

80TH GENERAL ASSEMBLY
SECOND SPECIAL SESSION
NOVEMBER 7, 1977

1. PRESIDENT:

2. The Second Special Session will please come to order.
3. Before the...a similiar motion is put by Senator Shapiro
4. for recess subject to call of the Chair, I would like
5. to announce for the benefit of the membership that we will
6. return at 3:00 p. m. in the Regular Session as previously
7. announced and begin calling Messages from the Governor,
8. Veto, Item Reductions and Amendatory Vetoes. Proceed
9. with those and then we will go back at a later point in
10. the day to the First and Special...First and Second
11. Special Sessions. So at 3:00 o'clock we will begin work
12. on the Governor's action. Senator Shapiro moves that
13. the Second Special Session stand in recess subject to
14. the call of the Chair. All those in favor signify by
15. saying Aye. Opposed. The Ayes have it. The Second
16. Special Session stands in recess.

17. RECESS

18. AFTER RECESS

19. PRESIDING OFFICER: (SENATOR ROCK)

20. The Second Special Session will come to order. Reading
21. of the Journal. Senator Kenneth Hall.

22. SENATOR KENNETH HALL:

23. Mr. President, I move that reading and approval of
24. the Journals of Wednesday, November the 2nd, Thursday,
25. November the 3rd and Friday, November the 4th in the
26. year 1977 be postponed pending arrival of the printed
27. Journals.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. You've heard the motion. All those in favor signify
30. by saying Aye. All those opposed. The Ayes have it. So
31. ordered. The Second Special Session, on the Order of
32. Senate Bills 2nd reading, Senate Bill 1, Senator Smith.
33. Senator Smith, for what purpose do you arise?

34. SENATOR SMITH:

35. For the purpose first of making a brief statement,

1. Mr. President.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Smith.

4. SENATOR SMITH:

5. With regards to Senate Bill No. 1 which came to the
6. Floor of the Senate recently and is now on 2nd reading.
7. Ordinarily, I would have risen for the purpose of
8. adopting the committee amendments. We have studied
9. that bill as it came from the committee and we find
10. two technical changes that should be made. In one
11. instance, the word, provide, is used and it should not
12. have been used, it should have been, vendor. And in
13. another instance there was a rewrite of a complete
14. sentence. Those two matters should be corrected and
15. then with your permission and the permission of the...of
16. the Senate, I propose to move that the bill be advanced
17. to 3rd reading with the distinct understanding that on
18. tomorrow we will bring it back for the consideration
19. of all other pending amendments. I have here in this
20. folder several amendments that were given to me today.
21. We want the right to study those amendments and they
22. are administration amendments we confess. But we assure
23. you that if we can advance this bill to...from 2nd to
24. 3rd after the technical changes will have been made,
25. assuming that they will be, we assure each and every
26. member that has an amendment that he or she will be
27. given the chance as of tomorrow to further efforts
28. on his part for the...or her part for the adoption of
29. their amendment.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Any discussion? If there's no objection, that is
32. the procedure that will be followed. I...Senator Smith
33. if the Chair might suggest, it does not appear that the
34. amendments here are in order with respect to the two

1. technical nonobjectional changes you have made.

2. SENATOR SMITH:

3. Well my information was that Senator Berman would
4. offer those technical amendments. One provides for
5. the change from the word provider to vendor. Do you
6. have such, Senator?

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Well, Senator, why don't we...why don't we hold
9. those until tomorrow also and we consider the whole
10. smear at once.

11. SENATOR SMITH:

12. That's perfectly agreeable with me.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Fine. All right. On the Order of Senate Bills
15. 2nd reading, Senate Bill 1...1. Read the bill, Mr.
16. Secretary.

17. SECRETARY:

18. Senate Bill 1.

19. (Secretary reads title of bill)

20. 2nd reading of the bill. The Committee on Public Health,
21. Welfare and Corrections offers four amendments.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Well, now how we going to do this, we've agreed we're
24. going to hold those amendments.

25. SENATOR SMITH:

26. The committee amendments.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Well, the problem is that I'm told the four committee
29. amendments are not ..are more than technical changes. Senator
30. Don Moore. Senator Don Moore.

