

78TH GENERAL ASSEMBLY

REGULAR

JUNE 6, 1974

1. PRESIDENT:

2. The Senate will come to order. The Prayer will be off...

3. Reverend Spurgeon.

4. REVEREND SPURGEON:

5. I'd like to take this time to... to thank Senator Knuppel  
6. for inviting me to come for this week and for making the arrange-  
7. ments that I could be here and I have appreciated it and appreci-  
8. ated this privilege. Share just a portion of Scripture from the  
9. Book of Proverbs.

10. (Reverend reads from the Book of Proverbs)

11. (Prayer by Reverend Spurgeon)

12. PRESIDENT:

13. Reading of the Journal. Senator Soper.

14. SENATOR SOPER:

15. Mr. President, I now move that we postpone the reading and  
16. the approval of the Journals of June 4th and June 5th pending  
17. the arrival of the printed Journals.

18. PRESIDENT:

19. Senator Soper moves that we postpone the reading of the Jour-  
20. nals of the 4th and 5th of June pending the arrival of the printed  
21. Journal. Is there discussion? All in favor signify by saying aye.  
22. Contrary no. The motion carries. So ordered. Committee Reports.

23. SECRETARY:

24. Senator McBroom, The Chairman of the Committee on Appropriations  
25. reports HB 2403, 2453, 2454, 2455 and 2456 with the recommenda-  
26. tion the bills Do Pass.

27. House Bill 2401, 2404 and 2460 with the recommendation the  
28. bills Do Pass, As Amended.

29. Senator Fawell, the Chairman of the Committee on Education  
30. reports Senate Bills 1548 and 1549 with the recommendation  
31. the bills Do Pass, As Amended.

32. Senator Ozinga, the Chairman of the Committee on Executive  
33. to which was referred the Gov...Senate Bills...reports Senate

1. Bills 1240 and 1459 with the recommendation the bills  
2. Do Pass.  
3. SB 1461, with the recommendation the bill Do Pass, As  
4. Amended.  
5. SB 1472, with the recommendation the bill Do Not Pass.  
6. Senator Don Moore, Chairman of the Committee on Elections,  
7. reports that the Committee by a record vote, sponsors  
8. a bill of the following title for introduction in the  
9. Senate.

10. (Secretary reads title of bill)

11. PRESIDENT:

12. Senator Moore.

13. SENATOR MOORE:

14. Thank you, Mr. President and Members of the Senate. The  
15. Senate Committee on Elections and Reapportionment met this  
16. morning, Mr. President, and voted this bill out with the unanimous  
17. vote to be a Committee Bill. What the bill does, it permits the  
18. employees of the County Clerk and Board of Election Commissioners  
19. having election duties on election day to vote by absentee ballot and  
20. it excludes penitentiary inmates from the word population and  
21. the sections requiring voting machines or electronic voting systems  
22. in Counties with a population of 40,000 or more. I see no need  
23. why this bill should be referred back to my committee for a hearing  
24. next week and I would like to make a motion at this time Mr. Presi-  
25. dent for unanimous consent to suspend the rules and have this bill  
26. bypass committee and be read a 2nd time.

27. PRESIDENT:

28. Senator...Yes...Yes, well, I think then what we need to do,  
29. of course we've had the Committee Report, now I think when we get to  
30. the order of introduction of bills, you should then make that  
31. motion. Have you completed the Committee Reports, Mr. Secretary?  
32. Ok, then we will proceed to the order of introduction of bills  
33. and you have a copy of the Committee bill on the Secretary's desk.

SB 1641  
June 6, 1974  
1st reading

1. Senator Moore now moves to suspend the rules...a...all right,  
2. proceed.

3. SECRETARY:

4. SB 1641, sponsored by the Committee on Elections and  
5. Reapportionment to be handled by Senator Don Moore.

6. (Secretary reads title of bill)

7. 1st reading of the bill.

8. PRESIDENT:

9. All right, Senator Moore now moves to suspend the rules for  
10. the purpose of advancing the bills to 2nd reading without further  
11. reference to Committee. All in favor of the motion signify by  
12. saying Aye. Contrary no. The motion carries. So ordered. 2nd  
13. reading. I see Senator Ozinga is back on the Floor now, well,  
14. all right, we'll proceed with the introduction and then get to  
15. you...the...I think the Members are gathering and we probably will  
16. be sufficiently attended, when we complete this action. Senator  
17. Graham.

18. SENATOR GRAHAM:

19. Mr. President, I...I think the Secretary has one bill that  
20. should be given a number, the sponsor identified and then I  
21. move that the rules be suspended and this bill be referred to  
22. the Committee on Rules.

23. PRESIDENT:

24. Senator Graham moves that we suspend the rules for the purpose  
25. of assigning a number and identifying the sponsor of the bill on  
26. the Secretary's desk, and referring it to the Committee on Rules.  
27. All in favor of the motion, signify by saying aye. Contrary no.  
28. The motion carries.

29. SECRETARY:

30. SB 1642 by Senators Schaffer, Scholl, Roe, Glass, Conolly,  
31. Netsch, Bell, Knuppel, Wooten, Johns, Hickey, Saperstein  
32. Dougherty, Clarke, McCarthy, Berning, Regner, Weaver, Palmer,  
33. Hynes and Smith.

SJR 72  
AP 6-6-74

1. PRESIDENT:

2. Rules Committee. Resolutions.

3. SECRETARY:

4. SJR No. 72 by Senators Clarke and Smith

5. (Secretary reads title of bill)

6. PRESIDENT:

7. Senator Clarke.

8. SENATOR CLARKE:

9. Mr. President, I like to ask for a suspension of the rules  
10. for the purpose of immediate consideration of the resolution.

11. PRESIDENT:

12. Senator Clarke moves to suspend the rules for the immediate con-  
13. sideration of the Joint Resolution. All in favor of the motion signify  
14. by saying aye. Contrary no. The motion carries. Senator Clarke.

15. SENATOR CLARKE:

16. Mr. President, this is a...if I can have your attention, this  
17. is a first insofar as the new constitution is concerned in the  
18. Legislative Article that...that section that was quoted saying that  
19. it takes a two-thirds vote of the House and Senate to have a closed  
20. or Executive meeting of a Legislative Commission or Committee. As  
21. you know the Audit Commission has been struggling with the question  
22. of an appointment of an Auditor General. We did ask the Legislative  
23. Investigating Commission to do some background checking on the  
24. leading candidates, we have received that information and we'd  
25. like to have the opportunity to discuss it in private which I think  
26. is important because without any implications...this is confi-  
27. dential material that has been gathered and I would not feel that  
28. anybody would want to do anything to the detriment of any candidate.  
29. And for that reason, I've introduced this resolution asking for  
30. the opportunity for the Audit Commission to have a Executive Session  
31. next week...we set it for next Tuesday morning and I'd appreciate a  
32. favorable vote on this procedure motion to allow us to go ahead.  
33. I've checked with the Leaders and they're aware of this ahead of time,



1. both in the House and the Senate.

2. PRESIDENT:

3. Before I recognize Senator Rock, I just wish to call attention  
4. to the membership that we are visited this morning by one of our  
5. Constitutional Officers, the genial Secretary of State, Mike  
6. Howlett. Welcome to the Senate. Senator Rock.

7. SENATOR ROCK:

8. Thank you, Mr. President, I would rise in support of SJR 72,  
9. I understand it does take an extraordinary vote and I would urge  
10. the Members on this side to support this resolution.

11. PRESIDENT:

12. I think we...Senator Clarke do you wish a roll call on this, it  
13. might be a wise thing to do. I wish to announce that we have  
14. completed the amendatory process to our electronic voting equip-  
15. ment now and when we actuate the voting open switch, we are now  
16. coordinated with the new bell signal that has been installed in  
17. the Chamber here itself. Additionally within each of the telephone  
18. booths, we have a smaller bell that is coordinated in this same  
19. circuit so that when the voting open switch is actuated we will  
20. now have those 3 automatic signals occur. We think this will be  
21. helpful to the Membership and we just want to call your attention  
22. to that. The question is, shall the Senate adopt SJR 72. It  
23. requires an extraordinary two-thirds majority. The voting is  
24. open. Have all voted who wish? Have all voted who wish? Take  
25. the record. On that question, the Yeas are 47, the Nays are none.  
26. The Senate Joint Resolution having received the required two-thirds  
27. majority is declared adopted. We have Congratulatory Resolutions.

28. SECRETARY:

29. SR 468 by Senators Swinarski, Daley and all Members.

30. SR 469 by Senator McBroom and all Members.

31. SR 470 by Senator Savickas and all Members.

32. All Congratulatory Resolutions.

33. PRESIDENT:

1. Senator McBroom moves to suspend the rules for the immediate  
2. consideration of the Joint...of...of the Congratulatory Resolutions.  
3. All in favor of the motion signify by saying aye. Contrary no.  
4. The motion carries. On the motion to adopt, all three  
5. Congratulatory Resolutions. All in favor signify by saying  
6. Contrary no. The motion carries. And the resolutions are  
7. adopted. We will return then to the order of Committee Reports.  
8. Senator Ozinga is on the Floor now. We have some Executive  
9. Committee recommendations concerning Governor's appointments.  
10. Senator Ozinga.

11. SENATOR OZINGA:

12. Mr. President, I would move you that the Senate now resolve  
13. itself into Executive Session for the purpose of receiving some of  
14. the Governor's nominees for conformation purposes.

15. PRESIDENT:

16. Senator Ozinga moves that the Senate resolve itself into  
17. Executive Session for the purpose of acting on the Governor's  
18. nominations. All in favor signify by saying aye. Contrary no.  
19. The motion carries. The Senate is resolved into Executive  
20. Senate...Session. Senator Ozinga is recognized.

21. SENATOR OZINGA:

22. Now, Mr. President, I will make the usual motion that we con-  
23. sider all of these nominees on one motion. I don't believe there  
24. are any of them that are controversial and there are quite a number  
25. of them. However; they are on 3 different messages, mainly the  
26. message of April 23rd, May 14th, and May 27th. Therefore, Mr.  
27. President, I would move that all of the nominees which I will  
28. number and I would appreciate anybody that objects to any of them,  
29. say so at the time. Now if you'll all just pay attention, why we  
30. won't have the confusion that we usually have when you're objecting  
31. to somebody. Mr. President, Mr. Secretary, Mr. Leader, my motion.  
32. My...my motion, Mr. President, is that we consider all of the nominees  
33. on one roll call.

1. PRESIDENT:

2. Senator Ozinga has announced that the nominations will  
3. be considered on a single roll call unless there is objection.  
4. No objection is posed. The question is, does the Senate advise  
5. and consent to the nominations just made. Those in favor vote...  
6. for what purpose does Senator Rock arise?

7. SENATOR ROCK:

8. He...has yet to make the nominations.

9. PRESIDENT:

10. Proceed. The question of dealing with them all on a single roll  
11. call is resolved, they will be considered on a single roll call.  
12. Senator Ozinga will proceed with the identification of the  
13. nominees.

14. SENATOR OZINGA:

15. First of all from the Governor's message of May 27th. I  
16. move the Senate advise and consent to the nomination of C. Lee  
17. Allaman of Canton, Illinois to be Public Administrator of Fulton  
18. County for a term expiring on the first Monday in December, of  
19. 1977. Also, consent to the nomination of Martha E. Grace of  
20. Metropolis to be Public Administrator of Massac County, term  
21. expiring on the first Monday in December of 1977. Also, the  
22. nomination of James N. Keen of Granville to be Public Administrator  
23. of Putnam County, term expiring on the first Monday of December  
24. of 1977. Also, nomination of Leo J. Schwamberger of LaSalle County  
25. to be Public Administrator of LaSalle County, term expiring the  
26. first Monday in December of 1977. In...also, the nomination of  
27. William G. Thompson of Monmouth to be Public Administrator of  
28. Warren County, the first Monday in December of 1977. Also, the  
29. nomination of Harold Kuehn of DuQuoin, to be a member of the Agricul-  
30. tural Export Advisory Council for a term expiring on the 3rd  
31. Monday in January of 1975. Also, the nomination of Hubert Seymour  
32. of Oakwood to be a member of the Agricultural Export Advisory  
33. Council for a term expiring on the 3rd Monday in January of 1975.

1. Also, the nomination of Lawrence W. Carroll of Chicago to be a  
2. member of the Board of Mental Health Commissioners for a term  
3. expiring on Mon...third Monday in January of 1980. Now from  
4. the Governor's message of May 14th, I would move that the Senate  
5. advise and consent to the nomination of Harold J. West of Dwight  
6. to be Public Administrator of Livingston County for the term  
7. expiring the 1st Monday in December of 1977. Also, the  
8. nomination of Mary L. Feerick of Oak Lawn to be a member of the Board  
9. of Mental Health Commissioners for a term expiring the 3rd  
10. Monday in January of 1976. Also, the nomination of Leonard  
11. W. Ross of Rock Island to be a member of the Civil Service Commission  
12. for term expiring on March the 1st, 1979. And then from the  
13. Governor's message of April 23rd, I would move that the Senate  
14. advise and consent to the nomination of Alex Elson of Chicago,  
15. a member of the Board of Mental Health Commissioners for term  
16. expiring in the 1st Monday...the 3rd Monday in January of 1975  
17. and also Mrs. Barbara V. Mask of Fulton, Illinois to be a member  
18. of the Board of Mental Health Commissioners for a term expiring  
19. the 3rd Monday in January of 1977. Also, the nomination of  
20. Dr. Brockman Schumacker of Carbondale to be a member of the  
21. Board of Mental Health Commissioners for a term expiring the 3rd  
22. Monday in January of 1978. I believe that...those are all of  
23. the persons that we heard yesterday and I would move for their  
24. confirmation Mr. President.

25. PRESIDENT:

26. Senator Chew.

27. SENATOR CHEW:

28. Yes, on postponed consideration we have a Governor's appointment  
29. of Dorsey C. Day and I was inquiring as to what disposition  
30. had we planned on that, if any, today.

31. PRESIDENT:

32. Well, we are acting on the Committee report of yesterday.

33. Ok. Is there further discussion? The question is, the question is,

1. does the Senate advise and consent to the nominations just made.  
2. Those in favor vote aye. Those opposed vote no. For what  
3. purpose does Senator Rock arise?

4. SENATOR ROCK:

5. Just to make sure that Senator Ozinga and I are on the same  
6. wave length, I have 14 names that we are confirming with one  
7. roll call, is that correct Senator?

8. PRESIDENT:

9. That is correct. Those in favor will vote aye. Those opposed  
10. will vote no. The voting is open. Have all voted who wish? Have  
11. all voted who wish? Take the record. On that question, the Yeas  
12. are 55, the Nays are none. A majority of the Senators elected  
13. having concurred by record vote the Senate does advise and consent  
14. to the nominations just made. Senator Ozinga.

15. SENATOR OZINGA:

16. Now, Mr. President, on the order of postponed consideration is  
17. one of the nominees namely Dorsey C. Day which I will now refer  
18. to Senator Rock.

19. PRESIDENT:

20. Senator Rock.

21. SENATOR ROCK:

22. Thank you, Mr. President, just for the purpose of procedure,  
23. I would ask that we now move to the order as long as we are in  
24. Executive Session, we now move to the order of consideration  
25. postponed and consider the Governor's appointment of Dorsey C.  
26. Day to be a member of the Board of Higher Education, I would  
27. ask the Chairman of the Senate Executive Committee to read that  
28. message and that the motion be properly put.

29. PRESIDENT:

30. All right, Senator Ozinga did you wish to...to respond?  
31. Senator Ozinga.

32. SENATOR OZINGA:

33. It doesn't make too much difference to me whether we consider

1. him now or whether you want to wait till we get on postponed  
2. consideration, however, this being Executive Session, I would  
3. think that it would be proper that we take up Dorsey Day at this  
4. time. And, naturally the...the hearing on the nominee for that  
5. office, namely the Board of Higher Education, was had on May 15th.  
6. This was the Governor's message of April 23rd and I believe you  
7. all recall the incident at the time it was heard here and put  
8. on postponed consideration when it appeared that there was a  
9. failure to receive a proper number or when there were not a suffi-  
10. cient Bodies to carry the...the motion... This, gentlemen, again is  
11. the person that was voted out with a Do Pass recommendation  
12. with 9 Ayes, 4 Nays and 4 Present. The motion that I am required  
13. to put at this time is that I would move that the Senate do  
14. advise and consent to the nomination of Mr. Dorsey Day to be a  
15. member of the Board of Higher Education.

16. PRESIDENT:

17. Senator Rock.

18. SENATOR ROCK:

19. For a term expir...January 31st, 1979.

20. PRESIDENT:

21. Senator Partee.

22. SENATOR PARTEE:

23. I would certainly not like to repeat precisely what I said  
24. the other day on this subject when we considered it. Could we have  
25. a little order, Mr. President?

26. PRESIDENT:

27. You have been rather...Senate has been somewhat inattentive  
28. all morning. Now we do have a very full day of work ahead of us,  
29. we will accomplish this work far more readily if we can have some  
30. order and some attention to the discussion and the debate. Senator  
31. Chew makes a valid point. The Sergeant at Arms will enforce rule 2, it  
32. does contribute considerably to the confusion when the number of un-  
33. authorized persons on the Floor reaches the point that it does from

1. time to time. Will the Senators please be in their seats.  
2. Minority Leader Senator ParTEE has requested the Floor and he  
3. is entitled to order. Senator ParTEE.

4. SENATOR PARTEE:

5. Mr. President and Members of the Senate, this nomination  
6. of a gentleman bearing the name of Dorsey C. Day, came into some  
7. dispute in the Executive Committee based, I think, entirely on one  
8. misinterpretation or on one statement. It developed during the ques-  
9. tioning of the gentleman that he is a person who is a member of organ-  
10. ized labor and has been an employee of organized labor. Apparently,  
11. at one factory or plant where his union was involved, there was some  
12. extended negotiation then finally the factory went out of business,  
13. which, of course, is not referable to anything he personally had  
14. to do. There were many questions asked of the gentleman and some  
15. of them, I frankly thought, were not relevant to the subject matter  
16. under consideration, but he answered them onethless. I think the  
17. real kernel of problem relates to his answer to a question as to  
18. his belief or disbelief in the right of a public employee to strike.  
19. My recollection is, as I stated the other day, that he said that he  
20. would not advocate strikes by any persons that would be in violation  
21. of the law. To put it another way, I think he said inferentially  
22. that if the law permitted public employees to strike that he would  
23. then not register any complaints against such an activity. He  
24. has written a letter to the members of the Senate which has been  
25. circularized and you have them on your desk and I think the last  
26. paragraph is the essential one, as a long, and I quote, "as a long-  
27. time member of organized labor I believe in the principle of  
28. every employees right to strike. However, I have never advocated  
29. and do not now advocate strikes by any person or group that would  
30. be in violation of the law." Now I think that's a perfectly reason-  
31. able position, that is a position of many Members of this Body. There  
32. are Members of this Body who believe that public employees have  
33. a right to strike. I don't happen to believe it, but there are those

1. who do. And that...that is, of course, a personal choice, a per-  
2. sonal judgement but the gentleman is, in my humble opinion, adequately  
3. prepared and has been serving on this Board for many months, adequately  
4. prepared by way of training and background to be a rather valuable  
5. addition, to the Board of Higher Education. He's served his country  
6. in France and Italy, he's a man who has been single-minded of  
7. purpose toward helping to improve the community in which he  
8. resides. I know nothing untoward about him, he's been an asset  
9. in his community and in...to my humble opinion would be an asset  
10. on this Board. I, of course, would then ask that this Senate do  
11. advise and consent to his appointment. Now while I'm on my  
12. Floor, Mr. President, I'd just like to make an announcement for  
13. the record, that Senator Betty Keegan is not present today,  
14. pardon me...Senator Dawn Netsch is not present today due to illness.

15. PRESIDENT:

16. The record will so show that Senator Netsch is absent due  
17. to illness. Senator Hickey.

18. SENATOR HICKEY:

19. Mr. President, I rise in support of this nomination. As most  
20. of you know I was a member of the Board of Higher Education and had  
21. to resign from that group when I joined this one. And, I want  
22. to speak to two points regarding Mr. Day. First, I want to remind  
23. you that the Board of Higher Education is not a governing Board but  
24. is a coordinating and policymaking Board so that as a practical mat-  
25. ter no matter how you feel Mr. Day's response in this regard to the  
26. striking public employees. As a practical matter he would not be  
27. dealing with that situation on this particular Board as he would  
28. be if he were on one of the governing boards. Secondly, I  
29. want to say that he was...that he is a very valued member of that  
30. Board, he has been sitting there pending approval for some months  
31. and is perceptive, sensitive to the needs of higher education,  
32. he's articulate and a really valuable member of the Board and I  
33. ask you to support the nomination. Thank you.



1. PRESIDENT:

2. Senator Chew.

3. SENATOR CHEW:

4. Yes, Mr. President, I want to echo the statements of  
5. Senator Partee and Hickey. I have been in contact with the  
6. Governor's office, I have talked to Mr. Day extensively, he  
7. does reside in the 29th Senatorial District. I think the  
8. Governor made a wise choice in the selection, he has been  
9. an asset to the Board and from what I have gathered from  
10. conversing with him on this subject I think the Senate  
11. would do the State of Illinois a good deed in confirming  
12. Mr. Day today and I would ask for a favorable vote.

13. PRESIDENT:

14. Is there further discussion? Senator Newhouse.

15. SENATOR NEWHOUSE:

16. Mr. President, Senators, I...I don't want to take up a  
17. great deal of time, but Mr. Day was formerly in my district  
18. and he's a good personal friend, a very hard worker. I have had  
19. the occasion to work with him in his capacity as a person sitting  
20. on that Board of Higher Education at present and in my opinion  
21. and in the opinion of those who work with him on that Board, I  
22. think there would be unanimous in saying that he is a welcome and  
23. useful addition to it and I would certainly urge a favorable roll  
24. call on this selection. Thank you Mr. President.

25. PRESIDENT:

26. Senator Sours.

27. SENATOR SOURS:

28. Mr. President, Ladies, Gentlemen of the Senate, this is a very  
29. important appointment. This appointment is to the big Board, the  
30. Board of Higher Education. The statement made just very recently,  
31. that this Board only sets policy...if I can set the policy of U. S.  
32. Steel Corporation, I don't have to own as much as one share, believe  
33. me. I have the letter here of the nominee, Senator Partee referred

1. to the last paragraph, here's what he says. As a long-time member  
2. of organized labor I fee...I believe in the principle of every  
3. employees right to strike. He uses the word every, however, I have  
4. never advocated and do not now advocate strikes by any person or  
5. group that would be in violation of the law. That's as of the time  
6. he wrote this letter. I wonder what his policy would be if he  
7. were confirmed? I know someone will say we're going to make 2nd  
8. class citizens out of public employees which is not a fact. Many  
9. public employees have lifetime tenure. I'm talking now about the  
10. school teaching profession, which not only wants lifetime tenure, a  
11. lifetime job but also the right to strike, to shut down a school  
12. system, to lock the front doors of our public schools. Now that's  
13. what we're talking about here today, Ladies and Gentlemen, the right  
14. to stop government. And, when government stops anarchy enters.  
15. I'm sure the members on the other side of this aisle do not want  
16. their government to stop and be padlocked and shut down and  
17. terminated. I'm sure they don't want the firemen to go on the  
18. strike when the house is burning or the policemen to go on a  
19. strike when the bank is being heisted or they don't want the  
20. soldier to say to the captain or the major, hey, it's 4:30 I'm going  
21. back to the barracks. Now, the trouble with most of our legislative  
22. activities, Ladies and Gentlemen, is that some of us do not pause  
23. to appreciate the fact that we have to be logical and once any  
24. governmental employee is permitted to strike we have...we have  
25. encompassed the entire gambit of public employment. We've gone  
26. from the innocuous to the critical and this strategic employee  
27. who can lock up the sewers, who can shut off the water, who can  
28. shut off electricity so the hospitals cannot conduct their operation  
29. of people at the brink of death. That's what we're talking about,  
30. Ladies and Gentlemen, when we freely, lackadaisically walk down  
31. the aisle and say let's not make a second class citizen out of  
32. a government employee. We either believe in the perpetuation of  
33. good government or we do not. Now, what does a learned gentleman say,

1. he says only this, he will not advocate any strike in violation of  
2. the law. Well, here's the law just enunciated by our Supreme  
3. Court of Illinois, this is the common law today of Illinois and  
4. strikes by public employees are prohibited. Now you say, well,  
5. what next...what next is to have the Illinois Legislature pass  
6. on the subject and...and have a bargaining bill and there we have  
7. invaded the common law on the subject. There we have invaded, there  
8. we have vitiated this learned decision which I understand was unan-  
9. imous. Now, the principle, (p-l-e) involved in this bill is perhaps  
10. one of the greatest principles we will ever attack and consider,  
11. now or in the future the question whether we want government to sur-  
12. vive. Now we have ways of changing government. We don't do it this  
13. way, we don't shut it down and lock it up, we don't send the little  
14. school kids home because the union bosses want to perpetuate them-  
15. selves in office, we don't do that. In the local Peoria Paper I saw  
16. this article sometime ago where those custodians who keep the schools  
17. warm in winter the...the boss of that union said, we will shut down  
18. the heat. He's going to let the little kids freeze. Now to me I  
19. say government is paramount in this and ought to be throughout all  
20. 59 members of this Chamber. This is a bad appointment. The last  
21. paragraph, if you'll read it carefully, is nothing more than weasel-  
22. phraseology and certainly this man should not be in a position  
23. to fix policy on the big Board of Higher Education where millions  
24. upon millions upon millions of the taxpayers' treasurer is dis-  
25. persed while we are talking about it.

26. PRESIDENT:

27. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Well, I when I listen to Senator Sours' argument it sounds as  
30. if the Legislature here doesn't have the power to second guess the  
31. Supreme Court. I've seen a couple of decisions recently that  
32. the Supreme Court made that I sure as hell don't agree with and I  
33. think that we're a third branch of government here and if we say

1. that...teachers have the right to strike, we have that  
2. right, notwithstanding the common law. Now I've been in  
3. politics as a Precinct Committeeman and otherwise ever since  
4. 1950, and I've found out that if a man doesn't have the re-  
5. spect of his peers he doesn't deserve to be elected. If he  
6. can't carry his own precinct he generally loses and he should  
7. lose. Now what I say here Senator Hickey has spoken fo...for  
8. this man and she says he's respected by the group he works with.  
9. I accept her recommendation over all of the abstract arguments  
10. that have been proposed here by the Honorable Senator from Peoria  
11. and maybe that's the reason the good Senator won't be here to  
12. debate next year, the question of the right to strike.

13. PRESIDENT:

14. Senator Mitchler.

15. SENATOR MITCHLER:

16. Yes, Mr. President and Members of the Senate. Dorsey C. Day  
17. was submitted as a nominee to the...be a member of the  
18. Board of Higher Education. Now it's been very interesting to  
19. me in serving on the Senate Executive Committee, to see under two  
20. Governors the appointments presented. Now I believe that our  
21. statutes and constitution provide that the Senate as a whole act  
22. on these nominations that we receive from the Governor's office.  
23. Now, I don't that it's wrong that the Senate Executive Committee,  
24. which is the clearing Committee for these appointments, go into de-  
25. tailed interrogation and staff work to learn of the background of  
26. the appointments. As a personal comment I might say that, I have  
27. noticed a decided trend in the area of selection of appointments  
28. into our state government by the present Governor. I hesitate  
29. to quarrel with the manner which he seeks his appointments or  
30. the manner in which he evaluates the type of people he would like  
31. to have serve under him and be associated in his administration.  
32. History will tell whether he made the proper appointments or he made  
33. the wrong appointments. I believe in the case of Dorsey C. Day

1. the question that came before the Executive Committee in our  
2. interrogation of this nominee was some statements that he had  
3. made on previous occasions with the respect to employees' right  
4. to strike. Particularly so, in the area of public employees and  
5. even more specific in the area of those involved in higher  
6. education because he is appointed by the Governor as a member  
7. of the Board of Higher Education, which Board is responsible  
8. and charged with coordinating higher education planning and  
9. budgeting in the state. That is a very important administrative  
10. area. Now, did Dorsey C. Day or did he not say, that even if public  
11. employees had the right to strike he'd advocate that if it would  
12. mean shutting down the universities. Is that his philosophy?  
13. I ask you. And if that philosophy is the philosophy of Dorsey C.  
14. Day, is that the type of a gentleman you want serving on the Board  
15. of Higher Education? A gentleman that would shut down the univer-  
16. sities of this great State. And who's to lose by that? You answer  
17. that question. Now the...this matter of public employees' right to  
18. strike and collective bargaining, has been under consideration in the  
19. Senate Industry and Labor Committee, it's been in a subcommittee, a  
20. number of bills...11, 12 of them. Senator Harber Hall and members of  
21. his subcommittee have held hearings throughout the State of Illinois,  
22. they are going to submit their report this afternoon to the full  
23. committee after having held their final subcommittee meeting. Now  
24. we're not debating that but there are some things that seem to be  
25. the principle of some of these nominees that are being presented  
26. to us, that some of us question and it's not a case as Senator  
27. Newhouse referred to this gentleman as a personal friend, a long-  
28. time associate and one who he respected but there are many appointments  
29. and I wish Senator Newhouse would evaluate and I'm sure he has.  
30. If this nominee is the type that you want on the Board of Higher  
31. Education in the state and other appointees like him. It's a very  
32. serious responsibility that we have to accept or reject the  
33. appointments of the Governor. And this Body is given that right

1. over the other Legislative Body across the rotunda and we should  
2. exercise it with our fullest judgement based upon not friendship  
3. but what is good for the State of Illinois and the people es-  
4. pecially in this case, those that are attending our universities.

5. PRESIDENT:

6. Senator Smith.

7. SENATOR SMITH:

8. Mr. President, Ladies and Gentlemen of the Senate. As I sat  
9. here and listened to the debate with reference to the nominee, Mr.  
10. Day, the thought entered my mind as I listened to the attacks  
11. upon this nominee, who happens to be a member of my ethnic  
12. group, and every man and every woman is, after all, a product of  
13. every emotion and every influence that ever moved or touched  
14. him, here or there, at any point, by any phase of his existence  
15. here, as a normal, literal human being. Day is a black man. I  
16. was thrilled when the new Senator arose here at her desk and in  
17. this, her second vocal appearance upon the Floor of this Senate,  
18. was kind enough to tell us about her association, as a member of  
19. a particular body, with Mr. Day. As a member of the Legislative  
20. Committee that considered this appointment I too having the  
21. sense of hearing and gifted with that which we are pleased to  
22. call memory, I know what Mr. Day testified. I know what he said  
23. and having a good memory, either blessed or cursed, either you  
24. wish to call it, I know what his literal answer was to the  
25. many, many questions that were put to him. I had occasion to  
26. wonder why he was being questioned at such length and in the  
27. privacy of my mind, as I glanced at him, I think I know why he  
28. was questioned at length. The good Senator to my extreme left,  
29. who is now absent from his seat, I think hit the nail on the  
30. head, though he was not present at the hearing that was had, I  
31. don't remember the date nor is that necessary that I do. I  
32. listened to the remarks of my friend from Peoria and with a high  
33. esteem that I have for him I was somewhat amazed at the particular

1. argument that he made here today. The good Senator is a  
2. product of Harvard University...or of a...well of a university.  
3. Which is your university Senator? Harvard. I thought I was right.  
4. He asked a question which all life hasn't answered. He said I  
5. wonder what his mind is or would be as he sat as a member of the  
6. particular board. The Senator knows as well, if not better than I,  
7. that the human mind is blind to all who would look into it and I  
8. sometimes think that the unfortunate part of the mind is that it  
9. so oftentimes is blind to many who look out from it. Whatever  
10. his mind might be at the time he sits on the board, he, after all,  
11. like the rest of us, he has that thing that we call the sub-  
12. conscious mind and that's the real part of any human being that  
13. governs, guides and directs it. This thinking that we are doing here  
14. and now, that to me is felicitous, it's surface thought. But the  
15. subconscious part of a man is the deeper part of the man. I  
16. remember after he testified I did that...that I seldom do. I  
17. proceeded to that which I'm trying to do here and now I started  
18. talking, I complimented the man upon his frankness so did the  
19. distinguished Senator from Peoria. He said in substance, not  
20. in substance, but he said literally this, that if the law forbid  
21. it he would be in favor of the enforcement of the law. The  
22. law permitted strikes his opinion is that the individual would  
23. have the right to reflect his inner thinking by voting his  
24. honest thought with regards to the law. This man I know, I  
25. listened originally when his...when the matter was originally  
26. brought before this Body. Senator Newhouse claimed him, Senator Chew  
27. claimed him, I claimed him because I know the man and I say to you,  
28. Ladies and Gentlemen of the Senate, that speaking as a man, if you  
29. survey not the looks of the individual but the thinking of the man,  
30. if you survey him as a man you will find in him many, many things,  
31. as the good Senator here said, many things to admire and you re-  
32. ferred to the law, speaking with reference to that, I know  
33. this, the good Senator took delight in speaking about himself,

1. here on a previous occasion the law against hoarding of gold, do  
2. you remember that Senator? That is the law and you are practitioner  
3. of the law but you took delight in telling us that you violate the  
4. law, you are hoarding gold. The law, strictly speaking, denies  
5. you that right but though your inner self tells you that you have a  
6. right to do some things yourself. A man may read, he may study,  
7. he may be observant. He may learn something about the tides and the  
8. currents of the sea or the secrets of the wayward wind but, there is  
9. not yet a man that has appeared upon the scene and claims to  
10. know where the clouds are born that wreck and ruin. Neither  
11. do we know in what strange realm of the mind the mists and clouds  
12. are gathered in form, that sometimes darkens all of the  
13. Heavens of the mind, causes an individual to do certain things.  
14. This man has done nothing, he has expressed nothing contrary to  
15. the written law of the State of Illinois, he merely said that  
16. which possessed him and I complimented him then and I compliment  
17. him now, whatever the outcome of this debate might be, and  
18. I think I know what it probably will be. I don't think you  
19. should co...criticize, I don't think that you should deny this man  
20. this appointment merely perhaps because of his looks. Reference  
21. was made to his letter which has been circulated here and we dir...  
22. we were directed to pay attention to the last paragraph. I didn't  
23. read the letter but of that paragraph what I will read. As a  
24. long-time member of organized labor I be...I believe in the principle  
25. of every employee's right to a strike. However, I have never  
26. advocated and do not now advocate strikes by any person or group  
27. that would be in violation of the law. What more do you want  
28. a man to testify to? He says that...he intimates that if it's  
29. contrary to the law that would not be his right nor his opinion  
30. to support it. But, if the law grants him that right...I have  
31. two more minutes here according to the light.

32. PRESIDENT:

33. Senator Smith, really your time has expired...



1. SENATOR SMITH:

2. I believe it...

3. PRESIDENT:

4. ...but Senator...

5. SENATOR SMITH:

6. ...You are most kind, most gracious.

7. PRESIDENT:

8. Ok, if...if you would bring your remarks to a conclusion,  
9. thank you.

10. SENATOR SMITH:

11. The light hadn't come on and I was watching the light as  
12. I talked and I take it that the light is wor...is functioning  
13. isn't it?

14. PRESIDENT:

15. Nope, Senator.

16. SENATOR SMITH:

17. No, it's not functioning temporarily...

18. PRESIDENT:

19. We did not...

20. SENATOR SMITH:

21. All right, Mr. President, I simply say that if you consider  
22. this man as a man, as I said a moment ago, you'll find in him many  
23. things, he's brave, he's courteous, he's confident, he is prepared and  
24. I'm happy to stand here in spite of the fact that I shouldn't be speak-  
25. ing and say that I earnestly hope that you will forget about all  
26. things else and consider this man as a man, as a candidate, realizing  
27. and appreciating his honest answers to the questions that were  
28. propounded and that you will vote in favor of his confirmation.

29. PRESIDENT:

30. I want to take just a moment of the Senate's time on a point of  
31. personal privilege to the Chair in the public gallery, is seated the  
32. Junior High School Vacation Bible Class of three churches from Pontiac,  
33. The First Christian Church, the First Baptist, and the United

1. Presbyterian Church. They are accompanied by Reverend Ken Dobson  
2. and also by Mr. and Mrs. Gale Brannon. Mrs. Brannon has been  
3. my personal secretary for more years than either of us, I believe,  
4. want to acknowledge. But, it would please me if that group would  
5. stand and be recognized by the Senate. Senator Graham.

6. SENATOR GRAHAM:

7. Mr. President and Members of the Senate, I...first of all  
8. am distressed by some of the remarks that have been injected into  
9. the consideration...may we...into the consideration of this man  
10. for appointment to this Board. I am distressed that a member  
11. of this Body would take upon himself, the self-appointed  
12. power to predict when any of us might return to this Senate.  
13. I think that is an unfortunate thing because none of us know  
14. what tomorrow will bring. I think that it's unfortunate that  
15. a man's ethnic group might be injected into this because we are  
16. considering a man's philosophical dedication or ability to  
17. perceive what some of us might disagree with. I think that if some  
18. gentlemen do not return to this Senate who are opposed to collective  
19. bargaining and/or the right to strike, I might just suggest to  
20. the gentleman that made that remark of, one might not be here,  
21. that there's some of us, God willing, will. Regner, Graham, Mitchler,  
22. Hall, et al, many of us. Now the only thing that I want to say  
23. in conclusion, is that this, a gentleman and I told him so and I  
24. told a representative of the Governor's office so, this man is  
25. not without knowledge and not without talent. The Governor was  
26. without consideration when he appointed this man to a Board such  
27. as he appointed him to when he could have fulfilled better  
28. some obligations that some other directors appointed by the  
29. Governor are trying to do at this point in time. Nobody says this  
30. man does not have knowledge. So, if I could question our men,  
31. Ladies and Gentlemen, we are not in charge of he who holds the sword.  
32. Let us never predict again when someone might or might not return.  
33. I think that's unfortunate, I hope it never happens again because this

1. is not the place to assassinate the character of a colleague  
2. when we disagree on a philosophical point.

3. PRESIDENT:

4. Senator Wooten.

5. SENATOR WOOTEN:

6. Mr. President, most of the points I wish to make have al-  
7. ready been made. I merely would like to echo in a slightly  
8. different manner what Senator Graham has just said that many un-  
9. fortunate things have truly been interjected into the debate this  
10. morning. And, it is true, that I suppose it comes down to a con-  
11. sideration of this man's philosophy. I have a great regard for  
12. language for the institutions of the Senate and I believe that the  
13. institutions of the Senate provide for the examination of a witness.  
14. And it is on...the statements made there that a judgement is to be  
15. rendered, to respond to something that Senator Mitchler made ref-  
16. erence to prior statements by Mr. Day. I believe.

17. PRESIDENT:

18. Just a minute, Senator Wooten.

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1. PRESIDENT:

2. The Senate has been unusually inattentive on several occa-  
3. sions today. And I would like for us to be aware again that we  
4. have a tremendously heavy schedule today and we have an impor-  
5. tant matter before us now. Senators want to be heard on this mat-  
6. ter and they will be. Proceed Senator Wooten.

7. SENATOR WOOTEN:

8. Well, to move along very quickly then, it comes down to a  
9. matter of language. Either Dorsey Day spoke the truth and  
10. states the truth in this letter, or he is a liar. If there is  
11. some reason, some substantial reason to believe he is a liar,  
12. I would not blame Senators for voting against him. But, if you  
13. will accept the evidence of his own mind, in his own language,  
14. it seems to me that he has satisfied the fear that has been ex-  
15. pressed. I do understand that fear, and I know that when in-  
16. stitutions begin to change and when things which were once un-  
17. thought of suddenly become reality, there is a disposition to see  
18. in it some kind of subtle plot that although people say one thing,  
19. they are somehow doing another, and there is a great connivance at  
20. work. There's a clinical term for that state of mind. I do  
21. not believe we should admit that state of mind when we make such  
22. judgments. Mr. Day has said clearly that he will abide by the law.  
23. I do not believe that we can request anything further from any  
24. citizen.

25. PRESIDENT:

26. Senator Walker.

27. SENATOR WALKER:

28. I thank you, Mr. President, as a Freshman member of the  
29. Executive Committee, I am hesitant to arise, but what triggered  
30. me was the statement that perhaps the reason the Senator won't  
31. be here. I frankly thought that was uncalled for, very much un-  
32. called for, and it sent me into a little file in my desk that I've  
33. kept around here for seventeen years and only had occasion to use it

1. on one prior occasion and that was in the House. And, I hope  
2. the Senator on the other side of the aisle, and it only refers to  
3. one Senator on that side of the aisle, is tuned in. The stu-  
4. pidity of the swordfish in attacking ships led someone to say  
5. "Nature, her bounty to his mouth confined, gave him a sword, but  
6. left unarmed his mind". How often in the last three or four  
7. years over here, that little phrase has come to my attention  
8. when a certain gentleman on the other side of the aisle arises  
9. in total disregard of Rule 26, often starts to speak without seeking  
10. the recognition that he so richly undeserves and then goes into a  
11. tirade against members on this side of the aisle. It reminds  
12. me of a Shake...a quote from Shakespeare. I often think he thinks  
13. this is himself. "I am Sir Oracle - and when I ope my lips, let  
14. no dog bark." Well, I would like to say this. I intend to do  
15. a little barking because I am just getting a little tired of  
16. that particular gentleman on the other side of the aisle, and  
17. being repetitious when he says perhaps the reason the Senator  
18. won't be here. When the time comes that I won't be here because  
19. I have to compromise my conscience in regard to either Management  
20. or Labor, I'll be more than happy to join my good friend from  
21. Peoria. Franklin said, "They that give up essential liberty  
22. ...He's out of order, Mr. President, tell him to sit down and  
23. seek recognition.

24. PRESIDENT:

25. For what...for what purpose does Senator Knuppel arise?

26. SENATOR KNUPPEL:

27. Mr. President, I don't believe what is being said now is  
28. germane to the debate of confirmation...

29. PRESIDENT:

30. Well, there've been a good many things that have not been  
31. germane this morning. Senator Walker has the Floor. Proceed  
32. Senator Walker.

33. SENATOR WALKER:

1. Thank you, Mr. President. Ben Franklin said, "They that  
2. give up essential liberty to obtain a little temporary safety  
3. deserve neither liberty or safety." There's going to be a roll  
4. call here very shortly. I'm not opposed to Labor. My son's a  
5. member of Local 150, the Operating Engineers, but I not only  
6. talk to the officials, I talk to the rank and file members of  
7. Labor, and I think the members of this Senate know where I run  
8. across my rank and file members of the Senate, and those aren't bad  
9. spots either, and I often find that these rank and file members  
10. are much more knowledgeable than their overpaid officers, business  
11. agents, and so forth. They think we're sitting on our pos-  
12. teriors down here. I've had more Labor people come to me in  
13. the last three weeks, four weeks, five weeks, say when're you  
14. going to do something about the usury laws so we can go back  
15. to work, we can start building again. When I discuss these  
16. matters with their officials, they say we're opposed because it's  
17. going to raise the interest rate. Well, I can't see where that's  
18. helped or hurt in other surrounding states. I heard this testi-  
19. mony in the Executive Committee, it's been referred to; I don't  
20. recall whether it was specifically or not, but this gentleman  
21. was a business agent, a member and official up in Don...Senator  
22. Moore, Senator Ozinga and Senator Walker's backyard, where a  
23. plant closed and went into Indiana. If that's any kind of a  
24. precedent, I don't want him to be a member of this board; I don't  
25. want to see the schools close; I want to see the kids in school  
26. where they belong; I want to see them getting the type of educa-  
27. tion; I'd like to see the teachers return if you please; and this  
28. is addressed to the members of the Teacher's Unions, to whom some  
29. of you and most of you are so totally subservient. I think it's time  
30. that the teachers started giving the kids the kind of education  
31. they're entitled to instead of worrying about tenure, hours,  
32. salary, striking. In conclusion, I appreciate your concern, along  
33. with mine over appointments such as this. I haven't discussed

1. this with Senator Ozinga; I don't know whether my absence was  
2. excused yesterday or the day before or not, but if not I was  
3. at West Point, that's for the benefit of the gentleman, who is  
4. running against me this fall, attending a graduation. I...I  
5. have not been talked to about this, I don't know how my Chair-  
6. man is going to vote. I'm going to vote the same way he does  
7. and I'd appreciate the support of the rest of you. Thank you  
8. very much.

9. PRESIDENT:

10. Senator McBroom.

11. SENATOR MCBROOM:

12. I move the previous question, Mr. President.

13. PRESIDENT:

14. Senator McBroom has moved the previous question. Chair  
15. wishes to announce that he has Senator Rock's name on the list  
16. here as one who has sought recognition prior to the putting of  
17. that motion. We will proceed with recognition of Senator Rock  
18. and then put Senator McBroom's motion. Senator Rock.

19. SENATOR ROCK:

20. Thank you, Mr. President and ladies and gentlemen of the  
21. Senate. I hope that we do not let the nomination to this very  
22. important post be lost upon us today because of some partisan or  
23. personal conflict. Remarks on this Floor are sometimes untoward  
24. but my good friend, the Senator from Peoria, and I have crossed  
25. swords on many occasions, and I, for one, am personally sorry  
26. that next session, when we are in the majority, we will not have  
27. the opportunity to cross swords on this very important question  
28. of collective bargaining for public employees. To answer Senator  
29. Mitchler's not unrheterical question, the answer is no. Mr. Day  
30. does not advocate, or is not an advocate for the shutdown of  
31. government or universities, nor I'm sure would he let the little  
32. kids freeze, and in answer to my good friend from Peoria, the  
33. Legislature has, will and will always forever invade the

1. sacrosanct common law. I rise in support of this nomination  
2. and I would request, Mr. President, a favorable roll call.

3. PRESIDENT:

4. Senator McBroom moves the previous question. All in favor  
5. signify by saying aye. Contrary no. Motion carries. Question  
6. is, does the Senate advise and consent to the nomination of  
7. Dorsey C. Day to be a member of the Board of Higher Education.  
8. On that question those in favor will vote aye. Those opposed  
9. will vote no. The voting is open. Have all voted who wish?  
10. Take the record. On that question, the Yeas are 33, the Nays  
11. are 20. A majority of Senators elected, concurring by record  
12. vote, the Senate does ad...does advise and consent to the nom-  
13. ination of Mr. Day to be a member of the Board of Higher Educa-  
14. tion. Yes. Senator Ozinga.

15. SENATOR OZINGA:

16. Now, Mr. President, I would move that the Senate do arise  
17. from its Executive Session.

18. PRESIDENT:

19. Senator Ozinga moves that the Senate arise from Executive  
20. Session. All in favor signify by saying aye. Contrary no.  
21. The motion carries. So ordered. Messages from the House.

22. SECRETARY:

23. (Reads message from the House)

24. Mr. President, I am directed to inform the Senate that  
25. the House of Representatives has passed bills of the following  
26. numbers and the passage of which I am instructed to ask  
27. concurrence of the Senate to wit:

28. House Bills 2242, 2243, 2340, 2355, 2362,  
29. 2363, 2419, 2458, 24...2511, 2512, 2565,  
30. 2624, 2709, 2754, 2778, 2798, 2799.

31. Mr. President, I am directed to inform the Senate that  
32. the House of Representatives has concurred with the  
33. Senate in the passage of a bill of the following title:



1. Senate Bill 1010 together with the following  
2. amendments, House Amendments numbered 1 and 3.  
3. PRESIDENT:  
4. Secretary's Desk. Senate Bills on Second Reading. Senate  
5. Bill 1261, Senator Course do you wish to advance that? Senate  
6. Bill 1261.  
7. SECRETARY:  
8. Senate Bill 1261.  
9. (Secretary reads title of bill.)  
10. Second reading of the bill. The Committee on Appropriations  
11. offers Amendments numbered 1, 2, and 3.  
12. PRESIDENT:  
13. Senator Course.  
14. SENATOR COURSE:  
15. Mr. President and members of the Senate. Have these amend-  
16. ments been adopted?  
17. PRESIDENT:  
18. No, they have not. They were adopted in the Committee and  
19. they are now before the Senate for consideration and action. Do  
20. you wish to move their adoption, Senator Course?  
21. SENATOR COURSE:  
22. No, I want to oppose their adoption, Mr. President.  
23. PRESIDENT:  
24. Senator McBroom.  
25. SENATOR MCBROOM:  
26. Mr. President and members of the Senate. I believe that  
27. Amendment No. 1 is the Retirement Amendment and I would move  
28. for its adoption.  
29. PRESIDENT:  
30. Senator McBroom has moved the adoption of Amendment No. 1.  
31. Is there further discussion? All in favor signify by saying aye.  
32. Contrary no. Motion carries. Amendment No. 1 is adopted.  
33. Senator McBroom.

