

80TH GENERAL ASSEMBLY

REGULAR SESSION

OCTOBER 24, 1977

1. PRESIDENT:

2. The hour of four o'clock having arrived the Regular
3. Session of the Senate will please come to order. Messages
4. from the Governor. Senator Rock.

5. SENATOR ROCK:

6. Thank you, Mr. President and Ladies and Gentlemen of
7. the Senate. I filed with the Secretary the Motion in Writing
8. to dispense with the reading of the Governor's Veto Messages.
9. I understand that there are more than one hundred to be read
10. and I would move that we dispense with that reading and that
11. they be entered upon the Journal and a copy of each message
12. and a copy of each bill be placed upon the desk of each
13. member of this Senate.

14. PRESIDENT:

15. You've heard the motion by Senator Rock. Is there any
16. discussion? If not, all those in favor signify by saying
17. Aye. Opposed. The Ayes have it. The motion carries. So
18. ordered. Reading of the Journal.

19. SECRETARY:

20. June the...22nd, 1977 through July the 2nd, 1977.

21. PRESIDENT:

22. Senator Leonard.

23. SENATOR LEONARD:

24. That the Journal just read by the Secretary be approved,
25. unless some Senator has additions or corrections to offer.

26. PRESIDENT:

27. You've all heard the motion. All those in favor signify
28. by saying Aye. All those opposed. The Ayes have it. The
29. motion carries. So ordered. Senator Grotberg, for what
30. purpose do you arise?

31. SENATOR GROTBORG:

32. A point of inquiry of the Chair. On that subject of
33. Journals, Mr. President, if we have a moment. It has come

1. to my concern that over five years I have approximately
2. a thousand dollars worth of volumes of Journals in my
3. library, which...not that they are meaningless, but I'm
4. wondering at the redundancy of the printing cost of the
5. State of Illinois, if it would be appropriate at some
6. time in this General Assembly to introduce the subject
7. of having a master file at hand where they're needed, but
8. rather than snow every two hundred and thirty six members
9. of this House...and Senate with a full set of Journals,
10. because they...of the tremendous cost. And there's...
11. this is not the time nor the place. I raise the question
12. and would like to ask the Chair's opinion, Mr. President,
13. on such an inquiry. Is there any way we can shut off some
14. of that paper?

15. PRESIDENT:

16. The question, I assumed, was a rhetorical one. I...yes.
17. The point is well taken. I...the matter has, in fact, been
18. discussed more than once. Both by the Senate Rules Committee
19. and House Rules Committee and each...each set of Rules, re-
20. spectively, do call for each member to receive a printed
21. copy of the Journal. We...we have examined with the printing
22. contracts the minimum number that we could get away with to
23. have printed. We do, in fact, have to have something printed.
24. Yes, Senator Grotberg.

25. SENATOR GROTBORG:

26. I think then, Mr. President, you've probably answered
27. my question. The appropriate...way would be to amend the
28. rules. Is that correct?

29. PRESIDENT:

30. That is correct.

31. SENATOR GROTBORG:

32. Thank you.

33. PRESIDENT:

1. Motions in Writing.

2. SECRETARY:

3. Motion in Writing. I move to amend Temporary Rule
4. No. 5 by inserting "after June the 28th, final day for 3rd
5. reading and passage of all House Bills"with the following:
6. between August the 1st and November the 30th of odd numbered
7. years the following rules shall apply: All bills introduced
8. during any regular Session or received by the Senate after
9. passage by the House in their regular Session shall be re-
10. ferred to the Rules Committee. Before the Senate can consider
11. any bill within it's jurisdiction including Concurrence, Non-
12. concurrence, Conference Committee Reports, such action must
13. be preceded by a Rules Committee approval. Nothing herein
14. shall preclude a committee from considering a bill, but no
15. committee shall make a report on any bill until the bill has
16. been approved by the Rules Committee. The full Senate may
17. thereafter consider the bill without additional Rule Committee
18. approval in accordance with the other rules of the Senate. This
19. rule shall not apply to those bills which are returned to the
20. General Assembly by the Governor under any of the...provisions
21. of Section 9, of Article IV of the Illinois Constitution nor
22. shall it apply to any bills properly introduced in any special
23. Session. Dated October the 24th, 1977. Offered by Senators
24. Hynes, Shapiro, Donnewald, Rock, Bruce, Kenneth Hall, Weaver,
25. Glass and Soper.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Hynes.

