

80th GENERAL ASSEMBLY

REGULAR SESSION

MAY 22, 1978

1. PRESIDENT:

2.           The hour of one o'clock having arrived, the Senate  
3. will please come to order. Prayer will be by Reverend  
4. Andrew McCoy of the True Church House of Prayer of  
5. Alton, Illinois. Will our guests in the galleries please  
6. rise.

7. REVEREND McCOY:

8.           (Prayer by Reverend McCoy)

9. PRESIDENT:

10.          Reading of the Journal.

11. SECRETARY:

12.          Tuesday, May the 16th, 1978.

13. PRESIDENT:

14.          Senator Johns.

15. SENATOR JOHNS:

16.          Thank you, Mr. President. I move that the Journal  
17. just read by the Secretary be approved unless  
18. some Senator has additions or corrections to offer.

19. PRESIDENT:

20.          You've heard the motion. Is there any discussion?  
21. If not, all those in favor signify by saying Aye. Opposed.  
22. The Ayes have it. The Journal is approved. Senator  
23. Johns.

24. SENATOR JOHNS:

25.          Mr. President, I move that reading and approval of the  
26. Journals of Wednesday, May the 17th and Thursday, May the  
27. 18th, in the year 1978 be postponed pending arrival of the  
28. printed Journals.

29. PRESIDENT:

30.          You've heard the motion by Senator Johns. Is there any  
31. discussion? If not, all those in favor signify by saying  
32. Aye. Opposed. The Ayes have it. So ordered. Message from the  
33. House.

1. SECRETARY:

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

3. Mr. President - I am directed to inform the  
4. Senate that the House of Representatives have passed bills  
5. with the following titles in the passage of which I am  
6. asked...instructed to ask concurrence of the Senate, to-wit:

7. House Bills 101, 1803, 2084, 2529, 2575,  
8. 2598, 2599, and 3375.

9. PRESIDENT:

10. Resolutions.

11. SECRETARY:

12. Senate Resolution 387 offered by Senator Mitchler.  
13. It's congratulatory.

14. PRESIDENT:

15. Consent Calendar. House Bills, 1st reading.

16. SECRETARY:

17. House Bill 2793, Senate Sponsor is Senator Rupp.  
18. House Bill 2945, Senate Sponsor is Senator Bruce.  
19. House Bill 2947, Senate Sponsor is Senator Leonard.  
20. House Bill 3111, Senator Guidice.  
21. House Bill 3203, Senator Savickas.  
22. House Bill 3281, Senator Rupp.  
23. House Bill 2925, Senator Berman.

24. PRESIDENT:

25. Rules Committee. For what purpose does Senator Davidson  
26. arise?

27. SENATOR DAVIDSON:

28. Yes, Mr. President. I rise to ask permission to discharge  
29. Rules Commission...Committee and place House Bill 2486  
30. on the Order of 2nd reading. This is a conflict in the Statute  
31. on inheritance tax. We've spoke to you and Senator Rock and  
32. Senator Shapiro and the State Treasurer requested this this  
33. morning. I'd ask leave...

PRESIDENT:

1. Senator Davidson has moved to discharge the Committee  
2. on Rules from further consideration of House Bill 2486 and  
3. then have the bill brought to the Order of 1st reading  
4. so it may be read a first time. Senator Rock.

5. SENATOR ROCK:

6. Well, I'm...I just think this is the wrong procedure,  
7. frankly.

8. PRESIDENT:

9. Is there any discussion? If not, all those in favor of the  
10. motion signify by saying Aye. Opposed. The Ayes have it.  
11. The committee is discharged. Resolutions.

12. SECRETARY:

13. Senate Resolution 388 offered by Senator Ozinga and  
14. others. It's congratulatory.

15. Senate Resolution 389 offered by Senator Berning.  
16. It's congratulatory.

17. PRESIDENT:

18. Consent Calendar. For what purpose does Senator Davidson  
19. arise?

20. SENATOR DAVIDSON:

21. Mr. President, apparently there was some misunderstanding  
22. in relation to 2486. Till we get it cleared up, I'd move  
23. to re-refer it to the Rules Committee.

24. PRESIDENT:

25. Heard the motion by Senator Davidson to re-refer House  
26. Bill 2486 to the Committee on Rules. All those in favor signify  
27. by saying Aye. Opposed. The Ayes have it. So ordered.  
28. Resolutions.

29. SECRETARY:

30. Senate Resolution 390 offered by Senator Nimrod.  
31. It's congratulatory.

32. PRESIDENT:

33. Consent Calendar. For what purpose does Senator Bowers arise?

1. SENATOR BOWERS:

2. Thank you, Mr. President. Senator Coffey and I would like  
3. leave of the Body that I replace his name on Senate Bill  
4. 1187 as the first principal sponsor.

5. PRESIDENT:

6. You've heard the request. Is leave granted?

7. Leave is granted. May I have the attention of the membership,  
8. please. Any member having a bill on 3rd reading and wishing  
9. to bring it back to the Order of 2nd for purpose of amendment,  
10. please notify the Secretary. We also would like you to  
11. indicate whether you have a bill on the Order of 2nd reading  
12. and wish to advance it to 3rd reading, if it can be classified  
13. as a noncontroversial item. If...if the amendment or the  
14. fact of moving it to 3rd reading could be classified as non-  
15. controversial, please notify the Secretary. And please  
16. provide the same information as to those bills you are bringing  
17. back to the Order of 2nd reading. Senate Bills, 2nd reading.  
18. Senate Bill 250, Senator Netsch. Senator Netsch, for what  
19. purpose do you arise?

20. SENATOR NETSCH:

21. Thank you. Thank you, Mr. President. I think what we need  
22. to do in order to save time because this is the last week for  
23. Senate Bills in the Senate is to call the series of...of mental  
24. health bills, get the committee amendments placed on and agree  
25. to bring them back tomorrow for others who may have additional  
26. amendments to offer. I know that there are some that have been  
27. mentioned to us already and as a matter of fact, we have  
28. one on one of the bills. So, if...if it's agreeable with the  
29. Senate, Senator Daley and I would like to get all of these bills  
30. moved with their committee amendments today and we specifically  
31. agree that they will be brought back to 2nd reading for  
32. any additional amendments which others might want to offer  
33. tomorrow.

1. PRESIDENT:

2. Is that procedure agreeable to the membership? Senator  
3. Ozinga.

4. SENATOR OZINGA:

5. Mr. President, I can agree to that except one thing, there  
6. are some of these agreed to amendments by committee and I have  
7. one on there that is not agreed to, I admit. But with the  
8. same token, if it's okay with me to bring this to 2nd, to  
9. put on the amendments that are in the Judiciary Committee and  
10. the other committee. But there are also some of these that are  
11. so called agreed to that may be a little controversial.  
12. Now, I...I don't want to slow up the proceedings. Let her  
13. put all of the amendments on she wants with the understanding  
14. that it is brought right back to 2nd reading for argument on  
15. some of these so called agreed amendments.

16. PRESIDENT:

17. Senator, are you asking another opportunity to debate the  
18. amendments that will be offered?

19. SENATOR OZINGA:

20. Yes.

21. PRESIDENT:

22. Well, then there is objection. I...I think that has...  
23. you have to...your comments have to be translated into  
24. an objection and we either should debate the amendments and  
25. adopt them or reject them. Senator Netsch.

26. SENATOR NETSCH:

27. I didn't mean to suggest, Senator Ozinga, that they were  
28. necessarily unanimously agreed upon amendments, but they all  
29. are amendments which were the recommendations of the  
30. joint House-Senate Committee which Senator Daley chaired, and  
31. all of them were adopted in Judiciary I Committee at the time  
32. of those hearings. They are committee amendments and of course,  
33. you're free to argue any of them while they are being offered.

I...I only meant to say that they were, in fact, committee amendments and they would automatically be offered as soon as the bills were called and that's what we would like to do to get them on if they prevail today.

PRESIDENT:

Senator Ozinga.

SENATOR OZINGA:

These...these amendments were put on the members' desks this morning. As I look around, there are at least a third of the seats that are empty. Now, I'm sure...I'm just looking at one real quick like...agreed they got out of committee, Judiciary. And I think Senator Daley and I agree on most of them. However, I'm just real quick like take a look at number 4, which is the advocacy thing. I'm sure that when some of these members come in here after awhile, and they take a second look, they're going to want to argue this thing and that's why I say, I...I don't care if she wants to put them all on 2nd reading, but then they'll all have to come back and argue some of these again tomorrow. I think we're just as well off to wait until they've had a chance, at least, today to read them. My amendment is nothing more than just a condonation by the superintendents to issue a conditional and it will be argued because the department don't like the responsibility.

PRESIDENT:

Senator Daley.

SENATOR DALEY:

Mr. President and fellow Senators. I thought a better procedure would be if anyone is objecting to any amendment that goes on, I think they can use the process tomorrow for an amendment and if you would want to do that...do it that way, Senator. You could prepare an amendment to, once we bring it back to 2nd reading, to take care of any problem that you see fit.

1. If you want to strike the amendment that went on, or  
2. the Illinois Psychiatric Society has twenty...forty  
3. amendments coming on, so...

4. PRESIDENT:

5. Senator Ozinga.

6. SENATOR OZINGA:

7. This...this is exactly my point. It's perfectly all right.  
8. I don't want to belabor the thing. The only thing that I want to  
9. say is that be prepared because there could be an awful lot  
10. of these objections coming through. Now, my amendment,  
11. I don't even know where it comes, but I do know that  
12. it's going to be objection on the basis that they've already  
13. told me they don't want that responsibility.  
14. So, it's up to you. I don't care. If...

15. PRESIDENT:

16. Well,...

17. SENATOR OZINGA:

18. ...doing it the way Rich says is perfectly okay, too.

19. PRESIDENT:

20. Well, Senator Daley has suggested that anyone wanting  
21. to contest any of the amendments that go on, would either have to  
22. do it now or tomorrow would have to offer another amendment  
23. and to in effect, remove it.

24. SENATOR OZINGA:

25. All right. Well, what did you say? The...the answer to that is  
26. then I will put my amendment on too, and they can knock it off  
27. if they want tomorrow.

28. PRESIDENT:

29. Is your amendment a committee amendment?

30. SENATOR OZINGA:

31. No, a committee of one.

32. PRESIDENT:

33. A committee of one. It...it appears that these bills fall into

1. the category of at least somewhat controversial and therefore,  
2. I would suggest that we wait until later in the day to take  
3. up this package. Senate Bill 1187, Senator Bowers.

4. Senator Bowers.

5. SENATOR BOWERS:

6. Thank you, Mr. President. I have an amendment on the  
7. Secretary's Desk that will, in effect, remove everything  
8. that's in this bill at the present time and then it will become,  
9. I think, a merely bill and the bill will, at that point,  
10. permit the county board to make appointments in a local  
11. water district. The appointment power presently  
12. is in the circuit court and it's unconstitutional.  
13. And I would move the adoption of Amendment No. 1 to Senate  
14. Bill 1187.

15. PRESIDENT:

16. The Secretary will read...please read Senate Bill...1187  
17. a second time.

18. SECRETARY:

19. Senate Bill 1187.

20. (Secretary reads title of bill)

21. 2nd reading of the bill. No committee amendments.

22. PRESIDENT:

23. Any amendments from the Floor?

24. SECRETARY:

25. Amendment No. 1 offered by Senator Bowers.

26. PRESIDENT:

27. Senator Bowers.

28. SENATOR BOWERS:

29. Again,...

30. PRESIDENT:

31. Would you explain the amendment briefly?

32. SENATOR BOWERS:

33. Again, Mr. President, this amendment strikes everything



1. after the enacting clause and as amended, the bill would  
2. provide that in local water districts, the appointive  
3. power is removed from the circuit court, which is now  
4. unconstitutional and placed in the president of the county  
5. board. I would move the adoption of the amendment.

6. PRESIDENT:

7. Is there any discussion? If not, Senator Bowers moves  
8. the adoption of Amendment No. 1. All those in favor signify  
9. by saying Aye. Opposed. The Ayes have it. The amendment  
10. is adopted. Any further amendments?

11. SECRETARY:

12. No further amendments.

13. PRESIDENT:

14. 3rd reading. For what purpose does Senator Rock arise?

15. SENATOR ROCK:

16. Thank you, Mr. President and Ladies and Gentlemen of the  
17. Senate. Senator Shapiro, if I can have your attention.  
18. I might suggest, Mr. President and Ladies and Gentlemen of the  
19. Senate, due to the inclement weather, it appears that a number  
20. of our colleagues have not yet arrived and I'm also informed  
21. rather reliably, that the Appropriations Chairman and  
22. Minority Spokesman would like to be afforded the opportunity  
23. to get together and hopefully we can handle with dispatch,  
24. the appropriation bills on 2nd reading. So, for that purpose,  
25. for those two purposes, Mr. President, I would move that  
26. the Senate stand in recess until the hour of 3:00 o'clock.

27. PRESIDENT:

28. You've heard the motion by Senator Rock. Those in favor.  
29. Opposed. The Ayes have it. The Senate stands in recess until  
30. the hour of 3:00 o'clock.

31. Recess

32. After Recess

33. PRESIDENT:

The Senate will please come to order. Resolutions.

SECRETARY:

Senate Resolution 391 offered by Senator Graham  
and Senate Joint Resolution 90 offered by Senator Roe.

PRESIDENT:

Executive. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, I would like to have leave, if you have time, in regard to some legislation that came from the Motor Vehicle Laws Commission in naming some of the sponsors as vice-chairman of that commission. These are House Bills that came over to the Senate. Could I have leave?

PRESIDENT:

Would you repeat the request, Senator?

SENATOR VADALABENE:

Yes, I would like to name some...Senate sponsors of some of these House Bills that came out of the Motor Vehicle Laws Commission.

PRESIDENT:

You want to...you want leave to name the sponsors?  
Would you simply give the information to the Secretary as to...

SENATOR VADALABENE:

Don't you have to do it...have leave and do it on the Floor of the Senate?

PRESIDENT:

These are House Bills that are...

SENATOR VADALABENE:

In the Senate. Yes.

PRESIDENT:

You simply inform the Secretary of the sponsor's name and the bill will be read in with that sponsor listed.

SENATOR VADALABENE:

I think there's already been a sponsor designated and I want

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rd  
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1. to...

2. PRESIDENT:

3. Oh, and has the sponsor designated agreed to be removed?

4. SENATOR VADALABENE:

5. Yes, because I think I'm the sponsor on most of them.

6. PRESIDENT:

7. Fine. Well, as long...as long as the sponsor agrees,  
8. that is permissible. Would you read the numbers of the bills  
9. and indicate who is to sponsor them.

10. SENATOR VADALABENE:

11. Okay, on House Bill 1967, it will Vadalabene and Coffey.

12. On House Bill 2778 it will be Davidson and Leonard.

13. And on House Bill 2863 it will be Weaver and Leonard.

14. I'm sorry, scratch that. Scratch that last one. On House

15. Bill 2869 it will be Weaver and Leonard. On House Bill

16. 3131, Vadalabene and Coffey and House Bill 3133,

17. Davidson and Vadalabene.

18. PRESIDENT:

19. You have heard the list of suggested sponsors. Is leave

20. granted to have those names read listed as the sponsors

21. of bills indicated? Leave is granted. On the Order of

22. Senate Bills, 2nd reading, Senate Bill 250, Senator

23. Netsch. Read the bill.

24. SECRETARY:

25. Senate Bill 250.

26. (Secretary reads title of bill)

27. 2nd reading of the bill. The Committee on...there was a request

28. for a fiscal note on this bill. That request has been answered.

29. The Committee on Judiciary I offers five amendments.

30. PRESIDENT:

31. Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. I would repeat again that in order

1. to save time, because time is pressing in on us, what we want  
2. to do today, what we would like to do today with respect to the  
3. mental health package, is put on the committee amendments.  
4. Those are the amendments that came out of the recommendations  
5. initially of the special joint House-Senate Committee and  
6. then subsequently were heard and adopted and recommended by  
7. Judiciary I at the hearings held before that committee.  
8. It is our intention, then, simply to get the committee amendments  
9. on so that everyone has the basic bills before them and  
10. we will then bring the bills back tomorrow for any additional  
11. amendments. And at that point, then, you will have the basic  
12. bills before you. For example, Amendment No. 1 to Senate  
13. 250 is a complete recasting of the entire bill. I don't mean  
14. that it changes all that much, but it is, in fact, a new  
15. bill. It will then be available and adopted and any  
16. additional amendments could be attune to it. So, that  
17. is, again, our purpose and with that in mind, I would  
18. move the adoption of Amendment No. 1 to Senate Bill 250.  
19. This is the large amendment that you have before you.  
20. It is a...the entire bill. It doesn't mean that it changed  
21. everything that was in the original bill, but there were  
22. enough changes that we rewrote it in order that everyone could  
23. have the entire substance before them. In Amendment No. 1,  
24. there were several significant changes made from the bill as it  
25. was introduced and most of these changes reflect and were  
26. responsive to the comments and recommendations and objections of the  
27. Department of Mental Health and Developmental Disabilities.  
28. To some extent also, to the suggestions that were made by those  
29. representing the Illinois Psychiatric Association and other  
30. groups that appeared before us for a long period of time. I  
31. think perhaps if I might...you have in front of you, by the way,  
32. in your folders, a list of the ten major changes that are reflected  
33. in this amendment. I might just call attention to a couple of them

because they were particularly important. We did, in fact, delete the overt act requirement. That was strongly requested by the department as well as some others and that, in fact, has been deleted, so that the standard for involuntary commission is the same as it is in the present law. We also considerably restricted the amount of...or actually I should put it the other way around, we considerably expanded the amount of clinical discretion that was available. For example, with respect to the use of restraints, that was a point again about which considerable testimony was heard and we did respond to that criticism of the original proposal. We also left out entirely the requirement that transfers, discharges and so forth be reviewed and heard by a hearing officer, something which the department objected to considerably and we adopted their recommendation of using a utilization review committee. The other one that I will particularly mention, is that there was considerable concern that the courts would be allowed both to fashion and to order specific relief for particular cases in a way that, number one, overcame clinical judgment that perhaps would put the department in a very uncomfortable position and that also just interjected the courts too much into that kind of decision making. And so, again, in response to the objections of the Department of Mental Health and others, that provision was also deleted and modified. Those are the highlights of the changes that are reflected in this. This is the Committee Amendment No. 1 which is, as I indicated, the entire bill now, the entire basic code and I would move its adoption, Mr. President.

28. PRESIDENT:

29. Is there any discussion? Senator Rhoads.

30. SENATOR RHOADS:

31. Question of the sponsor of the amendment.

32. PRESIDENT:

33. Indicates she will yield.

1. SENATOR RHOADS:

2. Senator Netsch, one of the difficulties of considering  
3. an amendment like this is there are so many points  
4. in...in one amendment that it might be better to break out  
5. some of them into smaller separate amendments. But let  
6. me ask you, if I might, for clarification on your green  
7. sheet, number one, on point three to begin with, curtails  
8. various notice requirements on the advocacy authority in order  
9. to reduce paperwork. Now, I'm all for reducing paperwork,  
10. but I'd like to know specifically what you're...how you are  
11. differing from the current law.

12. PRESIDENT:

13. Senator Netsch.

14. SENATOR NETSCH:

15. Well, I think the...perhaps the first difference is that in  
16. existing law, there is no advocacy authority and there were  
17. spread throughout the Code and it would take me awhile  
18. to go back and...and pinpoint each one of them, but  
19. there was spread throughout the Code a number of places  
20. where when anything happened to a patient, a resident  
21. patient, it was required that the advocacy authority be given  
22. notice of that, among other things for example, on transfer  
23. as well as discharge on certain kinds of medical procedures and  
24. so forth and the department, particularly, raised the issue  
25. and it was, I think, seconded by some of those who are  
26. professionals in the field that we simply...we had too  
27. much of the advocacy authority being brought in at too many  
28. points and that we were going to cause disruptive  
29. administrative procedures and in some cases, perhaps,  
30. also violate privacy requirements so that there were  
31. a number of places where that was considerably lessened.  
32. It would be very difficult for me without going through the  
33. large bill as you know, to point them all out to you.  
But basically, that was what happened.

1. PRESIDENT:

2. Senator Rhoads.

3. SENATOR RHOADS:

4. Thank you. Senator Netsch, with respect to point  
5. number one, you're pointing out here a difference between  
6. the bill as now amended and the bill as originally introduced,  
7. not the current law, is that correct?

8. PRESIDENT:

9. Senator Netsch.

10. SENATOR NETSCH:

11. The bill as originally introduced did include what is  
12. ...has come to be called the overt act requirement. That  
13. was one of the more controversial points in the proposed  
14. Code. The joint committee initially and then the Judiciary  
15. Committee in this amendment agreed that we would remove  
16. the overt act requirement. And so what we have done, in effect,  
17. is to restore the law with respect to involuntary  
18. commitments and that applies only to involuntary commitments  
19. to the form in which it presently is. I might add, incidently,  
20. that while this matter was pending before us, there was a court  
21. decision which...that had been part of a proceeding against  
22. the department in which the overt act issue was at issue  
23. and the court decided in that case that the overt act  
24. requirement was not a constitutional requirement. We could still  
25. require it as a matter of Statutory form if we chose.  
26. But there was sufficient disagreement with it that it was  
27. eliminated by the committee.

