

77th GENERAL ASSEMBLY

SENATE FLOOR DEBATE

APRIL 25, 1972

CHAPLAIN: Reverend William Edward Kreiger. Pastor of St Lukes Episcopal Church in Springfield.

PRESIDENT:

For what purpose Senator Donnewald arise?

SENATOR DONNEWALD:

Mr. President, there'll be a Democratic caucus immediately, sixth floor..

PRESIDENT:

Motion to recess. Do you have any idea of the time, Senator Donnewald?

SENATOR DONNEWALD:

About a half an hour.

PRESIDENT:

Motion for a thirty minute recess. All in favor signify by saying aye. Senator Clark.

SENATOR CLARK:

There'll be a Republican caucus in 419, same time, right away.

PRESIDENT:

Motion for a thirty minute recess. All in favor signify by saying aye. Contrary minded. Senate stands in recess for thirty minutes.

(after recess)

PRESIDENT:

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

SECRETARY:

Senator Donnewald, Chairman of Assignment of Bills assign... assigns the following Senate bills to Committee: Agriculture SB-1420 and 1427. Education SB1374, 1375, 1417, 1422, 1431, 1432. Election SB1409 and 1415. Executive SB1318, 1362, 1378, 1390, 1406 and 1416. Judiciary SB1434 and 1436. Labor and Commerce

1. Senate Bills 1408, 1413 and 1423. Local Government SB1368, 1379  
2. 1392, 1421, 1424. Appropriation division of committee on  
3. public finance, SB1360, 1361, 1372, 1397, 1404, 1418, 1419,  
4. 1438 and 1439. Revenue, SB1363, 1365, 1367, 1407, 1437.  
5. Transportation, 1364, 1389 and 1435. Senator Neistein, Chair-  
6. man of Judiciary Committee reports out the following bills,  
7. with the recommendation. House Bills 1976, through 1999 in-  
8. clusive with the recommendation Do Pass As Amended, except  
9. House Bills 1977 and 1978 left in Committee. House Bills  
10. 3082 through 3537 inclusive 3737 and 3738 with the recommen-  
11. dation Do Pass as Amended, except House Bills 3256, 3263,  
12. 3314, 3374, 3390, 3404 and 3739, left in Committee.

13. PRESIDENT:

14. Resolutions.

15. SECRETARY:

16. Senate Resolution number 300, introduced by Senators  
17. Ozinga, Latherow, Weaver and Graham. It's memorializing the...  
18. ah...municipal clerks.

19. PRESIDENT:

20. Senator Ozinga.

21. SENATOR OZINGA:

22. Then the rules should ask for immediate adoption of that Re-  
23. solution. It takes effect on May the 7th and this is merely...ah-  
24. ...a Resolution asking the Governor to name this particular week,  
25. as the Clerks Week.

26. PRESIDENT:

27. Is there objection? All in favor of the adoption of the  
28. Resolution, indicate by saying aye. Contrary minded. The reso-  
29. lution is adopted. Any further resolutions?

30. SECRETARY:

31. ...ah...Yes the one more. Senate Resolution #301, introduced  
32. by Senator Partee. It's congra...congratulatory.

33. PRESIDENT:

SENATOR PARTEE:

1. This is merely a congratulatory Resolution for a man  
2. by the name of Isaac Hayes, who won an Oscar for his musi-  
3. cal composition in a motion picture called Shaft. This  
4. gentleman was on Saturday, last, honored by the State of  
5. Illinois, through the Governor, who proclaimed Saturday,  
6. April 22nd as Isaac Hayes Day in Illinois..ah...his work has  
7. been inspirational I think to many other people from his  
8. ethnic group and in his chosen field of endeavor an' this is  
9. simply a congratulatory Resolution an' I would as...ah...all mem-  
10. bers to...who desire to sponsor same to join in and ask that the  
11. Rules be suspended for its immediate adoption.

12. PRESIDENT:

13. Is there objection? All in favor signify by saying aye.  
14. Contrary minded. Resolution is adopted. Introduction of bills.

15. SENATOR MITCHLER: Mr. President:

16. PRESIDENT:

17. For what purpose Senator Mitchler arise?

18. SENATOR MITCHLER:

19. ...ah...I...ah..introduced..ah..three Resolutions an' asked they  
20. put on the Consent Calendar, but the others have gone through an  
21. we have three Senate Resolutions 297, 298, and 299, 297 is a mem-  
22. orial for former Chairman of the Illinois Toll Highway Commis-  
23. sion, Mr. C. M. Burges. Could we have immediate consideration  
24. of those an' pass those?

25. PRESIDENT:

26. The...the Rules technically say, the last day of the week we  
27. take those on the Consent Calendar. Do you wish to suspend the  
28. rules?

29. SENATOR MITCHLER:

30. No.

31. PRESIDENT:

32. ...ah...Okay. Introduction of bills.

33. SECRETARY:

Senate bill No. 1444 introduced by Senators, Cherry,

1. Arrington, Clark, Smith, Vadalabene. A Bill for an Act to  
2. amend Section 2-6 of and to add Section 1-11, to the Illi-  
3. nois Savings Loan Act. Senate Bill No. 1445 introduced by  
4. Senator Sours is a Bill for an Act to amend Section 1900  
5. of the Un...unemployment Compensations Act. Senate Bill #1446  
6. introduced by Senator Latherow is a Bill for an Act authori-  
7. zing the Department of Conservation to convey to the Quincy  
8. Park District, by quit claim deed, certain land okayed  
9. in Adams County. Senate Bill No. 1447 introduced by Senator  
10. Latherow is a Bill for an Act to add Sec...ah...various sec-  
11. tions to the Game Code of 1971 and to repal...ah...Game Code  
12. of...of Illinois. Senate Bill No. 1449 introduced by Senator  
13. Latherow, is a Bill for an Act to amend Sections 1-8 and  
14. 5-2 of the Fish Code of 1971 and to repeal the Fish Code of  
15. Illinois. Senate Bill No. 1449 introduced by Senator Donnewald  
16. is a Bill for an Act to amend Section 3 of an Act to provide  
17. for the establishment of water authorities and to define...de...their  
18. powers an' duties. Senate Bill No. 1450 introduced by Senator  
19. Carpentier is a Bill for an Act to amend Section 4-302 of the  
20. Illinois Highway Code. Senate Bill No. 1451 introduced by  
21. Senator Carpentier is a Bill for an Act to add Section 13-  
22. 107 to the Illinois Highway Code. Senate Bill No. 1452 intro-  
23. duced by Senator Bruce is a Bill for an Act to amend Sections  
24. 3-13 and 21-23 of the School Code. Senate Bill No. 1453 in-  
25. troduced by Senators...Senator Johns is a Bill for an Act to a-  
26. mend Sec. 24-11 of the School Code. Senate Bill No. 1454 intro-  
27. duced by Senator Ozinga is a Bill for an Act to authorize the  
28. sale of certain real property in Cook County. Senate Bill No. 1455  
29. introduced by Senator Ozinga is a Bill for an Act to amend Sec-  
30. tion 27-3 of the School Code. Senate Bill No. 1456 introduced  
31. by Senator Ozinga is a Bill for an Act to amend Section 1 and  
32. 2 of an Act in relation to the prevention of certain communi-  
33. cable deceases. Senate Bill No. 1457 introduced by Senator

1. Coulson is a Bill for an Act to amend Section 12 of the north  
2. shore Sanitary District Act. Senate Bill No. 1458 introduced  
3. by Senator Hynes is a Bill for an Act to amend Section 5-214  
4. of the Illinois Pension Code. Senate Bill No. 1459 introduced  
5. by Senator Rock is a Bill for an Act concerning the powers  
6. of the corp...corporations authorized to accept and execute  
7. trust to register and hold securities under clear...clearing  
8. corporations. Senate Bill # 1460 introduced by Senator...Boy  
9. I don't know. Can you make it out?

10. UNIDENTIFIED:

11. Groen.

12. SECRETARY:

13. Groen. Senator Groen. A bill for an Act to amend section  
14. 515 of the Illinois Insurance Code. Senate Bill No. 1461'  
15. introduced by Senator Groen is a Bill for an Act to amend  
16. Section 22-A-104 of the Illinois Pension Code. Senate Bill  
17. # 1462 introduced by Senator Groen is an Act to amend Section  
18. 34 of the Illinois Insurance Code. Senate Bill # 1463 introduced  
19. by Senator Groen is a Bill for an Act making appropriations  
20. to the Teachers Retirement System. Senate Bill No. 1464 introduced  
21. by Senator Gilbert is a Bill for an Act to provide grants  
22. for the training an' direction and for the planning, establishment  
23. an' expansion of community election programs.

24. UNIDENTIFIED:

25. That's education.

26. SECRETARY:

27. Senate Bill # 1465 introduced by Senators Merritt, Johns,  
28. Partee, Dougherty and Baltz is a Bill for an Act to amend  
29. Section 4626 of the Civil Administrative Code of Illinois.  
30. Senate Bill No. 1466 introduced by the same sponsors. A Bill  
31. for an Act to provide for the ordinary contingent expenses  
32. of the Commission for Economic Development. Senate Bill No.  
33. 1467 introduced by Senator Knuepfer is a Bill for an Act to

1. amend Section 9 of an Act in relation to State finance. Senate  
2. Bill No 1468 introduced by Senator Knuepfer is a Bill for  
3. an Act to amend Section 27-02 of the Civil Administrative  
4. Code of Illinois. Senate Bill No. 1469 introduced by Senator  
5. Knuepfer is a Bill for

6.  
7.  
8.  
9.  
10.  
11.  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1.  
2.  
3.  
4.  
5.  
6.  
7.  
8.  
9.  
10.  
11.  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1. an Act to amend Section 67 dash...ah...ah...point 02 of the  
2. Civil Administrative Code of Illinois. Senate Bill No. 1470  
3. introduced by Senator Knuepfer is a Bill for an Act to amend  
4. Section 67 ah...dash...ah...01 the Civil Administrative Code  
5. of Illinois. Senate Bill No. 1471 introduced by Senator Pawell  
6. a Bill for an Act to authorize conveyance of certain State  
7. land in DuPage County in exchange for certain other land.  
8. Senate Bill No. 1472 introduced by Senators Berning, Coulson  
9. and Graham a Bill for an Act to add Section 164A to the Revenue  
10. Act of 1939. Senate Bill No. 1473 introduced by Senator Pawell  
11. a Bill for an Act to provide for the ordinary and contingent  
12. expenses of...ah...commission ah...Sena...Senate Bill No.  
13. 1474 introduced by Senator Pawell is a Bill for an Act in  
14. relation to the Mental Health Service Programs and State reimbursement  
15. in connection therewith and to amend a certain Act therein  
16. named. Senate Bill No. 1475 introduced by Senators Rock and  
17. Romano is a Bill for an Act to amend Sections 3415 of the  
18. School Code. Senate Bill No. 1476 introduced by Senator Saperstein,  
19. Kosinski, Carroll and N...Neistein is a Bill for an Act to  
20. provide for the ordinary and contingent expenses of the Commission  
21. of the Statutes of Women. Senate Bill No. 1477 introduced  
22. by Senator Saperstein, O'Brien, Dougherty, Palmer, Kasinski  
23. and Ozinga is a Bill for an Act to provide for the ordinary  
24. and contingent expenses of the Commission on Mental Health.  
25. Senate Bill No. 1478 introduced by Senators Walker and Carroll  
26. is a Bill for an Act authorize the State of Illinois by the  
27. school building commission to convey land in Cook County,  
28. school district 140. Senate Bill...

29. PRESIDENT:

30. Senator Walker.

31. SENATOR WALKER:

32. Ah...Thank you, Mr. President...ah...I'm sorry, I didn't  
33. get that bill number again.

SECRETARY:

1. Senate Bill 1478, Senator.

2. SENATOR WALKER:

3. I would...ah...I've consulted with the leadership on both sides  
4. of the isle an' I would...ah...like to ask unanimous consent to have  
5. this bill referred...ah..er..advanced to 2nd reading, without  
6. referral to Committee.

7. PRESIDENT:

8. Is there objection? Leave is granted. For what purpose  
9. Senator Carroll arise?

10. SENATOR CARROLL:

11. Ah...matter of personal privilege, Mr. President.

12. PRESIDENT:

13. Senator is recognized.

14. SENATOR CARROLL:

15. Mr. President, members of the Senate, in the distinguished  
16. ...group...in the distinguished group of people sitting in the  
17. galleries today is a former member of the House, whom I had the  
18. honor of serving with an' I refer to our old friend A. B. McConnell  
19. from Woodstock. A. B. will you stand up an' be recognized.

20. PRESIDENT:

21. Continue the introduction of bills.

22. SECRETARY:

23. Senate Bill No. 1479 introduced by Senators Ozinga and  
24. Smith is a Bill for an Act to amend Section 1, 2 and 5 an'  
25. the title of an Act to create a commission to visit and ex-  
26. amine State Institutions an' make appropriation therefore.  
27. Senate Bill No. 1480 introduced by Senators Laughlin, Donnewald,  
28. Gilbert and Cherry it's a Bill for an Act to provide for the  
29. ordinary and contingent expenses of the clerk of the appellate  
30. court of the third district. Senate Bill number 1481 introduc-  
31. ed by Senators Donnewald, Gilbert, Cherry and Laughlin is a Bill  
32. for an Act to provide for the ordinary and contingent expenses  
33. of the clerk of the appellate court of the fifth district. Sen-

1. the Bill #1482 introduced by the same sponsors is a Bill for  
2. an Act to provide for the ordinary and contingent expenses  
3. of the clerk of the appellate court of the second district  
4. and to provide for the payments of rentals to the Illinois  
5. Building Authority ..S..Senate Bill 1483 introduced by the  
6. same sponsors is a Bill for an Act to provide for the ordinary  
7. and contingent expenses of the Clerk of the Appellate Court  
8. of the fourth district. Senate Bill No. 1484 introduced by  
9. Senators Cherry, Donnewald, Laughlin and Gilbert is a bill  
10. for an Act to provide for the ordinary and contingent expenses  
11. of the clerk of the appellate court of the first district.  
12. Senate Bill No. 1485 introduced by Senator Groen is a Bill for  
13. an Act to amend Section 6 of the Illinois Purchasing Act. It's  
14. the 1st reading of the following bills.

15. PRESIDENT:

16. Senate bills on 2nd reading. Senator Harris.

17. SENATOR HARRIS:

18. Ah..well I see..ah..Sen..oh yea Sen...Senator Partee is  
19. on the Floor.

20. UNIDENTIFIED VOICE:

21. Yes, He is...ah...

22. SENATOR HARRIS:

23. I discussed with him ah..ah..a..few moments ago, ah...a few  
24. moments ago, ah...my hope that after we got through with the  
25. routine housekeeping order of business that then under Rule  
26. 4, I would like to proceed out of the regular order of business  
27. and proceed out of the regular order of business and proceed  
28. to Senate..er.. I'm sorry, House Bills on 2nd reading. Now,  
29. we have a good many visitors here today..ah..I know..that we  
30. are going to involve ourselves with ..ah..some time and some  
31. discussion here. I know that there is a great deal of interest  
32. ultimately in getting to this matter of dealing with House Bill  
33. 1006 today..ah..so on that basis.. ah..unless there is an immediate  
34. objection from Senator Partee about what I described as the  
35. routine housekeeping procedures of our daily order. I think  
36. it might be appropriate at this time to move to proceed out of  
37. the regular order of business and ...ah..proceed to House Bills  
38. on 2nd reading.

39. PRESIDENT:

an Act to provide for the ordinary and contingent expenses  
of the clerk of the appellate court of the second district  
and to provide for the payments of rentals to the Illinois  
Building Authority . . . Senate Bill 1483 introduced by the  
same sponsors is a Bill for an Act to provide for the ordinary  
and contingent expenses of the Clerk of the Appellate Court  
of the fourth district. Senate Bill No. 1484 introduced by  
Senators Cherry, Donnewald, Laughlin and Gilbert is a bill  
for an Act to provide for the ordinary and contingent expenses  
of the clerk of the appellate court of the first district.  
Senate Bill No. 1485 introduced by Senator Groen is a Bill for  
an Act to amend Section 6 of the Illinois Purchasing Act. It's  
the 1st reading of the following bills.

PRESIDENT:

Senate bills on 2nd reading. Senator Harris.

SENATOR HARRIS:

Ah..well I see..ah..Sen..oh yea Sen...Senator Partee is  
on the Floor.

UNIDENTIFIED VOICE:

Yes, He is...ah...

SENATOR HARRIS:

I discussed with him ah..ah..a few moments ago, ah...a few  
moments ago, ah...my hope that after we got through with the  
routine housekeeping order of business that then under Rule  
4, I would like to proceed out of the regular order of business  
and proceed out of the regular order of business and proceed  
to Senate'er.. I'm sorry, House Bills on 2nd reading. Now,  
we have a good many visitors here today..ah..I know..that we  
are going to involve ourselves with ..ah..some time and some  
discussion here. I know that there is a great deal of interest  
ultimately in getting to this matter of dealing with House Bill  
3636 today..ah..so on that basis.. ah..unless there is an immediate  
objection from Senator Partee about what I described as the  
routine housekeeping procedures of our daily order. I think  
might be appropriate at this time to move to proceed out of  
the regular order of business and ...ah..proceed to House Bills  
on 2nd reading.

PRESIDENT:

1	Senator Partee.	1.
2	SENATOR PARTEE:	2.
3	Well, just before we do that, Senator, I would like to	3.
4	go through the Calendar, with a view toward taking some more	4.
5	of the bills off that aren't going to be heard an' then we can	5.
6	get right back to your motion. I'm not trying avoid it.	6.
7	PRESIDENT:	7.
8	So the Chair understands. The Chair will go through all the	8.
9	bills on the Calendar just for purpose of knowing if they're	9.
10	being held or Tabled, then we'll proceed immediately to Senator	10.
11	Harris's bill.	11.
12	SENATOR PARTEE:	12.
13	Mr. President, may I just say...ah...before we do this that I'm	13.
14	happy that forty-five bills were eliminated last week by this pro-	14.
15	cess. I assume that since we were here last week, ah...many of you	15.
16	have had an opportunity to talk with the House sponsor of of the	16.
17	bill and I ho...hopefully we can do the same thing today and...ah...	17.
18	thereby diminish our Calendar.	18.
19	PRESIDENT:	19.
20	Senator...for what purpose Senator Berning arise?	20.
21	SENATOR BERNING:	21.
22	Mr. President, would this be an appropriate time, then,	22.
23	to move to discharge the...ah...oh...Revenue Committee, I beg your	23.
24	pardon the Appropriations Committee from further consideration of	24.
25	House Bills 2315, 2320 an' move to Table them?	25.
26	PRESIDENT:	26.
27	That always is in order. The bills are Tabled. House...House	27.
28	Bills on 3rd reading, if you'll follow your Calendar. For wh...	28.
29	what purpose Senator Donnewald arise?	29.
30	SENATOR DONNEWALD:	30.
31	I wanted to ...ah...Table a couple of bills...ah...Mr. President.	31.
32	PRESIDENT:	32.
33	You may proceed.	33.
	SENATOR DONNEWALD:	

I think, they're in the...ah...appropriations committee and I'd ask leave to have them...ah...the committee discharged and for the order of tabling, they are ...ah...SB1072 HB2189.

