

78th GENERAL ASSEMBLY

June 28, 1973

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. The Senate will be in order. Our guests will join
3. with us in the invocation today by Dr. Adam Baum, Central
4. Baptist Church, Springfield, Illinois. Dr. Baum.

5. (Prayer by Dr. Baum,
6. of Central Baptist Church,
7. Springfield, Illinois)

8. Thank you Dr. Baum. Reading of the Journal. Senator
9. Soper.

10. SENATOR SOPER:

11. Mr. President, Members of the Senate I move that we
12. postpone the reading and approval of the Journals of
13. June 21st, 22nd, 23rd, 25th, 26th and 27th pending the
14. arrival of the printed Journals.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. You have heard the motion of the Senator from Cicero.
17. All in favor will signify by saying aye. Contrary. The
18. ayes have it and the motion prevails. Senator is that...
19. We would like for Senator McBroom to be advised that when
20. we proceed on House Bills...2nd reading we would like to
21. have the Chairman of the Appropriations Committee on the
22. Floor. Sergeant at Arms will ring the bell. ...for
23. what purpose do you rise.

24. SENATOR MITCHLER:

25. Yes, on a point of personal privilege Mr. President,
26. Members of the Senate.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. State your point.

29. SENATOR MITCHLER:

30. I would like to call your attention to two rather
31. attractive and very competent ladies seated in the President's
32. Gallery. Mrs. Beulah M. Unfer of Champaign, Illinois who
33. is now the National Vice-President, Central Division of the

HB 1910
Recall
6/28/73

1. American Legion Auxiliary is present today to witness
2. the Senate and earlier this week we had the privilege
3. of introducing a Senate Resolution commending her for
4. her many years and the great contributions she has made
5. to her community, State and Nation through the American
6. Legion and American Legion Auxiliary. And with her is
7. her very charming daughter, who incidently is one of the
8. fine employees of the State of Illinois in the archive
9. section of the Secretary of State's Office. Would they
10. please stand and be recognized by the Senate?

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. All of us know of the fine work that Mrs. Unfer
13. has done throughout the years and we were glad to join
14. in that Resolution. We are ready to proceed, I would
15. hope on House Bills 2nd to get them moved, but seems
16. important that Senator McBroom and his staff would be
17. on the Floor. I would like for them to be so advised.
18. Senator Howard Mohr. Do we have any motions from 3rd
19. reading House Bills back to 2nd reading for purpose of
20. consideration of amendments? Senator Mohr asks leave
21. of the Senate to have HB 1910 returned to the order of
22. 2nd reading for the purpose of considering an amendment.
23. Is leave granted? Leave is granted, the bill is now on...
24. now on the order of 2nd reading. Senator Mohr.

25. SENATOR HOWARD MOHR:

26. Yes Mr. President, I would first like to...reconsider
27. the vote by which Amendment No. 1 was adopted and to Table
28. that amendment.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. And will the Senate please be in order? The motion
31. is that Amendment No. 1 to HB 1910 be Tabled. All in
32. favor...the motion is to reconsider the vote by which
33. this amendment was adopted. Is leave granted? Leave is

1. granted. Senator Mohr.

2. SENATOR HOWARD MOHR:

3. Yes Mr. President, Amendment No. 2 to HB 1910...

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. You have a Tabling motion first Senator.

6. SENATOR HOWARD MOHR:

7. Ail right. Move to Table Amendment No. 1, Mr. President.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. All in favor of the motion...motion of Senator Mohr
10. to Table Amendment No. 1 will signify by saying aye. Opposed.
11. The ayes have it, the amendment is Tabled. Senator Mohr.

12. SENATOR HOWARD MOHR:

13. Now I offer Amendment No.2 which the Secretary has
14. on his desk, it just changes a...a couple of words in
15. Amendment No. 1. Changes the word from...board to district.
16. The amendment has been worked out with the lung association,
17. the Cook County..County Board. This is the bill that effects
18. one T.B. sanitarium in Cook County. I move the adoption
19. of Amendment No. 2.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Any discussion? All in favor of the adoption of
22. Amendment No. 2 signify by saying aye. Opposed. The
23. ayes have it, the amendment is...adopted. Any further
24. amendments from the Floor? Bill will be returned to the
25. order of 3rd reading. And will the Senate please be in
26. order. Any other motions? Gentlemen, if we could have
27. your attention and obviously we don't. Now is the time
28. to have bills returned as a courtesy to the overworked
29. Secretary of the Senate's staff. We ask your cooperation.
30. If I could have the attention of the Senate I think at
31. this time we would perhaps be well advised to do what
32. we did yesterday and go to the order of House Bills on
33. 3rd reading, try to dispose of some non-controversial

1. measures if there happen to be some, until our attendance
2. increases. Senator Knuppel.

3. SENATOR KNUPPEL:

4. I'd like...I'd like to move to recommit HB 1494 to
5. committee. And that would be Senator Knuepfer's committee
6. I assume, because he has the other bill, as I understand it,
7. that was the companion bill.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. SB 1494.

10. SENATOR KNUPPEL:

11. That's...that was the Juckett bill on licensing in...
12. of...of mental health or retarded...Is...is that your
13. committee Senator Knuepfer?

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Did you hear that bill before?

16. SENATOR KNUEPFER:

17. And I concur in that motion. There is a companion
18. bill in the committee along with that. We've talked with
19. Representative Juckett about it and I...I hope that the
20. Body will adopt this motion.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. It has been moved by the Senator from Virginia that
23. HB 1494 be recommitted to the Committee on Health and
24. Welfare. All in favor will signify by saying aye. Opposed.
25. The ayes have it and the bill is recommitted to committee.
26. Is there a Senator present that has a House Bill on 3rd
27. reading that he has some intention of passing that perhaps
28. could be acted upon at this time. I know you're not listening,
29. but I'm trying to help you Gentlemen. Any of the Senators
30. desirous of calling his bill? Or should we strike all of
31. them? We are asking for non-controversial bills where you
32. have more than 30 friends. Senator Howard Carroll, are you
33. on the Floor? Senator Kosinski, would you be interested in

1. calling 1915? He is not. Oh. Good morning Senator
2. Carroll, do you want to call a bill? No, not 531, how
3. about 1956? We're now on the order of House Bills on
4. 3rd reading. The first bill will be HB 1956. Be read
5. by title a 3rd time.

6. SECRETARY:

7. HB 1956

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Just a moment Mr. Secretary. May we have some order
10. please. We have a little now, very little. Read the
11. bill by title Mr. Secretary;

12. SECRETARY:

13. HB 1956 (Secretary reads title of bill)
14. 3rd reading of the bill.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Carroll will explain his bill and the Gentlemen
17. will give him your attention please.

18. SENATOR CARROLL:

19. Thank you Mr. President, Members of the Senate.
20. HB 1956 is a deficiency appropriation to the Comptroller
21. for the provisions of the Juvenile Court Act. It was
22. originally 400,000 because of the time lapse they have
23. reduced it to 360,000. Again it's a deficiency and I
24. would ask for a favorable roll call.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Any further discussion? The question before the
27. Senate is, shall HB 1956 pass and Secretary will call the
28. roll as soon as you're quiet enough we can hear the response.
29. Call the roll.

30. SECRETARY:

31. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
32. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
33. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

1. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
2. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
3. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
4. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
5. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
6. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
7. Weaver, Welsh, Wooten, Mr. President.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. ...question the yeas were forty-two, the nays were none.
10. The bill having received the constitutional majority required
11. is therefore declared passed. We're attempting to move some
12. bills off the House Bills 3rd. Last roll call had 42. Any
13. Senator interested? This is the 28th of June, need I
14. remind you? Senator Scholl. Sergeant at Arms will ring
15. the bell. Stewart Sweeney will ring the bell, please.
16. Senator McBroom are you prepared to...for us to go to the
17. order of House Bills on 2nd reading for consideration of
18. those measures? We will now revert to the order of House
19. Bills on 2nd reading and hopefully you will be attentive
20. to your Calendars so we only have to go through the list
21. one time. Senator Carroll. Senator Howard Carroll. Senator
22. Gene Johns. HB 698 on 2nd reading, trying to...

23. SECRETARY:

24. HB 698 (Secretary reads title of bill)
25. 2nd reading of the bill. The Committee on Appropriations
26. offers one amendment.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator McBroom moves the adoption of Amendment No. 1.
29. All in favor will signify by saying aye. Opposed. The
30. ayes have it and the amendment is adopted. Are there further
31. amendments from the Floor? 3rd reading. HB 531, Senator
32. Carroll.

33. SECRETARY:

1. HB 531 (Secretary reads title of bill)
2. 2nd reading of the bill. No committee amendments.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Are there amendments from the Floor? 3rd reading.
5. 840, Senator Rock, you want to advance that for Senator
6. Partee? Read the bill. Hold it. Senator Swinarski are
7. you prepared on 873? 2nd reading. Read the bill.

8. SECRETARY:

9. HB 873 (Secretary reads title of bill)
10. 2nd reading of the bill. The Committee on Appropriations
11. offers one amendment.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Senator McBroom. You move the adoption of Amendment
14. No. 1 to HB 873. All in favor will signify by saying aye.
15. Senator Hynes.

16. SENATOR HYNES:

17. Mr. President I...I would object to the adoption of
18. this amendment. It attempts to break the budget for this
19. department in line items, in...in unnecessary detail I think
20. and will have the effect of interfering with the ability of
21. the Agency to operate its own business. I would object to
22. the adoption of the amendment.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. All in favor of the adoption of amendment signify by
25. saying aye. Opposed. The ayes have it and the amendment
26. is adopted. Any further amendments from the Floor? Any
27. amendments from the Floor? 3rd reading. 876, Senator Hynes.
28. Wish to advance it? Read the bill.

29. SECRETARY:

30. HB 876 (Secretary reads title of bill)
31. 2nd reading of the bill. The Committee on Appropriations
32. offers one amendment.

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. Senator Hynes are you prepared...who moves the
2. adoption? Senator Hynes moves the adoption of Amendment
3. No. 1 to HB 876. All in favor signify by saying aye.
4. Opposed. The ayes have it, the amendment is adopted.
5. Any further amendments from the Floor? 3rd reading.
6. Senator Palmer are you prepared on 96... Senator Clarke
7. are you interested in advancing 911? 911. Hold it.
8. Senator Palmer on 967. Senator Palmer. Read the bill by
9. title.

10. SECRETARY:

11. HB 967 (Secretary reads title of bill)
12. 2nd reading of the bill. No committee amendments.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Amendments from the Floor? 3rd reading. 966 is
15. a companion bill, you want it read a 2nd time?

16. SECRETARY:

17. HB 966 (Secretary reads title of bill)
18. 2nd reading of the bill. No committee amendments.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Senator Palmer, there was some discussion with
21. Senator Latherow having some amendments and in the event
22. he wants to consider them you will return them. Any
23. amendments from the Floor? 3rd reading. Senator Bruce,
24. 1045. Wish to advance your bill Senator?

25. SECRETARY:

26. HB 1045 (Secretary reads title of bill)
27. 2nd reading of the bill. The Committee on Appropriations
28. offers Amendments numbered one and two.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator McBroom moves the adoption of Amendment No. 1
31. to HB 1045. All in favor will signify by saying aye.
32. Opposed. The ayes have it, the amendment is adopted.
33. Senator McBroom now moves the adoption of Amendment No. 2

1. to HB 1045. All in favor signify by saying aye. Opposed.
2. The ayes have it, the amendment is adopted. Any further
3. amendments from the Floor? 3rd reading. Senator Course
4. would like to have 1542 read by title a 2nd time?
5. SECRETARY:
6. HB 1542 (Secretary reads title of bill)
7. 2nd reading of the bill. The Committee on Appropriations
8. offers one amendment.
9. PRESIDING OFFICER (SENATOR GRAHAM):
10. Senator McBroom moves the adoption of committee Amendment
11. No. 1 to HB 1542. All in favor signify by saying aye. Opposed.
12. The ayes have it, the amendment is adopted. Further amend-
13. ments from the Floor? 3rd reading. ...Bruce.
14. SENATOR BRUCE:
15. You want to call 1989 on 2nd reading, I'm...I'm ready
16. to go with that one.
17. PRESIDING OFFICER (SENATOR GRAHAM):
18. HB 98...1989 will be read by title a second time.
19. SECRETARY:
20. HB 1989 (Secretary reads title of bill)
21. 2nd reading of the bill. No committee amendments.
22. PRESIDING OFFICER (SENATOR GRAHAM):
23. Any amendments from the Floor? 3rd reading. HB 840.
24. Are we ready or are we holding? Senator Partee.
25. SENATOR PARTEE:
26. 840 we want to move it, but I'll give the membership
27. the understanding that we can bring it back if anyone
28. desires it. There is some talk about an amendment, but I
29. don't want to lose a legislative day, so let's move it to
30. 3rd and with the knowledge that I'll bring it back if you
31. request it.
32. PRESIDING OFFICER (SENATOR GRAHAM):
33. My information is that there are some amendments to

1. be considered. Read it by title a second time with the
2. understanding it will be brought back at the desire of
3. the Committee on Appropriations...

4. SECRETARY:

5. HB 840 (Secretary reads title of bill)
6. 2nd reading of the bill. The Committee on Appropriations
7. offers amendments numbered one, two and three.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Senator McBroom.

10. SENATOR McBROOM:

11. Move the adoption.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Moves the adoption of Amendment No. 1 to HB 840.
14. All in favor signify by saying aye. Opposed. The ayes
15. have it, Amendment No. 1 is adopted. Senator McBroom now
16. moves the adoption of Amendment No. 2 to HB 840. All in
17. favor signify by saying aye. Opposed. The ayes have it,
18. the Amendment is adopted. Senator McBroom makes the same
19. motion on Amendment No. 3. All in favor will signify by
20. saying aye. Opposed. The ayes have it, the Amendment is
21. adopted. Any amendments from the Floor? 3rd reading.
22. Gentlemen, it seems to me that the best procedure at this
23. time would be to start at the top of the Calendar and go
24. down House Bills 3rd reading starting with HB 18. Senator
25. Clarke.

26. SENATOR CLARKE:

27. I...I...Mr. President I passed up 911 because I
28. had just given Senator Rock an amendment. Wanted to give
29. him time to analyze it. So that I'd like to reserve the
30. privilege to come back to that...

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Did you want to read...we have another request on 2nd
33. reading, so we'll remain there. Your...I would hope, the

1. Chair would hope that you and Senator Rock would make a
2. decision and let the Chair know what you want to do.
3. Bill will be read by title a 2nd time. HB 911.

4. SECRETARY:

5. HB 911 (Secretary reads title of bill)
6. 2nd reading of the bill. No committee amendments.

7. PRESIDING OFFICER (SENATOR GRAHAM)

8. Are there amendments from the Floor? Senator Rock.

9. SECRETARY:

10. Amendment No. 1 by Senator Rock.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Just a moment, when we get some order Senator you
13. can explain your amendment. Senator Rock.

14. SENATOR ROCK:

15. Yes Mr. President, Members of the Senate I do
16. have an amendment which I placed yesterday on the
17. Secretary's desk. About twenty minutes ago Senator
18. Clarke showed me an amendment he proposes to offer.
19. It is similar to the one that I am going to offer, it
20. is however not quite as broad as mine. Now, it is his
21. bill, in deference to him I will ask that his be
22. discussed first and then we'll try mine.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Clarke will explain the proposed Amendment
25. No. 1 to HB 911 and will the Senate be in order, this is
26. an important bill.

27. SENATOR CLARKE:

28. Mr. President, Members of the Senate...Amendment No. 1
29. is an amendment that has been discussed at various times
30. to the Tax Freeze Bill. The problem has to do with the
31. ability not to hurt municipalities, counties, especially
32. and other units of...local government, and many complaints
33. were registered both individually and in our committee

1. hearing on this bill as to the restrictions on the
2. ability to take advantage of growth in assessment. This
3. amendment fundamentally allows any new parcels, in other
4. words any new growth where a municipality has encouraged
5. a shopping center to come in or an industrial park or
6. so forth to be excluded from the tax freeze. The freeze
7. would remain on assessments other than that and on unimproved
8. property but would exclude any new developments, any new
9. parcels. Now in return for this, obviously we cannot have
10. it both ways and so we are excluding in this amendment also
11. the provisions in the bill which we talked about previously
12. relating to population. That if a municipality's population
13. went over 5% that they could then take a census and take
14. advantage proportionally of that increase.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Rock.

17. SENATOR ROCK:

18. Thank you Mr. President, Ladies and Gentlemen of the
19. Senate this is probably one of the most significant pieces
20. of legislation we are called upon to deal with in the next
21. couple of days. Now I would urge that we resist as a Body
22. this amendment. It attempts, I think...it is good in its
23. motivation and origin. It attempts I think to solve what
24. I consider to be a serious constitutional defect in this
25. bill as it now stands, ...for the reason that in Section 7,
26. certain districts are in and certain districts are out.
27. Now the amendment which I purposed to offer as I suppose
28. it will be Amendment No. 2, I think more directly confronts
29. the problem. We are by this amendment, Senator Clarke is
30. doing pretty much the same by his amendment, we are making
31. uniform the fact that all districts including all taxing
32. units including cities, counties, school districts, junior
33. college districts which are now excluded from this particular

1. provision in this bill are now also allowed to take
2. advantage or use the increase in assessed valuation.
3. Now Senator Clarke's amendment is in my judgment a
4. little too restrictive. He says that all these districts
5. can take advantage only of new taxable properties, not
6. natural growth increment in assessed valuation. For
7. that reason and only that reason it is more restrictive
8. than mine and I would urge that it not be adopted.
9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Bell. Gentlemen. Any further discussion?
11. Motion is by the Senator from Western Springs...Senator
12. Fawell.

13. SENATOR FAWELL:

14. Senator Clarke I....I do have a question. The...I
15. haven't had a chance to read the amendment but as I
16. understand it, what you are saying is that you are extending
17. the provisions of this bill so that the assessments will
18. also be frozen, but that an exception would be in regard
19. to any improvements of existing real estate. In other
20. words, any additions to assessed valuation as a result
21. of the improvements or in the case of a vacant land area
22. the...the first improvements to the property, this would
23. be renovation of property, all such improvements. Is that
24. right?

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. Senator Clarke.

27. SENATOR CLARKE:

28. New parcels. Now that would then not be for instance
29. if a house....put siding on the house...if the homeowner put
30. siding on the house and the assessor came around and
31. increased the assessment for that reason, that would not
32. be included because that would get into a nightmare for
33. the local taxing districts in terms of the assessment, the

1. County Clerk and the County Assessors. So this only
2. includes new construction because the great concern of
3. many municipal officials, as witness the mayor of Urbana
4. in our committee, was where a community has encouraged
5. industry or where there, as you mentioned in fast growth
6. areas like DuPage where new developments are springing
7. up overnight, that these cannot be taken advantage of
8. if you're going to have an across the board freeze, but
9. it would be nightmare to include the type of thing you're
10. talking about improvements to existing property.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. Senator Fawell.

13. SENATOR FAWELL:

14. Well, I...I would have grave doubts about that Senator
15. and I'll tell you why. You can have for instance in one instance,
16. our...and I think that in every district one can give
17. an example such as this where you have a...an improvement
18. of sorts on a tract of land and industry will move in
19. for instance and...will improve it over and above the
20. improvements that exist. You can have multi-million
21. dollar improvements and in fact we have pending in the
22. Legislature right now bills that have passed the Senate
23. which...which call upon...which call upon our assessors
24. to engage in instant assessment of all improvements of
25. real estate. That is residential or commercial or industrial.
26. One of the biggest problems we have faced in the real
27. estate tax has been that assessments are made only on
28. an annual basis. And we each year as of January 1, our
29. assessors are able to add to the assessed valuations in
30. order really to bring the taxes down for the rest of us
31. the improvements which will come and those improvements
32. to a great degree reflect improvements upon existing
33. improvements that are already on the real estate. And

1. thus I think that unless one were to say that the...
2. assessments that would be frozen would not include any
3. and all improvements because you refer to this as a...as
4. a nightmare of...of assessment procedure but it's the
5. very procedure we now utilize. Anytime that there is
6. an improvement upon real estate that improvement is
7. reflected on the next ensuing January 1st assessment.
8. And in fact as I indicated under SB 225 of which I was
9. the sponsor, which has passed this Body we are saying
10. and especially this is important for the northeastern
11. part of the State where the growth is so fantastic, we
12. are saying that instantaneously as of the date of the
13. improvement as of the date of occupancy of the new
14. improvement the assessor will instantaneously assess
15. so that we will not in the future lose forever for that
16. pro rata portion of the year in concern the new assessment
17. based upon the improvements. For instances you can have
18. an old shack on a building for instance and...American
19. Standard Oil can come in and put a multi-million dollar
20. structure up. You can have...you can have multi-million
21. dollar structures that are improvements of existing
22. industrial's. Now that, I think is very, very important.
23. I would go even one step further and ask you if this
24. would freeze the quadrennial assessment. Because, if that
25. were the case the quadrennial assessment is very important
26. because of course, every four years we re-evaluate those
27. tracts of land which had not had any improvements upon
28. them during the quadrennial period. And this is important
29. because you have taxing entities that under inflationary
30. spirals are paying more and more money for the improvements
31. which people request and demand. And yet if they were not
32. entitled to the inflationary increase on the appraisals for
33. assessment purposes, this too, I think would be tremendously

1. damaging. I suppose what I am saying is, that I think
2. the people would favor truly a freeze on tax rates but
3. allow ...

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. Just a moment Senator. Gentlemen, Senator Fawell
6. is...gives all of the Members of this Senate his attention
7. when you are speaking. He is one of our most attentive
8. Senators. I think he's entitled to that same courtesy
9. being extended to him and will the Senate be in order.
10. Continue.

11. SENATOR FAWELL:

12. Thank you Mr. President. So I believe that the
13. reference to the question of the quadrennial assessment
14. and its effect of the freeze is also very important. But
15. those two points, I think that you must have an exception
16. for any and all improvements which take place. And...I
17. would go further and say that you cannot interfere with
18. the quadrennial assessment. So, I suppose I'm very closely
19. approaching Senator Rock's...Rock's view on...on this
20. question.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator Clarke.

23. SENATOR CLARKE:

24. If I could respond while these points are fresh.
25. Senator Fawell, I think what you're saying, really is, that
26. you're philosophically opposed as you told me to a tax
27. freeze because, actually, if we did all of the things that
28. you have said, we wouldn't have a tax freeze. Your illustration
29. though of the Standard Oil building going up on a shack
30. would be a new parcel and that is covered in the bill.
31. That would be assessed as a new parcel and as new assessment
32. value. But if the quadrennial is not frozen then this bill
33. really doesn't do much because you're only talking about

1. a limited period, of two years. And we had an example
2. at our hearing that Senator Regner chaired up in Palatine
3. in February, we had hearings on real estate taxes of
4. an elderly man, a retired man in Evanston who had his tax
5. bill on his home go from \$500 to \$1200 in one year because
6. of the quadrennial reassessment. And that is exactly
7. what we are aiming at in this bill to slow down, to stop
8. for a short period while we try and look at what is going
9. on and how it can be improved.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Senator Fawell.

12. SENATOR FAWELL:

13. Just very briefly Senator, I would refer you to lines
14. 14 through 19 where it refers to the fact that one would
15. be entitled to the increase by the same percentage of the
16. amount of extensions in '73 as the percentage of its
17. increase in the equalized assessed valuation resulting
18. from the assessment of improvements to any parcel or
19. parcels which had not been assessed as improved property.
20. Now, if I had just a small home it is assessed as improved
21. property and if I sell that and the Taj Mahal is constructed
22. on that property we lose all of that assessed evaluation.
23. You can take a farm of 300 acres and if you have just the
24. barn and the home on that tract it is improved real estate
25. and therefore any increase in assessments would not be
26. counted under this amendment. I...I don't think one can
27. because once you have any type of an improvement over and
28. above the raw real estate you have an improvement for
29. assessment purposes. I...

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Might remind you Senator from Naperville...

32. SENATOR FAWELL:

33. Yes. I...I...

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. ...time is up.

3. SENATOR FAWELL:

4. I'm attempting to point out I think some very, very
5. fatal flaws in this amendment. And I don't think it accom-
6. plishes what...what Senator Clarke is attempting to accomplish.
7. However, in all honestly Senator Clarke I think you're right
8. in saying too that...that philosophically I...I am for a
9. tax freeze but of the rates, not of the assessed valuations.
10. In the fast growth areas where as I've indicated 125,000
11. people coming in...

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Your time is up.

14. SENATOR FAWELL:

15. ...Aurora and Naperville you can't possibly freeze the
16. assessments or we will just go out of business in that area
17. completely.

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Your time is up Senator. I'm sorry. Senator Clarke.

20. SENATOR CLARKE:

21. All I can say, is in answer to you that I've checked with
22. the experts, Maurice Scott for instance has gone over this
23. language. He feels it's just what I stated, not what you
24. stated. I think that even if it didn't those instances are
25. seldom enough that this would be desirable.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Mitchler.

28. SENATOR MITCHLER:

29. Senator Clarke. I think I've the right amendment, I
30. don't know I've got three amendments on my desk to HB 911.
31. But if the one I have on my desk is correct it points out
32. where the school district or junior college district whose
33. enrollment is increased could have an extension of taxes

1. provided in the Act. Then I also looked down farther and I
2. wonder why you only selected school districts and junior
3. college districts. What about park districts, sanitary
4. districts, all the other local governments, cannot they
5. have the same extension or some provision in for them?

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Senator Clarke.

8. SENATOR CLARKE:

9. I presume you're speaking of Section 8 in that amendment.
10. And Section 8 on the second page where it refers to the
11. school districts is almost the same language that was in
12. the original bill except that we wanted to clarify because
13. the school year is not the same as the fiscal year it...
14. we wanted to clarify which school year you're talking about
15. in terms of the...freezing and it refers to enrollment there
16. you see and enrollment starting in September is different
17. from the enrollment in the spring because it's a new school
18. year so that is almost the same except that we wanted to
19. clarify that they would not be penalized.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Senator Mitchler.

22. SENATOR MITCHLER:

23. I am looking at this amendment now. Now there was
24. something in one of these other amendments here, amendment
25. I have about that there should be no mandatory programs
26. during the period of the property tax freeze, no additional
27. mandatory programs either fully or partially funded by
28. the levy of property tax for local school districts shall
29. be imposed upon school districts. Now during this period
30. this tax freeze would be in effect, do I understand that
31. there would be no mandatory programs placed on, for example,
32. school districts, park districts, sanitary districts, that
33. would require them to spend more money because they would

1. not have the ability to raise more money. Now is that
2. an understanding?