28. PRESIDENT:

29. Senator Rhoads.

30. SENATOR RHOADS:

31. Just one more question, Senator Netsch. With regard to  
32. restricting certain rights of the...of the patients, who  
33. may now determine whether or not a patient has the right to make a

1. telephone call and who would under your bill?

2. PRESIDENT:

3. Senator Netsch.

4. SENATOR NETSCH:

5. Well, basically, there is still a right on the part  
6. of the patient to make a telephone call within reasonable  
7. hours when they choose to. But instead of having it an  
8. absolute right, it can, in effect, be overturned by the...  
9. those who are in charge of the facility in which the patient  
10. is...is resident. And it's...it has to do partly with  
11. administrative concerns, but also with the...with actual  
12. patient...can you hear me, Senator Rhoads?

13. PRESIDENT:

14. Senator Rhoads.

15. SENATOR RHOADS:

16. Senator Netsch, my question was who specifically  
17. has the authority to limit that right? I want the responsibility  
18. here to be very clear. Who specifically?

19. PRESIDENT:

20. Senator Netsch. For what purpose does Senator Buzbee arise?

21. SENATOR BUZBEE:

22. Mr. President, this is an extremely important bill and  
23. Senator Rhoads' questions go right to the heart of some of the  
24. concerns that I have and what with that buzz saw going back  
25. here and the door being opened and all the chatter going on,  
26. I'm not able to hear either the question or the response.

27. PRESIDENT:

28. Senator Buzbee is correct. Will the members please be in  
29. their seats and will the Sergeant-at-Arms please do something  
30. to reduce the noise level, including removing unauthorized  
31. persons from the Floor. For what purpose does Senator Daley  
32. arise?

33. SENATOR DALEY:

34. Mr...Mr. President and fellow Senators. I'd like



1. to respond to Senator Rhoads' question. Specifically,  
2. it's the clinical director or the medical director that  
3. can restrict the person's telephone calls. In other words,  
4. if he believes that the person should not make telephone  
5. calls, he can put that in his medical record and make that  
6. part of their record. And that was one of the problems  
7. we had in the hearings that many people talked about  
8. that patients making, you know, X number of calls, they can  
9. restrict it by reasonable restriction or a full restriction  
10. to the patient. What the bills tries to perceive is  
11. everyone is a patient. He should have a medical record  
12. if they want to restrict visiting hours, if they want to  
13. restrict telephone calls, they must do it in his record for  
14. a valid reason.

15. PRESIDENT:

16. Senator Netsch.

17. SENATOR NETSCH:

18. Let me just add the one point I was trying to make when  
19. we stopped because of the noise. It is both for administrative  
20. purposes and also because in some cases, those who are in  
21. charge of a patient's well-being believe that there are certain  
22. phone calls that are detrimental to the patient's well-being  
23. and it was for, in a sense, both of those reasons that the  
24. determination that there ought to be a higher authority  
25. than the patient himself was accepted and incorporated into  
26. the bill.

27. PRESIDENT:

28. Senator Glass.

29. SENATOR GLASS:

30. Thank you, Mr. President. I have just one question of the  
31. sponsor, if she will yield. Senator Netsch, would you expand  
32. your explanation of point ten on the green sheet? In...  
33. in what way do the powers...have the powers of the court  
34. been reduced by the amendment?

1. PRESIDENT:

2. Senator Netsch.

3. SENATOR NETSCH:

4. In the original bill, there were several places where there  
5. was language that was read by many to mean that the court  
6. could order a...an individualized particularized form of...  
7. of treatment and handling for a given patient. The...  
8. I think it really was not intended to have quite the impact  
9. but it was, in fact, read that way by the department and by  
10. others. It was agreed that the...the courts should not  
11. really be in a position to decide treatment plans for  
12. patients. That is really not their proper role and in  
13. some cases, of course, it might get the court in a position  
14. where it would decide that there was no existing program  
15. available in the department or in any of the State services  
16. that was quite right for that particular patient and could  
17. order that a special program be created for the patient,  
18. that the patient be sent outside of the State to some  
19. agency which had such a program. Those were all possibilities  
20. as the language was read. And so that language was, in effect,  
21. deleted so that it is clear that it is the...the clinical people  
22. for those who are in State facilities, that means those who  
23. run the State institutions, to make the first decision about  
24. what is appropriate for a patient in the way of treatment.  
25. The court's role is then reduced to one of, in effect, sort of  
26. overseeing the department and if you had a department, for  
27. example, that was simply not doing anything for its patients,  
28. the court would then be in a position to step in and say all right,  
29. we are not going to tell you what to do, but you must do something  
30. and we're going to require that you report back regularly to  
31. see that that action is taken. So, in effect, we have shifted  
32. the...the burden, if you will, from the...what appeared to be  
33. the courts to those who know something more about how to treat

1. patients with simply a review effort and responsibility by the  
2. department.

3. PRESIDENT:

4. Senator Ozinga.

5. SENATOR OZINGA:

6. Well, Mr. President, this is a particular example of  
7. exactly what I was trying to say before. There are parts in  
8. this amendment, there are more amendments to come. We have  
9. received this on our desks today. I implore you to...if you  
10. want, put them all on, hold the bill on 2nd reading, give  
11. our staff a chance to just try to put the little pieces together  
12. because the way it's going in now, we're going to rue the  
13. day we're going to have just a grand mess and until such  
14. time as we're sure, I would say...and my one plea is to hold  
15. this right on 2nd reading until tomorrow, we get a chance  
16. to analyze it today, including all of the amendments and  
17. then, I've also got this third amendment which everybody has  
18. on their desk. Let's put them all on the bill, hold it on  
19. 2nd reading, not move it to 3rd and back. Hold it on  
20. 2nd reading so we just can't ram something through tomorrow.

21. PRESIDENT:

22. Senator Daley.

23. SENATOR DALEY:

24. Mr. President and fellow Senators. We had these amendments  
25. before the Judiciary Committee. The staff on...I think on  
26. both sides have reviewed the Judiciary Committee amendments.  
27. Prior to that, both sides had staff on the special committee  
28. for the whole year who reviewed these recommendations and  
29. as well as the Senate Judiciary Committee. I think it's...  
30. it's imperative that if the Body sees fit, to place these  
31. amendments on Senate Bill 250 and the rest of them, move them  
32. to 3rd and we've already agreed with the Illinois Psychiatric  
33. Society. They have a number of amendments they're preparing and  
34. we've agreed to bring...bring it back to...to 2nd reading to

1. hear their objections to the various bills. I think it's  
2. very imperative we proceed, otherwise, we're just going to be  
3. here Friday going through the four or five bills.

4. PRESIDENT:

5. Well, in response to Senator Daley and Senator Ozinga,  
6. the sponsor of the bill has indicated her desire to have  
7. the amendments either adopted or defeated and then the bill  
8. would be moved to 3rd reading and be brought back tomorrow  
9. for any additional amendments that any members may have.

10. SENATOR DALEY:

11. Or after that.

12. PRESIDENT:

13. Or...or anytime thereafter. I think Senator Maragos  
14. ...in order we have Senator Maragos, Senator Buzbee,  
15. Senator Berning, and Senator Sangmeister.

16. SENATOR MARAGOS:

17. Mr. President and members of the Senate. I rise  
18. in favor of Senate...of Amendment No. 1 to Senate Bill  
19. 250 with the caveat that this is not exactly what I personally  
20. would like to see, but under the circumstances the best  
21. approach that we can have after studying this bill for about  
22. a year now. Many of you are aware of the long efforts,  
23. especially of the Chairmanship, Senator Daley, the Vice-  
24. Chairmanship of Senator Netsch and the Secretaryship, if I  
25. may use the term, of Representative Sandquist and this whole  
26. committee that has gone into this very, very diligently  
27. and very deeply the past several months. As a member of that  
28. committee, I can tell you that we are never going to come  
29. to a full agreed panacea to this whole problem of mental  
30. health treatment. However, I think this is a responsible  
31. approach and the Governor's Commission, which prior to  
32. this, was what we felt, a little too extreme in many areas,  
33. have themselves agreed now that maybe with our amendments,  
34. they could live with them and thereby...thereby bring out

1. a bill and a piece of legislation which will be...which all  
2. can be proud of in this whole area of mental health.  
3. I would like to state to you that the sponsor, Mrs.  
4. Netsch, and Senator Netsch and Senator Daley have worked  
5. diligently to get this package in a form that I think  
6. all of us can agree. I agree, Senator Ozinga, you've been on  
7. this Judiciary Committee. You've seen to this...these  
8. actions. We...we...many of us are still concerned when you're...  
9. where you're going to balance the question of the human  
10. rights against...or the legal rights against the clinical  
11. rights of the patient and it's never going to be, as I say,  
12. a full answer or an easy answer. You have to take case by  
13. case. But I suggest in order for the...because of lack of  
14. time that we have left in this particular week, that we  
15. support this amendment as is and then if there are a few  
16. amendments to be made between now and Thursday, that we take  
17. them at that time.

18. PRESIDENT:

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. Question of the sponsor, Mr. President.

22. PRESIDENT:

23. Indicates she will yield.

24. SENATOR BUZBEE:

25. Senator Netsch, did...did I understand you to say awhile  
26. ago that...that a court had ruled recently that the overt  
27. act was not...or the overt act or threat was not necessarily  
28. a constitutional guarantee or...I'm not stating the question  
29. correctly...that...that it was not constitutionally  
30. guaranteed that a person had to have committed an overt  
31. act or threat enable to be admitted by somebody else to a mental  
32. institution, is that correct?

33. PRESIDENT:

1. Senator Netsch.

2. SENATOR NETSCH:

3. The appellate court decision was that an overt  
4. act is not constitutionally required as a basis for an  
5. involuntary admission.

6. PRESIDENT:

7. Senator Buzbee.

8. SENATOR BUZBEE:

9. Well, was that a Federal appellate court?

10. PRESIDENT:

11. Senator Netsch.

12. SENATOR NETSCH:

13. No, that was a state appellate court decision.

14. PRESIDENT:

15. Senator Buzbee.

16. SENATOR BUZBEE:

17. Okay, well, I've had some discussions previously with  
18. you about this problem and...and it's my understanding if  
19. the Federal court...courts have, in fact, on several occasions,  
20. have ruled that an overt act is necessary to get an involuntary  
21. admission. And we have been...well, I happen to know that is,  
22. in fact, true is some cases because the people have been  
23. released under...on the basis that they did not commit an  
24. overt act or...or threat. And I thought that's where some  
25. of the impetus was coming for this original language  
26. in...in your bill and that we're under the...under the  
27. heavy hand of the Federal courts. Would you respond to that?

28. PRESIDENT:

29. Senator Netsch.

30. SENATOR NETSCH:

31. The...no, I think that is not correct, Senator Buzbee.  
32. We can get together on our notes subsequently. There was a  
33. concern while the joint committees deliberations were going on and as

1. a matter of fact, all the time that the original Governor's  
2. Task Force was meeting, that the courts would come to the  
3. point where they would require an overt act as a constitutional  
4. requirement. To the best of my knowledge, there is no  
5. final decision anywhere that...that that is so and as...  
6. while there are several states that do have an overt act  
7. requirement in their Statutes, Wisconsin, for example, I would  
8. say probably the great majority still do not.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Buzbee.

11. SENATOR BUZBEE:

12. Well, then, is it safe to assume with the...if this  
13. amendment is adopted, that either a psychologist or a  
14. psychiatrist examination would be sufficient to go to court  
15. to a local circuit court and get a court order to admit  
16. somebody to an institution without their consent?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Netsch.

19. SENATOR NETSCH:

20. No, I think it doesn't follow quite the way you've  
21. described it, Senator Buzbee. For involuntary admission,  
22. you have ultimately two petition...two certification  
23. requirements anyway which are carefully spelled out in the  
24. Statute and you also have a dangerousness and helplessness  
25. standard which is also carefully spelled out in the Act.  
26. The only difference, really, is...and all of the formalities  
27. of involuntary commitment are very much here and to a  
28. considerable extent, even strengthened from the existing law.  
29. The only difference is whether this thing called an overt act,  
30. and it may be an awful lot of fuss about not that much anyway,  
31. although one would not know that from hearing everyone who  
32. testified before us, the only difference is that in order for the  
33. involuntary commitment standard to be met, it is not necessary  
34. to...to find that thing that is called an overt act that proves

1. the dangerousness or helplessness. But the basic standard,  
2. the underlying standard of dangerousness or helplessness  
3. is still there in the Statute.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Buzbee.

6. SENATOR BUZBEE:

7. Okay. Let me...let me give you an example. Parents  
8. have a...a...say a...an adult child, an offspring who is, in fact,  
9. an adult and they determine that this person should be  
10. committed, the person, in fact, is fighting an involuntary  
11. commitment...upon the passage...upon the acceptance of this  
12. amendment and the passage of this bill, how would that  
13. process come about o that person's being admitted?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Netsch.

16. SENATOR NETSCH:

17. The...the person is fighting admission, you say?  
18. Yeah. Well, then it would...he would have...he or she would have  
19. to go through the involuntary admission process and it could  
20. start with a petition filed by a member of the family, a police  
21. officer, if a police officer were involved or whatever. But...  
22. and...and ultimately, that petition could bring the matter  
23. to court but before the involuntary admission would actually  
24. take place, there must be two certificates, one of which  
25. ...at least one of which must be by a physician and one  
26. of which is going to be by either a psychologist or a  
27. psychiatrist and those are what...and...and it is either the  
28. psychiatrist or the psychologist who would have to be available  
29. to testify before the court before the involuntary admission  
30. could actually take place. So, you've got...it can be initiated  
31. by petition, you've got ultimately two certifications  
32. one of which will be a psychiatrist or a psychologist who will  
33. then be available to testify and ultimately the court, then, makes



1. the decision as to whether or not the helplessness, dangerousness  
2. standard has been satisfied.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Berning.

5. SENATOR BERNING:

6. Thank you, Mr. President. Just a couple of questions to the  
7. sponsor and I must confess that I have not been able to read  
8. this rather voluminous document, but would you please refer to  
9. item 5 on this green sheet, explanation of Amendment No. 1  
10. and would you be good enough to describe the Utilization  
11. Review Committee and why a committee is preferable to a hearing  
12. officer if it is, and then thirdly, does the...does the  
13. patient's parents have the opportunity to appear before this  
14. Utilization Committee?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Netsch.

17. SENATOR NETSCH:

18. It was primarily at the insistence of the Department of  
19. Mental Health that the change was made from an independent  
20. hearing officer to the Utilization Review Committee. There  
21. are some of us who actually would have preferred the hearing  
22. officer, but this was one of the major compromises that  
23. was made to satisfy the objections of both the department and  
24. some of the professionals who were also involved in the mental  
25. health field. Basically, their argument was that...well, twofold,  
26. one, that the hearing officer mechanism that was built  
27. into Senate Bill 250 as it was introduced, was very cumbersome.  
28. It would have involved a lot more "bureaucracy," a lot more  
29. time delay and that sort of thing. The second thing, and  
30. ...and this was perhaps more fundamental, was that they felt  
31. that the...it really interfered with what is often a clinical  
32. judgment and it should not be a...a purely evidentiary  
33. legal decision, whether someone is going to be discharged,

1. transferred, et cetera, that there is a high element of  
2. clinical judgment involved in it and if you go to the outside  
3. hearing officer mechanism without the participation of  
4. the people in the system who are...who know the patient,  
5. who can read the records and understand them and evaluate  
6. them, that...that you are more likely to...to come to a  
7. wrong decision. So, I think it was a combination of those  
8. reasons. In addition, I might say that the...the department  
9. said that it already has Utilization Review Committees in  
10. place, is using them for a variety of decisions...review of  
11. decisions and that in their judgment, they were working well  
12. and they felt it was not necessary that they be replaced by  
13. what they considered to be the cumbersome hearing officer  
14. device.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Berning.

17. SENATOR BERNING:

18. I...I think you partly answered my question about the  
19. committee. Did...did you say duplicate committees? My  
20. question was how does a committee handle what undoubtedly  
21. are many requests for hearings? If there are more than one  
22. committee, that's fine. And then where do they...how do they  
23. generate, who appoints them, and what kind of people are on  
24. them?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. For what purpose does Senator Daley arise?

27. SENATOR DALEY:

28. Mr. President and fellow Senators. I'd like to respond to that  
29. question. Who appoints would be the superintendent of that  
30. institution...would appoint a Utilization Review Committee.  
31. They presently appoint a committee called Utilization Review  
32. Committee, for various reasons, questions, transfers, and everything  
33. they're doing now. They have a committee set up. The superintendent

1. appoints the committee. Yeah, Yeah. The superintendent would  
2. appoint a committee, if necessary, he could appoint two or  
3. three committees. He would put a psychiatrist on, a psychologist,  
4. maybe someone else working in the facility. In other words,  
5. it isn't limited to one committee. He could have like in  
6. Manteno, say he could have two or three committees, Elgin,  
7. four or five committees. It's up to the superintendent of that  
8. institution.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Berning.

11. SENATOR BERNING:

12. Then, are parents or guardians allowed to appear when these  
13. ...these committees make their deliberations?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Daley.

16. SENATOR DALEY:

17. I...I believe his legal advocate or his guardian or  
18. parent could be there when they transfer or deny or discharge  
19. a patient.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. All right. Senator Berning, have you concluded?

22. Senator Berning.

23. SENATOR BERNING:

24. Just one more question. Under...under item 2, there seems  
25. to be a conflict between that paragraph 2 and page 6 where  
26. they..it says unrestricted. I assume that there may be some  
27. provision further on to restrict telephone usage. But,  
28. referring to page 8, line 20 where we are providing  
29. that patients may be employed by service providers and line  
30. 20 says, in accordance with applicable Federal and State  
31. laws and regulations. Does this bring these people under  
32. Unemployment Compensation and Workmen's Compensation?

33. PRESIDING OFFICER: (SENATOR BRUCE)

34. Well, you're both pointing at one another. Senator Daley.

1. Now you both raised your own hands. Senator Daley.

2. SENATOR DALEY:

3. No, it doesn't. There was a question of whether or not  
4. they could do the work anyway. Like we were thinking  
5. they couldn't be doing any plumbing work, electrical  
6. work, heavy construction work, anything like that. They  
7. would be doing a task assigned by the clinical director  
8. or the superintendent for reasons to...for treatment that  
9. they believe is necessary. They believe this is part of his  
10. medical record that he has to perform certain duties in the  
11. complex.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Berning, and your time has expired, Senator.

14. SENATOR BERNING:

15. The provision is, therefore, compensation by the provider.  
16. And this is what concerns me. It seems to me that we are  
17. establishing a liability on the part of the provider and  
18. consequently the State for coverage under Unemployment  
19. Compensation, Workmen's Compensation, perhaps pensions.  
20. I'm not sure about that.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. All right. Senator Netsch.

23. SENATOR NETSCH:

24. This is no change in the existing law anyway, Senator  
25. Berning. They are presently paid and to the best of my  
26. knowledge, they are not required to be covered by either  
27. Workmen's Comp or Unemployment Comp. We can recheck that point  
28. but we are not basically changing anything in this provision  
29. right...

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. All right. Senator, your time has expired. Senator  
32. Sangmeister. Senator Schaffer. Senator Soper.

33. SENATOR SOPER:

1. Thank you, Mr. President. As I understand from a statement  
2. that was made by Senator Netsch or Senator Daley or somebody  
3. that served on this joint committee, that this is a joint  
4. House and Senate Committee Judiciary I and they...they held  
5. hearings for the last year on this bill? Is that it?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Netsch.

8. SENATOR NETSCH:

9. The original proposals came out of a task force which had  
10. met for...it was about two or two and a half years. The  
11. bills were then introduced early last year. They...it was  
12. recognized that they were long complicated bills and so rather  
13. than trying to move them last year, that is during the  
14. 1977 year, there was formed a special joint House -  
15. Senate Committee which then held many, many hours of additional  
16. hearings on the bills and issued a report with recommended  
17. changes in the bills. That was done earlier this year.  
18. Then, after that report was issued, the bills which had  
19. originally been introduced in the Senate and assigned  
20. to Senator Daley's Committee, were then again heard before  
21. Judiciary I, on what...three or four occasions, Senator Daley  
22. reminds me. And so there were four more days of hearings  
23. and then these amendments which we're now presenting  
24. are the committee adopted amendments.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Soper.

27. SENATOR SOPER:

28. Now, we've got an eighty-six page amendment and  
29. it took committees two and a half, three and a half  
30. years to bring out a bill. Now, we're supposed to take this  
31. amendment which is eighty-six pages long and any amendments  
32. that are supposed to come on after this from a few people who  
33. were involved in this, the whole Senate is supposed to act on

1. this thing within the next three days or something?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Netsch.

4. SENATOR NETSCH:

5. I...I hope so, Senator Soper. I think that the  
6. procedure that was adopted, was designed to give as many  
7. members of the Legislature as possible a chance to have  
8. input on these bills. There's obviously no way when you're  
9. dealing with fairly large pieces of legislation, that you can  
10. have hundreds of hours of Floor debate on every single point  
11. and the idea of the two years of prior hearings, the report  
12. which was made available to every member of the Legislature,  
13. the special committee which held many, many hours of hearings  
14. at which anyone was invited, and the additional Judiciary  
15. work was designed to give everyone as much opportunity  
16. as possible to have input.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Soper.