PRESIDENT:

1. The bills are tabled.

2. SECRETARY:

3. 1072 and...

4. PRESIDENT:

5. Senator Merritt.

6. UNIDENTIFIED VOICE:

7. HB2189.

8. SENATOR MERRITT:

9. Ah...Mr...Mr. President, ...ah...on the same order of business,  
10. there is SB977 HB2154, currently in the Appropriations Committee.

11. Ah...the subject of those bills has now been covered by the Ominu-  
12. bus Bill an' I would move that those two bills be Tabled.

13. PRESIDENT:

14. The...b...the bills are Tabled. On your Calendar. On House  
15. Bills on 3rd reading. 44 - hold. 219 - Senator Newhouse on the  
16. floor? 232 - Senator McCarthy? Hold. 233 - that series, Sena-  
17. tor Johns, you wish to hold that? Hold. Is Senator Mohr on the  
18. Floor? 260 - Senator Mohr - Hold - 266 - Senator Sours. 311 -  
19. Senator Bruce...

20. SENATOR BRUCE:

21. Hold.

22. PRESIDENT:

23. 335 - Senator Dougherty.

24. SENATOR DOUGHERTY:

25. Hold it.

26. PRESIDENT:

27. Hold. 493 - Senator Dougherty. 515 - Senator McCarthy. 518 -  
28. Senator Hynes, here? 567 - Is Senator Carroll on the Floor? 598 -  
29. Senator Dougherty? 604 - Senator Mohr. Hold. 612 - Senator Lath-  
30. erow. 728 - Senator Newhouse.

31. SENATOR NEWHOUSE:

32. Hold.

33. PRESIDENT:

730 - the same. 1129 - Senator

1. Johns.  
2. SENATOR JOHNS:  
3. Hold.  
4. PRESIDENT:  
5. Hold. 1318 - Senator Latherow. Hold. 1462  
6. UNIDENTIFIED:  
7. Hold.  
8. PRESIDENT:  
9. Hold. 1467 - Senator Rock.  
10. SENATOR ROCK:  
11. Hold it.  
12. PRESIDENT:  
13. And that series. 1473 - Senator McCarthy - hold. 1493  
14. Senator Johns.  
15. SENATOR JOHNS:  
16. Hold it.  
17. PRESIDENT:  
18. 1548 - Senator Latherow. 1555 - Senator Rock.  
19. SENATOR ROCK:  
20. Hold it.  
21. PRESIDENT:  
22. 1586 - Senator Bruce.  
23. SENATOR BRUCE:  
24. Hold.  
25. PRESIDENT:  
26. 1636 - Senator Bidwill. 1665 - Senator Latherow. Hold  
27. both of em. 1675 - Senator Dougherty.  
28. SENATOR DOUGHERTY:  
29. Hold it.  
30. PRESIDENT:  
31. 1694 - Senator Rock.  
32. SENATOR ROCK:  
33. Hold it.  
34. SECRETARY:

Haven't gotta...

PRESIDENT:

Sixteen...1747 - Senator Knuppel.

SENATOR KNUPPEL:

Hold.

PRESIDENT:

1767 - Senator Rock.

SENATOR ROCK:

Hold.

PRESIDENT:

1769 - Senator Savickas on the Floor? 7...1882 an' ...the...  
an'...hold those three. Table. All three of em. 1882, 83, and  
84 are Tabled. 2267 - Hold. 2312, Senat...Senator Hall on the  
Floor?

SENATOR HALL:

Hold.

PRESIDENT:

Hold those, okay. 2323 - Senator O'Brien on the Floor?  
2363 - 2363, Senator McCarthy's recognized.

1. SENATOR MCCARTHY:

2. Yes...ah...Mr. President...ah...I'd like to...ah...have  
3. consent of the body to withdraw as sponsor of that bill and  
4. Senator Newhouse has agreed to...ah...serve as Senate sponsor.

5. PRESIDENT:

6. 2363, Senator Newhouse, will be listed as the sponsor.  
7. Ah...it will be held. 2380 - Senator Baltz. 2380 will be  
8. held. 2396

9. UNIDENTIFIED:

10. Hold both of them.

11. PRESIDENT:

12. Hold both of 'em. 2448 - Senator Bruce. Hold. 2453 -  
13. Senator Graham. 2460 - Senator Hall. Hold. 2503 Senator  
14. Palmer.

15. SENATOR PALMER:

16. Hold.

17. PRESIDENT:

18. 2509 - Senator Gilbert. 2518 - Hold. 2520 - Senator  
19. Dougherty. Senator Dougherty.

20. SENATOR DOUGHERTY:

21. Hold it.

22. PRESIDENT:

23. 2602...2634...let's see here...2682 - Senator Mitchler.

24. SENATOR MITCHLER:

25. Hold.

26. PRESIDENT:

27. 2689 - Senator Latherow.

28. SENATOR LATHEROW:

29. Hold.

30. PRESIDENT:

31. 2690 the same. 2708 - Hold. 2720 - Senator Harris.

32. SENATOR HARRIS:

33. Hold.

1. PRESIDENT:  
2. That series to be held.  
3. SENATOR HARRIS:  
4. Yes.  
5. PRESIDENT:  
6. 2723 - Senator Gilbert. 2727 - Senator Harris. Hold.  
7. 2742 - Senator Knuppel. 2682 - Senator Horsley.  
8. SENATOR HORSLEY:  
9. Hold.  
10. PRESIDENT:  
11. 2886 - Senator Harris.  
12. SENATOR HARRIS:  
13. Hold.  
14. PRESIDENT:  
15. 2908 - Senator Tom Lyons. 2938 - Senator Fawell.  
16. SENATOR FAWELL:  
17. Table.  
18. PRESIDENT:  
19. Table, 2938 is tabled. 3033 - Held. 3038 - Hold. 3077 -  
20. ...3080 hold - Senator Davidson. Hold those two. 3544 -  
21. Senator Bruce. Alright it's being held. 3597 - Senator Sours.  
22. Senator Sours.  
23. SENATOR SOURS:  
24. Is it proper at this time that we present the bill on  
25. 3rd reading for passage?  
26. PRESIDENT:  
27. I...it is not, no, we're just going through, it should  
28. be held or tabled.  
29. SENATOR SOURS:  
30. Hold.  
31. PRESIDENT:  
32. 3633 - Senator Course. Hold...hold them all. Alright.  
33. 3639 - Sena-

1 tor Dougherty. Hold... Senator Dougherty: 3647 - Senator  
2 Sour. 3648 - Senator Dougherty: You said held 3648?  
3 3702 -- Senator Hall. Hold. 3709 through 15, Senator Clark,  
4 you wish to hold those? 3736 -- Hold. House bills on 2nd -  
5 774 Senator Neistein on the Floor? We..we're not moving them  
6 at this point, we're just seeing whether you wan'em...

7 SENATOR NEISTEIN:

8 Hold.

9 PRESIDENT:

10 810 and 811 - Senator Newhouse, you wish to hold? 2444  
11 Senator Bruce is not on the Floor. 2716 -- Senator Carroll -  
12 Hold. 3636 - you wish to hold. 3748 - Senator Donnewald - Hold.  
13 4113 - Senator Vadalabene. Hold. House Bills...The Secretary  
14 suggests that we get these House Bills on 1st Reading, if we  
15 can get them assigned, we'll do that quickly - 2128.

16 SENATOR NEWHOUSE:

17 Mr. President.

18 PRESIDENT:

19 Senator Newhouse:

20 SENATOR NEWHOUSE:

21 Mr. President, I have a series of bills that are in Committee  
22 that I'd like to Table. Is it I suppose appropriate to do so now?

23 PRESIDENT:

24 It is.

25 SENATOR NEWHOUSE:

26 ...ah, then, Mr. President, I move to discharge the Committee  
27 on Judiciary for the purpose of Tabling the following bills: HB--  
28 1977, 1978, 3256, 3263, 3314, 3374, 3390, 3404 and 3739.

29 PRESIDENT:

30 The bills are Tabled. House bills on 1st Reading, 2128 - Re-  
31 presentative J. J. Wolf. 2346 - Representative P. W. Collins. 3018  
32 Representative Giorgi. 3061 - Representative R. D. Cunningham. 3650  
33 Representative Gardner. 3663 Representative Nowlan. 3740 Represent-  
ative Lindberg. Sen. Senator Latherow will take 3740. HB3636 Sena-  
tor Harris is recognized. about the Chair understands the situation,

so...th...if I may have the attention of Senator Harris and Senator Partee and Clark, is...that we...it...was on 3rd Reading, was brought back to 2nd reading for purpose of an amendment... there is a pending amendment on the bill. Is that correct?

Senator Harris:

SENATOR HARRIS:

Could we have the Secretary...ah...inform us which amendment it is that is on his desk, I understand there are some others...ah... as well. Yes

PRESIDENT:

Mr. Secretary:

SECRETARY:

Amendment No. 1. Amend HB36 thirty, this was...ah...introduced by Senator Partee. Amend HB3636 in the Senate on Page 1, lines 2 and 8 by striking regulate and inserting in lieu thereof, license ah' that is the only amendment that we have.

PRESIDENT:

Senator Harris..

SENATOR HARRIS:

I...ah...ah...Unless...ah...Senator Partee wants to proceed with a discussion, I rise to resist the amendment, but ah...assume that he may want to make some explanation to begin with...

PRESIDENT:

Senator Partee, you wish to discuss the amendment?

SENATOR PARTEE:

Well Mr. President and members of the Senate, this entire subject matter of preemption is a matter which has caused a great deal of upset and frustration, throughout our State, I even hear about it when I get back home. It happens that my wife's sister who's nurse and she like many of the fine people who are for this bill have certain mis...she has certain...misguided notions and misconceptions. I suppose it happens in all families, but the very fact of the matter is there is a concept known as Home Rule. It is a concept which was established in the 1970 Constitution by the Constitutional Convention and

1 which in my humble opinion is a very viable concept. It happens,  
2 that in cities, throughout the State, there is a...an obligation  
3 on the ruling power, be it a Mayor, or be it a...ah...an elected  
4 official of another description, or be it an appointed p...position,  
5 where a person has an obligation of running that City in a  
6 manner in which the health, the morals, an the welfare of  
7 that citizens of that City was protected. This entire series  
8 of bills on preemption, simply does two things. No. 1, before  
9 we got the 1970 constitution there were many ordinances throughout  
10 the State in many cities, which related themselves to the  
11 concept of seeing to it or guaranteeing that the health, morals,  
12 and welfare of the people of that City was taken care of.  
13 Under this series of bills of preemption, it now means that  
14 those cities, which had those rights, prior to the n...new  
15 constitution are now denied of any right to pass ordinances  
16 or to enforce local regulation in any way to protect the health,  
17 welfare of our citizens. Now, much of this hullabaloo is  
18 prospective in application. That is to say, many of the very  
19 fine people, who are sitting in the galleries, here, today,  
20 are persons who have individually and collectively made contributions  
21 to the progress an' welfare of this State. I compliment them  
22 for their presence here. I think that this is the way government  
23 ought to run and that government ought to be responsive to  
24 the desire of its citizens. It is, of course, a fact, that  
25 we do not always agree. Many of the persons of this audience,  
26 particularly from the real estate industry, are persons with  
27 whom we have had other disagreements, be that as it may we  
28 do not live in the past, we live in the present and future  
29 and I have no concern about any previous disagreements. The  
30 fact of the matter is, before the State of Illinois, ought  
31 to be given the right to preempt licensing and regulations  
32 from our cities, there ought to be a better case made for  
33 abuses. .

1 I am quite aware of certain things which have happened, particularly,  
2 in a city up there, called Harvey, Illinois, where a \$1000.00  
3 fee was placed for real estate brokers. I'm not unaware of  
4 that, it is shocking and it is disgusting, but more than that,  
5 it is unconstitutional and it cannot, ever have any court  
6 enforcement. As a matter of fact, most of the fears this  
7 whole series of bills is...the bills is built on fears an  
8 on prospective attitudes and laws. I think law ought not  
9 be passed on that basis. I think law ought to be passed on  
10 the basis of reality, rather than futuristic speculation and  
11 that's precisely what is happening here. What we're saying  
12 is, that last year an agency of the State of Illinois moved  
13 from the building immediately behind me over to the Leland  
14 Hotel. It was determined and discovered that...could you  
15 hold it down a minute, gentlemen? It was...it was determined  
16 an' discovered...that the State of Illinois and its Commerce  
17 Commission was in violation of every law calculated to serve  
18 the best interests of persons, who may be employed there.  
19 Many of the health laws were being violated. Many of the  
20 fire laws were being violated. And the city of Springfield,  
21 because it had some regulatory power was able to close that  
22 building, which was then being occupied by a state agency,  
23 until such time, as there was compliance with local law to  
24 preserve the health an' welfare of persons who were employed  
25 there. Now, this is an unusual example, normally, it's some  
26 private industry, conducting some operation in defiance of  
27 health laws, in defiance of zoning laws, in defiance of the  
28 laws of the city which are calculated to protect the health  
29 and welfare of its citizens. Well, here was an agency of  
30 the State government, who you would now place in charge of  
31 all licensing and regulation, bypassing the city function.  
32 It's interesting to me, when I hear the conversations about  
33 big brother, when I hear the conversations about government

123  
122  
121  
120  
119  
118

01

1. being concentrated in one place, when I hear the statements  
2. about that government is best, which governs least, when I  
3. hear the conversations about local people knowing what their  
4. local problems are and being able to deal with them on a local  
5. level. I wonder what happens to all of the logic of all those  
6. statements, when now we want a centralization of this regula-  
7. tory and licensing power in the State of Illinois. I can un-  
8. derstand and appreciate that no person who holds a professional  
9. or business license, would like to be subjected to a plethora  
10. of laws and regulations throughout the state. If I were a plumbing  
11. contractor and I had a job going in Arcola, Illinois, I'd like  
12. to know that the license that I held, would serve me in any  
13. other place in Illinois. I would not like to be subjected to  
14. devious rules and regulations, by every sim...sim...al...single  
15. municipality in this State an' I'm sure that no one else would  
16. like to, but the fact of the matter is, that just isn't happening.  
17. Perspectively it could happen, yes, it could happen. But it  
18. isn't happening and let me say to you, that if it did happen,  
19. where persons, who were licensed by this State of Illinois were  
20. subjected to unfair, unreasonable situations throughout other  
21. parts of this State, I would be perhaps the first person, who  
22. would come into this Hall and put in a bill to preempt those  
23. local units and place all of the responsibility in one place.  
24. But it hasn't happened. We're working, here now on hysteria  
25. an' on what might be, what may be, what perspectively will take  
26. place. To deprive these cities of their regulatory power means  
27. simply this: That the Health Department, in any city in this  
28. State, could not go in, in a demonstrated need an' regulate the  
29. persons involved. It might mean that in a barber shop if hair  
30. was six inches deep on the floor, the city could not go in an'  
31. close that barber shop. It might mean that a barber could stand  
32. outside the front door of his barber shop an' pass out solicitous  
33. literature to every child, as he came home from

1. school and the city would have no way to stop it an' I can  
2. hear the hue and cry, now, of people back in your cities saying,  
3. why do we have to wait to go back to the State to see that  
4. this is regulated. There are myriad examples of State regulation  
5. coupled with City regulation, which makes for a better way  
6. of life. We live in a competitive society. I don't think,  
7. that all the brains in the State of Illinois, resides in Springfield,  
8. or that those persons, who are attached to State government  
9. have any monopoly on judgment and have any monopoly on what  
10. is good or bad for the people of this State. Every city,  
11. every village, every municipality has different kinds of problems.  
12. Those problems ought to be treated on the local level an' those  
13. persons in charge of city government in every village an' municipality  
14. an' city in this State, ought to have the right to address  
15. themselves, directly, to the problem which beseeches that  
16. particular municipality or community. It's difficult, almost  
17. impossible, to pass laws here, which will address themselves  
18. to every kind of conceivable situation, which may arise in  
19. an individual municipality. This is one of the things, that  
20. I thought, that when we got Home Rule, it would be one of  
21. the most salutatory things to come out of that Convention  
22. an' here before the cities have a chance to empt these powers,  
23. we're here to preempt them. Cities are..and village and munic-  
24. palities have within their confines, people of intelligence,  
25. people of dedication, people who are interested in the welfare  
26. of the people within that community. An' I like the competitive  
27. factor that is involved, in permitting both the State an the  
28. City to regulate. Sometimes, when it's all in one place,  
29. it becomes oppressive, certainly, the city oughta have the  
30. right also, to compete with the State, to try out new things,  
31. in a particular local area. The State can't do that, because  
32. it's not concerned with all the areas on an individual  
33.

basis, we wind up passing some collective kind of proposition that has little or no bearing on the individual areas that are concerned. Let me say, again, that the \$1000 license fee in Harvey, is shocking, it's upsetting, it's frustrating, but that's going to get knocked out of the box, in the court there's no reason in the world, why, they ought to be able to do that an' the courts will certainly say that. I think, Mr. President, that, rather than belabor this, I'm going to suggest to Senator Harris, that there is certainly one other amendment, which is based an' grounded in reason and in logic. Perhaps, reason an' logic, sometimes are to be subjected to our sycophantic approach to individuals, but if anybody can tell me, that the cities and municipalities in this State are entitled to less regulatory power, since the Constitution's enactment, than it was before, I should like, very much to hear that explanation. Prior to the 1970 Constituion there were many things, which a City could do. There were many ordinances that it could pass in keeping with the police powers of that municipality. It is my contention, that this bill preempts even those powers that cities and villages and municipalities had before the passage of this Constitution and they are now but empty shelves. I say to you that in reason an' in logic even if you walked over the regulatory feature that I am talking about. Even if you walked past the licensing feature that we are discussing, I do not see how you can in good conscience deprive cities of those powers that they possessed prior to the passage of this constitution. I think this is a good amendment an' I seek the support of this Body.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, the amendment is a very simple amendment. It seeks to delete the word regulate in the title of the bill and in Section 1, which is the real reservation of State

1.       preemption of regulatory power over these some thirty professions  
2.       and businesses licensed under the licensing laws of Illinois.  
3.       The amendment is simple, but it is far reaching, it visuates  
4.       the very thing that is attempting to be achieved here, an'  
5.       that is that during this period of transition and growth in  
6.       adjusting to the operation of the new constitution, that as  
7.       relates to these thirty specified professions and businesses,  
8.       that the regulatory powers be reserved to the State an' I think,  
9.       there is a clear expression an' I am delighted that Senator  
10.      Partee, in his remarks, has made reference to his belief that  
11.      government ought to be responsive to the wishes of the people  
12.      an' I think the response provided by the provisions of HB3636,  
13.      as it is before us, as it passed the House, overwhelmingly,  
14.      is just that, a response to the wishes of the people. The  
15.      amendment goes far in reducing significantly: the reservation  
16.      of State power as it applies to these thirty specified licensed  
17.      professions and businesses and for this, it is the position  
18.      of the Senate sponsor, on this bill, to resist the amendment,  
19.      to proceed ultimately with a consideration of this bill, hope-  
20.      fully in its form as it reached us, from the House. I want  
21.      to make two other responses to some of Senator Partee's comments  
22.      that this series of bills are built on fears and that we are  
23.      proceeding in an inspiration prompted by hysteria an' that  
24.      the some sixty Home Rule units of Illinois government will  
25.      be reduced to quote "empty shells" end quote. If, this legis-  
26.      lation is passed as it has been introduced an' as it is before  
27.      us here in the Senate. Well, I want to make clear that I  
28.      reject this description of where we are today. I do not think  
29.      we are proceeding on a course of conduct built on fear at  
30.      all. In fact, I think that earlier statement describes our  
31.      circumstance very accurately. That the people of Illinos,  
32.      are desirous of a go slow, careful implementation, of regulatory  
33.      power an' that

1. as it relates to this list of thirty and be aware that  
2. we're talking about no more than that, in regard to HB3636.  
3. That we are attempting to be responsive an' not prodded by  
4. fear and hysteria. There is nothing in this bill, that re-  
5. lates to a preemption of Home Rule Units, or other local  
6. units of government as relates to the general health an'  
7. safety an' police powers of those units, but as it relates  
8. to the power to regulate these thirty professions an' bus-  
9. inesses is all that's involved. Broad an' far reaching pow-  
10. ers appropriately will continue to reside in local units of  
11. government as relates to the needs of the public, within those  
12. important constitutional concerns relating to health, safety,  
13. and police power. That issue is not involved here. The single  
14. question before us right now, is shall HB3636 be changed  
15. from its provision to reserve to the State the power to re-  
16. gulate in connection with these thirty specified licensed pro-  
17. fessions and businesses, or shall it be limited as relates  
18. to state power only to the question of licenser. It's clear  
19. to me, that there is a broad expression of support for this  
20. reservation to State power all the way, the power to regulate  
21. to eliminate a very justified concern for vast differences of  
22. regulatory power within the sixty Home Rule Units. This is  
23. a tremendously important issue. It is one that has broad con-  
24. cern an' we've had much discussion, here, about it. This amend-  
25. ment will disable the concept attempted to be achieved, at-  
26. tempted to be expressed by elected representatives, of the  
27. people, through this Body an' for these reasons. I would urge  
28. a majority of the members of this Body to reject this amend-  
29. ment, since I find it inconsistant and disabling severely to  
30. what we attempt to achieve under the provisions of HB3636.

