

80TH GENERAL ASSEMBLY

REGULAR SESSION

JANUARY 11, 1978

1. PRESIDENT:

2. The hour of twelve o'clock having arrived, the Regular
3. Session of the General Assembly will please come to order.
4. The prayer will be by Monsignor John J. McGrath of St. Agnes
5. Church in Springfield. Will our guests in the Galleries
6. please rise.

7. MONSIGNOR McGRATH:

8. (Prayer by Monsignor McGrath)

9. PRESIDENT:

10. We have a request for still photographs to be taken.
11. Is leave granted? Leave is granted. Reading of the Journal.

12. SECRETARY:

13. November the...November the 16th, 1977, Thursday, November
14. the 17th, 1977, Tuesday, November the 22nd, 1977, and Wednesday,
15. November the 23rd, 1977.

16. PRESIDENT:

17. Senator Johns.

18. SENATOR JOHNS:

19. Thank you, Mr. President. I move that the Journals just
20. read by the Secretary be approved unless some Senator has
21. additions or corrections to offer.

22. PRESIDENT:

23. You've heard the motion by Senator Johns. Is there any
24. discussion? If not, all those in favor signify by saying Aye.
25. Opposed. The Ayes have it. So ordered. For what purpose does
26. Senator Rhoads arise?

27. SENATOR RHOADS:

28. On a point of personal privilege.

29. PRESIDENT:

30. State your point, Senator.

31. SENATOR RHOADS:

32. Mr. President and members of the Senate. I'd like to
33. introduce a former member of the Illinois House and a twenty

1. year veteran of the United States Congress from the 4th
2. Congressional District, my Congressman, Congressman Ed Derwinski.
3. PRESIDENT:
4. Congressman Derwinski, please rise. For purpose does
5. Senator Johns arise?
6. SENATOR JOHNS:
7. Mr. President, I'd like to announce, as Chairman of the
8. Democratic Caucus, a caucus will be held immediately in Room
9. 212 for about one-half hour.
10. PRESIDENT:
11. Is Senator Graham on the Floor?
12. SENATOR JOHNS:
13. He is.
14. PRESIDENT:
15. Senator Shapiro. There's been...an announcement of the
16. Democratic caucus...
17. SENATOR SHAPIRO:
18. Yeah. There will be a Republican caucus in Room 400
19. immediately.
20. PRESIDENT:
21. The Senate will stand in recess for a Democrat and
22. Republican caucuses.
23. ACTING SECRETARY: (MR. FERNANDES)
24. Senators caucus...Republican caucus in Room 400 immediately.
25. Democratic caucus in Room 212 immediately. Please, Senators.
26. (Recess)
27. (After Recess)
28. PRESIDENT:
29. The Senate will please come to order. Resolutions.
30. SECRETARY:
31. Senate Joint Resolution 63 offered by Senator Rock.
32. (Secretary reads S.J.R. No. 63)
33. PRESIDENT:
34. Senator Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President. This is the Adjournment
3. Resolution, which calls for us to return to Springfield
4. on March 1st. I would move for the suspension of the Rules
5. and the immediate consideration and adoption of this
6. Adjournment Resolution.

7. PRESIDENT:

8. You've heard the motion by Senator Rock. Is there any
9. discussion? If not, Senator Rock has moved to suspend the
10. Rules. All those in favor of the motion signify by saying
11. Aye. Opposed. The Ayes have it. The Rules are suspended.
12. All those in favor of the adoption of the Amendment
13. Resolution signify by saying Aye. Opposed. The Ayes have it.
14. The resolution is adopted. Resolutions.

15. SECRETARY:

16. Senate...Senate Resolution 277 offered by Senators...
17. Senator Soper and all members. It's congratulatory.

18. PRESIDENT:

19. Senator Soper.

20. SENATOR SOPER:

21. Thank you, Mr. President. I move to suspend the Rules
22. for the immediate...

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. ...heard the motion...

25. SENATOR SOPER:

26. ...adoption of this...resolution.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. You've heard the motion. Those in favor indicate by
29. saying Aye. Those opposed Nay. The Ayes have it. The Rules
30. are suspended. Now Senator Soper now moves to...for the
31. adoption of the resolution. All those in favor indicate
32. by saying Aye. Those opposed Nay. The resolution is adopted.

33. SECRETARY:

1. Senate...Senate Resolution 278 offered by Senator
2. Mitchler and it's congratulatory.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Mitchler moves that the Rules be suspended for
5. the purpose of immediate consideration. Those in favor
6. indicate by saying Aye. Those opposed. The Ayes have it.
7. The Rules are suspended. Senator Mitchler now moves for the
8. adoption of the resolution. Those in favor indicate by saying
9. Aye. Those opposed Nay. The Ayes have it. The resolution is
10. adopted.

11. SECRETARY:

12. Senate Resolution 279 offered by Senators Demuzio, Daley,
13. Bruce, Donnewald and others.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Executive. Senator Hynes.

16. SENATOR HYNES:

17. Mr. President. I have filed a Motion in Writing with the
18. Secretary and with leave of the Body I would ask that we go to
19. that order of business...

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Do we have leave? Leave is granted.

22. SENATOR HYNES:

23. With respect to House Bill 2271. The Secretary would
24. read the motion. Excuse me, Mr. President, before we do that
25. ...that bill is sponsored by Senator Roe and I've discussed
26. it with Senator Roe and it is the bill that we intend to use
27. as the vehicle to resolve the State Board of Elections question
28. and I would ask leave of this Body with the consent of Senator
29. Roe to have myself and Senator Shapiro shown as joint Senate
30. sponsors of that bill in place of Senator Roe.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Do we have leave? Leave is granted.

33. SENATOR HYNES:

1. ...then I would ask that the motion be read.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. The Secretary will read the motion.

4. SENATOR HYNES:

5. ...right.

6. SECRETARY:

7. Motion in Writing. I move that Senate Committee on
8. Elections and Reapportionment be discharged from further
9. consideration of House Bill 2271 and that the bill be placed
10. on the Senate Calendar on the Order of Consideration Postponed.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Hynes.

13. SENATOR HYNES:

14. If I am...am correct, I believe the Secretary read
15. Senator Roe's motion. I asked that my motion be read and
16. I would ask that that motion...that motion be withdrawn.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. The motion is to withdraw the motion just read by the
19. Secretary. Do we have leave? Leave is granted. The motion
20. is withdrawn. The Secretary will now...read the motion
21. presented by Senator Hynes and Shapiro.

22. SECRETARY:

23. I move to discharge the Committee on Elections from
24. further consideration of House Bill 2271 and that it be
25. placed on the Calendar on Order of 3rd Reading. Signed,
26. Senator Hynes.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Hynes.

29. SENATOR HYNES:

30. I would so move, Mr. President.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. You've heard the motion. Those in favor indicate by
33. saying Aye. Those opposed Nay. The Ayes have it. The motion

1. carries.

2. SENATOR HYNES:

3. I now ask leave to have House Bill 2271...brought back
4. to the Order of 2nd Reading for the purpose of offering an
5. amendment.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Do we have leave? Leave is granted. The bill is now
8. on...the Order of 2nd Reading. Senator Rhoads, for what
9. purpose do you arise?

10. SENATOR RHOADS:

11. Mr. President, I move to Table...Senate Amendment No. 1,
12. which was my amendment.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Heard the motion. The first motion would be to reconsider
15. the vote by which Amendment No. 1 was adopted. Those in favor
16. indicate by saying Aye. Those...

