

MARCH 28, 1979

REGULAR SESSION

1. PRESIDENT:

2. The hour of noon having arrived the Senate will come to
3. order. Will our guests in the gallery please rise. The
4. prayer this afternoon will be by Father Neal Dee of Little
5. Flower Church, Springfield, Illinois.

6. FATHER DEE:

7. (Prayer by Father Dee)

8. PRESIDENT:

9. Thank you, Father. Reading of the Journal. Reading of
10. the Journal. Senator Nedza.

11. SENATOR NEDZA:

12. Mr. President, I move that the reading of the...and
13. approval of the Journal of Tuesday, March the 27th in the
14. year of 1979 be postponed pending arrival of the printed
15. Journal.

16. PRESIDENT:

17. You've heard the motion. All those in favor signify
18. by saying Aye. All opposed. The Ayes have it. So ordered.
19. Committee Reports.

20. SECRETARY:

21. Senator Donnewald, the Chairman of the Assignment of
22. Bills Committee assigns the following Senate and House
23. Bills to committee:

24. Agriculture, Conservation and Energy, Senate Bills
25. 397 and 423; Appropriations I, Senate Bills 386, 390, 392,
26. 393, 398, 400 and 406; Appropriations II, Senate Bills 389
27. and 399; Higher Education, Senate Bill 416; Elections and
28. Reapportionment, Senate Bills 387 and 417; Executive, Senate
29. Bills 391, 407, 408 and 415; Finance and Credit Regulations,
30. Senate Bills...Senate Bill 394; Insurance and Licensed
31. Activities, Senate Bill 395; Judiciary I, Senate Bills 410,
32. 411, 414 and 419; Labor and Commerce, Senate Bills 401 and
33. 404; Local Government, Senate Bills 402 and 409; Pensions,

1. Personnel and Veteran's Affairs, Senate Bills 403, 412 and
2. 413; Public Health, Welfare and Corrections, Senate Bills
3. 388, 396, 418, 424, 21 and 422; Revenue, Senate Bill 405;
4. Executive, House Bill 193; Finance and Credit Regulations,
5. House Bill 336; Judiciary I, House Bill 36; Judiciary II,
6. House Bill 44.
7. Senator Wooten, Chairman of Executive Committee reports
8. out the following bills and resolutions:
9. Senate Bill 159 and 210 with the recommendation Do
10. Pass.
11. Senate Bill 2 and 23 with the recommendation Do Pass
12. as Amended.
13. Senate Resolution 72 and 81 and Senate Joint Resolution
14. 7, 8 and 12 with the recommendation For Adoption.
15. Senator Jerome Joyce, Chairman of Local Government
16. Committee reports out Senate Bill 189, 216, 292, 231...
17. 292 and House Bills 231, 234, 256 with the recommendation
18. Do Pass.
19. Senate Bills 67, 70, 93, 142 and 272 and House Bill
20. 360 with the recommendation Do Pass as Amended.
21. Senator Washington, Chairman of Public Health, Welfare
22. and Corrections Committee reports out Senate Bill 170 with
23. the recommendation Do Pass and Senate Bill 82 with the
24. recommendation Do Pass as Amended.
25. Senator Newhouse, Chairman of Higher Education Committee
26. reports out Senate Bill 177 with the recommendation Do Pass.
27. Senator McLendon, Vice-Chairman of Judiciary I reports
28. out Senate Bills 10, 11, 12, 34 and 53 with the recommendation
29. Do Pass as Amended.
30. SECRETARY:
31. Due to the illness of Senator Walter J. Nega, Senator
32. Johns, Chairman of the Committee on Committees makes the
33. following temporary committee assignments:

1. Insurance and Licensed Activities, Senator Netsch...Nash;
2. Elections, Senator Jeremiah Joyce; Finance and Credit Regulations,
3. Senator Lemke; Agriculture and Energy, Senator Savickas;
4. Appropriations II, Senator Savickas. These temporary
5. assignments will terminate when Senator Nega returns to
6. the Senate Chambers. Signed, Senator Gene Johns.

7. PRESIDENT:

8. Senator Graham, for what purpose do you arise?

9. SENATOR GRAHAM:

10. One of my few times and I would like to have the
11. indulgence of the Senate and particularly Senator Donnewald
12. and Senator Regner. First of all, I'd like to introduce
13. two of my old friends who are here with...from the Farm Bureau
14. of Cook County from Senator Regner's district, Mr. and Mrs.
15. Vic Pullman, who are sitting in the President's gallery.
16. I'd like to have them rise and be acknowledged by the Senate.

17. PRESIDENT:

18. Will our guests please rise and be recognized.

19. SENATOR GRAHAM:

20. And somewhere in one of the galleries, Mr. and Mrs.
21. Charles Speer is here from the big town of Bingham. Senator
22. Donnewald, some of my longtime friends from back home. I'd
23. like to have them rise and be acknowledged.

24. PRESIDENT:

25. Will our guests please rise and be recognized.

26. SENATOR GRAHAM:

27. Thank you, Mr. President.

28. PRESIDENT:

29. Messages from the House.

30. SECRETARY:

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

32. Mr. President - I am directed to inform the
33. Senate the House of Representatives has passed bills with

1. the following titles, in the passage of which I am instructed
2. to ask concurrence of the Senate to-wit:

3. House Bills 326, 369...441, 448 and 510.

4. PRESIDENT:

5. The gentleman from the Associated Press has asked leave
6. to take still photographs. Is leave granted? Leave is
7. granted. So ordered. Introduction of Bills.

8. SECRETARY:

9. Senate Bill 424 introduced by Senators Gitz, Johns, Nash
10. and others.

11. (Secretary reads title of bill)

12. Senate Bill...Senate Bill 425 introduced by Senator Hall.

13. (Secretary reads title of bill)

14. Senate Bill 426 introduced by Senators Rupp, Rhoads and
15. Gitz.

16. (Secretary reads title of bill)

17. Senate Bill 427 introduced by Senators Regner, Egan,
18. Bowers and Geo-Karis.

19. (Secretary reads title of bill)

20. Senate Bill 428 introduced by Senator Lemke.

21. (Secretary reads title of bill)

22. Senate Bill 429 introduced by Senators Netsch, Rock,
23. Savickas and others.

24. (Secretary reads title of bill)

25. Senate Bill 430 introduced by the same sponsors.

26. (Secretary reads title of bill)

27. Senate Bill 431 introduced by...introduced by the same
28. sponsors.

29. (Secretary reads title of bill)

30. Senate Bill 432 introduced by the same sponsors.

31. (Secretary reads title of bill)

32. Senate Bill 433 introduced by the same sponsors.

33. (Secretary reads title of bill)

1. Senate Bill 434 introduced by the same sponsors.
2. (Secretary reads title of bill)
3. Senate Bill 435 introduced by the same sponsors.
4. (Secretary reads title of bill)
5. Senate Bill 436 introduced by Senator Lemke.
6. (Secretary reads title of bill)
7. Senate Bill 437 introduced by the same sponsor.
8. (Secretary reads title of bill)
9. Senate Bill 438 introduced by the same sponsor.
10. (Secretary reads title of bill)
11. Senate Bill 439 introduced by the same sponsor.
12. (Secretary reads title of bill)
13. Senate Bill 440 introduced by Senators Philip and...and
14. Nimrod.
15. (Secretary reads title of bill)
16. 1st reading of the bills.
17. PRESIDENT:
18. Resolutions.
19. SECRETARY:
20. Senate Resolution 85 offered by Senators Savickas, Carroll,
21. Nash and others.
22. PRESIDENT:
23. Executive. Is leave granted to go to the Order of House
24. Bills, 1st reading? Leave is granted. House Bills, 1st reading.
25. SECRETARY:
26. House Bill 18. Senator Don Moore is the Senate sponsor.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 183. Senator Berman is the Senate sponsor.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. House Bill 188. Senator Davidson-Knuppel are the
33. Senate sponsors.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 249. Senator Martin is the Senate sponsor.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill 266. Senator Maragos is the Senate sponsor.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. House Bill 327. Senator Buzbee is the Senate sponsor.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. House Bill 345. Senator McLendon is the Senate sponsor.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. House Bill 358. Senator Vadalabene is the Senate sponsor.
16. (Secretary reads title of bill)
17. 1st reading of the bill.
18. House Bill 361. Senator Graham is the Senate sponsor.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. ...Senate Bills, 2nd reading. Senate Bill 7, Senator
23. Merlo. Senate Bill 8, Senator Merlo. Senate Bill 63,
24. Senator Jerome Joyce. Senate Bill 88, Senator Knuppel.
25. Senate Bill 101, Senator Schaffer. Senator Schaffer on
26. the Floor? All right. The next bill, 114 has a fiscal
27. note...Senator Knuppel. Senator Knuppel. Senate Bill 115.
28. Senator Lemke. Is Senator Lemke on the Floor? 2nd reading
29. on work program in high schools. Read the bill, Mr. Secretary.
30. SECRETARY:
31. Senate Bill 115.
32. (Secretary reads title of bill)
33. 2nd reading of the bill. No committee amendments.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Are there amendments from the Floor?
3. SECRETARY:
4. No Floor amendments.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. 3rd reading. Senate Bill 145, Senator Vadalabene. Read
7. the bill, Mr. Secretary.
8. SECRETARY:
9. Senate Bill 145.
10. (Secretary reads title of bill)
11. 2nd reading of the bill. No committee amendments.
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Are there amendments from the Floor?
14. SECRETARY:
15. No Floor amendments.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. 3rd reading. Senate Bill 187, Senator Bloom. Is
18. Senator Bloom on the Floor? For what purpose does Senator
19. Philip arise?
20. SENATOR PHILIP:
21. Thank you, Mr. President. Just a point of inquiry.
22. On my...
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Excuse me, Senator. May we have some order please.
25. It's becoming very...very noisy. If we could just get a
26. little order. Senator Philip is recognized.
27. SENATOR PHILIP:
28. Thank you, Mr. President. I have received on my desk
29. two pieces of literature. Both of them unsigned. One is
30. an article from dateline Washington. The other one is an
31. amendment with no name on it. If I remember correctly, we
32. changed the rules. Specifically, Rule 15 states that we
33. should have the sponsor's name on it and today I have

1. received two pieces of material without any name at all.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. For what purpose does Senator D'Arco arise?

4. SENATOR D'ARCO:

5. I apologize for the fact that he has that stuff on

6. his desk, although I know nothing about it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Your apology in absentia is appreciated by whoever had

9. the material distributed. For what purpose does Senator

10. Berning arise?

11. SENATOR BERNING:

12. To also apologize, Mr. President, to state that these

13. two missives are being distributed at my request. I did

14. not understand that we had to personally sign every one.

15. That gets to be a bit of a chore.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. I...I would call the attention of the members Rule 15,

18. which was changed to include the sentence, "each amendment

19. filed and circulated shall include the name of its sponsor"

20. and I would...the Secretary of the Senate will attempt to

21. aid the members when amendments are given to him to alert them

22. to the fact that their name should appear on the amendment.

23. Is Senator Bloom on the Floor? Senate Bills, 3rd reading.

24. We're on the Order of 3rd reading. Senate Bill 65, Senator

25. Jerome Joyce. Senate Bill 72, Senator Sangmeister. 3rd

26. reading. Trial judge and substitution thereof. Read the

27. bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 72.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Sangmeister is recognized.

1. SENATOR SANGMEISTER:

2. Thank you, Mr. President and members of the Senate.

3. The purpose of this particular piece of legislation is to
4. change the...the Statute pertaining to substitution of judge.
5. As the law presently is in Illinois a defendant may ask for
6. substitution of judge from any two judges. This would...
7. would change it that the defendant would have a substitution
8. from only one judge rather than two. Now please understand
9. that we are talking about substitution of judges here. It
10. has nothing to do with change of venue and this is against
11. any judge that may be prejudiced against the defendant and
12. cannot receive a fair trial. Under the present law the
13. defendant does not have to state any reasons or what that
14. prejudice may be. He may merely state to the court that
15. he wants a change and he can do that two times. This would
16. reduce it to one. I call your attention for those who may
17. be alarmed about that, that that in no way prevents a defendant
18. from getting as many changes for prejudice as he wants after
19. that as long as he supports it by affidavit. Subsection C
20. of that same Statute states that in addition to the provisions
21. of subsection A and B of this section any defendant may move
22. at any time for a substitution of judge for cause supported
23. by affidavit. So we are not jeopardizing the defendant's
24. right in that regard at all. This will help in some down-
25. state counties where we don't have that many judges available
26. whereby the defendant can move from one judge without cause
27. and then move from another judge without cause and it will
28. help facilitate things in downstate counties and I ask for
29. a favorable roll.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there discussion? Senator Knuppel. May we have some
32. order please. We are on Senate Bills, 3rd reading.