28. SENATOR HYNES:

29. Mr. President, this motion would amend our rules with
30. respect to introduction of bills and with respect to action
31. by the Senate in Regular Session. In essence, it provides
32. that any bill that is to be acted on, either in a committee
33. or on the Floor of the Senate in the Regular Session during

1. this Veto Session, as we refer to it must have the prior approval
2. of the Rules Committee and Rules Committee meetings will be
3. scheduled from time to time in order to accomodate the member-
4. ship. The purpose of the rule is to control the flow of business
5. so that we know what matters are going to come before this Body.
6. I think it is the desire of every member here to handle those
7. matters that are of urgency and extreme importance and to get
8. on with them...with dispatch and not allow this Session to turn
9. into a full Regular Session where we would rehash all of the
10. matters that were...were discussed in the Spring Session and to
11. avoid having to take up those matter that would more properly
12. be handled in the Spring. And I would move the adoption of
13. this amendment to the rules.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Hynes has moved the adoption of the amendment
16. to the Temporary Senate Rule 5. Is there any discussion?
17. Senator Grotberg.

18. SENATOR GROTBORG:

19. Yes, Mr. President. And out of respect for the motion,
20. I kind of concur with it. However, upon the Secretary's
21. Desk lies several bills. Some of whom have been lying there
22. all summer. The ex post facto ingredient of this motion does
23. reflect on the Secretary's Desk and I would wonder of the
24. Secretary how many bills are involved at this point in time.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. The Secretary has informed the Chair that...the Chair
27. that five bills are pending on his Desk for introduction.

28. SENATOR GROTBORG:

29. Then, Mr. President, I would ask leave of the sponsor of
30. this motion, if we could take those five that have been lying
31. around, read them so that they could be...not that we would
32. act on them or go to committee or anything with them, but to
33. dignify that process and then proceed. And I would ask the

1. sponsor and the President of this Senate if he could extend
2. that courtesy.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Hynes.

5. SENATOR HYNES:

6. Mr. President, I think...the procedure, as I recall and
7. the one that has operated in the past is the bills go to the
8. Rules Committee and then upon approval by the Rules Committee
9. they are referred to the Secretary for 1st reading and then go
10. to Assignment of Bills.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Grotberg.

13. SENATOR GROTBORG:

14. So, the question then arises, Mr. President, that the bills
15. are not numbered. There's no way to trace them. They lie in
16. the basket on the Secretary's Desk and they're effectively..
17. They might as well been filed in the middle of Second Street
18. out here, as far as identifying them, again, is concerned.
19. They were filed by a duly elected member and I thought it...
20. if we could, at least, number them and get them in the process.
21. I'm willing to slam the door after whatever is on the Desk.
22. They're not earthshaking but...well, I'm talking about
23. process.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. If the Chair may intervene. It seem..yeah, it seemed to
26. me that under the current rule, forget the amendment. Under
27. the current rule one is not...you're in a worse shape than you
28. are here. The deadline for introduction of bills has since,
29. long since passed. It was April 8, in fact. This proposed
30. amendment says, that in the period of time between August 1 and
31. November 30, all bills introduced during the Regular Session
32. shall be referred to the Rules Committee. Senator Grotberg,
33. has the Chair answered your query? As I understand the procedure

1. to be followed now, frankly, I have a bill that's been lying
2. fallow since...

3. SENATOR GROTBORG:

4. Right, right.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. ...June, as you well know.

7. SENATOR GROTBORG:

8. Right.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. It seems to me we are better advised as sponsors of those
11. to want to adopt this amendment to Temporary Rule Senate 5,
12. which covers the period of time between now and...and November
13. 30, in that the bill will be given a number, read a first time
14. and referred to the Rules Committee. Whereas, before...

15. SENATOR GROTBORG:

16. ...if that is the procedure, Mr. President...

17. PRESIDING OFFICER: (SENATOR ROCK)

18. All right, Senator...

19. SENATOR GROTBORG:

20. ...if you will number them. If you'll open for reading
21. then, after this motion I...I can live with that.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Hynes.

