motion.

PRESIDENT:

Senator Cherry is entitled to make the motion, having voted on the prevailing side.

SENATOR CHEW:

What is the prevailing side, Mr. President?

PRESIDENT:

The side that prevailed is those in opposition to the amendment.

SENATOR CHEW:

Then that means that you are counting your vote as negative, and you're in violation of the Constitution.

PRESIDENT:

Well, forget my vote entirely . . .

SENATOR CHEW:

Then it's 25-25.

PRESIDENT:

And the prevailing side is the side that voted in the negative in that event. The negative side is the prevailing side.

SENATOR CHEW:

I move to lay that motion on the table.

PRESIDENT:

The motion is to reconsider the vote by which Amendment number 7 was adopted. All . . . Senator Rock moves to table the motion to reconsider. All . . . Senator Knuppel.

SENATOR KNUPPEL:

I'd like some clarification where the rule is. In other words, we had this same problem, and I fought about it, on the Scenic Rivers legislation as to whether anybody who was

there and voted; where it's a tie, it doesn't go up, it doesn't go down; as to whether or not anyone, whether there actually is a prevailing side, can move to reconsider. I think the matter stays where it is. Let me . . . let me continue. I mean, you have the right to rule, but I think I have the right to comment.

PRESIDENT:

Proceed, Senator.

SENATOR KNUPPEL:

All right. And I decided, and I believe correctly, despite what your ruling is, that if there was a motion that it would . . . To move this out of committee, it would have had to come from Charlie Chew who was the committee member who was not there. That the really . . . the one failed, but there is no prevailing when there is a tie.

PRESIDENT:

Well, the rules have been, through the years, consistent, that the prevailing side is the side which wins. In this case, the negative side is the side which won. Incidentally, the new Constitution has this language: Notwithstanding Section 6b of Article IV, the incumbent Lieutenant Governor, for the remainder of his term, shall be the President of the Senate with the right to vote when the Senate is equally divided. Senator, that is the new Constitution. You can't get more equally divided than 25 to 25. Senator Romano.

SENATOR ROMANO:

Parliamentary inquiry. Senator Cherry moved to reconsider . . .

PRESIDENT:

That is correct.

SENATOR ROMANO:

Senator Chew moved that that lie on the table.

PRESIDENT:

Senator . . . Either Senator Chew or Senator Rock, either one. Senator Chew moves to table the motion to reconsider. All in favor of the motion to table signify by saying aye. Contrary minded. The motion to table prevails. Senator Chew.

SENATOR CHEW:

Well, a point of inquiry. Inasmuch as . . . as you have read from the Constitution that you do have a right to break a tie, as of now, when the vote is equally divided, you said the Senate, but you meant the vote. Is that correct?

PRESIDENT:

The language of the Constitution is when the Senate is equally divided and this has always been determined to be when the vote is equally divided.

SENATOR CHEW:

Now, does this mean that that bill is dead? The amendment is dead?

PRESIDENT:

That means the amendment, as of right now, is dead. That is correct.

SENATOR CHEW:

It's dead, huh?

PRESIDENT:

That's correct. Proceed to the next amendment.

SECRETARY:

Amendment number 8, 9, and 10 offered by Senator Knuppel.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Amendment number 8 is the amendment which was offered to Senate Bill 81 when it was before this body in June of this year. At that time, I was told that the amendment had merit by the sponsor, but that he would not support any amendment because the bill was ready to go out, time was short, and that I should attempt to put it on in the House. He spoke of the amendment as if it were good and of substance. Now, if we're going to try to get a good bill, it seems to me that this is where we should do it then, now. All this does is strike the language in Section 4-401, which limits the disclosure to those persons, other than statewide offices or state offices, to . . . limits them to those who are making over \$5,000.00 a year. As I pointed out at that time, I know many mayors of small towns and other people, council members, school board members, who handle bond issues worth millions of dollars, who are as susceptible to kick-backs, to feather bedding in contracts, and deals with contractors that do damage and injustice to the people of the State of Illinois, and that you can't just arbitrarily, you can't just arbitrarily take \$5,000.00 as the dividing line. The difference between a man who makes \$499 . . . \$4,999.00 and a man who makes \$5,001.00 is just indiscernible. Larceny is larceny at any price. I therefore have asked in this amendment, to strike that limitation so that anyone who holds an elective, non-statewide public office existing under the authority derived from the Constitution or laws of the State of Illinois or any candidate therefore shall file a sworn statement of disclosure each year. I say whatever is

good for the goose is good for the gander and those people handle maybe even more money than many people who work for the State or maybe even people who earn in excess of \$5,000.00. I think this is an amendment that should be in here. I think it's one that, if we believe in ethics and I do, should be appropriate. I move the adoption of Amendment number 8 to House Bill 3700 as now amended.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, for the life of me, when we get through explaining these amendments, it seems to me that I can't interpret the explainers' language to the degree that I can find the amendment on my desk, and I don't find this one. If we're going to refer to numbers, let's get them numbered when we get them back here.

PRESIDENT:

Senator Knuppel indicates that they have been distributed. Can you read the . . . Senator Knuppel.

SENATOR KNUPPEL:

Let me read it. It starts off at the top, Amendment to Amendment Number 1, House Bill 3700, Amendment Number-- probably blank on yours. Amendment Number 1 House Bill 3700 as amended by striking Section 4-401 (a) and in substituting in lieu thereof the following: And then it's got Section 4-401, which is identical except for the language: and who is compensated for serving in that office at the rate of \$5,000.00 per year or more. That's all that's stricken, is the limitation. Now it applies to everyone who serves an elective, non-statewide office, and I say that the \$5,000.00 figure is arbitrary. It might just as well be

ten or two and that, therefore, let's just remove it and make it nothing.

PRESIDENT:

Senator Graham. Senator Harris.

SENATOR HARRIS:

Well Mr. President, I want to make a couple of observations about comments that the sponsor of this amendment has made. It is perfectly true that I refused to call Senate Bill 81 back to Second Reading on the day we passed it. There were some significant procedural questions involved that related to another amendment, and I wasn't going to get myself into a difficult spot excepting one amendment that I think had less implication, the one proposed by the sponsor of this amendment, as related to the other very, very serious question of overall damage to Senate Bill 81. Now, very frankly, I acknowledged that the figure \$5,000.00 annual rate of compensation for a locally elected official is arbitrary. It is arbitrary, but it is practical. And in order for us to effectively proceed toward the enactment of effective disclosure legislation, we very well may be called upon to make some arbitrary decisions. Now first of all, one of my serious criticisms of House Bill 3700, as it came to us, is that it is applicable to all public officials and the difficulty the administrative response to impose and implement the operation of such a sweeping result just defies any kind of successful and meaningful implementation. We've got to take these steps reasonably and effectively. The \$5,000.00 rate of annual compensation, admittedly arbitrary, was carefully evaluated to bring in people who do have, and I do not say at all that you can delineate levels of responsibility, insofar as impact sometimes decisions that involve hardly

any pecuniary or fiscal kind of consideration in local small units of government that won't be involved if this provision in the bill, the \$5,000.00 level of compensation, continues to obtain, and I think it should. But what we are trying to do overall here is to reassure the public, and in my judgment the way we can best do that is to reassure the public by the eventual enactment of something that is going to be operative, practical and effective. And the day may very come, very well may come, once we have digested and lived with the broadened application of the existing ethics act that we can entirely eliminate the exemption provisions of the statutes; but for now I think it is only realistic to acknowledge that while the principle of this amendment may be acceptable, its operation will produce the kind of chaotic result that will continue to provide despair and frustration and dissatisfaction for the public. So I personally feel that this amendment should not be approved by this body, and I acknowledge very clearly that the \$5,000.00 figure is arbitrary.

PRESIDENT:

Is there . . . Senator Partee.

SENATOR PARTEE:

I just want to go backward just a little bit and remind the membership that the purpose of the procedure in which we have engaged ourselves is to provide a vehicle for a conference committee. If the large number of amendments have any salutary effect, it is at least to advise the members of the conference committee some of the things that the membership has in mind, so that when they draw a bill in the conference committee they will at least be cognizant of some of the attitudes as expressed by the amendments. I would hope, however, that the failure or acceptance . . . I'll wait until these gentlemen . . .

I'm gonna . . .

PRESIDENT:

Just . . . Just a moment, please.

SENATOR PARTEE:

Thank you, Mr. President. I would hope that the acceptance or the rejection of an individual member's amendment would not in any way becloud the issue and would not in any way take the support of the process away from what we had intended it. To put it another way, I would certainly hope that the members would support the bill in whatever form we find it at the conclusion of the many amendments and pass the bill out to the House so that we will be able to live up to the kind of commitment we have in this area. Now just a word of warning, I know that sometimes we get very emotionally overwrought with a particular point of view as expressed by a particular amendment, but I would hope that we would not lose sight of the original plan and process, and that is to pass this bill out to the House so that it can wind up in a conference committee and hopefully we can extract from that committee a passable, salable, liveable piece of legislation.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I concur, Mr. President, with what the Pro tem has said and will carry it a step farther. Even amendments which are offered here and defeated will, so far as I am concerned, be considered by the conference committee. We're not closing any doors. We're simply trying to obtain a general consensus of what the membership wants. And a proposal like Senator Chew's is not any more dead if it had been defeated than if it had been adopted. It will be given the same weight and

the same consideration by the conference committee, I would hope. And the purpose of this procedure is not to obfuscate this thing any more than it is, but to get consensus on as many piecemeal corrections as will make a bill finally acceptable. And I concur with the Pro tem's statements in that regard. Incidentally, I am ready now on three and four. I believe copies are on everybody's desk.

PRESIDENT:

We will take Senator Knuppel's first, ah, two amendments and then we will proceed to three and four. Senator Knuppel may close the debate.

SENATOR KNUPPEL:

I want to remind the members of this chamber that now these debates are transcribed, and if they are transcribed, I assume that transcription and what has been said here on this floor will contribute to the judicial interpretation of what we have done here. And if I have heard accurately, I heard Senator Harris say at least 3 times that this \$5,000.00 limitation was arbitrary. He is the sponsor of this bill. Any classification to be held constitutional must be reasonable, and if it is arbitrary I am afraid, very seriously afraid, and I think it is arbitrary that you're placing the entire Section 401 in jeopardy because of the very fact that it is arbitrary, and that the court, when it reviews the legislative history, will see that there is an open admission by everybody concerned that it is not a reasonable classification, that it is an arbitrary classification, and will therefore strike it down. So why put it to the expense or somebody's expense of litigating it when we know, feel, and realize it is not a reasonable classification. Let's put our money where our mouths are. Let's make our

legislation meaningful, constitutional and effective. Let's vote for this amendment.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, I don't know how to make my wishes known in this, so I guess I will have to take a second to explain my vote. If this wasn't a matter of publication of income tax returns and income and everything else bar the general public and the County Clerk, I could support it. I think these people . . . There is a good argument for having them do it, but I think they should be filed with the Board of Ethics, and I think if you do it the other way you will discourage many, many fine people from participating in government. For that reason and the state that I find myself now on this particular bill, I will vote no.

SECRETARY:

. . . Lyons, . . .

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

I vote aye, and I would like to draw attention to the remarks of Senator Knuppel a few minutes ago. I, too, was

struck during the debate by the use of the word arbitrary distinction, and in one case admittedly arbitrary distinction. But the \$5,000.00 cut-off point is an admittedly arbitrary distinction. That renders the bill hopelessly unconstitutional in this particular, and I think Senator Knuppel is absolutely right. We might as well go ahead and adopt the amendment now. I vote aye.

SECRETARY:

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

PRESIDENT:

Saperstein aye. Cherry aye. Smith aye. Donnewald aye. Carpentier no. Mitchler present. On that question the yeas are 30, the nays are 11, 2 present. The amendment is adopted.

The next amendment is also offered by Senator Knuppel.

Can you describe that amendment so that the members can find it first of all before explaining it, Senator Knuppel?

SENATOR KNUPPEL:

Well this is on page 12, it is Amendment number 9, and it would strike at the end of Section 4-407 the language "except a debt secured by a mortgage upon his personable residence." The reason I am making this amendment, again, is a constitutional one. If we are going to pass ethics legislation, it is not enough to just go down the smorgasbord and grab a lot of handles about what we think is right and wrong. We have to pass a bill that will stand the test of court action. I don't think--here again I think is an arbitrary distinction--I don't think that it is possible to make me disclose all the debts I have because I have a rented home, and allow somebody else to accept the debts or mortgage.

upon his principle residence. I think residence property is just a much . . . just as much a part of a man's assets, and particularly on a successful man's asset as any other thing.

This bill would, in its present form, discriminate the roosters in favor of the capons. It would discriminate against those men who are willing to go out and borrow money to build industry, to build businesses and employ people, and by the same token someone who wasted his wealth by drink, or disorder, or any other means could carry a mortgage on his house which he wouldn't have to disclose. I think that this is an arbitrary distinction in debts. It discourages a man who is in the Legislature from helping the economy, and I have said this before and I will say it from this floor, there is nothing wrong with the economy nationally except that the Nixon administration sold out to bankers. And the minute they fix interest rates down where people can reach them, where people can invest money and employ people, the economy will start going again. This discriminates against the roosters, as I said, in favor of the capons. It is an arbitrary distinction, and we only recently read about a former Governor of this state, who sold his home at an inflated value to someone who was an officer of a defunct insurance company. At least that is what the allegations are. Now we're just not going to draw a line and say we're going to look at certain kinds of transactions, those transactions of men who are brave enough and have enough confidence in the American cloth and economy. But we are going to let the little fellow who has no guts but a big house escape. Now I think this is good amendment. I think it makes the Bill constitutional where it may be unconstitutional as being arbitrary, and I think it strengthens the bill. If we are going to

disclose the debts, let's disclose it and let's don't distinguish between the bulls and the steers or the roosters and the capons.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President and members of the Senate. Senator Knuppel has hit upon two points. One is the constitutionality insofar as the classification of debts are concerned. I would like to speak in support of his amendment on something that he touched upon, but something I think is worthy of consideration of this body. The amendment Senator Knuppel proposes is an amendment that crossed my mind when the Governor of this State first made his proposal for a disclosure, and that was that a person should disclose the identity of those individuals and corporations to whom he was obligated. But he made the exception that he should not have to disclose the person that holds his mortgage on his principle place of residence. Now Mr. President, this, I think, is a bad type of provision to have in the law. Let me give you an example of how it would be counterproductive to the whole idea of disclosure. It has been my pleasure since early in January to be Chairman of the Committee on Financial Institutions, and I presume that some chairman in the future might be approached by some lending institution. Well, let me give you myself as an example. Suppose that I had a conversation with a banker or a group of bankers and they said we will give you a loan on your house of \$40,000.00 at 4 percent per year, amortizeable over a 30 year period. If, upon that hypothesis, the going rate of money was 8 percent, and if I didn't need the money, I could if I was so inclined and if

the offer was made, take the \$40,000.00 from the banker at 4 percent a year over a 30 year period, and reinvest that in taxable, earning bonds bringing 8 percent. That would amount to me, by way of a profit, over the 30 year period of \$43,200.00. That is what I would make in the difference of the 4 percent that I would have to pay and in the 8 percent that I got because of the loan that was made to me. And under the terms of the Act, Mr. President, I wouldn't have to report that so that the people wouldn't know that that type of a transaction had taken place. And here I would be, in the very sensitive position, Chairman of Financial Institutions, having arranged that type of a transaction and falling within the exemption of the bill that is presently drawn. Let's interpolate the \$40,000.00 figure to a person who might have a more expensive home, where he could borrow \$100,000.00 at the same rate of interest, 4 percent, and be able to reinvest it at 8 percent over a 30 period of time. That individual would make \$108,000.00 by virtue of that transaction; and if you take a person who could borrow \$200,000.00, a person in a high position, and homes cost \$200,000.00 at 4 percent and be able to reinvest at 8, over a 30 year period that individual would make \$216,000.00 on account of that transaction. Now if you are going to try to get the disclosure, which I have no objection to, and you are going to make the family and the children disclose their debts if they're over \$5,000.00, it strikes me that this law should be strengthened by the adoption Senator Knuppel's amendment so that individuals that go through a series of loan transactions such as I have talked about would have to disclose that to the public, and be available, and it would be available if this amendment carries. So I urge the members

to support this amendment.

PRESIDENT:

Is there any discussion? Senator Neistein.

SENATOR NEISTEIN:

A parliamentary inquiry, Mr. President, and I think Senator Coulson might have the answer. My seminar last night was cancelled because of the late hour. I have to attend the seminar today, and I would like to have the timetable. How long are we going to work? There is two committee meetings I see by the Calendar, so if there is any indication, Senator Coulson, if I would be able to firm up my appointment for my seminar later on today.

PRESIDENT:

The Chair can't speak for Senator Coulson, but it looks like that seminar may have to be delayed for a while. Senator Coulson.