31. SENATOR MOORE:

32. Thank you, Mr. President. Perhaps the chairman of
33. the committee could withdraw those amendments at this

1. time and then we could proceed with them tomorrow and the
2. bill could be advanced to 3rd once the consent was given
3. for him to withdraw the four amendments.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Well, the...the problem with that is they are not
6. the chairman's within the chairman's prerogative. They
7. are, in fact, committee amendments and as such have
8. been adopted in the committee. All right. Senator Rhoads.

9. SENATOR RHOADS:

10. Well, could we move to...is this mechanically permissible?
11. Could we move to Table the committee amendments and then
12. reoffer them again tomorrow, if that's your desire?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Yes, we could move to either Table or accept one or
15. the other.

16. SENATOR RHOADS:

17. Correct. Then I...I would move to Table the committee
18. amendments.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Smith, what's your desire?

21. SENATOR SMITH:

22. I...I make...I offer a substitute motion. I've never
23. made such a motion as this in my life, however, I want those
24. amendments to remain in sequence and I know not what would
25. be the change with reference to that if the Senator's
26. motion is adopted. I'm cognizant of the fact, Senator, that
27. you have certain...amendments to offer. Those amendments
28. will be heard tomorrow if we can get this bill to 3rd reading.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. ...Your...your motion then, Senator, is to adopt
31. Committee Amendments 1 through 4?

32. PRESIDING OFFICER: (SENATOR ROCK)

33. If I will have a chance to make a...an amendment
as of tomorrow, and I will have by bringing it back to

1. 2nd, so I'd be satisfied with that, Mr. President.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Well, my...my suggestion...we...we might be
4. better advised then to Table Committee Amendments
5. 1 through 4 and if...if any of them and then readopt
6. them under a different number. They will...they will
7. maintain their identity as Committee Amendment No. 1.

8. SENATOR SMITH:

9. That's what I was worried about. I accept your
10. suggestion.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. All right.

13. SENATOR SMITH:

14. Make them...I won't make the motion.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. All right. Read the committee amendment, Mr. Secretary.

17. SECRETARY:

18. Amendment No. 1, amend Senate Bill 1 to Second Special
19. Session, the 80th General Assembly on page 1, line 27.
20. After the word, has, insert the following, knowingly made
21. or cause to be made any false statement or representation
22. of a material fact.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Rhoads. Senator Rhoads.

25. SENATOR RHOADS:

26. Now, is the motion now in order to Table Committee
27. Amendment No. 1?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. That is correct.

30. SENATOR RHOADS:

31. I so move.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Rhoads has moved to Table Committee Amendment

1. No. 1. Is there any discussion? All those in favor
2. signify by saying Aye. All those opposed. The Ayes
3. have it, the amendment is Tabled. Further amendments?

4. SECRETARY:

5. Committee Amendment No. 2.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Well, just for the purpose of identification what
8. ...what does this one purport to do?

9. SECRETARY:

10. Amend Senate Bill 1 on...on page 1, line 1, by
11. deleting Section 5-19.1 and inserting in lieu of the
12. following, 5-....dash 9.1 and 11-21.1. And then
13. on page 1...

14. PRESIDING OFFICER: (SENATOR ROCK)

15. All right. Senator Rhoads. Just as long as we
16. have these identified so I know what we're talking
17. about. Senator Rhoads.

18. SENATOR RHOADS:

19. I...I move to Table Committee Amendment No. 2.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Rhoads has moved to Table Committee Amendment
22. No. 2. Is there any discussion? Senator Schaffer.

23. SENATOR SCHAFFER:

24. Mr. President, no discussion on Committee Amendment
25. No. 2. I am told, Senator Smith, that Committee Amendments
26. 3 and 4 are technically correct and I believe we have
27. consensus on both sides of the aisle on those two amendments
28. and unless staff can offer me an explanation of why we
29. should not, perhaps we could adopt those two after
30. Tabling this one.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Hynes.

33. SENATOR HYNES:

1. Well, it's my understanding, Mr. President, that it's
2. Amendments 1 and 3 that were technically incorrect. That
3. 2 and 4 are technically correct and were agreed on and
4. ought to be adopted and that, therefore, Senator Rhoads might
5. consider withdrawing his motion.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Rhoads.

8. SENATOR RHOADS:

9. We're...we're getting a shaking of heads over here, Senator Hynes.
10. my...my thought in tabling all four amendments, Senator Hynes, was
11. that we could then start with a clean bill in offering
12. the amendments tomorrow. Now, if that doesn't make
13. sense, please correct me.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Hynes.