24. SENATOR HYNES:

25. Under the rule that existed in the Regular Session intro-
26. duction terminated at a specific date. So the bills were just
27. held in the Secretary's possession. Now, we are allowing during
28. this period, introduction of bills. They will be introduced,
29. given a number, read a first time and then go to the Rules
30. Committee. And that can include any of the bills that, as you
31. indicated, have languished in the...in the possession of the
32. Secretary over the summer, if you wish those included.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. All right. Further discussion? Senator Berning.
2. SENATOR BERNING:
3. Question of the sponsor, if you will, please?
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Indicates he will yield. Senator Berning.
6. SENATOR BERNING:
7. Do you interpret paragraph 1, August 1 through November
8. 30 of any odd numbered year then to automatically cover
9. bills introduced prior to that or during that time as being
10. valid for 1978?
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Senator Hynes.
13. SENATOR HYNES:
14. Yes, it is. It is...it resides in the Rules Committee.
15. It is a bill. It is in the custody of the Senate and the
16. Rules Committee can act on it in...in the Spring. It is
17. our intention to have the Rules Committee involved in this
18. process then, also, but we have't...we have not agreed on
19. the precise rule that will be adopted.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. Yes. The rule, as it now stands, says that "in even
22. numbered years all bills shall be referred to the Rules
23. Committee, except those that implement the State Budget
24. or are introduced by standing committees." So that this...this
25. rule is wholly consistent with the current rule. Senator
26. Berning.
27. SENATOR BERNING:
28. Thank you. That's what I wanted to...to clarify. And
29. then, Mr. President, the second paragraph where it says "any
30. Regular Session", does that automatically include a Veto
31. Session? Is this considered a Regular Session for purposes
32. of this rule?
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Hynes.

2. SENATOR HYNES:

3. Yes, it is. In the last paragraph of the rules specifically
4. excludes from its provisions any item returned by the Governor
5. pursuant to the Constitution.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Berning.

8. SENATOR BERNING:

9. Then, one...one further point of clarification. Paragraph
10. 3 says, before the Senate can consider, and that's very
11. positive, can consider any bill including Concurrences, Non-
12. concurrences and Committee Reports, such action on a concurrence,
13. for instance, it seems to me, such action must be preceded by
14. Rules Committee approval. Can that be interpreted to mean that
15. in a Conference Committee the report must first be approved by
16. Rules Committee before it's brought back to the Floor?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Hynes.

19. SENATOR HYNES:

20. That is what it means. It means any bill that is on the
21. Calendar, any Concurrence that might come over, any action that
22. is taken by the Senate, there must be prior approval by the
23. Rules Committee.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Berning.

26. SENATOR BERNING:

27. I don't...don't want to be...inconsiderate about this, but
28. it just seems to me that you are precluding Conference Committee
29. Report for the most part. If every time a bill which has gone
30. through Rules Committee and winds up in Conference Committee,
31. then, must come back again to Rules Committee is adding an addition-
32. al burden to Rules Committee.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Hynes.

2. SENATOR HYNES:

3. No. Senator, if you'll read the next paragraph, that's
4. specifically covered. What we are trying to get at is, with
5. respect to any given bill in the Regular Session at one time
6. the Rules Committee must approve action on that bill. So that
7. if a bill is introduced and then the Rules Committee approves
8. it to go on into committee and be heard, it can go through the
9. entire legislative process without ever having to come before
10. the Rules Committee, again. We simply are trying to avoid
11. dragging in all of the...unfinished items of the last Session
12. or those that members introduced for the next Session, in
13. advance.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Berning.

16. SENATOR BERNING:

17. Thank you. I don't wish to pursue it. I just wanted to
18. be sure that we were not including something in this rule which
19. would prevent the consideration of Concurrences, Nonconcurrences
20. and Conference Committee Reports. And if you are convinced that
21. that's what the rule says, I am perfectly satisfied. I just
22. wanted to be sure we weren't getting ourself boxed in here.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Be further discussion? Senator Weaver.

25. SENATOR WEAVER:

26. Thank you, Mr. President. Well, I was just wondering why
27. we specify the odd numbered year only. Wouldn't the same thing
28. prevail in the Override Session or Veto Session in even number
29. year? And shouldn't it be inclusive in this rule change?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Hynes.

32. SENATOR HYNES:

33. It could have been done that way, but it is not our intention

1. to adopt a rule for 1978 for the even numbered year that will
2. apply to the entire year. To the Regular Session and the Veto
3. Session. And we have not had an opportunity to work out the
4. precise details of that and what standards, if any, the Rules
5. Committee would have to operate by. So it could have been
6. done that way.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Any further discussion? Senator Hynes, you wish to close
9. the debate?

10. SENATOR HYNES:

11. I think the...the rule has been adequately explained. I
12. think it is the only hope we have of keeping this Session within
13. the bounds of reason. It gives us the...the ability to deal
14. with those matters that are important and pressing. And it also
15. makes it clear that we are not here to handle every piece of
16. legislation that has ever been introduced.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Question is, on the motion to amend Temporary Senate Rule
19. 5 as just explained by Senator Hynes. Those in favor will vote
20. Aye. Those opposed will vote Nay. The voting is open. Have
21. all voted who wish? Have all voted who wish? Take the record.
22. On that question, the Ayes are 50, the Nays are None. None
23. Voting Present. The motion to amend Temporary Senate Rule 5
24. as previously explained in writing by Senator Hynes prevails.
25. The amendment is adopted. (Machine cutoff)...Hynes, for what
26. purpose do you arise?