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator Clarke.

5. SENATOR CLARKE:

6. That's not in the amendment we're discussing, but
7. no, that provision only applies to school districts. The
8. reason for that is the school districts are the biggest
9. users of our tax monies from real estate and they're the ones
10. really that would have the most effect for that reason
11. of this type of legislation and we don't want to be unfair
12. to them, we don't want to be down here mandating programs
13. that they have to do while at the same time we're saying
14. they can't get the money to do it.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Mitchler.

17. SENATOR MITCHLER:

18. Now, I believe the answer to...my question is in the
19. affirmative. That would mean that this General Assembly
20. during the next two years would be prohibited from passing
21. any legislation that would require any additional expenditure
22. of money by school districts unless it was properly funded.
23. Case in point, yesterday we passed a bill that authorized
24. upon written application, made it mandatory that a school
25. district would have a check off with the union dues to
26. school teachers. Now, although this may be very small in
27. cost, that bill would be prohibited from being passed
28. according to the statute. Now would my understanding be
29. right because it costs somebody some money to clerically
30. conduct a check off list of these union dues...

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator, I think that has nothing to do...

33. SENATOR MITCHLER:

1. Now am I right?

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. ...with HB 911. Will speak to the amendment please?

4. SENATOR MITCHLER:

5. I'm speaking to the amendment Mr. President. Could

6. I ask Senator Clarke if that'd be true?

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Clarke.

9. SENATOR CLARKE:

10. Well, I'm not familiar with who would pay what in that

11. program so-I can't answer the question. But if the school

12. district were mandated to fund the program then that would

13. be true.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator Mitchler.

16. SENATOR MITCHLER:

17. Well, that probably would be a good point about this

18. bill. Because I think that we would probably throw out about

19. every bill that the Illinois Education Association has put

20. in. It is primarily concerned about the teachers and not

21. the students, and we would save ourselves a lot of legisla-

22. tion down here this year. But there's a lot of other points

23. on here and I still say that what we're attempting to do

24. here is a misnomer, you're trying to attempt something

25. that's almost impossible to...to accomplish.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Rock.

28. SENATOR ROCK:

29. Well, I...I just...I just Mr. President for the purpose

30. of, I hope, clarification wanted to point out to Senator

31. Mitchler that that provision is in 911 as it stands right

32. now. And the amendment to which he was speaking is my

33. amendment which I presume will be Amendment No. 2, and

1. we will address ourselves to that when we consider
2. that amendment. I think that Senator Fawell hit the
3. nail on the head. As I said, I will offer a similar
4. but much broader amendment. I think Senator Clarke's
5. amendment should be resisted and then we should get on to
6. the business of my amendment.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Any further discussion? The motion is by Senator
9. Clarke that Amendment No. 1 to HB 911 be adopted. All
10. in favor will signify by saying aye. Opposed. The no's
11. have it and the amendment is lost. Senator Clarke, roll
12. call. Roll call has been requested. We will call the
13. roll. Please be in order for a roll call on the adoption
14. of amendment:

15. SECRETARY:

16. Bartulis.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Clarke.

19. SENATOR CLARKE:

20. Just so...just so people won't be confused. I think
21. number one, you ought to identify how they vote depending
22. on whether they favor or disapprove the amendment. Number
23. two, let me identify the amendment, that it amends the bill
24. on page 3 by deleting lines 27 through 34 and on page 4 by
25. deleting lines 1 through 27 and then it adds a new section 7.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Do the Senators have those amendments on their desk
28. so they can identify the amendment to which Senator Clarke
29. is addressing himself?

30. SENATOR CLARKE:

31. Yes, they have four amendments on their desks now.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. The business before the Senate, Senator Harber Hall for

1. what purpose do you rise?

2. SENATOR HARBER HALL:

3. Well, Mr. President by way of clarification for the...
4. Senators on this side of the aisle this is the amendment
5. that was discussed last evening in...

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. All right. The motion has been put, and the business
8. before the Senate is shall Amendment No. 1 to HB 911 be
9. adopted, and there's been a request for a roll call and
10. the...roll will be called. Mr. Secretary. Will the Senators
11. please be in their seats?

12. SECRETARY:

13. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
14. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
15. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
16. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
17. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
18. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
19. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
20. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
21. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
22. Weaver, Walsh, Wooten, Mr. President.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Newhouse, no. Senator Swinarski, aye...no.
25. I would suggest that only a couple of people help the
26. Secretary with the roll call. I don't think we need the
27. complete entourage down here. That would be fine. I think
28. one from each side of the aisle is elegant sufficiency.
29. On this question the yeas are twenty-nine, the nays are
30. twenty-eight, and the amendment is adopted. Amendment No. 1.
31. Any further amendments? Senator Rock.

32. SENATOR ROCK:

33. Yes, thank you Mr. President. Ladies and Gentlemen of

1. the Senate, Amendment No. 2 which is on the Secretary's
2. desk in my opinion renders what was heretofore uncon-
3. stitutional, constitutional. In the provisions of Section
4. 7 certain districts are allowed to take advantage of or to
5. utilize the increase in assessed valuation while others are
6. not. My amendment would also allow those who were pro-
7. scribed to now take that same advantage. What it does
8. in essence is, it adds those taxing units that are cities,
9. counties and school districts to the list of those that
10. were already under the provisions of this bill. I think
11. it's a salutary amendment and I would urge its adoption.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Any discussion? Senator Clarke.

14. SENATOR CLARKE:

15. Mr. President, Members of the Senate this amendment
16. guts what we just did in Amendment No. 1 and it guts the
17. bill too, because it in effect says, that any taxing district
18. across the board can have the benefit of any assessment
19. increase across the board. And that in effect would be
20. no tax freeze. I really think that if you want to do some-
21. thing for the home owner, for the people that own real
22. estate in this State and I think this would be the most
23. effective form of tax relief you could do. This would
24. not do it because this would allow assessments to go up, it
25. would allow assessors to play with assessments and they do it,
26. all over the State. And it would allow quadrennial
27. assessments as in the instance I mentioned with 150%
28. increase. I think this is a bad amendment and should be
29. opposed.

30. PRESIDING OFFICER (SENATOR GRAHAM):

31. Any further discussion? Senator Glass.

32. SENATOR GLASS:

33. Thank you Mr. President, I would like to ask Senator

1. Rock under this amendment is there, in fact, anything
2. frozen? If the rates...are the rates frozen under this
3. amendment?

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. Senator Rock.

6. SENATOR ROCK:

7. Yes. Yes.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Senator Glass.

10. SENATOR GLASS:

11. So...so the rates would be frozen, the assessed
12. valuations would not. Is that in essence, the amendment?

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Senator Rock.

15. SENATOR ROCK:

16. Well, the assessed valuations would not insofar as
17. there is a natural increment, that's what I'm saying...
18. that the school districts particularly. We heard testi-
19. mony in the Revenue Committee from the representatives
20. of the cities and the counties and most especially the
21. school districts. And it seems to me to penalize the
22. school districts, not allowing them to take advantage
23. of what is otherwise natural growth is inane. All this
24. says is that if, in fact, there's a natural growth in
25. the assessed valuation school districts can take advantage
26. of that.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Fawell.

29. SENATOR FAWELL:

30. Well, I...I hesitate to oppose my very good friend
31. and colleague Senator Ted Clarke... This...this is by no
32. means any type of a partisan matter. It's a tremendously
33. important thing that we're doing here and I'm...I'm...I

1. don't think that a lot of us really are clarified in our
2. thinking. I happen to represent an area where the growth
3. is just out of this world. We have one little community,
4. my home town of Naperville, it took 130 years to get to
5. 25,000 people and most of that in the last five years.
6. We have on the books, on flats of subdivisions that are
7. now pending 150,000 people coming into that area. There's a
8. transition of population from Chicago to the suburbs
9. and it's immense. Now to tell all of our taxing districts
10. that you're going to have to continue to meet the challenge
11. of this super-industrial era and great transition of
12. population while we in the State are not doing what we
13. should insofar as the State aid is concerned and we're
14. going to freeze all the growth here. Now Senator Clarke's
15. amendment does freeze all of the improvements which might
16. come, over and above, or on any particular parcel wherein
17. there previously had been an assessment with improvements
18. added. Now that's, you know, most of DuPage County. And
19. it also by the way takes Cook County and the quadrennial quad-
20. rent assessments and absolutely louses that up fantastically.
21. I think the fairest way of approaching the problem is to
22. say we're going to freeze your rates so that nobody can
23. increase their rates. But how in the world can we rationally
24. say that we're going to also freeze the assessments which
25. stand as a...as a very base of determining what the tax
26. will be. We're going to have all those thousands upon
27. thousands of people to serve, schools to build, teachers
28. to hire, park districts open space to acquire, to do all
29. the things that ought to be done and simply not have the
30. money to even approach it. It's something that in good
31. conscience I...I cannot possibly support that and I think
32. this amendment approaches it in a...in the most rational
33. way, if we're talking about a tax freeze.

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Further discussion? Senator Hynes.

3. SENATOR HYNES:

4. Mr. President, Members of the Senate I rise in support
5. of this amendment. And I...I think it can be translated into
6. very simple terms, the effect of. This is a very complicated
7. bill. But in the House and the bill in it's present form
8. as amended in the House many of the special districts of
9. this State were put into a category that will allow them
10. to make use of new...new construction and so on, additions
11. to the rolls in their areas. But this same privilege was
12. not given to the schools of this State or to other governmental
13. bodies. And we spend hour after hour in this Body debating
14. the...the problem of the crisis in the schools and yet the
15. amendment that was previously adopted takes care of districts
16. of such importance as street lighting districts, mosquito
17. abatement districts, hospital districts, mass transit districts,
18. surface water protection conservation districts. The hundreds
19. of unusual and unique special districts that exist in this
20. State are included within the scope of the bill as it presently
21. exists. And this amendment would put school districts and
22. other governmental bodies on a parity with those special
23. districts. There are many people in this General Assembly
24. that feel that the great number of special districts that
25. we have in Illinois is one of the most serious problems we
26. have with local government. And this bill treats them in
27. a manner much better than the basic, most essential govern-
28. mental units in this State are treated. This amendment will
29. put all districts at a level of parity and I think it is
30. a very desirable amendment and I would urge this Body to
31. adopt it.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Further discussion? Senator Netsch.

1. SENATOR NETSCH:

2. Mr. President, in addition to underscoring the point
3. that Senator Hynes has just made about the fact that when
4. you contrast this with the original form of the bill you are
5. in effect helping the wrong set...of local governments in
6. the State. I would like to underscore again a point that I
7. think was in part being made by Senator Fawell in his discussion
8. of the previous amendment. And that is that...the...if you
9. leave the bill as it is now, as it was proposed or as it
10. is with Senator Clarke's amendment then it seems to me you've
11. also in effect helped the wrong group of people. The only
12. justification or the major justification for a property tax
13. freeze at this point in time is I think the very regressive
14. nature of a property tax which we all concede and the impact
15. that it has on people who own their own homes or who live
16. in facilities through their rent or otherwise through which
17. they pay the property tax. If we leave the bill as it is
18. at the present time it seems to me that a large part of the
19. benefit of the tax freeze is really going to go to cor-
20. porations, to industry, to commercial property and much
21. less of it to the individual home owner or home renter who
22. is the real intended beneficiary of the bill and that's
23. because the...it is the increase in assessed valuation that
24. really represents...the thrust of this amendment and which
25. we really have no need to cut out. When that increase in
26. assessed valuation is attributable to industrial or
27. commercial developments and a very large part of it is ...
28. Sure, there is some increase in assessed valuation that
29. comes about in the property of individual home owners and
30. home renters. And so be it. But if we exclude the
31. possibility of taking advantage of the natural growth
32. that comes about in a developing economy by additions
33. to real estate values in commercial and industrial property

1. then it seems to me we have really given a windfall to
2. the corporate business, commercial part of our economy
3. and in effect not given any additional help to the
4. individual home owner. And it seems to me that that's just
5. backwards of what we are trying to accomplish. So the
6. only thing that makes sense if we are to...go ahead with a tax
7. freeze is to make sure that the commercial industrial
8. increments in assessed valuation is made available to
9. school districts and cities who are the two primary users
10. of the property tax and those whose expenditures from
11. property tax are really most justified. For that reason
12. it seems to me that we very badly need an amendment such
13. as the one that is before us right now. Thank you.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator Knuppel.

16. SENATOR KNUPPEL:

17. Mr. President, and Members of this Body why are we
18. even considering a tax freeze. The answer is, that in
19. Illinois as it has been for a great number of years we're
20. using the wrong foundation for raising revenue. The use
21. of the ad valorem tax a century ago was appropriate. It's
22. no longer appropriate. And we realize how tragic the
23. method we are using is and how inadequately and unfairly
24. we are financing education and other municipal forms of
25. government. So, as a result for the last two years we've
26. been talking about a tax freeze. While we talk about a
27. tax freeze we put legitimate tax revenue re-orientation
28. bills into committee for study and restudy and study

29. Because as legislators we have not the courage
30. to face the problem and to do something about it. Now
31. a tax freeze does only one thing; it takes a bad situation
32. and freezes it in a bad situation and it will be in that
33. same situation when it thaws out. We are not curing the

1. problem by passing a tax freeze. In effect, what this
2. bill does is not only to freeze taxes but to freeze
3. educational opportunities, and expenditures. To freeze
4. our municipal form of government and our services where
5. they now stand. I say to you, that in my district for
6. example, we're anticipating the construction in two
7. different areas of large new power plants. If these
8. plants are built, they will pay no tax under the
9. present amendment because they are new property. At
10. least they will not pay, maybe the amendment will take
11. care of some of it. However, any tax freeze that we
12. talk about should be talking about some method of curing
13. the problem not just putting it in the refrigerator for
14. two years. If we do that, two years from now the pressures
15. will be identical to those we now face to extend that
16. freeze and the cure will be no closer than it is now. I
17. know some people think that by freezing the taxes we can...we
18. can bring about a crisis which will result in a reorientation
19. of our revenue structure. Now I submit to you that this
20. amendment that has been proposed does take into con-
21. sideration continuing growth of the assessed base on
22. which taxes must be levied. Until we are willing to
23. attempt to cure the problem with which we are confronted
24. we must continue to allow taxing districts to take
25. advantage of the natural growth of the assessed value
26. in those communities. Now when we really face this
27. problem and have the tax burden follow the benefit when
28. we raise education funds through a graduated or even
29. a flat tax income, tax on income then we will have met
30. fairly the problem. Neither the Governor, I heard him
31. the other evening speak, neither the Governor nor the
32. Members of this Body are willing to speak out and say
33. in effect that the only reasonable, logical solution to

1. the problem of financing education fairly and equally
2. for all of the students regardless of location in the
3. State of Illinois is through the imposition of a tax
4. on income. At least so long as we're not willing to
5. face that challenge, so long as we're going to hide
6. our heads and put it in the refrigerator instead of
7. the sand we need this amendment which will allow an
8. extension of rates against the growth in assessed value.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. Senator Hall, Harber Hall.

11. SENATOR HARBER HALL:

12. Mr. President, Fellow Senators I...trying to listen
13. to the esteemed Senator Knuppel describe the present...
14. amendment that's been offered and in that discussion it
15. is my understanding that he was implying that if we
16. would pass this bill with Senator Rock's amendment to
17. it that he would presume that the tax freeze could then
18. be extended year after year indefinitely whereas the
19. present bill as amended with Senator Clarke's amendment
20. would have to be changed and we have no provision for
21. a change in taxation before us. Well I don't want to
22. see any tax freeze extended past two years. Now in
23. respect to these two amendments just briefly stated
24. one freezes the rate and the other freezes the assessed
25. valuation and the rate. I submit to you that you have
26. no freeze at all in effect if you only freeze the rate
27. as Senator Rock's amendment will do because you can
28. increase the assessed valuation to make up whatever
29. you want to make up. With Senator Clarke's bill as
30. amended now which I hope we will support you have a
31. true tax freeze for a period of two years...excepting
32. that you will decrease taxes possibly with large growth.
33. You would also have the benefit of any new construction

1. added to the tax rolls. I therefore suggest that we
2. defeat this proposed amendment which to me means no tax
3. freeze. It's...it's simply readjusting the figures to
4. come out with a tax as you would like to have it. The
5. other is a true freeze. I suggest we vote no on this
6. amendment.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Any further discussion? Senator Rock will close
9. the debate.

10. SENATOR ROCK:

11. Thank you Mr. President, Ladies and Gentlemen of the
12. Senate. I do not in fact agree with Senator Hall's remarks.
13. This amendment will not in fact enact the tax freeze for
14. a period in excess of two years. There is no question but
15. that the taxpayers of our State in our districts are crying
16. for tax relief. Unfortunately this bill has been characterized
17. as a tax freeze. It is now up there in the great beyond
18. with motherhood and Lawrence Welk and the hot dog and nobody
19. really understands what's going on, I think. I know some
20. of the persons in my district by virtue of some of the mail
21. and phone calls I've received do not understand the provisions
22. of this bill. I am not philosophically opposed to a tax
23. freeze except to the extent that it has a devastating, crippling
24. effect upon taxing units, namely school districts. The
25. importance of this measure, HB 911 is now beyond any question.
26. Many have been up on their feet. I think everybody realizes
27. what this bill is about. This in my judgment is not a
28. partisan matter. It is not a Republican program or a
29. Democratic program or a neuter program. It should not
30. be partisan at all. This is subject to which each of us
31. individually regardless of politics has to address him-
32. self. I defer to Senator Clarke for the purpose of his
33. offering Amendment No. 1 out of courtesy to him as the

1. Senate sponsor. My amendment was placed on the Secretary's
2. desk two days ago. I think it's a valid, response to a
3. problem. We heard testimony in the Revenue Committee as
4. to the devastating effect this bill in its present form
5. would have on cities, counties and particularly on school
6. districts. By this amendment we are now making this law
7. uniform and we are saying to the school districts you can
8. in fact take advantage of not only new parcels or new
9. industrial growth but in the ever increasing increases in
10. assessed valuation due to natural growth. I suggest to
11. each and every one of you that this amendment will give
12. the schools a break and I urge its adoption.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. The question before the Senate is the adoption of
15. Amendment No. 2 to HB 911. There has been a request for
16. a roll call. The roll will be called.

17. SECRETARY:

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

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Nimrod, no. McBroom, no. Course, aye. Walker, no.
30. Conolly, no. On this question the yeas were twenty-eight,
31. the nays were twenty-eight, the motion fails. Any further
32. amendments from the Floor? Been a request for a verification
33. of the negative vote. Will the Senators be in their seats?

1. And then there is a request for the affirmative votes.
2. The first request was for the negative votes. Will the
3. Senators be in their seats for verification?

4. SECRETARY:

5. The following voted in the negative: Bartulis, Bell,
6. Berning, Clarke, Conolly, Davidson, Glass, Graham, Harber
7. Hall, Knuepfer, Latherow, McBroom, Merritt, Mitchler,
8. Howard Mohr, Nimrod, Ozinga, Regner, Roe, Schaffer, Scholl,
9. Shapiro, Sommer, Soper, Sours, Walker, Weaver, Mr. President.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. The negative votes have been verified. There has
12. been a request for a call...verification of the affirmative
13. votes. They withdraw the motion. Then...the roll has been
14. verified the results of the same and the motion to adopt
15. is lost. Any further amendments from the Floor? 3rd
16. reading. Three more amendments? I'm sorry.

17. SECRETARY:

18. Amendment No. 3 by Senator Clarke.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. The Senator will explain his amendment.

21. SENATOR CLARKE:

22. Amendment No. 3 was suggested by the school people
23. huddling over here who...hope that they're going to pass
24. a new school formula, but at any rate in the event that
25. that happens, possibly we do not want to have this law
26. in conflict with the ability of the school districts to
27. reach their maximum qualifications for getting State aid.
28. So this just changes two words and Senator Hynes is aware
29. of the amendment to say that the qualifying rate as
30. prescribed by law to establish maximum eligibility. And
31. I think this is a non-controversial amendment. Would
32. appreciate its adoption.

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. Senator Clarke moves the adoption of Amendment No. 3.
2. All in favor signify by saying aye. Opposed. The ayes
3. have it and the amendment is adopted. Senator Clarke.

4. SECRETARY:

5. Amendment No. 4 by Senator Clarke.

6. SENATOR CLARKE:

7. Amendment No. 4 is a non-controversial amendment to
8. meet a situation where a function is transferred between
9. two taxing districts. Senator Nimrod had a situation where
10. a city is giving up a drug program and the township is going
11. to take it over and this would merely recognize that
12. situation and allow the taxing district taking over the
13. function to increase its rate...its...rate is extension
14. and decrease the other one proportionately.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. All in favor of the adoption of Amendment No. 4
17. will signify by saying aye. Opposed. The ayes have it,
18. the amendment is adopted. Any further amendments?

19. SECRETARY:

20. Amendment No. 5 by Senator Knuppel.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. Senator will explain his amendment.

23. SENATOR KNUPPEL:

24. Mr. Chairman, Members of the Body, Amendment No. 5
25. is designed to provide against the failure of the bill as
26. now amended. It would be less than courageous I think
27. for us to just freeze taxes and not address ourselves
28. to a solution of the problem for the reason of which we
29. are freezing the taxes. This amendment is a revenue
30. changing amendment to the freeze, it goes further than
31. the freeze, because I believe in more than the freeze.
32. I believe in addressing ourselves to a solution of the
33. problem. And this will take care of the loss of revenue

1. to school districts and others occasioned by the freeze
2. where they have an expanding population and an expanding
3. tax base. It provides that the Department shall refund
4. the difference between the amount of taxes that would be
5. collected and those that should have been collected. This
6. is in keeping with the mandate of the new Constitution
7. which provides in Article 10, Section 1 that the State
8. has the primary responsibility for financing the system
9. of public education. 70% of the taxes which we raise
10. through ad valorem levies on real estate are used for
11. education. This will protect those districts which suffer
12. from the lack of new revenue that they should have to meet
13. the demands of services by changing communities. It
14. addresses itself toward restructuring how we raise our
15. revenue in the State of Illinois because this money will
16. have to come from State raised revenues. It will have to
17. be refunded to each of the taxing districts. I submit
18. to you that this prefaces the way to the future. It
19. opens the door on the...and looks into what we must
20. address ourselves to. And by doing this, by doing this
21. it may be necessary that we find in years ahead new means
22. of raising revenue to finance education. This would do
23. just that to those districts which...where they have...
24. their rate frozen, in other words the freeze would still
25. go in and it would be effective, but this would take into
26. consideration increases in assessed value...so that
27. districts that will be deprived by the...of increased
28. revenue by the larger assessment they should have had
29. by collecting it from the State. This does more than
30. just to freeze the package and leave it where it is. It...
31. it looks at the situation. It attempts a cure. It
32. addresses itself to the illness rather than to just
33. freeze it and put it in the ice box for another two

1. years where again we'll be facing an election year for
2. the members of the General Assembly who again I'm afraid
3. will not have the courage. At least it takes courage to
4. say that you're going to raise the revenue at the State
5. level to meet the mandate of the Constitution and to
6. confront your taxpayers and your voters and constituents
7. and say that you're willing to try to cure the problem
8. and to address yourself to it, which nobody else has
9. done in this Body or in the...or in the legislative body
10. across the hall. I submit this is a good, forward looking
11. amendment that it will improve the tax freeze, HB 911,
12. and it ought to be adopted.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Senator Clarke.

15. SENATOR CLARKE:

16. Mr. President this takes us back a year at least, maybe
17. two years when Senator Knuppel wanted to raise the income
18. tax and do something along this same line, and I would think
19. that he should have a...similar bill in to raise the income
20. tax rate a couple of points to make up this difference, because
21. if you're going to ask the Department to make up this money
22. and send it back, it's going to cost who knows how much,
23. a couple a hundred million maybe. I think that...there is
24. a serious question, I mean, I'm not sure but it seems to me
25. that he's also talking about a one year freeze on rates
26. because by the time they set the rates they'd be able to
27. jiggle the rates as well as the assessment and really
28. take the State for a lot of money. I think this is a
29. faulty amendment as well as being very bad in terms of
30. the ability of the State to finance it.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator Wooten.

33. SENATOR WOOTEN:

1. Mr. President and colleagues I support this amend-
2. ment. I mentioned a particular problem I have in my own
3. township to Senator Clarke because of various political
4. maneuverings and an attempt to win an election in my town-
5. ship the assessment, the taxes was driven down tremendously
6. in 1972 and if this freeze goes on it will absolutely put
7. the township out of business, no question about it. And
8. there has to be some way to enable the township to
9. continue to function. They're in a serious situation
10. now and if the freeze goes on it will just wipe them
11. out.