17. SENATOR RHOADS:

18. Wait.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. ...opposed. Just a moment. Senator Hynes.

21. SENATOR HYNES:

22. I...I don't know that we need Senator Rhoads' motion since
23. the...the amendment that I intend to offer would strike every-
24. thing after the enacting clause. It would take the bill...as
25. it's amended so...

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. I think that would be the better procedure. Withdraw the
28. motion. Amendment No. 2, Senator Hynes.

29. SENATOR HYNES:

30. Mr. President and members of the Senate. Amendment No. 2
31. which has been distributed to the membership and which has been
32. explained in...at...at some length would, in effect, strike
33. everything after the enacting clause and substitute an entirely

1. new proposal and this is the compromise agreement that was
2. reached with respect to the State Board of Elections. To
3. outline briefly the essential provisions: One, the Governor
4. will make all appointments to an eight member board. The
5. Governor will appoint four members of his own choosing from
6. his own party and he will appoint four members of the opposite
7. political party from a list submitted by the highest ranking
8. constitutional officer of that party. Four board members will
9. be appointed from Cook County. Four from downstate Illinois.
10. The Governor will appoint members from the opposite party
11. list and three names will be submitted for each vacancy that
12. has to be filled, so that in the case of the selection of the
13. initial board members a list of twelve names will be submitted
14. to the Governor. The Governor, if he feels he cannot choose
15. from the list that is submitted, has the option to reject the
16. list in toto or in part and to request an additional list. If
17. the Governor does not act on the list of names submitted by the
18. opposite party within the thirty days required, the nominator
19. can make the appointments. With respect to the initial board
20. it will take effect on July 1st and begin business so that the
21. existing State Board of Elections, the extended has been allowed
22. to operate by the Supreme Court would continue to operate the
23. election machinery until July 1st. This, it was felt, was essential
24. in order to have an orderly primary in March. None of the new
25. members will take their seats until all have been confirmed by the
26. Senate. So all eight must be confirmed before any member will
27. take his seat. We've also provided that in the event there is
28. no constitutional officer of the opposite party, the Governor
29. will make all of the appointments, but the confirmation require-
30. ment will be increased. The ordinary confirmation requirement
31. is three-fifths of the Senate. In the event the Governor makes
32. all eight appointments that will be increased to two-thirds of
33. the Senate. A salary has been provided. A twenty-five thousand

1. dollars for the chairman. Twenty thousand for the vice-chairman
2. and fifteen thousand for each member and members will be prohibited
3. from holding either governmental or political elective offices.
4. The employees, as was the case with House Bill 26, will be subject
5. to the Personnel Code and the bill will, as I said will become
6. effective July 1st. The new board will become effective...the
7. bill itself will become effective immediately so that we can
8. begin promptly the confirmation process. And I would move the
9. adoption of the amendment, Mr. President.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there further discussion? Senator Graham.

12. SENATOR GRAHAM:

13. Mr. President and members of the Senate. The President
14. of the Senate, of course, in his usual manner articulated
15. perfectly the content of this amendment. Now this did not
16. come about by accident. This did not come about by accident.
17. We started attempting to create a State Board of Elections...

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Just a moment, Senator.

20. SENATOR GRAHAM:

21. ...one year ago today in my office, the first time we
22. talked about it. And the ultimate solution that was arrived
23. at last Friday by the leadership of both Houses and the Governor
24. indicated that there was a change or shift in positions of the
25. two factions on many, many occasions. The leadership on the
26. other side of the aisle made their share of concessions and we
27. on this side of the aisle, in support of the Governor, made our
28. share of concessions. I am happy to suggest to all of us that
29. we get about the business of moving this over to the House and
30. to indicate to those in the media that might be interested that
31. this is one time of the many times in my tenure of service down
32. here that the art of compromise really worked. I compliment
33. those who worked so hard on this thing. I compliment those who

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1. made the concessions and I join with the President of the Senate
2. in urging the immediate adoption of this amendment.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? Senator Hynes, you may close
5. the debate.

6. SENATOR HYNES:

7. Mr. President, I...I believe that the amendment has been
8. carefully described and I would just move its adoption.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Question is, shall Amendment No. 2 to House Bill 2271 be
11. adopted? Those in favor indicate by saying Aye. Those opposed.
12. The Ayes have it. Amendment No. 2 is adopted. Are there further
13. amendments?

14. SECRETARY:

15. No further amendments.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. 3rd reading. Motion's.

18. SECRETARY:

19. Motion in Writing. I move to amend Temporary Rule...
20. Temporary Senate Rule 5 by deleting the following: In even-
21. numbered years all bills shall be referred to the Rules Committee
22. except those that implement the State Budget or are introduced by
23. standing committees and inserting in lieu thereof the following:
24. In even-numbered years all bills introduced in the Senate during
25. the Regular Session shall be numbered by the Secretary of the
26. Senate and shall be referred to the Rules Committee. All bills
27. reviewed...received by the Senate after passage by the House
28. in their Regular Session shall be referred to the Rules Committee.
29. The Rules Committee shall order to be printed and read a first
30. time appropriation bills, administration bills and bills deemed
31. by the Rules Committee to be of an emergency nature or to be of
32. substantial importance to the operation of the Government. The
33. following schedule and timetable shall be applicable to all bills.

1. April the 1st all Appropriation bills implementing the budget
2. presented to the General Assembly by the Governor shall either
3. be introduced in the General Assembly or submitted to the Senate
4. leadership. Reference to Chapter 127-149.4...1975. April
5. the 14th, final day for introduction of all bills in the Senate.
6. May the 4th, final day for standing committees in the Senate to
7. report all Senate bills except Appropriation bills and to report
8. all House bills received in the Senate prior to January the 1st,
9. 1978. May the 16, final day for standing committees of the
10. Senate to report all Senate Appropriation bills. May the 26th,
11. final day for 3rd reading of all Senate bills. June the 14th,
12. final day for standing committees of the Senate to report all
13. House bills except Appropriation bills. June the 23rd, final
14. day for standing committees of the Senate to report all House
15. Appropriation bills. June the...27th, final day for 3rd reading
16. of House bills. Signed, Senator Thomas Hynes.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Hynes.

19. SENATOR HYNES:

20. Mr. President and members of the Senate. This motion would
21. amend our Senate Rule 5 and provide first, a schedule for the
22. balance of the Session and secondly, a limitation on the bills
23. that can be considered in this Session. With respect to the
24. schedule and I believe this schedule has been worked out carefully
25. with cooperation of leadership on both sides of the aisle in an
26. effort to expedite the flow business in this Body. I think it is
27. imperative that we do everything possible to stick to it and not,
28. at any time, to deviate from it. There are certain key deadlines
29. including April 14th, which will be the final day for introductions
30. ...introduction of bills in the Senate and May 26th, which will be
31. the final day for 3rd reading of all Senate bills. Those dead-
32. lines, above all, should be inalterable and I believe if we
33. stick to those we will be able to finish up our business. With

1. respect to the workload all bills introduced in the Senate
2. or passed by the House and sent to the Senate will go to
3. the Rules Committee for consideration under the standards
4. set forth in the...in the Rule. And I would move the
5. adoption of this additional amendment to our Rules.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Is there further discussion? Question is, shall the
8. ...the motion to adopt the amendment to Rule 5 be adopted?
9. Those in favor indicate by saying Aye. Those opposed Nay.
10. Just a moment. Senator Nimrod, for what purpose do you arise?