SENATOR COULSON:

Well, there are at least 5 more amendments and I intend to speak for a minute and a half on each of them, and from there on, this is your November that we are devoting to this.

PRESIDENT:

Is there further discussion of the amendment? All in favor signify by saying aye. Contrary minded. The amendment is adopted. Now we will come back to Amendment 3 and 4 of Senator Coulson.

SENATOR COULSON:

Yes, Mr. President, I believe copies . . . numbered copies are on each member's desk. Amendment number 3 requires a disclosure by groups which compensate a member of the Legislature or a candidate. Instead of requiring disclosure by the recipient, it requires disclosure by the

person who pays. This means that my bank for which employs me would report to the State that it does pay me, and someone who works for a utility company is not only obligated to report it, but the utility company is obligated to report it. Ah . . . Marge Everett would have reported to the Legislature the payments made pursuant to it. I think it is a very sensible safeguard to any ethics proposal is to rely not entirely upon the recipient by upon the payor. This was introduced as a separate piece of legislation, and I simply want it to be considered by the conference committee, and I would hope it would get some sort of semi-mandate from this group.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate. I think what we are doing with the continuation of fiddling around is that we are deluding ourselves into thinking that we are dealing with ethics legislation and disclosure, when in fact, we are tangled up in our thinking to the point that we are talking about prohibition. And if this is what we are doing, then I think we ought to remember the Volstead Act. I think that Senator Coulson's Amendment number 3 makes no sense at all. I think what this is going to do under the current salary structure of the members of the General Assembly, is that if some gentlemen are getting anonymous tips from some company, to help them defray the costs of living and sending their children to college and a few other things, that we are going to destroy this because this company is not going to be particularly interested in overburdening their legal staff on making reports for some legislator. I, for the life of me,

cannot see why if a legislator is going to be ethical, after we get through with all this monkey business, why then a legislator signing an affidavit admitting or disclosing that he has some income, filing it with the Board of Ethics, is not sufficient. I also think that the provision licensed or registered does not cover the field necessarily. I don't think that any good ethics legislation is going to help the honesty of this state, or the employees thereof, or any local government by imposing upon business and industry a greater burden of reporting. I think that burden of proof lies upon principal involved and reporting his income. And I think this amendment to this bill makes no sense and should be defeated.

PRESIDENT:

Senator Groen. Do you wish to be recognized on this?

Senator Fawell?

SENATOR FAWELL:

Well, I think that where as I understand what Senator Coulson is attempting to do, I think that every lawyer and everybody in this body ought to take a close look at what this amendment actually does do. Now maybe it is a personal reaction on my part, and I do confess to the fact that I practice law, and I state to one and all that my basic bread and butter comes from the practice of law and not from the salary of which very little is left at the end of a given year even at \$17,500.00 that I am paid as a tate legislator. But as a lawyer I recognize that what this means is that any business which is regulated by the State of Illinois, like a bank, and I do represent a small bank in Naperville, or a client who may be an insurance agency, or a broker, or a real estate salesman, they certainly

aren't going to be coming to the law office of which I am a part because they can get entangled because they failed to make a report and lose their license. Now it is tough enough trying to be a good part-time legislator, and to fulfill all the obligations that are cast upon a legislator, and still try to make a living, and I try to do both. I will frankly say to you that I work 6 days a week and 5 nights, and a good portion of Sunday evenings too in order to try to keep up with both positions. And all I need is something like this to have what few clients, maybe less, say well we're not going to touch Fawell one bit because it is just going to be more trouble than it's worth. I think we are getting to the edge of ridiculousness here. Certainly some type of disclosure and ethics law is necessary and recognized. But the law at its best is imperfect. We're only finite creatures, and if we think that we are--I don't think that we are even impressing the people back home. I realize that whenever you speak against one of these bills that it can be construed as being against heaven, home, and mother; but this is burning down the barn to get rid of the rats, so to speak. The guys around here, if there are any, who are going to be doing the dishonest things and the unethical things that all the bills we could pass here from now until Doom's Day isn't going to stop them. And it's . . . this amendment, I think, is one that can do an awful lot of harm, although the intent with which it is presented, I know, is nothing but the highest, and I would hope that it is defeated.

PRESIDENT:

Is there further discussion? Senator Coulson. Senator Horsley.

SENATOR HORSLEY:

Well I intend to vote for this amendment. This is such a horrible bill that I think a horrible amendment like this just shows how ridiculous we've become. Now, this matter of ethics is something that I think needs a clear airing.

I don't know what a conflict of interest is, but I know of no individual in the State of Illinois who could possibly sit in this body that would not have some conflict. He might even be on relief, but he would have a conflict, because he wants more money free. Anybody has some type of conflict. Now, this would require a report of how much these entities pay to us. Frankly, I don't care. I don't see anything wrong with it. I don't mind disclosing what these people pay to me. The only problem is, you destroy the privileged communication between lawyer and client. Now, you are getting into that same problem. You know we have physicians and dentists in this General Assembly. You are going to require them to destroy their privileged communication because they are going to have to report how much a factory, or how much somebody pays them to take care of the workmen in that factory on their dental and on their medical bills. So this thing goes pretty far. You cannot legislate morality, I don't care how far, how great, and what you try to do. It cannot be done. You know, I have taken my share of abuse over this matter of so-called ethics. I was an officer of an insurance company that I helped organize in 1964. That great newspaper, the Chicago Tribune, lied and said I was a member of the Insurance Committee when I organized that company, but all they had to do was pick up the Blue Book and find out how stupid they were because it was an untruth. Secondly, they said that I had a management contract that was cancelled by

the Director of Insurance. That was an outright lie, because that contract went to its expiration, was not cancelled, and that Director of Insurance called me and he was very incensed because he was quoted and wasn't even spoken to by the man who quoted him. And then that yellow journalism called Today stooped to the lowest that I have ever seen. Much lower than when they attacked Representative McCormick and told a lie about him in the House, and said that I had milked an impoverished company and I am sorry that Shakespeare isn't on the bench up there right now so that you could look at him, the man who represents that yellow journalism. I hope he gets back in time to hear what I am saying with his beard and long hair. But when you say that about a company that you have built up to a 20 or 30 million dollar institution and you have worked hard, and for the hours that you have worked you have been paid less the lawyers are paid for the same work, and then to have them stoop to that. And a company that's going today, about ready to declare dividends to his stockholders, and then to libel it and slander it by saying it's an impoverished company, that's about as low in journalism as you can get. And when you talk about conflicts of interest, Mr. President, I recall in 1961, I recall in 1959 when the Chicago Tribune walked into the Governor and tried to make a deal to have the newsprint, the lead, the ink and machinery exempt from the use tax in the State of Illinois, and we defeated it in the House. And your vote helped defeat it. But I also recall in 1961 when that same amendment passed the House, and your vote helped pass it. You get . . . I have the Journal on my desk, and you were a newspaper publisher voting to exempt your own newspaper publishing company from paying a tax on the newsprint. So don't get disturbed because I am going to alleviate your fears in just a moment. Just before that vote was taken, we had

an amendment that would knock this out of the bill and voted with me on that amendment. But after that amendment was defeated you turned around and voted to pass the bill so that the newspapers of the state--you won't read this in any column tomorrow, you can rest assured of that; this won't be printed--the news media of the State of Illinois pay no use tax, pay no sales tax, upon the million and millions of dollars of newsprint, ink, and equipment used in printing the paper, costing the taxpayers of this state millions of dollars, and then you talk about lobbying. George Tagge walked into Governor Kerner's office. He said: If you will support this amendment, we will write editorials in the Tribune giving our sanction to your tax increases. That deal was completed, the editorials were written, and the amendment was passed. Now who is kidding who? And again, I want to say to you, Mr. President, I don't mean to criticize your vote because the Blue Book told us you were a newspaper editor. The Blue Book told you that I was a vice-president of an insurance company. All these johnny-come-latelys had to do was to get the annual report to the stockholders which told every detail that they now claim they are revealing. All they had to do was go to the Director of Insurance and find it filed there as a matter of record, and yet they intend to say that's a conflict of interest. Now I think we had better get on to the nubby-nubbin of what we are talking about, and frankly I don't know. I have mixed emotions about it. And I say to these two Tribune boys, you've done a good job in pointing up this conflict of interest matter. You have done a good job, and I think the public should be indebted to you. But I would say to you, don't lie about people. Get your facts. Spend a little time getting the facts before you try

to malign anybody. Now let's make up our minds here what we are going to do, because when I said you were a newspaper publisher, I knew that everybody knew it. Nobody could criticize you for your vote. When I, as a lawyer, have this, for example, I represent the Progressive Mine Workers, and have ever since before I was ever elected 25 years ago. Everybody knows that. It's a matter of common knowledge. I don't mind passing this amendment telling you how much salary they pay me. They pay me by the hour. I just wish I wasn't sitting here and had more hours I could go work so I could make a living. I am not ashamed of that. But I am saying the people of this state do not go along with an idea that because a man like Egbert Groen is interested in a bank, he shouldn't be here, that because Tom Merritt has a real estate or insurance business he shouldn't be here. Senator Savickas who made that great speech a while ago about lawyers is an insurance man, licensed and regulated by the State of Illinois. Now where are you going to draw the line? I think it's time we begin talking sense here, rather than talking like children. I have, and I think if you will check with the Ethics Committee, I am probably one of the only members of this body who has filed every holding, including my home, including my building where my office is. Every share of stock, everything that I had has been included in my report. I believe that way. Anybody can look at my income tax return. I believe that way. I don't think you want to start barring anybody from serving in this body. When you do you are going to have the poorest General Assembly you have ever had in the State of Illinois--I, even my good friend Rollie Robbins in the House. Many of you will remember him, president of a bank, who sat on the Committee of Banks

and Banking, the fairest minded man we have ever had, the most highly respected, who served many years. So when you start maligning people about a conflict of interest I think you had better get the books out and go right down the line, and let's call a spade a spade. I think all we need is a very simple bill that could be drafted in one page that says you file your income tax return insofar as it might affect legislative process, and secondly, that we file a disclosure that anybody can look at. I don't believe in hiding behind an ethics committee, making it tough for you to go find out. Let's lay it out on the table. A very simple bill will do it. And when you do that, you have gone as far as you dare go because you are going to deny representation. You'll knock more than three-fourths of the people out of this body, and most of us are fed up with it now. We are not only tired of annual sessions and being here all the time, but we are tired of taking the malignment; we are tired of having our families slurred, slandered, and lies told about us. I, for one, am sick and tired of it. I have got my belly full of it, but I am willing to lay mine out with them any time. Thank you.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, and Senators, now that we have broken the ice a little, I'd like to make a few comments, too. I suppose we could repeal the Laws of Moses and the Book of Leviticus, and the code of Hammurabi as well as the Ten Commandments, and I would still come around to the conclusion formulated by my favorite candidate on the Democratic ticket for Governor, Mike Howlett, who said, "Elect an honest man

in the first place." I was on television last week on this very subject. I don't know who wants ethics legislation. I know we in the Senate here don't want it, and I am looking at a lot of hypocrites today, believe me. I know it and you know I know it. There were three last June who voted against the ethics legislation--Walker, Latherow, and Sours. Several came up afterwards and said, "I feel like a hypocrite." I said, "Well." Let me make this comment, and I will try to be brief. As a result of my exposure on TV last week, here is a letter from a judge: Hudson, there are so few people with their feet on the ground who can't see the forest for the trees . . . this man is a Democrat . . . that I get discouraged on matters affecting the body politic almost to the point of despondency. Add to that the hypocrites, the fourflushers, and the phoneyys who dominate much of political life today, and the picture gets really morbid. Your comments on ethics disclosure are correct. Your comments . . . and I wish Senator Chew were here . . . on professional legislators, that is full time payrollers, are correct. The minute we have a full time professional legislator who can survive on the salary, I say look out. We'll have the finest array of crumb bums this chamber will ever see. If a candidate is owned body and soul by a labor union, or by a large corporation, or by any special interest, the surest way to cause this to be brought to the public's attention is by the self interest of his opponent in publicizing it. As long as we have free and open elections we can at least turn a rascal out, and I believe it was John Carlyle who said one time, make yourself an honest man and you may be sure there is one less rascal in the world. Now I have another letter: Hudson, my wife and I want to congratulate you on your position on

the ethics legislation. We agree one hundred percent and Mary said you did an excellent job. She watched and listened with admiration. That isn't all I have to say that does concern what I did say on the TV. One of our newspapers did some real scholarship, and I am sincere about this. This is not said in sarcasm. He uncovered 54 politicians who were guilty of duplicitous conflicts of interest. Here is what he developed: 53 public officials: judges, 6 of them now in office; 2 Congressmen, now in office; 2 former Congressmen; a County Clerk; a County Board Chairman-- you know who I am talking about--; a downstate City Commissioner; a downstate County Board Chairman; Illinois past and present legislators; Racing Board officials; a deceased Governor; a former Revenue Director; a former purchasing agent; a former Public Works Director; a downstate mayor; several deceased County Chairmen; a former U.S. Postmaster General. A veritable heyday, believe me, for what we sometimes call the media. One Congressman, if you'll remember, in the last month did not seem to recall about his racetrack interests. This stench has reached from the federal judiciary to the obscure legislators here in this chamber today. Now, what do we do? Whenever something goes wrong with the body politics or some public official strays from the strictest probity, there is the inevitable cry for one of two things-- a commission to investigate, and that's all we don't need, or let's abolish this or that. Now let me tell you how we fall in error in this chamber to a lot of this foolishness. Because of dilatory lawyers and lazy judges who go to the racetrack, the court calendars get cluttered, and they wait six and seven years in certain parts of this State to get a trial, so what do we do? We have no-fault insurance. And I say this to everybody here; I could file a suit in Peoria

tomorrow and get a trial by the first of March. Where is all this foolishness? It certainly is not in middle Illinois, and yet we suffer. We have no-fault insurance where nobody wants it. It's in extremist. That's the last resort. It's reductio ad absurdum. We've reduced it to where it's meaningless. Now, certain crooks, and hoodlums, and gangsters, and slum landlords in certain parts of this state have legitimate land trusts, so now the move and push is to abolish land trusts, regardless of the beneficiaries, including legitimate land trusts, pure land trusts where there's no slum landlords involved. We're going to abolish land trusts because of a certain condition in a certain part of a certain city in the State of Illinois. So we say down with land trusts. Now, isn't that silly? Now, even the U.S. Senator from this great state who was elected last year on the reincarnation ticket, he now urges . . . he now urges the Republican . . . the American public to support no-fault. Well, I hope nobody supports no-fault. I hope the next time we come back here, we repeal it, and we let these judges, we let these lawyers, stew in their own delay. Now, I was very much impressed with what Horsley had to say. We come down here, we're degraded, we're made into second-class citizens. I'm not going to take a bath in Marshall Field's bay window on Easter Sunday. You know I'm not, and you're not either. I went around here last time in June. I covered both sides and I found a lot of people who were absolutely opposed to any ethics legislation, and when the roll call came, there were three of us. I say get into a good spirited campaign. If you have blood on your hands, if you have molasses on your paws, and if there's something in your past life that would militate against honest legislation, then your opponent will send you home

empty handed. You . . . we cannot . . . we cannot, as Horsley said, ever, ever, ever legislate decency and respect and honesty by simply passing a law. Now, there's been some comment today, and I don't want to make this on a personal basis at all, about the lawyers. I'd like to make this comment for the benefit of the gentlemen who had some rather critical, severe statements about the lawyers. It was a lawyer named Sam Lebowitz who put the black man on the jury in Alabama. It certainly wasn't a bricklayer, or a stonemason, or a glazer, or a janitor. It was a lawyer and a good one. It was a lawyer who presented the celebrated case of Brown against the Board of Education in Kansas which is called the School Case, on which a minority has certainly thrived and has benefited. Now, believe me, you take the lawyers out of public life . . . at least, you can say most of them are intelligent and most of them are highly educated. That doesn't mean they can't be fooled either, but I've seen very few fools among the lawyers in my short time here in the chamber. I think it has been the lawyer, and the lawyer almost single-handed, who has protected and handed down those liberties we see about us today and scarcely pause to admire. Now, I think it's time that somebody called a spade a spade. I think it's time we just forgot all this hypocritical foolishness and I think it's time we settled down. Now, this bill under discussion now has been reduced to zero. It wasn't very good to begin with and now it is absolutely deplorable.

PRESIDING OFFICER: (Senator Hynes)

Senator Chew.

SENATOR CHEW:

Yes, Mr. President, I hadn't planned to do any talking on this but my distinguished colleague from Peoria allowed

to me and he went into the history of one white lawyer putting one black man on a jury case in Alabama. The question is not how good the lawyer is. That lawyer was not a legislative lawyer that did that, and if my memory serves me right, that was Brown versus the Board of Education in Oklahoma, not Kansas, Senator. And while I'm standing here, since you're so holier than thou, I am aboveboard. I don't have any relatives working for the State of Illinois. I don't need no relatives working for the State of Illinois. Don't try to fool the people. I love lawyers. I have an uncle that's a lawyer. He shouldn't practice law if he's going to be a member of this legislative body, and you shouldn't either and I notice you voted against the amendment. Now, since you're so pure, explain your vote.