12. PRESIDING OFFICER (SENATOR GRAHAM):

13. Any further discussion? Senator Partee.

14. SENATOR PARTEE:

15. Well, I just like...I'd just like to point out that
16. the growth in tax revenue for the various school districts
17. in this State will be lost and I have some figures that
18. shows what the annual actual loss will be and the per-
19. centage of tax revenue that will be lost to these school
20. districts by this bill. In District 1 which is Senator
21. Clarke's district the percentage of tax revenue to be
22. lost is 6.4%. In Senator Graham's district the percentage
23. of tax revenue loss will be 14.1%. In Senator Regner
24. district 11.76%. There are figures that go up as high
25. as 20...as high as 17% tax loss revenue, percentage of
26. tax revenue losses in school districts alone. I think
27. it is almost, I won't say idiotic but I...I think it is
28. certainly not in keeping with reality to paint something
29. with a name like tax freeze which is not in fact what it
30. is painted to be. With all of the exemptions here in
31. only those areas where it is likely to be, it certainly
32. isn't what it's supposed to be. Now this is an amendment,
33. which Senator Knuppel offers which it seems to me is

1. the only kind of logical way to go, when we have reached
2. this level and this posture. I certainly would think that
3. if we're going to have these losses that we have to make
4. them up or something's going to happen of a very dire nature
5. back home. And I certainly...am supporting this amendment.
6. PRESIDING OFFICER (SENATOR GRAHAM):

7. Any further discussion? Senator Knuppel will close
8. the debate and we'll call the roll.

9. SENATOR KNUPPEL:

10. Mr. Chairman, and Members on the other side of the
11. Body as well as on this side. This proposal is in keeping
12. with the best Republican concepts. Revenue sharing is a
13. part of your President Nixon's plan for relieving the
14. ailments of municipalities. Governor Ogilvie had the guts
15. and the courage to impose a State income tax and where would
16. we be revenue-wise today if he hadn't had it. He faced
17. the challenge and he attempted a cure. I ask you Gentlemen
18. to join with me in doing the same thing. This is not a tax
19. freeze. This is a freeze on educational opportunity because
20. 70% of this money is going for your and my children. And
21. I'm asking you by imposing this freeze without replacing
22. this loss of money who are you hurting most? Maybe most
23. of you fellows over there are too old to have children in
24. school. I have one. I'd like to see that child receive
25. the benefits that I received when I received a full return
26. from the assessed value that was available in my community.
27. ~~Now I'm not saying that this is going to cost more. I'm~~
28. just saying let's reallocate it. Let's give to those people
29. the money they would otherwise have had had it not been
30. for the tax freeze for education. We cannot stop or lower
31. taxes. We can only reallocate where they come from and how
32. we use them, the burden and the benefit. Now in the
33. Constitutional Convention, in the last Session of the

1. General Assembly and in this Session I have stood up
2. and spoken loud and clear for a re-orientation of how
3. we collect and spend taxes. And believe me Gentlemen,
4. I may not be here very long, but if I live a normal life
5. I will see what I believe in, come to pass. The Constitutional
6. Convention believed it, otherwise they would not have
7. said that the primary responsibility for education rested
8. with the State. And to just place a tax freeze to pass
9. a slogan so that those who run next year may be reelected
10. is less than courageous. It's less than deserving of your
11. leadership in the form of Governor Ogilvie and President
12. Nixon and what they've stood for in re-orienting the burden
13. and the benefit of taxes over the last six years. I submit
14. that if you are sincere in solving the problem rather than
15. just brushing it behind the door you'll join with me and
16. vote for this amendment.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. The question before the Senate is shall Amendment
19. No. 5 to HB 911 be adopted. All in favor will signify by
20. saying aye. Opposed. The nō's have it, the amendment is
21. lost. Been a request for a call of the roll. Secretary
22. will call the roll on the motion to adopt Amendment No. 5
23. offered by Senator Knuppel.

24. SECRETARY:

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

1. Weaver, Welsh, Wooten, Mr. President.

2. PRESIDING OFFICER (SENATOR GRAHAM):

3. Ozinga, no. Mitchler, no. Fawell, no. On this
4. motion the yeas were twenty-nine, the nays were twenty-
5. eight. Senator Clarke moves for a verification of the
6. yea votes. Verification of the roll will be had. Will
7. the Senators be in their seats?

8. SECRETARY:

9. The following voted in the affirmative: Bruce,
10. Buzbee, Carroll, Chew, Course, Daley, Donnewald, Dougherty,
11. Kenneth Hall, Hynes, Johns, Knuppel, Kosinski, McCarthy,
12. Netsch, Newhouse, Nudelman, Palmer, Partee, Rock, Romano,
13. Saperstein, Savickas, Smith, Soper, Swinarski, Vadalabene,
14. Welsh, Wooten.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. The roll has been verified. Senator Clarke.

17. SENATOR CLARKE:

18. ...Senator Partee.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Where is Senator Partee? Is Senator Swinarski on the
21. floor? Senator Clarke. The roll has been verified, the
22. amendment is adopted. And Senator Knuppel moves to reconsider
23. the vote by which this amendment was adopted and Senator
24. Carroll moves to Table the amendment of Senator Knuppel.
25. All in favor signify by saying aye. Opposed. The ayes
26. have it and the motion prevails. Any further amendments?

27. 3rd reading. The next bill will be HB 1929, on 2nd reading.

28. 1929 on 2nd reading.

29. SECRETARY:

30. HB 1929 (Secretary reads title of bill)

31. 2nd reading of the bill. No committee amendments.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Any amendments from the floor? 3rd reading. Next

1. bill will be 1944, Senator Davidson. 1944, House Bills
2. 2nd.
3. SECRETARY:
4. HB 1944 (Secretary reads title of bill)
5. 2nd reading of the bill. No committee amendments.
6. PRESIDING OFFICER (SENATOR GRAHAM):
7. Any amendments from the Floor? 3rd reading. Any...
8. Senators desirous of calling House Bill on 3rd reading...
9. 2nd reading, I'm sorry. Senator Dougherty.
10. SENATOR DOUGHERTY:
11. HB 1950. There's an amendment put on that in committee.
12. PRESIDING OFFICER (SENATOR GRAHAM):
13. HB 1950.
14. SECRETARY:
15. HB 1950 (Secretary reads title of bill)
16. 2nd reading of the bill. The Committee on Appropriations
17. offers one amendment.
18. PRESIDING OFFICER (SENATOR GRAHAM):
19. Senator McBroom. Moves the adoption of committee
20. Amendment No. 1 to HB 1950. All in favor signify by saying
21. aye. Opposed. The ayes have it, the amendment is adopted.
22. Any further amendments from the Floor? 3rd reading. 1951.
23. SECRETARY:
24. HB 1951 (Secretary reads title of bill)
25. 2nd reading of the bill. No committee amendments.
26. PRESIDING OFFICER (SENATOR GRAHAM):
27. Are there amendments from the Floor? 3rd reading.
28. 1952.
29. SECRETARY:
30. HB 1952 (Secretary reads title of bill)
31. 2nd reading of the bill. No committee amendments.
32. PRESIDING OFFICER (SENATOR GRAHAM):
33. Any amendments from the Floor? 3rd reading. We'll

1. now go to the order of House Bills on 3rd reading. House
2. Bills on 3rd reading. First bill on the list is HB 18,
3. Senator Harris. You wish to call 18? 3rd reading.

4. SECRETARY:

5. House

6. SENATOR HARRIS:

7. I've just been advised that I'm going to have to
8. leave the Floor for a few minutes. Could we come back to this
9. a little bit later on?

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. You're the President...

12. SENATOR HARRIS:

13. Is there leave?...

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. You're the President, we'll come back to...

16. SENATOR HARRIS:

17. I am going to ask Senator Nimrod to assist me with it
18. and might there be leave of the Body to have Senator Nimrod
19. shown as co-sponsor of the bill with me?

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. Is leave granted? Leave is granted. Senator Nimrod
22. will be so shown. Senator Newhouse for what purpose do
23. you rise?

24. SENATOR NEWHOUSE:

25. Thank you Mr. President, I rise on a point of personal
26. privilege I wonder if...

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. State your point.

29. SENATOR NEWHOUSE:

30. Mr. President I'd like to introduce a group of my
31. fellow Senior Citizens from the City of Chicago who are
32. in the gallery just behind me. I wonder if they could
33. rise and be recognized by the Senate?

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. Next bill will be HB 32. Pass it. HB 41, Senator
3. Bartulis. HB 98, Senator Rock. There's a hold on 70.
4. HB 98, Senator Rock. We'll go by it and come back as
5. soon as he's on the Floor. HB 208, Senator Bartulis.
6. 213, to 220 perhaps will be tomorrow. Senate...HB 224,
7. Senator Rock. HB 312, Senator Daley. HB 300... The
8. non-controversial House Bill 350, Senator Mitchler.
9. Senator Hynes. Are you here Senator? Do you wish to
10. call... Senator Welsh are you interested in HB 370.
11. Hold. Don Moore is not interested in 452, Senator
12. Nimrod is off of the Floor. Senator Rock has most of
13. the bills. Senator Rock, we could direct our attention
14. to you. Do you have any of those...we have read while
15. you were off the Floor that you're interested in calling?
16. We're on House Bills 3rd. We had 98. No. 224. No.
17. And 483, no. And 485 would be a companion, so... HB
18. 518, Senator Knuppel. HB 526, Senator Scholl. HB 554,
19. 555 are not being called. SB...HB 708 to Senator Regner.
20. On 3rd reading, 708. HB 715 has a hold. Senator Palmer,
21. are you interested in HB 717? Senator Glass is interested
22. in HB 757. It will be read by title.

23. SECRETARY:

24. HB 757 (Secretary reads title of bill)
25. 3rd reading of the bill.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Glass.

28. SENATOR GLASS:

29. Well thank you Mr. President and Senators. HB 757
30. is one of the several land trust disclosure bills that
31. the Legislature has considered this Session. This bill
32. is sponsored by Representative Kempiners and passed the
33. House. It takes somewhat of a different approach than the

1. other legislation we have considered in that it places
2. upon the trustee of the land trust the primary obligation
3. of disclosing the identity of every owner and beneficiary
4. having any interest in real or personal property when that
5. property is sold to a governmental unit including school
6. districts. In other words when a governmental body
7. acquires land this bill would require the disclosure of
8. the beneficiaries under any land trust agreement that...
9. wherein what title is held to that land. Generally
10. speaking that is what the bill does. Now there is a
11. further requirement in the bill that the governmental
12. unit which does acquire the property when it is furnished
13. with the names of the beneficiaries must obtain from those
14. beneficiaries an affidavit stating whether or not there
15. are other parties deriving interest from those beneficiaries.
16. The reason for that provision is to cover the nominee
17. situation. In other words, if John Doe is listed as the
18. beneficiary under a...a land trust it wouldn't help very
19. much to find out his name and if...if in fact he was
20. the nominee, the nominal owner only for someone else.
21. So the bill does attempt to get at the true owners of
22. all properties sold to governmental units. I...I would
23. like to point this out because..because I know Senator
24. Rock has some objections to the bill and I think the
25. thrust of those objections although maybe I'm anticipating
26. too much is that governmental units are...are placed under
27. undue burden by the bill and I would just submit to you
28. that one of the amendments on the bill relieves that
29. situation to the extent it is a burden. Where there is
30. a requirement that the governmental unit obtain an affidavit
31. from a beneficiary under a land trust the further provision
32. is...is in the bill now that an affidavit may be obtained
33. from a legal representative or next of kin if that beneficiary

1. cannot be located or is a minor or an incompetent. So
2. while it does place some additional burden on governmental
3. units I submit to you that...that this is not a great
4. burden, that it's merely a matter of securing affidavits
5. and people who are interested in selling property certainly
6. will be able to furnish those affidavits. I think it's an
7. excellent bill. I'd be happy to answer any questions.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Senator Rock.

10. SENATOR ROCK:

11. Thank you Mr. President. Ladies and Gentlemen of
12. the Senate, I rise in opposition to HB 757. It is probably
13. one of the most inartfully drawn, torturous and repetitive
14. pieces of legislation to come in this Chamber this Session.
15. I would ask the sponsor just to corroborate that point. How
16. many amendments were offered in the House, if he knows?

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Glass.

19. SENATOR GLASS:

20. Well, I'm...I'm not going to corroborate the point
21. and I know there were a number of amendments offered in
22. the House. I think six or seven and then we have had
23. several in the Senate. But, I...I don't think that makes
24. it an inartfully drawn bill, Senator Rock.

25. SENATOR ROCK:

26. Well, we have a...a legitimate difference of opinion,
27. but I suggest to the membership that a bill which has
28. undergone seven amendments in the House, then comes to
29. the Senate and now has gone through four amendments, it
30. seems to me just is not yet in proper form. We each of
31. us voted in favor of a land trust disclosure bill that
32. was sponsored by Senator Fawell, so that I think our
33. image or our legislative record is clear. I do not think

1. we need this legislation. As I pointed out when I rose
2. in support of Senator Fawell's land trust bill he had
3. the burden in the right place. It said that the trustees
4. or the beneficiaries if they're going to deal with a
5. governmental unit have the obligation to disclose. This
6. bill is just the reverse. It puts the cart before the
7. horse and says the governmental unit if, in fact, it's going
8. to do business with the land trust must acquire affidavit.
9. Now, why do we put the burden on the governmental unit?
10. Frankly I don't understand that. One of the amendments
11. also attempted to solve a problem which I'd like to point
12. out, and that is right on page one. It says that a
13. governmental unit prior to the acquiring of property
14. must have these affidavits. Now, let's assume just for
15. the sake of argument that the State of Illinois is going
16. to condemn some property, a number of parcels for use of
17. a highway. What, if in fact one person owning one parcel,
18. does not come up with the requisite affidavit? That in
19. effect stops the State from condemnation proceedings. Now
20. I...I know you're going to say we've attempted to cure
21. that by amendment, and you say in the case of condemnation
22. the refusal of any party to disclose does not effect the
23. taking of property. I submit however that it does materially
24. effect the quick-take powers of the governmental unit. In
25. addition to that on page two we've set up a situation where
26. the contract shall be voidable at the option of the govern-
27. mental unit. Now it seems to me that is for the sake of
28. a better word...or lack of a better word, that is legislating
29. chaos. And finally I would just point out on page four,
30. lines 12 and 13 it says very blandly any fraudulent disclosure
31. or affidavit is a violation and is a class 4 felony. Now
32. that...a class 4 felony is a minimum of one year in the
33. penitentiary so that presumably if we have the little old

1. school teacher who happens to be the beneficiary of a
2. land trust and she does not properly disclose, I don't
3. know what fraudulent disclosure means. It's not defined
4. anywhere. But let's assume she doesn't give her full
5. name and address, she is subject to one year in jail
6. under this bill. I think this bill is a...totally bad
7. bill and I urge opposition to it.

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. Senator Netsch the Lady from Chicago.

10. SENATOR NETSCH:

11. Thank you Mr. President, I've made some progress
12. I see with you. I wanted to just simply point out that
13. I...I suppose it's possible in any bill that is as
14. complicated as this and has admittedly been through a
15. few amendments to say that it's not perfect yet. But
16. I think it is in pretty good shape and is a very different
17. approach from the very bad bill that Senator Scholl had
18. earlier that dealt with the subject of land trust. I
19. think this one, it appears to be quite workable, and I
20. would point out one additional thing that it is quite essential
21. because the bill that Senator Fawell had sponsored, 1508
22. that we passed yesterday or the day before does not deal
23. with all of the same subject matter. I think that was a
24. matter that perhaps was not made entirely clear at the
25. time we were discussing Senator Fawell's bill because
26. ~~it came up rather suddenly. But it dealt primarily~~
27. with the question of disclosure of beneficiaries of land
28. trusts when someone with...who...had a land trust was
29. seeking a permit applications or some other such privilege
30. from the government. It did not deal at all with a
31. sale or transfer of an interest in real estate back and
32. forth between government and a land trust. This bill closes
33. that gap. It deals directly with the question of when real

1. estate subject to a land trust is being dealt to govern-
2. ment, there must now be disclosure of the beneficiaries
3. and in fact in this bill a second line disclosure. That
4. is where there may be nominees they also are included.
5. I think where you are dealing with the actual transfer
6. of an interest in land that that is a very, very important
7. addition. So that it seems to me while we might be able
8. to quibble with some words here or there that we've got
9. ourselves now a pretty good package of bills that are
10. indeed going to get at the evil of land trusts and I hope
11. this Legislature will support SB or HB 757 as well. Thank
12. you.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Seantor Sours.

15. SENATOR SOURS:

16. Mr. President...Mr. President and Senators, I'm always
17. bemused when we hear a comment like the learned Senator
18. Rock speaking about amendments. It seems to me that he
19. was very enthusiastic over a certain parochiaid amendment
20. which completely changed the entire tenor of the bill so
21. that the Governor would than approve it, which bill later
22. went to the Supreme Court and was declared unconstitutional.
23. We don't like amendments Senator Rock when we want to do
24. something against a bill. Now, there's one thing this bill
25. does that the others we've considered have omitted and that
26. is, this makes the government which is about to purchase or
27. zone or acquire real estate, it makes that government that
28. would be my board of aldermen and your board of aldermen,
29. just so Alderman Smith of plowed ground county, sitting on
30. the board of aldermen, just so he doesn't have something
31. up his sleeve too. Now this puts an affirmative duty on
32. the purchaser. So if we have an alderman inclined to a
33. little easy under-the-table money, or a city clerk, you can

1. name the functionary, we're going to nail him because
2. he has to do something too. And therein lies the virtue
3. of this bill, with all of its fine amendments. And I
4. hope it passes.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Fawell.

7. SENATOR FAWELL:

8. The only point I wanted to make was that, first of
9. all, I think both Senator Netsch and others who have pointed
10. out that this is a different bill from the HB 1508 which
11. I sponsored...they're quite correct. We are dealing here
12. with a corrupt practices act and the penalty right now in
13. the Corrupt Practices Act is a pretty tough penalty, it's
14. a penitentiary offense and the...the...executive secretary
15. or the person representing the public entity can lose all
16. right to hold a position of trust for two years. So it is
17. very, very tough. A lot of people don't realize that right
18. now, the Corrupt Practices Act which pertains only to contracts
19. whereas the...between the governmental entity and the third
20. party, whereas the bill that I sponsored pertained to
21. applications for permits, licenses, things of this sort,
22. that that distinction is there. The other point that I
23. wanted to bring out is an amendment has been attached to
24. this bill which I think all of us in our districts will
25. be very concerned about. The present construction of the
26. Corrupt Practices Act is that if there is any contract which
27. exists between any corporation or business entity in which
28. a person who sits on any particular governmental entity board
29. has a direct or indirect interest then that person is guilty
30. of a penitentiary offense and thus you have the situation
31. where if A sits on a school board and A happens to own
32. 1% of the stock in B bank, then if the school board has
33. a deposit at B bank you have A automatically being guilty

1. of a penitentiary offense. And thus there's also a clause
2. here which lightens that load and brings out the fact that
3. it is not a prohibited situation under the Corrupt Practices
4. Act, if you have a person owning stock in less than 5% of
5. the stock interest in a bank. Thus I think this will take
6. the load off of a number of people now who feel and rightly
7. so that they have to quit the hospital boards, park district
8. boards, school districts, etc. especially downstate where
9. almost every one of these entities has some type of deposits
10. in all of the local banks, and almost all of the prominent
11. people who serve on these boards have some type of a small
12. interest in the bank and so if their interest is not more
13. than 5% they would not be held to be violating the Corrupt
14. Practices Act. So it also...this bill also accomplishes that.
15. And I think many of us who have received correspondence
16. from our local banks and bankers and local officeholders
17. will be interested in knowing that we will be accomplishing
18. that purpose in the passing of this bill also.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Any further discussion? Senator Glass will close the
21. debate.

22. SENATOR GLASS:

23. Well thank you Mr. President. I think the bill has
24. been well debated. I do want to allude to the amendment
25. Senator Fawell mentioned because that particular amendment
26. does have the concurrence of the Municipal League. We
27. worked with the League to develop that amendment and I...
28. I would just respond also to Senator Rock, very definitely
29. it's my reading of this amendment with respect to condemnation
30. that...the municipalities retain their right for any kind of
31. condemnation. They do have the...the right to take title
32. to the property whether it be by quick-take or otherwise.
33. The only thing that is withheld until the affidavits are

1. obtained is...is the payment to the landowners. I think
2. this bill answers a definite need in our State. And I
3. congratulate the sponsor of this bill in the House. This
4. is a problem that's been addressed by Senator Scholl here
5. in the Senate and I think in a very important area HB 757
6. would require a public disclosure of the beneficial interests
7. and owners of land trusts. I enthusiastically request a
8. favorable roll call on HB 757.

9. PRESIDING OFFICER (SENATOR GRAHAM):

10. The question before the Senate is shall HB 757 pass.
11. Secretary will call the roll.

12. SECRETARY:

13. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
14. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
15. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
16. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
17. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
18. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
19. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
20. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
21. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
22. Weaver, Welsh, Wooten, Mr. President.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. On this question the yeas were thirty-eight, the nays
25. were five. The bill having received the constitutional
26. majority is declared passed. Next bill will be Senate...or.

27. HB 586.

28. SECRETARY:

29. HB 586 (Secretary reads title of bill)

30. 2nd reading of the bill. No comm...3rd reading of the bill.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator Weaver.

33. SENATOR WEAVER:

1. Mr. President, Members of the Senate, HB 586 does
2. just was the Calendar states. This 60,000,000 would
3. be distributed by the county treasurers to the taxing
4. authorities as he would have had the monies not been
5. placed in escrow. Basically because of the timing of
6. decisions, court decisions there was no way for local
7. government tax...and the taxing districts to compensate
8. for revenue losses during the calendar year 1972.
9. Consequently all these taxing districts face some
10. financial crisis, particularly school districts. This
11. bill would replace that years revenue. I have a tentative
12. breakdown on which or how much each county in the State
13. would receive. If anyone has any question I'd be happy
14. to try to answer them.

15. PRESIDING OFFICER (SENATOR MOHR):

16. Further discussion? The question is shall HB 586
17. pass and on that question the Secretary will call the roll.

18. SECRETARY:

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

29. PRESIDING OFFICER (SENATOR MOHR):

30. Netsch, no. On that question the yeas are thirty-
31. three, the nays are eight. HB 586 having received the
32. constitutional majority is declared passed. 708...

33. PRESIDENT:

1. Ladies and Gentlemen of the Senate, I indicated
2. to the people who are in the gallery and present that
3. as close to 12:30 as we could arrange for, we would have
4. a presentation that takes place each Session of the
5. General Assembly here in the Senate. And we determined
6. to coordinate with it two other presentations. Years
7. ago the Senate had prepared a unique, attractive statuette
8. of a baby Senator. Each Session after very careful evaluation
9. of birth certificates we determine who that Senator is.
10. This year it is the articulate and competent Senator Terry
11. Bruce. Senator Bruce would you come to the podium and
12. receive the emblem of your youth.

13. SENATOR BRUCE:

14. As a youngster I'm at lost for words as to what to
15. say and also point out my name has not been placed... I
16. think that would be more appropriate from Senator Wooten
17. to say that he has no words. Oh, my name is on here. I
18. thank you very much. Jim Soper I know will want to make
19. a comment.

20. SENATOR SOPER:

21. Want a verification of his birth certificate.

22. PRESIDENT:

23. Additionally we...want to recognize the winner and
24. the runner up of the bowling tournament that is sponsored
25. each biennium by the Illinois State Bowling Proprietors
26. Association. For years it was a foregone conclusion it
27. was going to be Kenny Course. But this year ten-pin Roe
28. is the Senator champion of the bowling contest among Senators.
29. Would Senator Roe come forward and receive his first place
30. trophy? Senator Roe bowled three lines of 212, 197 and 181.
31. Obviously he was getting tired. It's a good thing it
32. wasn't a four line series, but for a total of 590. Runner-
33. up, Senator Course bowled a series of 163, 192 and 166 for

1. a series total of 521. Will runner-up Course please come
2. forward? Senator Mohr you can go ahead with the work of
3. the Senate.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Members of the Senate, I'd like to introduce a former
6. State Representative well known to all of us, John Houlihan,
7. the head man for the Illinois Veterans' Council...Commission.

8. REPRESENTATIVE HOULIHAN:

9. Members of the Senate, last Saturday morning I was in
10. attendance at the convention of the Department of Illinois,
11. Veterans of Foreign Wars. And I had the privilege and
12. honor of accepting the Medal of Merit on behalf of the
13. President of the Senate, Senator, Mr. President, Senator
14. Harris. I felt it was a great honor and I would like to
15. at this time officially present the Medal of Honor and
16. read the proclamation to this great Body. Senator. This
17. is from the Veterans of Foreign Wars of the United States,
18. Medal of Merit. This citation awarded to the Honorable
19. William Harris, Senator, State of Illinois, in grateful
20. appreciation of many years of valued service to the veterans
21. of our State through his vigorous support of the Illinois
22. Veterans Service program and his loyal adherence to the
23. ideals and objectives of the Veterans of Foreign Wars. In
24. witness whereof we have hereunto set our hands the Official
25. Seal, Veterans of Foreign Wars of the United States, the 21st
26. day of June, 1973, Patrick E. Carr, Commander and Chief,
27. authenticated by Julian Dixon, Adjutant General. And I
28. certainly concur with the Veterans of Foreign Wars. Senator,
29. you have been a great friend of the veterans in this State
30. and in our great Country. Thank you.

31. PRESIDING OFFICER (SENATOR MOHR):

32. ...9, Senator Scholl. 803, Senator Regner. 820,
33. Senator Scholl. ...Senator Swinarski. 1052, Senator

1. Vadalabene. 1052, Senator Vadalabene.

2. SECRETARY:

3. HB 1052 (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Vadalabene.

7. SENATOR VADALABENE:

8. Thank you Mr. President and Members of the Senate.

9. The reason for HB 1052 is as follows: at one time there
10. were twenty-five mobile home plants operating in Illinois.
11. And right now there's only one mobile home manufacturer
12. left in the State of Illinois, located in Anna. All others
13. have left the State, many have moved to Indiana because
14. they cannot build big homes in Illinois as demanded by
15. their customers. They could build them, but they cannot
16. move them. And the Anna plant is a prime example of the
17. out of State competition. HB 1052 has been worked out
18. satisfactorily after several meetings with the Department
19. of Transportation, the State Police and the Mobile Home
20. Owners. And there's no objection from the Motor Vehicle
21. Commission. With approval of these agencies, I ask you
22. Mr. President and Members of the Senate to do what we
23. can, not only to save the economy of the mobile home
24. builders but to locate their plants in the State of
25. Illinois and I ask for your favorable vote.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Knuepfer.

28. SENATOR KNUEPFER:

29. What present lengths are permitted and what lengths
30. will be permitted under this bill? And widths?

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Vadalabene.

33. SENATOR VADALABENE:

1. 14 foot with the...with a 75 foot length.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Knuepfer.

4. SENATOR KNUEPFER:

5. That the present or the...or your future proposed?

6. SENATOR VADALABENE:

7. Those are the present.

8. SENATOR KNUEPFER:

9. And what are you proposing to change it to? From
10. 14 foot wide and 75 foot long to what?

11. SENATOR VADALABENE:

12. No. No. That's it. To 14 foot wide and 75 foot long,
13. that's what we're proposing to change it to.

14. SENATOR KNUEPFER:

15. ...You're going from 12 to 14 foot.

16. SENATOR VADALABENE:

17. Yes sir.

18. SENATOR KNUEPFER:

19. Ok. Now, is...is this only effect our interstate
20. highways?

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Vadalabene.

23. SENATOR VADALABENE:

24. This will effect...these...these mobile homes will
25. be moved and designated on time and day by escort vehicles.
26. They cannot move at any time that they want, at their pleasure.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Knuepfer.