16. SENATOR HYNES:

17. Well, as I understand it, two of these amendments
18. are agreed without any controversy and I don't see
19. why they shouldn't be adopted. Now, if there is
20. controversy, that's another...another matter. But I
21. ...my understanding was that there was no controversy
22. about them.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Schaffer.

25. SENATOR SCHAFFER:

26. There is no controversy, Senator Hynes, on all
27. four of these amendments. I think that we have
28. consensus on them and they're good. The question, I
29. think, was whether 1 and 3 are defective or 2 and
30. ...1 and 2 are defective. And I believe a consensus
31. is being arrived at directly behind you and I would
32. be prepared to defer to that consensus.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. All right. The question is Senator Rhoads motion
2. to Table Committee Amendment No. 2. All those in favor
3. signify by saying Aye. All those opposed. The Ayes have
4. it, the amendment is Tabled. Further amendments?

5. SECRETARY:

6. Committee Amendment No. 3 on page 1, delete line 17
7. and insert in lieu thereof the following: terms and
8. condition that provides our agreements with documents
9. shall be developed by the department as result of
10. negotiation with each provider category including
11. physicians, hospitals, long term care facilities,
12. pharmacists, optometrists, ...dentists, setting
13. forth the terms and conditions applicable to the
14. participation of each providing group...provider
15. group in the program or.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Rhoads.

18. SENATOR RHOADS:

19. Thank you, Mr...President. I do feel it's...it's
20. better to start with a clean bill and we'll consider
21. all these amendments tomorrow so I move to Table
22. Committee Amendment No. 3.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Rhoads moves to Table Committee Amendment
25. No. 3. Is there any discussion? All those in favor
26. signify by saying Aye. All those opposed. The Ayes
27. have it. The amendment is Tabled. Further amendments?

28. SECRETARY:

29. Committee Amendment No. 4. On page 2, line 2, by
30. striking the word, or, and inserting in lieu thereof
31. the following: such determination to be based upon
32. the competent medical judgment and evaluation or.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Rhoads.
2. SENATOR RHOADS:
3. Move to Table...Committee Amendment No. 4.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Senator Rhoads has moved to Table Committee Amendment
6. No. 4. Is there any discussion? All those in favor signify
7. by saying Aye. All those opposed. The Ayes have it. Any
8. further amendments?
9. SECRETARY:
10. No further committee amendments.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Any amendments from the Floor? 3rd reading. With
13. the express understanding by the gracious sponsor
14. that it will be called back tomorrow. On the Order of
15. Senate Bills 2nd reading, Senate Bill 8, Senator Nimrod.
16. Read the bill, Mr. Secretary.
17. SECRETARY:
18. Senate Bill No. 8.
19. (Secretary reads title of bill)
20. 2nd reading of the bill. The Committee on Higher
21. Education offers one amendment.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Read the amendment, Mr. Secretary.
24. SECRETARY:
25. On page 3 by deleting lines 2 through 4 and inserting
26. in lieu thereof, shall distribute such other special
27. grants as may be authorized by the General Assembly. And
28. on page 4 by deleting line 10 and...inserting in lieu
29. thereof upon approval of any claim under this section,
30. the State.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. Senator Nimrod.
33. SENATOR NIMROD:

1. Yes, Mr. President and fellow Senators. The purpose
2. of this amendment was to clarify the fact that the General
3. Assembly would maintain the authority on the decisions
4. and not the State Board of Regents and for this reason
5. it was a clarifying amendment and I would move for the
6. adoption of this amendment.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. There any discussion? Senator Nimrod has moved
9. the adoption of Committee Amendment No. 1 to Senate
10. Bill 8. Is there any discussion? Senator Hynes.

11. SENATOR HYNES:

12. Not with respect to this amendment to which I
13. have no objection, but I...I have another amendment
14. which is being prepared. I wonder if Senator Nimrod
15. would bring the bill back tomorrow so we could
16. offer that amendment.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Nimrod.

19. SENATOR NIMROD:

20. Yes, I'll bring it back.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Any further discussion? All right, the motion is
23. Senator Nimrod has moved the adoption of Committee
24. Amendment No.1 to Senate Bill 8. All those in favor
25. signify by saying Aye. All those opposed. The Ayes
26. have it, the amendment is adopted. Any further
27. amendments?