PRESIDING OFFICER: (Senator Hynes)

Senator Sours.

SENATOR SOURS:

As I said last year, there's only one pristine purity individual here, so I make no pretenses. By way of correction, that's a Kansas case, and it's not Oklahoma. May I also say this by way of continuing it, and I think to finish it. The black man was not only put on the jury, but the Supreme Court of the United States reversed the Scottsboro cases as you very well know, whereby even a 14 year old boy had been sentenced to the electric chair. Now I say to you, if anybody, if any segment of the economy today has assisted any minority and all minorities, it's been the lawyer; and I'm making no great congratulations of the lawyer, either, but I say you cannot ignore him, and to take him out of here. you'll have a real chamber.

PRESIDING OFFICER: (Senator Hynes)

Senator Knuppel. Senator Chew. On a point of personal privilege.

SENATOR CHEW:

And, by the same token, Senator, it was these prejudiced lawyers that have kept blacks off the jury. Now, you are so justified and justifiable in your case, how in the hell did you vote on fair housing? Or any legislation? That's the question. Don't tell me about how honest you are. Yes, I'll say that you voted against fair housing and anything else that's been good for the black people or the poor people or something to advance them. You have done nothing for them.

PRESIDING OFFICER: (Senator Hynes)

Senator Graham. Senator Graham. Point of order.

SENATOR GRAHAM:

If the senator from Chicago will come back down to the Senate chambers, we are not discussing fair housing.

PRESIDING OFFICER: (Senator Hynes)

The point is well taken, Senator. Senator Knuppel.

SENATOR KNUPPEL:

Mr. President. I was one of those lawyers who voted in favor of Senator Chew's bill, and I believe that there is a basic distinction which he touched upon, but which apparently was not picked up, and that is there's an executive, a legislative, and a judicial branch of the government. And we do have, we do have an inherent conflict of interest and a breakdown of the separation of powers between these three different groups unless we guard very carefully against it. I agree, also, that you will never legislate morality. You'll never eliminate conflicts. The basic issue is whether

the man, when he stands here knowing that conflict, is willing to abstain from voting. This is what I've asked. This is what I'm going to ask in a later amendment which is similar to the one Mr. Chew or Senator Chew proposed. And I say that when we break down that division between the executive, the judicial and the legislative branch of government, we do a disservice to the lawyers; so we should be very careful. We do have a higher duty in this chamber than the ordinary layman who comes here, and we should watch very carefully how we vote and when we vote and despite all the nice things that can be said about judges and lawyers, I venture that every one of those things that were said were said . . . was said about them in the exercise of their functions as part of the judicial branch of government. The very letter that Senator Sours read from says that as long as we have free and open elections, there is nothing to worry about. I wonder how that judge who wrote that would squeal if we just pass a resolution here which was introduced by I and Senator McBroom that they run for election then each year. This would protect against, and I believe it would . . . I believe it would protect against dishonesty if it exists in the judicial branch. If it's good for us, and if they believe free and open elections are good for us, then why hedge? And that's the reason I have to say that the illustration which he used with respect to lawyers and how they should conduct themselves in the legislative branch is without merit because his arguments are all candid to lawyers and judges who serve in the judicial branch of government. And I think that Senator Chew deserves the admiration of every member of this body and every lawyer for touching upon that very nerve which is

so sensitive and which breaks down to some degree when we find lawyers in the legislative branch of government.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, we're speaking about Amendment number 4. I couldn't tell from what Senator Knuppel was saying. It is Amendment number 4 we're on. If it is, I move the previous question.

PRESIDENT:

Amendment number 3 we're on.

SENATOR ROCK:

Okay.

PRESIDENT:

Do you . . .

SENATOR ROCK:

Move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. All in favor of the motion for the previous question, please rise. All opposed, please rise. The motion prevails. Senator Coulson may close the debate.

SENATOR COULSON:

Mr. President. I think it is extremely fortunate that we can from time to time return to the subject of our agenda. I have not heard for the last hour much discussion of Amendment number 3 which has really nothing to do with the wonderful, eloquent rhetoric that I've heard. This is simply a part of disclosure. The bill simply provides that in addition to depending upon the virtue and the integrity of the legislator

in disclosing his interests, there shall be the countercheck of having the person who pays money to a legislator make disclosure. It is secret. It is kept confidential. It shouldn't endanger anyone. When I . . . when I enter those pearly gates, I want to have some company with me. I would . . . I would like to have some of you join with me in this effort to achieve virtue in one fell stroke. I don't urgently insist upon this amendment or any other. As a matter of fact, I'm going to pass my vote as I have on every other amendment proposed. This is simply one of several notions which might be added to the consideration of a total package, and I simply want to obtain some sounding as to whether you want it included or not, and I would ask for whatever roll call you wish to give it.

PRESIDENT:

There are two members asking for the floor, but we have had the motion for the previous question. The Chair cannot . . . What is your point of personal privilege, Senator Soper?

SENATOR SOPER:

I just want to know if Senator Coulson is self-appointed with this privilege he takes to get the pearly gates not allowed to come up.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

I'm going to vote no on this. I'm going to do it because, as I warned you gentlemen before, you are placing upon an employer a burden that he does not deserve. This is not his fight; it's ours. So if a legislator signs a document indicating that a certain company or companies have paid him a certain salary, that should be sufficient. This is the beginning to remind me, as we walk down Silly Street with our idiot cards in our hands, of the preacher who was up in the pulpit one morning giving everybody the devil because someone stole his bicycle, and he started down the Ten Commandments. When he got to the point to the Ten Commandments that said, "Thou shalt not commit adultery," he remembered where he left his bicycle.

SECRETARY:

. . . Groen, Hall, Harris, Horsley, . . .

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I suppose I shouldn't vote for this amendment because when the sponsor of the amendment himself refuses to vote for it and votes present, it must be a pretty stinkin' amendment. But just to show how ridiculous this amendment is, any doctor next year will have to report every miscarriage, every case of gonorrhoea, every case of syphilis, and how much his patient paid him, giving the dollar amount for such service. Every insurance agent will have to report each individual. So, I think it's pretty good that we get this out in the open because it is going to make a lot of kick

work. By the time we get done reporting every individual who paid a nickel, it'll be very revealing. I'm going to vote aye because it's going to be interesting to watch this thing happen.

SECRETARY:

. . . Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, . . .

PRESIDING OFFICER: (Senator Donnewald)

Senator Merritt.

SENATOR MERRITT:

Mr. President. In explaining my vote, I couldn't agree more with what Senator John Graham just finished saying. I just wonder what kind of a burden we're going to continue to keep placing upon all of our business people, our industries, in their accounting department in just keeping track of what payments might be going to legislators. This just . . . they're already overburdened with . . . with book work for government, and here we come along and place another burden on them. I vote no.

SECRETARY:

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

PRESIDING OFFICER: (Senator Donnewald)

Senator Neistein.

SENATOR NEISTEIN:

In casting my vote, Mr President and members of the Senate, my staff just gave me an article in line with my explanation of a previous vote on one of the ethics amendments. Justice Minister John M. Turner today introduced in Parliament a bill which would prohibit electronic eavesdropping in Canada. The measure would make it illegal to

sell, purchase or possess such a device or to disclose to the press any information obtained by unlawful interception. And the title says, "Stiff Law Proposed." I vote no.

SECRETARY:

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

PRESIDING OFFICER: (Senator Donnewald)

For what purpose does Senator Groen arise?

SENATOR GROEN:

I haven't voted and I'd like to ask a question of the sponsor.

PRESIDING OFFICER: (Senator Donnewald)

Will the sponsor yield?

SENATOR GROEN:

Senator Coulson, do I read this correctly? I am a lawyer, as you know. As Senator Horsley has alluded to this, if I would draw a will for my doctor, or if an insurance agent sold a policy of insurance to a doctor and he compensated him, and that doctor was a member of the General Assembly or was a candidate . . . or the insurance man was a candidate for the General Assembly, is it true that the doctor would have to report or the insurance agent would have to report, and if he failed to report would automatically lose his license? Is that the thrust of this bill . . . of this amendment?

SENATOR COULSON:

No, the basic purpose is to target at those who are on annual salary, which salary is kept rather secret from the public. It could easily be amended to make that clearer if that is your misgiving. It doesn't have much prospect of

adoption anyway, Senator, and I doubt if it's worth amending to pick up one more vote, but I would do so.

PRESIDING OFFICER: (Senator Donnewald)

Senator Groen.

SENATOR GROEN:

Well, Mr. President, to Senator Coulson, I think there is some merit to what you're trying to do here, but I think you're burning down the barn to get rid of one rat. As it is drafted here, I think it does precisely what I said. I don't think that's what you really intend to do and I can't support this amendment in its present form, but if you want to take this concept and clean it up, I think it might be something well worthwhile considering by the conference committee, but I've got to vote no as this is written.

PRESIDENT:

On that question the yeas are 5, the nays are 30, 2 present. The amendment having failed to receive the necessary majority is declared defeated.

Amendment number 4.

SENATOR COULSON:

Mr. President, this also is a very popular measure which will have the support of the entire Assembly, I'm sure. It outlaws all forms of fee-splitting, commission returns, secret rebates, kickbacks in any form. It needs no further discussion.

PRESIDENT:

Is there . . .

SENATOR COULSON:

Amendment number 4.

PRESIDENT:

. . . Amendment number 4. Is there any discussion?

All . . . all in favor of the adoption of the amendment indicate by saying aye. Contrary minded? Can we do it by division? All those in favor of the adoption of the amendment, please rise. Those opposed, please rise. The amendment is . . . Senator Fawell?

SENATOR FAWELL:

I . . . I certainly don't know what we're voting on, and I don't know how many people here do know what we're voting on. I just dug out from the diverse papers on my desk. I don't know if this is good, bad, or indifferent and I would like to have somebody give me an explanation of what it is. I don't know if I should for or against or what. I don't think anybody here does except maybe the sponsor.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Shall I read it in full? It's not . . . it's only one page long. It's about 20 lines in length. I'll try to make it brief.

"No legislator may give to or receive from any person, firm, or corporation any fee, commission, retainer, rebate or other form of compensation for any type of private professional service or employment not actually or personally rendered. Nor shall any legislator give to or receive from any person, firm or corporation any fee, commission, retainer, rebate or other form of compensation from any transaction in which the only service rendered is the referral of a prospective client to or from the person, firm or corporation."

It . . . but it has a penalty for violation: "Nothing contained in this Section prohibits legislators under a part-

nership agreement or in a corporation, from pooling, sharing, dividing, or apportioning the fees . . . " and so forth.

It protects partnerships and groups. The purpose is simply to avoid, in the case of the insurance man, the real estate broker, the lawyer, the business of saying I'll give you the insurance business but you've got to kick back one third of the fee to so and so in the Legislature. It attacks it directly.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well Mr. President, I voted for the other amendment more or less in order to point up how ridiculous we're getting, but this amendment I want to be recorded no on it because we're getting just too ridiculous. Under this amendment, if a man walks into Senator Egan's law office, says I've got a case in St. Louis for a personal injury and he refers him to that law firm in St. Louis, he could be fined \$5,000.00. Or Mr. Savickas, who is an insurance broker, if a man walks in to you and says I'd like to buy a policy of fire insurance on my warehouse. He picks up the phone and calls Joe Blow. He could be fined \$5,000.00 for referring that man to an insurance agent. We also have in practically all the cities in the state, multiple listing service where a real estate agent may list a piece of property and then it's put in pot and somebody sells it, this man automatically gets a part of the fee. This certainly is going beyond the call of duty of trying to penalize anybody because under the previous amendment you're going to have to list the money you got. You're going to have to list who you got it from, and what you got it for. But to say that just because you

got it for referring business, like an M.D. Many of them refer people to surgeons and specialists. There have been certain opticians who have been known to get money back and it's only been recently that abstract companies have quit giving a rebate in order to get the business from lawyers and different ones. This is just simply going too far, and I want to be recorded no on this amendment.

PRESIDENT:

Senator Graham.

SENATOR GRAHAM:

Mr. President, I'm not going to question the honesty or integrity certainly, of the gentleman from Waukegan, but when he stands up here and says this amendment is going to stop fee splitting, kickbacks, and so forth, he's not being fair with himself, or he's not being fair with us. This says no legislator may give or receive from any person, firm, or corporation any fee, commission, retainer, rebate or other compensation. For goodness sakes, the adoption of this amendment would prevent a Fuller Brush salesman from being in the Illinois General Assembly. Now how ridiculous are we going to get?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

In reading this hurriedly I agree with what has been said, and also, I note this. It doesn't cover the individual enterprise where an employee . . . There are two lawyers who are associates who are employed by myself, and any particular fee they may earn, for instance, I could not share in under this bill. Now this is the way it literally reads right now. Again, the intent is fine here. It hasn't

been polished up, and I think the other points that have been mentioned are very accurate, too. I can't support the amendment in the form in which it is presented at this time.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Well irrespective of how anyone may feel about the amendment in total, at least it ought to be presented fairly and accurately when it says that no compensation of any type is to be received, it is qualified by this, for any type of professional service or employment not actually or personally rendered. In other words, Senator Graham, you, nor I, nor any legislator should be compensated for something we did not do. That's what the bill says. I think this is a good bill.

PRESIDENT:

Senator Coulson may close the discussion.

Just, just . . . Senator Neistein, just a moment. Please, let's . . . We're going to be here yet for a while. The sooner we can settle down, the faster things can move. Senator Neistein. What was that again?

SENATOR NEISTEIN:

I'd like to ask the sponsor a question. Where it says no legislator may receive from any person, firm or corporation a fee, commission or rebate or other form . . . If Commonwealth Edison refunds money if you pay your bill on time, do you have to give that back on your electric bill?

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

No. That's . . . that's for services rendered. You paid on time. That's the routine consideration given to everyone else. But, if Commonwealth Edison says because you're a member of the Legislature and we need some alley permits under the alleys in your Ward, we choose to pay you and we'll call it legal fees and you didn't perform any legal services, then, it would be outlawed.

PRESIDENT:

Senator Coulson may close the debate.

SENATOR COULSON:

The debate is closed. I'm at your mercy.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator Coulson, do I read this correctly? Do lines 28 through 35 permit a partnership or a corporation to do things that an individual can't do?

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

I think maybe that's a defect. I think it's . . . I think your interpretation is correct, and I think the language would have to be changed. Yes.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, I think that's a fatal defect, again. I think . . . I think what Senator Coulson is probably trying to do here has some merit, but this amendment puts the individual law practitioner, for example, in one category,

and all he has to do is get himself a partner, or form a professional corporation and he can do what he couldn't do as an individual in the practice of law. And I just can't see any sense of fairness or justice in that and I can't support this amendment.

PRESIDENT:

All those in favor of the adop . . . Will members be in their seats. Will the members be in their seats. All those in favor of the adoption of the amendment, please rise. All those opposed to the adoption of the amendment, please rise. The amendment is defeated.

Amendment number 10 by Senator Knuppel. Senator Knuppel.

SENATOR KNUPPEL:

Mr. President and members of this body, the adoption of the Amendment number 9 made unnecessary the adoption of 10. I propose 10 in the event that the limitation on a mortgage on a home was not adopted because I wanted to break down this arbitrary distinction, so by adoption of 9 it is not necessary to present 10 and I'll just table it.

PRESIDENT:

Amendment number 10 is withdrawn. The new Amendment number 10 is offered by Senator Cherry. Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. When we, uh, recreated the bill that was passed in the House, it was sponsored by Representative Lindberg. Inadvertently, one of the provisions, one of the section of the bills was omitted. It reads as follows: "No existing right or remedy of any character shall be lost, impaired, or affected by reason of enactment of this Act. Nor shall the validity

of any action taken by any person or entity under the law enforced, prior to the effective date of this amendatory Act, be affected by the enactment of this amendatory Act."

It's merely a right of preservation of the rights that public officials presently have, and, uh, I think without it, uh, some of the lawyers think it would be unconstitutional. I ask for the adoption of the amendment.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye. Contrary minded. Senate. . . Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President, amendments that we have on our desk are not numbered. I know it, but they're not numbered. Could you give us just a substance of them?

PRESIDENT:

All in favor of the adoption of the amendment indicate by saying aye. Just . . . just a moment. Senator Fawell.

