

79TH GENERAL ASSEMBLY

REGULAR SESSION

DECEMBER 16, 1976

1. PRESIDENT:

2. The hour of ten-thirty having arrived, the Senate will come
3. to order. Will our guests in the Gallery please stand as we
4. have the prayer by Reverend Rudolph Shoultz, Union Baptist Church
5. Springfield, Illinois.

6. REVEREND SHOULTZ:

7. O God our Father, draw near to us now than we've ever known,
8. and stay with us through this able...deliberation of this day,
9. less we give way to selfishness. We're thankful to Thee for this
10. wonderful time of the year to bring our hearts in sweeter and
11. joyous mood, and as we come close to this Session, we ask you
12. now to bless these who will not return and may Thy everlasting
13. guidance be with all of us as we go through this day. Amen.

14. PRESIDENT:

15. Reading of the Journal, Senator Clewis.

16. SENATOR LEWIS:

17. I move that reading and approval of the Journals of Wednesday,
18. December 1st, 1976, Thursday, December 2nd, 1976, and Tuesday,
19. December 14th, 1976, and Wednesday, December 15th, 1976, be
20. postponed pending arrival of the printed Journals.

21. PRESIDENT:

22. You heard the motion. All in favor say Aye. Opposed Nay.
23. The Ayes have it. The motion carries. The Senate will be at...
24. at ease. Senator Regner. The Senate will come to order.
25. Resolutions, Senator Regner.

26. SECRETARY:

27. Senate Resolution 466 introduced by Senator Regner, and
28. it's congratulatory.

29. PRESIDENT:

30. Senator Regner.

31. SENATOR REGNER:

32. Mr. President and members of the Senate, this is a resolution
33. congratulating the Village of Elk Grove on their twentieth

1. anniversary, and I would ask leave to suspend the rules for the
2. immediate consideration and adoption of this resolution.

3. PRESIDENT:

4. Senator Regner moves for the suspension of the rules for
5. the immediate consideration of this resolution. All in favor
6. vote Aye. Opposed Nay. The Ayes have it. The rules are
7. suspended. Senator Regner now moves for the immediate adoption
8. of this resolution. All in favor will say Aye. Opposed Nay.
9. The Ayes have it. The resolution is adopted. To the Calendar.
10. Will the members be in their seats. On the order of Senate
11. Bills 3rd reading, Senate Bill 2038, Senator Davidson, or 39.
12. Senator Davidson. Would you turn on Senator Fawell's mike.

13. SENATOR DAVIDSON:

14. The...the...the vehicle for what those bills were necessary
15. for have now passed both the Senate and the House, and I'd like
16. permission of the Senate to Table those two bills.

17. PRESIDENT:

18. The motion is to Table Senate Bills 2038 and 2039. All in
19. favor say Aye. Opposed Nay. The Ayes have it. Senate Bills
20. 2038 and 2039 are Tabled. House Bills 3rd reading. House
21. Bill 3202, Senator Hynes. House Bill 3831, Senator Carroll.
22. On the order of Consideration Postponed, House Bill 1930,
23. Senator McCarthy. You going to hold that? All right. Senate
24. Bill 1977, Senator Morris. House Bill 3036, Senator Dougherty.
25. House Bill 3061, Senator Clarke. House Bill 3533, Senator
26. Kenneth Hall. House Bill 3534, Senator Kenneth Hall. House
27. Bill 3840, Senator Mitchler. On the order of matters on the
28. Secretary's Desk, Senate Resolution 437, Senator Newhouse.
29. House Joint Resolution 94, Senator Rock. On the...on the order
30. of Secretary's Desk for concurrence, Senate Bill 1498. On the
31. order of Secretary's Desk for nonconcurrence, House Bill 2804,
32. Senator Vadalabene. House...Total Vetoes, House Bill 1914,
33. Senator Newhouse. House Bill 3189, Senator D'Arco.. Specific

1. recommendations for change, House Bill 3560, Senator Daley.
2. The Secretary informs me that there are three motions on the
3. Desk relating to House Bills 1914, 3189, and 3560. Senator
4. Newhouse, 1914.

5. SENATOR NEWHOUSE:

6. Mr. President, Senate...that's on the Secretary's Desk,
7. just a second.

8. PRESIDENT:

9. Yes, on the...it's...

10. SENATOR NEWHOUSE:

11. Order of total vetoes?

12. PRESIDENT:

13. Yes.

14. SENATOR NEWHOUSE:

15. Mr. President and Senators, House Bill 1914, we have
16. reached an agreement with the Board of Higher Education that
17. we Table this bill at this juncture, and the Board of Higher
18. Education will take some action on it in January, so I...I
19. want to express my appreciation of your support for this
20. concept, and we'll call it that time. Thank you, Mr. President.
21. I'll Table...

22. PRESIDENT:

23. Senator Newhouse moves to Table House Bill 1914. All in
24. favor will say Aye. Opposed Nay. The Ayes have it. The House
25. Bill 1914 is Tabled. There's a motion on the Desk with reference
26. to House Bill 3189, Senator D'Arco.

27. SECRETARY:

28. I move that House Bill No. 3189 Do Pass the veto of the
29. Governor to the contrary notwithstanding. Signed, Senator D'Arco.

30. SENATOR D'ARCO:

31. Thank you, Mr. President. This is a very simple bill.
32. What it does it revises the membership of the Commission on
33. Delinquency Prevention so that the Speaker of the House, the

1. Minority Leader of the House, the President of the Senate, and
2. the Minority Leader of the Senate do appoint four people to
3. that commission, the remaining members to be appointed by the
4. governor. We did want some legislative input into this new
5. commission that deals with juvenile prevention, and we felt that
6. one way to insure that would be to have Legislators themselves
7. be members of the commission and that way we could get some
8. legislative input. I know Senator Maragos has a few words to
9. say on this bill, and I would defer to him at this time.

10. PRESIDENT:

11. Senator Maragos.

12. SENATOR MARAGOS:

13. Mr. President and members of the Senate, last year in our
14. wisdom as a Legislative Body, we passed the bill regarding...
15. before us 3189. Several years before that, I happened to be the chief
16. sponsor of the bill that established this commission, and it was
17. our intent at that time that the thrust of that bill was to
18. enhance the community committee idea. In fact, what...what
19. we did with that commission was to remove this portion away
20. from the Department of Corrections because we were interested
21. in prevention of juvenile delinquency, and the Department of
22. Corrections at that time was not given it its full intention.
23. After the bill and the commission was set up by law, we found
24. that much of the work and intent of the Legislature was being
25. scuttled, and therefore, I joined Representative Capparelli
26. and Representative Lower this year while I was still a member
27. of the House to put this bill into action and thereby allowing
28. more...input by the Legislature in deliberations of this Body.
29. We have to keep the Legislature as a policeman to monitor the
30. efforts of this commission and therefore, fulfill the purposes
31. for which it was created. I ask you, therefore, that you support
32. this piece of legislation and override the veto of the Governor.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Mohr...Howard Mohr.

2. SENATOR MOHR:

3. Yes, Mr. President, I would encourage our members on this
4. side of the aisle to support this legislation. I have stated
5. many, many times and have seen the need for legislative members
6. on a lot of these commissions, and I think that most any
7. commission that is established should have some legislators
8. on that...on the various commissions, get some legislative
9. input, and above all see that the things that the Legislature
10. planned for the activities and programs and so forth are carried
11. out, and I would encourage all members to support this bill.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Berning.

14. SENATOR BERNING:

15. One question. I have no objection to legislative members
16. serving, but I don't see in the bill where it requires the
17. Speaker or the Minority Leader of the House, or the President
18. or the Minority Leader of the Senate to appoint members of the
19. Legislature. There is merely an authorization to make an
20. appointment. My question is, how do we know, and does the bill
21. really do what has been implied here by testimony?

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Maragos.

24. SENATOR MARAGOS:

25. Since...Senator D'Arco is not at his seat, I will try to
26. answer the question, Senator Berning, and state to you that the
27. ...Constitution does not allow us to be both legislators and
28. members of the Executive Department. However, by the appointments
29. of the legislative leaders, we will have the input. You are
30. correct. It will not be members of the Legislature, but be
31. appointees of the Legislature.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Berning.

1. SENATOR BERNING:

2. Thank you, Mr. President. This does clarify then what
3. has been an erroneous presentation, namely that there will be
4. legislative members appointed. All we are doing here is granting
5. the leadership the right to make appointments. Now, if the
6. appointments were members of the Legislature, then there might
7. be a defense for this. As long as they are not members of the
8. Legislature but authority to appoint members of the public, I
9. am inclined to believe that it runs counter to the decision by
10. the Illinois Supreme Court in King versus Lindberg. We have
11. an identical situation here, and I think we would be taking unwise
12. action by the passage of this without some guarantee in it.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator D'Arco.

15. SENATOR D'ARCO:

16. Thank you, Mr. President. I would concur with Senator
17. Berning in the sense that it does provide that the various
18. leaders of both Houses do have the power to appoint people to
19. this commission, and it doesn't specifically state that those
20. people are to be, in fact, legislators. I think this is a
21. good bill. I think we need some legislative input in this
22. commission. The problems around the State are...concerning
23. juvenile delinquency are many and varied, and the commission
24. has done a very good job in this area, and I would seek your
25. favorable support. Thank you.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. All right, the question is, shall House Bill 3189 pass,
28. the veto of the Governor to the contrary notwithstanding? Those
29. in favor will vote Aye. Those opposed will vote Nay. The
30. voting is open. Have all voted who wish? Take the record.
31. On that question, the Ayes are 41, the Nays are 4, 1 Voting
32. Present. House Bill 3189 having received the required three-fifths
33. vote is declared passed, the veto of the Governor to the contrary

APR 18
12/16/76

1. notwithstanding. Senator Partee, for what purpose do you arise?

2. SENATOR PARTEE:

3. Mr. President, to ask for leave to go to the order of
4. motions?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Is leave granted? So ordered. On the order of motions,
7. there's a Motion in Writing filed. Read the motion, Mr. Secretary.

8. SECRETARY:

9. A Motion in Writing filed by Senator Partee.

10. I move to take House Joint Resolution 18 from the
11. Table and place it on the Secretary's Desk.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Partee.

14. SENATOR PARTEE:

15. Mr. President and members of the Senate, I am moving to
16. take House Joint Resolution 18 from the Table. This resolution
17. relates to a subject which has been discussed and debated for
18. several years now in the legislative halls.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Yes, Senator Graham, your point is well taken. May we
21. have some order. Will those not entitled to the Floor, please
22. vacate, and will the...the members please be in their seats.
23. Senator Netsch, this matter is of some concern to you, I think.
24. Would you please...Senator Partee.

25. SENATOR PARTEE:

26. The matter has been with us for quite a long while relating
27. to the Equal Rights Amendment. I stood on this Floor last
28. Spring and said to you that House Joint Resolution 1 would not
29. be called because we felt at the time there were not
30. sufficient votes to pass it, and I am not absolutely certain that
31. there are enough votes to pass it today, though I surely hope
32. that there are enough. This subject matter has been with us,
33. as I say, and I think it is not really necessary for me to make

1. any extending...extended remarks about the Equal Rights Amend-
2. ment. And let me be perfectly candid and say to you that I
3. was certainly motivated and certainly moved toward this course
4. of action by the interest as expressed in a telephone conversation
5. to me yesterday from a village in Georgia by the name of Plains,
6. from a man who bears the name Jimmy Carter, the President-elect
7. of the United States, who asked me what are you going to do
8. in Illinois about the Equal Rights Amendment, and I talked to
9. him concerning it, giving him some history of it, as I had on
10. a previous occasion, and told him that we would determine if the
11. Illinois Senate was ready and prepared to pass this amendment.
12. Now, we might have called Senate Joint Resolution 1 which is
13. on the Calendar which would, of course, necessitate this matter,
14. and at this late date going back to the House, so instead of
15. that course of action, we're going to seek to move House Joint Reso-
16. lution 18 from the Table, which would mean that if it passes
17. here, then it is a matter of finality, it is a subject which
18. is behind us. Three simple sentences constitute this amendment.
19. Equality of rights under the law shall not be denied or abridged
20. by the United States or by any state on account of sex. The
21. Congress shall have the power to enforce by appropriate legislation
22. the provisions of this Article. This amendment shall take effect
23. two years after the date of ratification. All of the basic
24. facts have been discussed, but just simply establishes a fundamental
25. legal principal that the law must deal with the particular attributes
26. of individuals and not with classifications attributed to one's
27. sex or the other. The Fourteenth Amendment established the
28. principal of equal protection of the law without regard to race,
29. and this amendment would establish that same principal with
30. regard to sex. Mr. President, I am not going to take anymore
31. of the Senate's time personally on this subject, but I am going
32. to ask my colleagues to finalize this matter today and to vote
33. affirmatively on the motion to take House Joint Resolution 18

1. from the Table.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Any discussion on the motion? Senator Harris.

4. SENATOR HARRIS:

5. Yes. On a matter as important as this, I really think we
6. ought to be on solid ground, and I do believe my recollection
7. is accurate and the facts are these as I'll now recite them,
8. and would, at the conclusion of them, suggest that we reconsider
9. the motion to take from the Secretary's Desk and do it by a
10. motion to suspend the rules, because my recollection is that
11. for several days, several legislative days in a row, the President
12. filed a continuing motion to maintain the viability of Senate
13. Joint Resolution...House Joint Resolution 18, and then at some
14. point in our process and progress no continuing, dated, life-
15. preserving extension of that motion occurred, and so to be on
16. absolutely solid ground, I think we should reconsider the motion
17. to take from the Secretary's Desk because I think the...the
18. resolution has, in fact, been Tabled by our rules, and that we
19. consider then after that, and I would join in placing the matter
20. before the Body a motion to suspend the rules. I think we'd
21. be on more solid ground to follow that procedure.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Well, the Chair appreciates the suggestion, but...but
24. would only ask you to consider that under our rules that considera-
25. tion seems at least to apply only to bills as opposed to resolu-
26. tions.

27. SENATOR HARRIS:

28. Well, then might I inquire what was the necessity of the
29. action that occurred several days in a row and then was discon-
30. tinued? I...I...I just...I...I think we're...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. No, I'm...I'm not being contentious. I'm attempting at
33. least to do the same thing you are, to come to a reasonable

1. resolution.

2. SENATOR HARRIS:

3. Well, would it not be more secure if, in fact, this motion
4. were to be adopted by a sufficient number of Senators that we
5. do everything we can to avoid any question of litigation beyond
6. that. It...it seems to me that if we proceeded with a motion
7. to suspend the rules and then to take up the resolution, we'd
8. cure that potential contention.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Partee.

11. SENATOR PARTEE:

12. Well, it's just what you call it, a contention. It isn't
13. a problem at all for me, legally or otherwise, to follow the
14. course of action that I am suggesting. The rule to which you
15. refer refers as the Chair has just properly said, to bills and
16. not to resolutions. The fact that a motion might have been
17. filed on successive days may have been done at a time when we
18. hadn't really read it as carefully as we have lately. Actually
19. we're surplusage, it was necessary to have filed that motion
20. on successive days. So the fact is, that we are now properly
21. within our rules which does exclude resolutions from that
22. Rule 11, to which you allude. We're properly within our rights
23. now to seek a roll call on the question of whether the removal
24. of Senate Joint Resolution 18 from the Table.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Harris.

27. SENATOR HARRIS:

28. Then, as I understand it, the Chair has ruled that since
29. paragraph 2 of Rule 11 does not specifically refer to resolutions
30. that there is no Senate rule with respect to what is the ultimate
31. disposition of a resolution that has received a recommendation
32. of the Executive Committee, do not adopt. Is that what you are
33. stating?

1. PRESIDING OFFICER: (SENATOR ROCK)
2. No, that the Chair hasn't made any ruling yet...
3. SENATOR HARRIS:
4. Okay.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. ...I was making a counter suggestion. The third para-
7. graph would seem to deal, it says a bill or resolution referred
8. to a committee and not set for hearing...
9. SENATOR HARRIS:
10. That's right, and that...that's a procedural question
11. about the dealing with the activity or the commitment on the
12. part of the sponsor to take it out...
13. PRESIDING OFFICER: (SENATOR ROCK)
14. That is correct, but...but...
15. SENATOR HARRIS:
16. ...yes...
17. PRESIDING OFFICER: (SENATOR ROCK)
18. ...what I'm pointing out is that within the context of
19. that rule, that paragraph specifically says bill or resolution...
20. SENATOR HARRIS:
21. ...I...I recognize that...
22. PRESIDING OFFICER: (SENATOR ROCK)
23. ...paragraph prior to that has no such reference.
24. SENATOR HARRIS:
25. ...That's correct, and so, the affect of your suggestion,
26. Mr. President, is that there is no disposition, that a resolution
27. that receives committee recommendation, do not adopt, is alive
28. and available for further consideration at any time as long as
29. the...that current General Assembly continues. Is that conclusion
30. you are suggesting is the fact?
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Well, alive to the extent that it is subject to this kind of
33. a motion. If something is reported out of committee, do not pass,

1. it...it in effect lays upon the Table, and it has to be taken
2. therefrom, and is subject to this kind of a motion. So to that
3. extent, yes, it is alive for the duration of the Assembly.

4. SENATOR HARRIS:

5. Okay, then you are saying that resolutions are not affected
6. by the second paragraph of Rule 11?

7. PRESIDING OFFICER: (SENATOR ROCK)

8. That is my opinion. Yes, Sir. Senator Harris.

9. SENATOR HARRIS:

10. Well, then, I...I have not checked the Journal of the
11. day following the Executive Committee's disposition of this
12. matter, but how are we to know that the resolution is on the
13. Secretary's Desk? Has it...does the Journal show that that's
14. where it resides?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Well, I...I'll...I'll have to check the Journal, Senator.
17. I do not have the Journal. I do not have a Journal. I have a
18. digest...

19. SENATOR HARRIS:

20. Yeah...yeah, the digest reports...

21. PRESIDING OFFICER: (SENATOR ROCK)

22. ...I see you do.

23. SENATOR HARRIS:

24. ...that it has been Tabled.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. ...That is correct. Well, Senator Mitchler, I just wanted
27. to...all right, Senator Mitchler, on this same...on Senator
28. Harris' point, I assume. Senator Mitchler.

29. SENATOR MITCHLER:

30. Just...just a point of order, and I have no objection to
31. this personally, but if the electronic news media is going to
32. have the television cameras on, photos are to be taken, I think
33. that permission of the Senate should be...

1. PRESIDING OFFICER: (SENATOR ROCK)
2. You are...
3. SENATOR MITCHLER:
4. ...required.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. ...you are quite correct...
7. SENATOR MITCHLER:
8. ...Let's get this okay...
9. PRESIDING OFFICER: (SENATOR ROCK)
10. ...I was not in the Chamber earlier. I assumed that had been
11. done. Is leave granted?
12. SENATOR MITCHLER:
13. ...I have no objection...
14. PRESIDING OFFICER: (SENATOR ROCK)
15. ...Apparently our friends in the media...all right.
16. Leave is granted. ...Senator Harris, do we wish to pursue this?
17. I think the point is that I...I...I have ruled or I am...am
18. ...willing to rule that this motion is in order, and that will
19. suffice to bring the matter before the Body.
20. SENATOR HARRIS:
21. Okay. Proceed.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. All right, any further discussion on the motion? Senator
24. Ozinga.
25. SENATOR OZINGA:
26. Just...just as a matter of clarification. A vote of Aye
27. at this time will bring the matter back to the Floor.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. That is correct.
30. SENATOR OZINGA:
31. Is that right?
32. PRESIDING OFFICER: (SENATOR ROCK)
33. That is correct.

1. SENATOR OZINGA:

2. A vote of Nay will keep it on the Secretary's Desk and
3. there would be no further need to vote on the question here,
4. then. That right?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. That is correct. Any further discussion on the motion?
7. The motion is, to take House Joint Resolution 18 from the
8. Table. Senator Soper.

9. SENATOR SOPER:

10. Parliamentary inquiry. You made a statement. Now, is
11. this going to be adversary vote? In other words, pro and con
12. taken from the Table, or does it take thirty votes?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. It...it is...I will rule that it takes a simple majority
15. of those...and I understand there...there is a request for
16. a roll call down on my left here and it is a majority of those
17. voting on the question whether or not the matter should be
18. taken from the Table so that the Senate can proceed. Senator
19. Mitchler.

20. SENATOR MITCHLER:

21. An inquiry of the Chair, Mr. President. When House Joint
22. Resolution No. 18 was defeated when it was called in the Senate,
23. does the Senate Journal reflect that a motion was made to so-call
24. lock in the vote that the...the motion was made to reconsider
25. the vote by which House Joint Resolution 18 failed and then
26. a following motion was made to reconsider to Table that motion?
27. Does the Journal of the Senate reflect that that action was
28. taken?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. No, I...I...I don't think that's the chronological history of
31. this particular matter. It was...was, in fact, according to
32. the records from the Secretary's office never considered on the
33. Floor. It was voted out of committee as the Digest reflects,

1. recommended Do Not Pass, and was Tabled. Subsequently a Motion
2. in Writing was filed to take from the Table. Consideration of
3. that motion was postponed a number of times, and the matter was
4. just left there...

