

80th GENERAL ASSEMBLY
SECOND SPECIAL SESSION
NOVEMBER 22, 1977

1. PRESIDENT:

2. The Second Special Session will please come to order.
3. Reading of the Journal. Senator Wooten.

4. SENATOR WOOTEN:

5. Mr. President, I move that reading and approval of the
6. Journals of Wednesday, November 16th and Thursday, November
7. 17th, 1977 be postponed pending arrival of the printed
8. Journal.

9. PRESIDENT:

10. You've heard the motion by Senator Wooten. Is there any
11. discussion? If not, all those in favor signify by saying Aye.
12. Opposed. The Ayes have it. The motion carries. So ordered.
13. House Bills, 2nd reading. House Bill 6, Senator Sommer.
14. Read the bill.

15. SECRETARY:

16. House Bill 6.

17. (Secretary reads title of bill)

18. 2nd reading of the bill. The Committee on Appropriations I
19. offers two amendments.

20. PRESIDENT:

21. Senator Carroll.

22. SENATOR CARROLL:

23. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
24. Committee Amendment No. 1 increases the CDB authorization by
25. 5.7 million to cover the appropriations for the Triton College.
26. I would move adoption of Committee Amendment No. 1.

27. PRESIDENT:

28. Is there any discussion? If not, all those in favor of
29. the adoption of Amendment No. 1 signify by saying Aye.
30. All opposed. The Ayes have it. The amendment is adopted.
31. Amendment No. 2, Senator Carroll.

32. SENATOR CARROLL:

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

1. Committee Amendment No. 2 increases CDB authorization by
2. seven hundred thousand dollars to cover appropriations for
3. Space Needs land acquisition for the Capital Complex.
4. I would move adoption of Committee Amendment No. 2.

5. PRESIDENT:

6. Is there any discussion? Senator Carroll moves the adoption
7. of Amendment No. 2. All those in favor signify by saying
8. Aye. Opposed. The Ayes have it. The amendment is adopted.
9. Any further amendments?

10. SECRETARY:

11. No further committee amendments.

12. PRESIDENT:

13. Any amendments from the Floor?

14. SECRETARY:

15. Amendment No. 3 offered by Senator Carroll.

16. PRESIDENT:

17. Senator Carroll.

18. SENATOR CARROLL:

19. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
20. This amendment is to track the authorization portion of the
21. Capital Development Bonds to the appropriations and other items
22. that we have found in our discussions of late which would add
23. seven and a half million for Loop College. This would cut back
24. on some of those areas where the State has either deobligated or
25. otherwise has taken other action inconsistent with awarding
26. bids or awarding bonds and on the area of corrections, this would
27. them to complete through the actual guard towers and fencing
28. in the two prisons which would be as much as we would
29. authorize at this time plus anything they have not already
30. obligated in their prior appropriations. I would move adoption
31. of Amendment No. 3.

32. PRESIDENT:

33. Senator Sommer.

1. SENATOR SOMMER:

2. If I understand correctly, Senator Carroll, you're
3. reducing the bond authority for the new prisons from 43.
4. so many million to fourteen million?

5. PRESIDENT:

6. Senator Carroll.

7. SENATOR CARROLL:

8. No, what we are doing is taking it from 30.5 to
9. 43.4. Increasing it some thirteen million dollars.

10. PRESIDENT:

11. Senator Sommer.

12. SENATOR SOMMER:

13. No, it's my understanding, Senator Carroll, that you're,
14. in fact, substantially decreasing the authorization for the
15. purposes of the new prisons. Why not provide the sufficient
16. authorization now instead of having to come back in here every
17. few months and doing this?

18. PRESIDENT:

19. Senator Carroll.

20. SENATOR CARROLL:

21. Well, Senator Sommer, Again, you know, it is the
22. barrel half full or half empty. It depends on whether
23. you are buying or selling. We are increasing it by some
24. fourteen million dollars. Yes, we are not increasing it by
25. some fifty-eight million dollars. However, we are here often
26. enough to deal with the phases as they are ready to go with them.
27. This, as I said, would take them through the prison land
28. acquisition, the actual planning, the actual towers and...
29. and fencing, which as we understand it, is all that they could
30. actually accomplish within FY '78 and then make the authorizations
31. for FY '79 as we find that they are actually on schedule
32. and operating. We're here often enough to deal with any
33. exigencies of speed, should they be so lucky as to get a little
34. bit ahead of schedule.

1. PRESIDENT:

2. Senator Sommer.

3. SENATOR SOMMER:

4. Senator Carroll, would you make clear what sort of
5. cuts that you have made in the area of State agencies?
6. We don't know what those are right now.

7. PRESIDENT:

8. Senator Carroll.

9. SENATOR CARROLL:

10. Yes, there would be the equivalent, if you're talking
11. half full, rather than half empty, of a...about a 3.5
12. million dollar cut in State agencies which is actually an
13. increase of some fifteen million dollars in State agencies.
14. This is based on what we understood to be the deobligations or
15. unreleasings of certain projects that State agencies would have
16. undertaken and we have, therefore, in effect, rescind
17. authorization where there are no projects on board ready to go
18. and...and waiting these funds. We see no reason to give excess
19. or surplus authorizations where there's nothing really
20. on board. I'd be more than willing to review it anytime they
21. come up with a project for which they want General Assembly
22. approval.

23. PRESIDENT:

24. Senator Sommer.

25. SENATOR SOMMER:

26. Well, I would just like to remind members of the Senate, that
27. if we wish to build prisons by bonding them, we have to have
28. sufficient authority. This does not allow us the authority.
29. This amendment will destroy our authority to completely build
30. the new prisons.

31. PRESIDENT:

32. Senator Graham.

33. SENATOR GRAHAM:

1. I'd like to remind the author of the big Hanukkah
2. bush and I...that we now have pending in the Federal courts
3. a four million dollar suit against us in Stateville
4. Penitentiary and there's holes drilled for more with regard
5. to our incapacibilities to house the prisoners that are being
6. sentenced to us by the courts of the State of Illinois.
7. Now, if we want to hamstring this outfit by playing
8. upsmanship at a time like this, let's go in and do it.
9. But let's have a pretty good understanding of what we're
10. going to tell the people back home when they haven't got
11. any place to send them next year and when they say to us,
12. well, then we don't have any place. We've got to let them
13. out. Senator Carroll, I think you ought to think that one over
14. pretty clearly. I know you're a favored Hanukkah bush man,
15. but let's don't destroy this one.