19. SENATOR SOPER:

20. Thank you, Senator Netsch, but I understand that  
21. there's one fiscal report that was asked on this and I understand  
22. that it involves a few million dollars for telephone or  
23. some...some stuff and I just...I just don't know how you  
24. expect us to vote on this and digest this thing. ...don't  
25. give me a long answer. You give me fifteen minutes every  
26. time I get three minutes to talk.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator...Senator Daley.

29. SENATOR SOPER:

30. I can't...I can't do anything with this thing at this time.  
31. I don't know if anybody else here can do it except that  
32. those that served on that committee.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Daley.

2. SENATOR DALEY:

3. During the year on the special committee and the  
4. Judiciary Committee, we have worked very closely with the  
5. Department of Mental Health on all their objections  
6. to this...to this bill, as well as the professional groups  
7. involved, the Illinois Psychiatric Society, we accepted  
8. many of their recommendations, the Illinois Psychologists, as  
9. well as I mentioned earlier, that again, the Illinois  
10. Psychiatric Society will be preparing a number of amendments  
11. for this specific bill. We have already...we hope to get  
12. the amendments...we reviewed the prior amendments  
13. to find out...we believe we accepted most of them  
14. and we'll find out...Senator Sangmeister will present the...  
15. some of the issues that are still left over for the  
16. Psychiatric Society. Besides that, there's been full hearing...  
17. the Governor's Commission had three and a half years. We've  
18. had a year, we've had Judiciary hearings, four hearings on  
19. this specific bill. We had all the different groups appear  
20. before our committee and I think it's...at this time, we have  
21. to proceed on the amendments and debate fully the  
22. amendments as well as on 3rd hearing.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Soper.

25.

26.

(end of reel)

27.

28.

29.

30.

31.

32.

33.

1. SENATOR SOPER:

2. Thank you, Mr. President. What I...respectfully suggested,  
3. Senator Daley, that you've taken all this time and I appreciate  
4. the time involved but why if we get this in what shape you think  
5. it should be in, what shape...the rest of the committee thinks  
6. it should be in and then I suggest that we take this and...and  
7. hold this and let everybody get a chance to digest it and when  
8. we come back in the Fall spend about a week only on this if  
9. this is so important and not get it mixed up in everything else.  
10. This was supposed to be a year for...a Session for revenue and  
11. appropriations and now we get a...something that's so important  
12. as this and I think if it's that important that we ought to take  
13. this separately and spend a week on it and hereafter we've had  
14. a chance to read this and after...I'll take any amendments that  
15. the members of this committee are...are the members of the joint  
16. committee suggest. But get a bill in its final form and then  
17. give it to the whole House or the whole Senate and give us the  
18. chance to look at it and digest it ourselves. I don't how any-  
19. body can...that hasn't had anything to do with this proposition  
20. can sit down and read an eighty-six page amendment even though  
21. you may say, well, it doesn't do any more than what it did before  
22. but it does...we just amended a few things in it and you know...just  
23. changed from "may" to "shall" and a few other things in there that...  
24. it doesn't do anything but you got to read the whole...the whole  
25. thing before you know whether you did anything or not. And if you  
26. want to be fair and you want to come out with a real bill after  
27. four and a half years and I think you ought to every Senator a  
28. chance to digest this thing and I would put a week on this after  
29. we come back. But for this...for the next few weeks to say in  
30. three days we've got to come out with this thing, I think that  
31. you're doing an injustice to this whole proposition.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there any Senator that seeks recognition the first time



1. to comment on this amendment? Senator Schaffer.

2. SENATOR SCHAFFER:

3. Mr. President, I'm not specifically commenting on this  
4. amendment although this and the ones that follow. I think the  
5. procedure outlined by Senator Daley makes a lot of sense. These  
6. are the agreed amendments and I think we ought to proceed with  
7. them and put the bill in...in the basic shape that is should be  
8. in so that those few areas where there still is controversy  
9. can be addressed individually, hopefully tomorrow and the next  
10. day. In...in response to Senator Soper, frankly, this...we've  
11. heard this package to death. I think we've had two committees  
12. go over it and I think we've hammered out most of the controversial  
13. areas. I think we now have the department in favor and while it  
14. is an eighty-six page amendment it does, in fact...many of those  
15. pages are nothing but existing law restated one more time. It  
16. is a...controversial, comprehensive package but I think it's in  
17. good shape and I think we have, in fact, very responsibly  
18. addressed our legislative responsibilities and while I can  
19. recognize that a member who hasn't served on the committee...  
20. maybe somewhat bewildered by the thing. I would suggest that I  
21. for one am willing to admit that every day I get packages that  
22. are from committees that I don't serve on that I am forced to  
23. concede I don't totally comprehend and I think that's the way  
24. the legislative processes works. I think we've got ourselves  
25. a viable package here. I think we ought to proceed to address  
26. it this week.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Does any Senator seek recognition the first time on the  
29. amendment? We'll go to those Senators who sought recognition  
30. a second time. Senator Ozinga and then Senator Soper.

31. SENATOR OZINGA:

32. Mr. President and members of the Senate. I'd like to pose  
33. the question, the question is with reference to number nine on

1. this sheet. Now before I pose the question I am on that committee  
2. and I think cosponsor of the bill. The only thing I have no objections  
3. to anything that Senator Daley has said with reference to the hearings  
4. on these committees. The only thing that I'm saying is that  
5. these amendments were talked about and agreed upon but never put  
6. into shape and there is a lot to be desired in some of the language  
7. on these amendments. However, getting back to number nine, would  
8. somebody, either Senator Daley or Senator Netsch tell me just where  
9. this is and where it's to go later. The probable cause is the  
10. basis that we've had about ninety percent of some of these people  
11. being lenders institutions and I'd like to know just what this  
12. deletion of probable cause is.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Ozinga, do you have any other questions you want to  
15. ask? Senator Daley.

16. SENATOR DALEY:

17. I'm deleting the effect and the probable cause here is we...  
18. we thought it would protect the...as I understand it the Depart-  
19. ment of Mental Health in regards to hearings that they will have  
20. in the Utilization Review Committee and any other committees  
21. that they're having in regards to this specific package and that  
22. one is on the belief that probable cause was not necessary and would  
23. unduly burdened the Department of Mental Health and I think...  
24. believe through their intervention and through their advice they  
25. saw fit that this section would be deleted and have a hearing that  
26. would not unduly burdened them for probable cause. We didn't want  
27. to put a legal technicalities involved, in other words, the...the  
28. department was saying it looks like this is a court proceeding...  
29. like we're the adversaries and we're proceeding against them. Let's  
30. delete the word "probable cause" and that's why this section is  
31. deleted.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Ozinga.

1. SENATOR OZINGA:

2. Okay. Just following up your own little argument right there  
3. where friend's wife throws husband into a situation because she  
4. just doesn't get along and wants to get him out of the way. Now  
5. you telling me that we're going to just allow this to go without  
6. probable cause, that she doesn't have to show probable cause and  
7. for others that are in the institution to show probable cause why  
8. they should not be out.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Netsch now...Senator...

11. SENATOR NETSCH:

12. No, that...that has nothing to do with it. This was sort of  
13. a pre-hearing hearing and it does not have to do with the...the  
14. court hears always a court hearing on involuntary admission. That  
15. has not been changed. If anything it's been strengthened. This  
16. was an administrative pre-hearing hearing. I'm...I'm looking for  
17. the section. I don't have my index in front of me right now and  
18. it takes awhile to find the old section that I was going to read  
19. to you, but in no way does it...does it allow someone to be in-  
20. voluntarily admitted without all of the formalities of the court  
21. proceeding. That has not been changed in any way, Senator Ozinga.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Ozinga, further questions?

24. SENATOR OZINGA:

25. Due respect to what has been said and...and with all due  
26. respect to Senator Daley's commission in committee, the answer  
27. to it is this is my argument that these have just been placed  
28. here and I...I know that I agree with you a thousand percent this  
29. has been given a lot of hearing, but what I'm trying to say is to  
30. put this thing into a package where we can really analyze it and  
31. I'm real concerned with reference to that probable cause.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Daley.

1. SENATOR DALEY:

2. As Senator Netsch state probable cause in regards to  
3. involuntary admissions we're not deleting that section. When  
4. you involuntary admit a person that is before a...a local court  
5. and they're not going to eliminate probable cause. Probable  
6. cause is limited where the department thought it was unduly  
7. burdensome and...and it became a court hearing more...more or  
8. less in...in Utilization Review Committees and in other areas  
9. the Department of Mental Health wanted that deleted and I think  
10. rightfully so. This would unduly burden the Department of Mental  
11. Health. They would have hearings upon hearings of court proceeding  
12. they...they didn't want that.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Netsch, did you wish to make comment?

15. SENATOR NETSCH:

16. I was just going to call attention to the...it's in the  
17. original bill, Senator Ozinga, it was Section 3-802. It was a  
18. pre-hearing hearing with respect to involuntary admission and the  
19. feeling was that that just added another layer and instead of  
20. doing that we would go straight to the...the regular court hearing  
21. for involuntary admission. I can read it to you or I can show it  
22. to you afterwards.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Ozinga and your time has nearly expired, Senator.

25. SENATOR OZINGA:

26. You put your finger right exactly on what I'm talking about.  
27. The answer to it is that there's a petition filed in the court,  
28. there's a hearing before the Mental Health Department, et cetera,  
29. et cetera and now you're eliminating the necessity of probably  
30. cause.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Netsch.

33. SENATOR NETSCH:

1. ...I'm sorry that just isn't so, Senator Ozinga. As a  
2. matter of fact, we probably should not even abuse the expression  
3. probable cause. It was just a...one of those words that we devise  
4. to refer to a particular section. There is nothing at all changed  
5. about the requirement of a court hearing and all of the safeguards  
6. that go with it. The...the way the bill was originally structured  
7. there were, in affect, two court hearings. The feeling was that  
8. that was an unnecessary layer of... of hearing on the question of  
9. involuntary admission. The...the matter still goes straight to  
10. the court and it is the court which holds the hearing on involuntary  
11. admission.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Ozinga and your time has expired, Senator.

14. SENATOR OZINGA:

15. ...I'm a little bit intrigued because I think Senator Netsch  
16. put her finger exactly on why the reason that I asked to have  
17. these things put in final form before we analyze it. In her  
18. statement when she said, "we probably have used the wrong language."  
19. Well, you can use any kind of language you want, but let's get  
20. down to the brass tacks and when you get right down to it we don't  
21. have to have "fancy dan" language to confuse the issue.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Soper.

24. SENATOR SOPER:

25. Thank you, Mr. President. I don't know what finger was put  
26. on what cause or what but I know these are two members of the same  
27. committee that have been agonizing over this for a year and a  
28. half or so and then we had another member of the committee, Senator  
29. Schaffer, who said that this doesn't need any hearing as far as  
30. the rest of the Senators are concerned. That's why I take it  
31. he thinks that if committee comes out with something that we  
32. should all drop dead and turn over and pass this. Now if the members  
33. of the committe can't even agree on all these amendments, how do

1. expect us to get an eighty-six page amendment to something. There's  
2. a report that was made on April 20th that's about three and a half pages  
3. and out of that comes a...a bill with an eighty-six page amendment.  
4. They can't even agree how a guy gets...gets to be committed, so I  
5. think...do justice to this thing if we take it you Ladies and  
6. Gentlemen of the committee put all your amendments, on get it in  
7. one package, give it to the Senate, let's give it a week and when  
8. we come back in the Fall, give the House a week on it after we get  
9. through with it and handle this. At this time I say we were  
10. supposed to have appropriations and revenue. How did this girl  
11. get in the act? That's what I want to know. Give us a little  
12. time. I'm not as smart as Jack Schaffer on this stuff and he  
13. knows everything about this.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Further discussion...Senator Netsch, do you wish to close.  
16. You are Senator Daley? The motion is on the adoption of Amendment  
17. No. 1 to Senate Bill 250. Those in favor vote Aye. Those opposed  
18. vote Nay. The voting is open. Have all voted who wish? This is  
19. on amendments, Gentlemen and Ladies. Have all voted who wish?  
20. Have all voted who wish? Take the record. Oop. Well. On that  
21. question, the Ayes are 33, the Nays are 3, 15 Voting Present.  
22. Amendment No. 1 is adopted. Further amendments, Mr. Secretary.

23. SECRETARY:

24. Committee Amendment No. 2. Committee Amendment No. 2.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Who will speak on the Committee Amendment No. 2? Senator  
27. Netsch?

28. SENATOR NETSCH:

29. Amendment No. 2 is almost entirely technical corrections  
30. in the basic bill which was Amendment No. 1. The only substantive  
31. change which was incorporated in Amendment No. 2 was to lengthen  
32. the time and this was again at the request of both the...well,  
33. partly the department and...and certainly the psychiatrist

1. who testified before us for various kinds of restraint which  
2. have to be subject to review periodically and we simply added some-  
3. what to the number of hours to better accommodate the fact that  
4. there are shifts in personnel that take place within an institution.  
5. That is the only substantive change in this amendment. The rest  
6. of it is all technical corrections.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there further discussion? Senator Netsch moves the  
9. adoption of Amendment No. 2. All in favor say Aye. Opposed  
10. Nay. Senator Soper, do you wish to make comment on the amend-  
11. ment?

12. SENATOR SOPER:

13. Yes, Mr. President...

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. All right.

16. SENATOR SOPER:

17. ...I have one of our aides here calls attention to the fact  
18. that on the Amendment No. 2 there...there were two...two technical  
19. ...the corrections didn't correct the technical amendment...didn't  
20. correct the...the situation. There's a double error. In other  
21. words it did nothing to correct it, so that should have been taken  
22. care of and there's about twenty-two on the next amendment that  
23. would...would be wrong was called to Senator Netsch's attention  
24. here this morning. If she wants to go along with it she's going  
25. to have to amend an amendment on an amendment.

26. PRESIDING OFFICER: (SENATOR JOHNS)

27. Senator Netsch.

28. SENATOR NETSCH:

29. A...one of the staff persons called my attention just a short  
30. while ago to the fact that there is one technical error in the  
31. Technical Amendment. That is quite correct and we can pick it up  
32. later on.

33. PRESIDING OFFICER: (SENATOR JOHNS)

1. Senator Ozinga, you don't have your light on but I'm  
2. watching you as you stand and...  
3. SENATOR OZINGA:  
4. No.  
5. PRESIDING OFFICER: (SENATOR JOHNS)  
6. ...you do not wish to speak. Thank you. Any further  
7. discussion of Amendment No. 2 for Senate Bill 250? All right.  
8. Then all of those in favor of adoption of Amendment No. 2 to  
9. Senate Bill 250 say Aye. All those opposed say Nay. The  
10. amendment is adopted. Any further amendments?  
11. SECRETARY:  
12. Committee...  
13. PRESIDING OFFICER: (SENATOR JOHNS)  
14. ...Mr. Secretary.  
15. SECRETARY:  
16. ...Amendment No. 3.  
17. PRESIDING OFFICER: (SENATOR JOHNS)  
18. Senator Vadalabene.  
19. SENATOR VADALABENE:  
20. Yes, thank you, Mr. President and members of the Senate.  
21. Before you go to Amendment No. 3 I do have two cousins and their  
22. wives in the...in the...behind in the President's Gallery, Angelo  
23. and Rose Milatello and Sam and Sarah Zangori. I would like for  
24. them to stand and be recognized.  
25. PRESIDING OFFICER: (SENATOR JOHNS)  
26. Will they stand and be recognized by the Senate.  
27. SENATOR VADALABENE:  
28. And they're from Wood River.  
29. PRESIDING OFFICER: (SENATOR JOHNS)  
30. Now may we continue. Senator Netsch. Amendment No. 3.  
31. SENATOR NETSCH:  
32. Thank you, Mr. President. This amendment was also requested  
33. by the, particularly, by the Department of Mental Health. There is



1. a provision for a notice to be given prior to the discharge of  
2. a patient from a facility and rather than have language read  
3. absolutely, that at least seven days prior to discharge the  
4. notice will be given. The department requested us to modify  
5. it to read, "whenever possible this notice shall be given at  
6. least seven days prior to the date of the intended discharge."  
7. That was simply to give them some administrative flexibility where  
8. it was not necessary to wait the full seven days. I would move  
9. adoption of Amendment No. 3 to Senate Bill 250.

10. PRESIDING OFFICER: (SENATOR JOHNS)

11. Senator Ozinga is recognized.

12. SENATOR OZINGA:

13. Again I question the feasibility of this amendment just  
14. because just to please a department. Now in a lot of instances  
15. I know that in the past where a seven day notice, at least, you  
16. could get some of the witnesses together that would ask that this  
17. thing be there and the reason for it in the first instance was  
18. to give adequate time not to get a guy out but to keep a guy in  
19. because he's felt to be dangerous to his family if he did get  
20. back and over there there's some of these people can do a pretty  
21. camouflague. I would think that this should be considered pretty  
22. healthy and the result is that I...I would suggest that...keep it  
23. at least a minimum of seven days notice.

24. PRESIDING OFFICER: (SENATOR JOHNS)

25. Have you concluded? The Chair recognizes Senator Daley.

26. SENATOR DALEY:

27. It was the recommendation of the Department of Mental Health  
28. because they said many times people voluntary admit themselves  
29. three days or two days or four days and they saw fit that...instead  
30. of giving a seven day notice would have to keep a person another  
31. seven days there. They could give her three or four or two day  
32. notice. It's up to the department and...and I see no problems  
33. with it. It's more of a...they're going to get notice and...for

1. a hearing...for a discharge, so I think it's very necessary for  
2. the department. Otherwise they would have to keep the person in  
3. there another seven days.

4. PRESIDING OFFICER: (SENATOR JOHNS)

5. Any further discussion? You've heard the motion...the move  
6. by Senator Netsch to adopt Amendment No. 3 to Senate Bill 250.  
7. All those in favor signify by saying Aye. All those opposed by  
8. Nay. The Ayes have it. The amendment is adopted. Any further  
9. amendments?

10. SECRETARY:

11. Committee Amendment No. 4.

12. PRESIDING OFFICER: (SENATOR JOHNS)

13. Senator Netsch.

14. SENATOR NETSCH:

15. Thank you, Mr. President. Amendment No. 4 would delete  
16. the requirement that was in the bill as it was originally  
17. introduced that the advocacy service be informed of every  
18. admission, objection to admission, change of legal status,  
19. intended discharge and so forth for someone who is subject to  
20. involuntary admission. Again, this was part of the committee's  
21. determination that we would somewhat de-emphasize the very heavy  
22. reliance on the advocacy service and it's...it's interjection  
23. at every single stage of the proceeding. It doesn't mean that  
24. the advocacy service might not be brought to bear in such a case  
25. but every time there is any change in status of someone the feeling  
26. was that it was not necessary to notify the advocacy service and  
27. there were also some...confidentiality and privacy questions  
28. involved. I would move the adoption of Amendment No. 4.

29. PRESIDING OFFICER: (SENATOR JOHNS)

30. You've heard the motion. Any further discussion? Senator  
31. Ozinga.

32. SENATOR OZINGA:

33. This reduces the amount of necessary paper and I would advocate that

1. the Advocacy Amendment be adopted.

2. PRESIDING OFFICER: (SENATOR JOHNS)

3. Thank you. You've heard the motion to adopt Amendment No.  
4. 4 to Senate Bill 250. All those in favor signify by voting Aye.  
5. All those opposed are Nay. The motion is adopted. You didn't  
6. ...raise your hand...Senator Soper. I was watching you but I  
7. saw this motion out of the corner...next amendment, Mr. Secretary.

8. SECRETARY:

9. Committee Amendment No. 5.

10. PRESIDING OFFICER: (SENATOR JOHNS)

11. Senator Netsch.

12. SENATOR NETSCH:

13. Thank you, Mr. President. This amendment added and strengthened  
14. some language to make it clear that and to insure really that the  
15. department would have the benefit of any insurance that covered  
16. someone who was, in fact, the department or any other facility  
17. would have the benefit of any insurance which did, in fact, cover  
18. someone who was a resident patient. It was intended to be that  
19. way initially but I think the...this was requested by the department  
20. because they wanted it to be very clear that the insurance would  
21. be available where, in fact, a person was covered and that is the  
22. point of this amendment. I would move the adoption of Amendment  
23. No. 5 to Senate Bill 250.

24. PRESIDING OFFICER:(SENATOR JOHNS)

25. Any discussion? You've heard the motion to adopt Senate  
26. Amendment No. 5 to Senate Bill 250. All those in favor say Aye.  
27. All those opposed say Nay. The amendment is adopted. Mr.  
28. Secretary...

29. SECRETARY

30. No further committee amendments.

31. PRESIDING OFFICER:(SENATOR JOHNS)

32. Any further amendments from the Floor? Senator Netsch.

33. SENATOR NETSCH:

1. Again what I would like...those are the committee amendments,  
2. Mr. President, and what I would like to do would be to move the  
3. bill to 3rd now and tomorrow we will bring it back and Senator  
4. Ozinga, Senator Sangmeister and others who have amendments to  
5. offer could add...could offer them at that time.