5. SENATOR MITCHLER:
6. Then...

7. PRESIDING OFFICER: (SENATOR ROCK)
8. ...A motion to take from the Table has now been put, and
9. that is the matter before us right now.

10. SENATOR MITCHLER:
11. ...In other words, there has never been a vote of this
12. Senate on House Joint Resolution 18...

13. PRESIDING OFFICER: (SENATOR ROCK)
14. That is correct.

15. SENATOR MITCHLER:
16. ...for passage.

17. PRESIDING OFFICER: (SENATOR ROCK)
18. That is correct.

19. SENATOR MITCHLER:
20. Thank you.

21. PRESIDING OFFICER: (SENATOR ROCK)
22. Senator Howard Mohr.

23. SENATOR HOWARD MOHR:
24. I guess this question would be of the sponsor.

25. PRESIDING OFFICER: (SENATOR ROCK)
26. Sponsor indicates he will yield. Senator Howard Mohr.

27. SENATOR HOWARD MOHR:
28. Senator Partee, if this measure comes out today and is
29. voted down, will that, in fact, be the end of it for this Session?

30. PRESIDING OFFICER: (SENATOR ROCK)
31. Senator Partee.

32. SENATOR PARTEE:
33. Yes.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Howard Mohr.
3. SENATOR HOWARD MOHR:
4. We will not be called back into a Special Session or hear
5. it again before the 12th of January?
6. PRESIDING OFFICER: (SENATOR ROCK)
7. Senator Partee.
8. SENATOR PARTEE:
9. No, it will not.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Further discussion? Senator Graham.
12. SENATOR GRAHAM:
13. I don't think there's any question, Mr. President and
14. Ladies and Gentlemen of the Senate, how I feel about this issue.
15. I do suggest, however, that we quit the parliamentary bickering,
16. and I think that the Senate would be wise at this point in
17. time to have this issue on the Floor, let's act on it today,
18. and get it over with. We can't inoculate ourselves from it
19. like we did the Swine Flu, and the only way we can do it is
20. get it out on the Floor and have it over with it.
21. PRESIDING OFFICER: (SENATOR ROCK)
22. The Chair appreciates that suggestion, Senator Graham.
23. Senator Harris.
24. SENATOR HARRIS:
25. Well, as I indicated in my earlier inquiry, I certainly
26. am going to support the President in getting the motion...the
27. ...the resolution before us, and I'm ready for a roll call. I
28. intend to vote...
29. PRESIDING OFFICER: (SENATOR ROCK)
30. Fine.
31. SENATOR HARRIS:
32. ...Aye on the motion to take from the Table.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Further discussion? All right. The...the question is,
2. shall House Joint Resolution be taken from the Table. Those
3. in favor will vote Aye. Those opposed will vote Nay. The
4. voting is open. Have all voted who wish? This is the vote on
5. the motion to take from the Table, to take House Joint Resolu-
6. tion 18 from the Table. Have all voted who wish? Take the
7. record. All right, on that question, the Ayes are 37, the
8. Nays are 12, none Voting Present. The motion prevails. We
9. are now at the point, Senator Partee...do you wish to immediately
10. proceed? House Joint Resolution 18 is, in fact, again before
11. the Body. Senator Partee.

12. SENATOR PARTEE:

13. I appreciate the support for putting the issue on the
14. Table and bringing it from the Table to bring it out for a vote.
15. I certainly think that that is responsible, and I appreciate
16. particularly the statement by Senator Graham and Senator
17. Harris and those who personally said to me that they think
18. the issue should be voted on, because it is an issue that has
19. caused some division among the persons that it most affects.
20. There is admittedly some division and an economy of thought
21. by women on this issue. I would only remind you that it is not
22. unusual for women not to agree on a particular subject, and
23. historically we happen to know that when the 19th Amendment
24. that affects the rights of women to vote came from the Congress
25. as this proposition has come, there was a considerable body of
26. the female population that was opposed to giving women the
27. right to vote. It's today almost unthinkable that elections
28. would be run without the participation of female. Illinois
29. was one of the first states to adopt the 19th Amendment which
30. gave women the right to vote. Full and unfettered participation
31. in a democracy is something that we have read about since we
32. were children starting with the first Civics class at about
33. sixth grade and I assume perhaps today in schools even prior to

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1. that, because we've had many examples of youthful participation
2. in the selection of the State bird or the State tree or the
3. State flower or matters of that kind, so children are taught at
4. a very early age that this is a democracy and that people ought to
5. have on an equal basis the right to petition their government
6. and be a part of it. And all we're doing with this resolution
7. is, saying that there shall be no discrimination based on sex,
8. just as we said years ago in the 14th Amendment, there should
9. be no discrimination based on race. This issue in my judgment
10. has over the years become reimagined in the context of what it
11. really does or does not do. It has from its inception taken
12. on some nuances and some peripheral ideas and attitudes which
13. do not in anyway relate to the issue itself. This Senate
14. passed the Equal Rights Amendment several years ago, and then
15. when it to the House, it got involved in some sort of verbalistic
16. imbroglio and as a consequence it did not then pass. It came
17. back now. They have straightened themselves out and seen the
18. light, and they've passed it and it is here. Now, it is our
19. chance to put this issue behind us and join those other legions
20. states which have passed this resolution. I don't think it's
21. necessary to say anymore at this point concerning it. Every-
22. body knows what it's about, everybody knows what the facts are,
23. or purport to be. And I'm simply going to ask, Mr. President,
24. that we be supportive of this motion to adopt this resolution.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Mitchler.

27. SENATOR MITCHLER:

28. Mr. President and members of the Senate, to be very brief
29. because enough has been said on this, but we often talk about
30. a bill as being a merely bill. It just merely does this or
31. merely does that. Many people have referred to the proposed
32. Equal Rights Amendment to the United States Constitution as
33. just a merely amendment. That this amendment will just merely

1. do this and merely do that, and in citing that they say it
2. merely says that and they quote Section 1 of the proposed
3. amendment, "equality of rights under the law shall not be
4. denied or abridged by the United States or by any State on
5. account of sex", and they say that's all it does, how can
6. you be against that. And I concur with Senator Partee's
7. remarks that I think that in this day and age none of us
8. can object to that type of language, but the proposed
9. amendment to the United States Constitution called the
10. Equal Rights Amendment goes farther. And I point out Section
11. 2 that I would like to quote to you. It says - "The Congress
12. shall have the power to enforce by appropriate legislation
13. the provisions of this Article." Now, therein makes this
14. proposed amendment more than just a merely doing this or
15. merely doing that. States will give up all rights in this
16. field. The entire power to enact legislation and to enforce
17. it will rest with the Federal Congress. So that does make
18. this more than a merely bill. I point that out because Section
19. 2 is troublesome to me, whereas Section 1 really has no
20. problem as far as I am concerned. And then Section 3, and I'll
21. just put it in so it's in the record. It says - "This amend-
22. ment shall take effect two years after the date of ratification",
23. and certainly I don't believe any of us have any qualm or
24. quarry about Section 3. But Section 2 is a very serious
25. problem with me, because to give Congress the power to enact
26. the legislation and enforce it, taking the power away from
27. the states I believe is taking away states' rights that each
28. state in this great United States has different opinions on
29. different things and many times it's in favor not against those
30. that seek this amendment. Thank you.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Smith, for what purpose do you arise? There are
33. about five or six who have indicated...all right.

1. SENATOR SMITH:

2. I'll...put me on the list, would you...

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Yes, Sir. Senator Clewis. Gentlemen, can we clear out in
5. front...Senator Egan and Bruce and...can we...Senator Clewis
6. has been recognized.

7. SENATOR CLEWIS:

8. Thank you, Mr. President, members of the Senate. I'm
9. breaking a promise to myself. I said that I'm a new member of
10. the Senate, and that I was just going to sit back and try to
11. learn a little bit before I got up and attempted to speak on
12. controversial issues such as ERA. I have been informed that
13. in my area on the northwest side that the press has put me
14. in the position where they're telling me that I may be one of
15. the deciding votes on the ERA. If this is the case today, I'm
16. going to vote Present, because I feel that if I'm going to
17. make a decision for my district as a new member I'm not as
18. knowledgeable as my learned colleagues. I still have some
19. reservations to whether the loss of sanctions or possible
20. rights under this legislation would be to the best interest
21. of the women in my district who are primarily nonprofessional
22. women. I am doing some research. I've asked the Legislative
23. Council to help me with an analysis. I probably will at some
24. point in time vote Yes on the bill, but I want to clear up
25. these reservations first. Thank you.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Wooten.

28. SENATOR WOOTEN:

29. Thank you, Mr. President and colleagues. I think the
30. thing that distresses most of us as we consider this bill is
31. the mail we received from our constituents and the concerns which
32. are voiced in those letters. The unfortunate thing is that
33. they are all concerned with matters which cut across this

1. issue. The difficulties that many families and marriages are
2. in today, the apparent disillusion of social ties. The un-
3. fortunate thing is that our action for or against the Equal
4. Rights Amendment will not affect the tides of society. Those
5. things flow on independent of law. We can pass all the laws
6. we want regarding the sanctity of marriage and the strength
7. of the home. Churches can unveil dogma and make pronouncements,
8. but those decisions come down to agreements and compacts
9. between individuals. It doesn't make any difference what
10. society does. The success or failure of those undertakings
11. rest on the individuals involved. What we are asked to deal
12. with here is a simple civil rights matter. Can you really
13. say to yourself that a citizen of the United States, indeed
14. a citizen of the world, ought to be able to discriminate against
15. another human being simply because of sex. I don't believe
16. any Illinoisan, any American, any human being, can assent to
17. that. What we're asked to do in ratifying the Equal Rights
18. Amendment is to set into law something all of us ought to
19. believe in and ought to act on. And I think that good law is
20. a reflection of what is good in society. I have supported the
21. Equal Rights Amendment from the beginning. I regret that has
22. been involved in issues which are not directly concerned with
23. the question and I urge your support.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Lemke.

26. SENATOR LEMKE:

27. Mr. President, my fellow colleagues, I have approached the
28. ERA problem on a different solution and a different standing.
29. It seems like the supporters of ERA are my...my...my opponents
30. on Right to Life. And to me Right to Life is more valuable of
31. an amendment than ERA, because we're talking about terminating
32. life of a human being. Therefore, my position has always been
33. and I hope the press relates this position because they never do,

1. my position is I am abstaining from voting on the ERA until
2. certain supporters of ERA will let the Right to Life Amendment
3. take the same position as ERA, because the Right to Life is
4. more important. Therefore, don't look for my vote as for it
5. or against it or as Present. I am abstaining, and let it be
6. known why I am abstaining, because I want the Right to Life
7. Amendment to be before this same Body so that we can vote on
8. that also. And when that comes to life, maybe then ERA will
9. get my vote, and let the opponents know that because this is
10. what it's important to my constituents and that's the many
11. children that I hear crying from the grave that are now
12. terminated and have no expectancy of living.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Berning.

15. SENATOR BERNING:

16. Thank you, Mr. President, members of the Senate, I would
17. like to emphasize that what we are considering is not equality.
18. The question before us is not equality for anybody, man or
19. woman. That's already been established by the U.S. Constitution
20. and Federal legislation. What we are talking about in all
21. honesty is a needless amendment to the U.S. Constitution which
22. does also then contain the threat of seriously adverse impacts.
23. And Mr. President and members of the Senate, to have this matter
24. foisted on us again at these last hours in my opinion is most
25. unfortunate, and when the honorable President of the Senate
26. comments rightly so that the citizen has the right to petition
27. the government in this democracy quote republic, I want to
28. remind him and the rest of the members that there is also another
29. aspect of our government which says, the majority shall prevail,
30. the majority rules, and once a decision is made, that really ought
31. to be it, but that it is not what the proponents of this issue
32. are willing to accept. They belabor us for hours and hours and
33. hours with mail and phone calls. They have cost the State of

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Senator Smith
12-16-76

1. Illinois thousands and thousands and thousands of hours and
2. dollars in responding to their repetitious requests. Mr.
3. President and members of the Senate, I think that is totally
4. indefensible along with the implied, the implied position, the
5. implied inference of the proponents that those legitimate female
6. opponents and there are millions of them have no rights, that
7. their rights that they now enjoy and wish to have protected and
8. which they and others of us see denied by the passage of this
9. amendment, that's of no consequence. It is only the greedy,
10. self-centered drive to prevail on an emotional issue. It is
11. totally symbolic, Mr. President. I think it deserves no support.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Smith.

14. SENATOR SMITH:

15. In light of what the speaker who used...yielded the Floor,
16. my good friend from the County of Cook, I recall a verse which
17. says - here's to woman's right. When she's right, she's right,
18. right. When she's wrong, she's right, and if she had all of
19. her rights right well we know, right where the men folks all will
20. go or would go. I'm going to do something here that's contrary
21. to all that it is a part of me when I vote for this bill. When
22. the bill was up heretofore, I voted because of my deep and abiding
23. respect for the then sponsor, former Senator...what is her name?

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Saperstein.

26. SENATOR SMITH:

27. Saperstein, who had served here faithfully, and I liked her.
28. She was the same off the Floor as she was on the Floor, and against
29. my honest intellectual beliefs, I voted for this. Now, I find
30. here at the close of this present Session that another for whom
31. I have much respect and abiding confidence has seen fit to foist
32. this monster upon us again, the President of this Senate. Out
33. of deference and respect to him, I'm going to vote for it, but

1. I want you Gentlemen to know, Ladies and Gentlemen, that
2. intellectually I am opposed to it, and I want to tell you why.
3. I raised this question in the caucus. Now as I understand it
4. ...I hope I'm wrong. I don't believe that I am, that first
5. a sponsor of a...of a resolution of this sort ought to have had
6. as much research done as possible. If we pass this resolu-
7. tion today and a sufficient number of other states do likewise,
8. the matter will then be submitted to the people of the various
9. states and if thirty-six, I believe it is, of those states
10. vote affirmatively, this monster as I would call it becomes
11. the law of the land. Now, I said that I hope I'm wrong. You are
12. about, I think if you support this motion on the part of my
13. friend and leader and God knows I have tried to go along with
14. him. He and I will both admit that there have been honest
15. differences of opinion as between us. I'd rather be speaking
16. against the...the resolution than having intimated, because
17. that's what I'm going to do, I'm going to vote for it, but I'm
18. not following the light as God gives me ability to see the
19. light in voting for it. And I want to tell you the question
20. that I raised when we had this in caucus. Now, as I see it,
21. the ladies or the women are asking for equal rights, and I'm
22. afraid the equal rights go just a little too far, very, very,
23. much farther than I think they know or realize it would go,
24. and I hope again I'm wrong. But now, are you trying in this
25. resolution, may I ask of my friend, to...to cause to be stopped
26. further references to the female sex as females?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Partee.

29. SENATOR PARTEE:

30. No, I'm not trying to...the resolution doesn't have female
31. people referred to anything other than as female. There has
32. been a recent kind of expression. The word "person" has been
33. used in our law and many laws which referred only to men has...have

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12-16-76
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1. now been changed to include the word "person", but that does
2. not relate to...to this amendment.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Senator Smith.
5. SENATOR SMITH:
6. It's exactly what I was leading up to. If from now on
7. or subsequent to the adoption by thirty-six states, those whom
8. I have...since I was a lad down in the hills of East Tennessee,
9. in their quest for equal right...I'm fearful that they'll
10. abolish all family life or much family life. If you're granting
11. a female the right to marry another female, if you're granting
12. the right to a male and there are some doing that, to do marry another
13. female, then my...no, to marry another male and they're doing
14. that, now will we be intimating or will we be giving our stamp of
15. approval to such damnable, to me at least, practices as those.
16. I fear that you will be, gentlemen, that you'll be granting a
17. man the right to marry another man, that you'll be guaranteeing
18. the right of a...of a...of what we now refer to as a female,
19. the right to marry another female, and since I've been here
20. this week, I noticed in the...no, the Chicago Sun Times, a
21. statement to the effect, that the Army had thrown out or dis-
22. charged from the...the Armed Services a female because she
23. admits that she is a lesbian. Now, there are those who think
24. that they have the right, that is a right a personal right, to
25. do whatever they so see fit. Here's a woman that admits and
26. I heard an admission and statement when we were down in 212 the
27. day you had that minister down there that I questioned, I heard
28. a statement made by a woman to another woman that they don't know
29. what if we get this thing through, we can marry. That's what
30. the woman said to the other woman. I'm against it. I'm...sex,
31. (machine cut off) I may be old and I may be thin, but I'm a
32. doggone good man for the fix that I'm in. There are two people
33. that are unalterably opposed to this measure, and that is the

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12-16-76

1. wife of my bosom, and these gentlemen that know me know I
2. don't go anywhere, any public function, anything, unless my
3. wife is with me. I love her. She loves her home. She loves
4. her husband. I have no fear, personally, but if we are going
5. to by this be opening the door to the legalization of females
6. marrying females and males marrying males, I'm against this
7. thing. Now, one other thing, Mr. Chairman, and I thank you that you...

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator, then you will have to conclude, Sir...

10. SENATOR SMITH:

11. ...I'm going to right now. All right, my friend. What-
12. ever you do is all right with me, and it's all right, I haven't
13. much longer to live anyway, but I...I certainly don't want to
14. vote for this...I was about to say heinous, and I shouldn't
15. say that should I, because there are those who are as much en-
16. titled to their views and opinions. If a male wants to marry
17. a female, you're going to give him the right. Female wants to
18. marry female, you're going to legalize that. You're going to
19. have make numerous changes in the written laws that we now have
20. on the Statute Book, and we have too many, and I'm not foolish
21. enough to believe that in the final analysis we live by laws
22. anyway. Man doesn't live by law, he lives by his emotions, by
23. his instinct, by his feeling. He lives as he lives and then
24. he makes love. Now, this all seems foolish to you, Ladies and
25. Gentlemen...

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Latherow, for what purpose do you arise? Excuse
28. me, Senator.

29. SENATOR LATHEROW:

30. Well, Mr. President, I have never in the time I've been
31. here seen Senator Smith interfere with the conversation of any-
32. one, he always listens. And I think he's entitled to order.

33. PRESIDING OFFICER: (SENATOR ROCK)

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1. You are correct. Senator, I will attempt at least to
2. maintain some order, and I would ask if you would please to
3. conclude.

4. SENATOR SMITH:

5. I...I conclude. I conclude. I'm finished.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Netsch, if you please. Senator Maragos.

8. SENATOR MARAGOS:

9. Mr. Speaker and members of the House...Senate. I shall begin
10. again. Mr. President and members of the Senate, I've...I won't
11. take anymore time. Enough has been said about this issue, and
12. I don't think we're going to change many votes by our speeches
13. this afternoon. I'll pursue it to say that this is merely a
14. symbolic measure. It's not going to have...it's not going to
15. do what the many people think and fear it will do, and I think where
16. our symbolism should be in the favor of this measure, and I'll
17. have the unique opportunity to vote for it both as a member of
18. the House and a member of the Senate, and that's why I support
19. the resolution.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. All right. There are about five more who've indicated
22. they wish to speak. Senator Chew, you'll be recognized in
23. due course. Additionally, there has been a request of the
24. Chair from Mr. Robert Cook who has asked leave of the Body
25. to take some silent pictures for a brochure and slide presenta-
26. tion. Is leave granted? Leave is granted. Senator Kenneth Hall.

27. SENATOR KENNETH HALL:

28. Thank you, Mr. President, fellow members of the Senate.
29. To quote my famous Senator to my right in this aisle, Senator
30. McCarthy, he has often stated that some of the matters that need
31. to be said have already been said, but they're so important that
32. they need to be repeated. Now, some years ago there was a famous
33. President by the name of Franklin Delano Roosevelt, and he

1. assured the people of this country that the only thing you
2. have to fear is fear. Now, Senator Partee has so eloquently
3. stated the facts. ERA is simply equal rights. That's all
4. we're asking. I'm honored to be able today to be able to
5. cast a vote in behalf of this, and I would urge you to vote likewise.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Ozinga.

8. SENATOR OZINGA:

9. Mr. President, members of the Senate, I believe you all
10. have heard the issues time in, time out, more than once, and
11. I particularly have been confronted with this issue as an...as
12. the Chairman of the Executive Committee when I believe that
13. we gave a full, fair, complete hearing to this issue. I agree with
14. Senator Partee.. It has been aired in, out, sideways, back-
15. wards, upwards, downwards, anywhere that you want to talk about
16. it. I have never been one to be a do-gooder or try to be
17. on the side of a popular issue. However, with this issue, this
18. has been and as you all know, it has been the part and parcel
19. of the last three, maybe four elections where some of us have
20. received the brunt of the situation because of our stand...
21. stand that we took. Okay, I was one of those and as such, I
22. will say now, that I agree with Senator Lemke as in
23. his stand with the Right to Life. I also, of course, I can't
24. quite say that I am one of the sexy seventy-sevens, but I agree
25. with Senator Smith, and I think that he has talked himself right
26. into a No vote, and I agree with him that that...probably is
27. the more popular vote. I know in analyzing my district the
28. district from...the territories that I come from I am positive, again
29. I say positive for my Representative here, that our district is
30. not in favor of this resolution. I am sure that if one would
31. just take the time to analyze your territories, listen to the
32. speeches that have been made here today, I am convinced that
33. technically, legally, and morally this issue should be defeated.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Harber Hall.