16. PRESIDENT:

17. Is there any further discussion? Senator Carroll.

18. SENATOR CARROLL:

19. Thank you, Mr. President and Ladies and Gentlemen
20. of the Senate. It is not our intention to hamstring at all.
21. That's why we have suggested the appropriation at that level.
22. We do think, however, we should be watching it on a ongoing
23. and continuing basis since we are here and to watch their progress
24. to make sure they are, in fact, meeting the General Assembly's
25. mandate to them to provide adequate prison facilities. However,
26. in the interest of time, let me suggest that we adopt this
27. amendment, discuss it with you over night and see, if necessary
28. as in all cases, you know, it's always subject to change
29. in the morning. We think this is the way to go to keep them
30. within the fiscal constraints of the Fiscal Year and not get way
31. ahead of ourselves and not be able to ever watch what, in fact,
32. they are doing. We may be wrong. We don't think we are, but we're
33. more than willing to discuss it. I would move, therefore, that we

1. adopt Amendment No. 3 of House Bill 6 of the Second Special
2. Session.

3. PRESIDENT:

4. Senator Graham.

5. SENATOR GRAHAM:

6. On a point of personal privilege. Perhaps we should have
7. done that with the Chicago Port Authority but we didn't.

8. I think you're making a mistake, Senator Carroll. I love you
9. but you're wrong this time.

10. PRESIDENT:

11. The question is...

12. SENATOR GRAHAM:

13. And I urge the defeat of the amendment.

14. PRESIDENT:

15. The question is on the adoption of Amendment No. 3.
16. All those in favor of the adoption of the amendment signify
17. by saying Aye. Opposed. A roll call has been requested.
18. All those in favor of the adoption of the amendment will vote
19. Aye. Those opposed will vote Nay. The voting is open.
20. Have all voted who wish? Have all voted who wish? Take the
21. record. On that question the Ayes are 28, the Nays are 27,
22. none Voting Present. Amendment No. 3 having received the
23. required majority of votes cast is adopted. Senator Graham
24. has requested a verification of the affirmative votes. The
25. Secretary will read the affirmative roll call.

26. SECRETARY:

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

32. PRESIDENT:

33. Is Senator Smith on the Floor? Take his name from the roll.

1. Senator Leonard on the Floor? Senator Leonard is on the
2. Floor. The affirmative roll has been verified. Senator
3. Carroll requests a verification of the negatives.

4. SECRETARY:

5. The following voted in the negative: Berning, Bloom,
6. Bowers, Coffey, Davidson, Glass, Graham, Grotberg, Harber Hall,
7. Knuppel, McMillan, Mitchler, Moore, Nimrod, Ozinga, Philip,
8. Regner, Rhoads, Roe, Rupp, Sangmeister, Schaffer, Shapiro,
9. Sommer, Soper, Walsh, Weaver.

10. PRESIDENT:

11. Senator Carroll.

12. SENATOR CARROLL:

13. Senator Harber Hall and Senator Soper.

14. PRESIDENT:

15. Senator Soper on the Floor? Senator Harber Hall is on the
16. Floor. Senator Soper on the Floor? Senator Soper is not on the
17. Floor. Take his name from the roll. Senator Daley is on the Floor.
18. The roll has been verified. On that question the Ayes are 27,
19. the Nays are 26, none Voting Present. Amendment No. 3
20. having received the required majority of the votes cast is adopted.
21. Any further amendments?

22. SECRETARY:

23. No further amendments.

24. PRESIDENT:

25. 3rd reading. House Bills, 3rd reading. House Bill 2,
26. Senator Bruce.

27. SENATOR BRUCE:

28. Thank you, Mr. President and members of the Senate. I ask leave
29. of the Senate to return House Bill 2 to the Order of 2nd reading
30. for the purpose of an amendment.

31. PRESIDENT:

32. You've heard the request by Senator Bruce. Is leave granted?
33. Leave is granted. The bill is on the Order of 2nd reading.

1. SECRETARY:

2. Amendment No. 1 offered by Senator Berman.

3. PRESIDENT:

4. Senator Berman.

5. SENATOR BERMAN:

6. Thank you, Mr. President. Amendment No. 1 to House Bill 2,
7. is identical to the amendment that we placed on Senate Bill
8. 8 last week. It provides that for Fiscal Year 1978 only
9. any community college district that does not receive seventeen
10. dollars and sixty-one cents per credit hour, if there is money
11. appropriated for the credit hour grants that is not required
12. to be paid under the credit hour allocation, that the
13. amount will be paid to these colleges to make...to reach
14. seventeen sixty-one. There is a cap on that amount of one million
15. dollars. And for any district which does not receive additional
16. funds pursuant to the seventeen dollar and sixty-one cent
17. provision, will receive an additional thirty-two cent
18. per credit hour allocation if the money is also still there.
19. In effect, what this does is provide up to one million dollars
20. for the community colleges in Chicago and 1.1 million dollars;
21. for the community colleges outside of Chicago assuming that there
22. would be two million dollars that would not have to be spent
23. under the current appropriation. If there is less than the two
24. million one hundred thousand they were talking about,
25. then the amounts would be prorated proportionately.
26. Move the adoption of Amendment No. 1.

27. PRESIDENT:

28. Senator Berman has moved the adoption of Amendment No. 1.
29. Is there any discussion? Senator Nimrod.

30. SENATOR NIMROD:

31. Yes, Mr. President and Ladies and Gentlemen of the Senate.
32. I would just remind you that this is the amendment which we
33. found was not equitable. It is rewarding various districts

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1. for monies they're not entitled to and I would urge the defeat
2. of this amendment.