28. SECRETARY:

29. No further committee amendments?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Any amendments from the Floor?

32. SECRETARY:

33. No, no further amendments.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. 3rd reading. The Second Special Session on the Order
3. of Senate Bills 3rd reading, Senate Bill 3, Senator Graham.

4. SENATOR GRAHAM:

5. Mr. President and members of the Senate, particularly
6. Senator Hynes. We had some discussion last week relative
7. to the consolidation of election bills and the State
8. Board of Election bills. Do you think there should be
9. a meeting at which time we discuss all these or should
10. we move ahead? I...I would like to have us discuss
11. our problems with the State Board of Elections and
12. consolidation of election bills, I'd like to do that
13. and then operate on them all at the same time. I
14. think it would save a lot of time, so in that...that
15. agreement I'll...well, I'll move on.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. All right. On the Order of Senate Bills 3rd reading,
18. Senate Bill 6. Senator Glass. Senator Graham, for what
19. purpose do you arise?

20. SENATOR GRAHAM:

21. Rise...rise for the purpose of making an announcement.
22. And if they'll listen they might save asking any more
23. questions. In view of the fact that there is some complicated
24. legislation to be considered right shortly, it's the intention
25. of this side of the aisle that we'd like to have a
26. Republican caucus immediately in Room 400.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Hynes.

29. SENATOR HYNES:

30. Mr. President, that request is always in order and I
31. am assured, not in writing, but very strongly assured that
32. that will be a brief caucus and that the Republican members
33. will be back on the Floor very shortly. We have to act on
34. Senate Bill 6 today, which is the Unemployment Compensation
35. Deferral and Compliance Legislation and therefore I would
36. urge the members to remain within a very close proximity

of the Floor so that when that caucus breaks that we can act on that bill.

PRESIDING OFFICER: (SENATOR ROCK)

All right. The Senate will be in recess for a brief period of time for the purpose of a Republican caucus.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR ROCK)

The Senate will come to order. We are on the Order of Senate Bills 3rd reading in the Second Special Session. Senate Bill 6, Senator Glass.

SENATOR GLASS:

Thank you, Mr. President. Ladies and Gentlemen, I ask leave of the Body to return this bill to second reading for purposes of amendment.

PRESIDING OFFICER: (SENATOR ROCK)

Senator Glass seeks leave of the Body to return Senate Bill 6, in the Second Special Session, back to the Order of 2nd reading for purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd reading. Senate Bill 6. Senator Glass.

SENATOR GLASS:

I believe there's a...an amendment on the Secretary's Desk.

PRESIDING OFFICER: (SENATOR ROCK)

That is correct. Senator Hynes.

SENATOR HYNES:

Mr. President, members of the Senate. In our last official action on this bill, we adopted Senate Amendment No. 5, which called for the State to pay the...the cost of local government contributions for the first calendar year, some 6.7 million dollars. That was unacceptable to a number of members of the Body in particular to enough members so that the requisite 36 votes could not be put together. We have now, on the Secretary's Desk, a substitute amendment which would provide that the State would pay one half of the first years cost to local governments. That is the cost that is remaining after the Federal Government pays its share, therefore, slightly

1. in excess of three million dollars, 3.4 million dollars
2. roughly. The amendment is very complicated in its text
3. because it provides that the 2.5 million dollar payment that
4. is due in October of 1978 will be paid in full by the State
5. and then only a smaller portion of the January 1979 payment
6. of some 4.5 million dollars will be paid by the State.
7. Enough, when added with the...to the October payment to
8. equal fifty percent of the total. That is the nature of
9. the amendment and I would therefore move, Mr. President,
10. that having voted on the prevailing side, I move to
11. reconsider the vote by which Amendment No. 5 was adopted.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Hynes has moved to reconsider the vote by
14. which Amendment No. 5 to Senate Bill 6 was adopted.
15. All those in favor signify by saying Aye. All those
16. opposed. The Ayes have it. The vote is reconsidered.
17. Senator Hynes now moves to Table Amendment No. 5 to
18. Senate Bill 6. All those in favor signify by saying
19. Aye. All those opposed. The Ayes have it. The amend-
20. ment is Tabled. Further amendments?

21. SECRETARY:

22. Amendment No. 6 offered by Senator Hynes.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Hynes.

25. SENATOR HYNES:

26. Amendment No. 6 is the amendment I just described.
27. It provides the State pays fifty percent of the cost for
28. the calendar year 1978, which is the first calendar year.
29. And I would move the adoption of that amendment.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Hynes has moved the adoption of Amendment
32. No. 6 to Senate Bill 6. Is there any discussion?
33. Senator Harber Hall.