31. PRESIDENT:

32. Senator Knuppel.

33. SENATOR KNUPPEL:

Mr. Chairman, I'd like to address some questions to the sponsor of this bill?

PRESIDENT:

Well...now..the amendment is before the Body.

SENATOR KNUPPER:

Well, I...I realize this, but I have to understand the bill before I can understand how I want to vote on the amendment.

PRESIDENT:

The...

SENATOR KNUPPER:

And what the bill intends.

PRESIDENT:

S...ah...Senate sponsor wishes to yield. He..he indicates he will. Senator Knuppel.

SENATOR KNUPPER:

Now, if I understood you right, I think you said the purpose of this bill is to give exclusive power to license to the State and to remove that from the Home Rule unit.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Well, I..I..ah..I believe not Senator. The amendment would render the bill in that form. The bill seeks to reserve to the State the power to regulate the professions set forth in this bill.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPER:

How much power to regulate was granted to Home Rule uni... units under the Constitution? Have you read that paragraph of the Constitution and can you tell me?

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

The power residing in Home Rule units under the constitution is broad, quite wide spread with the exception relating to Revenue measures. We are involved here, in a response to what I

1. think is clearly recognizable on the part of the general  
2. public, that the implementation of those powers should be  
3. slowly, carefully, cautiously developed.

4. PRESIDENT:

5. Senator Knuppel.

6. SENATOR KNUPPEL:

7. I ask another question. Have you read the provisions in  
8. the Constitution an' do you have them there?

9. PRESIDENT:

10. Senator Harris.

11. SENATOR HARRIS:

12. ...Read them. I do not have them here.

13. PRESIDENT:

14. Sena...Senator Knuppel.

15. SENATOR KNUPPEL:

16. Th...the term regulate is used once in paragraph A of Section  
17. 6 an' the only power to regulate under the constitution of  
18. the State of Illinois was the power to regulate for the pro-  
19. tection of public health, safety, morals, an' welfare an' you'll  
20. notice there's a semi-colon then and they were given another  
21. power an' that was to license and then there's another semi-  
22. colon an' they were given another power to tax and then they  
23. were given a fourth power to incur debt. Now, on this Floor  
24. we're discussing several things . Do you believe 3636 in its  
25. present form takes away from the Home Rule unit the power to  
26. license, which is a separate power from the power to regulate  
27. for the purpose of public health, safety, morals, an' welfare.

28. PRESIDENT.

29. Senator Harris.

30. SENATOR HARRIS:

31. I believe, HB3636, reserves to the State the power to  
32. regulate these thirty specified sections of the registration  
33. act of the State of Illinois and no more. The power to

1. license by Home Rule units not covered by this bill is not  
2. effected by HB3636.

3. PRESIDENT.

4. Senator Knuppel.

5. SENATOR KNUPPEL:

6. My question was specifically directed to these professions.  
7. Do you believe that 3636 as it is now worded prevents a  
8. Home Rule unit from licensing and read it. Let me tell you  
9. this, that all it says, it never say there's four different  
10. powers under the Home Rule unit an' as a lawyer I tell you that  
11. if this bill's passed every person sitting in these balconies  
12. will return home only to sub...have to submit to the power of lic-  
13. ensing as...and will not be subject to regulation for the simple  
14. limited purposes the power to regulate for public health, safe-  
15. ty, morals, and welfare, which I don't think they object to. I  
16. think they're here objecting to having to go down city hall an'  
17. pay a license fee. All Section 3636 says is this: It says,  
18. pursuant to paragraph (H) of Section 6 of Article 7 of the  
19. Constitution of 1970, the power to regulate any profession,  
20. vocation or occupation an' then it describes, it says, for  
21. which licensing is required in the following. It says nothing  
22. about the fourth power in the constitution, licensing, so that  
23. it does not stop Home Rule units from licensing these people.  
24. The bill does not achieve that for these professions.  
25. It's poorly drafted an' fails in that regard an' you can go  
26. look at your Section that you intend to amend. There's four  
27. different powers granted under Home Rule. One is to regulate  
28. for public health, welfare, an' morals. One is to license, one  
29. is to tax. Now, you have never dealt in this bill with the  
30. power to license an' that's what these people are concerned a-  
31. bout that you really believe after reading that article in the  
32. Constitution you have it now in front of you. Do you really  
33. believe as a lawyer that any lawyer, any judge would ever say

that wh...what all you deal with is regulation, that you have anyway ended the power of a Home Rule unit to license.

PRESIDING:

1. Senator Harris.

2. SENATOR HARRIS:

3. Well, let me wake...make one thing perfectly clear. I am  
4. not a lawyer.

5. (Incoherent mumbling in the background)

6. PRESIDENT:

7. Ju...Senator Harris has the floor.

8. SENATOR HARRIS:

9. The Senator is entitled to his evaluation, as it concerns  
10. to reserving the State the power to regulate these professions.  
11. I believe, it goes much farther than the question of licensing  
12. by Home Rule Units of things not covered by this bill, at all,  
13. that go beyond this bill. It's clear to me, that the concern  
14. of the people is that they not be whipsawed by all kinds of differing  
15. regulatory practices imposed by the several Home Rule units.  
16. Now he's entitled to his opinion about what is on the minds of  
17. the people and I'm certainly sure that I'm entitled to mine.  
18. This bill, deals very simply an' clearly and it was deliberately  
19. drawn this way. The Senator can conclude, if he wants, that  
20. it was poorly drawn. I disagree. The bill has been carefully  
21. drawn to reserve to the State the power to regulate these thirty  
22. specified professions an businesses an no more.

23. PRESIDINT:

24. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Ah...I...would...I...I have another...

27. PRESIDENT:

28. Ju...just a moment.

29. SENATOR KNUPPEL:

30. ...question for the good Senator.

31. PRESIDENT:

32. Just a moment Senator, for our guests in the gallery, an'  
33. we're very pleased to have them with us, it's contrary to Senate  
Rules, to have applause or cheering, or anything, at at any point.



1. Illinois need an' want. Now, I have another question. If the  
2. constitution gave only the power to regulate for protection of  
3. public health, safety, an' morals an' welfare, specifically, would  
4. this...would not 3636, then be only able to take away that that's  
5. provided by the constitution an' not since it...since it refers  
6. to a specific Section an' not apply to the common law rights of  
7. a municipality in this area to regulate, now, what...what do  
8. you have to say about that...ah...attorney Harris?

9. PRESIDENT:

10. Senator Harris:

11. SENATOR HARRIS:

12. I think I've made my position perfectly clear already, attorney  
13. Knuppel, and as usually is the case with some members of the  
14. Bar, they never give up, they never give up. I've make my position  
15. perfectly clear. We have carefully an' in a limited fashion reserved  
16. to the power of the State only that power to regulate an' not  
17. the others innumarated in the Constitution, with purpose and  
18. that's the point we are trying to make here, to respond to what  
19. I clearly read, as a hope on the part of a broad segment of this  
20. Illinois constituency to eliminate that problem of being whipsawed  
21. by varying regulatory differences.

22. PRESIDENT:

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. Mr. Chairman, I've always traveled on the assumption, that  
26. if somebody doesn't answer a question, they just don't know the  
27. answer. I asked him a specific question and that question was,  
28. an' I'm sure that it exists in municipalities, that they have  
29. some...some common law rights in these areas. The constitution  
30. provides only, only the power specifically to regulate for public  
31. health, welfare, safety, and morals. Now, can we, by referring  
32. to this Constitution take away any  
33.

1. more than those powers, which are expressly given by this con-  
2. stitution. I'm sure that Senator Harris doesn't know the answer,  
3. or he would have done something more than to revert to the same  
4. statements he's been making here all day. The answer is no,  
5. he who'd giveth can only taketh away what he giveth and that  
6. the common law rights to regulate remain, the Constitutional  
7. right to license remains, the Constitutional right to tax remains,  
8. an' the constitutional right to incur debt remains. That this  
9. bill for the benefit of those people who are in the balconies  
10. does only one thing and that is to take away the power of the  
11. City to regulate for the protection of public health, safety,  
12. morals, and welfare, which the State has never undertaken, that  
13. this has always been par...the...the police power of the city  
14. an' it's always been there. So that all this bill does is to  
15. take away the Constitutional power to regulate for public health,  
16. safety, and morals, that all the common law rights to regulate  
17. that belong to the city before the new Constitution still exist  
18. an' the right to license everyone of you, this bill in the way  
19. it's drawn still exists. I, as your Senator, here, and Senator  
20. for all the people of the State of Illinois...

21. PRESIDENT:

22. Senator will conclude his remarks.

23. SENATOR KNUPPEL:

24. ...for all the people of the State of Illinois, am interested  
25. here, and it's my purpose here to do a good job of draftsmanship  
26. to prevent litigation in the court and to have laws once enacted,  
27. such as the No...No Fault legislation and the other matters that  
28. have happened be held illegal. That, I submit to the members  
29. of this Body. I submit to the members of this Body is of importance  
30. and that Senator Harris, as sponsor of this bill ought to want  
31. to have it grammatically an' legally accurate, so that it won't  
32. be thrown out after, after it's enacted.  
33.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I would ask Senator Harris, if he would respond to several  
1. questions.

2. PRESIDENT:

3. For what...for what purpose Senator Bidwill arise?

4. SENATOR BIDWILL:

5. Parliamentary inquiry, sir.

6. PRESIDENT:

7. What is your inquiry?

8. SENATOR BIDWILL:

9. What is the status here, this bill's on 2nd reading, I be-  
10. lieve. Is that correct, sir?

11. PRESIDENT:

12. That is correct.

13. SENATOR BIDWILL:

14. Has any motion been offered to...ah...ah...accept an amendment?

15. PRESIDENT:

16. Tha...the...what is before the Body is the amendment?

17. SENATOR BIDWILL:

18. Has the motion been made, to the...

19. PRESIDENT:

20. The...The...

21. SENATOR BIDWILL:

22. adoption of the amendment.

23. PRESIDENT:

24. The...The amendment has been presented, by Senator Partee.

25. SENATOR BIDWILL:

26. Has a motion been made to adopt it?

27. PRESIDENT:

28. the...the...when...when...ah...a...an amendment...

29. SENATOR BIDWILL:

30. Well let's get whether...

31. PRESIDENT:

32. ...is presented, you don't need a motion, then.

33. SENATOR BIDWILL:

... we acting on the... acting on the amendment, Mr. President?  
At present, we're getting to the bill on 3rd Reading, we're  
making speeches, now; that have to do with the... ah... merits  
of this bill. I think we should stick to the amendments offered.

M...

PRESIDENT:

The p... point is well taken, ah... for... for what purpose  
Senator Partee arise?

SENATOR PARTEE:

This amendment was first offered on November 12th, 1971  
and we are at the same order of business an I certainly ask  
that the amendment be adopted and I've made that suggestion,  
even today. Well, now it's clear. Okay.

PRESIDENT:

We...

SENATOR PARTEE:

No.

PRESIDENT:

... the what is before the Body is the amendment, Senator Cherry  
has the floor.

SENATOR CHERRY:

I requested... ah... whether Senator Harris would yield to  
several questions. Before I ask the questions...

PRESIDENT:

He indicates that he will.

SENATOR CHERRY:

Senator, I might say that every citizen, who has contacted  
me, with respect to the bill... s... ah... HB3636 has been concerned  
about the power of municipalities to license their particular  
profession. Now, I would ask you Senator Harris, do you agree  
that if your bill was passed without this amendment that cities  
would still an villages an municipalities would still have the  
power under the Constitution to license all professions, as  
indicated in the Constitution, that we recently passed. Would  
you agree that they would still retain that right?

SENATOR HARRIS:

Yes, I've...

PRESIDENT:

Senator Harris.

1. SENATOR HARRIS:

2. I've tried to make that clear on several occasions, here,  
3. today. That, this bill is a very simple bill, that attempts  
4. to eliminate the problem of people engaged in these thirty pro-  
5. fessions and businesses from being caught up in widely diver-  
6. gent regulations. We make no attempt at all in this bill, to  
7. restrict the power of Home Rule units for licensing. I've said  
8. that, before today, I'm delighted to say it again and if called  
9. upon to say it again, today, being a cooperative guy, I'll say  
10. it again.

11. PRESIDENT:

12. Senator Cherry.

13. SENATOR CHERRY:

14. Well, I'm glad we've established the fact that we can't  
15. take away any power given to the cities an' municipalities to  
16. license for the purposes indicated in the Constitution.

17. SENATOR HARRIS:

18. I did not...

19. PRESIDENT:

20. Sen...

21. SENATOR HARRIS:

22. ...say that.

23. PRESIDENT:

24. Ju...

25. SENATOR CHERRY:

26. Well

27. SENATOR HARRIS:

28. I never...

29. PRESIDENT:

30. Sen...

31. SENATOR HARRIS:

32. ...said that.

33. PRESIDENT:

1.	..ju..ju..	1.
2.	SENATOR HARRIS:	2.
3.	..though.	3.
4.	PRESIDENT:	4.
5.	Just a moment. Senator Cherry has the floor.	5.
6.	SENATOR CHERRY:	6.
7.	I thought you said, Senator, that the cities would retain	7.
8.	their power to license.	8.
9.	SENATOR HARRIS:	9.
10.	Under the provisions of this bill:	10.
11.	SENATOR CHERRY:	11.
12.	Under the provisions of this bill, which takes away from...the	12.
13.	cities and municipalities to regulate. I want to make a distinction	13.
14.	between regulation and licensing, because I would venture to	14.
15.	say that 95% of the people sitting in this gallery and 95%	15.
16.	of the people, who are interested in this bill, do not know	16.
17.	that your bill would still give the right to cities and municipal-	17.
18.	ities to license. Now, be that as it may, I think it's necessary	18.
19.	to get that out in the open, so that these people are not under	19.
20.	the belief that this bill would take away from the cities and	20.
21.	villages to license. Now, I would ask you, sir, how do you	21.
22.	reconcile the fact that the Constitution gives	22.
23.		23.
24.		24.
25.		25.
26.		26.
27.		27.
28.		28.
29.		29.
30.		30.
31.		31.
32.		32.
33.		33.

1. the Home Rule unit the power to regulate for the purposes in-  
2. dicated, public health, safety, morals, etc. How do you re-  
3. concile the fact that you are attempting, by legislation to  
4. change this particular language in a Constitution which in my  
5. opinion, as a lawyer and I concur with what Senator Knuppel said  
6. would be unconstitutional, because to change the constitution  
7. you would need and necessitate a constitutional amendment. Would  
8. you explain that to me, sir?

9. PRESIDENT:

10. Senator Harris.

11. SENATOR HARRIS:

12. Senator, would you restate the thrust of your question, be-  
13. yond the ...ah...editorial comment, please?

14. PRESIDENT:

15. Senator Cherry.

16. SENATOR CHERRY:

17. I'll try to eliminate the editorial comment, Senator Harris,  
18. and I'm sorry, if you think that I've used editorial comment.  
19. I'm asking you a question, as a legislator? How do you recon-  
20. cile the fact that the Constitution gives the villages, the mu-  
21. nicipalities, the Home Rule units the right to regulate an  
22. that's very clear. If you want me to read it to you, I will, but  
23. I think you have a copy of the Constitution, there, as pointed  
24. out by Senator Knuppel. How do you reconcile the fact that the  
25. Constitution gives the Home Rule units the power to regulate an  
26. you by not a Constitutional amendment, which is necessary to  
27. change the constitution, attempts to do it by legislation?

28. PRESIDENT:

29. Senator Harris.

30. SENATOR HARRIS:

31. I reconcile what is attempting to be achieved through the pro-  
32. visions of HB3636, to be just what Senator Partee referred to  
33. a while ago, as response, by elected representatives of the

people, who have a concern an' I think, that concern was recognizable on March 21st, when nine referenda dealing with the question of Home Rule provisions, were soundly rejected.

PRESIDENT:

1. For...For...

2. SENATOR HARRIS:

3. An' it seems to me...

4. PRESIDENT:

5. Ju...just a moment...for what purpose does Senator Cherry  
6. arise?

7. SENATOR CHERRY:

8. I thought Senator Harris s...stated that I was editorial-  
9. izing, I think he's engaging in comments which are not answerable  
10. to my question. My simple question was...

11. PRESIDENT:

12. The...the the Chair...er...will have to recognize Senator Har-  
13. ris, at this point...to...was...y...you...yield to the Floor, un-  
14. less you have a point of order. Senator Harris, may proceed.

15. SENATOR HARRIS:

16. Well, I'm...I'm trying to explain my personal reconciliation  
17. an' I reconcile on the basis of reading clear unmistakeable  
18. signs and this General Assembly has the power, if it in majority  
19. response, so expresses its conclusion to offer service, to  
20. offer assurance, to reconcile the wishes of the people, into  
21. statutory directive of those things that deeply concern the  
22. electorate an' the citizenry an' it's my firm belief and this  
23. is a very critical and significant piece of legislation an  
24. we do have an opportunity to reconcile by our action a response  
25. to a very clear wish, on the part of the public for this bill  
26. to pass.

27. PRESIDENT:

28. Senator McBroom.

29. SENATOR McBROOM:

30. Ah...Mr...Mr. President, members of the Senate, I move  
31. the previous question.

32. PRESIDENT:

33. Motion for the previous question. All in favor signify  
by saying aye. (Large # of ayes) Contrary minded. (Large  
# of noes) Motion prevails.