33. SENATOR KNUPPEL:

1. Maybe it's for personal reasons but I'm opposed to
2. this legislation and I realize what Senator Sangmeister
3. said about cause. But I just happen to be one lawyer in
4. the State of Illinois who's twice been held in contempt by
5. different judges in my circuit, one in...in each of the
6. two counties where I practice most frequently, both of
7. whom have been reversed on appeal and I can assure you
8. that neither of those judges love me, having been shown
9. up in the Circuit Court. I don't see any reason that I
10. should have to antagonize them by a sworn affidavit that
11. I know they're prejudiced. One is...has never to this day
12. had the decency to say, John, I'm sorry I was wrong or
13. I believe I was right but I was wrong. I think this puts
14. a burden on the defendant he ought not have... have to have
15. This bill was in here last year and it didn't get out of
16. committee. I think it's still a bad bill. I think it's
17. unfair to make a person put in writing under oath the
18. reason he thinks a judge is...is prejudiced and more than
19. that they can talk all they want to about the shortage of
20. downstate judges. So help me God, the League of Women
21. Voters ran a check on the judges in Quincy and they were
22. in their courtroom two hours and thirty-two minutes a day.
23. They get paid fifty thousand dollars a year. They were in
24. here last week with the State's Attorney in...on Senator
25. Coffey's bill and these people couldn't even get down to
26. the courthouse to take care of things. They get in there
27. at ten or ten-thirty. They make it difficult on the State's
28. Attorneys. You can't find any of them after three-thirty in
29. the afternoon and anybody that wants to talk to me about
30. downstate judges and their shortage, they're falling all
31. over each other. I never saw a...an opportunity to be
32. there, that they didn't have five or...six applicants. The
33. supply far exceeds the demand and I just don't believe that

1. it's fair to put any defendant in the situation that he
2. has to say under oath and particularly myself as a lawyer
3. representing a client. I know why each of these judges are
4. prejudiced. They look like jackasses in the Appellate Court
5. of both cases. One of them for wearing a turtleneck to court.
6. The other there was no contempt in the record and the judge
7. talked to his friend and they said get him and they didn't.
8. They tried. But I... that means that I've got to file an
9. affidavit every time one of these judges is assigned to one
10. of my cases or one of my clients cases. I'm unadubly opposed.
11. I think that the defendant should have every opportunity and
12. he ought not to have to say under oath he thinks the judge
13. is prejudiced because after he says it about two of them,
14. the third one is going to say it's got to be him and it may
15. not be.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there further discussion? Senator D'Arco.

18. SENATOR D'ARCO:

19. Well, thank you, Mr...I can see that we're going to
20. go through this whole thing again this Session as we did
21. last Session about tightening up the Criminal Code to help
22. the State's Attorney prosecute his case at the expense of
23. the defendant. Well, that's fine and good, but there's
24. riots all over the State prisons and the problem isn't
25. so much about how to prosecute a case as it is how to keep
26. these people in jail within legitimate means. But that's
27. not what I really want to talk about. What I really want
28. to talk about is it's not so much...you know, you may go
29. before a judge and you may not be able to pinpoint a
30. specific reason why you feel the judge is prejudiced against
31. you. It just may be that when he rules on objections or
32. rulings he...his philosophy may be a little different than
33. yours and he may not like you personally or you know, there's

1. personal prejudices that enter into each trial and situation
2. when you go before a judge and when you get before the
3. judge you may say, oh, gee whiz, you know...I've had bad
4. experiences before this judge in the past and I would like
5. a change of venue and that's a defendant's prerogative. Now
6. you want to limit that prerogative to one change and I really
7. believe that we...you know, it's a counterbalancing effect
8. here...Harold Katz is giving you the mumbo jumbo over there.
9. I don't know what the hell he's talking about but he's...he's
10. good when it comes to labor issues. He should stick to labor
11. issues and forget about criminal issues but anyway, there's
12. no reason for limiting this to one change of venue. I really
13. don't think that and I really believe it's a question of
14. philosophy in many instances about how you feel in a
15. particular situation with the judge and if you want to change,
16. you should be entitled to it and you want to limit it to
17. one judge and...and you may...if you work in the courtrooms
18. of Cook County you can get...you work before four, five,
19. six judges. There may be one or two that just don't get
20. along with you and you don't get along with them and you
21. want to limit it to a situation where you only have one
22. change and I don't think we can...we should do it anyway.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Further discussion? Senator Collins is recognized.
25. May we have some order please.

26. SENATOR COLLINS:

27. A question of the sponsor please.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. He indicates he will yield. Senator Collins.

30. SENATOR COLLINS:

31. Senator Sangmeister, just what impact do you feel that
32. this change is going to make in...in reference to Senator
33. D'Arco's remarks of making it a little easier for the

1. prosecutor to prosecute his case or what impact do you think
2. this is going to have on...on the Judicial or a speedy trail
3. process itself? I mean what is...what is the purpose?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Sangmeister.

6. SENATOR SANGMEISTER:

7. Well, in the first place there's no advantage to the
8. prosecutor whatsoever in this particular area. I would like
9. to respond to Senator D'Arco because, Senator, you referred
10. to the fact that this restricts your rights to a change of
11. venue. I would reiterate as I did earlier it has nothing
12. to do with change of venue. We're talking about substitution
13. of judge, not change of venue. There's a distinct difference.
14. All we're doing here is, it says that the defendant has a
15. right to...to a substitution of judge without affidavit from
16. two judges. We're just reducing that to one. Now in Senator
17. Knuppel's illustration, if he comes before any of those
18. judges that held him in contempt he does not have to file
19. an affidavit laying that out. He can take a substitution
20. from that judge without an affidavit. We're just reducing
21. it from two, which I think is excessive, down to one. I, too,
22. believe that any defendant that comes before a judge ought
23. to simply be able to say, I don't want that judge and not
24. give a reason for it. This will not change that at all, but
25. I think when he's now moved to the second judge, I think at
26. that point he ought to come forward with an affidavit and
27. give some reason why that judge is not fit to hear or why
28. he's prejudiced against the defendant.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Sangmeister may close.

31. SENATOR SANGMEISTER:

32. Well thank you. I believe my last remarks present what
33. I feel about this bill. I...again to reiterate, we're talking

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1. about substitution of judge, not changing venue or moving it
2. to another jurisdiction. The defendant now has the right to
3. do that twice without affidavit. I feel he should have the
4. right absolutely to do it once without affidavit. After that
5. he can move it from fifteen judges if he wants to. All he
6. has to do is file an affidavit stating why that particular
7. judge is prejudiced. On that basis, I think it's good law.
8. I would ask for a favorable roll.
9. PRESIDING OFFICER: (SENATOR BRUCE)

10. The question is, shall Senate Bill 72 pass. Those in
11. favor vote Aye. Those opposed vote Nay. The voting is open.
12. Have all voted who wish? Have all voted who wish? Take the
13. record. On that question, the Ayes are 32, the Nays are 22,
14. none Voting Present. Senate Bill 72 having received the
15. constitutional majority is declared passed. Senate Bill 76,
16. Senator Jerome Joyce. Senate Bill 87, Senator Grotberg and
17. Maragos. Senate Bill 97, Senator Sangmeister. 97. Okay.
18. Senate Bill 100, Senator Schaffer. Read the bill, Mr.
19. Secretary.

20. SECRETARY:

21. Senate Bill 100.
22. (Secretary reads title of bill)
23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Schaffer is recognized.

26. SENATOR SCHAFFER:

27. Mr. President, Senate Bill 100 is identical to legislation
28. passed out of this Body previously that got caught up in the
29. House Rules. It simply...House Education Committee. It simply
30. provides on the option of a school board, that they may
31. transport children and being reimbursed when those kids live
32. within a mile and a half of a school when a hazardous situation
33. exists. Hazardous situation is determined by guidelines

1. promulgated by the Office of Education and the Department of
2. Transportation. The bill has the support of the School Board
3. Association and the IOE and I am unaware of any opposition.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Senator Knuppel is recognized.

6. SENATOR KNUPPEL:

7. Well, what about the youngster that lives a mile and a
8. half beyond the end of the bus route? Now we passed a law
9. here back several years ago where they do not have to come
10. closer than a mile and a half of where the child lives.
11. What about that? Does this take care of that or just the
12. kids that live within a mile and a half?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Schaffer.

15. SENATOR SCHAFFER:

16. Senator Knuppel, this bill is aimed at within the mile
17. and a half area. Frankly, I'm unaware of that problem. Most
18. of the school districts in my area...you know, if they live
19. beyond a mile and a half they...the buses go out and get
20. them and come reasonably close and I'm...if there's a
21. problem in your area I was not aware of it.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. Well now that is the law. Senator Gilbert sponsored the
26. legislation and the school boards supported it. Originally,
27. the law was such that they didn't have to furnish transportation
28. for students who live within a mile and a half of the school.
29. That law was changed when Senator Gilbert was here. He handled
30. the bill and the law was changed so that now they do not have
31. to furnish transportation. Now it may be true in your area.
32. It is not true in mine or any place in the State according
33. to the law and I was wondering whether you would accept an

1. amendment in the House, if the bill was out of here, Senate
2. Bill to the effect that there wherever this situation exists
3. either due to weather or traffic conditions that the school
4. will furnish transportation not only within a mile and a
5. half but also those kids that live within a mile and a half
6. of...of where they pick them up on the end of the route.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. Senator Schaffer.
9. SENATOR SCHAFFER:
10. Obviously, if that problem does exist and there are
11. children who find themselves in hazardous situations, I
12. would be sympathetic, Senator.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Further discussion? Senator Schaffer may close.
15. SENATOR SCHAFFER:
16. I appreciate a favorable roll call.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. The question is, shall Senate Bill 100 pass. Those in
19. favor vote Aye. Those opposed vote Nay. The voting is open.
20. Have all voted who wish? Have all voted who wish? Take
21. the record. On that question, the Ayes are 50, the Nays
22. are 1, 4 Voting Present. Senate Bill 100 having received
23. the required constitutional majority is declared passed.
24. Senate Bill 129, Senator Lemke. Senate Bill 138, Senator
25. Egan. Read the bill, Mr. Secretary.
26. SECRETARY:
27. Senate Bill 138.
28. (Secretary reads title of bill)
29. 3rd reading of the bill.
30. PRESIDING OFFICER:(SENATOR BRUCE)
31. Senator Egan is recognized.
32. SENATOR EGAN:
33. Thank you, Mr. President and members of the Senate.

1. In fact, the description of the bill is, in fact, not
2. true. It does not reduce the tax. It merely realigns the
3. Statute to conform with the 1970 Constitution so that the
4. county will continue to maintain and receive fifty percent
5. of this tax and the State fifty percent. It has no
6. substantive effect. It merely aligns the law into the
7. language that...into which it should be aligned. Are there
8. any questions? If not, why I commend it to your favorable
9. consideration.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Senator Egan, do you wish to
12. close?

13. SENATOR EGAN:

14. Yes. It's simply that and nothing more.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. All right. The question is, shall Senate Bill 138
17. pass. Those in...For what purpose does Senator Nimrod
18. arise?

19. SENATOR NIMROD:

20. A...a question from Senator Egan, if I may? Does
21. this bill authorize a new tax?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Egan.

24. SENATOR EGAN:

25. No, it does not, Senator. It...it brings into
26. conformity the current tax situation so that what...what
27. they're doing today is...is, in fact, legal.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Geo-Karis.

30. SENATOR GEO-KARIS:

31. Would the sponsor yield for a question? Mr. Sponsor, I...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. He indicates he will yield. Senator Geo-Karis.

1. SENATOR GEO-KARIS:

2. Thank you...

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Gentlemen and...It's very hard for the Chair to hear
5. Senator Geo-Karis' question. I'm sure Senator Egan can't
6. hear it at all. Senator Geo-Karis.

7. SENATOR GEO-KARIS:

8. Thank you, Mr. President. Mr. Sponsor, at the present
9. time the county recorder's collect fifty cents per half of
10. five hundred dollars and...a dollar per thousand dollars
11. of real estate value under the Transfers Tax of Illinois.
12. Now, my county recorder was talking to me about this and
13. he said that under your bill the county would receive less
14. money. Is that correct?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Egan.

17. SENATOR EGAN:

18. No, it is not. As a matter of fact there is no
19. Revenue loss, Senator. If...if he...if he has that concept
20. it is in error.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Geo-Karis.

23. SENATOR GEO-KARIS:

24. What can you tell me...will you...give me a comparison
25. then, in view of the fact of the present Statute the...it's
26. fifty cents per five hundred dollars and one dollar per
27. thousand real estate value. Will you give me an example
28. how yours would tally...it would compare with that?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Egan.

31. SENATOR EGAN:

32. All right. Presently there is a fifty cent tax collected.
33. Twenty-five cents goes to the county to the sale of...a transfer

1. stamp and twenty-five cents goes to the State. What this
2. does, is allow the county now to purchase the twenty-five
3. cent stamp and then sell it back to the State and so they
4. receive twenty-five cents of the fifty and all we're doing
5. is realigning the...the language that empowers the county
6. to collect that tax back. They do not, in fact, diminish
7. the amount that they collect.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Geo-Karis.

10. SENATOR GEO-KARIS:

11. In other words, then we won't lose anything in the
12. county if I support your bill.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Egan.