1. SENATOR HARBER HALL:
2. I wonder if I could ask the...the Clerk, the Secretary,
3. to read the last sentence...of the amendment.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Read the amendment, Mr. Secretary. No, he asked
6. for the last sentence only.
7. SECRETARY:
8. For any subsequent year...
9. PRESIDING OFFICER: (SENATOR ROCK)
10. No...no...no. The last full sentence.
11. SECRETARY:
12. All right. The provisions of this emergency funding
13. are only applicable for...liability incurred in calendar
14. year 1978 and payable thereafter and are not intended to
15. be extended for any subsequent year.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. Further discussion? Senator Grothberg.
18. SENATOR GROTHBERG:
19. A question of the Chair or the Clerk. How many
20. amendments now are...are adopted? This is Amendment No. 6?
21. PRESIDING OFFICER: (SENATOR ROCK)
22. There are...there are...
23. SENATOR GROTHBERG:
24. What are the active amendments? By number?
25. PRESIDING OFFICER: (SENATOR ROCK)
26. One through...one through four. Five has been
27. Tabled and six is under consideration. Further discussion
28. on the adoption of Amendment No. 6, Senator Shapiro.
29. SENATOR SHAPIRO:
30. Well, Mr. President and Ladies and Gentlemen of the
31. Senate. I just want to urge our membership on this side
32. of the aisle to support the amendment. It's a compromise
33. originally offered by Senator Hynes and it is slightly

1. modified with some thought put into it by Senator Soper and
2. Senator Harber Hall. It's a compromise that I think we had
3. to reach, basically because neither side of the aisle had
4. the votes to pass the bill out in the form it was before.
5. And I think that in view of the fact that this compromise
6. was reached considering the fact that it's a hundred and
7. eighty percent turn for the Republicans in the Senate.
8. I think we ought to put that aside, support the bill due
9. to the lateness of the hour and pass it out of here today.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Grotberg, the Chair misspoke a moment ago.
12. Amendment 1, 2 and 3 were adopted...are Committee Amendments
13. and were, in fact, adopted. Amendment No. 4, the Secretary
14. informs me lost on a vote of the Senate. Amendment No. 5
15. has now been Tabled and Amendment No. 6 is now under con-
16. sideration. Senator Glass. Senator Berning.

17. SENATOR BERNING:

18. Thank you, Mr. President and members of the Senate.
19. ...Probably a bit of repetition, I want to make it
20. eminently clear that in my opinion what we are doing is
21. establishing a very, very bad precedent. This is a
22. direct appropriation, authorization of appropriation of
23. State monies for local expense and once we start down that
24. primrose path, I see no stopping, irrespective of any such
25. last sentences as we have on here, which can be turned around
26. and eliminated without much difficulty at the whim of whomever
27. happens to be the majority and I just want to have the record
28. show that in my opinion, we are making a mistake.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Further discussion? Senator Rhoads.

31. SENATOR RHOADS:

32. Question of the sponsor of the amendment.

33. PRESIDING OFFICER: (SENATOR ROCK)

34. Sponsor indicates he will yield, Senator Rhoads.

1. SENATOR RHOADS:

2. Senator Hynes, as Senator Shapiro indicated. This is
3. a one hundred eighty degree reversible prior position of
4. policy by the Republican Party. Now there is language in
5. the amendment indicating that this will be for one year
6. only. What is your personal attitude or your personal
7. view toward an extension of this beyond 1978?

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Hynes.

10. SENATOR HYNES:

11. Well, my philosophy was very clearly stated in
12. Amendment No. 4 which was defeated. And therefore, any
13. time you wish to join with me in the future, I'll
14. be happy to work with you in...in reinstating that
15. proposal, but at...at...of this point, that is not involved.
16. We're talking about one year.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Rhoads.

19. SENATOR RHOADS:

20. Thank you, Mr. President. I...I thought that was your
21. attitude. I feared as much. It was embraced in Amendment
22. No. 4 and I hope all the members on the Republican side of
23. the aisle remember that. That that is the attitude of
24. Senator Hynes and will continue to be the attitude, I assume,
25. of Democratic leadership beyond 1978. If anyone thinks this
26. is the last we've heard of this concept, they're kidding them-
27. selves, it isn't. We're going to be back here next year for
28. extensions and God knows what the dollar figure will be over
29. in the House. We simply should not permit ourselves to be
30. swallowed up by this kind of thinking simply because this is
31. the last day to pass this out. So, I...I guess I'm going
32. to support the amendment and oppose the bill.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. The Chair might reflect that not even God knows what
2. the House is going to do. Senator Buzbee.