1. SENATOR MCBROOM:

2. Amendment No. 2, Mr. President and members of the Senate,  
3. has the effect of removing three investigators, four investi-  
4. gators, pardon me, and we feel that they, the Liquor Control  
5. Commission will be left with an adequate investigatory force  
6. with the removal of these four and that District 25 of the  
7. State Police, that's the Plain Clothes Division, can handle  
8. this investigation adequately, I move for its adoption.

9. PRESIDENT:

10. Senator Course.

11. SENATOR COURSE:

12. Thank you, Mr. President and members of the Senate. The  
13. Department of the Illinois Liquor Control Commission has made  
14. an honest effort to cut their budget. They did this, ladies  
15. and gentlemen, cutting their budget from last year, Fiscal '74,  
16. from 793,000 dollars to 412,000 dollars. Now we're turning  
17. around and we're cutting with the other amendments that the  
18. gentlemen have proposed, it amounts to around 67,000 dollars  
19. they are cutting out of the budget. Now, I think in light of  
20. what the...the Department has done, they acknowledged that the  
21. Department of Revenue will do a lot of the investigating. They  
22. have cut the number of investigators from 8 to 4. Now the De...  
23. the Commission admits that they cannot operate with four...with  
24. four investigators. Now, some people are under the impression  
25. that the investigators do nothing at all. Four investigators  
26. are going to cover the whole state. They're going to cover the  
27. investigation of violations reported by the Department of Revenue.  
28. They're going to develop these cases to be presented before the  
29. Commission at all public hearings. These investigators will also  
30. appear in court if the...the violation goes to litigation. Now  
31. with four investigators, we're cutting ourself to a point where  
32. it's a...the Commission can't even operate. What hasn't been  
33. brought out, and what wasn't brought out in the past, that the

1. Department of Revenue refers to the Liquor Control Commission  
2. violations of tax collections. If a tavern or a wholesale...  
3. or a...a liquor store has not paid their state tax, their  
4. Occupational Tax, this is reported to the Illinois Liquor Control  
5. Commission. The Department of Revenue has found this a better  
6. method of collecting monies for the simple reason that the inves-  
7. tigators go in and they tell the people OK, you owe the State of  
8. Illinois so much money for your Occupational Tax; we're going to  
9. revoke your license. If this wasn't done, ladies and gentlemen,  
10. the...this could go into litigation and these people could remain  
11. open, but they're threatened with the fear of losing their license  
12. immediately they start re...paying their monies. Now, in Fiscal  
13. '73 the Liquor Control Commission was responsible for collecting  
14. around 544,000 dollars in Occupational Taxes for the Department  
15. of Revenue. In this Fiscal '74 they estimate it will be over  
16. 700,000 dollars. In Fiscal '75 they estimate it will be close  
17. to 800,000 dollars. This alone, ladies and gentlemen, this  
18. Commission is governing...they're policing an industry that  
19. brings into the State 120 million dollars a year. Now we're  
20. going to hamstring them to a point where they won't be able to  
21. operate. If this is what we want, if this is what we call  
22. fiscal responsibility, we're going to be dollarwise...pennywise  
23. and pound foolish, well, ladies and gentlemen, you can adopt  
24. the amendment. I think it's a bad amendment, and I move that  
25. this amendment lie upon the Table.

26. PRESIDENT:

27. Senator McBroom has moved the adoption of Amendment No. 2.  
28. Senator Course has moved to Table Senator McBroom's motion. All  
29. in favor of the motion to Table, signify by saying aye. Contrary  
30. no. The motion fails. Roll call has been requested. Motion is  
31. Senator Course's motion to Table. Senator McBroom's motion to  
32. adopt Amendment No. 2. Those in favor of the motion to Table  
33. will vote aye. Those opposed will vote no. The voting is open.

1. Have all voted who wish? Have all voted who wish? Take the  
2. record. On that question the Yeas are 26, the Nays are 29.  
3. The motion to Table fails. On Senator McBroom's motion to  
4. adopt Amendment No. 2, all in favor signify by saying aye.  
5. Contrary no. Motion carries. Amendment No. 2 is adopted.  
6. Committee Amendment No. 3, Senator McBroom.

7. SENATOR MCBROOM:

8. Mr. President and members of the Senate, this is becoming,  
9. I believe, a familiar pattern along with the Retirement Amendment.  
10. This is what is referred to as the Legal Amendment. One attorney  
11. is removed and is put under the jurisdiction of the Attorney  
12. General. I move for its adoption. Amendment No. 3, Mr. President.

13. PRESIDENT:

14. Senator McBroom moves the adoption of Amendment No. 3.  
15. Senator Course.

16. SENATOR COURSE:

17. Yes, Mr. President and members of the Senate, We all know  
18. how long it takes to get an opinion from the Attorney General  
19. now. Now, without the attorney in the...in the Liquor Control  
20. Commission, all inquiries are going to have to go through the  
21. ...or go to the Attorney General's office. Now, this could re-  
22. sult in delays of 1, 2, 3, 4, 5, and as much as 6 months. Now  
23. we had an experience when...when John Lewis was Secretary of  
24. State. We asked for an opinion from the...the Attorney General's  
25. office when we were discussing proration. John Lewis had to write  
26. to the call...write to the Attorney General's office on two  
27. different occasions and call them on one different occasion  
28. to get the opinion from the Attorney General's office and this  
29. took about, I think it was two months before we got the opinion.  
30. Now, if this is what you want, fine, but I'm going to come in with  
31. a bill, with a res...a...an amendment to this bill to take the  
32. 22,500 dollars out of the budget completely, eliminating the mon...  
33. the money,..eliminating the attorney, eliminating the attorney

1. from the Attorney General's office, and let the Attorney General  
2. handle all this with the staff that he has now; I think he has  
3. adequate staff and there's no need for...that he has one more  
4. Assistant Attorney General.

5. PRESIDENT:

6. Senator McBroom.

7. SENATOR MCBROOM:

8. Well, Mr. President and members of the Senate, I don't like  
9. to dispute my good friend, Attorney Course, but Attorney McBroom  
10. would like to respond to Attorney Course on this matter. I under-  
11. stand that, Senator Course, that it's a matter of what is Consti-  
12. tutional and what is not Constitutional, and beyond that I am not  
13. going to debate it any further with you, and I respectfully ask  
14. for the adoption of the amendment.

15. PRESIDENT:

16. Senator McBroom moves the adoption of Amendment No. 3. All  
17. in...Senator Course.

18. SENATOR COURSE:

19. I move that that motion lie upon the Table.

20. PRESIDENT:

21. Senator Course moves to Table Senator McBroom's amendment...  
22. motion to adopt Amendment No. 3. All in favor of the motion to  
23. Table, signify by saying aye. Contrary no. The motion failed.  
24. Roll call has been requested. Motion is to Table Senator McBroom's  
25. motion to adopt Amendment No. 3. Those who support Senator  
26. Course will vote aye. Those opposed will vote no. The voting is  
27. open. Have all voted who wish? Take the record. On that ques-  
28. tion the Yeas are 26, the Nays are 30. Senator Course's motion to  
29. Table failed. On the main motion to adopt Amendment No. 3, all  
30. those in favor signify by saying aye. Contrary no. Motion carries.  
31. Amendment No. 3 is adopted. Are there amendments from the Floor?  
32. Third Reading. Senator Knuppel. Senator Swinarski. 1282,  
33. Senator Swinarski, do you...1314, Senator Nimrod. Do you wish

1. that bill advanced, Senator Nimrod?

2. SECRETARY:

3. Senate Bill 1314.

4. (Secretary reads title of bill.)

5. Second reading of the bill. No Committee amendments.

6. Amendment No. 1 by Senator Nimrod.

7. PRESIDENT:

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Mr. President and fellow Senators, this bill is necessary  
11. because of the ruling of the Attorney General, which prohibited  
12. the townships from spending Revenue Sharing Funds for any of those  
13. functions which they already...which they do not have statutory  
14. power to spend upon. Now, last session we did pass a bill, or  
15. this session, we passed a bill which gave them authority to  
16. cooperate with other governments...governmental agencies, in order  
17. to spend these Revenue Sharing Funds, and what this does is to  
18. clarify this that in the statutes it does provide for them to  
19. spend that money in accordance with that so that the...the...  
20. shows that the town board or the town fund monies which are tax  
21. monies can be spend for this purpose and I would move for the  
22. adoption of Amendment No. 1.

23. PRESIDENT:

24. Is there further discussion? All in favor of the adoption  
25. of Amendment No. 1 to Senate Bill 1314, signify by saying aye.  
26. Contrary no. Motion carries, the amendment is adopted. Are  
27. there further amendments from the Floor? Third reading. Senator  
28. Wooten, 1348? Senator Rock, 1382? 1458, Senator Rock? 1458.

29. SECRETARY:

30. Senate Bill 1458.

31. (Secretary reads title of bill.)

32. Second reading of the bill. No Committee Amendments.

33. PRESIDENT:

1. Is there further discussion? Question is shall Senate Bill  
2. 14...Oh, I'm sorry...Yes, are there...are there...no amendments  
3. from the Floor? Third Reading. 1552, Senator Rock, do you  
4. wish...Senator Course? Senator Course.  
5. SENATOR COURSE:  
6. Yes, Mr. President, I want that held, but I want the Calendar  
7. corrected to show that I am the chief sponsor of that, please.  
8. PRESIDENT:  
9. Yes. The change will be made, Senator Course. 1561, Sena-  
10. tor Soper. You want that advanced? 1561.  
11. SECRETARY:  
12. Senate Bill 1561.  
13. (Secretary reads title of bill.)  
14. Second reading of the bill. No Committee amendments.  
15. PRESIDENT:  
16. Are there amendments from the Floor? Third reading.  
17. Senator Hynes is ready to advance 1325 now.  
18. SECRETARY:  
19. Senate Bill 1325.  
20. (Secretary reads title of bill.)  
21. Second reading of the bill. The Committee on Appropriations  
22. offers amendments numbered 1 and 2.  
23. PRESIDENT:  
24. Senator McBroom.  
25. SENATOR MCBROOM:  
26. Number...Number 1 is the Retirement Amendment, Mr. President.  
27. I move for the adoption.  
28. PRESIDENT:  
29. Senator McBroom moves the adoption of Amendment No. 1. All  
30. in favor signify by saying aye. Contrary no. Motion carries.  
31. Amendment No. 1 is adopted.  
32. SECRETARY:  
33. Amendment No. 2 by the Committee on Appropriations.

1. PRESIDENT:

2. Senator McBroom.

3. SENATOR MCBROOM:

4. Well, Mr. President, I believe I am correct in...I think.  
5. Senator Hynes should comment, I believe I'm in tandem with what he's  
6. going to say, Mr. President.

7. PRESIDENT:

8. Senator Hynes.

9. SENATOR HYNES:

10. Mr. President, I would move to Table Amendment No. 2.  
11. That amendment deletes a 250,000 dollar budgeted line item  
12. appropriation to fund a police incentive pay program. It was  
13. adopted in the Committee and I would move that that amendment  
14. lie on the Table.

15. PRESIDENT:

16. Senator Hynes moves to Table Amendment No. 2. Is there  
17. further discussion. All in favor of the motion signify by  
18. saying aye. Contrary no. The motion carries. Amendment No.  
19. 2 is Tabled. Are there amendments from the Floor? Third Read-  
20. ing. Senator Partee, do you wish to advance 1541? Senator  
21. Bruce, do you wish to advance 1567? Advance.

22. SECRETARY:

23. Senate Bill 1567.

24. (Secretary reads title of bill.)

25. Second reading of the bill. No Committee Amendments.

26. PRESIDENT:

27. Are there amendments from the Floor? Third Reading. Sena-  
28. tor Weaver, do you wish to advance 1638? Advance.

29. SECRETARY:

30. Senate Bill 1638.

31. (Secretary reads title of bill.)

32. Second reading of the bill. No Committee Amendments.

33. PRESIDENT:



1. Are there amendments from the Floor? Third Reading.  
2. Advance 1640.  
3. SECRETARY:  
4. Senate Bill 1640.  
5. (Secretary reads title of bill.)  
6. Second reading of the bill. No Committee Amendments.  
7. PRESIDENT:  
8. Are there amendments from the Floor? Third Reading.  
9. Senator...well, let's...we'll go ahead with Senate Bills on  
10. Third Reading then. Senator Partee isn't ready yet for 1541.  
11. Senator Hynes, do you have a motion on a Third Reading Bill?  
12. SENATOR HYNES:  
13. I would ask leave of the Body to bring Senate Bill 1332  
14. back from Third Reading back to Second Reading for the purpose  
15. of amendment. Senator Weaver has the amendment.  
16. PRESIDENT:  
17. Senator Weaver.  
18. SENATOR WEAVER:  
19. Mr. President and members of the Senate...  
20. PRESIDENT:  
21. Yes, we...I thought Senator Hynes was going to move to  
22. recall to the order of Second. Did you? Alright. The motion  
23. has been made, I'm sorry, I didn't hear it. All in favor,  
24. signify by saying aye. Contrary no. The motion carries. So  
25. ...Second Reading, Senate Bill 1332. Senator Weaver.  
26. SENATOR WEAVER:  
27. Mr. President and members of the Senate, this amendment  
28. states that no more than 50% of any appropriation under this Act  
29. shall be spent in any municipality having a population of more  
30. than 500,000, and I would move its adoption.  
31. PRESIDENT:  
32. Senator Mover...Senator Weaver moves the adoption of the  
33. amendment. Is there further discussion? All in favor signify

1. by saying aye. Contrary no. Motion carries. The amendment is  
2. adopted. Are there further amendments from the Floor? Third  
3. Reading. Senator Knuepfer has a similar motion in connection  
4. with Senate Bill 1609. Senator Knuepfer.

5. SENATOR KNUEPFER:

6. This is the bill that Senator Rock has a couple of amendments  
7. for. They were not ready yesterday so I told him I would bring  
8. it back so that he could offer his amendments to this bill, and  
9. I think it's appropriate then that Senator Rock address himself  
10. to these two.

11. PRESIDENT:

12. Senator Rock.

13. SENATOR ROCK:

14. Thank you, Mr. President, Ladies and Gentlemen of the Senate,  
15. there are two amendments which were just delivered to the Sec-  
16. retary's desk. Could we take the one-page amendment first, Mr.  
17. ...Fine.

18. SECRETARY:

19. Amendment No. 5.

20. SENATOR ROCK:

21. OK. Amendment No. 5 and 6 are...do essentially the same  
22. thing and these were suggested by those persons who have to do  
23. with facilities dealing with persons with mental disabilities.  
24. There is a large population in our state of what they call long-  
25. term shelter care homes. In 1973 approximately 50,000 people  
26. in Illinois were in nursing homes and approximately 30,000 were  
27. in shelter care homes in Illinois. Now the point of this amend-  
28. ment is to enlarge the makeup of the State Planning Board to in-  
29. clude one person who is knowledgeable and has some expertise in  
30. this area. There were some regulations issued by the Department  
31. of Health, Education and Welfare in January of 1974 and this  
32. amendment, these two amendments, attempt to conform this legis-  
33. lation with the Federal Rules and Regulations as promulgated

1. by the Department of Health, Education, and Welfare. This matter  
2. was presented in Committee. The Committee, because of the press  
3. of time had asked that an explanation be given to the Chairman  
4. and the Vice-Chairman and the members. That explanation has now  
5. been provided and I would move the adoption of Amendment NO. 5.

6. PRESIDENT:

7. Senator Knuepfer.

8. SENATOR KNUEPFER:

9. Let's take these one at a time, Senator. Is the first one  
10. you want to call No. 5? Shall we call that the one that adds the  
11. member to the board?

12. SENATOR ROCK:

13. There are two amendments here. They...they're a little bit  
14. different.

15. PRESIDENT:

16. Senator Rock.

17. SENATOR ROCK:

18. The first one will be the one-page amendment, and that is  
19. the one that directly conforms it to the language of the Federal  
20. Regulations and calls for...just changes the wording to "optimal  
21. patient and resident care". It does not change the makeup of the  
22. Board.

23. SENATOR KNUEPFER:

24. Well, here's what I'd like to re...suggest in that respect,  
25. if that's the one we're first...we're going to talk about first.  
26. You've added some words in there, but nobody has defined optimal.  
27. And, it's...I wish, really, we could have debated this in the  
28. Committee, because it seems to me that when you add those words  
29. optimal without defining what optimal is and I don't know whether  
30. the Federal Government has a definition, but I frankly think that  
31. at this point in time that shouldn't be adopted. I really don't  
32. have my...this is not a political issue, incidently, as vis-a-vis  
33. Republican-Democrat, it is the addition of some words that are in

1. the Federal language, but those words are never defined and  
2. when you add those words without defining them, I think you just  
3. create additional complexities and I, for one, intend to resist  
4. that amendment on those grounds.

5. PRESIDENT:

6. Senator Rock, then, moves the adoption of Amendment No. 5.  
7. Senator Knuepfer, did you make a Tabling motion or just indicate  
8. ...yes...

9. SENATOR KNUEPFER:

10. ...I'm going to resist.

11. PRESIDENT:

12. The motion is to adopt. Senator Rock.

13. SENATOR ROCK:

14. I wish to at least attempt to respond. Now this explanation,  
15. which frankly I delivered to Senator Knuepfer late last night is  
16. quite lengthy, but if you'll take a look, if I can find it, page  
17. 20 to 27 of the Federal Rules and Regulations, relates to optimal  
18. services to be offered. Now those...those words, I admit, at  
19. this point at least in our state, are subject to some definition  
20. by the State Comprehensive Planning Board, but as long as these  
21. are the terms used in the Federal Regulations, frankly, I don't  
22. see any harm in conforming our new legislation to the already  
23. existing Federal Regulations. Again, I would move adoption of  
24. Amendment No. 5.

25. PRESIDENT:

26. Senator Rock has moved the adoption of Amendment No. 5.  
27. All those in favor signify by saying aye. Contrary no. Those  
28. in favor of the adoption of the amendment rise. Alright. Those  
29. opposed to the adoption of the amendment, rise. Now will the  
30. members please stand in one position so that the Secretary can  
31. ...those opposed rise. The motion to adopt fails.

32. SECRETARY:

33. Amendment 6 by Senator Rock.

1. PRESIDENT:  
2. Senator Rock.  
3. SENATOR ROCK:  
4. I don't wish to prolong this any longer than necessary,  
5. but could I have a roll call on Amendment No. 5? And I will  
6. be willing to accept the same roll call on Amendment No. 6.  
7. 6 changes the composition of the Board, provides for an addi-  
8. tional member...  
9. PRESIDENT:  
10. A roll call has been requested.  
11. SENATOR ROCK:  
12. ...On No. 5, please.  
13. PRESIDENT:  
14. On No. 5. A roll...a roll call has been requested. We  
15. will proceed to a roll call. Senator Knuepfer has requested  
16. recognition. Senator Knuepfer.  
17. SENATOR KNUEPFER:  
18. Well, if...I...I...I'm sorry on this. I suggested earlier  
19. that I didn't think this was the subject of partisanship. We're  
20. debating only an op...the word...the use of the word optimal.  
21. The bill is long and complex and both Senator Rock and I have...  
22. and the Committee have spent many, many hours on this bill. Un-  
23. told hours. I do not want to get embroiled in a partisanship  
24. argument on what I consider to be a miniscule argument. I  
25. suggested to Senator Rock that it is my preference as long as  
26. optimal...personally as long as optimal is not...is not defined  
27. anywhere in the bill that I think it would be more appropriate  
28. that we leave it out at this point in time. But I...inadvertently  
29. I've seemed to have taken it into a partisan realm that I do not  
30. want it in because it is not a partisan bill and in fact it was  
31. Senator Rock's bill to begin with, so, I explained my reasons  
32. for not wanting the word optimal in. I had hoped that it would  
33. be up to the judgment of each member to make that decision and I

1. hope on Amendment No. 6 that those...you will look at this on  
2. my side of the aisle or the other side of the aisle from the  
3. point of view of your personal preference rather than from the  
4. point of the view of what side of the aisle you're on. These  
5. will not make or break the bill, they're fairly minor in sub-  
6. stance, and I don't want to get tied down on party lines on a  
7. bill that oughtened to be tied down that way.

8. PRESIDENT:

9. Is there further discussion? Senator Rock has requested  
10. roll call on the adoption of Amendment No. 5 to Senate Bill  
11. 1609. Those in favor of the adoption will vote Aye. Those  
12. opposed will vote No. The voting is open. Have all voted who  
13. wish? Take the Record. On that question the Yeas are 27, the  
14. Nays are 29, and the adoption of Amendment No. 5 failed. Amend-  
15. ment No. 6. Senator Rock.

16. SENATOR ROCK:

17. Thank you, Mr. President, I wish I'd had an opportunity to  
18. lock the machine. I was doing fine there for a couple of seconds.  
19. Amendment No. 6 changes in fact the board composition and adds  
20. a member, and it adds one member who is actively engaged in  
21. Mental Health Facility management. As I pointed out earlier, there  
22. are approximately 80,000 nursing home and shelter care beds in the  
23. State of Illinois. It just seems to me and it...there was  
24. testimony before the Committee on a couple of occasions, and I  
25. want to point out in all fairness Senator Knuepfer and I and a  
26. number of the members have been working on this little bill since  
27. about May of 1973 through many long hard hours. This did come  
28. out in testimony and I think in fairness to this group of profes-  
29. sionals they wish to have board representation. I'm sure later  
30. on in the day we'll hear a lot more about board representation,  
31. but this group wishes to have board representation. I would move  
32. adoption of Amendment No. 6.

33. PRESIDENT:

1. Senator Knuepfer.

2. SENATOR KNUEPFER:

3. I did resist this amendment in the Committee and we really  
4. didn't have time to hear it and I'd like to explain the reasons  
5. I resisted it. The composition of the board originally was not  
6. my idea, in fact it's the same composition as the bill that  
7. Senator Rock gave to me. The composition of that board includes  
8. a doctor and a nurse and representatives of some other organiza-  
9. tions. The only reason I had for resisting this additional, is  
10. there are a lot of people that are still left out of the bill and  
11. if this at late date in time we start offering amendments so that  
12. everybody puts his favorite group on the board, we will have 30, 40  
13. or any number of additional members. Now I recognize that these  
14. people have an interest in that. The question is whether one  
15. believes this board is a partisan board, not partisan in Republic  
16. -Democratic, but partisan in terms of needing some representative  
17. from each profession and each group on the board to speak for  
18. this group of people. I suggest that is not the function of the  
19. board, that the board does not have to be partisan in terms of  
20. having a representative from each interested group or profession  
21. on the board because if that were so we would have 90 people on  
22. the board. I suppose if the bill had come to me in this way I  
23. would not have objected to it, but my concern is that by opening  
24. up the board composition somewhere along the line then this has  
25. to go back to the House, we will have a whole group of professionals  
26. and interested people saying I want on the board too. This is again  
27. not a partisan amendment and I per....I for one am going to vote  
28. against it on the grounds that I have just articulated be you  
29. Republican or Democrat, use your own good judgment on it. However.  
30. you want to vote it up or down it's alright with me.

31. PRESIDENT:

32. Is there further discussion? Roll call has been requested.  
33. Question is does the Senate adopt Amendment No. 6 to Senate Bill

1. 1609. Those in favor will vote Aye. Those opposed will vote No.  
2. The voting is open. Have all voted who wish? Have all voted who  
3. wish? Take the Record. For what purpose does Senator Newhouse  
4. arise? Proceed Senator.

5. SENATOR NEWHOUSE:

6. A point of personal privilege, Mr. Chairman. Mr. President  
7. in the Gallery directly behind me, are a group of students, parents  
8. and teachers from the Wadsworth School in my district. I'd appre-  
9. ciate it if they'd stand and be recognized by this Body.

10. PRESIDENT:

11. On the question of the adoption of Amendment No. 6, there  
12. were 26 Yeas, 30 Nays and the motion to adopt fails.

13. SECRETARY:

14. Amendment No. 7 by Senator Knuepfer.

15. PRESIDENT:

16. For what purpose Senator Partee arise?

17. SENATOR PARTEE:

18. A point of personal privilege. I just wanted to add to what  
19. Senator Newhouse said with reference to the young people from  
20. Wadsworth School that they are in fact from his district, but they  
21. are from my ward, and the teachers are a Mrs. Mary Evans and a  
22. Mrs. Karen Gyer. I think what is really important and different,  
23. Mr. President, about this group, is that these young people started  
24. in October of 1973 to raise the money to come here today. They  
25. did jobs...odd jobs and chores of various kinds, selling candy  
26. and stationery and things of that sort and they have financed  
27. their own trip here and I think it's just absolutely praiseworthy  
28. and significant.

29. PRESIDENT:

30. Senator Knuepfer, Amendment No. 7.

31. SENATOR KNUEPFER:

32. Amendment No. 7 is an amendment that was suggested, not as  
33. a proponent by Lee Schwartz, but as a concomitant of this bill. It



1. is a preemption and if Certificate of Conformance is to be effective it obviously must be done on a Statewide basis and I would  
2. move the Adoption of Amendment No. 7.  
3.

4. PRESIDENT:

5. Is there further discussion? Question is the adoption of  
6. Amendment No. 7 to Senate Bill 1609. All those in favor, signify  
7. by saying Aye. Contrary No. Motion carries. Amendment No. 7  
8. is adopted. Are there further amendments from the Floor?  
9. Third Reading. Senator Wooten, you have a similar motion, I  
10. believe, on...

11. SENATOR WOOTEN:

12. That's right, Mr. President, I'd like Leave of the Body.

13. PRESIDENT:

14. Senator Wooten.

15. SENATOR WOOTEN:

16. I request Leave of the Body to recall Senate Bill 1383  
17. back to the order of Second Reading for the adoption of some  
18. amendments.

19. PRESIDENT:

20. Is there Leave to recall Senate 1383 to the order of Second  
21. Reading for purposes of an amendment? Leave is granted. Second  
22. Reading. Proceed, Senator Wooten.

23. SENATOR WOOTEN:

24. I'll defer to Senator Nimrod.

25. PRESIDENT:

26. Senator Nimrod.

27. SENATOR NIMROD:

28. Yes, Mr. President and fellow Senators, this is for the  
29. addition of two work release programs for the two new Senators  
30. for the year 1975 in the amount of 264,700. These were taken out...  
31. there were three that were taken out, and there has been discus-  
32. sion on this and we are requesting to reinstate money for two  
33. of these particular centers and I would move for the adoption

1. of Amendment No. 7.

2. PRESIDENT:

3. Senator Wooten.

4. SENATOR WOOTEN:

5. I would wish to concur in the adoption of this amendment.

6. It does restore some funds which were deleted in an earlier amend-

7. ment. It's a work release program. I think it's money well

8. spent and I would encourage the adoption of this amendment.

9. PRESIDENT:

10. Is there further discussion? All in favor of the adoption

11. of the amendment to Senate Bill 1383, signify by saying Aye.

12. Contrary No. Motion carries. The amendment is adopted. Are

13. there further amendments? Senator Wooten.

14. SECRETARY:

15. Amendment No. 6, Senator Wooten...or No. 8, I'm sorry.

16. SENATOR WOOTEN:

17. Yes, Mr. President and Ladies and Gentlemen of the Senate,

18. Amendment No. 8 would provide to the Correctional Center of

19. Vienna 175,000 dollars to cover additional costs resulting from

20. the establishment of a coeducational facility there. This has

21. been checked by the staff on both sides. I believe it is agree-

22. able on both sides. I'd move for its adoption.

23. PRESIDENT:

24. Is there further discussion? All in favor of the adoption

25. of Amendment No. 8, signify by saying Aye. Contrary No. Motion

26. carries. Amendment No. 8 is adopted. Senator Wooten.

27. SENATOR WOOTEN:

28. Mr. President, I have been informed that there is another

29. proposed amendment. I would seek your guidance as to what

30. posture in which to leave this bill - on Second or take it back

31. to Third.

32. PRESIDENT:

33. Is the...

1. SENATOR WOOTEN:

2. The amendment is not prepared yet. Senator Saperstein is...  
3. there was a flaw in it and it has to be done over again. I  
4. think we can get to it today.

5. PRESIDENT:

6. Well, then, let's just leave the bill on Second Reading.  
7. When you are ready to get to that, why we will take it up.  
8. Senator Nimrod, you have a similar motion in connection with a  
9. bill on Third Reading to recall for amendment?

10. SENATOR NIMROD:

11. Yes, Mr. President, I would ask for Senate Bill 1454 to be  
12. returned to the order of Second Reading for...

13. PRESIDENT:

14. Senator Nimrod moves to recall Senate Bill 1454 to the order  
15. of Second Reading for purposes of an amendment. All in favor  
16. signify by saying Aye. Contrary No. The motion carries.  
17. Second Reading. Senator Nimrod.

18. SENATOR NIMROD:

19. Yes, I would defer to Senator Conolly, Mr. President.

20. PRESIDENT:

21. Senator Conolly.

22. SENATOR CONOLLY:

23. Mr...Mr. President and members of the Senate, this amendment  
24. completely strikes the bill and inserts therein an amendment that  
25. changes the size of the Board of Directors of the Regional Transit  
26. Authority to a board...5 directors appointed by the Mayor of City  
27. of Chicago, three by members of the Cook County Board, elected  
28. from that part of Cook County outside of Chicago, and five directors,  
29. one appointed by the Chairman of each county, of each of the out-  
30. lying counties. This, as you will understand, does change the  
31. size of the RTA board and puts it in a more palatable position for  
32. the acceptance of the people of the entire district. This was  
33. debated in Transportation Committee in...when it was a bill in itself

1. and it stayed in Committee with a vote of 6 to 6. At this time  
2. I'd like to offer this amendment so that it can be voted upon  
3. by the entire Body of the Senate.

4. PRESIDENT:

5. Senator Partee.

6. SENATOR PARTEE:

7. This is the amendment that would add...would make the total  
8. Board 5, 3 and 5, a total of 13 members instead of 9. Is that  
9. correct?

10. PRESIDENT:

11. Senator Conolly.

12. SENATOR CONOLLY:

13. 13 members and they would appoint a chairman, so it would be  
14. a 14 member board.

15. SENATOR PARTEE:

16. Well, just let me say this and I'm not going to make a long  
17. speech about it, Mr. President, but I think there is something  
18. fundamentally and basically improper about this course of action.  
19. We've talked for many many years now since Baker versus Carr about  
20. representation being on the basis of population. One man-one vote  
21. concept. I think it's pretty thoroughly engrained in our system  
22. now, and to now deviate from that concept, I think, to satisfy  
23. either partisan or other purposes, I think, is destructive and  
24. inimitable of this particular board. More than that, 13 are  
25. certainly a great deal more unwieldy than the 8 which it now calls  
26. for. In addition to that, those of you who are conservative and  
27. are concerned about spending the taxpayers money, do remember  
28. that the addition of five additional members of this board means  
29. an additional 1,000 dollars a day each time this board meets.  
30. This boards collects 200 dollars per member for a meeting and to  
31. add five more simply means you are adding 1,000 dollars a day to  
32. this board's function. There's no reason for 13, it's unwieldy,  
33. it...there are just too many people. Now I'm not unaware of the

1. fact that there are some of the collar counties that do not have  
2. individual members on the board. There's a way, of course, of  
3. obviating that, and there's a way of mollifying that situation  
4. and satisfying everybody involved, and I was supportive of that  
5. bill that would bring about a Commission of persons on a...the...  
6. a group of public citizens who would serve as on a advisory board  
7. to the RTA. I think that that would satisfy the purpose of in-  
8. volvement of people throughout the six-county area. But it occurs  
9. to me that to do this under these circumstances, completely negating  
10. our one man-one vote concept, adding an additional 1,000 dollars  
11. a day to this board each time it meets, and cluttering its record  
12. with 13 people instead of 8 making it more and more cumbersome, I  
13. think, is unfortunate, and on this basis, I certainly am going to  
14. oppose this amendment.

15. PRESIDENT:

16. Senator Bell.

17. SENATOR BELL:

18. Well, thank you, Mr. President. Senator Partee, you're a  
19. man of great Democratic principle and you've profounded that  
20. point time and time again in reference to the RTA Board being  
21. structured on a one man-one vote concept. You know, we've talked  
22. time and time again also with reference to the fact that the  
23. collar counties voted somewhere between 4 to 1 and 10 to 1  
24. negative in being dragged, kicking and screaming, into this RTA  
25. concept. Frankly, Gentlemen and Ladies, I hesitate on going over  
26. this yet again because it's been discussed for the past year, but  
27. based on Democratic principle, I don't see, Senator Partee, how  
28. you can really object to the fact of trying to give the collar  
29. counties at least one representative per county on that RTA  
30. Board. Now, I may...

31.

32.

33.

1. And I made the point in committee and I will make the point  
2. here, ladies and gentlemen, that this is one Senator that  
3. doesn't even believe in the concept of RTA because it's yet  
4. another bureaucracy. But, if we are going to have to have this  
5. crammed down our throat because of the vote of Chicago, because  
6. we've been enjoined somehow or other to be brought screaming  
7. into this thing, then for Lord's sake, let us have at least  
8. one representative from each of those collar counties. Thank  
9. you, Mr. President.

10. PRESIDENT:

11. Senator Knuepfer.

12. SENATOR KNUEPFER:

13. I wish Senator Partee that when you had put the bill to-  
14. gether you would have had the same concern for one man-one vote  
15. that lumped McHenry County with a hundred and twenty-five people  
16. with DuPage County for five hundred thousand people. Me thinks  
17. thous speakest too late. I would also point out that in terms  
18. of the one man-one vote ~~concept~~ that has generally been a...been  
19. related as far as court decisions to the elected boards whereas  
20. this is an appointed Board and to the best of my knowledge there  
21. has been no court rulings upon the one man-one vote or so-called  
22. one man-one vote concept in terms of the appointed boards which  
23. this is.

24. PRESIDENT:

25. Senator Mitchler.

26. SENATOR MITCHLER:

27. Mr. President, I'd like to ask the sponsor of this amendment  
28. a question, if he would yield.

29. PRESIDENT:

30. He indicates he will yield.

31. SENATOR MITCHLER:

32. Senator Conolly, who wants this amendment?

33. SENATOR CONOLLY:

34. Well, there are many, many Senators of the same political

1. persuasion of you and I, have been talking about this amendment  
2. a great deal and they, I can say, asked for the amendment.

3. PRESIDENT:

4. Senator Mitchler.

5. SENATOR MITCHLER:

6. Well, I would further ask you, when we originally debated  
7. the RTA question this was one of the amendments that was pro-  
8. posed. Then we give the five collar counties representation and  
9. as sponsor of the bill I recall that you were very negative to that  
10. and now I find that you're bringing forth this amendment and I  
11. just wondered who, when you say several Senators and so forth.  
12. I wonder, actually, who are you persuaded by several Senators  
13. or is there something else that motivates you?

14. PRESIDENT:

15. Senator Conolly.

16. SENATOR CONOLLY:

17. I'm...I've been persuaded by many of the Senators and I  
18. thought you were one of them.

19. PRESIDENT:

20. Senator Mitchler.

21. SENATOR MITCHLER:

22. You've been wrong before, Senator.

23. PRESIDENT:

24. Is there further discussion? A roll call has been requested.  
25. Those in favor of the adoption of Amendment No. 1 to SB 1454 will  
26. vote aye. Those opposed will vote no. The voting is open. Have  
27. all voted who wish? Have all voted who wish? Take the record.  
28. On that question the Yeas are twenty-seven, the Nays are twenty-  
29. seven, 1 voting Present. The amendment fails. Further amendments  
30. from the Floor? Senator Nimrod.

31. SENATOR NIMROD:

32. Mr. President, this is an amendment which provides for a  
33. twenty member board and it provides for the one man-one vote

1. concept but allows the City of Chicago to have ten members, the  
2. suburban representation five members and five members for the  
3. collar counties. It reduces the amount of compensation from  
4. two hundred to one hundred dollars so we don't have to worry  
5. about the additional monies that would be cost and it does still  
6. maintain the ...the representation of the Board and also gives  
7. equal distribution and takes care of the problem for our neigh-  
8. boring counties. And, I would move for the adoption of this  
9. amendment.

10. PRESIDENT:

11. Senator Partee.

12. SENATOR PARTEE:

13. Well, this amendment has its faults also. It's even worse  
14. than the last one. You're now going to go up to a twenty member  
15. board which is exactly twelve more than the present Board which  
16. makes it even more cumbersome than a thirteen member board might  
17. have been. The palliative, ostensibly, is to reduce the amount  
18. of money to be paid each of the commissioners or members from  
19. two hundred to one hundred. Now, what you're doing there is  
20. saying to people who have made their positions known as to their  
21. availability on this Board based on existing law and circumstances.  
22. You now have eight members on the Board who have agreed to serve  
23. and everyone of the metropolitan papers have been very, very phrase  
24. worthy of the caliber and kind of people who have been...who have  
25. been chosen to serve on this Board. They agreed to serve at two  
26. hundred dollars a day. You now, within a month of its operation,  
27. say sorry about that fellows, it isn't two hundred dollars a day.  
28. You've made a decision which is now halved to one hundred dollars  
29. a day and this would create not only chaos, confusion but it  
30. would be generally reflective of instability in government. I  
31. certainly urge that this amendment be Tabled.

32. PRESIDENT:

33. Senator Glass.



1. SENATOR GLASS:

2. Thank you, Mr. President and Senators. I would respond to  
3. Senator Partee in speaking in favor of this amendment, and I ask  
4. you not to hastily discard this amendment. I think it's a good  
5. one. I would tend to agree with you, however, with regard to the  
6. hundred dollars and two hundred dollars a day and hope that per-  
7. haps Senator Nimrod might reconsider on that but speaking to  
8. the point of a twenty-one members board, I think there's very  
9. much to recommend it. As you have heard many times on this  
10. Floor, the collar counties are unhappy about a lot of things  
11. regarding RTA but perhaps more than anything else is the lack of  
12. representation. And, by allowing one member from each of the  
13. counties covered in the Act and also maintaining the same ratio  
14. of representation that is in existence now, I think we accomplish  
15. a desired goal. I think it's a fair amendment and we certainly  
16. should allow representation from the entire part of the six  
17. county region. So, I would urge a favorable vote on this amend-  
18. ment.

19. PRESIDENT:

20. Senator Chew.

21. SENATOR CHEW:

22. Thank you, Mr. President. Those of us that have had an in-  
23. terest in Regional Transit Authority, I believe, have worked  
24. conscientiously to establish, according to the compromises of last  
25. year, according to the rules of the bill, we have a referendum  
26. that passed. Simple majority. For the love of me, I can't find  
27. some of these outlying, outstandish, uncrupulous...RTA haters,  
28. amendors and so-called homestead politicians tenuring to attempt to  
29. infiltrate the bill that has been passed not only by this Legis-  
30. lature but by the people of the State of Illinois. Several Sen-  
31. ators have proposed amendments, with due respect to the Chairman of  
32. Transportation. These amendments are merely put there to go back  
33. home and say see this is what I tried to do. Well, first of all,  
34. you're not trying to do anything but influence your constituents

1. for your next election. Your constituents have spoke, they  
2. said no, they said no, but they didn't say it loud enough.  
3. Those that wanted RTA got it. Those that didn't want it voted  
4. against it. I get pretty sick and tired of the time consuming  
5. efforts of some of these people who have no conception whatsoever  
6. of mass transit unless you've set it in their back yards and make  
7. it a play toy like a locomotive. Especially Senate Bell who  
8. has opposed it publicly. I respect this position. Why would you  
9. take up the taxpayers money with the valuable time in attempting  
10. to amend a bill that is already passed, that is already law.  
11. Why not give it an opportunity to work or not to work. If RTA  
12. fails, I hope to be around to help correct the problems. If it  
13. succeeds, I hope to be around to promote more success. We're  
14. all supposed to be intelligent people down here, at least our  
15. constituents put the confidence into us. Don't let this backfire  
16. on you just to get some newsprint. Let's give RTA a chance. Let's  
17. not amend the thing to death. If you want to be a man and you  
18. don't want RTA, why don't you put in a bill to strike the en-  
19. acting clause and let's not have a Regional Transit Authority.  
20. You don't do that because you're not man enough to do it. You  
21. pussyfoot around and you're playing with it. Now, if you're  
22. sincere about it, Senators, put one in and let's strike the en-  
23. acting clause and leave RTA alone. But, as it stands, if you're  
24. not going to be a man and stand on your own two feet, let it  
25. alone. And, I support RTA a hundred percent and I hope none of  
26. these amendments will pass.

27. PRESIDENT:

28. Senator Bell.

29. SENATOR BELL:

30. Well, I'd like to point out to the Members of the Senate that  
31. this is the last amendment that would allow for collar county re-  
32. presentation on the RTA Board and so I would just like to make  
33. it very, very emphatic, certainly to this side of the aisle, that we

1. need all the votes we can muster to get this amendment tacked on.  
2. And, while I have reiterated before that I just stand totally in  
3. opposition to the whole concept, Senator Chew, members of the  
4. other side of the aisle, if we're going to be in it, let's give  
5. us some better form of representation and my God that's what  
6. democracy is about.

7. PRESIDENT:

8. Senator Rock.

9. SENATOR ROCK:

10. Thank you, Mr. President and ladies and gentlemen of the  
11. Senate. I rise in opposition to this amendment. And, I'd just  
12. like to make two points. One, there was, in the Committee on  
13. Transportation, a lengthy hearing concerning board composition.  
14. One of the bills sponsored by Senator Nimrod was voted out, Do  
15. Not Pass. One of the bills sponsored by Senator Conolly was held  
16. in committee by tie vote. I think when Senator Bell says that  
17. this is the last chance for the collar counties to have some re-  
18. presentation, he is seriously and badly mistaken. We accepted an  
19. amendment to SB 27, the RTA Bill, which provides that after every  
20. decennial census the board composition shall be readjusted to re-  
21. flect the population. Now, if in fact, the collar counties are  
22. growing at the rate they are, no question about that. They will  
23. have, in fact, proper representation. They do, in fact, have it  
24. right now and I would urge that this amendment be defeated.

25. PRESIDENT:

26. Senator Mitchler.

27. SENATOR MITCHLER:

28. Mr. President, I would like to ask the sponsor of this amend-  
29. ment a question if he'll yield.

30. PRESIDENT:

31. He indicates he will yield.

32. SENATOR MITCHLER:

33. Senator Glass, I'm going to ask you the same question I asked

1. the previous sponsor of an amendment. Who...who wants this  
2. amendment? Where did you get this amendment? What gave you the  
3. idea to put the expansion of the board. Oh, excuse me. Nimrod's,  
4. Senator Nimrod, I apologize Senator.

5. PRESIDENT:

6. Senator Nimrod.

7. SENATOR NIMROD:

8. Yes, Senator Mitchler, this is a attempt, it's a personal  
9. attempt to read into the desires of what the voters indicated.  
10. That they felt that they ought to have some kind of representation.  
11. And, if you will look at the makeup of this whole thing, and, of  
12. course, you know I voted for the bill and I supported the concept  
13. of RTA, if you will quickly look at this representation of four  
14. and four, we don't dilute a thing by doing this. We attempt to  
15. respond to the wishes of the electors both within the City of  
16. Chicago, within the suburbs, and within the collar counties saying  
17. at least give us a voice on this particular program. Here's an  
18. opportunity, if you just look mathematically at the problem, you  
19. will see that the first number that you can come up with to main-  
20. tain a four-four ratio and maintain the one man-one vote concept  
21. automatically become twenty because that is the magic number that  
22. gives one...to each one of the collar counties. The suburbs are  
23. saying...suburbanites are saying, yes, to our brothers in the collar  
24. counties. We realize that we might be entitled to more but we  
25. want you to have that representation so it's equal. Now, I think this  
26. is a fair representation. It does not destroy the RTA. In  
27. fact, it enhances it, it makes it more unanimous. It brings to-  
28. gether the people from throughout this whole county to achieve the  
29. one purpose which we're all for. And that is to provide the trans-  
30. portation picture. I know of no groups or any vested area that  
31. is provide for this kind of thing. It's just a natural outgrowth  
32. of the results of the election.

33. PRESIDENT:

Senator Mitchler.

1. SENATOR MITCHLER:

2. I really did not get a answer to my question as to exactly who  
3. wanted this, inasmuch as you eluded to the fact that it was the  
4. desire of the voters and I assume you're interpreting the vote  
5. on March 19, 1974 in that fashion. And, that's your prerogative  
6. to do that. You also said that you wanted to respond to the posi-  
7. tion of the electorate. Now, Senator, what is being rehashed here  
8. in the previous proposed amendment to 1454 and this proposed  
9. amendment is nothing but window dressing. Saving face. Face the  
10. facts. These amendments were proposed when this bill was debated  
11. in 1973. And, you turned your checks to those amendments and  
12. now those same people who strongly wanted the bill to be rammed  
13. through in the form it came out of the back rooms of Chicago are  
14. now asking that we put these amendments on, trying to make goody-  
15. goody out of nothing. Twenty-one is even worse than the amendment  
16. we talked about before. Twenty-five thousand dollars a year in  
17. expenses, another glorified bureaucracy appointed electorate to  
18. spend the taxpayers money. My God what are we getting to down  
19. here. This amendment is even worse than the previous amendment.  
20. You know it and I know it. It's window dressing. And if you want  
21. to do what you say, respond to, I'm quoting you Senator Nimrod,  
22. the desires of the voters and "respond to the position of the  
23. electorate" then you'll vote for the opt out bill because that's  
24. what the people told you and everybody in this General Assembly  
25. on both sides of the aisle in both Houses. They don't want RTA.  
26. Give them the opt out bill then you'll save face and that's what  
27. the people want. Don't come around with this wishy-washy window  
28. dressing.

29. PRESIDENT:

30. Senator Schaffer.

31. SENATOR SCHAFFER:

32. I think Senator Mitchler has enunciated very clearly the  
33. desires of the people of the collar county. They want out. They

1. didn't want in. They didn't ask to be included. No governmentive  
2. body. No official. No citizens group. No representative in  
3. any form or capacity asked to be included in the RTA. We were  
4. brought in without our request. The election forced us in despite  
5. probably a record vote in all five counties against it. My  
6. county voting eleven to one against it with the largest primary  
7. turn out in history. But, Senator Mitchler, I think you missed  
8. the point of the last two amendments. There is a great deal of  
9. unrest in the collar counties. I don't know if we have the votes  
10. to get our opt out. If we are unsuccessful, the RTA will continue  
11. to afflict the five collar counties. And, we will need all the  
12. representation we can get. I don't question the motives of the  
13. sponsors of these two amendments. I commend them because in my  
14. opinion they are representing the wishes of the people of the collar  
15. counties. Our number one choice is out but if we can't have that,  
16. and I have not yet conceded that we cannot have that, if not by  
17. action of this Legislative Body then perhaps by action of the  
18. courts. But, if we cannot have our first desire, our second  
19. desire has to be an effective RTA that effectively serves the peo-  
20. ple of the five collar counties. I urge support of this amend-  
21. ment. We want to be represented on the board. And, believe me,  
22. my county unlike Senator Mitchler's was not chosen this time to  
23. have a representative. Perhaps therein lies our difference and  
24. our point of views. The counties of McHenry, Will and DuPage are  
25. unrepresented at this point. We want to be represented and I might  
26. add if RTA is to succeed in our area, we must be represented. We  
27. must have a local representative that we have confidence in who  
28. can come back and sell the programs of the RTA to the people of  
29. those counties. It's going to be a difficult sales job but no  
30. sales job will be successful where no salesman is available to  
31. sell the program. I ask for support of this amendment.

32. PRESIDENT:

33. -----Senator Regner.

1. SENATOR REGNER:

2. Will the sponsor of the amendment yield to a question?

3. PRESIDENT:

4. He indicates that he will.

5. SENATOR REGNER:

6. Senator Nimrod, I'm sorry and I apologize but what is the  
7. make up of this twenty member board that you're proposing?

8. PRESIDENT:

9. Senator Nimrod.

10. SENATOR NIMROD:

11. The make up of the board is to maintain the four-four ratio  
12. would be ten members from the City of Chicago, five members from  
13. the suburban Cook County, five members from the collar counties  
14. each having one representative and these twenty members then elect-  
15. ing a Chairman which would make it twenty-one members.

16. PRESIDENT:

17. Senator Regner.

18. SENATOR REGNER:

19. And what happened to the clause in the bill from the amend-  
20. ment I put on last fall requiring reapportionment and after...at  
21. every ten year census.

22. SENATOR NIMROD:

23. That is still a part of this bill and will still prevail  
24. and be a part of it recurring the one man-one vote representa-  
25. tion.

26. SENATOR REGNER:

27. In other words in 1980 we will have reapportionment of this  
28. Board on a one man one vote. I...I question how that can be if  
29. we're getting away from the one man-one vote right now with the  
30. five members from the collar counties.