15. SENATOR EGAN:

16. That is correct, Senator.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Lemke.

19. SENATOR LEMKE:

20. Is this the bill that...that we got a lawsuit involved
21. where the recorder can't collect fees and they have to
22. change the wording? In other words, we're changing the word
23. from fee to tax. This is all it does. It's...everything
24. is the same except that under our new Constitution...a
25. recorder can't collect any fees so they're changing it to
26. the word "tax."

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Is there further discussion? The question is, shall
29. Senate Bill 138 pass. Those in favor vote Aye. Those
30. opposed vote Nay. The voting is open. Have all voted who
31. wish? Have all voted who wish? Take the record. On that
32. question, the Ayes are 56, the Nays are 2. None Voting
33. Present. Senate Bill 138 having received the constitutional

1. majority is declared passed. Senate...For what purpose
2. does Senator Sommer arise?
3. SENATOR SOMMER:
4. Mr. President, just on a point of personal privilege.
5. I'd like to introduce to the Senators, Lucy Selenger, who
6. is the Governor's film czar. She's standing right back
7. there. In the event any of you want to be in the movies,
8. just come on back and I'm sure she'll take care of it.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Fine. Happy to have Mrs. Selinger here. Senate Bill
11. 148, Senators Grotberg and Graham. Read the bill, Mr.
12. Secretary.
13. SECRETARY:
14. Senate Bill 148.
15. (Secretary reads title of bill)
16. 3rd reading of the bill.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. Senator Grotberg. Senator Grotberg, your...your microphone
19. is...is inoperative. Perhaps if you stood closer to it, Senator.
20. See if it...No...
21. SENATOR GROTBORG:
22. Is that better, Mr. President?
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. There we go.
25. SENATOR GROTBORG:
26. Thank you. Senate Bill 148, Ladies and Gentlemen of
27. the Senate, is a bill that has caused much comment, none of
28. which has been adverse to my recollection but it is the bill
29. that substitutes for the electric chair as a means of
30. execution of the condemned prisoners in the State of
31. Illinois, a lethal injection of a ultrashort barbiturate
32. in combination with a chemical paralytic drug agent until
33. death is pronounced by an attending physician. This bill is

1. a product of my own thoughts and mind on this subject matter.
2. I have not solicited the roll call of the Senate as individuals
3. on this matter. I think it's a matter of conscience for each
4. of us. I am a supporter and a proponent of the Death Penalty
5. for the heinous crimes and in support of those who work in
6. our prisons in the State of Illinois. I think time has by-
7. passed and society has by-passed the hanging, drawing and
8. quartering, firing squad, gas chamber, spectacular and some-
9. times barbaric approach to the taking of life. It is my
10. contention, Ladies and Gentlemen, that the power of the
11. State to take a life is an overwhelming power. It does not
12. particularly need enhancement. Such a power is total and
13. ultimate to each of us. The fact of a sideshow going along
14. with an execution has never been definitely paralleled to
15. the deterrent of crime. The fact of taking a life is only
16. substantiated after the fact. It has been some twelve years
17. since we've had an execution in Illinois. There are as my
18. understanding seven men on death row at this time. This bill
19. would merely allow that penalty to be carried out in, yes,
20. a more humane manner. My consideration, however, is in a
21. less spectacular manner. The only canvassing I have done
22. on this bill in support of it is a personal conversation with
23. each of the wardens, seven wardens in the maximum security
24. prisons of the State of Illinois and to a person they concurred
25. that this method is a positive alternative to the existing
26. method should the need arise in the immediate future or in the
27. far future given the traditional long period of time between
28. pronouncement of guilt and pronouncement of sentence in these
29. matters. I would really, therefore, like to have each of you
30. search your conscience. The bill does only what it says it
31. does. If you wish to debate it, I will do my best to
32. explain to you again the origins of the bill. The previous
33. debate on the bill. The committee hearings. We have some

1. sponsors who have joined in this matter and I would ask for
2. your favorable consideration of this humane gesture on the
3. part of the State of Illinois who has the total and ultimate
4. power already to take a life that we would use this method.
5. Thank you.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. There's been leave to shoot still photographs. Is
8. there leave? Leave is granted. The following Senators
9. have sought recognition on this matter. Senators Hall,
10. D'Arco, Washington, Egan, Knuppel and Geo-Karis. Senator
11. Hall.

12. SENATOR HALL:

13. Would the sponsor yield to a question?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Indicates he will yield. Senator Hall.

16. SENATOR HALL:

17. Senator, if I understand you correctly you said that
18. you have talked to the wardens of the all the penitentiaries
19. ...well, what was there answer to this?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Grotberg.

22. SENATOR GROTBORG:

23. Their answer, in general, because there were several had
24. one theme. That no matter what the law says they are bound
25. to carry it out, including the existing method by the electric
26. chair. They share in the feeling that the spectacle of
27. execution, as it is today, is not necessary. It's an encumbrance
28. upon the operations on administration of our prisons.
29. It's disruptive as would this be to some extent. Death is
30. always disruptive but they saw it, Senator Hall, as a positive
31. alternative to the ugly method in which we do it now.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Kenneth Hall.

1. SENATOR KENNETH HALL:

2. Well, why is the Department of Corrections opposed to
3. it?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Grotberg.

6. SENATOR GROTBORG:

7. If they are, that would be the first knowledge that I have
8. of it, Senator.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Kenneth Hall.

11. SENATOR KENNETH HALL:

12. You do not know that the Department of Corrections...
13. I...I have a notice here that says Department of Corrections
14. is opposed to it and that's the reason I asked you that.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Grotberg.

17. SENATOR GROTBORG:

18. Is that notice from the Department of Corrections,
19. Senator?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Kenneth Hall.

22. SENATOR KENNETH HALL:

23. No, it's a communique that I've gotten and there's some
24. questions that some people in the Department of Corrections
25. have stated that...the digest that I have says that they are
26. opposed to the bill. There's some question as to why they're
27. mandating this in the Statute. You didn't...you have no...
28. no knowledge of this, Senator? No one has ever told you this
29. that they weren't for this bill.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Grotberg.

32. SENATOR GROTBORG:

33. They appeared in committee, took no position on it, Senator.

1. Who signed the document that you have in front of you, Sir?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Kenneth Hall.

4. SENATOR KENNETH HALL:

5. This is just a communique that I got so I don't...I

6. don't have and I thought if they were in the committee, they

7. didn't...I don't know that they testified for or against, but

8. I understand that there's some question that they had that the...

9. the bill provides that a person making an injection must stand

10. behind the defendant. Is...is that correct? Is that in the

11. bill?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Grotberg.

14. SENATOR GROTBORG:

15. I was interrupted, Senator. Please...

16. SENATOR KENNETH HALL:

17. Yeah.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Repeat your question, Senator...

20. SENATOR KENNETH HALL:

21. Does your bill provide...

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Hall. One moment please. Ladies and Gentlemen,

24. can we have some order please. Senator Kenneth Hall.

25. SENATOR KENNETH HALL:

26. Senator, does your bill provide that the person making

27. the injection stand behind the defendant? Does your bill

28. provide that?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Grotberg.

31. SENATOR GROTBORG:

32. That's been deleted, Senator.

33. SENATOR KENNETH HALL:

1. All right. Thank you.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further...further discussion. Senator D'Arco.

4. SENATOR D'ARCO:

5. Senator, I'm really confused by this bill because I
6. thought the purpose of the Death Penalty was to provide a
7. deterrence to potential criminals who may commit crimes and
8. by making it so ugly and horrible the fact that a person is
9. executed and showing it in a newspaper...you know and I think
10. that would have more of a deterrent effect than it would be
11. to inject him with some solution and just...you know...have
12. him pass away, so to speak...you know...if that's the purpose
13. of the Death Penalty deterrence isn't...wouldn't it be more
14. impact with the...with the electric chair than it would be
15. to just shoot him with a solution of some sort?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Grotberg.

18. SENATOR GROTBORG:

19. That's a good question, Senator D'Arco, and something
20. you're going to have to answer yourself when faced with
21. your vote on this issue. The deterrent of taking a life is
22. the taking of a life. It's a pretty serious...I'm answering
23. your question, Senator D'Arco. I hope so. Thank you. But
24. the known deterrent is the taking of the life.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator D'Arco.

27. SENATOR D'ARCO:

28. What about the punishment aspect of it...I mean wouldn't
29. it be better for just from a punishment point of view that
30. he be electrocuted than he be given the solution? I mean that's
31. important also, isn't it?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Grotberg.

1. SENATOR GROTBORG:
2. Just depends on how dead you want him, Senator.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Further questions, Senator D'Arco. Senator Washington.
5. Senator Collins, do you wish recognition on this...this matter?
6. All right, I'll put you after Senator Graham.
7. SENATOR WASHINGTON:
8. Mr. President...
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Senator Washington, again if I might just...Gentlemen and
11. Ladies, if we might have some order we will be able to conclude
12. this bill more quickly, if we can just keep our questions
13. moving more rapidly. I apologize. Senator Washington.
14. SENATOR WASHINGTON:
15. Mr. President, I would...the debate is evidently going to
16. get bogged down between what is humane, what is less humane,
17. what is more humane and what is pure beastly or savagery
18. but if I think if we confine our discussion to that then
19. presupposes that everyone here supports the Death Penalty.
20. Well, I wish to speak for a substantial number of people who
21. are bitterly opposed as am I in reference to the Death Penalty.
22. It has never proven to have any efficacy in terms of deterrence
23. and I've always felt that the proponents of it argued for
24. deterrence above anything else. Not only that and its
25. administration has been discriminatory in terms of race and
26. class and that's the problem the Supreme Court has been
27. grappling with to my...in my estimation, not successfully, so
28. to presuppose that we all support this choice is...is not
29. correct. I am ambivalent about even voting on it and will
30. probably vote Present, but Senator D'Arco enunciates a very
31. clear statement, I think, to the effect that if you're
32. concerned about deterrence, really concerned about deterrence,
33. than the question is not whether it's humane or not humane,

1. the question is whether or not...it will actually deter the
2. citizenry of our...our population who is inclined to commit
3. heinous crimes and I have to say that there are quite a few
4. people who feel that the more gruesome you make it and the
5. more agonizing you make it, the more inclined...it is to
6. be a deterrent. I, myself, am between the devil and the
7. deep blue sea. I don't think this is going to resolve
8. anything. I think we haven't dealt with the fundamental
9. question of what is capital punishment designed to do.
10. Clearly it is not punishment. If it's vengeance, it hasn't
11. been enunciated clearly by anyone I've heard that supported
12. this bill and if it's vengeance then I...submit you to the
13. Bible. If it's deterrence then you have a burden of proof
14. which you have not established going over years and years
15. and years, to the effect that it does deter. You can...
16. make comparative statistics between states that do and do not,
17. et cetera, et cetera and you come up with a no conclusion
18. that capital punishment deters. I will vote Present, but I
19. want to say to Senator Gortberg, if your purpose is deterrence
20. then it seems to me you're heading in the wrong direction to
21. get that.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Egan.

24. SENATOR EGAN:

25. Thank you, Mr. President and members of the Senate. I'd
26. just like to point out and ask a question, Senator, that
27. this, of course, has nothing whatsoever to do with the Death
28. Penalty other than in its administration, which leads me to
29. the question, Senator, if there was an alternative in the
30. original bill, I assume that you took that out, as you said
31. you would, so there is no problem with the administration,
32. which would...answer Senator Hall's question, relative to the
33. Department of Corrections, who must administer the penalty.

1. They were concerned about the fact as the original bill
2. allowed the defendant...the right to choose between the
3. electric chair and...and a lethal injection. This eliminates
4. that alternative right. Now it would be administered solely
5. in one manner and that would be death by lethal injection,
6. which is totally humane and I think that should satisfy
7. Senator...Hall's question but I...that satisfies mine. Thank
8. you.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Grotberg, that was not a
11. question so unless you're replying to one. All right.
12. Senator Knuppel.

13. SENATOR KNUPPEL:

14. Well, of course, this bill puts the Death Penalty exactly
15. where it should have been. The way it should be. There never
16. has been any evidence that the Death Penalty had a deterring
17. effect on crime and for those of you who argued that it did
18. have you couldn't support it with any type of statistics.
19. Now, I voted against this bill in committee purely to
20. dramatize that fact. There's only one way that you can
21. justify the Death Penalty regardless of what all you people
22. have said here before and that is that society has the right
23. to defend itself and if that's the only reason to have the
24. Death Penalty this is the humane way to administer it. It
25. never has had a deterring effect. Nobody can establish that
26. by statistics and I say to the rest of you weak-kneed people
27. who say you're for capital punishment but argued that it was
28. on the basis of a deterrent, come join those of us who believe
29. that the only justification for a Death Penalty anyway, is...is
30. a self defense theory that a person has become so berserk he's
31. killed so many people, he's become a hazard that we should not
32. have to support, that society has this right and having this
33. right has a...has the right to dispose of this man in a humane

1. manner. That is where we should have been a year or two
2. ago when we adopted the Death Penalty. We shouldn't have
3. had to listen to all the arguments about the deterring
4. effect because there was no justification for it and Senator...
5. for Senator Washington whom I agree with wholly except for
6. one thing, he says there is no justification for the Death
7. Penalty, I say there is. When you have a Smerkar who kills
8. somebody because he wants to get rid of a witness who saw him
9. steal a piece of meat or someone who kills someone just out
10. of maliciousness kills several people and that he may do this
11. again, that you do have the right...society has the right as
12. a matter of self defense to dispose of this person but then
13. it should be exercised humanely. This is good legislation,
14. although I voted against it in committee and said you ought
15. to stand the guy up and shoot him through the eye. That
16. would be true if you wanted to have it have a deterrent
17. effect. It should not have a deterring effect. It never has
18. had a deterring effect, so this is the humane way to dispose
19. of him all...all of us weak-kneed people who want to have
20. capital punishment to get rid of someone who doesn't deserve
21. to live as a matter of defense.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Geo-Karis.