3. SENATOR HARBER HALL:

4. Mr. President, Ladies and Gentlemen of the Senate, when
5. first I participated in an argument on this question in 1972 in
6. March, I was extremely impressed with the interest of the
7. distaff members of our staffs and workers throughout the Capitol
8. Complex who came to the halls of the House of Representatives
9. whereat at that time I served. They listened intensely and
10. intently to the question, to the argument, and I was impressed
11. that at the conclusion of the vote taking, and frankly in
12. contradiction of the rules of the House, they immediately let
13. out loud applause that the proposition of the Equal Rights
14. Amendment had been defeated. Now, these ladies who were there
15. on a matter of primary concern to them were comprised of
16. married ladies with children. They were here working for their
17. family. They were comprised of single ladies without children.
18. They were comprised of divorced ladies without families,
19. divorced ladies with children and themselves only in the home.
20. All walks of womankind were represented in the galleries of
21. the House, and it was my conclusion after talking to them,
22. following the debates, that they were sincerely and by an over-
23. whelming majority opposed to the proposition of the Equal
24. Rights Amendment as written and as being discussed then at
25. that time and here now, and in the ensuing years...five years,
26. I have not seen a change in these ladies who we work with, who
27. work for the people of the State of Illinois. They are working
28. ladies, they are not ladies who are just sitting home idly in
29. the house looking for things to do and trying to take care of
30. their families in the home. They are working ladies and it's
31. represented that that those who favor the Equal Rights Amend-
32. ment are a high majority of the working ladies, and I make this
33. argument to disprove this. I find that a very high majority of

1. the women who I come in contact with do not favor this amend-
2. ment, and I, therefore, will be voting No.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Chew.

5. SENATOR CHEW:

6. Thank you, Mr. President and Ladies and Gentlemen. I
7. have been around here since the Equal Rights Amendment has
8. been debated, and I've had the pleasure of voting on it each
9. time it has come on this Floor, and I'm proud to be able to
10. cast another vote today. Without question, Mr. President,
11. I am totally in charge of my household. I run things around
12. there, like vacuum cleaners, washing machines, and et cetera,
13. so I always have the last word to my wife and that is, yes, dear.
14. I run the money over to the bank and she spends it. But if
15. God made anything better than these girls, he must of kept it
16. for himself, because if it were out here, I'd be trying to get
17. it. They say God took the beautiful young women from the rib
18. of man. I only wish I had more ribs to offer. But on a
19. serious note, if this amendment means anything to women, I'm
20. totally in favor of it. Women have been the backbone of this
21. country. Of course, some say the rib, but I say the backbone.
22. They wash our dirty clothing, they have our children, they do
23. so many things that we depend on them for. Without them I
24. wouldn't care whether this suit was dirty or clean. Oh, I
25. could very well be on an isolated island walking around in the
26. nude, but because of them I try to keep the suit clean, and
27. I would say ninety percent of my efforts everyday made not to
28. impress but to be a part of what they want me to be. I spend
29. enormous sums of money trying to measure up to what my wife wants
30. me to be or what somebody else's wife wants me to be.
31. They are some very creachy creatures. They have you put
32. in jail, and then they come get you. They're just lovely people
33. to be around. It's only the human that I know that I would not

1. only share with them but I just end up giving them every-
2. thing I got, and if this amendment will make them get more,
3. I'm in favor of that, too. My mother is the only gal that I
4. know that would run her hand down my dirty pants and still
5. acknowledge that I'm her child. My wife gets mad enough sometimes
6. to go out and attempt to wreck the car but because of the increase
7. in our insurance premiums, she takes the second thought.
8. But we've been debating this issue. It has gotten some people
9. elected, re-elected and unelected. I've survived it all
10. because I think my faith in the amendment and my faith in
11. women and the love I have for them it had had no affect on
12. me politically, but I don't think it's necessary to worry about
13. whether they're going to use the same bathroom. I noticed in
14. my home, I don't have one labled wife, husband, man or woman.
15. And I almost got married to a young lady that was serving in
16. the Armed Forces so she was there without this amendment, and
17. I almost got killed by one that was in the Armed Forces because
18. she couldn't drive the truck well enough. So, when we add it
19. all up, Mr. President, Ladies and Gentlemen, it isn't an issue
20. that ought to be debated. It's an issue that ought to be passed
21. and if it is giving the Congress the authority to regulate, I
22. don't see too much wrong with that, because the Legislatve
23. Bodies in this country do regulate and I don't think the Congress
24. is so engrossed in the idea of taking away the authority of
25. this sovereign state or any sovereign state. I think if we just
26. stand and be recognized as a Legislative Body who is totally in
27. favor of progress whether it is for women, men or et cetera. I
28. don't know what the et cetera would mean, but whatever they are I
29. mean you. Some...I'm proud to be able to support this amend-
30. ment, and I've always been proud to support it. I won't go into
31. the problems of being a minority, it's obvious that I'm a member
32. of the Black race, and if you don't know I am just take one look.
33. It wasn't that I said in the oven too long, it was just that it

1. was meant that way. And I have never been too proud to say that I
2. am a part of it. I feel very proud because with the opportunities
3. that I've had in this country, it has not been a holdback as
4. some people like to allude to. I've been proud everyday that
5. I have had the privilege of breathing, and I'll be much prouder
6. if this amendment is ratified today by our State and three
7. additional states so we can go on and take care of other business that
8. would be benefical to those girls. Thank you.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Graham.

11. SENATOR GRAHAM:

12. Mr. President and members of the Senate, I was hoping we'd have the
13. clock on, but we haven't, obviously.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. The clock has been on.

16. SENATOR GRAHAM:

17. All other...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. It...it's just been ignored...

20. SENATOR GRAHAM:

21. ...all the rhetoric that you're hearing today in some
22. levity which has been injected into this, and I apologize for
23. that, I think it is wrong. We haven't got our eye on the
24. target. And we haven't had our eye on the target for a long
25. time, including the proponents and the opponents have had their
26. eye off the target. How are we...how do we find ourself in
27. the position in which we're in today? Why? Because the
28. Congress didn't have the guts to furnish us with an amendment
29. that was equitable. They sluffed it off to the states because
30. they couldn't handle it anymore. That's really what happened.
31. Now, are we willing to say to that same Congress that they
32. shall have the power to enforce by legislation the thing they
33. didn't have the courage to do when they had the amendment up there.

1. I doubt it. They didn't have the courage to say that Congress
2. and the states shall initiate such legislation as is necessary.
3. No, they didn't have the courage. This same Congress who
4. would want to initiate legislation to carry this out is the
5. same Congress that can't enforce the Civil Rights Act of 1964,
6. so we want to give them something else they can't do. Ladies
7. and Gentlemen of this Senate, it's a feeling of many people,
8. not shared by me, that perhaps this should be passed so that
9. the proponents of this get something that they don't under-
10. stand and certainly that I'm sure that they don't deserve,
11. because I'm sure that what they think will be the ultimate
12. gain if this is passed and ratified by the states is not what
13. they thought they're going to get. And that's important. We've
14. been in this...I've been here for a long time, and I've tried
15. to legislate morality. I've tried to do a lot of things.
16. Some of the fears that have been injected into this by the
17. proponents and the opponents are foolish. The real problem
18. is do we trust the Congress of the United States to do the
19. thing they can't do and give them another shot at a resolution
20. they couldn't straighten out. That's the name of the game,
21. Ladies and Gentlemen. That's the whole name of the game, and
22. frankly I don't trust this Congress and I don't want them
23. interfering into my everyday life anymore than they do right now.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Egan.

26. SENATOR EGAN:

27. Yes, thank you, Mr. President and members of the Senate,
28. I...I must really apologize. I...I've been...and beg your
29. forgiveness, I've been busy here this morning discussing the
30. Death Penalty Bill with many of the individuals. I have obtained
31. thirty-one signatures and pre-filed a bill and Senator Partee,
32. frankly I have not been attentive as I should have been. I...I'm
33.

1. just curious if you would tell us, what does this resolution do?

2. PRESIDING OFFICER: (SENATOR ROCK)

3. I think we'll...we'll categorize that as a rhetorical
4. question, Senator. Senator Nimrod.

5. SENATOR NIMROD:

6. Mr. President and fellow Senators, I'm at somewhat of a
7. dilemma, because first of all, I...I cannot support this
8. amendment, so we don't have any question about it, and the
9. reasons for that are very simple. I have conscientiously
10. and seriously endeavored to get some answers to the question
11. which has been brought up by several of the Senators of
12. Section 2. It seems to me that the proponents either through
13. willingness or maybe they don't have the answers or that this
14. research does not substantiate what they propose to do, have
15. not answered any of the...the direct queries and have not
16. attempted to sit...to resolve this particular problem. I
17. think the preemption of Congress over the state is of...of
18. a major magnitude and until that question is addressed to,
19. and that there is some serious thought given to it by the
20. proponents, I just do not know how in good conscience they
21. can ask legislators in this particular Senate to support a
22. move without having knowledge of what affect it's going to have.
23. And I say that in all seriousness and I have endeavored to...
24. to find this answer from the proponents, and this has gone on
25. for almost two years, and in no way have they individually or
26. collectively come up with any answers that give me any hope to
27. resolve this question. Thank you.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. There is...there is one...yes, Senator Chew. May we
30. have some order back there. Will those not entitled to the
31. Floor please vacate. All right, Senator...Senator Fawell.

32. SENATOR FAWELL:

33. Well, I'm sorry I succumbed here to saying a few words,

1. but the...the fears I think that are expressed about this
2. are ones that we can if we just take a look at the simple language
3. which is there, perhaps recognize that they are unfounded.
4. When you come right down to it, the amendment simply states
5. that equal protection of the law shall not be denied or abridged
6. on account of sex. Now, one person said to me that this proves
7. the old adage, you them give an inch and they'll take a mile.
8. Just fifty-six years ago, we gave them the vote, and now look
9. they're asking for equality. The...the point I think that has
10. convinced me from the very start that what we're talking about
11. here is really very easy to understand, and perhaps shows to
12. us some of the unconscious prejudices which we all have is in
13. my own experience looking to the two boys and a daughter that I
14. have raised, and in conversations with both my wife and my
15. daughter and especially as I look back and...and look at the attitude
16. I had in raising in my children, the common suppositions
17. that there were certain avenues and areas that were open to
18. my sons but not insofar as my daughter was concerned. I know
19. we're not going to change overnight the attitudes that are
20. ingrained unconsciously within each and every one of us,
21. but I think that what is being said here is that we've got to
22. express as a type of a preamble, you might say, something we've
23. already done in the Illinois Constitution, that we're going
24. to do everything possible to evaluate person as a person, and
25. to utilize these God-given abilities that everyone of us can
26. have. We aren't saying that everybody is the same, that's
27. impossible, but we are saying that we're going to re-examine
28. what we are doing in our school systems, in our job applications,
29. and our general attitudes and recognize that solely because of
30. sex we're not going to say - no, you don't even have the
31. opportunity, that you need not necessarily be the secretary in
32. a law office, you can be the lawyer, that you don't have to
33. think of the little girl as being the nurse, she can be the doctor,

1. she doesn't have to be the stewardess, she can look to the
2. opportunity someday of being the pilot. She can be the person
3. that can be the athlete, et cetera, and I know we have fears -
4. well, this is going to destroy the home and all that kind of
5. stuff and so forth and so on, but as has been indicated, what
6. is occurring in...in our society today I think in reference
7. to high divorce rate and these points are points that have
8. absolutely nothing whatsoever to do with the passage of the
9. Equal Rights Amendment. And so I simply say, let's all of
10. us look right within our own minds about these unconscious views
11. that we do have. Objectivity is the toughest thing in the
12. world to be able to live by and pursue, but I think really
13. that's all we're talking about here. We can obviously survive
14. without it, and we can certainly survive and I think make
15. progress with the passage of this amendment, and thus I
16. have supported it and will vote for it again.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Any further discussion? Senator Partee may close the debate.
19. Oh, I beg your pardon. Senator Newhouse. You were not on
20. the list, Senator. I beg your pardon.

21. SENATOR NEWHOUSE:

22. That's right, Mr. President. I was not on the list. I
23. had no intention of speaking. This amendment is before us,
24. Mr. President, and the amendment will make some change. Yes,
25. some of the changes may be a little difficult for most...for some people.
26. Yes. The question really is whether or not it is basically fair,
27. and it is a fair amendment and we ought to get it out of here
28. and get on with its inception. Thank you.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. All right, any further discussion? Senator Partee may
31. close the debate.

32. SENATOR PARTEE:

33. Let me just take a moment to just answer a couple of the

1. things that I think need straightening out, so that least the
2. record will not be bereft of the fact. A great deal of concern
3. was manifested particularly from Senators Mitchler and Nimrod
4. about the second part of the amendment, that is that Congress
5. shall have the power to enforce by appropriate legislation
6. provisions of this Article. Let me just point out to you as
7. I know you have forgotten it, that that is not an unusual
8. paragraph at all. Over a hundred years ago, that kind of
9. language...language was employed in both the 13th, 14th and
10. 15th Amendment. If you happen to have a copy of the Constitu-
11. tion at your desk. If you will look at the 13th Amendment,
12. the 14th Amendment, and the 15th Amendment, you will see that
13. each of those amendments has a Section 2 and the language in
14. Section 2 in each of those amendments is identical to Section
15. 2 in this amendment, so it's nothing new, and it simply says
16. that Congress shall enforce the laws. What we do here is not
17. really pass the law. Maybe we ought to back up and talk about
18. how a law gets passed. How a...how a constitution gets amended.
19. This is not a subject that just came out of the air like
20. manna from Heaven, this is a subject that was debated in
21. Congress, and Congress passed this resolution. Our Constitu-
22. tion of the United States provides that in instances where
23. there is an addendum to the Constitution of the United States
24. that that amendment must in addition to being passed by Congress
25. be ratified by a percentage of the states, and this is the
26. hearing on a ratification of an amendment which has been passed
27. by Congress, which Congress will have the power of implementing,
28. and that's all it is. It's just a very simple statement of
29. fact. It's in every single one of them. The 25th Amendment
30. is the last amendment added to the Constitution of the United
31. States, and it is the one that says that right of citizens
32. of the United States who are eighteen years of age or older to
33. vote shall not be denied or abridged by the United States or by

1. any State on account of age, and there is a Section 2. And
2. Section 2 says, the Congress shall have the power to enforce
3. this Article by appropriate legislation, so there's absolutely
4. nothing inconsistent. It's historical fact that when you
5. add an amendment to the Constitution such a section is mandated.
6. If you just take the time to look at your Constitution, you'll
7. find that is so. Now, I'm concerned about the idea that a
8. large number of women who are interested in this proposition
9. are business or professional women, and I'd like to disabuse
10. your minds of that erroneous thought. It relates to all women.
11. Just as Senator Fawell, it gives his daughter, and God blessed
12. me with two, it give my...my daughter and his daughter and your
13. daughter the same kind of right to progress in this country as
14. your son. Is there a difference in your feeling as to the
15. right of progress between your son and your daughter. I think
16. not. It simply says that she shall have the right to a job
17. on the basis of her individual capacity and ability, and once she
18. gets there she shan't be pushed aside and moved past by someone
19. simply because he is of a different gender. It's a very simple
20. proposition. The question of the Right to Life Amendment was
21. raised, and I think I should take just a moment to make certain
22. that that issue is not interstitially wound into this issue in a
23. negative kind of way. This issue has nothing to do with the
24. Right to Life Amendment. Now the Right to Life Amendment is
25. a amendment which was proffered in Congress and is still in
26. the Congress. If the Congress passes the Right to Life Amendment,
27. they will then send that amendment as this amendment is here
28. to the individual state legislatures for ratification or non-
29. ratification. Two members of the Congress with whom I am personally
30. familiar have indicated plans to introduce their versions of
31. a Right to Life Amendment when Congress reconvenes on January
32. 4th, and we will get a chance to vote on the Right to Life
33. Amendment but only if and when that amendment passes the Congress

1. and comes to the individual states. At the local level, there
2. have been two attempts made, and I want to just discuss them for
3. a moment so that we clear the air, so we don't vote in a
4. vacuum and we don't blindly. House Joint Resolution 61 was
5. Tabled in the House on the 1st of June in 1976, and that's
6. in accordance with the House rules. Now, that resolution urged
7. the General Assembly to petition the Congress to call a
8. convention for the purpose of proposing a new article as an
9. amendment on the subject of Right to Life. There was another
10. resolution on that same subject which was House Resolution 103,
11. and it requested the Governor to proclaim the week of October
12. 3rd to the 10th, 1976 as Respect Life Week in Illinois, and
13. called upon all people during this period to prayerfully con-
14. sider the sanctity of all human life, and that joint resolution
15. passed the House on June 17th and it passed this Senate on
16. June 26th, 1976. So, the opportunity to vote for the Life...
17. Right to Life Amendment will come in this Body and in every
18. single legislature throughout this state when Congress passes
19. the Right to Life Amendment, hence I can take no blame and
20. I will bear no blame about the Right to Life Amendment not
21. being here, because it can't be here as a matter of law until
22. it shall have passed the Congress and it is brought out in
23. accordance with the rules and regulations of our Congress to
24. the individual legislatures for passage. Senator Smith, I
25. want you to know that there's nothing in this bill that would
26. in anyway suggest or encourage men to marry men or women to
27. marry women. The fact of the matter is and anyone who knows
28. a little bit about life knows that there are a large number of men
29. who find romantic favor in other men. There are a large number
30. of women who find romantic favor in other women, and it isn't
31. something that just came to be, it happened in the Biblical
32. Days, it happened in Sodom and Gomorrah, it happened in ancient
33. Greece, it happened in ancient Rome, it has happened since the

1. world began that there are men who prefer men and women who
2. prefer women. Their marriage is something that in a very
3. bizarre way happens occasionally today, but it has of course
4. no legal sanction or recognition. People are concerned that
5. this will precipitate that kind of conduct. The fact of the
6. matter is, there are more people today in America who are
7. living together without the benefit of marriage than there
8. has ever been in the history of this country. Children going
9. to colleges live together in many instances, and not only
10. children but adults. I can take you to Florida and I can show
11. you a lot of very fine elderly men and women who are living
12. together without the benefit of matrimony, who perhaps would
13. like to get married except that if one...if they got married
14. one of them would lose their social security. Grandmothers,
15. sweet wonderful women, grandfathers, fine noble men, find
16. themselves living together in a meretricious relationship to
17. avoid the loss of their social security. They sometimes go
18. through what purport to be a ceremony to make their living
19. together at least graceful or palatable to their children
20. who themselves are rearing children, but this Act has nothing
21. to do with that. It has...does not in anyway encourage it,
22. does not in anyway discourage it either. The fact is, that
23. that's happening. That's happening in our country. There
24. are those who say women should be put on a pedestal. I'm
25. concerned that many men who are opposed are not really concern-
26. ed about putting women on a pedestal, but they really like
27. to have them around to dust those pedestals that they build
28. for themselves. They like women some of them in relationships
29. as they...someone who makes them look good - cheerleader and
30. a football player, secretary and a boss, a patient mistress and
31. a potent lover. You can't keep them in a dollhouse, and women
32. some of them who desire to remain in what they describe as a
33. dollhouse, in my judgment have yielded to the cultural brainwashing

1. to be compliant and ego-massaging and not coming up to their
2. full potential. This amendment has already passed the Congress
3. of the United States. Now, it is our time, our hour to make
4. a decision. It's passed the House, and only the votes required
5. here separate Illinois from the rest of that legion of states
6. that have adopted this resolution and gone on to other business.
7. Thank you.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. All right, the question is, the adoption of House Joint
10. Resolution 18? The question was put earlier about how many
11. votes are required. Under Senate...our Senate Rule 6...I'll
12. read in relevant the part - the affirmative of three-fifths
13. of the members elected to the Senate shall be required to
14. ratify a proposed amendment to the Constitution of the United
15. States. The question is then, the adoption of House Joint
16. Resolution 18. Those in favor will vote Aye. Those opposed
17. will vote Nay. The voting is open. Have all voted who wish?
18. Have all voted who wish? Take the record. On that question,
19. the Ayes are 29, the Nays are 22, 3 Voting Present. The
20. resolution is not adopted. All right, just for the benefit
21. of the membership, there are, I'm told, some messages coming
22. over from the House. We have pretty much gone through our
23. Calendar, so we're just kind of awaiting House action. If
24. we'll just kind of...Senator Newhouse, for what purpose do
25. you arise?