3. SENATOR BUZBEE:

4. Thank you, Mr. President. I just wanted to point
5. out to Senator Berning that, in fact, this Body has already
6. taken the action that you have...are afraid of. We have
7. appropriated money directly to local governments. We did
8. to a local county government of southern Illinois a couple
9. of years ago because they didn't have enough money to
10. sustain themselves. If we'd have passed the Coal Severance
11. Tax we wouldn't had to worry about that in the future.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Hynes, you wish to close?
14. All right. The question is the adoption of Amendment No. 6
15. to Senate Bill 6. All those in favor signify by saying Aye.
16. All those opposed. The Ayes have it. The amendment is
17. adopted. Any further amendments?

18. SECRETARY:

19. Amendment No. 7 offered by Senator Glass.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Glass.

22. SENATOR GLASS:

23. Well Mr. President, Ladies and Gentlemen. This is simply
24. a...an amendment clearing up typographical errors that staff
25. were able to pick up in four different places in the bill.
26. I will move its adoption.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Any discussion? Senator Glass has moved the adoption
29. of Amendment No. 7 to Senate Bill 6. All those in favor
30. signify by saying Aye. All those opposed. The Ayes have
31. it. The amendment is adopted. Any further amendments?

32. SECRETARY:

33. No further amendments.

34. PRESIDING OFFICER: (SENATOR ROCK)

*SB 6-77
11/7-77
3rd Reading*

1. 3rd reading. 7, I beg your pardon...Amendment No. 7
2. to Senate Bill 6. Is the technical clear-up typographical error
3. amendment. In keeping with our rules about which Senator
4. Walsh is my watch dog, we will have intervening business.
5. Resolutions.

6. SECRETARY:

7. Senate Resolution No. 6 offered by Senator Rupp, it's
8. congratulatory.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Rupp.

11. SENATOR RUPP:

12. Thank you, Mr. President. This is a congratulatory
13. message for the St. James Church in Decatur, celebrating
14. their hundredth anniversary. I ask for suspension of
15. the rules and immediate consideration and move for
16. adoption of the resolution.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Rupp has moved to suspend the rules for
19. the purpose of the immediate consideration and adoption
20. of Senate Resolution 6. All those in favor signify by
21. saying Aye. All those opposed. The Ayes have it. The
22. rules are suspended. Senator Rupp now moves the adoption,
23. Senate Resolution 6 in the Second Special Session. All
24. those in favor signify by saying Aye. All those opposed.
25. The Ayes have it. The resolution is adopted. On the Order
26. of Senate Bills 3rd reading in the Second Special Session,
27. Senate Bill 6. Read the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 6.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Glass.

1. SENATOR GLASS:

2. Well, thank you, Mr. President, Ladies and Gentlemen.
3. The bill, as everybody knows, now represents a compromise
4. of...of differing view points in this Chamber. I think
5. it's significant that, as amended, the bill provides
6. about 3.75 million dollars of Federal money to assist
7. local governments in paying the cost of Unemployment
8. Compensation Insurance. However, some of the...of the
9. cost, will have to be borne by the local governments.
10. It's fifty percent rather than one hundred percent.
11. That is of great significance since it means that the
12. local governments will have their own money at stake,
13. even for this first year and therefore will have an
14. incentive to police their programs and to produce a
15. good experience rating. I think it's also philosophically
16. important that we don't launch the State of Illinois
17. in paying what is uniquely a local cost. And while
18. this may be a precedent, I for one, don't look upon
19. it as such, I look upon it as a...a short term aid
20. only and something that must not be repeated and I
21. certainly hope that this Body will support the
22. legislation in this form and will continue to insist
23. upon this legislation regardless of what the House
24. does. I urge a favorable roll call.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Any discussion? Senator Wooten, were you up...oh,
27. I see. All right. Senator Hynes.