6. PRESIDING OFFICER: (SENATOR JOHNS)

7. The Chair recognizes Senator Ozinga.

8. SENATOR OZINGA:

9. The amendment that I have is on the Secretary's Desk. It  
10. has been on the Secretary's Desk for quite some time and the answer  
11. to it is it's a short and minimal addition to this bill which I  
12. have been advocating for the last ten years in this Mental Health  
13. Code and if it has to come off it will go right with the rest of  
14. these amendments, which are committee amendments. We talked  
15. about this the same as what we talked about the others in the  
16. committee and I said that at this time I would prepare it and  
17. get it here at the time these committee amendments were adopted  
18. so this is the same thing except it's my amendment and all that  
19. this amendment does is it gives an additional authority to the  
20. superintendent of an institution whereby right now in the Mental  
21. Health Code and had...has been previously set up, it is mandatory  
22. that when a person leaves an institution he is absolutely discharged.  
23. All that this amendment does is it adds an additional authority  
24. to the superintendent of that institution by allowing him to put  
25. a conditional discharge for this person. Now that's all it does.  
26. It doesn't delete the possibility of an absolute discharge in any  
27. way, shape or form but it gives him the additional responsibility  
28. to the superintendent after the procedures are followed that he  
29. feels he may give a conditional discharge and this has been a fault  
30. that we have found throughout the entire State of Illinois that  
31. when a person is absolutely discharged he's got to start over from  
32. scratch and naturally he's not going to be a voluntary admission.  
33. Whereas, if it's a conditional discharge they can take him right

1. back in right now.

2. PRESIDING OFFICER: (SENATOR JOHNS)

3. Senator Daley.

4. SENATOR DALEY:

5. Mr. President and fellow Senators. I stand opposing this  
6. specific amendment. As you know the Department of Mental Health  
7. opposes it for a number of reasons. Number 1: once they discharge  
8. the person...the person is discharged for medical reasons documented  
9. that he is discharged the department doesn't want to put a condition  
10. that he has to go to an out patient clinic...clinic once a week or  
11. he has to return to the State facility once every month or twice  
12. every month or four or five times every month. Once you're  
13. discharged from a State facility you are completely discharged.  
14. Now there's the problem if they're discharging people unnecessarily  
15. or unwisely then you have to hit...you have to go after the problem  
16. of discharge but you cannot put a...you're placing the person who's  
17. discharged as a parolee now. They're not parolees. They were  
18. patients in a facility who has received treatment. The medical  
19. people state now that this person should be discharged when they  
20. have a hearing. They have the hearing and anyone can come to the  
21. hearing and object. Once they discharge a person, that person is  
22. discharged.

23. PRESIDING OFFICER: (SENATOR JOHNS)

24. Senator Ozinga.

25. SENATOR OZINGA:

26. That...that may be all well and good but who is to relieve  
27. the department of a little bit of an additional responsibility.  
28. If you will just think of some of these people that have committed  
29. crimes or acts after having been in an institution if this provision  
30. would have been there it would not have happened. Take as an  
31. example. A guy that's in the institution is released, picked up  
32. on the streets in front of your home, any one of your homes. Your  
33. wife sees him out there, indecent exposure. He's been in the

1. institution. Now you think for a minute this guy is going to  
2. go back of his own accord. You've got to start the procedure  
3. all over again, whereas if he had that possibility and this is  
4. an additional to...an additional authority given to the superintendent  
5. it's optional...it's not optional...it's not mandatory, it's just  
6. an additional authority that he would have if he has the slightest  
7. idea that this man or woman would be creating a crime or an indecent  
8. act or something that gives them a little bit of a leverage. A  
9. little bit of extra paperwork on the part of the Department of  
10. Mental Health won't hurt at all if we're going to save our own  
11. community from people like this that have been returned back to  
12. the community and you all know as well as I these guys get back  
13. they're as good an actors as you've ever seen in the theatre but  
14. they're in these mental institutions and performing this way. I  
15. thoroughly would expect that we give these superintendents this  
16. optional authority and responsibility so that they are not just  
17. turned out loose.

18. PRESIDING OFFICER: (SENATOR JOHNS)

19. Senator Daley.

20. SENATOR DALEY:

21. Mr. President and fellow Senators. First of all, a superintendent  
22. of any public facility can never predict a person is going to commit  
23. a crime or commit indecent exposure. If he was...if he could do  
24. that presently and if...just because of the specific change here  
25. and we're going to say he can predict I...I doubt it, I haven't  
26. met anyone who can make that prediction. But what you're doing  
27. here is you're making a patient a parolee. It's up to the  
28. department, once they have a full and complete hearing whether or  
29. not the person should be discharged. Anyone can come in. A family,  
30. a friend, any police agency can come in, object to that discharge.  
31. Here you're placing a...a restrictions on this person which they  
32. should never discharge if they see fit. Many of these people that  
33. are discharged, there's nothing wrong with them. I mean if you're

1. talking about a particular examples that have arisen because of  
2. plea of...of insanity, this has nothing to do with this bill or  
3. this amendment.

4. PRESIDING OFFICER: (SENATOR JOHNS)

5. Senator Ozinga.

6. SENATOR OZINGA:

7. There's nothing that says that he has to be a parolee and  
8. there's nothing wrong in him being a parolee if he's been accused  
9. of these kind of acts and they're subject to and apt to do it  
10. again. However, there's nothing says that he's going to continue  
11. for the rest of his life under that status. This is only a  
12. discretionary pardon or privilege or would...call it what you  
13. want but maybe that little club over his head or whatever you  
14. want to call it, parole might save an awful lot of embarrassment  
15. back in the community. Every time one of these type of people  
16. are picked up they say former member of the mental health  
17. institution and I just feel that it should be on there and they  
18. should have that discretion.

19. PRESIDING OFFICER: (SENATOR JOHNS)

20. Senator Daley.

21. SENATOR DALEY:

22. Again I would like to reiterate this person is not a criminal,  
23. he is not a parolee. He is a patient in a State facility. They have  
24. given him treatment. They have had a hearing and stated that this  
25. person should be discharged. Now if the problem...we should then  
26. look at the problem, have the hearing and the discharge hearing.  
27. There's where we should go to but we cannot put restrictions on  
28. anyone that leaves the State facility conditional or...discharge it  
29. would be unburdensome for the department. They would have to again...  
30. again come in and look for a special appropriation to find out where  
31. these people are that you're talking about. If they're going to be  
32. committing indecent exposure. If they're going to be committing  
33. these various crimes they'll need a group of parole officers, maybe

1. four or five thousand people then to roam the State.

2. PRESIDING OFFICER: (SENATOR JOHNS)

3. Senator Nimrod.

4. SENATOR NIMROD:

5. Yes, a question to the sponsor of the amendment?

6. PRESIDING OFFICER: (SENATOR JOHNS)

7. Will he yield? He indicates he will yield.

8. SENATOR NIMROD:

9. Yeah, Senator Ozinga, at the discharge hearing were...are  
10. there only those who are released or retained or is this intended  
11. to be a tool where the...both the superintendent can look at the  
12. report from the discharge hearing and then make a determination  
13. on some of those that he has some questions about. Is this what  
14. the purpose of this amendment is for?

15. PRESIDING OFFICER: (SENATOR JOHNS)

16. Senator Ozinga.

17. SENATOR OZINGA:

18. ...You've gotto know the procedure that is being followed  
19. by the Department of Mental Health in discharging a person. There  
20. are probably four, five, six, seven people that constitute a team  
21. for discharge. Okay. Once they've analyzed a problem there may  
22. be two out of five that are in favor of letting him go. There  
23. may be one person that has some other information like a nurse  
24. or an aide that's working with this patient over the last few years  
25. and knows his reaction. This will merely give the superintendent  
26. the additional authority to put a conditional discharge for...if  
27. need be a limited length of time or until such time as he feels it's  
28. safe.

29. PRESIDING OFFICER: (SENATOR JOHNS)

30. Any further discussion? Senator Nimrod.

31. SENATOR NIMROD:

32. Yes, Senator Ozinga, then are you saying that with this that  
33. those that are in question that they would also on a conditional



1. ...discharge that they would set a period of time that they would  
2. limit it to? Could that be included as part of this condition?  
3. PRESIDING OFFICER: (SENATOR JOHNS)  
4. Senator Ozinga.  
5. SENATOR OZINGA:  
6. The answer to that is this would be completely at the  
7. discretion of the superintendent which is what the amendment does.  
8. PRESIDING OFFICER: (SENATOR JOHNS)  
9. Any further discussion? The motion is to adopt Senate...  
10. Amendment No. 6 to Senate Bill 250. All those in favor say Aye.  
11. All those opposed Nay. A roll call is requested. Mr. Secretary.  
12. All those in favor will vote Aye. All those opposed will vote  
13. Nay. The voting is open. Have all voted who wish? Have all  
14. voted who wish? Take the record, Mr. Secretary. On that motion  
15. to adopt Amendment No. 6, the Yeas are 23, the Nays are 28. The  
16. motion is defeated. Further amendments?  
17. SECRETARY:  
18. No further amendments.  
19. PRESIDING OFFICER: (SENATOR JOHNS)  
20. Any amendments...3rd reading, Mr. Secretary. Senator Ozinga  
21. wishes to verify the...negatives...  
22. SENATOR OZINGA:  
23. And leave...and leave the lights lit.  
24. PRESIDING OFFICER: (SENATOR JOHNS)  
25. ...Mr. Secretary. Will the Senators be in their seats please.  
26. Mr. Secretary, will you now read the roll call on the negative  
27. votes please.  
28. SECRETARY:  
29. The following voted in the negative: Bruce, Buzbee, Carroll,  
30. Chew, Clewis, Collins, D'Arco, Daley, Demuzio, Donnewald, Kenneth  
31. Hall, Hickey, Johns, Joyce, Ziomek, Lane, McMillan...no, sorry,  
32. Leonard, Maragos, Merlo, Netsch, Rock, Smith, Vadalabene, Washington,  
33. Wooten, Mr. President.

1. PRESIDING OFFICER: (SENATOR JOHNS)

2. Donnewald, Lemke, Guidice...Guidice did not vote? The roll  
3. call has been verified, Mr. Secretary. Thank you. The vote  
4. stands. On that question, the Yeas are 23, the Nays are 28. The  
5. motion is defeated. 3rd reading. Senate Bill, 252. Senator Nimrod.  
6. Read the bill, Mr. Secretary.

7. SECRETARY:

8. Senate Bill 252.

9. (Secretary reads title of bill)

10. 2nd reading of the bill. No committee amendments.

11. PRESIDING OFFICER: (SENATOR JOHNS)

12. Any amendments from the Floor? Any amendments from the Floor?  
13. Senator Daley.

14. SENATOR DALEY:

15. Mr...Mr. President, I believe there's an amendment on the  
16. Secretary's Desk, Amendment No. 1 to Senate Bill 252.

17. PRESIDING OFFICER: (SENATOR JOHNS)

18. Is that correct, Mr. Secretary?

19. SECRETARY:

20. Don't have amendment for...for Senate Bill 252, Senator Daley.  
21. I have one for 253. Your amendment.

22. SENATOR DALEY:

23. You have one for 252...

24. PRESIDING OFFICER: (SENATOR JOHNS)

25. Stand at ease for a moment.

26. SECRETARY:

27. Floor Amendment No. 1 offered by Senators Daley and Nimrod.

28. PRESIDING OFFICER: (SENATOR JOHNS)

29. Senator Daley or Nimrod, which one is going to take it?

30. Nimrod...Senator Nimrod.

31. SENATOR NIMROD:

32. Yeah, Mr. President, I'm going to let Senator Daley explain  
33. the amendment but just briefly so we don't have the questions

1. about what these bills are. I might just take a quick minute to  
2. remind you that this bill both includes the development of the  
3. disabled and the mentally ill and I think it personally reflects  
4. a change which is long overdue and recognizing different degrees  
5. of competency and the preservation of some of their rights of the  
6. individuals and this seems to be especially pertinent as we move  
7. into more residential community based settings. Now the proposal  
8. has two principle objectives. One, to insure that the adequate  
9. due process safeguards and to evaluate materials that are avail-  
10. able in guardianship proceedings and to give the court an oppor-  
11. tunity to fashion an appropriate guardianship arrangement for  
12. those that are mentally disabled adults who require a guardian-  
13. ship. That's the purpose of this bill and it had come through  
14. with general acceptance and certainly it was one that generally  
15. needed. We do have some amendments and maybe Senator Daley can  
16. explain the amendment to the bill.

17. PRESIDING OFFICER: (SENATOR JOHNS)

18. Senator Daley. Pardon me, Senator, just a moment. Ladies  
19. and Gentlemen, just a little quieter please. Thank you. Senator  
20. Daley.

21. SENATOR DALEY:

22. Mr. President and fellow Senators, the amendment as Senator  
23. Nimrod stated allows the court to appoint a limited guardian for  
24. various reasons. Under the present law and under the...in...in  
25. order to appoint a guardian a person must be declared an incompetent  
26. and appoint a full guardian over them. This will allow the court  
27. to appoint a limited guardian for various reasons of a person that  
28. needs one...such as financial reasons, such as housekeeping reasons  
29. where a person needs a limited guardian and he doesn't have to be  
30. declared an incompetent. Secondly, applies the...article then  
31. applies to the Probate Court which is necessary for the technicalities  
32. involved. Also the guardian ad lidum which is appointed in the  
33. case when a guardian is appointed. It must be an attorney as well...

1. it deletes the requirement that a physician must always testify  
2. at a guardianship hearing. The court and everyone concerned  
3. states that anyone can waive a physician to testify whether  
4. it's the attorney, whether it's the court or any interested party.  
5. It's unnecessary if the court or the GAL or anyone says a physician  
6. must be present he can testify. That's all the amendment does.

7. PRESIDING OFFICER: (SENATOR JOHNS)

8. Any further discussion of Amendment No. 1 to Senate Bill 252?  
9. Senator Buzbee. Okay.

10. SENATOR BUZBEE:

11. A question to the sponsor, Mr. President.

12. PRESIDING OFFICER: (SENATOR JOHNS)

13. The sponsor indicates he will yield.

14. SENATOR BUZBEE:

15. Senator Daley, why is it necessary that...for the appointment  
16. of a guardian ad lidum that that person be an attorney. Why  
17. couldn't we have some sort of a social worker mentally handicapped  
18. or mentally ill advocate...act in that position?

19. PRESIDING OFFICER: (SENATOR JOHNS)

20. Speak Senator Daley.

21. SENATOR DALEY:

22. It was the consensus of the committee as well as the court  
23. that in order to protect the person as legal protection is a  
24. guardian ad lidum whether or not he's going to represent the  
25. individual or unknown heirs. In other words, he needs he an  
26. attorney to...protect his...his legal rights and...it must be  
27. necessary to appoint one as an attorney.

28. PRESIDING OFFICER: (SENATOR JOHNS)

29. Any further discussion? Senator Buzbee.

30. SENATOR BUZBEE:

31. Well, under the present law any guardian ad lidum that is  
32. appointed for somebody that falls into this category. Does that  
33. guardian ad lidum have to be an attorney under the present law?

1. PRESIDING OFFICER: (SENATOR JOHNS)  
2. Senator Daley.  
3. SENATOR DALEY:  
4. Yes.  
5. PRESIDING OFFICER: (SENATOR JOHNS)  
6. Senator Buzbee.  
7. SENATOR BUZBEE:  
8. Then the bill as originally written or as it came out of  
9. committee I guess would have deleted that requirement and you're  
10. putting it back in. Is that it?  
11. PRESIDING OFFICER: (SENATOR JOHNS)  
12. Senator Daley.  
13. SENATOR DALEY:  
14. Correct.  
15. PRESIDING OFFICER: (SENATOR JOHNS)  
16. Senator Buzbee.  
17. SENATOR BUZBEE:  
18. Well, I'm a little interested as to what brought on the  
19. change and the recommendation that came out of committee and  
20. then...I, pretty sure I understand what brought on this amendment  
21. but what brought on...why was the bill originally written to  
22. have a guardian ad lidum to be a...somebody other than an  
23. attorney?  
24. PRESIDING OFFICER: (SENATOR JOHNS)  
25. Senator Daley.  
26. SENATOR DALEY:  
27. I stand corrected. Originally the guardian ad lidum must  
28. be one who's an attorney to be qualified to work with the develop-  
29. mentally disabled or mentally ill people and the courts saw  
30. fit that what we were trying to do is make a full specialization  
31. in this field and we're trying to limit it to maybe, twenty  
32. attorneys across the State. Instead we open it up and the  
33. only requirement that he must be an attorney.

1. PRESIDING OFFICER: (SENATOR JOHNS)

2. Senator Buzbee.

3. SENATOR BUZBEE:

4. Well, the...the explanation that I have here says that it...it  
5. deletes the requirement that the guardian ad litem be qualified to  
6. work with...developmentally disabled or mentally ill people and  
7. requires instead that he be an attorney. So...under the current  
8. law he's an attorney but under the bill as originally he's not  
9. necessarily an attorney.

10. PRESIDING OFFICER: (SENATOR JOHNS)

11. Senator Buzbee...I mean Senator Daley.

12. SENATOR DALEY:

13. Under the section that we deleted it just said that he had  
14. to work with the developmentally disabled or mentally ill people.  
15. They thought they didn't need an attorney. The court stated so  
16. in a number of decisions they must have an attorney as a GAL.  
17. It's present law...in it's present law.

18. PRESIDING OFFICER: (SENATOR JOHNS)

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. One final question and let me go back to a previous question  
22. that I had and that is why was the language of the bill originally  
23. written, why did you delete that portion that he be an attorney?

24. PRESIDING OFFICER: (SENATOR JOHNS)

25. Senator Daley.

26. SENATOR DALEY:

27. Well, we...we deleted it because first of all, we sat down  
28. with the Probate Judge Donnelly in the Circuit Court of Cook  
29. County. He reviewed the decisions that had been handed down  
30. that a GAL...GAL must be an attorney. Then we did recommend that  
31. the GAL in order to protect the individual has to be an attorney.  
32. It's at a court hearing and it's the only opportunity he has an  
33. attorney representing him.

AB 253  
2nd Reading  
5-22-73

1. PRESIDING OFFICER: (SENATOR JOHNS)

2. Any further discussion? Senator Netsch, you flashed your  
3. light awhile ago. By accident? Okay. Any further discussion?  
4. On Amendment No. 1 offered by Senator Daley and Nimrod all those  
5. in favor say Aye. All those opposed say Nay. The Ayes have it.  
6. The amendment is adopted. Mr. Secretary.

7. SECRETARY:

8. No further amendments.

9. PRESIDING OFFICER: (SENATOR JOHNS)

10. Any amendments from the Floor? 3rd reading. Senate Bill  
11. 253. Senator Daley. Read the bill, Mr. Secretary.

12. SECRETARY:

13. Senate Bill 253.

14. (Secretary reads title of bill)

15. 2nd reading of the bill. The Committee on Judiciary I offers  
16. four amendments.

17. PRESIDING OFFICER: (SENATOR JOHNS)

18. Senator Daley.

19. SENATOR DALEY:

20. Mr. President and fellow Senators. The first amendment  
21. is the recommendation of the full committee that combined the  
22. advocacy, the guardianship into one...one department. This was  
23. the recommendation of combining 251, 253 and 255. The advocacy  
24. and the guardianship into one department. As well, it outlines  
25. the Governing Commission powers and duties which one third of  
26. the commission is appointed by the Supreme Court, one third by  
27. the legislative Body and one third by the Governor. As well as...  
28. it limits and advocates that a legal advocate for a guardian should  
29. be the last resort. In other words, in order to appoint a  
30. guardian the guardian, first of all, should be a family or friend  
31. member, or an association in order to have an advocate, an  
32. attorney to represent that individual we should not go into a  
33. large bureaucracy, we should encourage first of all, contract

1. relationship, secondly, we should go to the public defender's  
2. office, thirdly, we should go to other organizations from law  
3. schools around that do represent the mentally ill and that's all  
4. the bill does...This amendment. Excuse me.

5. PRESIDING OFFICER: (SENATOR JOHNS) .

6. Any further discussion? Senator Carroll.

7. SENATOR CARROLL:

8. Thank you, Mr. President. A question to the sponsor if he  
9. will yield? I understand that by this amendment we're creating  
10. a new commission and it's always been my understanding of  
11. Senator Daley's philosophy of State Government that we should be  
12. doing away with commissions not creating new and additional ones.  
13. I was just curious whether the interpretation was correct.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Daley.

16. SENATOR DALEY:

17. Senator Carroll, this is not a commission. It's a  
18. department.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Carroll.

21. SENATOR CARROLL:

22. Not to belabor the point but I thought I heard in your  
23. explanation a commission in which would be appointed by the  
24. Executive, Legislative and Judicial branches of Government as a  
25. commission to oversee these activities both on a local, regional  
26. and State level.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Daley.

29. SENATOR DALEY:

30. As well as it's on a volunteer basis we only pick up their  
31. limited expenses.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Carroll.



1. SENATOR CARROLL:  
2.           So it is a new commission that you're creating.  
3. PRESIDING OFFICER: (SENATOR BRUCE)  
4.           Senator Daley.  
5. SENATOR DALEY:  
6.           I guess it's verbiage and we can talk it about later on. It's  
7. not a department or commission or whatever you want to call it. We'll  
8. call it whatever you want to call it.  
9. PRESIDING OFFICER:(SENATOR BRUCE)  
10.           Further discussion? Senator Glass.  
11. SENATOR GLASS:  
12.           Question of the sponsor if he will yield.  
13. PRESIDING OFFICER: (SENATOR BRUCE)  
14.           Indicates he will yield. Senator Glass.  
15. SENATOR GLASS:  
16.           Senator Daley, at one time in committee there was a discussion  
17. of possibly using public defenders instead of creating a new  
18. department for the legal advocates and would you comment on that?  
19. Is that still a possibility or...or do we have to go with a new  
20. department?  
21. PRESIDING OFFICER:(SENATOR BRUCE)  
22.           Senator Daley.  
23. SENATOR DALEY:  
24.           Senator Glass, the last resort is to use an advocate from...  
25. appointed to the advocacy program. The public defender's office,  
26. private law firms, law schools would provide advocates for their  
27. use. The last resort is to appoint a...an attorney from this  
28. commission and we have talked with the public defender's office  
29. and many of them have agreed there's only,I believe, nineteen or  
30. twenty public defender's office throughout the county. These are  
31. in the larger populated areas.  
32. PRESIDING OFFICER: (SENATOR BRUCE)  
33.           Senator Glass.