26. SENATOR NEWHOUSE:

27. Mr. President, if we...I wonder if we could go to order
28. of resolutions. I have a resolution which has been moved out
29. of Executive which I'd like to be called today.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Wait...we will get to that order. There are about twelve
32. that have just been filed, and we will...we will get there.

33. SENATOR NEWHOUSE:

1. Thank you, Mr. President.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Okay. If we can just stand at ease for a couple of

4. moments to see what the House is doing to us. Senator Partee,

5. for what purpose do you arise?

6. SENATOR PARTEE:

7. I do have on the Secretary's Desk a House Bill...Senate

8. Bill 2033 which is sent back here with a House amendment that

9. I'd like to concur in.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. All right. That...that...that will be...I...the only

12. thing is, I think a lot of people have...

13. SENATOR ROCK:

14. All right, we'll hold it till they get back. I...I...

15. I really need Regner here anyway because this is one he was

16. concerned about.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Partee, for what purpose do you arise, Sir?

19. SENATOR PARTEE:

20. Well, Mr. President, we are waiting for some other matters

21. to come over from the House, messages and so forth. It occurs

22. to me that rather than to just sit around and wait if we should

23. ...we could break now and members could get a chance to get some

24. lunch and we can come back at one-thirty and hope...and hopefully

25. we could get through by three today. So, I move we recess until

26. one-thirty.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. I wonder, Senator, that...that motion certainly is in

29. order and we'll be done...we...we do have the adjournment

30. resolution. The House has asked us to transmit that...

31. SENATOR PARTEE:

32. Fine. Well, that's handle that then.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. ...All right. Read the resolution, Mr. Secretary.
2. SECRETARY:
3. Senate Joint Resolution 87 introduced by Senator Partee
4. or offered by Senator Partee.
5. (Secretary reads SJR 87)
6. PRESIDING OFFICER: (SENATOR ROCK)
7. Senator Partee.
8. SENATOR PARTEE:
9. I move the adoption of the resolution.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. Senator Maragos. Any discussion? Senator Maragos.
12. SENATOR MARAGOS:
13. Yes, Mr. President, does this...is this going to be a
14. Perfuntory or Regular Session on the 7th?
15. PRESIDING OFFICER: (SENATOR ROCK)
16. Senator Partee.
17. SENATOR PARTEE:
18. The 7th is a Perfuntory Session.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. All right, Senator Partee has moved to suspend the rules
21. for the immediate consideration and adoption of this resolution.
22. All those in favor signify by saying Aye. All those opposed.
23. The Ayes have it. The rules are suspended. Senator Partee
24. now moves the adoption of...it's not on the board...of Senate
25. Joint Resolution 87. All those in favor signify by saying
26. Aye. All those opposed. The Ayes have it. The resolution is
27. adopted. All right, pursuant to Senator Partee's motion, the
28. Senate will now stand in recess until the hour of one-thirty.
29. Senator Berning, for what purpose do you arise?
30. SENATOR BERNING:
31. Just for clarification, Mr. President. Since Friday the
32. 7th is a Perfuntory, is the actual working date the 12th and
33. hour at 9:00 a.m.?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. That is...Senator Partee.

3. SENATOR PARTEE:

4. Not necessarily, Senator. We want to get here on the
5. 7th to determine what we have to do before the Session is
6. finalized. Several of the bills...there's some fifteen or
7. twenty bills that were introduced in this Session to which
8. the Governor may react in terms of amendatory veto or reduction
9. or an item veto or whatever. On the 7th, we can make that
10. judgement and can then determine whether we need to come in
11. on just the morning of the 12th or whether we need to come in
12. maybe on the 10th. A lot of the members will be here on the
13. 10th for other purposes so that decision will be made on the 7th.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. All right. The Senate will now stand recess until one-thirty.

16. (RECESS)

17. (AFTER RECESS)

18. PRESIDENT:

19. Messages from the House.

20. SECRETARY:

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

22. Mr. President - I am directed to inform the Senate
23. that the House of Representatives has concurred with the Senate
24. in the passage of a bill with the following title, to-wit:
25. Senate Bill 2033, together with House Amendment No. 1.

26. PRESIDENT:

27. I am the principal sponsor of the bill. I've asked
28. Senator Regner to handle the concurrence of the amendment,
29. because he's familiar with it. Senator Regner.

30. SENATOR REGNER:

31. ...Mr. President and members of the Senate, this is an
32. amendment that was discussed when the bill was before us here
33. in the Senate, and what it does it's for the FEPC appropriation

1. and with the amendment it will contain the fifty percent
2. restriction on spending and obligating of Federal funds in
3. their personal services and travel line items. I move that
4. the Senate do concur with the House Amendment No. 1 to Senate
5. Bill 2033.

6. PRESIDENT:
7. Senator McCarthy.

8. SENATOR MCCARHTY:
9. I...I...am I in order? Oh...

10. PRESIDENT:
11. ...You sought recognition, I recognized you. I don't
12. know...

13. SENATOR MCCARHTY:
14. I'm sorry, I thought we were in between items of business.

15. PRESIDENT:
16. Oh, no.

17. SENATOR MCCARHTY:
18. I'm sorry.

19. PRESIDENT:
20. Any further discussion on the concurrence? Senator Rock.

21. SENATOR ROCK:
22. Question of the sponsor.

23. PRESIDENT:
24. He indicates he'll yield.

25. SENATOR ROCK:
26. How many votes are necessary for this concurrence?

27. SENATOR REGNER:
28. I assume a concurrence takes thirty votes.

29. PRESIDENT:
30. Yeah, that's right. Well, it has an immediate effective
31. date. They're coming in now, and we could always take it out
32. of the record. The question is, shall the Senate concur in
33. Amendment No. 1 to Senate Bill 2033? Those in favor vote Aye.

1. Opposed vote Nay. The voting is open. Have all voted who wish?
2. Take the record. On that question, the Ayes are 41, the Nays
3. are 1, with none Voting Present. The Senate does concur in
4. House Amendment No. 1 to Senate Bill 2033, and the bill having
5. received the required constitutional majority is declared
6. passed.

7. SECRETARY:

8. On...the same message on Senate Bill 2024 with House
9. Amendment No. 1. Senator Netsch is the chief sponsor.

10. PRESIDENT:

11. Senator Netsch. Concurrence question on Senate Bill 2024.

12. SENATOR NETSCH:

13. Thank you, Mr. President. The bill has to do with the
14. ...a supplemental appropriation of Federal funds for the...to
15. the Department of Public Health for the women and infant care
16. grant program and I'm just now finding out what the amendment
17. from the House does, if you'll give me half a second. This
18. amendment changes by a transfer the amount of money allocated
19. from Federal sources to the women and infant care grant program.
20. The total sum is eight-six thousand eight hundred and seventy-eight
21. dollars. It's being moved from the grant appropriation to the
22. operations portion of that program. The original appropriation
23. was ninety-five thousand nine hundred dollars. That figure is
24. being...increased to a total of a hundred and eight,-two thousand
25. six hundred and seventy-eight. There is still no new money in-
26. volved in the bill and all of the items affected by the amend-
27. ment represent appropriations of Federal monies.

28. PRESIDENT:

29. Any further discussion? The question is, shall the Senate
30. concur in Amendment No. 1 to Senate Bill 2024? Those in favor
31. vote Aye. Those opposed will vote Nay. The voting is open.
32. Have all voted who wish? Take the record. On that question,
33. the Ayes are 38, the Nays are none, with none Voting Present.

1. The Senate does concur in House Amendment No. 1 to Senate
2. Bill 2024, and the bill having received the required con-
3. stitutional majority is declared passed.

4. SECRETARY:

5. A like House message on Senate Bill 2031 with House
6. Amendment No. 2. Senator Rock is the chief sponsor.

7. PRESIDENT:

8. Senator Rock.

9. SENATOR ROCK:

10. Thank you, Mr. President, Ladies and Gentlemen of the
11. Senate, Senate Bill 2031, you will recall, is that bill which
12. appropriated five hundred and some odd thousand dollars additional
13. Federal newly available Federal funds to the Department of
14. Children and Family Services. The House amendment with...with
15. which I will seek your concurrence does, in fact, what Senator
16. Regner and others tried to do over here. It restricts the
17. expenditure or the authorization for expenditure of the two
18. hundred and forty-seven thousand dollars which as was stated
19. on the Floor of the Senate would allow the Department to hire
20. twenty additional Social Workers II and III. It restricts the
21. expenditure of that money until February the 1st of 1977.

22. There are additionally two technical changes that were made
23. by virtue of the House amendment. I know of no objection. The
24. Department has indicated to me that they have agreed to this
25. amendment over in the House and have asked that I concur and
26. I will be happy to do so, and I would move that the Senate do
27. concur with House Amendment No. 2, I believe it is, to Senate
28. Bill 2031.

29. PRESIDENT:

30. Any further discussion? The question is, shall the Senate
31. concur in Amendment...House Amendment No. 2 to Senate Bill 2031.
32. Those in favor vote Aye. Opposed Nay. The voting is open.
33. Have all voted who wish? Take the record. On this question,

1. the Ayes are 42, the Nays are 0, with 3 Voting Present. The
2. Senate does concur in House Amendment No. 2 to Senate Bill 2031,
3. and the bill having received the required constitutional
4. majority is declared passed. (machine cutoff) on the Floor? (machine cut
5. Senator Brady within the sound of my voice, we have a bill here that's
6. come back with two resolutions...pardon me, two amendments. Is
7. there...Senator Brady, we await your august return. Message
8. from the House.

9. SECRETARY:

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

11. Mr. President - I am directed to inform the Senate
12. that the House of Representatives has concurred with the Senate
13. in the passage of a bill with the following title, to-wit:
14. Senate Bill 2037, together with House Amendments No. 1 and 2.

15. PRESIDENT:

16. Senator Brady.

17. SENATOR BRADY:

18. Mr. President and fellow members, Senate...House Amend-
19. ment 1 was an attempt to add the commission amount that had
20. been deleted from a commission budget and House Amendment 1. The bill
21. deleted the amount they added in House Amendment 1. The bill
22. is back in the same shape as we passed it over, and I move
23. to concur.

24. PRESIDENT:

25. Any further discussion? The question is, shall the Senate
26. concur in Amendments No. 1 and 2 to Senate Bill 2037? Those
27. in favor will vote Aye. Opposed will vote Nay. The voting is
28. open. Have all voted who wish? Take the record. On this
29. question, the Ayes are 43, the Nays are none, with none Voting
30. Present. The Senate does concur in House Amendments No. 1 and
31. 2 to Senate Bill 2037, and the bill having received the required
32. constitutional majority is declared passed. The Chair would
33. just like to share with the membership some of the interesting

11/17/30
12/16/46

1. nuances of legislation. On the bill which we just handled, there
2. was an amendment placed on the bill in the House, Amendment
3. No. 1 and Amendment No. 2 took out the language of Amendment
4. No. 1 and it was sent here for concurrence. All they had to
5. do, of course, was Table Amendment No. 1. Senator Harris.
6. For what purpose does Senator McCarthy arise?

7. SENATOR MCCARTHY:

8. I'd like to ask consent to go the order of Postponed
9. Consideration and consider House Bill 1930...

10. PRESIDENT:

11. Is leave granted?

12. SENATOR MCCARTHY:

13. ...Excuse me, that may be the wrong number. Yeah, it
14. is...it's the correct number, 1930.

15. PRESIDENT:

16. Is leave granted? Leave is granted. Senator Harris.

17. SENATOR HARRIS:

18. I did not hear the Senator's request.

19. PRESIDENT:

20. He requested leave to go to order of bills on Postponed
21. Consideration...

22. SENATOR HARRIS:

23. ...Oh, fine.

24. PRESIDENT:

25. ...for the purpose of dealing with Senate Bill 1930...
26. House Bill 1930.

27. SENATOR HARRIS:

28. Fine.

29. PRESIDENT:

30. The bill is on...Consideration Postponed. Senator
31. McCarthy.

32. SENATOR MCCARTHY:

33. Yes, Mr. President and members of the Chamber, this bill

HB 1930
12/14/76

1. was one that was discharged from committee two days ago I
2. believe, and there have been a great many members of the
3. Senate who have been engaged in communications in trying to
4. reach out an...an agreeable amendment. I don't know that we have
5. one that fits everybody, but about the only thing that I
6. can do is try and that is I move now that House Bill 1930
7. be taken back to the order of 2nd reading for the purpose of
8. ...of consideration of an amendment.

9. PRESIDENT:

10. Is leave granted? Leave is granted.

11. SENATOR MCCARTHY:

12. Now, there are amendments available, and I do have...
13. left one up there on the Secretary's Desk. The Secretary
14. may call it as an amendment sponsored by myself. I'd be
15. happy to accept cosponsorship in anyway on this amendment,
16. but we're ready to proceed with it. If anyone wants a copy
17. of the amendment...

18. PRESIDENT:

19. Well, the Chair happens to know that several members
20. have worked on this amendment and cosponsorship of the amend-
21. ment, in my judgment, would be something that ought to be done.

22. SENATOR MCCARTHY:

23. Yes, I'd be willing to accept any cosponsors on the amendment.
24. Well...

25. PRESIDENT:

26. Senator McCarthy.

27. SENATOR MCCARTHY:

28. Yes. If there are no one who wish cosponsor of it or the
29. offer remains open, you know, until...

30. PRESIDENT:

31. For what purpose does Senator Rock arise? Senator Rock, would
32. you come up here, please.

33. PRESIDING OFFICER: (SENATOR ROCK)

168 19 30
12/14/76

1. All right, under consideration is Amendment No. 1,
2. Senator McCarthy.

3. SENATOR MCCARTHY:

4. Mr. President...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Pardon...pardon me, Senator. For what purpose do
7. you arise, Senator Partee?

8. SENATOR PARTEE:

9. To save some time, I hope. I am cognizant that there's
10. something about to happen which would be in my judgment a
11. tragedy, which would be something unworthy of the members of
12. this Senate. Now, this particular amendment and getting this
13. bill in the shape for passage is a dire necessity for the busi-
14. nessess throughout this State and for many, many institutions,
15. eleemosynary and others. You've gotten letters from two
16. univeristies, I know, this morning, who say that without this
17. change of language it will reek economic and financial hazard
18. to institutions that we love and revere. Now, we have to do
19. it. There's a problem with reference to the sponsorship of
20. the amendment. And I just would like to invite...I am not
21. going to name anyone, but two or three people, that I'm going
22. to speak to personally and privately and Senator Harris to
23. come into my office and let's see if we can't resolve this
24. thing so that we can take care of the people's business. Now,
25. let's not let this happen. It's a vitally important piece of
26. legislation, and I just ask for just a brief recess so that
27. we can discuss this and get this thing out of the area of personality
28. and into the area of progress.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. How long a recess?

31. SENATOR PARTEE:

32. About ten minutes.

33. PRESIDING OFFICER: (SENATOR ROCK)

HR 1930
12/14/76

1. All right, the Senate will just stand in recess then
2. until 2:55.

3. (RECESS)

4. (AFTER RECESS)

5. PRESIDING OFFICER: (SENATOR ROCK)

6. All right, the Senate will come to order. It's 2:55.
7. We are on the order of House Bill 1930 on 2nd reading. Under
8. consideration is Amendment No. 1 offered by Senator McCarthy.
9. Senator McCarthy.

10. SENATOR MCCARTHY:

11. Yes, Mr. President, there are several Senators who have
12. been active in the drafting of this amendment. I'm sure...
13. certain that they can explain or answer any questions.
14. Senator Bruce has been active, Senator Harris, Senator Savickas.
15. What this is, is an amendment to cover a problem that's been
16. pointed up in the Minimum Wage Law, and what the amendment
17. does, if adopted and I hope it is adopted, is that it provides
18. that the compulsory overtime shall not be applicable to any
19. employee who is employed in a bonafide executive or professional
20. capacity or whose regular weekly rate of pay is not less than
21. a hundred and seventy percent of the State-wide average weekly
22. wage. What that means is, the compulsory, as I understand it,
23. based on the input from these men and the people who are interested
24. in the...representing the interest groups that have been active
25. in this, is that compulsory...yeah, is that compulsory overtime
26. shall not apply on minimum wage if you have a bonafide executive
27. involved or a person in a professional capacity, and when you
28. get into the hundred and seventy percent, I think that comes
29. out to a worker who is about eighteen thousand dollars a year.
30. I hope I've explained it. As I've indicated, Senator Bruce,
31. Senator Harris, Senator Savickas and others have been interested
32. in developing this amendment. If there are any questions, we'd
33. attempt to answer them, otherwise, I move for the adoption of

16B 1930
12/14/76

1. the amendment.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right, any discussion? Senator Harris.

4. SENATOR HARRIS:

5. Thank you, Mr. President. I want to say that the language
6. of the amendment as being offered by Senator McCarthy is not
7. all that I would like it to be. It...I very frankly would
8. like to have the word "administrative" follow the word "executive"
9. as originally we discussed. Oh, I shouldn't say originally
10. but at one point in the discussion we discussed. I am one
11. of those who's been around long enough to know that - while
12. you may not have all that you want, this is acceptable to me,
13. and I think will be supported by the overwhelming majority of this side
14. of the aisle because as the President has pointed out, Illinois
15. is facing a crisis on this oversight that occurred when we
16. attempted to amend Illinois' exceptions with respect to
17. compulsory overtime pay when we amended the Minimum Wage Act
18. last June. And while this is not all that I would want it to
19. be, I will urge those members of this side of aisle to support
20. the adoption of this amendment. Thank you, Mr. President.

21.
22. (end of reel)

23.
24.
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31.
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33.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Further discussion? Senator Partee.

3. SENATOR PARTEE:

4. I would join in asking that everybody who is interested
5. in Illinois join in voting for this bill. There's a significant
6. problem facing the businesses, the schools, the colleges, the
7. junior colleges, the community colleges and every other kind of
8. institution that hires people, would...they would all be placed
9. in a position of absolute financial jeopardy if this oversight
10. is not corrected. Unfortunately, there was something lost here
11. in communication and several people would certainly be able and
12. adequate sponsors of this amendment. I would like to particularly
13. say that Senator Terry Bruce has worked very hard and very
14. diligently through seventeen revisions of the language involved
15. in this amendment. And I'd like spread of record my personal
16. appreciation for all that he has done toward finding a solution
17. to this vexing problem. I'd like to say that Senator Savickas
18. as the Chairman of the committee, has been cooperative in terms
19. of not making for problems in getting the bill to the Floor
20. and has given of himself and his time and attention toward the
21. solution of this problem. Senator McCarthy likewise has been
22. very instrumental in trying to find a solution to this problem
23. and in tandem, the three of them have done a major portion of the
24. work and I think it should be spread of record and I hereby
25. do so, say that they have done a significant job for the people
26. of this State. I would just hope that we would not permit
27. anything as mundane as our personal feelings to do violence to the
28. people of this State whose rights and whose dollars do, in fact,
29. preponderate our individual feelings. I would ask everybody
30. to be supportive of this for the people of this State.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Further discussion? Senator Buzbee.

33. SENATOR BUZBEE:

1. Thank you, Mr. President. I wonder if Senator Harris
2. would take note of...of the comments and the questions I'm going
3. to ask now because Senator Harris, I was just right before you
4. started speaking, I had just finished a conversation out in
5. the rotunda with representatives from the Illinois State Chamber
6. of Commerce, the Illinois Manufacturers Association and the
7. Illinois Retail Merchants Association, and the stance that I
8. understand that they are taking is without the word administrative
9. they had just as soon not have this bill at all. And so,
10. I have made a commitment to people in business in my district
11. that I was going to support legislation that would correct
12. this problem. However, it's my understanding that those three
13. organizations believe that this legislation does not sufficiently
14. correct that problem and so, they would be happy with a No
15. vote. So, now I come in and hear the leader of the Republican
16. side of the aisle say he would like to have the word administrative
17. in there but...but he's willing to accept this. So, I'm a
18. little confused at this point as to...as to how I'm going to vote.
19. That's not the first time, but...but I really don't...I really
20. don't think that they're getting what they think they need.
21. And...and I guess, Senator Harris, what I'm saying to you is
22. I...I'm questioning why you're for it.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Harris.

25. SENATOR HARRIS:

26. Well, I tried to explain, Senator Buzbee, that I'm one of
27. those who's been around here long enough that when you learn that
28. you can't get a meal, and you can get a sandwich, take a sandwich.
29. Illinois is in crisis and I'm not happy about this, but I'm not
30. going to go home from here today having done nothing and for, frankly,
31. the last several days, there have been many who have really been
32. trying to resolve this and I...I know that there is almost
33. unanimity about the...the conclusion that something should be done.