29. SENATOR KNUEPFER:

30. Who...who makes this designation Senator? The escort
31. vehicles, the Illinois State Police or who?

32. SENATOR VADALABENE:

33. The Department of Transportation. They will operate

1. under their rules and regulations.

2. SENATOR KNUEPFER:

3. Well, some...let me just express my concern here.
4. For a number of years when Senator Nihill was in this
5. Body he worried about how these things were going to
6. navigate within the municipalities of this State,
7. particularly Chicago since he was from there. My question
8. is if...if...how are you going...I can understand the
9. possibility of putting these on an interstate, although
10. that even creates some problems. But if you start to
11. navigate these into the...in the municipalities you have
12. immense problems and you're certainly not going to have
13. a police escort for each one of these that goes or...or
14. the taxpayer would be saddled with the bill. Can you
15. give me some kind of a rationale why...I can understand
16. why it's desirable in the economics of the home building
17. industry to make them bigger and wider every year. But
18. I can't understand the...I have equal problems in under-
19. standing the problem of navigation through our streets.
20. PRESIDING OFFICER (SENATOR MOHR):

21. Senator Vadalabene.

22. SENATOR VADALABENE:

23. The State Police at certain times will be...will be
24. asked to give the escort but on all occasions under the
25. rules and regulations of the Department of Transportation,
26. they shall have an escort in the front and in the rear.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Bell.

29. SENATOR BELL:

30. ...sponsor of the legislation would yield to a series
31. of questions?

32. PRESIDING OFFICER (SENATOR MOHR):

33. He indicates that he will.

1. SENATOR BELL:

2. Senator Vadalabene can you tell me what the width is
3. of the average two lane highway? Each lane?

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator Vadalabene.

6. SENATOR VADALABENE:

7. No, I can't tell you the width of the average...I
8. would say twelve foot.

9. SENATOR BELL:

10. Well, if it's twelve foot that means then that there's
11. a two foot overhang into the opposite lane. It's been my
12. observation in the few years that I've driven out in the
13. country especially that there's wind factors that play a
14. significant...a great deal of significance on the moving
15. of...not only mobile homes, but any bulky object, large
16. object and with a two foot overhang or even possibly a
17. one foot overhang on a windy day, I think that it causes
18. serious, serious safety problems. Now I realize that the
19. bill provides for a flashing amber light and that you're
20. going to have flagmen and you're going to have somebody
21. in front and somebody in back. But what about the situation
22. as a motorist approaching from the opposite direction comes
23. over the hill roaring along at 65 or 75 miles an hour on
24. a windy day, and all of a sudden he's confronted with this
25. beast. I think you're going to have a...you're going to
26. increase the significance of a safety hazard a great deal.
27. And I certainly don't object to the...or have any ax to
28. grind with the mobile home industry. But I think there
29. comes a time that we have to address ourselves to this
30. type of thing in relation to our type of highways. And...
31. with these views in mind I have a little trouble with the
32. legislation.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator McBroom.

2. SENATOR McBROOM:

3. Mr. President, Members of the Senate, I want to respond
4. very briefly to Senator Bell. I noticed the Chairman of
5. the Public Transportation Committee isn't here. I think
6. when this bill was heard in...in committee that Senator
7. Vadalabene agreed and...and the members of the committee
8. agreed Senator Bell, that there probably were some mechanical
9. problems involved here, but we felt that the economics out-
10. weighed these problems. Isn't it true Senator Vadalabene,
11. perhaps I was off the Floor when you commenced to talk
12. on... this bill. Isn't it true that several of these
13. industries have closed up in southern Illinois simply
14. because they...and moved to Indiana? Wasn't there some
15. testimony along this line?

16. SENATOR VADALABENE:

17. Yes sir, not only that, but we had 25 at one time,
18. the City of Chicago was the hub of the mobile home industry.
19. They now have all moved into the State of Indiana. Michigan
20. the biggest mobile home industry in the...in the entire
21. United States has indicated they will come back...they will
22. put a plant in Illinois. And there are several other
23. plants who will come into the State of Illinois if we
24. can get some of these rules and regulations adopted. And
25. I will reiterate again, Senator McBroom that this has been
26. worked out with the Department of Transportation, with
27. the State Police... They have very, very strict regulations
28. which...which these mobile homes will have to abide by.
29. And I think it's time we start getting...industry back
30. into the State of Illinois instead...of driving it out.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator McBroom.

33. SENATOR McBROOM:

1. ...at this point I'd like to move the previous
2. question Mr. Chairman.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Will you hold that just a minute until Senator...
5. Senator Mitchler is the only other...

6. SENATOR MITCHLER:

7. Thank you Mr. President, and thank you Senator
8. McBroom. I'll be very brief. This bill has passed the
9. House. It's had good scrutiny in the Transportation
10. Committee, but the mentioner factor here is we're getting
11. into a new industry Senator involving these modular
12. home sections. And this is something that's going to be
13. more and more. You're going to see these modular homes
14. sections where homes are constructed completely at the
15. factory. They're moved in sections and erected immediately.
16. And this makes available a lower cost home and in many
17. instances and it's the type of thing you'll even see
18. going to multi-story units of this type. It's something
19. that's coming. Now we have to change with the...change
20. in times and I think that built into the provisions here are
21. all the necessary safeguards to protect the people that
22. are using highways when you are moving these what we
23. call oversized loads. Now, we do have to move things on
24. our highways, for example this probably is not as dangerous
25. as some farmer coming out with a tractor on the road, not
26. looking and getting on the road with a slow moving vehicle
27. and you have to watch for them. I'm not criticizing, but
28. they have to move their equipment. They're moving their
29. grain from the one side of the farm to the other side
30. having to cross roads. And we have all provisions for
31. this and inasmuch as they'd have the protection that they
32. have to go to the Department of Transportation and they have
33. to have the liability insurance, the flagmen, the front

1. and rear cars, the necessary designation and this is
2. sort of a temporary move but it's good for the economy,
3. this is good legislation. And let's give Senator
4. Vadalabene a good vote on this bill.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Latherow.

7. SENATOR LATHEROW:

8. Thank you Mr. President, Members of the Senate,
9. I'd like to reiterate a little what Senator Vadalabene
10. had to say. That's no question that the provisions that
11. we've had and controls in Illinois have caused the entire
12. mobile home industry with the exception of one place to
13. move out of the State of Illinois. We had one in Macomb,
14. they converted over to recreational vehicles. They're
15. out of the mobile home business. We did at one time
16. take off the restrictions to allow these homes to move
17. across the State of Illinois during the time of the
18. catastrophe in South Dakota. We do and have for several
19. years allowed the moving of this type widths and so on.
20. on a lowboy. And what this will allow is the moving as
21. a trailer on its wheels. Now, they can take the same
22. vehicle and put it on a lowboy and pull it on tandem with...
23. with a truck and they can move that same thing right across
24. the highways today with a permit. Now this permit is
25. different from the 12 foot wide permit in that it requires
26. that an accompanying vehicle both fore and aft. And I
27. can see where there are possibilities of problems on
28. the narrow highways, no question about it. There's a
29. possibility we say of automobile accidents on those
30. narrow highways, on many of them. But with the proper
31. escort and the State Police, the proper supervision, the
32. Department of Transportation supervision, I see no reason
33. why we can't allow this bill to pass.

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator Course.

3. SENATOR COURSE:

4. Thank you Mr. President and Members of the Senate.

5. I rise to support this legislation Ladies and Gentlemen.

6. What hasn't been brought out, that in the past the movers

7. of these trailers, the house trailers have so designed the

8. towing vehicle to make it possible for the trailer to...

9. the house trailer to fit over the top of the vehicle.

10. Now this we know and has been proven time and time again

11. that is a dangerous way to move these vehicles. This

12. will eliminate that practice. Another thing Ladies and

13. Gentlemen, we have out of State manufacturers that are

14. sneaking these trailers in at night. Now this is some-

15. thing that we have no control over and it's very difficult

16. to enforce the practice of this because most of these

17. trailers are being moved over county roads. Now with the

18. passage of this legislation they'll be able to travel down

19. the roads and I was insistent at the meeting that the...

20. legislation be written so that there would be a lead

21. vehicle and a trailing vehicle, warning the passengers

22. that the...the vehicles coming from the opposite direction

23. of the wide vehicle being moved on the road and warning

24. those in the coming up from the rear. This is a good

25. piece of legislation, Ladies and Gentlemen, and I would

26. suggest that the people on this side of the aisle support

27. it.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Senator Johns.

30. SENATOR JOHNS:

31. Ladies and Gentlemen of the Senate. I...I don't

32. know but I believe the Anna, Illinois trailer factory

33. is the only factory for trailers in Illinois, or at least

1. downstate. I had the pleasure of working from the inception
2. with that factory. What we found was we could take untrained
3. labor and unskilled labor and make it usable in the work force
4. to utilize our local, we utilized our local resources, our
5. wood products. And this bill is a good bill we desperately
6. need it to combat... Kentucky and the sister states in the
7. development of this fastest growing industry. I urge a
8. favorable roll call.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Senator Vadalabene may close debate.

11. SENATOR VADALABENE:

12. Thank you Mr. President, Members of the Senate. I'm
13. just going to say briefly to Senator Bell that the Depart-
14. ment will not allow them to move...to move these mobile
15. homes on windy days or on widths they are too narrow to
16. accommodate.. This is the Department of Transportation's
17. one of their strictest regulations. So again I ask you,
18. Mr. President and Members of the Senate to do what we can
19. not only to save the economy of the mobile home builders
20. but to locate their plants in the State of Illinois and
21. I ask for your favorable vote.

22. PRESIDING OFFICER (SENATOR MOHR):

23. The question is shall HB 1052 pass, and upon that
24. question the Secretary will call the roll.

25. SECRETARY:

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

1. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
2. Weaver, Welsh, Wooten, Mr. President. Bruce, Carroll...
3. PRESIDING OFFICER (SENATOR MOHR):

4. Vadalabene, aye. Conolly, aye. Johns,...On
5. that question the ayes are thirty, and the nays are
6. thirteen. HB 1052 having received a constitutional
7. majority is declared passed. Senator Johns.

8. SENATOR JOHNS:

9. Mr. President, I'd like to have the privilege to
10. move to reconsider HB 1052. Thank you.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Johns moves to reconsider, Senator Vadalabene
13. moves to Table. All in favor of Tabling signify by saying
14. aye. Opposed nay. Motion carries. Senator Mitchler.

15. SENATOR MITCHLER:

16. Mr. President I'd like to rise on a point of personal
17. privilege. In the gallery to my rear here we have Mr. and
18. Mrs. John Walsh and their daughter Beth. As we know, our
19. good friend Johns is chairman of the State Commanders of
20. the various veterans organizations. He certainly works
21. with us on many fine programs and it's nice to have he and
22. his wife and his daughter Beth with us today. If they'd
23. rise I'd like to have the Senate recognize them.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. HB 1063. Senator Harris.

26. SENATOR HARRIS:

27. Mr. President, going to have distributed momentarily
28. a xeroxed list of the House Bills on 1st reading that
29. later today will be reported to us. And there may be a
30. supplemental list to this. We are going to place it on
31. the desk of all the members. I would suggest that you
32. look them over in advance of the message that will be
33. coming later today. And then, if you would, we will have

1. a copy of this down on the Secretary's desk, and the
2. Senate sponsors of these House Bills should notify them
3. so that at the time they are read there will be an iden-
4. tification... of the sponsor. It is perfectly obvious
5. that these bills that will receive further consideration
6. by the Senate by Saturday will have to be read a first
7. time today. The list will be distributed momentarily.
8. And, then if you see on it a bill that you intend to
9. serve as the Senate sponsor, notify the Secretary.
10. Ultimately today we will get to Messages from the House
11. and we will then be able to determine those bills that
12. necessarily must be read a first time today. Those that
13. are not of course will find their way to committee and
14. ultimately receive a determination by the Senate. Thank you.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator McBroom.

17. SENATOR McBROOM:

18. Mr. President, Members of the Senate I also rise
19. on a point of personal privilege. In the gallery behind
20. me is my long time close, close personal friend, Patrick
21. Clary from Kankakee and his son Jim. I know he's well
22. acquainted with many members of the Senate. I would
23. wish Mr. Clary and the Senate arise, acknowledge.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. ...63 , Senator Knuepfer.

26. SECRETARY:

27. HB 1063. (Secretary reads title of bill)

28. 3rd reading of the bill.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Knuepfer.

31. SENATOR KNUEPFER:

32. HB 1063 has been amended down very substantially
33. from its...original request from some \$3,000,000 to

1. \$100,000 . . . at the request of the Department of Transpor-
2. tation. The balance of the funds will come from the City
3. of Elmhurst and from Federal funding. The problem relates
4. to a...program that has been studied for some time and that
5. is the grade crossing separation issue. Elmhurst happens
6. to be right at the beginning or the exit, depending on
7. which way you look at it, of the Northwestern Railroad
8. yards in Chicago. The very heavily loaded freights take
9. a long time to get through there. There is no underpass
10. at all. The City now has a program for creating an under-
11. pass, using its funds, Federal funds and this is the
12. allocation from the Department of Transportation and I
13. would appreciate a favorable roll call.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Is there any discussion? The question is shall
16. HB 1063 pass, and upon that question the Secretary will
17. call the roll.

18. SECRETARY:

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

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Newhouse, aye. Bartulis, aye. Walker, aye. Kenneth
31. Hall, aye. Netsch, no. Kosinski, aye. On that question the
32. ayes are thirty-six, the nays are one. HB 1063 having
33. received the constitutional majority is declared passed.

HB 1282
3rd Reading
6-28-73

- 1. 1282, Harber Hall.
- 2. SECRETARY:
- 3. HB 1282 (Secretary reads title of bill)
- 4. 3rd reading of the bill.
- 5. PRESIDING OFFICER (SENATOR WEAVER):
- 6. Senator Harber Hall.
- 7. SENATOR HARBER HALL:
- 8. Mr. President, Fellow Senators, last year the Legislative
- 9. Audit Commission recognized the need to make a general over-
- 10. haul of the State Purchasing Act. This bill is the product
- 11. of several months of work by a subcommittee of the Audit
- 12. Commission headed by Representative Robert McPartlin. And
- 13. it does several things. It changes the type of...changes
- 14. the competitive bidding requirements, it improves this...the
- 15. bidding procedure, it increases the amount necessary for
- 16. putting out formal bids from \$1500 to \$2500. It makes...
- 17. clarifies some language in respect to professional services
- 18. and who are considered...professional in terms of services
- 19. to State government, who can be exempt from the Purchasing
- 20. Act for work that they do. It's a general overhaul of the
- 21. Purchasing Act and I believe it...should receive your support.
- 22. PRESIDING OFFICER (SENATOR WEAVER):
- 23. Is there any discussion? The question is shall HB
- 24. 1282 pass and upon that question the Secretary will call
- 25. the roll.
- 26. ACTING SECRETARY (MR. WRIGHT):
- 27. ~~Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,~~
- 28. ~~Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,~~
- 29. ~~Dougherty, Pawell, Glass, Graham, Harber Hall, Kenneth~~
- 30. ~~Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,~~
- 31. ~~Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard~~
- 32. ~~Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,~~
- 33. ~~Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,~~

1. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
2. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
3. Weaver, Welsh, Wooten, Mr. President.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Glass, aye. Knuepfer, aye. On that question the
6. ayes are forty-one, the nays are none. HB 1282 having
7. a constitutional majority is declared passed. 1360,
8. Senator Don Moore. 1295, Senator Netsch.

9. ACTING SECRETARY (MR. WRIGHT):

10. HB 1295 (Secretary reads title of bill)
11. 3rd reading of the bill.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Netsch.

14. SENATOR NETSCH:

15. Mr. President this is a bill originally proposed by
16. the Illinois Racing Board. It includes three provisions,
17. one has to do with allowing less than a quorum, in fact
18. one person holds the initial hearing. The matters then
19. goes to the full board for review. Excuse me, I just
20. ran down from the 4th floor. The second provision has
21. to do with...indemnification of the members of the board
22. and I think the problems about that were subsequently
23. straightened out. It is not a unique provision. The third
24. was added by...amendment two days ago, and it would in effect
25. relieve the race tracks from...from now reimbursing the
26. State for the cost of investigative services. I opposed
27. that amendment when it went on. The Board has asked me
28. to call the bill for passage, which I am dutifully doing.
29. I will vote against it however.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Is there further discussion? Senator Sours.

32. SENATOR SOURS:

33. Mr. President, I've been concerned a little about this

1. bill. And I'd like to ask the Senate sponsor a question
2. or two.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. She indicates she'll yield.

5. SENATOR SOURS:

6. Senator, will this permit any one member of the commission
7. to conduct an inquisition? Maybe that word is not proper,
8. but a hearing or a...convene the commission for the purpose
9. of...inquiry on the motion and the presiding...of one member
10. of the commission.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Netsch.

13. SENATOR NETSCH:

14. It will...I...I reject your word inquisition. But
15. putting...that makes it a loaded question, but putting
16. that aside, it would permit one member of the board to
17. act in effect as a hearing officer. Let me explain to
18. you, and I...I didn't go into detail about this. This
19. is...I ...exactly the way the law now reads in the basic
20. Horse Racing Act, this is an amendment to the Act dealing
21. with harness racing and quarter horse racing and it conforms
22. it. I...the...the hearings which we are talking about are
23. primarily those where for example a steward has disciplined
24. a jockey for some infraction of rules. That must be
25. heard by the Racing Board, the Board members as you know
26. are non-paid volunteers and they have a very serious time
27. getting them to hold the rather substantial number of
28. hearings, meeting the quorum requirements. That is the
29. purpose of this. Anything that the one member hears by
30. himself or herself must be then reviewed and approved by
31. a quorum that is a majority which means four members of
32. the Board.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Sours.

2. SENATOR SOURS:

3. As I read the bill Senator Netsch I don't think it's
4. ...it's limited to that and maybe you're not quite old
5. enough to remember, but there was a Senator one time from
6. Michigan by the name of Homer Ferguson, I'm going back
7. 25 years. Homer Ferguson was a one man grand jury in the
8. State of Michigan, literally a one man grand jury. And
9. he was a sensationalist, he happened to be a Republican,
10. by birth I think, certainly not by affirmation. And as
11. time goes by he found himself in the U.S. Senate. Now
12. I...I have the notion that anyone of the members of this
13. commission could cause a lot of mischief. After all, the
14. commission does have subpoena powers, a lot of other...
15. privileges it could limit and hurt other people. Now,
16. unless it's limited to personnel problems I don't like
17. this bill. If it was limited to personnel problems I'd
18. have no objection, but I do not think it's limited to
19. whether you're going to get rid of the grounds keeper
20. or someone who keeps score or somebody at the cash window.
21. If it's...if it's wide open, I think it's bad legislation.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Any further discussion? Senator Nudelman.

24. SENATOR NUDELMAN:

25. Mr. President I must agree with Senator Sours and
26. I think the language of the act is explicit that the one
27. party of the board can conduct any business authorized
28. by the statute. So I think Mr....Senator Sours conclusion
29. is the correct conclusion to be reached by the language
30. of the statute. I would add an objection in addition to
31. that objection to the language in Section 1.11 which
32. would require the State of Illinois to indemnify and
33. protect ANY board member or employee or agent for suits

1. based on negligent or wrongful acts, alleged to have
2. been caused, committed in the performance of their duty.
3. Now, I don't think it should be the policy of the State
4. of Illinois or any department of the State of Illinois
5. to indemnify employees or agents or members of boards for
6. negligent or wrongful acts. There may be some statutes
7. similar to this but they are not quite the same language,
8. they don't go quite this far, and frankly I think those
9. statutes as well as this should be deleted from our books.
10. But I think this is the proper place to start, where it's
11. a new statute where they're attempting to create a new waiver
12. situation and a new obligation on the State of Illinois
13. to indemnify for negligence and wrongful acts and I would
14. strongly urge a no vote on this bill.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Any further discussion? Senator Netsch, do you want
17. to close debate?

18. SENATOR NETSCH:

19. Yes, I...I would like to speak in defense of the
20. first two provisions which were the bill as it was originally
21. introduced. Both of these provisions were requested by
22. the board. I agree that one member of the board can serve
23. as in effect a hearing officer, Senator Sours. He is limited
24. to hearing those things which are already authorized to
25. be heard by the board pursuant to the provisions of this
26. act. I must confess I raised myself the question, could a
27. major issue like the allocation of racing dates be heard
28. by one member and the answer was that it appears not to
29. be within the scope of that provision and in any event
30. the identical language in the other bill has never been
31. interpreted in that way. It has been used only to apply
32. to hearings of...and they're fairly numerous of these
33. individual infractions and similar types of matters. Secondly

1. on the question of indemnification the...the board
2. members have very urgently requested this kind of
3. protection, because of the very delicate matters that
4. the Board deals with it has been subjected to suit.
5. Undoubtedly it will continue to be subjected to suit.
6. For example, the fact that Mr. Miller's...Balmoral
7. dates were taken away from him could well lead to a
8. law suit. Very likely it would not be successful,
9. but the board members feel that they are entitled to
10. some protection from that kind of threat and that kind
11. of harrassment. It is not an uncommon provision at all.
12. As I explained to Senator Harris last week or earlier
13. this week there are a number of statutory provisions
14. like this including one that is not quite identical,
15. but very similar in language that indemnifies all school
16. board members and all school board employees. So I
17. think those two provisions are absolutely defensible.
18. My only reason for not supporting the bill now is that
19. I strongly disapproved of the amendment that was attached
20. to the bill the other day. I do not feel that it is fair,
21. to let the race tracks off the hook at this point in time
22. for paying...for reimbursing the State for the investigative
23. services. I informed the board that I would certainly
24. call the bill but because of the amendment I felt in good
25. conscience I should vote against it myself. And they
26. understood that position. Thank you.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. The question is shall HB-1295 pass and upon that
29. question the Secretary will call the roll.

30. ACTING SECRETARY (MR. WRIGHT):

31. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
32. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
33. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

1. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
2. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
3. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
4. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
5. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
6. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
7. Weaver, Welsh, Wooten, Mr. President.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Newhouse, aye. Netsch, no. Senator Netsch for what
10. purpose do you rise?

11. SENATOR NETSCH:

12. I want to postpone consideration. I have to.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator Netsch moves to postpone consideration on
15. HB 1295. It'll be placed on Consideration Postponed.
16. 1748, Senator Carroll asks permission to bring HB 1748
17. back to the order of 2nd reading for the purpose of
18. amendment. Is there leave granted? Leave is granted.
19. Senator Carroll will explain the amendment.

20. SENATOR CARROLL:

21. Thank you Mr. President, Members of the Senate.
22. Since the amendment to HB 1748 is to reduce the amount
23. of the appropriation by taking out one of the three
24. grants in the amount of \$4,347,995 and then reducing the
25. appropriation for administrative expenses by 15.01% to
26. cover what would have been the administrative cost of
27. that grant. I would move for the adoption of the amendment.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Carroll moves the adoption of Amendment No. 1
30. to HB 1748. All in favor signify by saying aye. Opposed
31. nay. Amendment is adopted. Any further amendments? 3rd
32. reading. Senator Rock, 1838. 1843, Senator Nudelman.
33. 1870, Senator Kosinski. 1870. 1910, Senator Howard Mohr.

HB 1910
3rd Reading
6/28/73

1. Do you wish to bring this back to the order of 2nd reading
2. for the purpose of an amendment? Is there leave? 3rd
3. reading.

4. ACTING SECRETARY (MR. WRIGHT):

5. HB 1910 (Secretary reads title of bill)
6. 3rd reading of the bill.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Howard Mohr.

9. SENATOR HOWARD MOHR:

10. Yes Mr. President this is the bill that I called
11. and held yesterday at the request of Senator Carroll who
12. has checked it out and...finds that he can support the bill.
13. Senator Mitchler had a question that has been answered.
14. Senator Knuepfer had a question that has been answered.
15. I know of no objection, I'll ask for a favorable roll
16. call.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Is there any discussion? The question is shall
19. HB 1910 pass. Upon that question the Secretary will
20. call the roll.

21. ACTING SECRETARY (MR. WRIGHT):

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

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Harris, aye. Harber Hall, aye. Partee, aye.

1. Vadalabene, no. Scholl, aye. Mitchler, aye. Senator
2. Hynes on the Floor? On that question the ayes are forty-
3. four, the nays are none. HB 1910 having received the
4. constitutional majority is declared passed. Senator
5. Schaffer on the Floor? ...32, Senator Harber Hall.
6. ...for that bill, Senator Hall. Senator Hall, we'll
7. pick that up later on 2nd reading. I skipped across
8. the Calendar here.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Gentlemen, Ladies of the Senate we're going to
11. start on top of the Calendar, House Bills 3rd and
12. the Chair would urge you if you have a bill I think now
13. would be the time to call it, we're getting down to the
14. wire. I don't know how much longer you can hold them.
15. 18, HB 18, President...

16. SENATOR HARRIS:

17. I noticed there are two members that I know want
18. to be heard on this besides me, Senator Roe and Senator
19. Nimrod. Senator Nimrod is not on the Floor. Ok, I
20. understand he's in the phone booth. Well, let's proceed
21. with House Bill 18.

22. ACTING SECRETARY (MR. WRIGHT):

23. HB 18 (Secretary reads title of bill)
24. 3rd reading of the bill.

25. SENATOR HARRIS:

26. ...President, Members of the Senate. This issue
27. has been before the General Assembly a good many times.
28. It is now here following the response and a statement of
29. position by the United States Supreme Court. In an
30. instant case there they held capital punishment to be
31. cruel and unreasonable, but left for the Legislatures
32. of the several States the responsibility to implement
33. this matter of public policy if we can do so within the

1. constraints of the Federal Constitution and the local
2. Constitution and that court decision. We believe in
3. HB 18 we have that product. And with Senator Rock's
4. amendment we have a bill more constitutionally supportable
5. in the minds of scholars of that subject than when the
6. bill reached the Senate. This is probably more than any-
7. thing a philosophic matter, leaving for the courts them-
8. selves the evaluation and determination of the constitutional
9. questions. I would only say further that this Body has
10. addressed itself to this philosophic question in its
11. favorable consideration of HB 20. I would be happy to
12. respond to questions. I know that this is one of those
13. matters that we identify with within our own instinctive
14. machinery more than anything. I would observe one matter
15. and...additional and that is insofar as public support is
16. concerned the question was expressed at the time of the
17. consideration of our Constitution and a very significant
18. number of people in Illinois expressed themselves as
19. supporting the concept of capital punishment. I would
20. defer any further comments to Senators Rock and Nimrod
21. in support of the bill, of course, not wishing at all to
22. cut off questions or to limit debate on this important
23. issue.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Senator Rock.