24. SENATOR GEO-KARIS:

25. Mr. President and Ladies and Gentlemen of the Senate.
26. I am in favor of the Death Penalty because I haven't seen
27. any concrete statistics that say that not having a Death
28. Penalty is a deterrent to crime. Now I can tell you this is
29. a more humane way. I am tired of seeing the vicious, murderous
30. creeps that take their time and spend it in jail. I don't
31. think they're even animals. Animals kill for food. They
32. are beasts and brutes that should be removed from society
33. and should be removed from further sustenance and maintenance

1. by the taxpayers money. I'm in favor of this bill. We can
2. be more humane, otherwise, if we had to have Hammurabi Code what
3. would we...what would we do to a rapist? What would we
4. do to a murderer who cut off the arms of a young lady like
5. he did in California, raped her and mistreated her? What
6. would we do to them? So I think this is a humane way, but
7. it's still saying that your life is not your own when you do
8. a murderous act.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Senator Graham.

11. SENATOR GRAHAM:

12. Mr. President and members of the Senate. We often times
13. in this Chamber through the years...twenty-one years that
14. I've been here have debated the Death Penalty and the
15. moratorium on it and oftentimes we tend to get carried away
16. from the real plank, which we hope to accomplish. And times
17. have changed in twenty-one years. I hear the same stories
18. now I heard then. We hear the same human cry about the moral
19. rights of the inmate. Never do I hear anything about the
20. moral rights of the people back home who are left in
21. distress by some of the acts of the fellows that should be
22. in the electric chair. We don't hear about that but the
23. Death Penalty we've...we've taken care of before. Ladies and
24. Gentlemen, I hesitated quite awhile before I sponsored this
25. bill...cosponsored it with Senator Grotberg. I can tell you,
26. Ladies and Gentlemen that says it's not a deterrent. I can
27. tell you where it may be and we'll watch the courts and see
28. if they've got the guts to do something that will make it a
29. deterrent. The guards at Pontiac that were killed last year,
30. they have thirty-one indictments, I think, and we ought to
31. probably get three or four of those guys to trial and if we
32. got the courage in Livingston County and if the Supreme Court
33. has the guts to do what they should do, some of those fellows

1. are going to go in the electric chair or be on the front end
2. of this needle and if they don't, I'll tell you where the
3. deterrent comes in. The people who killed those guards are
4. going to kill again and again and again. What is a fellow
5. going to do in prison with a hundred and fifty years, if that's
6. what all you can give him? We're going to then give him
7. the legal right to go out and kill guards 'cause he's not
8. going to be in there more than a hundred and fifty years.
9. That takes care of the deterrent thing. I don't know if
10. any of you have ever been in that electric chair. Just
11. passing by to see how it feels. You ought to try it sometime.
12. I've sat in there and had an agreement they wouldn't turn
13. the juice on. I think though, if I were in the position
14. of some of these fellows who should be put out of our society,
15. I think I would rather do that...I'd rather go the needle
16. route than I would be to be sat down in that chair, have
17. those clamps put over my arms with a sheepskin under the...
18. the...all the metal, have that...have that hood put on me
19. and that little electrode on my head, I think this a
20. better way to go. I think we ought to just get this out of
21. here and have it over with and forget about the deterrent
22. possibilities.

23.

24. (END OF REEL)

25.

26.

27.

28.

29.

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33.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Further discussion? Senators...Senator Collins.
3. SENATOR COLLINS:
4. Question of the sponsor.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Indicates he will yield, Senator Collins.
7. SENATOR COLLINS:
8. Senator Grotberg, who will administer these injections?
9. Will they be required to have a medical doctor or who will
10. actually do the injections?
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Senator Grotberg.
13. SENATOR GROTBORG:
14. Prison staff, as they do now. A doctor will not be
15. asked to administer the injection. He will certify the
16. death.
17. SENATOR COLLINS:
18. Will these injections be given over a period of time?
19. Are you talking about one injection or how would you determine
20. what...how much it takes to kill one individual versus another
21. individual and just how will this be administered? Will you
22. keep giving them to them?
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Senator...Senator Grotberg.
25. SENATOR GROTBORG:
26. Thank you, Senator. There is plenty of fact of...of
27. chemistry and lethal shots. We do it with animals now, goes
28. by a matter of weight and circulation. This is...the word,
29. a lethal injection is in here, it's one shot, Senator, if
30. that helps to answer your question. And it's continuous
31. acting.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Collins. Further discussion? Senator Merlo.

1. SENATOR MERLO:

2. Thank you, Mr. President. I'd like to ask a question
3. of the sponsor.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Indicates he will yield. Senator Merlo.

6. SENATOR MERLO:

7. Senator Grotberg, I noticed in my Digest, it shows that
8. there was an amendment, Amendment No. 1 and portion of the
9. amendment eliminates the election...the electric chair option
10. and provides for mandatory lethal injection. What was the
11. reason of that?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Grotberg.

14. SENATOR GROTBORG:

15. We were trying to provide in the original draft for the
16. fact that the electric chair itself may one day be declared
17. ...or this method may be declared unconstitutional. With
18. your permission, Senator Merlo, I will read the five lines
19. of the amendment. The amendment is the bill: A defendant
20. sentenced to death, shall be executed by a continuous intra-
21. venous administration of a lethal quantity of ultrashort
22. acting barbiturate in combination with chemical paralytic
23. agent until death is pronounced by a licensed physician
24. according to accepted standards of medical practice. Here
25. is the...the other clause. The reversionary clause says
26. this: if the execution of the sentence of death is provided
27. in this subsection is held illegal or unconstitutional by
28. a reviewing court of competent jurisdiction, then the sentence
29. shall be carried out by electrocution. So that this is our
30. way we will still have the election if this bill fails. We
31. are not changing the death...the fact of the death sentence,
32. we're suggesting a change in the method. It cannot be both,
33. there is no choice only if it's declared unconstitutional.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Further discussion? Senator Davidson. Senator Davidson,
3. did you wish to comment on this legislation?
4. SENATOR DAVIDSON:
5. I was just going to move the previous question.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator, you're the last one to have been recognized. We
8. are ready for closing remarks by Senator Grotberg.
9. SENATOR GROTEBERG:
10. Well, thank you, Mr. President and fellow Senators. I
11. think the debate has been healthy and good. I have solicited
12. no one's individual support. I would just appreciate you
13. searching your...consciences on this matter and I'll accept
14. the roll call I get. Thank you very much.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. The question is shall Senate Bill 148 pass. Those in
17. favor vote Aye. Those opposed vote Nay. The voting is open.
18. Have all voted who wish? Have all voted who wish? Take the
19. record. On that question the Ayes are 37, the Nays are 9,
20. 11 Voting Present. Senate Bill 148 having received the
21. constitutional majority is declared passed. Senate Bill 149,
22. Senator Berning. For what purpose does Senator Berning arise?
23. SENATOR BERNING:
24. Mr. President, I ask leave of the Body to bring Senate
25. Bill 149 back to 2nd reading for the purpose of an amend-
26. ment.
27. PRESIDENT:
28. Is there leave? Leave is granted. The bill is on the Order
29. of 2nd reading. Are there amendments, Mr. Secretary?
30. SECRETARY:
31. Amendment No. 1 offered by Senator Berning.
32. PRESIDENT:
33. Prior to reconition of Senator Berning, Channel's 3
34. and Channel 20 have requested permission to film the debate

1. on the...on Senate Bill 149. Is there leave? Leave is granted.

2. Senator Berning is recognized on Amendment No...Amendment No. 1.

3. SENATOR BERNING:

4. Thank you, Mr. President. Amendment No. 1 is in response
5. to the concerns voiced by some people that the bill was not
6. specific enough in restricting the 65 mile an hour speed limit
7. to expressways. High speed design, limited access expressways.
8. Consequently, Amendment No. 1 makes it very specific that the
9. speed limit shall be permitted only on expressways and then
10. proceeds to refer to expressway as described in Section 4-100
11. of the Motor Vehicle Code, which says: expressway, a free way
12. with full control access and with grade separations at inter-
13. sections. I think, Mr. President, that this then positively
14. establishes that the 65 mile an hour would be restricted to
15. the limited access high speed expressways. I move for the
16. adoption of Amendment No. 1.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Senator Berning has moved
19. the adoption of Amendment No. 1 to Senate Bill 149. Discussion?
20. All in favor say Aye. Opposed Nay. The Ayes have it. Amend-
21. ment No. 1 is adopted. Are there further amendments?

22. SECRETARY:

23. No further amendments.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. 3rd reading. Senator...is Senator Rhoads on the Floor?
26. All right. Senator Philip, Senate Bill 252. Senator, do you
27. wish it read a 3rd time? Read the bill, Mr. Secretary.

28. SECRETARY:

29. Senate Bill 252.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Philip.

34. SENATOR PHILIP:

1. Thank you, Mr. President and Ladies and Gentlemen of
2. the Senate. Senate Bill 252 makes two changes. Changes
3. the word, real estate department and real estate division
4. to real estate section, makes it uniform. Also provide
5. the Commissioner of Real Estate report directly to the
6. Director of Registration and Education. This was a recom-
7. mendation of the Illinois State Board of Realtors and the
8. Department also goes along with the bill.
9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there further discussion? The question is shall
11. Senate Bill 252 pass. Those in favor vote Aye. Those
12. opposed vote Nay. The voting is open. Have all voted
13. who wish? Have all voted who wish? Take the record.
14. On that question the Ayes are 57, the Nays are none, none
15. Voting Present. Senate Bill 252 having received the
16. required constitutional majority is declared passed.
17. Senator Berning, you wish to come back to Senate Bill 149?
18. SENATOR BERNING:

19. Yes, Mr. President.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. All right. Read the bill a 3rd time, Mr. Secretary,
22. please.

23. SECRETARY:

24. Senate Bill 149.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Berning.

29. SENATOR BERNING:

30. Thank you, Mr. President and members of the Senate. I
31. respectfully call your attention to Senate Bill 149 and
32. emphasize to you that this bill was introduced in all serious-
33. ness. I'm sure it's been the experience of most, if not

1. all of you in this Body that the average driver on our
2. expressways seldom, if ever, adheres to the 55 mile an
3. hour limit. On two occasions, I took a tally between
4. here and the junction of I-55 with the tollway west of
5. Chicago. On my first tally, and I should say, I had
6. my car set on the...cruise control at 55 miles an hour.
7. Sixty-seven cars and 15 trucks passed me that first day.
8. I passed 2 cars. One week later, 59 cars and 8 trucks
9. passed me. Mr. President and members of the Senate. It
10. occurs to me that it is wrong to have a statute on the
11. books which the majority of our motorists are unwilling
12. to observe. It's unconscionable to make violators out
13. of our motorists simply because there are imposed at this
14. time, by statute, arbitrary, unrealistic restrictions
15. which the average motorist chooses to ignore. All right.
16. Let me point out to you, yes, I..I again apologize for
17. distributing, Dateline Washington, which is the publication
18. of the National Conference of State Legislators. I'm
19. sure all of you received it. You perhaps did not pay
20. attention to Page 2, which I reproduced on the front of
21. the pamphlet and that became the handout. The important
22. point here, Mr. President, is that this article indicates
23. that there are about twenty states, now, contemplating this
24. same action and the Legislators at a Denver meeting, called
25. on the National Conference of State Legislators to support
26. efforts to repeal the 55 mile limit, Federally, and I can
27. report to you that there are at least two House bills now
28. pending, which raise the speed limit to 65 or something
29. more. Of interest to you, I am sure, would be the results
30. that I achieved in a questionnaire survey of my district
31. last summer. It was not totally conclusive, but let me
32. point out to you that out of some five thousand...returns
33. that I received, forty-three percent were supportive of

