

82ND GENERAL ASSEMBLY

REGULAR SESSION

JUNE 11, 1982

PRESIDING OFFICER: (SENATOR BRUCE)

The hour of eleven having arrived, the Senate will come to order. Prayer today will be by Reverend Robert Florence of the Lakeside Christian Church of Springfield. And will our guests in the galleries please rise.

REVEREND ROBERT FLORENCE:

(Prayer given by Reverend Florence)

PRESIDING OFFICER: (SENATOR BRUCE)

Reading of the Journal.

SECRETARY:

Monday, May the 24th; Tuesday, May the 25th; Wednesday, May the 26th.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Mr. President, I move that the Journals just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR BRUCE)

Does anyone have additions or corrections? Motion is that the Journals just listed be adopted. On that motion, all in favor say Aye. Opposed Nay. The Ayes have it. The Journals are adopted. Senator Hall.

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Thursday, May 27th; Tuesday, June 1st; Wednesday, June 2nd; Thursday, June 3rd; Monday, June 7th; Tuesday, June 8th; Wednesday, June 9th and Thursday, June 10th, in the year of 1982 be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Discussion? All in favor say Aye. Opposed Nay. The Ayes have it. Motion prevails. Messages from the House.

SECRETARY:

A Message from the House by Mr. Leone, Clerk.

Mr. President - I am directed to inform the Senate the House of Representatives has concurred with the Senate in the passage of the bill with the following title, to-wit:

Senate Bill 1392 together with House Amendments 1, 4, 6, 7, 9 and 10.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Donnewald arise?

SENATOR DONNEWALD:

...Mr. President, let the record show that Senator Nash is absent because of illness and Senator Johns is on official business.

PRESIDING OFFICER: (SENATOR BRUCE)

The Journal will so indicate. Message from the House.

SECRETARY:

A Message from the House by Mr. Leone, Clerk.

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

House Joint Resolution 93, Senator Bloom is the Senate sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

It's congratulatory. Consent Calendar. Is there leave to add it today? Leave is granted. Committee reports.

SECRETARY:

Senator Demuzio, Chairman of Finance and Credit Regulations reports out the following House Bills: 2276 with the recommendation Do Pass. 2356 with the recommendation Do Pass as Amended.

Senator D'Arco, Chairman of Insurance, Pensions and Licensed Activities Committee reports out House Bill 1423 with the recommendation Do Pass.

Senator Collins, Chairman of Labor and Commerce reports

out House Bill 958 with the recommendation Do Pass.

Senator Netsch, Chairman of Revenue Committee reports out House Bills 2289, 2381, 2417, 2578 with the recommendation Do Pass. House Bills 1244, 1254, 1607, 2285 with the recommendation Do Pass as Amended.

Senator Jerome Joyce, Chairman of Agriculture, Conservation and Energy Committee reports out House Bills 1882 and 2496 with the recommendation Do Pass as Amended.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

A point of order, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR RUPP:

Thank you, Mr. President. I ask that the committee report from the Insurance Committee not be accepted since that committee meeting was not properly called and proper notice was not given. There was a motion some weeks ago by Senator Donnewald waiving of the Six Day Posting of the bills. That was passed, but the waiving of the proper and normal calling of committee meetings was not included in that waiver. Also, at the meeting, the sponsor of the bill was not present...present, and the...at the close of the last properly constituted Insurance Committee meeting the chairman indicated there was no more business and that the meeting was properly closed. This was the last properly called meeting of the Insurance Committee, and I repeat, that the acceptance of this Insurance Committee report is improper since the committee was not legally constituted. And that is according to the rule on page 117 of our little handbook.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

If you..if you'll look at the transcript of the committee meeting, Mr. President, you'll find that the meeting was never adjourned, and I never, in fact, did adjourn and say that the meeting was over, in fact. And if you look at the transcript of the meeting, you'll see that is the fact.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp.

SENATOR RUPP:

I would be pleased to look at that, but in pending that particular opportunity, I would ask that this report be held,...