11. SENATOR NIMROD:

12. Just to...question of...information. I know these dates
13. are on there and I assume that they apply to 1978. But this
14. is going into our Rule and these dates will be there and I don't
15. know if there's any 1978 year on these. Now if it was the
16. intent for that maybe it should be on there. If it was not,
17. then that's something else. But there's no date...there's
18. no year on this and this...these dates then would apply in
19. every succeeding year and I think it cause some confusion in
20. the future on that.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Hynes.

23. SENATOR HYNES:

24. Senator Nimrod, I think if...if you read this in connection
25. with the entire Rule, which it will become a part of, it will
26. be clear that it...it applies to even-numbered years.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Nimrod.

29. SENATOR NIMROD:

30. The only point I...I make, Senator Hynes, is...is that
31. this applies to 714 and so forth, which were probably are set
32. for specific dates, I assume, for now. And...and even-numbered
33. years those dates might end up being a Sunday or something else

1. other than what we intended here. That's the only question I
2. have.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Hynes.

5. SENATOR HYNES:

6. Well, except that we have to adopt new Rules with each
7. Session of the General Assembly and they would have to be
8. changed accordingly.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Is there further discussion? Question is, shall Amendment
11. ...shall the amendment to Rule 5 be adopted? Those in favor
12. indicate by saying Aye. Those opposed Nay. The Ayes have it.
13. The Rule is adopted. The amendment to the Rule is adopted.

14. Introduction of bills. Senator Hynes.

15. SENATOR HYNES:

16. Mr. President, while we are on that topic there is also
17. a House Joint...or a Senate Joint Resolution on the Secretary's
18. Desk which...relates to the same subject matter. And I wonder
19. if...if we could adopt that so that it also can be sent over
20. to the House before we go to the introduction of bills.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. We'll...we'll return to the Order of Motions. Resolutions.
23. Senator Hynes, that Senate Joint Resolution concerning the
24. Joint Rules is number...Resolution.

25. SECRETARY:

26. Senate Joint Resolution No. 65...offered by Senator
27. Hynes.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Will the members please be in their seats. Senator Hynes.

30. SENATOR HYNES:

31. Mr. President...Mr. President and members of the Senate.
32. This Joint Resolution would establish a joint Rule between House
33. and Senate to implement the deadlines that we have just adopted

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1. in the Senate. And I would move for the adoption of the
2. resolution.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Heard the motion. Those in favor indicate by saying Aye.
5. Those opposed. The Ayes have it. The resolution is adopted.
6. House Bills, 3rd reading.

7. SECRETARY:

8. House Bill 21...or 2271.

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Grotberg, for what purpose...Senator Hynes.

13. SENATOR HYNES:

14. Mr. President and members of the Senate. This is the
15. State Board of Elections bill. The amendment which we have
16. adopted has superceded all previous amendments and is, in fact,
17. the bill. It has been explained. I believe that the member-
18. ship of this Body is overwhelmingly in support of it and I would
19. ask for a favorable roll call.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is...is there further discussion? Question is, shall
22. House Bill 2271 pass? Those in favor vote Aye. Just a moment.
23. Senator Knuppel, for what purpose do you arise?

24. SENATOR KNUPPEL:

25. Of course the Board of Elections in the Constitutional
26. Convention passed as a joke. It's still a joke. This
27. particular amendment is a way out of a tough proposition.
28. The Legislature appears...to be between a rock and a hard place
29. with the Supreme Court. As far as I'm concerned, I'd say hell
30. let the Supreme Court run it. Now they...they're between a
31. rock and a hard place, too. They've extended time and they've
32. extended it time after time. Now they've got to take this
33. cripple and they've got to accept it and they don't have guts

1. enough to hold it unconstitutional and bad. So they're stuck
2. with it. Everybody's stuck with it. It's a bad bill. Now
3. if you can...if...if you can compromise the Governor's right
4. to appoint by saying whom he will appoint, it...it's the same
5. difference because if...if larceny is larceny if you steal
6. a hundred dollars, it's larceny if you steal a dollar. So they
7. have compromised the Governor's power to appoint in this bill.
8. It's still just as unconstitutional as any of the other bills.
9. It does nothing with respect to providing a method of tiebreaking
10. but it's a way to get us out of the soup and to put the mess
11. over on the Supreme Court's lap and they're going to grab it
12. and lap it up because they got stuck with a bad opinion before.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Is there further discussion? Question is, shall House
15. Bill 2271 pass? Those in favor vote Aye. Those opposed Nay.
16. The voting is open. They're being...the keys are being replaced
17. as I understand. All right. We all set. Have all those voted
18. who wish? Take the record. On that question, the Ayes are 51,
19. the...the Nays are 4. House Bill 2271 having received the
20. constitutional majority is declared passed. Senator Grotberg,
21. for what purpose do you arise?

22. SENATOR GROTEBERG:

23. On a point of personal privilege.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. State your point.

26. SENATOR GROTEBERG:

27. I'd like to ask leave of the Body to let the record show
28. that had I been here when House Bill 2435 was passed out of
29. the Senate on November 23rd, as a cosponsor of that bill with
30. Senator Vadalabene I most surely would have voted Aye on it
31. and I apologize to my cosponsor for having been off the Floor
32. when you were on a oral roll call at that time and I...there was
33. no way my seatmate could help me. Thank you very much.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. The record will so indicate. All right. On that question,
3. the Ayes were 51, the Nays were 4. None Voting Present. House
4. Bill 2271 as amended having received the constitutional majority
5. is declared passed. Motions in Writing.

6. SECRETARY:

7. Motion in Writing. I move to discharge the Committee
8. on Rules from further consideration of House Bill 2506 and
9. that the bill be placed on the Order of 2nd Reading. Signed,
10. Senator Kosinski.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Kosinski.

13. SENATOR KOSINSKI:

14. Mr. President and members of the Senate.. Senate Bill
15. 2506...House Bill 2506 is the limited licensed physicians
16. of Illinois Department for Mental Health have requested and
17. are for its consideration in reviewing this current situation.
18. We have a serious problem at the Department of Mental Health
19. as to getting these hospitals equipped with qualified physicians.
20. At the present time Doctor DeVito has...he and his task force
21. have yet to come up with a sole, solid program of guarantee
22. that these hospitals will be fully, fully manned for the patients
23. that we have at these district hospitals. I feel that we...we
24. have an opportunity here to make sure, make sure that these
25. hospitals will be manned by qualified doctors. The doctors
26. that are there, a hundred and eighteen at total, would be
27. dismissed as of March 1st which is the deadline that was
28. created by the Legislature as far as the temporary licenses.
29. I...I think that this date is short, does not give enough time
30. to find qualified doctors to equip the hospitals. So I ask
31. you, my fellow colleagues, to make sure that our hospitals,
32. our mental hospitals will be fully equipped and fully, fully
33. manned as to the care our patients will have at these district

1. hospitals. I shall now, Mr. President, move that House Bill...
2. House Bill 2506 be taken from committee and placed and read
3. for the second time.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Is there any discussion? Senator Schaffer.