Senator Partee may close the debate.

SENATOR PARTEE:

There seems to be, oh, pardon me, let's have a division on  
1. the question, may we?

2. PRESIDENT:

3. Request for division on the..on the...oh...Senator...Senator  
4. Partee's request is for division on the motion for previous  
5. question, is that correct? Alright. Request for division  
6. on the question of the motion for the previous question. All  
7. those in favor of the...ah...motion...the...it...r...Senators  
8. request roll call, you may have it, we're voting not on the  
9. amendment, but on the motion for the previous question - cut-  
10. off debate. Is there a request for a roll call? On...All  
11. those in favor of the motion for the previous question, please  
12. rise. All those oppose the motion, please rise? The motion  
13. does not prevail. The mot...the...the...ah...The count was  
14. 28 to 25, it requires a 2/3 majority. The motion does not  
15. prevail. Senator Hynes is recognized.

16. SENATOR HYNES:

17. Mr. President, members of the Senate, I wonder if the  
18. sponsor of the bill, would yield to a couple of questions?

19. PRESIDENT:

20. We...the...q...the situation is...the...Senator McBroom  
21. moved the previous question, there was a voice vote and the Chair  
22. determined audibly that it had the 2/3's majority. We now, revert  
23. to discussion of the amendment. An' on that question, Senator  
24. Hynes is recognized. For...For what purpose...

25. UNIDENTIFIED:

26. Would the...

27. PRESIDENT:

28. Does Sen...Senator Soper arise?

29. SENATOR SOPER:

30. Parliamentary inquiry. Now, are we talking about the bill  
31. or we talking about the amendment?

32. PRESIDENT:

33. We are now back to the amendment.

1 SENATOR SOPER:

2 Now, Mr. President, if we're talking about the amendment,  
3 the sponsor of the amendment is Senator Partee, am I correct?

4 PRESIDENT:

5 That is correct.

6 SENATOR SOPER:

7 Now, when the question is put to the sponsor, then it should  
8 be put to the sponsor of the amendment. We're not going to  
9 this... we're not going to talk about the merits of this bill until  
10 we get through with the amendment, because we have no bill before  
11 this... bef... before this Body before it reaches 3rd Reading and  
12 before the amendments are taken care of. Now, let's get down  
13 to the amendment, let's quit this monkey business, and let's get  
14 down to the meat of this thing.

15 PRESIDENT:

16 Ah... it is not a point of order. Senator Hynes may proceed.

17 SENATOR HYNES:

18 Senator, I... I... ah... have to know the answer to these questions,  
19 in order to... to be able to intelligently vote on the amendment.  
20 I think, Senator Harris, has cleared up a couple of questions  
21 that I had, but there are one or two others. Senator, if you'd  
22 be willing to respond?

23 PRESIDENT:

24 Senator Harris.

25 SENATOR HARRIS:

26 No.

27 SENATOR HARRIS:

28 Senator... ah... y... you have stated that the bill is intended  
29 to eliminate the right of Home Rule units to regulate, not to  
30 license but to regulate, the power of licensing remains untouched.  
31 Would it eliminate, or declare invalid the previously existing  
32 statutory ah... sections, which allow municipalities to regulate  
33 in certain areas, where the health and welfare and safety of the  
community.

1. PRESIDENT:

2. Senator Harris.

3. SENATOR HARRIS:

4. Ah...Senator, do you have a copy of the bill before you?  
5. Well...th..th..the crux of this bill is contained in Section one  
6. an' I'm not ducking your question an' we know that there are some  
7. pressures involved here an' many of us have had an awful lot of  
8. contact about this subject in general an' I don't want to be repetitious  
9. but Senator, I think this bill is a very simple bill. It attempts  
10. ...it attempts, to implement those powers, granted under article  
11. 7, in reserving to the State, the right by statute, by general  
12. law to exercise any State power, in this case, the power to re-  
13. gulate, for these thirty clearly expressed professions and bus-  
14. inesses. Now, I hope, I really hope, that we're not going to  
15. go back over our experience of last fall, in interminably using  
16. up the time of the Body, on a discussion of something that I think  
17. all of us clearly understand. The issue before the Senate right  
18. now, is Senator Partee's amendment. That amendment deletes the  
19. two references to the word regulate an' places in their stead,  
20. the word license. The concern is, in my judgment, as I read the  
21. people and as this bill purports to do, to reserve to the State,  
22. the power to regulate. Now, I sure want to be helpful to any member  
23. of the Body an' I'll be happy to respond to questions, indefinitely,  
24. but I think, we are pretty well determined, philosophically, about  
25. this issue an' I think the bill, which is quite a simple one, is  
26. such that an experienced, skillful law school lecturer, like you,  
27. in addition to being a fine State Senator can pretty well determine  
28. for himself the thrust of this amendment and the attempt to be  
29. responsive to the people, under the provisions of this bill.

30. UNIDENTIFIED:

31. ...have a roll call.

32. PRESIDENT:

33. Senator Hynes.

SENATOR HYNES:

1. Mr. President...AH...Senator, your...your answer may have  
2. have been responsive to the requ...the demands of the people,  
3. but it certainly was not responsive to my question, because you  
4. have not answered the question of whether this would apply to  
5. long standing statutory enactments, which allow cities and villages  
6. to...ah...regulate for the health, safety, an' welfare of the people  
7. within their jurisdiction, something, that I think, we all would  
8. support, something to which there has never been a previous chall-  
9. enge, I believe, this bill goes beyond, what its original tention...  
10. intention might have been an' in that regard, I would refer to  
11. a pamphlet that's been passed out here today. Day of Decision,  
12. April 25, 1972, Illinois Senate, HB3636, which by the way, is  
13. not labeled as to its source, I have very strong suspicion that...  
14. ah.. its source is the Real Estate Board, but it specifically  
15. says, in addition the present cities and villages act, authorizes  
16. any city to license real estate brokers, specifically. This bill  
17. will remove this power from these units of government, as well,  
18. as from Home Rule units. Well, on two counts, I...ah...I'd like  
19. to say, that that does not seem to square with what we've been  
20. told. First of all, that...that is an unequivocal statement, that  
21. this bill will remove licensing power, which even the sponsor  
22. has said, is not so. And secondly, it is a clear statement that  
23. many of those supporting this bill are under the impression that  
24. all existing statutory material dealing with the r...power to  
25. regulate for health, self..safety, an' welfare, will fall by the  
26. wayside. This is not an attempt, this bill is not, I repeat,  
27. an attempt to take away the power of city an'.cities and cillages  
28. to license these enumerated professions, which I believe, is the  
29. reason behind the support this bill has been given. That power  
30. to license, will remain. This bill does not affect licensing,  
31. it effects only regulation. It will effectively remove cities  
32. an' villages from regulation for health, safety, an' welfare..in...with  
33. respect to the ennumerated professions. Now, I have in front  
of me the the city code of the City

1. of Chicago, which is a voluminous document, but just to give  
2. you an example of cert...of...of some of the provisions that  
3. I believe, will be invalid, immediately upon the enactment of  
4. this bill. In chapter 93 there is a requirement that physicians  
5. report births and deaths, within a specified period of time.  
6. That enactment will be invalid if this legislation passes.  
7. In chapter 97 dealing with narcotics and dangerous drugs, there  
8. is a prohibition against any pharmacist selling, giving away,  
9. or dispensing drugs or dangerous...ah substances without a pres-  
10. cription from a licensed physician. That provision will also  
11. fall, if this legislation is adopted. We have a fair housing  
12. ordinance in the City of Chicago an' panic...panic peddling or-  
13. dinance in the City of Chicago and they are tied in to regulation  
14. of Real Estate Brokers. If this legislation...legislation passes,  
15. those ordinances will also fall, in fact, a substantial part  
16. of the City Code of the City of Chicago will be declared invalid  
17. by this ordinance. I do not think that is the intention of  
18. the groups that are supporting this legislation and I certainly  
19. believe its an undesirable thing to do. The...the fear, the  
20. concern here is about multiple licensing throughout the State  
21. an' if that is what the concern is, that's what we ought to amend  
22. this bill to do and that's precisely what this amendment will  
23. do, it will eliminate the power of Home Rule units to license  
24. these enumerated professions. Thank you.

25. PRESIDENT:

26. Seantor Lyons.

27. SENATOR LYONS:

28. Ah...Mr. President, I'd like to ask Senator Harris, a ques-  
29. tion, if I may? Ah...Senator, on page 3 of the bill...ah...lines  
30. 28, 29, 30.

31. SENATOR HARRIS:

32. That's not what we're studying.

33. SENATOR LYONS:

Well th...th...

1. PRESIDENT:  
2. The...we...  
3. SENATOR LYONS:  
4. Go ahead.  
5. PRESIDENT:  
6. ...we are...  
7. SENATOR LYONS:  
8. The sign up there says HB3636.  
9. PRESIDENT:  
10. We...we are in Amendment No. 1.  
11. SENATOR LYONS:  
12. The amendment...our discussion..is it...is it amendment  
13. to HB3636?  
14. PRESIDENT:  
15. That is correct.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

SENATOR LYONS:

1. Well in order to discuss the amendment, rationally, which  
2. we hopefully c...will be going this morning...ah... we ought  
3. to find out, something about the bill an' I want to ask the sponsor  
4. of the bill, who presumably, at least, is familiar with its  
5. provisions what it says in certain particulars, specifically,  
6. prior to the enactment of the 1970 Constitution, which gave  
7. the Home Rule power to municipalities, did, or did not Home  
8. Rule...ah...did not municipalities license horse shoeing, or  
9. regulate the business of horse shoeing? Did they regulate the  
10. business of horse shoeing.

11. PRESIDING OFFICER: (Senator Donnewald)

12. Senator Harris.

13. SENATOR HARRIS:

14. I am not familiar with any municipality that licenses farriers.  
15. I am not familiar with any.

16. PRESIDING OFFICER: (Senator Donnewald)

17. Senator Lyons.

18. SENATOR LYONS:

19. I ah..my question is, prior to the enactment of the new  
20. Constitution of 1970, did municipalities regulate the business  
21. of horse shoeing, because lines 28, 29 an 30 refer to quote,  
22. "An Act for the regulation of the business of Horse Shoeing,  
23. approved June 28, 1915. So, from 1915 till 1970, did munici-  
24. palities regulate the business of horse shoeing? I happen not  
25. to know and since you're the sponsor of the bill, I would hope  
26. that you could answer.

27. PRESIDING OFFICER: (Senator Donnewald)

28. Senator Harris.

29. SENATOR HARRIS:

30. Senator, I told you, that I am not familiar with any munici-  
31. pality that licensed or regulated horse shoers or farriers.  
32. I'm not familiar with any, there is no particular point, as  
33. it relates

1. to that circumstance, in the past. What we are attempting to  
2. do here, in the future, should this bill become law, to reserve  
3. to the State the right to regulate horse shoers, who are one  
4. of those thirty groups, specifically, referred to, in this bill.  
5. I...I think, I have made that point clear an' I am not equipped  
6. with a kaleidoscopic comprehension of what all of the municipali-  
7. ties of the State of Illinois are doing or have done under powers  
8. granted under the old grant of powers, under the 1870 constitution,  
9. that we've implemented in the cities an' villages act over the  
10. years. The point is, that as it relates to these 30 professions  
11. and businesses, the power to regulate under the 1970 constitution  
12. will be reserved to the State.

13. PRESIDING OFFICER: (Senator Donnewald)

14. Senator Lyons.

15. SENATOR LYONS:

16. Well, I heard a colloquy earlier, wherein Senator Hynes  
17. sought, without success I might add, to get an expression from  
18. the sponsor of the bill, Senator Harris, as to whether or not  
19. it is the intent of the bill to abrogate the powers to regulate  
20. certain businesses, which were possessed by municipalities through-  
21. out the State of Illinois, prior to the enactment of the new  
22. constitution, pursuant to the provisions of the cities and villages  
23. act an' a whole host of separate acts giving to these municipalities  
24. those powers. The horse shoeing regulatory act was passed in  
25. 1915, its presence in this bill would lead me to conclude against  
26. the background of no knowledge whatsoever, an...ah...I haven't  
27. been enlightened by the Senator's remarks, either...ah...that  
28. a power re...residing in municipalities since 1915, is going  
29. to be wiped away by this bill. Now, this is totally without  
30. any reference to the Constitution of 1970 or any provisions  
31. of it with regard to Home Rule, or anything else. I have another  
32. question. I'm curious as to why this bill does not carry with  
33. it an appropriation, or if there is an accompany-

ing appropriation bill. Can Senator Harris answer that?

PRESIDING OFFICER: (Senator Donnewald)

1. Senator Harris:

2. SENATOR HARRIS:

3. Ya...I'm very sorry. I was engaged in some...ah...conversation  
4. here. What...what was the Senator's question?

5. PRESIDING OFFICER: (Senator Donnewald)

6. Senator Lyons:

7. SENATOR LYONS:

8. Ah...What...I...what...I wanted to know is I...I see no  
9. appropriation on the bill. I'm wondering if it is contemplated...  
10. ah...that an app...ac...accompanying companion appropriation  
11. bill, or maybe 30 of them...ah...are going to be introduced  
12. in this session to pay to appropriate the money for the State  
13. to carry out the regulatory functions which heretofore have  
14. been exercised by a whole series of municipalities throughout  
15. the State of Illinois in thirty different areas, or at least  
16. some different areas.

17. PRESIDING OFFICER: (Senator Donnewald)

18. Senator Harris:

19. SENATOR HARRIS:

20. Well, Senator, there is no...ah...requirement for a specific  
21. in...appropriation to implement the provisions of this bill.  
22. These thirty professions and businesses are presently regulated  
23. by the Department of Registration and Regulation now...and Education.  
24. The fiscal 73 appropriation for that department will deal with  
25. the performances essential to carrying out those provisions  
26. that reside with that department or required with that department  
27. right now. There's no need for a specific appropriation bill  
28. for this.

29. PRESIDING OFFICER: (Senator Donnewald)

30. Senator Lyons:

31. SENATOR LYONS:

32. Are you...are you telling me, Senator, that the Department  
33. of Registration and Education is holding itself out to be ready,  
will-

1. ing, an' able to enforce the Chicago Fair Housing Ordinance,  
2. to enforce the Chicago Panic Peddling Ordinance, all without  
3. additional appropriation, cause I've seen none and nobody from  
4. the Department of Registration has ever represented to this  
5. Body, that it intends to do either of those two things an' also,  
6. to regulate and to police and to inspect the barbers in the  
7. City of Chicago an' the numerous other...ah...businesses, which  
8. will have the regulatory power the preem..the cities preemption  
9. under the provisions of this bill to insure compliance with  
10. the requisite statutory...ah...requirements an ordinances.

11. PRESIDING OFFICER: (Senator Donnewald)

12. Is...Senator Harris.

13. SENATOR HARRIS:

14. The Senator, I tried to make it clear, that the Department  
15. of Registration and Education will continue as we provide in  
16. each fiscal year appropriation for its operations, now to meet  
17. its responsibilities directed to it by public law. It doesn't  
18. involve itself now in the administration or regulation of the  
19. municipal responsibilities you referred to. This bill doesn't  
20. assign those responsibilities to the department at all. It reserves  
21. to this department, or it reserves to the State, the power to  
22. regulate as enumerated in these thirty sections an' no more an'  
23. I think it's clear that no appropriation will be called for  
24. to meet the duties that you referred to on the part of the State  
25. an' so there is no provision for an appropriation to the department  
26. in this bill.

27. PRESIDING OFFICER: (Senator Donnewald)

28. Senator Lyons.

29. SENATOR LYONS:

30. Well, the reason I asked the que...that my question was  
31. suggested Senator, by your statement that the department of  
32. Registration an' Education presently exer...exercises regulatory  
33. jurisdiction over these enumerated...ah...businesses. My question

1. therefore, was since many municip...since many municipalities  
2. around the State, exercise regulatory jurisdiction, also, over  
3. these same businesses is the Department of Registration an'  
4. Education prepared, ready, willing, an' able an' financially capable  
5. of doing what this bill...will...henceforth...presumably at  
6. least forbid cities from doing. Your answer is, apparently  
7. it i...has no intention of doing so, which leads me, Mr. President,  
8. an' members of the Senate, to draw to the attention of the Body,  
9. what the effect of this bill, without an accompanying appropriation  
10. to the department...ah...for the enforcement of the various,  
11. the numerous building codes, zoning codes, health codes, etc.,  
12. throughout the State, what the impact of this bill is going  
13. to be. If, the city can not do...city of Chicago can not do  
14. it an' the Department of Registration will not do it, we will  
15. have no enforcement within the corporate limits of the City  
16. of Chicago of the Chicago Health Code as it respects to bar...as  
17. respects barbers an' the other enumerated professions in this  
18. bill. We will then...we will then be told, I suppose that  
19. we have no enforcement arm for our fair housing ordinance, that  
20. we have no enforcement reckonism for our panic peddling ordinance  
21. an' indeed there will be no power at all that will be exercised  
22. over the enumerate professions because the cities can't do  
23. it and the Department of Registration will not do it. That  
24. is the effect of this bill if the remar...if th...if the foregoing  
25. colloguy is given any effect.

26. PRESIDENT:

27. Senator Sours.

28. SENATOR SOURS:

29. Been a lot of erudition going around here this morning,  
30. Mr. President; Senators, perhaps s...s...since even a cat can  
31. look at a king, a few remarks might be pertinent. I personally  
32. do not want the City of Peoria to license my doctor. When he  
33. decides to insize me, he better be good, if he wants my attention  
an' if he

1 expects to get paid, or if he expects any good will from me.  
2 I don't want... I don't want my doctor to be licensed by three  
3 or four different municipalities, if that were the situation,  
4 simply because he practices in three or four different hospitals,  
5 in three or four different entities, called Home Rule units.  
6 I think, there's one thing that's been overlooked in this whole  
7 conversation, this conference this morning, and that is the  
8 power to delay. I think the vice of Home Rule lies in the fact,  
9 that if I, a nurse for example or if I, a realtor or a sur-  
10 veyor, or a barber makes application for a license, the city  
11 fathers at their leisure may decide to look into my moral charac-  
12 ter for as long as six months or a year, during which time  
13 I can go an' get a lawyer an' file a mandamus suit and by the  
14 time the year goes by I might just as well have forgotten the  
15 mandamus suit. I think the vice lies in the local importuning  
16 of such individuals called alderman, such individuals called  
17 corporation council, such individuals called mayors. I do not  
18 want a city, I don't care what the city may be to license surveyors,  
19 because there again the parties whose license can be importuned,  
20 another thing I believe that the uniformity, which is inherent  
21 in state licensing enhances the public good a lot more an' to  
22 a greater extent an' with less possibility of chicanery if its  
23 done in the central government. I think the power to delay  
24 is what we're worried about. I might also mention that the  
25 power to delay, also amounts to money to the professional person.  
26 I don't think a Realtor would want to sit around and be unable...  
27 ah...ah... to sell real estate, if he had to wait six months to  
28 get himself a license. Now, you say well that will never happen.  
29 It's like the king who said I'll be a good ruler, but just don't  
30 forget... the king is the ruler, an' power once lost is never regained.  
31 One other comment, there is, there was, there never has been  
32 any common law of municipalities. Never. The municipality in  
33 the old days prior to our system,

was the grant of the sovereign called the king or called the emperor an' he bestowed upon the municipality its powers that crept over into the the Anglo-American tradition. Every city in the State of Illinois is a creature of the legislature an' has no more an' no less powers than that specifically or by inference granted in the charter.