3. PRESIDENT:

4. Is there any further discussion? If not, Senator Berman
5. moves the adoption of Amendment No. 1. All those in favor
6. signify by saying Aye. Opposed. The Ayes have it. The amendment
7. is adopted. Roll call has been requested. Those in favor of
8. the adoption of the amendment will vote Aye. Those opposed
9. will vote Nay. The voting is open. Have all voted who wish?
10. Have all voted who wish? Take the record. On that question
11. the Ayes are 27, the Nays are 26, none Voting Present.
12. Amendment No. 1 having received the required majority of the
13. votes cast is adopted. Further amendments? Mr. Secretary,
14. are there any further amendments?

15. ACTING SECRETARY: (MR. FERNANDES)

16. No further amendments.

17. PRESIDENT:

18. 3rd reading. House Bill 3, Senator Maragos.

19. SENATOR MARAGOS:

20. Mr. President, I move for leave for the Senate to return
21. Senate Bill 3...I mean House Bill 3 to 2nd reading
22. for the purpose of amendment.

23. PRESIDENT:

24. Heard the request. Is leave granted? Leave is granted.
25. The bill is on the Order of 2nd reading. Mr. Secretary, are
26. there amendments?

27. ACTING SECRETARY: (MR. FERNANDES)

28. Amendment No. 3 offered by Senator Maragos.

29. PRESIDENT:

30. Senator Maragos.

31. SENATOR MARAGOS:

32. Mr. President and members of the Senate. Senate Amendment
33. No. 3 eliminates the triplicate registration record cards that are in the
34. existing law and requires Cook County Clerk to transmit

1. to municipal clerks for the registration of new voters and
2. transferred registrations. It also repeals a provision authorizing
3. county clerks in counties other than Cook to procure triplicate
4. registration cards for use in certain elections. I would move
5. for the adoption of Amendment No. 3.

6. PRESIDENT:

7. Senator Rhoads.

8. SENATOR RHOADS:

9. Well, first of all, Mr. President, I inquire a ruling
10. of the Chair as to the germaneness of this amendment in this bill.
11. Is it within the scope of the call for this Special Session?
12. You don't want me to do that?

13.

14. The following typed previously.

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HB 4
11/22/77
Recall

1. PRESIDENT:

2. There will be a momentary pause while the Chair
3. examines the amendment. With leave...with leave of the Body,
4. we could leave this bill on the Order of 2nd reading, take the
5. amendment out of the record, we will come back to it before
6. a vote so that we can proceed. The hour is getting late.
7. We will come back to it. There is other business before
8. the Body. We will come back to it. The Parliamentarian
9. will have an opportunity to examine the lengthy amendment
10. and compare it to the call. Is leave granted? Leave is granted.
11. The bill remains on the Order of 2nd reading. We will come back
12. for consideration of Amendment No. 3. On the Order of House
13. Bills, 3rd reading, is House Bill 4, Senator Netsch. Senator Netsch.
14. SENATOR NETSCH:

15. Mr. President, as I had indicated the other day, I will
16. bring this bill back with leave of the Body to 2nd reading.
17. I think there are several people who want to offer amendments.

18. PRESIDENT:

19. Senator Netsch has asked leave to bring House Bill 4
20. back to the Order of 2nd reading for the purpose of amendment.
21. Is leave granted? Leave is granted.

22. SECRETARY:

23. Amendment No. 4 offered by Senator Kenneth Hall.

24. PRESIDENT:

25. Senator Hall.

26. SENATOR KENNETH HALL:

27. Thank you, Mr. President and Ladies and Gentlemen of the
28. Senate. This amendment merely changes the...on line...page
29. seven...on page seven, line one and four by deleting one hundred
30. and twenty and inserting in lieu thereof, forty-five days. Now,
31. the reason we did this, the reason I'm asking this is that
32. the statement was made at the time that the department had
33. everything in their order at the time that this suspension was
34. made and to just simply take some small providers and take them out

1. for four months, would really put a lot of people out of
2. business and so that reason is why I ask that this amendment
3. be placed.

4. PRESIDENT:

5. Senator Schaffer on Amendment No. 4.

6. SENATOR SCHAFFER:

7. Mr. President, I rise in opposition to this amendment.
8. The hundred and twenty day period that the Senate had already
9. voted out in Senate Bill 1, Senator Smith's bill, I think
10. was a very responsible period of time. But to reduce it to
11. forty-five days would put the department in an absolutely
12. untenable position. The current procedure, if all goes well, is to give
13. notice within fifteen days to hold an informal hearing within thirty days
14. after that, to hold a formal hearing thirty days after that and then
15. have time for the hearing officer to react. To cut that process down to
16. forty-five days would be disastrous for the department
17. and would put them in the posture of having to run some
18. awful quick decisions through, some of which would probably
19. live to regret. The medical providers and their organization
20. State-wide, the hospitals and nursing homes and doctors
21. are happy with the one twenty days. I'm not sure who wants
22. the forty-five days, but I think it would, in a final analysis,
23. hurt the department and hurt the vendors, the very people that
24. the amendment is aimed at helping. I urge the defeat of this
25. particular amendment. I think it hurts the bill and it hurts
26. the concept that we're trying to achieve here tonight.

27. PRESIDENT:

28. Is there any further discussion? Senator Netsch.
29. Senator Don Moore.

30. SENATOR MOORE:

31. Thank you, Mr. President and members of the Senate.
32. I also rise in opposition to this amendment, only for a different
33. reason from Senator Schaffer. I think this hundred and twenty

1. days is to the benefit of the vendor, I mean the legitimate
2. vendor. Now, when he gets his notice from the department
3. that he's going to be suspended, he has to hire an attorney,
4. he's got to prepare his case, it takes time from the
5. vendor's point of view, to go through the informal hearing
6. and the formal hearing and I think a hundred and twenty days
7. is reasonable. The original administration bill that was placed
8. in Senate Bill 45 of this Session, called for a one
9. hundred and eighty day period of time. I thought this was
10. far too...too long. The director agreed and we did amend
11. it down to a hundred and twenty days that was subsequently
12. put into Senate Bill 1. But I think that this also protects
13. the legitimate vendor, the illegitimate guy, he may be hurt
14. by this and he's the guy that it should be hurt by. But I
15. think it's for the benefit of the vendor as well as the department
16. that we have a reasonable time of a hundred and twenty days in
17. this bill. It is therefore, that I rise in opposition to Amendment
18. No. 4 to House Bill 4.