6. SENATOR SCHAFFER:

7. Mr. President, it's obvious that this...this bill is
8. going to need an extensive hearing. I assume that we're
9. going to get it into Public Health for a hearing.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. That...that is a question, I take it.Senator Kosinski.

12. SENATOR KOSINSKI:

13. Yes, I have talked to the Chairman of the Welfare and
14. Public Health and he has agreed to have a committee meeting
15. on February 8th in Chicago if we get this bill on...

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Schaffer.

18. SENATOR SCHAFFER:

19. Mr. President, in fact, has this bill been read a first
20. time and on what date?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. The Secretary informs me the bill has not yet been read
23. a first time. It...it would, in fact, be read a first time
24. if the motion is successful. Senator Schaffer.

25. SENATOR SCHAFFER:

26. Is it possible to have 1st and 2nd reading today?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. It is not.

29. SENATOR SCHAFFER:

30. Thank you.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Further discussion? Senator Lemke.

33. SENATOR LEMKE:

1. I rise in support of Senator Kosinski's motion. On
2. behalf of this bill. Just keep an available vehicle alive that
3. we can possibly assist the Mental Health facilities in this
4. State. It's my understanding in current reports that Doctor
5. DeVito has only found, I think, forty, maybe forty some re-
6. placements in here. There's going to be a hundred and ten
7. limited licensed physicians eliminated. If we don't have
8. limited licensed physicians then the only...the only type
9. of people that are going to be taking care of our Mental
10. Health patients in these facilities are practical nurses.
11. I'd rather have a man or a woman that has medical background
12. and is unable to pass their written test in this State take
13. care of these patients then to have practical nurses. I'm
14. sure that there's adequate time if this bill needs to be
15. passed...to be passed, but I think the first step should be
16. made to support this motion, to take it from Rules and have
17. it read for the first time and get it into order so that if
18. we do need a...some emergency measure in this field we do
19. have a bill that's appropriate and ready to go and we can
20. send back to the House in amended form and it will be all
21. necessary and our Mental Health will not go without, at
22. least, a limited physician. So I ask support of this motion.
23. PRESIDING OFFICER: (SENATOR ROCK)

24. Further discussion? Senator Ozinga.
25. SENATOR OZINGA:

26. Mr. President, members of the Senate. I rise in support
27. of this motion. This will follow the procedure as has been
28. established by the new Rule that we have just adopted to the
29. Rules where this can be classified as an emergency matter.
30. I do this specifically because this will open the door for
31. an extension of time, I realize. But this House Bill establishes
32. a new way of recognizing the possibility of qualifying these
33. doctors. Now true, it will not have happened by March 1st, but

1. by taking this from the Rules Committee, assigning it to
2. a committee that committee can then start hearings, at least
3. and will show good faith on our part so that we, when we come
4. back on March 1st will be able to take up this matter, get it
5. on 2nd reading so that it will give us a reasonable reason
6. for extending that time to a reasonable length of time for
7. a hearing for these doctors. Therefore, I would rise in
8. support of this motion at this time.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. All right. A number of members have indicated they
11. wish to be heard. Will the members please be in their seats.
12. Further discussion? Senator Rhoads.

13. SENATOR RHOADS:

14. Senator Kosinski, as House Bill 2506 came over from the
15. House, it has a July 1, 1978 effective date. Is this...and
16. Senator Lemke had mentioned vehicles, is this the only
17. vehicle now that deals with...with this subject matter? Do
18. you know?

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Kosinski.

21. SENATOR KOSINSKI:

22. As far as I know, Senator.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Further discussion? Senator Kenneth Hall.

25. SENATOR KENNETH HALL:

26. Thank you, Mr. President and Ladies and Gentlemen of the
27. Senate. I just wanted to say that the chairman of the...
28. Senator Smith has agreed to have a hearing on this in answer
29. to your question, Senator Schaffer. So this is really a
30. needed cause and I would urge everybody to support this.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Hynes.

33. SENATOR HYNES:

1. Mr. President and members of the Senate. Since the
2. bill somehow has been sent to Rules without having been read
3. a first time, it is necessary that...that 1st reading occur
4. and I think, therefore, that Senator Kosinski's motion ought
5. to be amended on its face to be a motion to discharge the
6. Rules Committee, have the bill read a first time and then
7. refer it to the Committee on Public Health, Welfare and
8. Corrections, which I think is what Senator Ozinga was indicating.
9. And with Senator Kosinski's concurrence and leave of the
10. Body I would ask that...that such an...the motion be amended
11. on its face and that we have a vote if necessary on...on the
12. Motion to Discharge.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. You've heard the request. Is leave granted? So ordered.
15. Further discussion? Senator Schaffer.

16. SENATOR SCHAFFER:

17. Just a procedural question. If we and I...I, as amended,
18. I think the motion is in order and I certainly support it
19. because I think we need a hearing on this and the...the committee
20. mentioned is the appropriate one. But procedurally that would
21. mean that when we come back on March 1st we would read it a
22. second time. When we come back on April 5th we would take
23. final action on it. In the meantime we leave the Department
24. of Public...Mental Health in a rather, peculiar position.
25. They are...if they are forced to let go any of these doctors
26. because of our previous legislative action they...are required,
27. I believe, thirty days prior to March 1st to give notice. Now
28. the question, I guess, is what does the department do. These
29. doctors are going to be illegal March 1 and yet we won't be
30. able to take final action on this bill until April 5th and
31. the department should be given some guidance. It occurs to
32. me that unless the leadership is prepared to change the Senate
33. schedule and include a second day in March, which I don't

1. think anybody is too enthusiastic about that we cannot
2. effectively act on this bill until April and that the
3. department should be given some guidance on what to do
4. with, at least, those limited licensed physicians that won't
5. be placed in the department in other positions. And I think
6. we do owe the department some guidance, Mr. President, and I
7. would be interested in your response.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Hynes.

10. SENATOR HYNES:

11. Well, Senator Schaffer, I think you are correct in-
12.sofar as the date of...of March 1st is concerned. That by
13. that time the department ought to have guidance if there's
14. going to be a change, but as it presently stands March 1st
15. is the deadline. It appears that it will not be changed by
16. this Legislature prior to March 1st so the department, it
17. would seem to me, would be going ahead with its plan. If
18. during the hearing that will be held on this bill, an
19. alternative program is developed, I think at that time it
20. would be possible to sit down and...and work out some kind
21. of an arrangement that would avoid any of the departments
22. problems. So I think that allowing this motion to go forward
23. will, if anything, help the department. There will be a
24. hearing and if it's determined in the committee that the
25. existing law that stands, sobeit. If it's determined there
26. ought to be a change then the department may be able to
27. administratively accomodate itself to...to that change
28. even before we pass the legislation.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Any further discussion? Senator Berning.

31. SENATOR BERNING:

32. Thank you, Mr. President. It appears to me from what
33. information I've gathered from unofficial sources within

1. the department, that rather than us giving the department
2. guidance, the department has already given us guidance and
3. they are not at all interested in any extension of time for
4. these temporary medical personnel. Now it may be that
5. some useful information will generate from a committee
6. hearing, but I sincerely doubt it and I suggest that this
7. is really an exercise in futility and may rather than help
8. the department embarrass the department. If the bill is
9. necessary, it's already too late and we had better just let
10. it die now.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Further discussion? Senator Nimrod.