4. PRESIDENT:

5. Senator Dougherty.

6. SENATOR DOUGHERTY:

7. Mr. President an' members of the Senate, Senator Harris as one nonlawyer to another nonlawyer. I've read this constitution pretty carefully on nu...on a number of occasions an' I think I raised a question last fall when we were discussing it about the legality of some of this as would be interpreted by the court. I think that Senator Hynes made a very good point when he he enumerated some of the city ordinances that provide for the safety an' the health an' welfare and the morals of the people of the City of Chicago and its environs an' as I read this bill you say that this bill does not preempt the power to license, it preempts only the power to regulate, if that is so, then the home rule units may in fact regulate all the named occupations an' professions but only by means of a license. In other words, you are by giving the right to license, you are in effect conveying the right to regulate. I'm going to support this bill because I feel that a simple regulatory measure can be adopted without recourse to a bill licensing. I would point out another thing...ah...Senator Lyons mentioned horse shoers and you referred to 'em as farriers, but we have in the...in the City Code of Chicago an ordinance re...that regulates where a beauty parlor may be placed an' where a barber shop may be placed. It provides that it can not be in an entirely in a residential neighborhood, provides further that no beauty parlor may be operated in a residence. An' same applies to barber shops. Now this would visuate against that Senator, that is one of the things that I feel...I feel, is wrong about this bill. I don't I don't want to license doctors and medical healing artists

an the professions, I think that should remain the State function,  
but however, I would not give the right...to ta...to take away  
the right of cities to regulate the people within it, but by  
means of reasonable and just ordinances and that is precisely  
what we've been doing. We have had this how...we talked about  
the...the Block Busting Bill...ah...if you'll recall the judge  
of the circuit court, only last week declared that portion of  
the bill was unconstitutional because he said it gave d...denied  
the right to communicate...violation of free speech, so the...these  
are the things we must...p...put into effect, the right to do  
what we want to do in order to guard the safe...safety of the  
people of the City of Chicago, or any other City. I speak,  
only, of Chicago, because I live there, but there are many other  
cities of more than twenty-five thousand who are entitled to  
Home Rule and they should have the right to license for person....  
purpose of regulation.

PRESIDENT:

Senator Partee, may close the debate.

PRESIDENT:

Well, Mr. President an' members of the Senate, there's been  
a great deal said about this bill an' I'm not really certain  
that many of the members an' those persons who are here to hear  
the debate today, are absolutely certain as to what this bill  
does or what the amendment does. I am still not sure that everybody  
knows. But I...let me just say this. That as I understand  
this amendment as it applies to the bill, it comes at a time  
when both the city an' the State have the right to, at the same  
times, license an' regulate these various businesses. What we  
are doing by this amendment is what I think the people who are  
here really want done and that is we are voluntarily relinquishing  
the right to license voluntarily relinquishing the right to  
license, their concern stemmed from an unconscionable license  
exerted in a town called Harvey and the prospects of other lic-  
enses coming out in that fashion. We are voluntarily giving  
up the right to license. The bill, if this amendment is defeated,  
the things that the people are complaining about an' expect to

1. happen, will in fact happen, you're going to guarantee that it's  
2. going to happen, by defeating this amendment. Now, when you  
3. have defeated this amendment, you will still...there will still  
4. reside in every municipality, in every Home Rule unit, the right  
5. to license. It will not have the right of course to regulate,  
6. but they will have the right to license, which is what you seemed  
7. to be concerned about. There is such a thing as concurrent  
8. jurisdiction an' what you're doing is taking away the concurrent  
9. right to regulate b...from a municipality an' lodging all of  
10. the regulatory powers in the city, thereby, demeaning every  
11. city council, every group of law makers in every city, who have  
12. the right to regulate for the public health, safety an' morals.  
13. It's another question as to what is going to happen to that  
14. phrase which we know from law school as the police powers of  
15. a municipality. Municipality, will perhaps by one interruption  
16. of this bill in its final form bereft of this very salutary  
17. amendment. The municipality may have absolutely no powers an'  
18. everything that transpires from a fire in a day care center  
19. will take legislation in the state...at the state level. I  
20. certainly don't think that is what was intended by the bill  
21. an' I think perhaps we will never know, or we will not get a  
22. final determination as to who is right and who is wrong on  
23. the assessment of the legalistics in this question until seven  
24. men with or nine men with...ah...seven men in this state, with  
25. robes, make that decision. I suggest to you that this amendment  
26. is in the interest of those persons who are here. They do not  
27. realize it or recognize it at this point, but the day will come,  
28. when you will realize that this amendment is, in fact, your  
29. salvation. You do not agree today an' I can perhaps understand  
30. it. But in light of the debates you've heard here today an'  
31. in light of the explanations made I think perhaps a reassessment  
32. of whether or not you are being yukered an' whether you're being  
33. used by the real estate industry, which geared all this up,  
only time will tell. I move the adoption of the amendment.

PRESIDENT:

Motion for the adoption of Amendment No. 1. On that question, the Secretary will call the roll.

SECRETARY:

1. Arrington.

2. PRESIDENT:

3. F...F...For what purpose Senator Harris arise?

4. SENATOR HARRIS:

5. Just so that the membership is aware, this is on the motion  
6. to adopt.

7. PRESIDENT:

8. That is correct.

9. SENATOR HARRIS:

10. ...those who will support Senator Partee, would vote aye,  
11. those who would support that position I have stated, would vote  
12. no. Is that not correct?

13. PRESIDENT:

14. Th...That is correct.

15. SECRETARY:

16. Baltz, Bennett, Bidwill, Bruce, Carpentier, Carroll, Cherry,  
17. Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald,  
18. Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
19. Horsley, Hynes, Johns, Knuepfer, Knuppel,

20. SENATOR KNUPPER:

21. Mr. President.

22. PRESIDENT:

23. Senator Knuppel.

24. SENATOR KNUPPER:

25. I think I've pointed out quite clearly and it's been re-entertained  
26. by the President pro tempore, that what you're doing here, is  
27. removing the power to regulate, which is a common law right  
28. and which has merely been condoned in the State of Illinois,  
29. by municipalities and...ah...regardless of that condonation  
30. when you remove it, the common law right is there that it's  
31. a meaningless act...that what we're doing is a meaningless act  
32. and the courts will so hold. That it's inherent, it's a common  
33. law right of municipal body to regulate for health, welfare,  
and morals. Secondly, you are leaving the munic-

1. cipalities with the right to license, which is a distict power  
2. an' right enumerated under the 1970 Constitution. Those of you,  
3. who are voting no, are doing none of the people in this balcony  
4. nor the people a the State of Illinois, nor any of the municipalities  
5. nor the State of Illinois a favor because it's a meaningless  
6. act an' when it's done the courts will tell you that there is  
7. an inherent common law right of a municipality to regulate for  
8. health, welfare an' morals an' all the statute has ever done is  
9. to codify that common law right and that the one thing you could  
10. have done is to remove the right to license and that you have  
11. not done, so I vote Aye.

12. SECRETARY:

13. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom,  
14. McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,  
15. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,

16. PRESIDENT:

17. Senator Saperstein.

18. SENATOR SAPERSTEIN:

19. Will the sponsor yield to a question, please?

20. NUMBER OF UNIDENTIFIED VOICES:

21. No.

22. PRESIDENT:

23. Th...are you addressing your question to Senator Partee?

24. SENATOR SAPERSTEIN:

25. The sponsor of the bill.

26. (Number of unidentified voices intermingled in the background)

27. PRESIDENT:

28. Senat...Senator Harris, may yield, if he wishes. It's  
29. up to the Senator. I remind both...

30. SENATOR SAPERSTEIN:

31. Just a simple question.

32. PRESIDENT:

33. Senators Saperstein an' Harris, that our time is limited  
34. on roll call.

35. SENATOR SAPERSTEIN:

36. It's a simple question.. Just a very simple question.

37. PRESIDENT:

38. Senator Saperstein.

39. SENATOR SAPERSTEIN:

1. Ah...Senator Harris, does this mean, following the explanation  
2. of Senator Knuppel, that the city of Chicago or any municipality  
3. or Home Rule entity, will not be able to regulate Day Care centers.  
4. SENATOR HARRIS:

5. No.

6. SENATOR SAPERSTEIN:

7. Oh, there seems to be a differences of opinion...ah...well,  
8. I...I think that we're in...there is a very serious doubt...that  
9. your ques... that your answer is not factually in terms of the...of  
10. the amendment.

11. SENATOR HARRIS:

12. There is no ref...

13. PRESIDENT:

14. Senator Harris.

15. SENATOR HARRIS:

16. There is no reference to day care centers involved here  
17. in this bill whatsoever, Senator Saperstein. Your question  
18. involves a very simple, in my judgment, direct, negative answer  
19. an' no more. Now, that's my position as clear as I can state  
20. it based on you question.

21. PRESIDENT:

22. Sen...Senator Saperstein.

23. SENATOR SAPERSTEIN:

24. We have heard so much double talk. You know...ah...

25. UNIDENTIFIED VOICE:

26. That's right.

27. SENATOR SAPERSTEIN:

28. ...an' I think it's time for a direct, honest answer.

29. SENATOR HARRIS:

30. No. Isn't that direct?

31. SENATOR SAPERSTEIN:

32. You mean to say that removing the power of regulation cannot  
33. be equated with the loss of the right of any municipality to

1. regulate, for instance, one service in the city and that is licensed  
2. by the state but regulated by the municipality you...you still  
3. maintain that we still maintain that right?

4. SECRETARY:

5. Savickas, Smith, Soper, Sours, Swinarski, Vaislabene, Walker...

6. SENATOR WALKER:

7. Mr. President.

8. PRESIDENT:

9. Senator Walker.

10. SENATOR WALKER:

11. I had my mind made up, Mr. President, members of the Senate.  
12. as most of you had, an hour or so ago and what particularly con-

- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.

vinced me that this is a bad amendment, I knew that the gentleman on the other side the aisle was a member of the constitutional convention. I've known after approximately a year and a half, that he's a lawyer, he's reminded us of that, apparently there's some new faces in the gallery today that he hasn't reminded that he's a lawyer, but now that he's such a prognosticator of the constitutionality of amendments an' bills an' while I'm up I'd like to on a point of personal privilege or under Senate Rule 36, Mr. President.... PRESIDENT:

You're... You're not recognized for that point, you're on the roll call, Senator Walker.

SENATOR WALKER:

Can I be recognized later...

PRESIDENT:

You...

SENATOR WALKER:

On a point of personal privilege?

PRESIDENT:

You may be recognized later.

SENATOR WALKER:

I vote no on the amendment.

SECRETARY:

Weaver.

PRESIDENT:

On that question, the yeas are 23. The nays are 31. The amendment is defeated. Are there further amendments? Senator Partee.

SENATOR PARTEE:

Just in case we make a mistake here by passing this bill without this amendment. I offer this amendment, which would, at least, provide for us the vehicle for correcting our mistakes. Of course, I don't know how anyone would oppose our leaving ourselves an escape hatch in case we've made a mistake, an' while this amendment does is this, on line 12 on page 1 in the bill, it adds this language, except as otherwise provided by law, which simply means that if we determined at a later date that some of the catagories that we have included in this bill should not have been included, we can simply then by a

1. bill take it out. In other words we don't lock ourselves in  
2. to our present posture an' we give ourselves the ductility an'  
3. maneuverability to correct our mistakes an' I would ask that  
4. this amendment be be voted on and that it be adopted. It doesn't  
5. change one wit the pattern of the bill, it does not change one  
6. iota, the concept of the bill, it simply gives us an escape  
7. hatch in case we make a mistake to come back in at a later time  
8. and correct that error. If there's opposition to that, then  
9. reason has gone to bed.

10. PRESIDENT:

11. Senator Harris.

12. SENATOR HARRIS:

13. Well, Mr. President, I just want to point out that that  
14. language actually may be a redundancy...ah...I'm advised by...ah...  
15. skillful men, who are licensed by the Supreme Court, here on  
16. this side of the aisle, that this language is not necessary  
17. an' I point out that one of the considerations that must be observed  
18. in the process of legislation, is the matter in bicameral

19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1. deliberative, General Assemblies that if we as a matter of acceptance  
2. of this amendment we involve ourselves in this bill going back  
3. to the House. The fact that lawyers whom I respect advise me  
4. that this language is not necessary, that it's the thrust of  
5. the amendment is implicit anyway therefore I want to make clear  
6. that as a percedural an' policy matter separate from the merits  
7. of the bill would urge the members to resist the amendment an'  
8. I don't want to just say that I won't listen to those that...those  
9. others that might be there but on the suggestion that this is  
10. not necessary an' buttressed by the fact that it would mean that  
11. the bill would have to go back to the House I would urge the  
12. majority of this Body to reject this amendment.

13. PRESIDENT:

14. Senator Groen.

15. SENATOR GROEN:

16. Well Mr. President, members of the Senate, in an effort  
17. to conserve time I did not speak on the preceeding amendment  
18. but I would like to be heard very briefly on this proposal.  
19. It seems to me, Senator Partee, that it adds nothing constructive  
20. to the bill that does not already exist within its provisions  
21. and it could be extremely dangerous depending upon a Supreme  
22. Court interpretation. I think you will concur with my thinking  
23. that the General Assembly in its wisdom or judgment or lack  
24. of it as you might see the picture could at any time it might  
25. desire either add to this list of thirty businesses an' professions  
26. or it might delete from those thirty any or all if in its judgment  
27. it deems that desirable. I think that's inherent within the  
28. power of the General Assembly an' to add the words to accept  
29. as otherwise provided by law would neither add to nor diminish  
30. from that authority of the General Assembly. Now what might  
31. it mean by a court construction, when you read section 1 and  
32. I will only read the last three lines. Shall be exercised exclusive-  
33. ly by the State an' they not be exercised

by any unit of local government, an' I call your attention to the fact that any unit of local government would be the precedent in this construction, including home rule units an' then you would add except as otherwise provided by law. Do you mean by that a law enacted by a home rule unit or do you mean a law enacted by the General Assembly? I would not want to put this kind of wording in this bill with the possibility that the court might say the reference is to a home rule unit an' not to the General Assembly, and that...accept as otherwise provided by law could mean that a home rule unit could by ordinance or by county action or home rule action remove itself from the provisions of this act. As I say it adds nothing constructive to the bill. It could be extremely dangerous an' I would urge my colleagues to vote against it.

UNIDENTIFIED VOICES:

Roll call. Roll call.

PRESIDENT:

Senator Partee may close the debate.

SENATOR PARTEE:

I'm not sure whether the question was intended to be rhetorical but certainly it would take a fractured interpretation of the language in those three lines to relate that provision, except as otherwise provided by law to home rule units. It just wouldn't make any kind of sense to attach it to that in terms of meaning. It must necessarily refer to the first part of a sentence. A roll call.

PRESIDENT:

Is there objection to the use of the, is there objection to the use of the same roll call that we used on the last amendment. On that question the Yeas are 23 the Nays are...Is there a request for a roll call? Request has been made. Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,

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

4. UNIDENTIFIED VOICE:

5. Swinarski, aye.

6. SECRETARY:

7. That don't add up, nine, ten, twelve, thirteen...

8. PRESIDENT:

9. On that question the Yeas are 32 the Nays...ah...the Yeas  
10. are 23 the Nays are 32. The amendment is defeated. Are there  
11. further amendments? Senator Partee.

12. SENATOR PARTEE:

13. Yes, Mr. President, as I have listened to the debate here  
14. an' have listened to the roll call I desire now to offer this  
15. amendment which I think perhaps is grounded in some reason.  
16. It's obvious to me that if the baby called home rule is to be  
17. suffocated...ah... in it infancy that at least we oughta do  
18. it in an appropriate fashion. As I read this bill there are  
19. a large number of professions and trades which are included  
20. for pre-emption, which in my humble opinion...ah...under the  
21. circumstances that now exist perhaps we can exceed to. Certainly  
22. I would not want a municipal unit of government to have regulatory  
23. powers under these just now announced situation. In certain  
24. industries an...an' professions an' I think there are those that  
25. are entitled to...ah... an exception and this amendment...ah...would  
26. strike lines 25 through 30 on my...on page 1 an' on page 2 it  
27. would strike lines 19 through 31 an lines 1 through 30 on page  
28. 3. Now the essence of this activity would be to make certain  
29. that the following professions an' trades would be under state  
30. regulation only...would be under state regulation only. Architects,  
31. chiropodists, dentists and dental surgeons, nurses, optometrists,  
32. pharmacists, physical therapists, engineers both professional  
33. an' structural, psychologists, accountants, an' veterinarians.  
I don't think that there is

1. any municipality in the State of Illinois that has the desire  
2. to become involved with those very basic an' fundamental professions.  
3. I would certainly feel, Mr. President, that the reasons that  
4. have been given for this pre-emption at this time could be applied  
5. to these professions without a great deal of harm or without  
6. a great deal of frustration an' I would certainly ask for the  
7. adoption of this amendment on the basis that, those professions  
8. which I have named are those which it is not even likely in  
9. the first instance that...ah...municipalities will engage themselves  
10. with. Those are an' have been for a long number of years licensed  
11. by the State. Municipalities are neither geared to give examina-  
12. tions or anything of that sort, we certainly didn't ever contemplate  
13. it, but I cerainly think that if we are going to do this we  
14. oughta do it in some appropriate an' reasonable fashion an' I  
15. move that this amendment be given a vote an' that be adopted.

16. PRESIDENT:

17. Is there discussion? Senator Harris.

18. SENATOR HARRIS:

19. Well Mr. President, members of the Senate, the thrust of  
20. this amendment is to delete 1,2,3,4,5,6,7,8,9, 10, 11, 12 ,13,  
21. 14,15,16 of the professions and businesses that we seek to reserve  
22. to state regulation from the provisions of the bill. This list  
23. was very carefully developed involved with a great deal of thought.  
24. I personally didn't draft this bill, but a great deal of care  
25. an' evaluation has gone into the specific selection of these  
26. 30 professions an' businesses whose regulation should be reserved  
27. to the power of the State. Without going into a great deal  
28. of involvement of why this list in fact limited to these 30,  
29. I can only say that it is my position that this is the point  
30. that those involved in the original development of this bill,  
31. Representative Duff who has spent a great deal of time in developing  
32. this response an' so I

33.

1. can only respond to Senator Partee's statements of narrowing  
2. the provisions of this bill the kinds of professions that he  
3. has eluded to an' say that it is the policy of the Senate sponsor  
4. to make as conscientious an attempt as he is capable to enact  
5. this bill in the form that he received it an'I seek again the  
6. support of the majority of this membership to reject what I  
7. believe is Amendment No. 3.

8. UNIDENTIFIED VOICE:

9. Roll call.

10. PRESIDENT:

11. Is there further discussion? Is there a request for a  
12. roll call again or is the same roll call acceptable?

13. UNIDENTIFIED VOICE:

14. The same roll call.

15. PRESIDENT:

16. Is there objection to the use of the same roll call? On  
17. that question the Yeas are 23 the Nays are 32. The amendment  
18. is defeated. Are there further amendments? The bill is advanced...