31. SENATOR NIMROD:

32. Well, the intent is that the suburban...as I...I was ex-  
33. plaining when the bill was presented. The suburban areas and.

1. the collar counties will have ten, the City of Chicago will have  
2. ten. The total number will be divided between the two. As there  
3. is more...requires one or more in either one, the City of Chicago  
4. or the suburbs in collar counties, that one or two members will  
5. shift to the area where the population has shifted. Thereby, the  
6. collar counties would not increase in representation until they  
7. totally had more...demanded six members. Otherwise, those addi-  
8. tional members would go into the suburbs.

9. PRESIDENT:

10. Senator Regner.

11. SENATOR REGNER:

12. The way I understand what you're saying, you're locking in  
13. this five member representation from the suburbs.

14. PRESIDENT:

15. Senator Nimrod.

16. SENATOR NIMROD:

17. No. No. There's no lock in. A...the...the provision ini-  
18. tially is establishing five from the suburbs and five from the  
19. collar counties. Now, if it were probably divided properly it  
20. might be six and four at this particular time. But, it is  
21. giving five and five right now and as new members are added either  
22. ... as the population is shifting and we know that there's a  
23. three hundred thousand surplus right now in the suburbs and the  
24. collar counties. We know that as that demands the one additional  
25. member or two additional members that they will move to either  
26. the suburbs first and then to the collar...five collar counties  
27. when they exceed a population of more than fifty percent of the  
28. two areas.

29. PRESIDENT:

30. Senator Regner.

31. SENATOR REGNER:

32. I...I really can't understand how he can offer this amend-  
33. ment and destroy the one man-one vote concept at this time and then



1. in 1980 bring it back in to shift. It just...it just doesn't  
2. make any sense.

3. PRESIDENT:

4. Senator Nimrod.

5. SENATOR NIMROD:

6. It does not destroy or eliminate or remove the one man-one  
7. vote concept. It is in the bill.

8. PRESIDENT:

9. Is there further discussion? The question is shall the Senate  
10. adopt Amendment No. 2 to SB 1454. All in favor signify by saying  
11. Aye. Contrary No. A roll call has been requested. A roll call  
12. has been requested. Senator Bell, Senator Latherow, Senator  
13. Fawell. Those in favor of the adoption of the Amendment No. 2 will  
14. vote Aye. Those opposed will vote No. The voting is open. Have  
15. all voted who wish? Have all voted who wish? Take the record.  
16. On that question the Yeas are twenty-four, the Nays are thirty-  
17. one. Amendment No. 2 to SB 1454 fails. Are there further amend-  
18. ments from the Floor? Third Reading. Senator Conolly do you have  
19. a similar motion on a bill on third reading?

20. SENATOR CONOLLY:

21. Yes, Mr. President, I have an amendment for...I would like to  
22. make the motion on SB 1487.

23. PRESIDENT:

24. SB 1487. Senator Conolly seeks leave to recall to the order  
25. of second reading. Is there leave? Leave is granted. Second  
26. Reading. SB 1487. Senator Conolly.

27. SENATOR CONOLLY:

28. This amendment to the part of the Act of Eminent Domain of  
29. ...includes property uses for public park purposes, state forests,  
30. forest preserve purposes improperly held by conservation districts  
31. and they cannot be acquired by Eminent Domain.

32. PRESIDENT:

33. Senator Chew.

1. SENATOR CHEW:

2. We heard this in committee and with due respect to the  
3. sponsor of the amendment. What we're doing here, we're limiting  
4. the authority on the legality of maybe taking one foot of land  
5. for a turnaround spot for some facility. I think that right  
6. ought to be granted. I don't think RTA would ever have a desire  
7. to just go in and use Eminent Domain to acquire land for the  
8. purpose of acquirement. This board is made up of men and women  
9. of character. I think it has been carefully selected, appointed  
10. and I have not heard any opposition to the members, it's a cross  
11. section of good citizens. Suppose we would see how they're going  
12. to operate, and I'm sure it's fairly, before we attempt to put  
13. these kind of restrictions to impede the total progress of RTA.  
14. Just as a hypothetical case Mr. President, in the expansion and  
15. construction to serve the entire six county area there happens to  
16. be a portion of Senator Conolly's farm. Three feet. He himself  
17. would not object to it if it were going to serve a vital purpose.  
18. But, to adopt this amendment would prohibit the board from utiliz-  
19. ing this kind of property for a very vital purpose. I know his  
20. intentions are well. He's a very reasonable man. I work with him  
21. one hundred percent. We disagree but we are never disagreeable.  
22. Senator, I believe you said in committee and I quote, that you  
23. did not want to curbe the power of the board, you merely wanted  
24. to put some restrictive covenant on it where they would not "go  
25. wild". That you did not mean because you yourself were instru-  
26. mental in planning, working the entire program out as it is. Let's  
27. give RTA a chance to work. I think you're going to be around here  
28. and I hope to be around and we've been together on most things.  
29. Let us get together on this. And, I would ask you to Table that  
30. amendment for the benefit of a new thing with an idea and a pur-  
31. pose, let us allow it to work for good or for bad. This is the  
32. Legislature. If it's for bad Senator let's change it. If it's  
33. for good let's help it. If you like it you let them but if you

1. love them you help them.

2. PRESIDENT:

3. Senator Fawell.

4. SENATOR FAWELL:

5. Well I...Mr. President I rise in support of the amendment  
6. and I speak as a Senator from the collar county area who supported  
7. the referendum vote for the RTA. I think what we have here is  
8. what has been labled by most of our news media if not all as being  
9. a very constructive amendment and I would earnestly suggest to  
10. those of you who are representatives of the great city of Chicago  
11. that you really heed the feelings of the collar county areas in  
12. this regard. No matter...if you do believe that each amendment  
13. here can be beat off, I hope that's not the case. The...the final  
14. success of RTA will never come if the people, regardless of what  
15. the vote was and of course it was outstandingly against in the  
16. collar county area, if the people feel that even requests such as  
17. this, which I repeat, I believe are eminently fair, and constructive,  
18. are turned down. Now, I for one, really did not have a great  
19. deal of fear that the RTA would misuse the Eminent Domain powers  
20. which were granted to it. But let me make this very clear, the  
21. park districts, the municipalities and those engaged in open land,  
22. recreation, wildlife preserve endeavors are very much concerned  
23. about it and it was a combination of fears that were engendered  
24. by points such as this which turned the people in the collar county  
25. areas against RTA. And, I repeat, any particular public pursuit  
26. which is not supported by the people even though legally put upon  
27. them is doomed to failure. And, so I plead with you to recognize  
28. this as being a very constructive amendment and one that I think  
29. that when and if the time should come when you have the RTA need-  
30. ful of park and recreation land, I think that parties will be  
31. able to get together and through the negotiation and purchasing  
32. process, it can be worked out. Please don't just treat these amend-  
33. ments, the one that we are debating at this point for instance,

1. the idea of public notice on the sale of bonds, the other in  
2. regard to private parking facilities tax. These are very reason-  
3. able, very sound, very constructive amendments which will strengthen  
4. RTA because it will bring, I think, great numbers of responsible  
5. people in the collar county areas who felt they had to oppose the  
6. referendum because of the fears engendered on these points and  
7. sincerely felt by these groups. So I say to you, don't treat these  
8. amendments as any effort by irresponsible parties just to try to  
9. kill it. In fact, I would submit to you that those who are in  
10. favor of opt out are in a powerful position if all of these are  
11. just turned down, to say to us who heretofore have stood for RTA  
12. and tried to relate, that you have no alternative but, now to opt  
13. out because everything the people have said about RTA and the  
14. blindness of...alleged to be exercised by those who brought about  
15. the legislation and not allowing amendments or any type of changes,  
16. they will allege, has been proven to exist. I rise in support of  
17. it. I hope that we do, at the very least have this amendment  
18. adopted.

19. PRESIDENT:

20. Senator Partee.

21. SENATOR PARTEE:

22. Well, Mr. President and Members of the Senate, this is indeed  
23. a serious question and I approach it very seriously. It occurs...  
24. and this is a question that has caused me a great deal of conster-  
25. nation and I've looked at it rather carefully because I recognize  
26. both sides of this question. One of the things, though, that dis-  
27. tinguishes the American government from other governments is its  
28. flexibility. The lack of constrictions, the ability to change,  
29. the ability to alter, the ability to move. I am as concerned with  
30. the preservation of our public parks, our state forests and all  
31. public park lands as is any person within the sound of my voice.  
32. I am also concerned that in this kind of situation there is cer-  
33. tainly, it seems to me, a more viable approach than to restrict

1. permanently, immobily, the use of forest land. Now, we have another  
2. amendment, and I wish Senator Conolly you would really listen to  
3. this amendment because I think that it is, for all practical pur-  
4. poses, a much better amendment. Now, I have an amendment which  
5. I hope to offer which would provide that whenever or if ever the  
6. <sup>421</sup> RTA sought to pick up any park land for its use, there are several  
7. things that would have to be conditions precedent to their being  
8. able to obtain it. First of all, they would have to go under the  
9. Eminent Domain Act and would have to go into the Circuit Court  
10. in the county in which the property was located. And, in that  
11. proceeding, the property could only be taken after the court re-  
12. viewed and concurred in the authority's finding that no feasible  
13. alternatives existed to the taking and that the advantages to the  
14. public exceeded the advan...disadvantages to the public. Now,  
15. what am I saying. There may come a time when the only available  
16. piece of land to be used by a busline for a turnaround for a shel-  
17. ter where people may wait may be park district land. Otherwise,  
18. people may be off or on the bus some four or five blocks from the  
19. place where they're going. Suppose they're going to a park. The  
20. RTA, it seems to me, ought to be able to say we will go into court  
21. and we will show that we have made an examination of this circum-  
22. stance, there is no feasible alternative for us to obtain land  
23. from except this part of the land and then they have the additional  
24. burden of proving that the advantages do not out...that the ad-  
25. vantages outweigh the disadvantages and only after they have  
26. proved all of that to a court, which, of course, was assessed at a  
27. reasonable value, could that land be taken. I think that is a  
28. reasonable kind of amendment. I think, to be constrictive to put  
29. them in a box and to say never, never shall this happen is...is  
30. outside of the orbit of the general tone of American government.  
31. We are a flexible nation and our laws are geared to the utility  
32. of that flexibility for the benefit of the many and this amendment  
33. I would offer, I suggest to you, sir, would be the kind of amend-

1. ment that would have indepth, engrain protection for the people  
2. of the community and would require a great deal of proof as to  
3. the nonavailability of other land and to the advantage vs. dis-  
4. advantage concept, I have just talked to you about. I wish you  
5. would give it some serious consideration because I think you are  
6. going to by the amendment...amendment now pending, place the RTA  
7. in a posture of real striction.

8. PRESIDENT:

9. Senator Palmer.

10. SENATOR PALMER:

11. Will Senator Conolly yield to a question please?

12. PRESIDENT:

13. He indicates that he will yield. Proceed.

14. SENATOR PALMER:

15. Senator Conolly the bill of 1487 says to remove the power  
16. of Eminent Domain on certain properties. Would you please tell  
17. us what properties?

18. PRESIDENT:

19. Senator Conolly.

20. SENATOR CONOLLY:

21. Public park purposes, state forest purposes, forest preserve  
22. purposes improperly held by conservation district, organized  
23. under the Conservation District Act.

24. SENATOR PALMER:

25. Ladies and gentlemen, I wanted to pinpoint the properties  
26. concerned by this bill. And, I'd like to tell the Members of  
27. the Senate that I've had some experience in the field of con-  
28. demnation in Eminent Domain both in the...State's Attorney's  
29. Office of Cook County and the Land Acquisition Department and  
30. also as a Title Examiner for the County of Cook. And, I would  
31. like to advise the Members here that when agencies are created  
32. by the State of Illinois like the Forest Preserve, like the Park  
33. District, University of Illinois, they are all given the power of

1. Eminent Domain. Of this power, ladies and gentlemen, is not in  
2. anyway absolute. This power is just to file an application for  
3. the use of certain properties and the court will determine what  
4. is in the nature of the best interest for the people. Now, this  
5. bill of 1487 says remove the power of RTA of the right of Eminent  
6. Domain. I would like to...to remove the fears of Senator Fawell  
7. and any Senator on the other side or of the any...or the collar  
8. counties of any fear of abuse. I can tell you that in my entire  
9. experience there never was a governmental agency that abused the  
10. power with another governmental agency. That, in my experience  
11. I will advise you that these matters are adjudicated and are done  
12. for the best interest of the people. Never has there been an  
13. abuse or taking of property from a...an agency that was reluctant  
14. to release that property. Now, in looking at the matter before  
15. us, as Senator Chew and Senator Partee have related to you, the  
16. only thing that we can visualize as to the taking by the RTA is  
17. probably a few feet, a few...in order to have a landing or a turn-  
18. around for the bus which may result in exactly what you Senators  
19. are trying to protect, the use of the forest preserves and the  
20. use of the parks. Now, there's one more statement I'd like to  
21. make relative to the forest preserves. Park districts have the  
22. right to negotiate to sell part of their property but as it stands  
23. now the law of the State of Illinois, the forest preserves of  
24. Cook County for example absolutely does not have any right to sell.  
25. They have no power to sell whether they want to sell five feet or  
26. a hundred feet. Therefore, for the best use of a particular fifty  
27. feet or a hundred feet for a turnaround of a bus where the forest  
28. preserve might be willing to release it, they do not have that  
29. power. Therefore, I think it's very important that the power of  
30. Eminent Domain lies and stays with the RTA. Thank you very much.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator McBroom:

33. SENATOR MCBROOM:

Mr. President, is Senator Shapiro on the Floor?

1. PRESIDING OFFICER (SENATOR MOHR):

2. Yes, he is.

3. SENATOR MCBROOM:

4. I wonder if he'd yield for a question. And, I'd like to  
5. call Senator Palmer's attention. I'd like to call Senator Palmer's  
6. attention to the question that I'm going to propound to Senator  
7. Shapiro. One occasion, Mr. President, I was in the company of  
8. Senator Shapiro and Senator Palmer and Senator Palmer made an un-  
9. equivocal promise to Senator Shapiro that there would be as part  
10. of the RTA package a bus line to Amboy, Illinois and I wonder,  
11. Senator Shapiro, if Senator Palmer ever fulfilled on that pro-  
12. mise?

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Shapiro.

15. SENATOR SHAPIRO:

16. Mr. President, in response to Senator McBroom's question, the  
17. promise has not been fulfilled by Senator Palmer, however, he...he  
18. did qualify the remarks and he, as I recall, he said he would  
19. help me with my Lee County Road bill.

20. PRESIDING OFFICER (SENATOR MOHR):

21. I think Senator Palmer's trying to find out where Amboy is.  
22. Senator Palmer.

23. SENATOR PALMER:

24. I would like Senator McBroom and Senator Shapiro to under-  
25. stand that I'm always ready and able to fulfill that promise if  
26. I can only find Amboy.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Any further discussion? Senator Conolly moves the adoption  
29. of Amendment No. 1 to SB 1487. All those in favor will say Aye.  
30. Opposed No. Request for a roll call. Senator Conolly.

31. SENATOR CONOLLY:

32. ...Like a roll call please.

33. PRESIDING OFFICER (SENATOR MOHR):

34. The question is shall Amendment No. 1 to SB 1487 be adopted.



1. For what purpose Senator Chew arise?

2. SENATOR CHEW:

3. Since there's been so much talk about it, I wish you'd ex-  
4. plain what the amendment is so those that were not listening  
5. would know to vote No.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Those in favor the amendment will vote Aye. Those opposed  
8. will vote Nay, and the voting is open. Have all voted who wish?  
9. Take the record. On that question the Ayes are thirty-one, the  
10. Nays are twenty-four. The amendment is adopted. Senator Conolly  
11. you want to call...

12. SECRETARY:

13. Amendment No. 2 by Senator Partee.

14. PRESIDING OFFICER (SENATOR MOHR):

15. Senator Partee. Senator Conolly.

16. SENATOR CONOLLY:

17. I would like...make the same motion on 1492. I understand  
18. that Senator Mitchler has a amendment to that.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Are there further amendments to SB 1487? No further amend-  
21. ments. It'll be moved back to third reading. SB 1492. Senator  
22. Conolly. The motion to request...take that back to second read-  
23. ing for the purpose of amendment. There's leave granted. Will you  
24. explain your amendment Senator. That's Senator Mitchler's amend-  
25. ment. Senator Mitchler.

26. SENATOR MITCHLER:

27. Mr. President, Members of the Senate, the amendment that I  
28. am proposing to SB 1492 would do this. SB...the amendment to  
29. SB 1492 would have the RTA Board be given the authority to reduce  
30. the amount of tax imposed in any area which means any county or  
31. portion of a county, when it is found that one hundred percent of  
32. the tax collected in that county, it is to be used in that county,  
33. exceeds the amount of money needed to be applied to the RTA services

1. in that area. Meaning into that county or portion of that county.  
2. The bill, SB 1492, changes from two thirds to one hundred percent  
3. of the amount of money that is taxed in a county or an area to re-  
4. main in the county, be used in the county. Now, it is the feeling  
5. that, and there is not accurate figures to bring this out because  
6. it has not been in effect, but the amount of money collected by the  
7. taxes to be imposed and suggested to be imposed by the RTA Board  
8. in some of the counties in the areas would be far in excess of  
9. what actually could be used. And, there's no sense in taxing  
10. people if you're not going to utilize that money in that area.  
11. And, this would give the county...the RTA Board the authority to  
12. reduce that tax. Case in point. Let's take McHenry County. If  
13. the tax exceeded the amount of revenue needed to provide the  
14. services in that county for mass transportation then the RTA Board  
15. at their wisdom could reduce for example the sales tax on gasoline  
16. from five percent down to three percent, four percent or two per-  
17. cent for a period of time until they thought that they needed the  
18. additional revenue and then upped it in that area to five percent  
19. because the money, if collected under the provisions of SB 1492,  
20. would all be spent in that area. I would be glad to answer any  
21. questions if you have them on the amendment that I proposed to  
22. this bill.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Rock.

25. SENATOR ROCK:

26. Thank you, Mr. President. A question if the sponsor will  
27. yield.

28. PRESIDING OFFICER (SENATOR MOHR):

29. He indicates he will.

30. SENATOR ROCK:

31. Senator Mitchler were you in the Committee on Transportation  
32. when there was testimony taken on this hundred percent vs. two  
33. thirds percent return?

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Mitchler.

3. SENATOR MITCHLER:

4. No, I was not in a Transportation Committee.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Rock.

7. SENATOR ROCK:

8. My understanding and I was there only a short time myself  
9. although I'm not a member of the committee, my understanding is, that  
10. initially at least, the proposal is that certain areas in the  
11. collar counties in suburban Cook will receive in excess of one  
12. hundred percent of the taxes they raise. That in order to es-  
13. tablish, for instance, a commuter rail running up to through McHenry  
14. and Kane County, they will not be able of themselves to raise  
15. that kind of money so that they're going to have to take money  
16. from us poor kids in the City of Chicago in order to establish  
17. that. Now, my question is would you be willing to amend this  
18. amendment to say you are trying now, as I understand it, to say  
19. if we don't get our hundred percent we don't pay that kind of  
20. tax. My point is just the reverse. Would you be willing to  
21. accept an amendment which says we will tax ourselves to whatever  
22. it takes so that the presumption, at least, is that the City of  
23. Chicago perhaps may only have a one cent tax and the poor folks  
24. in McHenry and Will and Kane County may have a ten or twelve cent  
25. tax?

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Mitchler.

28. SENATOR MITCHLER:

29. First of all, the Secretary of the Senate has taught me, many  
30. years ago, not to try to amend amendments. We're in the state, that's  
31. a state of confusion for the Secretary so on that basis, and I'm a  
32. good friend, of our secretary, I hope I acknowledged that, but what  
33. this would do if you did not need that...that amount, for example,

1. one cent sales tax on gasoline in the City of Chicago. The RTA  
2. Board could hold it down to that and the other areas if they  
3. needed it they could have it up to their five percent. But,  
4. inasmuch as SB 1492 is going to provide one hundred percent of  
5. the money collected in any area, remain in the area. There's no  
6. sense in collecting all this money in Kane County from out around  
7. Big Rock and Hampshire and Maple Park and all of those areas when  
8. it's not going to be needed. And, so this can give them some  
9. tax relief and still carry out the leaving of a hundred percent  
10. of the money in the area. I wouldn't be concerned that the City  
11. of Chicago wouldn't spend the full amount of taxes there because  
12. they always find a way to spend whatever tax funds are available.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Rock.

15. SENATOR ROCK:

16. Well, you have answered my question. You will not be willing  
17. to accept an amendment but I want to point out that the testimony  
18. was quite firm on that fact. That, in fact, the suburban Cook  
19. and the outlying Collar counties will receive at a minimum a hun-  
20. dred and ten to a hundred per...twenty percent of what, in fact,  
21. they raise. And, it is no secret that that extra ten and twenty  
22. and thirty percent is coming right from the City of Chicago.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Schaffer.

25. SENATOR SCHAFFER:

26. Several weeks ago I had the interesting experience of riding  
27. back from Springfield to Chicago with Milton Picarski. We had  
28. a long and lengthy discussion on mass transit and Milton did an  
29. excellent job of trying to convince me that my area would be well  
30. served by the RTA and despite his very persuasive abilities, I was  
31. not moved. The one interesting fact that came to my attention  
32. which I believe Mr. Picarski would vouch for these statements,  
33. it's going to take twenty-four months to thirty-six months for

1. for the proposed RTA. The RTA that was nearly passed on the 19th  
2. to acquire additional equipment. That means on January 1st when  
3. they come into being, I guess officially and with taxing powers,  
4. it's going to take two to three years for them to get additional  
5. equipment. Now, in McHenry County where we are served, inade-  
6. quately served by the Northwestern, which is a commuter line  
7. making a small profit which has plenty of equipment, that what  
8. that means to me is that the people of my area for two or three  
9. years, simply because it's physically impossible, impossible to  
10. get new buses and trains to them. They can be ordered and that's  
11. all that can happen but for two to three years my people in McHenry  
12. County will pay that tax and receive nothing. Absolutely nothing.  
13. Unless, perhaps, the City of Chicago is prepared to send some of their  
14. used CTA buses out to us. Now, I asked the gentleman on the other  
15. two...other side of the aisle, are we expected to pay for two or  
16. three years and receive absolutely nothing? Will we get absolutely  
17. nothing? Is this amendment that...without merit? How can we  
18. address ourselves to that problem? If there is hostility in the  
19. collar counties and believe me there is hostility today, where  
20. will the level of hostility be three years from now when they've  
21. paid taxes all that time and received nothing? This amendment  
22. has a great deal of merit. And, I believe, eventually if this  
23. thing goes the way it seems to be, two or three years from now  
24. when additional equipment's available, then they can spend the  
25. money. We shouldn't be taxed for nothing. We shouldn't be taxed  
26. for not even token service. This amendment provides an out.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Conolly.

29. SENATOR CONOLLY:

30. As Senator Rock brought out in test...testimony before the  
31. Senate Transportation Committee clearly indicated that a great  
32. deal more money would be spent in each of the area...areas, each  
33. of the counties than would be raised by the sales tax on gasoline.

1. As you well know, this RTA will be funded by many sources and  
2. the revenue from gasoline sales tax is one of the smaller amounts  
3. and, therefore, more funds from the other sources will be spent in  
4. the outlying counties and, therefore, I would oppose this situa...  
5. amendment to this bill. I think it is unnecessary and I think I'm  
6. confident that service will be provided for the outlying areas.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Glass.

9. SENATOR GLASS:

10. I have a question of the sponsor, Mr. President.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Mitchler.

13. SENATOR GLASS:

14. Senator Mitchler am I correct that the taxes we're talking  
15. about here at the present time would be those imposed by the  
16. Board itself? Namely the...the gas...the tax on gas and the park-  
17. ing facilities tax?

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Mitchler.

20. SENATOR MITCHLER:

21. Yes.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Glass.

24. SENATOR GLASS:

25. Well, I...I can see nothing wrong with your amendment, frankly,  
26. in response to Senator Rock if, in fact, this bill were to pass and  
27. a hundred percent of the tax is raised in each of the seven areas  
28. had to be used in those areas and the Board determined that the  
29. money wasn't necessary to be used there then...then there's no.  
30. sense in raising it. So, I will support the amendment. I would  
31. suggest to you Senator Mitchler that there may be a problem though  
32. in the language because the Board is to determine the funds esti-  
33. mated to be required for the provision of service to each transpor-

1. tation area. Now I don't know over what period you're talking  
2. about there and the Board may estimate that over a period of  
3. five years they're going to need all the taxes involved but I  
4. can see nothing wrong with the concept and I, in fact, I think  
5. it's hard to argue with it. If the money isn't needed in an area,  
6. I see no reason for the taxes to be raised.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Any further discussion? Senator Fawell.

9. SENATOR FAWELL:

10. The...the only question I have and perhaps Senator Mitchler  
11. can answer this question is...it's always a...I've always been  
12. not capable of understanding the accounting procedures here.  
13. Now I'll give you a for instance. We would foresee that  
14. boundry line between Naperville and Aurora where probably the  
15. largest commercial development in the Midwest will soon be con-  
16. structed, in fact it's in the process of construction, will have  
17. a bus route coming from the Burlington route. It will be coming  
18. down Route 59 which is the dividing line between Aurora and  
19. Naperville or it could very well, actually be partially in Kane  
20. and partially in DuPage. It seems to me that when you take,  
21. for instance, something like paying the salary of the RTA repre-  
22. sentative who comes from Kane County or if you talk about paying  
23. the salary of a division foreman along the railroad route...  
24. right-of-way or many other managerial or expenses that just can't  
25. clearly be earmarked as being for the benefit of one county or  
26. another. Senator, it seems to me although I can understand what  
27. you're trying to say here that from an accounting viewpoint it's  
28. an...it's an...it's just an absolute nightmare and one that I  
29. think probably nobody here really believes ever can work. Cause  
30. I just...I just cannot believe that if you're doing roadwork, for  
31. instance, on the right-of-way say in LaGrange, that you can  
32. necessarily say here is a singular benefit to the people of  
33. suburban Cook. Accounting, how do you expect or what is set forth

1. in the amendment from an accounting viewpoint so that you can  
2. actually determine who, what people or what portion of a given  
3. area actually is benefiting.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Mitchler.

6. SENATOR MITCHLER:

7. Senator Fawell, that...that very question came to my mind  
8. and it was discussed when I was brought...drafting up the amend-  
9. ment. For years and I...I was employed with the Burlington Rail-  
10. road for a number of years in their division office and one of  
11. the responsibilities as timekeeper and the accountants had was  
12. this very thing you were talking about. In railroads, I'm using  
13. them as an example, get into this where they have joint trackage,  
14. where two different railroads run over the same trackage and you  
15. have to put in ties and spikes and tie plates and what have you.  
16. They have a way of accounting for that on a percentage basis and  
17. where you would have a bus line run and you'd have a foreman, it  
18. ...when it's set up it's proportioned off and when the cost and  
19. income is analysed at the end it's distributed properly and...as  
20. far as accounting procedure, I don't think you'd be into any great  
21. problem with that respect. And, the RTA Board...the main thing  
22. on...that this does, it gives legislative authority to the Board. That  
23. at their discretion they can reduce the tax in an area where  
24. the tax is not needed. And, in the...as I see now, when the RTA  
25. Board imposes a tax, for example, a five percent sales tax on  
26. gasoline they have to do it uniformly over the entire six county  
27. area. Now this would give them the authority that they could re-  
28. duce it in a certain area when and if they...in their determination  
29. it's not needed. Not needed in a four year period, five year  
30. period, six month period, two year period, they could at their  
31. discretion.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Fawell.



1. SENATOR FAWELL:

2. I simply want to express that I...I think that there's an  
3. awful lot of ado about nothing here. The two aspects of the  
4. amendment both presupposed that it's a very easy thing to deter-  
5. mine who in a regional effort is going to benefit and I submit to  
6. you that if you're proposing a Regional Transportation Authority  
7. that parochial accounting, economically just really cannot work  
8. and certainly it collides with the concept that one is...is  
9. addressing oneself to. I realize it can be parochially...poli-  
10. tically very acceptable, I suppose. I don't believe and I know  
11. in the two thirds accounting provision was thrown in, I didn't  
12. believe then that it could possible work and that it just is an  
13. accounting nightmare, that it's going to be known by its nonuse  
14. or misuse or just it being ignored totally to increase it to one  
15. hundred percent is just compounding I think an...an initial error.  
16. And, I would think, too, that when one recognizes that as a prac-  
17. tical matter the basic tax insofar as the suburban area is con-  
18. cerned is the gasoline tax. We don't have the public parking  
19. garages out there to be taxed, we don't have the specific monetary  
20. obligation that the City of Chicago has upon it and of course we  
21. recognize that a great portion, the very foundation of the support  
22. is coming out of the general revenues of the State of Illinois.

1. so I don't think it's as great an issue as many of the objectors  
2. felt it was during the referendum. I still am not persuaded that  
3. it is, and I repeat that I think it's a completely 100% unworkable  
4. aspect of the bill, and I, for that reason, do not plan to support  
5. this amendment.

6. PRESIDING OFFICER (SENATOR HOWARD MOHR):

7. Further discussion. Senator Mitchler.

8. SENATOR MITCHLER:

9. In summing up the amendment, Mr. President and members of  
10. the Senate, I used as an example the part of the Sales Tax on  
11. gasoline. The board under this could also have the authority,  
12. for example, in McHenry County, to rescind a parking tax, or any  
13. of the other taxes that they have been given the authority to  
14. impose by virtue of the Regional Transportation Authority Act.  
15. This would be at their discretion. I would not personally fore-  
16. see that this would be possible in DuPage County or Cook County  
17. whether it be Suburban Cook County or the City of Chicago, those  
18. three areas, because they are large enough and they certainly  
19. could absorb the tax. It's estimated 171 million would be raised  
20. by, if all of the taxes were imposed by the RTA Board in the  
21. first year, and I could go to my files and I could give a quote  
22. from Milton Pikarsky, where he said that that 171 million dollars  
23. would only be a drop in the bucket as far as the CTA alone. Not  
24. even considering any of the other forms of mass transportation,  
25. the taxicabs, the airplanes, the Wendella Boat System, and  
26. everything else that will enter into this RTA Board and Mass  
27. Transportation Act. This is a good amendment. It's just giving  
28. the RTA Board the Legislative Authority to give them some dis-  
29. cretion at imposing taxes or rescinding taxes as needed. I  
30. would ask for a favorable roll call on the amendment.

31. PRESIDING OFFICER (SENATOR HOWARD MOHR):

32. Senator Mitchler moves the adoption of Amendment No. 2 to  
33. Senate Bill 1492. All those in favor will signify by saying Aye.

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1. Opposed. Request for a roll call. Those in favor of Senator  
2. Mitchler's motion will vote Aye. Those opposed will vote Nay.  
3. Voting is open. Have all voted who wish? Take the Record.  
4. On that question the Ayes are 18, the Nays are 35, two voting  
5. Present. The amendment...Amendment No. 2 fails. Further  
6. amendments. Third Reading. Senator Weaver.

7. SENATOR WEAVER:

8. Mr. President, I would like to recall Senate Bill 1520  
9. to the Order of Second Reading for the purpose of Tabling an  
10. amendment and adopting Amendment No. 2.

11. PRESIDING OFFICER (SENATOR HOWARD MOHR):

12. Is there Leave to bring this back for an amendment? Leave  
13. is granted. Will you explain your amendment, Senator?

14. SENATOR WEAVER:

15. First, Mr. President, I would like to move to reconsider  
16. the vote by which Amendment No. 1 was adopted for the purpose  
17. of Tabling.

18. PRESIDING OFFICER (SENATOR HOWARD MOHR):

19. Is there Leave to Table Amendment No. 1...to reconsider the  
20. vote by which Amendment No. 1 was adopted. Is there Leave.

21. Leave is granted. Now he moves...Senator Weaver moves to Table  
22. Amendment No. 1. All in favor say Aye. Opposed. Amendment No.  
23. 1 is Tabled. Senator Weaver.

24. SECRETARY:

25. Amendment No. 2 by Senator Weaver.

26. PRESIDING OFFICER (SENATOR HOWARD MOHR):

27. Will you explain Amendment No. 2, Senator?

28. SENATOR WEAVER:

29. Well, Mr. President, Amendment No. 2 is basically a technical  
30. amendment offered to clarify this bill. If there's any discussion  
31. I'd be happy to try to answer. This would provide that fees,  
32. charges, taxes, provided for in this bill shall, as provided in  
33. Section 415 of this act, be in lieu of all license fees or

1. privilege or occupation taxes or other fees levied or assessed  
2. by any home rule unit in said Section 415 of this act, is  
3. declared to be a denial and limitation of the powers of home  
4. rule units pursuant to Paragraph G, Section 6, Article 7 of the  
5. Illinois Constitution of 1970.

6. PRESIDING OFFICER (SENATOR HOWARD MOHR):

7. Any further discussion? Senator Partee.

8. SENATOR PARTEE:

9. Let me just simply say to the...those who are opposed to  
10. this concept that it is a little more than technical...it seems  
11. to me to be restrictive of home rule powers. I think it's more  
12. than technical and I'm going to oppose it.

13. PRESIDING OFFICER (SENATOR HOWARD MOHR):

14. Any further discussion? Senator Buzbee.

15. SENATOR BUZBEE:

16. Thank you, Mr. President, I wonder if the sponsor would  
17. yield to a question.

18. PRESIDING OFFICER (SENATOR HOWARD MOHR):

19. He indicates he will.

20. SENATOR BUZBEE:

21. First of all, which profession does 1520 deal with? And  
22. secondly, would you, in light of what Senator Partee just said,  
23. would you mind to give us a little bit more detail as to what  
24. this amendment does?

25. PRESIDING OFFICER (SENATOR HOWARD MOHR):

26. Senator Weaver.

27. SENATOR WEAVER:

28. This, Senator Buzbee, is an amendment to the Insurance Code.  
29. It, in essence, will preempt home rule units from licensing. It  
30. has to do with...it came up in Committee. Lee Schwartz, Corpor-  
31. ation Council, City of Chicago, had some objection. We amended  
32. it to put in the reference to Section G which did not really solve  
33. the problem. This is a clarifying amendment on the preemption of

1. the taxing power. It will certainly...it will certainly take 3/5  
2. or 36 votes, but this is to clarify so that there is no confusion  
3. on this section.

4. PRESIDING OFFICER (SENATOR HOWARD MOHR):

5. Senator Buzbee.

6. SENATOR BUZBEE:

7. Mr. President, I'm not trying to pull a dilatory tactic or  
8. anything but I would like to have a copy of that amendment before  
9. I'm called upon to vote upon it.

10. PRESIDING OFFICER (SENATOR HOWARD MOHR):

11. Page. Any further discussion? Senator Weaver moves the  
12. adoption of Amendment No. 2 to Senate Bill 1520. All those in  
13. favor will signify by saying Aye. Opposed. Amendment No. 2 is  
14. adopted. Any further amendments?

15. SECRETARY:

16. Amendment No. 3 by Senator Partee.

17. PRESIDING OFFICER (SENATOR HOWARD MOHR):

18. Senator Partee.

19. SENATOR PARTEE:

20. Mr. President and members of the Senate, I have several  
21. amendments, but let me make something in the nature of a general  
22. explanation, that will cover most of them. And I might as well  
23. start with what the...what this is about, this whole concept of  
24. home rule, we had a series of debates last year on House Bill 3636  
25. and after that bill was passed the court made a decision on it.  
26. In my opinion the decision left a great deal to be desired in  
27. terms of delineating and ventilating the issues involved here.  
28. What we are really talking about in these preemption series are  
29. restrictions on the rights of home rule units to care for the health,  
30. the welfare, and the morals of the people who reside in them.  
31. Implicit in the debates last time, and I think implicit in the  
32. debates today, are two basic and fundamental considerations, the  
33. right of a home rule unit to license and the right of a home rule

1. unit to regulate the operation of a business. I think it's  
2. crystal clear from everything I have ever said concerning this  
3. matter, that we seek not, we do not seek in home rule units, to  
4. license these various professions. The licensing of those  
5. professions should be done on a Statewide basis by and through  
6. examinations and other tests, to determine the ability of the  
7. person involved to perform the particular professional or business  
8. function. We do not seek to license. Licensing should be done  
9. by the State. Whether or not a city should be restricted  
10. in the right to regulate a particular business is the other  
11. part of the question. We've heard a lot of conversations about  
12. local government and that governing...government governing...  
13. governing best which governs least and that which is closest  
14. to the people and we...that brings us back to the city's function.  
15. Now in every city there is a Building Department. A Health  
16. Department that determines how and under what circumstances  
17. hospitals may be built. That determines how a doctor's office  
18. must conform for health standards to the decreed health policy  
19. of that State. There are zoning laws. There's a Fire Code.  
20. There's sanitation departments. Now to preempt a city certainly  
21. says that these functions, heretofore enjoyed by cities, are now  
22. not to be enjoyed by them, leaving the city bereft of any tools  
23. for the implementation of its sacred duty of protecting the  
24. health, the welfare, and the morals. When we talk about regu-  
25. lations, some people think about things that are direct regulation,  
26. like a law that says an architect cannot do this or he shall do  
27. this. Most of the regulatory laws that are on the statutes now  
28. by way of ordinances in home rule units are not direct expressions of  
29. what one may do or what one may not do. Many of them are indirect  
30. and inferential. For example, it does effectively regulate an  
31. architect if when he commences to draw a building he must look at  
32. the zoning code of that particular city which says, among other  
33. things, that a building of this kind, type, size and description

1. that you propose, must have a certain floor area ratio for those  
2. persons who are going to inhabit it. There must be a certain  
3. number of cubic feet of circled...circulated air for each person  
4. who is going to be housed, or who is going to use that piece of  
5. property. It says that exits must be of a certain construction;  
6. it must be made a certain way. It says that certain kinds of fiber-  
7. board or certain kinds of materials must be used in buildings to  
8. be used under certain circumstances, whether it's a theatre, or  
9. whether it's a store, or whether it's a house. It says that  
10. under the zoning code of our city you must have X number of park-  
11. ing spaces for the number of beds you are going to have in a  
12. Senior Citizens' Home, or the number of beds you are going to  
13. have in a nursing home. Now, when an architect draws his plans  
14. for such a nursing home with the existence of the zoning code and  
15. other laws relating to health and safety, it is, in effect, a  
16. regulation on that profession. It means that that profession cannot  
17. prepare, draw, or implement a set of architectural plans which are  
18. in violation of the fundamental ordinances of that city which are  
19. designed to protect the health, the welfare and the morals of  
20. that city. Many cities have different problems and when you start  
21. to preempt these professions and businesses you say to one city,  
22. well you...we'll just have a general rule which will serve all of  
23. us. An example of the differences in our cities and the differences  
24. in our villages and municipalities, is what has happened already  
25. on a bill passed just last year to raise the voting age from...  
26. up to the...lower the voting age to 19 years of age. Drinking  
27. age, I am sorry. I think in terms of voting most times. The  
28. bill said that you may serve drinks to persons who are 19 and above.  
29. Many of our individual municipalities have, because they know their  
30. cities best, decided that there shall be no application of that law  
31. in that particular city and the court has upheld it, taking into  
32. consideration the differences that exist between various of our  
33. municipalities. Now I have an amendment. Let me tell you simply

1. what it does. Let me tell you first what it does not, because  
2. I think you're more fearful about that. Number 1, it does not  
3. interfere with the licensing power of the State in all of the  
4. businesses and professions alluded to in this series. But it  
5. does preserve to the local governmental unit the right to pro-  
6. tect the health, the welfare, and the morals of their residents,  
7. and it clarifies the roll identification of city and state. The  
8. city has a roll as does the state. Now just let me read you the  
9. amendment. It is very brief.

10. (Senator Partee reads the amendment.)

11. A very simple proposition. Giving to the home rule units no  
12. right to license but the right to regulate for health, safety,  
13. welfare, and morals, and I urge the adoption of this amendment.

14. PRESIDING OFFICER (SENATOR HOWARD MOHR):

15. . Senator Weaver.

16. SENATOR WEAVER:

17. Well, Mr. President and members of the Senate, I oppose  
18. this...this amendment as well as several others which Senator  
19. Partee has sent over to me. It just reinserts and defeats the  
20. purpose of this bill in the first place, and so I would urge a  
21. No vote.

22. PRESIDING OFFICER (SENATOR HOWARD MOHR):

23. Further discussion? Senator Partee moves the adoption of  
24. Amendment No. 3. All those in favor signify by saying Aye.  
25. Opposed. Roll call? Request for a roll call. All those in  
26. favor of Senator Partee's Amendment No. 3 will vote Aye. Those  
27. opposed will vote Nay. The voting is open. Have all voted who  
28. wish? Take the Record. On that question the Ayes are 24, the  
29. Nays are 32. Amend...Amendment No. 3 fails. Further amendments?

30. SECRETARY:

31. Amendment No. 4 by Senator Partee.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Partee.



1. SENATOR PARTEE:

2. This amendment is a very short amendment. I'll read it.  
3. The power of function to be exercised by the State. The one,  
4. I don't know if you have this one, I don't know what your num-  
5. ber is down there. It should be, probably 6, I guess. Check  
6. with me as I read it, you have it.

7. (Senator Partee reads the amendment.)

8. Now, all I am saying in this amendment is that the State is  
9. given directly the right to run the licensing, which means that  
10. no city could ever seek...that no city would ever seek to li-  
11. cense persons under this particular bill, which happens to be  
12. insurance. Not licensing. This is showing clearly, definitely  
13. that the roll of the State is to license and the city has not  
14. that obligation. I move the adoption of the amendment.

15. PRESIDING OFFICER (SENATOR MOHR):

16. Senator Knuepfer.

17. SENATOR KNUEPFER:

18. I don't understand...I don't have a copy of your amendment  
19. and I know there are a lot of them so I can understand why they  
20. haven't been distributed, but from the way you describe it to me  
21. it sounds like the bill. Can you describe it again? I am trying  
22. to understand it.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Partee.

25. SENATOR PARTEE:

26. What I am saying is that no county, in a home rule unit,  
27. can make as a condition precedent the right to do business by  
28. giving an examination to determine if that person should have a  
29. license. That the licensing function is absolutely exclusively  
30. in the State. I'm just saying it another way. That the licens-  
31. ing function is exclusively in the State.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Knuepfer.

1. SENATOR KNUEFFER:

2. You're saying a little bit more now that I read the amend-  
3. ment. Cause what you're doing by the amendment is limiting the  
4. State's power or function to that examination and that would be  
5. its only power or function. This seems to me to be a serious  
6. limitation on the concept in the bill and I think it ought to  
7. be opposed.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Partee.

10. SENATOR PARTEE:

11. Well, what it really does, it just codify the existing  
12. situation now. It just says in affirmative language what the  
13. State's present function is, and restricts it to that. They  
14. don't regulate that anyway. All they do is license.

15. PRESIDING OFFICER (SENATOR MOHR):

16. Any further discussion? Senator Partee moves the adoption  
17. of Amendment No. 4 to Senate Bill 1520. All those in favor of  
18. the adoption of the amendment will signify by saying Aye. Op-  
19. posed? It was close Senator Rock, but you don't have it. Request  
20. for a roll call. All those in favor of the adoption of Amendment  
21. No. 4 will vote Aye. Those opposed will vote Nay. The voting is  
22. open. Have all voted who wish? Take the Record. On that ques-  
23. tion the Yeas are 25, the Nays are 31. Amendment No. 4 fails.  
24. Amend...Further amendments?

25. SECRETARY:

26. Amendment No. 5 by Senator Partee.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Partee.

29. SENATOR PARTEE:

30. The next amendment only adds two...three words. On Line 16  
31. by inserting immediately after the period this phrase - "are by  
32. law". Now, this certainly means that the Legislature is not  
33. constricted and not locked into any position which it is...it

1. finds itself if these bills pass. If there are any laws which  
2. change this situation. Because what you have to remember is  
3. each of these bills refers to the functions as set forth in the  
4. particular licensing statute for that particular profession  
5. or trade and in other places in the statutory laws there are  
6. other references. So we just include what is in by adding or  
7. by law.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Glass.

10. SENATOR GLASS:

11. Thank you, Mr. President. Senator Partee, I agree with  
12. you on this amendment. I think it's a good amendment and I've  
13. spoken to Senator Weaver about it. I have drawn up similar  
14. amendments for every bill in the series but because of the press  
15. of time and at the request of Senator Weaver I have agreed, as  
16. far as I'm concerned, to have these amendments considered in  
17. the House as to all the bills. And I'm satisfied with that  
18. approach and would urge you to do likewise. I asked Senator  
19. Weaver to respond on that point.

20. PRESIDING OFFICER (SENATOR MOHR):

21. Senator Weaver.

22. SENATOR WEAVER:

23. Mr. President, Senator Partee, I don't know that we have  
24. any strong objection to this, but I think it should apply to  
25. all of them and as Senator Glass said, I think we should consider  
26. this in Committee in the House and maybe we can accept this  
27. amendment.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Senator Partee.

30. SENATOR PARTEE:

31. I appreciate your candor and I just happen to have one for  
32. all of them. I have this amendment for all of them. I do in-  
33. deed, Sir.

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Weaver.

3. SENATOR WEAVER:

4. Well, Mr. President, I would oppose this amendment...amend-  
5. ment until we have further chance to study it and, as I say, we  
6. are only talking about one bill on Second Reading and I don't  
7. think we want to take the time to bring all of these back to  
8. rehash 5 or 10 amendments on each of these bills so I would ask  
9. for a negative vote on this amendment.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Well, I haven't been here very long, but I've never heard  
14. anything quite as silly as that argument. We're sent here to  
15. do a job, and to let the House do it - I'll tell you the shambles  
16. that's over there 90% of the time - to abdicate to them to do  
17. our job, I cannot understand. This, I think, is a defection  
18. from what the voters elected us to do. And this is an example  
19. of why we need a unicameral Legislature if we're going to let  
20. the House do our work.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Further...further discussion. Senator Partee moves the  
23. adoption of Amendment No. 5. All those in favor will signify  
24. by saying Aye. Cpposed. My well trained ears, Senator Rock,  
25. tells me it's 25:31, but we'll give you the roll call. All  
26. those in favor of Senator Partee's Amendment No. 5 will vote  
27. Aye. Those opposed will vote No. And the voting is open.  
28. Have all voted who wish? Have all voted who wish? Take the  
29. Record. On that question the Ayes are 25. The Nays are 30.  
30. One voting Present. Amendment No. 5 fails. You need an act  
31. of God to help you, Senator, with these amendments, but I think  
32. you're getting close. Senator Partee.

33. SENATOR PARTEE:

1. Just shows you the Lord helps those who need help.

2. PRESIDING OFFICER (SENATOR MOHR):

3. We'll have to take the roll call on that one again. We'll  
4. give you a second try, Senator Partee. All those in favor of  
5. the adoption of Amendment No. 5 to Senate Bill 1520 will vote  
6. Aye. Those opposed will vote Nay. The voting is open. Have  
7. all voted who wish? Take the Record. On that question the  
8. Yeas are 22, the Nays are 29, two voting present. Amendment  
9. No. 5 fails.

10. SECRETARY:

11. Amendment No. 6 by Senator Partee.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Senator Partee.

14. SENATOR PARTEE:

15. Well, I have another amendment here, Mr. President and  
16. members of the Senate, which I certainly think everybody can  
17. support. I don't see anything at all wrong about it. And I'll  
18. just read it - it's five lines.

19. (Senator Partee reads amendment.)

20. Now those are the words of the Constitution and we just want to  
21. make certain that in this preemption that there will not be any  
22. way that the State by preempting can prohibit a unit of local  
23. government from protecting those things which I mentioned. Now  
24. it's absolutely, as I see it, a part of the whole fabric of our  
25. Constitution and it could really make a great deal of difference  
26. in regulation within a City. I ask for support of this amendment.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Weaver.

29. SENATOR WEAVER:

30. Well, Mr. Chairman and members of the Senate. Here again,  
31. this language is in the Constitution and there's no need for it,  
32. cluttering up this bill with it. It's already in House Bill 707  
33. and I would oppose it.

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Well, I think...I think just because it's in the Constitu-  
5. tion doesn't necessarily answer the question. There's two kinds  
6. of implementation of the Constitution - one of which is the  
7. empha...the inclusion of new language and another is the option  
8. of statutory language to carry forth the intent purpose. I  
9. think this is a salutary amendment. It will help to clarify  
10. the law and it will prevent the type of situation that has torn  
11. our country apart over the last 20 or 30 years. There'll be no  
12. doubt about it. It'll be there in the statute book where every-  
13. body can find it. They won't have to look in the Constitution.  
14. There are not many Constitutional Lawyers. Most of them are book  
15. lawyers or statutory lawyers anymore. They're like a lot of our  
16. Legislators. They want to let somebody else do it. You know.  
17. Let the Legislature do it. They're too lazy to do the research.  
18. I think this is salutary and it'd be a good provision in this  
19. statute, and I think that it would be a good thing for you on the  
20. other side of the aisle to think about this. I realize that  
21. it probably don't carry the impact with you or your party that  
22. it should, but nevertheless it's a good provision and I'd like to  
23. see it in there.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Senator Graham.