13. SENATOR NIMROD:

14. Yes, Mr. President, I might just ask that when these
15. hearings are held since they are a number of us who will not
16. be in contact and will be away can we ask that Senator Smith
17. write all the Senators and make us all aware of this because there are
18. several interested groups that would like to be aware of that
19. meeting when it takes place.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Kosinski has indicated that as the sponsor, he
22. will assume that responsibility to make sure everyone is
23. notified. Any further discussion? All right. The question
24. is, Senator Kosinski's amended motion to discharge the Committee
25. on Rules from further consideration of House Bill 2506 and that
26. the bill be read a first time and assigned to the Committee on
27. Public Health. All those in favor signify by saying Aye. All
28. those opposed. The Ayes have it. The motion carries. House
29. Bills, 1st reading.

30. SECRETARY:

31. House Bill 2506.

32. (Secretary reads title of bill)

33. 1st reading of the bill.

HB 2118
1/11/78

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Committee on Public Health. Senator Leonard, are you
3. ready? We are on the Order of Motions in Writing. The
4. Secretary has informed the Chair that there is a Motion
5. in Writing filed by Senator Leonard. Read the motion,
6. Mr. Secretary.

7. SECRETARY:

8. I move to discharge the Committee on...Agriculture from
9. further consideration of House Bill 2118 and the bill be
10. placed on the Calendar on the Order of 2nd Reading. Dated
11. January the 11th, 1978. Signed, Senator Leonard.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Will the members please be in their seats and will those
14. not entitled to the Floor please vacate. Senator Leonard.

15. SENATOR LEONARD:

16. Mr. Chairman, I am asking that the bill be moved to 2nd
17. reading, which would qualify the State of Illinois for the
18. fourth year of Federal funding for these projects. This is
19. the Coastal Zone Management Bill. I think people ought to
20. know that it is not a new bill. It was created by the Federal
21. Government in '72. We have been receiving funds and participating
22. in the program for three years. The idea is for Illinois and
23. other coastal states to take care of their shoreline and the
24. Federal Government aids with certain monies. If the Legislature
25. does not show interest in initiating such a program the funds
26. stop. What we're dealing with, as I said, is four hundred and
27. seventy-five thousand and I would like the Assembly to simply
28. understand what is involved. Moving it to 2nd reading will
29. show sufficient progress. I will leave it there until this
30. Body agrees that the bill is what it is supposed to be.
31. Understand some of the things involved. We presently receive
32. money for and will receive money for fisheries. Let me go
33. through a list of some of the funds that will not come if this

1. doesn't move to 2nd reading. There's seventy thousand dollars
2. for National Area Restoration. There is a thirty-one thousand
3. dollar Lake Trout assessment. Bluff Re-Vegetation, some
4. thirty-two thousand dollars. Shoreline Protection, we re-
5. ceive ninety thousand a year. The Chicago Lake Front will
6. receive a hundred and sixteen thousand for design. The
7. Port Terminal site, a bill that went through here last year
8. will receive another fifty thousand for planning. Waukegan
9. will receive twenty thousand for lake front planning. There's
10. another thirty thousand appropriated for Lakeshore Safety
11. Programs. Evanston is requesting recreation studies in the
12. tune of twenty thousand dollars. Highland Park has a harbor
13. study for twenty-six thousand. These are some of the funds
14. that the State of Illinois will not receive if this bill
15. does not move simply to 2nd reading and I am asking passage
16. of.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. All right. Senator Leonard has moved to discharge the
19. Senate Committee on Agriculture from further consideration
20. of House Bill 2118. Is there any discussion? Senator
21. Mitchler.

22. SENATOR MITCHLER:

23. Thank you, Mr. President. Mr. President and members of
24. the Senate. House Bill 2118 received considerable debate
25. Committee hearing in the House. And when it came over to the
26. Senate it was assigned to the Senate Agriculture, Conservation,
27. Energy Committee. Senator Knuppel was...is Chairman of that
28. committee and as I have said on the Floor and in committee
29. before, I think that the Senator and Chairman gave that bill
30. a full committee hearing. Even to the point of putting it
31. into subcommittees and the committee as a whole went into the
32. field and we had hearings in the Costal Zone Area. Now just
33. to talk about that you have to discharge this committee and

1. get it out...this bill out of committee in order to meet and
2. satisfy the Federal Government so that they will give Federal
3. funding for all of these lists of programs. This is really
4. not explaining the bill. The bill has many, many problems.
5. The bill is to be amended in many, many ways. Now I want you
6. to know that the Department of Transportation, Division of
7. Water Resources, seems to think that they want to move this
8. along...to convince the Federal Government that they're doing
9. something in the right direction. Well now let's be truthful
10. with ourselves and the Federal Government with the Department
11. of Transportation. We're only kidding ourselves and when
12. this bill was heard in committee last the vote indicated that
13. the bill should remain in committee by the members of that
14. committee and that was the agreement that was made. We did
15. not move to defeat the bill, but by leaving it in committee
16. and keeping it alive satisfies the Federal Government to give
17. these funds if the Department of Transportation and the
18. Division of Water Resources request them. But as I left that
19. committee hearing I was told by the individual who's
20. instrumental in pushing this bill, he says, "well, if that's
21. the way the committee is going to act I'm not even going to
22. bother to request the funds from the Federal Government."
23. And I turned to him and I says, "if you don't do that then
24. you are the one responsible." Now the department can request
25. these funds. The funds will be provided if they're proper
26. and it has no bearing on whether this bill is discharged from
27. committee today. So these things being presented to you are
28. false. Look at the bill and the bill is held in committee
29. because it's a bad bill in its present form. And it's a
30. ...it's an insult to the committee to have all those hearings
31. and then take it away from them and take away from the
32. privilege of amending it if it can be amended into proper form
33. for passage. You should cast a No vote on this motion to

1. discharge the committee and advance the bill to 2nd reading
2. and take away from the committee this responsibility. The
3. committee has worked hard on that. The committee is not in
4. position yet to discharge the bill from committee and that's
5. where it should remain. It will not, I repeat it will not
6. jeopardize any Federal funding if that money should come in.
7. And I'm not going to argue whether the Federal money should be
8. coming in or should not be coming in and how it's to be used
9. in the department and who's to get the benefit from it and
10. the...bureaucracy that they want to force upon the people.
11. I'm not going to talk about the opposition to the bill or
12. anything on that, but just to the fact that the reason given
13. to discharge the committee is not in its statement entirely
14. true. The Department of Transportation...to get this Federal
15. funding without discharging this bill. Vote it No.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Any further discussion? Senator Knuppel.