SENATOR FAWELL:

Uh . . . This . . . this may be a perfectly proper amendment, but as . . . as I look at this, no existing right or remedy of any character shall be lost, impaired, or affected by reason of the enactment of this Act. Uh, that . . . it . . . it . . . it seems, Senator Cherry, is a tremendous statement because it would, it would mean that any type of contract which is presently in being--any particular right that you as an individual may claim to have would be, uh, exempt from the provision of the Act. It . . . it . . . I, it seems to me awfully broad and would, uh, produce, it would seem to me, little islands and pockets of exemption for, uh, various individuals or entities throughout the State. You say this was in the bill originally and was deleted? Uh, it . . .

the . . . the literal reading of the words would, uh, signal to me an awful lot of retention of special privileges of certain entities or persons who may have, uh, uh, rights or special remedies now, and they exempt . . . would be exempt from law. . . . it may be all right, but I wouldn't want to support the amendment with question. I have just a literal reading of the amendment at this point.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Fawell, first of all this amendment does not preserve in the contracts. It relates to public officials, for example, who might have been elected, uh, four, five, six years ago and, uh, it was contained in the Lindberg Bill as Section 8-1. If you'll look at the original bill, 3700, and, uh, inadvertently, it was left out the first paragraph. That's on page 25 of the Lindberg Bill, and those of us who believe we can't make a law retroactive and preserve the constitutionality of it, I think that we wanta get a good ethics bill which would stand up in court. I think the elimination of the paragraph, uh, could maybe make conceivably a court test in an effort of somebody to test the constitutionality of it on the basis that you're pairing the rights of, uh, others who are not . . . who should not be affected by it, but really should go into effect at the time this law is passed. But you can't take away the rights--whatever those rights might be--and they must be preserved. And that was contained in the Lindberg Bill on page 25, and all this bill . . . this is, uh, is . . . it should have been included in Senate Bill 82 which is the result of the amendment.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

You . . . you may be correct, Senator. My only point is that I could think of instances where one would have a, uh, contract that would guarantee not disclosing certain points, and, uh, it would appear that, this language is so very broad that he would not be covered, would not have to make disclosure uh, as a result of, of this clause. I'm sorry, I have really no more . . . You may be absolutely right, it, uh, I . . . I . . . it just bothers me. It looks to me to be so very broad that it could produce, it seems to me, an awful lot of pockets and islands of exemption here because there are many contracts in being where persons do have special rights of uh, uh, of, uh, not having certain facts disclosed; and even though it may be personal between two or . . . or just two people, his obligation therefore, to make public disclosure, if it would disclose to any third party to which he now has a contract, would seemingly exempt him from having to do so here. It might even pertain to political parties. It might pertain to, uh, businesses or entities. It would seem to me wherever there is a contract in existence now, which would guarantee nondisclosure to any third party, it would seem to me that this would say, well then you don't have to make public disclosure because, in effect, having done so, you would therefore be making disclosure to a third party, or to the person who is in contractual relationship with you. It just seems awfully broad and; uh, I . . . I . . . I . . . if, for the constitutional question, it would seem to me that isn't . . . we're not going to change the constitutional, er Constitution anyway,

and if, uh, if you've got a separability clause here it would seem to cover that. But I . . . I respect, I . . . I . . . I just can't support the, uh, amendment at least with the little bit of knowledge that I have on it at this point.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

All you can say to Senator Fawell is his fears, I don't think, are warranted because it doesn't affect any contracts that are presently in existing third party contracts. Disclosure must be made if we have an ethics bill and provide for disclosure, any man running for public office has to make a disclosure whatever disclosures are provided for in this bill. And this has nothing to do whatsoever with, uh, complying with the terms and provisions of this bill. It, uh, it is only preserving the rights of those people that have rights that are presently in existence that we can't by law take away from them. And, uh, this . . . this language, as I said, was incorporated by Representative Lindberg, who I consider a good lawyer, and other lawyers with whom I spoke said that this is a necessary provision in the bill. Otherwise the bill could not be a valid one.

PRESIDENT:

All . . . is division satisfactory? Senate . . .

Senator Knuepfer.

SENATOR KNUEPFER:

Yeah. I'd like to address a question to Senator Cherry. Senator Cherry, would you give me an example which members of this Assembly would you consider characters under this amendment?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Under the rules, we can't engage in personality, so I'm afraid I can't answer your question, but I regard all of you as gentlemen.

PRESIDENT:

With one exception. Senate . . . yes. All those in favor of the adoption of the amendment, please rise. One . . . two . . . Senator Graham and Clarke, are you voting in the affirmative? Those opposed, please rise. One, two, three, four. Senator Fawell.

SENATOR FAWELL:

Uh, I certainly want to say this in explaining my negative vote, I think this would even cover land trusts, for instance, whether a nondisclosure contractual paragraph in every land trust right now, thus, that's just one example, and uh, for that reason, I vote no.

PRESIDENT:

Thos . . . Those . . . For what purpose does Senator Partee arise?

SENATOR PARTEE:

Just to explain that, uh, that is not an example. That is a misunderstanding, a misapprehension of the fact. I don't see how this has any relationship to land trusts. None whatsoever.

PRESIDENT:

Those opposed to the, uh, adoption of the amendment, please rise. Those opposed to the adoption of the amendment. Those opposed to the adoption of the amendment, please rise. We'd better do it by roll call. Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, I have read this and talked to some of
the lawyers on this side and nobody really seems to under-
stand what it does. Senator Fawell seems to be under a
misinterpretation according to the Pro tem. And I think it's
frightening to adopt an amendment that we don't know what
they do. And I . . . I think it should be defeated. I vote
no.

SECRETARY:

. . . Collins, Coulson, . . .

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Mr. President, my misgiving is along the same line,
and to make it specific, uh, suppose that the fire insurance
policy on McCormick Place has a provision that the names of
the brokers shall not be revealed. This would protect that
kind of secrecy indefinitely, regardless of any statutory
enactment. And . . . a very dangerous sort of provision,
because we don't know how many such private arrangements
there are. I vote no.

SECRETARY:

. . . Course, Donnew . . . uh, Davidson, Dougherty,
Egan, Fawell, Gilbert, Graham, Groen, . . .

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President and members, as I read this amendment, it has, it would appear to me at least, that it has for its purpose, uh, shall we say, the sprinkling of Holy Water on all of past indiscretions, and would endeavor to preserve those in the future. Uh, that's the way I read the amendment. If that's wrong, I stand corrected, but that's what it appears to me and I vote no.

SECRETARY:

. . . Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, . . .

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President and members. I'm voting no and only for one reason. I certainly don't understand the significance of this amendment.

SECRETARY:

. . . Ly . . . Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Oringa. Palmer, Partee, Rock, . . .

PRESIDENT:

Senator Partee. Senator Partee.

SENATOR PARTEE:

I appreciate the candor of Senator Laughlin and Senator Clarke who said that they really didn't understand it, and that's why they were voting against it. Well, I think it is as much mischief in taking that position as there is in voting for something that you don't understand. I think you ought to know that this was, at least to the original drafter of this provision, a very salutary part of his bill. This

language came right out of Representative Lindberg's bill. He did not think that it would be protective of Chicagoans or protective of McCormick Place insurance carriers or anything of that sort, and if that is your impression, I think it is because you've read it hastily and do not understand its provisions. Uh, this came out of that bill and it is a good piece of legisl . . . an amendment. Uh, he thought it was good when he first drafted it and, uh, it did not have the acceptance of the House, this particular provision. But I think, uh, you ought to reconsider before you defeat something that you may want in the future. And, uh, if you need more time to read it, I suggest that Senator Cherry hold the amendment until some of the other amendments have been, uh, heard and then we get back to this one. I'd like not for it to be either adopted or rejected based on a lack of understanding and knowledge.

SECRETARY:

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

PRESIDENT:

On that question, the yeas are 27, the nays are 22. The amendment is adopted.

Amendment number 11 is offered by Senator Knuppel.

SENATOR KNUPPEL:

Amendment number 11 deals with some of the same problem that I heretofore have discussed . . .

PRESIDENT:

Can you, uh, describe the language immediately . . .

SENATOR KNUPPEL:

I . . . I . . . I will.

PRESIDENT:

. . . so that the uh . . .

SENATOR KNUPPEL:

The language deals with Section 4-414. It's a new . . . a new Section to be put in after the . . . following Section 4-413. Now I don't know if this is the appropriate place for it, but it's the only place I could find in this number 81, here. Actually in the old 1970, '67 ethics legislation, there were provisions about a legislator examining his attitude, and what influence his vote would have on the outcome, and so forth. But this seems the logical place to offer this.

PRESIDENT:

Just . . . just a moment. Please.

SENATOR KNUPPEL:

I pointed out before here today as it was pointed out by Senator Chew's amendment, the inherent conflict of interest that exists for lawyers serving in the General Assembly. Now, despite the fact that I was euchred into voting for Senator Chew's, uh, amendment by reason of the fact that I had to vote against my interests, I nevertheless believed very strongly that no attorney serving in this body ought to vote on legislation where there is a conflict of interest. I think that lawyers can have, and can contribute great things to the legislative process, and I feel that they should be allowed to serve in the General Assembly. But they should not be allowed to vote for their own apparent interests. I've said before that 90, maybe higher, this may be a high figure but a majority, may be 70 or 80 percent of the lawyers who practice, someday . . . someday hope to be lawyers, or judges. The supply always exceeds the demand. A lawyer making \$70,000.00 a year seems to be more than

willing to give up his income and inherit a robe for the pension and the \$29,000.00 a year that will be forthcoming. It's only natural then as he stands here as a young legislator that when he votes for a pension benefit, or when he votes for judicial pay increases, or any other implements of that office, that he in, in effect or the majority of lawyers in effect, are voting for their own interests. On all other matters, they can contribute, as I say, great things to the legislative process. Inherent in any lawyer serving in a legislative body is the breakdown of the separation of powers that I have previously alluded to. All that this Section does is provide that in light of the inherent conflict of interest involved, no attorney serving in the General Assembly shall vote upon legislation affecting the judiciary by which he is licensed and of which he is an officer. It's recognized that every lawyer is an officer of the court. So that in this respect, we have a flow over from the judicial branch of government to the legislative branch of government. I submit that this can be implemented by constitutional amendment resolution previously offered last summer, and I feel confident that the people would vote for such a constitutional amendment where any legislation could be enacted without the normal constitutional majority--say in a Senate of 30--but by a majority of those elected who are non-lawyers. I feel that this is necessary. I feel that it is absolutely essential if we are going to restore the confidence of the people in the legislative process. I speak of things such as was spoken of by our President, our esteemed President pro tem when he said, uh, that Abraham Lincoln referred to coming across lawyers and always lawyers have been held in, uh, in uh, suspicion for their action in the legislative

chambers as was illustrated by the talk of, uh, Charles, Senator Chew today. I think this is a good amendment. I think we are hereby restoring confidence in, uh, government. There is no branch of government that is held presently in lower esteem, unfortunately, than the General Assembly, when it should be the voice of the people and held in the highest esteem. I think the adoption of this amendment will go far. And a constitutional amendment adopted by the people implementing it to restore public confidence in the General Assembly because of the high number or the high percentage of people who serve here being attorneys. I move the adoption of this amendment to the Amendment number 1 to House Bill 3700.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Uh, this Mr. President and members of the Senate, is a kind of thing that I feared when we first started out this morning with a double dip amendment, and I suggested that it was going to invite other kinds of amendments which stratify and dichotomize the Legislature. Now, if a lawyer can vote on matters relating to legal subject matter, I suspect then that you're going to invite an amendment that says that farmers can't vote on things that have an agricultural interest. And just elasticize that concept and nobody can vote on anything, and it just doesn't lend itself to what I consider good logic. I won't say it's silly, and I won't say all of those other kind of, uh, nondepre . . . depreciating remarks about it. I'll just say that once this concept is elasticized, we will have a Legislature without a vote. Now, I just think that this is not in the best interest of our Legislature, and I'll say it again . . . It doesn't matter

what a man does for a living. What does matter is that people know what he does for a living and can assess his votes in those individual districts on matters which affect the industry with which he is associated. The people will be the ones who make the final decision as to whether your vote was good or whether it was bad. They may agree with you--it doesn't matter that you are working in the field of insurance. If you vote on an insurance bill with which they agree, that's all right. But they ought to know what you are about. I think that this is a kind of amendment that should be defeated.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, members of the Senate. In that respect, uh, I have submitted an amendment which I am told is numbered 13, and I would ask that, uh, leave of the body that it be taken up at this time. Senator Knuppel's amendment adds a section to the ethics legislation which prohibits lawyers from voting on things judicial. I am adding Subsection a, and it is a very simple subsection. It says in light of the inherent conflict of interest involved, no person serving in the General Assembly engaged in whole or in part in farming or agricultural pursuits shall vote upon legislation affecting in whole or in part farming or agricultural pursuits. And I think to put this thing into perspective we can take both of these up at one time. I'm sure there will be other subsections added to eliminate the insurance people, and the banking people, and the race car people, and the automobile dealers.

PRESIDENT:

Senator Chew, Senator Chew.

SENATOR CHEW:

Mr., Mr. President, I certainly didn't start this thing this morning. Some distinguished member on the opposite side started it. I'd like to speak on Senator Knuppel's amendment. I was very serious in mine, as you know, and I'm going to support Senator Knuppel's amendment and I'm going to support Senator Rock's subsection. And I don't think that I ought to have the right to vote in this legislature on anything that pertains to banking or insurance. And I'd gladly disqualify myself on the subject at any time. And I'll support your amendment.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, and members. I rise in support of this amendment. I have felt for many, many years, and have proposed for many, many years that the matter of judicial salaries, the matter of executive salaries, and above all, the matter of legislative salaries be taken out of our realm of responsibility. I do not believe that we should sit here in judgment of our own salary any more than we should sit in judgment of the Chief Executive's salary, the other State officers, the other Code Department heads, with whom we deal directly in matters of legislation, and in matters of uh, uh, uh . . . obtaining things for our constituents. It just seems to me that the public would be better served if some kind of independent commission composed not of legislators, not of judges, not of people in government, would act as a board or commission to review, proposed, or to propose

in fact, recommended salaries, increases, and so on, for us as members of the General Assembly, for judges, and these other people. I think there is a very definite conflict inherently in this situation. I've proposed this before; I have. It has always seemed to have fallen on deaf ears . . . uh . . . It never received any great support. I still believe it has merit. Frankly, I . . . I have no doubt that if persons in the business community would review the responsibilities which we here have, the time we put in on these jobs, and the things that we are called upon to do, the expenses to which we are put in, in our respective districts from time to time, the hours we put in attending meetings and all this sort of thing, I think that both the press and the public would have a little different viewpoint of the problems that we have, the responsibilities that we have, and frankly the jobs that many of us do in trying to carry out the responsibility. Uh . . . I . . . I . . . I don't know how we can go about getting such a commission, but I think that that entire realm of salaries should be removed from the jurisdiction of the General Assembly, and an independent agency should address itself to this and we then in turn simply, uh, pass on the appropriation bills which we are constitutionally required to do. I support this amendment, Senator Knuppel.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yes, uh, I've listened patiently this afternoon. I am opposed to this amendment. You're gonna have a legislature made up of little cliques within the body itself, and on this piece of legislation five men will vote or disqualify.

themselves, and on the next piece of legislation, there may be 15. For example, it's been no secret and it's on my report that my wife is a school teacher. Now, if I were to have chosen to have come back here and the voters, in their wisdom, had selected me to come back here, it wouldn't make any difference. They know she's a school teacher. And I vote however I darn please on matters affecting the Illinois Education Association, and the teachers and the rest of them. Now, theoretically you can change this and say, uh, to whom he is licensed by marriage and is a husband and apply it to the school teachers' husbands who are in this group. And if you think . . . and there are some more besides myself. And if you think that, uh, because our wives are school teachers we should never vote on any matters affecting education, so be it. But it will be an interesting thing if this ever comes to pass because then we'll have 15 disinterested Senators deciding . . . in fact, you might get to the place where you didn't have a majority, so that you couldn't even pass the damn bill! Now, this is the height of absurdity and it should be defeated.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, I just wanta make hopefully a couple of brief analyses of how we're breaking down into an attempt to prohibit things here in connection with a consideration of what I think began as an effort to provide for availability of information to the public. Now . . . the thing that we ought to be trying to do here is to make available to the constituency, which I believe to be despairing about problems of confidence, in the process, not necessarily in individuals,

but in our whole governmental process. And when we attempt to guarantee that by saying you can't do this, and you can't do that, and you can't do this, we're kidding ourselves!