19. UNIDENTIFIED VOICE:

20. 3rd reading...

21. PRESIDENT:

22. to 3rd reading. Does Senator Harris we've...we'll have  
23. to have intervening business, before we can re...Oh...your...sec-  
24. retary advises the Chair that we do not need intervening business  
25. because it has...ah...been read a second time on a previous  
26. occasion. It was being brought back...

27. UNIDENTIFIED VOICE:

28. Roll call.

29. PRESIDENT:

30. from 3rd so then we may proceed to the final passage of  
31. the bill.

32. UNIDENTIFIED VOICE:

33. Roll call.

1. PRESIDENT:

2. Question before the House. Is the passage of House Bill  
3. 3636 an' on that question Senator Harris may be heard.

4. SENATOR HARRIS:

5. I don't have more than 45 minutes of persuasion involved  
6. here. Ah...Mr. President, I think this issue is clear. Ah...I  
7. certainly want to thank the members of this Body for their patience.  
8. Ah...we have conducted ourselves I think in an exemplary fashion  
9. here on an issue that does have deep concern for all of us.  
10. I just want to close with ah...a comment...ah...that I think...ah  
11. ...is very clear to me an' would...ah...ah...believe that it  
12. was a matter discernable by all of the members that this unusual  
13. number of guests here today, it ought to be noticed that their  
14. influence has been exemplary. Their presence has been deeply  
15. appreciated by me as the sponsor of this bill and I think that  
16. actually we

17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1. have probably gone beyond our rules somewhat here today an' dealt  
2. with the merits of the bill in much of the discussion on the  
3. amendments that have been before us an' so with that...ah...  
4. bit of observation I would urge the members of this Body to  
5. reconcile to be responsive to pass House Bill 3636.

6. UNIDENTIFIED VOICES:  
7. Roll call. Roll call. Roll call.

8. PRESIDENT:  
9. Is there further discussion? If there is no discussion,  
10. Senator Partee.  
11. SENATOR PARTEE:  
12. I've gotta ask. Ah...are we now about to vote on the bill  
13. itself?  
14. PRESIDENT:  
15. That is correct.  
16. SENATOR PARTEE:  
17. Have we had intervening business?  
18. PRESIDENT:  
19. W...We have not. The secretary has informed the Chair  
20. properly that we have had but it is not necessary because of  
21. the...ah... the...  
22. UNIDENTIFIED VOICE:  
23. 2nd reading.  
24. PRESIDENT:  
25. b...bill was on 2nd reading was read a second time an' then  
26. advanced to 3rd reading an' then is now being brought back...ah...  
27. SENATOR PARTEE:  
28. So long as the Supreme Court agrees with the secretary  
29. it'll be all right with me. We'll take that chance.  
30. PRESIDENT:  
31. Is there further discussion?  
32. UNIDENTIFIED VOICE:  
33. Roll call.

1. PRESIDENT:

2. Secretary will call the roll. Ah...excuse me, Senator  
3. Partee.

4. SENATOR PARTEE:

5. Just this, Mr. President, the bill is on passage stage.

6. I want to make it crystal clear that the objections which we have  
7. announced here today have nothing to do with the personalities  
8. involved here but relates entirely to the subject matter under  
9. discussion an' has to do with our belief fundamentally which  
10. we still cherish that the concept of Home Rule as enunciated  
11. in our new constitution for which so many of us overwhelmingly  
12. supported is a good one. I decry the attempt that is made here  
13. today to abolish and relegate to nothingness this very hard  
14. fought for constitutional principle...I recognize of

15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1. course that the thrust of the opposition to the Home Rule principle  
2. comes from one certain industry and they are now I take it if  
3. this vote obtains, free to do all the things that this legislature  
4. so carefully structured laws against. This is a backward step  
5. that we're taking today. We're deluting the...ah...the...  
6. an' focal point of our power within the local units. The pride  
7. which m...men have in their cities an' in their municipalities  
8. is relegated to vapid nothingness because now the state, the  
9. new central king, will be attempting to regulate things where  
10. they themselves have shown an ineptitude to regulate. Just  
11. last Spring in this very City of Springfield a unit of the state  
12. government, the Illinois Commerce Commission, moved from its  
13. quarters in the State Office Building to the Leland Hotel.  
14. Fortunately the City Fathers of Springfield, who then possessed  
15. some regulatory powers, could see and recognize that the Chamber  
16. of Commerce was setting up in that Leland Hotel in controvention  
17. to all of its city's laws in terms of health standards an' the  
18. City of Springfield, thank God, closed that building until the  
19. state got itself together an' made the kind of accommodation  
20. there where the persons working there wouldn't be burned to  
21. death or trampled to death in a case of a fire or something  
22. of that sort. So you take it away from the cities an' give it  
23. to the state an' I hope that we will not ever forget that we  
24. made many attempts to at least make it reasonable to give ourselves  
25. an option in terms of changing the law if we have in fact made  
26. a mistake. That was beaten down. An attempt to take out of  
27. this law many professions such as nurses an' doctors an' denists  
28. an' engineers an' soforth who rightfully or possibly, may have  
29. some fears. We tried to remove them from the orbit of this  
30. law's force an' we were even denied that small gesture. I will,  
31. Mr. President, be opposed to this because I think it does violence  
32. to our constitution, I think it does violence to the rights  
33. of our cities, an' I think perhaps you

1. may find that it does not do what you think it does.

2. PRESIDENT:

3. Senator Palmer.

4. SENATOR PALMER:

5. Ya...Mr. President an' members of the Senate in listening  
6. to this discussion...ah...my mind wandered ah...many years back  
7. when I was a student of political science an' on the subject  
8. of...ah... local government I must say that the texts that I  
9. read are entirely different than the books read by Professor  
10. Harris. Seems to me that every text written, stated an advocated  
11. that for large cities Home Rule was the cure and the help for  
12. many of its problems. Now I...I...sit here an' wonder why after  
13. and the wisdom of the constitutional convention that a people  
14. of the State of Illinois in adopting the constitution that people  
15. here wish to take that grant away. I...I...I really believe  
16. that I do not exaggerate when I tell this Body that one of the  
17. main reasons why the people adopted an' voted for this constitution  
18. was for the provisions of Home Rule. Now you've heard alot  
19. of that but I rise here on behalf of the City of Chicago an'  
20. just to tell you that the great City of Chicago has not maintained  
21. its greatness an' calmness an' industry an' a culture throughout  
22. the years not because it mismanaged or mistreated businesses  
23. an' professions. Of course these are general statements but  
24. they are correct but we have a few...ah...visible sights that  
25. you could see of recent tremendous investments by national corpora-  
26. tions. I just a few I would like to mention the John Hancock  
27. Building, the Prudential Building, the Equate of Life Insurance  
28. Building, the Standard Oil Building, Morton Salt Building, Continen-  
29. tal Insurance Building, Sears Roebuck an' more an' more an' they're  
30. many many but the reason I mentioned these are these are skyscrapers  
31. which are constructed and under construction an' at the cost...ah...  
32. each of them, each of them, in excess of hundreds of millions  
33. of dollars. Now you

1. must understand that these great corporations surveyed an' investiga-  
2. tes Chicago an' its management before they made these investments  
3. and they have submitted to the rules an regulations of Chicago.  
4. All I would like to say to this Body that the City of Chicago  
5. both in population an' in manu...management is larger than many  
6. counties and is entitled to Home Rule, is entitled to manage  
7. its community an' its affairs. Thank you very much.

7. PRESIDENT:

8. Senator Harris may close the debate.

9. UNIDENTIFIED VOICE

10. Roll call.

11. PRESIDENT:

12. Secretary will call the roll.

13. SECRETARY:

14. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
15. Carroll, Cherry, Chew.

16. PRESIDENT:

17. Senator Chew.

18. SENATOR CHEW:

19. Well Mr. President...ah...I'm in a very unique position  
20. because I had the pleasure of serving as a member of Chicago  
21. City Council an' I discovered there that there were many things  
22. that the city needed to do an' it did not have the power to do  
23. so because of the statute and constitutionally. We had hoped  
24. that these things had been corrected in the new constitution  
25. but what we're saying here in this Body is that we have more  
26. sense, more know how than the millions of people that approved  
27. that constitution so I'm going to oppose the bill simply because  
28. Senator Harris, I've had the experience of serving in a City  
29. Council an I know an you know that we should not take away the  
30. power that has recently been granted. I know where to implement  
31. the constitution but we ought to do it in a fashion whereby  
32. the cities can in fact operate within a realm of government  
33. expressed. City of Chicago, an I speak of the City of Chicago,  
I suffer up there. Ah...I assume that next bill that will come  
through Mr. President will be a bill to abolish the City

Councils as implementing the constitution an' etcetera an' etcetera  
an' if you knew how we have suffered in many areas in the City  
of Chicago because of the inaction of the Illinois Legislature  
you would have to be in opposition to this bill. So I guess  
we'll just have to wait until we get a few more retirements  
an' bring in these young aggressive men with ideas of good government  
instead of ideas of centering all the power in one man's hand.  
I'm going to ask the Governor not to sign it even if it's passed  
so I vote no.

SECRETARY:

Co...Clarke, Collins, Coulson, Course, Davidson, Donnewald,  
Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler,  
Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee...

SENATOR PARTEE:

President.

PRESIDENT:

Senator Partee.

(According to Mr. O'Keefe, there is a change in policy  
beginning at this point and the transcript will hereafter only  
contain those remarks made on mike.)

SENATOR PARTEE:

In explaining my vote I want to make it clear that although  
it's my understanding that the bill does not take away any existing  
provisions an' ordinances an' that those ordinances must be construed  
together with this bill an' although I know that the Supreme  
Court will eventually pass on this bill my position remains  
unchanged. I would like I think to say that...ah...having made  
an oblique reference to the realtors...ah...I think I should  
say to them that...ah...it is not personal. Some of my best  
friends are realtors. But I would hope...I would hope for all  
of you here that you are not being fooled today an' I hope that  
this comes out to your satisfaction but I still say to you that  
I have rather grave doubts that this bill in its present form  
accomplishes what you seek to accomplish an' we say this without  
any spirit of braggadocio, we say this in all diffidence and

1. modesty. We've not been very wrong very often over on this  
2. side of the aisle on constitutional questions. I vote aye.

3. PRESIDENT:

4. Proceed with the roll call.

5. SECRETARY:

6. Rock, Romano, Rosander, Saperstein, Savickas,

7. PRESIDENT:

8. Senator Savickas.

9. SENATOR SAVICKAS:

10. Well Mr. President, ladies an' gentlemen of the Senate,  
11. I'd like to read a portion of a pamphlet that evidently was  
12. distributed by those in favor of House Bill 3636. It's called  
13. a Day of Decision. An' one of the sentences in this pamphlet,  
14. quote, "In addition, the present cities and villages sit author-  
15. izes any city to license real estate brokers specifically.  
16. This bill will remove this power from these units of government  
17. as well as from the Home Rule Units." Evidently this is the  
18. real key to this bill. This bill takes away the power of the  
19. City of Chicago an' other municipalities to regulate real estate  
20. brokers, powers which they've had long before the new constitution  
21. was ever adopted. We know that there are certain people who  
22. are using this bill as a smoke screen for the real purpose an'  
23. that is to remove the power to regulate real estate brokers  
24. at the local level. Now I know that these fine people like  
25. the majority of realtors are fine people but I'll tell you what  
26. this is going to do. This bill gives a blank check to the panic  
27. peddlers and the blockbusters who are flooding the changing  
28. neighborhoods in Chicago an' our adjoining areas and they're  
29. praying on the fears an' the lack of sophistication of the people  
30. who have worked all their lives to save an' buy what they now  
31. have. This bill opens the door for these blockbusters and panic  
32. peddlers. A little while ago reference was made to the City  
33. of Harvey, Illinois, a city that was deluged with real estate

1. brokers an' speculators. Deluged because they had heard of the  
2. problems in Harvey an' the changing neighborhoods an' tried to  
3. go in an' blockbust this area. It was the real estate brokers  
4. that lived in this community, that have dealt there for the  
5. last 30, 40, an 50 years that put the pressure on the aldermen  
6. an' the city council an' the mayor to institute this thousand  
7. dollar fee. It wasn't the municipality themselves. It was  
8. the real estate brokers themselves who had seen what these people  
9. were doing to their community. This is what will happen if  
10. this bill is allowed to pass, not only Chicago but all of these  
11. communitites will fall pray to the real estate industry's interest  
12. an' that is not to be regulated or not to have any municipality  
13. have a say so an' there are practices whether legal or illegal.  
14. I vote No on 3636.

15. SECRETARY:

16. Smith.

17. PRESIDENT:

18. Senator Smith.

19. SENATOR SMITH:

20. Mr. President an' members of the Senate, during the years  
21. that I have served here I've never been more confused than I  
22. am with reference to casting a vote here and now. I'm glad  
23. to note that the vote thus far has not been a partisan vote.  
24. There have been aye votes cast on the other side of the aisles.  
25. There have been aye votes cast from this side of the aisle an'  
26. in that respect I think we could truthfully say as I just said  
27. that it is not an' has not been a partisan vote. I had thought  
28. for these many years that I understood the usage an' the application  
29. of the English language. I have found out during the course  
30. of this debate that I'm wrong and as I stand here I can conceive  
31. of but one way to vote when the mind does not rest perfectly  
32. easy an clear with regards to how one should properly vote.  
33. I recall when I was a lad in the hills of East

1. Tennessee there was a young man who wished to become a lawyer.  
2. Personally I never thought that his talent an' abilities ran  
3. toward the law. He insisted that I come over an' hear him once  
4. during the course of a mock debate that was held and he was  
5. then representing a defendant during the course of this mock  
6. trial and I think I can quote exact...his exact words as he  
7. argued trying to get a judgment against a railroad company.  
8. He said that if the bell had been rung when it should have been  
9. rang, that if the whistle had been blown when it should have  
10. been blew, that the cow would not have been injured when she  
11. was killed. I thought I understood what he was trying to say.  
12. I understood what the President pro tempore was saying, an' you  
13. reminded me, Senator Sours, of Represent...former Representative  
14. Crowley, who will hail at that time from your delightful City  
15. of Peoria, an' we had had a very strenuous debate that day an'  
16. Crowley got up an said, that this is the greatest deal ever  
17. foisted upon the people of the State of Illinois an' hesitated  
18. an' added so I vote aye. I don't know whether our late friend  
19. was confused or not. I am confused. I heard my very good friend,  
20. the sponsor of this legislation, say, Senator Harris, an' if  
21. I quote you incorrectly please correct me, you said that this  
22. bill does not in anyways effect the licensing powers of cities.  
23. Is that correct Senator? The Senator doesn't answer me. Then  
24. I heard other eminent lawyers argue that under the common law  
25. the municipalities will still have this bill not withstanding  
26. the right to license an' that the right to license carries with  
27. it the right to regulate. Now it so often happens that when  
28. you lawyers get into arguments here I'm confused because no  
29. two lawyers here have ever agree except in the way an' manner  
30. that you've decided here today to support this bill. In my  
31. confused condition not knowing who is right an' who is wrong  
32. I merely cast my vote No.  
33. SECRETARY:

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

2. PRESIDENT:

3. For what purpose Senator Newhouse arise?

4. SENATOR NEWHOUSE:

5. Mr. President...ah...I was off the floor an' came back on  
6. just in time to...ah...vote I think, I'm not sure that I have,  
7. but I'd like to explain my vote.

8. PRESIDENT:

9. Senator may proceed.

10. SENATOR NEWHOUSE:

11. Thank you, Mr. President. Mr. President first of all...ah...a  
12. word to the...ah...those persons who passed out the literature  
13. to me this morning an' among other things...ah...there were a  
14. group of real estate people in to see me an'...ah...I appreciate  
15. their visit I would have appreciated it more had they been here  
16. when the Fair House Legislation was up several years ago. I  
17. will appreciate it just as much if they all decide to return  
18. when the next piece of Fair Housing Legislation comes up. I  
19. wanna make the point, there's much talk about this bill consigning  
20. us to attend to the mercies of the city councils an' particularly  
21. the city councils in the City of Chicago. I'd like to just  
22. jog your memory a moment, if you'll recall there was a bill  
23. in here, Senate Bill 450 an 451, which had to do with housing.  
24. There's a court case in the City of Chicago that has to do with  
25. housing. It has to do with the placement of housing for low  
26. income families about the City of Chicago. The city council  
27. in the City of Chicago has been absolutely intransitive in this  
28. matter, so much so that the President pro tempore of that body  
29. of the city council said to the courts if I understood what  
30. the newspapers printed correctly that perhaps the courts ought  
31. to in effect take away from the city council the authority to  
32. act under that statute which I tried to repeal in this Body  
33. in which the state gave the city p...council the authority to  
act on

1. housing matters. So I'm completely unpersuaded by the fair  
2. housing...

3. PRESIDENT:

4. For...for what purpose Senator Savickas arise?

5. SENATOR SAVICKAS:

6. A point of order...ah...Mr. President. Are we speaking  
7. on House Bill 3636 or on...ah...int...ah...legislation introduced  
8. concerning Chicago housing authority?

9. PRESIDENT:

10. We...we are on 3636 an the Senator Newhouse may proceed,  
11. he has about a minute a little more than a min...

12. SENATOR SAVICKAS:

13. Well, would he confine his remarks to 3636?

14. PRESIDENT:

15. Senator will confine his remarks to the bill at hand, an'  
16. he has a little more than a minute left.

17. SENATOR NEWHOUSE:

18. Well um...ah...ah...I don't have any problem Mr. President.  
19. I don't see what the confusion is: I'm talking about housing  
20. which was related to one of the arguments that was raised in  
21. this bill, I was given the impression that this is one of the  
22. great concerns of this Body an' having...in...defeating 3636  
23. an' I simply want to respond to it because it is a vital element  
24. in my making up my mind how I want to vote. Does that satisfy  
25. the Chair so I'll go on. Now m...my problem...ah...Mr. President  
26. is this, I think that the power ought to reside somewhere.  
27. While I'm in this Body an' until I'm persuaded that that power  
28. be...will be exercised in such a fashion that it will not be  
29. used to whipsaw people in their professions that the licensing  
30. acts will be applied equally to all and that is not what I read  
31. in the history of my community and the City of Chicago an' I  
32. will be constrained to retain that power in the state where  
33. at least for the present I do have some say so in how it is  
applied. Thank you Mr. Presi-

1. dent.

2. PRESIDENT:

3. Senator Palmer:

4. SENATOR PALMER:

5. Ah...I...I don't think I was recorded. How am I recorded?

6. PRESIDENT:

7. How's Senator Palmer recorded? Y...you are recorded as

8. voting in the negative. Senator Hynes.