18. SENATOR KNUPPEL:

19. Well, I think in large measure about the treatment the
20. bill has received in committee is accurate. The bill came to
21. us late. It's a comprehensive piece of legislation. We've
22. tried every way possible to give both those proponents and
23. opponents an opportunity to be heard. But because it came
24. to us late we're now being dictated to by the Federal
25. Government with respect to available funds to carry on those
26. programs that have been under way for two or three years.
27. I've been told by the sponsor that nothing will be done on
28. this bill on March the 1st and it will be held until April
29. the 5th. I have the staff working on a committee...
30. proposed committee amendment, which would then have to be
31. offered on the Floor as an individual amendment. There are
32. many things, in my opinion, that need to be amended in this
33. bill if we're to remove the objections or most of the objections

1. thereto. Because the Senator who's the sponsor of the bill
2. is on my side of the aisle and I respect him and his word
3. that the bill will be held there and because others have
4. indicated to me although the responses from the Federal
5. Government are not all too clear, you can get two different
6. kinds of responses. One says that the money will be forth-
7. coming if requested, another one says no. But it's quite
8. garbled as to whether or not these Federal funds will be
9. forthcoming. Now if, in fact, this bill is ultimately
10. adopted by this Body and the funds have been cut off as
11. a result of not having advanced the bill, it would be
12. deplorable. It's for this reason that I will vote for the
13. Motion to Discharge the legislation. I, however, cannot
14. vote for this legislation unless it is substantially amended
15. before it's brought to 3rd reading on April the 5th. I
16. suggest to each member of this Body use his own judgment
17. but this is not...this is not the usual procedure with
18. respect to the way bills are handled in this Body. It's not
19. something where a bill has been bottled up in committee. I
20. want to assure you of that. It came to us late after a...
21. a great number of attempted and amendments in the House.
22. We gave it two full hours of hearing in the closing days
23. of the Session when time was at a premium. We've gone to
24. the shore of Lake Michigan and viewed the problems there and
25. then we've had a...a summary or a capsule presentation by
26. both proponents and opponents here at Springfield. So it's
27. not a case of the committee trying to bottle the bill up
28. when somebody moves to discharge it for that reason. The
29. bill has received its fullest attention and still is receiving
30. the fullest attention possible from the committee. And it's
31. only because the ultimate effect of the bill may be impaired
32. if we do not place it on 2nd reading that I would vote for
33. this bill or to take it from committee. I feel that the bill

1. really requires committee action, committee study and ought
2. to...ought to have followed the regular procedures. I don't
3. know how well the legislation will operate if it's going to
4. be dictated from Washington after we pass it if, in fact,
5. we do pass it. But as I say each person will have to...have
6. to let his conscience be his guide. But this is not a case
7. of a committee that's neglected legislation or tried to lock
8. it up.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Any further discussion? Senator Berning.

11. SENATOR BERNING:

12. Thank you, Mr. President. I'd like to direct a question
13. to the sponsor. Did I understand, Senator Leonard, that your
14. statement to the effect that if this bill is discharged and
15. placed on 2nd reading, that we then qualify for Federal funds?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Leonard.

18. SENATOR LEONARD:

19. The Federal funds that I just enumerated, some four
20. hundred and seventy-five thousand dollars worth and there
21. is no question in my mind that we will not receive those
22. Federal funds if we do not move this bill out of committee
23. to 2nd reading. Quite opposite to what Senator Mitchler
24. has said. I think that is sheer mischief to say that the
25. funds are going to be here. My understanding is we don't
26. get these funds if we don't show progress.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Berning.

29. SENATOR BERNING:

30. The funds you mentioned then would be allocated to the
31. State for use for this restricted purpose. Is that correct?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Leonard.

1. SENATOR LEONARD:

2. Yes, it goes to this specific purpose. Correct.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Berning.

5. SENATOR BERNING:

6. Then, Mr. President, I'd like to direct this question
7. generically to the Body. What would be the status of those
8. dollars, Mr. President, if the Federal Government based on
9. actions here at this time putting a bill on 2nd reading,
10. providing us with a sizable amount of money and then on
11. 3rd reading the bill is defeated, what is the posture of
12. the Illinois Senate then insofar as accepting dollars under
13. somewhat false pretenses from the Federal Government. Would
14. that not be true?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Leonard.

17. SENATOR LEONARD:

18. Well, Senator, that is a question for the next fiscal
19. year. What this Body decides to do with the bill the Body
20. can decide at its leisure and it'll have several months to
21. do so. But to throw away about a half million dollars
22. because you want to debate it in committee as opposed to
23. change the bill by amendment I think is a very expensive
24. route. You're going to decide on the bill one way or another
25. in this next year. This question is do you receive the fourth
26. year of payments, which is almost a half million dollars.
27. You do by showing some progress. Moving it to 2nd reading
28. shows some progress. What you do ultimately is next year's
29. question.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Berning.

32. SENATOR BERNING:

33. I beg your pardon. It seems that you have not answered

1. the question. At least, the question that is in my mind.
2. What becomes of those dollars in the event that the bill
3. is not passed?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Leonard.

6. SENATOR LEONARD:

7. The money is spent here in Illinois. We don't give the
8. money back. Is that what you're asking, Karl?

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Berning.

11. SENATOR BERNING:

12. Yes, Sir. How do we spend money for a project that is
13. not approved? And I'm just saying if we deny the whole thing,
14. beat the bill down and defeat it on 3rd reading, we do not
15. qualify for the expenditure of those Federal funds, which we
16. have so greedily accepted.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Leonard. Senator Berning.

19. SENATOR BERNING:

20. In other words, Mr. President, it would appear to me
21. that this action is premature. What we ought to do is in
22. the due deliberative process determine whether or not we
23. want this measure and we want this program. If we do, then
24. let's make application for and accept Federal funds. Let's
25. don't seek the Federal funds simply because we have a proposal
26. pending, which, if defeated leaves us in the paradoxical
27. situation of having accepted money under false pretenses,
28. it seems to me.

29.

30.

31.

32.

(END OF REEL)

33.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there further discussion? Senator Wooten.

3. SENATOR WOOTEN:

4. Yes, Mr. President. Addressing myself to Senator
5. Berning's remarks and also, I think, Senator Mitchler.
6. We have been spending Federal money in these projects
7. for three years. We are now in the 4th year of these
8. projects. The Federal Government has said to qualify
9. for the 4th year of funding, we have to see some progress
10. toward the passage of this comprehensive program. If
11. we move the bill to 2nd, they will accept that as progress.
12. We don't have to pay the money back if we then do not
13. pass the bill. And what you are doing is interrupting
14. a State set of priorities. You're interrupting a State
15. set of priorities for which we're using Federal monies.
16. It seems to me then the next year we can decide whether
17. or not we want to continue these projects with State
18. money or whether we want to go on and continue to
19. accept the Federal money. It isn't that complicated
20. a process and it isn't that tricky a process either.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Is there further debate? Any other Senator seek
23. recognition the first time? Senator Hynes.

24. SENATOR HYNES:

25. Much has been said, Mr. President, I will be very,
26. very brief. I believe that the motion should prevail
27. because I think it will enable us to capture these Federal
28. funds that can be very helpful in our State. I think it
29. would be foolhardy of us to allow the bill to remain in
30. committee and have those funds lapse and go elsewhere.
31. I do not think a vote in favor of this Motion to Discharge
32. binds a member ultimately to support the legislation and
33. many of those who are voting in favor of the Motion to

1. Discharge have some concern about certain aspects of the bill.
2. But I think it's important that we act now to take the bill
3. out of committee and to keep us in a posture to maximize the
4. Federal money that would be available to our State.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Any other Senators seek recognition? Senator Shapiro.
7. Senator Mitchler.

8. SENATOR MITCHLER:

9. Mr. President and members of the Senate. This is my
10. second time, but I'd like to...well, ask Senator Wooten,
11. if I may, a question to clarify a statement he made. He
12. made the statement that if this bill is advanced to 2nd
13. reading, discharged from the committee, that these funds
14. will be available. Now how do you substantiate that
15. statement, Senator? On what basis? Where do you get that
16. information and what...what guarantee do you have? From
17. the Federal Government or from DOT or from whom?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Hearing no objection to the procedure, Senator Wooten
20. may answer the question.