1. Now, there are nuances with respect to the...the Calendar, the...
2. the actual Calendar and the uniqueness of the Illinois Constitution
3. and there are stresses and currents and cross currents abroad
4. in this Chamber and somewhat similar kinds of influences that
5. live within the House of Representatives. There are those,
6. I would presume, that would hope that after 12:00 o'clock noon
7. on January 12th, an amendment to this Act that would more
8. completely satisfy the business community can be enacted with
9. a simple majority. That will take time. I will declare
10. that I don't see how anything can reach Executive approval before
11. March, honestly. It just...just doesn't work out that way and
12. for Illinois to go on from the 16th of December to sometime in
13. March without us acting even though it is without some important
14. provisions, I cannot accept. And I'm not the State Chamber or the
15. Illinois Manufacturers Association or the I...Illinois Retail
16. Merchants Association, or any of those fine, conscientious
17. groups, nor am I the AFL-CIO. I'm Senator Harris, elected by the
18. 38th Legislative District to make a judgement, to attempt to cure
19. problems that face Illinois. And I think the responsible course
20. of action on the 16th of December and if we act with dispatch
21. today, we can have a better circumstance than is the law of Illinois
22. today if we adopt this amendment and send it to the House and
23. get concurrence and send it to Governor Walker. I hope that
24. adequately explains my position on this.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. All right. There are a number who have indicated they wish
27. to talk. Senator Buzbee.

28. SENATOR BUZBEE:

29. Well, thank you. I didn't mean to make you mad, Senator Harris.
30. I...nor did I...nor did I mean to imply that you were the
31. State Chamber or anything else, but I know that you have been
32. working closely with various organizations as well as Senator
33. Bruce and Senator Savickas and Senator McCarthy in trying
34. to straighten out the problem. And I have now received my answer

1. from your response and thank you.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Harber Hall.

4. SENATOR HALL:

5. Mr. President, I feel as though I could ask several

6. questions of several people. Although I do serve on the Labor

7. and Commerce Committee, I haven't been exposed to this amendment

8. until just the last couple of minutes and so, naturally, I

9. don't think it's unreasonable that I should ask some questions

10. here and knowing...or having heard who the proposers of the

11. amendment are, I guess I can address them a few questions.

12. Senator McCarthy, I wonder if you would yield for a question or

13. two.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Indicates he will yield. Senator Hall.

16. SENATOR HALL:

17. Thank you for your cooperation, Senator. I wonder who

18. determined and how was it determined that a hundred and seventy

19. percent of the average weekly wage was written into this amendment?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator McCarthy.

22. SENATOR McCARTHY:

23. I'd like to lob that shot back to Senator Bruce.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator McCarthy will yield to Senator Bruce. Senator

26. Bruce.

27. SENATOR BRUCE:

28. Senator Hall, these amendments are not always constructed

29. rationally. And early on in the discussions of how to handle two...

30. two facets of the amendment, the first sentence which relates to

31. executive, administrative or professional people and then there was

32. a strong suggestion made by...many members of the House that we

33. add a...a dollar amount. The dollar amount that was on for nearly

1. two days, we would pay one hundred and fifty dollars more
2. than the State-wide average wage which is now two hundred and five
3. dollars, which would make it a three hundred a fifty-five dollar
4. amount. Several people including the State Department of Labor
5. suggested that we would be getting back into the same
6. problem that we have had with the State minimum wage when
7. we had a set figure and they suggested that we put
8. in a percentage amount of the State-wide weekly wage so that
9. we were always increasing not only the weekly wage, but
10. the amount that you would be required to earn as an executive before
11. you were exempt. So, that it would move up with inflation, in other
12. words. So, the illogic of the situation is that you convert
13. one hundred and fifty dollars into a percentage of two hundred
14. and five which works out to a hundred and...one hundred and sixty-
15. nine point something percent and round it to a hundred and seventy.
16. That's...that's how we got there. That may not be very logical
17. but that's the way the amendment was constructed.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Harber Hall.

20. SENATOR HALL:

21. Thank you, Senator Bruce and Senator McCarthy for your
22. more accurate lob than I've seen you perform before. I would
23. like to ask Senator Bruce again, then, who we are. I've
24. been talking to the Minority Spokesman for the Labor and Commerce
25. Committee and I don't think he's too familiar with this and I
26. just wonder, is this...does this represent the collective thinking
27. of the Democrat side or...or...their minority thought going into
28. this? I don't know who we are, Senator Bruce, when you say we,
29. that would make some difference in itself, but, I would like to
30. know another thing, besides who we are is what a bonafide executive
31. or professional capacity, how that can be properly defined, or
32. if it is written and properly defined in the Fair Labor Standards
33. Act or somewhere else.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Bruce.

3. SENATOR BRUCE:

4. Well, as to the we, it obviously included Senator Savickas and
5. Senator McCarthy, very early. Then it included Senator...
6. Representative Hart who is the House sponsor and Senator
7. Harris almost from the inception also. And then, various
8. ...members of organized labor and the business community. And they
9. have seen...my count on this amendment is that this is the
10. seventeenth draft that we have proposed or someone within that
11. group named has proposed that we consider and we are assured
12. by members on this side, that this is acceptable to them and
13. Senator Harris and others have conveyed the fact that it would
14. be acceptable to them, and we had hoped to get the bill to the House.
15. Now, as to the language of bonafide, that is language that comes
16. out of the Federal Fair Labor Standards Act which has been in
17. since 1938. And one of my positons along with Senator Savickas
18. that we keep language that had been in administrative rulings and
19. in the courts for that long a time so that the State Department
20. of Labor here did not have to spend all the money reconstructing
21. what, in fact, is a professional and so we've got all of that
22. Federal legislation to fall back on, so that...we just picked
23. it right up out of the Federal law and put it here.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Harber Hall.

26. SENATOR HALL:

27. Well, I...I think I'm just supp sed to speak against the amendment.
28. I like these last minute efforts to get something done for some-
29. body and in this case, we, as referred to, appears to be organized
30. labor in the State of Illinois who want control of our Department
31. of Labor through language in our State Statute that would be
32. other than what it had formerly been with relation to the Fair
33. Labor Standards Act and I recongize that Senator Harris is quite
34. right, we are in a crisis. My constituents have certainly let me know

1. that they expect something from me and from this Body in
2. very short order, but it's a little bit too short of order
3. to give me something like this that would indicate that
4. everyone would be covered by time and a half if they made less
5. than eighteen thousand dollars a year cause I have a number of
6. young junior executives that would probably be failed to be
7. considered for higher positions because they would not be able
8. to perform to show their abilities and have their abilities
9. determined by the true executives and I think it would be unfair
10. to them. So, I think...I've seen Special Sessions where a lot
11. less imparative questions than this and if it comes to a
12. Special Session, then I think this matter ought to be determined
13. there.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Bruce is next on the list and then Senators
16. Knuppel, Nimrod, McCarthy. Senator McCarthy, what...state
17. your point, Sir.

18. SENATOR McCARTHY:

19. Well, I just wondered, are we talking on the amendment,
20. or should we adopt the amendment or are...

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Well,...

23. SENATOR McCARTHY:

24. ...we talking about the bill?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. No, we were...we are on...the question before the Body is the
27. adoption of Amendment No. 1. All right. Senator Bruce is next.
28. Senator Bruce.

29. SENATOR BRUCE:

30. Thank you.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Bruce.

33. SENATOR BRUCE:

1. Thank you, Mr. President and members of the Senate. I think
2. with the questions that have been asked, it certainly explains
3. the amendment. I...we got into, at least I did, a little
4. personality problem that has been resolved and the amendment
5. is being offered by Senator McCarthy and Senator Savickas and
6. myself and all three of whom have done a great deal of work on
7. the amendment and had a great deal of input into it's final
8. construction. The only thing I would ask that Senator Harber Hall
9. and others who might not want to support this amendment that
10. failure to adopt the amendment means that we don't do anything this
11. Session and I certainly hope that we could do what is proposed.
12. The Hart bill which is before us, if this amendment doesn't
13. pass, relates, as I recall, to underage individual receiving
14. unemployment compensation, those under sixteen or seventeen.
15. In other words, we are gutting that bill. It's only a vehicle and
16. so the question becomes moot unless we adopt the amendment.
17. As Senator Harris pointed out, we have worked diligently trying to
18. get a package that is acceptable to all because we are under an
19. extraordinary situation requiring a three-fifths vote in both
20. Houses. And that means that both sides have had to perhaps, give
21. up more than they would like to to respond to the problem. But, if
22. you fail to adopt the amendment, the...the whole issue is dead.
23. And I would...I would indicate to you that it does do the one
24. thing that from the very beginning that...that the business
25. community and labor agreed on and that is it would exclude
26. from coverage of overtime...the overtime provisions of the Minimum
27. Wage Act, professional and executive people. And that...that by the
28. way, when we added the or just a few moments ago, clarified the whole
29. situation...has been bogged down here for about a day and if you
30. read the amendment very closely, Senator Hall, it says, any employee
31. employed in a bonafide executive or professional capacity, now anyone
32. is covered without regard to salary and that is the way the bill
33. was before we acted last year. All we added to was what was in the bill

1. before we excluded it last year is the fact that we put in an
2. objective dollar amount, which frankly, I think is very desperately
3. needed and I think this amendment is very good. We took out the
4. one word administrative which probably shouldn't have been taken
5. out, but many of us agreed to remove the word administrative because
6. I, frankly, feel that if a person is an executive or a professional,
7. he probably has administrative duties and I can't think of anyone
8. that doesn't...doesn't fit the two that wouldn't fit the third,
9. so I'd hope that all the members would support the amendment.
10. Thank you, very much, Mr. President.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. All right. Senator Knuppel.

13. SENATOR KNUPPEL:

14. Well, I just had a couple of questions of the sponsor or
15. of Senator Bruce. Now, as I understand the amendment, it applies
16. in its definition to an executive as someone who's making more than,
17. let's say, eighteen thousand dollars. Well,...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator McCarthy.

20. SENATOR MCCARTHY:

21. No, I...I'm glad you raised the question because it should
22. be cleared out. The...the overtime provision will not apply to a
23. bonafide executive or,...yeah, he can be making...he can make nine
24. thousand dollars a year and it won't apply to him if he's a
25. bonafide executive.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Knuppel.

28. SENATOR KNUPPEL:

29. How do you determine he's a bonafide executive then? I
30. thought we did this by salary when you were discussing it a minute
31. ago?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator McCarthy.

1. SENATOR McCARTHY:

2. I think that question has already been answered. You determine
3. judicially, who is a bonafide executive by virtue of his activities
4. and his performance and that language was taken from the Federal
5. Fair Labor Standards Act and they have a body of case law as
6. to who is.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Knuppel.

9. SENATOR KNUPPTEL:

10. What, then, is the significance of this one hundred and
11. seventy percent of average weekly wage, what's the significance
12. of that, then?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator McCarthy.

15. SENATOR McCARTHY:

16. The significance is...the significance, Sir, is this
17. ...is this, is that a person who is not a bonafide executive
18. or who is not hired in a professional capacity will receive
19. mandatory time and a half overtime unless that person is making
20. eighteen thousand dollars a year.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Knuppel.

23. SENATOR KNUPPTEL:

24. All right. Now, in this category of persons, is there any
25. sliding scale or could somebody who's making seventeen thousand
26. nine hundred and ninety-nine dollars get paid mandatory overtime
27. and man who is making eighteen thousand and one dollar not get it?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator McCarthy.

30. SENATOR McCARTHY:

31. The answer to that is yes, but logic would dictate that before
32. the employer would be in a position of mandatorily paying them
33. time and a half overtime they would raise that individual's salary

1. one dollar and that would take them out of the provisions of this
2. act.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Knuppel.

5. SENATOR KNUPPEL:

6. Well, I...that's what I was going to point out. I think there's
7. room when we come back to fit in some kind of a...of a sliding
8. scale, but, I think you're right. Logic would dictate to all those
9. employers who have this classification of employees somewhere
10. between sixteen and eighteen thousand dollars to give them a
11. pay raise.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Nimrod.

14. SENATOR NIMROD:

15. Thank you, Mr. President. I have a couple of questions
16. is the sponsor would yield.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. He indicates he will yield. Senator Nimrod.

19. SENATOR NIMROD:

20. Yeah, in fact my questions will be directed to either
21. Senator Harris, or Senator..Bruce, or even the sponsor.
22. It seems to me that this particular situation has arisen because
23. some wording that existed in the previous law was inadvertently
24. left out.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator McCarthy.

27. SENATOR NIMROD:

28. And...

29. SENATOR MCCARTHY:

30. Yes, I want to correct you, Senator. The language was not
31. inadvertently let...left out. Are you referring to the exclusion of
32. those under the Federal...Federal Fair Labor Standards Act?
33. I think it's been represented to me and I believe it's true that

1. that was specifically debated in the House and it was not left
2. out language because it raised the question of lack of concurrent
3. jurisdiction on the enforcement of the whole Act. To say it another
4. way, Senator, the language was intentionally left out because
5. it retained jurisdiction by the State of Illinois to inspect
6. for violation of the Minimum Wage Act together with the Federal
7. government. Had that language to which you refer been left in,
8. you would have, I think, been caught in the position of only
9. having two Federal inspectors trying to inspect the records for
10. eleven million people in the State of Illinois.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Nimrod.

13. SENATOR NIMROD:

14. Thank you, Senator. I only want to say this that I, too,
15. am a member of the Labor and Commerce Committee and this particular
16. problem was brought to my attention some time ago and I did
17. discuss it with the House sponsor of that bill, did advise me
18. that it was inadvertantly left out, that it would be replaced.
19. Since that time, there has been very...there has been no discussion
20. with I...that I can recall with any members of this side of the
21. aisle and the minority side on the Labor and Commerce Committee
22. and in addition to that, we find ourselves with probably, only
23. two sentences being needed and not have to go through all this
24. mumbo jumbo that's being subsituted as it was in the other and the
25. reason I mention this is a number of people said they weren't sure
26. and didn't know what they were voting on before when the
27. Workman's Comp bills passed which crused hundreds and thousands
28. and millions of dollars of money that's being paid by business.
29. Let me just read what I believe is needed as an amendment here in
30. place of the one that you're proposing. The amendment here...all
31. it has to do in order to cover this has to say this, any employee
32. who is covered under the provisions of the Fair Labor Standards
33. Act of 1938 is heretofore, or hereafter amended. And then you add

1. another sentence saying any employee who's primarily employed
2. in an executive, administrative, or professional capacity
3. but not subject to the Fair Labor Standards Act of 1938. That
4. would substantially put this bill back in the position for which
5. it was intended and this...this Senate passed that bill with that
6. understanding at least the committee did, thinking that that
7. provision was provided for. Now, I don't know why we're going
8. through some new language that puts this in an entire...
9. irresponsible area where we are getting into an area that does not
10. have the support of the Illinois Manufacturers Association
11. and it is my understanding and I just found out a few minutes
12. ago, does not have the support of the State Chamber of Commerce.
13. It would be just as easy to provide these two simple sentences
14. and put it back where it belongs where we can all support this
15. rather than come up with some language and some questions
16. that do not address themselves to the subject entirely. Now,
17. if we want to really be...stop kidding everyone and stop really
18. doing something that's going to help business and really take care
19. of a problem that was left, then why don't we go and put this
20. amendment in rather than struggle with seventeen amendments
21. and rewriting something that's very simple because it's already
22. written for you. We have always had reference to the Fair Labor
23. Standards Act. We've always had reference to the Federal Standards
24. and I think anything short of that is really trying to kid the people
25. into thinking that you're doing something for them and think that
26. business is going to be taken care of. If we do nothing about
27. this subject and it's very serious, I am sure all the Senators will
28. do something about it very shortly, so I think we ought to do it
29. right rather than do it wrong and as long as we persist on going
30. down this trail, I think we're just trying to kid everyone and as
31. soon as this amendment is addressed to, I would like to put in an
32. amendment, if you'll wait long enough for me to do it, and give
33. it an attempt to address it in its right manner.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Mitchler. Senator Mitchler. Fate has been kind.
3. Your microphone doesn't work. Can you move over and use
4. Senator Berning's? Turn him on Senator Berning. Senator
5. Mitchler.

6. SENATOR MITCHLER:

7. I might not have as much luck with this one as mine.
8. Prior to 1971, you know, before we had this Minimum Wage
9. Law in Illinois we didn't have any problems about what type we
10. had and after that passed and we got a Minimum Wage Law,
11. I predicted that every year we would be down hassling
12. and we would have amendments on how to amend the Illinois Minimum
13. Wage Law. And that's going to be with us from now to eternity.
14. As long as we have the Illinois Minimum Wage Law. And now we
15. find that we have another problem that has to be resolved and
16. we're attempting to correct it. The criticism that I think all of us
17. have with ourselves is the fact, here we are in the final hours of the
18. last day and everybody wants to get out of here and we're coming
19. up with this amendment and trying to work something out. If this
20. was serious, I would have thought that those that needed this
21. would have had this amendment proposed and would have been debated
22. and we'd have been moving it here a lot faster than we are. But,
23. here we're waiting until the last minute and we're going to do the
24. same thing now that we did when we passed the last amendment
25. to the Illinois Minimum Wage Bill back in June in the final hours
26. and we're going to have to come back here in 1977, correct our-
27. selves all over again. Haste makes waste, but I guess that's the
28. way we operate down here so here we are and here we go.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Schaffer.

31. SENATOR SCHAFFER:

32. The...if the sponsor would yield.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Sponsor indicates he will yield. Senator Schaffer.
2. SENATOR SCHAFFER:
3. Senator McCarthy, I was off the Floor very briefly, although
4. I think I was within earshot of one of our squawk boxes through
5. virtually the whole debate, what is the position of the Illinois
6. State Chamber of Commerce and the Illinois Manufacturers
7. Association, has that clearly been stated?
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Senator...
10. SENATOR SCHAFFER:
11. What is their position on this amendment?
12. PRESIDING OFFICER: (SENATOR ROCK)
13. Senator McCarthy.
14. SENATOR MCCARTHY:
15. I have not talked to the lobbyists for those groups.
16. But, they...so far as I know, they are the ones that wanted the
17. bill amended, And the language was given to them and to give you...
18. well, to give you a sequence on it, Senator, the language we
19. offered provided any employee employed in a bonafide executive
20. administrative or professional capacity whose regular weekly wage was not
21. less than a hundred and seventy and the information I got as they
22. sent back the information that they wanted or the disjunctive
23. put in. That was resolved apparently to their satisfaction and
24. then the only thing that's been done subsequently has been the
25. deletion of the word "administrative."
26. PRESIDING OFFICER: (SENATOR ROCK)
27. Senator Graham on this to...to answer Senator Schaffer's
28. question?
29. SENATOR GRAHAM:
30. Yes.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Graham.
33. SENATOR GRAHAM:

1. I think I can illuminate a dark, cloudy subject. I just
2. this moment, finished talking to the organizations in question
3. and some of the large manufacturers of this State and some
4. representing other institutions, they are extremely uncomfortable
5. with the deletion of the word administrative (machine out off)
6. ...and leaving us in the hands of the Department of Labor to make
7. by rules or regulations a determination with regard to who is an
8. executive and...or who is...now to correctly represent these
9. organizations that...being in support of this bill and you didn't
10. do that, Senator McCarthy. With the word administrative out,
11. would be unfair. I'd...said...I said if anybody does. What I
12. have attempted to do is to suggest that perhaps in conformity with
13. the thinking expressed by the Senator from Pontiac that a
14. sandwich is better than no bite at all. I am not so sure that
15. these people represented share that opinion wholeheartedly. I am
16. sure that there is a need to do something. I am suggesting
17. in view of the fact that the Illinois House of Representatives
18. is in recess, and if this amendment was put on it would be a
19. perfunctory concurrence over there which I think would be
20. unfortunate. These two Houses of the Illinois General Assembly
21. are coming back at 9:00 o'clock a.m. January 12th. I think
22. another two or three weeks of heat on this bill will convince
23. some people that perhaps our thinking might have been a little
24. bad. I'm suggesting maybe we consider that as an alternative.
25. I am also suggesting that I would like to have this solved. I don't
26. think we have it solved to the satisfaction of a great multitude
27. of people t'at have a great interest in it.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Schaffer.

30. SENATOR SCHAFFER:

31. Well, then, if I correctly understand the situation that if
32. one votes against this amendment, one is not...the business community
33. isn't going to be happy and if one votes for this amendment, the

1. business community isn't going to be happy, which causes me to
2. ask the question, then, who wants this amendment? Well, and if so,
3. what are the ramifications that I don't comprehend.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. I assume...

6. SENATOR SCHAFFER:

7. I withdraw that question. I would like to get home for
8. Christmas.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Yeah, I assume that was a rhetorical question. Any further
11. discussion? All right. The question is...Senator McCarthy
12. do you wish to close? All right. The question is the adoption
13. of Amendment No. 1 to House Bill 1930. All those in favor signify
14. by saying Aye. All those opposed. The Ayes have it. The...
15. roll call has been requested. The question is the adoption of
16. Amendment No. 1 to House Bill 1930. Those in favor will vote Aye.
17. Those opposed will vote Nay. The voting is open. Have all voted
18. who wish? Take the record. On that question the Ayes are 30,
19. the Nays are 14, none Voting Present. The amendment is adopted.
20. Any further amendments?