27. SENATOR HYNES:

28. Mr. President, since we're talking about the Rules Committee,
29. I...I would like to briefly outline how...what the schedule
30. would be. Bills that have been introduced are on the Secretary's
31. Desk for introduction now and we anticipate more tomorrow. The
32. Session, as we have said, will be pretty much limited to the
33. introduction of...of bills tomorrow and other noncontroversial

1. matters. It is our intention to have our Rules Committee
2. meeting after the Session tomorrow. We would recess the
3. Session in order to have a Rules Committee meeting to
4. consider all of the bills that have been introduced up to
5. that point. So that then they can be assigned to the
6. respective committees and as our schedule indicates, the
7. principle day for committee hearings is Wednesday, the 2nd
8. of November. Therefore, the notices to comply with the Six
9. Day Notice requirement for those committee hearings must go
10. out tomorrow and I would alert the committee chairman to
11. provide for such notices to be sent after the bills have been
12. assigned tomorrow.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Introduction of Bills.

15. SECRETARY:

16. Senate Bill 1381 introduced by Senator Grotberg.

17. (Secretary reads title of bill)

18. 1st reading of the...no. 1st reading of the bill.

19. Senate Bill 1382 introduced by Senator Grotberg and Moore.

20. (Secretary reads title of bill)

21. 1st reading of the bill.

22. Senate Bill 1383 introduced by Senators Grotberg and

23. Shapiro.

24. (Secretary reads title of bill)

25. 1st reading of the bill.

26. Senate Bill 1384 introduced by Senator Berman.

27. (Secretary reads title of bill)

28. 1st reading of the bill.

29. Senate Bill 1385 introduced by Senators Rock, Hynes,

30. Donnewald, Bower, ...Kenneth Hall and Johns.

31. (Secretary reads title of bill)

32. 1st reading of the bill.

33. Senate Bill 1386 introduced by Senator Mitchler.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. Senate Bill 1387 introduced by Senator Nimrod.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. Senate Bill 1388 introduced by Senators Donnewald and
7. Vadalabene.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. Senate Bill 1389 introduced by Senators Berning, Moore and
11. Schaffer.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. PRESIDENT:
15. Resolutions.
16. SECRETARY:
17. Senate Resolution 219 offered by Senator Mitchler. It's
18. congratulatory.
19. Senate Resolution 220 offered by Senator Grotberg. It's
20. congratulatory.
21. Senate Resolution 221 offered by Senator Grotberg. It's
22. congratulatory.
23. Senate Resolution 222 offered by Senator Grotberg. It's
24. congratulatory.
25. Senate Resolution 223 offered by Senators Berman, Shapiro
26. and Carroll. It's congratulatory.
27. Senate Resolution 224 offered by Senators Merlo, Berman
28. and...and Howard Carroll. It's congratulatory.
29. Senate Resolution 225 offered by Senator Merlo. And it's
30. congratulatory.
31. PRESIDENT:
32. Is leave granted to place the resolutions on the Consent
33. Calendar? Leave is granted.

1. SECRETARY:

2. Senate Joint Resolution 54 offered by Senator Johns.

3. It is...

4. PRESIDENT:

5. Consent...leave granted to place that resolution on the
6. Consent Calendar? Leave is granted. Motions in Writing.

7. SECRETARY:

8. Motion in Writing. Having voted on the prevailing side
9. I move to reconsider the vote by which the Second Conference
10. Committee Report on Senate Bill No. 152 failed. Dated October
11. the 24th, 1977. Signed, Senator Terry Bruce.

12. PRESIDENT:

13. Senator Bruce.

14. SENATOR BRUCE:

15. Yes, thank you, Mr. President. I'd like to Postpone
16. Consideration of this motion until November the 4th, 1977.

17. PRESIDENT:

18. You've heard Senator Bruce's request. Is leave granted?
19. The hearing of the motion will be postponed until Friday,
20. November 4th. It will be listed on the Calendar on...on the
21. 4th of November. It cannot be called for a hearing until the
22. Rules Committee approves it for consideration by the full
23. Body. Senator Bruce.

24. SENATOR BRUCE:

25. I just want to do what is correct. I would gladly make
26. the motion to refer this motion for consideration by the Rules
27. Committee and...and make a recommendation that it be set for the
28. 4th if that would be the more appropriate procedure.