28. SENATOR HYNES:

29. Mr. President and members of the Senate. I rise
30. with reluctance to support this bill. I think it is
31. perhaps the best of bad alternatives that we have
32. facing us. We have struggled long and hard in an
33. effort to put together some other options and alternatives,

1. but without any success and I, frankly, am very unhappy
2. that we find ourselves here faced with this deadline
3. with a bill of this magnitude in a form that, frankly,
4. I...I think is unfortunate. But I do think it is the
5. only choice that we have at this point. We have a
6. loaded gun pointed at us from the Federal Government
7. in Washington and if we do not pass this bill and
8. have it signed into law prior to the 10th of November,
9. the consequences are going to be serious indeed in
10. this State. And therefore with reluctance, I intend
11. to vote Aye.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Rhoads.

14. SENATOR RHOADS:

15. Thank you, Mr. President and members of the Senate.
16. Just one brief observation on this process of compromise
17. on this bill. It's...it's the oldest trick in...in
18. politics, I suppose, to...to broaden the parameters of
19. debate. In other words, you begin with the position
20. where you ask for something that you know is outlandish,
21. hoping that the compromise will be somewhere between that
22. position and the position of your opponent. I think
23. that's exactly what's happened in the so-called compromise
24. on this Unemployment Compensation Bill. Since January,
25. I really haven't made very many overtly partisan remarks,
26. but here we're being asked to cover, really, for the
27. excesses of a Democratically controlled Congress and
28. a Democratically controlled State Legislature. These
29. are problems not of our making and yet we're asking
30. the taxpayers of the State of Illinois to use their
31. tax money to...to cover these excesses, the excessive
32. Unemployment Insurance rates. And it's just too bad,
33. because what we're seeing is what the German economist,
34. Hans Senholt has called a transfer of wealth

1. from the productive to the nonproductive sector of the
2. economy and that is going to be something that's going...
3. that is going to hurt business in the long run. It's also
4. going to hurt the tax base in the long run. This is a
5. bad bill with this concept in it and it ought to be
6. defeated.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Further discussion? Senator Grotberg.

9. SENATOR GROTBORG:

10. Question of the sponsor.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Sponsor indicates he will yield. Senator Grotberg.

13. SENATOR GROTBORG:

14. Senator Glass, we've spent a lot of time now talking
15. about local governments. It is my understanding that
16. this bill also does a little something to private
17. enterprise. Am I correct?

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Glass.

20. SENATOR GLASS:

21. In what respect, Senator?

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Grotberg.

24. SENATOR GROTBORG:

25. Regarding their unemployment compensation rate.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator...

28. SENATOR GROTBORG:

29. What does this...what effect...does the passage of this
30. bill have upon the private sector?

31. PRESIDING OFFICER: (SENATOR ROCK)

32. Senator Glass.

33. SENATOR GLASS:

1. The a...the bill provides a new schedule of rates
2. which will result in allowing the State of Illinois
3. to defer a debt of some seven hundred and fifty-one
4. million dollars due the Federal Government. The
5. deferral provisions, Senator, require that there is
6. an increase in rates paid by our private sector. If
7. you want to get into the specifics, I can certainly
8. do that, at the extent of my knowledge.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Grotberg.

11. SENATOR GROTBORG:

12. Thank you, Senator Glass. The reason that this
13. is a poignant question with me is, in my district in
14. Ottawa, Illinois, I got the word Saturday morning that
15. among the other pressures that this gracious Body and
16. the Congress has put upon private enterprise, Union
17. Carbide Company is in posture of closing out in a
18. plant that employs five hundred and eight people in
19. the town of Ottawa, which has to be somewhere in the
20. neighborhood of ten percent of the employment in
21. industry in that area. It's not the sole factor,
22. but they're...they're smart enough to know that if
23. this keeps up they might as well leave Illinois and
24. I think it's just part of an ongoing problem. I just
25. share that with you today on behalf of private employers
26. that are enveloped in this whole structure and that
27. the public bodies are only part of the problem. Thank
28. you.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Any further discussion? Senator Buzbee.

31. SENATOR BUZBEE:

32. Question the sponsor, Mr. President.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Sponsor indicates he will yield. Senator Buzbee.

2. SENATOR BUZBEE:

3. Senator Glass, I'm sure that...that you like myself
4. and other Senators here have received a lot of inquiries
5. from local governments particular school districts as to
6. how they're supposed to raise their share of the money.
7. Is there any provision in this bill for the local school
8. districts in particular to be able to raise their share of...
9. of...of the tax base.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Glass.