There has to be recognized that in representative government where there is decision making involved, there has to be a reliance upon faith and integrity mostly. But in the selection process of how elected and appointed officials get into the position of determining those judgments, if there is candor, and if there is availability of information the public has the kind of overall good sense to put into office people who can relate themselves to the squeeze of making a decision. But that's the kind of thing we ought to be about, and not constructing a lot of prohibition. And while I am confident that the sponsor of this amendment is sincere, this is a most unfortunate means to pursue in order to make available to the public information on which the public shall determine who shall serve it. I think this amendment is unfortunate and should not be adopted.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I'd just like to quote as best I can, a statement made a few years ago in this Senate floor by the man I think was the best informed, the best all around legislator I have ever known in the Senate. Certainly I would also say of anyone I would know in the House although I do know them as well, and that was Senator David Davis. And this type of issue was before the Senate, as I recall, and he was pointing out that the people in Bloomington knew he had farm interests, they knew that he had bank interest, they knew that he was an attorney, they knew that he was a business man, and he

felt that that was one of the reasons that they elected him was because they did know that he had experience and knowledge in these matters, and, therefore, that he could represent their interests, that he could cast an intelligent vote. And if we're going to say that if a person knows anything about something, we don't want them to vote, then we're going to have our laws decided by people that do not have any information. The ones that should be deciding issues are the ones that do have experience, the ones that do know what the real issues are and the effect of them.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

Mr. President, I think we should keep in mind the constitutional barrier we have. In the average City Council or in the National Congress a bill can be adopted by a vote of 4 to 3, a majority of those voting on the question. Our State Constitution requires that a bill to be adopted must have a majority of those elected, and you will come . . . once you start disqualifying persons from voting, you will come to the point of where you can't increase our own salaries, or lower the sales tax, or grant homestead exemptions, or do any of the wonderful things we plan to do for ourselves and to the people. I think it's extremely important that we keep this within the context of allowing every member to vote. The key to it is . . . Senator Harris's proposal of disclosure rather than the prohibition of voting.

PRESIDENT:

Senator Baltz.

SENATOR BALTZ:

Mr. President, I move the previous question.

PRESIDENT:

Motion for the previous question. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Knuppel may close the debate.

SENATOR KNUPPLE:

I've listened with a great deal of interest to what I will call . . . some of these people have termed this as unfortunate and other things and I'm going to term some of the dripplle I've heard here on the floor, garbage. Senator Davis didn't come back here time after time after time because he thought what the people's estimation of him was. He came back here because he was a Republican, and I submit this disclosure fantasy which everyone has . . . Let's face and be honest, it affects only one type of legislator. Disclosure affects only one type of legislator, and that's the successful businessman or lawyer in the swing district. Sure he could have disclosed anything he had, and even if he had had conflicts of interests the people of Bloomington and that area would have returned him because it's so predominantly Republican. The only person affected by disclosure alone is that soul who has been successful in a swing district. Now stop and think about it. Now, I say this, the people really don't really give a damn how much money Paul Powell made out of race track stock. They care about the fact he determined his own destiny. That's the question, not how much money he made, but how he made it. It was his vote, not his disclosure. It was his vote for himself that they object to. If he had not been a legislator, if he had not had some control over his own destiny, he could have made a million and nobody would have cared. The lady who owns the race track, I see today, has given \$2.5 million to Northwestern University.

Nobody is criticizing her, but everybody is criticizing the legislator, not because of what he made when you get right down to the guts of it, but because of his vote. Now I submit this. Ever since 1967, gentlemen, you've had this statute on the books. It says when a legislator must take official action on a legislative matter as to which he has a conflict situation created by a personal, family, or client legislative interest, he should consider the possibility of eliminating the interest creating the conflict situation. I submit that this has not been done, and this is why we're where we're at. And it may be only by legislation by making prohibition, and saying you shall not vote on these things that we can get compliance with that statute. We've failed in the past. If that is not feasible he should consider the possibility of abstaining from such official action. In making his decision as to abstention, the following factors should be considered: (a) whether a substantial threat to his independence of judgment has been created by the conflict situation; (b) the effect of his participation on public confidence in the integrity of the Legislature; (c) whether his participation is likely to have any significant effect on the disposition of the matter; (d) the need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the Legislature, he need not abstain if he decides to participate in a manner contrary to the economic interest which creates the conflict situation, which is the way I voted on Senator Chew's legislation. Now people were playing games. I've heard very few people in this body, and I've been here now for almost a year, stand up and say because of the conflict which exists in my position, I'm going to refrain from voting on this

issue and make that clear. It's not the disclosure. Disclosure is nothing more or less than Senator Sours says, taking a bath in . . . whatever that gentlemen's Easter window was. Take off your clothes, be naked, be gay . . . but unless you have some enforcement procedure, unless you have some prohibition, unless you have some penalties, it doesn't mean a damn thing. It's like putting your clothes in the washing machine and not starting it, or not putting in water and detergent. Now if there is one, if there are two places, I agree with Senator Groen and I would support such legislation . . . If there is two things, if there's two things that bring the public down on our back and not the . . . not the public distrust and so forth that's created by the press, and they do some of this, but the actual disgust with us without being prompted by any writing of the press, it's the position that lawyers take in this body, and the second thing is our salaries. And both of those things should be removed from this body, and I submit that this was just that. It's not . . . it's not at all silly, it's not at all absurd. It starts where we ought to start, and that is by saying that if the members of the General Assembly can't adhere to their own legislation by standing up and saying I have a conflict of interest and I'm not going to vote, which was adopted in 1967, if legislators had always adhered to the rules that were already on the book in that respect, we wouldn't be wasting the taxpayers' money and our time here today. Now let's get to the root of it; let's be honest with each other; let's try to restore the integrity of the General Assembly, and most of all, the people's belief in it, and let's put in some prohibition if that's necessary, because I can't see where we're observing statutory mandate

that has been placed upon us.

PRESIDENT:

We have a motion to close the debate. For what purpose does Senator Rock arise?

SENATOR ROCK:

Point of inquiry, Mr. President. I had asked leave of the body to have my amendment considered at the same time. May I number that Amendment number 1 to whatever Senator Knuppel's amendment is?

PRESIDENT:

The leave was not . . . Is there leave to consider this? There is objection. There is objection, Senator Rock. The . . .

SENATOR ROCK:

Then I take it we're voting only on Sena . . .

PRESIDENT:

We're voting only on Senator Knuppel's amendment and on that question the Secretary will call the roll.

SECRETARY:

Berning, . . . You got me on? Arrington, Baltz, . . .

PRESIDENT:

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

SENATOR LATHEROW:

Point of inquiry. Is it constitutional for the lawyers to vote on this here today?

PRESIDENT:

It . . . it is constitutional, yes.

SECRETARY:

. . . Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson,

Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, . . .

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, I think I feel strongly about this amendment as I do, because of a long, long experience with the judiciary as chairman of the Pension Laws Commission. It not only goes to the salary problem for judges. I have had over the years, in my judgment, the unconscionable of all pressures put upon me for pension legislation by the judiciary that I have had from any other source. I have stood on this floor about 6, 8 years ago and castigated the judiciary unmercifully. The press picked it up and, believe me, I . . . I couldn't have gotten a resolution praising motherhood approved by a judge anywhere, I don't think. I think that same thing holds true with the General Assembly pension system. I think it holds true with our salaries, as I said before. I think we should make every effort possible to remove from our discretion these sensitive things upon which I think there are inherent problems with which we cannot cope. I vote aye.

SECRETARY:

. . . Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBrook, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, . . .

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

In explaining my vote, I must express myself that I am appalled . . . I am appalled, as my good friend Senator

Neistein would say, especially that our learned colleague from Con-Con, to even propose this kind of legislation. His district sent him to college in Con-Con, and he comes up with an amendment that is absolutely unconstitutional. This legislature has the authority to legislate the qualifications of its members. It has the authority to legislate their disclosures. It also has the authority to legislate, as Senator Groen says, the type of matters that they should legislate. But once a member has been elected, this body does not have any right to limit that vote. Now Senator Groen has raised an entirely a different subject. He says that the matter of the judiciary pensions and their salaries be handled in a different manner, but I'm surprised that he would get up here and say, and vote yes on this amendment to limit any member's vote under our Constitution--the old one and the new one--and in any Constitution in any state of the Union, you cannot limit the vote of any member elected. Thank you.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, I didn't get a chance during the debate to make a comment or two. I think it's high time that we quit maligning the lawyers. Someone today mentioned ambulance chasers. There was a time when I was first admitted, and I'm talking now to some of the older lawyers on the other side, when there was a great chaser from Chicago by the name of Leo M. Tarpy, who used to come down from Peoria to chase litigation and others. I picked up a man the other day going

downtown, a Chicago lawyer. He didn't know I was anything but a blacksmith because I had on some old britches and I had been doing some yard work, and he had come clear down to Peoria because there was a case against a railroad company. You talk about chasing, Senator, I don't care how many statutes you pass, you're never going to take the romance out of either rape, or the romance out of embezzlement, or the romance out of deceit. And you can pass all these statutes you want, and there will still be an Ed Kelly who had a million dollars of paper money in his safe deposit box. I just wish, having been a coin collector way back then, I'd have some of those old bills, those old gold issue ones. Now I'd like to repeat that we're spinning our wheels here today; we're just dawdling. We're just . . . I'd rather go home and chew snuff or shovel snow than sit around here with all this foolishness. I vote no.

PRESIDENT:

Sena . . . For what purpose does Senator Dougherty arise?

SENATOR DOUGHERTY:

I would just like to correct Senator Sours's statement. It wasn't Ed Kelly, it was William L. Thompson.

PRESIDENT:

Senator Knuppel has requested a call for the absentees. The absentees will be called.

SECRETARY:

Arrington, Bidwill, Bruce, Davidson, Donnewald, Hall, Johns, Knuepfer, Kosinski, McCarthy, Mitchler, Newhouse, Nihill, O'Brien, Romano, Swinarski.

PRESIDENT:

On that question the yeas are 9, the nays are 30. The

motion . . . the amendment is defeated.

Amendment number 12 is offered by Senator Berning. Before explaining the amendment can you identify it so the members can find it on their desks? For what purpose does Senator Neistein arise?

SENATOR NEISTEIN:

Point of inquiry, Mr. President. How many more amendments are there?

PRESIDENT:

Two more after this.

SENATOR NEISTEIN:

And then we can go home?

PRESIDENT:

No.

SENATOR NEISTEIN:

I've got that seminar waiting for me, and I've got to call ahead and leave word.

PRESIDENT:

You call ahead and leave word that it will be tomorrow night, all right? Senator Berning.

SENATOR BERNING:

This, Mr. President, amends page 2, lines 22, 23, 25 and 26 merely by striking the dollar figure. And justification, in my opinion, is that qualities of honesty and integrity aren't strained through a sieve of dollar signs, or rates, or ratios, and to place a person arbitrarily at the figure of \$20,000.00 as having to make disclosures, and that under is unrealistic, and unfair and discriminatory, and I see no reason for it. So therefore, I would like to see no dollar signs mentioned at all--make it uniformly applicable to everybody.

PRESIDENT:

Is there any discussion? Senator Harris.

SENATOR HARRIS:

Mr. President. I just want to say that the ultimate effect of the operation of this amendment would be to involve, I honestly couldn't estimate accurately, but I would assume something like 300 or 400 thousand people immediately, who are employees. I acknowledge again that there must be . . . there must be some arbitrary determination of measurement to make the practical operation of government work. Now, or course we recognize that the question of arbitrariness has been ruled upon by the courts time after time, but what this General Assembly has done in the past has been to strike out measurements, strike forth measurements to meet situations and that process does involve the assignment of specific limitations, but the ultimate test is whether the assignment of specific limitations for the operation of a law or statute is, in fact, reasonable and that's what the courts ultimately have determined in much of our classification. All that has been sustained. We're talking about classification here. An executive order, operative now, for employees under the Office of the Governor are now required to disclose if they are at this level of compensation by executive order. That's the reasoning that was behind the selection of this figure of 20,000 as relates to employees, but the practical effect of this sponsor's amendment and with the effect of all elected and now appointed officials serving not only state but also local government, would thrust into the operation of these disclosure amendments to the Ethics Act an administrative burden of enforcement that is . . . just defies ingestion and accomplishment. And while the philosophy involved in

Senator Berning's amendment might be acceptable, its practical effect would be of terribly serious consequence and I can't support the amendment.

PRESIDENT:

Is there further discussion? All those in favor of the adoption of the amendment, please rise. All those opposed to the adoption of the amendment, please rise. The amendment is adopted. Are there . . . Senator Rock.

SENATOR ROCK:

Yes, Mr. Chairman, whatever that number is, I'll table that amendment. . . or withdraw it.

PRESIDENT:

Senator Rock withdraws his amendment. Are there further amendments? The bill is returned to Third Reading.

We will have intervening business. Senator McCarthy, what is the number of your bill?

SENATOR MCCARTHY:

3732.

PRESIDENT:

3732. 3732, Senator. House Bill on Third Reading. Senator McCarthy is recognized.

SENATOR MCCARTHY:

Mr. President and members of the Senate. I explained House Bill 3732 yesterday, had a dialogue with Senator Sours and I'm prepared to explain the bill again today. But let me state this at the outset, that this is the agreed bill on unemployment compensation benefits for this session. Mr. President, as part of that agreement there has been a request that an existing bill reposing in the Labor and Commerce Committee be disposed of by way of tabling so I would like to have, without losing my place, the opportunity to ask that

the Senate Committee on Labor and Commerce be discharged from further consideration of House Bill 2079 and that the bill be brought to the Secretary's desk for the purpose of a tabling motion.

PRESIDENT:

Does the body understand the action? Leave is granted. Senator McCarthy moves to table . . .

SENATOR McCARTHY:

I move to table House Bill 2079.

PRESIDENT:

All in favor signify by saying aye. Contrary minded. The bill is tabled. Senator Harris.

SENATOR HARRIS:

Is a prior motion to discharge first not in order and then to table?

PRESIDENT:

Yes, we . . .

SENATOR HARRIS:

I'm sorry, I missed it. Okay.

PRESIDENT:

Senator McCarthy may proceed on House Bill 3732.

SENATOR McCARTHY:

Thank you, Mr. President. House Bill 3732 provides essentially the following: It is the agreement of the Governor's Advisory Commission on Unemployment Compensation; it elevates benefits approximately 10 percent; it excludes from Unemployment Compensation academic personnel under certain circumstances; it provides for extended benefits to be chargeable only 50 percent to the employer in determining his experience factor; and it further provides for a mandatory downward revision of the statewide experience

factor, 8 percent in the year 1972 and 4 percent in the year 1973. I'd be delighted to go on and talk about this bill, but I have the assurance from Senator Sours, from Senator Baltz, from Senator Graham as well as an indication from Senator Clarke that this is now a truly agreed upon bill. Senator Sours, would you care to state anything by way of cooperation?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators. I think all on this side may vote safely in favor of this legislation.

PRESIDENT:

The Secretary will call the roll. Senator McCarthy.

SENATOR McCARTHY:

I would like to parenthetically ask the members on this side of the aisle to support the legislation.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning . . .

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I'd just like to ask the sponsor a question. Not being very familiar with this matter, the reservation pops into my mind as to whether or not prior contributions are sufficient to cover the additional payments that are now mandated in here. In other words, it's one thing to say okay, they're going to pay more out, but is there enough there to cover the payouts and how much more is it going to

cost from here on.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Who is chairman . . . or minority spokesman on the Revenue Committee?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Senator Berning, those funds are contributed by the employer exclusively and they are based upon actuarial figures and don't worry about the fund. If it isn't there, the employers will put it there and their representatives have conferred with us and it's agreeable to the employer segment of the economy.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

One other question. It was my understanding that there was other related legislation which was to have been allowed to atrophy as part of the condition for the passage of this bill.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

That condition has been complied with the tabling of House Bill 2079.

SECRETARY:

. . . Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,

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

PRESIDENT:

Collins aye. Mohr aye. Knuppel aye. Walker aye. Baltz aye. On that question the yeas are 51, the nays are none. The bill is declared passed.

While we're on intervening business, the Rules Committee reported three bills in for introduction. They will be . . . The Journal will show their introduction at this point.

Senator Coulson.

SENATOR COULSON:

Mr. President, I would like to call House Bill 3700 for adoption. It is on the order of Third Reading. There is little I can say for it. Perhaps the less said the better. You gentlemen have had as good an opportunity as I to know what it contains. I could wish that we would approach this problem in more organized fashion than piecemeal fashion really, rather than trying to enact a code. This is the only vehicle by which the matter can be returned to the House for its nonconcurrence after which a conference committee will be appointed and I think that's the agreed tactic. I cannot defend every section of it. It is basically a disclosure bill rather than a punitive or reform bill and I leave it to your tender mercies.

PRESIDENT:

Senator Tom Lyons.

SENATOR LYONS:

I wonder if, before we get into the debate on this bill,

we can get leave of the body to hear Senate Bills 1315, 1316 and 1317 in the Committee on Appropriations today. We have a meeting this afternoon immediately after adjournment.

PRESIDENT:

Is there objection? Leave is granted. Senator ParTEE.