9. SENATOR HYNES:

10. How am I recorded, Mr. President?

11. PRESIDENT:

12. You are not recorded, Senator Hynes.

13. SENATOR HYNES:

14. I'd like to explain my vote which is no. This matter was  
15. debated at length a few months ago an' I think some very serious  
16. very important questions were raised an' those very same questions  
17. have been raised here again today an' I have yet to hear a response  
18. from the sponsor of the bill or from any persons supporting  
19. the bill with respect to those very grave doubts an' questions  
20. that have been brought before this Body. We've been given lengthy  
21. sermons about the will of the people. We been given lengthy  
22. sermons about how desirable it is to centralize this control  
23. but we have not had any direct response to these important questions.  
24. We have not had any direct response to the question of whether  
25. this bill will in fact repeal the Fair Housing Laws throughout  
26. the s...the state of various municipalities an' will in fact  
27. repeal panloppeddling ordinances which I think it will. We have  
28. not had a direct response to its impact on the pre-existing  
29. powers of municipalities apart from what the new constitution  
30. has gi...given to home rule units, an' impact which I think is  
31. going to be most serious. In short we have a bill which has  
32. been, I think, presented in a vacuum to...to the cause of which  
33. many groups in good faith have been rallied because of a fear  
that

1. their particular professions were going to be licensed, in effect,  
2. taxed, due to multiple municipal regulation an' licensing when  
3. in fact that is not the case. We do not have evidence of that  
4. in existence and further more the sponsor of the bill himself  
5. has stated that the bill has nothing to do with licensing, that  
6. it only goes to the question of regulation. That is certainly  
7. not the opinion of most of the people that I have talked to  
8. about this legislation. That was at least not their belief  
9. as to what was being done but I agree that that's what the bill  
10. does. I think this bill is most unfortunate, most undesirable,  
11. an' I think it's going to create serious problems over the next  
12. several months an' years. We are going to see lawsuits challenging  
13. virtually every municipal ordinance on the books dealing with  
14. health, safety, an' welfare in so far as any of the the enumerated  
15. professions might be involved. I think it is unfortunate an'  
16. I vote no.

17. PRESIDENT:

18.         Se...Senator Knuppel.

19. SENATOR KNUPPEL:

20.         How am I recorded?

21. PRESIDENT:

22.         You are not recorded.

23. SENATOR KNUPPEL:

24.         Unfortunately...ah...this bill was not corrected when  
25. the first amendment was offered here. I think I'm probably  
26. the only person to read from the constitution what it actually  
27. says. I was there an' helped draft every word an' every punctuation  
28. mark in there. I've been a practicing lawyer for some 22 years  
29. an' I believe what you do here today is a useless act. I think  
30. I cast the 30th vote on this floor for no-fault insurance an'  
31. when I did I said...ah...that I did so with many misgivings  
32. because I questioned the arbitration provisions, the trial denovo,  
33. and offered the only two amendments that were offered in committee

1. an' they dealt with including farm trucks which was a general  
2. direction of the private vehicle limitation that the Supreme  
3. Court turned on when it held the act unconstitutional. Some-  
4. body has whispered to me here that it's a rumor that our Ethics  
5. Legislation that we just passed had been held unconstituional.  
6. Now I say to the men of this Body of good spirit we were sent  
7. here with...by our people to do a conscientious job to try to  
8. do the best of our ability an' not to be pressured by groups,  
9. by politics, or individuals. I've tried to do that here today.  
10. I'm very much in sympathy with those people in downstate Illinois  
11. who don't want to be licensed an' would readily vote for a bill  
12. which took away the power of home rule units to license these  
13. individuals. As I pointed out earlier this bill does not do  
14. this. This bill takes away the power as given in the constitution,  
15. an' I don't know how you can change the constitution by a statute,  
16. to regulate for the purposes of health, education...er health,  
17. safety, morals, an' welfare. That was a common law right that  
18. came down from England. It's inherent in the existence of a  
19. municipality. To merely wipe away the codification then returns  
20. us to the common law. I, like Senator Smith, am somewhat confused  
21. as to why someone through pride of auth...authorship is so stubborn,  
22. so stiffnecked, that they will not accept for the benefit of  
23. the people of this state an' to spare the expenses of litigation  
24. a simple amendment which achieves what I know what these people  
25. want an' that is the...to be free of the onerous provisions of  
26. having to submit to licensing and as Senator Smith has pointed  
27. out, Senator Harris on two or three different ocassions in the  
28. debate admitted that this does not remove the distinct fourth  
29. power specified in the constitution to license. It's because  
30. of this confusion an' in the hope, Mr. President, that this bill  
31. will remain before this Body so that it may be corrected that  
32. I vote present.

33. PRESIDENT:

1. Senator Partee had asked for the floor before. I don't  
2. see him here. Senator Dougherty...Senator Dougherty.

3. SENATOR DOUGHERTY:

4. Yes sir...Mr. President an' members of the Senate, I've  
5. had a great deal of interest in this bill an' the other bills  
6. on the 2800 catagory which were bypassed by my committee...  
7. were bypassed my committee, an' then looking at House Bill 3030...  
8. 3636 there are three ways to interpret the language of this  
9. bill. First the courts might find that the persons who are  
10. licensed by the state may not be regulated in any fashion by  
11. the local authorities, traffic laws will not apply to them an'  
12. their offices will not be subject to any local health regulations.  
13. I'm sure the court wouldn't find this to be the case, nor do  
14. I believe it to be the intent of the proponents of this measure.  
15. Second, the courts could find that the measure prohibits local  
16. governments from regulating any matter to professions an' occupations  
17. that are licensed by the state. This doesn't make much sense  
18. as excuse of licensing which the state imposes are not full  
19. regulatory schemes. The result of this bill if interpreted  
20. in this manner would be to end any public relations beyond the  
21. expressed provisions of the state licensing requirements. The  
22. third and best possible interpretation of this measure is that  
23. no local government may duplicate neither the licensan...licensing  
24. provisions of the state nor those provisions of licensor which  
25. serve to regulate. This would preserve at least to the existing  
26. local regulations beyond the state licensing provisions. It  
27. would best preserve the public health, safety, morals, an' wel-  
28. fare. Where...be...be...because of pre-emption of the power  
29. to regulate it defined in terms of the power to license a separate  
30. power. The pre-emption must fail as violating the due process  
31. of legally...equal protection for lack of a reasonable relationship  
32. to the public purpose to be served nor has there been no com-  
33. pelling reason shown for interest...interest in this legislation.  
Therefore

I'm compelled to vote no.

PRESIDENT:

1. Senator Partee..

2. SENATOR PARTEE:

3. Ah...I got carried away a few moments ago, Mr. President,  
4. an' mistakenly said yes an' I realize that we are recording this  
5. debate so in case the tape has me down yes when I have voted  
6. no, I wanna make certain that the tape now reflects that I vote  
7. no.

8. PRESIDENT:

9. The tape is corrected. Senator Walker.

10. SENATOR WALKER:

11. Ah...Mr. President how'm I recorded?

12. PRESIDENT:

13. You are not recorded.

14. SENATOR WALKER:

15. I intended...ah...everal hours ago to vote aye an' I now  
16. do so.

17. I was waiting for the gentleman from the 42nd District to cast  
18. his vote an' I would like to tell him what I previously told  
19. him that the people in my 8th District don't send me down here  
20. to vote present. They send me down here to vote yes or no.  
21. I've found on ocassions that in voting just the opposite from  
22. the Senator from the 42nd District I have established what I  
23. think over a period of 6 or 7 terms a fairly decent voting record.  
24. I'm more convinced of it when I look at an editorial from my  
25. old home town newspaper the Galesburg Register Mail it used  
26. to be the Galesburg Register Republic when I delivered it.  
27. Ah...after a lot of verbiage they get down here to the crooks  
28. as Noble Lee would say an' we come to conclusion that Senator  
29. Knuppel is wrong. In further explaining my vote I would like  
30. to remind the good Senator from the 42nd district that among  
31. the cannons of ethics there's one particular provision that  
32. says you can't advertise an' we all know Senator Knuppel that  
33. you're a lawyer an' a good lawyer an' I only wish that you would've

1. saved your...no you'll take too long or I'd give it to you.  
2. He...I wanted to know Senator Knuppel that I wished you'd of  
3. saved you second an' third speech for tomorrow because the galleries  
4. will be different at that time I assume. Thank you, Mr. President  
5. an' members, for your indulgence.

6. PRESIDENT:

7. Senator Cherry.

8. SENATOR CHERRY:

9. Mr. President, I haven't voted on this measure as yet.  
10. I don't question the motives of the sponsors of this bill at  
11. all but I would simply say that the people who are in support  
12. of this bill are being completely misled by what this bill does.  
13. Completely misled because it still retains the power of the  
14. home rule units to license. I can't understand the removal  
15. of the right to regulate an' not accompany that right with the  
16. right to license. As I stated before I know of no one person  
17. that believes that the home rule units will still be an' still  
18. have the right to license the people included in this bill.  
19. So what does this bill do. Nothing whatsoever to allay the  
20. fears of these people who f... who fear a home rule unit to  
21. license these people who are identified in the bill an' I would  
22. say the bill does not do an' completely fails to do what these  
23. people are after, those who support this bill. I also question  
24. many words have been said that this bill does nothing an' I believe  
25. that's correct. I also feel an' I wanna be a little bit of a  
26. prognosticator an' say that this bill will fail to pass a constitu-  
27. tional test in the courts which is sure an' certain to follow.  
28. You can't as has been stated, remove language of a constitutional  
29. provision by an act of this legislature unless that act is an  
30. act for a constitutional amendment which this is not. I vote  
31. no.

32. PRESIDENT:

33. Senator Groen.

SENATOR GROEN:

1. Mr. President, members of the Senate, I stated earlier that I  
2. did not speak on this bill in an effort to conserve time but  
3. I feel compelled to do so because I could not disagree with  
4. Senator Cherry and others who have stated that this bill in  
5. so far as these 30 professions and occupations are concerned  
6. does not give the state exclusive power to licensure. Now, Senator  
7. Cherry, I would call your attention to the fact that the author-  
8. ity for this legislation is clearly stated in the first paragraph  
9. of the bill and if you will read article 7 section 6 paragraph  
10. 8 of the 1970 constitution which is referred to as the granting  
11. power in the first paragraph of the bill, it is quite clear  
12. that the General Assembly does have the power by legislative  
13. act to do what we are proposing to do here today, and that it  
14. does not require a constitutional amendment to accomplish that.  
15. I am not one who agrees that this bill does not give the state  
16. exclusive power to license these 30 occupations and professions.  
17. If you state that it only deals with regulation an' that excludes  
18. licensure, I think you are being wholly inconsistent and I  
19. think that you are not considering the term regulation in its  
20. true meaning. Certainly I think each of us will concur in the  
21. fact that for the State of Illinois to regulate these 30 an'  
22. to state that it does not include the power to license would  
23. be foolhardy. Obviously it does. Now what would be the situation  
24. if it were not exclusive an' did not include licenser? You would  
25. have a situation where the state is regulating lawyers, doctors,  
26. nurses, realtors, and others. They are licensing those occupations  
27. and professions by the power of that regulation and along comes  
28. a home rule unit and says to a lawyer, a doctor, a nurse, a  
29. realtor or others included within the provisions of this act  
30. that even though you have a license to operate granted by the  
31. State of Illinois given under examination an' investigation we  
32. are going to supersede the authority of this state an' the General  
33. Assembly's

1. power an' we are going to refuse you the right to exercise that  
2. license because we will not license you in Peoria or Pekin or  
3. Chicago or Rockford. No court would take such a view that I  
4. say to those who are here today that in so far as these 30 occupations  
5. an' professions are concerned it does include the power to license  
6. and that power is exclusive as refers to those 30.

7. PRESIDENT:

8. Senator....For what purpose Senator Knuppel arise? You  
9. have explained your vote.

10. SENATOR KNUPPEL:

11. I...eh...a question of personal privilege. Does it have  
12. to wait until after the announcement?

13. PRESIDENT:

14. No, you ...If it's a point of personal privileges you may  
15. be recognized.

16. SENATOR KNUPPEL:

17. One of the illustrious Senators on the other side of the  
18. aisle brought my name into debate and an' read, out of context,  
19. from an editorial. I only wish that I c...could have gotten  
20. that editorial so all these fine people in this Chamber could  
21. have had... heard all the nice things they had to say about  
22. me an' about the things I was doing here in Springfield before  
23. they said they disagreed with me on that one small issue which  
24. was with respect to that. Thank you very much.

25. PRESIDENT:

26. On that question the Yeas are 34 the Nays are 20. One...For  
27. what purpose does Senator Knuppel arise?

28. SENATOR KNUPPEL:

29. Ah...I understand the constitution...ah...this would require  
30. a 3/5 vote. Yes, that's the way I understand it because i...would  
31. be no need at all for us to act here if the state had already  
32. acted in the area an the constitution says specifically the General

33.

1. Assembly by a law approved by a vote of 3/5 of the members elected  
2. to each House may deny or limit the power to tax or any other  
3. power of function of a home rule unit not exercised or performed  
4. by the state an' I assume they're trying to give the power...some  
5. new power to the state here other than a power or function specified  
6. in subsection of the section an' so I assume this requires, since  
7. they're attempting to do something that didn't happen before,  
8. this requires a 3/5 vote an' that probably the sponsor will want to  
9. put it on postponed consideration an' see if we can get it in  
10. better shape.

11. PRESIDENT:

12. The...just...just a moment...the...ah...point raised an'  
13. for those of you who have the constitution if you will follow  
14. on pages 41, an 42, it's the...the pertinent sections are s...under  
15. section 6 are paragraphs A, G, and H. If the state, if the  
16. intent of this act an' if the sponsor of the measure wishes to  
17. comment I will recognize him for that purpose an' I think ultimately  
18. obviously the courts will have to rule on this question. If  
19. the intent of this act is to, as has been suggested on the floor  
20. an...an...various suggestions have been made if the intent of  
21. this act is simply to stop an erosion of state authority as  
22. far as regulation of the specified professions, then it seems,  
23. it appears to the Chair that a simple majority is adequate if  
24. in fact the intent an' this is where the word exclusively on  
25. line 11 of the first page becomes a bit of a problem, if in  
26. fact the intent is to ne...negate the powers that municipalities  
27. or home rule units have for the protection of the public health,  
28. safety, morals, an' welfare...ah...then it would require a 3/5  
29. majority. The Chair will an' I would assume that no attempt  
30. by the state to infringe on the powers of municipalities would  
31. run into serious...ah...constitutional problems, if that were  
32. the case an' I might say for the benefit of our...ah...visitors  
33. that these debates are recorded so the courts can take into  
consideration what is said. Now the Chair's inclination is  
to rule

...ah...in the direction that it is...ah...the intent of the...um...  
1. perhaps I should refer this to you, Senator Harris. I'm...the...the  
2. Chair recogni...a point of order has been raised an' th...the  
3. question is on the intent of the legislation an' I think if Senator  
4. Harris wishes to add any further comments here before the Chair  
5. rules. Pardon...all right that's what we're gonna...Senator  
6. Harris.

7. SENATOR HARRIS:

8. Mr. President, in the preparation of this bill if you will  
9. note in section one of the bill we specifically direct this leg-  
10. islative enactment to operate under paragraph H of this article.  
11. Further in the discussion that were held in the drafting of  
12. the bill a status quo concern for the existing powers of the  
13. state as relates to then carefully enumerated licensed professions  
14. an' businesses were set forth an' so it is the belief of this  
15. Senator that operating under paragraph H that this proceeds  
16. as a straight statutory enactment of a general law an' that's  
17. all that's required is a majority vote of this Body.

18. PRESIDENT:

19. Well th...the Chair...the Chair will rule. First of all,  
20. you cannot take one paragraph in isolation but the Chair will  
21. rule that since the sponsor has indicated as the intent of the  
22. act to...ah... the intent of the bill to maintain status quo  
23. an' not to have further erosion of state...of the state's present  
24. responsibilities that a simple majority is adequate. For what  
25. purpose Senator Partee arise?

26. SENATOR PARTEE:

27. I...I probably didn't understand everything that was just  
28. said but would you repeat the phrase that includes the word  
29. erosion so that it'll make certain that we know for our record  
30. what the gentlemen is saying.

31. PRESIDENT:

32. Well, the Chair has suggested that you cannot take paragraph

1. H in isolation from paragraph G. Paragraph G in fact suggests  
2. that you cannot take powers that municipalities had. Y...you  
3. cannot...ah...take away powers from municipalities without a  
4. 3/5 majority but the power that is now exercised by the State  
5. on licensing...ah...is a power that the sponsor of the bill  
6. indicates that he wishes to maintain. If the thrust of the  
7. bill were to go beyond that then the Chair would have to rule  
8. it would require a 3/5 majority.

9. SENATOR PARTEE:

10. I assume that paragraph M has some relevance here also.

11. PRESIDENT:

12. I assume it will have some relevance for the court...I...  
13. at that point.

14. SENATOR PARTEE:

15. An' I would just point out that when we used a little innocuous  
16. language as otherwise provided by law we had in mind something  
17. which you chose to ignore but that's over now.

18. PRESIDENT:

19. For what purpose does Senator Cherry arise?

20. SENATOR CHERRY:

21. To comment on a point of personal privilege upon your remarks  
22. ...ah...Mr. President. I heard Senator Harris's ex...explanation  
23. o... of his intent whether we read the bill an' I heard your  
24. explanation also whether we read the bill this is not an erosion.  
25. The language used here is that the state shall have the exclusive  
26. power to regulate the professions included an' shall be exercised  
27. exclusively by the state an' may not an' I repeat may not be exercised  
28. by any unit of local government including home rule units.  
29. So what's the result? You're not eroding anything, you are  
30. completely removing a right of a home rule unit to exercise  
31. the power to regulate which is provided by the constitution.  
32. An' therefore I would respectfully say to you, Mr. President, that  
33. this is not an erosion. This is a

1. complete removal which is given to the home rule units by the  
2. constitution an' in my opinion a 3/5 majority would have to be  
3. present.

4. PRESIDENT:

5. If...th...the Chair has ruled...if in fa...an' I would simply  
6. add if in fact there is an attempt on the basis of this act  
7. to deprive home rule units of powers presently being exercised...ah  
8. ...then...ah...the courts I'm sure will rule that...ah...that  
9. cannot be exercised. Yes, Senator Hynes.

10. SENATOR HYNES:

11. Mr. President...a...members of the Senate, I think that  
12. very point has been a subject of debate here for the past hour  
13. or so. It has been our repeated contention that that's what  
14. the bill does an' at no point did the sponsor deny that. In  
15. fact when we offered a specific amendment an' I believe it was  
16. Amendment No. 3 which would have clarified the point an' taken  
17. out of the operation of this bill any existing...ah...ah...s...sta-  
18. tutory authority from municipalities the sponsor refused to  
19. accept it which seems to me to be a very clear expression of  
20. his intention in introducing this bill, it seems to me that  
21. under...ah...paragraph G that a 3/5 vote is required an' that  
22. bill has failed to receive a 3/5 vote an' is therefore defeated.

23. PRESIDENT:

24. Well the Chair stands by the ruling made. For what purpose  
25. Senator Groen arise?

26. SENATOR GROEN:

27. Mr. President, I move to reconsider the vote by which  
28. House Bill 3636 was passed.

29. PRESIDENT:

30. Motion by Senator Groen to reconsider, motion by Senator  
31. Vadalabene to table. All in favor of the motion to table sig-  
32. nify by saying aye. Contrary minded. Motion prevails. For  
33. what purpose Senator Sours arise?