21. SECRETARY:

22. Amendment No. 2 offered by Senator Nimrod.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Nimrod.

25. SENATOR NIMROD:

26. Yes, Mr. President. The amendment which is on the desks...
27. has just been placed, I do have some additional copies here if
28. someone would like to distribute them, but what the amendment
29. does is provides for Sections E and F to be changed to the words
30. that were originally...that were originally in the bill and which
31. were left out except F has been added. Now, E, is the part
32. that was left out and what it refers to is any employee who is
33. covered under the provisions of the Fair Labor Standards Act

1. of 1938 and heretofore, or hereafter, amended. Now, that's
2. what the words were before. Those words are replaced and I'm
3. adding any employee who is primarily employed in an executive
4. administrative or professional capacity but not subject to the
5. Fair Labor Standards Act of 1938. And it's just a simple
6. correction of what was left off and I think this would satisfy
7. everyone and I find no reason why those who are on the labor
8. side cannot support this position.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Yeah, I would like...I think...there may well be a technical
11. problem, Senator Nimrod. Senator Nimrod, there may well be a
12. technical problem and I'm assuming that Senators McCarthy
13. and Bruce and Savickas will raise it shortly so that the
14. Chair doesn't have to do it on its own motion. Senator Bruce.

15. SENATOR BRUCE:

16. Yes, Mr. President. I don't know...I have the one that's
17. been offered by the Secretary, but this is not a typed amendment
18. and I...it was my understanding then in our rules, the amendments
19. would be typed and distributed to the members and I have a hand
20. written amendment in front of me and if that is in fact,
21. the one that the Secretary has, I would...would...would say that
22. the amendment is not in proper order and would move that it be
23. Tabled.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Philip.

26. SENATOR PHILIP:

27. Yes, that was a very interesting comment, Senator Bruce
28. I can remember here two weeks ago in the Executive Appointments
29. Committee when we had a Democrat resolution. It was amended verbally,
30. verbally, but on the bill verbally, and passed out of that
31. committee over my strong objections. So, I...if that was legal,
32. right and proper, I don't see why this isn't.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. All right. Senator McCarthy.

2. SENATOR McCARTHY:

3. While...while...while the question is raised about the
4. order, I...I would like to just speak against
5. the content of the amendment and to urge that the amendment
6. be Tabled and at the proper time, I will move that the amendment
7. lay upon the Table. What this amendment purports to do
8. is to exempt from the Minimum Wage Act any employee is...who is
9. covered under the provisions of the Fair Labor Standards Act
10. of 1938 is heretofore or hereafter amended. Now, what that
11. does, Mr. President, is take out from the jurisdiction of
12. Illinois the rights and duties, power to enforce a minimum wage
13. law in the State of Illinois except to that miniscule number
14. of businesses that do less than two hundred and fifty thousand
15. dollars a year. It's a completely objectionable amendment.
16. Because, as I've heretofore indicated, the statistics have been
17. given to me and I believe them to be true, that there are two
18. ...count them, two Federal investigators assigned to the whole
19. State of Illinois to look into the subject of minimum wages.
20. And if you have State investigators go to any business in the
21. State of Illinois to attempt to enforce the law, the employers
22. would say, you have no jurisdiction in here because we do more
23. than two hundred and fifty thousand dollars of business per year.
24. This is an amendment that is...totally objectionable to myself
25. as sponsor. I think if Senator Nimrod wants to do something along
26. this he can pursue his own avenue and pick up...introduce his
27. own legislation. But, the amendment, because of the form
28. and because of the content therein, is totally objectionable.
29. It would defeat all of the attempts of negotiations that have
30. been going on and I move, Mr. President, that this amendment
31. lay upon the Table.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Well, Tabling motion is not debatable, as you know. If you

1. would just hold that, I would...
2. SENATOR McCARTHY:
3. Yeah, I'll hold that.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Senator Bloom, for what...Senator Bloom.
6. SENATOR BLOOM:
7. Got a small question to ask of a sponsor of Amendment
8. No. 2.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Indicates he will yield.
11. SENATOR BLOOM:
12. Assuming that this Body would adopt Amendment No. 2 how would
13. that track with the amendment we have just adopted?
14. PRESIDING OFFICER: (SENATOR ROCK)
15. Well, that's the problem. The Chair is prepared to rule
16. that because...
17. SENATOR BLOOM:
18. I just wondered if...
19. PRESIDING OFFICER: (SENATOR ROCK)
20. ...of the adoption of Amendment No. 1, Amendment...proposed
21. Amendment No. 2, in fact, does not fit. It is technically
22. deficient and the Chair is prepared to so rule. I did. I just
23. did. Senator, I'm going to ask you to just...or else, we'll
24. have a motion to Table, but I think you might be better off
25. withdrawing it. It just doesn't fit. Senator Nimrod.
26. SENATOR NIMROD:
27. Yes, are you saying it doesn't fit because of paragraph F
28. being handwritten or what is the problem?
29. PRESIDING OFFICER: (SENATOR ROCK)
30. Well, that's...that's the second problem.
31. SENATOR NIMROD:
32. What's...what's the first problem?
33. PRESIDING OFFICER: (SENATOR ROCK)

1. The first problem is Amendment No. 1 proposes a new
2. Section E.
3. SENATOR NIMROD:
4. That's correct.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. You're amendment does not delete that, but it instead has
7. an E and an F. Neither...F is not underlined for one thing,
8. according to the rules.
9. SENATOR NIMROD:
10. Well, my amendment...my amendment says to change...by
11. deleting everything after the enacting clause and insert in lieu
12. the following. So, I think my amendment does apply and it
13. does replace it.
14. PRESIDING OFFICER: (SENATOR ROCK)
15. All right. I will, at this point then, entertain
16. Senator McCarthy's motion that Amendment No. 2 lie upon the
17. Table. All those in favor signify by saying Aye. All those
18. opposed. The Ayes have it. A roll call has been requested.
19. The question is the Tabling of Amendment No....proposed Amendment
20. No. 2 to House Bill 1930. Those in favor of Senator McCarthy's
21. motion to Table will vote Aye. Those opposed will vote Nay.
22. The voting is open. Have all voted who wish? Take the record.
23. On that question the Ayes are 22, the Nays are 19, none Voting
24. Present. The motion prevails. The amendment is Tabled. Any
25. further amendments? Senator Soper.
26. SECRETARY:
27. Amendment No. 3 offered by Senator Nimrod.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. All right. Senator Soper, for what purpose do you arise?
30. SENATOR SOPER:
31. Verify...verify the green lights, please.
32. PRESIDING OFFICER: (SENATOR ROCK)
33. All right. There's been a request for a verification of the

1. affirmative roll call on the Tabling motion. Mr. Secretary
2. ring the bell, please...or Mr. Sergeant-at-Arms, ring the bell.
3. Senator Soper has requested a verification. Will all the Senators
4. please be in their seats. Secretary will read the affirmative
5. votes.

6. SECRETARY:

7. The following voted in the affirmative: Brady, Bruce,
8. Carroll, Clewis, D'Arco, Daley, Demuzio, Donnewald, Maragos,
9. Egan, Kenneth Hall, Hynes, Knuppel, Kosinski, Lemke, McCarthy,
10. Mitchler, Newhouse, Rock, Savickas, Smith, Mr. President.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. All right. The roll has been verified. The Ayes are
13. 22, the Nays are 19, the motion...the motion fails. Any
14. further amendments?

15. SECRETARY:

16. Amendment No. 3 offered by Senator Nimrod.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Nimrod.

19. SENATOR NIMROD:

20. Yes. Mr....

21. PRESIDING OFFICER: (SENATOR ROCK)

22. The motion prevails. Amendment No. 2 has been Tabled. This
23. is now Amendment No. 3 offered by Senator Nimrod. Senator Nimrod.

24. SENATOR NIMROD:

25. Amendment No. 3 does nothing else but restore the original
26. words that were in the Act. And it just takes E out and puts
27. E back in...the present E that's in is...is deleted and the new
28. E is added and all it says is any employee who is covered by the
29. provisions of the Fair Labor Standards Act of 1938. This will
30. substantially put the bill back in the position that it was
31. intended to. This...this is the way the bill would be as we had
32. thought it was passed out of the Senate. And I would be happy to
33. answer any questions and I would ask for a favorable roll call.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. All right. We're...we're on the order of Amendment No. 3
3. to House Bill 1930. Speaking to the amendment, Senator
4. McCarthy.

5. SENATOR McCARTHY:

6. Yes Mr. President and members of the Chamber. Amendment
7. No. 3 is the same as Amendment No. 2 except it doesn't have the
8. hand written inner-lineation of...of F in there. What is
9. objectionable and unacceptable to myself, I think, as many
10. others, is the fact that it would exempt from this act any
11. employee who is covered under the provision of the Fair Labor
12. Standard Act of 1938 as heretofore, hereafter amended, that is
13. objectionable for the reasons I stated heretofore, but I think
14. they're worthy of repetition. What you have presently is concurrent
15. jurisdiction between the Federal government and the State of
16. Illinois government in enforcing the law of Illinois. If this
17. were to be put in, you effectively would remove any jurisdiction
18. so that the Illinois Department of Labor would not have the power
19. to investigate compliance of the act except in those relatively
20. few businesses that hire five or more people but do a volume
21. of business of less than two hundred and fifty thousand dollars
22. a year. What you would do, you on the Republican side of the
23. aisle, is destroy State rights, remove the jurisdiction and leave
24. up to these reportedly two employees of the Federal government
25. to police this, the law of the land. It is objectionable. I
26. at the proper time would ask that a motion to Table, which I would
27. put, prevail so that we can proceed in a matter of dispatch from
28. this matter.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Bruce.

31. SENATOR BRUCE:

32. Well, the only problem I see with the amendment and I...just
33. by going back through some of the ones that the Reference
34. Bureau had sent up, is that language was considered but if you

1. want to cover for the exclusion of professionals, you must
2. fit it in Section D. That's where the language has to go. If
3. you put it in E, since they are excluded by the Fair Labor
4. Standards Act, and you are...putting an E where the exclusion
5. they're in fact, covered. Because you have double excluded them.
6. They are not covered by the Fair Labor Standards Act and that's
7. why when the Reference Bureau drafted the original, it is in
8. Section D. Subsection E, where we then, got to get over the problem
9. of what Senator McCarthy's talking about concurrent jurisdiction
10. between the Federal and State, that's when we went to a positive
11. statement, but to put the negative statement in E, gives you
12. two negatives which means that all professionals in the State
13. would be covered. I don't think you intend to do that.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Further discussion? Senator Nimrod.

16. SENATOR NIMROD:

17. Yeah, if that's a...a question, Senator, what I would like...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. I think it...

20. SENATOR NIMROD:

21. ...to do is to tell you that I think that putting the wording
22. back in, at least covers the major part of the problem and if we
23. need to put that back in there, we can certainly do that next year.
24. But, let's at least, put the coverage in there which puts it
25. back under the Fair Labor Standards Act and there is no problem.
26. We have done this in numerous occasions and I don't understand
27. why Senator McCarthy having reference to it. On numerous occasions,
28. we have had reference to the Federal standards and this is a
29. practice that's existed many areas. This is no different
30. and there is nothing wrong with having that inclusion in the
31. reference of the Fair Labor Standards Act.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Further discussion? Senator Schaffer.

1. SENATOR SCHAFFER:
2. If I might ask the sponsor the same question I asked earlier.
3. What is the position of the State Chamber of Commerce and the
4. Manufacturer's Association?
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Senator Nimrod.
7. SENATOR NIMROD:
8. It is my understanding that the State Chamber and that the
9. Illinois Manufacturer's Associations are in support of referring
10. and restating those words that were removed from the original bill.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Any further discussion? Senator Schaffer. I'm sorry.
13. SENATOR SCHAFFER:
14. Well, I meant specifically on the amendment before us.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. Senator Nimrod.
17. SENATOR NIMROD:
18. Senator Schaffer, what this does is puts the words back into
19. to Act that were taken out so that means they support the bill.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. Senator Schaffer.
22. SENATOR SCHAFFER:
23. Are you absolutely sure that they support the amendment?
24. PRESIDING OFFICER: (SENATOR ROCK)
25. Senator Nimrod.
26. SENATOR NIMROD:
27. I am absolutely sure they did not support the other amendment
28. and...I have not talked to them about...I know that they have told
29. me that they supported the fact that they wanted the words re-
30. instated. Now, if that's...any more than that, I can't tell you.
31. That means they would support this bill. If...if there was
32. something other than that, they have not proposed it to me.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Graham.

2. SENATOR GRAHAM:

3. I...I am just a poor country boy practicing law without
4. a license. Now,...from Montgomery County. I would like to
5. propound a question to the Gentleman from Jefferson.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Indicates he will yield.

8. SENATOR GRAHAM:

9. You are saying and you fellows, you and counselor
10. Nimrod are getting me completely confused. You are saying that
11. if this amendment is adopted and this language is put in Section
12. E, that we, by the virtue of the fact that it might be adopted
13. would be blanketing in everyone?

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Bruce.

16. SENATOR BRUCE:

17. If I may tell you how it works, we cover everyone that is
18. covered...not covered under the Fair...Federal Fair Labor
19. Standards Act. Excluded from...that means that everyone covered
20. is covered for State benefits for overtime payments. Excluded
21. from that coverage under Federal Fair Labor Standards are
22. executives and it is defined in an eighteen page document put out
23. by the Federal government what an executive is, mainly a person
24. who makes two hundred dollars a week or more and has the right to
25. supervise, hire and fire two people or more. That was put
26. in and our sections of defining what the Act covered. What Senator
27. Nimrod has done is put it in a section which involves people
28. who are excluded. If you exclude those people excluded by the
29. Federal Fair Labor Standards Act, you are saying since executives
30. are excluded by the Federal law, that they are, in fact, included
31. under Illinois law, which is exactly the opposite of what I think
32. Senator Nimrod meant to say. I mean I...I agree with him on what
33. he wants to say, but he's just putting it in the wrong place.

1. He's putting it in exclusionary sections and it ought to be
2. in Section 4.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Graham.

5. SENATOR GRAHAM:

6. One last little remark. Is there a possibility that we
7. can get this so amended that nobody would buy it, is that what
8. we're working on?

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Bruce.

11. SENATOR BRUCE:

12. Well, Senator Graham, I'm worried about that I just want
13. to alert the Body that the House has recessed and about to
14. adjourn and I...they have about fifty bodies, so I frankly, think
15. that we may be talking about not very much of anything anyway.
16. And every amendment we...we discuss...the House has recessed. The
17. only matter before them is this and I don't know how many
18. House members will wait around to discuss this vital matter.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. All right. Is there any further discussion? All right.
21. Senator McCarthy has moved to Table Amendment No. 3 on House
22. Bill 1930. All those in favor signify by saying Aye. All those
23. opposed. Roll call has been requested. The question is the
24. motion to Table Amendment No. 3. Those in favor of Senator
25. McCarthy's motion to Table will vote Aye. Those in favor of
26. the amendment will vote Aye. The voting is open. All right.
27. Have all voted who wish? Take the record. On that question
28. the Ayes are 26, the Nays are 17, 2 Voting Present. The motion
29. to Table prevails. Amendment No. 3 is Tabled. Any further
30. amendments?

31. SECRETARY:

32. No further amendments.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. 3rd reading. Do we wish to come back to that order of
2. business? We'll need some intervening business, of course.
3. Senator Netsch, for what purpose do you arise?
4. SENATOR NETSCH:
5. For the usual purpose. I was unaware that it was a motion
6. to Table and so I voted the wrong way. I did it myself, but I
7. did it the wrong way.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. The...the...the Journal will so reflect our deepest sympathy.
10. Senator Berning for what purpose do you arise?
11. SENATOR BERNING.
12. I move we adjourn.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Well, we've got a couple of things we really should do.
15. One of which we just acted on.
16. SENATOR BERNING:
17. The House is out of business.
18. PRESIDING OFFICER: (SENATOR ROCK)
19. The House is in recess, Sir.
20. SENATOR BERNING:
21. They're out of business, Mr. President. I repeat my
22. motion and ask for a roll call.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. All right. Message from the Governor. We'll use that
25. for intervening business. Senator Brady has a motion I think
26. he wants to get to. Senator Partee. I'm sorry.
27. SENATOR PAPTEE:
28. Did I hear my friend, Karl Berning, the full time legislator
29. ask to adjourn early?
30. PRESIDING OFFICER: (SENATOR ROCK)
31. I'm frankly not sure. The Chair did not hear it. A Message
32. from the Governor.
33. SECRETARY:

1. A Message from the Governor by David J. Caravello,
2. Assistant to the Governor. Mr. President - The Governor
3. directs me to lay before the Senate the following message:
4. To the honorable members of the Senate, the 79th General
5. Assembly. I hereby withdraw the nomination of George Skontos
6. of Glenview to be a director of the Illinois State Toll
7. Highway Authority for a term expiring May the 1st, 1980, which
8. nomination was previously communicated to you in a message dated
9. November the 30th, 1976 and recorded in the Senate Journal
10. of November the 30th, 1976. I am withdrawing Mr. Skontos'
11. nomination at his request. Respectfully submitted, Daniel
12. Walker.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. All right. On the order of House Bills, 3rd reading, House
15. Bill 1930, is that the number we're dealing with? Yes.
16. Read the bill, Mr. Secretary.

17. SECRETARY:

18. House Bill 1930.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator McCarthy.

23. SENATOR McCARTHY:

24. ...President...yes, Mr. President and members of the
25. Chamber. This bill is the one that we've had the talk about the
26. amendments and it's now been amended so that if this bill does
27. secure a favorable vote and I think it should, believe it needs
28. thirty-six so that the Governor can act on it prior to January
29. 12th, excluded from mandatory overtime under the Minimum Wage
30. Bill, will be, any employee who is employed in a bonafide
31. executive or professional capacity, they will be excluded.
32. Also excluded will be any person whose regular weekly rate of pay
33. is not less than one hundred and seventy percent of the State-
34. wide average weekly wage as determined by the applicable section

1. of the Unemployment Insurance Act. Think this has been thoroughly
2. ventilated. I'd be happy to answer any questions, but I do believe
3. this bill now that it's had the work in it deserves your
4. affirmative vote.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any discussion? Senator Harber Hall.

7. SENATOR HALL:

8. Just this word, Mr. President. I'd like the Body to
9. understand that it's...I have been assured that bonafide
10. executive would include junior executives in businesses. I've
11. been assured that by the sponsors of the amendment and by the
12. Minority Leader.

13. SENATOR MCCARTHY:

14. That means you're in favor of it.

15. SENATOR HALL:

16. And therefore, I support it.

17. SENATOR MCCARTHY:

18. Roll call.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any...any discussion? Senator Buzbee.

21. SENATOR BUZBEE:

22. Thank you, Mr. President. I find myself in that position
23. once again of wanting to help to correct a problem but thinking
24. that perhaps we're not going to correct the problem at all with
25. this bill. I voted my expression of that a little while ago
26. by voting No on the first amendment after being assured by the
27. State Chamber of Commerce and the Manufacturers Association that they
28. were opposed to that amendment. Now, it is the only thing left
29. I think, that probably some of the comments that were made earlier
30. are absolutely correct in that the House has gone home and so we
31. are, in fact, making much ado about nothing here because they're
32. not...they don't have enough people over there to vote on the bill
33. anyhow, but I made a pledge to some people in my district

1. that I was going to support legislation to try to correct the
2. problem. I don't think this is the necessary legislation, as I
3. understand it, but it's the best we got at this point, so I'm
4. going to vote Yes on it.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. All right. Is there any further discussion? All right.
7. The question is shall House Bill 1930 pass. Those in favor will
8. vote Aye. Those opposed will vote Nay. The voting is open.
9. Have all voted who wish? Have all voted who wish? Take the
10. record. On that question the Ayes are 42, the Nays are 1,
11. 5 Voting Present. House Bill 1930 having received a constitutional
12. majority is declared passed. Senator McCarthy moves to reconsider
13. the vote by which House Bill 1930 was declared passed. Senator
14. Carroll moves to place that motion upon the Table. All those
15. in favor signify by saying Aye. All those opposed. The Ayes
16. have it. So ordered. Yes, Sir. Now, gentlemen, please don't get
17. the idea that we're finished because we're not. There's quite
18. a bit of work left here. The House, in fact, is in recess. All right.
19. Some members, I'm told, have gone home. Not all. Hopefully,
20. they have a hundred and seven in the hallway. All right. There's
21. a motion on the Secretary's Desk with respect to House Bill
22. 3858. Let's go to that order, Mr. Secretary. Read the motion,
23. Mr. Secretary. Put it on the board and read the motion.

24. SECRETARY:

25. I move that House Bill number 3858 Do Pass, the veto of the
26. Governor to the contrary notwithstanding. Signed, Senator
27. Brady.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Brady.

30. SENATOR BRADY:

31. Yes, Mr. President and fellow members. House Bill 3858
32. is the bill which creates the State Fair Board. I think it's
33. very necessary legislation. I think it's a good legislation.