19. PRESIDENT:

20. Is there any further discussion? Senator Washington.

21. SENATOR WASHINGTON:

22. Mr. President, in support of this amendment, the whole
23. thing arose because we wanted to make it...not place an
24. onerous burden upon a provider who is ready and willing and
25. able to present his case. Senator Schaffer, perhaps,
26. inadvertantly mislead us and directed us down this path...
27. the forty-five days because as you recall, Senator, last week
28. you stated that the department was ready from the initial
29. notice to proceed forthwith and didn't need any extra time
30. and that the time was for the benefit of the vendor. Taking
31. that premise which we assume to be correct, Mr. Hall
32. then proceeded to put together a forty-five day termination
33. process. So, in a sense, you inadvertantly misled us, if what
34. you now say today is correct.

1. PRESIDENT:
2. Is there any further discussion? The question is the
3. adoption of Amendment No. 4. All those in favor of the
4. adoption of the amendment will signify by saying Aye.
5. Opposed. The Nays...the Ayes have it. The amendment is adopted.
6. A roll call has been requested. Those in favor of the adoption
7. of the amendment will vote Aye. Those opposed will vote Nay.
8. The voting is open. Have all voted who wish? Have all voted
9. who wish? Take the record. On that question the Ayes
10. are 17, the Nays are 26, 5 Voting Present. The amendment
11. is defeated. Any further amendments?
12. SECRETARY:
13. I have Amendment No. 5. It's LRB number 7202 with
14. no name.
15. PRESIDENT:
16. Amendment No. 5 on the Secretary's Desk does not have
17. a sponsor. The amendment then is not properly before this
18. Body. Is there any further amendments?
19. SECRETARY:
20. Amendment No. 5 offered by Senator Carroll.
21. PRESIDENT:
22. Senator Carroll. Senator Carroll indicates
23. he does not have an amendment on the Secretary's Desk.
24. SECRETARY:
25. I'm sorry, Senator Carroll. Yours is on No. 5.
26. PRESIDENT:
27. Are there any further amendments? Senator Carroll's
28. amendment is on another bill?
29. SECRETARY:
30. Amendment No. 5 offered by Senator Guidice.
31. PRESIDENT:
32. Amendment No. 5 by Senator Guidice. Senator Guidice.
33. SENATOR GUIDICE:

1. Thank you, Mr. President. This amendment simply adds
2. an additional thing a director may do. The bill presently
3. calls for...the Illinois Department may deny, suspend or terminate
4. the eligibility of any person. This amendment would allow
5. the department to deny, suspend, terminate or impose a fine.
6. And I move its adoption.

7. PRESIDENT:

8. Senator Schaffer.

9. SENATOR SCHAFFER:

10. Mr. President, I rise in opposition to this amendment,
11. although it's possible in the future that we may wish to
12. consider this. I would call to the attention of those
13. members of the Body that have been working on this issue
14. that we have, from the outset, had a...for Senator Netsch's
15. benefit, a gentleperson's agreement that this bill would not
16. do anything that would give the department a power beyond the
17. power it had before the recent Supreme Court decision. This would
18. indeed give them a power that they do not wish, that they, at this
19. time, do not feel they need, that they feel has some legal
20. ramifications that could negatively accrue to the concept
21. and that could possibly lead to conflict with the other House
22. thereby at this eleventh hour dooming the bill.

23. I don't question the intent of the amendment and it may well
24. be that a year from now that the department may wish this power
25. but I think that we should stick to our original agreement
26. which was to give the department only those powers that it had
27. prior to the Supreme Court decision and defeat this amendment.

28. PRESIDENT:

29. Senator Don Moore.

30. SENATOR MOORE:

31. Thank you, Mr. President and members of the Senate. I also
32. rise in opposition to this particular amendment granting the
33. authority of the department to make fines or assess fines

1. when they find a medical vendor that is doing something wrong.
2. What can these fines be assessed for? How much can these
3. fines be for, can it be ten dollars, can it be ten thousand
4. dollars, what are the guidelines? What are the violations
5. for the fine? Mr. President and members of the Senate,
6. this amendment is so vague, so unclear and so ambiguous
7. that it would virtually rule the bill unconstitutional.
8. I think that...and I commend the sponsor of the bill for
9. coming up with this innovative suggestion. I'd be happy
10. to work with him at the next Session to delineate more clearly
11. the brackets, the perimeters, what the violations are, how
12. much the fine should be. Perhaps this is a proper scope for
13. the department in the future. But at this point, with just
14. a broad, general, vague, unclear statement that the department
15. shall find with no guidelines, would effectually kill this
16. bill and I don't think any of us want to do that. I would urge
17. the defeat of Amendment No. 5 to House Bill 4.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. The question before the Body is the Amendment No. 5
20. to House Bill 4. Any further discussion? Senator Guidice
21. may close the debate.

22. SENATOR GUIDICE:

23. Just very briefly. I wasn't a party to any agreement
24. one way or another regarding this particular aspect and I
25. think the department needs all the help it can get and I think
26. that...under these circumstances, the...provision would help them.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. The question is the...Senator Guidice has moved the adoption
29. of Amendment No. 5 to House Bill 4. All those in favor signify
30. by saying Aye. All those opposed. The opinion of the Chair,
31. the Noes have it. The amendment fails. Further amendments.

32. SECRETARY:

33. No further amendments.

34. PRESIDING OFFICER: (SENATOR ROCK)

35. 3rd reading. Senator Bruce has requested that we go back

1. to the Order of House Bills 3rd...pardon me, House Bills,
2. 3rd reading, House Bill No. 2. Read the bill, Mr. Secretary.