26. SENATOR GRAHAM:

27. I'd like to think something nasty to say so I can insult  
28. Senator Knuppel, but I won't. He's convinced me now that the  
29. amendment is no good because he is a Constitutional Lawyer that  
30. takes credit for the Constitution and he's convinced me that it's  
31. a good piece of merchandise and I'm going to stick with it.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Further discussion. Senator Partee moves the adoption of

1. Amendment No. 6 to Senate Bill 1520. All those in favor will  
2. signify by saying Aye. Opposed? A request for a roll call.  
3. All those in favor of the adoption of Amendment No. 6 will  
4. vote Aye. Those opposed will vote Nay. The voting is open.  
5. Have all voted who wish? Take the Record. On that question  
6. the Yeas are 26, the Nays are 30. The amendment fails. Further  
7. amendments? Third Reading. Any other member have a Senate  
8. Bill on Third that they'd like to bring back to Second for the  
9. purpose of an amendment? Senator Partee.

10. SENATOR PARTEE:

11. Would Senator...Weaver yield for a question about this  
12. series I've just...Now, at what point of the day are you going  
13. to bring the other bills back for Second reading?

14. PRESIDING OFFICER (SENATOR MOHR):

15. Bring other bills back?

16. SENATOR PARTEE:

17. Yes. The others in the series commencing at 1502?

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Weaver.

20. SENATOR WEAVER:

21. For what useful purpose?

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Partee.

24. SENATOR PARTEE:

25. For offering amendments.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Weaver.

28. SENATOR WEAVER:

29. Did you have the same amendments in mind for the rest of  
30. the series?

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Partee.

33. SENATOR PARTEE:

1. Principally the same. There will be some variations for  
2. variety sake.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator Weaver.

5. SENATOR WEAVER:

6. I have no desire to bring any of them back, Senator Partee.  
7. It would just be an exercise in futility, I am sure. I think we  
8. have plenty of business to keep us occupied until late into the  
9. evening tonight.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Partee.

12. SENATOR PARTEE:

13. I don't have the crystal ball that you possess, nor am I  
14. Nostradamus, and nor can I tell that it's going to be an exercise  
15. in futility, but I can tell you that I come from a county which  
16. is very very supportive of the Constitutional Convention, and I  
17. think it is a slap in the face of the City from which I come and  
18. the County from which I come that we would not be given a courteous  
19. reception and the right to offer amendments to this very very  
20. significant piece of Legislation. Now I just assumed, and we  
21. had some conversations and you were a little ambivalent. I can't  
22. say that you were either negative or positive. You were at least  
23. ambivalent about whether or not we would have this right. It  
24. occurs to me that this kind of very serious question should not  
25. be shunted aside, should not be treated as though it were some-  
26. thing relating to a dog license or something. This is a very funda-  
27. mental and sincere piece of Legislation. This is a large large  
28. question which will affect the future lives of many millions of  
29. people and we just...I must say to you, resent this high-handed  
30. way of saying "well, it's just going to be a matter of the same"  
31. and so forth and I think it is not in keeping with the spirit of  
32. a Legislative kind of forum which we find ourselves where people  
33. who are elected ought to have the right unrestrictedly to debate



1. issues which are important to the citizens of this State. Now I am  
2. asking you again to bring the bills back...I certainly want  
3. to offer them and...

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Schaffer.

6. SENATOR SCHAFFER:

7. Senator Partee, I...I just can't let you pass those state-  
8. ments without reminding you of the events that took place with  
9. the passage of the RTA bill. I share your concern for attempts  
10. to cut off debate and restrict amendments and to shove things  
11. through the Legislature. I can only ask you where were you last  
12. fall when those of us from the outer counties wanted our say and  
13. our chance to amend? All I recall were motions to Table and end  
14. debate. I...I'm glad to see you come over to our side on this  
15. issue.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Partee.

18. SENATOR PARTEE:

19. I sat here during those debates with the patience of Job.  
20. On no occasion did I offer any motion to cut off debate. As a  
21. matter of fact, when you came along with a good amendment, I  
22. rose to support it. The one that you now sort of go by, which  
23. would say that after each decennial...decennial census the board  
24. composition could change on the basis of one man-one vote. I  
25. supported that amendment and I've never made any attempt to cut  
26. off debate. I believe in the process of airing and ventilating  
27. each person's viewpoint. We were here when you had the amendments  
28. and I don't know of anyone who tried to keep you from being ex-  
29. pressive of your position. There were times when the same amend-  
30. ment was being offered by different people. We even went along  
31. with that. So I think that's a lack of appraisal of what actually  
32. happened.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Nimrod.

2. SENATOR NIMROD:

3. Mr...Mr. President, I would to...to just make a couple of  
4. comments and I certainly share Senator Partee's concern about  
5. home rule and home rule powers and I intend to make this a part  
6. of the record when these bills get on Third Reading. I think  
7. that what we are concerned with here certainly has been already  
8. said by Attorney for them, Mr. Schollman, who was the attorney  
9. in the case that turned around 36:36 and Mr. Jim Winning, who was  
10. the attorney in the Johnson Case, and I have at least been in-  
11. formed and received assurances that these bills in no way destroy  
12. the ability of the municipality to issue a business license or that  
13. would restrict a zoning or do the kind of things that we're  
14. talking about that we're concerned locally. Now, if in fact  
15. there is a case that's brought up where this does prohibit it,  
16. and we have to do something about it, I can assure you that for  
17. those kind of provisions and those conditions we will get support  
18. in this measure to rectify that, but we're in no way restricting  
19. the things that were happening. I think we ought to go on with  
20. this thing and make it a matter of the Record and then come back  
21. and attack it when it does become a problem.

22. PRESIDING OFFICER (SENATOR MOHR):

23. President Harris.

24. SENATOR HARRIS:

25. Mr. President, I rise on a point of order. What order of  
26. business is the Senate on? Third Reading?

27. PRESIDING OFFICER (SENATOR MOHR):

28. We have asked, Mr. President, any members that had bills  
29. that they requested to be called back to Second for the purpose  
30. of amendments. We would do that at this time. If we have...

31. SENATOR HARRIS:

32. Have any additional Senators, I know we've dealt with Third  
33. Reading bills that sponsors anticipated amendments to. Are there

1. other bills meeting that description that Senators want recalled  
2. at this point?

3. PRESIDING OFFICER (SENATOR MOHR):

4. I will ask. Are there any Senators that have bills on Third  
5. Reading that they would like brought back to Second Reading for  
6. the purpose of amendment? Senator Rock.

7. SENATOR ROCK:

8. Just 1502 will suffice.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Well, I...we're asking for the Senate Sponsor to bring back  
11. bills. I think that's where we're at right now. Senator Weaver  
12. do you have in that series of 1502...do you want to bring that  
13. bill back? No further amendments. Senator Roe. Senator Harris.

14. SENATOR HARRIS:

15. Well, now, Mr. President, I think we've all anticipated the  
16. fact that this was going to be a busy day for us. We do have  
17. this series of bills in which there is a great deal of Statewide  
18. interest. We have a problem with one of our members whose  
19. daughter is graduating from High School a little bit later on  
20. this evening. He's got a lengthy trip to make. It would be my  
21. suggestion that we get to this issue that we've all anticipated  
22. to be dealt with today. I understand that we do have some amend-  
23. ments for Senator Roe's bill on campaign disclosure. That's  
24. going to take a great deal of time. I might announce to you that  
25. we anticipate some absentees tomorrow. If we were to meet  
26. tomorrow. So we have determined that the Senate will adjourn  
27. tonight until Monday at one. We will have a great deal more to  
28. do yet today. I would hope that the remainder of the deliberation  
29. by the Senate could be a little bit more orderly and that we give the  
30. attention to the Senator who has the Floor so that we might proceed  
31. as effectively and efficiently as possible, yet giving every oppor-  
32. tunity to every Senator who wishes to raise a legitimate question  
33. or bring before us for consideration legitimate discussion and

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1. debate. Mr. President, I would suggest that the Senate now move  
2. to consider Senator Weaver's series of bills.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator Hynes has asked, Senator Harris, about two bills  
5. 1242 and 1243 which the sponsor is going to get back to us, so  
6. we'll go to Third and then, if you and the Senate Sponsor, Sena-  
7. tor Scholl, will get back to us, why maybe we can squeeze that in  
8. at the end here. Senator Mitchler.

9. SENATOR MITCHLER:

10. I would like to announce, Mr. President, that the Senate  
11. Industry and Labor Committee is scheduled to meet at 2 p.m. today  
12. in Room A-1 in the State Office Building. Because of the business  
13. in the Senate we'll postpone that meeting until next Thursday at  
14. 2 p.m. in Room A-1 in the Sen...State Office Building. That meet-  
15. ing, incidentally was to hear this report of the sub-committee on  
16. the Collective Bargaining.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Alright. We'll go to Senate Bill 1502. Senator Weaver.

19. SENATOR WEAVER:

20. Mr. President and members of the Senate. 1502 has been  
21. discussed...

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator would you hold it...that bill will have to be read  
24. a Third time.

25. SECRETARY:

26. Senate Bill 1502.

27. (Secretary reads title of bill.)

28. Third reading of the bill.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Senator Weaver.

31. SENATOR WEAVER:

32. Mr. President and members of the Senate. Senate Bill 1502  
33. is the Real Estate Brokers and Salesmen preemption bill. It's

1. been discussed not only this year, but last year, and I would  
2. move for a favorable roll call.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator Glass.

5. SENATOR GLASS:

6. Thank you, Mr. President. With regard to Senate Bill 1502  
7. which deals with the Real Estate Brokers and Real Estate Salesmen,  
8. I had hoped to have an amendment ready to offer to this bill. I  
9. know three or four of the municipalities in my district are con-  
10. cerned with the present State Law regulating realtors. The  
11. Illinois Real Estate Brokers and Salesmen License Act. And I  
12. do not feel that it contains enough significant provisions with  
13. regard to the issuing and revoking, suspending of licenses, and  
14. I have, because of the press of time have not been able to get  
15. that amendment in final form. Accordingly I am going to oppose  
16. this bill. I hope that by the time, if it does pass, it gets  
17. over to the House, this amendment will be in final form and may  
18. be offered over there. I think this bill, unlike many of the  
19. others of the series, more directly affects the local communities  
20. because of the sale and rental of real estate than any of the  
21. other bills. The realtors have been licensed locally in the past.  
22. This bill would change that. Most of the...in the case of most of  
23. the series, we're talking about businesses and professions that  
24. have not been licensed locally but have been licensed at the  
25. State level. We're changing it with regard to realtors, and as I  
26. say, I'm going to stand in opposition to the bill, not because I  
27. oppose the concept. I think the concept can be achieved with a  
28. strong enough state law and I think the state law that we're  
29. amending by this bill needs...needs further amendments.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Senator Partee.

32. SENATOR PARTEE:

33. Well, I'm happy to hear Senator Glass say what he did and

1. I'm only sorry that you didn't have your amendment ready, Senator  
2. Glass, but the way the election juggernaut is running today, you  
3. may not have had an opportunity to present it anyway. The decision  
4. having been made in a caucus or somewhere else that they're going  
5. to jam this thing down our throats without giving us the oppor-  
6. tunity to offer amendments on behalf of those villages in your  
7. community which...to which you refer. And certainly we were not  
8. given the opportunity to offer an amendment. But this is a par-  
9. ticularly sensitive one. Almost 120 of the villages, cities, and  
10. municipalities in the State of Illinois have recognized the need  
11. to pass city ordinances relating to the subject of fair housing.  
12. Now what you are doing is...when you turned down the amendment I  
13. offered, that nothing in this bill would be used to prescribe  
14. the right of a city to pass ordinances to protect its people  
15. against discrimination, you turned that amendment down and by now  
16. passing this bill without such an amendment you are effectively  
17. issuing a death knell to the licensing or rather the regulatory  
18. features that embrace all real estate brokers in every city. We've  
19. fought here for days about block busting and about open housing  
20. and all of these concepts which are now embraced in municiple  
21. ordinances for the protection of people and by one fell swoop by  
22. the voting of this bill now without the amendment, we are destroy-  
23. ing that concept which so many cities and villages find to be in  
24. the best interest of the people of those cities. There have been  
25. many many approaches to it in a village right next to the City in  
26. which I live at Oak Park. They cogitated the problem for many  
27. many months in terms of how best to bring about a stability  
28. in their neighborhoods and it takes the right of a city to pass  
29. laws, to have stability in individual cities and individual villages  
30. and towns and home rule units so that they can accommodate the  
31. wishes and desires of the people in that particular locality.  
32. By this bill you now would remove that privilege. I think it is  
33. a sad sad day in Illinois that...for the desire of a few real

1. estate brokers, you take away all of the rights of people in in-  
2. dividual cities to guide their own destiny.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Is there further discussion? Senator Nimrod.

5. SENATOR NIMROD:

6. Mr...Mr. President, I think just one more brief comment  
7. and that is in relation to this bill. I want to reiterate that  
8. as far as my understanding is, and I've been given every assur-  
9. ance, I'm going to vote for this, but I've been given every  
10. assurance and every understanding that the communities which  
11. I represent, and I'm sure all the local governments that we're  
12. concerned about, do not lose their rights to do license, and  
13. when this is proved to do that way and it restricts their zoning  
14. or it happens any other way, then we can act on it. But I cer-  
15. tainly...the attorneys and the councils who were involved in  
16. these cases and the people who represent these particular groups  
17. have given us every assurance that this does not do it, and I can  
18. only say that in that case I will support it but I didn't want it to  
19. be in the Record on this basis, and that if it does do that, then  
20. we can come back and go ahead and face this issue and change it,  
21. but no way does it take away any of the powers of which we've been  
22. concerned about.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Carroll.

25. SENATOR CARROLL:

26. Thank you, Mr. President, and ladies and gentlemen of the  
27. Senate, unlike the last speaker, and I represent several of those  
28. communities also and attended the same meeting he did over the  
29. weekend, and the exact opposite conclusion was arrived at at those  
30. meetings of local officials and by myself and by those attorneys  
31. present, representing those villages. When you talk about taking  
32. away the power of direct or indirect, and I think that's key to  
33. this. When you talk about that no locality, no municipality, no

1. local government can exercise any power or function concurrently  
2. direct or indirect; what does this mean when we talk about indirect  
3. Legislation. Here we obviously are talking about regulating.  
4. We're talking about whether or not a municipality has the right  
5. to say that certain types of businesses must be on certain types  
6. of streets. Here we are talking about the public health standards,  
7. the public safety standards; those types of regulations that is  
8. necessary and essential for any unit of Government that is directly  
9. affecting the lives of people. For any unit of Government to be  
10. able to say in the conduct of its activities that we will not have  
11. hospitals in peoples' basements. That we must have orderly...order-  
12. ly types of zoning...types of health regulations. These bills  
13. preempt that. They do absolutely take it away from the powers  
14. of the government, of the local communities, and we should all be  
15. opposing that. That was not only the concept of home rule, that is  
16. the concept of good government.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Well, here we are again. Vistas revisited. It seems like  
21. the last time we were here we spent something like six full days  
22. on preemption bills out of the session. And when you realize  
23. what short days we sometimes work, and what little we achieve,  
24. here we are again working on some bills that probably will be held  
25. on Constitutional again as those were, and as I predicted they would  
26. be. I don't see what sets real estate brokers off from well  
27. witchers, or well drillers, or auctioneers, or anybody else,  
28. lumber dealers, that decide to run an occupation. I anticipated  
29. that this was what would happen when I was in the Constitutional  
30. Convention, and I'd like to read to you what was said there.  
31. I commented, "Well, based on what I can see, nothing here except  
32. that where we have such a closely balanced State between the  
33. Republican and Democratic party and between downstate and Chicago



1. what we are creating is going to be a tug-of-war in every session  
2. of the Legislature. Every session of the General Assembly and  
3. the people of the State of Illinois will be the ones who suffer  
4. from this. I will tell you this, I don't know what it is in  
5. Chicago, but I think I know what it is downstate, and I'll tell  
6. you that our Constitution cannot carry if we don't make some  
7. changes in what we are doing, and one of them is we...we can't  
8. continue to hold out something with one hand and take it back  
9. with the other. We can't give guns subject to the police power  
10. of the State. We can't give home rule subject to the ordinary  
11. majority in the Legislature. We can't offer an income tax without  
12. limitation and expect the people of this State to buy this Con-  
13. stitution. Now we're in the waning hours of this Convention and  
14. I submit to you that you have one of the strongest farm organiza-  
15. tions in the State of Illinois which is suspended here in their  
16. feelings as to what may or not...may not happen with respect to  
17. certain things in the Revenue article. You people, all of your  
18. delegates, and I know you're tired and I know you're in a hurry  
19. to get home, but you'd better heed the warnings that are in the  
20. newspapers, that are in the eyes of some of the delegates. We  
21. need the support of every sector of this State, every segment of  
22. its population. We are in danger, I will tell you, that the vast  
23. majority of the people in the downstate part of Illinois, that I  
24. have talked to, are not willing to accept what we have done. Now  
25. I am very serious about it and I think that to create a tug-of-  
26. war in every session of the General Assembly about whether you  
27. are going to restore certain amounts or portions of home rule  
28. and in the next session you are going to take it away, is to do a  
29. disservice to the people of this State when the General Assembly  
30. should be focusing its attention on the business and affairs which  
31. are far more important, which we should have taken care of in this  
32. Constitution Convention...Constitutional Convention, rather than  
33. leaving a bone lying there with some meat on it for everybody to

1. pick at from now on for the next century." And it appears that  
2. that's exactly what will happen in every session of the General  
3. Assembly. They did heed the warning at least and a compromise  
4. was made, and it was based on that compromise that this Consti-  
5. tution, in fact, was adopted by the people of the State of  
6. Illinois. Regardless of what you may or may not think of the  
7. Constitution, it's the most forward step in Government that's  
8. been taken in this State in almost a century. Certainly none of  
9. the little pratings, the little things that we do in this Body,  
10. are of anywhere comparable in size and scope, and yet here you  
11. would pick to pieces the one...the one concession that was made  
12. to the people of Cook County and the City of Chicago in order  
13. to secure the adoption of this far reaching document. I submit  
14. to you that to pass these bills today will do no more than to  
15. bring them back again every session of the Legislature, somebody  
16. wanting to receive preemption and somebody wanting to take pre-  
17. emption away. There will be, as I predicted in the Constitutional  
18. Convention, the ever-continuing tug-of-war, the fight, the fight  
19. over little bills about little people with selfish interest who  
20. want to be preempted.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Graham.

23. SENATOR GRAHAM:

24. Mr. President, I didn't think we'd ever arrive at the time  
25. we had to hear a speech of the Constitutional Convention, but  
26. we're there. Section 24, Public Policy section of this bill,  
27. after all the dust has cleared away, says this: that any power  
28. or function set forth in this act to be exercized by the State  
29. is an exclusive State power or function. Such power or function  
30. shall not be exercized concurrentl', either directly or indirectly  
31. by any unit of local government. So let's quit misinterpreting  
32. what this bill says. It's there. I know the lawyers get on six  
33. sides of one issue, but this says what it says, and let's try to

1. get on with it.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Newhouse.

4. SENATOR NEWHOUSE:

5. Thank you, Mr. President. Mr. President, I didn't want to  
6. speak on these bills. I think I do want to speak on this spe-  
7. cific one. I have a very, sort of peculiar choice to make, a  
8. sort of Hobson's choice. Many of my constituents are poor.  
9. Many of them are unemployed. It's a community that is peculiarly  
10. subject to manipulation and the question that I really have to  
11. raise with myself is what's the lesser of two evils. Who's going  
12. to manipulate my community the least. The problem becomes, try-  
13. ing to separate out the whole question of regulation and licensing  
14. is a difficult one. Because, you see, licensing is the ultimate  
15. step in regulation, and the fear of losing license is often one  
16. that is used for all kinds of purposes in manipulating a commun-  
17. ity. And the various kinds of qualifications that you have to meet  
18. in order to become licensed can be so distorted that it becomes  
19. impossible for certain people to become licensed. Now we're  
20. talking about the State taking over that function and on the one  
21. hand it seems to me it might be better controllable because it  
22. might be more open to scrutiny and it may be more difficult to  
23. come up with the maze of qualifications that we've ingeniously  
24. discovered to do things for our friends and punish our enemies.  
25. Now this is a specific area that is of some peculiarity for the  
26. reasons that the ability to manipulate the housing market is one  
27. that has been utilized a great deal in the past to the total  
28. destruction of some of our cities. Nobody showed any real interest  
29. in it in the past and I'm not really persuaded that what we're  
30. now saying is of such great moment, except that it may be and  
31. it's the may be that concerns me. I've heard no one really give  
32. a persuasive argument that this is going to change anything in  
33. terms of how the housing market is manipulated or how...how it is

1. determined where people live. If I could get a persuasive  
2. argument on that then I would be willing to exempt this from  
3. the kind of preemption that I think is necessary among some  
4. of the other professions. I would direct this question to any  
5. Senator who wants to answer it. If he can explain to me just  
6. how that is going to be done I would appreciate it.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Soper. Senator Newhouse.

9. SENATOR NEWHOUSE:

10. I...I...I think...I want to make sure everyone understood  
11. my question, Mr. President. Thank you very much. And I appre-  
12. ciate your courtesy of Senator Soper. What was...What has been  
13. propounded here, at least what I thought I heard, was that some-  
14. how the preemption in this specific area would work contrary to  
15. some of the work that had been done by local authorities in  
16. opening up the housing market on a racial basis. Now, if some-  
17. one would explain to me just how that's going to change and what  
18. difference it's going to make, if, in fact, the State does enforce  
19. its regulations, then I'd like to know. That would be persuasive  
20. insofar as this particular bill is concerned.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Soper.

23. SENATOR SOPER:

24. Well, I wasn't going to answer your question, I was just  
25. going to move the previous question. I think everybody knows  
26. what this is all about, and let's have a vote and find out  
27. where we are. If it's up or down, let's go.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Senator, I did acknowledge Senator Sours, McBroom, and  
30. Knuepfer. Would you want to...alright, Senator Sours.

31. Senator McBroom.

32. SENATOR MCBROOM:

33. Well, Senator Soper moved the previous question, didn't he?

1. If he didn't, that's my...that's my motion.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Once is sufficient. Senator Knuepfer.

4. SENATOR KNUEPFER:

5. Well, I'm not going to be long at this. Senator Soper has  
6. already importuned me to keep it short and I will do that. Some  
7. of these bills, I feel frankly, and I'm not going to get up and  
8. say anything on the rest of them, but I think this is the start  
9. of a series. I cannot agree with Senator Knuppel, who suggests  
10. that the Constitutional Convention ought to address...ought to  
11. have addressed itself to that. I don't think that was possible.  
12. We changed things very substantially from having to do exactly  
13. the opposite some three years ago when every specific power had  
14. to be fought over by this Legislative Body. That is no longer  
15. so. Now the powers are of...the powers reside in the home rule  
16. units and there...the fight is to preempt some of those powers.  
17. Some of these make sense to me and some don't. Certainly I  
18. think you would all recognize that non-uniform traffic signals  
19. would be chaotic in this State. And I think this Legislature  
20. is probably going to spend some 8 or 10 years resolving those  
21. areas in which preemption is desirable for uniformity in those  
22. areas in which it is best to leave the decisions to the local  
23. governments, but I think it is important that we address ourselves  
24. to this. I think this is one of those areas in which preemption  
25. for the sake of uniformity is a desirable policy, posture, and  
26. consequently I am going to support this. As we get to some of  
27. the other bills, I may not support them because I don't think  
28. it's that crucial that the State regulate someone like horse-  
29. shoers, but I do think that some of these are substantially im-  
30. portant. There is, to my mind, no excuse for any possibility  
31. of licensing of medical personnel, for example, by individual  
32. home rule units and while someone may say that no one has tried  
33. to do that, I would suggest to you that if as long as no one has

1. tried to that is not necessarily a local power and ought to be  
2. preempted by the State. The Constitutional Convention wanted  
3. to give home...substantial powers to units of government that  
4. were to be called home rule governments. They did not, however,  
5. I submit, wish to create a group of Greek City States, each one  
6. totally independent of the other, or of their parent the  
7. State of Illinois, and that is the only philosophy I wanted to  
8. articulate.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Senator Hynes.

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Senator Hynes.

SENATOR HYNES:

Mr. President, Members of the Senate, the comments that I will make I think apply to the entire series but above all to this first bill. This entire package of bills is one of the most serious mistakes that I think this legislative Body will ever make if it...if it should pass. We ought to be very clear as to what these bills do. There are some who have attempted to justify in debate here their pending vote in the affirmative by downplaying the impact of these bills. By simply referring to the concept of uniformity and cross regulation by saying that it will not impare the rights and power of local people to control their destiny but, in fact, these bills will strip all of the powers of local units of government to regulate and control in any fashion the enumerated professions not withstanding a close relationship that may exist to the public health, safety, and welfare. Literally thousands of local ordinances, many of long long standing are going to be repealed by these bills. And, anyone who votes in favor of these bills knows that and should know it. Many of the ordinances that are going to fall by the wayside have overwhelming community approval and when the people of this state find out what the impact of these bills, in fact, is, there will be a backlash that will more than exceed the kind of pressures that have been applied in favor of these bills. The home rule powers that were granted to the cities of this state have not been exercised to the detriment of these professions. There are no cases of abuse and if there were we could take action to remedy those. We are today proposing to strip these powers away before they have been put into use, before there has been an opportunity to see whether local people are capable of making judgements about purely local problems. And, I submit to you that the local communities in this state, the people in

1. those communities want these powers. They want the power to be  
2. able to determine the destiny of their own communities. They do  
3. not want to rely solely on the remote bureaucracy in Springfield  
4. and that is what is going to come about as a result of these  
5. bills. That any effort to put even the most modest regulation  
6. on any profession in connection with the health, safety and welfare  
7. of the people of this state will be forthcoming only as a matter  
8. of statewide policy. It cannot take into consideration local  
9. differences. In my judgement these bills are a tragedy and I  
10. would urge the Members of this Body to vote against them.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator Soper.

13. SENATOR SOPER:

14. Mr. President, and I know we know what these bills are all  
15. about, I move the previous question.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. You've heard the motion of Senator Soper. Move the pre-  
18. vious question. Senator...all in favor. Opposed. Do you  
19. have any closing? Senator...the motion carries. Senator  
20. Weaver has requested a roll call. Those in favor will vote Aye.  
21. Those opposed will vote Nay. The voting is open. Senator  
22. Harris.

23. SENATOR HARRIS:

24. A parliamentary inquiry. Is this on the motion to close  
25. debate or on passage?

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. This is on passage. Senator Rock. For what purpose do you  
28. rise Senator?

29. SENATOR ROCK:

30. Parliamentary inquiry Mr. President. I would request a  
31. ruling of the Chair under Section 6-G of Article 7 of the  
32. Constitution as to how many votes is necessary for passage.

33. PRESIDING OFFICER (SENATOR GRAHAM):

Talk to my lawyer. Restate your question Senator.



1. SENATOR ROCK:

2. My question is in the form of an inquiry to the Chair Mr.  
3. President. I am requesting a ruling that in order to pass  
4. SB 1502 a three-fifths vote is required under Section 6, Sub-  
5. section G, of Article 7 of the Illinois Constitution.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Is is...on 1502. Senator, I believe that Section G does  
8. not apply. Senator H...or Section H does apply. Is that not  
9. correct? In that event, if my observation is correct, this bill  
10. will require thirty votes for passage. All those in favor...  
11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. I don't understand your ruling. Section 8 of what?

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. It was in English of the Constitution that you helped  
16. write Senator.

17. SENATOR KNUPPEL:

18. No sir. I'd like to be referred to...I don't see Section 8  
19. as applying to this at all. I...

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. H...H...H...like in Henry. It's on Page 42 of the Blue  
22. Book in the Constitution. Page 42 Senator. There's been a  
23. request for the...call of the roll. All those in favor will  
24. vote Aye. Those opposed will vote Nay. The voting is open.  
25. Vote me Aye, Senator Howard Mohr. Have all voted who wish?  
26. On this vote the Yeas are thirty-seven. The Nays are seventeen.  
27. Take the record. The Yeas are thirty-seven, the Nays are  
28. seventeen, two Voting Present. This bill having received the  
29. constitutional majority therefore is declared passed. 1503.

30. SECRETARY:

31. SB 1503.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Senator Weaver.

3. SENATOR WEAVER:

4. Mr. President, Members of the Senate, 1503 has the same  
5. impact on real estate brokers. It amends the Illinois Municipal  
6. Code and removes real estate brokers from among those types of  
7. occupations which the corporate authorities of each municipality  
8. may license, tax and regulate. I move for a favorable roll call.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Discussion. Senator Rock.

11. SENATOR ROCK:

12. Well again Mr. President, for the purpose of the record I  
13. would request a ruling from the Chair. The ruling should state  
14. as I see it that this bill is obviously pre-emptive and that  
15. therefore under Section 6, Subsection G since the General Assembly  
16. is attempting to deny or limit the power or function of a home  
17. rule unit. I would request a ruling that a three-fifths vote is  
18. required.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. The bill specifically re...refers to Section 8 not Section G.  
21. My prior ruling is the same, it takes thirty votes for passage.  
22. All those in favor signify by voting Aye. Those opposed vote Nay.  
23. The voting is open. Vote me Aye Senator Fawell. Have all voted  
24. who wish? Take the record. On this question the Yeas are thirty-  
25. seven, and the Nays are eighteen, one Voting Present. The bill  
26. having received the constitutional majority therefore is declared  
27. passed. 1504.

28. SECRETARY:

29. SB 1504.

30. (Secretary reads title of bill)

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator Partee.

33. SENATOR PARTEE:

\_\_\_\_\_The point that Senator Rock made with reference to asking for

1. a ruling of the Chair. I think we can agree that your ruling  
2. would be the same on each of the bills as called. Is that  
3. correct?

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. I think it will be up to a point of one bill that was  
6. amended. It probably won't. This bill, the ruling will be the  
7. same.

8. SENATOR PARTEE:

9. Then, in order...of the circumstances, I think we should  
10. have the record clearly show that you reject the suggestion or  
11. you suggest the statement made by him that it requires thirty-  
12. six votes and that you are declaring that each of these declare  
13. thirty votes.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. I didn't reject any statement. I made the declaration that  
16. the bills considered so far required thirty votes Senator Partee.  
17. And I'm making the same ruling on this bill. We'll deal with  
18. them one at a time. Senator Knuppel.

19. SENATOR KNUPPEL:

20. An inquiry particularly with respect to the difference that  
21. exists between doctors and real estate brokers. I can see how  
22. that you might and I don't agree but you might have ruled that  
23. Section 8 applied to real estate brokers since they're not in-  
24. volved with the protection of public health, safety or morals and  
25. welfare but doctors definitely are directly involved with public  
26. health. And, it's an entirely different situation. I think that  
27. no matter how you may have ruled with respect to real estate  
28. brokers that this one does come under Section 6, Subsection G.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator, I was trying to tell you my diction may not be very  
31. good. I did not refer to Section 8, I was referring to Section  
32. 8-Henry. It's in 6, Subsection 8, like in Henry. Well you're  
33. saying 8 and I'm saying H Senator. Are any discussion? Senator  
Carroll.

1. SENATOR CARROLL:  
2. A question of the sponsor if he would yield.  
3. PRESIDING OFFICER (SENATOR GRAHAM):  
4. He indicates he'll yield Senator.  
5. SENATOR CARROLL:  
6. Senator Weaver would you please explain to me then what is  
7. an indirect power that was exercised by a home rule unit that  
8. appears in Line 14?  
9. SENATOR WEAVER:  
10. I...I guess Senator that would be a nondirect power.  
11. PRESIDING OFFICER (SENATOR GRAHAM):  
12. Senator Carroll.  
13. SENATOR CARROLL:  
14. Then I would guess that we could also assume that that  
15. would be such things as zoning or where the hospital could be  
16. or where the doctor's office could be or all those public health  
17. and safety regulations that are so near and dear to the people  
18. and should be exercised by the home rule unit.  
19. PRESIDING OFFICER (SENATOR GRAHAM):  
20. Senator Weaver, is he guessing correctly?  
21. SENATOR WEAVER:  
22. What did I suggest?  
23. PRESIDING OFFICER (SENATOR GRAHAM):  
24. He's guessing.  
25. SENATOR WEAVER:  
26. I would say this didn't effect the zoning ordinance of any  
27. municipality Senator Carroll.  
28. PRESIDING OFFICER (SENATOR GRAHAM):  
29. Senator Carroll.  
30. SENATOR CARROLL:  
31. Well, since it's your words then what would it effect? I  
32. said then since the statute is your words what would it effect,  
33. if it wouldn't effect zoning or public health or safety. What

1. would the indirect powers be that it would effect?

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Senator Weaver.

4. SENATOR WEAVER:

5. We're talking about Section 40 and public policy here and

6. we're relating back to Section 6, Article 7 of the Constitution.

7. And, I think we're talking about only Section...Paragraph H and

8. I of Section 6.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Carroll.

11. SENATOR CARROLL:

12. I don't believe that that answers the question. What I'm

13. asking you is under your wording of the statute. The powers or

14. functions that you are saying a home rule unit cannot exercise

15. directly or indirectly and I'm asking you what would be the indirect

16. exercise of a power. Could you give us an example?

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Weaver.

19. SENATOR WEAVER:

20. I really couldn't answer you.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Daley. Senator Carroll has not completed...has not

23. completed.

24. SENATOR WEAVER:

25. That's my point and that's why I think we should not be

26. taking away these powers yet from home rule units. If we don't

27. know...if we don't know what these words mean how does a home

28. rule unit know what it means. If we are not...if we cannot say

29. here and now that the language of this statute does not impose

30. a restriction on the home rule unit to regulate the conduct of

31. a business. Nobody, nobody is arguing about the right of the

32. state to have the exclusive power when it comes to licensing a

33. doctor or any profession. As to the qualifications of that person

1. to hold that license, to hold that right to engage in that  
2. business but what we are saying is that the localities must  
3. have the right to regulate how they operate that business  
4. and an indirect exercise, an indirect exercise would be such  
5. things as zoning, would be such things as public health of  
6. where you can throw away a syringe or any other of those in-  
7. direct things that go along with the conduct of a business.  
8. That...that's why this is a pre-emption and that's why those  
9. powers should be and must be left in the home rule unit.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Is that a question? That's a conclusion. Senator Knuppel.  
12. Oh, Senator Daley was first, Senator Daley.

13. SENATOR DALEY:

14. Senator Weaver, I'd like to ask you a question. Would this  
15. prevent a city to send in health inspectors to a doctors office  
16. or to a hospital?

17. SENATOR WEAVER:

18. No Senator Daley this would not. This is merely saying that  
19. municipalities shall not license doctors. It's a pre-emption of  
20. the municipalities for licensing doctors.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Daley.

23. SENATOR DALEY:

24. It would not prevent the city from sending in health in-  
25. spectors to a doctors office to a hospital?

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Weaver indicates in the negative. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Well, here again, I think that Senator Carroll has put his  
30. finger on it. I think that the...that the statute is too obscure  
31. as to what is direct and what is indirect to be enforced and I  
32. regret to say that I think, here again, at least in this instance,  
33. we're passing a piece of legislation if it reaches the courts

1. and I say this for the dear doctors and their lobbyists who are  
2. in the balconies, here again you've hit a foul ball that even  
3. if...and I probably will vote for this one. That...I'm  
4. voting for something that I think is going to be held uncon-  
5. stitutional. That's unfortunate. I predicted that the bill  
6. that went through here before would be. I predicted this one  
7. would be because it's too obscure to be capable of enforcement  
8. particularly when the legislative sponsor doesn't know what direct  
9. and indirect means. If he can't segregate it, I don't know how  
10. in the hell the court's going to segregate it. He wrote the bill.  
11. And, because of obscurity, it'll be held to be unconstitutional.  
12. And, this...this we'll be back here again for that predictable  
13. tug of war that I predicted in the constitutional convention. A  
14. waste of time, taxpayer's money, the thirty-two dollars a day  
15. that all these guys get for sitting around here thinking up this  
16. kind of jerky legislation.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator...Senator Knuppel. The Chair is going to warn you  
19. once and I hope the last time that as long as I'm sitting in  
20. the Chair, I will not tolerate your personal attack upon any  
21. other Senator so don't try it again. Senator Partee. Senator  
22. Partee. Senator Partee. Senator Partee.

23. SENATOR PARTEE:

24. Mr. President.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Partee. Senator Partee.

27. SENATOR PARTEE:

28. Mr. President, I would like, at a very serious moment, say  
29. that one of the things which the Supreme Court said in its dis-  
30. cussion of the case going out of HB 3636 was that there were  
31. periods when the sponsor of that legislation gave answers concern-  
32. ing the...

33. PRESIDING OFFICER (SENATOR GRAHAM):

Will the Sergeant at Arms remove the obstruction from in front

1. of the podium. Senator Partee.

2. SENATOR PARTEE:

3. One of the things that the Supreme Court said, in their  
4. opinion, I was trying to find it, is that in the answers to some  
5. of the questions of the sponsor of HB 3636 there were inconsis-  
6. tent statements. And, I would certainly say that a cute answer  
7. may have its appeal to those who are seated here but when this  
8. ...written record is read by Supreme Court, I think you're going  
9. to find that the answers which have been given to the questions  
10. asked with reference to the exact impact of this legislation are  
11. woefully inadequate. I am not certain that the sponsor has a  
12. full and complete appreciation for what the full impact of this  
13. legislation is. He has just said that it does not do a certain  
14. thing which was the subject matter of an amendment which I offered  
15. which he rejected. Now, if he says that this amendment was not  
16. necessary then inconsistently he is saying that the answer he just  
17. gave is wrong. Now, I'm just bringing it to your attention that  
18. the full impact of the legislation is not expressed in the answers  
19. which have been given by the sponsor. Now, this is a subject of  
20. some difficulty. It is a subject which many people are not aware  
21. of all of its ramifications. I'm suggesting to you that the  
22. answers that you gave to Senator Carroll's questions, Senator  
23. Daley's questions, are not the law, are not what the posture of  
24. a home rule unit is under existing law nor will it be under this  
25. bill.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Hynes.

28. SENATOR HYNES:

29. Along the same lines Mr. President, I...I wonder if the sponsor  
30. would yield to a question.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. He indicates he will yield Senator.

33. SENATOR HYNES:

Did you indicate earlier Senator that this bill did not go



1. to the regulatory powers of home rule units and was solely con-  
2. cerned with licensing?

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator Weaver.

5. SENATOR WEAVER:

6. Well, Senator Hynes, what I was trying to relate to, this is  
7. dealing only with the Medical Practice Act. It follows the lan-  
8. guage of that Act pre-empting local governments from licensing.  
9. This is a reference. Now if you construe it to mean that there  
10. can be no powers of inspection of facilities, I think you're  
11. mistaken.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator Hynes.

14. SENATOR HYNES:

15. Specifically I had in mind, in addition to that, there is an  
16. obligation in many of the municipalities in this state and in  
17. the city of Chicago in particular that a physician must, within  
18. I think it's three days, report the fact of any birth or death  
19. at which he is in attendance, to the Board of Health. Now, would  
20. the local municipality retain the power to require that kind of  
21. reporting if this bill passed?

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Weaver. Do you yield to...

24. SENATOR WEAVER:

25. I...I don't have the statutes here but I don't think that's  
26. in this particular section of the statute Senator Hynes.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Fawell. What are you seeking? Did you yield to  
29. Senator Fawell, Senator Weaver?

30. SENATOR FAWELL:

31. Yes, I...I think what is being done here is...by these  
32. questions, by indirection you are attempting to do what you  
33. can't do directly and that is defeat this measure upon the very

1. merits. We're specifically in this...this bill referring to a  
2. specific act and the certain powers which are set forth in that  
3. act and the court in construing the action of the local govern-  
4. mental entity is going to be referring back to that specific  
5. act and the court will contrue these questions. I think what  
6. you're obviously trying to do is just to confuse the record as  
7. much as you possibly can so I repeat by indirection you can  
8. accomplish what you obviously can't accomplish by direct action  
9. and Mr. President I'd like to...to move for the previous ques-  
10. tion as soon as Senator Hynes has...has finished his comments.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator Hynes.

13. SENATOR HYNES:

14. Well, I...I don't know that I'm trying to do it indirectly  
15. at all. I would like to see these bills defeated. But, it seems  
16. to me that if we're going to pass them which it appears that we  
17. are that we ought to know what they mean and I still have not  
18. gotten an answer to that question. I do not know whether upon  
19. passage of these bills and assuming approval by the Governor,  
20. Lord forbid, that...I do not know whether these local ordinances  
21. of the city of Chicago and other municipalities will still be  
22. in effect. I have not been given an answer to that question  
23. and it seems to me much of the debate here would indicate that  
24. they would not be. Now, if it is the case that they would not  
25. be in effect, it seems to me, that this is much more far reaching  
26. than anyone would have intended and the whole matter ought to be  
27. reconsidered. If it does not go that far then the question is  
28. exactly what is the bill doing. I think that basically this  
29. question and the others that have been raised here have not been  
30. answered.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator Fawell moves the previous question. All in favor  
33. of the motion signify by saying Aye. Senator Weaver...opposed.

1. Senator...the motion carries. Senator Weaver do you have any  
2. closing remarks? Senator Weaver asks for a favorable roll call  
3. on SB 1504. The voting is now open. Those voting favorably  
4. will vote Aye. Those opposed will vote Nay. Vote me Aye Senator  
5. Fawell. Have all voted who wish? Take the record. On this  
6. question the Yeas are forty, the Nays are seventeen. The bill  
7. having received the constitutional majority is therefore declared  
8. passed. SB 1505.

9. SECRETARY:

10. SB 1505.

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Clear the board. The bill before the Senate is 1505.

15. Senator Weaver.

16. SENATOR WEAVER:

17. Mr. President and Members of the Senate, this is the same  
18. legislation as relates to dental surgery in the Dentistry Act  
19. and I would move for a favorable roll call.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Any discussion? Senator Knuppel.

22. SENATOR KNUPPEL:

23. I...I think that dentists are glorified bricklayers and I  
24. hope that you have a...that's really all they are let's face it.  
25. Painless Parker and the rest of them. They've elevated themselves  
26. far beyond, far beyond what their professional standards should  
27. be with respect to everything and I...I say they're glorified  
28. bricklayers. Are we going to have a bill for bricklayers too?

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Shapiro.

31. SENATOR SHAPIRO:

32. Mr. President and ladies and gentlemen of the Senate, I...I  
33. heard that remark and I'd just want to point out to the gentle-

1. men that most of the dentists I know and I think most of the  
2. dentists of Members of this Assembly know probably...feel that  
3. dentists are more honest than lawyers and attorneys who get up  
4. and make up disparaging remarks about other professions.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Any further discussion? Senator Carroll moves the previous  
7. question. Senator Carroll.

8. SENATOR CARROLL:

9. Yeah, I will in a second.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. All right.

12. SENATOR CARROLL:

13. Since Senator Weaver suggested that this was the same, I  
14. would like our comments for the record to be the same as on the  
15. bill and for the rest of this series so that our objections are  
16. noted.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Do you want me to make the same comment that I made before  
19. with regard to the votes required?

20. SENATOR CARROLL:

21. Ah...yes.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Just for your benefit, I will say it requires thirty votes.

24. SENATOR CARROLL:

25. All right. And, will our other objections as to direct and  
26. indirect please be reflected on the record also.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Are you in court Senator? Roll call. The question before  
29. the Senate is shall SB 1505 pass. Those in favor will vote Aye.

30. Those opposed will vote Nay. The voting is now open. Vote me

31. Aye please Senator Fawell. Thank you. Have all voted who wish?

32. Take the record. On this question the Yeas are thirty-eight, the

33. Nays were eighteen. Voting...none Voting Present. And, the bill

1. having received a constitutional majority is therefore declared  
2. passed. SB 1506.

3. SECRETARY:

4. SB 1506.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Weaver.

9. SENATOR WEAVER:

10. Mr. President and Members of the Senate, I'd appreciate a  
11. favorable roll call.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Any discussion? The question before the Senate is shall  
14. SB 1506 pass. Those voting favorably will indicate by voting  
15. Aye. Those opposed will vote Nay. The voting is now open.  
16. Vote me Aye please. We're on 1506. The voting is open. Have  
17. all voted who wish? Take the record. On this question the Yeas  
18. are thirty-nine, the Nays are eighteen. The bill having received  
19. the constitutional majority is therefore declared passed. SB 1507.

20. SECRETARY:

21. SB 1507.

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Weaver.

26. SENATOR WEAVER:

27. Mr. President and Members of the Senate, I'd appreciate a  
28. favorable roll call.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. On this question the Chair will rule it takes thirty votes  
31. for passage. Any discussion? Senator Carroll.

32. SENATOR CARROLL:

33. For purposes of record, on this bill also we would have the

1. same question as to thirty votes as you've answered and our same  
2. objections to the contents of the bill as to direct and indirect  
3. and the regulatory aspects on home rule units.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. The question before the Senate is shall SB 1507 pass. Those  
6. in favor will vote Aye. Those opposed will vote Nay. The voting  
7. is open. For what purpose do you rise Senator Buzbee?

8. SENATOR BUZBEE:

9. Well, Mr. President, I just wanted to rise. I know explana-  
10. tion of votes is not allowed but I just wanted to rise to say  
11. that I've got some real hang ups with this particular bill but  
12. since I have voted Aye on some of the previous...why I guess  
13. I'll vote Aye on this one.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. The voting is now open. Have all voted who wish? Take the  
16. record. On this question the Yeas are thirty-nine, the Nays  
17. are eighteen. The bill having received the constitutional  
18. majority is therefore declared passed. SB 1508.

19. SECRETARY:

20. SB 1508.

21. (Secretary reads title of bill)

22. 3rd reading of the bill.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Weaver.

25. SENATOR WEAVER:

26. Mr. President and Members of the Senate, I'd appreciate a  
27. favorable roll call on 1508.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator Carroll.

30. SENATOR CARROLL:

31. On the question of physical therapists, we would like to  
32. know first how many votes it would take to pass.

33. PRESIDING OFFICER (SENATOR GRAHAM):

I'm going to rule it takes thirty votes and when you incor-

1. porate this ruling in the record be sure to refer further back  
2. in the record to the comments made by Senator Fawell.

3. SENATOR CARROLL:

4. All right, and in that instance we would also like the  
5. record to reflect our objection to the contents of the bill as  
6. it relates to indirect powers and functions and is apt to...  
7. involve itself with regulation by home rule units.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. The question before the Senate is shall one...SB 1508 pass.  
10. Those in favor will vote Aye. Those opposed will vote Nay.  
11. The voting is now open. Vote me Aye Senator Fawell. Have all  
12. voted who wish? On this question take the record. On this  
13. question the Yeas are thirty-five, the Nays are nineteen. The  
14. bill having received the constitutional majority is therefore  
15. declared passed. SB 1509.

16. SECRETARY:

17. SB 1509.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator Weaver.

22. SENATOR WEAVER:

23. Mr. President and Members of the Senate, I'd appreciate  
24. a favorable roll call.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Car...any discussion? Senator Carroll.

27. SENATOR CARROLL:

28. Mr. President, I would appreciate a ruling on the number of  
29. votes and I would appreciate the record reflecting our opposition  
30. is the same basis as the entire series starting with 1502.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. The record will reflect that the Chair rules it takes thirty  
33. votes and will also reflect your opposition. The question before

1. the Senate is shall SB 1509 pass. Those in favor will vote Aye.  
2. Those opposed will vote Nay. The voting is now open. Vote me  
3. Aye Senator Fawell. Have all voted who wish? Take the record.  
4. On this question the Yeas are thirty-eight, the Nays are eighteen,  
5. one Voting Present. The bill having received a constitutional  
6. majority is therefore declared passed. SB 1510.

7. SECRETARY:

8. SB 1510.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator Weaver.

13. SENATOR WEAVER:

14. Mr. President and Members of the Senate, I'd appreciate a  
15. favorable roll call.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator Carroll.

18. SENATOR CARROLL:

19. Based on Senator Weaver's explanation, we would like a ruling  
20. of the Chair as on the pre-emption qualities of this bill.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. The ruling will be consistent. It requires thirty votes.