1. It has been up before us several times. We've debated it.
2. We've amended it. It finally passed overwhelmingly in June, '53
3. to nothing out of this Body. And I move that House Bill 3858
4. Do Pass, the veto of the Governor to the contrary notwithstanding.
5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any discussion? Senator Glass.
7. SENATOR GLASS:

8. Thank you, Mr. President. I at this time would like to
9. raise a point of order. A motion...this identical motion was
10. voted on, placed on Postponed Consideration and...and failed to pass.
11. And I would respectfully ask you to rule that that would
12. preclude any further making of the identical motion under our
13. rules specifically Rule 45.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Well, the Chair is going to rule in accordance with
16. the ruling at least, advisory ruling that was made yesterday
17. that Rule 45 is not applicable but I would direct your...wait...
18. I would just ask your...to turn your attention to Rule 70, 71,
19. and 72, which concern the subject of...of Messages from the
20. Governor. When...when the message is returned to the House of
21. origin, it remains there for fifteen days subject to motions.
22. Upon that first House's action, it then is sent to the second
23. House for its action and the second House can only act in
24. accordance with the way the first House acted. Okay, do you
25. follow me so far? There has, in fact, been a motion to override
26. which failed. There is no provision in...in Rule 45 or 72
27. that precludes a second motion. Senator Harris.

28. SENATOR HARRIS:

29. Well, Mr. President. I think Rule 72 is absolutely clear
30. and that is that the second shot at passage of House Bill
31. 3858, it was on Postponed Consideration and Rule 45 is perfectly
32. clear and it refers to a bill and the motion provided for in Rule
33. 72 is that blank bill blank Do Pass, the veto of the Governor

1. to the contrary notwithstanding. And that motion failed this
2. House twice and Rule 45 certainly governs. Now, if we are going
3. to provide unlimited opportunity for the passage of a bill
4. that has been vetoed, we ought to specifically provide that. I
5. respectfully suggest, Mr. President, that this bill has had all
6. the consideration it can have with respect to the motion that
7. the bill Do Pass, the veto of the Governor to the contrary
8. notwithstanding. That motion has been acted on, the...the
9. two times that it can be acted on under our rules. And the only
10. other course of action would be for a motion from a person
11. voting on the prevailing side, Senator Brady voted Aye on the
12. roll call. It did not receive a sufficient number of votes so
13. that he is on the losing side, not the prevailing side and there
14. must, then, in order to get this bill back before us, be a motion
15. put by a person who voted No on the motion that the bill Do Pass
16. the veto of the Governor to the contrary notwithstanding, otherwise
17. we're just going to be here indefinitely.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. No, we are...we are to be here fifteen days.

20. SENATOR HARRIS:

21. Well,...

22. PRESIDING OFFICER: (SENATOR ROCK)

23. That, it seems to me...

24. SENATOR HARRIS:

25. That...that doesn't mean that every bill is...remains before
26. us for fifteen days. It means that bills that have not been
27. considered with respect to vetoes twice alive, if the sponsor
28. wants to string it out that much longer, but this bill has been
29. acted on with finality. And the only way we can get it back before
30. us is for a person voting on the prevailing side to move to
31. reconsider on the next legislative day and then if that motion
32. carries, fine, we'll take another shot at it. And I would
33. presume that following the successful carriage of that motion, that

1. you would then really have to move to suspend the rules because
2. that bill will have...will be prohibited from further consideration
3. by the effect of Rule 45.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. The...what I question ultimately is your conclusion,
6. but I also question the applicability of Rule 45, will you point
7. to what in Rule 45 you're...you're alluding to?
8. SENATOR HARRIS:
9. A motion to postpone further consideration or to suspend
10. a roll call on a bill or proposition may not be made more than
11. once on the same bill or proposition.
12. PRESIDING OFFICER: (SENATOR ROCK)
13. That's...
14. SENATOR HARRIS:
15. That's...
16. PRESIDING OFFICER: (SENATOR ROCK)
17. I agree with that.
18. SENATOR HARRIS:
19. All right. That's absolutely clear.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. That is not...
22. SENATOR HARRIS:
23. And this bill...
24. PRESIDING OFFICER: (SENATOR ROCK)
25. That is not applicable.
26. SENATOR HARRIS:
27. Well, it certainly is. It...it...
28. PRESIDING OFFICER: (SENATOR ROCK)
29. It's a motion...
30. SENATOR HARRIS:
31. It is germane to the operation of Rule 72 as you very
32. well know, rules don't just stand independently or separately.
33. They are a combination of guidelines and limitations on us and

1. there's just no question about it. This bill is...is dead
2. with respect to a motion to...that the bill Do Pass, the veto
3. of the Governor to the contrary notwithstanding.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. No, the only thing that happened, Senator, and I will
6. allude again to the conversation I had with Senator Moore
7. when he called a motion and the motion did not receive the
8. sufficient number of votes and it subsequently, either through
9. my inadvertance or...or for some reason, the motion to
10. postpone consideration was not timely made. I suggested that
11. time that in the opinion of the Chair, a motion to postpone
12. consideration was, in fact, not necessary. We have in the past,
13. and we did this Session, keep the Senate bills which were
14. returned to this Chamber for a period of fifteen days, subject
15. to motions, you will recall we had a rule at one point where
16. the sponsor had the first eight days and then any...it was open
17. for anybody else for the subsequent days. We have scheduled our-
18. selves so that we are, in fact, in the waning days in...

19. SENATOR HARRIS:

20. Well,...

21. PRESIDING OFFICER: (SENATOR ROCK)

22. ...both instances.

23. SENATOR HARRIS:

24. And the...the reason for the point that you are bringing
25. into the discussion now is to accomodate how sponsors from the
26. inability to have their bills timely considered in the House
27. because we do not meet thirty consecutive days during the post
28. veto period of consideration, fifteen days in each House.
29. That's...that's just an accomodation. We have kept the bills
30. and delivered them at the end of the fifteenth day so that the full
31. fifteen days would be available to the members in the second
32. House.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Well, Senator Glass, do you have any further...

2. SENATOR GLASS:

3. Well, Mr. President, I, of course, disagree with...with
4. the direction that you're going and apparently going to rule
5. for one other reason and that is I think you're opening up this
6. Chamber to a horrendous result. What you're...the effect of your
7. ruling really is, is that every member in the Chamber could file a motion
8. and refile it as many times as they want and literally
9. keep us going forever, that there is no way to act on finality
10. on any measure that...where there's a motion to override until
11. the end of the fifteen days. I just don't think that's what
12. our...our...the intention of our rules is. I think that the
13. ...the clear intention is that a sponsor of any measure has two
14. shots as the...at getting the required vote and if he doesn't
15. get it then...then he's lost and that...that ought to be the way
16. you...we operate and I would urge you to so rule.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. All right. Any further...Senator Berning.

19. SENATOR BERNING:

20. Yes, just a layman's observation, Mr. President.
21. I am totally convinced that a vetoed or partially vetoed
22. bill should in no way be treated any differently from any
23. other bill in the normal course of our operation. And one
24. postponement has always been accepted as conclusive and on the...
25. in the final determination on that postponed bill, that was the
26. decisive termination.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Well, the problem that I have with that and we discussed this
29. it seems to me, a couple of years ago, I was not fortunate enough
30. to a member of the Constitutional Convention so...and they didn't
31. provide for this. What they did provide is that fifteen day
32. period. Now, it seems to me to rule otherwise, or to rule in
33. accordance with Senator Glass' suggestion, would lead, it seems to me,

1. to a situation where the race would go to the swift so that if
2. you have a bill where you want to accept the Governor's
3. amendatory veto for instance, and I, because I am the first
4. motion in line, make a motion to override and it fails, it's
5. over at that point? I think not. Well, I think not, in any
6. event. All right. I'm...the Chair is prepared to rule. This
7. can go on. We can get a little academic here. The Chair is
8. going to rule that rule 45 is not applicable to Senator
9. Brady's motion. And that the motion is in order and the Chair
10. would recognize Senator Brady.

11. SENATOR BRADY:

12. Yes, Mr. President. I'm sorry we're in the confusion
13. of the rules on this but I still think that it is an important
14. piece of legislation and I hope that the coloring problem of...of
15. rules does not come into it. We did vote it out of here fifty-
16. three to nothing to give an idea of the impact after we
17. discussed it fully last June that we felt about this and I would
18. urge your favorable support.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. All right. The question is shall House Bill 3858 pass,
21. the veto of the Governor to the contrary notwithstanding?
22. Those in favor vote Aye. Those opposed vote Nay. The voting
23. is open. Have all voted who wish? All right. Have all voted
24. who wish? Take the record. On that question the Ayes are
25. 32, the Nays are 16, 1 Voting Present. The motion fails.
26. There further motions on your desk? Yes, Senator Harris.

27. SENATOR HARRIS:

28. Having voted on the prevailing side, I move to reconsider
29. the vote by which House Bill 3858 was...was lost be reconsidered.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. You...you would move to reconsider the vote by which
32. that motion failed. Senator Mitchler moves to Table. All those
33. in favor say Aye. So ordered. Senator Harris, for what purpose do

1. you arise?
2. SENATOR HARRIS:
3. Just a question of the Chair. Do you remember what
4. General Custer said?
5. PRESIDING OFFICER: (SENATOR ROCK)
6. No. Senator Partee, we are in a position where we have
7. resolutions and there is a problem, with I'm told, the House just
8. for everybody's edification, maybe...we were informed by the
9. House Clerk that they, because of some technical, clerical
10. errors, they have returned to us House Bill 3377 which is the
11. appropriation bill for the Department of Mental Health.
12. Senator Joyce has informed me that he is in a position now to
13. sort it out, if you will, but it will take a couple of minutes.
14. The House has returned it to us. Senator Weaver, for what
15. purpose do you arise?
16. SENATOR WEAVER:
17. What was the technical error?
18. PRESIDING OFFICER: (SENATOR ROCK)
19. Well, the technical error was that when they sent the bill
20. to us, they apparently did not accurately reflect the House's
21. action and that when we acted, we compounded the error that
22. started over there, so now, we're in a position trying to sort the
23. whole thing out. It is clerical but touchy. Senator Hickey,
24. for what purpose...well, I'm trying to find out. Do you wish
25. to go to the order of Executive? All right. Committee Reports.
26. SECRETARY:
27. Senator Hickey, vice-chairman of the Committee on Executive
28. Appointments and Administration, to which was referred the
29. Governor's messages of July the 9th, 17th, November the 17th,
30. 1976 and November 22nd, 1976 and November the 30th, 1976.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. All right. Senator Hickey.
33. SENATOR HICKEY:

1. Mr. President, I move that the Senate resolve itself
2. into Executive Session for the purpose of acting on the Governor's
3. Appointments set forth in the Governor's message of July 9th,
4. November 17th, November 22nd, November 30th, 1976.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. All right. You've heard the motion. All in favor signify
7. by saying Aye. All opposed. The Ayes have it. Senate is now
8. resolved in Executive Session. The Chair recognizes Senator
9. Hickey.

10. SENATOR HICKEY:

11. Since objections have been raised in recent meetings of the
12. Executive Appointments and Administration Committee, regarding
13. the length and terms of appointees, I should point out that
14. none of the appointees being considered today have terms
15. expiring in 1977. In other words, the four appointees being considered
16. today, will be serving terms extending beyond 1977.

17. Mr. President, with respect to the Governor's message of
18. November 17 and 22, I will read the names of the unsalaried
19. appointments which the Committee on Executive Appointments and
20. Administration recommends that the Senate advise and consent to.
21. After reading the names, I intend to seek separate roll calls
22. because of objections raised in committee. Illinois Housing
23. Development Authority to be a member of the...of that authority
24. for a term expiring January 21st, 1980, Carl A. Groesbeck of
25. Wheaton. Mr. President, will you put the question as required
26. by our rules?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Is there any discussion? All right. The question is
29. does the Senate advise and consent to the nomination just made?
30. Those in favor will vote Aye. Those opposed will vote Nay.
31. The voting is open. Have all voted who wish? All right. Have
32. all voted who wish? Take the record. On that question the Ayes
33. are 28, the Nays are none, 19 Voting Present. A majority of the

1. Senators elected having refused to give their advice and consent
2. by record vote, the Senate rejects the nomination...

3. SENATOR HICKEY:
4. ...be postponed?

5. PRESIDING OFFICER: (SENATOR ROCK)
6. Not at...well, I don't think at this point. We've never...
7. we've never postponed one of these. Rejects...the Senate
8. rejects the nomination of Carl A. Groesbeck of Wheaton for the office
9. of the Illinois Housing Development Authority. Senator
10. Hickey.

11. SENATOR HICKEY:
12. To be a member of the Illinois Building Authority for a term
13. expiring January 18th, 1982, Homer W. Wilhelm of Alsip, unsalaried.
14. Mr. President, will you put the question as required by our
15. rules.

16. PRESIDING OFFICER: (SENATOR ROCK)
17. Is there any discussion? All right. The question is does
18. the Senate advise and consent...Senator Partee.

19. SENATOR PARTEE:
20. I may have missed something. I was off the Floor a minute.
21. But, it occurs to me as I looked at the board that there is
22. a concerned effort to not consent to the appointments of persons
23. at this stage and I have, frankly, been on both sides of this
24. question in terms of whether or not there should be some
25. continuity in government and we do have staggered terms in order
26. that there should be some continuity in government and
27. I think certainly these are persons who have been in our committee
28. and have passed out of our committee and see no reason why we can't
29. go ahead with it.

30. PRESIDING OFFICER: (SENATOR ROCK)
31. All right. Any further discussion? And the question is
32. does the Senate advise and consent to the nomination just made?
33. Those in favor will vote Aye. Those opposed will vote Nay.

1. The voting is open. Have all voted who wish? Have all voted
2. who wish? Take the record. On that question, the Ayes are
3. 27, the Nays are none, 20 Voting Present. A majority of the
4. Senators elected having refused to give their advice and consent
5. by record vote, the Senate rejects the nomination of Homer W.
6. Wilhelm for the office of Illinois Building Authority. Senator
7. Hickey.

8. SENATOR HICKEY:

9. ...President, I think it will be very interesting to watch
10. the records of these people that are Voting Present now, during
11. the next two years, when appointments are being made that go
12. beyond that two year term. With regard to the Governor's
13. message on November 17th, the committee recommends that the
14. Senate advise and consent to the following appointment, which is
15. salaried, the Lottery Control Board, to be a member of it for
16. a term expiring in July 1st, 1978, Mrs. Joan Cameron of Glenview.
17. Mr. President, will you put the question as required by our
18. rules.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any discussion? All right. The question, then, is...
21. oh, I beg your pardon, Senator Harris.

22. SENATOR HARRIS:

23. Yes, I just want to make a comment. Back in 1972 in our
24. Veto Session, the present majority was also a majority at that
25. time and some critical nominations were laid before the Senate
26. and denied. The Capital Development Board was rendered inoperative
27. for several months. The Pollution Control Board, one of the
28. just...just tremendously important functions of State government
29. was denied operation, because the majority, at that time,
30. determined to withhold their approval of those appointments,
31. and those nominations. In 1968, we were here and I'm not sure about
32. our presence, but the terms that expired between the General
33. Election and the inauguration of Governor Ogilvie were filled
34. by communication from Governor Shapiro to Governor-elect Ogilvie

1. that whatever persons Governor Ogilvie...Governor-elect
2. Ogilvie wanted made in those functions within our process of
3. continuity whose terms were expiring, Governor Shapiro
4. made. Now, that's not the case today. And the messages
5. that had been in this committee for months but had been made
6. at the time when there had not been a determination who
7. would be the Governor-elect, I thought responsibility required
8. this side of the aisle to support and those messages that
9. have come to us of late, that would lock in service beyond
10. this unique two year term, in the history of Illinois with
11. respect to the five officers of the Executive Department that
12. were elected on November 2nd, places a different obligation on
13. this Body for these nominations made late in the ballgame.
14. And so I just want to make it clear that while we are not
15. voting to reject, we are voting is express frustration and
16. disappointment over this development of nominations subsequent
17. to the General Election. And I think that ought to be understood
18. and that in fact, the overwhelming operation of our Statutes
19. with respect to continuity are being left unimpaired. And so
20. I just want the public and this Body which I respect to be
21. alerted to the position that we are taking.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. This Body is alerted. I think the next two years are
26. going to be most interesting. I think that you have expressed
27. your disappointment and your chagrin because you have twenty-
28. five members over there, we have thirty-four over here. I think it time
29. those people in your leadership on that side started to think
30. about it now before January the 12th.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Wooten.

33. SENATOR WOOTEN:

1. I merely wanted to echo, Mr. President, what Senator
2. Knuppel said. I've taken the position from the beginning that
3. the Governor is entitled to those appointments he wants,
4. whoever that Governor happens to be and I have been frankly
5. ashamed of the action of this Chamber during the four years of
6. Governor Walker's administration and its behavior, both sides
7. of the aisle. But, I want to tell you in all fairness that
8. frustration begets frustration and I really don't think you ought
9. to follow this course, this late in the day. I think in
10. conversations we've had in the past, I believe some of those
11. still pertain. And I...I hate to see you take this position.
12. I just don't think it's a wise one.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. All right. Any further...Senator Hickey.

15. SENATOR HICKEY:

16. The...the person that we're considering now, I...I want
17. to say two things. Mrs. Cameron was on the list the last time
18. that the Executive Appointments Committee met which was a very
19. bad day. She started down here from Chicago, had her baby with
20. her in the car and was unable to continue to make the trip.
21. The people that were nominated that day and were confirmed in the
22. committee were almost...I think they were all accepted here on the
23. Floor, so what you're doing now, if you vote against Mrs.
24. Cameron or if you don't...if you vote Present and do not confirm
25. here, it's punishing her because there was bad weather on the
26. last day of the committee meeting.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Glass. Senator Glass.

29. SENATOR GLASS:

30. Thank you, Mr. President. As the sponsor of Mrs. Cameron
31. I will second what Senator Hickey has said. That is correct.
32. Mrs. Cameron was on her way down the last time this was up and was
33. with a small child and unable to get here because of the weather.

1. So, I would encourage the membership to support her.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right. Any further discussions? Senator Hickey.

4. SENATOR HICKEY:

5. ...make two points and the other was that in the committee

6. meeting, each candidate was asked if he or she would be willing

7. to resign if asked to do so by the next Governor. Each

8. candidate agreed to that. I don't know why now, the question

9. was asked.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. All right. The question is does the Senate advise and consent

12. to the nomination just made? Those in favor will vote Aye.

13. Those opposed will vote Nay. The voting is open. Have all voted

14. who wish? Have all voted who wish? Take the record. On that

15. question the Ayes are 30, the Nays are none, 15 Voting Present.

16. A majority of the Senators elected concurring by record vote,

17. the Senate does advise and consent to the nomination just made.

18. Senator Hickey.

19. SENATOR HICKEY:

20. As to the...as to the next appointment it is my duty to

21. report to the Senate that the Executive Appointments Committee

22. moved that the Senate Do Not advise and consent. Because of

23. the nature of our rules, the President will be phrasing the

24. question in terms of whether we do advise and consent to the

25. appointment. With regard to the Governor's message of July

26. 9th, the Committee recommends that the Senate Do Not advise and

27. consent to the following appointment which is salaried. To be

28. a member of the Lottery Control Board for a term expiring July

29. 1st, 1979, Mr. Bernard Willow, of Chicago. Mr. President, will

30. you put the question as required by our rules?

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Is there any discussion? All right. Senator Graham. Senator Graham.

33. SENATOR GRAHAM:

1. Mr. President and members of the Senate. I know the
2. phraseology that you, under the rules, are required to make.
3. So there will be no misunderstanding, this gentleman whose
4. name is up, was summarily rejected by the Committee of Executive.
5. He was summarily rejected by the Senator who was in presence
6. to introduce him to the Senate. He was summarily rejected by the
7. esteemed Assistant Majority Leader of the Senate for a very
8. good reason. So, it was the intent of the Executive Committee
9. that this man would not repeat, would not be confirmed by the
10. Senate, so all I'm suggesting is that you listen well to the
11. motion when it's put by the President of the Senate.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. All right. Any discussion? Further discussion? The question
14. is does the Senate advise and consent to the nomination just
15. made? Those in favor will vote Aye. Those opposed will
16. vote Nay. The voting is open. The question is does the Senate
17. advise and consent to the nomination just made. Have all voted
18. who wish? Yes, this...the motion is does the Senate advise and
19. consent. Have all voted who wish? Take the record. On that
20. question the Yeas are 5, the Nays are 8, 22 Voting Present.
21. A majority of the Senators elected having refused to give their
22. advice and consent by record vote, the Senate rejects the
23. nomination of Mr. Bernard Willow of Chicago for the office of
24. member of the Lottery Control Board. Senator Hickey.

25. SENATOR HICKEY:

26. Mr. President, I now move that the Senate arise from
27. Executive Session.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Heard the motion. All in favor signify by saying Aye.
30. All opposed. The Ayes have it. Senate does now arise.
31. Messages from the House.