3. SECRETARY:

4. House...House Bill 2.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Bruce.

9. SENATOR BRUCE:

10. Thank you, Mr. President and members of the Senate. I believe
11. that everyone has had a thorough explanation of House Bill 2.
12. It's been discussed in the form of Senate Bill 8 on several
13. occasions and Senate Bill 830 which I handled in the
14. Spring Session on three separate occasions. What it does is
15. establish the rates for credit hour grants to community colleges
16. in the State. As you know, we have not established those rates since July
17. the 1st. There's been no payment to community colleges for
18. students in the community colleges. The pinch is on. We have
19. amended the bill to include additional money to the City
20. College of Chicago to bring them up to the average of seventeen
21. sixty-one. In addition, we amended the bill to add an additional
22. thirty-two cents per credit hour for the downstate community
23. colleges, the additional cost will be about 2.6 million dollars
24. for that amendment. I would ask for a favorable roll call.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there any discussion? Senator Nimrod.

27. SENATOR NIMROD:

28. Yes, Mr. President and Ladies and Gentlemen of the Senate.
29. This bill now with its amendment is in the same posture
30. as Senate Bill 8. And that bill we did express...give an expression
31. of the Senate's views here and we asked all those on this bill
32. to indicate a Present vote. I would urge all those who do not
33. want this bill to pass and I certainly do not think it should

1. pass in this condition, to vote Present so that we may
2. again approach this bill and remove these amendments
3. from both this bill and Senate Bill 8.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Further discussion? Senator Berman.

6. SENATOR BERMAN:

7. Thank you, Mr. President. I want to rise in support of this
8. bill and I think that it's important to note the hour and the
9. day that this issue is being discussed. There is a need for
10. a bill to be passed that can be acted upon because of the
11. lack of State...effective State appropriation for our
12. community colleges. I would strongly urge that although the
13. amendment barely was placed on, that it is in a fashion the
14. bill...the bill as exists now is a compromise approach
15. and does give every community college throughout the State
16. adequate monies plus a recognition of the additional costs that
17. are incurred in this fiscal year. I merely want to point
18. out that if there is any attempt to concur in Senator
19. Nimrod's approach, voting No, it very well may be that no bill
20. could...would pass so I would strongly urge that although the
21. bill is not perhaps in the fashion that everybody wanted it to be
22. that it certainly is in a fashion that will give relief and
23. financial aid from the State to every community college
24. in our State and I strongly urge in the...in the interest of
25. getting money to our community colleges, that everyone vote Aye
26. on this bill now.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Further discussion? Senator Regner.

29. SENATOR REGNER:

30. Yes, Mr. President and members of the Senate. I have the
31. same question about this that I had last week about a similar
32. bill about the reason for the amendment that was put on.
33. There is still a very serious question about the reasons for

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1. it and the extra money for the City of Chicago Junior
2. College System where they file several illegal claims. My
3. contention still is that these additional monies were put in
4. so that they could still get the money even though they
5. filed illegal claims which will probably be dishonored,
6. but they will get additional monies to make up for those
7. claims in this bill. And I certainly agree with Senator
8. Nimrod, either vote Present or No and hold this bill so it can
9. be cleaned up and the amendment taken off.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Bruce may close the debate.

12. SENATOR BRUCE:

13. No, that's all right. Roll call.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. All right. The question is shall House Bill 2 pass.
16. Those in favor will vote Aye. Those opposed will vote Nay.
17. The voting is open. Have all voted who wish? Have all voted
18. who wish? Have all voted who wish? Take the record.
19. Senator Bruce.

20. SENATOR BRUCE:

21. I would move to postpone further consideration
22. of House Bill 2.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. You've heard the motion. All in favor signify by saying
25. Aye. So ordered. Yes, on the Order of House Bills, 2nd reading,
26. House Bill 3. The matter under consideration was an amendment
27. ...Amendment No. 1. Under consideration was Amendment No. 3
28. to House Bill 3 offered by Senator Maragos. The Chair was
29. questioned as to the germaneness of the amendment as offered
30. under the call of the Governor for this Special Session.
31. ...Item Two, it says "enactment or amendment of laws
32. relating to the consolidation of elections in Illinois, the Chair
33. will rule that the amendment is germane. Senator Maragos,
proceed.

1. SENATOR MARAGOS:

2. Thank you, Mr. President. At this time I would like to
3. proceed and explain that...

4. PRESIDING OFFICER: (SENATOR ROCK)

5. All right. Hold on...Senator Rhoads.

6. SENATOR RHOADS:

7. The amendment is clearly not germane to that subject matter.
8. I appeal the ruling of the Chair.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. The question is shall the ruling of the Chair be sustained.
11. Those in favor will vote Aye. Those opposed will vote Nay.
12. The voting is open. Have all voted who wish? Have all voted
13. who wish? Take the record. On that question the Ayes are
14. 30, the Nays are 23, none Voting Present. The ruling of the
15. Chair is sustained. Senator Maragos.

16. SENATOR MARAGOS:

17. Mr. President and members of the Senate. Amendment No.
18. 3 is really an amendment of laws relating to consolidation of
19. elections and the Chair's...and as a result what this does is
20. going to save the County of Cook a hundred and six thousand
21. dollars by not requiring at least in the next year, there be a
22. third registration card for the elections because it will be...
23. any of the villages that are concerned about this problem will not
24. be effected next year excepting for the two cities that...the
25. town of Cicero and I think the village of Berwin which
26. have asked to come out of the jurisdiction of the City and are now
27. under the jurisdiction of the county clerk and this is a simple
28. amendment. Tries to save some money for the county in the
29. immediate future and then when the elections come in '79
30. we could put back language if it's necessary for the villages
31. and other municipalities in the County of Cook. I'd
32. also like to state this would make it uniform throughout the State
33. the way it's going to be because the other counties throughout the
State have a similar nonregistration of a third set of cards.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Further discussion? Senator Glass.

3. SENATOR GLASS:

4. Thank...thank you, Mr. President. I...after hearing the
5. explanation of this amendment, I certainly don't see how
6. it relates to consolidation of elections but that is apparently
7. behind us. I would say that it is a matter that is very
8. difficult to understand at this time and I see no reason to
9. put this amendment on now and would urge its defeat.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Graham.