1. SENATOR GLASS:

2. In other words the only time...what you're saying...the only  
3. time is that we would need a...an advocate from this department  
4. would be in a case where no public defender or other volunteer  
5. counsel was available. That would have to be exhausted first. Is  
6. that right?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Daley.

9. SENATOR DALEY:

10. Correct.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Daley moves the adoption of  
13. Amendment No. 1. All in favor say Aye. Opposed Nay. The Ayes  
14. have it. The amendment is adopted. Further amendments?

15. SECRETARY:

16. Committee Amendment No. 2.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Daley.

19. SENATOR DALEY:

20. Mr. President and fellow Senators. The second amendment  
21. we call the Guidice Amendment. This is where an advocate originally  
22. was appointed to handle all the legal problems of the individual  
23. patient. Here we limit an...an advocate can only represent the  
24. patient where the legal problems concern his mental illness and  
25. we delete anything else representing any...like divorced matters,  
26. contractual matters or anything else.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Is there discussion? Senator Daley moves the adoption of...  
29. Amendment No. 2. All in favor say Aye. Opposed Nay. The Ayes  
30. have it. The amendment is adopted. Further amendments, Mr.  
31. Secretary?

32. SECRETARY:

33. Committee Amendment No. 3.

1. PRESIDING OFFICER:(SENATOR BRUCE)

2. Senator Daley.

3. SENATOR DALEY:

4. The third amendment recommends that a guardian must at...at  
5. least four times a year visit the individual that...that he  
6. represents. Originally we had twice a year. We thought it was  
7. necessary through the court that he at least see the person four  
8. times a year.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. You've heard...Senator Daley moves the adoption of Amendment  
11. No. 3. Is there discussion? All in favor say Aye. Opposed Nay.  
12. The Ayes have it. The amendment is adopted. Any further amend-  
13. ments?

14. SECRETARY:

15. Committee Amendment No. 4.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Daley.

18. SENATOR DALEY:

19. Committee Amendment No. 4, first of all, deletes many of  
20. the powers that the different divisions under the legal advocacy  
21. had. It allows the board to have more supervisory authority over  
22. the divisions as well as restricts their...investigatory powers  
23. that they had originally as well as it allows facilities private  
24. or...private facilities to...seek injunctive release...relief  
25. against anyone who's investigating them for unfounded or malicious  
26. complaints. This has protected many of the private facilities  
27. that they thought it was necessary in this bill.

28. PRESIDING OFFICER:(SENATOR BRUCE)

29. Is there discussion? Senator Daley moves the adoption of  
30. Amendment No. 4. All in favor say Aye. Opposed Nay. The Ayes  
31. have it and the amendment is adopted. Further amendments?

32. SECRETARY:

33. No further committee amendments.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. Any amendments from the Floor?  
3. SECRETARY:  
4. Amendment No. 5 offered by Senator Daley.  
5. PRESIDING OFFICER: (SENATOR BRUCE)  
6. Senator Daley is recognized.  
7. SENATOR DALEY:  
8. Where is it?  
9. SECRETARY:  
10. Very...very short, Senator Daley.  
11. SENATOR DALEY:  
12. Is that the technical...  
13. SECRETARY:  
14. On page...page 1, line 16 inserting "include " immediately  
15. after "shall."  
16. PRESIDING OFFICER: (SENATOR BRUCE)  
17. Senator Daley.  
18. SENATOR DALEY:  
19. Oh...  
20. PRESIDING OFFICER: (SENATOR BRUCE)  
21. Senator Daley.  
22. SENATOR DALEY:  
23. Yeah. It says the word was omitted in the preparation of  
24. Amendment No. 5. It was necessary. Originally I think the word  
25. was inserted and now it was taken out but we have to place it back  
26. in.  
27. PRESIDING OFFICER: (SENATOR BRUCE)  
28. All right. Senator Daley moves the...adoption of Amendment  
29. No. 5. Is there discussion? All in favor say Aye. Opposed Nay.  
30. The Ayes have it and Amendment No. 5 is adopted. Further amendments  
31. from the Floor?  
32. SECRETARY:  
33. Mr. President, there's no further amendments, but there was a

x/B 255  
in reading  
5/22/78

1. request for a fiscal note on this bill and it was answered.
2. No further amendments.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. The fiscal note has been answered. 3rd reading. Senate Bill
5. 255. Senator Demuzio. Senator Demuzio.
6. SENATOR DEMUZIO:
7. Thank you, Mr. President. Senator Daley and Senator Netsch
8. have put a great deal of time into this package and with leave
9. of the Body I'd like to have Senator Netsch and Daley shown as
10. the principle sponsors with myself as the third sponsor.
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Is there leave? Leave is granted. Senate Bill 255, 2nd reading.
13. SECRETARY:
14. Senate Bill 255.
15. (Secretary reads title of bill)
16. 2nd reading of the bill. The Committee on Judiciary I offers
17. two amendments.
18. PRESIDING OFFICER: (SENATOR BRUCE)
19. Who will speak to the amendments? Senator Netsch? On
20. Amendment No. 1, Senator Netsch is recognized.
21. SENATOR NETSCH:
22. Thank you, Mr. President. This is the Confidentiality Bill.
23. The principal purpose of the amendment is to read...is to do two
24. things. One, to distinguish clearly between what came to be
25. called personal notes of the therapist and those things which are
26. part of the official record of the patient. The personal notes are
27. not subject to disclosure under any circumstances so long as they
28. are not, in fact, willingly or voluntarily disclosed by the therapist
29. and made generally available. This is in accordance with existing
30. practice. It was strongly urged upon us by all of the professional
31. groups who are involved in therapy who testified before us and it will
32. make it much easier, I think, to distinguish between personal notes
33. and records for purposes of the Confidentiality Bill and those

1. circumstances under which disclosure can be had. I would move  
2. adoption of Amendment No. 1 to Senate Bill 255.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. You've heard the motion. Is there discussion? All in favor  
5. say Aye. Opposed Nay. The Ayes have it. The amendment is adopted.  
6. Amendment No. 2.

7. SECRETARY:

8. Committee Amendment No. 2.

9. SENATOR NETSCH:

10. Thank you, Mr. President. Committee Amendment No. 2  
11. consists primarily of technical corrections in the basic bill and  
12. one substantive...one substantive provision which is that when  
13. people are reporting, for example, pursuant to the Child Abuse Act  
14. and those matters are coming before the court. The...this language  
15. has been added for the purpose of any proceeding civil or criminal  
16. arising out of a report or disclosure in accordance with this  
17. provision. The good faith of any person, institution or agency so  
18. reporting or disclosing shall be presumed. That is done obviously  
19. so that there is not a too high a penalty placed on that kind of  
20. reporting...in fact so that it will be encouraged.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Netsch...

23. SENATOR NETSCH:

24. I would the adoption of Amendment No. 2.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Netsch moves the adoption of Amendment No. 2. Is  
27. there discussion of the motion? All in favor say Aye. Opposed  
28. Nay. The Ayes have it. Amendment No. 2 is adopted. Further  
29. amendments?

30. SECRETARY:

31. No further committee amendments. This bill did have a fiscal  
32. note request which has been answered also. No further committee  
33. amendments.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Daley indicates he has an amendment from the Floor.

3. Do you have that, Mr. Secretary?

4. SECRETARY:

5. No further committee amendments.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Any amendments from the Floor?

8. SECRETARY:

9. Amendment No. 3 offered by Senator Daley.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Daley is recognized.

12. SENATOR DALEY:

13. Mr. President and fellow Senators. This concerns the problem

14. that the insurance industry had with regard to this bill. We've

15. sat down with the representatives of...of the insurance industry

16. and we worked out a...an amendment to protect the insurance industry

17. dealing with confidentiality. Number one as you see it...they're

18. passing around the...the changes that makes it clear that insurance

19. companies can get necessary information in order to evaluate the

20. underwriting of insurance and its claims in proceedings involving

21. fraud or misrepresentation of coverage. This is...they...they

22. needed this...this amendment in order to protect the insurance

23. industry as well as the claims in regards if they're fraud or

24. misrepresentation on the coverage if a person fills out the policy.

25. It eliminates the six month time limit for advanced consent or

26. release of information which was necessary because of law suits

27. as well as claims. It deletes the allowance of exemplary...damages

28. for grossly negligent or...malicious violation of this Act as well

29. as it makes two technical clarifications and makes current that the

30. social workers privileges conform once more closely to that of the

31. psychologist. That's all the amendment does and I move for its

32. adoption.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. You've heard the motion. Is there discussion? All in favor  
2. say Aye. Senator Buzbee, for what purpose do you arise?

3. SENATOR BUZBEE:

4. A question of the sponsor, Mr. President. We just...there is  
5. a piece of legislation which I think presently resides in the Rules  
6. Committee which would allow social workers to claim payment for...  
7. for advice to...to people under certain insurance policies...would  
8. the third...item number three in your explanation, pardon me, the  
9. last item on your explanation...would that in fact give social  
10. workers the privilege of collecting insurance?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Daley.

13. SENATOR DALEY:

14. No, it doesn't. It has nothing to do with that. Presently,  
15. the...the social workers have a confidentiality to protect the  
16. individual patient and...and this just makes it current and it puts  
17. it into this amendment. It has nothing to do with the social  
18. workers bill that...was defeated last week.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? On the motion to adopt all in favor say  
21. Aye. Opposed Nay. The Ayes have it. The motion...the amendment  
22. is adopted. Further amendments from the Floor?

23. SECRETARY:

24. No further amendments.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. 3rd reading. Senate Bill 262, Senator Roe. For what purpose  
27. does Senator Schaffer arise?

28. SENATOR SCHAFFER:

29. Senator Roe asked me to advance this bill for him. I believe  
30. Senator Netsch has some committee amendments.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. All right. Read the bill, Mr. Secretary, please.

33.

(END OF REEL)



1. SECRETARY:

2. Senate...Bill 262.

3. (Secretary reads title of bill)

4. 2nd reading of the bill. The Committee on Judiciary I offers  
5. two amendments.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Netsch is recognized.

8. SENATOR NETSCH:

9. Thank you, Mr. President. The first amendment takes  
10. all of the fifteen licensing bills that were the subject  
11. of separate bills and combines them into a single bill  
12. which is now labled Senate Bill 262. It involves no  
13. substantive change in what was in the separate bills,  
14. but simply puts them all together in one place. All of  
15. them incidently have to do with the same subject matter  
16. and that is the standard under which a license may be  
17. suspended, revoked or terminated by the Department of  
18. Registration and Education. I would move adoption of  
19. Amendment No. 1 to Senate Bill 262.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there discussion on the motion to adopt? All  
22. in favor say Aye. Opposed Nay. The Ayes have it, the  
23. amendment is adopted. Further amendments?

24. SECRETARY:

25. Committee Amendment No. 2.

26. SENATOR NETSCH:

27. Committee...thank you, Mr. President. Committee Amend-  
28. ment No. 2 is purely technical, changes some "or's" to...  
29. no, it didn't show the deletion of a word and it didn't  
30. identify one of the statutes as enacted by the 80th General  
31. Assembly, so it's purely technical in nature. I would move  
32. the adoption of Amendment No. 2 to Senate Bill 262.

33. PRESIDING OFFICER: (SENATOR BRUCE)

LETT  
5-5-71  
2nd Reading

1. Heard the motion to adopt. Is there discussion?
2. All in favor say Aye. Opposed Nay. The Ayes have it,
3. the amendment is adopted. Further amendments?
4. SECRETARY:
5. No further committee amendments.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Any amendments from the Floor? 3rd reading. Senate
8. Bill 771, Senator Netsch. Read the bill, Mr. Secretary.
9. SECRETARY:
10. Senate Bill 771.
11. (Secretary reads title of bill)
12. 2nd reading of the bill. No committee amendments.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Senator Netsch.
15. SENATOR NETSCH:
16. Thank you, Mr. President. This is...the amendment would
17. put the bill in...do you...would put the bill in the form
18. in which it was discharged from committee the other day.
19. The...the amendment was, in fact, adopted in committee, but
20. because the bill was not reported out at that time, I
21. think it was not literally reported as a committee amendment,
22. which perhaps it should have been. So that this then will
23. do exactly what it was represented to do when the Senate
24. moved to take the bill from Judiciary II and place it on
25. the Order of 2nd reading. It's the bill that deals with
26. the child pornography, indecent liberties crime.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Senator Netsch moves the adoption of Amendment No. 1.
29. Is there discussion? All in favor say Aye. Opposed Nay.
30. The Ayes have it. The amendment is adopted. Are there
31. further amendments?
32. SECRETARY:
33. No further amendments.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. 3rd reading. Senate Bill 1408, Senator Schaffer. Senate  
3. Bill 1419, Senator Maragos. Consolidation of Elections Bill,  
4. Senator. Senate Bill 1423, Senator Mitchler. Hold. Senate  
5. Bill 1427, Senator Sommer. Read...Senator Sommer, did you  
6. wish to proceed with 1427? Read the bill, Mr. Secretary.  
7. SECRETARY:  
8. Senate Bill 1427.  
9. (Secretary reads title of bill)  
10. 2nd reading of the bill. No committee amendments.  
11. PRESIDING OFFICER: (SENATOR BRUCE)  
12. Senator Rock, is there a request to hold this bill?  
13. All right. Senator Rock.  
14. SENATOR ROCK:  
15. My understanding in the Committee on Appropriations was that  
16. the bill was to be held on 2nd reading. I may have misunder-  
17. stood the committee's deliberation, but that's...I was sitting  
18. there at ten minutes to nine the night it was voted out. It  
19. was to be held on 2nd reading.  
20. PRESIDING OFFICER: (SENATOR BRUCE)  
21. Senator Sommer.  
22. SENATOR SOMMER:  
23. Senator Rock, we discussed that today and decided to hold  
24. it, but on 3rd reading.  
25. PRESIDING OFFICER: (SENATOR BRUCE)  
26. All right. Are there amendments...committee amendments?  
27. Any amendment...  
28. SECRETARY:  
29. No...no committee amendments.  
30. PRESIDING OFFICER: (SENATOR BRUCE)  
31. Any amendments from the Floor? Any amendments from the  
32. Floor?  
33. SECRETARY:  
34. No...no Floor Amendment.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. 3rd reading. House Bill 1454, Senator Berman. House...  
3. or Senate Bill...Senate Bill 1456, Senator Buzbee. Senate  
4. Bill 1470, Senator Grotberg. Commission on Children. Read  
5. the bill, Mr. Secretary, please.

6. SECRETARY:

7. Senate Bill 1470.

8. (Secretary reads title of bill)

9. 2nd reading of the bill. The Committee on Appropriations I  
10. offers two amendments. I...I have two committee amendments,  
11. one is Senator...got Senator Carroll's name on it, number  
12. one has. Number two has Senator Grotberg's name on it, but  
13. they both are reported out of committee. Fifty percent of  
14. the appropriation is the 2nd amendment. Cannot be expended.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Grotberg, with your leave, we'd like to take  
17. this out of the record until we can check...see...Senator  
18. Grotberg. Senator Grotberg. Senator, you'll have to use  
19. another microphone. Senator Carroll.

20. SENATOR CARROLL:

21. Thank you, Mr. President and Ladies and Gentlemen of  
22. the Senate. We would like to withdraw Amendment No. 1.  
23. It was not...supposedly not offered in committee, but since  
24. it was shown on there let's just ask leave to withdraw  
25. the amendment.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. The motion is to Table Amendment No...Committee Amend-  
28. ment No. 1. Is there discussion? All in favor say Aye.  
29. Opposed Nay. The Ayes have it, Amendment No. 1 is Tabled.

30. SECRETARY:

31. Committee Amendment No. 2.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Carroll.

1. SENATOR CARROLL:

2. Thank you, Mr. President and Ladies and Gentlemen of  
3. the Senate. This is the fifty percent amendment and I  
4. would move adoption of Amendment No. 2.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. You heard the motion. Is there discussion? All in  
7. favor say Aye. Opposed Nay. The Ayes have it. Amendment  
8. No. 2 is adopted. Further committee amendments?

9. SECRETARY:

10. No further committee amendments.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Are there amendments from the Floor?

13. SECRETARY:

14. No Floor amendments.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. 3rd reading. Senate Bill 1478, Senator Egan. Senate  
17. Bill 1509, Senator Weaver. Senator Carroll. Are we ready  
18. on 1509?

19. SENATOR CARROLL:

20. 1509 is fine.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Read the bill, Mr. Secretary, please, a second time.

23. SECRETARY:

24. Senate Bill 1509.

25. (Secretary reads title of bill)

26. 2nd reading of the bill. The Committee on Appropriations I  
27. offers three amendments.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Carroll, to explain the amendment.

30. SENATOR CARROLL:

31. Thank you, Mr. President. Committee Amendment No. 1 is  
32. the fifty percent Hynes amendment. I would move adoption  
33. of the...of Committee Amendment No. 1.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. You've heard the motion. Is there discussion? All in  
3. favor say Aye. Opposed Nay. The Ayes have it, Amendment  
4. No. 1 is adopted.  
5. SECRETARY:  
6. Committee Amendment No. 2.  
7. PRESIDING OFFICER: (SENATOR BRUCE)  
8. Senator Carroll.  
9. SENATOR CARROLL:  
10. Thank you, Mr. President. I would move at this time to  
11. Table Committee Amendment No. 2. This was a Tripoli  
12. amendment and it is not appropriate on this particular  
13. agency.  
14. PRESIDING OFFICER: (SENATOR BRUCE)  
15. You've heard the motion to Table. Is there discussion?  
16. All in favor say Aye. Opposed Nay. The Ayes have it.  
17. Amendment No. 2 is Tabled.  
18. SECRETARY:  
19. Committee Amendment No. 3.  
20. PRESIDING OFFICER: (SENATOR BRUCE)  
21. Senator Carroll.  
22. SENATOR CARROLL:  
23. Thank you, Mr. President, Ladies and Gentlemen of the  
24. Senate. This amendment is to add some money to appropriation  
25. for new initiatives in Fiscal '79 that we have gotten details  
26. from the agency on these new initiatives. It's a total of  
27. a hundred and forty-six thousand, four hundred and ninety-  
28. nine dollars.  
29. PRESIDING OFFICER: (SENATOR BRUCE)  
30. Senator Carroll moves the adoption of Amendment No. 3.  
31. Is there discussion? All in favor say Aye. Opposed Nay.  
32. The Ayes have it. Amendment No. 3 is adopted. Further  
33. amendments.

1. SECRETARY:  
2. No further committee amendments.  
3. PRESIDING OFFICER: (SENATOR BRUCE)  
4. Are there amendments from the Floor?  
5. SECRETARY:  
6. No Floor Amendments.  
7. PRESIDING OFFICER: (SENATOR BRUCE)  
8. 3rd reading. 1513, Senate Bill, Senator Shapiro. Read  
9. the bill, Mr. Secretary.  
10. SECRETARY:  
11. Senate Bill 1513.  
12. (Secretary begins reading SB 1513)  
13. PRESIDING OFFICER: (SENATOR BRUCE)  
14. Oh, there's been a request, Senator, to hold that...  
15. take it out of the record. Senate Bill 1517, Senator Moore.  
16. Senator Carroll, are we ready on 1517? Read the bill, Mr.  
17. Secretary.  
18. SECRETARY:  
19. Senate Bill 1517.  
20. (Secretary reads title of bill)  
21. 2nd reading of the bill. The Committee on Appropriations I  
22. offers two amendments.  
23. PRESIDING OFFICER: (SENATOR BRUCE)  
24. Senator Carroll, to explain the amendments.  
25. SENATOR CARROLL:  
26. Thank you, Mr. President. Committee Amendment No. 1 is  
27. to reduce the pay plan to the 5.5 President Carter guidelines.  
28. I would move adoption of Committee Amendment No. 1.  
29. PRESIDING OFFICER: (SENATOR BRUCE)  
30. You heard the motion to adopt. Is there discussion?  
31. All in favor say Aye. Opposed Nay. The...the Ayes have it.  
32. Amendment No. 1 is adopted.  
33. SECRETARY:

1. Committee Amendment No. 2.
2. SENATOR CARROLL:
3. Thank you, Mr. President, Ladies and Gentlemen of the
4. Senate. We would move to Table Committee Amendment No. 2.
5. This had also been a Tripoli amendment, which would not be
6. appropriate on this commission.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. The motion is to Table. Is there discussion? All in
9. favor say Aye. Opposed Nay. The Ayes have it, the motion
10. ...the Amendment No. 2 is Tabled. Further committee amend-
11. ments.
12. SECRETARY:
13. No further committee amendments.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Any amendments from the Floor?
16. SECRETARY:
17. No Floor Amendments.
18. PRESIDING OFFICER: (SENATOR BRUCE)
19. 3rd reading. Senate Bill 1519, is someone handling
20. that? Senator Savickas.
21. SENATOR SAVICKAS:
22. Yes, Mr. President, Senator Lemke asked me if I would
23. move this bill to 3rd reading. I don't think there are
24. any amendments.
25. PRESIDING OFFICER: (SENATOR BRUCE)
26. All right. Read the bill, Mr. Secretary.
27. SECRETARY:
28. Senate Bill No. 1519.
29. (Secretary reads title of bill)
30. 2nd reading of the bill. No committee amendments.
31. PRESIDING OFFICER: (SENATOR BRUCE)
32. Are there amendments from the Floor?
33. SECRETARY:



1. No Floor Amendments.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. 3rd reading. Senate Bill 1523, Senator Regner. Read

4. the bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 1523.