SENATOR SOURS:

Perhaps it might be classified as a personal privilege  
1. but I choose to classify it...ah...Mr...ah...President, as germane.  
2. I did want to make this comment. Ah...history will record itself  
3. as...ah...indicating that on some occasions you an' I have had  
4. our differences but I wanna compliment you today because I believe  
5. this bill is a reassertion. I don't like to use that word erosion,  
6. this is a reassertion of a' important, inherent right of a state,  
7. an' that's what we've done today. Now I have the notion also  
8. that some of this talk very recently in the last five minutes  
9. has been for the record in the courts so I want to make this  
10. comment that the state is reasserting its basic rights in this  
11. law.

12. PRESIDENT:

13. Senator Harris.

14. SENATOR HARRIS:

15. Mr. President...ah...yes...I see Senator Partee is here  
16. if you will recall, I think most of the membership will, that  
17. back in November when we dealt with this whole series of bills.  
18. an' we advanced altogether an' I assured Senator Partee that I  
19. would recall 3636 to 2nd reading so that he could deal because  
20. at one point we had the entire series on 3rd reading...ah...that  
21. Senator Partee did have some amendments for 3636 he did not  
22. have them ready at the time an' I called that bill back. I would  
23. like to proceed with the consideration of the rest of these  
24. state pre-emption bills if we might have that understanding  
25. an' dispose of this subject matter if we could...ah...as far  
26. as the bills that I am the Senate sponsor of an' that series  
27. begins with House Bill 2780...ah...they are not consecutively  
28. numbered but there are some 24 bills dealing with the reservation  
29. to the state of the power...ah...of...ah...ah...concerning...ah...  
30. state...ah... pre-emption of power as relates to...ah...the  
31. subject matter covered in the various acts of those 24 bills.

32. PRESIDENT:

33. Senator Partee.

SENATOR PARTEE:

1. Mr. President I didn't object of course to your taking...ah...  
2. 3636 ...ah...out of order today an'...ah...going directly to  
3. that subject matter but I wish you could hold the others till  
4. tomorrow. We wanna take a look at em again...ah...spend a little  
5. time.

6. PRESIDENT:

7. Senator Harris.

8. SENATOR HARRIS:

9. I'll be happy to excaid...exceed to the President pro tempore's  
10. request. Might we have an understanding that we could deal  
11. with the series tomorrow?

12. PRESIDENT:

13. Senator Partee.

14. SENATOR PARTEE:

15. Yes, an...ah...I take it there'd be no problem if we had  
16. an amendment to either one of them...ah...to take it back to  
17. 2nd for that purpose?

18. PRESIDENT:

19. Senator Harris.

20. SENATOR HARRIS:

21. Well I just announced now that...ah...ah...I'll be happy  
22. to discuss that matter with you. I honestly don't wanna make  
23. the commitment to you now but...ah...ah...I think we've both  
24. been able to...ah...find accommocation to work out procedural  
25. questions. Ah...ah...I with...without making a solid commitment  
26. that I will call them all back...ah...I acknowledge to you that  
27. I'll try to be helpful th...so that you have very opportunity  
28. for a full discussion.

29. PRESIDENT:

30. Senator Partee.

31. SENATOR PARTEE:

32. By that I take it you are giving me a half solid commitment.

33. PRESIDENT:

1. Senator Harris.

2. SENATOR HARRIS.

3. I think maybe a little better than half.

4. PRESIDENT:

5. I...if the Chair will take the prerogative there are some  
6. bills of an emergency nature here if we can proceed to those  
7. first next on the Calendar. Ah...1393 on 2nd reading, Senator  
8. Coulson.

9. Fo...for what purpose Senator Clarke arise?

10. SENATOR CLARKE:

11. Mr. Chariman an' members of the Senate...

12. PRESIDENT:

13. Be...be...

14. SENATOR CLARKE:

15. ...while...while...while the guests...

16. PRESIDENT:

17. Yes...yes...before our guests...

18. SENATOR CLARKE:

19. Well, that's alright.

20. PRESIDENT:

21. Before our guests leave the Chair would like to compliment  
22. them for their good behavior. You...ah...sat through this lengthy  
23. Session and...ah..your conduct was exemplary an' we appreciate  
24. it.

25. SENATOR CLARKE:

26. Mr. President, I was just going to com...commend the Senators  
27. an' the visitors on the decorum this morning. I think it's been  
28. exemplary, I think the debate has been helpful, an' I think  
29. that if we could continue this tone through the coming weeks  
30. we'll get our business done a lot faster an' I think...ah...you're  
31. all to be commended.

32. PRESIDENT:

33. 1393 Senate Bill on 2nd reading, Senator Coulson.

1. SENATOR COULSON:  
2. I've known that an' let's just ask you to move it.  
3. PRESIDENT:  
4. 1393.  
5. SECRETARY:  
6. Senate Bill...Senate Bill No. 1393 2nd reading of the bill  
7. no committee amendments.  
8. PRESIDENT:  
9. Any amendments from the floor? 3rd reading. Is...i...  
10. Senator Merritt, 1332 is that of an emergency nature. Right.  
11. Thir... alright. Is Senator Carroll on the  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.  
33.

1. floor?

2. SENATOR MERRITT:

3. Mr. President.

4. PRESIDENT:

5. Y...Yes, Senator Merritt.

6. SENATOR MERRITT:

7. I doubt if it will generate any debate at all.

8. PRESIDENT:

9. All right, 1332 Senator Merritt. The request that it be

10. held, Senator by Senator Partee. Is Senator Carroll on the

11. floor? Hold that. 1359 Senator Vadalabene. 1359 on 3rd read-

12. ing. You...you wish to explain the bill Senator Vadalabene?

13. SENATOR VADALABENE:

14. Yes, 1359 is a deficiency appropriation for the Juvenile

15. Court Act. This is a bill where the auditor merely disburses

16. the money without having any jurisdiction without over the amounts

17. which are certified...ah...an' I would appreciate a favorable

18. vote. This bill passed without reference to committee was advanced

19. without reference to committee.

20. PRESIDENT:

21. Is there any discussion? Secretary will call the roll.

22. SECRETARY:

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

24. Carroll, Cherry, Chew, Chew, Clarke, Collins, Coulson, Course,

25. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,

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

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

28. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,

29. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,

30. Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker,

31. Weaver.

32. PRESIDENT:

33.

1. Carpentier aye, Soper aye, Coulson aye, Mohr aye, Bidwill  
2. aye, Ozinga aye, Vadalabene aye, Johns aye. On that question  
3. the Yeas are 38, the Nays are none. The bill is declared passed.  
4. Are there House Bills of an emergency nature that members have?  
5. Are there any House Bills of an emergency nature? We have some  
6. more bills for introduction. Senator Partee what's your desire?  
7. Shall we proceed on the Calendar or...

8. SENATOR PARTEE:

9. Well it seems that we are overrunning committees right  
10. now. Ah... Agriculture was to meet at...a...W...Welfare was  
11. to meet at...ah...w...w...was to have met at 1:30 an...ah...Revenue  
12. was to have met at 3:30. Ah...I would hope we could probably  
13. adjourn now until 11 tomorrow an' we could...ah...have the Agricultural  
14. Committee...ah...they only have...well that's 3:30 but...ah...  
15. Welfare would meet now, 10 minutes after adjournment an'...ah...Rev-  
16. enue would meet...ah...at 3:30, as well as Agriculture.

17. PRESIDENT:

18. We...we do have some more bills for introduction an' some  
19. resolutions here. For..Senator Bidwill.

20. SENATOR BIDWILL:

21. M...Mr. President I would like to call a republican caucus  
22. for 10 o'clock tomorrow morning.

23. PRESIDENT:

24. We have some bills for introduction.

25. SECRETARY:

26. Senate Bill No. 1486.

27. PRESIDENT:

28. Fo...for what purpose Senator Merritt arise?

29. SENATOR MERRITT:

30. Mr...Mr. President, members of the Senate, I would like  
31. to...

32. PRESIDENT:

33. Ju...Just a moment...let's...please members can be in their  
seats. Let's get some order. Senator Merritt.

SENATOR MERRITT:

1. M...Mr. President, members of the Senate, I'd like to ask  
2. leave of the Body for Senate Bill or for...ah...the Senate Agricul-  
3. ture an' Conservation Committee be discharged from Senate Bill  
4. 1427 be referred to the Appropriations Committee. I've discussed  
5. it with...ah...Senator Donnewald, Chairman of the Committee on  
6. Assignment of Bills, as well as Senator...ah...Knuppel, Chairman  
7. of the other committee.

8. PRESIDENT:

9. Is there objection? Leave is granted. Introduction of  
10. bills. Senator Tom Lyons.

11. SENATOR LYONS:

12. Ah...Mr. President an' members, I'd like to ask leave of  
13. the Body to waive the six day rule. I've spoken to Senator Coulson  
14. about this an set for tomorrow immediately after adjournment  
15. on the floor a meeting of the Committee on Appropriations to  
16. hear House Bill 3030, the Judicial Inquiry Board Appropriation  
17. Bill, an' immediately after the adjournment of the Appropriations  
18. Committee a meeting of the Committee on Constitutional Amendments...  
19. al...Constitutional Implementation also to be held on the floor  
20. for the purpose of hearing House Bill 3047 the Juducial Inquiry  
21. Board Enabling Legislation.

22. PRESIDENT:

23. Is there objection? Leave is granted. Introduction of  
24. bills.

25. SECRETARY:

26. House Bill No 1486 introduced by Senators...Senator Soper  
27. a bill for an act to amend section 11208 the Illinois Vehicle  
28. Code. Senate bill that was.

29. PRESIDENT:

30. W...what purpose Senator Course arise? Ju...just a moment  
31. please, gentlemen, Senators Coulson. Senator Course.

32. SENATOR COURSE:

33. Yes, Mr. President the Revenue Committee scheduled to meet

1. at 3:30 this afternoon will meet immediately after adjournment  
2. in...adjournment in...in room M3.

3. PRESIDENT:

4.            Alright, we still have some business to transact here.  
5. Proceed with the introduction of bills. F...F...

6. SECRETARY:

7.            Senate...

8. PRESIDENT:

9.            For what purpose Senator Cherry arise?

10. SENATOR CHERRY:

11.            Bills...ah...Mr. President that weren't introduced this  
12. morning. They're Senate Bills 1489, 1492, 1496, 97 an' 98 an'  
13. 99. There's some Senators whose names where ah...

14. PRESIDENT:

15.            We...we have some of those haven't been introduced yet.  
16. We're just goin to 'em now.

17. SENATOR CHERRY:

18.            No...well Senator Dougherty said that they had been introduced.  
19. Have those bills been introduced? Well while I'm on...I'm on  
20. the floor, may I add some Senate sponsors as co-sponsors of this  
21. bil...of these bills?

22. PRESIDENT:

23.            If you can give the list to...

24. SENATOR CHERRY:

25.            Yes, I'll give a list...

26. PRESIDENT:

27.            ...secretary. alright. Fine.

28. SENATOR CHERRY:

29.            ...to the secretary because there are many. Ok.

30. PRESIDENT:

31.            Proceed with the introduction of bills.

32. SECRETARY:

33.            Senate Bill No. 1487 introduced by Senators Soper an' Bidwill

1. an act for...to amend section 4, 5, an ll to add section 8a to
2. the Medical Practices Act. Senate Bill No. 1489 introduced by
3. Senators Cherry, Hynes, Bidwill, an' Carroll an act to promote
4. the education of children of this state who attend non-public
5. schools an' who are members of the low income family to provide
6. for the State grants to parents to help them pay for the child-
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.

1. ren's education. Senate Bill No. 1490 introduced by Senators  
2. Saperstein, Smith, Dougherty, et al a bill for an act to provide  
3. for certain ordinary an contingent expenses of the Department  
4. of Children an' Family Services. Senate Bill No. 1491 introduced  
5. by Senator Berning a bill for an act to amend section 13 of and  
6. to add sections 13-1 through 13-55 to the Revenue Act of 1939.  
7. Senate Bill No. 1492 introduced by the same sponsors a bill for  
8. an act to per...to promote the education of children of this  
9. state who attend the non-public schools to provide the grants  
10. to help the parents pay for their children's education. Senate  
11. Bill No. 1493 a bill introduced by Senators Newhouse an' Chew  
12. a bill for an act to amend section 4 an' 4a of the Fair Employment  
13. Practices Act. Senate Bill No. 1494 introduced by Senators Mohr,  
14. Soper, Clarke, Harris an' Bidwill a bill for an act to amend  
15. section 3-1.2 of the Illinois Public Aid Code. Senate Bill No.  
16. 1495 introduced by the same sponsors a bill for an act in relation  
17. to the property tax income exemptions. Senate Bill No. 1496  
18. introduced by the same sponsors a bill for an act to make appropria-  
19. tions to the Superintendent of Public Instruction. Senate Bill  
20. No. 1497 introduced by the same sponsors is a bill for an act  
21. to make an appropriation to the Superintendent of Public Instruction.  
22. Senate Bill No. 14...1498 introduced by the same sponsors making  
23. an appropriation to the Superintendent of Public Instruction.  
24. Senate Bill No. 1499 introduced by the same sponsors is a bill  
25. for an act to create the Educational Development Board defining  
26. its powers an' duties. Senate Bill No. 1500 introduced by Senators  
27. Cherry, Dougherty, an' Hynes a bill for an act to amend s...section  
28. 7-13 an to add aection 7-18.1 to the Public Junior College Act.  
29. Senate Bill No. 1502...1501 introduced by Senators Mitchler,  
30. Collins, Latherow, an' et al a bill for an act to amend section  
31. 12 of the Rabies Control Act. Senate Bill No. 1502 introduced  
32. by Senator Mitchler bill for an act to amend section 28-4 of  
33. the Election Code. Senate

1. Bill No. 140...ah...1503 introduced by Senator Mitchler bill  
2. for an act to amend section 13 of the County Executive Act.  
3. Senate Bill No. 1504 introduced by Senators Ozinga an' Horsley  
4. a bill for an act to amend section 10-22.2 of the School Code.  
5. Senate Bill No. 1505 introduced by Senators Arrington an' Laughlin  
6. a bill for an act to amend various sections in the Uniform Commercial  
7. Code. Senate Bill No. 1506 introduced by Senator Sours is a  
8. bill for an act to provide for the exclusive exercise by the  
9. state the power to tax cigarettes an' repeal part of an act named  
10. therein. Senate Bill No. 1507 introduced by Senators Newhouse  
11. an' Chew a bill for an act to amend section 4...4a of the Fair  
12. Employment Practices Act. Senate Bill No. 1508 introduced by  
13. Senator Lyons an' Partee is a bill for an act in relation to the  
14. payment of grants to enable the elderly to acquire an' retain  
15. private housing making appropriation in connection therewith.  
16. Senate Bill No. 1509 introduced by Senator Latherow is an act  
17. to add section 6-1 to an to amend sections 3,4,5,6,7, an' 8 of  
18. an act in license an' regulating grain dealers engaged in the  
19. bign... business of purchasing grain for the purpose therefore  
20. an' making appropriation in connection therewith. Senate Bill  
21. No. 15010 introduced by Senators Berning an' Weaver is a bill  
22. for an act to add sections 15-114 to the Illinois Vehicle Code.  
23. Senate Bill No. 1511 introduced by Senator Harris is a bill for  
24. an act to create the Illinois Commission on Labor Laws an' to  
25. make appropriation connection therewith. Senate Bill No. 1512  
26. introduced by Senator Harris is a bill for an act to add section  
27. 9.3 an' 9.4 to an act in relation to airport authorities. Senate  
28. Bill No. 1513 introduced by Senator John a bill for an act in  
29. relation to a nofault vehicle insurance. Senate Bill No...Senate  
30. Bill No. 1514 introduced by Senator Carpentier a bill for an  
31. act in relation to armed violence.

32. PRESIDENTS:

33. Resolutions.

1. SECRETARY:

2. Senate Resolution No. 302 introduced by Senator McBroom,  
3. it's a death resolution.

4. PRESIDENT:

5. Senator McBroom.

6. SENATOR McBROOM:

7. Well I'm not...Yes, Mr. President, it's a death resolution  
8. relating to our...the chairman of the Board of Supervisors in  
9. Kankakee County. I would appreciate all members of the Senate  
10. joining the resolution an' I would move for suspension of the  
11. rules an' immediate adoption of the resolution.

12. PRESIDENT:

13. All members will be shown as co-sponsors. All in favor  
14. of the adoption of the resolution indicate by saying aye. Contrary  
15. minded. Resolution is adopted.

16. SECRETARY:

17. Senate Resolution No. 30...303 introduced by Senator Kosinski  
18. an' it's a congratulatory resolution.

19. PRESIDENT:

20. Senator Kosinski. Senator Kosinski. Sen...Senator Kosin...  
21. Ju...Ju...Just a moment Senator we...we're not on yet here.

22. SENATOR KOSINSKI.

23. Mr. President and Senators, I'd like to have...ah...all  
24. the Senators join me in this resolution. It's a congratulatory  
25. one...ah...congratulating...ah...Gordon Tech. High School for  
26. winning the Chicago...ah...basketball...ah... championship.

27. PRESIDENT:

28. All Senators will be shown as co-sponsors. All in favor  
29. of the adoption of the resolution indicate by saying aye. Contrary  
30. minded. The resolution is adopted.

31. SECRETARY:

32. Senate Joint Resolution No. 66 an' it's...ah...constitutional...  
33. it has to go to executive...

1. PRESIDENT:

2. Executive Committee. Is there further...

3. SECRETARY:

4. Senate...Senate...

5. PRESIDENT:

6. excuse me.

7. SECRETARY:

8. Senate Joint Resolution No. 67 an' it'll have to go to executive,  
9. it's a constitutional change. Senate Joint Resolution No. 68  
10. introduced by Senator Car...ah...Carpentier an' Sours an' it's  
11. constitutional change.

12. PRESIDENT:

13. Ex...Executive Committee. Is there further business to  
14. come before the Senate? Senator Donnewald.

15. SENATOR DONNEWALD:

16. Mr...Mr. President...ah...might remind the members of the  
17. Body that...ah...come tomorrow all bills that will be filed...ah...  
18. must go to the Rules Committee.

19. PRESIDENT:

20. The...s...Senator Donnewald an' Senator Partee an' Senator  
21. Clarke, a couple of members have come to the Chair an' said they  
22. have some bills that are no...not quite ready yet if they file  
23. them with the secretary's office...ah...alright...a...a...by  
24. five o'clock or something like that is that satisfactory? By  
25. five today, is that...all right. Senator Hynes.

26. SENATOR HYNES:

27. Mr. President an' members of the Senate on a point of personal  
28. privilege I would like to introduce Bob and Shirley McSweeny  
29. an' their family who are down here from Chicago. They're in the  
30. back of the chamber over here.

31. PRESIDENT:

32. Senator Walker.

33. SENATOR WALKER:

1. Ah...thank you, Mr. President, I understand that series of  
2. bills that I was...ah...I'm introducing to the Illinois Municipal  
3. League are on ther way down from my office at the present time  
4. so if I...

5. PRESIDENT:

6. If they get to the secretary's office by five o'clock you're  
7. in...

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.

1. good shape.

2. SENATOR WALKER:

3. Fine...Thank you.

4. PRESIDENT:

5. Are there further announcements? Senator Partee moves to  
6. adjourn until 11 o'clock tomorrow morning. All in favor signify  
7. by saying aye. Contrary minded. Senate stands adjourned.

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.