26. SENATOR ROCK:

27. Yes, thank you Mr. President. I rise in support of
28. HB 18 as amended. I think as President Harris so rightly
29. indicated that this is in my opinion and in the opinion of
30. the House sponsor Representative Hyde the most constitutional
31. approach that can be had in this regard. I want to point
32. out that the bill was originally drafted by Jim Zaegel
33. who is the head of the Criminal Justice Division of the

1. Attorney General's Office. Jim is an able and competent
2. lawyer as most of you well know. In the Furman Case
3. about which we've heard so much from Senator Carroll and
4. others, there were nine separate opinions. And while my
5. reading might be a little different than that of Senator
6. Carroll's, I don't think the courts so much said that the
7. death penalty per se was cruel and unusual punishment,
8. although two of the opinions seemed to indicate that.
9. But in the other seven concurring opinions, in my judgment,
10. what it did say was that the application of the death
11. penalty because it was applied in most instances only
12. to poor, Black or other minority members its... application
13. was not constitutional. What this bill does in a philosophical
14. way is it really ignores, if you will, it ignores the
15. identity of the defendant, and looks at the nature of
16. the crime and the identity of the victim. So that
17. where you have certain specified crimes or certain specified
18. victims, regardless of who the defendant is, in that
19. instance the death penalty provisions kick in. In
20. addition the amendment which I offered and Senator Harris
21. graciously accepted as did Representative Hyde, calls
22. for an appellate procedure that was suggested by the
23. National Association of Attorneys General at their
24. recent meeting. I think this bill is Constitutional.
25. I urge its support.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Roe. Senator Nimrod did you...Nimrod then Roe.

28. SENATOR NIMROD:

29. I might....Mr. President, I might only add that what
30. has been said I concurred with and I would urge a support
31. of this particular measure. And it is not easy to stand
32. up and make these kinds of decisions, I'm sure. We are,
33. I think responding to the will of the people. And I firmly

1. and sincerely believe that the net result of this will be
2. in saving lives. One has to only look daily to see what
3. is happening in our State and throughout the Nation, and
4. if we can have a curtailment of this we are responding both
5. to the will of the people and certainly doing that which has
6. at least been in accordance of the laws and the civil laws
7. of our country.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Roe.

10. SENATOR ROE:

11. Mr. President, Members of the Senate, I didn't talk
12. on HB 20. I consider that to be the least unconstitutional
13. of the two measures, but I am going to take this opportunity
14. to talk about HB 18. Now in this bill there are a number
15. of classifications that are set up that range, I just might
16. mention a few of them briefly, where capital punishment will
17. be evoked if a set of...circumstances is found to exist;
18. Elected public officials but not appointed ones, Candidates
19. who are running for elected office, policemen, firemen,
20. hijacking, murders, contract murders, rape, arson, robbery,
21. aggravated kidnapping, a person who commits a murder under
22. a sentence of life imprisonment. Now none of these
23. classifications as far as I'm concerned have any reasonable
24. basis. In other words, why is murder committed in the
25. commission of the crime of arson treated the same way as
26. a...a murder of a policeman in his official duties? Other
27. feature of the bill I find very objectionable. One is the
28. three judge court which determines whether or not the facts
29. of the trial and the conviction fit into one of these
30. categories. Now, recently we had a murder case in this
31. State was highly publicized involving the Jane brothers, and
32. Mr. Jane was on trial. This was a contract murder. Now
33. under this bill Mr. Jane having been found guilty of being

1. an accessory, conspiracy to commit murder by contract,
2. would then, once he is convicted, the next procedure
3. would be to have the three judge panel examine this and
4. see if it fit into the contract murder situation. So what
5. you really have then are...are two trails and a clear
6. possibility that the three judge court wouldn't find
7. that beyond a reasonable doubt as the jury or the judge
8. had prior that...that there was enough evidence to show
9. that...that he was involved in the contract murders. You
10. have two appeals under this bill. You have an appeal
11. from the three judge court finding that it fits in the
12. factual classification. You have an appeal from the
13. judgment of guilty. You also have this discrimination
14. hearing which I'm not very...very clear about. I hope
15. Senator Rock could enlighten me on the discrimination
16. hearing how that exactly works, because I...I just don't
17. see where that fits in the bill at all. Now, in my
18. opinion, to also to coin a phrase that Senator Rock
19. frequently uses this bill is patently unconstitutional. It
20. is in two areas that I am aware of, I personally believe
21. after having read that 139 page opinion, one is the
22. classification, the ten or fifteen or twenty or however
23. many crimes that fit into the bill. And the other is
24. prosecutorial discretion, which is the...is a key point
25. in these capital punishment bills, that I don't think
26. we've talked about in the Senate. In other words, it's
27. always up to the prosecutor, the State's attorney to
28. determine who he is going to prosecute for what crime.
29. It's impossible to cover this in a capital punishment
30. bill, because he may have a murder factual situation
31. and decides he's going to indict the person for voluntary
32. manslaughter. Now I'm not going to vote for this bill
33. and I'm not going to vote for it because I am convinced

1. by any stretch of the imagination that it's unconstitutional.
2. I'm told by many members of the Senate that this is not
3. material, we just pass them out and if they're found to
4. be unconstitutional or even if we know they're uncon-
5. stitutional why, you know we've...we've done what's
6. right and the people will like what we've done. And
7. then we can blame it on the courts. But that...that's
8. not my theory of our responsibility here, and I think we
9. have a greater responsibility than that. And I think we
10. have the responsibility to pass legislation that...that
11. we feel after due consideration is constitutional.

12. PRESIDING OFFICER (SENATOR MOHR):

13. ...Carroll.

14. SENATOR CARROLL:

15. Thank you Mr. President, Members of the Senate.
16. I've spoken on this issue before and I won't take your
17. time or the time of anyone else to reiterate it at
18. any great length. I think what's important though since
19. the issue has been raised as to whether or not we
20. can act within constraints to come up with something
21. that at least appears to be somewhat constitutional
22. within the Furman decision. And I can only once
23. again say that since the bill was aimed at the opinions
24. written in Furman we have the obligation to read the
25. entire case. And I am of the clear opinion and I can
26. again quote it if you wish, Chief Justice Berger, the
27. Chief Judge of the United States Supreme Court with
28. three other members joining him who in the Furman case
29. would have upheld the death penalty, they were the
30. minority in that case and they would have upheld the
31. death penalty. They said the only thing in their
32. opinion that made that case constitutional and the
33. only way that they would act in the future is if the

1. jury as the social conscience of the community at the
2. time were the deliberative body to determine whether
3. or not regardless of the victim, regardless of the
4. crime, to determine whether or not the death penalty
5. shall in fact be invoked. They said, and it was Berger's
6. word that they would opt for total abolition of the
7. death penalty if the jury was not the determinant in
8. each individual fact situation as the community conscience
9. on whether or not to invoke a death penalty. This bill
10. clearly does not so provide. It provides for the opposite.
11. I think once again we're just dangling that carrot in
12. front of those people of our State who want a death
13. penalty and I think that...that wisdom once again would
14. say that we should not pass this kind of legislation.

15. PRESIDING OFFICER (SENATOR MOHR):

16. Senator Bell.

17. SENATOR BELL:

18. Mr. President, Members of the Senate, I was the sponsor
19. of HB 20, that was a limited incursion that sought a limited
20. incursion to seek to reestablish the death penalty. This
21. bill, HB 18, is a broader thrust. Now, you've heard
22. testimony here today in reference to HB 18 that indicates
23. that it probably is constitutional and you've heard
24. testimony that...indicates, well, it's probably unconsti-
25. tutional. My point fellow Senators is simply this,
26. the people of the State of Illinois have said they want
27. a death penalty. All you have to do is pick up the papers
28. and you see the expression of their will. All you have
29. to do is pick up the papers and listen to the news media
30. and you see the reason for the need. HB 18 is a broader
31. thrust. It allows the Supreme Court if they're going to
32. rule on this to take two different views or to examine
33. two different approaches. One approach was Representative

1. Cunningham's and my approach a limited thrust that we
2. hoped would meet the constitutionality question. Rep-
3. resentative Hyde and Senator Harris' approach is the
4. broader shot gun if you will, approach. I think both
5. bills need to be...placed on the Governor's desk. I
6. think that the people of the State of Illinois would
7. like that reaction from this Body. And I ask you to
8. support HB 18.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Senator Sommer.

11. SENATOR SOMMER:

12. Mr. President, Members of the Senate I recognize
13. that the people of Illinois have indicated that they
14. desire the retention of the death penalty. I was also
15. a member of the subcommittee which studied the possibility
16. of coming up with a bill that could implement that and...
17. cause the Senate to make a choice. The considered opinion
18. of those of us on the subcommittee, I think almost all of
19. us, was that this bill as Senator Roe has said is patently
20. unconstitutional and would be found as such. I think it
21. is wrong for us in an area in which we're dealing with
22. peoples lives to...do this sort of thing. If we are
23. going to approach the problem, I believe that we should
24. make every effort to attempt a constitutional approach.
25. One thing that interested me about this bill was that it
26. is possible to receive the death penalty for killing a
27. public official. I take you to the situation in my home
28. area in which there are tavern fights, and someone gets
29. killed. This occurs occasionally everywhere in the State.
30. If you are so unlucky as a murderer to have killed a
31. commissioner or a director of a mosquito abatement
32. district you could get the death penalty. If you kill
33. someone else who is not a member of a mosquito abatement

1. district or a township auditor, or some other office like
2. this he would not receive a death penalty. That is arbitrary
3. and capricious punishment and is clearly unconstitutional.
4. This bill is fraught with this sort of thing and I would
5. urge the responsible members of the Senate not to go forth
6. on this just on the basis of philosophic views. Thank you.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Netsch.

9. SENATOR NETSCH:

10. Mr. President, legal arguments have been made. I would
11. like simply to add again a moral argument. If any of us
12. have any doubt at all about the death penalty, I would
13. point out the fact that we are not now reimposing it in
14. only a limited number of cases as was true at least in
15. the case of the other bill. We have here some ten or
16. fifteen categories in which the death penalty would be
17. reimposed, including I might add the murder of an elected
18. public official. I am not sure why we stand in any more
19. protected or sanctified position than any other human
20. being. I think it is immoral to kill people. This bill
21. does not solve the legal problems nor does it solve the
22. moral problems.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Regner.

25. SENATOR REGNER:

26. Yes Mr. President, I have one question regarding
27. this bill and I was just thinking I'd like to ask it
28. and possibly Senator Chew could respond to it. I noticed
29. there's a long list of people that... various individuals
30. and various occupations that are covered under this bill,
31. and I think it's quite notable by the absence that members
32. of the news media are not covered.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Chew.

2. SENATOR CHEW:

3. Yes Mr. President. I had planned not to say anything
4. for the balance of this Session but I don't want the news
5. media left out. I want them included. So I have an amendment
6. to the bill, that will include the news media. May I present
7. it to the Secretary Mr. President?

8. PRESIDING OFFICER (SENATOR MOHR):

9. Well, that's...that's your privilege, yes, Senator.

10. SENATOR CHEW:

11. I shall present it Mr. President.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Then...

14. SENATOR CHEW:

15. Moral included.

16. PRESIDING OFFICER (SENATOR MOHR):

17. ...the agreement is that leadership on both sides
18. should also have a copy of that...Senator and before we
19. act on it they would have an opportunity to read it.

20. Senator Chew.

21. SENATOR CHEW:

22. I shall see that the leadership on both sides will
23. have a copy of the amendment and every Senator will have
24. one too because I want to include them.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Smith.

27. SENATOR SMITH:

28. Mr. President, and Members of the Senate, as Senator
29. Netsch said a few moments ago the probable constitutionality
30. or unconstitutionality of this bill has been discussed.
31. As I came upon the Floor and I heard the sponsor of the
32. bill state that there were those who perhaps had
33. philosophical ideas and I know that it's perhaps altogether

1. unnecessary that there be any discussion of this bill
2. at all. I think that each and every member here knows
3. that just as certain as the morning's light will follow
4. tonight's darkness just so certain will this bill pass.
5. Those of you who have served here in the Senate or in
6. the House during the past many years know and knew in
7. advance when I took the mike that there's one member
8. of this Body that is unalterably opposed to the death
9. penalty. Absolutely nothing could be said to change
10. my views, my opinions, whether the bill is constitutional
11. or unconstitutional. I have a deep abiding faith within
12. me that there is a higher standard by which this bill
13. or any other death penalty bill should be considered.
14. Able lawyers have stood here and spoken and I dare say
15. will speak in favor of a death penalty. But my mind
16. runs back first to one of the greatest lawyers that has
17. ever practiced criminal law in the State of Illinois, the
18. late Clarence Darrow. He said to me on one occasion
19. there in his office, me a lad that I was, that he could
20. not be disturbed at that moment, I used to stop in and
21. out his office invited or uninvited. And he was trying
22. to find in the statutes something to defend some point
23. of view that possessed him. And his mind wandered to
24. capital punishment, whether true or false this is what
25. he said to me. That every man in a penal institution
26. awaiting the carrying out of a death sentence was there
27. because he did not have competent counsel to defend him.
28. I cast no aspersion upon the ability or capabilities
29. of lawyers present here. It's not for me to decide
30. the truthfulness or the untruthfulness of his assertion.
31. But he said and I repeat, that those awaiting the carrying
32. out of the death penalty in their case were there because
33. they did not have competent lawyers or counsel to defend

1. him. But my reason is deeper than that. I think every one
2. of the senior members know that my belief is dedicated to and
3. impregnated with a religious belief. I could quote scriptures,
4. I stand here now that might be considered in favor of the
5. death penalty. "Who so shedeth man's blood by blood shall
6. his blood be shed." And I know that you will laugh at me at
7. what I'm going to say but it's the God's truth. It has
8. been argued that man's right to kill the manslayer is
9. predicated upon just that. That that passage in some
10. way does convey a Divine Authority or right for man to kill
11. the manslayer, and I agree with you, that those two words
12. by man certainly do seem to imply a sort of Divine Authority
13. for man to kill the manslayer. But I wonder what you
14. Gentlemen who are debating about the constitutionality
15. or the unconstitutionality of this death penalty will say,
16. but I assure you that the words by man are not in the
17. original at all. The words are simply and I speak from
18. memory that "who so shedeth man's blood his blood shall be
19. shed". Perhaps some of you are like myself, Bible students,
20. Bible scholars. I hasten then to admit that I know as
21. well as you that it is true that Krama, Cravadeal and the
22. bishops who produced certain later interpretations of the
23. Bible. They do interpolate the words "by man". But the
24. Septuagint, the Vulgate, the versions of skio, of austoville
25. and Wycliffe, they all leave it out. Altogether. Completely.
26. Now, I'm not well enough qualified to speak nine languages,
27. I'm not well enough versed in the Hebrew language to refer
28. Gentlemen here to the original. But I am sufficiently
29. well informed upon the matter to stand here and state
30. that the exact translation of the original passage is
31. this, "who so shedeth man's blood that is in him, his blood
32. shall be shed". Two days ago I sat here and I listened as
33. my...

1. PRESIDING OFFICER (SENATOR MOHR):

2. Senator, I, hesitate to interrupt, I would ask that
3. you conclude, your time has expired.

4. SENATOR SMITH:

5. I think I...a portion of my time was taken in the
6. interruption by your legal advisor, Mr. President...

7. PRESIDING OFFICER (SENATOR MOHR):

8. Well, he advised me that the clock ran out two minutes
9. ago.

10. SENATOR SMITH:

11. Well, I heard the good Senator dressed in red argue
12. an eye for an eye and a tooth for a tooth. That is one
13. of the arguments advanced in favor of cooking a human
14. being and that's all it is now, the form of capital
15. punishment we mete out. And I say now that you have
16. summoned or called my attention to a fact that my time
17. is up, that that is the kind of argument that's used by
18. men nowadays, in support of capital punishment. And
19. I could not close without saying this, that I think that
20. any such type of argument as that was meant for the wild
21. and the savage state of the world. When we come here
22. nowadays in the midst of modern civilization and learning
23. I think that we who argue such we were just simply born
24. too late.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Soper...Sours.

27. SENATOR SOURS:

28. Mr. President, Senators, some day there's going to
29. have to be a solution to the possible restoration to the
30. death penalty. I don't think this is it. I commented last
31. week on an accused by the name of Lloyd Miller, Senator
32. Knuppel's Senate District, who was in death row for years
33. and finally he's out on the street today. Now the United

1. States Supreme Court I'm very confident will draw a
2. distinction between for example a paid hired assassin
3. who has a definite subject to kill who plans it very
4. adroitly, carefully, painstakingly over a matter of time,
5. there's no fit of anger, no temporary insanity, that's
6. the legal phrase, carefully plans it. On the contrary
7. some young 17 or 18 year old person who is all geared
8. up to make a heist, commit a burglary by perhaps breaking
9. in a family resident or maybe an armed robbery, while
10. in the act kills some person. Now therein in addition
11. to what Senator Sommer said, lies the distinction which
12. the United States Supreme Court will use and I'm very
13. confident when I say that, in striking down this law
14. if it becomes a law. The ridiculous example mentioned
15. by Senator Sommer is certainly within the purview of
16. this...of this law that we're considering now. Now it's
17. all well and good to make a very fervent public address
18. on the necessity for bringing to book the malefactors
19. that make life very hard living in many communities, that's
20. all nice oratory. But we might just as well stay home if
21. we're going to pass this kind of legislation. And I'd like
22. to repeat I am not against, I'm not constitutionally
23. against capital punishment in a proper case and this
24. is not it. One other comment when we delegate to another
25. judge or two who may not have heard the case the fixing
26. of the penalty we are attempting to delegate a nondelegable,
27. grisly duty. That too is a constitutional infirmity. Now
28. we can remain around Springfield forever passing bad bills,
29. and I say we might just as well stay home. This is not a
30. bill that could stand constitutional muster and it will,
31. because today in 1973 we have legal aid, we have public
32. defenders and we have a source of wealth that will permit
33. anyone attempting to attack the constitutionality of this

1. law to waltz it up to the United States Supreme Court, once
2. and if dissatisfied with the results, petition for a re-
3. hearing, once or twice or as long as any one of the nine
4. judges will grant the order. Now that's what we're faced
5. with and I want to repeat I am not constitutionally opposed
6. to the death penalty in a proper case and this is not it.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Newhouse. Senator Newhouse moves the previous
9. question. All those in favor signify by saying aye. Opposed.
10. Motion carries. Senator Harris may conclude the debate.

11. SENATOR HARRIS:

12. Well, let me just say that the question of the con-
13. stitutionality is not finally determined by this Body ever.
14. That question appropriately resides in the courts. The
15. determination of public policy is the responsibility of this
16. Body. Philosophically we have already expressed ourselves
17. on this. We believe we have an effective means expressed
18. in HB 18, and as the result of the work of the subcommittee
19. and the acceptance by that committee in this Body of Senator
20. Rock's amendment we have an even better bill to meet the test
21. of constitutionality. We have an effective means to im-
22. plement what is clearly the expressed wish of the people
23. of Illinois. I urge a favorable roll call.

24. PRESIDING OFFICER (SENATOR MOHR):

25. The question is shall HB 18 pass and on that question
26. the Secretary will call the roll.

27. ACTING SECRETARY (MR. WRIGHT):

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

HB 1484
3rd Reading
6/28/73

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
2. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
3. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
4. Weaver, Welsh, Wooten, Mr. President.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Mitchler, aye. Clarke, aye. Bruce, aye. Soper,
7. aye. On that question the yeas are thirty-six, the nays
8. are sixteen. HB 18 having received the constitutional
9. majority is declared passed. HB 1484, Senator Fawell.

10. ACTING SECRETARY (MR. WRIGHT):

11. HB 1484 (Secretary reads title of bill)
12. 3rd reading of the bill.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Fawell.

15. SENATOR FAWELL:

16. Mr. President and Members of the Senate, HB 1484
17. is Representative Hoffman's much discussed school formula
18. legislation. It's an...very involved formula and I will
19. not attempt to go into all the details. Suffice it to
20. say that we have here for the first time in many, many
21. years a new concept which is referred to as the resource
22. equalizer. What we are attempting to do in the presentation
23. of this legislation which has come from the School Problems
24. Commission after quite a long period of research and study
25. is to guarantee...is to guarantee to each particular form
26. of a school district whether it be a unit school district
27. or an elementary district or a high school district, a
28. certain amount of assessed valuation behind each student
29. and average daily attendance. For the unit districts
30. that would be \$42,000 of assessed valuation per child
31. in average daily attendance, in the elementary districts
32. 64,000, and in the high school districts 120,000. At
33. the same time we are setting forth maximum rates of \$3.00

1. in a unit district, \$1.95 in the elementary district and
2. \$1.05 in the high school district . And thus we are
3. guaranteeing based upon the particular rate that a district
4. may levy up to the maximum rates. We are guaranteeing that
5. that much assessed valuation at least will be behind every
6. child in average daily attendance in the particular school
7. district in concern. I think that this is a concept that
8. unravels a lot of the intricacies of the formulas which
9. have been passed in the past and have actually had tax
10. works put to them so that not many people really understood
11. them. We have also incorporated into the formula a roll
12. back of taxes but we have also set forth that the expenditure
13. level of any school district which exists at the time that
14. the act goes into effect will not be disturbed. We have
15. further given to every school district the right by a front
16. door referendum to increase the expenditure level, not the
17. tax rate but the expenditure level by 15% recognizing that
18. some school district will want to expand the expenditure
19. level to more than what has been set forth in the bill.
20. This is as I've indicated a very unique step. It has
21. built into it an automatic method of taking care of the
22. loss of any assessed valuation because as we depart from
23. the personal property tax and as a district should suffer
24. any other loss of assessed valuation the guarantee by the
25. State of the maximum will guarantee that you will always have
26. those maximums to which I have referred. It also is quite
27. an advance I believe in regard to school district organization
28. because no longer are we going to be fighting over assessed
29. valuations as we organize new school districts, we'll
30. have the advantage of the State always guaranteeing a
31. certain amount of the assessed valuation. We have also
32. built into this formula the right of any school district
33. to go back and use the old formula if they so desire. If

1. for any reason they don't appreciate what is being done
2. here they can utilize the old formula. I've mentioned
3. the safety valve that in those districts that are expending
4. at a higher level than has been set forth they have the
5. discretion to go higher. We have also built in a formula
6. for disadvantaged students coming from the poverty areas
7. of the State which will vary from .35 to .75% depending
8. again on the number of disadvantaged children who may
9. live there. I believe that we have here a totally new
10. concept that can insure over a period of time, we have
11. built into the formula too that any particular increase
12. here of the total increase that would be realized at terms
13. of 25% of the increase per year, so that you would have
14. this total formula come into effect over a period of four
15. years. I'd be glad to answer any questions that you may
16. have. We have of course the opposition expressed by
17. the minority in the schools problems commission and I
18. believe that Senator Hynes will be their spokesman, setting
19. forth a preference for the formula that has been presented
20. and talked about by the Office of the...of the Superintendent
21. of Public Instruction. I would ask for the favorable roll
22. call.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Senator Hynes.

25. SENATOR HYNES:

26. Mr. President, Members of the Senate, I rise in opposition
27. to this bill in its...in its present form. By way of
28. compliment to the sponsor both in the House and in the
29. Senate I think substantial time and effort has gone into
30. the development of this proposal. I think it does contain
31. many aspects which...are desirable and which would bring about
32. some improvement I think in our system of school financing.
33. But I believe that in its present form its disadvantages

1. outweigh the advantages of the formula. I believe that
2. it is possible to with amendments to put this bill into
3. the condition that it might be acceptable to all. I also
4. however believe that the proposal, the alternate proposals
5. supported by the Superintendent of Public Instruction
6. which met with very little success in the Senate Education
7. Committee is a better approach at this time and at this
8. place. And I would urge that all members consider that
9. when being asked to vote on this proposal because we do
10. have the time left in this Session to adopt either the
11. alternative proposal or to modify this proposal so as
12. to eliminate some of the problems that exist. And I'd
13. like to talk about a few questions and problems that I
14. see with this proposal in its present form. First of
15. all the massive commitment of the State that is required
16. here is something I think we would all like to see if
17. we had had the opportunity to carefully plan for it and
18. to know that the funds would be available. This is not
19. simply a one year program. This sets the State off on
20. a direction for the next four years. This is phase I
21. of a 4 phase program for the reformation of the system
22. of financing our common schools. This year the increase
23. in State expenditures through the formula alone not
24. counting the special and categorical grants that we
25. have been voting on here these past several weeks, will
26. be approximately \$137,000,000. This requires a commitment
27. by the State over the next four years of \$761,000,000, and
28. in addition to that if the incentives of the bill contains
29. for local real estate tax increases actually bring about
30. those real estate tax increases, the State will have to
31. supply an additional sum of money possibly as high as
32. \$200,000,000. So conceivably we could be talking about
33. a \$1,000,000,000 commitment of the State over the next

1. four years to this formula. Now in anyone's view...
2. and that's a \$1,000,000,000 increase over where we
3. are right now, and we are over a billion dollars
4. already, now in anyone's view that is a substantial
5. amount of money and a commitment should not be made
6. it seems to me to that kind of a program until all
7. of the flaws, all of the defects, all of the bugs
8. have been worked out and until we have an approach
9. that is uniform, that is fair, and that meets the
10. problems that exist throughout this State. What are
11. some of the problems that exist with the bill? First
12. of all, it discriminates unfairly I believe in its
13. present condition and this could be remedied against
14. elementary districts. That is the elementary dual
15. district, and against unit districts. Both in terms
16. of the local revenue that is available that is to say
17. the access to real estate tax revenues and in terms
18. of State revenues for education. The beneficiary,
19. the primary beneficiary, of the bill will be the high
20. school districts as opposed to the others. All will
21. certainly get an increase in aid but it is disproportionate
22. in terms of the benefits given to the high school districts.
23. Every high school district under this bill can utilize
24. its maximum property tax rate and get maximum State aid
25. as a result of it. Most of the unit districts, most of
26. the elementary districts will not be able to get maximum
27. State aid without an increase in local real estate taxes.
28. Specifically 94% of the high school districts will the
29. day after this bill became law, if it did, would get 90%
30. would get 100% State aid, would get the maximum possible
31. State aid. Whereas only 15% of the elementary districts
32. and unit districts would receive this maximum. The other
33. districts would have to have local real estate tax increases

1. in order to get the maximum help from the State. This
2. proposal will in effect guarantee to the average high
3. school district a level of \$1400 per pupil whereas with
4. an elementary district the guaranteed level will be \$970
5. per pupil, and a unit district the guaranteed level will
6. be \$940 per pupil, and that will not change unless and
7. until the local district increases its real estate taxes
8. in order to qualify for additional State aid.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Please conclude Senator, your time has been up.