21. SENATOR WOOTEN:

22. Representatives of the Illinois Department of Trans-
23. portation, Senator. They told you the same thing, told
24. Senator Leonard, Senator Knuppel, all of us the same thing.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Not to belabor this or anything, but those are words
27. of an individual, they have nothing to substantiate it
28. from the Federal Government in writing or guarantee. And
29. if you can give me something like that, I'd like to have
30. it produced. But merely on the...on the word of somebody
31. over in the department that this is what they want done
32. or this is what they don't want done. Senator, you're
33. a Senator, you should have something more substantial

1. before you just take the word of some bureaucrat in State
2. government, whether it's in...in this department or Federal
3. Government or anyplace. And there's nothing in writing,
4. nothing to guarantee that these funds will be available
5. if we do today what Senator Leonard is asking to be done.
6. Anymore than could be done if we did not do this today.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Wooten.

9. SENATOR WOOTEN:

10. Well we have something in writing, but I might address
11. myself to that. I think you've said something a little
12. too broadly, Senator. I've taken your word on many things.
13. I take the word of people from the department on many things,
14. I have never been misled. My people who have spoken in
15. a...in an official capacity. I don't think I'm being misled
16. now. As a matter of fact, as has been often said in this
17. Chamber, you have to depend on people's words and you quickly
18. learn whom you can trust and whom you can't. As a matter
19. of fact though, Senator Leonard has a copy of a written
20. statement to that effect, and I'm sure he'd be glad to
21. read it to you.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Shapiro.

24. SENATOR SHAPIRO:

25. Mr. President, I'd like to raise a point of order and
26. ask for a ruling from the Chair. Under Rule 5, Temporary
27. Rule No. 5 it states, "before the Senate can consider any
28. bill within its jurisdiction, including concurrences, non-
29. concurrences, conference committee reports such action
30. must be preceded by a Rules Committee approval. "Well,
31. last Fall, the Rules Committee took this action on House
32. Bill 2118. By majority vote, this is the...the committee
33. report, "by majority vote, the committee ruled that the

1. Committee on Agriculture, Conservation and Energy, can make
2. a final determination on House Bill 2118." Now the committee
3. made a final determination by rejecting it by a vote of five
4. to four. Now it appears to me, in order for this bill to
5. be considered on any other matter that it should be reverted
6. back to the Rules Committee for action. And I would like your...
7. the Chair's opinion on that.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Well, the Rules Committee did meet, in fact, allow
10. the bill to be heard by the Senate Agriculture Committee.
11. From the rules report of the committee they did, in fact,
12. have a hearing and took final action. That does not
13. preclude any sponsor from moving to discharge that bill
14. from the committee and having it brought before the full
15. Body. They, in fact, have taken final action.

16. SENATOR SHAPIRO:

17. Well, the committee report says that that committee
18. could make the final determination on House Bill 2118.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Well, they...they would make the final determination
21. within their authority. They could not pass the bill by
22. thirty votes in the Senate...Agriculture Committee. They
23. took the action that they could and that is to Pass, Do
24. Not Pass, or take no action. They voted by a record vote
25. to Do Not Pass and have reported that back before this
26. Body and that report is before the Senate and now Senator
27. Leonard has moved that the Senate...that that committee
28. be discharged. Further discussion or debate? Senator
29. Leonard, do you wish to close?

30. SENATOR LEONARD:

31. Mr. Chairman, one...one final thought. I have a letter
32. from the Governor to Robert Knecht, Acting Administrator...
33. Assistant Administrator of National Oceanic-and-Atmospheric

1. Administration. And he says, "I would therefore like to
2. take this opportunity to express to you my full support of
3. a Coastal Zone Management Program and House Bill 2118, the
4. Illinois Resource Management Act. Accordingly you may
5. be sure I fully intend that the policies and goals of this
6. program shall be carried out in Illinois," James R. Thompson,
7. Governor. I ask that we move it to 2nd reading. Thank you.
8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The Motion is to Discharge Senate Agriculture Committee
10. from further consideration of House Bill 2118 and the bill
11. be placed on the Order of 2nd reading. On that...there's
12. been a request for a roll call. Those in favor will vote
13. Aye. Those opposed will vote Nay. The voting is open.
14. Have all voted who wish? Have all voted who wish?
15. Take the record. On that question the Ayes are 32, the
16. Nays are 18, none Voting Present. The Motion to Discharge
17. prevails, the bill will be placed on the Order of 2nd
18. reading. (Machine cutoff) Senator request verification to
19. the Chair? Senator Mitchler has request verification of
20. the roll call. Will the members please be in their seats.
21. Been a request for verification of those who voted in the
22. affirmative. Secretary will call those who voted in the
23. affirmative.

24. SECRETARY:

25. The following voted in the affirmative: Berman,
26. Bruce, Buzbee, Carroll, Clewis, Collins, D'Arco, Daley,
27. Demuzio, Donnewald, Egan, Guidice, Kenneth Hall, Hickey,
28. Johns, Joyce, Knuppel, Kosinski, Lane, Lemke, Leonard,
29. Maragos, Merlo, Netsch, Newhouse, Rock, Sangmeister, Smith,
30. Vadalabene, Washington, Wooten, Mr. President.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Mitchler, do you question the presence of
33. any member? Senator Daley on the Floor? Senator Daley

1. on the Floor? Strike his name, Mr. Secretary.

2. SENATOR MITCHLER:

3. Senator Guidice?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Guidice on the Floor? Senator...Senator Guidice

6. on the Floor? Remove his name. Senator Daley has returned

7. to the Floor? Senator Daley would you...

8. SENATOR MITCHLER:

9. Senator Newhouse?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Newhouse is next to Senator Collins.

12. SENATOR MITCHLER:

13. Senator Netsch?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Netsch is in her seat. You question the

16. presence of any other member, Senator Mitchler?

17. SENATOR MITCHLER:

18. Senator Lane.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Lane is in his seat. Roll call has been verified.

21. Senator Daley's name will be on the roll call.

22. SENATOR MITCHLER:

23. Senator Savickas.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Savickas is not recorded. On that...roll call

26. has been verified. On that question the Ayes are 31, the

27. Nays are 18. The bill is discharged, placed on the Order

28. of 2nd reading. The Senate will stand at ease. May I have

29. the attention of the membership. Several Senators have

30. asked for the agenda for the rest of the day. There are

31. two matters before the House which you may wish to stay

32. around for. One is the State Board of Elections. The

33. other is the Christmas Tree Bill, House Bill 2481. Hanukkah

1. Bush Bill and everyone has a project in that, I'm...I'm
2. told that the House is on the 3rd amendment on that...on
3. that bill and if they do not concur in all the Senate
4. amendments, it will be back before the Senate. So that
5. might be a cause to stay around for a moment. With that
6. we'll stand at ease. Those of you on the Floor and those
7. of you within the sound of my voice, the House is acting
8. upon the State Board of Elections Bill and they have refused
9. to adopt Amendment No. 1, which is an amendment put on
10. earlier and the bill will be coming back to the Senate
11. with a motion that we recede from that motion which will
12. require a three-fifths vote. So those of you who wish
13. to vote on that matter may wish to remain in the area.
14. The Senate will stand at ease.