12. SENATOR GRAHAM:

13. Mr. President, what we're doing here is that we're
14. getting the cart a couple years ahead of the horse.
15. Now, if Senate...House Bill 1977 which is in Elections Committee,
16. were adopted, this would make some sense. But that is not
17. adopted and this does not make any sense. So, what you're
18. doing by the imposition of this amendment, you're depriving
19. the village clerks of the villages of Cook County
20. from that card whereby they can determine the registered
21. voters in their village and this is wrong. Now, if you want
22. to have your bill placed in jeopardy and have a suit filed
23. against it by the Illinois Municipal League for this amendment,
24. then do it and you're going to ruin the whole damn bill.
25. Now, let's...the implementation that we're trying to get going
26. by passing consolidation of elections and changing Election Code,
27. if you want to put that whole thing in jeopardy, then go ahead
28. and do it because that's what you're doing now.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. Well, my...I rise on a point of personal privilege.
33. It's now ten minutes after twelve and we're into another

1. calendar day and I wondered how much longer we're going to go
2. on here because we've still got tomorrow or today to...on our
3. overrides and so forth. We're already into the 23rd day and
4. I'd just like to say as a matter of personal privilege, this
5. makes my 34th wedding anniversary.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Rhoads.

8. SENATOR RHOADS:

9. Happy anniversary, Senator Knuppel. Thank you,
10. Mr. President.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Hynes.

13. SENATOR HYNES:

14. Mr. President, since reference has been made to the fact
15. that it is now the 23rd of November, I would like the record
16. to show that it is approximately six minutes after twelve
17. and that House Bill 6 was read a second time and advanced to
18. the Order of 3rd reading at 11:30 p.m. on the 22nd.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. The record will so indicate. Senator Rhoads.

21. SENATOR RHOADS:

22. Thank you, Mr. President and members of the Senate.
23. I rise in opposition to Amendment No. 3 to House Bill
24. 3. I think it's important for downstate members to realize
25. that this amendment only applies to suburban Cook County.
26. It would deprive the village clerks of their triplicate
27. registration card which they now have and these suburban
28. village clerks need this triplicate card to run their village
29. elections, especially if House Bill 1977 does not go through.
30. We made the point earlier in the Governor's Message of October
31. 19th, 1977 in his call for this Session, that we are to consider
32. enactment of amendment of laws relating to the consolidation
33. of elections in Illinois. We have appealed the ruling of the

1. Chair and the Chair has decided that this is germane to the
2. bill. However, I am unconvinced it ought to be opposed on that
3. ground. It ought to be opposed on the ground that the suburban
4. village clerks need these binder books. It ought to be opposed
5. on the ground that it is, as Senator Graham pointed out,
6. premature. This is opposed by the suburban village clerks and
7. by the Illinois Municipal League and I ask for the defeat of
8. Amendment No. 3.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Any further discussion? Senator Maragos may close the
11. debate.

12. SENATOR MARAGOS:

13. Mr...Mr. President and members of the Senate. Not to delay
14. Mr...Senator Knuppel to getting back to his bride, I'd just
15. make this very short and state that Senator Graham forgets that
16. Senate Bill 1149 is now law. We have consolidated elections on the
17. books right now signed by the Governor. Secondly, the...
18. this will make it the same because all the downstate counties
19. do only have a duplicate set and they go back to the county
20. clerk and get that set when they need it. So, we're trying to save
21. a hundred and six thousand dollars for the people of the
22. County of Cook and that's why I ask for adoption of this amendment.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. The question is the adoption of Amendment No. 3 to House
25. Bill 3. All those in favor signify by saying Aye.
26. All those opposed. There's been a roll call requested.
27. Those in favor of Amendment No. 3 to House Bill 3 will vote
28. Aye. Those opposed will vote Nay. The voting is open.
29. Have all voted who wish? Have all voted who wish? Take the
30. record. On that question the Ayes are 23, the Noes are 30,
31. none Voting Present. The amendment fails. Any further amendments?

32. SECRETARY:

33. No further amendments.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. 3rd reading. On the Order of House Bills, 3rd reading is
3. House Bill 5. Senator Davidson seeks leave of this Body to
4. bring House Bill 5 back to the Order of 2nd reading for
5. the purpose of an amendment. Is leave granted? On the
6. Order of House Bills, 2nd reading, House Bill 5.

7. SECRETARY:

8. Amendment No. 3 offered by Senator Carroll.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. How many amendments have been filed, Mr. Secretary,
11. on this bill?

12. SECRETARY:

13. Just...just one amendment. There were two amendments
14. adopted...two committee amendments. This would be Amendment
15. No. 3.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Carroll.

18. SENATOR CARROLL:

19. Thank you. I think it's the same amendment Senator
20. Donnewald was going to offer. It's a technical amendment
21. by deleting the word recreational and putting in the word
22. receiving. It was...the copies that had been sent to us were
23. not legible as to what the word was so I would move the adoption
24. of Amendment No. 3 which is a technical amendment.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Carroll moves the adoption of Amendment...pardon
27. me, Amendment No. 3 to House Bill 5. Is there any discussion?
28. All those in favor signify by saying Aye. All those opposed.
29. The Ayes have it. The amendment is adopted. Any further
30. amendments?

31. SECRETARY:

32. No further amendments.

33. PRESIDING OFFICER: (SENATOR ROCK)

3rd reading. Senator Maragos, do you wish to go back

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1. to 3? On the Order of House Bills, 3rd reading, is
2. House Bill 3. Read the bill, Mr. Secretary.

3. SECRETARY:

4. House Bill 3.

5. (Secretary read title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Maragos.

9. SENATOR MARAGOS:

10. Mr. President and members of the Senate. All of us are
11. familiar now what House Bill 3 does. Since Senate Amendment
12. No. 3 failed, we put on the two amendments that...confirmed
13. by the committee and bipartisan approach and I ask for the
14. favorable vote for the passage of House Bill No. 3 with
15. the two amendments.

16.

17.

18.

19. The following typed previously.

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HB 4
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3rd

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Any...any discussion? The question is shall House Bill
3. 3 pass. Those in favor will vote Aye. Those opposed will vote Nay.
4. The voting is open. Have all voted who wish? Have all voted
5. who wish? Take the record. On that question the Ayes are
6. 55, the Nays are none, none Voting Present. House Bill 3
7. having received a constitutional majority is declared passed
8. and the bill having received the affirmative vote of
9. three-fifths of the members elected, is effective immediately
10. upon its becoming a law. On the Order of House Bills,
11. 3rd reading, is House Bill 4. Read the bill, Mr. Secretary.