23. Senator Carroll.

24. SENATOR CARROLL:

25. Would also our objections be noted as to the content of the  
26. bill.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. The tape is running and your rejections will be noted.

29. SENATOR CARROLL:

30. Thank you.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. The question before the Senate is shall SB 1510 pass.

33. Those in favor will vote Aye. Those opposed will vote Nay.

The voting is now open. Vote me Aye please Senator Fawell.



1. Have all voted who wish? Take the record. On this question  
2. the Yeas are thirty-nine, the Nays are eighteen, two are Voting  
3. Present. The bill having received the constitutional majority  
4. is therefore declared passed. SB 1510. 10...1511.

5. SECRETARY:

6. SB 1511.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Weaver.

11. SENATOR WEAVER:

12. Mr. President and Members of the Senate, I'd appreciate a  
13. favorable roll call.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Any discussion Senator Carroll?

16. SENATOR CARROLL:

17. Yes Mr. President. We'd appreciate a ruling of thirty-six  
18. votes on this one and we would like the records also to reflect  
19. our objections to the contents of the bill.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. The ruling will be that thirty votes are required and also  
22. that we will note the objections to your bill. The question  
23. before the Senate is shall SB 1511 pass. Those favoring will  
24. vote Aye. Those opposed will vote Nay. The voting is now open.  
25. Vote me Aye please. Have all voted who wish? On this...take the  
26. record. On this question the Yeas are thirty-five, the Nays are  
27. eighteen, one Voting Present. The bill having received the con-  
28. stitutional majority is therefore declared passed. SB 1512.

29. SECRETARY:

30. SB 1512.

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER (SENATOR GRAHAM):

Senator Weaver.

1. SENATOR WEAVER:

2. Mr. President and Members of the Senate, I'd appreciate a  
3. favorable roll call.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. Senator Carroll.

6. SENATOR CARROLL:

7. Mr. President and Members of the Senate, we'd appreciate a  
8. ruling on the number of votes required for passage and we would  
9. appreciate the record reflecting our objection to the contents  
10. of the bill on the indirect powers.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. The Chair rules it takes thirty votes and it's the Chair's  
13. desire that the record will reflect your opposition. The question  
14. before the Senate is shall 15...SB 1512 pass. Those in favor  
15. will vote Aye. Those opposed will vote Nay. The voting is open.  
16. Will you vote me Aye please Senator Conolly. Thank you. Have  
17. all voted who wish? Take the record. On this question the Yeas  
18. are forty, the Nays are seventeen. The bill having received a  
19. constitutional majority is therefore declared passed. The next  
20. bill will be SB 1513.

21. SECRETARY:

22. SB 1513.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Weaver.

27. SENATOR WEAVER:

28. Mr. President and Members of the Senate, I'd appreciate a  
29. favorable roll call.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Senator Carroll.

32. SENATOR CARROLL:

33. Mr. President and Members of the Senate, we would appreciate

1. the ruling from the Chair as to the number of votes required  
2. and we appreciate our objections being noted for the record as  
3. to the contents of the bill and its pre-emption effect on home  
4. rule units.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. The Chair will rule that it will take thirty votes for  
7. passage and the record will show your objection as you stated  
8. Senator. The question before the Senate is shall SB 1513 pass.  
9. Those in favor will vote Aye. Those opposed will vote Nay. The  
10. voting is open. Vote me Aye Senator Mohr. Have all voted who  
11. wish? On...take the record. On this question the Yeas are thirty,  
12. the Nays are twenty-one. The bill having received the constitu-  
13. tional majority is therefore declared passed. SB 1514. Oh,  
14. Senators Donnewald, Rock and Partee in that order. Yielding  
15. to Senator Rock in that order.

16. SENATOR ROCK:

17. Thank you Mr. President. I wish a verification of that  
18. roll call.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. You would like a verification of the last roll call. There  
21. has been a request for a verification. Will the Senators please  
22. be in their seats. Senator, what is your reason...yes. What is  
23. your reason for accosting the Chair?

24. SENATOR BRUCE:

25. I do not accost you very often Senator Graham...

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Thank you.

28. SENATOR BRUCE:

29. I would just suggest that when we are going to have a  
30. verification of the roll call that the board not be cleared  
31. The Secretary cleared it very quickly this time. I've seen us  
32. sit here for ten to fifteen minutes between roll calls and it  
33. is not cleared. It would assist us on both sides of the aisle

1. if it is not cleared particularly on a verification.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. I think I can apologize. The Secretary is trying to keep  
4. up with the Chair not anticipating that we would have this re-  
5. quest. I'm defending his right to clear the board. The print  
6. out is official anyway not the board. And we allow the  
7. Secretary will assist us in the verification of the roll call  
8. and the Senators will be in their seats please.

9. SECRETARY:

10. The following voted in the affirmative: Bartulis, Bell,  
11. Berning, Buzbee, Clarke, Conolly, Davidson, Fawell, Glass, Graham,  
12. Kenneth Hall, Hickey, McBroom, McCarthy, Merritt, Mitchler, Mohr,  
13. Moore, Nimrod, Regner, Roe, Schaffer, Scholl, Shapiro, Sommer,  
14. Soper, Vadalabene, Walker, Weaver, Mr. President.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. There's a question how Senator Bidwill voted and he's not  
17. accustomed to this modern device. Senator Buzbee is now on the  
18. Floor. Do you wish a call of the negative votes? You don't.  
19. The call of the roll has been verified as two incorrect as indi-  
20. cated by the board. The next bill will be 1514.

21. SECRETARY:

22. SB 1514.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senators Weaver and then Carroll. Senator Weaver.

27. SENATOR WEAVER:

28. Mr. President and Members of the Senate, I'd appreciate a  
29. favorable roll call.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Senator Carroll.

32. SENATOR CARROLL:

33. Mr. President we would ask for a ruling as to the number of

1. votes required to pass this bill and make it constitutionally  
2. pre-emptive on the home rule units and we would again reitify  
3. ... reedify the Chamber with our objections. Sam Vadalabene's  
4. going to write that down. ...to our objections to the contents  
5. of the bill as a pre-emption because of the indirect exercise  
6. of power.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. The Chair will rule that it takes thirty votes. The  
9. question before the Senate...for passage. The question before  
10. the Senate is shall SB 1514 pass. Those voting in the...those  
11. for the bill will vote Aye. Those opposed will vote Nay. The  
12. voting is now open. Have all voted who wish? Take the record.  
13. The Yeas...on this question the Yeas are thirty-five, the Nays  
14. are eighteen, one Voting Present. The bill having received the  
15. constitutional majority is therefore declared passed. SB 1515.

16. SECRETARY:

17. SB 1515.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Please, please. We're getting a little noisy. Senator  
22. Weaver.

23. SENATOR WEAVER:

24. Mr. President and Members of the Senate, I'd appreciate a  
25. favorable roll call.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Carroll do you have a remark?

28. SENATOR CARROLL:

29. Yes, because of the nature of the contents of these bills, we  
30. would like the record to be very clear when they transcribe it  
31. as to the number of votes required for passage and we would also  
32. again object to the use of indirect powers on the home rule unit  
33. concept.

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. You have registered your objection. I will register my  
3. opinion. It takes thirty votes for passage. The question  
4. before the Senate is shall SB 1515 pass. Those in favor will  
5. vote Aye. Those opposed will vote Nay. The voting is open.  
6. Will you vote me Aye please Senator Shapiro. Thank you. Have  
7. all voted who wish? Take the record. On this question the Yeas  
8. are thirty-two, the Nays are twenty-two. The bill having re-  
9. ceived the constitutional majority is therefore declared passed.  
10. SB 1516.

11. SECRETARY:

12. SB 1516.

13. (Secretary reads title of bill)

14. 3rd reading of the bill.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Weaver.

17. SENATOR WEAVER:

18. Mr. President and Members of the Senate, I'd appreciate a  
19. favorable roll call.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator Carroll. Do you need...help?

22. SENATOR CARROLL:

23. Yeah, Mr. President, we would like a ruling. We think that  
24. this might have a different number of votes required. We would  
25. also object to the bill on the basis of the direct and indirect  
26. conflict on the home rule units.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. The Chair will rule that it takes thirty votes for passage.  
29. The question before the Senate is shall SB...Senator Partee.  
30. I'm sorry.

31. SENATOR PARTEE:

32. I'd just like to bring to the attention of the Membership  
33. to this particular bill. When you say to a city that they can't

1. regulate a school where the health and welfare children are in-  
2. volved, they can't even go in and examine the building to deter-  
3. mine if it's fit for human occupation or anything else. You're  
4. really going a long way. I see absolutely no need or reason for  
5. this. The professions have a different kind of vantage point.  
6. But, for this, gentlemen you're really making a mistake.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Further discussion? The question before the Senate is  
9. shall SB 1516 pass. Those in favor will vote Aye. Those opposed  
10. will vote Nay. The voting is open. Vote me in the affirmative.  
11. Have all voted who wish? Take the record. The question...on this  
12. question the Yeas are thirty, the Nays were twenty-three, one  
13. Voting Present. Senator Partee.

14. SENATOR PARTEE:

15. Forty-six is off the board please and that's for verifica-  
16. tion.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Partee has requested a verification of the roll.  
19. Verification will be had. All the Senators will please be in  
20. their seats.

21. SECRETARY:

22. The following voted in the affirmative:

23. Bartulis, Bell, Berning, Clarke, Conolly, Davidson, Fawell,  
24. Glass, Graham, Latherow, McBroom, McCarthy, Merritt, Mitchler,  
25. Howard Mohr, Don Moore, Newhouse, Nimrod, Ozinga, Regner, Roe,  
26. Schaffer, Scholl, Shapiro, Sommer, Soper, Vadalabene, Walker,  
27. Weaver, Mr. President.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. The verification has...it had. Question...I...didn't hear  
30. the question. Is Senator Newhouse...is not on the Floor. His  
31. name will...we've tried to prevail. Senator Newhouse is on the  
32. Floor. We've tried to prevail upon the Senators to stay on the  
33. Floor and I wish they would. Senator Carroll. Senator Roe.

1. He's so small. Is Senator Roe on the Floor? He's got a long  
2. arm from your side. And we have a request of the roll call.  
3. It has been verified as indicated by the board. The roll is  
4. verified. The next bill will be 15...SB 1517.

5. SECRETARY:

6. SB 1517.

7. (Secretary reads title of bill)

8. 3rd reading of the bill.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Weaver.

11. SENATOR WEAVER:

12. Mr. President, Mr. President and Members of the Senate, I'd  
13. appreciate a favorable roll call.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator Knuppel.

16. SENATOR KNUPPEL:

17. I have a question of Senator Weaver. What regulation is  
18. there by the state at the present time, if any, of beauty parlors  
19. and beauty salons other than licensing. What's their license...  
20. what regulation, if any, with respect to Public Health and other-  
21. wise do the state carry out? Do you know?

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Weaver.

24. SENATOR WEAVER:

25. This, Senator, takes care of the licensing. Their shops are  
26. also inspected by Public Health.

27. SENATOR KNUPPEL:

28. Are you sure of this?

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Weaver are you...

31. SENATOR WEAVER:

32. ...Senator Knuppel. I don't know how well the Department  
33. of Public Health inspects them but I know they're supposed to



1. inspect them.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. And, how often do they do this?

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Senator Weaver.

8. SENATOR WEAVER:

9. I couldn't answer you how often, although I know all new  
10. shops before they're licensed are inspected.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Any further discussion? Senator Knuppel.

13. SENATOR KNUPPEL:

14. Well, I mean after they're licensed. I...I submit that they  
15. are licensed but after they're licensed. Do you have any idea  
16. how frequently they're inspected?

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Weaver.

19. SENATOR WEAVER:

20. Well, in my district, before the department layed off four  
21. or five inspectors, they were inspected at least annually. Now,  
22. whether they have enough manpower to do it annually now, I can't  
23. answer you, but I'm sure they could before the force was reduced.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. And do you believe that this is adequate to maintain Public  
28. Health standards and the welfare of the public once a year.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Weaver.

31. SENATOR WEAVER:

32. Certainly this inspection's carried on by R & E and it'd be  
33. up to the discretion of the Governor to request more employees.

1. I haven't seen their appropriation bill yet but we'll check that  
2. out. I know there have been quite a few people dismissed from  
3. that endeavor but someone said some of them were even campaign-  
4. ing. I don't know.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Knuppel.

7. SENATOR KNUPPEL:

8. Well, maybe I misunderstood you. At first, I thought you  
9. said they were inspected by Public Health and then you said this  
10. was carried out by R & E. Now, I know what R & E does. Hell,  
11. they just come in and look to see if you've got your license  
12. properly displayed. Now, is it R & E or is it...or is it Public  
13. Health that does this?

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator Weaver.

16. SENATOR WEAVER:

17. Senator McBroom suggests you call Dr. Lashof and see where  
18. he's directed that assignment right now. I know that R & E does  
19. check on your license but as far as Public Health is concerned  
20. why we'll be happy to check with Dr. Lashof.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Weaver yields to Dr. Lashof. Senator Knuppel.

23. Senator Weaver.

24. SENATOR WEAVER:

25. I move for a favorable roll call.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. You're almost finished. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Now, I'm a little bit confused between a statement that was  
30. made by Senator Nimrod which I believe was concurred in by Senator  
31. Weaver. Now, if I understood Senator Nimrod correctly, he said  
32. this wouldn't effect this...only it went to licensing. It had no  
33. effect on regulation and the powers of the home rule units as they

1. now exist. Is that correct?

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Are you asking Senator Nimrod or Senator...

4. SENATOR KNUPPEL:

5. Senator Weaver, if that's the construction he put on what  
6. Senator Nimrod said.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Weaver.

9. SENATOR WEAVER:

10. Well, let me say this Senator Knuppel. All of these inspec-  
11. tion and licensing divisions are under the power of the Governor  
12. so how well he directs this operation or his directors do it, is  
13. up for individual judgement.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator Weaver yields to Governor Walker. Senator Knuppel.

16. SENATOR KNUPPEL:

17. Well, I assume then, that if he needs additional help and  
18. money that you be one of the first to vote for it. That's a  
19. rhetorical question, you don't have to answer...answer it. But,  
20. I...I'm really serious when I say this direct and indirectly  
21. confused me greatly. I think they're too vague for enforcement  
22. but more than that I'm confused by this...by your earlier state-  
23. ments in this debate and those of Senator Nimrod concerning  
24. whether, in fact, these bills go further than the mere licensing  
25. and inspection of licensing by the Department of Registration and  
26. Education. And, I'm asking you if your interpretation of what  
27. Senator Nimrod had to say with...in that regard is the same as the  
28. way I construe it?

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Weaver.

31. SENATOR WEAVER:

32. Senator Knuppel, you're an attorney. And all I can say is  
33. the bill speaks for itself.

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Senator Carroll.

3. SENATOR CARROLL:

4. Because of the way it speaks for itself, we would again in-  
5. voke our objection to the language. We think this is clearly an  
6. area where the home rule powers should be invoked in the area  
7. of regulating the conduct of the business. We think, also, maybe  
8. in the area of fiscal responsibility. We could save a lot of  
9. money if we let the home rule units do this inspecting instead of  
10. forcing this upon the state. We would also request a ruling as  
11. to the number of votes required for passage.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Your objection has been recorded and the ruling will be it  
14. takes thirty votes. The question before the Senate is shall  
15. SB 1517 pass. Those in favor will vote Aye. Those opposed will  
16. vote Nay. The voting is open. Please vote me in the affirmative  
17. Senator Fawell. Have all voted who wish? Take the record. On  
18. this question the Yeas are thirty-three, the Nays are twenty-two.  
19. The bill having received the constitutional majority is therefore  
20. declared passed. The next bill will be SB 1517. Senator  
21. Howard Mohr. 1518.

22. SECRETARY:

23. SB 1518.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Weaver.

28. SENATOR WEAVER:

29. Mr. President and Members of the Senate, I'd appreciate a  
30. favorable roll call.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Buzbee.

33. SENATOR BUZBEE:

Thank you Mr. President. Mr. President I wonder if the sponsor

1. would yield to a question. Given the basic honesty of the people  
2. of southern Illinois and the people of my district, I don't  
3. know what a deception examiner is.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Weaver.

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1. Senator Buzbee, these are lie-detector operators.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Lie-detector operators, Senator Carroll.

4. SENATOR CARROLL:

5. Now, that we have a new Presiding Officer maybe we'll have a  
6. different ruling on the number of votes required for passage and  
7. we would also like the record to reflect their objection to the  
8. content of the bill as it relates to the powers of the municipalities  
9. to regulate the conduct of business.

10. PRESIDING OFFICER (SENATOR MOHR):

11. As a different Presiding Officer the ruling is the same  
12. 30 votes and your objection will be noted. Further discussion?  
13. The question is shall SB 1518 pass. Those in favor will vote Aye.  
14. Those opposed will vote Nay. And, the voting is open. Have all  
15. voted who wish? Take the record. On that question, the Yeas are  
16. 33, the Nays are 22. SB 1518 having received the constitutional  
17. majority is declared passed. Senator Knuppel voted No and it  
18. didn't record. May have voted, Senator, after I said all have voted  
19. who wished. Well, we'll...we'll...note this, we'll...we'll check  
20. it right after this roll call. See that yours is operating.  
21. Clear the Board and now we'll...we'll just...a trial run for you,  
22. Senator Knuppel, want to press your no button. OK, it does  
23. work, the...the next bill. Take the record on it..

24. SECRETARY:

25. SB 1519

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Senator Weaver.

30. SENATOR WEAVER:

31. Mr. President, members of the Senate, I would appreciate  
32. a favorable roll call. I intend to vote present.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Carroll.

2. SENATOR CARROLL:

3. Awaiting this bill, Senator Weaver, would you yield for a question.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Weaver.

6. SENATOR WEAVER:

7. I think I have some expertise in this area.

8. PRESIDING OFFICER (SENATOR MOHR):

9. You have some back up also Senator.

10. SENATOR CARROLL:

11. And because of that expertise maybe now we can find out

12. what the indirect powers are that the State is trying to take

13. away from the units of local government.

14. PRESIDING OFFICER (SENATOR MOHR):

15. Is that a question?

16. SENATOR CARROLL:

17. That is a question to the sponsor.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Weaver.

20. SENATOR WEAVER:

21. Well, this bill speaks directly to the Funeral Directing Act

22. and Embalmers' Act and I think it speaks for itself again, Senator

23. Carroll.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Senator Carroll.

26. SENATOR CARROLL:

27. Then even with the expertise of the industry, they still

28. don't know what the indirect powers are. I would like to request

29. of the Chair a ruling on the number of votes required for passage

30. and before the Chair rules I would refer him to the Act itself

31. on page 1, lines 24...5...6...and 7 wherein we strike language which

32. had said under prior law nothing in this Act shall have the effect

33. of limiting the powers of cities and villages to tax, license and

1. regulate funeral directors, undertakers and undertaking establishments,  
2. as may be authorized from time to time by general law. I think  
3. clearly by the language we are striking, this is a preemption bill,  
4. this would require the 36 votes for passage.

5. PRESIDING OFFICER (SENATOR MOHR):

6. The ruling would be the same Senator that's...

7. SENATOR CARROLL:

8. I might also advise the Chair, as it's about to rule, that this  
9. is the only one in the series where it does strike that language.  
10. It is different from the other bills and we would suggest, therefore,  
11. it requires the 36 votes.

12. PRESIDING OFFICER (SENATOR MOHR):

13. It will require 30 votes, Section H is applied to this bill.  
14. The question is shall SB 1519 pass. All those in favor will vote  
15. Aye. Those opposed will vote Nay. The voting is open. I said earlier  
16. there was a...there was a back...a backup man for Senator Weaver  
17. on this. Senator Harris maybe should have helped him. Have all  
18. voted...have all voted who wish? On that question, the Yeas are  
19. 34, we'll take the record. On that question the Yeas are 34, the  
20. Nays are 22, one voting present. SB 1519 having received the  
21. constitutional majority is declared passed. SB 1520.

22. SECRETARY:

23. SB 1520

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Weaver.

28. SENATOR WEAVER:

29. Mr. President and Members of the Senate, I would appreciate  
30. a favorable roll call.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Carroll.

33. SENATOR CARROLL:



1. On this one Mr. President, we would again ask for a ruling as  
2. to the number of votes required. We think this one might also be  
3. a little bit different, we would also suggest like the last one  
4. that was different, we would also suggest that we do object to  
5. the contents of the bill as the indirect powers effect the home  
6. rule units.

7. PRESIDING OFFICER (SENATOR MOHR):

8. The...the amendment to...on SB 1520 does deny and limit the  
9. taxing powers of home rule units, with respect to the insurance  
10. code and the Chair will rule that this will require a 3/5 vote.  
11. This...this does refer a specifically to Section G and that is  
12. why we are determining a 3/5 vote. The question is shall SB  
13. 1520 pass. Those voting in favor will vote Aye. Those opposed  
14. will vote Nay and the voting is open. Have all voted who wish?  
15. Take the record. Would you check with Senator Knuppel, see how he  
16. fixed his, Senator? It's too late now, Senator. Well, if he...if  
17. you want to stay after the Session we'll instruct you how to  
18. operate that when we say...when we say take the record, that's  
19. the end of the voting, Senator. On...on that question, well, we'll  
20. ...we'll give you a test run after this and I think the results  
21. will be the same. On that question, the Yeas are 37, the Nays are  
22. 16, 2 voting present. SB 1520 having received the constitutional  
23. majority is declared passed. Senator Chew.

24. SENATOR CHEW:

25. All right, may I have a ruling from you, I'm here in my seat  
26. I've explained that I pressed the No button and it did not register  
27. on the Board. I'm not kidding you, will you have the Journal  
28. to show that I wanted to give a Nay vote on this bill.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Senator we'll try the machine, if the machine malfunctions  
31. this time, we will...we will consider your...your request. All right  
32. Senator Chew, if you'll be kind enough to press your No button. I  
33. think maybe your key was turned off. Senator have you been voting

1. all day? I see. Senator Knuppel.

2. SENATOR KNUPPEL:

3. Now, I...I think this has happened to several of us and I...I

4. think it's only fair that if a man stands up, his integrity should

5. be accepted and his vote should be accepted. The record can

6. show that and...and I don't think that's too great a task in view

7. of the fact, that we're confronted with these records when we

8. run for re-election...

9. PRESIDING OFFICER (SENATOR MOHR):

10. His...his remarks are on the tape Senator but the official

11. record is the record that comes out of the machine. SB 1521.

12. Senator Weaver.

13. SECRETARY:

14. SB 1521.

15. (Secretary reads title of bill)

16. 3rd reading of the bill.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Weaver.

19. SENATOR WEAVER:

20. Mr. President and Members of the Senate, I would appreciate

21. a favorable roll call.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Carroll.

24. SENATOR CARROLL:

25. Mr. President, first we would ask for ruling of the number

26. of votes required for passage of this, then we would also vote

27. that we object to this bill. We indicate, as to SB 1521, that you

28. are taking out from the Illinois Municipal Code, the power

29. to regulate insurance brokers, who you deem to be more important

30. than bankers, private detectives, many other such licensed

31. activities that are staying within the powers of the home rule

32. units just as we think the insurance brokers should also. Could

33. we have a ruling on the number of votes?

1. PRESIDING OFFICER (SENATOR MOHR):

2. The ruling of the Chair said it will take 30 votes for  
3. passage of this bill. Re...a 3rd reading of the bill.

4. SECRETARY:

5. SB 1521

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Weaver.

10. SENATOR WEAVER:

11. Mr. President and Members of the Senate, I'd appreciate  
12. a favorable roll call.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Any further discussion? Question is shall SB 1521 pass?  
15. All those in favor will vote Aye. Those opposed will vote Nay.  
16. The voting is open. Have all voted who wish? Take the record.  
17. On that question, the Yeas are 36, the Nays are 17, 2 voting  
18. present. SB 1521 having received the constitutional majority  
19. is declared passed. SB 1522.

20. SECRETARY:

21. ...1522

22. (Secretary reads title of bill)

23. 3rd reading of the bill.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Senator Weaver.

26. SENATOR WEAVER:

27. Mr. President and Members of the Senate, I'd appreciate  
28. a favorable roll call.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Senator Carroll.

31. SENATOR CARROLL:

32. Mr. President and Members of the Senate, we would like from  
33. the Chair a ruling as to the number of votes required for passage.

1. We would also like the record to reflect our objection to the  
2. bill as a basis that it takes away by restricting the indirect  
3. powers, it takes away the powers of the home rule unit.

4. PRESIDING OFFICER (SENATOR MOHR):

5. The Chair will rule that it takes 30 votes for passage.  
6. Further discussion? The question is shall SB 1522 pass.  
7. Those in favor will vote Aye, those opposed will vote Nay. The  
8. voting is open. Have all voted who wish? Take the record.  
9. On that question the Yeas are 39, the Nays are 16. SB 1522  
10. having received the constitutional majority is declared passed.  
11. SB 1523.

12. SECRETARY:

13. SB 1523

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Weaver.

18. SENATOR WEAVER:

19. Mr. President, I'd appreciate a favorable roll call.

20. PRESIDING OFFICER (SENATOR MOHR):

21. Senator Carroll.

22. SENATOR CARROLL:

23. Mr. President, we would appreciate a ruling of 36 votes  
24. required for passage. We would appreciate an understanding  
25. in the record that this is an exercise taking away and preempting  
26. the rules...the home rule units as they would exercise what  
27. would be considered here to be indirect powers over this licensed  
28. activity.

29. PRESIDING OFFICER (SENATOR MOHR):

30. The Chair will rule that it takes 30 votes for passage. All  
31. those in favor of...the question is shall SB 1523 pass and on that  
32. question, all those in favor will vote Aye. Those opposed will vote  
33. Nay. And the voting is open. Have all voted who wish? Take the record.

1. On that question, the Yeas are 39, the Nays are 18. SB 1523  
2. having received the constitutional majority is declared passed.  
3. SB 1524.

4. SECRETARY:

5. SB 1524

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Weaver.

10. SENATOR WEAVER:

11. Mr. President and Members of the Senate, I'd appreciate a  
12. favorable roll call.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Carroll.

15. SENATOR CARROLL:

16. Mr. President, we request the ruling on the number of votes  
17. required for passage. We would request that the record  
18. show that we object to the use of the indirect powers or functions  
19. exercised concurrently the restriction on the home rule units not  
20. to exercise those powers.

21. PRESIDING OFFICER (SENATOR MOHR):

22. The Chair will rule that it takes 30 votes for passage. The  
23. question is shall SB 1524 pass. On that question, all those  
24. in favor will vote Aye. Those opposed will vote Nay. The voting  
25. is open. Have all voted who wish? Have all voted who wish?  
26. Take the record. On that question, the Yeas are 39, the Nays are  
27. 18. SB 1524 having received the constitutional majority is declared  
28. passed. SB 1525.

29. SECRETARY:

30. SB 1525

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER (SENATOR MOHR):

Senator Weaver.

1. SENATOR WEAVER:

2. Mr. President and Members of the Senate, I'd appreciate  
3. a favorable roll call.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Carroll.

6. SENATOR CARROLL:

7. Mr. President and Members of the Senate, as this involves  
8. land surveyors we would understand that they would have to be  
9. regulated in the conduct of their business by the home rule units  
10. and we would seriously and strenuously object to the wording  
11. in here as to the indirect we think it would have been much  
12. clearer had they said that the license of the profession would  
13. be in the State but the regulation of the conduct of the business  
14. would have been in the local government. We would like that objec-  
15. tion noted and we would ask for ruling of the Chair as to how many  
16. votes are required for passage.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Chair will rule that it takes 30 votes for passage. And,  
19. the question is shall SB 1525 pass. And, on that question, those  
20. in favor will vote Aye. Those opposed will vote Nay and the voting  
21. is open. Have all voted who wish? Take the record. On that  
22. question, the Yeas are 35, the Nays are 18, 1 voting present.  
23. SB 1525 having received the constitutional majority is declared  
24. passed. SB 1526.

25. SECRETARY:

26. SB 1526.

27. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Senator Weaver.

31. SENATOR WEAVER:

32. Mr. President and Members of the Senate, I'd appreciate  
33. a favorable roll call.

34. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Carroll.

2. SENATOR CARROLL:

3. I'd like to ask Senator Weaver to change the script a  
4. little bit, I think some of the members are dozing a little.  
5. We would also suggest that the...we would like a ruling as to the  
6. number of votes required and would suggest in the area of  
7. administering Nursing Homes that...tie the hands of the home  
8. rule units as to the conduct of that business is not only  
9. preemption but is the wrong type of government.

10. PRESIDING OFFICER (SENATOR MOHR):

11. The Chair will rule that it takes 30 votes for passage.  
12. The question before us is shall SB 1526 pass. And, on that  
13. question all those in favor will vote Aye. Those opposed will  
14. vote Nay. The voting is open. Have all voted who wish? Take  
15. the record. On that question, the Yeas are 33, the Nays are 23,  
16. 1 voting present. SB 1526 having received the constitutional  
17. majority is declared passed. SB 1527.

18. SECRETARY:

19. ...1527

20. (Secretary reads title of bill)

21. 3rd reading of the bill.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Weaver.

24. SENATOR WEAVER:

25. Mr. President, Members of the Senate, I'd appreciate a  
26. favorable roll call, Senator Mohr.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Buzbee.

29. SENATOR BUZBEE:

30. Mr. President, I...I think this is a probably a profession that  
31. maybe some people are not...at least myself is not too well aware of  
32. and I'd to have a little bit more ex...explanation as to what the  
33. registered Sanitaricians Act actually does and what the in content

1. of this bill is.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Weaver.

4. SENATOR WEAVER:

5. Mr. President, I think the best expert on this is the  
6. Presiding Officer, Senator Howard Mohr. He's had great  
7. experience with these people and particularly in his district.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator, I'll be glad to spend 3 or 4 hours with you after  
10. the session and explain the need for this, there will be some  
11. amendments on this bill in the House. Senator Carroll.

12. SENATOR CARROLL:

13. Thank you, Mr. President, and we would ask for a ruling as to  
14. the number of votes required. We would also indicate once again  
15. for the record that when you're dealing with the area of septic  
16. tanks of sanitarians et cetera that they must be involved with the  
17. public health safety and moral codes of the local communities  
18. and the local communities hands should not be tied when we are  
19. dealing with the health of their residents. We would suggest  
20. that this preempts by the use of the indirect powers on the  
21. home rule units and we would ask for ruling on the number of votes  
22. required.

23. PRESIDING OFFICER (SENATOR MOHR):

24. The Chair would rule that it would take 30 votes for passage.  
25. The question is shall SB 1527 pass and on that question, all those  
26. in favor will vote Aye, those opposed will vote Nay. And, the voting  
27. is open. Have all voted who wish? The...on that question...or take  
28. the record. On that question SB 1527...31 voting Aye, 23 No. Having  
29. received the constitutional majority SB 1527 is declared passed.  
30. SB 1528.

31. SECRETARY:

32. SB 1528.

33. (Secretary reads title of bill)



1. 3rd reading of the bill.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Weaver.

4. SENATOR WEAVER:

5. Mr. President and Members of the Senate, I'd appreciate  
6. a favorable roll call.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Carroll.

9. SENATOR CARROLL:

10. Thank you, Mr. President. We'd like the ruling as the  
11. number of votes required for passage of this bill and we would  
12. suggest that in the area of regulating tree experts and once again  
13. the powers of home rule units by the indirect powers would be  
14. abused and we would suggest that the home rule units should have those  
15. powers. This is a preemption. We would request that...that...  
16. require 36 votes.

17. PRESIDING OFFICER (SENATOR MOHR):

18. The Chair will rule that it takes 30 votes for passage.  
19. Senator Wooten.

20. SENATOR WOOTEN:

21. Mr. President, as one who generally supported the preemption  
22. bills, I must say that this particular one and the ones that follow  
23. bare out the promise we have had of some fairly ridiculous lengths  
24. to which this can go and I propose to...oppose this and the balance  
25. list.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Any further discussion? The question is, shall SB 1528 pass.  
28. Those in favor will vote Aye. Those Opposed will vote Nay and the  
29. voting is open. Senator Bruce. Have all voted who wish? Have  
30. all voted who wish? Take the record. On...on that question the  
31. Yeas are 28, the Nays are...

32. SENATOR WEAVER:

33. Mr. President.

1. PRESIDING OFFICER (SENATOR MOHR):  
2. Senator Weaver.  
3. SENATOR WEAVER:  
4. I move to postpone consideration.  
5. PRESIDING OFFICER (SENATOR MOHR):  
6. Senator Weaver moves to postpone consideration...postponed  
7. consideration will be granted. SB 1529. Senator Wooten.  
8. SENATOR WOOTEN:  
9. Parliamentary inquiry, can that be done after the vote is  
10. announced?  
11. PRESIDING OFFICER (SENATOR MOHR):  
12. I didn't announce the vote, Senator. I started...I started  
13. to and he was recognized.  
14. SENATOR WOOTEN:  
15. Thank you.  
16. PRESIDING OFFICER (SENATOR MOHR):  
17. Senator Bruce.  
18. SENATOR BRUCE:  
19. Well, I just because these sort of things cause all kinds  
20. of conflict I asked earlier in the day what we're going to  
21. do about clearing the Board and the statement was made that...that  
22. is the official record as taken. Now once we close the voting and  
23. we push the registration and it's going to make the official  
24. vote, how do we say that the mouthing of the results somehow it  
25. changes the official record, as Senator Graham says, comes out of  
26. the machine.  
27. PRESIDING OFFICER (SENATOR MOHR):  
28. If the vote has been announced then it's official. The  
29. sponsor asked to postpone consideration and that was given. Senator  
30. Bruce.  
31. SENATOR BRUCE:  
32. Ok, I...I'm willing to follow your rule but then when you say  
33. take the record, you cannot deny a Senator the right to vote even

1. though the machine has been closed because the roll is not official  
2. until you say it. Now between the time you say take the vote  
3. if I rise and want to be recorded, I should have that privilege.  
4. Either the machine will control the last final point one can vote  
5. or not vote or not be here, or you are the final determiner of that  
6. point. It's got to be one or the other and I'm going to make  
7. the point on the next roll call prior to your announcing that  
8. I want to be recorded, we have one official vote or we don't.  
9. PRESIDING OFFICER (SENATOR MOHR):

10. Senator Harris.

11. SENATOR HARRIS:

12. Well, Mr. President, I think most of the members will recall  
13. the first day that we used the electronic equipment. That we  
14. announced that we were going to follow the practice of affording  
15. the members an opportunity to register their intention to be  
16. recorded Yea, Nay or present. That we would not be precipitous  
17. in our instruction to the Body the time the question is put,  
18. have all voted who wish, the Chair is able to witness if a member  
19. is proceeding toward his seat to be recorded. Now the point of  
20. installing electronic equipment is to conserve time, it is  
21. not intended in any fashion to deny a Senator who is not being  
22. dilatory the opportunity to be recorded. There must come a point  
23. in time in all practicality when the opportunity for a Senator  
24. to express himself ought to reasonably have been reached. It will  
25. be the intention, and I think it has been so far, of anyone of the  
26. Senators who presides not to be preemptive of the opportunity  
27. for Senators to reach their seats and express themselves on a roll  
28. call. Now, I would just caution that it will be counterproductive  
29. if our procedures encourage members to be and I do not want to be  
30. understood now in denying the opportunity to contemplate, that's  
31. not what I'm referring to, I'm talking about the point for us to  
32. be responsive to the procedures that we must intelligently follow  
33. here to process the amount of work that does come before us. Now I do

1. not think the occasion has occurred where the Chair has denied a  
2. Member the opportunity legitimately and reasonably to express  
3. himself. We do know that the first roll call of each day, there  
4. are occasions where a Senator does not have his key. We accommodate  
5. that, we wait. I think if we approach this matter with the  
6. understanding that we want to afford every Senator the right to  
7. express himself on the electronic roll call, that's fine.  
8. But, if we engage in the process observed by the House, where they  
9. changed every roll call, we will have seriously limited the  
10. effectiveness of our equipment. I think we should all recognize  
11. the fact that our responsibility is to be in our seat when we  
12. are transacting the business of the Senate and, of course, I'm  
13. familiar with the fact that we all move about, and accept phone  
14. calls. The Chair will try to recognize those additional demands  
15. of all of us as Members of this Body. But our primary responsibility  
16. is to be in our seats when roll calls are being taken and  
17. to accommodate ourselves effectively within the limitation of this  
18. new equipment.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Senator Bruce.

21. SENATOR BRUCE:

22. Well, Mr. President, I would...Senator Harris, I would ask  
23. then 3 questions that will have to be decided very quickly  
24. by the rules committee. You state that you do not wish that  
25. the machine deny any Member the right to vote, although I sat  
26. here today and heard Senator Knuppel state that the machine  
27. had denied him the right to vote. He was not dilatory, he was  
28. in his seat. The record was not changed, the official document  
29. which I understand will be put in the Journal of our Proceedings  
30. will show Senator Knuppel absent and not voting. He had the  
31. privilege of putting in our transcription that he was here. That  
32. will not appear in the Journal. I also sat here this afternoon  
33. and saw Senator Chew denied the right to vote by the machine, he

1. requested that the official record show that he had voted. He  
2. too was denied and told the only thing he could do was put in our  
3. transcription that he was here and wished to vote in the negative.  
4. The official Journal will not show his comments. That's the first  
5. question. The machine does deny non-dilatory Members the right  
6. to vote. Secondly, I think we have to decide at what point in time  
7. is the vote finalized. It was my understanding early on that when  
8. you announced, take the record, that...that machine would take  
9. a record and that would be announced. We find ourselves in the  
10. strange situation, Senator Harris, if that is not, in fact, the  
11. official vote that you may call, take the official record, the  
12. sponsor would not ask for consideration postponed and if you did  
13. not read it nothing would occur. I am sure that is not what you  
14. want to happen. Third, what happens to that piece of paper that  
15. the machine has now generated for us. Machines generate paper  
16. all the time, but that I am told is an official document of the  
17. Illinois State Senate. Will the Journal, in fact, reflect that an  
18. official vote was taken, the Speaker announced take the record, the  
19. machine, in fact, did print the record after which point the sponsor  
20. of the bill requests that consideration be postponed. Will our  
21. Journal, in fact, track that record so that the official record  
22. shows the vote 29 Aye, 23 Nay, 7 Absent and not voting, then Senator  
23. Weaver rising and saying, Mr. President, I wish to have SB 1528 put  
24. on the order of consideration postponed. If our record does not  
25. reflect that it does not reflect the proceedings of this Body.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Harris.

28. SENATOR HARRIS:

29. Senator Bruce, you've been here long enough to know that when  
30. a sponsor of a resolution or a bill does not have the votes under  
31. the rules he may postpone consideration. That has never been a  
32. record vote. And, we're not about to begin that now. The...the  
33. practice and procedure has been in the past, when we had the oral

1. roll call kept by the Secretary that...that copy would be handed  
2. to the principal sponsor of the legislation. I instructed the  
3. Secretary following the record on the electronic vote indicator,  
4. before the instruction to take the record had been finalized  
5. on the matter involving the consideration of the nomination  
6. of Mr. Day, on its first occasion considered...that record became  
7. disseminated, floating around the 3rd Floor of the General  
8. Assembly with much criticism about that event. On the day that  
9. the Joint Resolution 61 was postponed by its sponsor, I instructed  
10. the Secretary to dispose of that record and it was not a record  
11. roll call, and I make that distinction, it was not a record roll  
12. call at the option of the sponsor of that resolution. And, it  
13. has never been...that action has never been a recorded vote in  
14. the Journal of the Senate. I do not intend until 30 members  
15. of this Body choose to do otherwise, to change that procedure.  
16. PRESIDING OFFICER (SENATOR MOHR):

17. Have you concluded, Senator?

18. SENATOR HARRIS:

19. Yeah, I would just point out that in connection with the  
20. consideration of 1528, the sponsor of this legislation notices  
21. that he does not have the sufficient number of votes required  
22. for passage, he has requested under the rules that the consid-  
23. eration of the bill be postponed and until 30 members rule other-  
24. wise it seems to me that...that is the procedure, that we con-  
25. tinue to follow. That no recorded vote on this bill has been had.  
26. The point at which time that is a fact is one of two occasions.  
27. When the sponsor determines that he has sufficient votes for pass-  
28. age on its first consideration or whether he determines that he  
29. will let the bill fail and the results are announced by the Chair,  
30. at that point in time there will then be a record vote taken. If he  
31. determines to postpone, if he fails to have sufficient votes  
32. on passage on its first consideration, under the rules, the 2nd  
33. time, a bill is considered, a bill or resolution is considered,

1. if it fails on its 2nd consideration to receive sufficient votes  
2. for passage, the roll call will be announced, it will be a  
3. record roll call in the Journal and that is the fact of the  
4. development of our procedure on the consideration of either bills  
5. or resolutions.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Senator Knuppel. Senator Bruce, for what purpose do you arise?

8. SENATOR BRUCE:

9. Yes, I do not wish to seem combative Senator Harris, but I  
10. take it from what your comments are is that the vote is only  
11. finalized in this Chamber when the Presiding Officer announces  
12. them and until such time he does so, it is not an official record  
13. and it will not be reflected in our journal, that's the basis  
14. of what you are saying.

15. SENATOR HARRIS:

16. I think that reflects the attitude and the procedures that  
17. have been followed by the Senate.

18. PRESIDING OFFICER (SENATOR MOHR):

19. It's always been that way Senator and the bill until such  
20. time as the Chair makes the statement that the bill has passed  
21. or failed that...that's the final action taken. Senator Knuppel.

22. SENATOR KNUPPEL:

23. Mr. Chairman, just two observations. I don't think that  
24. we've answered the one question and that's about the Members of  
25. this Body that rises and says that his particular machine didn't  
26. function before the roll call is announced. And I say if you're  
27. going to be consistent, that...that man then is entitled to have  
28. the roll call record him, only in those instances. Now if he  
29. has been dilatory, I agree with the President, but this afternoon  
30. I had not been dilatory, I did raise the question, I was told  
31. that that was the record period before the announcement, I don't  
32. know that. The other observation I have and I...I believe that I'm  
33. correct but I'm sure that you're not going to rule with me and that is  
34. that when the Secretary had the roll call down there it hadn't

1. been published. It is so much published, so much denounced that  
2. it's on the electric score board and everybody knows. All it proves  
3. is that the Chairman's able to read the figures to say 59, it  
4. doesn't prove anything else because it's been published prior to  
5. that time anybody can read it, all he does is really read it but  
6. with respect to the individual who rises before the roll call is  
7. announced and says that his machine is...malfunctioned, if we're  
8. going to be consistent that man has a right then, I say, to have  
9. his vote counted or in whatever manner he cast it.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator, I was the Presiding Officer when both you and  
12. Senator Chew raised the question about your device not working.  
13. And, I suggested and we're proceeded along the lines of checking  
14. out after the roll call to see if your device worked. Yours  
15. did; I didn't watch how you got it to work but I did watch  
16. Senator Chew and if Senator Chew would be honest, he would say  
17. that his key was turned off, which is not the problem of the Chair.  
18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Mine...mine was not turned off, I turned it on and I...and  
21. I left...I didn't watch it and I've noticed other times today  
22. that...that this key, now it hasn't since that time malfunctioned,  
23. but that I had to hold it down in order for it to vote. Now if  
24. I...all I'm saying is the matter rules. I don't give a damn about  
25. that vote, what I'm saying is the matter rules, if I stand up and  
26. say, before the roll call is announced but after it's been locked,  
27. that I voted a certain way then if we're going to be consistent  
28. I'm entitled to be recorded. And, I don't think there's any  
29. question about it.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Senator Chew.

32. SENATOR CHEW:

33. Yes, to clarify the position I had here, I think Senator Soper



1. came over to my desk after I had indicated that the machine did  
2. not function, turned the key off and on again and at that time  
3. you called for functioning on the board and it worked. Now,  
4. the key was not off at the time that I pressed, now it could  
5. have been the time that you announced voting was open, I pressed  
6. my button immediately, now that could have been too soon. I  
7. think the whole problem here is to know that the machine is func-  
8. tioning properly, to know that one gets the right to vote, to  
9. know that he has the right to vote and not to have anyone dictate  
10. how, when and when he shall note vote, that's Presiding Officer. Now  
11. I...it seems to me if one requests the privilege of voting and the  
12. votes are still on the board, that it's just a simple matter for  
13. the Secretary to open that board so a Senator can vote, it's no  
14. such thing that the board locks, it locks, I think, by the action  
15. of whoever is operating the board. So all we are saying is,  
16. don't deny us the right to vote if we make that request or by the  
17. same token let us not get so hotheaded that we going to run the  
18. thing without giving people the ample opportunity to cast his con-  
19. stitutional vote, that's all we're saying, nobody's hostile at whoever  
20. decided.

21. PRESIDING OFFICER (SENATOR MOHR):

22. And that's the only way that this...this Chair has been ad-  
23. ministered since the machine has been put in. The Chair always  
24. asks, have all voted who wish, and that's all that we're asking  
25. that you...when we ask all voted who wish, we give you the op-  
26. portunity to...you know we remind you that you should press the  
27. button and then we take the record. When we take the record, it  
28. can't be changed, so...Senator Graham.

29. SENATOR GRAHAM:

30. What order of business are we on?

31. PRESIDING OFFICER (SENATOR MOHR):

32. We're on the order of 3rd reading. Senator Wooten.

33. SENATOR WOOTEN:

34. Mr. President, I...on a point of personal privilege related to

1. this. It is with the deepest respect that I make the suggestion  
2. that...I don't quarrel with anything that's happened; the way I  
3. vote, the consideration postponed at all, but this has intro-  
4. duced a new element into our voting and I think there's great  
5. safety and security in absolute precision of rule and I would  
6. merely request that maybe the Rules Committee could look at this  
7. very carefully over the summer, because I...I'm sure we all  
8. want to avoid this and if we could get some real precision on just  
9. how that board fits in...in written language, I think we'd all  
10. feel a little bit better about it.

11. PRESIDING OFFICER (SENATOR MOHR):

12. All right, the...it's a subject the Rules Committee should  
13. and I'm sure will discuss. Clear the board. Senate Bill 1529.  
14. For what purpose does Senator Don Moore arise?

15. SENATOR MOORE:

16. For just a parliamentary inquiry, perhaps, Mr. President,  
17. and a suggestion. I wonder as long as all the problems seems  
18. to work with just or apply to only two members of this Body, if it  
19. would be possible for the electronic geniuses that have installed  
20. this piece of equipment and our electrician check out their little  
21. buttons here to make sure they do contact so that when the but-  
22. ton is pushed they will be recorded and if they're late in cast-  
23. ing their vote, well, that's another question. I think that if  
24. there is a mechanical difficulty, well let's find out about it.  
25. If there isn't, well, it's their own damn fault.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senate Bill 1529.

28. SECRETARY:

29. ...1529.

30. (Secretary reads title of bill.)

31. Third reading of the bill.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Weaver.

1. SENATOR WEAVER):

2. Mr. President and members of the Senate. I'd appreciate  
3. a favorable roll call.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Knuppel.

6. SENATOR KNUPPEL:

7. I still say that the rules to be consistent if a person  
8. can post...

9. PRESIDING OFFICER (SENATOR MOHR):

10. We're not on this...I think you're out of order, Senator.  
11. We're on the discussion of Senate Bill 1529. Is there further  
12. discussion on 1529? Senator Carroll.

13. SENATOR CARROLL:

14. Thank you, Mr. President. We would ask for ruling on the  
15. number of votes required to pass this bill, we would also indi-  
16. cate, for the record, that if dealing with the installation, a  
17. Contractor's Installation License dealing with water wells and  
18. pump installations once again this is obviously a function that  
19. has to be exercised by a home rule unit as to the conduct of the  
20. business, as to where the installation can take place and zoning  
21. and other regulations which we feel are preempted by words in-  
22. direct as they appear in the statute. We would say that this is  
23. a preemption and we would ask for ruling of 36 votes.

24. PRESIDING OFFICER (SENATOR MOHR):

25. The Chair will rule that it takes 30 votes for passage of  
26. this bill. The question before us is, shall Senate Bill 1529  
27. pass. For what purpose does Senator Buzbee arise?

28. SENATOR BUZBEE:

29. Thank you, Mr. President, I want to ask the sponsor a  
30. question again concerning it. I understand what a wat...water  
31. well is, now the pump installation, is that any plumbing con-  
32. tractor that would...might also happen to install pumps or is  
33. that a particular profession that...within itself, a pump in-  
34. stallation and water well contractor.