11. SENATOR HYNES:

12. And that last point I think is a very important one,
13. the bill provides matching in effect, as matching State
14. grants as an incentive for local districts to raise their
15. rates up to certain levels. The State in some cases will
16. be supplying as much as \$10.00 for every dollar in local
17. property tax revenue that is raised. I think it does
18. equalize but at the same time it takes us in a direction
19. that I think we have been very reluctant to go, that is
20. to increase further local real estate taxes. I believe
21. that this bill in its present form at this moment is
22. undesirable and is not deserving of our support. Either
23. the alternative proposal or this bill in a modified form
24. should be adopted by this Legislature.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Buzbee.

27. SENATOR BUZBEE:

28. Thank you Mr. President. Mr. President I rise in
29. opposition to HB 1484, under the present school aid formula,
30. the one we're operating under right now, the 98 counties of
31. the State outside of the Chicago Metropolitan area that is
32. Cook, Lake, DuPage and Will, receive 47.8% of the total
33. formula aid while serving 44.9% of the State's pupils in

1. average daily attendance. The slightly higher aid
2. percentage is due to the relative lower taxable wealth
3. of the downstate area, and the equalizing qualities of
4. the present formula. On the other hand the resource
5. equalizer found in HB 1484 provide that these same
6. 98 downstate counties with only 1/3 of the increased
7. aid although the area will continue to serve about 45%
8. of the State's pupils. This difference can be offset
9. under HB 1484 only, and I call your attention to this
10. Mr. President, this difference can be offset only under
11. HB 444 if downstate school property tax rates are dramatically
12. increased. We're going to be dealing here tomorrow
13. probably or sometime today or tomorrow with the tax
14. freeze bill and yet here in this very bill we're talking
15. about schools to be able to receive their maximum State
16. aid will have to increase dramatically their property
17. tax rates. This discrimination is further illustrated
18. by a comparison between HB 1484 and the proposal submitted
19. by the Superintendent of Public Instruction. Although
20. both of these proposals cost approximately the same amount
21. and Chicago would get approximately the same amount under
22. both proposals the OSPI proposal provides more money to
23. the school districts of the 95 counties while HB 1484
24. allocates more money to only 7 counties. Five of these
25. seven counties are in the northeastern most corner of
26. the State and none of them are south of Rock Island
27. County. I have gone through on a comparison list that
28. I have picking random downstate legislative districts.
29. As an example, Legislative District #43 under the OSPI
30. proposal as opposed to HB 1484's proposal, Legislative
31. District #43 would receive \$875,000 more under the OSPI
32. proposal. Legislative District #44 would receive \$753,000
33. more under the OSPI proposal. Legislative District #45

1. would receive \$634,000 under the OSPI proposal. Legislative
2. District #47 would receive \$1,151,917 more under the OSPI
3. proposal. Legislative District #49 would receive \$1,068,057
4. more under the OSPI proposal. Legislative District #53
5. Senator Merritt's district would receive \$563,000 more
6. under the OSPI proposal than they would under 1484.
7. Legislative District #54, Senator Bruce's district,
8. would receive \$1,043,906 more under OSPI. Legislative
9. District #58, my district would receive \$714,682 more
10. under OSPI's proposal. Senator John's district, #59
11. would receive \$635,312 more under the OSPI proposal.
12. I know that many hours of work have gone into HB 1484.
13. I understand that they were trying to work on a problem
14. that effects five or six of the particular highly industrialized
15. urban counties, but that still doesn't solve my problem
16. downstate. And I think my problem downstate as well as
17. those problems of those urban counties are best taken care
18. of under the OSPI proposal. And I intend to oppose HB
19. 1484. Thank you Mr. President.

20. PRESIDING OFFICER (SENATOR MOHR):

21. Senator Bell. Senator Glass.

22. SENATOR GLASS:

23. Well thank you Mr. President, Senators, I would like
24. to just say very briefly that this is an excellent school
25. formula. It is definitely a breakthrough for Illinois as
26. Senator Hynes has mentioned. It would launch us off in
27. an important new direction. And I think it...it is absolutely
28. essential that we do launch the State in a new direction
29. because for years we've labored under a school formula
30. that is...thank you Mr. President. We have had a school
31. formula that is clearly unfair and unequal. There are
32. many districts in the State with extremely low assessed
33. valuations per student and others with very high assessed

1. valuations: No matter how high some of these poorer
2. districts tax themselves they simply cannot obtain the
3. same amount of dollars for the students in school as
4. the higher districts who can obtain those dollars with
5. a minimum of local effort. This is unfair and while I
6. would congratulate Senator Hynes and those who have
7. worked on the other formula bill because I know that
8. it...a lot of work went into that too and it...in many
9. respect it's a good bill. In fact it is just the same
10. formula that we have had for years embellished somewhat
11. and I think we've at some point got to get away from
12. this formula and launch ourselves off on what this
13. formula is and that is a resource equalizer. I think
14. that name very adequately and aptly describes the new
15. formula because it says to school districts you can
16. have the same resources as all the other districts in
17. the State. And the principle that Senator Buzbee
18. discussed that I think should be responded to is that,
19. yes it...it does require local districts to tax themselves
20. higher in order to get more State aid, and I think that's
21. a good principle. It is a principle based on local effort
22. and if districts will tax themselves at the same rates as
23. their neighbors locally they will have the same amount of
24. tax dollars available for their children in their public
25. schools as all other districts. I think it's a very fair
26. formula. It eliminates the invidious discrimination that
27. we have seen in the last twenty-five years or so between
28. unit and dual districts. And while it is...it is not perfect
29. I think it is largely it is a good time to launch off in
30. direction and I certainly would urge support of this
31. formula.

32. BILLING BRUCE (SENATOR MOHR):

33. STATE OF OHIO

1. SENATOR ROMANO:

2. I move the previous question.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator Romano moves the previous question. All
5. those in favor signify by saying aye. Opposed. The
6. ayes have it, the motion carries. Senator Fawell may
7. sum up, please.

8. SENATOR FAWELL:

9. Well, just a few comments. In Senator Hynes and
10. referring to the discrimination in regard to elementary
11. districts some of you have been contacted in this regard.
12. May I say to you if anybody wants to suggest an alternative
13. we'd more than glad to listen to that alternative. What
14. they are saying is that they want to remove the referendum
15. necessity which is now built into the present statute as
16. a condition precedent to an increase in the tax rates. We
17. simply are taking the existing law as we find it and I
18. don't think anybody on this Floor would seriously suggest
19. that we ought to eliminate the necessity for a referendum
20. insofar as these districts are concerned. I think too
21. that the improper way Senator Buzbee of approaching this
22. bill is to attempt to look at each particular district
23. and say how much money may or may not be coming to that
24. particular Senatorial district. I think you also ought
25. to be aware that the latest printout from Superintendent
26. Bakalis' office in regard to the amount of money that
27. allegedly would be coming under his formula, bear in mind
28. the total amount of approximately 139,000,000 increase
29. here is about the same in both. But the Bakalis formula
30. was amended in committee so that it did bring about
31. recognition of eliminating the dual district disparity
32. and also it was amended so that no more than 25% of the
33. increase could be obtained in any one year. And yet I

1. submit that the reduction in regard to each of your
2. Senatorial districts which was therefor something that
3. had to follow has never been published to my knowledge
4. by Superintendent Bakalis. So that the figures given
5. to you are not accurate and Senator Merritt for instance
6. in your area the figures given to you those are not
7. accurate figures, because they have not included the
8. decrease that must take place because the Bakalis
9. formula has been amended quite substantially. More
10. important than anything else however is the concept
11. we are talking about. The concept that is geared toward
12. equal educational opportunity for all. We want to be
13. in a position to guarantee that there's going to be
14. the assessed valuation in every school district regard-
15. less of what part of the State it may be situated so
16. that you can have a feasible, an equitable education
17. for all. And we want to be in a position that when we
18. reorganize as we are always attempting to do we are
19. not going to have the continuous battles we have right
20. now which is one, fighting over assessed valuation
21. because the local people know that this is so very
22. important in regard to the quality of education one
23. is going to have. So the concept is of utmost importance
24. and as Senator Glass has pointed out, the Bakalis formula
25. is simply more of the old with tax work. I hope we do

26. have a resounding majority in support of this new concept.

27. PRESIDING OFFICER (SENATOR MOHR):

28. The...Senator Hynes.

29. SENATOR HYNES:

30. Mr. President on a point of personal privilege. The
31. figures that we distributed Senator Fawell...were for the
32. amendment. They were adjusted...

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Hynes...we had I think six speakers on
2. this subject now and Senator Fawell did conclude and
3. I would have to rule you out of order. We have spent
4. a lot of time on this bill and I think everybody has
5. been heard. The...Senator did conclude. Yes. The
6. question is now shall HB 1484 pass. And on that question
7. the Secretary will call the roll.

8. SECRETARY:

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

19. PRESIDING OFFICER (SENATOR MOHR):

20. Harber Hall, aye. Bruce, no. Request to call the
21. absentees. Graham, aye.

22. SECRETARY:

23. Bartulis, Bruce, Buzbee, Carroll, Chew, Course,
24. Daley, Donnewald, Dougherty, Kenneth Hall, Johns, Keegan,
25. Knuppel, Kosinski, Latherow, McCarthy, Newhouse, Nudelman,
26. Palmer, Partee, Rock, Romano, Saperstein, Savickas, Smith,
27. Swinarski, Vadalabene, Welsh, Wooten.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Postponed consideration requested. HB 32.

30. SECRETARY:

31. HB 32. (Secretary reads title of bill).

32. 3rd reading of the bill.

33. PRESIDING OFFICER (SENATOR MOHR):

1. Senator Davidson.

2. SENATOR DAVIDSON:

3. Mr. President, Ladies and Gentlemen of the Senate.

4. This bill has had more discussion I think than most any
5. other bill in...before the House. I don't think it needs
6. any more. It's been discussed and argued and cussed and
7. a few other things. All those who...it does have Chicago
8. in it, all those who are now, yesterday who fought to keep
9. us in, let's now give me votes for it. I don't think we
10. need any more debate about it. Just vote it up or down.
11. You all know how you want to go and I'll appreciate a favorable
12. vote.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Any further discussion? The question is shall HB 32
15. pass and on that question the Secretary will call the roll.

16. SECRETARY:

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

27. PRESIDING OFFICER (SENATOR MOHR):

28. Graham, no. Sours, no. Latherow, no. Newhouse,
29. aye. Smith, aye. Netsch, aye. Welsh, aye. Regner,
30. no. Soper, no. Request to call the absentees.

31. SECRETARY:

32. Bartulis, Chew, Clarke, Conolly, Daley, Fawell,
33. Keegan, Knuepfer, Merritt, Nudelman, Ozinga, Sommer,

1. Swinarski,

2. PRESIDING OFFICER (SENATOR MOHR):

3. Request to put that bill on Postponed Consideration.

4. Senator Graham.

5. SENATOR GRAHAM:

6. Mr. President, has not this bill been on that order
7. of business before?

8. PRESIDING OFFICER (SENATOR MOHR):

9. It's on 3rd reading. It seems like it's been all
10. over the Calendar Senator. It has been on 3rd reading.
11. It hasn't been on Postponed Consideration. That's what
12. I'm informed. Bill will be put on Postponed Consideration.

13. 41, Senator Bartulis. 98, Senator Rock. 208, Senator
14. Bartulis. 224, Senator Rock. Amendment. Senator Rock.

15. SENATOR ROCK:

16. Yes one of the reasons I've been holding this Mr.
17. President, Members of the Senate I do have an amendment.
18. I'd ask...can I get a page over here to bring this down?
19. I will put the amendment on and then hold it until every-
20. body's got...had a chance to read it. The amendment I
21. think is a good one...

22. PRESIDING OFFICER (SENATOR MOHR):

23. Well, first we'll ask if there's leave to bring
24. it back to 2nd reading...

25. SENATOR ROCK:

26. I would ask leave of the Body to move the bill back
27. to 2nd reading for the purpose of an amendment.

28. PRESIDING OFFICER (SENATOR MOHR):

29. Is there leave? Is leave to bring this bill back
30. to the order of 2nd reading? Leave. Will you explain your
31. amendment Senator?

32. SENATOR ROCK:

33. Yes. Thank you Mr. President, I think this is Amendment

1. No. 1. It amends HB 224 on page 1 by striking line 32
2. and inserting in lieu thereof the following: this...
3. this is with regard to...while engaged in any activity
4. pursuant to the authority granted him by such 'temporary'
5. agent's license, be under the direct control and super-
6. vision of an individual who has successfully completed
7. the examination prescribed by Section 496. This has to
8. do with an insurance man and this says that he has to be
9. under the supervision of somebody who knows what he's
10. doing. I would move its adoption.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Rock moves the adoption. Amendment No. 1.
13. All those in favor signify by saying aye. Senator Merritt.

14. SENATOR MERRITT:

15. I'm sorry, I was temporarily away from my desk.
16. Might I ask the Senator again to tell me...I don't have
17. that amendment.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Well, I...I think he'll tell you, but I would ask
20. that the members please quiet down so you can hear what
21. Senator Rock has to say. Senator Rock.

22. SENATOR ROCK:

23. Yes. Mr. President, Senator Merritt, I had said
24. when I put the amendment on that I would not call the
25. bill for passage today so that everybody would have a
26. chance to have the amendment printed and everything.
27. What it does, it says that the temporary agent shall be
28. under the supervision of a licensed agent. It just puts
29. in the supervision factor. I think it's a good amendment
30. and I would move...its adoption.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Rock moves the adoption of Amendment No. 1.
33. All those in favor signify by saying aye. Opposed.

1. Amendment No. 1 is adopted. Further amendments? 3rd
2. reading. Senator...Senator Carroll do you have the
3. amendment for 311? Senator Mitchler, is the amendment
4. to 311 been agreed to? 350, Senator Mitchler. 305.
5. Senator Mitchler would you like 305 called? 458, Senator
6. Nimrod. 3...458.

7. SECRETARY:

8. HB 458 (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Nimrod.

12. SENATOR NIMROD:

13. Yes, Mr. President, and Fellow Senators this bill has
14. been discussed before and this is similar to SB 195 and what
15. it does is provide for the 7500 incorporated area in the
16. Mount Prospect area...or Prospect Heights area and I would
17. ask for a favorable roll call.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Any further discussion? The question is shall
20. HB 458 pass and on that question the Secretary will call
21. the roll.

22. SECRETARY:

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

33. PRESIDING OFFICER (SENATOR MOHR)L

1. Soper, aye. Soper, I didn't get... Weaver, aye.
2. Soper, aye. Harber Hall, aye. Merritt, aye. Latherow,
3. aye. Kosinski, aye. Palmer, aye. Nudelman, aye. Clarke,
4. aye. Roe, aye. Swinarski, aye. Donnewald, aye. Course,
5. aye. Knuppel, aye. You got more on the second roll call
6. than you did on the first. On that question the yeas are
7. thirty-one, the nays are three. HB 458 having received
8. the constitutional majority is declared passed. The
9. Senate welcomes back Senator Chew. 483, Senator Rock.
10. 483, Senator Rock. Senator Knuppel, 518. 526, Senator
11. Scholl. 526. 526, Senator Scholl.

12. SECRETARY:

13. HB 526 (Secretary reads title of bill)
14. 3rd reading of the bill.

15. PRESIDING OFFICER (SENATOR MOHR):

16. Senator Scholl.

17. SENATOR SCHOLL:

18. Mr. President, Members of the Senate. The direct
19. effect of this bill allows persons 20 or more years
20. of age to marry. It allows persons 17 or more years
21. of age to marry with parental consent. The present
22. minimum age for marriage is 21 for males and 18 for
23. females. With parental consent males may marry at 18,
24. females at 16. According to a 1972 report by HEW's
25. national center for health statistics, the number of
26. divorces granted per 1000 new marriages nationally
27. has reached an all time high for 455 as compared to
28. 231 in 1950 and 258 in 1960. And it's definitely higher
29. among teenagers. I might point out one of the over-
30. whelming factors contributing to the demise of these
31. marital unions is early marriage. That is marriage
32. contracted by those in their teens. A survey conducted
33. two years ago shows that nationally well over 50% of

1. these young people solved their problems in divorce
2. court. I urge for a favorable roll call.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Any further discussion? The...Senator Roe.

5. SENATOR ROE:

6. Mr. President, Members of the Senate, this ...this
7. bill makes four changes in the present law. It raises
8. from 16 to 17 for females with parental consent. It
9. raises from 18 to 20 for females without parental consent.
10. It lowers from 21 to 20 for males without parental consent.
11. It lowers from 18 to 17 for males with parental consent.
12. I think this is another example of bad legislation that
13. comes from the House when they can't get 144 votes why
14. they...they doctor it up so it is acceptable so they can
15. get all the votes and then they send it over here. Like
16. the 19 year old drinking bill for instance. I think
17. that probably should have better been 18 for beer, 19
18. for wine and 20 for liquor. I think this is ridiculous.
19. I think that the age of majority is accepted in this
20. State for practically everything as being 18 and I'm
21. opposed to bill and will vote against it. Thank you.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator an inquiry was made...as to you not playing
24. the game, why you should make the rules? Senator Mitchler.

25. SENATOR MITCHLER:

26. Yes Senator Roe, I think that's very good. You
27. shouldn't try to make the rules if you don't want to
28. play the game. But that's all right. And now Senator
29. Saperstein, I hope you'll listen to my remarks because
30. this is one of the ways to give the girls and boys their
31. equal rights. You know, change male and female to
32. person. And you know we don't have to pass the United
33. States Constitutional amendment to do it. We do it by

1. changing the legislation and changing and altering the
2. statutes that we had where it was discriminatory. And
3. I point out to you that HB 526 does that because on line
4. 11 on page 1 it removes males, persons and has all persons.
5. You see, that's male and female. And now we're giving
6. equal rights to both the male and female at the age of
7. 20 or more years and then we have persons instead of
8. males for 17. So this is what you might call a civil
9. right amendment relating to sex and this is our answer
10. to the negative votes that we cast...in support of the
11. negative votes we cast on ERA. It's a good bill. Let's
12. vote it up.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Soper.

15. SENATOR SOPER:

16. I was just intrigued Mr. President, Senators. Senator
17. Mitchler as I understand I don't have the bill in my bill
18. book, but that says all persons 20 years and older can be
19. married? Senator Mitchler?

20. PRESIDING OFFICER (SENATOR MOHR):

21. Senator Mitchler.

22. SENATOR MITCHLER:

23. That's what the bill says on line 11. All persons
24. of 20 or more years, or, then on line 13, persons of 17
25. or more years.

26. SENATOR SOPER:

27. Under this bill the males could marry males and the
28. females could marry females?

29. SENATOR MITCHLER:

30. Senator that's going on now. Where have you been?

31. SENATOR SOPER:

32. Well, I don't live in your...in your district.

33. PRESIDING OFFICER (SENATOR MOHR):

1. That was the...that was the Senator from Cicero
2. speaking.

3. SENATOR MITCHLER:

4. Well, that's the way they do it down in the Ozarks.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Mitchler you have concluded. Senator...
7. any other Senator wish to speak on this subject?, Senator
8. Scholl may close the debate.

9. SENATOR SCHOLL:

10. Mr. President, Members of the Senate, this is an
11. excellent bill. And I would urge a favorable roll call.

12. PRESIDING OFFICER (SENATOR MOHR):

13. The question is shall HB 526 pass and on that question
14. the Secretary will call the roll.

15. SECRETARY:

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

26. PRESIDING OFFICER (SENATOR MOHR):

27. McBroom, aye. Palmer, no. Request to call the
28. absentees.

29. SECRETARY:

30. Bell, Chew, Conolly, Donnewald, Fawell, Harber Hall,
31. Kenneth Hall, Hynes, Johns, Keegan, Knuepfer, McCarthy,
32. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Partee, Regner,
33. Savickas, Schaffer, Smith, Sommer, Soper, Sours, Swinarski,

1. Walker, Wooten, Mr. President.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Nimrod, aye. On that question the yeas were twenty-
4. two, the nays are eight. HB 526 having failed to receive
5. the constitutional majority is declared lost. 717, Senator
6. Palmer. 799, Senator Scholl. Senator Rock. 820, Senator
7. Scholl. 820? Bicycles. 878, Senator Swinarski, 905,
8. Senator Fawell. 945, Senator Fawell. 1273, Senator Rock.
9. 1323, Senator McCarthy. 1332, Senator Kenneth Hall. 1360,
10. Senator Don Moore. Chair would like to call your attention
11. Gentlemen this Session is going to wind up Saturday. Senator
12. Kenneth Hall. 1332, Senator Kenneth Hall. 1332? Senator
13. Kenneth Hall moves or asks leave of the Body to bring back
14. HB 1332 to the order of 2nd reading. Is there leave?
15. Leave is granted. Senator Hall has an amendment. Will
16. you explain the amendment Senator?

17. SENATOR KENNETH HALL:

18. Thank you Mr. President, Members of the Senate, it
19. simply amends HB 1332 on page 2, line 9 and 10 by striking
20. and put the word provided by any insurance company. I'd
21. like leave for...for this to be done.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Merritt.

24. SENATOR MERRITT:

25. I...I don't know what's going on over there, Senator
26. Hall. But just a minute ago Senator Rock did, in fact, put
27. on an amendment to 224. You claimed it was the same thing
28. coming out of your bill. Now believe you me, I don't know
29. what it does at this late date. I just, I'm going to resist
30. it if we don't...if we can't get these amendments.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Well, the agreement...the agreement was Senator Merritt
33. that the Secretary would have a copy and the leadership on

1. both sides would have copies. Now, if that hasn't been done
2. I would suggest that Senator hold the bill, let the amendment
3. be checked by... Well, the amendment has been offered...
4. SENATOR MERRITT:

5. Ok.

6. PRESIDING OFFICER (SENATOR MOHR):

7. ...hold it until it has been cleared...

8. SENATOR MERRITT:

9. In fact, that's happened. I want to take a look at
10. that one... that Senator Rock put on 224 because they're
11. trying to deal in both bills here at once.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Well, let's stay with this one now, we're on 1332.
14. What is your pleasure Senator?

15. SENATOR MERRITT:

16. Well, I suggest he hold it.

17. PRESIDING OFFICER (SENATOR MOHR):

18. He'll hold the bill, and you can check the amendment.
19. The bill is on 2nd reading and an amendment has been
20. offered. Hold the bill on 2nd reading. 10... can we
21. have leave to take it out of the record it would be...
22. a little easier for the Secretary. Is there leave to
23. do that? So ordered. 15... or 1724, Senator Nimrod.
24. 1748, Senator Carroll. Senator McCarthy you want to
25. call 1565? 1565, he cannot. Senator Rock on your 1838
26. series. Senator Nudelman 1843. Senator Kosinski, 1870.
27. 1915, Senator Kosinski. Hold it. 698, Senator Johns...
28. We've concluded 3rd reading. Now is there anybody that
29. has a bill on 3rd that wants called at this time? All
30. right, we'll go to the order of motions. Senator Knuepfer
31. has a motion.

32. SENATOR KNUEPFER:

33. Mr. Chairman, Members of the Senate yesterday I filed

1. a written notice..motion pursuant to Senate Rule 52 that
2. I would move to reconsider the vote by which the Senate
3. concurred with the House of Representatives in the adoption
4. of House Amendment No. 1 to SB 84. At this point, if it
5. is appropriate I would like to direct myself to that motion.
6. That direction, I take it I have leave.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Senator Knuepfer is moving to reconsider the vote
9. by which the Senate concurred with the House of Repre-
10. sentatives in the House Amendment No. 1 to SB 84. Senator
11. Knuepfer.

12. SENATOR KNUEFFER:

13. That reconsideration, a request for reconsideration
14. is based upon the following premise. When the...Senate
15. was requested to concur the suggestion or the statement
16. was made that we were concurring in a mere technical
17. amendment. As it turned out that was no mere technical
18. amendment. The bill we are discussing is the bill relating
19. to the Illinois Housing Authority. And what that so-called
20. mere technical amendment did is to provide in addition to
21. low and middle income housing which presently the Housing
22. Authority is directed to engage in. It added the purchase,
23. construction or rehabilitation of shelter care homes which
24. puts a totally new light on it. In addition, because of
25. the fact that Senate...that the Federal financing is the
26. largest part of the funds available to the Housing Act
27. I suggest to you that it puts the Housing Act in jeopardy
28. and it puts Federal funds in jeopardy to permit them to
29. be used for shelter care homes as in this amendment. So
30. I think my appropriate motion at this point, first of all
31. I would make the motion to reconsider on that basis that
32. this is a very substantive question that may jeopardize
33. Federal funds and that vote ought to be reconsidered by

1. this Body. I'm moving for reconsideration first of all
2. I think is the appropriate motion then I'll have to deal
3. with the amendment.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Senator...the two leaders are off the Floor, Senator
6. Harris and Senator Partee. The Senate sponsor, Senator
7. Regner is off the Floor. I wonder if I might ask you
8. just to hold that.

9. SENATOR KNUEPFER:

10. I'll be very happy to hold it until such time as
11. they return.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Thank you. ...Is leave to consider Senator Knuepfer's
14. motion later on SB 84? Leave is granted. Senator Don
15. Moore.

16. SENATOR DON MOORE:

17. As long as we are on the order of motions Mr. President
18. I have spoken with the Chairman of the Public Health, Welfare
19. and Corrections Committee, with the leadership on both sides
20. of the aisle, and there is being held in that committee
21. HB 1818. And at this time I would like to move to dis-
22. charge the Committee on Public Health, Welfare and
23. Corrections from further consideration of HB 1818, and
24. have it placed upon the order of SB 2nd reading.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Is there...Senator Moore moves to discharge the
27. Committee on Assignment of Bills. Senator Moore.