7. (Secretary reads title of bill)

8. 2nd reading of the bill. The Committee on Appropriations II

9. offers two amendments.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Who will explain the amendments? Senator Buzbee.

12. SENATOR BUZBEE:

13. Thank you, Mr. President. Amendment No. 1 reduces

14. the appropriation to the Illinois State Scholarship

15. Commission by four million, one hundred, thirteen thousand,

16. five hundred dollars. This reduction reflects the BHE

17. allocation of the Governor's budget. It also breaks the

18. appropriation for ISSC operations down into the five

19. divisions plus electronic data processing and I would

20. move the amendment of...adoption of Amendment No. 1.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. You heard the motion to adopt. Is there discussion?

23. All in favor say Aye. Opposed Nay. The Ayes have it,

24. Amendment No. 1 is adopted.

25. SECRETARY:

26. Committee Amendment No. 2.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Buzbee.

29. SENATOR BUZBEE:

30. Thank you, Mr. President. Amendment No. 2 reduces the

31. operations amount by one hundred forty-nine thousand,

32. six hundred seven dollars. It's...Mr. President, I beg

33. you pardon, I move that we Table Amendment No. 2.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The motion is to Table. Is there discussion? All  
3. in favor say Aye. Opposed Nay. The Ayes have it, Amend-  
4. ment No. 2 is Tabled. Further committee amendments?

5. SECRETARY:

6. No further committee amendments.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Well, amendments from the Floor?

9. SECRETARY:

10. Amendment No. 3 offered by Senator Regner.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Regner.

13. SENATOR REGNER:

14. Mr. President and members of the Senate. Amendment  
15. No. 3 actually is a replacement for No. 2 that was just  
16. ...just Tabled. It makes some technical corrections and  
17. corrects some total lines in the original amendment, which  
18. was adopted in committee. And I move the adoption of  
19. Amendment No. 3.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Buzbee.

22. SENATOR BUZBEE:

23. Mr. President, I would like to say that Amendment No. 3  
24. actually serves, as offered by Senator Regner, actually  
25. serves two purposes. One is it...lets them know that as  
26. ...as because of the failure of the ISSC to lapse the  
27. one hundred and fifty thousand dollars which they had  
28. promised the Appropriations Committee last fall that they  
29. would do and then, in fact, failed to do. It let's  
30. them know that we are absolutely serious about these  
31. kind of commitments. And we plan to watch them and that  
32. they will stay within the boundaries of their...of their  
33. ✓ promises. And the second thing this amendment does

1. is it does eliminate, rather it does reduce to the five  
2. percent pay level that has been recommended by the President.  
3. And I concur with Senator Regner's movement for adoption of  
4. Amendment No. 3.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion on a motion to adopt? All in  
7. favor say Aye. Opposed Nay. The Ayes hae it, the amend-  
8. ment is adopted. Further amendments?

9. SECRETARY:

10. No...no further amendments.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Regner.

13. SENATOR REGNER:

14. Mr. President and members of the Senate. I understand  
15. that there may possibly be another amendment offered tomorrow  
16. and if we move it to 3rd reading, I'll be happy to bring it  
17. back for the offering of that amendment.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. All right. Any further amendments from the Floor?  
20. 3rd reading. Senate Bill 1531, Senator Donnewald. Would  
21. you...move, gentlemen, I cannot see Senator Donnewald. On  
22. 1531, Senator, did you wish to have that read? All right.  
23. 1535, Senator Weaver. Read the bill, Mr. Secretary.

24. SECRETARY:

25. Senate Bill 1535.

26. (Secretary reads title of bill)

27. 2nd reading of the bill. The Committee on Appropriations II  
28. offers one amendment.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. ...Senator Regner. Senator Weaver.

31. SENATOR WEAVER:

32. Mr. President, we have a Floor amendment coming, so  
33. why don't we just take it out of the record today.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Take it from the record. Senate Bill 1540, Senator
3. Hickey. Senate Bill 1550, Senator Philip. Deer...deer
4. permits, Senator. All right. Read the bill, Mr. Secretary.
5. SECRETARY:
6. Senate Bill 1550.
7. (Secretary reads title of bill)
8. 2nd reading of the bill. No committee amendments.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Are there amendments from the Floor?
11. SECRETARY:
12. No Floor amendments.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. 3rd reading. Senate Bill 1556, Senator Philip. Read
15. the bill, Mr. Secretary.
16. SECRETARY:
17. Senate Bill 1556.
18. (Secretary reads title of bill)
19. 2nd reading of the bill. The Committee on Appropriations I
20. offers three amendments.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Senator Carroll.
23. SENATOR CARROLL:
24. Thank you, Mr. President, Ladies and Gentlemen of
25. the Senate. Amendment No. 1 is the Hynes Amendment that
26. restricts it to fifty percent during this Calendar year.
27. I would move adoption of Committee Amendment No. 1.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. You've heard the motion to adopt. Is there discussion?
30. All in favor say Aye. Opposed Nay. The Ayes have it, the
31. amendment is adopted.
32. SECRETARY:
33. Committee Amendment No. 2.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Carroll.

3. SENATOR CARROLL:

4. Thank you, Mr. President and Ladies and Gentlemen  
5. of the Senate. Committee Amendment No. 2 is to reduce  
6. the Space Needs Appropriation by some forty-three hundred  
7. dollars in General Revenue and add a million one twenty  
8. for Capital Development Fund for Springfield land  
9. acquisition. I would move adoption of Committee Amendment  
10. No. 2.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. You've heard the motion to adopt. Is there discussion?  
13. All in favor say Aye. Opposed Nay. The...Ayes have it.  
14. The amendment is adopted.

15. SECRETARY:

16. Committee Amendment No. 3.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Carroll.

19. SENATOR CARROLL:

20. I would move to Table Committee Amendment No. 3. This  
21. would have been one of the Tripoli Amendments which would  
22. not be appropriate on this Legislative Commission.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The motion is to Table. Is there discussion? All  
25. in favor say Aye. Opposed Nay. The Ayes have it. Amend-  
26. ment No. 3 is Tabled. Further amendments? ...committee.

27. SECRETARY:

28. No further committee amendments.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Any amendments from the Floor?

31. SECRETARY:

32. No Floor amendments.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. 3rd reading. Senate Bill 15558, Senator Rhoads. Read  
2. the bill, Mr. Secretary.

3. SECRETARY:

4. Senate Bill 1558.

5. (Secretary reads title of bill)

6. 2nd reading of the bill. The Committee on Appropriations I  
7. offers three amendments.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Carroll.

10. SENATOR CARROLL:

11. Thank you, Mr. President and Ladies and Gentlemen  
12. of the Senate. Committee Amendment No. 1 is the Fifty  
13. Percent Amendment. I would move adoption of Committee  
14. Amendment No.1.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. You've heard the motion to adopt. All in favor  
17. say Aye. Opposed Nay. The Ayes have it. The amendment  
18. is adopted.

19. SECRETARY:

20. Committee Amendment No. 2.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Carroll.

23. SENATOR CARROLL:

24. Committee Amendment No. 2 is a reduction of almost  
25. a hundred thousand dollars, basically in personal services.  
26. Ten thousand in contractual and some line item shiftings  
27. of no dollar value. I would move the adoption of Committee  
28. Amendment No. 2.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. On the motion to adopt, is there discussion? All  
31. in favor say Aye. Opposed Nay. The Ayes have it.  
32. Amendment No. 2 is adopted.

33. SECRETARY:

1. Committee Amendment No 3.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Carroll.

4. SENATOR CARROLL:

5. I would move to Table Committee Amendment No. 3. This  
6. also would have been a Tripoli type amendment, which would  
7. not be appropriate on this department.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The motion is to Table. Is there discussion? All  
10. in favor say Aye. Opposed Nay. The Ayes have it. Amend-  
11. ment No. 3 is Tabled. Further Amendments?

12. SECRETARY:

13. No further committee amendments.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Any amendments from the Floor?

16. SECRETARY:

17. Amendment No. 4 offered by Senator Rock.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Rock.

20. SENATOR ROCK:

21. Thank you, Mr. President and Ladies and Gentlemen of  
22. the Senate. Amendment No. 4 would increase this appro-  
23. priation by some twenty-three thousand dollars. The  
24. purpose is, as you I'm sure are well aware, that the  
25. State Board last year initiated a program to review  
26. all reports filed at the local level under the Campaign  
27. Financing Act. They have, for this purpose, taken on  
28. part-time employees during their slack period, namely  
29. the summertime period and although the staff does conduct  
30. an ongoing review, we...they have as yet been unable to  
31. fully implement the local review program. And the county  
32. clerks, I am informed, do not undertake this responsibility  
33. I think it's something that is beneficial to all those  
34. who are required to file these reports and I would move the

1. adoption of Amendment No. 4.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Is there discussion? ...On a motion to adopt, all

4. in favor say Aye. Opposed Nay. The Ayes have it. Amend-

5. ment No. 4 is adopted. Further Floor amendments?

6. SECRETARY:

7. Amendment No. 5 offered by Senator Rock.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Rock.

10. SENATOR ROCK:

11. Yes, I had that out of order in my poop sheet book

12. here. This is an amendment to the infamous Hynes Amend-

13. ment and it lifts that fifty percent limitation from

14. this twenty three thousand dollars since that this money

15. will be fully expended during July and August when the

16. program is ongoing and I would move the adoption of

17. Amendment No. 5.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Heard the motion to adopt. Is there discussion?

20. All in favor say Aye. Opposed Nay. The Ayes have

21. it. Is there discussion? All in favor say Aye. Opposed

22. Nay. The Ayes have it. Amendment No. 5 is adopted.

23. Further amendments from the Floor?

24. SECRETARY:

25. No further amendments.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. 3rd reading. Senate Bill 1561, Senator Regner. Read

28. the bill, Mr. Secretary.

29. SECRETARY:

30. Senate Bill 1561.

31. (Secretary reads title of bill)

32. 2nd reading of the bill. The Committee on Appropriations I

33. offers three amendments.



1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Carroll.

3. SENATOR CARROLL:

4. Thank you, Mr. President, Ladies and Gentlemen of  
5. the Senate. Committee Amendment No. 1 is the similiar  
6. type to the one Senator Rock just referred to with  
7. the infamous Hynes Amendment. I would move adoption  
8. of Committee Amendment No. 1.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. The motion is to adopt Amendment No. 1. All in  
11. favor say Aye. Opposed Nay. The Ayes have it. Amend-  
12. ment No. 1 is adopted.

13. SECRETARY:

14. Committee Amendment No. 2.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Carroll.

17. SENATOR CARROLL:

18. Thank you, Mr. President and Ladies and Gentlemen  
19. of the Senate. This is a reduction of ninety-six thousand,  
20. three hundred and twenty-six basically in Personal Service  
21. to eliminate five new employees and reduce the pay plans  
22. of the 5.5 President Carter level with some corresponding  
23. reductions in travel and equipment. I would move adoption  
24. of Committee Amendment No. 2. I'm sorry, phase in fire new.  
25. I'm sorry Senator Regner, just trying to see if you were  
26. paying attention. I'd move adoption of Committee Amend-  
27. ment No. 2 to Senate Bill 1561.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Heard the motion to adopt. Is there discussion?  
30. All in favor say Aye. Opposed Nay. The Ayes have  
31. it, the amendment is adopted. Further amendments?

32. SECRETARY:

33. Committee Amendment No. 3.

B1565  
2nd  
5/22/73

1. SENATOR CARROLL:
2. I would move to Table Committee Amendment No. 3, Mr.
3. President and Ladies' and Gentlemen of the Senate. This
4. ...would have also been a Tripoli type amendment, which
5. would not be appropriate in this particular agency.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. You've heard the motion. Is there the motion to
8. Table. Is there discussion? All in favor say Aye.
9. Opposed Nay. The Ayes have it. The motion...Amend-
10. ment No. 3 is Tabled. Further amendments.
11. SECRETARY:
12. No...no further committee amendments.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Any amendments from the Floor?
15. SECRETARY:
16. No Floor amendments.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. 3rd reading. Senator Schaffer, 1563. There's been a
19. request for a fiscal note. We'll hold the bill. Senate
20. Bill 1565, Senator Buzbee. Read the bill, Mr. Secretary.
21. SECRETARY:
22. Senate Bill 1565.
23. (Secretary reads title of bill)
24. 2nd reading of the bill. No committee amendments.
25. PRESIDING OFFICER: (SENATOR BRUCE)
26. Senator Buzbee. Any...any Floor amendments.
27. SECRETARY:
28. Amendment No. 1 offered by Senator Weaver.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Weaver.
31. SENATOR WEAVER:
32. Thank you, Mr. President. Amendment No. 2 to 1565
33. would add the eight projects between ranks forty-six

1. and fifty-three in the Board of Higher Education system  
2. of evaluating projects for funding. It's certainly...  
3. important to provide law buildings for SIU, but also  
4. important are the projects the BHE ranks above. So  
5. this amendment would add projects to Senate Bill 1565  
6. and allow the Legislature the option of increasing  
7. the amount allocated to higher education while at  
8. the same time, not slighting any other institutions.  
9. Now, I can read off the projects that rank above this,  
10. but if anyone has any questions, I'll be happy to read  
11. them off to you. Chicago State, Eastern, Northeastern,  
12. Illinois State University, Northern, Wertz Hall,  
13. Medical Center Campus and the English Building on the  
14. Urbana Campus. I'd move adoption of Amendment No. 1.  
15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Buzbee.

17. SENATOR BUZBEE:

18. Thank you, Mr. President. Mr. President, I'm in  
19. the position of not opposing the concept of what  
20. Senator Weaver was tried to do, but I oppose the method.  
21. And that is...

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. May we have some order, please. Senator Buzbee.

24. SENATOR BUZBEE:

25. ...and my opposition to the method is that...that  
26. I would support these projects being added on to the  
27. regular Capital Development Board Bill. And, in fact,  
28. if Senator Weaver offers that amendment there, I will  
29. ...I will, at that time support it. I agree with him  
30. that these projects need to be done. It's just that  
31. in this particular Bill, I put in a bill to address  
32. the particular problem at the SIU Law School because  
33. of the fact that the accreditation is being threatened  
34. to be withdrawn and, in fact, we had a gentleman from

1. the University of South Carolina Law School who is a  
2. member of the American Bar Association's Accreditation  
3. Team. He came in and testified that, in fact, they would  
4. withdraw the accreditation if we didn't get this building  
5. under construction. We did last year, of course, pass  
6. the planning money for the building. The Governor  
7. released that in March of this year and the planning  
8. money is at the present time being expended. The fact  
9. of the matter is that the construction money, the total  
10. amount of the appropriation, that probably no more than  
11. one or two million dollars of this can be expended during  
12. this fiscal or the coming fiscal year, because the  
13. construction season won't start until April or May of next  
14. year and they will only be able to expend whatever is...is  
15. ...they can expand up to the end of June before the next  
16. fiscal year starts, FY-80 and we will have to reappropriate.  
17. Again, my opposition to the amendment is simply on the  
18. basis that it's added to the wrong bill. I would like  
19. to keep this bill clean. I would like to put it on  
20. the Governor's Desk, he has indicated support for the  
21. concept, even though it is not in his budget and I  
22. will certainly support the attempt by Senator Weaver  
23. if he would put it on the Capital Development Bill,  
24. but I'd like to keep this one clean and go ahead  
25. and get it all the way through and get it on the  
26. Governor's Desk...desk intact. So I'm opposed to  
27. the Weaver amendment on this bill.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there further discussion? Senator Carroll.

30. SENATOR CARROLL:

31. Thank you, Mr. President, Ladies and Gentlemen  
32. of the Senate. I too rise to oppose Senator Weaver's  
33. amendment. I do so for reasons different than

1. Senator Buzbee while I see much merit in the projects, it  
2. was...most of these projects were presented to the  
3. Appropriations Committee on a separate bill where it  
4. was defeated without much discussion under the knowledge  
5. and understanding that the likelihoods of these funds  
6. funds being releases were much lower on the priority  
7. list than their numbers on the priority list indicated  
8. so that it was a useless act to even consider them.  
9. Therefore I would oppose this amendment at this time  
10. also.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there further discussion? Senator Weaver may  
13. close.

14. SENATOR WEAVER:

15. Well, thank you, Mr. President. In the Governor's  
16. Budget on Capital projects, he recommended funding the  
17. first forty-five projects. Now, I too agree with Senator  
18. Buzbee, it's important to build the law buildings at  
19. SIU, but they're ranked down forty-four and forty-five.  
20. So if we're going to lend any credence to the Board  
21. of Higher Education's elaborate system of ranking  
22. projects, then I think we shouldn't slight these other  
23. projects and I, too, believe that these projects should  
24. be added by amendment to 1601. So I'd move adoption  
25. of Amendment No. 1 to Senate Bill 1565. Appreciate  
26. a favorable roll call.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The motion is to adopt Amendment No. 1 to Senate  
29. Bill 1565. Those in...favor will vote Aye. Those  
30. opposed will vote Nay. The voting is open. Have  
31. all voted who wish? Have all voted who wish? Have  
32. all voted who wish? Take the record. On that question  
33. the Ayes are 24, the Nays are 29, the motion to adopt  
34. is lost. Further amendments?

1. SECRETARY:

2. No further amendments.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. 3rd reading. Senate Bill 1572, Senator Graham. 1573,

5. Senator Moore. Hold. Senate Bill 1574, Senator Davidson. They're  
6. ready. Read the bill, Mr. Secretary.

7. SECRETARY:

8. Senate Bill 1574.

9. (Secretary reads title of bill.)

10. 2nd reading of the bill. The Committee on Appropriations II  
11. offers five amendments.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Buzbee is recognized.

14. SENATOR BUZBEE:

15. Thank you, Mr. President. Amendment No. 1 would  
16. add two hundred forty thousand dollars or as much thereof  
17. as may be necessary for the purpose of the department making  
18. grants for use by the Retired Senior Volunteer Program.  
19. This is the program that's been referred to as the RSVP  
20. Program. The funds are necessitated by the fact that  
21. the Federal monies for the program are being reduced  
22. in the new fiscal year by twenty-three percent. And  
23. the increasing difficulty of obtaining local donations  
24. of this size due to the economy. The figure of two  
25. hundred and forty thousand dollars represents twenty  
26. percent of the programs budget from the Federal Govern-  
27. ment in the current fiscal year. Volunteers for this  
28. program are elderly persons who volunteer at times  
29. convenient to them to work for private or not-for-profit  
30. entities where their skills, which they bring with  
31. them into retirement are used for the benefit of  
32. others. Benefits to the volunteer are usefulness and  
33. a feeling of accomplishment. It should be pointed out

1. that these volunteers do not compete for positions which  
2. could be filled by a regular employee. The funds help  
3. reimburse only the travel and meal expenses of the  
4. volunteer, unless other arrangements are made by the  
5. sponsoring entity. Some eighty percent of these funds  
6. appropriated by this amendment are for matching against  
7. Federal dollars, another ten percent would go for  
8. expansion of the programs and the last ten percent to  
9. coordinate RSVP with other volunteer services in  
10. community work and I would move the adoption of  
11. Committee Amendment No. 1.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? Senator Rhoads. Senator Regner.

14. SENATOR REGNER:

15. Mr. President and members of the Senate. I'd just  
16. like to point out that this is a half...approximately  
17. a half a million dollars of unbudgeted GR money...it  
18. ...a quarter of a million, of unbudgeted GR money.  
19. it is an existing program that is, as Senator Buzbee  
20. said, is currently funded by local funds and Federal  
21. dollars and since it is unbudgeted money, I would  
22. oppose this amendment and like to ask for a roll  
23. call at the proper time.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. All right. Further discussion? Senator Rhoads.

26. SENATOR RHOADS:

27. Question of the sponsor of the amendment.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Indicates he will yield, Senator Rhoads.

30. SENATOR RHOADS:

31. Senator Buzbee, does the amendment provide, as we  
32. discussed in subcommittee that a certain percentage of  
33. this money would be used for the administrative overhead

1. entailed in this program by the Department of Aging?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Buzbee.

4. SENATOR BUZBEE:

5. No, it does not, Senator Rhoads, for the administra-  
6. tive overhead by the department. The director, by the  
7. way, was asked in committee if she supported this amendment,  
8. she said she did and that she would like to have additional  
9. monies put in for...those jobs. But we decided that it  
10. was not necessary, since it was only going to be granting  
11. a few funds and that somebody else already on board could  
12. go ahead and make those grants. So we did not put money  
13. in for her extra administrative costs.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Rhoads.