SENATOR PARTEE:

I was off the floor when Senator Coulson commenced to call the bill, but I think I got the meat of his remarks and I for one would like to say that there are now, or course, several amendments on this bill which do not have the approbation of every individual member. And I said before and I say again that I hope we can pass this bill out and use it, of course, for the vehicle as intended and although you may have some misgivings, some doubts, some fears about certain paragraphs within it, certain amendments that have been adopted, or you may feel aggrieved because of some amendments that were not adopted. In the interest of getting it into a conference committee and coming up with a salable bill, I think it is in our best interest to cast an eye vote on 3700 as amended and get it as quickly to the House as possible.

PRESIDENT:

Is there further discussion? Senator Knuppel. Senator Knuepfer.

SENATOR KNUEFFER:

Well, I recognize that this is a very difficult subject. It's certainly a tedious one as well today, but I certainly part company on the philosophy of resolving the problems in the conference committee. If we were to do that we would simply pass all bills out of this body saying we're not going to resolve the problems until we get to the conference

committee. I don't think we have done what we intended to do here today and that is to get any particular sentiment of this body. I think what we have ended up with was sediment rather than sentiment, and I cannot but quarrel with the premise that imperfect, perfect, or whatever the case may be, pass it out and let's solve the problem later. It seems to me our problem's got to be solved right here. I never did . . . I didn't feel, frankly, that it could ever be solved on the floor of this body. It should have been solved in committee, perhaps time did not permit that, but I cannot see how the conference committee method can resolve the problems of this body and I'm going to oppose this one.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Just this one comment. This is probably one of the most sensitive areas that any member of this body is going to be called upon to vote, because it affects every member presently serving and every member that will be a member of the Legislature in years to come. I served on the last conference committee when our first ethics bill was adopted in this State. We had no ethics legislation whatsoever. Senator Arrington and I and Senator Lyons and Senator Bidwill worked hard in getting the first ethics bill for the State. No one is going to be completely satisfied with the end result, but I don't know of a better way than to get both Houses together. Men who are probably the leaders in both Houses will use their best efforts in their views and their judgments to get what we need in the State. Now, every man is going to have an opportunity to vote on this bill after the bill goes to conference, and I'm sure that much effort will be put in in

order to resolve the differences of both Houses, but, Senator Knuepfer, unless we get concurrence with the House, we're not going to have anything here. It may be that's what some of the members would like to see, but I think the majority of the members feel and honestly believe that we ought to strengthen what we presently have. I don't know of a better way to do it and certainly it's worth the effort and the time to expend so the people of Illinois will get what they, I think, want at this moment.

PRESIDENT:

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

SENATOR COULSON:

Well, Mr. President, the only closing remark would be that if we can save today, we will have one additional day to look at the conference report. I especially do not want to see a conference committee report presented and then voted upon within an hour of its presentation, and it's to give you that additional hour that I urge a vote on it today.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning . . .

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Just a brief comment. I feel much as Senator Knuepfer that this really has been an exercise in futility up to this point and going to conference committee is not the way we as the Legislature ought to be conducting the State's business.

Had we not made the unfortunate determination, or someone made it, to close, to foreclose action by this body by the end of this week; but had we decided to stay another week or two weeks if necessary and fully and adequately and openly deliberate this measure and perhaps others in committee the way they ought to be handled, we would know then that we had done the best job we could do. Now, we are merely sidestepping the issue, abrogating our responsibilities to a select few and I think it's a mistake. But since there's no alternative, I vote aye.

SECRETARY:

. . . Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, . . .

PRESIDENT:

Senator Chew.

SENATOR CHEW:

Now, the real reason I wanted to be a Senator was because they told me that in the Senate that the members were intelligent enough to really scrutinize legislation and pass that that is worthy of passage and defeat that that was not worthy of passage. I take great pride in representing the people of the 29th District as a Senator and I wouldn't want to have to go back home and tell them that we decided to let George do it. I think the Senate here is able enough to work out an ethics bill of our own, as Senator Partee's bill was today everybody thought it was excellent. I didn't like a portion of it and I spoke to the issue. I don't like anything in 3700, but just a few amendments and I would be hypocritical if I were to vote for it. I still want to vote for an ethics bill that is meaningful, that deals with elected officials, that leaves alone the elected officials' grandmothers

and et cetera; and to have a bill that we can be proud of as having sponsored here in the Senate and then send it to the House for a conference committee. But I'm mighty afraid when we get into the conference committee, we probably will end up with nothing, or if we end up with an ethics bill from a conference committee that it's still going to contain some features that I do not approve, and things I do not approve of, I shall not vote for them. Things that I do approve, I will vote for them. I do not approve of 3700 in its form, even after the amendments, and for that reason I'm going to vote no.

SECRETARY:

. . . Clarke, . . .

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate. You know this exercise today on this bill merely points up how far we have yet to go to make the legislative body an effective arm of the government. We've had a commission on the operation of the Legislature and we've made many improvements in recent years and, boy, we've got a long ways to go yet. I'm really kind of amused by the fact that the conference committee seems to be the only way that the leadership on the other side in this body can get together and discuss things with the other side of the rotunda; because, of course, I personally think that in this case it would have been a sensible approach to have had a joint committee studying it. We didn't do it. They got lots of ink because they did a fine study, but when it came down to the gut issue of voting they had a spectacle over there last week where they threw all

reasoning out of the window and they voted for a bill that none of them could live under and half of them would have to go home, and they knew it, on the basis that, well, the Senate will take care of it. I think there have been some encouraging signs here today that the members in this body are going to face this issue when we get down to the final vote with a little guts and a little common sense, just as the previous speaker said, and I am proud of those people that have indicated that because what we're saying in effect is that we're going to give it to the leaders or whoever is on that conference committee and their wisdom will prevail. Let me tell you, I had an experience in the last few months with those leaders and that makes me shudder, and I'm speaking of reapportionment. I will just say this on the issue today, that we are going down to the wire and we are going to be presented with an issue that we have to vote yes or no on. I think that this bill today is somewhat better than it was when it started out and I'm going to vote yes for it on the basis, though, that I'm reserving my vote when I see what the conference committee comes up with because I hope we can then still retain our common sense. I think what we're doing here is a frightening example of how a legislature should not operate.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I'm going to vote aye. I'm real perplexed. I don't

think that this is necessarily the best way to get a bill, but I think the House baked a pie, we bake a cake and we're going to put them in the oven and pray that we get something out that we can eat. So I'm going to vote aye and say, In the Name of the Father, Son and Holy Ghost and . . .

SECRETARY:

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

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Mr. President and members. The presence of some deleterious material in Senator Knuppel's cake has previously been noted. Nevertheless, I'm going to vote aye on this bill because it seems to be the only vehicle still around to get to a conference committee and get some sensible legislation, if that's attainable in this session, in this area. I vote aye.

SECRETARY:

. . . McBroom, McCarthy, Merritt, . . .

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate. I just want to, in explaining my vote, re-echo some of the things that have been said here. I think this lacks much, but I think it's a step in the right direction, a step that has been initiated several times in the past and in light of the recent scandals and wrongdoings in government, I think that the image of the Legislature perhaps is at an all time low. If there isn't something that we can do responsibly to once again bring back that trust and confidence that the people should have in us, then I think we failed our job here

miserably. I . . . I just have confidence that the conference committee will come out with a product that we can go back to the people with and say we have addressed ourselves to this problem. I vote aye.

SECRETARY:

. . . Mitchler.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mr. President and members of the Senate. It's obvious that this bill, House Bill 3700, after it passed the House and came before the Senate was not referred to a committee, so actually what we had today was a Senate committee of a whole in which we argued on amendments and, in other words, by-passed committee where we could have public witnesses appear to give the public viewpoint and permit the public to express some of their opinions. We might have had pros and cons on that similar to some of the letters that were read by Senator Sours during the debate, but that's not true. We've constructed a bill and, although, we are getting a lot of yes votes there is not a man in the body or woman that I feel would confidently want the bill in its amended form to become law of this State so that it would control and govern the ethics legislation, because who are you going to have . . . Who is going to watch the watchers? One point that I do have, and I'd like for clarification before I cast my vote. I direct it to the leadership of both sides of the aisle. It's obvious that this bill is no more than a vehicle . . . a vehicle to get some type of legislation to a conference committee, that a conference committee can meet and then come back with a recommendation as to an ethics

bill that we will vote on in its final form that will go to the Governor, the Governor signs it, it will become law and we will have ethics legislation. Now, I haven't been around here too long, but would I have the assurance of both sides of this aisle, the leadership, that what comes out of conference committee will be printed and on the desks of the legislators so that we can read the bill that is to be voted in its final form and not have somebody come running in here at 3:00 o'clock in the morning on Saturday morning, Sunday morning or whatever morning we decide to adjourn and say . . . this is it; hurry up and vote for it . . . as we do on so much legislation when we start out at 9:00 o'clock on June 30th and wind up on about 10:00 o'clock on July 1. Now, may I have that assurance and I'll ask Senator Coulson to speak first and Senator Partee to answer the question separately.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

We'll do our level best to do precisely that and that's exactly why we by-passed committee and exactly why we had what you call a committee of the whole, exactly why we invited fullest possible amending process. I can't promise anything in this world of politics, but I give you the best assurance I can.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Ditto, Senator Mitchler.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Well, not having the assurance and . . . that you'd have that, I'm certainly not going to vote for a pig in a poke and I'm going to vote no.

SECRETARY:

. . . Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, . . .

PRESIDENT:

Senator Ozinga.

SENATOR OZINGA:

I have sat quietly by, I haven't said anything with reference to this bill in any way, shape or form, but I have watched and there have been so many phony pieces of legislation attached to this bill today that this bill in its entirety couldn't possibly come out of conference committee that I would have any confidence in. I vote no.

SECRETARY:

. . . Palmer, Partee, . . .

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate. I recognize, as do all of you, that this is perhaps one of the most personal pieces of legislation in this Senate. It is sensitive, it's volatile and explosive. I listened carefully to the chiding we got because of the manner in which this is being done. I really preferred to remain silent about it, but I think I ought to say that those who felt that this was the only way we tried to do it are simply ignoring history or conveniently forgetting what we tried to do. A long time ago I felt that the best way of handling this matter,

because of its sensitivity, because of its volatility . . .

PRESIDENT:

Please, gentlemen, can we break up. Senator Savickas, Horsley, Neistein. Senator Lyons, Representative Madigan, gentlemen. The President pro tem has words of wisdom for you, Senator Neistein.

SENATOR PARTEE:

Well, let me just say that I recognize that this kind of thing could develop and sought to avoid it several weeks ago. I felt, as did many other members with whom I discussed it, that the best way to have handled this matter was to have had a committee of the whole. A joint committee of the whole, if you please, at which time all members of the House and Senate could sit down and hear all of the witnesses who may want to come and testify concerning all of these bills. As a matter of fact, I lined up some professors from the universities. I lined up many other interesting . . . interested persons . . . Would you hold it down a minute, gentlemen? I just can't hear my ears. I'd lined up some other very interesting persons who were interested in this legislation, who were absolutely impersonal about it, who could take an objective view to the legislation, and who could come and testify concerning all of the bills and recommend to the joint session of the Legislature what they felt a bill should contain, discuss its constitutionality, and talk to us about all of the items and the nuances in all of these bills. That was my plan. I was thwarted in that plan because in the House they did not take that position, they did not want to have a joint committee. I find out later that one of the reasons they were dissuaded from taking a joint committee was that they had some idea lurking somewhere.

in the recesses of their minds that I was going to call some witnesses of a political nature. Nothing could be farther from the truth. I simply wanted all of us in one place, 177 of them and 58 of us, at time when all of the questions could be asked, the answers could be given for the enlightenment of every single member of the Legislature with reference to any part of any of the bills involved, so when we do it this way, by a conference committee, we do it out of desperation, not because this was the plan. We had the judgment and the foresight to have planned it differently. We don't always get what we want in a democracy, although it may well be the best thing for us, so we, having failed in that attempt to do it in the most sensible, intelligent way, we must now do it in this way, which isn't the worst way in the world to do it. And we will get the conference committee off the ground and we'll come back with something which you will have time to read, if you read it, and I would hope that you read it and not commence to ask questions without having read it, and that happens too frequently around here, and we will get the bill back to you in time to read it and we may have full and open discussion on it. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, Senators, as I look at this bill with its amendments and its lack of amendments, it's so reminiscent of a Sunday-closing bill we had here several years ago.

It had 23 amendments, and I think more that were offered. One of my old literary friends, Thomas Carlisle once said, "Make yourself an honest man and then you may be sure there is one less rascal in the world." Another of my literary friends, William Shakespeare, said, "Nature with a beauteous wall doth oft enclose pollution." Now we can stay here until we're blue in the face, until the ultimate millenium is here, and we can pass all these statutes and just give a smart individual--he can be literate or illiterate--if he's canny enough, give him one week and he'll find enough circumvention that you'll never lay a hand on him. I want to repeat, there's a large element here today of hypocrisy. There's a large element here today of abject, servile cowardice. We're men, not monkeys. We're men, not dogs. People elected us to come down here to represent them, not to play goody, goody, goody, goody. I differ with Senator Partee. I think history is on the side of the man with courage and the non-hypocrite. And accordingly I vote no.

SECRETARY:

. . . Swinarski, . . .

PRESIDENT:

For what purpose does Senator Smith arise?

SENATOR SMITH:

Am I recorded, Mr. President?

PRESIDENT:

You . . . you are not. Proceed. You may explain your vote, Senator Smith.

SENATOR SMITH:

Mr. President and members of the Senate. While the Senator from Peoria, who just yielded the floor, was talking I called to mind a former member of the Legislature who

also came from Peoria. I don't know whether you remember him or not, Senator, it was some several years before you came to this august body and at that time I was a member of the House. Crowley was his name. He was one of the best . . . may I say, rabble-rousing speakers, that ever I heard in my life. And I remember on one occasion, he was asleep on the floor of the House, and I went over to him and I asked him if he would make a speech with regards to a certain bill. Without any hesitation, he arose and proceeded to talk and he wound up by saying, "This is one of the greatest steals ever foisted upon the people of the State of Illinois and accordingly I vote aye." We had in the House another gentleman from the City of Chicago, Kaindl by name. We added 37 amendments to his bill and he then moved that the bill be advanced to Third Reading, passage stage. I was much younger then, full of life and fun, and I demanded an explanation of the bill. I knew that he couldn't explain it. No living man could explain it. No living man can explain the bill that we are now voting upon. There is not a member here that understands it. I sat here all day long, took no part in the discussions, but I listened very intently, as I always do. I don't profess, as I stand here, to understand this bill. I agree with what the good Senator says, and I know that you cannot possibly legislate morals. It's just an impossibility. We've sat here all day long. The good Senator, the Whip on the other side, asked and obtained the right to give preference to this bill here today. He was given preference. We've sat here all day long on this bill and I go back to something that I've said before: He wobbled in and he wobbled out and still the matter was in doubt, for after he had crossed the track, we didn't know

whether he'd wobbled in or wobbled back. We've gone along all day and no one of us understands this bill. You're going to send it to conference. The President pro tem was exactly right when he stated that he passed, I think it was a resolution, some several weeks ago. We passed it, sent it over to the House and they refused to consider that. If they had, perhaps we'd be in better shape than we are. This is our last and only hope. I vote reluctantly aye.

SECRETARY:

. . . Vadalabene, Walker, Weaver.

PRESIDENT:

On that question the yeas are 44, the nays are 8. The bill having received a constitutional majority is declared passed. Senator Coulson moves to reconsider. Senator Neistein moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails.

Senator Course yesterday . . . Senator Course yesterday had a bill that passed with 32 votes, as I recall, but the Chair was unaware . . . 33 . . . that it had an emergency clause on it. Senator . . . What is the number of that bill, Senator?

SENATOR COURSE:

3652.

PRESIDENT:

3652, and . . . I . . .

SENATOR COURSE:

It's still . . .

PRESIDENT:

36 . . .

SENATOR COURSE:

It's on the Order of Third Reading, Mr. . . .

PRESIDENT:

3652. I see it here, yes. 3652 on Third Reading. You want to pull it back to Second Reading, or you don't need to pull it back to Second Reading to take off the emergency clause.

SENATOR COURSE:

No, the emergency clause is still on, we'll leave it on, and I'd like to pass the bill. I discussed this with the people on the other side of the aisle who had objections to it and they have withdrawn their objections and I think . . .

PRESIDENT:

Is there any discussion of the bill? Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Berning?

SENATOR BERNING:

Question of the sponsor. You say objections have been removed. Has there been an amendment to the bill?

PRESIDENT:

Senator Course.

SENATOR COURSE:

No, there has not, Mr. or Senator Berning.

SENATOR BERNING:

Pardon? We're voting on the original bill?

PRESIDENT:

Senator Course.

SENATOR COURSE:

Yes, we are.

SECRETARY:

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

PRESIDING OFFICER: (Senator Hynes)

Lyons aye. Baltz aye. Senator Course?

SENATOR COURSE:

I'd like to be recorded voting aye, too, please.