28. SENATOR DON MOORE:

29. Move to discharge the Committee on Public Health,
30. Welfare and Corrections, Mr. President.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Move to discharge the Committee on Public Health
33. on House...SB...

1. SENATOR DON MOORE:

2. HB 1818.

3. PRESIDING OFFICER (SENATOR MOHR):

4. HB 1818. Is there leave? Leave.

5. SENATOR DON MOORE:

6. And would that be on the order of...

7. PRESIDING OFFICER (SENATOR MOHR):

8. It will be placed on the order of 2nd reading.

9. SENATOR DON MOORE:

10. Thank you Mr. President.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Message from the Governor.

13. SECRETARY:

(Secretary reads Message from the Governor.)

14. PRESIDING OFFICER (SENATOR MOHR):

Executive, Senator Ozinga. Executive Committee.

Resolutions.

15. SECRETARY:

Senate Resolution number 236 by Senators Davidson,
Regner and Fawell. And it's congratulatory.

16. PRESIDING OFFICER (SENATOR MOHR):

Senator Davidson.

17. SENATOR DAVIDSON:

Move to suspend the rules to adopt the Resolution.

18. PRESIDING OFFICER (SENATOR MOHR):

Senator Davidson moves to suspend the rules. All

those in favor signify by saying aye. Opposed. The

rules have been suspended. Will you tell us briefly

about this Resolution? Is it congratulatory or?

19. SENATOR DAVIDSON:

Yes. There's no need to reading it. What it is,

it marks the 16th anniversary of the Hope School for

the Blind and Multiple Handicapped Children here at Lake

1. Springfield which has children from all over the nation.
2. They have to meet two handicaps, they've got to be blind
3. and another handicap, physical brain damage, deaf or other-
4. wise and this is just congratulation on their sixteenth
5. anniversary. I'd move the adoption of the amendment...
6. of the Resolution and ask all Senators to join in co-
7. sponsorship.

8. PRESIDING OFFICER (SENATR MOHR):

9. Senate...Senator Davidson moves the adoption of the
10. Resolution and all Senators shall be shown as sponsors.
11. All those in favor signify by saying aye. Opposed. The
12. Resolution is adopted. Anybody have any bills on Post-
13. poned Consideration they'd like called? Senator Knuepfer.
14. SENATOR KNUEPFER:

15. I would...I guess, take it the motion is move for
16. the adoption of the Conference Committee Report on HB 1318.
17. It has to do with interest rates. The only reason for the
18. necessity for a conference committee was in the Senate
19. amendment there was a slight technical error and that
20. technical error in the bill was corrected in the Conference
21. Committee Report. The Conference Committee met and unanimously
22. agreed to the...the amendment and I would move the adoption
23. of the Committee Report.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Senator Knuepfer moves the adoption of the Committee
26. Report on HB 1318. And on that question the Secretary will
27. call the roll.

28. SECRETARY:

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

1. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
2. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
3. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
4. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
5. Weaver, Welsh, Wooten, Mr. President.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Newhouse, aye. Vadalabene, aye. Davidson, aye.
8. On that question the yeas are thirty-four, the nays are
9. none. HB 1318... The Senate concurs in...with the
10. Conference Committee report on HB 1318. 1318. Senator
11. Soper, I'm told you have a Conference Committee report,
12. do you want to submit that? Senator Merritt.

13. SENATOR MERRITT:

14. Mr. President, going back to the amendment that
15. Senator Hall wanted to place on 1332. I have no objection
16. to him placing it on there and putting it back on 3rd
17. because I think then we can get agreement out of both
18. sides to just go ahead and kill the bill. So if he wants
19. to proceed with that amendment, it's on 2nd and then
20. advance it to 3rd and then let's get it on here and get
21. rid of it real quick.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Senator Hall, they're talking about your amendment
24. to 1332. - Senator Merritt says he has no objection.

25. SENATOR MERRITT:

26. But, I wanted Senator Hall to know I have no objection,
27. but then let's get it back on 3rd and onto the floor because
28. I hope the Members on my side and your side both will help
29. in defeating this bill.

30. PRESIDING OFFICER (SENATOR MOHR):

31. Senator Hall moves the adoption.

32. SENATOR KENNETH HALL:

33. Mr. President and Ladies and Gentlemen of the Senate

1. this amends HB 1332 in the Senate on page 2, line 9 and
2. 10 by striking and puts...provided...striking provided
3. by any insurance company. That's all it does. I'd ask
4. that it be accepted.

5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator Kenneth Hall moves the adoption of Amendment
7. No. 1 to HB 1332. All those in favor signify by saying
8. aye. Opposed. Amendment No. 1 is adopted. Further
9. amendments? 3rd reading. I would just to like to advise
10. the Members of the Body that today is probably the last
11. day that we'll have this many people on the Floor due to
12. conference committees working, and I would urge you to call
13. your bills if you...if you can today. It's going to be
14. very difficult to find 30 or 35 people on the Floor at
15. one time tomorrow on, so you're on your own. Senator
16. Roe.

17. SENATOR ROE:

18. Can...Mr. President, can we take 187 on postponed?

19. PRESIDING OFFICER (SENATOR MOHR):

20. Yes, we can go to the order of postponed, Senator Roe
21. wishes to call HB 187.

22. SENATOR ROE:

23. Mr. President, Members of the Senate I think that
24. when this bill was originally voted on there was some
25. misunderstanding, I think it was confused with the
26. disabled persons act that was a House Bill. This is
27. a very simple bill. It provides that the Secretary of
28. State may in his discretion place a special designation
29. on license plates for physically handicapped individuals
30. and how he does it is up to him in the bill. And I would
31. appreciate a favorable roll call.

32. PRESIDING OFFICER (SENATOR MOHR):

33. Senator Course.

1. SENATOR COURSE:

2. Yes, Mr. President, Members of the Senate, I rise to
3. oppose this legislation. I know what's going to happen
4. and you know what's going to happen. But to oppose this
5. legislation today is like voting against motherhood.
6. Now we leave it within the...discretion of the Secretary
7. of State to issue these licenses. Now, anybody that's
8. got a drag is going to go to his doctor and get a letter
9. from his doctor saying I've got a bad heart now I want...
10. like a special plate that will permit me to park in
11. restricted area...parking areas and the Secretary of
12. State will have no knowledge of this whatsoever, only
13. the letter from the doctor. Predicated upon this he
14. may issue a license to this man...with a special kind
15. of a wheelchair or something like that on it, and this
16. person will be able to park where you and I can't park,
17. where no...none of our constituents can park. It's
18. going to be abused like a lot of the plates on the
19. veterans cars are being abused today. Everybody but
20. the veterans are driving the cars. They're...enjoying
21. special privileges, speeding and the...the police
22. officers turn their back on them. The police officers
23. are going to turn their backs on people like this with a
24. special plate. This is bad legislation, Ladies and
25. Gentlemen... If we open the door for one we might as
26. well open the door for everybody.

27. PRESIDING OFFICER (SENATOR MOHR):

28. Senator Roe.

29. SENATOR ROE:

30. I don't find anything in the bill that has anything
31. to do with parking as Senator Course mentioned. I presume
32. that this would be an individual situation that...would
33. be treated differently in different municipalities. And I'd

1. be glad to give him the first place trophy if he'd
2. support the bill.

3. PRESIDING OFFICER (SENATOR MOHR):

4. He said he'd take it from you next year. Senator
5. Course.

6. SENATOR COURSE:

7. Well, if they don't want special privileges Senator
8. Roe, what do they want the bill for? That's what I
9. can't understand.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Roe.

12. SENATOR ROE:

13. I...I think...I really think this is a very legitimate
14. bill. I don't think it's a special privilege proposition.
15. I think that...if a person has a handicap as defined in
16. this bill, he has a substantial handicap, and I think it
17. is of aid to laymen and policemen to be able to easily
18. recognize this. I don't believe that the bill is aimed
19. toward receiving any special privileges.

20. PRESIDING OFFICER (SENATOR MOHR):

21. Further discussion? Senator Nimrod.

22. SENATOR NIMROD:

23. Will the sponsor yield to a question?

24. PRESIDING OFFICER (SENATOR MOHR):

25. He indicates he will.

26. SENATOR NIMROD:

27. The Secretary of State and the State Police support
28. this bill?

29. SENATOR ROE:

30. Yes.

31. PRESIDING OFFICER (SENATOR MOHR):

32. Senator Roe.

33. SENATOR ROE:

1. Yes.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Nimrod.

4. SENATOR NIMROD:

5. Do the physically handicapped organizations also

6. support this bill?

7. SENATOR ROE:

8. Yes.

9. PRESIDING OFFICER (SENATOR MOHR):

10. Any further discussion? Question is shall HB 187

11. pass and on that question the Secretary will call the roll.

12. SECRETARY:

13. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,

14. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,

15. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

16. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

17. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard

18. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

19. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,

20. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,

21. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,

22. Weaver, Welsh, Wooten, Mr. President.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Fawell, aye. Bartulis, aye. Request to call the

25. absentees. Schaffer, aye. On that question the yeas are

26. thirty-three, the nays are one. HB 187 having received

27. the constitutional majority is declared passed. Senator

28. Wooten has a bill on postponed consideration, 1334.

29. SENATOR WOOTEN:

30. Yes, Mr. President and Ladies and Gentlemen of the

31. Senate. I mentioned the other day that we were holding

32. HB 1334 as some form of insurance against what would

33. happen to the package of abortion bills that we passed

1. out of this Body and sent to the House. I think it would
2. be prudent to cash in that insurance today if possible.
3. I don't want to speak at any length on this, but I do
4. want to give an opportunity for President Harris, Senator
5. Partee and some others who supported the bill to return to
6. the Floor so that we may get a full vote on it. I merely
7. want to point out to you that HB 1334 was presented to
8. the House in the same form as Senate Bill 1049. It was
9. subsequently amended well out of shape in the House and
10. sent over to this Chamber. It was reamended in Judiciary
11. to conform exactly to 1049. I...I know that feeling is
12. divided and thinking is divided on this issue across all
13. party lines, across all sectional lines. What I merely
14. would like to do is to reaffirm if possible the vote by
15. which SB 1049 passed. I assure you there is not one word
16. different. HB 1334 is word for word 1049. I would urge
17. you to approve this bill so that we may once again send
18. word to the House that this is what we consider to be
19. the only possible constitutional approach to the problem.
20. And may I again caution you if we do not pass some kind
21. of bill on this subject there simply will be no restriction.
22. So I would urge you to give this your favorable consideration
23. and vote. If there are any questions I'll be glad to
24. answer them, otherwise I hope everyone is back who intends
25. to vote on this. I'll ask for a favorable roll call.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Any further discussion? The question is shall
28. HB 1334 pass and on that question the Secretary will
29. call the roll.

30. SECRETARY:

31. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
32. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
33. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth

1. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
2. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
3. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
4. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
5. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
6. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
7. Weaver, Welsh, Wooten, Mr. President.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Wooten.

10. SENATOR WOOTEN:

11. I know conditions are somewhat chaotic Mr. President
12. I really think there's some value to passing this, and I would
13. ask for a poll of the absentees and...at somewhat deliberate
14. speed since I know that there are several people who are
15. kind of committed to this but are not here to vote at the
16. present time. As you mentioned before this may be our
17. last opportunity and I would like to have a reaffirmation
18. of the Senate's thinking on this particular point.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Secretary will call the absentees.

21. SECRETARY:

22. Bartulis, Bell, Connolly, Course, Daley, Donnewald,
23. Dougherty, Graham, Harber Hall, Kenneth Hall, Hynes,
24. Johns, Keegan, Kosinski, Latherow, McBroom, McCarthy,
25. Merritt, Mitchler, Howard Mohr, Nimrod, Ozinga, Palmer,
26. Partee, Regner, Rock, Romano, Savickas, Schaffer, Scholl,
27. Smith, Sommer, Soper, Swinarski, Walker, Weaver, Welsh,
28. Mr. President.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Graham, aye. That makes it an even twenty yeas.
31. Soper, aye. That's twenty-one yeas, three nays. HB 1334
32. having failed to receive the constitutional majority is
33. declared passed...or failed. Senator Kosinski on the Floor?

1. Senator Kosinski on HB 1547. This is on postponed
2. consideration.
3. SENATOR KOSINSKI:
4. Mr. President, I noticed you're smiling.
5. PRESIDING OFFICER (SENATOR MOHR):
6. That's a bad sign.
7. SENATOR KOSINSKI:
8. I hope... and Good Senators again in all seriousness.
9. We had a good time yesterday, but I hope today we are very
10. serious about this matter. It is a good bill. It's a bill
11. regarding safety of...for our people on the highways. I
12. seek your favorite roll call. I don't think I have to
13. repeat what the bill does. And I seek your favorable
14. roll call.
15. PRESIDING OFFICER (SENATOR MOHR):
16. Senator Berning.
17. SENATOR BERNING:
18. I'd like to ask the sponsor if this bill has been
19. amended?
20. PRESIDING OFFICER (SENATOR MOHR):
21. Senator Kosinski. Is that the Soper amendment with the
22. hammer?
23. SENATOR BERNING:
24. No I...
25. SENATOR KOSINSKI:
26. Senator seems to have trouble with amendments lately.
27. I don't know. Last time I had an amendment, but he forgot
28. I had it.
29. PRESIDING OFFICER (SENATOR MOHR):
30. Has it been amended Senator?
31. SENATOR KOSINSKI:
32. No.
33. PRESIDING OFFICER (SENATOR MOHR):

1. It has not been amended. Senator Berning.

2. SENATOR BERNING:

3. Well, if this bill has not been amended it seriously
4. needs one in my opinion and let me read to you very simply
5. what Section F says, no person shall drive any motor
6. vehicle when snow or ice on the windshield or rear view
7. mirror. Now I submit that snow or ice would have a
8. difficult time getting on the rear view mirror if there
9. was a roof on the car.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Senator Kosinski.

12. SENATOR KOSINSKI:

13. Says nothing...it's side view mirror.

14. PRESIDING OFFICER (SENATOR MOHR):

15. Does that answer your question Senator Berning?

16. SENATOR KOSINSKI:

17. Side view mirror and windshield. Let's...let's have
18. the roll call. Mr. President.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Senator Bell.

21. SENATOR BELL:

22. Well, Mr. President I'm certainly not going to be
23. profound on this. I just simply want to lend my support
24. to it in whatever little way maybe I can. I think what
25. we're trying to do here is we're trying to make a move in
26. a direction that a forthright move that the basis of
27. traffic safety. We have other laws in the books that
28. to me in this area are not meaningful. I think certainly
29. for instance that this bill is as good as the right to
30. turn on red which I supported. And any bill that comes
31. before the Legislature that is a meaningful bill in terms
32. of human safety, I think is a meaningful bill. I...I
33. think this is the thrust of this legislation. And I would

1. hope that we would support it.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Latherow.

4. SENATOR LATHEROW:

5. Mr. President, Members of the Senate I just want you
6. to recognize the synopsis if that's what you're looking at
7. is not hardly correct. Now, how you're going to keep your
8. rear view mirror clean or get snow on it if it's the one
9. inside the car and that would be...that was classified
10. as a rear view wouldn't it? The one inside?

11. PRESIDING OFFICER (SENATOR MOHR):

12. Senator Kosinski.

13. SENATOR KOSINSKI:

14. I was interrupted by several people. I just don't...

15. PRESIDING OFFICER (SENATOR MOHR):

16. Would you repeat your Senator Latherow? And Gentlemen
17. let's have a little order, this is very serious. Senator
18. Latherow. Senator Kosinski may wind up the debate.

19. SENATOR KOSINSKI:

20. Oh, yes, I'll wind it up. Mr. President...

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Course wants to help you I think, Senator.

23. Senator Course.

24. SENATOR COURSE:

25. Mr. President, Members of the Senate. Ladies and
26. Gentlemen if you don't believe in this bill and you don't
27. vote for it, then we might as well go to the Illinois
28. Motor Vehicle Laws and strike subparagraph 12-502, sub-
29. paragraph 12-503 and in here it says no person shall
30. drive any motor vehicle with any sign post or other
31. non-transparent material upon the front windows, side
32. windows or side or rear windows or such vehicle. Now
33. this is exactly what he's trying to accomplish. To have

1. ...let the driver have a clear vision of the road. Now
2. it further goes on to state, no person shall drive any
3. motor vehicle with any object placed or suspended between
4. the driver and the front windshield or between the driver
5. and the rear window which obstructs the driver's clear
6. view of the highway. Now, if we can honestly say that
7. snow on the back window of a car will not obstruct a
8. driver's vision, a clear vision of the roadway, then we
9. should vote against this bill. But if you honestly believe
10. that it does and that it is an obstruction, then you will
11. vote for this bill. This is a good bill Ladies and Gentlemen.
12. And I repeat if you don't believe in this bill, well
13. then I'm going to come back with legislation to strike
14. these two paragraphs from the Motor Vehicle statute.

15. PRESIDING OFFICER (SENATOR MOHR):

16. Senator Kosinski.

17. SENATOR KOSINSKI:

18. Mr. President, I think there are more people that
19. got the limelight on this bill than anyone I think in
20. all of the Sessions of late. But I'd like to say, just
21. in closing the life you save may be your own. Roll call.

22. PRESIDING OFFICER (SENATOR MOHR):

23. Secretary will call the roll.

24. SECRETARY:

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

1. Weaver, Welsh, Wooten, Mr. President.
2. PRESIDING OFFICER (SENATOR MOHR):
3. How's Senator Romano recorded?
4. SECRETARY:
5. He is not recorded.
6. PRESIDING OFFICER (SENATOR MOHR):
7. Not recorded. Romano, votes aye. How is Senator
8. Vadalabene recorded?
9. SECRETARY:
10. He is not recorded.
11. PRESIDING OFFICER (SENATOR MOHR):
12. Not recorded. Vadalabene votes aye. How is Senator
13. Daley recorded?
14. SECRETARY:
15. He is not recorded.
16. PRESIDING OFFICER (SENATOR MOHR):
17. Not recorded. Daley, aye. Senator Johns, aye. Senator
18. Palmer, aye. Senator Savickas, aye. Senator Carroll, aye.
19. Senator Hynes, aye. Donnewald, aye. Harber Hall, aye.
20. Shapiro, aye. Weaver, aye. Davidson, aye. Roe, aye.
21. Graham, aye. Is it safe for me to vote aye now Eddie?
22. Mohr, aye. Knuepfer, aye. They're still coming. Do you
23. want...hold it awhile? On that question the yeas are
24. forty-two, the nays are three. HB 1547 having finally
25. received the constitutional majority is declared passed.
26. Senator Graham.
27. SENATOR GRAHAM:
28. I wonder if it would be appropriate if we got a
29. verification of the negative votes.
30. PRESIDING OFFICER (SENATOR MOHR):
31. Senator Romano. Senator Romano. Senator Latherow.
32. SENATOR LATHEROW:
33. Well, Mr. President I was just trying to get the

1. sponsor of the bill to recognize that that was supposed
2. to be the rear window in that bill. I didn't want to
3. say that, instead of the rear view mirror. And the
4. State police will probably be unhappy with the bill.
5. PRESIDING OFFICER (SENATOR MOHR):

6. Senator...Senator Carroll. Senator Romano moves to
7. reconsider the vote by which HB 1547 pass. Senator
8. Carroll moves to Table that motion. All those in favor
9. signify by saying aye. Opposed. Motion's Tabled. Senator
10. Soper.

11. SENATOR SOPER:

12. Conference....Mr. President, Members of the Senate,
13. second conference report on HB 24. I move that we concur
14. with the conference report. What conference report does,
15. is remove the amendment that the Senate put on, puts it
16. in it's original form. Removes the objection of Senator
17. Davidson.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Graham.

20. SENATOR GARHAM :

21. Mr. President, on this motion I think it is appropriate
22. that we remind the Senate that we are now going to be
23. casting a vote on passage stage on a measure. And I think
24. the attention should be directed to it while the Senator
25. from Cicero explains the content of the conference report
26. and I so suggest.

27. PRESIDING OFFICER (SENATOR MOHR):

28. ...explain the report.

29. SENATOR SOPER:

30. Yes. We put on an amendment that...that excluded
31. the chiropractors from making a physical examination. It
32. was objected to and we had a second conference report...
33. committee appointed and the second conference committee

1. removed that objection. And that's the only thing it
2. does to the bill.

3. PRESIDING OFFICER (SENATOR MOHR):

4. ...the Senate concur in the Conference Committee
5. report on HB 24? Senator Dougherty.

6. SENATOR DOUGHERTY:

7. ..Conference Committee report do?

8. PRESIDING OFFICER (SENATOR MOHR):

9. One more time Senator...time.

10. SENATOR SOPER:

11. All it does is remove the amendment that...that the
12. first conference report had put in whereby chiropractors
13. could not make a physical examination for policyholders
14. of...of automobile insurance. Now they can do it like
15. they've always been doing it. And that was the objection
16. before and it removes it and it puts it in right spot,
17. that's all. Ok Senator Davidson? Senator Do...Senator Graham.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Soper moves we concur in the Conference
20. Committee report on HB 24. And on that the Secretary
21. will call the roll.

22. SECRETARY:

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

33. PRESIDING OFFICER (SENATOR MOHR):

1. Yadalabene, aye. Don Moore, aye. Walker, aye.
2. Knuppel, aye. Johns, aye. Saperstein, aye. Nimrod,
3. aye. Merritt, aye. On that question the ayes are
4. forty-five, the nays are none. Senate concurs in
5. second Conference Committee report on HB 24. Senator
6. Harber Hall on HB 1832, the order of 2nd reading for
7. the purpose of amendment.

8. SENATOR HARBER HALL:

9. Mr. President, fellow Senators this is the Illinois
10. Auditing Act to bring into our statutes the requirements
11. for the new constitutional office of Auditor General.
12. I have three amendments I'd like to offer at this time,
13. Mr. Clerk.

14. PRESIDING OFFICER (SENATOR MOHR):

15. Does the...We haven't read the bill but before we
16. do that Senator have... Ok. On 2nd reading.

17. SECRETARY:

18. HB 1832 (Secretary reads title of bill)
19. 2nd reading of the bill. No committee amendments.
20. Amendments No. 1,2 and 3 by Senator Hall.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Hall, will you explain Amendment No. 1.

23. SENATOR HARBER HALL:

24. Amendment No. 1 corrects typographical and spelling
25. errors. It clarifies that the House and Senate can
26. require the Auditor General to study specific proposals
27. relating to management and efficiency or program
28. effectiveness. It clarifies that audits directed by
29. the full House or Senate be reported back to the full
30. Assembly rather than to the commission and leadership
31. only. It allows the Audit Commission to clarify scope
32. of the management or program audit directed by either
33. House of the General Assembly. And it does make other

1. change of that nature. I move for adoption.

2. PRESIDING OFFICER (SENATOR MOHR):

3. Senator Hall moves the adoption of Amendment No. 1.

4. All those in favor signify by saying aye. Opposed.

5. Amendment No. 1 is adopted. Amendment No. 2, will you
6. explain that Senator Hall.

7. SENATOR HARBER HALL:

8. Amendment No. 2 expands the powers of the Auditor
9. General and authorizes the Auditor General to initiate
10. program audits subject only to the disapproval of the
11. Legislative Audit Commission. I move adoption of this
12. amendment.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Further discussion? Senator Hall moves the
15. adoption of Amendment No. 2. All those in favor
16. signify by saying aye. Opposed. Amendment No. 2
17. is adopted. Amendment No. 3, Senator Hall.

18. SENATOR HARBER HALL:

19. This amendment establishes the...that the Auditor
20. General will have a status of qualification as a CPA,
21. but not necessarily the Deputy Auditor General. I move
22. adoption of this amendment.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Further discussion? Senator Hall moves the
25. adoption of Amendment No. 3. All those in favor
26. signify by saying aye. Opposed. Amendment No. 3 is
27. adopted. Further amendments? Senator Rock.

28. SENATOR ROCK:

29. I just...I think there's a possibility that Senator
30. Partee may have an amendment for this. I would just
31. ask that the bill not be called for passage today if
32. that's agreeable with the sponsor, we can...

33. PRESIDING OFFICER (SENATOR MOHR):

1. We're on...we're advancing it to 3rd Senator. Ok?

2. Further amendments? 3rd reading. Senator McCarthy.

3. SENATOR MCCARTHY:

4. Yes, Mr. President I have a motion on the Secretary's
5. desk and this is a motion that the...Senate Committee on
6. Agriculture, Conservation and Ecology be discharged from
7. further consider of 1585. And that the bill be advanced
8. to the order of 2nd reading. Senator Latherow the Chairman
9. of the Commission...of the Committee is well aware of
10. the work that's been going on and we do have an amendment,
11. assuming that the bill will be discharged.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Is there...Senator McCarthy moves to discharge the
14. Committee on Agriculture, Conservation and Ecology on HB
15. 1585. Is there leave? And move to the order of 2nd. Is
16. there leave? Leave is granted and be placed on the order
17. of 2nd reading. Senator McCarthy.

18. SENATOR MCCARTHY:

19. I would like the bill read a 2nd time and offer
20. Amendment No. 1 and have it adopted.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Will you hold that for just a minute while they
23. go to the Secretary's office and get the bill? Any
24. other Senators have any business to come before the
25. Senate? ...Latherow.

26. SENATOR LATHEROW:

27. Mr. President, I have HB 351 on Postponed Consideration,
28. with an amendment there.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Would you repeat that Senator, I couldn't hear you.

31. SENATOR LATHEROW:

32. I have HB 351 on Postponed Consideration.

33. PRESIDING OFFICER (SENATOR MOHR):

1. 351 on Postponed Consideration, do you want to call
2. that?

3. SENATOR LATHEROW:

4. There is...there is an amendment on the Secretary's
5. desk for it.

6. PRESIDING OFFICER (SENATOR MOHR):

7. All right. Let's finish Senator McCarthy's and then
8. we'll come back to yours.

9. SECRETARY:

10. ...1585 (Secretary reads title of bill)
11. 2nd reading of the bill. No committee amendments. Amend-
12. ment No. 1 by Senator McCarthy.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator McCarthy will explain the amendment.