12. SENATOR GLASS:

13. Senator Buzbee, the only provisions of that kind
14. present in this bill, which as you know, was forced
15. upon the State by U. S. Congress are those provisions
16. that we have discussed in connection with Senator
17. Hynes' amendment so that for 1978, there will be
18. some contribution from the State of Illinois and there
19. is also Federal money for the first year. There is
20. not, however, in this bill, any new taxing authority
21. or other authority for local governments to pay their
22. share.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Buzbee.

25. SENATOR BUZBEE:

26. I...I'd like to get this straight in my own mind,
27. now. We're going to take them through calendar year
28. '78 with the Feds in...in our...our rendition and
29. then they're going to have to come up with approximately
30. 3.75 million, I would take it of...of local revenues.
31. But when they get ready to levy their taxes, when they
32. get ready to levy their taxes, that levy will be extended
33. when? In June, is that right?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Glass.

3. SENATOR GLASS:

4. Well, of course, they've already levied for...for the,
5. I think, for...for '78. And those taxes will be...will
6. be collectable, I guess, at certain times throughout the
7. State. But I...but they can, certainly when they prepare
8. their budget for next year, budget for this cost.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Buzbee.

11. SENATOR BUZBEE:

12. Well, I...I think, what I was referring to was...was
13. their extension of the levy for '70,... '78, for...taxes...taxes
14. collectable in '79. And it's my understanding that there
15. is no provision unless they want to take it, school districts
16. as an example, out of the Education Fund or whatever. There
17. is no provision for them to ...I'm thinking of school
18. districts in my area that are in debt, as it were, right
19. now, where they're going to come up with the money for the
20. payment of this premium.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Glass.

23. SENATOR GLASS:

24. Well I...I would repeat...repeat Senator Buzbee, first
25. of all you've...you've obviously highlighted one of the
26. critical problems about this new legislation that the
27. Federal Government has mandated. They...they didn't provide
28. any...any way for local governments or others to pay...pay
29. the cost. It is an additional local tax and it's a tax
30. that people ought to recognize. Certainly, we will have
31. to look at that entire problem next year, but as Senator
32. Hynes has pointed out, there is a deadline for action
33. this year and the bill, in answer to your question, there

1. is no specific provision in the bill to give new authority
2. for...for taxing by...by local governments for this cost.
3. They would have to pay it out of their existing taxing
4. authority.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Any further discussion? Senator Buzbee.

7. SENATOR BUZBEE:

8. Well, I...don't want to prolong this, but too many
9. times we vote on legislation that we consider to be
10. of an emergency nature only to find later that we
11. left out some, as...as Senator Carroll likes to say,
12. we deleted the clarifying language. And...and my concern
13. is, that we're going to address that next year. Something
14. about taxing authorities for, as far as the local school
15. districts are concerned, but are we going to have time.
16. Because they have to...they have to...send in their...
17. they have to extend their levy and I'm just not at all
18. sure that we're going to have time to do that next year
19. and I would like to say in response to Senator Rhoads, in
20. my closing comments, that please don't...don't blame me
21. for the sins of Congress. Congress does a lot of things
22. that I don't approve of.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Further discussion? Senator Shapiro.

25. SENATOR SHAPIRO:

26. Well, Mr. President and Ladies and Gentlemen of the
27. Senate. I think in view of the preceding argument, particularly
28. in view of Senator Hynes' arguments, I think this is going to
29. be a very reluctant bill. I move the previous question.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Shapiro has moved the previous question. All
32. those in favor signify by saying Aye. All those opposed.
33. The Ayes have it. Senator Glass may close the debate.

1. SENATOR GLASS:

2. Request a favorable roll call.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. The question is shall Senate Bill 6 pass. Those in favor
5. will vote Aye. Those opposed will vote Nay. The voting is
6. open. (Machine cutoff)...who wish? Have all voted who
7. wish? Take the record. On that question the Ayes are
8. 55, the Nays are 2, none Voting Present. Senate Bill 6,
9. having receiving a constitutional majority is declared
10. passed and the bill having received the affirmative vote
11. of three-fifths of the members elected, is effective
12. immediately upon its becoming a law. Any further business
13. to come before the Second Special Session? There's no
14. further business. Senator Hynes moves that the Second
15. Special Session of the 80th General Assembly stand adjourned
16. until Tuesday, November the 8th, at the hour of 10:00 a. m.
17. The Senate stands adjourned.

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