1. the 55, but forty-three percent wanted a raise. At least
2. by affirmation, half of those people responding to that
3. question wanted the speed limit raised. Now I know, Mr.
4. President and members of the Senate, the argument is going
5. to rest on the loss of Federal dollars. I can't tell you
6. that the Federal Government may not take issue with us on
7. that point, but let me remind you that when we eliminated
8. the mandatory use of helmets by motorcyclists, we were
9. threatened with loss of Federal money. It didn't occur.
10. I am confident that if we join other states in the nation
11. who are objecting to this mandatory, unrealistic speed
12. limit on high speed designed roads, we will not be penalized
13. by the Federal Government. For one thing, Mr. President and
14. members of the Senate, the argument that there is a great
15. savings of gasoline and savings of lives is totally invalidated
16. by the very figures I gave you a moment ago about the numbers
17. of cars on those expressways who exceed the limit. How can
18. anyone say there is a gasoline savings at 55 miles an hour
19. when the 55 mile an hour limit is not observed. And how can
20. you or I or anyone say that the 55 mile an hour limit on these
21. expressways is saving lives when the drivers are not observing
22. 55 miles an hour, the argument is specious, I submit. Now,
23. if we were to raise the limit to 65 miles an hour, I am the
24. first to admit that there are undoubtedly a number of voters
25. or drivers out there who will say, I'm going to exceed that.
26. I say to you that probably is true, however, the percentage
27. of violators would be dramatically diminished over what it is
28. now. The law enforcement personnel could reasonably enforce
29. a 65 mile an hour limit because there would be fewer violators.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Senator, I...
32. SENATOR BERMING:
33. Mr. President, I rest my case. I'll be pleased to respond

1. to questions.
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. The following Senators have sought recognition from
4. the Chair, Senators Maragos, Knuppel and Chew. Senator
5. Lemke, Senator Carroll. If you...Senator Maragos is
6. seeking recognition in the back of the Chamber, if we
7. can...Senator Maragos. Senator Carroll says it's all
8. right to recognize you. Senator Maragos. Senator, the
9. technician indicates if you will jiggle the cord, perhaps
10. it's not quite...well, perhaps you should use Senator
11. Nash's microphone.
12. SENATOR MARAGOS:
13. Mr. President, will the sponsor yield to several
14. questions?
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Indicates that he will yield.
17. SENATOR MARAGOS:
18. Senator Berning, I'm in philosophically agreeable to
19. what you are trying to do here, but I think we are using
20. the wrong approach. And the reason I think we are using...
21. you are using the wrong approach in this measure is because
22. we will be cutting our nose to spite our face. Could you
23. please tell me if this becomes law, do you have the...I
24. mean if this passes the House and the Senate, do you have
25. any insurance that the Governor of the State of Illinois
26. will sign this bill?
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Senator Berning.
29. SENATOR BERNING:
30. I wouldn't presume to speak for the Governor, Senator.
31. PRESIDING OFFICER: (SENATOR BRUCE)
32. Senator Maragos.
33. SENATOR MARAGOS:

1. Isn't it a fact, Senator Berning, that he has publicly
2. stated that he would Veto this bill, that was my impression.
3. And that this would be folly on our part if we did pass this,
4. which I consider a very important legislation, however I think
5. it would be folly if we had his Veto at this time.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Berning.

8. SENATOR BERNING:

9. Senator, the Governor has been not...has not been in
10. communication with me. I don't know what he might do, but
11. I am sure that he as well as you and I and most people
12. occasionally change their mind on issues. I would love
13. to take my chances with him and would like to see the
14. bill passed. Senator.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Maragos.

17. SENATOR MARAGOS:

18. What loss of revenue has been threatened here if we
19. do not keep this present law in effect?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berning.

22. SENATOR BERNING:

23. There has been no threatened loss that has come to me.
24. I've heard it implied that we might be totally cutoff. But
25. let me submit to you, Senator, and I'm repetitive here, we were
26. not cutoff when we eliminated the Helmet Mandatory Act. And
27. let me remind you that out of the total mileage in the State
28. of Illinois, the expressways are a relative small number of
29. those total miles. It would be total folly, it would be un-
30. believable, it would be worse than catastrophe...conspiracy
31. by the Congress to penalize the State of Illinois totally
32. for a deviation in the mileage limit on a very, very small
33. segment of the total miles.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Maragos. Senator, your time is...

3. SENATOR MARAGOS:

4. Evidently Mr...Mr. President, the speaker does not
5. answer my questions directly so I'll address myself to
6. the proposal and that is this, that although I agree with
7. him and...what he's trying to do, I think it's the wrong
8. method. Because...the State of Illinois needs all the
9. revenue it can produce at the present time. In fact, this
10. morning our Revenue Committee held a long hearings, extensive
11. hearings on how we're going to replace the Personal Property
12. Tax which the Supreme Court has abolished. And I think
13. by...by us, taking an irresponsible action at this time and
14. risking the fact that we may lose this revenue from the
15. Federal Government, I think would be folly. I'll submit
16. this to you, Senator Berning, that I will support with
17. you a resolution to memorialize Congress to change the
18. laws that would restrict us from changing it back to...to
19. 65. But until such time, I think we will be...be very, very
20. irresponsible and therefore I vote...ask that we not support
21. this measure.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Knuppel.

24. SENATOR KNUPPEL:

25. Well, in the last Session, Gentlemen of this Body, I
26. think Senator Berning and I had a correlation of about
27. two percent on our vote and we didn't correlate when the
28. 55 mile an hour speed limit was put on. Senator Berning
29. voted for it, I voted against it. In fact, there were
30. only two members of this Body who voted against it,
31. Senator McCarthy and myself. Some of the people will
32. argue that...that this legislation is beneficial because
33. of an energy crisis. It wasn't speeds of over 55 miles

1. an hour that brought about an energy crisis, it was the
2. inept energy policies of the Ford administration followed
3. by the Carter administration and there is no way that we
4. can correct that energy shortage by adopting or even lowering
5. the speed limit. Many vehicles will operate at over 55 miles
6. an hour 'it's...as efficiently as they do at 55 miles an hour.
7. Furthermore than that, never, never have we taken a full-
8. fledged look at conservation of energy as far as automobiles
9. are concerned. We have air conditioners on virtually every
10. automobile that goes down the road and not one thing was done
11. about it. It reminded me, one time I walked in a taven and
12. I saw a...a saddle that had been sawed in half and one half
13. was nailed up on the wall. And I asked the bartender, "what
14. in the world, a half a saddle, what's that for?" And he
15. said that's for half-assed cowboys. And that's kinda the
16. way with our energy policy, if 55 miles an hour is supposed
17. to establish energy conservation, at the same time we allow
18. air conditioners and every other thing. And...and so, don't
19. use that argument. We...this is limited to freeways, where
20. people are, as Senator Berning has said, driving over 55 miles
21. an hour anyway and it's ridiculous for us to stick our head
22. in sand like ostriches because somebody in Washington tells
23. us we ought to or not do that. Maybe we should just abolish
24. instead of decreasing the size of the General Assembly. Go
25. home and let everything be done from Washington.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Chew.

28. SENATOR CHEW:

29. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
30. It was my vote that got the bill out of committee. I voted for
31. the bill simply because the hypocritical attitude that's
32. existing among U. S. Presidents. And to correct Senator Knuppel,
33. it was under the Nixon administration that it was adopted. And

1. I say that the President Nixon at that time, merely adopted
2. that in order to allow the petroleum companies to get the
3. prices up to repay some of the campaign finances that they
4. had given him illegally. Now, let's assume there is an
5. energy crisis, however I do have my doubts. I've been
6. to Europe, as all of you've been reading, and I'll be going
7. back in September. And if there's an energy crisis in
8. the United States, there's an energy crisis in Italy, there's
9. one in Germany, there's one in England, there's one all
10. over the world, if there's one here. There are several
11. countries in Europe that do not have speed laws, safe
12. and reasonable and they drive as fast as they want to on
13. limited access highways. This bill merely asks for the
14. privilege of doing it on limited access highways. People are
15. in love with automobiles, you know that as well as I do,
16. and if gas goes up a couple dollars a gallon, they going
17. to still buy it. When liquor goes up they still buy that
18. and that's the largest industry in this country, don't
19. fool yourself. Right after we got the bill out of committee,
20. CBS did a survey of drivers from Chicago to Rockford. They
21. only found two cars driving 55 miles an hour. The rest of
22. them were 60 up to 68 and 72. The truckers in this State
23. said publicly that their speed is geared to 62 miles
24. an hour, and that's how they run on highways. Police
25. department said in Chicago, the reason they don't stop
26. a lot of truckers is because of the time element involved
27. to take them to the station and try and give them a citation
28. for speeding. But they occasionally...jump on automobile
29. drivers simply because they have a quota in the Chicago
30. Police Department, they must write so many tickets, whether
31. you've been speeding or anything else. Luckily the Supreme
32. Court on yesterday ruled against arbitrarily stop and search
33. which I think is good for motorists. So when they get their

1. quota, then they can just sit by and allow people to drive
2. 70 miles an hour. First of all, the 55 mile an hour speed
3. law is not enforced. It cannot be enforced because we don't
4. have enough police personnel anywhere. On the Illinois
5. highways or in...municipalities where you have access express-
6. ways. So when we talk about the Federal Funds that we will
7. lose, we don't know whether we'll lose or not. I recall
8. when that helmet law came through my committee, again it
9. was my vote that got it out. And I challenged the Federal
10. Government on the three million dollars and Arizona challenged
11. the Federal Government and the Federal Government gave us our
12. Federal money and today the motorcyclists do not have to wear
13. the helmet. We have a Congressional Delegation in Washington
14. and when they find that the people of the State of Illinois
15. are in favor of raising the speed limit on these limited
16. access highways, they will go to work and tell the Congress
17. to release that money. Now the Governor has said he'd
18. Veto the bill. I don't know whether he'll Veto it or not,
19. but simply because he promised to Veto it is no reason as
20. to why we should not pass it. If the law could be enforced,
21. if there is an energy crisis and if people were being stopped
22. for driving 56 or 7 miles an hour, my attitude would be
23. different. But nobody, nobody, I mean those of us here in
24. the Legislature where the laws are made, apply to 55 miles
25. an hour. It's almost impossible to get on an expressway
26. and drive 55 miles an hour because you're subject to be
27. stopped for obstructing traffic. So let us not fool our-
28. selves, Ladies and Gentlemen, let's force the Federal Govern-
29. ment to give us what is rightfully ours. They are not
30. giving us anything. The money they hold in hostage is
31. monies that we send to Washington. And according to the
32. figures of the highway funds we send in, we only get fifty-seven
33. percent of it back. And by the same token, the Federal

1. Government doesn't spend one dime to maintain these
2. limited access highways, that's maintained by the State of
3. Illinois, not Federal funds. If we could get off the kick
4. of continuing to give these greedy highway construction
5. crews, these contracts, and all of them by the way have
6. been faulty. The Department of Transportation now is under
7. seige by the FBI for these sweetheart contracts that's
8. been awarded to these highway builders. The State of
9. Illinois takes care of its own highways. The Federal
10. Government puts in ninety percent to construct them.
11. What the Governor is asking for, more or less on his tax
12. increase is to construct new highways and maintain what
13. we got. We don't need additional highways in Illinois,
14. we need to maintain what we have and that maintenance fee
15. comes right out of the citizens of the State of Illinois
16. and not the Federal Government.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. ...For what purpose does Senator Buzbee arise?
19. SENATOR BUZBEE:
20. Point of parliamentary inquiry, Mr. President.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Is there a rule in our...in our rule book concerning the
23. amount of time a Senator may speak on an issue?
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Yes, Senator, there's a five minute limitation and Senator
26. has gone nearly seven minutes and you've brought it to the
27. Chair's attention. I hope that he would...
28. SENATOR BUZBEE:
29. Thank you, Mr. President, I just wanted to find out.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. ...bring his comments to a close.
32. SENATOR BUZBEE:
33. Thank you.

1. SENATOR CHEW:

2. With respect to the Chair and the Senator from downstate,
3. I've heard him oooga, oooga, oooga around here for ten minutes
4. and nobody said anything. And the nice thing about him, whenever
5. he talks he never says anything. At least I'm making sense.
6. I will adhere to the Chair and I'll close my argument. We
7. shouldn't attempt to fool the public, we shouldn't attempt
8. to fool ourselves. If we mandate Congress to pass that money
9. back to Illinois, Congress will do it because if they don't
10. the people will turn them out of office. And I'm going to
11. support the bill wholeheartedly.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The following Senators have sought recognition from
14. the Chair...Senators Geo-Karis, Mitchler and Gitz. Senator
15. Geo-Karis.

16. SENATOR GEO-KARIS:

17. Mr. President and Ladies and Gentlemen of the Senate.
18. I'm the cosponsor of this bill and I drive two hundred and
19. forty-three miles from northeastern Illinois to Springfield
20. from my home to the Capitol. I can tell you I was in the
21. House when the 55 miles per hour bill limit...speed limit
22. bill came before the House and three of the most articulate
23. spokesmen, who spoke for the bill for 55 miles per hour,
24. were the very three who passed me going ninety miles an
25. hour right after the bill was passed going home. Now if
26. that isn't sheer hypocrisy, I don't know what else is.
27. And I think we better face the music. If the Federal
28. Government is going to threaten to take our money away, we...by...the
29. legislative fiat can say, we don't have to pay taxes to
30. the Federal Government. Number two, we are fortieth on
31. the receiving line in...in monies from the Federal Govern-
32. ment and we pay the third highest amount of taxes to the
33. Federal Government. We have nine military installations

1. and they're threatening to close Fort Sheridan and parts
2. of Great Lakes. Georgia has got fourteen of them. Let them
3. do something else with...with their ideas. We put Congress-
4. men in Congress and Senators in the U. S. Senate to support
5. and protect our State and I think it's incumbent upon them
6. to protect us. You and I know, we don't go no 55 miles
7. an hour, but I'm happy to tell you, I'm completely honest
8. because I never supported that miserable bill to begin with.
9. Number two, you're air conditioning spends an awful lot of
10. your gasoline, I know, I've tried it in my car and Senator
11. Knuppel is absolutely right. I suggest that we go ahead
12. and give a message to Congress that if they wish to threaten
13. us with cutting off funds, we can do the same and I support
14. the bill wholeheartedly because it's the honest thing to do.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Mitchler.