12. SECRETARY:

13. House Bill 4.

14. (Secretary reads title of bill)

15. 3rd reading of the bill.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Netsch.

18. SENATOR NETSCH:

19. Thank you, Mr. President. This is the medicaid fraud
20. bill as it has come to be know. Basically what it does is
21. to give to the Department of Public Aid the authority to suspend
22. or terminate the right to participate in medicaid program on
23. the part of vendors who have engaged in any one of a series
24. of a listed activities which basically are fraud on the State
25. but include a lot of other acitivities as well. I think most
26. members are familiar with the provisions. It is similar to, althoug:
27. not identical with the bill that the Senate itself passed earlier
28. but which has not emerged from committee in the House. I would
29. be happy to answer questions. If not, I solicit your support.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Is there any discussion? The question is shall
32. House Bill 4 pass. Those in favor vote Aye. Those opposed will vote...
33. I beg your pardon. Senator Guidice.

1. SENATOR GUIDICE:

2. Thank you, Mr. President. Will the sponsor yield to a
3. question?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Sponsor indicates she will yield. Senator Guidice.

6. SENATOR GUIDICE:

7. Senator Netsch, I understand that this bill is retroactive
8. in nature, is that correct?

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Netsch.

11. SENATOR NETSCH:

12. It is retroactive in the sense that past conduct and
13. activities may be used as the basis for the suspension in futuro
14. of a...the right to participate in the program. In other words,
15. the action of suspension or termination itself is not
16. retroactive. That takes place only from the time
17. that the bill is passed. But conduct prior to that may serve
18. as a basis for that...that suspension or termination.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Guidice.

21. SENATOR GUIDICE:

22. If you entered into a contract or the existing contract
23. as they exist today, as opposed to a ruling prior that there
24. was some misconduct, all right, then you're going interfere
25. with that right of contract that exists today, is that correct?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Netsch.

28. SENATOR NETSCH:

29. I...I think the answer is no. I'm not sure I understood
30. your question, though. I couldn't hear all of it,
31. Senator Guidice.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Guidice.

1. SENATOR GUIDICE:

2. I'm sorry. At this late hour, sometimes you get a little...
3. if I have an existing contract today, and this bill is enacted
4. and are you going to allow the department to go back in time
5. and make a ruling as to my past conduct to vitiate
6. the contract that I have now in existence?

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Netsch.

9. SENATOR NETSCH:

10. Well, the...the department had, in the past, maintained
11. the right to suspend...or, I'm sorry, to terminate
12. the participation of...of various vendors in the program when it
13. found that there had been certain misconduct. It was only
14. because of the court decision that it was found that the right,
15. in fact, had not been specifically enough granted by the
16. Legislature so in a sense, what we are doing in this bill is
17. restoring a pattern that had, in fact, been the pattern in
18. practice up to the time of the Supreme Court decision.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Guidice.

21. SENATOR GUIDICE:

22. At that particular point, then, I'm going to submit to you,
23. that it would be unconstitutional because you are infringing
24. ...your impairment of the right of the contract with the...the
25. individuals. This is what you're going to do in that particular
26. aspect. I have another question, though, regarding these
27. serious crimes like fraud as well as misdemeanor offenses.
28. I think you outlined them on page five, line fifteen.
29. And more specifically, do you honestly mean that if I am involved
30. in a traffic violation that I can have my license suspended
31. or revoked.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Netsch.

SENATOR NETSCH:

1. It is my judgment that the answer to that question
2. is no.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Guidice.

5. SENATOR GUIDICE:

6. ..leaving that to the discretion of the department,
7. isn't that correct?

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator...

10. SENATOR GUIDICE:

11. That they can, in fact, do that?

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Netsch.

14. SENATOR NETSCH:

15. I think if you read that section in context, the
16. language is...has engaged in practices prohibited by Federal
17. or State law or regulation and that in the context of this bill,
18. is not going to refer to a traffic violation on I-55.

19. I think you should also understand if there is any question
20. about that at all, and I think there is not with respect to the
21. particular question that you have raised, that that will be
22. further spelled out by rules and regulations adopted by the
23. department. What it's intended to do is to get at those things
24. that are related to the...the participation in this program
25. itself.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Guidice.

28. SENATOR GUIDICE:

29. All right. Another point that I would like to bring
30. out was when I offered an amendment to this particular bill,
31. Senator Moore, you got up, I believe on it, and indicated that
32. the fine wasn't really laid out as to what they can do and how
33. much and the like and everything else. Fut, by the same token,

1. I submit that in that same paragraph that it's not really
2. laid out as to the difference between suspending and revoking.
3. The department...how...what's going to be the determining
4. factor of how the department is going to suspend or revoke
5. that particular individual? What's the criteria we're laying
6. out there? Is it in this bill here at all, Senator Netsch.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Netsch.

9. SENATOR NETSCH:

10. The department is given the power to suspend or terminate.
11. Whether...which is appropriate in a particular case will
12. depend on the record that is made before the department.
13. And that also, incidently, can be further spelled out by the
14. rules and regulations. But I think that the...the bill,
15. as originally proposed, you might remember, provided only
16. for termination and it was at the insistence of, I believe,
17. initially, the House and I think that was concurred in by the
18. Senate in its first go around, that termination as the sole
19. remedy was really too...too stiff and that the department ought
20. to have the option of suspension as well as termination for
21. cases that might be of a lesser magnitude. That is why the
22. alternative was given to the department.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Guidice.

25. SENATOR GUIDICE:

26. Then we're still with the discretion with the department
27. in that particular aspect. The last point I have is regarding this matter
28. with the partners and partnerships engaged in or found to be
29. engaged in where five percent of the...if you have a partnership
30. and you have five percent, you're going to exclude those
31. particular individuals from doing any business in this
32. particular area even though they might have nothing to do with
33. management, they might have nothing to do with setting the
34. policy or doing anything of any real fraudulent or even their

1. traffic violation, let's put it that way. We're going to
2. stop all the partners because of the one individual who has
3. caused the problem. Is that correct?

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Netsch.