1. Is that a particular profession within itself?
2. PRESIDING OFFICER (SENATOR MOHR):
3. Senator Weaver.
4. SENATOR WEAVER:
5. Senator Buzbee, I think there are well diggers and there
6. are pump installation services. So, it would include both.
7. PRESIDING OFFICER (SENATOR MOHR):
8. Senator Buzbee.
9. SENATOR BUZBEE:
10. Then you're saying that they are different from plumbing
11. contractors that might instull...might install sewer lines or...
12. or water lines they are different.
13. PRESIDING OFFICER (SENATOR MOHR):
14. Further discussion? The question is, shall SB 1529 pass.
15. On that question, all those in favor will vote Aye, those opposed
16. will vote Nay. The voting is open. Have all voted who wish?
17. Take...take the record. Senator Weaver.
18. SENATOR WEAVER:
19. Senator Hall wants me to postpone consideration on this.
20. PRESIDING OFFICER (SENATOR MOHR):
21. Senator Harber Hall wants postponed consideration on this
22. bill. This bill will be put on postponed consideration.
23. SB 1530.
24. SECRETARY:
25. SB 1530
26. (Secretary reads title of bill)
27. 3rd reading of the bill.
28. PRESIDING OFFICER (SENATOR MOHR):
29. Senator Weaver.
30. SENATOR WEAVER:
31. Mr. President and Members of the Senate, I would appreciate
32. a favorable roll call on this Horseshoer's Bill.
33. PRESIDING OFFICER (SENATOR MOHR):

1. For what purpose does Senator Carroll arise?

2. SENATOR CARROLL:

3. Well, first I think Senator Weaver to correct you, I think  
4. you were in error. This is still the Illinois Water Well Pump  
5. Installation Code, the Horseshoer's comes next. I...I think  
6. you'd...you'd be willing to stand corrected on that. Thank you,  
7. we would ask, therefore, that the Chair rule that it take 36 votes  
8. to pass this. We would suggest again to the Chair that when  
9. they take the powers and functions away from the home rule unit,  
10. as it involves indirect powers and functions exercised by that  
11. unit in the area of water well and pump installations this is clearly  
12. in violation of the concept of the government closest to the people  
13. in the area of Public Health and Safety, we would ask for a ruling  
14. that it takes 36 votes.

15. PRESIDING OFFICER (SENATOR MOHR):

16. The Chair will rule that it takes 30 votes for passage.  
17. The question before us is, shall SB 1530 pass. On that question  
18. those in favor will vote Aye, those opposed will vote Nay and the  
19. voting is open. Have all voted who wish? Senator Rock. Take  
20. the record. Senator Rock.

21. SENATOR ROCK:

22. Well I was going to wait till after you announced the roll  
23. call I wish a verification.

24. PRESIDING OFFICER (SENATOR MOHR):

25. On that question, the Yeas are 30, the Nays are 23,  
26. SB 1530 having received the constitutional majority is declared  
27. passed. Now Senator Rock asked for verification, will the  
28. Members please be in their seat. The Secretary will read the  
29. names of the Members who voted in the affirmative.

30. SECRETARY:

31. The following voted in the affirmative: Bartulis, Bell,  
32. Berning, Clarke, Conolly, Davidson, Fawell, Glass...

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Fawell. Finish the call.

2. SECRETARY:

3. Glass, Graham, Harber Hall, Latherow, McBroom, Merritt,

4. Mitchler, Howard Mohr...

5. PRESIDING OFFICER (SENATOR MOHR):

6. Continue with the roll call.

7. SECRETARY:

8. Don Moore, Newhouse, Nimrod, Ozinga, Regner, Roe, Scholl,

9. Shapiro, Summer, Soper, Sours, Vadalabene, Walker, Weaver,

10. Mr. President.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator...Senator Fawell is not on the Floor. His name will

13. be stricken. Senator Weaver.

14. SENATOR WEAVER:

15. Mr. President, I ask leave to postpone consideration.

16. PRESIDING OFFICER (SENATOR MOHR):

17. The roll call had been announced, the request for a

18. verification stated the effect of the announcement of that roll call.

19. Is...the Senators motion is in order to postpone consideration. Senate

20. 1531. Senator Bruce.

21. SENATOR BRUCE:

22. I...I'm getting like Alice in Wonderland, the more confused I get

23. here, now...now what is rule on...on final announcement of vote, see

24. footnote 1, now where do we go from here?

25. PRESIDING OFFICER (SENATOR MOHR):

26. That...

27. SENATOR BRUCE:

28. I...I just thought we had a long discussion maybe I was not

29. here in this part of it on the fact that the official vote would

30. be when it was announced by the Chair. Now, I...I guess I had not

31. read the footnote to that rule, it says something different than

32. that official roll call.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Well, the...the roll call was announced and upon verifi-  
2. cation that did nullify the...the...the announcement or the...  
3. the announcement of the...the roll call. It was not announced  
4. that it passed or...or failed at that time. Senator Bruce.  
5. SENATOR BRUCE:

6. Well, that's fine, now...now we're getting into the seman-  
7. tics of the problem. Now we're to the rule that if you an-  
8. nounce the roll call bur prior to that the statement is made by  
9. the sponsor, consideration postponed, before you can utter the  
10. words SB 1530 passes or fails a sponsor still has the chance to  
11. get in there and say, I want to postpone that bill. Is that  
12. right, then we have footnote 2 that says, in the event that you  
13. do announce the roll call and state that the passage of the bill  
14. but somehow the roll call changes after that announcement, foot-  
15. note 2 says, that then the sponsor can again have another shot  
16. at consideration postponed. Now that's the rule you've just  
17. stated that you did not, in fact, announce whether it passed or  
18. failed, I think that'd be an interesting constitutional question  
19. and I'd like to take one of the bills to send the Supreme Court  
20. to say that if you announce the roll call 30-23, no...none  
21. absent and 6...6 voting present by not voting. I would like to  
22. know what the Supreme Court would say but I guess we're down to  
23. the magical words of saying whether or not the bill is passed is  
24. going to determine whether or not the sponsor still has the option  
25. of saying I wish...to have the bill placed on the order of con-  
26. sideration postponed. Is...is that the ruling?

27. PRESIDING OFFICER (SENATOR MOHR):

28. That...that has been the ruling. Senator Graham.

29. SENATOR GRAHAM:

30. Just to clear up a little bit. I think Senator Harris was  
31. joined with Senator Partee early in this game and our constitutional  
32. attorneys were invited as all other members of the Senate were  
33. invited at that time. To make such suggestions as they thought

1. might be proper, relative to our embarking upon the use of this  
2. new device. I think it would be better that we use our consti-  
3. tutional attorneys efforts in behalf of appearing before the Com-  
4. mittee on Rules rather than prolonging debate on the Floor.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Latherow.

7. SENATOR LATHEROW:

8. Well, Mr. President, something just came into my mind,  
9. how did the bill fail if it hasn't received less than 30 votes,  
10. and I've never heard you announce that it has received less than  
11. 30 votes.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Senator Harris.

14. SENATOR HARRIS:

15. Well, Mr. President, the point is perfectly clear to me.  
16. The bill according to the indicator on the voting tabulating  
17. board showed 30 votes. A verification was requested. The  
18. verification demonstrated that a Senator who had voted had left  
19. the Floor, he was not here for verification, that places the  
20. bill in a new relationship before the Senate. The sponsor then  
21. requested, which is his right under the rules being aware that  
22. he did not have sufficient vote for passage, to postpone con-  
23. sideration. What's the problem?

24. PRESIDING OFFICER (SENATOR MOHR):

25. SB...SB 1531. Clear the board.

26. SECRETARY:

27. SB...

28. PRESIDING OFFICER (SENATOR MOHR):

29. For what purpose does Senator Knuppel rise?

30. SENATOR KNUPPEL:

31. Well, I have a question, this brings the question to mind  
32. he wanted to know what the question was. I assume then as the  
33. situation develops as it did for me and Senator Chew, the



1. cue way now, if that's the ruling of the Chair, the cue way to  
2. get recorded is ask for a verification of the negative or af-  
3. firmative votes and then you can get on a roll call. If you're  
4. going to be consistent this is what must happen then so if you  
5. don't record me if I have a malfunction and you say, well that's  
6. the record then the thing for me to do is ask for a verification  
7. of the negative votes and since there...the record isn't final  
8. the verification shows when...when they check, then I...then I  
9. can devote in that matter.

10. PRESIDING OFFICER (SENATOR MOHR):

11. No, you cannot be added to it. Senator, I'm going to close  
12. this. We're on SB 1531, Senator Weaver, and Secretary will read  
13. SB 1531.

14. SECRETARY:

15. SB 1531.

16. (Secretary reads title of bill.)

17. Third reading of the bill.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Weaver.

20. SENATOR WEAVER:

21. Mr...Mr. President and members of the Senate. I would appre-  
22. ciate a favorable roll call.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Mitchler.

25. SENATOR MITCHLER:

26. Mr. President and members of the Senate. Inasmuch as Illinois  
27. is the only State in our great United States of America that  
28. licenses horseshoers, we certainly want to maintain a good posture  
29. and have this passed...bill passed with a good vote.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Senator Carroll.

32. SENATOR CARROLL:

33. Thank you, Mr. President. The sponsor, if you would be willing

1. to yield to, in effect, the question as to why the State has to  
2. have exclusive direct and indirect jurisdiction over the sacro-  
3. sanct area of licensing and regulating the conduct of business  
4. of horseshoers.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Latherow.

7. SENATOR LATHEROW:

8. Well, Mr. President, I think I can answer your question  
9. very well. This is an occupation that follows the business,  
10. otherwise the business moves from Springfield to Canton, Illinois.  
11. The horseshoer probably goes along with the business, and the same  
12. way if he moves down to Fountain Green where we don't have one,  
13. why we wouldn't want him to have to have a license in Springfield,  
14. Canton, Fountain Green, Quincy and every place that he went  
15. he might be following the horses, we'll say, not in the matter  
16. of gambling but in the matter of making a living.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Wooten.

19. SENATOR WOOTEN:

20. Mr. President and ladies and gentlemen of the Senate. Some-  
21. where between the practice of medicine and the practice of horse-  
22. shoeing, must fall all the professions and occupations which men  
23. and women can follow. I believe we have passed more preemptions  
24. than are truly necessary and, in all seriousness, as one who be-  
25. lieves in the preempted powers of certain important professions,  
26. I beg you to seriously consider rejecting this because it is true  
27. as has been forecast, we're going to be facing a flood of such  
28. legislation. And, I submit that it simply is not necessary. I  
29. cannot conceive of...of a municipality that contemplates licensing  
30. of horseshoers and surely we...we are not compelled to dot every  
31. I and cross every T in this...in this broad range of professions,  
32. let's call the halt right here.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Sours.

2. SENATOR SOURS:

3. I'm going to be brief, Mr. President and Senators. I...the  
4. good Senator from Rock Island apparently is too young to realize  
5. that there was a time when a blacksmith was a very noble occupa-  
6. tion. And, he'd spend most of his time shoeing horses. Now,  
7. as Senator Latherow has said, these agisters, I think that's the  
8. technical name for a horseshoer, an agister, follows the horses  
9. from town to town and county to county. Now it nevertheless  
10. Senator Wooten is a decent good honorable occupation. It'd be just  
11. as...as...as violent affecting you if when you were on the horn  
12. on your television station or radio station that you'd have to be  
13. licensed in every county where your voice ended up. Now these...  
14. there are still agisters operating in Illinois, a number of them.  
15. Now, what you're trying to tell us is that wherever they go into  
16. Hickville and Proud...Plowed...Plowed Ground County, Peoria and  
17. Rock Island, they'll have to go before some board to show their  
18. qualifications. Now, what you're trying to tell us is to put this  
19. man out of business and that's what would happen.

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21.

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1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Graham.

3. SENATOR GRAHAM:

4. In case some of us are worried, who are not familiar with  
5. the art of horseshoeing, all of the segments of a horses body  
6. doesn't have to be shoed and aren't we lucky.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Hall...Harber Hall.

9. SENATOR HARBER HALL:

10. I always learned, Mr. President, something when Senator  
11. Sours takes the microphone. I've always thought of the horse-  
12. shoer was properly titled a farrier, but in any case, I'm going  
13. to vote against this bill, simply because I don't believe that  
14. even the State should license horseshoers or farriers, or what  
15. is that name, Senator Sours, gester or legester, so I would  
16. prefer to vote no on this.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Carroll.

19. SENATOR CARROLL:

20. Of course, we would request of the Chair, Mr. President,  
21. the ruling as to the number of votes required. In addition  
22. thereto as I think Senator Latherow indicated, what we are talking  
23. about is following the business and again we are talking about the  
24. home rule units being able to regulate the conduct of that business,  
25. which is local and involves the public health and the public safe-  
26. ty, and by taking away this power by using the word indirect, we  
27. have once again affected the home rule unit, as it conducts its  
28. business to help its citizens. As to Senator Sours' comments  
29. about the blacksmiths, as their noble profession, and I recall  
30. reading about it, although maybe I didn't live through that era,  
31. I think there are also several other occupations that also follow  
32. the horses, especially on the parade ground. I would ask the  
33. Chair for a ruling on the number of votes for passage.

1. PRESIDING OFFICER (SENATOR MOHR):

2. The Chair will rule that it takes 30 votes for passage and  
3. as one city slicker to another, Senator Carroll, if I might make  
4. a brief statement on this particular bill. Several weeks ago I  
5. talked to a man from Illinois that owns about eight head of  
6. horses that he stables in Wisconsin, called in a horseshoer from  
7. Wisconsin and he came back to his farm about a week later and  
8. found that his horses were crippled because of the job that the  
9. man did with the shoeing. I tended to treat this bill lightly  
10. myself. After talking to him and finding out that Wisconsin  
11. does not regulate the horseshoers and Illinois does, why I would  
12. agree that...Ready for the roll call, Senator? Senator Weaver?  
13. The question is shall Senate Bill 1531 pass? And on that question,  
14. all those in favor will vote Aye. Those opposed will vote Nay,  
15. and the voting is open. Have all voted who wish? Take the Record.  
16. Senator Weaver.

17. SENATOR WEAVER:

18. Senator Knuppel asked me to postpone this bill. I would move  
19. that it be placed on the order of Postponed Consideration.

20. PRESIDING OFFICER (SENATOR MOHR):

21. Be placed on the order of Postponed Consideration. Senate  
22. Bill 1568. Senator Roe.

23. SENATOR ROE:

24. Mr. President, I'd like leave to return Senate Bill 50...  
25. 1568 for the purposes of offering an amendment to Second Reading.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Is there leave for Senator Roe to bring 1568 back to Second  
28. Reading? Leave is granted. Senator Roe.

29. SENATOR ROE:

30. Does the Secretary have this amendment?

31. SECRETARY:

32. Amendment No. 1.

33. PRESIDING OFFICER (SENATOR MOHR):

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1. Senator Roe.

2. SENATOR ROE:

3. Briefly explain Amendment No. 1, I have furnished a copy of  
4. it to the Democratic leadership previously and for their benefit  
5. they raised one technical point which has been cured and the  
6. amendment's on the Secretary's desk. And "an" needed to be added  
7. and it was added, Senator Rock. On the last page. The basic  
8. purpose of this amendment is to cure some objections which were  
9. raised in the Executive Committee last week on hearing of this  
10. bill by Senator Partee and Senator Sours. Much of the language  
11. in the amendment is purely...thank you, Mr. President...section  
12. changes and word changes. On the first page the amendment deals  
13. with the clarification of reports and statements of organization  
14. which Senator Partee suggested and I have drafted. It also indi-  
15. cates that a cocktail party is to be treated as a fund raising  
16. event. On the second page of the amendment, there's clarifying  
17. language also suggested by Senator Partee and there is a change  
18. that I have incorporated on my own motion that was not raised in  
19. Executive Committee to the best of my knowledge, indicating that  
20. changes or fluctuations in monies that an...a candidate or organi-  
21. zation possesses from time to time need only be reported on the  
22. reporting dates. In other words, you don't have to file a change  
23. of information when you should, for instance, get a contribution.  
24. You have to list the total number of contributions on the reporting  
25. dates that are contained in the bill. Senator Partee also sug-  
26. gested that Section 9-8 did little for the bill. I agreed, and  
27. am striking that. On the third page of the amendment, these are  
28. mostly section changes, an addition of the word luncheon, I  
29. think, which is rather insignificant. In Section 9-18, this is  
30. the result of conversation in the committee between Senator Partee,  
31. Senator Sours and myself, indicates that a complaint under the Act  
32. must be verified, or under oath, must be in writing, must state the  
33. person who has charged with the alleged infraction, state the

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1. statutory provisions which are supposed to have been violated and  
2. the time and the place of the violation. On...further on the 4th  
3. page there is simply clarifying language in Sections 9-16. No  
4. major change. The same is true on Page 5 of the amendment. These  
5. are again clarifying statements which make no major language  
6. change, which were suggested at the committee, and it's my under-  
7. standing based on my conversation with Senator Rock and with the  
8. Democratic staff, that they have no objections to the amendment  
9. as drafted, and I would move its adoption, but I would be willing  
10. to answer any questions.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Any further discussion? The question before the Senate is  
13. shall Amendment No. 1 to Senate Bill 1568 be adopted. All in  
14. favor will...Senator Partee, I'm sorry.

15. SENATOR PARTEE:

16. Well, there's just one other thing. On page 5, line 24,...Oh!  
17. you mentioned the word "an", did you take care of that? All right.  
18. Fine. I missed that.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. The question before the Senate is shall Amendment No. 1  
21. to Senate Bill 1568 be adopted. All in favor will signify by  
22. saying Aye. Opposed? The Ayes have it and the amendment is  
23. adopted. Senator Roe. Senator Harris.

24. SENATOR HARRIS:

25. Mr. President, I know that this important piece of legis-  
26. lation is going to take some time. I'm advised that the House  
27. is waiting for action on the adjournment resolution by the  
28. Senate. They have pretty well completed their work. I think  
29. as a courtesy to the House, might we have unanimous consent to  
30. take up the question of the joint resolution for adjournment and  
31. then return to this matter of business?

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. You've heard the request of the President of the Senate.

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1. Is leave granted? Leave is granted. Senator Harris now moves  
2. the adoption of the resolution that the Secretary's going to  
3. read.

4. SECRETARY:

5. Senate Joint Resolution No. 72 by Senator Harris.

6. (Secretary reads Senate Joint Resolution.)

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Harris moves the adoption. All in favor of the  
9. adoption of Adjournment Resolution just read, signify by saying  
10. Aye. Opposed? The Ayes have it the amendment is adopted...  
11. the Resolution is adopted. Now Senator Roe.

12. SENATOR ROE:

13. Mr. President, I have no further amendments. I understand  
14. that other members have amendments.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Partee.

17. SENATOR PARTEE:

18. I think they brought an amendment down there for me. I  
19. guess it's Amendment No. 2. Is it?

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Any more amendments coming down. I think if we get them  
22. down so the Secretary can read them and number them. Let him  
23. handle that numbering so we're sure.

24. SECRETARY:

25. Amendment No. 2 by Senator Palmer.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. The Secretary is reading the material in front of him.

28. SECRETARY:

29. Amendment No. 2 by Senator Nimrod.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Senator Nimrod.

32. SENATOR NIMROD:

33. Mr. President, and fellow Senators, this amendment is pre-



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1. sented. Basically I have passed out copies of the amendments  
2. and on the first, they're on your desk and this does not eliminate  
3. any of the reporting or the records required by the act as it is  
4. presented. As the bill, as it's presented. However, it does  
5. eliminate the necessity for publishing and furnishing and dis-  
6. tributing of these manuals and reports of statistical data on  
7. elections by the State Electoral Board. Now what this...  
8. what this does is...is the information is still available to  
9. anyone who wants to take it, who wants to get it, but it does  
10. eliminate the expenditure of possibly millions of dollars to  
11. publish and distribute these records, which are available to  
12. anyone who wants copies of this information. Now for those of  
13. us who are in the Appropriations Committee, we know, we've seen  
14. the reports of those that might be familiar with the bill. Al-  
15. ready the...this State Board of Elections has presented a bill  
16. to us that exceeds 2 and 1/2 million dollars. Now I'm sure that  
17. we do not want to prohibit or restrict any of this information  
18. from reaching the persons who are interested in getting it, but  
19. it certainly is not a responsibility, I feel, of these...of this  
20. Committee to publish and prepare manuals of this particular informa-  
21. tion. Now, the manual for information for the candidates and  
22. for political committees...the forms and regulations, that is  
23. not touched by this. It does one other thing. It changes a word  
24. in the area. It removes the word "charitable" on page 14 on  
25. line 31. And the...this particular section pertains to the part  
26. where you are dissolving a committee, a political committee,  
27. might be a candidate or an organization or for a referendum pur-  
28. pose, where that money could be sent to...to a charitable organiza-  
29. tion rather than to a political organization. So what we're doing  
30. is removing that so that a person who did make this contribution  
31. in the first place politically, is not ending up with his money  
32. going to a charitable organization at the request of this particu-  
33. lar candidate. It does not prohibit them from turning it over to

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1. another political organization or to another candidate, but at  
2. least that would be consistent with the intent of the giver and  
3. it changes that one word. Otherwise, it is strictly prepared  
4. for the other items.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Glass. Senator Glass.

7. SENATOR GLASS:

8. Thank you, Mr. President, I'd like to ask the sponsor of  
9. the amendment a question. Senator Nimrod, with regard to the  
10. last point you made which is, as I understand it, upon the con-  
11. clusion of the political activity of a candidate, the fund  
12. that was his Political Campaign Fund, under the bill as it now  
13. stands, would go to some charity, and you would remove "charity"  
14. and put in "another political organization". Without regard to  
15. the merits of that, I have some concern, whether under Internal  
16. Revenue, that would be...under the Internal Revenue Code that  
17. would be allowable. In other words, the contributors, as you  
18. say, have intended to contribute funds to a given candidate or  
19. committee, but by diverting the money to another political candi-  
20. date doesn't necessarily mean with their wishes, and I think it's  
21. acceptable with Internal Revenue, upon the conclusion of any  
22. political activity, for the funds to go to a charity, so I...I  
23. would question that part of the amendment.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Partee.

26. SENATOR PARTEE:

27. I want to speak...

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Did you...

30. SENATOR PARTEE:

31. I want to speak to another part of this amendment.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Did you...Are you answering Senator Glass' question?

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1. Senator Nimrod. Are you speaking on the amendment?

2. SENATOR NIMROD:

3. No, I'm answering his question.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. You may proceed.

6. SENATOR NIMROD:

7. On that particular piece, Senator Glass, if you will read  
8. and these other lines that pertain to it, you...when you file  
9. this form, in the earlier part of the section, you indicate where  
10. your money is going to go. When you register as a political  
11. organization in the previous pages, you then indicate where  
12. that money is to go. Now, comes the time when you are dissolving  
13. and you have some money leftover and you want to do something  
14. with it, you now say, this says in effect here so that you are  
15. saying...that money can go...shall be refunded to the contribu-  
16. tors. That's the first thing you should do. In the amounts not  
17. exceeding their individual contribution; or transfer to other  
18. political or charitable organizations consistent with the posi-  
19. tions of the committee or the candidate it represented. All this  
20. does, it doesn't change anything other than that. All this says  
21. is that you still can refund it to the people or you transfer it  
22. to another political organization consistent with the position of  
23. the political committee or the candidate it represented. So, it  
24. doesn't do what you were saying, and it doesn't affect that in  
25. the whole area that's involved. It does, however, give the  
26. candidates the options that are listed here.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Glass.

29. SENATOR GLASS:

30. Well, I would disagree with you in regard to a candidate;  
31. let's say it's a candidate's own funds and he...he has, let's say  
32. 5,000 dollars leftover and he retires from office and the question is  
33. what happens to that money. Now, it would be possible under your

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1. amendment for his committee to give it to another candidate. As  
2. I understand it.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Please.

5. SENATOR GLASS:

6. Or to another candidate's... you have a political  
7. committee, so that would mean another...another...is that wrong?

8. SENATOR NIMROD:

9. No. I am not designating any new place for this to go.

10. The Act already says those words which I read on page 14, from  
11. lines 26 on. If you read that it tells where it's going. I'm  
12. not changing that...I'm not changing anything at all in this  
13. Act except taking one word out "charitable" or "charitable" and  
14. putting in "political" where it says "committee".

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Partee.

17. SENATOR PARTEE:

18. Well, I don't get in that part of it. I have some problems  
19. with that too...

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Just a minute, Senator. May we have some order. Ladies and  
22. Gentlemen, we are discussing a piece of Legislation which is im-  
23. portant to many people and it's very difficult for those who are  
24. in their seats and trying to hear to understand the dialog. Please.  
25. Senator Partee, continue.

26. SENATOR PARTEE:

27. I frankly hate to see the word "charitable" go out and it  
28. occurs to me that you might have a great deal of difficulty  
29. and might make an awful lot of enemies trying to make disburse-  
30. ment on the basis of that which is left to those persons that  
31. you choose on some sort of basis or proportionality. But there's  
32. another part of the...the amendment that I do not go with and  
33. that relates to the question of the publication of the rules.

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1. Now one of the things that I think any government owes its  
2. citizens is some kind of a document that explains rights, duties  
3. and obligations. Now the bill itself says that the board, and  
4. I take it that this is the State Board of Elections, would have  
5. an obligation to print a manual, as it were, saying to every  
6. candidate who desired to run, what his duties, rights, and ob-  
7. ligations were. So that he could not be heard to say later  
8. that I didn't know this or I didn't understand this, and I  
9. didn't know. Now the kind of money that you're talking about,  
10. some millions of dollars, is obviated in taking care of, in the  
11. principal bill. The suggestion is that the board shall have  
12. available these manuals for those persons who desire them and  
13. can sell them at a reasonable cost. Now, selling them at a  
14. reasonable cost, reasonable in this instance being sufficient  
15. amount to take care of printing and handling, and I think you  
16. could leave that to the discretion of the board and I think that  
17. any person who desires to run under these kind of complicated cir-  
18. cumstances, ought to have available to him published information.  
19. We have a situation right now where people are possibly to be  
20. ruled ineligible for office because we did not have a rule or  
21. a manual which might have directed them what to do. Now that's  
22. a very simplistic thing that they were supposed to do, this is  
23. a rather complicated one. We need a manual for people who are  
24. going to run for office so that they may edify themselves as to  
25. the conditions precedent for running and may run in accordance  
26. with the rules and regulations. In absence of a rule and regu-  
27. lation, you're going to have a chaotic situation with everybody  
28. in the world telling them to do it one way and somebody else  
29. telling them to do it another and you'll have people rendering  
30. themselves ineligible, and the costs are not on the taxpayers,  
31. they are on the people who want the...the documents. And I  
32. think on that basis, this amendment, though it addresses itself  
33. to a very serious consideration about dollars, is wrongfully

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1. pointed.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Senator Nimrod.

4. SENATOR NIMROD:

5. Senator Partee, I, too, share your concern. This amendment  
6. does not in any way prohibit the publication, the distribution  
7. to any candidate or any organization, a list of instructions,  
8. rules, regulations, and forms. That is not what these amend-  
9. ments do. This amendment does not do that. It allows that...  
10. just as it is in the bill. The only thing this amendment does  
11. is, if you'll follow on the pages of which it refers to, it  
12. goes to page 14 and it goes to page 16 and page 22 and in no..  
13. in page 23. Those are for reports which they have to compile  
14. and publish after they are brought together, not before or not  
15. when you file. I, too, agree with you that you should not  
16. discourage or take away that money, but to this only takes away  
17. that area which is wasteful afterwards, not before, or not in no  
18. way limits or restricts the distribution or the responsibility  
19. of that board to produce a manual of instructions, responsibilities,  
20. and form.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Further discussion? Senator Partee, any further questions?

23. SENATOR PARTEE:

24. No, that's it. That's all I have to say on that.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. The question then before the Senate is shall Amendment No.  
27. 2 to Senate Bill 1568 be adopted? All in favor of the adoption  
28. signify by saying Aye. Opposed? The Ayes have it and the  
29. amendment is adopted. There has been a request for, to call the  
30. roll on the adoption of Amendment No. 2. Those voting in favor  
31. will vote Aye. Those opposed will vote No. The voting is open.  
32. Have all voted who wish? Vote me No, Senator Mohr. Take the  
33. Record. On this question the Yeas were 7, the Nays were 39. The

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1. adoption of the amendment...the motion to adopt fails. Any  
2. further amendments?

3. SECRETARY:

4. Amendment No. 3 by Senator Nimrod.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Nimrod.

7. SENATOR NIMROD:

8. Mr. President and fellow Senators. In Senator Roe's  
9. amendment, he removed a paragraph on page 15, which would re-  
10. quire political organizations to file a particular report of  
11. acknowledging on any campaign literature that they would produce  
12. the identification of that particular literature, saying that he  
13. had permission from the candidate. Now, if that is the...we are  
14. to be consistent with that, then we should not require political  
15. organizations, who will be sending out house organs, who will be  
16. sending out the literature on their own, who are constitution...  
17. regularly constituted state organizations, political organ-  
18. izations to then prorate that money and then notify the candidate.  
19. Now, this...they are still required to make their reports, all  
20. organizations, and they will still have to account for all the  
21. monies that they spend but the only thing they won't have to do  
22. according to this amendment is to break down that money on the  
23. distribution of...as to how much is going to be done. It's going to  
24. a very complicated procedure. It's going to be an area where  
25. organizations will be involved in serious problems innocently  
26. and be charged with something they did not intend to do. But it  
27. does still require total accountability on both the part of the  
28. candidate and the organization. The only thing this does is  
29. does not limit in that one paragraph of notifying the candidate  
30. in registered writing that they...he has been told as to what  
31. amount he's receiving...that's charged to him.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Senator Newhouse.

1. SENATOR NEWHOUSE:

2. Thank you, Mr. President. Mr. President, a point of personal  
3. privilege.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. State your point, Senator.

6. SENATOR NEWHOUSE:

7. Mr. President, on that...on the previous amendment, I intended  
8. to vote No. I pushed the Yes button and, therefore, I am recorded  
9. that way. I'd simply like the Record to show that my intention  
10. was to vote against the previous amendment.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. You're...it will be shown in our tape, Senator Newhouse,  
13. and I'm sorry. Senator Knuppel, we're not going to get into an-  
14. other one of those lengthy discussions are we? Senator Knuppel.

15. SENATOR KNUPPEL:

16. I don't know what we're going to get into, but all I say is  
17. when I listen to all this, I understand why we're going to have  
18. to vote a pay raise. I'm not going to vote for it, but I know  
19. most of these people probably will. You can understand why when  
20. you read this. You've got to have a bookkeeper and everything  
21. else.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Nimrod.

24. SENATOR NIMROD:

25. Mr. President and fellow Senators, I didn't tell you the  
26. other three lines that were on this particular amendment and  
27. I was not bypassing it intentionally. The state employees are  
28. singled out on page 27 as being the only people that cannot be  
29. solicited for contribution. And it seems to me that either  
30. everybody should be in there or everyone should be out, and I  
31. don't think state employees are any different and it does  
32. eliminate those three lines.

33. PRESIDING OFFICER (SENATOR GRAHAM):



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1. Senator Roe.

2. SENATOR ROE:

3. I have no objections to this amendment.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. Any further discussion? The question before the Senate is  
6. shall Amendment No. 3 to Senate Bill 1568, it be adopted. All  
7. in favor will signify by saying Aye. Opposed? The Ayes have  
8. it and the amendment is adopted.

9. SECRETARY:

10. Amendment No. 4 by Senator Nimrod.

11. SENATOR NIMROD:

12. Mr. President and fellow Senators. Amendment No. 4 is  
13. simply one of philosophy and again one of deciding whether or  
14. not to encumber this State Board of Elections to suddenly throw  
15. onto them a total problem of recording. I'm sure that we are  
16. not concerned or interested with people who do not receive over  
17. 100 dollars and, in fact, the hundreds of elected officials, who  
18. do not, in fact, receive any sizable amount or cause any large  
19. campaign. This amendment...this amendment would still require  
20. every candidate for office to file and declare themselves as a  
21. political committee. Every candidate that runs for office.  
22. However, it would eliminate the necessity of filing a financial  
23. report for all candidates whose campaigns...contributions do  
24. not exceed 2,000 dollars and have not received one contribution  
25. in excess of 100 dollars. If they do exceed 2,000; if they do  
26. receive one contribution in excess of 100 dollars, then they  
27. must report totally, and this also would apply to those organiza-  
28. tions that would be filing referendums.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Roe.

31. SENATOR ROE:

32. Presently under the bill, as far as ballot issues are con-  
33. cerned, the ceiling is 3,000 Statewide, 1,000 locally, and as

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1. Senator Nimrod indicated contributions and expenditures over 100  
2. dollars would have to be reported by candidates and committees  
3. and he is going...his amendment would raise this to 2,000. I  
4. think there are a lot of local races of significance, at least in  
5. downstate Illinois and small counties, where 1,000, 1500 dollars  
6. are spent and I think that it's not too great a burden to ask the  
7. person to report. What he wants to do is change it from essen-  
8. tially 100 dollars to 2,000 dollar ceiling. I do think that the  
9. bill itself, as drafted now, with the hundred dollar...essentially  
10. the 100 dollar threshold takes care of itself.. If you don't take  
11. any campaign contributions and you don't make any expenditures,  
12. you're not going to be covered anyway.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Further discussion? Senator Nimrod.

15. SENATOR NIMROD:

16. One point of clarification. This would still require 100  
17. dollar threshold for any candidate who does meet that. What it  
18. does do is takes the school board members and the local trustee  
19. or anyone else that does not spend over 2,000 dollars. It  
20. eliminates him from reporting, but if he does receive over 100  
21. dollars from any one person he must report.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Roe.

24. SENATOR ROE:

25. I would just reiterate my point that there are a lot of  
26. small districts that elect people to office in downstate Illinois  
27. which I can at least speak for where 500, 1000, and 1500 dollars  
28. is a...is a substantial amount of contributions.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Further discussion? Question before the Senate then is  
31. shall Amendment No. 4 to Senate Bill 1568 be adopted. All those  
32. in favor of adoption will signify by saying Aye. Opposed? The  
33. Nays have it and the amendment is lost.

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1. SECRETARY:

2. Amendment No. 5 by Senator Nimrod.

3. SENATOR NIMROD:

4. This is the...Mr. President and fellow Senators, this is  
5. the last amendment that I have and it addresses itself to the  
6. problem of fund raising for a single fund purpose and that is  
7. for dinners, for organizations, or golf days or any of the  
8. items that are listed on this page 11, if you've had a change  
9. to read these. What it does is this. It does not eliminate  
10. any reporting that's necessary. However, again with the thought  
11. and the attitude of minimizing the number of committee reports  
12. and political committees that would have to be controlled and  
13. reported by the State Electoral Board, it would require that  
14. committee, when it turns over the money to a candidate or a  
15. political committee, it would require that commit...that candi-  
16. date to make the report and that committee would not have to  
17. make any report. So it would still keep the burden on the  
18. candidate or on the political organization to make the report  
19. but the committee itself would not have to and they would have  
20. to...any monies they turn over to him or to a committee would  
21. have to be accounted for, including any amount in excess of 100  
22. dollars.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Roe.

25. SENATOR ROE:

26. I think that this is exactly what we're talking about. I  
27. think the bill places the burden on organized political commit-  
28. tees and candidates; it doesn't place and shouldn't place any burden  
29. on an ad hoc committee and I think that this is the purpose of the  
30. bill to make political committees and candidates file statements  
31. indicating where the contributions come from as Mr...or as  
32. Senator Nimrod mentions, it doesn't free them from that obliga-  
33. tion but it does give them an out because if there are irregular-

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1. ities, the candidate or the campaign committee can say well,  
2. you know we didn't collect this money or make these expendi-  
3. tures, we just had to take the ad hoc committee's report and if  
4. it's wrong it's their fault. For that purpose, I would be  
5. opposed to it.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Any further discussion? Question before the Senate is  
8. shall Amendment No. 5 to Senate Bill 1568 be adopted? All  
9. those in favor of the adoption signify by saying Aye. Opposed?  
10. The Nays have it and the amendment is lost. Any further  
11. amendments?

12. SECRETARY:

13. Amendment No. 6.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. There's been a request for a roll call. On the adoption  
16. or failure to adopt Amendment No. 5. Those favoring the adop-  
17. tion of Amendment No. 5 will indicate by voting Aye. Those  
18. opposed will vote Nay. The voting is open. Have all voted who  
19. wish? Take the Record. On this question the Yeas are 25, the  
20. Nays are 22, and Amendment No. 5 is adopted. Senator Roe.

21. SENATOR ROE:

22. I want a verification.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. There's been a request for verification of the roll.  
25. Senators will be in their seat and the Secretary will read  
26. the roll.

27. SECRETARY:

28. The following voted in the affirmative: Bell, Bruce, Carroll,  
29. Course, Daley, Davidson, Donnewald, Dougherty, Kenneth Hall, Hynes,  
30. Johns, Knuppel, Kosinski, Moore...Don Moore, Newhouse, Nimrod,  
31. Nudelman, Palmer, Partee, Rock, Romano, Saperstein, Vadalabene,  
32. Walker, Welsh.

33. PRESIDING OFFICER (SENATOR GRAHAM):

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1. Senator Roe. Senator Don Moore. In the Chamber? Senator  
2. Moore is within the Bar. It is too late to vote, Senator Moore.  
3. The roll has been verified and Amendment No. 5 is adopted.  
4. Any further amendments?

5. SECRETARY:

6. Amendment No. 6 by Senator Palmer.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Palmer.

9. SENATOR PALMER:

10. Ladies and Gentlemen. Amendment No. 6 is a very simple bill  
11. that will cure many, many, many problems that exist in the present  
12. bill. You have heard references to the threshold of 100 dollars.  
13. This bill simply changes the threshold to 500 dollars and provides  
14. that the disclosure, not of 100 dollars but of 500 dollars contri-  
15. butions received and expenditures. Senator Knuppel has said some-  
16. thing about bookkeeping. If you would just look at your bill and  
17. just see what you would be required to do in filing this and  
18. complying with this bill, you will really find out that not only  
19. shall you increase your pay but you ought to double your pay  
20. and also be very careful what you do. Now there is a very, very  
21. simple ethics bill now on...now logged and you and many of your  
22. associates in college even find it difficult to file that simple  
23. 4-page ethics bill. If you will look at this bill and see the  
24. forms and requirements that are necessary you will find that there  
25. will be many regrets on your part for yourself, for your friends,  
26. for your associates, for your colleagues, who are seeking elective  
27. office. Besides the difficulty and the paperwork, you also must  
28. remember that many, many of your contributions will be dried up.  
29. Many people do not like to contribute money when their name is  
30. disclosed. Now many of us need this...these 100 dollar contribu-  
31. tions. Many of us needs the 150 dollar contributions, and if  
32. you're going to dry that up you are only hurting yourself. Remem-  
33. ber when we sat as a committee as a whole...one more, I'll finish

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1. this sentence...we sat as a committee as a whole and every witness.  
2. that got up and testified told us with no uncertain terms that the  
3. cost of your campaigns will have increased and will increase and  
4. would go along with the increases as long as inflation. Now how  
5. you can vote a bill to obligate yourself to show receipts of each  
6. contribution of 100 dollars and also disbursements, I cannot see  
7. and I think this amendment will take care of many, many, many  
8. problems that will arise and especially eliminate many, many errors  
9. that will be made in filing your return.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Senator Roe.

12. SENATOR ROE:

13. Mr. President and Members of the Senate, I am opposed to this  
14. amendment and I will try to briefly state my reasons. There's no  
15. ...nothing magic about 100 dollars. It is the figure used in most  
16. states in this country. It is the figure used by the Federal Gov-  
17. ernment, so I think it's probably the most agreed upon figure. I  
18. think 500 dollars is too high. It would, in effect, exempt almost  
19. every fund raising dinner imaginable from reporting. It would  
20. place us in the alom...anomalous position of a candidate perhaps  
21. not having any reportable contributions by name, but having  
22. thousands and thousands and thousands of dollars in a campaign  
23. committee in the aggregate without any identification of where the  
24. money came from. So for those reasons I would oppose this amend-  
25. ment.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Sours.

28. SENATOR SOURS:

29. Mr. President and Senators, I've been listening rather  
30. avidly to this badinage here this afternoon. Will someone  
31. explain to me the reason why the...there should be any reporting  
32. at all. In other words, let's say one abides by every letter of  
33. the law from alpha through omega and he...and he makes all this

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1. reporting and he names everybody by the full name and all the  
2. identification of the donor. Then I say to this Chamber, will  
3. someone tell me, so what? What happens then? Is the election,  
4. as a cathartic, gone through the elective process and everything  
5. now is purified or just what is the purpose, Senator Roe, for  
6. reporting. You know, I'm supporting your bill too.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Further discussion? Senator Knuppel.

9. SENATOR KNUPPEL:

10. I happened to be listening to WBBM this morning and they  
11. were featuring in one of their articles a lady named Baby Doll.  
12. 70 years old, a madam from Peoria, and she said when she came  
13. to Peoria it was a \$1 town. It's now a \$10 town. I think we've  
14. established what we are, we're merely dickering for a price.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. I think you're out of order, Senator. We're talking on  
17. the amendment. The question before the Senate is shall amendment  
18. No. 6...Senator Sours.

19. SENATOR SOURS:

20. I haven't had an answer, Mr. President. I'd like an answer.  
21. What is the purpose of reporting, Senator Roe? What effect do you  
22. expect that will have when...when it's a published fact that you  
23. can identify everybody who made a contribution? I say to you then,  
24. so what, or what happens then?

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Roe.

27. SENATOR ROE:

28. Senator, I certainly think it will have a healthy effect as  
29. far as the public of this state is concerned. I think that the  
30. public has indicated that it is interested in knowing where campaign  
31. contributions come from and in what amounts. I think you only  
32. have to look at the proposition that passed in California by a 2 to 1  
33. vote with many business and labor interests opposed to it, it

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1. passed by 2 to 1, a much more stringent proposition than is pre-  
2. sented by this bill. Limitation being 50 dollars, the limitation  
3. on lobbyists contributions being zero, not allowed to make contri-  
4. butions. And the public, despite some organized opposition of  
5. some magnitude, voted 2 to 1 that they want to have legislation in  
6. this area and there are a number of other reasons that I could  
7. cite to you, I think most any poll that you would want to look at  
8. by a recognized polling group in this country will indicate that  
9. 70 to 80 to 90% of the public is interested in this.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Senator sours.

12. SENATOR SOURS:

13. Will this bring into the noose or the net, whichever noun  
14. you may prefer, unincorp...voluntary unincorporated associations  
15. such as governmental employees' organizations and the employees  
16. of private industry who combine and organize for a solid purpose?

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Roe.

19. SENATOR ROE:

20. If they...if they make campaign contributions or expenditures  
21. on behalf or for a candidate, the answer is yes.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Senator Sours.

24. SENATOR SOURS:

25. Will that include working on election day or in the case of  
26. a school teacher having sick leave that day?

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Roe.

29. SENATOR SOURS:

30. Campaigning and working on election day. Will that have to  
31. be reported at the...at the 45 or 50 dollar a day rate of salary  
32. that person, who may take off that day, goes out and spends for  
33. you or me, if I run again?



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1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Senator Roe.

3. SENATOR ROE:

4. Volun...voluntary services need not be reported. Compensated services must be reported, if they are in the excess of  
5. 100 dollars.  
6.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Sours.

9. SENATOR SOURS:

10. Well, then, pray tell me why you don't have them included  
11. in your bill if this is going to have such a great therapeutic  
12. effect upon the general morality of the office holder who seeks  
13. election to public office?

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator Roe.

16. SENATOR ROE:

17. I think...I think I answered your question. They are included. If it's compensated services of ov...

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Senator Sours.

21. SENATOR SOURS:

22. I'm not talking about that. I'm going to ask you this, Senator Roe. Let's take a school teacher who lays off that day  
23. and calls it sick leave and that school teacher, for example,  
24. only makes 50 dollars a day. Now would that 50 dollars be noted  
25. or would it just be one day's services? With no dollar amount?

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Roe.

29. SENATOR ROE:

30. Well, if I understand your question correctly. The question  
31. is if a school teacher takes off on election day and says that he  
32. or she is sick and works for a candidate is that covered by the  
33. bill. Is that the question?

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1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Senator Sours.

3. SENATOR SOURS:

4. It doesn't have to be a sick leave day. Let's say the  
5. employee takes off that day and we'll say, for the purpose of  
6. the record, that employee is docked. That's an old verb that  
7. meant you didn't get paid for that day. Now, will there be a  
8. record that that person, let's make him a plumber, for example.  
9. He gets 15 dollars an hour. He works 8 hours a day. That's  
10. 120 dollars a day. Will his contribution be included as above  
11. 100 dollars?

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator Roe.

14. SENATOR ROE:

15. No. 1, this...the...the services must have the consent of  
16. the employer. No. 2, they must be paid for by a candidate or  
17. a committee in the amount of 100 dollars.

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Senator Sours.

20. SENATOR SOURS:

21. But, let's say he volunteers these services gratuitously  
22. and if he were working that day he would make 50 dollars. That  
23. isn't too much today for people who are working in factories and  
24. elsewhere. Would someone...let's say he works 2 days. That'd  
25. be 100 dollars, if he makes 50 dollars a day. Will that 100  
26. dollars evaluation of his services be noted in the required report?

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Roe.

29. SENATOR ROE:

30. No.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. For what purpose is Senator Buzbee rising so rapidly?

33. SENATOR BUZBEE:

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1. SENATOR BUZBEE:

2. On a point...on a point of order, Mr. President.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. State your point.

5. SENATOR BUZBEE:

6. It's my understanding we are debating Senator Palmer's  
7. amendment to this bill and not the bill itself, and I believe  
8. the amendment to the bill deals with the total amount of re-  
9. reportable contributions raising from 100 to 500 dollars, and I  
10. think that this part of the debate, although it's very interest-  
11. ing and very informative, is perhaps being held at the wrong  
12. time.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Your point is well taken and the red light is burning.  
15. Senator Sours, can you conclude.

16. SENATOR SOURS:

17. My only answer...my only question is I want to know why  
18. those services are not reportable and for the purposes of this  
19. amendment, Senator Buzbee, let's say that the party furnishes  
20. 10 days, gratuitous voluntary services and he goes through the  
21. whole precinct...or the whole ward. Now my question is, is  
22. that reportable?

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Roe may we conclude this by a definite answer to  
25. some definite questions? The time has expired on this dialog.

26. SENATOR ROE:

27. I have...thank you, Mr. President. I have said twice that  
28. the standard is with the consent of the employer and with com-  
29. pensation from the candidate or the committee in excess of 100  
30. dollars and if...the reason that this is not in the bill is  
31. because this is the first time that I have heard an objection  
32. to it and any Senator has a right to offer an amendment to this  
33. effect.

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- 1. PRESIDING OFFICER (SENATOR GRAHAM):
- 2. Senator Daley, you were seeking recognition.
- 3. SENATOR DALEY:
- 4. I have a question for Senator Roe in regards to the 100 dollars
- 5. in excess of 100 dollars.
- 6. PRESIDING OFFICER (SENATOR GRAHAM):
- 7. He indicates he will yield.
- 8. SENATOR DALEY:
- 9. On page 9, dealing with contributions. You state anything
- 10. of value in connection with any question of public policy. Who
- 11. determines the value?
- 12. SENATOR ROE:
- 13. What line is that, Senator Daley?
- 14. SENATOR DALEY:
- 15. Page 9, Section 9-1.3. Contributions.
- 16. SENATOR ROE:
- 17. OK. That's the definition of contribution.
- 18. SENATOR DALEY:
- 19. Who determines value? Whether it's a hundred dollars, or
- 20. 99 dollars...
- 21. SENATOR ROE:
- 22. You mean, where's the hundred dollars stated in the bill?
- 23. SENATOR DALEY:
- 24. No, who determines value? How do you determine the value?
- 25. You say, or anything of value, the contribution.
- 26. SENATOR ROE:
- 27. Well, that's...I think the definition is somewhat
- 28. superfluous. I...it probably could say money or...
- 29. SENATOR DALEY:
- 30. But you would be in violation if you...say someone endorsed
- 31. you and the value of that endorsement would be considered a hun...
- 32. over a hundred by an opponent...by an opponent who could file a
- 33. formal...a charge against you during your campaign.

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1. SENATOR ROE:

2. No, I...I...I think that that is a lengthy definition which  
3. perhaps could be shortened, but in...the problem...the...the dif-  
4. ficulty that you have as far as that is concerned, I presume,  
5. relates something to what Senator Sours and I have been discus-  
6. sing, as to who determines the value of services.

7. SENATOR DALEY:

8. Well, would the State Board of Election then determine if  
9. someone files a charge against you whether or not it was a hundred  
10. dollars or more, the value?

11. SENATOR ROE:

12. ...anything of value could also be a promissory note. Now  
13. in other parts of the bill it is stated that...that...that the  
14. threshold is 100 dollars and I am sure that that specifically  
15. covers what is attempted to be defined.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator Daley.