PRESIDING OFFICER: (Senator Hynes)

Merritt aye. The ayes are 46, the nays are 1, 1 present. The bill having received a constitutional majority is declared passed. Senator Egan.

SENATOR EGAN:

Mr. President, members of the Senate. House Bills 2396 and 2397 were referred to the Committee on Labor and Commerce, and I have discussed the bills with the chairman, Senator Romano, and would like leave of the body to remove them from Committee and put them on the Order of Second Reading. They've already passed the House in the form of Senate Bills.

PRESIDING OFFICER: (Senator Hynes)

Motion to discharge. Is there any objection? Leave is granted. Senator Lyons.

SENATOR LYONS:

Mr. President and members, I'd like leave of the body.

to hear House Bill 2503 in the Committee on Appropriations in their meeting this afternoon.

PRESIDING OFFICER: (Senator Hynes)

Request is for leave to hear House Bill 2503 in Appropriations this afternoon. Is there any objection? Leave is granted.

SENATOR LYONS:

That meeting will be held on the floor, here, immediately after the adjournment of the Committee on Constitutional Implementation which will be held on the floor immediately after adjournment of the Senate.

PRESIDING OFFICER: (Senator Hynes)

Senator Neistein.

SENATOR NEISTEIN:

I, at this time make a motion that we adjourn until 10:00 o'clock tomorrow morning. Mr. President, we need your help. I just made a motion that we adjourn until 10:00 o'clock tomorrow morning.

PRESIDENT:

The motion is not debatable For what purpose does Senator Sours arise?

SENATOR SOURS:

Mr. President and Senators. I happen to have an appropriation bill for the Department of Registration that I would like to request Senator Neistein withhold his motion until I get that bill through. Apparently it has to do with controlled substances. It's a hot issue. It's all ready to pass, and I'd like to get it through today if I could.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

In order not to lose my position, I'll withhold it just 'til Senator Sours's bill is called. Then I'm making my motion, Mr. President, that we adjourn until 10:00 o'clock tomorrow morning.

PRESIDENT:

Well, we're not giving preference to any legislator particularly on that. We're going to go down the line here shortly. Senator Graham.

SENATOR GRAHAM:

Mr. President, before we get into these motions, I would like to make a request of your office and the Secretary's office. When 3700 goes to the House, to attach to that a little note that says you can't keep the foxes out of the chicken coop by eliminating the egg supply.

PRESIDENT:

What . . . Senator . . . Just a moment. Senator Neistein.

SENATOR NEISTEIN:

I've made a motion to adjourn until 10:00 o'clock tomorrow morning and I would like to have a vote on that, Mr. President.

PRESIDENT:

Senator Neistein moves that the Senate . . . For what purpose does Senator Merritt arise? This is not . . .

SENATOR MERRITT:

Mr. President, I tried to even get the attention of the Chair before you came on the podium, Mr. President. There was a motion made there, nobody apparently listening, and maybe it's all right, but it was for House Bill 2396 and another bill that I can't even identify now to be taken from Com . . . What's the other one?

PRESIDENT:

2396 and 97, I'm advised.

SENATOR MERRITT:

What was the motion? To discharge the committee?

PRESIDENT:

Is that . . . Discharge the committee and put it on

Senator Egan, is that correct? This was the motion . . .

SENATOR HORSLEY:

Well, I objected to that.

SENATOR MERRITT:

We've got an objection, Mr. President, on it. Right here.

PRESIDENT:

The Chair was . . . just a second . . . Well, the . . . the Chair is informed, and I was not here at the time, but the Chair was informed that leave was granted and this is what the Secretary's . . . the . . . You wish to . . . Let's . . . We're going to dispose of one motion at a time. Now, we have Senator Neistein's motion and then the Chair will recognize Senator Knuepfer or Senator Merritt to reconsider the action by the body in that regard.

Senator Neistein moves that the Senate stands adjourned until 10:00 o'clock tomorrow morning. All in favor signify by saying aye. Contrary minded. Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

The reason I have made a request to the President, I would like to follow through with a request I made earlier this afternoon. I have to vote no.

SECRETARY:

Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Groen no. Palmer no. On that question the yeas are 13, the nays are 37. The motion to adjourn fails. Senator Knuepfer is recognized.

SENATOR KNUEPFER:

I talked to Senator Egan. I am persuaded that I will not enter an objection, so therefore I won't not challenge the ruling of the Chair on that.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President. Senate . . . or House Bill 3680 deals with billboards. It's an Administration bill. I've talked to Senator Chew. He's not going to have a meeting of his committee and he's perfectly agreeable to having it discharged and put on the order of Second Reading and I would like to so move.

PRESIDENT:

Is there any objection? Senator Dougherty, on that matter? Is there objection?

SENATOR DOUGHERTY:

These bills have been assigned to the Committee on Local Government--the entire series. I believe that they are serious enough to have committee hearings on them. I will set a meeting for Thursday.

PRESIDENT:

There is objection, then. Is that correct? Senator Partee.

SENATOR PARTEE:

Is this the series of bills that relates to billboards which . . . the passage of which relates to some federal money? Is that . . .

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

The bill is 3680, not 2680. It's, it's bills relating to highways and billboards. Federal money rides on this. You are aware of . . . Right.

PRESIDENT:

Objection is withdrawn. For what purpose does Senator Chew arise?

SENATOR CHEW:

As chairman of the committee in which these bills are now in, I have concurred with Senator Clarke to discharge the committee because we will not have another committee meeting and bring it to the Senate floor and place it on the order of Second Reading.

PRESIDENT:

Leave is granted. Senator Groen.

SENATOR GROEN:

Mr. President, members of the Senate. Under Rule 4,

page 80 or our rules, I now move that the Senate proceed to Consideration of Bills Postponed.

PRESIDENT:

Just a moment. Under Rule 4, page 80

SENATOR GROEN:

The second paragraph starting: The Senate may at any time by unanimous consent or on motion supported by a majority vote of the Senators present

PRESIDENT:

And . . . Senator McCarthy.

SENATOR McCARTHY:

Mr. President. I object to moving out of order to the order of Bills on Postponed Consideration and object to it.

PRESIDENT:

Well the . . . if Senator Groen is supported by a majority vote of the Senators present to proceed out of order, this body may proceed out of order as I read the rules. Senator McCarthy.

SENATOR McCARTHY:

I then call upon you for a parliamentary inquiry on Rule 43, which provides that every motion shall be reduced to writing if any Senator desires it and indicate that I do desire that the motion shall be reduced to writing.

PRESIDENT:

You have that right. Senator Groen will reduce

SENATOR McCARTHY:

Now, Mr. President, can I call a bill on Third Reading that I have?

PRESIDENT:

No. I think that what is before the body now is the motion of Senator Groen.

SENATOR McCARTHY:

Would you read the motion, please?

PRESIDENT:

Mr. Secretary?

SECRETARY:

"I move to proceed to Bills on Consideration Postponed."

Signed by Senator Groen.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

I would like to object and have this motion defeated and the reason I wish this motion defeated is that we left the daily order of business on Senate Bills on Third Reading and I have several bills on House Bills in Third Reading that come in the daily order of business ahead of the bills on Postponed Consideration. I would ask my colleagues to join with me in objecting to this motion and failing to sustain it, reminding my colleagues that on June 30th of last year there was a ruling of the Chair that any bills called on Third Reading which failed to receive a majority went on Consideration Postponed and the Chair ruled at that time to get another attempt at those bills, all other items would have to be taken care of first. And there are bills that other members want, bills that I want, that have not had a chance to have a vote on and I think if we're going to do anything in this Fall Session we go according to the rules.

PRESIDENT:

Well, I think under the rules, the motion is in order and . . . Senator Cherry.

SENATOR CHERRY:

In the motion being made by Senator Groen, does he

propose to go through Consideration Postponed from the top bill down to the bottom? What is his intention? I'd like to know so that we can vote on this motion intelligently.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator Cherry, that was not my motion. That's another section of the rules that authorizes that. That is not the section to which I referred, and my purpose in doing this is to consider the bill which is wanted by so many members on your side, as well as mine, House Bill 1568. That is the only bill I will call.

PRESIDENT:

The . . . I assume that Senator Groen would then, if this motion prevails, you would make another motion to go to that specific bill.

SENATOR GROEN:

That's right. I'd ask to consider that bill.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I'll withhold that. And we'll have a roll call. I ask for a roll call on the motion.

PRESIDENT:

There will be a roll call on the motion. The Secretary will call the roll. Senator McCarthy.

SENATOR MCCARTHY:

Is there debate on the roll call?

PRESIDENT:

Debate is permissible.

SENATOR McCARTHY:

Then I'd like to be heard.

PRESIDENT:

Senator McCarthy is recognized.

SENATOR McCARTHY:

When I objected to the motion to proceed out of order I did not know the precise bill Senator Groen wished to reach. Therefore, Mr. President, I did not wish to make any remarks against the motion specifically. But, now that Senator Groen has indicated that if this motion prevails, he will attempt to go to the order of House Bill 1568, I would like to read to the members of this Senate the history of this bill.

PRESIDENT:

For what purpose does Senator Soper arise?

SENATOR SOPER:

The, the question here is whether we go to bills on Postponed Consideration. Now if that's voted in then we'll . . . then we'll argue the bill that's brought up. I move the previous question.

PRESIDENT:

Well . . . Senator McCarthy.

SENATOR McCARTHY:

I think perhaps Senator Soper's suggestion is more properly and orderly in debate, so at the time that there is an effort to reach the specific bill, at that time the, the matter on the specific bill, so I'll just, ah . . . again urge the negative vote on the motion.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Yes, Mr. President, point of parliamentary inquiry. Under the rule that's been invoked by Senator Groen, it says that upon motions supported by a majority vote of the Senators present. May I have a ruling as to how we are going to determine how many are present?

PRESIDENT:

The . . .

SENATOR ROCK:

It's Rule 4.

PRESIDENT:

Yes, the Chair would have to recognize those voting present or present in the body, physically present, under this rule. But those who are not physically present, it does not require 30 votes.

SENATOR ROCK:

We are not, however, talking about a majority of those voting. We are talking about a majority of those who are physically present.

PRESIDENT:

That is correct. Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. I'm going to oppose this motion for several reasons. First of all, we've had a long day and we voted upon and considered some very sensitive and responsible legislation. We're approaching the hour of 4:30 and I can anticipate a debate on this bill, and I won't go into the merits. I've always opposed it, which is of vital interest to the people of this State. We can . . . I can conceive that we can engage in debate on this bill for perhaps two or three or more hours, and I don't

think this is the appropriate time to do this. This bill has languished on this Calendar now for some time. We've beaten it before. It hasn't received sufficient votes and I think we ought to clean up this Calendar. We've been here for three weeks and we still have three pages of Calendar, and I think we ought to, and I think every member who is a Senate sponsor of these bills that are on these, this Calendar, be they House bills or Senate bills, are entitled to be heard on their bills. There's nothing unique or sacrosanct about an insurance company industry. There's nothing sacred about this kind of legislation. It should take its proper place and not take up the time of this membership and this body for two or three or maybe more hours for a debate on open rating. That's what this bill is about, open rating. And I think that every member of this Senate is entitled to be heard on the bills that they're sponsoring. I'm going to oppose this motion.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Is there a question before the House, Mr. President?
I move the previous question.

PRESIDENT:

Motion . . . the motion for the previous question is now before the body. The motion is for the previous question. All in favor of . . . The Chair will recognize Senator Knuppel after this motion for the previous question which . . . The motion by Senator Knuppel is in order. The motion to adjourn is in order. It takes precedence over the motion of Senator Newhouse. Senator Knuppel moves that the Senate adjourn. It is not a debatable motion. All in favor of

the motion to adjourn . . . Roll call is requested. The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, . . .

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Before I cast a vote on this, I ought to know whether I'm voting to adjourn, period, or adjourn to an hour certain. The way it is left now, it's just adjourn. I have to vote no.

PRESIDENT:

The motion has been amended by Senator Knuppel. It's to adjourn until 10:00 AM. Continue the roll call.

SECRETARY:

. . . Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, . . .

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, I want the membership to know that it is not my fault that this bill has not been called previously. I have acceded to numerous requests from your side of the aisle to withhold consideration of this bill. Out of courtesy to those Senators, out of courtesy to those requests, I have withheld the bill, but it seems to me that there must be a time when the bill is going to be considered. Now, I have no objection to an adjournment. It has been a long day, and if I can have the assurance of the Chair that this matter would be the first order of business tomorrow

morning, I will delay a trip that has already been delayed two days, representing this body, the Executive and the Department of Insurance, incidentally, on a matter involving no-fault insurance and the Illinois version of it at a national convention. Now, I'm perfectly willing not to go at all to that convention because I'm going to stay here until this bill is heard and if that be the will of the body and you want to adjourn and you want me to come back tomorrow morning and delay and postpone my 7:44 flight tonight, I'll do it; but I would like to know that I'm going to have an opportunity to have it heard first thing tomorrow morning.

PRESIDENT:

Is . . . Just a moment . . . Please . . . Gentlemen and lady . . . Let's . . . Senator Groen has asked permission to have priority on the Calendar tomorrow. Is there objection to that? The Chair, when we get to the order of Motions . . . When we get to the order of Motions tomorrow, Senator Groen, when we get to the order of Motions, your motion would again be in order which is relatively . . . you know . . . on the first part of the session in the morning, but the Chair can't promise . . .

SENATOR GROEN:

I vote no.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I'd like to explain my vote. It's not just today. We had a long day yesterday and I had to put over a committee

meeting that was scheduled last night. We were here at 8:30 this morning for an Agricultural Committee. We all have our own personal lives to live and there's no reason . . . This bill is not going to drop dead between now and tomorrow. I vote aye.

SECRETARY:

. . . Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, . . .

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

In order to vote intelligently, I'd like to know how Senator Hall voted. I just saw him run up to the board. Would you tell me so I'll know.

PRESIDENT:

That . . . You can find out from the Secretary later on.

SENATOR NEISTEIN:

Well, I thought in this body you got to shout out loud and clear how you're voting and you can't dance up to the board and put your name down.

PRESIDENT:

Senator Hall . . .

SENATOR NEISTEIN:

In order for me to know, I want to follow him. I want to know how he voted.

PRESIDENT:

Senator Hall has the right to . . . if he wishes . . .

SENATOR NEISTEIN:

To vote secretly? I didn't know we had secret ballots

here.

PRESIDENT:

The roll call is available following . . .

SENATOR NEISTEIN:

All right. I want to go up before I cast my vote.

PRESIDENT:

Proceed with the roll call.

SECRETARY:

. . . Newhouse, . . .

PRESIDENT:

For what purpose does Senator Hall arise?

SENATOR HALL:

I was off . . . I was off the floor at the time and that's the reason I went up to cast my vote no.

PRESIDENT:

Proceed with the roll call.

SECRETARY:

. . . Newhouse, . . .

PRESIDENT:

Senator Neistein, how do you vote?

SENATOR NEISTEIN:

I vote aye.

SECRETARY:

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

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

This is just likē taking castor oil. You either take it today or you take it tomorrow and I don't, for one, feel that we ought to foreclose a subject which is going to come

before this House. I recognize there are philosophical differences on the operation of this bill on both sides of the aisle. I happen to be at odds with, or not in agreement with, my seatmate here on the question of this bill, but we have to, it seems to me, if we're going to maintain a legislative process, address ourselves to all matters that properly come before the body. For that reason, I'm going to vote no on adjournment because the bill was about to be called two or three days ago or a week ago almost, and I asked the sponsor to hold it because we were trying to work out some differences. Now, I feel personally that I should vote aye because he showed me that courtesy and I want to show him the return courtesy. If there is anything we should have, I think it is integrity and I want to maintain mine. I vote aye.

SECRETARY:

No. Votes no.

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

PRESIDENT:

Senator Smith.

SENATOR SMITH:

I have oftentime said here, as you full well know, that explaining one's vote is, to my mind, one of the most ridiculous things . . .

PRESIDENT:

Just a moment, please. Senator Smith is courteous. Senators Neistein, Hall, Swinarski, Savickas . . .

SENATOR SMITH:

Neistein, sit down, sit down, sit down, sit down. Mr. President, you've heard me say many a time that explaining

one's vote is, in my humble opinion, a childish procedure. What's happening here now has completely changed my thinking with regards to it. Now the plain fact of the matter is that there are perhaps those that don't know that during all of the summer months there have been those of us who have been working with regards to this bill. This bill has been held, as the President pro tem just said, as we understood it, on the objections of a given Senator. Whether that be true or not, there are those of us here, at least four or five of us, who are anxious that this bill come on for a hearing, for a debate, and we are very much interested in it because it affects our pocketbook adversely whereas it perhaps doesn't affect others. And it's strange to me to note the loyalty that certain members of a certain ethnic group has shown, and then find that when there is something here that is being handled that we are anxious you vote it up or vote it down. But do us that courtesy of allowing us the right to a full and fair debate with regards to the subject matter of this bill, and accordingly, I vote no.