17. SENATOR MITCHLER:

18. Very briefly, Mr. President and members of the Senate.
19. I just want to point out that this threat of withholding
20. our Federal Highway Funds is something that should not make
21. us cringe and not vote laws that we think are the best for
22. the people. They in Washington are very distant from the
23. people. You and I have said that amongst ourselves time
24. and time again. I might point out that on the Motorcycle
25. Helmet Law, all states but three put on a mandatory Motor-
26. cycle Helmet Law. Those states were California, Utah and
27. Illinois. And finally, it was during the President Ford
28. administration that Congress took away the rule and regulation
29. power, the U. S. Department of Transportation to threaten
30. to withhold Federal Highway Funds if there wasn't a man-
31. datory Motorcycle Helmet Law enacted in each of the states,
32. and President Ford signed that legislation. Since that time
33. twenty-six states have repealed their mandatory Motorcycle
34. Helmet Law. Now I'm not arguing about the good that a helmet

1. does on a motorcycle operator. I'm for it, anybody that rides
2. a motorcycle that doesn't use it is goofy, but if they don't
3. want it and they want to be goofy, that's their business. And
4. on that theory the states have thought of what the people want
5. to do. Now, the people don't want to drive 55 miles an
6. hour, they don't believe that it saves the energy to the
7. point where it's going to resolve the energy problem and
8. they want this law that we're passing here to go through.
9. Whether the Governor signs it or not, that's...that's not
10. the worry of this Body, that's the Executive Branch. And
11. I think that, Senator Berning, you have a good bill. It's
12. ...it's going ahead. I have a Senate resolution that's in
13. the Executive Committee that calls upon Congress to allow
14. the states to set their own speed limits on the interstates
15. and the primary highways in the State and I think that's
16. what Senator Maragos alluded to. Now I don't know, if
17. someone can answer a question that I don't have the answer
18. to before we vote on this. Is this a law by Congress that
19. mandates the Federal 55...mile an hour speed limit or is
20. it a rule and regulation by the U. S. Department of Trans-
21. portation, maybe Senator Chew could answer that. Do you
22. know, Senator Chew, is this a law by Congress mandating
23. the 55 mile an hour speed limit or is this one of those
24. rules and regulations out of the U. S. DOT?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Well, the...the sponsor is Senator Berning, perhaps
27. Senator Berning could edify.

28. SENATOR BERNING:

29. I can't respond, Mr. President, I'll yield to Senator
30. Chew, if I may.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Chew.

33. SENATOR CHEW:

1. It gets back to my first statement, Senator. Nixon,
2. disposed President, raffraffed Congress into passing an...
3. law which they can repeal.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Gitz.

6. SENATOR GITZ:

7. Mr. President, I'm not an individual as a member of
8. this Body that frequently rises to speak on issues. I
9. believe that most of us can make up our minds on this
10. issue. However, in answer to the Senator's question, it
11. is United States Commercial Code, U. S. Code Section 154
12. and 141. Now, some time ago, just months ago, the Congress
13. authorized Federal Funds for the Rockford to Decatur Express-
14. way and for the Peoria to Quincy Expressway. People worked
15. for years to generate some of these funds for long overdue
16. road improvements. More to the point, frequently we receive
17. as much as three Federal dollars for every State dollar.
18. When you consider that the Illinois Road Fund is a negative
19. four million dollars before we even start, there are some
20. very severe questions. What this debate really boils down
21. to is a question of roulette. Whether you believe that
22. the Federal Government will withhold funds or whether we
23. will have enough swat with our twenty-four Congressmen
24. to suddenly change the laws overnight, in the face of
25. many other political considerations at the national level.
26. I realize that virtually no one drives 65 miles an hour.
27. I would venture to say that most of the members of this
28. Body don't drive 65 miles an hour. But how many of us
29. want to go back to our own road districts and explain
30. that we played roulette with Federal Money in a long over-
31. due road repair system. To me that is inconceiveable and it's irres-
32. ponsible. And basically the only net effect that's going
33. to come out of this is for the State Senate to become the

1. whipping boy of the Governor when he Vetoes this bill. I
2. would submit that we'd be far better off to adopt a resolu-
3. tion on this matter and to reduce the penalties. We could
4. easily reduce the penalties and arrange between fifty-five
5. and sixty-five miles an hour and adhere to the present
6. system, which means that it's not enforced rather than
7. to jeopardize very greatly needed Federal funds. Consequently
8. I feel that I will have no course but to vote No, even though
9. I'd very much like to vote Yes.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Schaffer.

12. SENATOR SCHAFFER:

13. Mr. President, I rise in opposition to this bill and
14. not because I feel intimidated by the Federal Government.
15. That's probably the best emotional appeal you can make
16. to a member of this Body or perhaps any State Legislative
17. Body. We're all tired of being pushed around. But let's
18. face facts, we are in the middle of an energy crisis and
19. you ask how do we save gasoline and fuel, when everybody is
20. violating the law. Well, first of all, I'm not sure that
21. everybody is violating the law. I drive back and forth on
22. 55 I suspect as much as anybody and I've noted a couple of
23. things. One, that when the law is enforced, when I do see
24. a State Trooper every now and then, it is 55 miles an hour.
25. And two, before we enacted the law and the law was 65, the
26. same people that were speeding, or speeding now, were driving
27. seventy-five or eighty miles an hour and at least we don't
28. see as much of that. And that reduction, that rather
29. dramatic reduction, from the people who were driving 80,
30. 75, 80 miles an hour has contributed to one other factor
31. which I don't think has been mentioned here and it ought
32. to be, the 55 mile an hour limit has saved lives, it saved
33. a lot of lives. And you know, the Arabs can take their

1. oil and we can fork out the money to pay for it, but you
2. can't buy a life, you can't buy a person back after they've
3. been killed because they were driving down the road at a
4. very high rate of speed. I understand the frustrations
5. that bring a bill like this to the Senate. I am forced
6. to comment that I did a poll in my district, got a very
7. large response and almost sixty percent of the people
8. favored the retention of the 55 mile an hour limit. I
9. think the people of Illinois understand the need and
10. I think that way down deep, they've said maybe we aren't
11. in such a big hurry that we can't drive a little slower
12. and save a few lives and maybe help the national economy
13. and our own pocket books at the same time. I understand
14. the frustrations, but I think this bill should be defeated.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Netsch.

17. SENATOR NETSCH:

18. Thank you. Senator Schaffer, thank you, you finally
19. made the point that makes the most sense, I'm glad it
20. finally happened before the debate was ended. The only
21. kind of roulette that we ought to be concerned about
22. is that that involves human lives. There is lots of
23. evidence that the 55 mile limit has helped to save human
24. lives. That is the only thing that ought to count.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Davidson.

27. SENATOR DAVIDSON:

28. Yes, Mr. Chairman, Mr. President, Senator Gitz and
29. Senator Schaffer touched on most of the points I want
30. to make. I just want to touch on two. One is, not only
31. that there has been a reduction in the fatalities, but there's
32. been a dramatic reduction in the amount of permanent injury
33. by the reduction of the speed in the force doing a head-on

1. collision. I only got on other thing to say, Senator Chew,
2. that happened to be a Democratic dominated Congress by a
3. two-thirds majority vote that passed that 55 mile an hour
4. speed limit.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Rock.

7. SENATOR ROCK:

8. Thank you, Mr. President and Ladies and Gentlemen of
9. the Senate. In a lighter vein I hope we will all take this
10. as living proof that this Chamber should never be covered
11. by television. We seem to expend an awful lot more energy
12. than we should on a bill such as this, when the cameras
13. are rolling. The Governor of this State has proposed really
14. two highway programs, one in the budget book at...at a three
15. hundred plus million dollar level and one in a special
16. message at an eight hundred plus million dollar level. I
17. agree with Senators Netsch and Schaffer, the life saving
18. aspects should certainly be considered, but let's consider
19. for a moment just the money. The loss of Federal money, I
20. suggest to you is not a threat, it is in fact a reality.
21. And even the bill as amended, which limits its purview
22. to just those four lane expressways, does not bring this
23. bill in any way into compliance with or avoidance of the
24. Federal law. As Senator Gitz rightly pointed out, in the
25. United States Code there is a provision which stipulates
26. that the United States Secretary of Transportation shall
27. not approve any construction project in any State which
28. has a maximum speed limit on any, and I underline any
29. public highway within its jurisdiction in excess of 55
30. miles per hour. This afternoon at 4:00 o'clock the
31. Transportation Study Commission, after lengthy public
32. hearings, is going to unveil its recommendation for a
33. road program. The Governor has unveiled his, Senator

1. Gitz has unveiled his, we have a...a multitude of road
2. programs, all of which involve substantial Federal dollars.
3. My suggestion to you, Ladies and Gentlemen of the Senate,
4. is that we do not in any way jeopardize that road program
5. and I urge rejection of Senate Bill 149.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Berning may close.

8. SENATOR BERNING:

9. Well, thank you, Mr. President, and I realize that most
10. everything has been said, but there are a couple of points
11. that I would like to respond to. Namely, Senator Davidson,
12. there's no head-on collision on an expressway with a dividing
13. strip between it which is unpaved, so that that is not the
14. case. But apropos of that, let me point out to you the infor-
15. mation that was furnished to me by the Department of Trans-
16. portation as a result of SJR 55 last year. In 1922 the
17. fatality rate was 25.5 per hundred million vehicle miles,
18. 25.5 in 1922. In 1977 in spite of a vast increase in the
19. numbers of automobiles, numbers of miles driven, the death
20. rate was down to 3.2, 3.2 as compared to 25.5, in spite of
21. perhaps hundreds of times more miles and more automobiles.
22. What I am saying then also is that with the wide spread
23. noncompliance with that 55 mile an hour mandate, no one can
24. truthfully say that we are saving lives or saving gasoline.
25. And I guess what we get down to, Mr. President, is my
26. observation that Congress takes away our dollars then condesend-
27. ingly offers to give some back if we bow and scrape properly.
28. I say to the members of the Senate, let's stand up and vote
29. this bill out. Let the Congress and the citizens of Illinois
30. know that we are dissatisfied with a statute that is wrong
31. and it would be wrong by deviousness to validate the 65
32. mile an hour limit by eliminating penalties. That is
33. grossly indefensible.

H.B. 186
3-28-79
3rd Reading

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The question is shall Senate Bill 149 pass. Those in
3. favor vote Aye. Those opposed vote Nay. The voting is
4. open. Have all voted who wish? Have all voted who wish?
5. Take the record. On that question the Ayes are 8, the
6. Nays are 47, none Voting Present. Senate Bill 149 having
7. failed to receive the constitutional majority is declared
8. lost. Senator Rock, for your information, Senator, since
9. we turned on the camera's, we had twenty-two speakers
10. spoke on Senator's Grothberg and Senator Berning's two
11. bills. Senator Rhoads, on Senate Bill 151, did you wish
12. to call that amendment today? Leave to go to the Order
13. of House Bills 3rd reading? Leave is granted. House
14. Bills 3rd reading. Read...Senate Bill 1...House Bill 186.
15. Read the bill, Mr. Secretary.

16. SECRETARY:

17. House Bill 186.

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Regner.

22. SENATOR REGNER:

23. Mr. President and members of the Senate. This is a
24. bill that we've discussed several times since last November
25. when it was first introduced in the Special Session and
26. again in January when the Senate passed a similar bill over
27. to the House. Appropriates 5.1 million dollars for the work
28. on child abuse cases to hire more case workers and for grants
29. to resolve the proplem. This came back as a House Bill and
30. which is slightly different from the one that we passed
31. twice already. And it also provides for the transfer within
32. line items of another nine hundred and thirty-five thousand
33. dollars. I don't think there's any more discussion that's
34. necessary on it...as I said it has been discussed and has already

1. been passed out of the Senate twice and I would urge a
2. favorable roll call.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Is there discussion? Senator Buzbee.