18. SENATOR DALEY:

19. But, Senator, during the course of a campaign, someone who  
20. will file a complaint against his opponent, states that the value  
21. of an endorsement, whether it's a TV or radio, or an endorsement  
22. of a business man, endorsement of a labor...labor leader, the  
23. value of that endorsement could be considered more than 100 dol-  
24. lars, and you would have to file that endorsement. Is that right?

25. SENATOR ROE:

26. No, and I certainly would not object if anything of value  
27. was stricken from the definition, cause I consider it to be  
28. superfluous when read in context with the rest of the bill.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Daley.

31. SENATOR DALEY:

32. Also, in regards to filing complaints. Under your definition  
33. here, a number of people could file the same complaint against you?

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- 1. PRESIDING OFFICER (SENATOR GRAHAM):
- 2.       Senator Roe.
- 3. SENATOR ROE:
- 4.       Well, there's not any limitation on who can file a complaint.
- 5. The complaint procedure just has to be followed by every person.
- 6. PRESIDING OFFICER (SENATOR GRAHAM):
- 7.       Senator Daley.
- 8. SENATOR DALEY:
- 9.       Yes. It could be filed on the first day of nomination. It
- 10. could be filed throughout the whole campaign. Is that correct?
- 11. PRESIDING OFFICER (SENATOR GRAHAM):
- 12.       Senator Roe.
- 13. SENATOR ROE:
- 14.       That...that's right.
- 15. SENATOR DALEY:
- 16.       Oh...the State Board of Election is open to public hearings?
- 17. SENATOR ROE:
- 18.       I'm sorry. I didn't understand the question.
- 19. SENATOR DALEY:
- 20.       The State Board of Election then held...holds a public hear-
- 21. ing on the charges?
- 22. SENATOR ROE:
- 23.       That's the way it's drafted at the present time.
- 24. SENATOR DALEY:
- 25.       So, during the campaign itself, anyone can file a formal
- 26. charge against you.
- 27. SENATOR ROE:
- 28.       That's right, if it's under oath.
- 29. PRESIDING OFFICER (SENATOR WEAVER):
- 30.       We're still discussing Senator Palmer's amendment. Are
- 31. there any further...is there any further discussion on Senator
- 32. Palmer's motion? Senator Palmer.
- 33. SENATOR PALMER:

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1. May I just say a few words to get the Senators back on the  
2. track of this very, very important amendment. Now we've been  
3. here all day and I know the Senators are anxious to get going.  
4. Now, you just heard a minuscule effect of just two Senators,  
5. Senator Sours and Senator Daley, who have brought to you just  
6. some, just a little bit of the problems that will occur if you  
7. have this 100 dollar threshold. Now, there seems to be, as  
8. Senator Roe, the sponsor of the bill, has stated to you, there  
9. seems to be an atmosphere of public opinion that the people want  
10. to know about this to restore confidence in their particular can-  
11. didates, but I am sure you will agree with me that the people  
12. do not want their particular office holders to be cluttered up  
13. with a lot of paperwork so they cannot take care of their needs.  
14. They don't want their candidates, Senators, Legislators or  
15. other office holders to be nervous wrecks and they also don't  
16. want them in jail. So, I ask you to please consider and some  
17. of the things that were said here and the problems that were  
18. brought forward to you by Senator Sours, and sometimes Senator  
19. Sours brings out a point, and I'm reminded that this kind of a  
20. bill will only kick you in the face. I...come back to you and  
21. I'm reminded of the doctor...Senator McBroom, I'll be through  
22. in a minute...I'm reminded of the doctor that called up  
23. his patient and he said, Mrs. Miller, the check you sent me in  
24. payment of my bill came back. She said, that's fine, Doctor,  
25. so did my arthritis. Now that's what's going to happen here.  
26. You pass a bill like this where you have to be in constantly  
27. filing reports and be sure that they're accurate, and also dry  
28. up your contributions, I think you're making a mistake. I ask  
29. that...support of this amendment and yield to Senator McBroom.  
30. PRESIDING OFFICER (SENATOR WEAVER):

31. Senator McBroom.

32. SENATOR MCBROOM:

33. Well, Mr. President and members of the Senate, I'd...I'd

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1. just like to ask a question or two if I might and I'm gonna  
2. confess, Mr. President, that my questions may not be appropriate.  
3. I've been rather busy the last couple of days and had some other  
4. matters on my mind, but I'd like to direct this to either Senator  
5. Palmer or Senator Roe for their edification and I think a little  
6. bit was touched on by Senator Daley. Now...and...I...suffer like  
7. you do, Mr. President, I...I don't have the legal expertise of  
8. Senator Roe or Senator Palmer, but what is the answer, either of  
9. you gentlemen, if someone who happens to be...happens to be  
10. dedicated to the Democratic Party or the Republican Party and has  
11. a vacant building on South Wabash in Chicago or North Main in  
12. Kankakee, or whatever it might be and they want to donate that  
13. building to a political organization for the high points of the  
14. campaign and maybe the building would be worth, Mr. President,  
15. 1500 dollars a month. Where do we stand on that kind of a  
16. situation. Could...

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Roe.

19. SENATOR ROE:

20. I'm sorry, I didn't...I...I'm...I beg your pardon Senator  
21. McBroom. I was talking to...

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator McBroom:

24. SENATOR MCBROOM:

25. Well, I don't care either...I'm not in any...I don't want  
26. this to be in anyway construed that I am trying to delay anything  
27. or keep anyone here, but I think we're on a very important mat-  
28. ter. May I...Could I have just a little order, Mr. President?  
29. We...we have a situation and I think sometimes that we can...we  
30. can communicate with each other when we become very specific,  
31. Mr. President. The Secretary of our...pardon me, the treasurer  
32. of our County Committee in Kankakee County has repeatedly asked  
33. me, out of personal friendship, if she could not relinquish her



1. duties as treasurer. They have become too onerous, too time  
 2. consuming, she is...has been recently receiving forms from the  
 3. Federal IRS that the...the Certified Public Accountant, who  
 4. keeps the books for our automobile agency, has had difficulty  
 5. in answering her questions and out of it, I am sure that this  
 6. applies to the other 58 members as well as the speaker, she  
 7. retains this position out of her personal fidelity to me, not  
 8. because of any remuneration or because she enjoys the title of  
 9. Treasurer of the Kankakee County Committee. Now these are the  
 10. things I think we ought to know about before we're getting into  
 11. ...into it. Now, specifically, ...specifically, my question was,  
 12. Senator Roe, let's assume that a friend of Senator Palmer's is  
 13. wrapped up in his campaign and comes to him and says, "Senator  
 14. Palmer, I have this building, it's vacant, I have the XYZ Toy  
 15. Store coming in here in January, but in August, September,  
 16. October, and November, I will let you have it as a Palmer for  
 17. Senator Headquarters and it can be proven that the XYZ Toy  
 18. Company is going to rent it for 1500 dollars a month come Janu-  
 19. ary." Now what is Senator Palmer getting into in a situation  
 20. like that, Senator Roe, or Senator Palmer?

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Roe.

23. SENATOR ROE:

24. That is reportable. That must be reported.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator McBroom.

27. SENATOR MCBROOM:

28. Well now, how do you...again, I'm not being argumentative,  
 29. Senator Roe, how do you fix a value to that? Do you wait until  
 30. January and somehow substantiate that the XYZ Toy Company is  
 31. renting it for 1500 a month, or how do you do that? I...I...I...

32. SENATOR ROE:

33. Senator McBroom, I think, you know, in the...at least

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1. in the example that you gave me, it was easily determined. Agreed?

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator McBroom.

4. SENATOR MCBROOM:

5. I...I don...I really...I really don't know if it's easily  
6. agreed. Maybe come January, Mr. Jones that owns this toy company  
7. is dead or has decided to rent a building from Senator Bell, or  
8. something or other, I don't know if it's easily determinable.

9. SENATOR ROE:

10. Well, what I meant to say is, you indicated what the rental  
11. value of the property was so presumably it'd have the same rental  
12. value for the purpose that you would be interested in utilizing  
13. it.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator McBroom.

16. SENATOR MCBROOM:

17. Well, I...I...I really...I really feel chagrined to take up  
18. the time of the Senate on this at this...at this hour, but I...I  
19. don't think we're dealing with a highway easement here, Mr.  
20. President, and I...I...I...I just...I just don't know if I can  
21. embrace the concept where some friend of one of ours who may be  
22. interested in only one campaign, be it the campaign of Senator  
23. Weaver or Senator Palmer, and beyond that he might not even be  
24. identified with either political party but he is, out of personal  
25. friendship, he does do something for one of us and...and...and we're  
26. in effect...we're in effect tying his hands and getting him into  
27. some kind of a legal mumbo-jumbo that he may not want to become  
28. involved with. I...I've just...not sure where we're going here,  
29. Senator Roe. I know Senator Palmer's trying to get your recognition,  
30. Senator Weaver.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Palmer.

33. SENATOR PALMER:

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1.           However, I think there would be more emphasis if you read  
2. it in black and white. Now, the bill has a form set out and  
3. specified. It starts on page 19 but I refer you to page 20  
4. commencing with line 7 which tells you to list the contributors  
5. and here's the way it starts on line 7 which is only just part  
6. of this long form. The full name and mailing address of each  
7. person who has made one or more contributions to or for the  
8. committee within the previous twelve months in an adequate  
9. amount, now listen to this, in an adequate amount or value in  
10. excess of a hundred dollars. This tells you rights, specifi-  
11. cally answers your question in black and white so you can bring  
12. that to your constituents and show it to them that it requires  
13. that if anybody wanted to give me some office space, I'd have  
14. to show it...show the value of that rental or if you're talking  
15. about a building, you've got to show the entire value of the  
16. rental that this would...

17. PRESIDING OFFICER (SENATOR WEAVER):

18.           Senator Daley do you have a question of Senator Palmer on  
19. his amendment?

20. SENATOR DALEY:

21.           To Senator Roe in regards to the amendment.

22. PRESIDING OFFICER (SENATOR WEAVER):

23.           In regards to Senator Palmer's amendment?

24. SENATOR DALEY:

25.           Yes, yes. Senator, if...if the Chicago Association of  
26. Commerce and Industry and a various union endorses me or endorses  
27. you and in turn they send a letter out of the...a letter of  
28. that endorsement to everyone of the members of their organization  
29. or of their club. It costs ten cents and it's above a hundred  
30. dollars, I have to report that. Isn't that correct?

31. PRESIDING OFFICER (SENATOR WEAVER):

32.           Senator Roe.

33. SENATOR ROE:

34.           I think that's correct Senator Daley.

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- 1. SENATOR DALEY:
- 2. Now, if WGN TV makes the endorsement of you or myself or...
- 3. for an office, in turn sends that endorsement out to various
- 4. public officials, to various organizations throughout the state
- 5. and it's above a hundred dollars, I have to report that. Isn't
- 6. that correct?
- 7. PRESIDING OFFICER (SENATOR WEAVER):
- 8. Senator Roe.
- 9. SENATOR ROE:
- 10. That's correct.
- 11. SENATOR DALEY:
- 12. Radio?
- 13. SENATOR ROE:
- 14. Same.
- 15. SENATOR DALEY:
- 16. Newspaper?
- 17. SENATOR ROE:
- 18. Same.
- 19. SENATOR DALEY:
- 20. Now, you...who has the responsibility? If a radio station
- 21. in a statewide campaign or local campaign outside your district
- 22. endorses you then you're in violation of this Act.
- 23. SENATOR ROE:
- 24. That's not true. I'm answering your questions on the basis
- 25. of your saying that this is sent out and paid for.
- 26. SENATOR DALEY:
- 27. It's sent out and paid for but many times...what'd happen
- 28. if you didn't know about?
- 29. SENATOR ROE:
- 30. Well, if...if you didn't know about it then you're not
- 31. going to be in violation.
- 32. SENATOR DALEY:
- 33. Someone could file a charge against you.

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1. SENATOR ROE:

2. That's right. But I'm just...

3. SENATOR DALEY:

4. The State's Attorney or the Attorney General can come in  
5. and prosecute you. Isn't that correct?

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Senator Roe.

8. SENATOR ROE:

9. Well, I think...I have attempted to answer your question  
10. and I...I can talk about the bill for the rest of the night if  
11. it's the pleasure of the Senate. If we're going to talk about  
12. the amendments, I'll talk about the amendments.

13. SENATOR DALEY:

14. No, I think this goes to the amendment. Whether it's a  
15. hundred dollars or five hundred dollars cause it's putting the  
16. responsibility on the candidate. If any newspaper, tv or radio  
17. endorses you, you have to go those organizations and find out  
18. if they spent any...spent any money on mailing, or if they spent  
19. any money in regards to endorsing you.

20. SENATOR ROE:

21. The violation...violation has to be a knowing violation and  
22. I think I've answered your question or I've tried to.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Daley.

25. SENATOR DALEY:

26. Also in the preparation of the endorsement, you have to know  
27. the value. Correct? If it's a hundred dollars. You have to,  
28. yourself, go to each radio, tv and newspaper and ask them how  
29. much they put in regards to the endorsement. Isn't that correct?

30. SENATOR ROE:

31. No.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Senator Roe.

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1. SENATOR ROE:

2. No, that is not correct. The premise of your questions are  
3. that these endorsements are sent out and paid for by...by someone  
4. and the answer to that question is yes. It would have to be reported.

5. SENATOR DALEY:

6. It's up to you.

7. SENATOR DALEY:

8. If they are sent out and you know about them.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Daley. Any further discussion? Senator Palmer moves  
11. the adoption of Amendment No. 6 to SB 1568. All in favor signify by  
12. saying Aye. Opposed Nay. The Secretary will call the roll. Those  
13. in favor of the amendment vote Aye. Those opposed vote Nay. The  
14. voting is open. Have all voted who wish? Have all voted who wish?  
15. Take the record. On this question the Nays are twenty-nine, the Yeas  
16. are twenty. Amendment No. 6 fails. Any further amendments?

17. SECRETARY:

18. Amendment No. 7 by Senator Palmer.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Palmer.

21. SENATOR PALMER:

22. I'm just looking at that count there and McBroom, didn't  
23. you get my answer to that question you asked? Now, Amendment  
24. No. 7 gentlemen I don't know about you fellas but I don't  
25. cherish the idea of going to jail. And, this is what Amendment  
26. No. 7 does, it says that the fine for any violation of this...  
27. completing this form shall not exceed one hundred dollars and  
28. also that the violation shall constitute a business offense  
29. and not an offense subject to jail sentence. And, all I would  
30. like to do, ladies and gentlemen, is after the...the voluminous  
31. report, starting at page 19, all the way through 22. This is  
32. the declaration that you are compelled to sign. I declare that  
33. this report of campaign contributions and expenditures including  
34. any accompanying schedules and statements has been explained by

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1. me and to the best of my knowledge and believe...it is true.  
2. Correct and a complete report as required by Article 9 of the  
3. Election Code. Now listen to this, I understand that the  
4. penalty for willfully filing a false or incomplete statement  
5. shall be a fine not to exceed a thousand dollars or imprison-  
6. ment in a penal institution other than the penitentiary not  
7. to exceed one year or both fine and imprisonment. Now, I don't  
8. know about you fellas but if you want to inflict that kind of  
9. punishment on yourself better think about it. Again, I'm going  
10. to remind you again...I...about the ethics form that you presently  
11. file. In the last two periods, it has been disclosed to you  
12. that some judges failed to file, some legislators fail to file  
13. and I was approached by some of the office holders to amend that  
14. particular ethics statute. I did file a bill that you have  
15. passed which is a grace period where you now have thirty days  
16. grace to file this report. All I want to tell you that in pre-  
17. paring the legislation and preparing that particular bill, I  
18. did communicate with the office downstairs and I was advised that  
19. many of you and I and others have made errors. We are only  
20. people, individuals and we can make errors. What this bill you  
21. have before you today in its present form is practically telling  
22. you that if you make an error, you're subject to going to jail.  
23. If not going to jail, you're going to have to spend an awful  
24. amount of money, time and your health to defend an action. One  
25. that might be frivolous and filed with this Election Board but  
26. you will be subjected to it. Amendment No. 7 eliminates the  
27. prison sentence in the event of violation and provides that any  
28. infraction or violation, the fine shall not exceed one thousand  
29. dollars.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Is there any discussion? Senator Roe.

32. SENATOR ROE:

33. ...Point out Mr. President that this is a specific intent

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1. violation, the two possible violations under the Act. In other  
2. words it requires knowledge. I think it's proper that the  
3. penalty be a class A misdemeanor. I have heard many Members of  
4. ...of the Senate from time to time say it ought to be a felony.  
5. Now, I...I think the class A misdemeanor which provides for a  
6. fine or a jail sentence or both is proper. I think what we are  
7. dealing with is a serious matter. At the same time, I don't  
8. think that a person who is found guilty of a violation under  
9. this Act is going to be sent to jail for a first offense or  
10. even a second offense based on the way the courts treat people  
11. who are convicted of felonies for instance in...in this state  
12. at the moment and I think it's proper to allow the penalty to  
13. remain a class A misdemeanor.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Is there any further discussion? Senator Palmer moves the  
16. adoption of Amendment No. 7 to SB 1568. All in favor signify  
17. by saying Aye. Opposed Nay. The amendment's defeated. Any  
18. further amendments?

19. SECRETARY:

20. Amendment No. 8 by Senator Palmer.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Palmer.

23. SENATOR PALMER:

24. That...it's the last one gentlemen. Unless you want an  
25. encore, I'll come back. Amendment No. 8...what prompted me to  
26. file this amendment, in reviewing and reading the present bill  
27. in its present form and asking several questions, the same kind  
28. of questions that Senator Daley has been asking Senator Roe.  
29. I've asked many questions relating to the functions and the  
30. duties and the obligations of the Chairman of your committee.  
31. I don't know about all of you and I don't know about all of the  
32. candidates but some of us and I might say a great number of us  
33. have what you call a volunteer chairman. Possibly a member of



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1. your own family, the one that's handling the paperwork and the  
 2. books and the payment of the bills because during the campaign,  
 3. I think you will agree with me, you're quite busy. What Amend-  
 4. ment No. 7 provides is that if 8...pardon me, that if you or  
 5. any candidate has a chairman or treasurer who is a volunteer,  
 6. not paid, shall not be considered the political committee as  
 7. provided for in the Act and shall just provide that the candi-  
 8. date himself file the form so therefore we do not subject our  
 9. good friends, people who are willing to give up themselves a  
 10. little time to help us out.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Roe.

13. SENATOR ROE:

14. Now, Senator Palmer, could...could you just elaborate on  
 15. administers. That...that means what it does in ordinary con-  
 16. text, right? I have no objection to this amendment.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Palmer moves the adoption of Amendment No. 8 to  
 19. SB 1568. All in favor signify by saying Aye. Opposed Nay.  
 20. The amendment's adopted. Any further amendments?

21. SECRETARY:

22. Amendment No. 9 by Senator Partee.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Partee.

25. SENATOR PARTEE:

26. Amendment No. 9 is an amendment which Senator Roe has seen  
 27. which is just an extension of the concept for what to do when  
 28. a complaint is filed during a campaign. And, this amendment  
 29. simply says that the Board shall neither accept nor publicize  
 30. a complaint unless three members believe that a reasonable basis  
 31. exists for making an initial determination if there are reason-  
 32. able grounds to believe that the complaint can be verified. Now  
 33. what we seek to do here is the same kind of thing they do in the

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1. Judicial Inquiry Board and many other of our statutory areas  
2. where complaints are filed. And, so that you can keep  
3. scurrilous complaints from being filed for the purpose of  
4. publicity, the three members of the Board must first make a  
5. determination that there is some reasonable basis for it.  
6. And, that fact is suppressed so that nobody files against you  
7. simply because he's looking for a newspaper headline three or  
8. four days before the election. I think, I state the fact  
9. correctly when I say that there is acceptance of this amend-  
10. ment. Is that right Senator Roe?

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Roe.

13. SENATOR ROE:

14. I'm not...I'm not opposed to the amendment.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Is there any further discussion? Senator Partee moves the  
17. adoption of Amendment No. 9 to SB 1568. All in favor signify  
18. by saying Aye. Opposed Nay. Amendment No. 9 is adopted. Any  
19. further amendments?

20. SECRETARY:

21. Amendment No. 10 by Senator Partee.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Partee.

24. SENATOR PARTEE:

25. Now, number...Amendment No. 10 is just a might different  
26. from the one we've just had and it does, in fact, bring into  
27. play a sort of new concept. One of the things that has dis-  
28. turbed me and a lot of my constituents during the last couple of  
29. years particularly, are the absolutely extravagant cost...

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Continue.

32. SENATOR PARTEE:

33. ...for the...you know the large, large amount of money that's

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1. being expended in campaigns. Now, we heard some reports that  
2. there...has surfaced at least seventy-six million dollars in  
3. the presidential campaign of the last one. Now, campaign costs  
4. it seems to me ought to be within some kind of reasonable area  
5. and campaigns ought to be run and men ought to present them-  
6. selves and or ladies on the basis of their worth and individual  
7. respect in that community and ought to be chosen on that basis.  
8. In other words, public office simply ought not be for sale to  
9. the person who raises the largest amount of money can buy the  
10. most television time etc. I had hoped and Senator McCarthy was  
11. probably the first in this state who started a trend toward  
12. legislation which would bring the campaign financing into the  
13. public sector with the public paying a part of the campaign ex-  
14. penses. I think in the long run they'd be better off because  
15. their candidates would not be subjected to the whims and desires  
16. of those persons who normally finance campaigns, many of whom  
17. have axes to grind and or are looking for something in return  
18. after the election of the financed candidate. So what we seek  
19. to do here is to not get involved in public financing because  
20. I think, although I agree with it, it is an idea who's time has  
21. not yet come. But we do intend by this amendment to put some  
22. spending limitations on campaigns so that there will be some  
23. dollar figure that a person can be held to sofar as spending for  
24. a campaign and it's been put on a basis of so much money per  
25. eligible voter. Now, by the formula which we have created, in  
26. the Primary Election the Governor would be limited to ten cents  
27. per eligible voter and fifteen cents per eligible voter in the  
28. General Election. The Lieutenant Governor would be two cents  
29. in the Primary Election and three cents in the General Election  
30. per eligible voter. The Secretary of State is a three and five  
31. cents situation with reference to eligible voters. The Attorney  
32. General the same. The Comptroller, two cents and three cents  
33. per eligible voter and the Treasurer two cents plus three cents

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1. per eligible voters. In the General Assembly, ten cents for  
2. each eligible voter in the legislative district and fifteen  
3. cents in the General Election. Now let me just translate that  
4. for you in dollars. In...under this formula, the Governor and  
5. this is based on the eligible voter population, all persons who  
6. are eligible to vote over eighteen years of age, being calcu-  
7. lated to be 7,306,649 people. Under this formula the Governor  
8. would have the right to spend ten cents per eligible voter or  
9. a total of \$730,000 total in the Primary. Fifteen cents per  
10. eligible voter in the General Election which would translate  
11. out \$1,095,000 which would mean that the Governor of this state  
12. in any contest...contest for election would be delimited to  
13. \$1,805,000 and that's all he could spend. The Lieutenant  
14. Governor's would be \$146,000 total permissible expenditure in  
15. the Primary and \$219,000 total permissible expenditure in the  
16. General. And it works right down the line based on the figures  
17. which I've given you. Based on the mean population of a leg-  
18. islative district which...which are 188,372 people at ten cents  
19. per eligible voter, a person running in the Legislature would  
20. be held to the total permissible expenditure in the Primary of  
21. \$18,837 and in the General Election it would be at fifteen cents  
22. per eligible voter, a total of \$28,000 in the General which  
23. would make roughly fifty-six or fifty-seven thousand dollars  
24. the total permissible expenditure for a candidate for the General  
25. Assembly. And, I think there's merit Mr. President and Members  
26. of the Senate in having some limitations on campaign spending.  
27. I think offices ought to be earned, I think they should not be  
28. bought and I suggest to you that inasmuch as there cannot be  
29. public financing, we ought to place these limitations on campaign  
30. expenditures. If there are any questions, I'd be delighted to  
31. answer them.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Senator Carroll.

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1. SENATOR CARROLL:

2. Thank you Mr. President. I wish to rise to support this  
3. amendment and I think this is probably the crucial concept of  
4. the entire topic we have been debating. If you want to look,  
5. as we have heard a lot of people say today, at the results in  
6. California, what is it that they did in their proposition. And,  
7. that was a campaign spending limitation. If we are going to  
8. talk about the costs of campaigning, if we are going talk about  
9. the disclosure of dollar amounts, what does all that mean, to  
10. what good end do we serve the people as Senator Sours eluded to  
11. before, by all of these acts of disclosure. The one thing we  
12. have learned from all we have seen happening in Washington, the  
13. one thing we have learned is that the people are sick and tired  
14. and rightfully so of the obnoxious amounts of money being  
15. raised to finance people to obtain an office of public trust.  
16. There is no need and no reason in the world to allow a person  
17. to spend those abhorrent amounts of money to obtain an office of  
18. public trust. What this amendment is attempting to do as the  
19. lessons we have learned both in Washington and California tell  
20. us that we can and should if we are going to do anything about  
21. ethics, doing anything about the conduct of election, doing any-  
22. thing about the quality of people who serve and of eliminating  
23. temptation, eliminating an evil on the candidates for office,  
24. that is limit the amount that they are allowed to spend and  
25. therefore can spend to obtain that office. Once you have dried  
26. up the amounts they can spend, you have greatly eliminated that  
27. evil of someone coming in with a substantial contribution and  
28. wanting something back in return. The logic is clear and in this  
29. instance the time is now. We should be as I suggested to you  
30. last year when we were debating these bills and offered this  
31. amendment, we should be limiting the amounts that can be spent  
32. to purchase elections so that we can once again restore trust  
33. in the public officials of our state.

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1. PRESIDING OFFICER (SENATOR WEAVER):

2. Senator Latherow.

3. SENATOR LATHEROW:

4. Thank you Mr. President and Senator Partee. I wondered if  
5. I understood you correctly. Did you say ten cents for registered  
6. voter or ten cents per capita?

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Partee.

9. SENATOR PARTEE:

10. For the legislative districts, it is per capita. There  
11. are a hundred eighty-eight thousand people in the districts.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Knuppel.

14. SENATOR KNUPPEL:

15. I...I think it's been explained to me now that I see the  
16. amendment because they treat legislative districts different.  
17. It's not the per voter, it's per population and the figure, if  
18. it had been by voters and I think it was just a slip of the lip  
19. by Senator Partee, if it had been the figure of eighteen thousand,  
20. it would not have been right and they've shown me now that he  
21. didn't really mean that. He meant...he meant that it was ten  
22. cents per member of the population in your district which is a  
23. good deal different, otherwise it would have been about half  
24. this. It would have been about nine thousand and fourteen thou-  
25. sand.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Knuepfer.

28. SENATOR KNUEPFER:

29. Well, I...I think a campaign disclosure bill is enough to  
30. swallow at this late point in the session without adding another  
31. new dimension, a wholly new dimension and that is a campaign  
32. limitation. It can only serve, as I view it, to multiply the  
33. enemies of the bill to begin with. And, it seems to me, this

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1. concept ought to be separately addressed. It is a separate  
2. issue and it ought to be addressed and it's going to take a long  
3. time. Secondly, we are all incumbents in one way or another and  
4. I can imagine of no concept that an incumbent would rather have  
5. than to limit the expenditures of those who are going to run  
6. against him. There is a value and a very substantial value in  
7. being an incumbent and this kind of legislation, and this is why  
8. suggest it needs a lot more study, this kind of legislation can  
9. tend to protect all of us in office, maybe not per now on,  
10. but certainly is worth a substantial number of thousand votes.  
11. I, frankly think, and I'm not speaking for Senator Roe, I don't  
12. know what his position is, that we...we not to allow it on this  
13. bill. We've got a difficult bill, we've got a difficult problem.  
14. It ought to be addressed as a separate problem and I hope this  
15. Body feels that way.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Mitchler.

18. SENATOR MITCHLER:

19. Mr. President and Members of the Senate, on this idea of  
20. limiting the campaign expenditures, I recall in this very Body  
21. a member getting up and declaring publicly that they spent in  
22. excess of \$75,000 in a Primary Election to be elected to this  
23. Illinois State Senate. I doubt if that individual would be  
24. able to gain that inaugural run and gain that primary election  
25. if we had this in effect. In many regards, that individual is one of  
26. the very finest in this Body. So, that would keep from this  
27. august Body and it looks like we may be here till August with  
28. all this chatter from having the benefit of these fine legisla-  
29. tors if they aren't able to spend this amount of money. Then  
30. I read in the paper the other day where there's a United States  
31. Senator that reported his income for 1973 as being in excess of  
32. \$400,000 for one year. Now, the people that have that large of  
33. an income and extensive holdings and ability to have their names

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1. splattered all over and the type of campaigning that's unaccount-  
2. able for, when you get down to the nitty-gritty of limiting  
3. the amount they actually spend and declare which is very mini-  
4. scale to the publicity and exposure and endorsement and all that  
5. goes along with it that's unaccounted for, it's hard to believe  
6. that the concept which is presented in a very honorable and in-  
7. ten...intentional way. It just doesn't seem that it's going to  
8. resolve the question and solve the problem.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Roe.

11. SENATOR ROE:

12. Now, Mr. President, I want to address the few remarks to  
13. Amendment No. 10 offered by Senator Partee. Senator Knuepfer,  
14. while he didn't know my position, pretty well stated it. I do  
15. think that this is an issue that is worthy of discussion. I  
16. think it's an issue on which many of us probably have differing opinions  
17. perhaps with the concept itself. Certainly, with the amount  
18. of limitation to be put on. I do think it should be addressed  
19. in a single bill. Congress has been debating this for two years,  
20. come to no conclusion but a lot of differences of opinion and  
21. a lot of different ideas. And, I'm concerned about passing a mean-  
22. ingful campaign disclosure bill in this state and in this Session  
23. and I would hope for that reason that Amendment No. 10 would not be  
24. adopted.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator McBroom.

27. SENATOR MCBROOM:

28. Mr. President and Members of the Senate, I want to respond  
29. to and I...I don't know how I'm going to vote on this amendment.  
30. I...I want to listen to the conclusion of the debate. But, I  
31. want to respond to just one thing here Mr. President. I heard  
32. my good friend Senator Knuepfer allude to the fact that the in-  
33. cumbents, the advantage of incumbency and I read that in the news-



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1. papers from time to time - advantage of incumbency. I don't,  
2. Mr. President, just accept that carte blanche because it happened  
3. to appear in some newspaper or my good friend happened to say  
4. that. I'd just like to recite to you, Mr. President, I imagine  
5. when the Chicago legislators go home and the transit buses don't  
6. run as frequently as they should and in a particular district,  
7. either Senator Partee or Senator Nudelman or whomever it applies  
8. to are asked repeatedly the bus only goes by here three times  
9. a day, it's your fault it doesn't go by seven times a day. When  
10. you get home to your district Senator Weaver and I get home to  
11. mine, I have suggested from time to time that if I ever get out  
12. of the business of politics and the automobile business that I  
13. could be a consultant for the Department of Transportation. I've  
14. looked at so many culverts and chuck holes and so on and this  
15. some way...for some reason or other many of my constituents con-  
16. strued it to be some fault of mine. I don't know how your  
17. opponent, Senator Weaver or Senator Partee's or Senator Knuepfer's,  
18. I don't know how they would've voted or mine over the years how  
19. he would've voted on a tough issue like the income tax. There's  
20. no right position on Parochiaid. There's no right position  
21. politically on ERA. There's no right position on gun control.  
22. One of the really monsters in my district which I'm particularly  
23. maligned over is the Environmental Protection Agency and why  
24. did I help to create that agency. I'm continuously critized,  
25. why don't I show up at such and such a Lutheran Church dinner  
26. or why didn't I speak at such and such a high school class.  
27. The reason being obvious that I'm here in Springfield. I know  
28. that Senator Sours was recently maligned by his opponent be-  
29. cause he did not vote for consolidation of elections. I just  
30. recite a few of these things, Senator Knuepfer, and with total  
31. respect I say to you and to the press that I don't buy carte  
32. blanche the tremendous advantage that the...incumbents are  
33. supposed to have and I just wanted to recite a few reasons to

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1. buttress up my opinion. Thank you Mr. President.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Donnewald.

4. SENATOR DONNEWALD:

5. Yes, Mr. President and Members of the Body, I...in listen-  
6. ing to the debate and the proposed amendments to this legis-  
7. lation and I really feel that there is indeed an earnest effort  
8. on the part of this Body to enact campaign disclosures but I...  
9. I stand in support of Senator Partee's last amendment to put a  
10. lid on it. I think we've gone a good part of the way but we're  
11. only half the way and if we're going to do it, let's do it all.  
12. Thank you.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator Berning.

15. SENATOR BERNING:

16. Mr. President and Members of the Body, this is an amendment  
17. that intrigues me and I recognize that it attempts to address  
18. itself to a problem that confronts nearly, any and every can-  
19. didate when he is in competition for nomination or for election.  
20. And, I think that ultimately we are going to get to the point  
21. where there will be some kind of ceiling and this may be the  
22. formula right here. I don't pretend to know and I don't believe  
23. that I'm in a position to judge on a moments notice. But, what  
24. this particular amendment serves to re-emphasize for me is a...  
25. an aspect of campaigning that I'd like to call to the attention  
26. of this Body again. I think I did it at one public hearing that we  
27. had in these Chambers on ethics. And, that has to do, Mr. Presi-  
28. dent, with time. Now we've had many definitions of time. We  
29. all know that time is critical to us. In a sense, time is money.  
30. But in a campaign, time and the unlimited availability of it,  
31. whatever it is, time, of it to a candidate is infinitely more  
32. valuable than dollars. When any candidate, be he a candidate  
33. for a legislative spot or the Governorship can divest himself

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1. of all responsibility to any thing or any commitment and devote  
2. unfetteredly full time, marching back and forth throughout his  
3. district or the State of Illinois for a year or two years. That  
4. individual has an uncomparable advantage over his opponent. It  
5. seems to me if we are going to attempt to restrict the expendi-  
6. ture of dollars by a candidate we can justifiably mandate a  
7. limitation on the expenditure of time by that candidate in  
8. campaigning. For that reason, I would have to oppose this  
9. amendment at this time.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Glass.

12. SENATOR GLASS:

13. Thank you, Mr. President. I would urge, in opposition to  
14. this amendment, that some of the points made by Senator Partee  
15. and those supporting it may have merit. That is, it's a  
16. subject that I think deserves a full debate of the Illinois  
17. General Assembly. But, it is a subject that is another and  
18. different subject than campaign disclosure. We don't yet have  
19. a campaign disclosure bill. I feel fairly certain from listen-  
20. ing to the debate that some of the Members who oppose the cam-  
21. paign spending limitations would vote against the bill if that  
22. were in it. I don't want that to happen. I'd like to see this  
23. bill passed so I would urge those who favor this amendment to  
24. recognize that campaign disclosure in itself will, according to  
25. all reports, impose discipline on the amount that is spent,  
26. simply from the fact of disclosure. And, I would urge you to  
27. consider this subject at a different time and not endanger the  
28. passage of this bill and therefore defeat the amendment.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Harris.

31. SENATOR HARRIS:

32. Well, I'm just going to be brief. I know that the proposers  
33. of this amendment to SB 1568 are absolutely sincere. And, there

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1. are those among us who believe that the time has come for cam-  
2. paign expenditure limitation. I would just point out and it  
3. has already been said here that it's my judgement that this is  
4. a complete and separate dimension from the very sound question  
5. of campaign contribution reporting and regulation involved in  
6. the original concepts of SB 1568 and that's what we ought to  
7. confine ourselves to now. The issue of spending limitation is  
8. certainly one that has merit within it and ought to receive great  
9. attention from this Body but not in direct involvement with our  
10. judgement on the enactment of campaign contribution, regulation  
11. and expenditure concern. For that reason, I would hope that  
12. this issue might be separated from the determination of the  
13. merits of SB 1568 and that this amendment not be rejected with  
14. finality but be rejected in connection with a consideration of  
15. SB 1568. I urge opposition at this time but that we ultimately  
16. address ourself to this new and significant dimension in legis-  
17. lative consideration but separate from the thrust of Senator  
18. Roe's bill as it was introduced.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Hynes.

21. SENATOR HYNES:

22. Mr. President and Members of the Senate, I believe just the  
23. opposite of...of the President of the Senate and Senator Glass and  
24. those other speakers because it seems to me that this amendment is  
25. an integral part of the question that we're discussing. The  
26. question here is campaign reform and there are many aspects to it.  
27. And, if we are going to truly reform campaign practices, we have to  
28. consider each of those aspects. I attended a meeting, not too long  
29. ago, at which a statement was made that in California the...  
30. in the typical legislative contest, in a district in  
31. which there was, in fact, a contested race, the minimum amount  
32. that a candidate could expect to spend and be in the running was  
33. a hundred thousand dollars. That is unreasonable and beyond my

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1. comprehension and I think the expectation or potential of the  
2. normal legislator. In fact, the spiraling cost of campaigns,  
3. the competition between candidates for exposure and the...the  
4. resultant increasing and escalating expenditure of funds is  
5. the route cause of many of the problems that we have seen over  
6. the past several years and it seems to me to resolve a very  
7. significant issue when it is possible to isolate perhaps the  
8. most significant cause of that problem. We must treat that  
9. cause and to simply avoid this issue and say that it should  
10. be the subject of future discussion. I think misses the point  
11. entirely. This is an essential consideration to any campaign  
12. reform proposal. It is imperative, in my judgement, that  
13. something be done to bring the cost of campaigns under control  
14. and to remove absolutely the problems that we have been creating,  
15. particularly in the closing days of a campaign where a candidate  
16. spends massive sums of money to make up that small margin that  
17. he may feel he is behind or for some other purpose. This is,  
18. I think, and should be an essential part of any meaningful  
19. campaign reform bill. And, I would urge the adoption of the  
20. amendment.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator Partee may close debate.

23. SENATOR PARTEE:

24. Well, Mr. President and Members of the Senate, let me say  
25. first of all to you that this is not just an idea that popped  
26. out of my mind like popcorn. This is something I have been con-  
27. sidering for quite a long time. And, I was absolutely delighted  
28. when I received a copy of the Lieutenant Governor's task force  
29. on campaign financing and disclosure headed by a lawyer in Chi-  
30. cago by the name of Jack Duffman and it's a very indepth kind  
31. of document. And, this is just one of the many ideas surfaced  
32. in this report. Let me suggest to those of you who have talked  
33. about incumbency cause I just got a conference call from Senator

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1. Metzenbaum from Ohio and Senator Fulbright from Arkansas and  
2. they tell me incumbency has not the virtue that you give it,  
3. sir. You talk about Congress has been cogitating this problem  
4. for two years, I'd ask you to read any poll in the United States  
5. on the popularity of the Congress of the United States with a  
6. populous and you will find that the Congress of the United States  
7. is held in very low esteem by the people in this country and  
8. principally because their not decision makers in these kinds of  
9. areas. They are always cogitating the problem and dancing  
10. peripherally around the edges of the problem. And, that's one  
11. of the things that we want to avoid here. I say to you that  
12. people who have talked to me about the campaign disclosure bills  
13. and about the financing of campaigns have almost in every in-  
14. stance mentioned before the sources of money the question of the  
15. quantum of the money involved. They wanted to know how much  
16. people were spending to buy political offices. An article appeared  
17. in the New York Times about a man out in California who was  
18. running for...wanted to run for Attorney General. He went in  
19. to see a public relations firm and they told him well, we can  
20. handle your campaign. We need \$350,000 and we have one further  
21. requirement of you. That you get out of the state, make no speeches,  
22. we'll handle your campaign, we'll put your pictures on the bill-  
23. boards, we'll put you on the radio and we will handle your cam-  
24. paign. Which means to me the purchase of office. I think that  
25. ...the...an office in this United States is something to be  
26. revered. It is something to be respected and always...it's some-  
27. thing to be respected. Now let me say to you that I do not  
28. think men ought to buy political office and that's why I think  
29. that these are not separable and severable concepts. People  
30. are more concerned about how much you spend than they are about  
31. the source of the money. People know that there are only two  
32. basic classes of people who give money to candidates. Interested  
33. people and people with interest. They know that and they want

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1. to know how much you were given. People are amazed at the  
2. millions of dollars that have surfaced in the last campaigns.  
3. And, these are not severable issues. And I make no attempt  
4. here to multiply the enemies of this bill. I intend to make  
5. it a stronger bill and a better bill. And, I'm saying to you  
6. ladies and gentlemen that this limitation on campaign spending  
7. is and can be the most salutary part of this entire bill.  
8. There's this old expression. It started out one day by, I  
9. guess an advertising man who was handling an account for a  
10. deodorant company, he said don't be half safe, be real safe.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Partee moves the adoption of Amendment No. 10 to  
13. SB 1568. All in favor signify by saying Aye. Senator Partee  
14. has asked for roll call. Those in favor of Amendment No. 10  
15. to SB 1568 vote Aye. Those opposed vote Nay. The voting's  
16. open. Senator McBroom would you vote me no please. Have all  
17. voted who wish? Take the record. Amendment No. 10 is lost.  
18. Twenty-seven to twenty-five. Any further amendments? Third  
19. reading. Senator Wooten you wish to...do you have amendments  
20. ready for 1383 which is on second reading? Senator Rock for  
21. what purpose do you rise?

22. SENATOR ROCK:

23. I wish, Mr. President, to request a verification of the nega-  
24. tive votes on that roll call.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Rock has asked for verification of the negative  
27. votes on Amendment No. 10. The Secretary will read the negative  
28. votes.

29. SECRETARY:

30. The following voted in the negative:

31. Bartulis, Berning, Buzbee, Clarke, Conolly, Davidson,  
32. Glass, Graham, Hickey, Knuepfer, Latherow, Merritt, Mitchler,  
33. Howard Mohr, Don Moore, Newhouse, Nimrod, Roe, Schaffer, Scholl,

1. Shapiro, Sommer, Sours, Walker, Weaver, Wooten, Mr. President.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Are there any questions? Senator Wooten. SB 1383 on  
4. second reading.

5. SENATOR WOOTEN:

6. Yes, Mr. President, Senator Saperstein has an amendment  
7. she wishes to offer.

8. SECRETARY:

9. Amendment NO. 9 by Senator Saperstein.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Saperstein.

12. SENATOR SAPERSTEIN:

13. The amendment, pardon me, the amendment to SB 1383 as amended,  
14. it deletes all of the appropriation in Section 3 for the juvenile  
15. field services by inserting the following amendment. What this  
16. amendment does, or what it doesn't do, what it does but it does  
17. not increase the appropriation but merely specifies the amount of...

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Let's give Saperstein our attention please. Con-  
20. tinue Senator Saperstein.

21. SENATOR SAPERSTEIN:

22. The amendment does not increase the appropriation but merely  
23. specifies the amount of money to be spent on community services  
24. for the Cook County Unit Chicago Area Project. I cleared this  
25. amendment with the Chairman of the Appropriations Committee.  
26. There are no objections and I solicit your support.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Is there any discussion? Senator Saperstein moves the  
29. adoption of Amendment No. 9 to SB 1383. All in favor signify  
30. by saying Aye. Opposed Nay. The amendment's adopted. Any  
31. further amendments? Any further amendments? Third reading.  
32. Senator Conolly.

33. SENATOR CONOLLY:

34. Mr. President, I would like to announce that Transportation



1. Committee has been postponed until Monday, immediately after  
2. adjournment at the same room, Room 400. Transportation and  
3. Public Utilities Committee will meet Monday at 4 p.m. ...I mean  
4. immediately after adjournment in Room 400.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senate bills on third reading. Senator Conolly. 1233.

7. SECRETARY:

8. SB 1233.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Conolly.

13. SENATOR CONOLLY:

14. Mr. President, this is a bill that sets up a bipartisan  
15. legislative advisory committee to the RTA. This will comprise  
16. of six Senators, and six House Members all who live in the  
17. district of the RTA to overview and report back to the Legisla-  
18. ture the activities and...of the RTA. We have other commissions  
19. such as Advisory Commission to the toll road and the Public  
20. Welfare and so forth and I think it's only correct that we would  
21. have one on this very important Body, the RTA.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Is there any discussion? Senator Hall, Harber Hall.

24. SENATOR HALL:

25. Would the sponsor yield for a question?

26. PRESIDING OFFICER (SENATOR WEAVER):

27. He indicates he will.

28. SENATOR HALL:

29. Senator Conolly, I recognize that this is all money to be  
30. spent in six counties, northeastern Illinois, but I want you  
31. to know that downstate we feel that we're going to spend a lot  
32. of the money that will be...or pay a lot of the money that will  
33. be spent up there and I just wondered why you didn't provide for

1. some minority, though it might be representation on such a  
2. board.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Senator Conolly.

5. SENATOR CONOLLY:

6. You raise a point there. There is a possibility since the  
7. Transportation Chairman of each House, Committee Transportation  
8. Committee...Chairman of each House and in the fact...in the  
9. House right now would be a member of the Commission. So, there  
10. could be possibly one or two members from downstate.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Hall.

13. SENATOR HALL:

14. Well, I...I wonder, would you have any objection if this  
15. bill were to be passed? If you could see that formally in the  
16. House some representation were guaranteed by downstate even two  
17. members would suffice.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Conolly.

20. SENATOR CONOLLY:

21. With all honesty, Mr. ...my colleague, I do not consider  
22. it in this light and if there was felt that there was such a  
23. need, I certainly would not object to it because I think that  
24. this should be in...once again, a Legislative Commission to  
25. follow the activities of the RTA.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Hall.

28. SENATOR HALL:

29. Mr. President, in that case, the...the sponsor obviously  
30. does not entertain a sincere desire from one downstate Senator  
31. to be recognized in behalf of all of those citizens downstate  
32. who are going to have to pay at least eighty-million dollars a  
33. year for the Regional Transit...for the RTA to be a part of

1. a legislative overseeing Body and therefore, I'll have to vote  
2. against this bill.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Senator Bell.

5. SENATOR BELL:

6. Yes, I'd like to address a question to the sponsor of the  
7. amendment. Senator Conolly.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Continue.

10. SENATOR BELL:

11. Senator Conolly can you enlighten me as to why the Transpor-  
12. tation Study Commission cannot do this function? It seems to  
13. me that we've heard a lot of commentary over the past month and  
14. read in the news media for the last months many criticisms  
15. of an excessive number of commissions. It seems to me that this  
16. just the sponsoring and the setting up of yet another commission  
17. that very possibly the...we have the wherewithal to resolve  
18. the problem with our current Transportation Study Commission.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Conolly.

21. SENATOR CONOLLY:

22. That certainly would be approached, but it's my feeling that  
23. this would, for now, be the appropriate way to have a Advisor  
24. Committee like we do to the Toll Road Commission. I think it'd  
25. be just the logical thing now. It would...you have approach  
26. that could possibly work, but I think it would be more important  
27. to have another commission on this matter.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Bell.

30. SENATOR BELL:

31. Well, Senator Conolly, from the physical aspect, would it  
32. not be less costly to the state to have the Transportation Study  
33. Commission involved here rather than creating a new commission?

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Senator Conolly.

3. SENATOR CONOLLY:

4. That would be...is a question that is not been determined  
5. now because this bill does not have an appropriation to it and  
6. if the Highway...or the, pardon me, the Transportation Study  
7. Commission were to take on additional functions, you would have  
8. most likely anticipate an additional appropriation to them.  
9. Wherever the appropriation would go, I imagine it would be  
10. equal in both places.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Is there any further discussion? The question is shall  
13. SB 1233 pass? Those in favor vote Aye. Those opposed vote Nay.  
14. The voting is open. Have all voted who wish? Senator Hall, you  
15. were talking while they were discussing this bill. I tried to  
16. get your attention earlier. Have all voted who wish? The  
17. Secretary will take the record. On this question the Ayes are  
18. sixteen, the Nays are twelve. SB 1233 having failed to receive  
19. a constitutional majority is declared lost. For what purpose  
20. does Senator Bell arise?

21. SENATOR BELL:

22. Yes, Mr. President, a point of personal privilege. It's  
23. been my observation as I've sat here through the latter part of  
24. the afternoon anyway and observed the Tote Board that, for in-  
25. stance, in this last vote there were still Members that were  
26. trying to vote, I believe, when you asked for it to be tallied.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator Bell, do you think your vote would've passed this  
29. bill? With sixteen Yeas. I asked, I think three times, have  
30. all voted who wish. Next bill is SB 1235.

31. SECRETARY:

32. SB 1235.

33. (Secretary reads title of bill)

3rd reading of the bill.