16. SENATOR RHOADS:

17. Well, Senator Buzbee, if that is what the director  
18. said in the full committee and I apologize, I wasn't  
19. there, that differs from what she said in the subcommittee,  
20. which Senator Hickey chaired. What she specifically...we  
21. ...we asked her for an estimate of how much the administrative  
22. costs would be on this program and as I recall the figure  
23. was something like twenty thousand dollars, which was to  
24. be taken off the top and deducted from the...from the total.  
25. So that there would be less than two hundred and forty  
26. thousand available for the grants. Now, is that your under-  
27. standing or do you have another interpretation?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Buzbee.

30. SENATOR BUZBEE:

31. It's two hundred and forty thousand dollars for grants  
32. and not one dime for administration.

33. PRESIDING OFFICER: (SENATOR BRUCE)



1. Senator Rhoads.

2. SENATOR RHOADS:

3. Well, with that understanding, I speak in...in strong  
4. opposition to this amendment. We had a...a sort of an  
5. understanding, I thought, in subcommittee, I think with  
6. ...with this amendment, in...in the shape that's it in...  
7. it is in now, the RSVP program is endangered from going  
8. on the bill as a whole and I oppose it.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Davidson.

11. SENATOR DAVIDSON:

12. Mr. President and members of the Senate, I speak  
13. in opposition to this amendment. And yes, the Director  
14. of Aging did say in the full committee, she did oppose  
15. this amendment in subcommittee. But she had not gone  
16. over the entire ramifications and she does not ask for  
17. this additional money unless two things are added. One  
18. is the cost of administration, which this amendment  
19. does not do. But I think the most important thing  
20. why this amendment should not be adopted is no way, no  
21. how, will this amendment do away with the local ten percent  
22. match local government must give. Now, prior to this,  
23. the thirty percent has been given by local government  
24. or private gifts. The people who testified in favor of  
25. this amendment said that source is drying up, consequently,  
26. they don't want the State to make up that thirty percent.  
27. But that's a fallacy, because the local government must...  
28. must put at least ten percent in. So to ask for the State  
29. to pick up the whole thirty saying they're not going to  
30. have to get any more local match, is incorrect. I urge  
31. you to vote against this amendment.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Buzbee may close.

1. SENATOR BUZBEE:

2. Well, I don't know what the director said in subcommittee  
3. because I was not a member of that subcommittee but I can  
4. assure you and I think there are some members of your  
5. side of the aisle who heard her the...exactly the same way  
6. that I heard her. In the full committee hearing she was  
7. plain out flat in good old common every day Americanized  
8. English asked, director, do you support this amendment?  
9. Her answer was an unqualified yes. Now, earlier in the discussion  
10. she had indicated that she would like to have some additional  
11. monies for administration. It was decided to not allow those  
12. additional monies for administration because this is only  
13. two hundred and forty thousand dollars of grant money and  
14. if there aren't enough bureaucrats already in that Department  
15. of Aging that can administer a two hundred and forty  
16. thousand dollar grant program, perhaps we ought to look  
17. at the whole administration of the agency and find a bunch  
18. of new bureaucrats. But the fact of the matter is that there  
19. is no money for administration. She said she would like to have  
20. but she did not say that she was opposed to it if she did not  
21. have money for...for...for the administration and I can assure  
22. you, Senator Davidson, that the conversation that I've had  
23. with people who run these kinds of programs all the way from the  
24. City of Chicago down to as far south as...as Chester and Cairo,  
25. that they tell me their local monies are drying up because what  
26. they've got to do is go around and beg businessmen to put up  
27. some of these funds to be able to have the RSVP program.  
28. I have seen some of these programs in...at work. They do  
29. absolutely fantastic things with the...the older people  
30. who sometimes feel like they're no longer useful being given  
31. something that is useful to do and they do it for nothing. We only  
32. reimburse their expenses of their travel expenses and for the  
33. meal while they are there. That's the only thing that the RSVP

1. program reimburses and at the same time, they provide  
2. valuable services to the various communities such as  
3. family counseling for people who are in prison, such as for  
4. all kinds of social services that most forms of government  
5. cannot afford to provide at the local level and this gives  
6. us a chance for a mere two hundred and forty thousand  
7. dollars. We put an awful lot of people to work doing  
8. useful things, helping an awful lot of other people.  
9. PRESIDING OFFICER: (SENATOR BRUCE)

10. The question is on the adoption of Amendment No. 1.  
11. to Senate Bill 1574. Those in favor vote Aye. Those  
12. opposed vote Nay. The voting is open. Have all voted  
13. who wish? Have all voted who wish? Take the record.  
14. On that question the Ayes are 29, the Nays are 22. The  
15. motion to adopt Amendment No. 1 prevails.

16. SECRETARY:

17. Committee Amendment No. 2.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Who will explain Amendment No. 2? Senator Buzbee...Senator Rock.  
20. SENATOR ROCK:

21. Thank you. Much more briefly than Amendment No. 1.  
22. Amendment No. 2 adds twenty thousand dollars for grants for use  
23. by the Senior Companion Program. I would move its adoption.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there discussion? Senator Regner.

26. SENATOR REGNER:

27. Mr. President and members of the Senate. This is another  
28. unbudgeted new program. Admittedly, it's only twenty thousand  
29. dollars but it still is an unbudgeted amount and  
30. starting a new program up and just as an addendum from the debate  
31. on the last amendment, I am absolutely certain if the director  
32. were asked the same questions today as far as support is concerned  
33. as were asked in committee that day, she would answer them  
34. different.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there further discussion on the motion to adopt?

3. All in favor say Aye. Opposed Nay. The Ayes have it.

4. Amendment No. 2 is adopted.

5. SECRETARY:

6. Committee Amendment No. 3.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Buzbee.

9. SENATOR BUZBEE:

10. Thank you, Mr. President. Apparently this name is going  
11. to stick forever. This is the infamous Hynes Amendment.

12. Restricts expenditures to fifty percent in the first half of  
13. the year and I would move its adoption.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. You've heard the motion to adopt. Is there discussion?

16. Senator Davidson.

17. SENATOR DAVIDSON:

18. Senator Buzbee, ...only ask a question. Does this Hynes  
19. Amendment...in appear any part with what the first amendment you  
20. put on, is that two hundred and forty thousand spread over the  
21. year, is that spent mostly doing the first six months on  
22. part of their programs during the summer? Do you know?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Buzbee. May we have some order, please. Senator Buzbee.

25. SENATOR BUZBEE:

26. The one thing the Hynes Amendment does not restrict is the  
27. exception...there is an exception, rather, and that is  
28. contractual services.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion on the motion to adopt Amendment No.  
31. 3? All in favor say Aye. Opposed Nay. The Ayes have it.  
32. The amendment is adopted. Further amendments?

33. SECRETARY:

34. Committee Amendment No. 4.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Buzbee.

3. SENATOR BUZBEE:

4. Thank you, Mr. President. This reduces the pay plan from  
5. 8.8 percent to 5.5. Reduces GRF by five thousand four hundred  
6. and thirty-six dollars for an effective reduction of thirty-  
7. seven thousand three hundred and twenty-six total and I would  
8. move the adoption of Senate...Committee Amendment No. 4.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. On the motion to adopt. Is there discussion? Senator  
11. Davidson.

12. SENATOR DAVIDSON:

13. Mr. President and members of the Senate. I rise in  
14. opposition to this amendment. Now you just got done laying on  
15. two programs on this department saying you're going to  
16. administer it without any money or any cost to administer.  
17. Now you're going to take away five thousand some odd dollars.  
18. The thing they don't tell you is this effectively removes  
19. thirty-two thousand dollars worth of match Federal money.  
20. It's going to go somewhere else outside of the State of Illinois.  
21. This in essence removes thirty-seven thousand some odd dollars  
22. out of this budget. The average salary in that budget is  
23. twelve...that department is twelve thousand dollars a year.  
24. They're going to be reduced a minimum of three employees if this  
25. amendment stays on and becomes law and you've already given them  
26. two additional programs to administer. I would urge the defeat  
27. of this amendment. If we're going to give them work to do,  
28. let's at least give them the employees to do it with.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there further discussion? Question is on the motion  
31. to adopt. All in favor say Aye. Opposed Nay. Roll call has  
32. been requested. Those in favor will vote Aye. Those opposed  
33. will vote Nay. The voting is open. Have all voted who wish?

1. Take the record. On that question the Ayes are 26, the Nays  
2. are 23. The motion to adopt prevails.

3. SECRETARY:

4. Committee Amendment No. 5.

5. PRESIDING OFFICER: (Senator Bruce)

6. Senator Buzbee.

7. SENATOR BUZBEE:

8. Thank you, Mr. President. This amendment deletes Section 3  
9. in its entirety and combines the six hundred and fourteen thousand  
10. dollars previously in Section 3 with the standard line items  
11. accounts payable from Federal Services for Older Americans  
12. Fund in section one of the bill and I would move its adoption.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? All in favor. Senator Regner.

15. SENATOR REGNER:

16. Senator Buzbee explained Amendment No. 5. I think you're  
17. looking at the amendment that I have as a Floor amendment.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. Mr. President, I'm sorry, I did give the explanation of the  
22. wrong amendment. What this does is it breaks out the Federal  
23. grants into standard line items and it doesn't change the dollar...  
24. total dollar amount at all and I would move its adoption.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. On the motion to adopt, is there discussion? Is there discussion?  
27. All in favor say Aye. Opposed Nay. The Ayes have it. The motion...  
28. prevails. The amendment is adopted. Further amendments?

29. SECRETARY:

30. No further committee amendments.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Are there amendments from the Floor?

33. SECRETARY:

Amendment No. 6 offered by Senator Regner.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. Senator Regner, to explain Amendment No. 6.  
3. SENATOR REGNER:  
4. Mr. President and members of the Senate. This is the first  
5. explanation Senator Buzbee gave. It deletes Section 3 in its  
6. entirety and combines the six hundred and fourteen thousand  
7. previously in Section 3 with the standard line item accounts payable  
8. from Federal Services for Older Amendments...Older Americans.  
9. And I'd move it's adoption.  
10. PRESIDING OFFICER: (SENATOR BRUCE)  
11. Is there discussion? All in favor say Aye. Opposed Nay.  
12. The Ayes have it and the older amendment is adopted. Further  
13. amendments.  
14. SECRETARY:  
15. No further amendments.  
16. PRESIDING OFFICER: (SENATOR BRUCE)  
17. 3rd reading. 1575, Senator Glass. Read the bill, Mr. Secretary.  
18. SECRETARY:  
19. Senate: Bill 1575  
20. (Secretary reads title of bill)  
21. 2nd reading of the bill. The Committee on Appropriations I  
22. offers three amendments.  
23. PRESIDING OFFICER: (SENATOR BRUCE)  
24. Senator Carroll on Amendment No. 1.  
25. SENATOR CARROLL:  
26. Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
27. Because of the inauguration of a new lieutenant governor in  
28. January we are limiting by Amendment No. 1 the appropriations to  
29. fifty percent during the first part, first half of the fiscal  
30. year. I would move adoption of Committee Amendment No. 1.  
31. PRESIDING OFFICER: (SENATOR BRUCE)  
32. Is there discussion? Senator Glass.  
33. SENATOR GLASS:

1. For reasons not stated by Senator Carroll, I favor the amendment.  
2. also.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. All in favor say Aye. Opposed Nay. The Ayes have it and  
5. the amendment is adopted. Amendment No. 2.

6. SECRETARY:

7. Committee Amendment No. 2.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Carroll.

10. SENATOR CARROLL:

11. Thank you, Mr. President, Ladies and Gentlemen of the  
12. Senate. Committee Amendment No. 2 is a reduction of thirty-four  
13. thousand one hundred dollars to eliminate a new position and new  
14. items of contractual service. The purpose whereof is to  
15. try and keep government more responsive to the citizens of Illinois  
16. and make it easier for the citizens to get to the government. This  
17. new division would have made it more confusing for seniors as  
18. to when and where to go and as we have just provided more grant monies  
19. in the Department of Aging and have a very excellent department it  
20. was felt it was unnecessary to create another thirty-second level  
21. of people who are supposedly dealing with the same topic and I would  
22. move adoption of Amendment No. 2.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. On the motion to adopt, is there discussion? Senator Sommer.

25. SENATOR SOMMER:

26. Mr. President, members. This is a budgeted item and it's  
27. necessitated by the...the increased work load that this lieutenant  
28. governor has had because of his concern for senior citizens and  
29. I would urge the defeat of this amendment.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. All right. Senator Davidson.

32. SENATOR DAVIDSON:

33. Senator Carroll, is this appropriate...does this apply to what



1. is commonly known as the hot line for senior citizens. Now don't  
2. you have an amendment that removes the money for dealing with  
3. hot line? I thought this was the amendment.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Carroll:

6. SENATOR CARROLL:

7. No, it doesn't, Senator Davidson. That is not in this  
8. budget at all. This was to create a new forum similar to the other  
9. forums that are operated by state government and that's what  
10. this eliminates.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Davidson.

13. SENATOR DAVIDSON:

14. Well, do you have another amendment that does remove it,  
15. 'cause I've got a tremendous amount of phone calls from senior  
16. citizens throughout the State saying that whichever amendment  
17. you approved, I thought it was the 2nd amendment, was the one  
18. that effectively removed the funding for the hot line for  
19. senior citizens throughout the State to call in for relation  
20. to troubles and if that's the case, I would certainly urge  
21. the defeat of this amendment.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Glass.

24. SENATOR GLASS:

25. Well, Mr. President, Ladies and Gentlemen, I also  
26. rise in vigorous opposition to this amendment. The...the  
27. forum is not a new organization, it was created last June and  
28. reorganized in April of '78. It is an organization that is  
29. strongly supported by senior citizens throughout Illinois.  
30. There are over two hundred organizations that are either  
31. members or expected members. The applications are out  
32. now and Senator Davidson it...it does affect the hot line,  
33. the publication of the senior hot line newspaper column

1. and I suggest to you that if you haven't heard from senior  
2. citizens about this, you will. It's an amendment that should  
3. be defeated and this is an item in the budget that should be  
4. retained. I urge a No vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? All right, Senator Regner on this  
7. one. Senator Regner. No. Senator Carroll to close.

8. SENATOR CARROLL:

9. Thank you. No, Senator Davidson and Senator Glass and  
10. others, obviously they've been using the hot line to call  
11. down to you. This is not...in no way affects the hot line.  
12. As Senator Glass said, it may have affected a publication  
13. of a column, but it in no way affects the phone service.  
14. All it does do, is say to them, as many of them have said  
15. to me as I've been through my district and I'm sure you've  
16. been through yours and had the same experience, they only hope  
17. to live long enough where they're transferred by the  
18. State operators from department to department to get an  
19. answer to their question. And all we're doing here is  
20. giving them another layer to go through that hopefully  
21. they'll live through to be able to get an answer. This  
22. is another new program that is totally unneeded. We have  
23. a department, if the department is working, it should be  
24. functioning, if not, let's get rid of the Department of  
25. Aging. The whole idea of creating the department and  
26. many of their programs was to say, let's have one central  
27. place where the seniors can go and get answers to their  
28. questions. Very appropriate, very logical and very good  
29. government. Now we come in with another place for them  
30. to go in lieu of going to the department. If the Governor  
31. wishes to abolish the department and put it in the Lieutenant  
32. Governor's budget, let's do it. If not, let's keep it in  
33. the department where it belongs and would urge adoption

1. of Amendment No. 2.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. There's been a request for a roll call. The question

4. is on the motion to adopt Amendment No. 2 to Senate Bill

5. 1575. Those in favor vote Aye. Those opposed vote Nay.

6. The voting is open. Have all voted who wish? Take the

7. record. On that question the Ayes are 27, the Nays are

8. 25, none Voting...the Ayes are 27, Nays are 25. The motion

9. to adopt prevails.

10. SECRETARY:

11. Committee Amendment No. 3.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. For what purpose does Senator Glass arise?

14. SENATOR GLASS:

15. Request a verification of the affirmative votes.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. There's...been a request...there's been a request for

18. verification of the affirmative vote. Will the Senators

19. please be in their seats. Or near them. Secretary will

20. call those members who voted in the affirmative.

21. SECRETARY:

22. The following voted in the affirmative: Berman, Bruce,

23. Buzbee, Carroll, Chew, Clewis, D'Arco, Daley, Donnewald, Kenneth

24. Hall, Hickey, Johns, Ziomek, Lane, Leonard, Maragos, Merlo, Netsch,

25. Rock, Sangmeister, Savickas, Smith, Vadalabene, Washington, Wooten,

26. Mr. President.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Glass, do you question the presence of any member?

29. SENATOR GLASS:

30. Senator Maragos. Senator Lane on the Floor?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. In his seat. Roll call has been verified and that...on

33. that question the Ayes are 27, the Nays are 25. Amendment No. 3

1. is adopted. Amendment No. 2 is adopted.

2. SECRETARY:

3. Committee Amendment No. 3.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Carroll.

6. SENATOR CARROLL:

7. Thank you, Mr. President and Ladies and Gentlemen of  
8. the Senate. Because of Senator Glass' compelling arguments,  
9. I would move to Table Amendment No. 3. This would have  
10. been the Tripoli amendment.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The motion is to Table. Is there discussion? All  
13. in favor say Aye. Opposed Nay. The Ayes have it, Amend-  
14. ment No. 3 is Tabled.

15. SECRETARY:

16. No further committee amendments.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Are there amendments from the Floor?

19. SECRETARY:

20. No Floor amendments.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. 3rd reading. Senator Hynes.

23. SENATOR HYNES:

24. Mr. President and members of the Senate. A number of  
25. members have inquired about the schedule for today and it  
26. will be as follows. We'll go through the Appropriation  
27. Bills on 2nd reading that the staff has prepared and that  
28. the Chairman and Minority Spokesman have agreed on calling  
29. today, then there are a couple of resolutions to be adopted  
30. and then we will adjourn and hopefully we will be out of  
31. here no later than 6:15. We will return at 10:00 a. m. tomorrow  
32. morning.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. All right. With that in mind, we have a great deal of  
2. work. Senate Bill 1576, Senator Shapiro. Hold. 1577, Senator  
3. Rhoads, 1579, Senator Harber Hall. 1580, Senator Nimrod. Read  
4. the bill, Mr. Secretary.

5. SECRETARY:

6. Senate Bill 1580.

7. (Secretary reads title of bill)

8. 2nd reading of the bill. The Committee on Appropriations I  
9. offers three amendments.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Carroll.

12. SENATOR CARROLL:

13. Thank you, Mr. President, Ladies and Gentlemen of the  
14. Senate. The 1st Amendment is the Hynes Amendment. I would  
15. move adoption of Committee Amendment No. 1 to Senate Bill  
16. 1580.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. You've heard the motion to adopt. Is there discussion?  
19. All in favor say Aye. Opposed Nay. The Ayes have it. Amend-  
20. ment No. 1 is adopted.

21. SECRETARY:

22. Committee Amendment No. 2.

23. SENATOR CARROLL:

24. Thank you, Mr. President, Ladies and Gentlemen of the  
25. Senate. Committee Amendment No. 2 reduces the pay plan to  
26. the 5.5 President Carter guideline. I would move adoption  
27. of Amendment No. 2 to Senate Bill 1580.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there discussion? All in favor say Aye. Opposed  
30. Nay. The Ayes have it. Amendment No. 2 is adopted.

31. SECRETARY:

32. Committee Amendment No. 3.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Carroll.

2. SENATOR CARROLL:

3. Thank you, Mr. President. I would move to Table Committee  
4. Amendment No. 3. The Tripoli amendment would not be appropriate  
5. on this agency.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. You've heard the motion. Is there discussion? Senator  
8. Berning, will you...gentlemen please clear the aisle in front  
9. of Senator Berning. Senator Glass.

10. SENATOR BERNING:

11. A...a question of the Honorable Senator Carroll. What  
12. is the crippling or tripling amendment? I've heard this  
13. comment now for most of the afternoon and it amazes me that  
14. we can have...we can have so many bills, so many appropriation  
15. bills with the same crippling amendment and then at the  
16. last moment when they're on the Floor to have that amendment  
17. withdrawn.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Carroll.

20. SENATOR CARROLL:

21. Senator Berning, I would be happy to explain it to  
22. you. One, the offeror of that amendment in committee is  
23. not present, but that has no bearing on the offering of the  
24. amendment. The amendment is known as the Tripoli, as in the  
25. location, geographically of the City of Tripoli. Senator  
26. Lemke, who will be here, has offered that amendment is a  
27. concept of his on various departments and...and agencies.  
28. There are many places where...while adopted in committee,  
29. it was done with the understanding that if, what he was  
30. trying to accomplish, was not affected by that particular  
31. amendment on that agency or in that department, the amendment  
32. would be withdrawn on the Floor. The only bills we have  
33. dealt with are the ones where that amendment was not

1. appropriate and as we had agreed at the time in committee, we  
2. are therefore withdrawing and Tabling those amendments. When  
3. Senator Lemke is here, I'm sure he would explain his concept  
4. in detail.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Berning.

7. SENATOR BERNING:

8. That...that's...that's a delightful trip around the  
9. mulberry bush without ever giving me an answer. What does  
10. it do?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Carroll. May we have some order, Ladies and  
13. Gentlemen.

14. SENATOR CARROLL:

15. I think it would be more appropriate to let Senator  
16. Lemke explain that when he is offering it on an appropriate  
17. department or agency.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. ...Senator Berning.