15. SENATOR MCCARTHY:

16. Well, the only way I can explain the amendment is
17. to say that this is the amendment that the committee
18. has been working on for about three weeks and I would
19. ask it be adopted with the understanding if there are
20. any further amendments, that we'll bring it back to
21. 2nd reading for the purpose. Senator Latherow knows
22. of that and that's...that's what I would ask leave to
23. do.

24. PRESIDING OFFICER (SENATOR MOHR):

25. Senator Latherow.

26. SENATOR LATHEROW:

27. Well Mr. President, no question there's been a lot
28. of time put in on this piece of legislation and on this
29. amendment which attempts to arrive at some agreement
30. between the two agencies, State and Federal, the State
31. Chamber and others involved. I still personally have a
32. little discrepancy that I'm trying to get straightened
33. out with myself and possibly some others. And I think

1. it's time that we do something with it, and I think it's
2. a proper move that it be there today.

3. PRESIDING OFFICER (SENATOR MOHR):

4. Senator McCarthy moves the adoption of Amendment No. 1.

5. All those in favor signify by saying aye. Opposed.

6. Amendment No. 1 is adopted. Further amendments? It's

7. been agreed to as the Chair understands that the bill

8. could be called back from 3rd reading for amendment. The

9. sponsor agrees to that. 3rd reading. Senator Latherow

10. now on 351 on postponed consideration.

11. SENATOR LATHEROW:

12. On this bill Mr. President I'd like to bring it back

13. to 2nd reading for the purpose of amendment.

14. PRESIDING OFFICER (SENATOR MOHR):

15. Amendment... Senator Latherow wants to call HB

16. 351 back to 2nd reading for the purpose of an amendment.

17. Is there leave? Leave is granted. Bill is on 2nd

18. reading, will you explain your amendment Senator?

19. SENATOR LATHEROW:

20. This amendment Mr. President clears the problem

21. that Senator Dougherty and I'd say many of us had on

22. the fact that these members of the board of supervisors

23. must run every ten years on...after reapportionment.

24. This clears that part of it and I move the adoption of

25. the amendment.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Senator Dougherty.

28. SENATOR DOUGHERTY:

29. Mr. President this...the amendment, the bill in its

30. original form is very misleading. And I suggested to

31. Senator Latherow that he amended it. The amendment,

32. what the amendment provides instead of using the terminology

33. every ten years it's following each decennial census is

1. what the bill does. It sets it forth and clarifies it.
2. However I...I am not in complete sympathy with the bill
3. itself. However, it has to be done. I would suggest
4. that a future Session of this Legislature would provide
5. that they would not have this system of staggering terms
6. they should be elected for four years, the same as any
7. other county official. However, I will vote for the bill.

8. PRESIDING OFFICER (SENATOR MOHR):

9. Senator Latherow moves the adoption of Amendment
10. No. 1. All those in favor signify by saying aye. Opposed.
11. Amendment No. 1 is adopted. Further amendments? 3rd
12. reading, postponed consideration. On 3rd reading, Senator
13. Harber Hall. Kenneth Hall on 1332.

14. SECRETARY:

15. HB 1332 (Secretary reads title of bill)
16. 3rd reading of the bill.

17. PRESIDING OFFICER (SENATOR MOHR):

18. Senator Kenneth Hall.

19. SENATOR KENNETH HALL:

20. Thank you Mr. President, Members of the Senate. I
21. rise on this bill. I must frankly admit that this bill
22. is under some clouds, but it amends the Insurance...Code
23. and eliminates the provision for temporary agent...license..
24. Now under the existing State law the Department of Insurance
25. is authorized to issue temporary agent's license for a
26. period not exceeding 90 days to individuals who are
27. engaged in the course of study or training program.
28. And who swear that they will take the Agent's License
29. exam within 90 days of the issuance of a temporary license.
30. The existing State laws also provide that during this 90
31. day period a temporary licensure or the employer of the
32. temporary agent must certify that the applicant will be
33. subject to supervision by his employers and will not

1. be authorized to countersign policies. The existing
2. State law is designed to provide a procedure so that
3. insurance companies can have their agent trainees working
4. while they're studying for the exam. Now HB 32 does two
5. things. It defines supervision and provides specifically
6. that supervising employers must be validly licensed. It
7. raises the standards which training programs must meet to
8. provide that 65...65% must pass rather than 50. If the
9. rate of passage falls below 65% the training program is
10. suspended for six months by the Insurance Department. The
11. purpose of the new standard is twofold. Training programs
12. must be effective benefits and the more effective course
13. also means that temporary agents will be more qualified
14. during the training period. I'd ask for your most
15. favorable support.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Graham.

18. SENATOR GRAHAM:

19. Are you acting on this measure at this time, is
20. that...

21. PRESIDING OFFICER (SENATOR MOHR):

22. Yes.

23. SENATOR GRAHAM:

24. I want to make an announcement after.

25. PRESIDING OFFICER (SENATOR MOHR):

26. Senator Merritt.

27. SENATOR MERRITT:

28. Well, well Mr. President, Members of the Senate, I'm
29. not going to make a big issue. It did get out of our
30. Insurance and Financial Institutions Committee. I think
31. mainly the Department wanted it. It was in one of those
32. hurried up situations when the bill got out. I had a
33. chance to examine it since. It's still got some bad

1. defects in it. Number one, we've had these temporary
2. agents licenses for years in this State. There's never
3. been any problem with them. Now this makes it...it must
4. be under the direct control and supervision of a duly
5. licensed agent. Supervision I don't mind, but that direct con-
6. trol you're just going to put a lot of little people out
7. of business that have these temporary licenses who've
8. never caused any trouble. Then you get down into...on
9. page 2, line 13, once by amendment you took out the
10. portion on lines 9 and 10 saying provided by an insurance
11. company. Then when you get down to line 13 it says to
12. represent such company. Well you've already taken that
13. out, so it's a bad defect in it. And I personally am
14. going to oppose the bill, and hope that others on both
15. sides might do likewise.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Latherow.

18. SENATOR LATHEROW:

19. Well, Mr. President and Members of the Senate, I'd
20. just like to recognize this probably is a part of some of
21. the general program that we see that comes before this
22. General Assembly that once people get into a business,
23. and get themselves established they don't want to see
24. anyone else have the same opportunity and same possibility
25. of the way that they got into the business. Now we had
26. this just recently with the home builders if you remember
27. correctly, to mention one of them. And I sat beside a
28. fellow at...breakfast that morning who told me about 12,
29. 14 years ago that he almost went broke in this business
30. of home building. And he said...told me what was able
31. to bring about the fact that he could overcome the difficulties
32. and now is felt to be successful. Then later on he said
33. we sure would like to have support for this particular

1. piece of legislation. Well, I said let's just revert
2. a little to what you were telling me awhile ago. If
3. what you're asking for today would have been in effect
4. ten or twelve years ago when you had your financial
5. disaster, what would you be doing today? He said I
6. don't know whether I would have been a carpenter or
7. what I would have been doing but I wouldn't have been
8. in business today. Now this is exactly what I'm trying
9. to say here. Many of the people who are insurance agents
10. today came into the business through the route of a tem-
11. porary license. And most of them that have stayed in
12. the business have their permanent license and they don't
13. want to see someone else come about the same way. I
14. think this is bad legislation and I'd like to see it
15. defeated.

16. PRESIDING OFFICER (SENATOR MOHR):

17. Senator Nudelman.

18. SENATOR NUDELMAN:

19. Mr. President, Ladies and Gentlemen of the Senate,
20. early in the Session the Department of Insurance gave me four
21. so-called... houskeeping bills to sponsor on their behalf.
22. I looked at the bills and I handled three and I returned
23. the fourth to the Department and said I thought it was
24. a bad bill. This is that bill. At that time I urged them
25. to get some other sponsor and they said no, if you won't
26. take it, we won't put it in. And I take personal umbrage
27. at the fact that they sort of back doored the bill and
28. put it in the House without my knowledge. I had offered
29. to help them get another sponsor at the time and they
30. refused. I would further point out that it's in fact
31. bad legislation. It's a bad bill. It's going to make
32. it more difficult as Senator Latherow pointed out for
33. beginners in the insurance business to get started. It's

1. going to make it more difficult for debit men to get
2. started. And it's going to make it more difficult for
3. people to take the exam because the second amendment to
4. this bill makes a course that doesn't pass x percentage
5. of the people who take it inapplicable, and would force
6. the company or whoever else runs the course to stop that
7. course and would therefore lessen the numbers of people
8. not only who can have a temporary but who can even take
9. the exam for a temporary. I would strongly urge the
10. membership of both sides of the aisle to vote no on this
11. bad piece of legislation.

12. PRESIDING OFFICER (SENATOR MOHR):

13. Senator Bell.

14. SENATOR NUDELMAN:

15. I think the sponsors both in the House and in the
16. Senate were misled by the Department as to the effect
17. of the bill. Thank you.

18. PRESIDING OFFICER (SENATOR MOHR):

19. Senator Bell.

20. SENATOR BELL:

21. Well Mr. President, Members of the Senate, I happen to
22. be an insurance agent. And I've spent 15 years selling in-
23. surance. I'm an active member of the National Association
24. of Life Underwriters. I'm also a chartered life under-
25. writer. And I don't mention these things other than that
26. to let you know that I've played an active, heavy role
27. in my particular industry. I have not known of any insurance
28. companies that have opposed this legislation. And in
29. fact if they did, I think I'd have to stand against them.
30. Because my fellow Senators I've seen some of the problems
31. of the industry. I've had to deal with some of the people
32. that have been bilked of some of their savings by agents
33. that are inadequately trained, that have been picked up off

1. the streets and without the proper type of training,
2. the proper type of motivation, the proper type of guidance,
3. have been allowed to go out and work in various types of
4. insurance programs that have drifted in and drifted out
5. of the industry that have in fact in many cases given the
6. industry some of the bad name that it has fought very
7. hard to overcome. HB 1332 is a very humble attempt in
8. my opinion, speaking as a professional in that industry
9. to try to regulate just a little bit more whose coming
10. in, how well they're trained before they're released to
11. the streets to go out and take the money of the consumer.
12. It's consumer legislation. It's designed to try to help
13. protect the public. The public needs to have a little
14. bit more protection, and I say to you having gone through
15. the various insurance exams that it takes to pass, that
16. any man or any woman that has a little bit of desire
17. and an ounce of brains can pass those examinations. And
18. that the type of people that belong in this great industry
19. are people that are dedicated to upgrading the industry,
20. that are dedicated to consumer protection for the product
21. that they sell. Now I think that this is basically a
22. good bill. And it should be passed. I'd appreciate your
23. aye vote on the passage of this legislation. And I'm sure
24. that the overall industry would, and I know that the
25. Department of Insurance would.

26. PRESIDING OFFICER (SENATOR MOHR):

27. Further discussion? Senator Kenneth Hall may close
28. the debate.

29. SENATOR KENNETH HALL:

30. Thank you Mr. President, Members of the Senate. This
31. bill was amended and the Senate amendment removed the five
32. words on page 2 of the bill. The words removed were
33. added by the House amendment but then we...we again removed

1. them over here in the Senate. So by leaving the language
2. provided by any insurance company we made it clear that the
3. new and higher standards of 65% applies to all training
4. programs under this act relating to temporary agents,
5. licensures not just those training programs offered
6. by insurance companies. The Department of Insurance is
7. in favor of this amendment and this bill. Their legislative
8. purpose in introducing this bill is to raise the standards
9. of training programs to 65% passage rate and the Department
10. feels that this amendment makes the original intent clear.
11. I would ask your most favorable support of this bill.

12. PRESIDING OFFICER (SENATOR MOHR):

13. The question is shall HB 1332 pass and on that
14. question the Secretary will call the roll.

15. SECRETARY:

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

26. PRESIDING OFFICER (SENATOR MOHR):

27. Soper, no. Daley, aye. Soper, no. On that...

28. do you want the absentees called Senator? Request to
29. call the absentees. The sponsor asked to call the absentees,
30. that's the only one that I would listen to Senator.

31. SECRETARY:

32. Bruce, Carroll...Carroll, Chew, Course, Daley,
33. Donnewald, Dougherty, Fawell, Harber Hall, Kenneth Hall,

1. Johns, Keegan, Knuepfer, Knuppel, Kosinski, McBroom,
2. Mitchler, Don Moore, Netsch, Newhouse, Nimrod, Ozinga,
3. Partee, Regner, Rock, Roe, Romano, Schaffer, Shapiro,
4. Sommers, Sours, Swinarski, Weaver, Welsh, Mr. President.
5. PRESIDING OFFICER (SENATOR MOHR):

6. On that question the yeas are seventeen, the nays
7. are nine. HB 1332 having failed to receive the constitutional
8. majority is declared lost. Senator Latherow on postponed
9. consideration, HB 351.

10. SECRETARY:

11. HB 351 (Secretary reads the title of bill)
12. 3rd reading of the bill.

13. PRESIDING OFFICER (SENATOR MOHR):

14. Senator Latherow.

15. SENATOR LATHEROW:

16. Well Mr. President, this is the bill that we just
17. amended a few minutes ago. It has to do with the election
18. of the members to the county board. It assures that
19. their terms shall be staggered and also assures that
20. each ten years the decennial years of the Federal
21. census they will reapportion and all be elected. I'd
22. appreciate a favorable roll call.

23. PRESIDING OFFICER (SENATOR MOHR):

24. Further discussion? Question is shall HB 351 pass
25. and on that question the Secretary will call the roll.

26. SECRETARY:

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

1. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
2. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
3. Weaver, Welsh, Wooten, Mr. President.

4. PRESIDING OFFICER (SENATOR MOHR):

5. Vadalabene, aye. Daley, aye. Kosinski, aye.
6. Newhouse, aye. Partee, aye. Wooten, aye. Kenneth
7. Hall, aye. Carroll, aye. Nimrod, aye. Nudelman,
8. aye. McCarthy, aye. Bartulis, aye. Course, aye.
9. Bruce, aye. Buzbee, aye. Hynes, aye. Fawell, aye.
10. Knuppel, aye. Saperstein, aye. Scholl, aye. McBroom,
11. aye. On that question the yeas are forty-seven, the
12. nays are none. HB 351 having received the constitutional
13. majority is declared passed. Any other bill on postponed
14. consideration that a member would like to have called?
15. Senate will stand at ease for a few minutes. Who is
16. the sponsor of House Joint Resolution 2 Telcser and
17. House Joint Resolution 23, on the Secretary's desk?
18. We can call those two if the sponsors' so desire.
19. House Joint Resolution 2 does anyone know the sponsor
20. of that Resolution? Senator Partee has a House Bill
21. on 3rd reading. Senator Partee, HB 70.

22. SENATOR PARTEE:

23. Mr. President thank you. On HB 70, there's an
24. amendment, the...the bill originally called for
25. \$2,000,000 for the identification card. It is a
26. hopelessly lost issue. I've talked with Senator McBroom
27. and he understands that this amendment would appropriate
28. \$180,000 instead of \$2,000,000 as original. Are there
29. any amendments on this bill? I think not. Fine. Then
30. I'm offering Amendment No. 1.

31. PRESIDING OFFICER (SENATOR MOHR):

32. First bring it back to the order of 2nd...

33. SENATOR PARTEE:

1. Call it back to 2nd, that's right...

2. PRESIDING OFFICER (SENATOR MOHR):

3. Is there leave?

4. SENATOR PARTEE:

5. For the purpose of offering an amendment.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Is there leave to bring HB 70 back to the order

8. of 2nd reading. Leave is granted. Explain your amendment

9. Senator.

10. SENATOR PARTEE:

11. Now I'm offering Amendment No. 1 which changes

12. the appropriation from 2,000,000 to \$180,000 to use

13. ...to be used by the Secretary of State for the

14. initiation and implementation of the program to place

15. photographs and...on the drivers' licenses. This is

16. pursuant to a study which was completed and filed with

17. the General Assembly pursuant to Public Act 2786 of the

18. 77th General Assembly.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Senator Partee moves the adoption of Amendment

21. No. 1 to HB 70. All those in favor signify by saying

22. aye. Opposed. Amendment No. 1 is adopted. Further

23. amendments? 3rd reading. Senator Knuepfer on the

24. Secretary's desk I believe you have SB 94, did you

25. want to take action on that?

26. SENATOR KNUEPFER:

27. Senate Bill, what is that, 94?

28. PRESIDING OFFICER (SENATOR MOHR):

29. 94, Secretary's desk. Senator Chew now that you're

30. back in the Chamber would you want to call HB 1120 on

31. postponed consideration?

32. SENATOR CHEW:

33. Mr. President, in this bill...

1. PRESIDING OFFICER (SENATOR MOHR):

2. We're on the order of Consideration Postponed. HB 1120.

3. SENATOR CHEW:

4. Yes, Mr. President. This bill allows automobile
5. carriers to have an overhang of three feet in the rear
6. and four feet in the front. Now this is a carrier that
7. takes automobiles from place to place, and I'd ask for
8. a favorable roll call. I'll answer any questions that's
9. necessary.

10. PRESIDING OFFICER (SENATOR MOHR):

11. Any further discussion? The question is shall HB...
12. Senator Course.

13. SENATOR COURSE:

14. Yes Mr. President, Members of the Senate, I would
15. like to point out that this...does not increase the
16. length of the carrier. It permits the overhang on the
17. rear of the carrier and it permits the overhang on the
18. front of the carrier. Now this is not at the ground
19. level of two foot above the ground, it is approximately
20. four foot above the ground in the rear, and approximately
21. ten foot above the ground in the front. It extends over
22. the front of the carrier. Now the purpose for this is
23. the modern cars, the cars that are being manufactured
24. today and it's going to be a government requirement that
25. we have a...a new kind of a bumper on the car. This has
26. increased the length of the car approximately eight inches.
27. Because of this the carrier cannot carry the number of
28. cars they would normally carry. Now if this is the case
29. and we do not pass this legislation it will mean that the
30. carriers will be required to carry one less car on the
31. transporter. This, as we all know will increase the cost
32. of the transportation of the cars and it will be passed
33. on to the...the cars that are being carried. Ladies and

1. Gentlemen this is a product of the Motor Vehicles Laws
2. Commission. We've made a detailed study of this. It is
3. a good piece of legislation and I have pictures here for
4. anybody who'd like to see just what...It's a good piece
5. of legislation and I would recommend it's passage. Thank
6. you.

7. PRESIDING OFFICER (SENATOR MOHR):

8. Further discussion? The question is shall HB 1120
9. pass and on that question the Secretary will call the roll.

10. SECRETARY:

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

21. PRESIDING OFFICER (SENATOR MOHR):

22. On that question the yeas are seventeen, the nays
23. are ten. HB 1120 having failed to receive the constitutional
24. majority is declared passed. Senator Knuppel on postponed
25. consideration 1017, HB 1017.

26. SENATOR KNUPPEL:

27. Gentlemen I'd like a roll call on 1017. It's a
28. bill which provides that for companies which do not
29. pay promptly claims under...under periodic payment
30. plans for loss of time coverage and accident and health
31. policies that they will be charged 6% from the time of
32. the filing of the...of proper proof of loss. I submit
33. this is good legislation. It's a new idea but that it's

1. good legislation, that the interest should be with the
2. company the person who has the money and uses it and
3. that it belongs to the person who has purchased the...
4. insurance, paid the premium and is entitled to the
5. coverage.

6. PRESIDING OFFICER (SENATOR MOHR):

7. Further discussion? Senator Merritt.

8. SENATOR MERRITT:

9. Mr. President I rise in opposition to this. This is
10. kind of a replay of the same old thing, the bill was bad
11. the last time it was up. It's no...it hasn't aged or gotten
12. any better in the days it's sat on postponed consideration.
13. Again it's a completely unfair situation, when these claims
14. sometimes are tied up in court, could be conceivable six
15. months, a year, several years. There's..there's no justification
16. for interest to be placed at that unfair burden on anyone.
17. And I certainly again reiterate the bill's no better than
18. it was before and I hope it can be defeated.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Further discussion? Question is shall HB 1017 pass
21. and on that question the Secretary will call the roll.

22. SECRETARY:

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

33. PRESIDING OFFICER (SENATOR MOHR):

1. Hynes, aye. Bruce, aye. Carroll, aye. Palmer, aye.
2. Buzbee, aye. Bruce, aye. Hynes, aye. Palmer, aye.
3. Kosinski, aye. Carroll, aye. Buzbee, aye. Fawell, aye.
4. McBroom, no. Request to call the absentees.

5. SECRETARY:

6. Bartulis, Bell, Berning, Clarke, Conolly, Course,
7. Davidson, Glass, Graham, Harber Hall, Keegan, Knuepfer,
8. Latherow, McCarthy, Mitchler, Howard Mohr, Don Moore,
9. Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Partee,
10. Regner, Savickas, Schaffer, Scholl, Shapiro, Smith,
11. Sommer, Soper, Walker, Weaver, Welsh, Wooten, Mr. President.

12. PRESIDING OFFICER (SENATOR MOHR):

13. On that question the yeas are twenty-three, the nays
14. are six, HB 1017 having failed to receive the constitutional
15. majority is declared passed. I believe...lost, I'm sorry.
16. I believe I was in error on announcing HB 1120. The roll
17. call on that was 17 yeas, and 10 nays the bill having failed
18. to receive the constitutional majority is declared lost.
19. How about Senator Sours on 567?

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Kenneth Hall 535. Senator Nimrod. Senator Vadalabene.
22. 462. 462. Senator Carroll, 828, Senator Carroll. Senator
23. Bell, 1012. Senator Newhouse 1298. Consideration Postponed,
24. 1298. 1299, Senator Newhouse. Senator Newhouse.

25. SENATOR NEWHOUSE:

26. Senator Mohr on the floor? Senator do...do you have...
27. discussed these bills with Representative Mann? We ready to
28. go on them or we wait until tomorrow or what? 1298, and 99.
29. You hold it just a second?

30. PRESIDING OFFICER (SENATOR WEAVER):

31. 1410, Kenneth Hall. Senator Kenneth Hall. 1548,
32. Senator Sours. House Joint Resolution 16, Senator Knuppel.
33. ...other business to take care of, we'll be about ten or

1. fifteen minutes so the...Senate will stand at ease for
2. about ten of fifteen minutes. Senator Rock.

3. SENATOR ROCK:

4. Yes Mr. President, I think that's a good idea but
5. I would ask our Members particularly there are some
6. fifty House Bills that passed last night, and we are
7. going to read the message from the House at a point a
8. little bit later. I would ask that nobody please go
9. away there's some very important measures there and
10. we do have to deal with them before we adjourn so, if
11. everybody will just stay close.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. 5:25 we'll reconvene. Senator Graham.

14. SENATOR GRAHAM:

15. I would also...I would only like to suggest to our
16. Members the same thing, admonition that we are going to
17. be dealing with some very important measures contained in
18. the House Message that's here and one that no doubt is
19. coming. It's going to be of the utmost importance that
20. you be available in or near the Senate Chamber so when
21. the bell rings that you do report back here for duty if
22. you will please, so the leadership don't all die of a
23. heart attack.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Stand at recess for about fifteen minutes.

26. SENATOR GRAHAM:

27. Senator Weaver. Senator Weaver why don't we recess
28. until 5:30 flat and then that's twenty minutes and be
29. back here at 5:30 on the Floor.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. 5:30.

32. (RECESS)

33. (AFTER RECESS)

1. PRESIDENT:
2. Senate will...Gary. Senate will come to order.
3. Messages from the House.
4. SECRETARY:
5. (Secretary reads Message from the House)
6. PRESIDENT:
7. Senator McBroom.
8. SENATOR McBROOM:
9. Mr. President, Members of the Senate I would like
10. to read a list of bills that I would like to move to be
11. discharged from any committee action and placed on 2nd
12. reading. Are you prepared Mr. President?
13. PRESIDENT:
14. Yes. Proceed.
15. SENATOR McBROOM:
16. HB 152, 418, 484, 608, 635 and 654, 744, 798,
17. 1110, 1274, 1516, 1528 and 29, 1611, 1776, 1827, 1925
18. and 1926, 1948, 1977, 1978, 1987, 1993. What? Slow
19. down. 1987, 1993, prior to 1987 was 1978 and 1977.
20. PRESIDENT:
21. The motion is that that series of bills be read
22. a first time and advanced to the order of 2nd reading
23. without reference to committee. Is there leave? The
24. Secretary will read the bills.
25. SECRETARY:
26. HB 152 (Secretary reads title of bill)
27. 1st reading of the bill.
28. HB 418 (Secretary reads title of bill)
29. HB 484 (Secretary reads title of bill)
30. 1st reading of the bill.
31. HB 608 (Secretary reads title of bill)
32. 1st reading of the bill.
33. HB 653 (Secretary reads title of bill)

1. 1st reading of the bill.
2. HB 654 (Secretary reads title of bill)
3. 1st reading of the bill.
4. HB 744 (Secretary reads title of bill)
5. 1st reading of the bill.
6. HB 798 (Secretary reads title of bill)
7. 1st reading of the bill.
8. HB 1110 (Secretary reads title of bill)
9. 1st reading of the bill.
10. HB 1274 (Secretary reads title of bill)
11. 1st reading of the bill.
12. HB 1516 (Secretary reads title of bill)
13. 1st reading of the bill.
14. HB 1528 (Secretary reads title of bill)
15. 1st reading of the bill.
16. HB 1529 (Secretary reads title of bill)
17. 1st reading of the bill.
18. HB 1611 (Secretary reads title of bill)
19. 1st reading of the bill.
20. HB 1776 (Secretary reads title of bill)
21. 1st reading of the bill.
22. HB 1827 (Secretary reads title of bill)
23. 1st reading of the bill.
24. HB 1925 (Secretary reads title of bill)
25. 1st reading of the bill.
26. HB 1926 (Secretary reads title of bill)
27. 1st reading of the bill.
28. HB 1948 (Secretary reads title of bill)
29. 1st reading of the bill.
30. HB 1977 (Secretary reads title of bill)
31. 1st reading of the bill.
32. HB 1978 (Secretary reads title of bill)
33. 1st reading of the bill.

1. HB 1987 (Secretary reads title of bill)
2. 1st reading of the bill.
3. HB 1993 (Secretary reads title of bill)
4. 1st reading of the bills.
5. PRESIDENT:
6. Senator Mohr.
7. SENATOR HOWARD MOHR:
8. Mr. President, I move we adjourn.
9. PRESIDENT:
10. All in favor of the motion signify by saying aye.
11. Contrary no. The motion carries, the Senate is adjourned
12. until 11:00 tomorrow morning.
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