5. SENATOR BUZBEE:

6. Thank you, Mr. President, I would like for you to take
7. note that the cameras are not rolling. We have had this
8. bill in front of us ad infinitum. We had it last fall,
9. we have had it in another bill and in a Senate Bill this
10. winter and now we have it once again. The bill is not in
11. the form that I think it should be in, not at all. However,
12. I've been prevailed upon to not attempt a couple of amendments
13. that I wanted to attempt in which I believed that the chief
14. sponsor, the chief Senate sponsor was in...in an agreement
15. with my amendment attempts. But I have been asked by the
16. President of the Senate to not try those amendments and so
17. I am not going to try them. But I am serving notice today,
18. Mr. President and members of the Senate. that this is the
19. last time that a House member dictates to the Senate what
20. is going to be coming out of Appropriation Bills. One
21. House member got upset about the way the bill was written
22. originally and insisted that the bill be written in that
23. House member's language. I don't approve of the way that
24. it's done. I think it's foolish, but the fact of the matter
25. is that most of this money will be lapsed anyhow, that we
26. already have the director's...we have his word on that that
27. he's going to lapse most of this money. There's no question
28. but what the...the employees are needed to be able to address
29. the overload problem of the case workers in child abuse cases.
30. So I'm going along today with this bill in its present form
31. because the director is an honorable man, but this is the
32. last time that the House is going to dictate to the Senate
33. what we do.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion, I have Senators Rhoads, Mitchler
3. and Carroll. And Senator Johns. All right, Senator Rhoads.

4. SENATOR RHOADS:

5. Thank you, Mr. President and members of the Senate. I
6. couldn't be any more opposed to this bill than any bill that
7. has ever come before the General Assembly. The director
8. testified in our committee that he could not possibly use
9. 5.1 million dollars between now and June 30th. Bear in mind
10. this is an FY'79 supplemental appropriation. When I asked
11. the director if he would accept...an amendment on the Floor
12. lowering this to the 2.9 million, which he estimates he
13. can use between now and June 30th, he said no. And I asked
14. him, why not director, and he said, well that would affect
15. our basis for next year's budget, next year's appropriation.
16. He admitted to our committee that he was going to pad his
17. budget request, using this supplemental appropriation as
18. the basis to do it for...for next year's budget. Now we
19. know the facts of life are that many directors do that,
20. but for a director to admit publicly to a...committee of
21. this General Assembly that that is precisely what he is
22. doing, is absolutely absurd. Are we going to allow a
23. director to tell us that he can only use 2.9 million dollars
24. between now and June 30th and we're going to vote him out
25. 5.1? Ladies and Gentlemen of the Senate, the Executive
26. Branch is taking us for fools on this bill. We should not
27. permit it. We must not permit it. Senator Buzbee, I'm
28. awfully sorry that you're not proposing those amendments.
29. You say the President of the Senate prevailed upon you not
30. to, you're making a big mistake not to put on those amendments.
31. The director is on record, he cannot use this much money.
32. A maximum of 2.9 million between now and June 30th, what in
33. the world does he take us for. The only responsible vote on

1. this bill at the 5.1 million level is a No vote. If he comes
2. back at a 2.9 million dollar amendment, fine, let's vote it
3. out, but for heaven's sake, let's not let these games start
4. so early in the Session. We've got to put the Governor on
5. notice, right now, that we're not going to be voting out
6. this kind of an increase simply to pad, by the director's
7. own admission, pad his budget for next year.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Mitchler.

10. SENATOR MITCHLER:

11. Thank you, Mr. President, members of the Senate. The
12. sponsor of House Bill 186 in the Senate did not explain
13. what the bill does. I assume that all of you think that
14. this is a bill to provide additional caseworkers for the
15. Department of Children and Family Services to meet the
16. problems of the increased child abuse cases. In part, that
17. is what the bill may do, but let's get a little history
18. on what we have before us. Let's go back to, and I have
19. my files right here, so I can follow this bill rather
20. extensively. You go back to Senate Bill...1884 of last
21. fall. It was put in to satisfy a campaign pledge of the
22. Governor to get to these child abuse cases. That bill
23. passed this House, but it did not pass the other Body.
24. And the reason was because the 5.1 million dollars asked
25. for at that time was a camouflage for the Department of
26. Children and Family Services to hire people for jobs
27. other than child abuse, and to pay...contract these...these
28. wages that were increased under the Collective Bargaining
29. Agreement between AFSCME and the Governor's Office.
30. Now, we came back with Senate Bill 16, that came out of
31. committee this year. The Appropriations Committee by a
32. vote of 3 to nothing. I don't know of any bills that
33. come out of the Appropriations Committee 3 to nothing,

1. it did, it was greased. And it passed this Body 48 to 3
2. with 4 Voting Present. You thought you were voting 5.1
3. million dollars, as that bill said, for child abuse case-
4. worker increase to three hundred...between now and June 30.
5. The bill is dead over there in the House because they
6. know what it does. Now, you're looking at House Bill 186
7. that was introduced by Senator...Representative Chapman.
8. And the Republicans over there tried to put an...an amend-
9. ment on that bill that would give carte blanche 5. million,
10. one million dollars to the Department of Children and
11. Family Services to use as they saw fit, to hire people other
12. than for child abuse. To pay those increase in wages that they
13. were supposed to take out through attrition in their depart-
14. ment by reducing the number of employees as other departments
15. did. Now, finally, the next day and bygolly, they couldn't
16. take that amendment on that bill and...Representative Chapman
17. beat them. Then there was a compromise, and it had to come
18. out in the newspaper. Here, March 9th, 1979, and it told
19. exactly what that bill now is, what you have here, that wasn't
20. explained by the sponsor. A hundred of these child abuse
21. case employees have already been hired, before we have even
22. passed the bill and it's to satisfy collective bargaining
23. agreement entered into with AFSCME and the Governor's Office
24. and forced to be approved to pay the second salary hikes
25. that were not available from existing funds, that's what
26. this is all about. It has nothing to do with child abuse.
27. And I want to reiterate what Senator Rhoads said, I called
28. the Director of the Department of Children and Family
29. Services to come to my office and he did. And he sat in
30. my office and I said, to this new director, and I'm not
31. casting any aspirations on him because he's new, but I
32. asked him how can you possibly...spend...
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator...

2. SENATOR MITCHLER:

3. ...5.1 million dollars...

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. ...you conclude your remarks.

6. SENATOR MITCHLER:

7. ...between now and June 30 and his legal advisor or

8. his Legislative advisor, Terry Scroggins, sitting there

9. said, we can't possibly do it, but we want to have that

10. amount in the budget so it won't look like when we come

11. in for nine million next year, we've have such a great

12. increase. Now, I want to point out to you as a member

13. of the Legislative Audit Commission, then I'll conclude,

14. Mr. President. I'm...have in here in front of me, the

15. Legislative Audit Compliance Report of the Department

16. of Children and Family Services for the twenty-one months

17. ended March 31, 1978, and I'm going to read you the first

18. couple of sentences. In the two years ended June 30, 1978,

19. over thirty million dollars of Federal funds were not

20. received by the department because of...poor record keeping

21. practices. Failure to bill for certain reimbursement funds

22. and inadequate efforts to seek all available funds and I could

23. go on and on. The department is in a shambles, and you're

24. going to give them 5.1 million dollars to blow away between

25. now and June 30, think again, Gentlemen and Ladies of the

26. Senate. This is the worst bill to ever come before this

27. Senate and I'm surprised that it has the support of the

28. administration.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. ...Further discussion? Senator Carroll.

31. SENATOR CARROLL:

32. Thank you, Mr. President and Ladies and Gentlemen of

33. the Senate. I think you find a strange amalgam of people

1. on all sides of this issue today. I am deeply hurt that
2. this bill was not amended. We were told yesterday that
3. the bill would be brought back today for amendment, the
4. parent sponsor of the amendment was prevailed upon for
5. reasons of their own not to offer this amendment. I'm
6. very disappointed. This is money that is not needed.
7. I understand the plight of the new director, but I think
8. the only thing good about this department of late has
9. been the services they've been taking away from them
10. and giving to other departments, such as Voch Rehab,
11. so that maybe the people of Illinois can be served in
12. the areas of need. The former director testified before
13. one of Senator Daley's committee and gave us shocking
14. statistics about how few of their current employees
15. were working on abuse and neglect cases. How few, how
16. the vast majority of their workload, I don't remember
17. the figures exactly, but they were something like seventy-
18. five, eighty percent of their workload of their department
19. was abuse and neglect. Yet less than thirty-five percent
20. of their employees currently were involved in that activity.
21. That's a shame, that is something that we cannot tolerate.
22. This has become nothing more in my opinion than a campaign
23. issue. Throw five million against the wall and see how
24. much of it sticks, that's ridiculous, that is a waste of
25. the taxpayer's money and it is worse than that, it is a
26. sham on the entire proceedings. If this is money that is
27. not needed and admittedly by the department, cannot be
28. spent, why are we throwing it at them, so that they can
29. go back to the public and say, see, now we've got five
30. million. The only thing that makes sense in that is that
31. it doubles their shame when they don't perform the work.
32. If they don't perform it at five million, then what's
33. going to be their excuse. That's the only logic I can

1. see, that maybe those of us who are very concerned with
2. the way they've been working, could in any way support
3. this, by saying we've thrown everything at you you're asked
4. and you're still not doing the job. I really don't think
5. that's the way to go though. If we are going to be
6. responsible, we must look to them and see that they do
7. their job, do it within the monies necessary to deal
8. with...abuse and neglect, but not throw it away. And
9. not clearly do just a press release. Two million dollars,
10. a two million dollar press release that cannot in any
11. way be spent. I think this is absolutely ridiculous
12. and this bill should not pass at this time in this
13. form.

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End of Reel #2

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Johns.

3. SENATOR JOHNS:

4. Well, Mr. President and colleagues, when this first came
5. up the last time, I voted against it. I still think it stinks.
6. 2.9 million is all they really need. Senator Rhoads, I'm
7. proud of you. I wonder why Buzbee and Carroll as giants in
8. the appropriations chairmanships, have to bend against their
9. wishes to permit this to happen. The Department of Public
10. Aid...the Department of Public Aid, now, mind you, has a policy
11. of taking a family...hey, Graham, I owe you the white handkerchief
12. a while ago on that Corrections issue on the injection, but I'll
13. go on. The Department of Public Aid, if you know the policy of
14. taking a family, they consider a family as one caseload. Now,
15. mind you, now think of this, if the Department of Children and
16. Family Services takes on a family with four children, they call
17. that four caseloads. They go to the same premises, they do the
18. same work, but they tell you they got all this high caseload.
19. Four when the Department of Public Aid has one. Something is
20. wrong in our permissiveness about this particular agency.
21. Our efforts against past performance of this agency, the loss
22. of thirty million dollars in Federal funds and now we're
23. digging into the poor people of Illinois taxpayers pockets to
24. fund this agency. What's wrong with us? Where's our backbone,
25. where's our initiative to ask questions? This bill ought to be
26. held. It should not be called and permitted to be passed today.
27. You should not vote for it today. You should ask more questions,
28. get more answers. Get the respect that's due this Body.
29. The Legislative Audit Commission, of which I am a member
30. with others, Mitchler and others, we've watched the transgression
31. of the records come through and repeatedly after time, after time,
32. shows us gross inefficiency. And yet we're going to feed this
33. thing. We...the tide of pity that we feel here for Children and
Family Services is not going to do this agency any good. There are

1. thousands of children lost, ask any child agency, about this
2. department. Kids are lost. On the records, there's no follow-
3. up in the foster homes. Ladies and Gentlemen of the Senate,
4. we're wrong in permitting this bill to go and I think to further
5. feed this faltering agency is pure folly. Thank you, Mr.
6. Chairman.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Knuppel.

9. SENATOR KNUPPEL:

10. Well, I'm...I'm happy today to hear a lot of other people
11. speaking out on this. You will recall I made an impassioned plea
12. when it was before this Body before about this and...and the fact
13. that there were people who feel that because you have a title such
14. as child abuse, that you can hide behind the facts of the budget
15. by voting for a bill that supposedly provides money against
16. child abuse. Now, I expect to introduce a bill which will provide
17. that forty percent of those people assigned by Children and
18. Family Services, the child abuse cases, be available on weekends
19. because that's when ninety percent of the child...of...of the child
20. abuse occurs. And then these people could take their weekends some
21. other time. They could take them on Wednesdays and Thursdays.
22. I'll tell you, we had a case down in Cass County the coroner
23. told me about. Some fellow had had mental problems. He lived
24. out there on the Chandlerville - Beardstown blacktop. He called in to
25. Children and Family Services or whatever department it was that
26. was handling it at that time and said that he was having some problems
27. and he said take a couple of aspirin and come in on Monday.
28. Monday, the whole family was deceased. I've had problems and occasions
29. when I've had children that were under the Department of
30. Children and Family Services up in Mason County and you couldn't
31. find this caseworker when it came Sunday. You called her home, you
32. called her apartment. She was gone. And I still say, as I said
33. then, these people are young people that...if they hire them,

1. who have no experience, who have never raised children of their
2. own, who...who are concerned more with their weekends with their
3. boyfriends, then they are about the children and you can't find
4. them. So, if this bill passes, Gentlemen, I hope that, at least,
5. you will support me in the legislation that I will present
6. that at least forty percent of the staff will be available on
7. Saturdays and Sundays and they can take their weekend...they
8. can take some of their weekends...but there's a lot of others of
9. us who work on weekends for one cause or another. We work here in
10. June, other times when we're needed on Special Sessions. I think that
11. would be a very therapeutic thing to have...have Children and
12. Family Services child abuse technicians available on weekends.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Daley.