15. PRESIDENT:

16. The Senate will please come to order. Message from the House.

17. ACTING SECRETARY: (MR. FERNANDES)

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

19. Mr. President - I am directed to inform the Senate
20. that the House of Representatives has refused to concur with
21. the Senate in the adoption of their amendment to a bill of
22. the following title:

23. House Bill 2271.

24. Which amendment is as follows: Senate Amendment No. 1 to
25. House Bill 2271. I am further directed to inform the Senate
26. that the House of Representatives has concurred with the
27. Senate in the adoption of the following amendment:

28. Senate Amendment No. 2 to House Bill 2271.

29. Action taken by the House January 11, 1978, John F. O'Brien,
30. Clerk of the House.

31. PRESIDENT:

32. Senator Rhoads.

33. SENATOR RHOADS:

34. Mr. President and members of the Senate. I was the

1. sponsor of Senate Amendment No. 1. I now move that the
2. Senate recede from Senate Amendment No. 1.

3. PRESIDENT:

4. Senator, there are...there are puzzled looks on the faces
5. of some of the members. Would you explain the purpose for
6. the motion.

7. SENATOR RHOADS:

8. The purpose of the motion is that the form of the
9. Amendment No. 2, which was offered by Senator Hynes, did
10. not include the language in the first sentence, as amended.
11. That language should have been included. So we are now
12. amending a...a shell bill, a Chapter 46 Bill. And only
13. Senator Hynes' amendment is necessary to achieve the purpose.
14. My amendment should not be on there.

15. PRESIDENT:

16. Is there any...any discussion? Senator Rhoads has
17. moved that the Senate recede from Amendment No. 1 to House
18. ...from Senate Amendment No. 1 to House Bill 2271. This
19. is final passage, with respect to House Bill 2271 and
20. therefore the question is shall the Senate recede from
21. Senate Amendment No. 1 to House Bill 2271. Those in
22. favor will vote Aye. Those opposed will vote Nay. The
23. voting is open. Have all voted who wish? Have all voted
24. who wish? Take the record. On that question the Ayes
25. are 55, the Nays are None, none Voting Present. The
26. Senate does recede from Senate Amendment No. 1 to House
27. Bill 2271 and the bill having received the required
28. constitutional majority is declared passed. Motions.

29. SECRETARY:

30. I move that the date for...the tentative report
31. of Senate Ozone Hazard Study Committee be extended from
32. January the 15th, 1978 to April the 1st, 1978. Signed,
33. Senator Leonard.

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1. PRESIDENT:

2. Senator Leonard.

3. SENATOR LEONARD:

4. Simply asking for extension for the committee to finalize
5. its report and I ask an affirmative vote.

6. PRESIDENT:

7. Is there any discussion? If not, all those in favor
8. of the motion signify by saying Aye. Opposed. The Ayes
9. have it. The motion carries. So ordered. Message from
10. the House.

11. SECRETARY:

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

13. Mr. President - I am directed to inform the Senate
14. that the House of Representatives has adopted the following
15. Joint Resolution, in the adoption of which I am instructed
16. to ask the concurrence of the Senate, to-wit:

17. House Joint Resolution 66 and this is going to
18. be handled by Senator Joyce.

19. PRESIDENT:

20. Senator Joyce.

21. SENATOR JOYCE:

22. Yes, Mr. President, thank you. This resolution says
23. that the farmers in the State of Illinois and the Nation
24. should be getting equitable parity for their products that
25. they sell. We are the lowest since the depression in
26. 1939 and I would ask for favorable consideration of this.

27. PRESIDENT:

28. For what purpose does Senator McMillan arise?

29. SENATOR McMILLAN:

30. Well, I'm not exactly sure what...what Senator Joyce's
31. question was. Is this a resolution you're asking for us
32. to adopt? If so, I'd like to see a copy of it.

33. PRESIDENT:

34. Senator, if there is any controversy about it or

1. ...I realize you do not have a copy. We'll pause for a
2. moment while you look at it. If there is any problem,
3. we'll sent it to Executive, but...the Senate will be at
4. ease for a moment.

5. SENATOR McMILLAN:
6. I...I'd like to see it referred to Executive. I
7. really have objection to it at this point.

8. PRESIDENT:
9. House Joint Resolution 66 will be referred to
10. the Committee on Executive. Introduction of bills.
11. Introduction of bills.

12. SECRETARY:
13. Senate Bill 1420 offered by Senator...introduced by
14. Senator Rupp.
15. Senate Bill 1421 introduced by Senators Mitchler and
16. Vadalabene.
17. Senate Bill 1423...Senate Bill 1422 introduced by
18. Senators Davidson and Rock.
19. Senate Bill 1423 introduced by Senators Mitchler,
20. Berning, Schaffer and others.
21. Senate Bill 1424 introduced by Senators Mitchler,
22. Berning, Schaffer and others.
23. Senate Bill 1425 introduced by the same sponsors.
24. Senate Bill 1426 introduced by Senators Grotberg and
25. Graham.
26. Senate Bill 1427 introduced by Senators Sommer,
27. Shapiro, Weaver, Glass and Soper.
28. Senate Bill 1428 introduced by Senator Demuzio.
29. Senate Bill 1429 introduced by the same sponsor.
30. Senate Bill 1430 introduced by Senators Berning,
31. Mitchler, Nimrod and Glass and others.
32. Senate Bill 1431 introduced by Senator Vadalabene.
33. Senate Bill 1432 introduced by the same sponsor.

1. Senate Bill 1433 introduced by Senator Berning.

2. Senate Bill 1434 introduced by Senator Demuzio.

3. Senate Bill 1435 introduced by Senator Chew.

4. Senate Bill 1436 introduced by Senators Maragos,

5. Walsh, Daley and others.

6. Senate Bill 1437 introduced by Senators Hynes, Rock

7. Bruce, Donnewald, Kenneth Hall and Newhouse.

8. Senate Bill 1438 introduced by Senator Johns.

9. PRESIDENT:

10. Rules Committee. The Chair would point out to the

11. membership that the bills that were introduced today

12. and those that will be introduced for the balance of

13. the Session, were not read a first time. They have

14. been introduced. They will now be referred to the

15. Rules Committee and upon approval by the Rules Committee,

16. they will be returned to the full Senate for 1st reading

17. and subsequent referral to the Committee on Assignment of

18. Bills. So these bills have not been read a first time.

19. There are three resolutions on the Secretary's Desk

20. which would ordinarily go on the Resolution's Consent

21. Calendar. Since we are going to be in Session only one

22. day this week, is there leave of this Body to consider

23. these resolutions in one motion? Leave is granted. The

24. Secretary will read the resolutions.

25. SECRETARY:

26. Senate Resolution 280 introduced or offered by Senator

27. Vadalabene and it's congratulatory.

28. Senate Resolution 281 offered by Senator Leonard and

29. it's a death resolution.

30. Senate Resolution 282 offered by Senator Johns and

31. it's a death resolution.

32. PRESIDENT:

33. Senator Hickey moves the adoption of the resolutions.

1. All those in favor signify by saying Aye. Opposed. The Ayes
2. have it. The resolutions are adopted. Is there any further
3. business to come before the Senate? If not, ...Senator Soper
4. moves that the Senate stand adjourned until March 1, 1978 at
5. twelve o'clock noon. All those in favor signify by saying
6. Aye. Opposed. The Ayes have it. The Senate stands adjourned.

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