29. PRESIDENT:

30. I think consideration...we've already put over consideration
31. of the motion until the 4th and the Rules Committee will have an
32. opportunity to consider it prior to that time. It cannot be
33. called for deliberation by the entire Body until the Rules

1. Committee does approve of it. Senator Shapiro, did you have
2. a motion?

3. SENATOR SHAPIRO:

4. Senator Davidson has a motion to reconsideration a vote and
5. I would move that that motion be held over and reconsidered on
6. November 4th. Senate Bill 997.

7. PRESIDENT:

8. The Secretary will read the motion.

9. SECRETARY:

10. Having voted on the prevailing side I move that the vote
11. by which Conference Committee Report No. 1 on Senate Bill 997
12. failed be reconsidered. Signed, Senator Davidson.

13. PRESIDENT:

14. Senator Shapiro, with leave of the Body, has moved to put
15. over consideration of that motion till Friday, November the 4th.
16. Is leave granted? Leave is granted. The Senate will stand at
17. ease for five minutes while we await the arrival of the House Joint
18. Resolution calling for the Joint Session. The Senate will
19. please come to order. A Message from the Governor.

20. SECRETARY:

21. A Message from the Governor by Zale Glauberman, Director
22. of Legislative Affairs.

23. Mr. President - The Governor directs me to lay before the
24. Senate the following message:

25. To the Honorable Members of the Senate, the 80th
26. General Assembly: I have nominated and appointed the following
27. named persons to the offices enumerated below, respectfully ask
28. concurrence in and confirmation of these appointments by your
29. Honorable Body.

30. PRESIDENT:

31. Executive Appointments. A Message from the House.

32. SECRETARY:

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

1. Mr. President - I am directed to inform the Senate
2. that the House of Representatives has adopted the following
3. Joint Resolution and the adoption of which I am asked to
4. ...instructed to ask concurrence of the Senate to-wit: House
5. Joint Resolution 54. Resolved by the House of Representatives
6. the 80th General Assembly of the State of Illinois, the Senate
7. concurring herein that the two...Houses meet in Joint Session
8. in the hall of the House of Representatives on Monday, October
9. 24th, 1977 at the hour of 5:30 o'clock p.m. Central Daylight
10. Savings Time for the purpose of hearing the Governor deliver
11. a message. Adopted by the House October the 24th, 1977.

12. PRESIDENT:

13. Senator Rock.

14. SENATOR ROCK:

15. Thank you, Mr. President and Ladies and Gentlemen of this
16. Senate. I would move to suspend the rules for the immediate
17. consideration and adoption of this House Joint Resolution 54,
18. which is that resolution requesting us to join the House in
19. special Session at the hour of 5:30 p.m. to hear the Governor's
20. address.

21. PRESIDENT:

22. You've heard the motion by Senator Rock for the suspension
23. of the rules. All those in favor signify by saying Aye. Opposed.
24. The Ayes have it. The rules are suspended on...on the resolution
25. itself, Senator Rock moves it's adoption. All those in favor
26. signify by saying Aye. Opposed. The Ayes have it. The
27. resolution is adopted. The Chair hereby appoints the following
28. Senators as a committee of five to await upon the Governor
29. and escort him into the House of Representatives to address the
30. Joint Session of the General Assembly. Senators Lane, Collins,
31. Vadalabene, Graham and McMillan. The Chair would again announce
32. that it is our intention to recess this Regular Session until
33. after the Joint Session, at which time we will return and the

1. only business will be a motion to adjourn until tomorrow at
2. 10:30. Tomorrow's schedule will involve opening of the three
3. Sessions. Introduction of bills. There will be a recess, at
4. which time there will be a meeting of the Rules Committee for
5. purposes of considering those bills which were introduced in
6. the Regular Session. The Rules Committee...the Committee on
7. Assignment of Bills will then assign those bills that are
8. approved, if they are approved by the Rules Committee to the
9. respective committees. We will reconvene the Session. The
10. Committee Reports will be read in and the...Session will be
11. adjourned until Wednesday, the 2nd of November for purposes
12. of receiving Committee Reports. And, as we have indicated
13. the committees will meet on the 2nd of November. Is there any
14. further business to come before the Senate before we stand in
15. recess until after this...the Joint Session? If not, the
16. Senate stands in recess until after the Joint House-Senate
17. Session.

18. RECESS

19. AFTER RECESS

20. PRESIDENT:

21. (Machine cutoff)...will please come to order. Is there
22. any further business to come before the Senate? Further
23. business to come before the Senate? If not, Senator Glass
24. moves that the Senate stand adjourned until Tuesday, October
25. 25th at 10:30 a. m. All those in favor signify by saying
26. Aye. Opposed? The Senate stands adjourned.

27.
28.
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32.
33.