15. SENATOR DALEY:

16. Mr. President and fellow Senators. As Senator Carroll stated
17. earlier, the Senate Judiciary Committee had a number of hearings
18. in regards to Department of Children and Family Services. In
19. November, at that time...next few weeks, he...the Governor did
20. appoint a new director, reviewed many of the problems of the
21. department. I firmly believe it was through the...through some of the
22. personalities over in the House that...that this appropriation
23. bill got quite involved in regards to collective bargaining and
24. other reasons unknown to us, but I firmly believe that the new
25. director, I think, we should give him the benefit of the doubt,
26. I think he's sincere. I think he's willing to do the job. He has
27. already reorganized the department in setting aside a Child
28. Abuse and Neglect Section in the department. I think
29. we should pass this bill and we should review his accountability
30. in the next few months and I think we should work with them
31. and we have April, May and June to see what he can do in the department
32. and again, we have another time to review his budget through the
33. appropriation process and I think this bill is...is sincere and I think

1. the...the new director is ready, willing and able to solve the
2. problem dealing with child abuse and neglect in Illinois.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Buzbee.

5. SENATOR BUZBEE:

6. Mr. President, I sincerely apologize for speaking a second time.
7. I'll be very brief. This money is needed, not all of it. We all
8. know that very well. The director, Director Coler, has recently
9. come on board. I quite frankly, am very much impressed with the
10. man. I think he is probably one of the Governor's better appointments
11. as far as a director is concerned. He was extremely honest with
12. us in committee and told us he could not spend all of the money.
13. Everybody knows that is not possible. We're...some of the people
14. have already been hired. He's made transfers out of other funds
15. within his two percent transfer capability, to hire these people
16. who are direly needed. We are perhaps, not exactly correcting
17. a problem the way it should be corrected, but we are correcting
18. the problem. We have to get this bill out of here. Most of the
19. money will be lapsed, 2.9 million of it at least, will be lapsed.
20. We will be hearing their FY '80 budget request very shortly and
21. at that time, we can take other steps, if we find it necessary,
22. as Senator Daley said, in a few months we will be able to see
23. exactly what the new director's track record is. I think we ought
24. to give the man a chance and I think we ought to get this bill
25. out of here today.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Rock.

28. SENATOR ROCK:

29. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
30. We've heard almost too much discussion on this most vital
31. issue. Senator Daley rightly pointed out that Judiciary Committee
32. of this Senate held some hearings last year and the Governor's
33. response, frankly, was as all too typical, to throw more money at
the problem, and so we introduced a bill last November, to provide

1. 5.4 million dollars. It again got snafued in the House and
2. on January 11th of this year, a bill was introduced, Senate Bill
3. 16, by Senators Regner and Buzbee, calling for that appropriation
4. so that the department could adequately cope, or hopefully
5. adequately cope with the question of child abuse. That bill
6. passed out of here on February the 7th with 42 affirmative votes
7. and 3 negative votes. It is now March 28th and frankly, the reason
8. I prevailed upon Senator Buzbee and Senator Regner not to amend this
9. bill, was so that we could get it to the Governor's desk. The FY '80
10. appropriation will be before this same committee. They know this is
11. an inflated base, but we have to afford the department
12. the tools and in this instance, the tools are money. They have to
13. hire more caseworkers and lest we caught in a fit of pique
14. between personalities between the two Houses, let me suggest
15. to you that further delay is unconscionable and we ought to vote
16. Aye. Now.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Regner may close the debate.

19. SENATOR REGNER:

20. Mr. President and members of the Senate, several things were
21. said during debate on this, many of which I agreed upon. The
22. main animosity to this department seems to be its past history.
23. We have a new director, I've talked to him. Senator Daley has
24. mentioned he's talked to him, Senator Rock has. Many others.
25. Frankly, I'm quite impressed with Director Coler and I think he's
26. going to do the job, turn this department around, which I want to
27. see done and if it's not done, I'll have a different attitude
28. when their regular appropriation comes in. But I'll tell you why
29. we want to send the bill to the Governor in the form it's in right
30. now. It's because of the action in the House, when the Senate bill
31. went over there and then on this one in particulatr. Quite frankly,
32. I don't trust what the House will do with it this time. They
33. involve collective bargaining in it, they involve ERA in it and
several other things. None of these of which would be involved with an

1. appropriation. I have the assurance of the Governor's Office
2. that he will put the 2.1 million dollars in reserve or line item
3. reduce it. There is no doubt in my mind that that extra money will
4. be spent. 2.9 million will be spent, that's what they need.
5. Let's do the job, let's send it to the Governor, let them line item
6. reduce it, or reserve it, but let's get the money to the department
7. to resolve the problem and not send it back to the House and wait
8. another month to resolve a problem that's been sitting there for
9. six months now.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The question is shall House Bill 186 pass. Those in
12. favor vote Aye. Those opposed vote Nay. The voting is open.
13. Have all voted who wish? Have all voted who wish?
14. Take the record. On that question the Ayes are 36, the Nays are
15. 20, 1 Voting Present. House Bill 186 having received a constitutional
16. majority is declared passed. Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President. I know we are shortly going to break
19. for committees, but prior to anybody leaving the Floor, I have
20. spoken with the Minority Leader and it seems in everybody's best
21. interest that we will set the Session for 11:00 o'clock tomorrow
22. morning. Committees meet at 9:00, if they will try to conclude
23. their business, we should have a short...relatively short Session
24. tomorrow so that we can all be on our way about our business.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. For what purpose does Senator Chew arise?

27. SENATOR CHEW:

28. Would it be time to announce...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Well,...for what purpose does Senator Rock arise? One minute,
31. Senator Chew. Senator Rock.

32. SENATOR ROCK:

33. Yes, I'm sorry, Senator Chew. Well, one other thing. When...
in the schedule which we passed out at the beginning of the Session,

1. it was suggested and frankly, it is a suggestion, but one that I hope
2. we adhere to, that if, in fact, you have any legislative
3. proposals or any legislative requests, that they be...be delivered
4. to the Reference Bureau at the close of...by the close of
5. business tomorrow. The Bureau, frankly, is swamped and anything
6. that goes in after tomorrow, we just will not be in a position to
7. guarantee its introduction or its arrival on the Floor and introduction
8. prior to the deadline date which is April the 11th. So, please,
9. if you have some requests, get them down to the Bureau today,
10. no later than tomorrow at the close of business.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. We...now, we are ready to have announcements. We will adjourn
13. shortly until 11:00 o'clock tomorrow. We will take introduction
14. of bills, but we can probably...the members will not have to
15. stay around for a relatively lengthy introduction. Announcements.
16. Senator Chew was first.

17. SENATOR CHEW:

18. Mr. President, the Committee on Transportation will meet in
19. A-1 in the Stratton Building, was scheduled for 3:00 o'clock. If it's
20. the wishes of the members, we could meet immediately after adjournment.
21. It's a very brief meeting and it will not require lengthy...
22. time.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator, is it immediately following session?

25. SENATOR CHEW:

26. I would prefer it that way.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Well, you're the Chairman.

29. SENATOR CHEW:

30. The meeting will be held immediately after following Session
31. at A-1 in the Stratton Building, the Committee on Transportation.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Vadalabene.

1. SENATOR VADALABENE:

2. Yes, Mr. President and members of the Senate. The Committee
3. on Executive and Appointments will meet in Room 212 tomorrow
4. morning, promptly, at 9:00 o'clock.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further announcements? Senator Nimrod.

7. SENATOR NIMROD:

8. Yes, Mr. President, as a matter of information,
9. I might suggest that the Double A champs, if you're wondering
10. where they came from, they're from the 4th District, that's the
11. Park Ridge team from Mainⁿ South. If any of you are interested,
12. I have invited them to come down next week. I think they will be
13. at the House and be in the Senate both. They're off...there's
14. Spring vacation this week, but they have been invited for next week.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Newhouse.

17. SENATOR NEWHOUSE:

18. All members of the Committee on Higher Education and any other
19. interested parties, the House Committee on State Government
20. Organization is going to meet tomorrow morning at 9:00 o'clock to
21. hear some comments on higher education reorganization in Chicago.
22. So, any...any...any on the Floor who are interested, might wish
23. to attend that. I don't...Doug Kane brought this over and I don't
24. have the place, but at least you know that it is going to
25. happen and I'm sure we can find the place from Representative Kane.
26. Thank you, Mr. President.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Buzbee...Senator Buzbee.

29. SENATOR BUZBEE:

30. Thank you, Mr. President. The Senate Appropriations II Committee
31. will meet at 3:00 o'clock as scheduled in Room 212.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Donnewald.

SENATOR BUZBEE:

1. Ought to be a rather quick meeting.

2. SENATOR DONNEWALD:

3. Senate Bill 416 was inadvertently assigned to Higher Ed.

4. It should have been assigned to Lower Ed and I'd ask leave that it

5. be rereferred.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The motion is to discharge the Committee on Higher Education

8. from further consideration of Senate Bill 416. Is there leave?

9. Leave is granted. It will be referred to the Committee on

10. Elementary and Secondary Education. Is there leave? Leave is

11. granted. Senator Maragos.

12. SENATOR MARAGOS:

13. Mr. President and members of the Senate. Just to announce that

14. Labor and Commerce will meet tomorrow morning sharply at 9:00

15. a.m. in Room 400. There are several bills..were to put a quite

16. a few of them in the subcommittee. However, there are several bills

17. that have to be heard...if you will come promptly, we will be adjourning

18. promptly. Thank you.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Regner.

21. SENATOR REGNER:

22. Mr. President and members of the Senate. I'd like to have leave

23. of the Senate to be included as a cosponsor on Senate Bill 176. I've

24. discussed it with the sponsor, Senator Sangmeister, and it's okay

25. with him.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there leave? Leave is granted. Further announcements?

28. Leave...to go to the Order of Resolutions? Leave is granted.

29. Resolutions.

30. SECRETARY:

31. Senate Joint Resolution 29 offered by Senator Johns.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Executive.

1. SECRETARY:
2. Senate Resolution 86 offered by Senators Wooten and Buzbee.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Executive.
5. SECRETARY:
6. Senate Resolution 86 offered by Senator Sangmeister and Mitchler
7. and it's a...or 87, rather, and it's congratulatory.
8. Senate Resolution 88 offered by Senators Jeremiah Joyce,
9. Daley, Lemke, Savickas and all Senators and it's a death resolution.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Consent Calendar. For what purpose does Senator Geo-Karis
12. arise?
13. SENATOR GEO-KARIS:
14. I've cleared it with the sponsor, Mr. President, I'd like to be
15. added as a cosponsor on Senate Bill 176.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Is there leave? Leave is granted. ...shown as a cosponsor.
18. on Senate Bill 176. Is...is there leave to go to the Order of
19. Introduction of Bills? Leave is granted.
20. SECRETARY:
21. Senate Bill 441 introduced by Senator Lemke.
22. (Secretary reads title of bill)
23. Senate Bill 442 introduced by Senator Egan.
24. (Secretary reads title of bill)
25. Senate Bill 443 introduced by Senators Netsch,
26. Merlo, Newhouse and others.
27. (Secretary reads title of bill)
28. Senate Bill 444 introduced by Geo-Karis, Maragos, Nash
29. and D'Arco.
30. (Secretary reads title of bill)
31. Senate Bill 445 introduced by Senator Lemke.
32. (Secretary reads title of bill)
33. Senate Bill 446 introduced by Senators Netsch, Grotberg and
Berman.

1. (Secretary reads title of bill)
2. Senate Bill 447 introduced by Senators Wooten, Sangmeister,
3. Rhoads and others.
4. (Secretary reads title of bill)
5. Senate Bill 448 introduced by Senator Nimrod and Philip.
6. (Secretary reads title of bill)
7. Senate Bill 449 introduced by Senators Graham, Lemke,
8. Schaffer and Savickas.
9. (Secretary reads title of bill)
10. Senate Bill 450 introduced by Senator Knuppel.
11. (Secretary reads title of bill)
12. Senate Bill 451 introduced by the same sponsor.
13. (Secretary reads title of bill)
14. Senate Bill 452 introduced by Senator Sangmeister.
15. (Secretary reads title of bill)
16. Senate Bill 453 introduced by the same sponsor.
17. (Secretary reads title of bill)
18. Senate Bill 454 introduced by Senators Sangmeister, Wooten,
19. and Jerome Joyce.
20. (Secretary reads title of bill)
21. Senate Bill 455 introduced by Senator Grotberg.
22. (Secretary reads title of bill)
23. Senate Bill 456 introduced by Senators Jerome Joyce,
24. Hall, Berning, Bloom, Schaffer and others.
25. (Secretary reads title of bill)
26. Senate Bill 457 introduced by Senator Netsch.
27. (Secretary reads title of bill)
28. 1st reading of the bills.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Any further business to come before the Senate?
31. Senator D'Arco moves that the Senate stand adjourned until the hour
32. of 11:00 o'clock tomorrow. Is there discussion? All in favor say
33. Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned
until 11:00 o'clock tomorrow.