20. SENATOR BERNING:

21. I'll accept that with...with your...your very fine  
22. explanation that this is not your amendment, which has been  
23. on the bill, but now you have elected to take it off. Is that  
24. what you're saying?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Carroll.

27. SENATOR CARROLL:

28. That's right. No, I...in committee we had said that  
29. where it wasn't appropriate, it would not be offered and  
30. would be Tabled on the Floor. But not to take Senator  
31. Lemke's fire and thunder, we'll await his arrival on those  
32. where it is appropriate.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. The motion is to Table. Is there discussion? All in
2. favor say Aye. Opposed Nay. The Ayes have it. The motion
3. is Tabled. Further amendments?
4. SECRETARY:
5. No...no further committee amendments.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Any amendments from the Floor?
8. SECRETARY:
9. No Floor amendments.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. 3rd reading. Senate Bill 1513, we skipped that inadvertently.
12. Is there leave to return? Leave is granted. 1513, Mr. Secretary.
13. SECRETARY:
14. Senate Bill 15...Senate Bill 1513.
15. (Secretary reads title of bill)
16. 2nd reading of the bill. No committee amendments.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. Are there amendments from the Floor? 3rd reading.
- 19.
- 20.
- 21.
- 22.
- 23.
24. End of Reel #3
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.



1.

2. ...1587, Senator Davidson. Read the bill, Mr. Secretary.

3. SECRETARY:

4. Senate Bill 1587.

5. (Secretary reads title of bill)

6. 2nd reading of the bill. The Committee on Appropriations

7. I offers five amendments.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Carroll on Amendment No. 1.

10. SENATOR CARROLL:

11. Thank you, Mr. President and Ladies and Gentlemen of the

12. Senate. Committee Amendment No. 1 adds two and a half

13. million from the School Constuction Debt Fund for debt

14. service grants to downstate school districts. This is

15. the figure that as of February 28th, was the unexpended

16. balance so I would move adoption of Committee Amendment

17. No. 1 for debt service grants for downstate school

18. districts.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Heard the motion to adopt. Is there discussion?

21. All in favor say Aye. Opposed Nay. The Ayes have it.

22. And the motion to adopt prevails.

23. SECRETARY:

24. Committee Amendment No. 2.

25. SENATOR CARROLL:

26. Thank you, Mr. President and Ladies and Gentlemen of the

27. Senate. Committee Amendment No. 2 deletes three hundred

28. and sixty-nine thousand three hundred from the Road Fund for

29. an unspecified district 11A headquarters building to the

30. Department of Law Enforcement. We have dealt with this in

31. a...in another bill and in another manner and I would

32. move adoption of Committee Amendment No. 2.

33. PRESIDING OFFICER: (SENATOR BRUCE)

34. The motion is to adopt. Is there discussion? Senator

1. Davidson.

2. SENATOR DAVIDSON:

3. Mr. President and members of the Senate. I rise  
4. in opposition to this amendment. Now, this amendment  
5. may be fine and dandy to deal with, but this money  
6. is going to be needed to be reappropriated 'cause  
7. the money is going to be obligated by contract to build  
8. this headquarters before the end of this Fiscal Year.  
9. Now, if we remove it here, you're going to have to be  
10. back to put it back in when it comes back from the House  
11. on concurrence 'cause the contracts will be obligated, the  
12. money will be obligated before the end of this Fiscal  
13. Year. The police station will be built at the intersection  
14. of I-55 and Route 16 at Litchfield. The State owns the land.  
15. They have the deed. They're going out for bid for the  
16. building and I urge the defeat of this amendment.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there further discussion? Senator Demuzio.

19. SENATOR DEMUZIO:

20. Well, thank you, Mr. President. I rise in support  
21. of this amendment. Last year when the Capital Development  
22. Board appropriation bill was before us, we acted on that  
23. report that recommended that there be a State Police  
24. Headquarters built in Carlinville, Illinois as well as one  
25. in Carmi, Illinois. As a matter of fact, I have before me,  
26. four volumes that were checked out of the State library  
27. that was conducted by Cresap-McCormick-Paget of which the  
28. taxpayers spent eighty thousand dollars for which was a  
29. plan for action for improvement and growth in the future  
30. for the Illinois State Police. And through the good  
31. efforts of Senator Davidson and his side of the...the  
32. fence, they were successful in removing the State Police  
33. Headquarters from the Carlinville...area as recommended by the  
34. ...by the report. And information that I have indicates that

1. there has been no obligation whatsoever toward this project  
2. and as a matter of fact, in another bill that's coming up  
3. very shortly, we are going to put back three hundred and thirty-  
4. five thousand dollars for a State Police Headquarters in  
5. Carlinville which is approximately thirty-four thousand  
6. dollars less than what this appropriation or this...this  
7. amendment here three hundred and sixty-nine thousand dollars which we...  
8. which we had spent, because of land acquisition. The  
9. Macoupin County Board has recommended that they will give  
10. the land to the Illinois State Police and we...all we are  
11. doing is simply acting upon their recommendation of the  
12. Cresap-McCormick and Paget report of which the four volumes  
13. are right here on my desk and I would ask this side of the  
14. aisle to...to vote in favor of this amendment.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there further discussion? Senator Davidson a second  
17. time.

18. SENATOR DAVIDSON:

19. Yes, since we mentioned about the report, maybe we  
20. ought to talk about the other part of that report about  
21. headquarters in Cook County and some of the surrounding six...  
22. counties which was knocked out because of opposition from  
23. some people from your side of the aisle. Now, the bids are going  
24. out. This money will be obligated. The ideal place for this  
25. place to be obligated is where the traffic...where the need is  
26. and that's where the need is and let's quit trying to  
27. ...around about somebody is going to be paying for land because  
28. the gift to the State of Illinois for the cost of this land  
29. is zero, just the same as it would have been if it would have been  
30. over in Macoupin County as the county board said. There's  
31. no cost for land acquisition to the State of Illinois. I urge  
32. defeat of this amendment.

33. PRESIDING OFFICER: (SENATOR BRUCE)

34. Is there further discussion? Demuzio. Senator Demuzio.

1. All right. Senator Carroll to close.

2. SENATOR CARROLL:

3. Thank you, Mr. President and Ladies and Gentlemen of the  
4. Senate. As I said at the beginning, we were moving  
5. to take this money out because it did not meet the plan  
6. as presented a year ago, in addition to which the contracts  
7. have not been obligated. We have been led to believe  
8. that they will not be obligated should this amendment  
9. be adopted. We have provided the monies for the...  
10. excuse me, for the headquarters in another bill by an  
11. appropriation at about a ten percent savings to the State.  
12. And I would move adoption of Amendment No. 2 to Senate  
13. Bill 1587.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. There's been a request for a roll call. The motion is  
16. to adopt Amendment No. 2. Those in favor will vote Aye.  
17. Those opposed will vote Nay. The voting is open.  
18. Have all voted who wish? Have all voted who wish? Take the  
19. record. On that question the Ayes are 29, the Nays are  
20. 24. Amendment No. 2 is adopted.

21. SECRETARY:

22. Committee Amendment No. 3.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Carroll.

25. SENATOR CARROLL:

26. Thank you, Mr. President and Ladies and Gentlemen of the  
27. Senate. This is a technical amendment. I would move adoption  
28. of Committee Amendment No. 3.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The motion is to adopt. Is there discussion? All in favor  
31. say Aye. Opposed Nay. The Ayes have it. Amendment No. 3  
32. is adopted. Any further amendments?

33. SECRETARY:

34. Committee Amendment No. 4.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Carroll.

3. SENATOR CARROLL:

4. Thank you, Mr. President, Ladies and Gentlemen of the Senate.

5. Committee Amendment No. 4 is for emergency roof repairs for

6. Brophey Hall and construction of State military facility.

7. I would move adoption of Committee Amendment No. 4.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion of the motion to adopt? All in

10. favor say Aye. Opposed Nay. The Ayes have it. Amendment

11. No. 4 is adopted.

12. SECRETARY:

13. Committee Amendment No. 5.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, Mr. President, Ladies and Gentlemen of the

18. Senate. Committee Amendment No. 5 is a renumbering and

19. deleting of the historical library which was added to

20. 1601. I would move adoption of Committee Amendment No.

21. 5 to Senate Bill 1587.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. On the motion to adopt. Is there discussion? All in

24. favor say Aye. Opposed Nay. The Ayes have it. Amendment No.

25. 5 is adopted. Further committee amendments?

26. SECRETARY:

27. No further committee amendments.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Are there amendments from the Floor?

30. SECRETARY:

31. No Floor amendments.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. 3rd reading. Senate Bill 1591, Senator Mitchler.

34. Read the bill, Mr. Secretary.

1. SECRETARY:

2. Senate Bill 1591.

3. (Secretary reads title of bill)

4. 2nd reading of the bill. The Committee on Appropriations

5. II offers two amendments.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Buzbee.

8. SENATOR BUZBEE:

9. Thank you, Mr. President. Amendment No. 1 reduces the  
10. general revenue appropriation to the Department of Veterans  
11. Affairs by eighty-nine thousand nine hundred dollars. This  
12. cuts two new positions, a Clerk Steno II at seventy-  
13. two hundred and eighty dollars and a Data Processing Analyst  
14. II at twelve thousand nine hundred dollars. It reduces  
15. the pay plan down to 5.5 percent and makes corresponding social  
16. security and retirement and equipment reductions for those  
17. individuals. It cuts the pay plan in the veterans scholarship  
18. section by nine hundred dollars down to the 5.5 percent and  
19. does the same thing at the vets home for a total reduction of  
20. eighty-nine thousand nine hundred ninety dollars and  
21. that, of course, is the total appropriation of operations of  
22. ...operations of general revenue of some two and a quarter  
23. million dollars. Counting all funds, it's operations of  
24. better of seven and a half million dollars and we are cutting out  
25. a total of eighty-nine thousand nine hundred dollars to  
26. meet with the...President Carter's recommended five and a half  
27. percent guidelines and I would move adoption of Amendment No. 1.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. The motion is to adopt Amendment No. 1. Is there  
30. discussion? Senator Mitchler.

31. SENATOR MITCHLER:

32. Mr. President...Mr. President and members of the Senate.  
33. I would rise in opposition to Amendment No. 1. I point out that

1. the Department of Veterans Affairs has come in with a budget  
2. that provides a modest 2.2 percent increase over last year  
3. and already they're operating on a very small amount. We have  
4. been giving them additional duties in the way of handling  
5. scholarships, which has been transferred into the  
6. Department of Veterans Affairs and I might point out that  
7. to eliminate, for example, the Clerk Steno that's requested.  
8. They only have two clerical personnel in the central office,  
9. one is the secretary to the Director of the Department of  
10. Veterans Affairs and the other is a Clerk Typist to handle  
11. all of the needed clerical assistance and to eliminate  
12. this requested additional clerical assistance of a Clerk  
13. Steno, I...I just can't see it. It's...it's miniscule.  
14. It's nit-picking. And then for the elimination of the  
15. Data Processing Analyst position at twelve thousand  
16. dollars, again, this is required because during FY '78  
17. the department will...will spend some five thousand  
18. five hundred to maintain the veterans scholarship program  
19. that we mandated into their program. And four thousand  
20. two hundred dollars will be spent to maintain the veterans  
21. home payroll system. These are two needed positions.  
22. Now, the Department of Veterans Affairs operates on a very  
23. miniscule amount of personnel and they're providing the necessary  
24. services to the veteran, to the dependents of the veterans,  
25. and particularly so and I remind you with an emphasis on this,  
26. to the Viet Nam veteran who is in need of the many services  
27. of these...this department. Now, to cut out this amount and  
28. to reduce it in this very limited amount, I don't know what  
29. the nit-picking is. Their budget went over a great deal of  
30. scrutiny and as I repeated when I first rose to object to this,  
31. the Department of Veterans Affairs is coming in with a very  
32. miniscule 2.2 percent increase over last year. And a knock  
33. down to that 5.5 percent, I don't know whether...

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator, your time has expired.

3. SENATOR MITCHLER:

4. ...President Carter amendment, but this is miniscule  
5. on the department and I'd ask for defeat of this amendment.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Motion is to adopt. All in favor say Aye. Opposed  
8. Nay. The Ayes have it. The amendment is adopted. There has  
9. been a request for a roll call. Those in favor...the  
10. motion is to adopt Amendment No. 1. Those in favor will vote  
11. Aye. Those opposed will vote Nay. The voting is open.  
12. Have all voted who wish? Have all voted who wish? Have all voted  
13. who wish? Take the record. On that question the Ayes are  
14. 25, the Nays are 25. The motion to adopt is lost.  
15. Senator Buzbee, for what purpose do you arise?

16. SENATOR BUZBEE:

17. I'd like a verification of the negatives for good  
18. government.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. There's been...there's been a request...will the Senators  
21. please be in their seats. There's been a request for a  
22. verification of those who voted in the negative. The Secretary  
23. will call those who voted in the negative.

24. SECRETARY:

25. The following voted in the negative: Berning, Bowers,  
26. Coffey, Davidson, Demuzio, Glass, Graham, Grotberg, Harber  
27. Hall, Joyce, McMillan, Mitchler, Moore, Nimrod, Ozinga,  
28. Philip, Regner, Rhoads, Roe, Rupp, Schaffer, Shapiro, Sommer,  
29. Soper, Weaver.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Buzbee, do you question the presence of  
32. any member?

33. SENATOR BUZBEE:

34. Yes, Senator Coffey.



1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. Is Senator Coffey on the Floor? He's at the back of the  
3. Chamber.  
4. SENATOR BUZBEE:  
5. Senator Roe.  
6. PRESIDING OFFICER: (SENATOR BRUCE)  
7. Senator Roe in the Chamber? Senator Roe on the Floor?  
8. Strike his name. Senator Buzbee.  
9. SENATOR BUZBEE:  
10. Senator Soper.  
11. PRESIDING OFFICER: (SENATOR BRUCE)  
12. Senator Soper is at the back of the Chamber.  
13. SENATOR BUZBEE:  
14. Senator Demuzio.  
15. PRESIDING OFFICER: (SENATOR BRUCE)  
16. Senator Demuzio on the Floor? Is Senator Demuzio on the  
17. Floor? Strike his name. Senator Buzbee.  
18. SENATOR BUZBEE:  
19. Senator Harber Hall.  
20. PRESIDING OFFICER: (SENATOR BRUCE)  
21. Senator Harber Hall on...here he is. Even the Chair  
22. couldn't find him this close. Senator Buzbee, question the  
23. presence of any other member? All right. Roll call has been  
24. verified. For what purpose does Senator Mitchler arise?  
25. SENATOR MITCHLER:  
26. I'd like a verification of the affirmative votes,  
27. those that are not voting with the veterans.  
28. PRESIDING OFFICER: (SENATOR BRUCE)  
29. There's been a request for a verification of those that  
30. voted in the affirmative. The Secretary will call the names of those  
31. that voted in the affirmative. Will the members please be in  
32. their seats. It will speed up the process a good deal.  
33. ...Secretary.

1. SECRETARY:  
2. The following voted in the affirmative: Berman,  
3. Bruce, Buzbee, Carroll, Clewis, Collins, D'Arco, Daley,  
4. Donnewald, Kenneth Hall, Hickey, Johns, Ziomek,  
5. Lane, Maragos, Merlo, Netsch, Rock, Sangmeister, Savickas,  
6. Smith, Vadalabene, Washington, Wooten, Mr. President.  
7. PRESIDING OFFICER: (SENATOR BRUCE)  
8. Who made the request? Senator Mitchler, did you  
9. make the request?  
10. SENATOR MITCHLER:  
11. Yes, Senator Smith.  
12. PRESIDING OFFICER: (SENATOR BRUCE)  
13. Is Senator Smith on the Floor? Senator Smith on the Floor?  
14. Strike his name.  
15. SENATOR MITCHLER:  
16. Senator D'Arco.  
17. PRESIDING OFFICER: (SENATOR BRUCE)  
18. Is Senator D'Arco...at Senator Netsch's desk.  
19. SENATOR MITCHLER:  
20. Is Senator Vadalabene on the Floor? Shame on you.  
21. Senator Maragos.  
22. PRESIDING OFFICER: (SENATOR BRUCE)  
23. Senator Maragos is in his seat. The roll call has been...  
24. verified. On that question the Ayes are 24, the Nays are  
25. 23. Amendment No. 1 to Senate Bill 1591 is adopted.  
26. SECRETARY:  
27. Committee Amendment No. 2.  
28. PRESIDING OFFICER: (SENATOR BRUCE)  
29. Will a page please go to...Sergeant-at-Arms. Senator Buzbee.  
30. SENATOR BUZBEE:  
31. Thank you, Mr. President. This amendment limits  
32. expenditures to fifty percent. It's the Hynes amendment.  
33. I move its adoption.  
PRESIDING OFFICER: (SENATOR BRUCE)

1. On the motion to adopt, is there discussion? All in favor  
2. say Aye. Opposed Nay. The Ayes have it. Amendment No. 2  
3. is adopted. Any further amendments?

4. SECRETARY:

5. No further committee amendments.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Are there amendments from the Floor?

8. SECRETARY:

9. No Floor amendments.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. 3rd reading. Gentlemen, that will be the last appropriation bill  
12. we take on 2nd reading. Is there leave to go to the Order  
13. of Motions in Writing? Leave is granted. Motions in Writing.

14. SECRETARY:

15. I move to discharge the Committee on Executive from  
16. further consideration of House Joint Resolution Constitutional  
17. Amendment 52 and place it on the Senate Calendar without  
18. reference to committee. Signed, Senator Maragos.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Maragos.

21. SENATOR MARAGOS:

22. Mr. President and members of the Senate. This motion merely  
23. takes...House Joint Resolution Constitutional Amendment 52 which  
24. eliminates and withdraws House Joint Constitutional Amendment  
25. 47 which we adopted which is the...there were two amendments which  
26. we adopted regarding the personal property tax and all I'm asking  
27. at this time is that we take it out of the Executive Committee...  
28. discharge the committee and put it on the Calendar and I think it's  
29. by agreement of all parties concerned.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Heard the motion to discharge committee on Executive  
32. from further consideration of HJR-CA 52 and place it on the  
33. Senate Calendar without reference. Is there...is there leave?

1. Is there leave to discharge...leave is granted. Okay.  
2. The...and the resolution will be placed on tomorrow's  
3. Calendar. Messages from the House.

4. SECRETARY:

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

6. Mr. President - I am directed to inform the  
7. Senate that the House of Representatives...adopted the  
8. following joint resolution in the adoption of which I am  
9. instructed to ask the concurrence of the Senate, to-wit:

10. House Joint Resolution 89. This resolution is being  
11. sponsored in the Senate by Senators Hynes and Shapiro.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Hynes.

14. SENATOR HYNES:

15. Mr. President, if I may, I'll speak to both House  
16. Joint Resolution 89 which is before us and House Joint  
17. Resolution 90. House Joint Resolution 89 invites the Chief  
18. Justice and the Associate Justices of the Supreme Court  
19. to attend the special...the Joint Session of the General  
20. Assembly at which President Carter will address the Assembly.  
21. House Joint Resolution 90 invites the Governor and the  
22. other executive orders...officers to attend that Joint Session and  
23. I would move to suspend the rules for the purpose of the  
24. immediate consideration and adoption of House Joint Resolution  
25. 89.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. The motion is to suspend for the purpose of the immediate  
28. consideration and adoption of House Joint Resolution 89.  
29. Is there leave? Leave is granted. Senator Hynes now moves  
30. the adoption of Amendment...of House Joint Resolution 89.  
31. Is there discussion? All in favor say Aye. Opposed Nay.  
32. The Ayes have it. House Joint Resolution 89 is adopted.  
33. Messages from the House.

1. SECRETARY:

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

3. ...I'm directed to inform the Senate the  
4. House of Representatives adopted the following Joint  
5. Resolution in the adoption of which I am instructed  
6. to ask the concurrence of the Senate, to-wit:

7. House Joint Resolution 90 sponsored by  
8. Senator Hynes and Shapiro.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator...Senator Hynes asks leave of Body for  
11. the immediate consideration of House Joint Resolution 90.  
12. Is there leave? Leave is granted. On the motion to adopt.  
13. All in favor say Aye. Opposed Nay. The Ayes have it.  
14. House Joint Resolution 90 is adopted. For the purpose of the  
15. ...information of the members, we will start tomorrow on  
16. Senate Bills 2nd reading at Senate Bill 1592 where we  
17. concluded our business today. Further business?  
18. Senator Hynes.

19. SENATOR HYNES:

20. Two announcements, Mr. President. First, the gridiron  
21. dinner is Wednesday evening. Tickets are available but they're  
22. going fast so I would suggest that you get them promptly.  
23. Secondly, a memorandum has been distributed from the Speaker  
24. of the House regarding procedures for the Special Session.  
25. I would urge every member to pick up the copy that has been  
26. put on his desk and to read it carefully. It deals with  
27. seating arrangements and other matters of importance.  
28. And these requirements will be strictly enforced.  
29. So, I would ask that you take a copy of the memorandum, look  
30. it over so that you will not be left in a...in a position of not  
31. being able to get into the Special Session...or the Joint  
32. Session, rather.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there further business to come before the Senate?  
2. Senator Clewis moves that the Senate stand adjourned until  
3. the hour of ten o'clock tomorrow. All in favor say Aye.  
4. Opposed Nay. The Ayes have it. The Senate stands adjourned  
5. until 10:00 o'clock tomorrow.

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