6. SENATOR NETSCH:

7. It is conceivable under the bill, if you're referring
8. to the language on the bottom of page five, but I think one
9. of the points that needs to be brought out, also, and this
10. was something that the department has emphasized to us,
11. is that when someone is excluded under the provisions of that
12. section, they may reapply. There is no one year waiting period
13. for example, for them to reapply to be able to participate.
14. So, that if someone, in fact, was terminated, or they...
15. actually, it would not be termination, it would be the word
16. barred, from participation under that language, they could
17. immediately reapply and if they, in fact, had not been knowing
18. participants in any of it, they might well be admitted to
19. participate in the program again, without any time period
20. expiring.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Guidice.

23. SENATOR GUIDICE:

24. Mr. President, well, I'm going to submit to you...that
25. on page six, it says upon termination of a sole proprietorship
26. or partnership, the owner or partners during the time of any
27. conduct which served as the basis for the vendor's termination
28. are barred from participation in the medical assistance program.
29. I don't see where it's going to leave any levity or any
30. ability for these partners to get back into the particular
31. business. You've completely excluded them. I think from
32. the points that we've brought up that this whole bill is
33. unconstitutional.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Netsch.

3. SENATOR NETSCH:

4. If you'll look in the later provision, Senator Guidice,
5. the...that provision which puts particular time limits on the
6. suspension or termination uses the language of suspension
7. or termination. The word barred does not refer to the
8. up to one year time period or the minimum of one year time
9. period for exclusion from participation in the
10. program. The department interprets that word as meaning and

11. I'm sure that will be further spelled out in their regulations
12. that anyone who is excluded under that provision is permitted
13. to reapply and if, indeed they are, as you have described
14. them, they presumably would be permitted to participate again.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion?

17. SENATOR NETSCH:

18. ...without any delay.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Carroll.

21. SENATOR CARROLL:

22. Thank you, Mr. President and Ladies and Gentlemen of the
23. Senate. I will not waste the time of the Senate. I will merely
24. ask that to incorporate by reference my comments on Senate Bill
25. 1 of this, the Second Special Session. I think the bills are
26. identical enough. I think that the bill is defective. I think
27. that the discretion asked for by the department is beyond the
28. bounds that the Legislature really has the power to grant.

29. I do believe that they are not showing us the way to accomplish
30. the goals which they are seeking to accomplish and I've left
31. all of those matters as up in the air as they were prior to the
32. introduction of the bill.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Further discussion? Senator Daley.

3. SENATOR DALEY:

4. Mr. President and fellow Senators, I just have one
5. question to clarify. Senator Netsch, in regards to the
6. Department of Public Aid giving the...providing the medical
7. services, what percentage of this would be Federal funds?
8. There has been a question of a conflict whether or not the
9. ...the Federal jurisdiction is involved or is it a State
10. jurisdiction? We know over the last fifteen years that
11. very few State's Attorneys in Illinois have ever indicted anyone
12. for violation of Public Aid fraud. Recently, it was a District
13. Attorney of Illinois. We found out that ninety-five percent of
14. the cases were settled. And ninety-five cases were settled with
15. a very, very small fine. And I wondering do you have a Federal
16. jurisdiction question if there's Federal funds?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Netsch.

19. SENATOR NETSCH:

20. I would assume that a large part of the money that we are
21. talking about is probably Federal funds. I can't give you an
22. exact figure and I wonder...the Director is on the Floor.
23. I wonder if he would be able to whisper into someone's
24. ear the answer with respect to the exact figure. May I suggest...

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Is there further...further discussion?

27. SENATOR NETSCH:

28. May I yield momentarily to Senator Schaffer to see if he
29. can give an exact answer to that question.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Schaffer.

32. SENATOR SCHAFFER:

33. Fifty percent Federal funds.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Further discussion? Senator Daley.

3. SENATOR DALEY:

4. Mr. President and fellow Senators. At fifty percent
5. for Federal funds, why isn't the District Attorney, a Federal
6. District Attorney handling violations or fraud committed in
7. the Department of Public Aid?

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Netsch refuses to yield on that one.

10. Senator Netsch.

11. SENATOR NETSCH:

12. Well, I...it's not a matter of refusal to yield, but I
13. think the point here, Senator Daley, is that while
14. there may be criminal actions that grow from this bill as well
15. as...if it constitutes criminal activity under any other
16. Statute. The main point of this bill is to allow the
17. department administratively to terminate or suspend
18. those who have been engaged in misconduct involving the
19. very program that involves both Federal and State funds.
20. so that there may be separate criminal actions, but this...the
21. point of this one is primarily that administrative power to
22. suspend or terminate.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator Daley.

25. SENATOR DALEY:

26. What would be misconduct?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Netsch.

29. SENATOR NETSCH:

30. It's spelled out in the bill beginning...beginning...I think
31. it's on page 3 and following for some pages. It involves such
32. things as refusal to supply information when it has been requested,
33. previous termination or suspension, previous violation of Federal

1. or State laws and so forth.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Any further discussion? Senator Berman.

4. SENATOR BERMAN:

5. I just want the record, Mr. President, to incorporate
6. my comments on Senate Bill 1 on 3rd reading and to
7. the 3rd reading on House Bill 4 and I'm voting Present.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Any further discussion? Senator Netsch may close the
10. debate. All right. Senator Maragos.

11. SENATOR MARAGOS:

12. I, too, am going to vote Present for the same reasons
13. reiterated on Senate Bill 1.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. The question is shall House Bill 4 pass. Those in
16. favor will vote Aye. Those opposed will vote Nay. The
17. voting is open. Have all voted who wish? Have all voted who
18. wish? Take the record. On that question the Ayes are 44, the
19. Nays are 3, 3 Voting Present. House Bill 4 having
20. received a constitutional majority is declared passed
21. and the bill having received the affirmative vote
22. of three-fifths of the members elected is effective immediately
23. upon its becoming a law. Any further business to come before
24. this Special Session? The Chair has been indicated to that no other
25. member wishes to call something, therefore, the...Senator
26. Hynes moves that the Second Special Session stand in recess
27. until the hour of 9:30 this morning.

28. (Recessed until 9:30, November 23rd, 1977)

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