SB 1235  
1493, 1494  
1495  
6/6/74  
5rd reading

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Senator Howard Mohr.

3. SENATOR MOHR:

4. Yes, Mr. President and Members of the Senate, this bill  
5. would provide that a man placed in the title of Executive  
6. Director be confirmed by the State Senate, if he should be  
7. someone other than a Director. Just recently the man that was  
8. placed in the role of Executive Director or Chairman of the  
9. Tollway Advisory Committee Authority accepted the job and then  
10. was promptly stripped of all of his authority and a man that  
11. was serving as Secretary was placed in the role as the Executive  
12. Director. So the Tollway is being run by a man that, in my  
13. opinion, is number one, not qualified and number two, hasn't  
14. been before the Senate Executive Committee for approval. The  
15. bill does a few other things. It reduces the number of members  
16. in the Advisory Commission from fifteen to nine.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Continue Senator Mohr.

19. SENATOR MOHR:

20. It changes the title from Tollway Advisory Committee to  
21. Tollway Advisory Commission and provides that members of the  
22. Tollway Advisory Commission be given ample notice of meetings  
23. of both the regular scheduled Tollway Committee under the  
24. Advisory Committee meetings well in advance of the committee  
25. dates. Also it provides that the...provides the Advisory Commis-  
26. sion with the...an agenda and also spells out the...must advise the  
27. ...inform the Advisory Committee of any proposed changes in  
28. policy thirty days before they take any action. Obviously,  
29. there's been a very much of a lack of communication between an  
30. Advisory Commission who is the only arm of the Legislature deal-  
31. ing with the Tollway and that is the...the thrust of the bill.  
32. Any questions, I'll be happy to answer them.

33. PRESIDING OFFICER (SENATOR WEAVER):

34. Is there any discussion? The question is shall SB 1235

1. pass. Those in favor vote Aye. Those opposed vote Nay. The  
2. voting is open. Have all voted who wish? The Secretary will  
3. take the record. On that question the Ayes are forty-eight,  
4. and the Nays are none. SB 1235 having received a constitutional  
5. majority is declared passed. SB 1493. Senator Conolly.

6. SECRETARY:

7. SB 1493.

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Conolly.

12. SENATOR CONOLLY:

13. Mr. President, this bill merely defines the commercial  
14. parking lots and the parking tax to be imposed by the RTA as we  
15. thought it was intended by the original bill. This makes park-  
16. ing tax only commercial parking lots, not church parking lots,  
17. not shopping centers, not your own driveway in the region.  
18. So therefore, I would urge the adoption. It just is a clarifying  
19. amendment to the RTA.

20. PRESIDENT:

21. Is there further discussion? The question is shall SB 1493  
22. pass. Those opposed...those in favor will vote aye. Those opposed will  
23. vote no. The voting is open.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1. PRESIDENT:
2. Have all voted who wish? Take the Record. On that ques-
3. tion the Yeas are 37. The Nays are 4. 2 voting Present.
4. Senate Bill 1493, having received a Constitutional Majority, is
5. declared Passed. Senate Bill 1494.
6. SECRETARY:
7. Senate Bill 1494.
8. (Secretary reads title of the bill.)
9. Third reading of the bill.
10. PRESIDENT:
11. Senator Conolly.
12. SENATOR CONOLLY:
13. This bill provides, also amends the RT Act, it re...requires
14. public bidding through issuance of bonds and notes for the RTA.
15. This is a...one of the objections raised by...during the campaign
16. ...during the Primary in the Referendum and I think this should
17. be adopted. It merely requires public bidding on all issuance
18. of bonds notes for the RTA.
19. PRESIDENT:
20. Is there further discussion? Question is, shall Senate
21. Bill 1494 pass. Those in favor will vote Aye. Those opposed
22. will vote No. The voting is open. Have all voted who wish?
23. Take the Record. On that question the Yeas are 47, the Nays
24. are none, one voting Present. Senate Bill 1494, having received
25. the Constitutional Majority, is declared Passed. Senate Bill
26. 1495.
27. SECRETARY:
28. Senate Bill 1495.
29. (Secretary reads title of the bill.)
30. Third reading of the bill.
31. PRESIDENT:
32. Senator Conolly.
33. SENATOR CONOLLY:

1. This bill requires that and revises the list and makes it  
2. in conformance with the Public Building Act, or the Public  
3. Purchasing Act throughout the State and makes it uniform for  
4. the RTA and I would urge the adoption of this bill...passage  
5. of this bill.

6. PRESIDENT:

7. Is there further discussion? Question is, shall Senate  
8. Bill 1495 pass? Those in favor will vote Aye. Those opposed  
9. will vote No. The voting is open. Have all voted who wish?  
10. Take the Record. On that question the Yeas are 50, the Nays  
11. are none. Senate Bill 1495, having received a Constitutional  
12. Majority, is declared Passed. Senate Bill 1283. I'm sorry. 1383.

13. SECRETARY:

14. Senate Bill 1383.

15. (Secretary reads title of the bill.)

16. Third reading of the bill.

17. PRESIDENT:

18. Senator Wooten.

19. SENATOR WOOTEN:

20. Mr. President and members of the Senate, this is the  
21. Appropriation bill for the ordinary and contingent expense of  
22. the Department of Corrections. It has been subjected to a good  
23. deal of redefining and changing. There're still some aspects  
24. about which we could argue, but I believe that its present shape  
25. seems to be agreeable on both sides of the aisle, and in its  
26. present shape I would suggest we pass it over to the House.

27. PRESIDENT:

28. Is there further discussion? Question is shall Senate  
29. Bill 1383 pass. Those in favor will vote Aye. Those opposed,  
30. will vote No. The voting is open. Have all voted who wish?  
31. Take the Record. On that question the Yeas are 43, the Nays  
32. are 4, one voting Present. Senate Bill 1383, having received  
33. a Constitutional Majority, is declared Passed. Senate Bill



1. 1346.

2. SECRETARY:

3. Senate Bill 1346.

4. (Secretary reads title of bill.)

5. Third reading of the bill.

6. PRESIDENT:

7. Senator Rock.

8. SENATOR ROCK:

9. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
10. Senate Bill 1346 is the annual appropriation for the ordinary and  
11. contingent expenses for the Department of Local Government Affairs.  
12. Six amendments went on the bill. The total amount is approxi-  
13. mately now 122 million dollars. I would seek a favorable roll  
14. call.

15. PRESIDENT:

16. Is there further discussion? The question is shall Senate  
17. Bill 1346 pass. Those in favor will vote Aye. Those opposed  
18. will vote No. The voting is open. Have all voted who wish?  
19. Take the Record. On that question the Yeas are 50, the Nays are  
20. none, two voting Present. Senate Bill 1346, having received  
21. the Constitutional Majority, is declared passed. Senate Bill  
22. 1454.

23. SECRETARY:

24. Senate Bill 1454.

25. (Secretary reads title of bill.)

26. Third reading of the bill.

27. PRESIDENT:

28. Senator Nimrod.

29. SENATOR NIMROD:

30. Mr. President and fellow Senators. This bill is a clarifi-  
31. cation bill and the parking situation is similar to Senator Conolly's  
32. bill; however, I think its definition approach is a little bit  
33. different in that this only applies to those where the fee is

1. charged. It also eliminates two or less parking places where  
2. people have a private area and eliminates those meters where  
3. municipalities might be involved. Now in no way hurts the  
4. other, but I think it might be wise to have this there so that  
5. it can at least conform with what the intent is and it may provide  
6. a vehicle for a change in the...with the Governor, so that they  
7. have a chance to sign these bills. I would move for a...for its  
8. adoption.

9. PRESIDENT:

10. Is there further discussion? Question is shall Senate Bill  
11. 1454 pass. Those in favor will vote Aye. Those opposed vote  
12. No. The voting is open. Have all voted who wish? Have all  
13. voted who wish? Take the Record. The Sponsor moves to postpone  
14. further consideration of Senate Bill 1454. It will be postponed.  
15. Senate Bill 1467.

16. SECRETARY:

17. Senate Bill 1467.

18. (Secretary reads title of the bill.)

19. Third reading of the bill.

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. Thank you, Mr. President, Ladies and Gentlemen of the Senate,  
24. this bill would amend the salaries of the clerks of the five  
25. Appellate Courts in our State and it would become effective Janu-  
26. ary 1, 1975. It provides each with a 4,000 dollar raise. It is  
27. again one of those situations that has to be done this year. They  
28. will, hereafter, commencing January 1, be appointed by the Court  
29. for a term of office, during which term their salaries cannot be  
30. increased. I would seek a favorable roll call.

31. PRESIDENT:

32. Senator Schaffer.

33. SENATOR SCHAFFER:

1. Sponsor yield for a question? Who pays the increase? The  
2. State or the County?  
3. PRESIDENT:  
4. Senator Rock.  
5. SENATOR ROCK.  
6. The State.  
7. PRESIDENT:  
8. Senator Glass.  
9. SENATOR GLASS:  
10. Senator Rock, could you tell us the present salaries and a  
11. little background on when the last increase was?  
12. PRESIDENT:  
13. Senator Rock.  
14. SENATOR ROCK:  
15. Yes, the present salary of the Clerk of the First Judicial  
16. Circuit, which is ours up in Cook County, is 23,000 dollars. That  
17. would be raised under this bill to 27. In the other four circuits  
18. the salary is 21,000 and it would be raised, under this bill to  
19. 25,000. I believe, if I recall the testimony correctly, the  
20. last raise was two years ago.  
21. PRESIDENT:  
22. Is there further discussion? Question is shall Senate Bill  
23. 1467 pass. Those in favor will vote Aye. Those opposed will  
24. vote No. The voting is open. Have all voted who wish? Take  
25. the Record. On that question the Yeas are 43. The Nays are 4.  
26. One voting Present. Senate Bill 1467, having received a Consti-  
27. tutional Majority, is declared Passed. Senate Bill 1560.  
28. SECRETARY:  
29. Senate Bill 1560.  
30. (Secretary reads title of bill.)  
31. Third reading of the bill.  
32. PRESIDENT:  
33. Senator Vadalabene.

1. SENATOR VADALABENE:

2. Thank you, Mr. President. Senate Bill 1560, as amended,  
3. appropriates \$12,675,500 to the Governor's Traffic Safety Co-  
4. ordinating Committee. This is the agency that handles all the  
5. safety programs for the State of Illinois and I would appreciate  
6. a favorable vote.

7. PRESIDENT:

8. Is there further discussion? The question is, shall Senate  
9. Bill 1560 pass? Those in favor will vote Aye. Those opposed  
10. will vote No. The voting is open. Have all voted who wish?  
11. Is the money in there for the Ben Stevenson residents?

12. SENATOR VADALABENE:

13. You call him Ben now? It was Benjamin. No there's no  
14. money in there for old Ben.

15. PRESIDENT:

16. Have all voted who wish? Have all voted who wish? Take the  
17. Record. On that question the Yeas are 49, the Nays are 1, one  
18. voting Present. Senate Bill 1560, having received a Constitu-  
19. tional Majority, is declared Passed. Senate Bill 1562.

20. SECRETARY:

21. Senate Bill 1562.

22. (Secretary reads title of the bill.)

23. Third reading of the bill.

24. PRESIDENT:

25. Senator Ozinga.

26. SENATOR OZINGA:

27. This bill is really a bill that has been consented to by the  
28. Governor's Office, because I've heard absolutely no objection and  
29. all that it does is just amends the Administrative Code to provide  
30. that the Governor shall submit the names of the nominees for  
31. appointments to the offices created by the Act, to the Secretary  
32. of the Senate within seven days of the date of the appointment.  
33. During the recess of the Senate the Governor shall make temporary

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1. appointments and nominations which the Senate shall Advise and  
2. Consent to or not upon their next convening. Removes the re-  
3. quirement that the Governor consult with the Board of Mental  
4. Health Commissioners in choosing the Director of Mental Health.  
5. I don't believe there's any objection to the bill and I would  
6. accept a favorable roll call.

7. PRESIDENT:

8. Is there further discussion? The question is shall Senate  
9. Bill 1562 pass? Those in favor will vote Aye. Those opposed  
10. vote No. The voting is open. Have all voted who wish? Have  
11. all voted who wish? Take the Record. On that question the  
12. Yeas are 50, the Nays are none, two voting Present. Senate Bill  
13. 1562, having received a Constitutional Majority, is declared  
14. passed. Senate Bill 1609.

15. SECRETARY:

16. Senate Bill 1609.

17. (Secretary reads title of bill.)

18. Third reading of the bill.

19. PRESIDENT:

20. Senator Knuepfer.

21. SENATOR KNUEPFER:

22. This bill is similar to Senate Bill 14...or House Bill 1403.  
23. The bill came over to the Public Health, Welfare and Corrections  
24. Committee last year. I cannot tell you how many hours we have  
25. spent trying to work out all of the problems on the bill. Senator  
26. Rock was originally the House Sponsor of the bill, or the Senate  
27. Sponsor of the bill, but as our new rules came in, it became  
28. necessary to make it a Committee bill. This was on the interim  
29. study calendar for the purpose of being studied and it was studied,  
30. I can assure you of that. It is supported now by the Illinois  
31. State Medical Association, by the Illinois Hospital Association,  
32. by the Nursing Home Association, by the Illinois State Chamber of  
33. Commerce, by the Illinois State Medical Association, and I think I

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1. go on. Conceptually, it is somewhat new and that's the reason that  
2. we spent a long time working on it. It addresses itself to a  
3. problem that we have in Illinois, and that problem is essentially  
4. a surplus in hospital facilities. We all pay for that surplus  
5. in hospital facilities and one of the motivating forces behind  
6. the bill has been those insurance companies as well, who take  
7. our dollars as third party payers to pay the hospital, and it  
8. sets up a mechanism for determining whether or not this traumatic  
9. expansion in hospital facilities can continue. There are present-  
10. ly plans in the State of Illinois for almost 61 million dollars  
11. worth of new hospitals. In Springfield alone there are plans  
12. for two additional hospitals and it is somewhat doubtful if  
13. there are any hospitals...any additional hospitals needed, since  
14. the present hospitals are not nearly full to capacity. When a  
15. hospital is not full to capacity it costs more per bed for the  
16. rest of the patients. The mechanism is a commentary by the  
17. mechanism for decision mak...well, I...let me just leave it at  
18. roll call. If anybody has any questions I'll be happy to go into  
19. it, because it is substantially a serious bill. It does provide  
20. some changes. It is supported by the State of Illinois, and just  
21. let me leave it at that. If you have questions, I'll be happy  
22. to address myself to those questions.

23. PRESIDENT:

24. Senator Partee.

25. SENATOR PARTEE:

26. There was an amendment offered by the City of Chicago with  
27. reference to its municipal Health Care facility, that is the  
28. Board of Health. And that amendment was rejected, and I just  
29. wondered what the rationale was, Senator?

30. SENATOR KNUEPFER:

31. Well, we did debate that issue the other day. The State of  
32. Illinois facilities come under...there were two amendments actually  
33. offered by the City of Chicago. The State of Illinois' facilities

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1. come under this purvue. Had that amendment been accepted we  
2. would have had some 90 facilities in the State of Illinois out  
3. of some 350 that would have been exempted from the provisions  
4. of the bill. It would, in affect, have made the bill, in my  
5. opinion meaninagl...meaningless, because you cannot exempt a  
6. substantial proportion of the medical facilities in this State  
7. from the bill and leave only 75% left under the bill. The  
8. construction would have all then gone to whatever extent these  
9. hospitals wanted it to go. This is a kind of a bill that's  
10. got to apply to everybody. It can't only apply to selected  
11. bodies. We made certain that it applied to State facilities  
12. as well, and the State of Illinois is...and its facilities are  
13. under the provisions of this bill and it just didn't make  
14. sense to eliminate this group of medical facilities. If you're  
15. going to have Statewide planning, you just can't do it, and  
16. that was the reason, Senator.

17. PRESIDENT:

18. Senator Partee.

19. SENATOR PARTEE:

20. And I assume that is the same rationale for rejecting the  
21. amendment that sought to take the County Hospital out of this...  
22. the purvue of this bill. Is that right? The same reasoning?

23. SENATOR KNUEPFER:

24. The same rationale.

25. SENATOR PARTEE:

26. Now, I have one further question for you. Whatever happened  
27. to Private Enterprize?

28. PRESIDENT:

29. Senator Knuepfer.

30. SENATOR KNUEPFER:

31. Well, that's a question and I think it's appropriate to  
32. get into that. The private, and it's going to take a little  
33. while to answer this, the economics, and believe me, I required

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1. some very substantial convincing on this bill before I got around  
2. to accepting the concept. But the economics of hospital delivery  
3. systems are different. In my business, if I over expand, nobody  
4. buys...I have to charge too much. Nobody buys my product and I  
5. go out of business. That is not what happens to a hospital. If  
6. a hospital over expands and over develops and 50% of the beds are  
7. unoccupied, those who reside in the other 50% pay the bills for  
8. the unused, unutilized space. The...there is no...it, in the  
9. Private Industry sector as well, there is someone who can question  
10. my prices and that someone is the consumer. In this sector,  
11. because of the way the economics are structured there is no one.  
12. When you go to the hospital or I go to the hospital those bills  
13. are paid by a third party payer and we care not one iota what  
14. those bills amount to. Now, had the Blue Cross and the insurance  
15. companies, many years ago, provided a structure in which 15 or 20  
16. or 25% of the hospital bill would be paid by the one hospitalized,  
17. it may be that we would have had no occasion for this bill. That  
18. structure was not provided and the insurance companies can never  
19. go to that structure again. So, when you go to the hospital,  
20. whether it's 60 dollars or 80 dollars or 100 dollars a day is of  
21. no consequence to most of us, because either the Federal Govern-  
22. ment, the State Government, or your insurers pay that bill.  
23. So the problem of hospital economics is no one cares or the user  
24. cares not what it costs and does not and will not fight a cost  
25. increase. Consequently, the only way that the economics of  
26. hospitals can be kept under control is through the mechanism of  
27. re...of...of controlling the construction, controlling the amount  
28. of dollars that goes in. Frequently hospital boards tend to get  
29. into competition with one another. Everyone wants the latest  
30. Cardiac Care Unit. Everyone wants the latest respiratory unit,  
31. and they may not all be needed. In fact, many of them are not  
32. needed. Consequently...Consequently they over-billed. The consumer  
33. pays for these kind of things and it is hoped that this kind of a



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1. structure can provide some order and can provide some controlled  
2. growth and Senator, if hospitals were truly in competition for  
3. your dollar, then I think I would have substantial trouble sup-  
4. porting it. As I suggest to you, they are not in competition for  
5. your dollar. They want to be and they have come to us asking to  
6. be put under this regulation. In...in the hearings we have, I  
7. cannot remember a single person testifying against the concept  
8. of the bill, and I suspected that they would. I thought the  
9. nursing homes would be there testifying in opposition to it.  
10. They supported it. The hospitals supported it. We had, and we  
11. had extension hearings in spite of the fact that they came to  
12. testify in opposition to the bill. And these extensive hearings  
13. were held because we wanted to make extraordinarily sure that  
14. as we viewed it, this was good for the people of the State of  
15. Illinois. Now that's a long answer, but it relates, really, to  
16. the problem of hospital economics, which are not like the  
17. economics of the market in which I buy and sell.

18. PRESIDENT:

19. Is there further discussion? Senator ParTEE.

20. SENATOR PARTEE:

21. Well, I would only observe, Senator, that it was indeed  
22. a long answer, but I think it was necessary, because as you  
23. made your answer it was reflected to me that we are now in a  
24. posture of shifting sands. Because the answer you gave would  
25. be a very fine answer for price controls, for rent controls, for  
26. all kind of Governmental interference with private enterprise. This  
27. might be an interesting observation to make, because I sit  
28. on the side of the aisle where I am supposed to be a flaming  
29. liberal who is involved in every kind of socialistic program in  
30. the world. You, on the other side, normally would not take, I  
31. think, reflecting the philosophy of your party, the position  
32. you've taken here. It's very interesting, I have listened very  
33. carefully. I am not as convinced as you are that private enter-

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1.     prise is dead, and I am not as convinced as you are that hospitals  
2.     are not in a competitive posture.

3.     PRESIDENT:

4.             Is there further discussion? Question is, shall Senate Bill  
5.     1609 pass. Those in fav...yes...Senator Knuepfer may close.

6.     SENATOR KNUEPFER:

7.             I...I...I, Senator Partee, I can hardly suggest to you that  
8.     Senator Rock and I would be classified as Liberals, particularly  
9.     in the area of finance, I think of myself, very substantially, as  
10.    a Conservative, and I wouldn't have bought this bill one year ago  
11.    and it was only because of the extensive hearings that we had.  
12.    And the testimony that we had that convinced me that the economics  
13.    were somewhat different in this field. If...if you could have  
14.    classified me as a flaming Liberal, that might be, but I think  
15.    you have seen a voting record that I've had and which I've stood  
16.    up time and time again for the private enterprise system. I think  
17.    the same can be said for Senator Rock. But on this issue I am  
18.    convinced that we are going the route of the Public Utility.  
19.    In affect, this is exactly what it does to hospital services, is  
20.    put them in the same category as Public Utility. Now, Senator  
21.    Partee, I suggest to you that you support the concept of Public  
22.    Utility, relative to the gas lines, the railroads, and some of  
23.    those things that are under Public Utility regulation now. This  
24.    is simply an extension of that concept; it was a very difficult  
25.    one for me to buy, but having listened to all of the testimony,  
26.    I am totally convinced that that is the direction that it must  
27.    go.

28.    PRESIDENT:

29.             Question is, shall Senate Bill 1609 pass. Those in favor  
30.    will vote Aye. Those opposed vote No. The voting is open.  
31.    Have all voted who wish? Have all voted who wish? Take the...  
32.    take the Record. On that question the Yeas are 43, the Nays are  
33.    3. Four voting Present. Senate Bill 1609, having received a

1. Constitutional Majority, is declared Passed. Senate Bill 1612.

2. SECRETARY:

3. Senate Bill 1612.

4. (Secretary reads title of bill.)

5. Third reading of the bill.

6. PRESIDENT:

7. Senator Carroll.

8. SENATOR CARROLL:

9. Thank you, Mr. President, Ladies and Gentlemen of the Senate,  
10. Senate Bill 1612 evolves as a result of a lot of hard work by  
11. the Legislative Advisory Committee to the Northeastern Illinois  
12. Planning Commission. Over the past decade we have found our-  
13. selves in a situation every six months of being de-certified by  
14. the Federal Government when it came to funding. The Federal  
15. Government had imposed certain requirements on us of cooperating  
16. with the State of Indiana in its Northwestern Indiana Region to  
17. enter into bi-state agreements and they did not like the way we had  
18. done it informally before. There have been much fighting and  
19. disputes this entire year as to the best method of actually  
20. accomplishing this purpose. Nipsey had passed a Resolution, the  
21. Governor had issued an Executive Order and the two were in  
22. conflict. The Legislative Advisory Committee sat down with all  
23. parties and came up with this agreed solution, hopefully to end  
24. the problem in the future of the Federal Government de-certifying  
25. our Region of the many multi-millions of dollars we need for  
26. planning all of the needs of the 8 million...of the 8 million  
27. people in our Region and the millions of people in Northwestern  
28. Indiana. This bill accomplishes that purpose, we feel the  
29. right way by doing it by Legislation, and happily it does it with  
30. the agreement of all the parties of interest. I would be willing  
31. to answer any questions. I would urge that...a favorable roll  
32. call on this bill.

33. PRESIDENT:

1. Senator Knuepfer.

2. SENATOR KNUEPFER:

3. Well, I just wanted to suggest that I concur with Senator  
4. Carroll. We started out with a bill that had very substantial  
5. disagreement between various parties. Senator Carroll did an  
6. excellent job of working out those disagreements. It is a bill  
7. that I think both sides of the aisle can support and it's a bill  
8. that is, I think, particularly important for many of the mayors  
9. of that six-county area, because there was some suc...serious  
10. possibility of jeopardizing Federal funds until such time as we  
11. get the bi-state established and I would urge support of this.

12. PRESIDENT:

13. Is there further discussion. Senator Clarke.

14. SENATOR CLARKE:

15. Mis...Mr. President, it's all very fine, but could you just  
16. tell us exactly what it does?

17. PRESIDENT:

18. Senator Carroll.

19. SENATOR CARROLL:

20. Yes, Senator Clarke, I'm sorry. It creates the Illinois  
21. partnership in the bi-state planning with the sister State of  
22. Indiana and creates a commission composed of six members, all  
23. of whom have to be members of Nipsy, two appointed by the  
24. Governor, two appointed by the Mayor of the City of Chicago, and  
25. two who are locally elected officials. One of those two must  
26. represent... a municipality of under 50,000 people. Those  
27. six people will sit as the Illinois half of this bi-state  
28. planning board that will receive Federal funds for planning of  
29. bi-state significance. It sets up all their powers and duties  
30. and limitations and we hope meets the Federal requirements so  
31. that we can have future funding in this Region.

32. PRESIDENT:

33. Senator Glass.

1. SENATOR GLASS:

2. Well, I...I have just another question regarding clarifica-  
3. tion, Senator Carroll. The...the...the parties in interest, as  
4. I understand it, were the City of Chicago, the State of Illinois,  
5. and Nipsy? And each of those has two representatives on the  
6. board?

7. PRESIDENT:

8. Senator Carroll.

9. SENATOR CARROLL:

10. No, Senator Glass, Nipsy has all six members on the board.  
11. The point is that we have a Regional Planning Agency for our  
12. six counties of this eight-county bi-state region. We have made  
13. sure, by this act, as opposed to other versions that have been  
14. prior approved, that all of the six members from the Illinois  
15. side must also be members; voting members of Nipsy so that you  
16. have a coordination of effort between the six-county area and  
17. when the six counties add two more counties. So that the parties  
18. of interest were Nipsy and its composite groups, the Council of  
19. Mayors, all the county boards, the five collar counties, the  
20. County of Cook, Metropolitan, Sanitary District, the CTA, the  
21. City of Chicago, and the State of Illinois.

22. PRESIDENT:

23. Senator Glass.

24. SENATOR GLASS:

25. Well, would you state then again who selects the six members.  
26. That's what I was trying to determine.

27. SENATOR CARROLL:

28. All six must be Nipsy commissioners. Nipsy Commission right  
29. now has five members appointed by the Mayor of the City of  
30. Chicago. He may choose two of those five to serve on the bi-state.  
31. The Governor of the State of Illinois has some number between  
32. six and eleven; we're really not sure right now on the interpre-  
33. tation, but whatever that number is, he may choose of those

1. members which two he wants to serve on Nipsy. The collar coun-  
2. ties appoint five. The Council of Mayors appoint five. This  
3. informal Council of Mayors and the Cook County Boards appoints  
4. three. The MSD appoints one and the RTA or CTA appoints one.  
5. Out of those remaining commissioners, they shall choose two,  
6. who must each be an elected official and one of those must be  
7. the representative of a municipality of under 50,000. The  
8. reason that was done, it might not be a Mayor, it might be a  
9. Trustee, who was appointed by the County Board or something  
10. like that, but they all are appointed by the appointing author-  
11. ities to Nipsy.

12. PRESIDENT:

13. Is there further discussion? Question is shall Senate  
14. Bill 1612 pass. Those in favor will vote Aye. Those opposed  
15. will vote No. The voting is open. Have all voted who wish?  
16. Take the Record. On that question the Yeas are 41, the Nays  
17. are 4, 3 voting Present. Senate Bill 1612, having received a  
18. Constitutional Majority, is declared Passed. Senate Bill 1332.  
19. For what purpose, Senator Newhouse arise.

20. SENATOR NEWHOUSE:

21. Mr. President, I'd like the unanimous consent to be added  
22. as a sponsor to 1609.

23. PRESIDENT:

24. Is there leave? Leave is granted. Senator Johns.

25. SENATOR JOHNS:

26. Mr. President, I'd like the same privilege as Senator  
27. Newhouse just expressed. I think Senator Chew expresses the  
28. same desire.

29. PRESIDENT:

30. Is there leave? Senator Partee, for what purpose do you arise?

31. SENATOR PARTEE:

32. I certainly have no objection to anybody getting on it,  
33. but I think as a matter of precedent, it being a Committee bill,

1. what is the rule with reference to other members becoming co-  
2. sponsors.

3. PRESIDENT:

4. Well, the bill, of course, insofar as introduction is  
5. concerned, is a Committee bill. I see no limitation on the  
6. unanimous consent that has been obtained here, once intro-  
7. duced.

8. SENATOR PARTEE:

9. I just wanted to make it clear. There's no problem with  
10. me about it.

11. PRESIDENT:

12. Senators Johns, Chew, and Newhouse have sought leave of  
13. the Senate to be added as co-sponsors of the bill. Is there  
14. Leave. Leave is granted. Senate Bill 1332. Senator Hynes.

15. SECRETARY:

16. Senate Bill 1332.

17. (Secretary reads title of bill.)

18. Third reading of the bill.

19. PRESIDENT:

20. Senator Hynes.

21. SENATOR HYNES:

22. Mr. President and Members of the Senate, this is an exist-  
23. ing program and this bill makes one technical amendment to the  
24. statute, namely changes the word "reimbursement" to "grants".  
25. It was intended to be a Grant Program and two of the three  
26. sections use the word "grant", the fourth uses the term "reim-  
27. bursement" and in the Attorney General's opinion has created an  
28. ambiguity and this will clear that up. I would ask for a favor-  
29. able roll call.

30. PRESIDENT:

31. Senator Hynes, Senator Weaver is off the Floor. Might I inquire,  
32. that was the amendment that was adopted, did it include the  
33. 50%...the 500,000 population factor was put back into the exist-

1. ing law. Is that correct? OK. Thank you. Senator Weaver is  
2. on the Floor now. Senator Hynes.

3. SENATOR HYNES:

4. That is correct. It put the bill back in its original  
5. state.

6. PRESIDENT:

7. Thank you. Is there further discussion? Question is shall  
8. Senate Bill 1332 pass. Those in favor will vote Aye. Those  
9. ~~opposed will vote No.~~ The voting is open. Have all voted who  
10. wish? Take the Record. On that question the Yeas are 49, the  
11. Nays are none. Senate Bill 1332, having received a Constitutional  
12. Majority, is declared Passed. On the order of Motions, Senator  
13. Partee has a motion.

14. SENATOR PARTEE:

15. Senate Joint Resolution 65, Mr. President, and members of  
16. the Senate, is a Resolution that addresses itself to a very  
17. serious problem about the distribution of positions in the  
18. State of Illinois. Back in 1949 the Senate...the House and  
19. Senate, by Joint Resolution, considered this problem in terms  
20. of rural areas and this one addresses itself to the inter-city.  
21. Now what we've asked in this resolution; it has the complete  
22. approval and approbation of the various persons named, the  
23. Schools of Higher Education as well as the Medical Society, is  
24. to ask them to formulate a program for the admission of Medical  
25. School applicants. Now I'm sure that there may be some within  
26. the sound of my voice who look at this synoecious of selective  
27. admission to Medical School applicants who agree to serve in  
28. the areas of physician need within Illinois and Illinois  
29. Metropolitan areas as being something in the nature of a diffuseness  
30. kind of proposition. Nothing could be further from the truth.  
31. I am certain that when they make a report, all they will do and  
32. they are very excited about the program, because they realize  
33. the doctor need. All they will do is to give us some suggestions



1. as to how we can get more doctors educated and get them into  
2. the inter-city. Now, this...this resolution is now in Execu-  
3. tive Committee and because of the time limitations I have  
4. spoken to this chairman, Senator Ozinga...Ozinga, and I am  
5. of the impression that he has no objection to this motion  
6. to discharge the Executive Committee of this resolution and  
7. the...have it be placed on the Secretary's desk. I'll be  
8. happy to answer any questions. I don't think there's any  
9. problem.

10. PRESIDENT:

11. Is there further discussion? Senator Partee moves to  
12. discharge the Executive Committee from further consideration  
13. of Senate Joint Resolution No. 65. All in favor signify by  
14. saying Aye. Contrary No. The motion carries. Senator Partee  
15. do you wish to proceed with consideration of the Resolution now?

16. SENATOR PARTEE:

17. Yes, I certainly don't want to discombobulate the body.  
18. I know everybody is anxious to go, but I would like to get it  
19. taken of today so I get it over to the House.

20. PRESIDENT:

21. Senator Partee then moves to suspend the rules for the  
22. immediate consideration of the Resolution. For what purpose  
23. does Senator Nudelman arise. I'm thinking about those days  
24. in June a year ago.

25. SENATOR NUDELMAN:

26. Nothing of the kind, Mr. President. I...I...

27. PRESIDENT:

28. Senator Nudelman.

29. SENATOR NUDELMAN:

30. Would the...would the sponsor yield to a question?

31. PRESIDENT:

32. Indicates that he will yield.

33. SENATOR NUDELMAN:

1. Senator, would...can you conceive of any circumstance under  
2. the aegis... of this resolution where a student with lesser  
3. qualifications would be admitted to a institute of higher  
4. learning such as a Medical School, over the student with higher  
5. qualifications who didn't qualify under this program?

6. PRESIDENT:

7. Senator Partee.

8. SENATOR PARTEE:

9. No, I do not, Senator.

10. SENATOR NUDELMAN:

11. So that under all circumstances, the kids with the highest  
12. grades will...and the highest qualifications will be the ones  
13. that are admitted to whatever schools we are concerned with.

14. PRESIDENT:

15. Senator Partee.

16. SENATOR PARTEE:

17. That's correct. As a matter of fact, I contemplate from  
18. this program they will be trying to help people obtain the kind  
19. of qualifications needed to compete.

20. PRESIDENT:

21. Senator Carroll.

22. SENATOR CARROLL:

23. Thank you, Mr. President, I would also have a question of  
24. the sponsor and those of interest in this resolution, not having  
25. the resolution before me. Another problem has been posed many  
26. times in the area of the Medical schools of our state, especially  
27. those that are recipients of substantial state fundings. That is  
28. Circle Campus and Southern. And that is the requirements as to  
29. residency of their entrance. Now I understand that the Circle  
30. Campus says that only 50% can come from Cook; the other 50 have  
31. to come from outside the Cook County area; while as Southern says,  
32. only 10% can come from Cook; 90% must come from the other areas  
33. of this state. I don't think that was the interest of the General

1. Assembly when those two institutions were created. I think  
2. that it would be very wise of this grouping that is suggested  
3. by Resolution, that we do determine where the equities of the  
4. situation are; where the residents of the state are; and what  
5. serves all of the people of the state. Now that we have at  
6. least two medical facilities paid for by the State, I don't  
7. think it's fair to have a 90:10 ratio at one; and a 50:50 ratio  
8. at the other. Senator Partee, any comment?

9. SENATOR PARTEE:

10. Yes. My comment is what you say is true and it was very  
11. well said, but it has nothing to do with the resolution.

12. PRESIDENT:

13. Senator Davidson.

14. SENATOR DAVIDSON:

15. I rise in support of this resolution, but in answer to  
16. Senator Carroll, the charter of the SIU Medical School says  
17. they will educate and meet the health needs of Southern and  
18. Central Illinois in the charter by statute. It is not...it's  
19. what we pass, or what you people pass for became part of this  
20. body and I think the fact that it is that ratio, you should be  
21. aware of what the Legislature in its wisdom passed in the charter  
22. of the college.

23. PRESIDENT:

24. Senator Carroll.

25. SENATOR CARROLL:

26. Just one quick comment, Senator Davidson, I don't happen  
27. to disagree with that and maybe we should go to the same ratio  
28. up at Circle; 90:10 Cook:Downstate, that's all.

29. PRESIDENT:

30. Senator Berning.

31. SENATOR BERNING:

32. There's one provision in here that disturbs me a bit. It  
33. says, applicants who agree to serve in areas of physician need

1. within Illinois Metropolitan areas. It seems to me that I've  
2. seen numerous signs in Rural areas where it says "we need a  
3. physician". I've never seen any such signs in the Metropolitan  
4. Chicago area. In fact, it seems that this area has the highest  
5. number of medical practitioners per square mile of any area of  
6. the world, and I am not quite sure what the objective is here.  
7. It does not seem to me to be addressing itself to the major  
8. need as I interpret the need and I have some reservations about  
9. the selection of people who guarantee, in other words, that they  
10. are going to be practicing in a certain area. We tried that  
11. with our teacher training program and I think we found that  
12. didn't work either.

13. PRESIDENT:

14. Senator Partee:

15. SENATOR PARTEE:

16. Well, Senator, you probably didn't hear the first part of  
17. my explanation. I said that this was an idea which first sur-  
18. faced in 1949 when such a resolution did come in for this same  
19. kind of purpose for the rural area. It happens that this reso-  
20. lution would be helpful in the district where I serve and that  
21. it is not a part of the rural area and I am gearing myself to  
22. problems which are very real in my own area. I would suspect  
23. that from this original survey that they are going to conduct,  
24. there would be spillover in terms of what the needs are in the  
25. rural areas. There's a doctor shortage everywhere. I'm just  
26. talking, really, about my own area right now and that's the  
27. purpose of the resolution.

28. PRESIDENT:

29. Is there further discussion? Senator Partee moves to suspend  
30. the rules for the immediate consideration of the resolution. All  
31. in favor, signify by saying Aye. Contrary No. Motion carries.  
32. On the motion to adopt. Is there further discussion? All in  
33. favor...is there a request for a roll call? All in favor of the

1. motion to adopt signify by saying Aye. Contrary No. The motion  
2. carries and resolution...Senate Joint Resolution 65 is adopted.  
3. House Bills on First Reading. House Bill 927, Senator Bell.

4. SECRETARY:

5. House Bill 927.

6. (Secretary reads title of bill.)

7. First Reading of the bill.

8. PRESIDENT:

9. Rules. We have not had any Senate sponsors identified with  
10. the rest of the...is there...let's go right down through them.

11. It'll be a little bit more orderly. Is there a Senate sponsor  
12. for Senate Bill...I'm sorry, House Bill 2049. Senator Day.

13. Senator Sours.

14. SECRETARY:

15. House Bill 2049.

16. (Secretary reads title of bill.)

17. First reading of the bill.

18. PRESIDENT:

19. Rules. House Bill 2108. Senator Don Moore.

20. SECRETARY:

21. House Bill 2108.

22. (Secretary reads title of bill.)

23. First reading of the bill.

24. PRESIDENT:

25. Rules. House Bill 2125. Senator Davidson. Senator  
26. Davidson.

27. SECRETARY:

28. House Bill 2125.

29. (Secretary reads title of bill.)

30. First Reading of the bill.

31. PRESIDENT:

32. Senator Davidson.

33. SENATOR DAVIDSON:

1. Mr....Mr. President, I've spoke to Senator Terrel Clarke  
2. and to Senator Kenneth Course on the Revenue Committee in re-  
3. lation to this bill and I would like to advance it to Second  
4. Reading without reference. This is a problem that's arised  
5. because the State Revenue Department is trying to collect Sales  
6. Tax off of the donations that the elderly pay for these meals  
7. and it's...if they can put a donation in the pot, whether it's  
8. a penny or a dollar fine, and if they don't put anything in it's  
9. free and it's caused a hardship in many areas and a lot of debate,  
10. and I'd like to take it to Second Reading without reference and  
11. they agreed.

12. PRESIDENT:

13. Senator Davidson has moved to suspend the rules; have the  
14. bill read a first time and advanced to second reading without  
15. reference to committee. All in favor of the motion signify by  
16. saying Aye. Contrary No. The motion carries. Second reading.  
17. House Bill 2201. Oh, I'm sorry. House Bill 2168. Senator Hickey.

18. SECRETARY:

19. House Bill 2168.

20. (Secretary reads title of bill.)

21. First reading of the bill.

22. PRESIDENT:

23. Rules. House Bill 2201. Is there a Senate sponsor for  
24. House Bill 2201? House Bill 2234. Senator Berning.

25. SECRETARY:

26. House Bill 2234.

27. (Secretary reads title of bill.)

28. First reading of the bill.

29. PRESIDENT:

30. Rules. House bills on Second reading. Senator Palmer  
31. do you wish to advance that bill? Advance.

32. SECRETARY:

33. House Bill 2457.

1. (Secretary reads title of bill.)

2. Second reading of the bill. No Committee amendments.

3. PRESIDENT:

4. Are there amendments from the Floor? Third reading.

5. On the order of the Secretary's Desk, I've been contacted by  
6. one member. I will proceed to call matters that members wish  
7. dealt with before we complete our business for the day. For  
8. what purpose does Senator Don Moore arise?

9. SENATOR DON MOORE:

10. Mr. President, House Bill 2108 was read the first time.  
11. This is the bill that increases the death benefits from \$10,000  
12. to \$20,000 compensation for the beneficiaries of firemen and  
13. policemen killed in action. I would like, at this time, to  
14. have the rules suspended and have that bill advanced to the  
15. order of Second Reading without reference to a Committee.

16. PRESIDENT:

17. Senator, your motion then should be to discharge the  
18. Committee on Rules from further consideration of Senate Bill...  
19. I'm sorry, from House Bill 2108. Senator Moore so moves.  
20. Motion is to discharge the Committee on Rules from further  
21. consideration of House Bill 2108. All in favor signify by  
22. saying Aye. Contrary No. The motion carries. Second reading.

23. Senator Knuppel. Senator Mitchler.

24. SENATOR MITCHLER:

25. Mr. President and members of the Senate, on the Secretary's  
26. Desk, House Joint Resolution 102. House Joint Resolution 102  
27. was introduced in the House by Representative DiPrima. He asked  
28. me to handle it in the Senate. It was recommended it Do Pass  
29. by the Senate Executive Committee by 20:0. What this bill does,  
30. it calls upon Congress to act on a new Flag Code, to revise the  
31. United States Flag Code...Code. This came out of a resolution  
32. and notes that the Massachusetts Flag Desecration Law was recent-  
33. ly struck down by the U. S. Supreme Court, is unconstitutionally

1. vague; that many other Flag Desecration cases are pending before  
2. the Courts and that the public, including Veterans and military  
3. men are unsure of the proper handling of the U. S. Flag, and it  
4. urges the U. S. Congress to take action to revise and update the  
5. U. S. Flag Code and take commensurate action in considering  
6. Senate Joint Resolution 91, which is currently being considered  
7. in the U. S. Senate Judiciary Committee and they are into that  
8. now and I would ask for a favorable roll call.

9. PRESIDENT:

10. Is there further discussion? Senator Mitchler moves to  
11. adopt House Joint Resolution 102. On that question all in favor  
12. signify by saying Aye. Contrary No. Motion carries and House  
13. Joint Resolution 102 is adopted. Do any Senat...Senator Conolly.  
14. SENATOR CONOLLY:

15. On the Secretary's desk is Senate Bill 876. It was  
16. amended in the House. It was amended in the House to make  
17. any tax increase, issued by the Northshore Sanitary District  
18. with a referendum and it only affects the Northshore Sanitary  
19. District, no other sanitary districts in the State.

20. PRESIDENT:

21. The Chair wishes to interrupt the Senator. This will be  
22. Legislative action that will require a roll call vote. I would  
23. admonish the members, they have just...you have all just been  
24. marvelous today. We've worked hard. We've actually processed  
25. over 40, I think 7 final action matters, and I would urge you  
26. just to hold on and work together here a few more minutes.

27. Proceed, Senator Conolly.

28. SENATOR CONOLLY:

29. Before all the members leave, I would appreciate their roll  
30. call vote on this. It takes 30 votes to concur in the amendment.  
31. I move the concurrence.

32. PRESIDENT:

33. Is there further discussion. Question is, shall the Senate



1. concur in Amendment No. 1 to Senate Bill 876 and on that question  
2. those in favor will vote Aye. Those opposed will vote No. The  
3. voting is open. Have all voted who wish? Have all voted who  
4. wish?

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1. Have all voted who wish? Take the Record. On that question the  
2. Yeas are 42, the Nays are 1. Senate Bill 876, having received  
3. a constitutional vote by the Senate, concurs in Amendment No. 1.  
4. Senator Palmer.

5. SENATOR PALMER:

6. Mr. President, I move for the immediate adoption of House  
7. Joint Resolution 101 on the Secretary's Desk.

8. PRESIDENT:

9. Senator Palmer.

10. SENATOR PALMER:

11. I move for the immediate adoption of House Joint Resolution  
12. 101 on the Secretary's Desk.

13. PRESIDENT:

14. Senator Palmer moves to suspend the rules for the immediate  
15. ...no, no...that's right, it's on the Secretary's Desk. Senator  
16. Palmer moves to adopt House Joint Resolution 101. All in favor  
17. signify by saying Aye. Contrary No. Motion carries and House  
18. Joint Resolution 101 is adopted. Senator Carroll.

19. SENATOR CARROLL:

20. Mr. President, I would move that we concur with the House  
21. Amendment No. 1 to Senate Bill 1380. This is the appropriation  
22. for the payment of awards by the Court of Claims. The House  
23. added an amendment adding the more recent awards since the bill  
24. had been in the Senate. They'd had a meeting in between  
25. in the Court of Claims. I would ask for a favorable Roll Call.

26. PRESIDENT:

27. Is there further discussion? Question is shall the Senate  
28. concur in amendment No. 1 to Senate Bill 1380. On that question  
29. those in favor will vote Aye. Those opposed will vote No. The  
30. voting is open. Have all voted who wish? Have all voted who  
31. wish? Take the Record. On that question the Yeas are 39, the  
32. Nays are none. Senate Bill 1380, having received concurrence  
33. from a majority of the Senators elected, is declared passed. And

1. that concurrence is on House Amendment No. 1. Senator Rock.

2. SENATOR ROCK:

3. Thank you, Mr. President. Also on the Secretary's Desk  
4. is Senate Bill 641. I have spoken with Senator Shapiro and  
5. Berning. I am moving at this time, Mr. President, that we,  
6. the Senate, does not concur with House Amendments Nos. 1 and  
7. 2. On No. 1, I believe, was an effective date amendment. It  
8. is obsolete at this point. No. 2 was a provision which removed  
9. a provision of the bill as it came over and I am moving that we  
10. nonconcur in both amendments.

11. PRESIDENT:

12. Senator...Senator Rock moves to nonconcur in the House  
13. amendments to Senate Bill 641. All in favor signi...to both  
14. amendments...to both amendments, yes...take it on one roll call  
15. ...all in favor signify by saying Aye. Contrary No. Motion  
16. carries. The Senate does not concur in the House amendments to  
17. Senate Bill 641 and a message will be directed to the House to  
18. seek them to recede. Is there further business to come before  
19. the Senate? We have...we have two death resolutions. Will the  
20. Senators please be in their seats? Will the Senators please be  
21. in their seats?

22. SECRETARY:

23. Senate Resolution No. 468 by Senators Hynes and Partee.

24. (Secretary reads Senate Resolution.)

25. PRESIDENT:

26. Senator Hynes.

27. SENATOR HYNES:

28. Mr. President and members of the Senate, John Downs was my  
29. very good friend and running mate. He was an outstanding public  
30. servant and a warm, wonderful person, and he will be sorely, sore-  
31. ly missed. I would ask that all Senators be shown as co-sponsors  
32. of this resolution and would move for the suspension of the rules  
33. for the immediate consideration and adoption of the resolution.

1. PRESIDENT:

2. Senator Hynes has sought leave for all Senators to serve as  
3. co-sponsors. Is there leave? Leave is granted. Chair wishes to  
4. join Senator Hynes in the comments he made about Representative  
5. Downs. I had the deep privilege of serving with this lovable per-  
6. son in the House of Representatives and do want to join in the  
7. comments that you've made about our former colleague. He truly  
8. will be sorely missed. Senator Hynes moves to suspend the rules  
9. for the immediate consideration of the adoption of the resolution.  
10. All in favor signify by saying Aye. Contrary No. Motion carries.  
11. On the motion to adopt, all in favor signify by rising. The  
12. resolution is adopted. Please be seated.

13. SECRETARY:

14. Senate Resolution No. 469 by Senator Partee.

15. (Secretary reads Senate Resolution.)

16. PRESIDENT:

17. Senator Partee.

18. SENATOR PARTEE:

19. Mr. President, I think the resolution very clearly is ex-  
20. pressive of the kind of a fine and wonderful woman Mrs. Johns  
21. was. I would ask leave for the entire membership to be reflected  
22. as co-sponsors of this resolution. I would move that the resolu-  
23. tion...that the rules be suspended for the purpose for the reading  
24. ...of the immediate consideration and adoption of the resolution.

25. PRESIDENT:

26. Leave is granted for the joining of all Senators as co-  
27. sponsors of Senator Partee's resolution. On the motion to  
28. suspend for the immediate consideration, all in favor signify by  
29. saying Aye. Contrary No. The motion carries. And on the motion  
30. to adopt, all in favor please rise. The resolution is adopted.  
31. The Senate stands adjourned until 1 p.m. Monday, June...June 10th.