32. SECRETARY:

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

1. Mr. President - I am directed to inform the Senate
2. that the House of Representatives has adopted the following
3. Joint Resolution in the adoption of which I am instructed to
4. ask the concurrence of the Senate, to-wit:

5. House Joint Resolution 113 and Senator Kosinski
6. and Davidson are the...

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Kosinski.

9. SENATOR KOSINSKI:

10. Mr. President and members of the Senate. A few days ago,
11. we passed out of the Senate a bill to help us get population
12. figures on a precinct by precinct basis after the 1980
13. census for the purpose of legislative reapportionment. Because
14. of some problems, Senate Bill 2046 is stalled in the House.
15. It is still alive and may yet pass when we come back in
16. January. In the meantime, a joint resolution which...bipartisan
17. sponsorship, is before us for your consideration. The
18. resolution in brief, asks that the Census Bureau is to relax
19. its severe deadlines for the submission of precinct maps
20. from Illinois. The Census Bureau has already relented part
21. way on the deadlines. We would like to see them use some
22. common sense and give us more time to get our precinct
23. maps in. In short, this resolution asks that the Feds get
24. off our backs. And give us more time which we richly deserve.
25. Senator Davidson and I ask for your support, Senator Davidson
26. if you wish to reply.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Davidson.

29. SENATOR DAVIDSON:

30. After that kind of speech, just vote Aye.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. All right. The...the...the motion is to suspend the
33. rules for the immediate consideration and adoption of House Joint

1. Resolution 113. All those in favor signify by saying Aye.
2. All those opposed. The Ayes have it. The rules are suspended.
3. Senator Kosinski and Davidson now move for the adoption of House
4. Joint Resolution 113. All those in favor signify by saying Aye.
5. All those opposed. The Ayes have it. The resolution is adopted.
6. A Message from the House.
7. SECRETARY:
8. A Message from the House by Mr. O'Brien, Clerk.
9. Mr. President - I am directed to inform the Senate
10. that the House of Representatives has adopted the following
11. joint resolution in the adoption of which I am instructed to ask
12. the concurrence of the Senate, to wit:
13. House Joint Resolution 112.
14. PRESIDING OFFICER: (SENATOR ROCK)
15. What is it?
16. SECRETARY:
17. It's relative to the pay raises for the Community
18. College Board.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Executive. Senator Newhouse, for what purpose do you arise?
21. SENATOR NEWHOUSE:
22. Mr. President, while we're on the order of Resolutions,
23. I have Senate Resolution 437 which I'd like to call.
24. PRESIDING OFFICER: (SENATOR ROCK)
25. Well, we...we were on the order of Messages. Where is
26. Senate Resolution 437? Oh, it's on the Secretary's Desk.
27. All right. Is...is there leave to go to that order of business?
28. All right. All right. If you'll turn to page four of your
29. Calendar. On the Secretary's Desk is Senate Resolution 437.
30. Senator Newhouse.
31. SENATOR NEWHOUSE:
32. Thank you, Mr. President. This is a resolution, Senators,
33. that's sponsored by Senators Newhouse and Nimrod. It went to

1. Executive Committee because it did need some work. We worked
2. on it in Executive Committee. We got the agreement of just about
3. everyone concerned and I would now move that the suspension of the
4. rules and the adoptions...of Senate Resolution No. 437.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. All right. Let me...we may have a technical problem here.
7. I don't know if this is...I don't know if it has been properly
8. amended. The amendment...there was an amendment offered in
9. Committee, you will recall.

10. SENATOR NEWHOUSE:

11. That's...that's correct.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. And I think we...

14. SENATOR NEWHOUSE:

15. It amended...

16. PRESIDING OFFICER: (SENATOR ROCK)

17. We should adopt that here.

18. SENATOR NEWHOUSE:

19. Amendment No. 1?

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Yes.

22. SENATOR NEWHOUSE:

23. Then, I move the adoption of Amendment No. 1 to Senate
24. Resolution No. 437.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. All right. All those in favor signify by saying
27. Aye. All those opposed. The Ayes have it. The amendment is
28. adopted. All right. Now, on the...on the resolution, any
29. further discussion on the substance of the resolution?
30. Senator...

31. SENATOR NEWHOUSE:

32. Senator Soper asked what it's about.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Oh, yes he did.

2. SENATOR NEWHOUSE:

3. Senator, this is the resolution that had to do with

4. mainstreaming handicapped children into the public schools. It

5. was debated in Executive, yes.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. All right. Senator Newhouse has moved the adoption of

8. Senate Resolution 437. All those in favor signify by saying Aye.

9. All those opposed. The Ayes have it. The resolution is adopted.

10. Is...is...is that the only one left? Senator Netsch, for what purpose

11. do you arise?

12. SENATOR NETSCH:

13. I think the matter of the Mental Health appropriation...

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Well,...

16. SENATOR NETSCH:

17. ...has to be straightened out and I think I...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. No question about it. There...we're...we're by no means

20. finished. I have a bill that just got back from the House myself.

21. Are you ready to go on this Mental Health problem? Okay. Is

22. there a motion pending? I understand that through the joint

23. effort of Senators Harris and Joyce, I think we can resolve this

24. matter. All right. Read the motion, Mr. Secretary, so we

25. know where we are.

26. SECRETARY:

27. I move...excuse me...I move to restore the following

28. reduced items, Appropriation House Bill 3377, the reduction of the

29. Governor notwithstanding. On page one, line twenty-nine.

30. Signed, Senator Joyce.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. No, that's...that's not it. I thought there...wasn't there

33. to be a motion to reconsider? Is that where you are? Okay.

1. Senator Netsch.

2. SENATOR NETSCH:

3. Yes, as one apparently, as best we can figure out who
4. voted on the prevailing side which was a negative side, I move
5. to reconsider the vote by which the motion with respect to
6. House Bill 3377 dealing with page one, line twenty-nine lost.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. All right. Senator Netsch has moved to reconsider the
9. vote by which the motion to restore a reduced item on page
10. one, line twenty-nine of House Bill 3377 lost. All those in favor
11. signify by saying Aye. Senator Harris.

12. SENATOR HARRIS:

13. Well, I think the membership ought to be alerted to what we
14. are dealing with here. In fact, that motion that Senator
15. Joyce put yesterday, which did fail, was a motion to restore
16. what, was it some four and a half million dollars?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Joyce.

19. SENATOR JOYCE:

20. Yes, Senator Harris. It was 4.9 million dollars. I...

21. PRESIDING OFFICER: (SENATOR ROCK)

22. All right. Senator Harris.

23. SENATOR JOYCE:

24. ...if I might explain.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Joyce.

27. SENATOR JOYCE:

28. Yes, I gave the wrong explanation of this at the time and the
29. ...the reason being was that we thought the...the staff and I
30. thought that nine hundred and fifty thousand dollar experimental
31. projects for developmentally disabled persons in private facilities
32. had passed the House and I explained that version of it when, in
33. fact, it did not because it took a three-fifths vote instead of a

1. simple majority and that is how I made a mistake in...in
2. explaining the, you know, the amount of money.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. All right. Senator Harris.

5. SENATOR HARRIS:

6. Well, I don't want to...I...I just want to stay on the
7. motion at hand, and this motion failed yesterday. Senator
8. Netsch, did, in fact, vote on the prevailing side of that
9. motion and this is a motion, not the one before us, but the one
10. that we are talking about reconsidering, is a motion to restore
11. 4.9 million dollars. Isn't that correct?

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Joyce.

14. SENATOR JOYCE:

15. Yes, that is correct.

16. SENATOR HARRIS:

17. Okay. I just want the membership alerted to that. Now,
18. point of parliamentary inquiry, Mr. President.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. State your...state your point, Sir.

21. SENATOR HARRIS:

22. How many votes does it take to reconsider a motion that has
23. failed? Yes.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. I believe it takes thirty votes to reconsider. Thirty
26. votes. It is a restoration. It is a motion to restore a reduced
27. item and requires thirty affirmative votes. Okay. The motion now
28. before us is to reconsider the vote by which the motion to
29. restore the item on page one, line twenty-nine of House Bill
30. 3377 failed. All those in favor. Senator Nimrod.

31. SENATOR NIMROD:

32. Just one question of clarification. The reason we're
33. having this, as I understand, is because...and Senator Joyce

1. might be...answer it, is...is that because we...we voted on what
2. we thought was a million dollars? And actually on the 4.9
3. million, we all voted, that bill had passed. We...we...vcted on the 4.9
4. did we not, cause there were two. One of them passed and we thought
5. we were voting for the 4.9, that one passed. And now...
6. PRESIDING OFFICER: (SENATOR ROCK)
7. Senator Joyce.
8. SENATOR NIMROD:
9. ...we're really going for the 4.9 that we thought we had
10. passed.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. That's my understanding. Senator Joyce.
13. SENATOR JOYCE:
14. Who's on first, but that's right. I...we are voting for
15. 4.9 million dollars.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. You...
18. SENATOR JOYCE:
19. For a community based programs.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. You...you are correct. Which we thought we passed yesterday
22. and because of the clerical mishap somewhere along the line, it
23. didn't work out that way. Senator Nimrod.
24. SENATOR NIMROD:
25. Do we know how many votes that had?
26. PRESIDING OFFICER: (SENATOR ROCK)
27. Senator Joyce.
28. SENATOR JOYCE:
29. Twenty-eight.
30. PRESIDING OFFICER: (SENATOR ROCK)
31. No, I think he's talking about the motion that was successful.
32. One of them, as I recall, had thirty and I think the...one...one
33. had...one had a larger number. One was thirty-seven or thirty-
34. eight. All right. Senator Nimrod.

1. SENATOR NIMROD:

2. The only thing I wanted to put across is that at this
3. late hour, it certainly was the intention of this Body to pass
4. the 4.9 million dollars and due to some error of either the wrong
5. statements or a misunderstandings that we are in this position
6. right now, and that it was certainly the will of this Body to
7. pass it and I would hope that we would take that into consideration
8. at this time.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. That is correct. Any further discussion on the motion to
11. reconsider? All right. Senator Netsch has moved to reconsider
12. the vote by which the motion to restore an item on page one,
13. line twenty-nine of House Bill 3377 lost. All those in favor
14. signify by saying Aye. All those opposed. The Ayes have it.
15. On the motion to reconsider. A roll call has been requested.
16. Those in favor of the motion to reconsider will vote Aye.

17. Those opposed will vote Nay. The voting is open. All right.
18. Have all voted who wish? Have all voted who wish? Take
19. the record. On that question the Ayes are 28, the Nays are 6,
20. none Voting Present. The motion fails. Senator Donnewald.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. A Message from the House.

23. SECRETARY:

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

25. Mr. President - I am directed to inform the Senate that the
26. House of Representatives has concurred with the Senate in the
27. passage of a bill with the following title, to-wit:

28. Senate Bill 2044 together with House
29. Amendments No. 2 and 9.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Rock.

32. SENATOR ROCK:

33. Yeah, Mr. President. There is some technical problem with the...

1. the House sent over two amendments to Senate Bill 2044. I would
2. just ask that, at least temporarily, it would be held. I know the
3. hour is late, but there is a severe technical problem with it
4. and if we can just perhaps get to some other order of business
5. or handle those resolutions or something that are up there, I will
6. try to get back to it or at least have an explanation before
7. we adjourn.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Take it out of the record. Yes, Senator Graham.

10. SENATOR GRAHAM:

11. I would like to rise on a point of parliamentary inquiry.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. You may state your point.

14. SENATOR GRAHAM:

15. What in the devil are we waiting on other than...

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Well,...

18. SENATOR GRAHAM:

19. ...to conduct a complete affront to the people of the State
20. of Illinois by not having enough people here to do business?

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Well, we're going to proceed to the order of Resolutions,
23. Senator. There are some comendatory resolutions for some of our
24. departing members of the Senate and I think that I am the
25. sponsor of those resolutions and if the Chair, may, at this time...

26. PRESIDING OFFICER: (SENATOR ROCK)

27. All right. Yeah. The...there are...the only item of business
28. left was this 20...Senate Bill 2044 with two House amendments.
29. I think the amendments are technically inaccurate. This happens
30. so it looks like we're going to have to hold it. So we can go to the
31. order of resolutions. Resolutions, Mr. Secretary.

32. SECRETARY:

33. Senate Resolution 467, introduced by Senator Partee, Rock
34. and all members. It's congratulatory...it's comendatory.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Donnewald, why don't you explain what we're
3. doing here.

4. SECRETARY:

5. ...Senator Donnewald.

6. SENATOR DONNEWALD:

7. Yes, Mr. President and members of the Body, these are
8. comendatory resolutions of members of our Body that are going to
9. leave at the end of this term and I would take those that I have
10. directed you to and move you, Mr. President, that the rules be
11. suspended for the immediate consideration of the amendments and if...

12. PRESIDING OFFICER: (SENATOR ROCK)

13. All right. Why don't you...why don't you read the number
14. and to whom it pertains and then we can probably lump
15. them together rather than try to read all of them.

16. SECRETARY:

17. Senate...Senate Resolution 467 is commendatory to Pat
18. Cadigan. Senate 468 is commendatory to Senator McCarthy.
19. 469 is commendatory to Senator Palmer. 470 is commendatory
20. to Senator Welsh. 471 is commendatory to Senator Brady.
21. That's all of Senator Donnewald's.

22. SENATOR DONNEWALD:

23. Yes, well I move that the rules be suspended for the
24. immediate consideration of those resolutions and then Mr. President
25. if that...if the rules are suspended, which I presume you will
26. suspend, that the resolutions be adopted by this Body and I would
27. move for their adoption. And also that all Senators be shown as
28. sponsors if...

29. PRESIDING OFFICER: (SENATOR ROCK)

30. The motion is to suspend the rules...first...on resolutions...
31. Senate Resolutions 467 to and through 471, Senator has asked leave
32. that all Senate members be shown as cosponsors on these commendatory
33. resolutions. Is leave granted? Leave is granted. All right.

1. Now, the motion is to suspend the rules for the immediate
2. consideration and adoption of these resolutions. All those in
3. favor signify by saying Aye. All those opposed. The Ayes have
4. it. The resolutions...the rules are suspended. Question now
5. is the adoption of Senate Resolution 467, 68, 69, 70 and 71.
6. All those in favor signify by saying Aye. All those opposed.
7. The Ayes have it. The resolutions are adopted.

8. SECRETARY:

9. Senate Resolution 472, introduced by Senators Harris,
10. Partee and all members. It's congratulatory...it's commendatory
11. to Frances Oakleaf who is the Supervisor of Transcribing Unit.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Harris.

14. SENATOR HARRIS:

15. Thank you, Mr. President. This resolution congratulates
16. one of our truly faithful, devoted and dedicated employees and I
17. took the liberty of drafting it showing all Senators as
18. sponsors. I seek leave of the Body for that to, in fact, be
19. affirmed by the Body.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Harris, you've sought leave to ask that all members
22. be shown as cosponsors. Is leave granted? So ordered. Senator
23. Harris.

24. SENATOR HARRIS:

25. I move, now, to suspend for the purpose of immediate
26. consideration of the resolution.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Harris has moved to suspend the rules for the immediate
29. consideration of Senate Resolution 372. All those in favor
30. signify by saying Aye. All those opposed. The Ayes have it.
31. The rules are suspended.

32. SENATOR HARRIS:

33. I move to adopt.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Harris now moves to adopt Senate Resolution

3. 472. All those in favor signify by saying Aye. All those

4. opposed. The Ayes have it. The resolution is adopted.

5. SECRETARY:

6. Senate Resolution 473 introduced by Senators Newhouse,

7. Partee, Kenneth Hall, Chew and Smith and it's congratulatory

8. to the Vocational...Chicago Vocational High School.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Newhouse movesto suspend the rules for the immediate

11. consideration and adoption of Senate Resolution 473. All

12. those in favor signify by saying Aye. All those opposed.

13. The Ayes have it. The rules are suspended. Senator Newhouse

14. moves to adopt Senate Resolution 473. All those in favor signify

15. by saying Aye. All those opposed. The Ayes have it. The

16. resolution is adopted. Yes. Senator Newhouse seeks leave of this

17. Body to have all Senators shown as cosponsors of Senate Resolution

18. 473. Is leave granted? Leave is granted. So ordered.

19. SECRETARY:

20. Senate Resolution 474 introduced by Senator Kosinski.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Kosinski.

23. SENATOR KOSINSKI:

24. Mr. President and members of the Senate. I know it's late

25. in the Session to be proposing the study of a complex issue such

26. as arson. But, I have been listening to my constituents as you

27. have been listening to yours and following very closely to

28. the reports on arson in hometown, the City of Chicago, the statistics

29. are shocking. Each year more than ten million dollars in property is

30. damaged by arson in Chicago. Even more important, forty-four

31. persons have died in fires set by arsonists. This is enormous

32. increase over 1975 when only seven arson victims lost their lives.

33. And that is too much. State-wide the problem is bad. In the year

1. ending in December 31st, 1975, new arson investigations,
2. actual arsons and arsons related to arrest doubled over the previous
3. year. These figures continue to rise unchecked. The match
4. and the torch have become lethal weapons and we are remiss in our
5. failure to address this serious problem. I am calling on the
6. Legislative Investigative Commission to consider the problem of
7. arson and the adequacies of the law relating to this subject. I hope
8. that if we accomplish nothing else, we can return to our
9. constituents in the months to come and tell them that we have
10. made an honest and sincere effort to protect their lives and their
11. property from this growing menace. I hope you will join me in
12. support of this important resolution. Mr. Chairman.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. All right. Any discussion? Senator Kosinski has moved to
15. suspend the rules for the immediate consideration and adoption
16. of Senate Resolution 474. Any discussion? Is there any
17. discussion? All those in favor signify by saying Aye. All
18. those opposed. The Ayes have it. The rules are suspended.
19. Senator Kosinski now moves the adoption of Senate Resolution
20. 474. All those in favor signify by saying Aye. All those
21. opposed. The Ayes have it. The resolution is adopted.

22. SECRETARY:

23. Senate Resolution...

24. PRESIDING OFFICER: (SENATOR ROCK)

25. All right. We only have...gentlemen, so everyone will know,
26. we have only two more items of business, one is a commendatory
27. resolution and one is a death resolution. That having been done,
28. we can then adjourn until the 7th of January at 2 p.m.

29. All right. Mr. Secretary, let's proceed.

30. SECRETARY:

31. Senate Resolution 475, introduced by Senators Donnewald
32. and Rock.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Donnewald.
2. SENATOR DONNEWALD:
3. Yes, Mr. President. I...if I could have the attention of
4. the members before you all leave...
5. PRESIDING OFFICER: (SENATOR ROCK)
6. All right. We have but two resolutions left. This one and
7. a death resolution and then we will be finished. Senator Donnewald.
8. SENATOR DONNEWALD:
9. I would ask leave that all Senators be joined first of all,
10. and I would like to read the resolution, if I could have your
11. attention.
12. Senator Donnewald reads SR 475
13. PRESIDING OFFICER: (SENATOR ROCK)
14. All right. Senator...Senator Donnewald.
15. SENATOR DONNEWALD:
16. Well, Mr. President, I move that the rules be suspended
17. for the immediate consideration of this resolution.
18. PRESIDING OFFICER: (SENATOR ROCK)
19. All right. Senator Donnewald has...seeks leave that all
20. Senators be shown as cosponsors. Is leave granted? Leave
21. is granted. Senator Donnewald now moves to suspend the rules
22. for the immediate consideration of Senate Resolution 475. All
23. those in favor signify by saying Aye. All those opposed. The
24. Ayes have it. The rules are suspended. Senator Donnewald
25. now moves the adoption of Senate Resolution 475. All those
26. in favor signify by saying Aye. All those opposed. The Ayes
27. have it. The resolution is adopted.
28. SECRETARY:
29. Senate Resolution 476 introduced by Senator Bloom and it's
30. in...I mean it's a death resolution for the honorable Kenneth
31. Blair.
32. PRESIDING OFFICER: (SENATOR ROCK)
33. All right. Will the members please be in their seats.

1. This is a death resolution. Will the members please be in their
2. seats. Senator Bloom.

3. SENATOR BLOOM:

4. Thank you, Mr. President. Cookie Blair, our county Recorder
5. of Deeds passed away in October, and he was a good man and
6. a good friend and I'd ask leave to have all Senators as
7. cosponsors.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Bloom seeks leave to have all members shown as
10. cosponsors. Is leave granted? Leave is granted. So ordered.

11. SENATOR BLOOM:

12. I'd ask leave now that the rules be suspended.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Bloom seeks to suspend the rules for the immediate
15. consideration and adoption of Senate Resolution 476. All those
16. in favor signify by saying Aye. All those opposed. The
17. Ayes have it. The rules are suspended. Senator Bloom now
18. moves the adoption of Senate Resolution 476. All those in favor
19. signify by rising. The resolution is adopted. The Senate
20. stands adjourned until January 7, 1977 at the hour of 2:00
21. o'clock.

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