SECRETARY:

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

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I'm not recorded. I'd like to explain my vote. As I understand it, Mr. President, there is no agreement about tomorrow. Is that correct?

PRESIDENT:

That is correct.

SENATOR NEWHOUSE:

We're voting on this measure now and if this measure is

not discussed now, it may not be discussed the rest of this Session. Is that right? Now, Mr. President, one of the members of our leadership got up and gave a description of that bill and I'd certainly like to take issue with him on what that bill contains. He knew as part of this leadership that Senator Corneal Davis and some other people have been working on a solution to this bill for many, many months. They let him do it without saying to him that they're going to pull the rug out from under him at the last minute and that's what this is all about. It was represented a second time that this bill was defeated by one of the Senators on this floor. But I want to say here and now, this bill was defeated because the way that the thing was presented, there was some complete confusion on the part of some of the people who sat down and agreed to that who had no notion of what the effect would be with regard to this bill because this bill was not even mentioned when we took a position. Thirdly, if there's one Senator who is going to take the blame for hacking this whole thing up and they put it on you all this time and you want to take the blame for letting this go down the drain, there are an awful lot of people in my district who are interested, not in what Senator Cherry's talking about, but in getting a fair break on insurance rates and that's what this is all about. I vote no, Mr. President.

PRESIDENT:

On that question the yeas are 21, the nays are 32. The motion to adjourn does not prevail. We now return . . . we . . . the motion . . . Senator McCarthy has asked for a verification of the roll call. Do you want the affirmatives or the negatives? For what purpose does Senator Knuppel arise?

SENATOR KNUPPEL:

I want to make a couple of comments. I put in two long days here and I'm going to renew my motion in five minutes and every five minutes from now on. I have a speaking engagement away from here. This bill has laid here all summer and I don't care who it is, they can wait until tomorrow or we're going to have some bedlam. Now, I think that it's time that we straighten up and live right, and I want to tell those people on this side of the aisle that are voting to stay here that some night they may want 28 votes. I've stayed here a lot of times when I didn't have to. I've gone down there to that podium to vote and I'll tell them that I'm going to renew the motion and some night when they want that 28th vote, I sure as hell won't be here.

PRESIDENT:

Just . . . just a moment. Senator McCarthy, do you wish a verification of the roll call? All right. There is a request for a verification of roll call. The Secretary will call those voting in the affirmative.

SECRETARY:

Cherry, Course, Donnewald, Dougherty, Egan, Johns, Knuppel, Kosinski, Kusibab, Latherow, Lyons, McCarthy, Neistein, O'Brien, Palmer, Rock, Romano, Saperstein, Savickas, Swinarski, Vadalabene.

PRESIDENT:

We revert to the motion by Senator Newhouse. Motion for the previous question. All those in favor of the motion for the previous question indicate by saying aye. Contrary minded. All those in favor of the motion for the previous question, please rise. What is your inquiry, Senator McCarthy?

SENATOR McCARTHY:

My inquiry, Sir, is what does it take for the previous question to carry?

PRESIDENT:

Two-thirds of those voting on the question.

SENATOR McCARTHY:

Then, I'd like to demand a roll call on the motion for the previous question.

PRESIDENT:

Roll call on the motion for the previous question is requested. Secretary will call the roll. For what purpose does Senator Partee arise?

SENATOR PARTEE:

Before you take the roll, a matter of parliamentary inquiry. In light of some of the language that's been used here today and in light of some of the jokes that have been told, I would like to know if this is an X-rated Legislature?

PRESIDENT:

The Secretary will call the roll. The motion is whether or not to stop debate on the immediate motion of Senator Groen.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I think that this bill is an important bill, and if

it's important to those people who say it's important to them, it could have been called at some more reasonable time. I think it's completely out of keeping to attempt to cut off debate on any subsidiary motion or any motion. Now, I'm sure of one thing and that is this, that this bill has waited here all summer, that if we have to come back one day next week, we can. I want to remind the members that we started here, that I left home at 7:30 this morning to be here for an 8:30 meeting. I think that it's wrong . . . I think that it's wrong to attempt to stifle or cut off debate on any issue and I think it's time that we adjourn this meeting, went home and come back tomorrow when we could have decent and full debate on this and be heard. I think it does a disservice to the legislation, if it's as important as these people say that it is. I, personally have . . . I have no qualms at all about hearing it tomorrow. It has to be heard and I would go along with Senator Groen, but I don't think this is the hour, the atmosphere nor the attitude under which to hear this bill. I certainly am not in any kind of a . . . of graces that I want to hear it or participate in it. I vote no.

SECRETARY:

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

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Yes, Mr. President, this is a question to move the previous question on a motion to proceed out of order. Now, I am against cutting off debate on the motion to proceed out of order and I believe that Senator Knuppel

and Senator Cherry have given to this chamber an indication of what is likely to follow if the motion to preclude debate on this subsidiary motion carries, because, Mr. President, when we come to the proper time, if it's today or tomorrow, I have in my hand a list of 28 questions . . . 28 questions that I want answers to. Now, I don't think the questions could be propounded on this particular motion. I have in my file, information from the State of Maryland, Department of Licensing and Regulation. I have in my file, information from the Committee on Judiciary, Subcommittee on Anti-trust and Monopoly, that contain questions that need be answered and I think whatever can be done here by way of debating on the preliminary motion can pretty well decide whether or not we should proceed out of order. Keeping in mind, Mr. President, that the whole motion to proceed out of order gives this particular item of legislation a legislative preferential treatment over those matters that have not yet been called, I urge the members to vote no on the motion to move the previous question and thereby cut off debate on this subsidiary motion, because the questions will be asked; the answers will be demanded.

SECRETARY:

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

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Mr. President and members of the Senaté. I, too, like Senator McCarthy, I have a list of 21 questions that I'd like to propound. As chairman of the Judiciary, I had an occasion to check out various jurisdictions on the open rating situation and I'd like to get full answers. You know,

In the New Illinois We Accommodate--that's the slogan--in the New Illinois We Accommodate, the Chief Executive of this State, Governor Ogilvie for whom I have the highest regard and respect, that's his slogan. He's my Chief Executive and he's your Chief Executive and he says In the New Illinois We Accommodate and he commends the members of the Legislature for passing legislation in the last Session on insurance and he says, however, much remains to be done. Legislation still is needed. He says Illinois is without an insurance rating law. Bills relating to these areas and others must be enacted. He recognizes that open rating should not be allowed to exist and he says that we need legislation. I think this is very vital to be discussed. So vital that the Governor, the Chief Executive of this State, issued a pamphlet in October, 1971 in which he implores the Legislature to pass legislation to cover this situation of open rating because he says we need legislation in that field, and to shut off debate is a serious mistake. I think this is a terrible attitude position of this body. We've sat here all day. I don't think tempers should flare. I think everyone should be allowed to ask his questions. This isn't one of those bills that should be railroaded through where the question of debate should be shut off. I want to follow the lead of the Chief Executive of this State, Governor Ogilvie. He says, In the New Illinois We Accomodate. That's the title of his booklet, and in this booklet, just issued last month, just a few weeks ago, he states we've got to cover the situation on open rating. He raises a lot of points and I want to take up the cudgel for our Chief Executive and I want to ask questions in that regard about where we're going with open rating. To shut off debate is

to be dictatorial and, far be it from me to want to take that posture before my fine and able and esteemed colleagues. Therefore, I'm compelled and constrained to vote no on the motion to shut off debate, and I might add if Senator Knuppel doesn't make the motion to adjourn after this, then I'm gonna make the motion to adjourn until 10:00 o'clock tomorrow morning. I vote no.

SECRETARY:

. . . Newhouse, . . .

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President and Senators. I agree with everything that Senator Neistein said. The peculiarity of this is that this motion is unnecessary were the suggestion that Senator Groen made to have this on the head of order the first thing tomorrow morning acceded to. Now, it seems to me we now have the requisite number of votes to do that, Mr. President. Senator Knuppel wants to do it, Senator McCarthy wants to do it, Senator Neistein wants to do it and apparently three other people on this side. It seems to me we could shut this off very quickly and open it up for debate tomorrow morning. If we can get those votes to put this bill on the order of business, I've got no objections. I certainly do not wish to shut off debate. Senator McCarthy has 27 questions; Senator Neistein has 20. I'm sure there's lots of other 20's over on this side waiting for this bill to come up and I think they ought to be heard thoroughly. I would suggest at this point, Mr. President, you do now poll us so that we can have this bill heard on the first order of business tomorrow morning.

PRESIDENT:

Let's complete this immediate roll call and then we'll see where we go.

SECRETARY:

Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, . . .

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Like Senator Knuppel, Mr. President and Senators, I, too, have a speaking engagement tonight to speak before the Ladies of the Mayflower Society. Last year I told them it was regrettable that Plymouth Rock didn't land on the Pilgrims and they still invited me back. I'm going to have to sacrifice that engagement, Senator, and I've got 28 questions over here, and 22 automobiles to take Senator Knuppel wherever he wants to go to deliver that speech. I'm staying.

SECRETARY:

. . . Swinarski, Vadalabene, Walker, . . .

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Thank you, Mr. President, members of the Senate. My great-grandfather told me when I first entered politics a number of years ago that you had to have the stamina of a bull, the hide of a rhinoceros and the patience of Job. Today, the third stood me in good stead over here. I've heard some of the more garrulous lawyers and, again, I will repeat, I'm inclined to be more gregarious than I do garrulous,

use the time of the chambers here, especially the gentleman from Petersburg over there. The only thing I could suggest is that some of these younger fellows don't seem to have the stamina of some of we kids. We're being well paid, if you'll remember. We voted in a pay increase last January and we have work to do. I also have a practice, Senator Knuppel, to take care of and mine's a couple of hundred miles away from here where I understand you only have to drive 10 miles back and forth. My suggestion is that we stay here until we get our business done so that, hopefully, we can go home later this week. I vote no.

SECRETARY:

. . . Weaver.

PRESIDENT:

For what purpose does Senator Lyons arise?

SENATOR LYONS:

I wish to make an announcement that the meeting of the Committee on Appropriations and the Committee on Constitutional Implementation will not be held immediately after adjournment today, whenever that adjournment may come to pass, but rather, will be held at some indeterminate future time, probably right after adjournment tomorrow.

PRESIDENT:

On that question the yeas are 29, the nays are 22. The motion having failed to receive the necessary two-thirds majority of those voting on the question, it is defeated.

Senator Groen.

SENATOR GROEN:

Mr. President and members of the Senate. This is an important bill. The reasons why it is important, I'm sure will be brought out in debate when the amendment I have for

it is offered formally. I have learned over a long period of time that at this time of the day when the dusk begins to fall and we've been here a long time, the minds of the members are not attuned to sound judgment and I would agree that the atmosphere is not conducive to the product of good thinking, good legislation at this point. I know that there are questions to be answered. They should be asked and they should be answered during a period of calm, sensible, honest deliberation on this important measure. I have been assured by the Chair that when the order of Motions is reached tomorrow, I will be recognized so that we might proceed to the consideration of this amendment and that the matter might be finally adjudicated before this Session adjourns. So inasmuch as I do not believe that the amendment would receive the kind of thought and the kind of deliberation that it deserves, and the kind that this body customarily gives to legislation placed before it, if that be the statement of the Chair at this time that I will be recognized when we reach the order of Motions tomorrow, I will be recognized first when that order is reached, I will not proceed further with the matter today, but will take the matter up tomorrow. Certainly, I do not want to impose upon Senators Knuppel and Sours who have speeches to make. I would yield out of consideration to their request, and not proceed further at this time.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

A point of inquiry, Mr. President. Mr. President, isn't it likely that the point . . . that when we reach the point of Motions tomorrow, it is just as likely to be this time?

PRESIDENT:

No, the matter of Motions comes immediately following Committee Reports, then comes Petitions, Resolutions and Motions. So it comes relatively early in the Session tomorrow. Senator Bidwill.

SENATOR BIDWILL:

I wish to announce a Republican caucus at 9:00 o'clock in Room 419. Republican caucus at 9:00 o'clock.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

A point of inquiry and, Senator Groen, if I could have your attention. Do I understand that you are withdrawing your motion at this time to proceed out of order to the order of Third . . . of Consideration Postponed?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Would you repeat that, Senator? I was concentrating on something elsewhere.

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Do I understand that you are now withdrawing your pending motion to proceed to the order of business of Postponed Consideration?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, I don't know what you have in mind by that question, but if it's what I think it is, I'm not going to

answer it.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

I'm trying to make it very simple. Let me reconstruct. You made a motion in writing, Senator Groen, to proceed to the order of bills on Postponed Consideration, then you just stated that you weren't going to pursue that. I want to know if you've withdrawn that motion.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, Mr. President, if this question is going to be raised, we're going to proceed.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

A parliamentary inquiry. Senator Newhouse's motion to move the previous question was on what matter?

PRESIDENT:

It was on the matter on . . . in connection with Senator Groen's motion to move to the order of Postponed Consideration.

SENATOR HARRIS:

Thank you. Okay.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

I was just going to commend Senator Groen that this is the proper approach to this situation, that if we set a time certain. Of course I don't want to preclude Senator McCarthy's rights or what he wants to pursue, but I was going to commend

Senator Groen that tomorrow morning, when the heads are clear and we have a time certain, as you state, that that would be the proper time and everyone would get a hearing on this bill.

PRESIDENT:

And if the Chair could just add that if we can be as dispassionate and unemotional as possible on these things, it helps. Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Senators, I'm concerned with Senate Bills on Third Reading. In what order will they come tomorrow?

PRESIDENT:

They will come in the regular order tomorrow.

SENATOR SAPERSTEIN:

Pardon me?

PRESIDENT:

They will come on the regular order tomorrow. If you . . . we could proceed to them yet this evening if the body so wishes. Senator Soper.

SENATOR SOPER:

I move we adjourn until 10:00 o'clock tomorrow morning.

PRESIDENT:

Motion to adjourn until 10:00 o'clock tomorrow morning. All in favor of the motion to adjourn indicate by saying aye. Contrary minded. The Chair is going to rule that the ayes have it. Now we have some announcements. Senator Latherow.

SENATOR LATHEROW:

Mr. President, I have House Bill 3736 that's in Local Government. I talked to Senator Dougherty about this and I'd like to have this taken from the Committee on Local Government and placed on Second Reading without reference

to the committee.

PRESIDENT:

Is there objection? Leave is granted. Are there further announcements? Senator Berning.

SENATOR BERNING:

Mr. President and members of the body, on a point of personal privilege, really. I would like to have the body be introduced to and recognize a very outstanding visitor to this Nation of ours from the Nation of Sweden. Up in the gallery here to my right, there is an artist engraver who has been in this country for the past 6 weeks demonstrating his craft and his artisanship. He is Mr. B. Erickson from Orforce, Sweden. With him are his relatives from Rantoul, Mr. and Mrs. Erwin. I'd like to have them rise and be recognized by the Senate.

PRESIDENT:

Senator Course.

SENATOR COURSE:

Mr. President and members of the Senate. The Calendar erroneously reports the Revenue Committee this afternoon after adjournment. It's tomorrow after adjournment.

PRESIDENT:

Further announcements? Senator Hall.

SENATOR HALL:

Mr. President, there's a bill here on the Calendar that keeps referring to House Bill 2460. I told them one day. It says it amends the School Code and it should be amends the Vehicle Code. That hasn't been changed yet.

PRESIDENT:

The Secretary will note that. Senator Course.

SENATOR COURSE:

Mr. President, am I in order to discharge a committee from consideration of some bills?

PRESIDENT:

Well, if it's not controversial. If there's any controversy on it at all, we can't take it.

SENATOR COURSE:

I cleared on this with both sides of the aisle. House Bills 3633, 34 and 35, and I'd like to have the Committee . . . the Executive Committee discharged from consideration and placed on the order of Second Reading.

PRESIDENT:

Indication is there is no objection. Leave is granted. Senator Walker.

SENATOR WALKER:

I would like to ask leave to have House Bill 2322 discharged from the Welfare Committee and advanced to the order of Second Reading.

PRESIDENT:

Is there objection to that? Is there objection? Leave, apparently, is granted. This is all after we adjourn, so if anyone raises a question on it you are correct, Senator. Senator Knuepfer.

SENATOR KNUEPFER:

I would ask leave to have Senate Bill 1177, 1179 and 1180; the Committee on Executive discharged and rereferred to the Committee on Local Government. I talked to Senator Cherry and Senator Dougherty about that.

PRESIDENT:

Is there objection? Leave is granted. Senator Dougherty.

SENATOR DOUGHERTY:

I'd like to have leave to discharge the Committee on Elections from further consideration of House Bill 2485. I have discussed this with the . . . Senator Swinarski has no objections.

PRESIDENT:

Is there objection? Leave is granted.

The Senate stands adjourned until 10:00 o'clock tomorrow morning.