PRESIDING OFFICER: (SENATOR BRUCE)

Alright,...

SENATOR RUPP:

...and not be accepted.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp, to advise the Chair, were there a majority of the members present at the meeting at which you object to the report? Was there a quorum present?

SENATOR RUPP:

Yesterday?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes.

SENATOR RUPP:

Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

And did anyone make objection at that time to the convening of the meeting.

SENATOR RUPP:

I did.

PRESIDING OFFICER: (SENATOR BRUCE)

And was that objection sustained by the...either the...

SENATOR RUPP:

The Chair did not...I thought that there should be an

opportunity if we were going to consider this bill, that we should consider other bills. That might have not come out to the liking of the sponsor. The sponsor was not present at the meeting yesterday, the chairman handled the bill for him. I don't believe there was any permission given, or granted, or requested. It was just done at that particular time. I would like to ask the sponsor if it is his wish that this bill be handled in this manner. I've not had that expression either.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, would...it would...it would be the ruling of the Chair that in two instances, I believe that the meeting and the committee report is the appropriate. First, in that the Chair was involved in this controversy yesterday and ruled that, in fact, they could properly call a meeting yesterday, and whether that ruling was in error or not, it was not appealed and so stands. And secondly, a majority of the members, in fact, did meet in a duly constituted meeting of the committee...that there was a quorum present and they transacted business. And that's all the Chair can rely on is that...is that, in fact, there was a quorum present. And the Chair had ruled earlier that it was properly called, and so, a properly called meeting in which a quorum was present, that committee report would be adopted. Senator Rupp.

SENATOR HUPP:

Thank you, Mr. President. I do appreciate your...you're a big man when you say that...publically that your ruling was an error, and I appreciate that particular...being able to do that, it's very commendable. Because of that though, I feel that there should be another review or something of that. It was an improper ruling, and here this whole procedure now is based on a ruling, which you yourself who made the rule...made the decision, indicates that it was improper.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, I said the Chair...whether or not he made an improper ruling, but I think in a close reading that the Chair probably did make an improper ruling yesterday and I was in...you know, may have very well been in error in not seeing that particular sentence in the rule. The problem is that time has passed us by. My suggestion from the Chair is that you and Senator D'Arco, chairman of the committee, meet with Senator Egan early Monday and see if this cannot be resolved either by announcing another committee meeting or having the bill discharged or some other procedure that is acceptable to the parties involved. Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President. On a point of order, I believe. Having heard your ruling and realizing this door is probably closing on Senator Rupp's issue, but I heard Senator D'Arco say, "Check the transcript of the committee meeting," and I...I don't know that we have any transcripts of committee meetings, except motions on bills and motions to adjourn, and if we didn't adjourn, then there was something wrong with the meeting too. So, that...there's no electronic transcript, right, Senator D'Arco? I mean, there's no place to look for this information except what the Secretary would make a note of at the end of the process of the bills, am I correct, Senator D'Arco?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator D'Arco.

SENATOR D'ARCO:

Well, I...I think Senator Rupp was taking notes during the meeting. If you review his notes, you'll see we didn't adjourn.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rhoads.

SENATOR RHOADS:

Further inquiry of the Chair, Mr. President. In case any

of the rest of us ever fall into this same predicament that Senator Rupp is now in, there's enough on the record now to indicate a cloud, at the very least, over what happened in this particular committee. Is it...is the Senator within his rights to move that the Senate disapprove the report of the Committee on Insurance and Licensed Activities?

PRESIDING OFFICER: (SENATOR BRUCE)

Just to alert you, there is no cloud. The Chair ruled yesterday that the meeting could be properly called and that ruling stands until overturned by this Body, and it was not, in fact, overturned. Senator Rupp has indicated to the Body as a whole that a quorum was present. Once a quorum is present, the committee can act on bills within...within its domain. The bill, I have determined, was in that committee and was assigned there rightfully by the Assignment...Committee on Assignment of Bills. Therefore, their report, I have also ruled, is appropriate in that the Chair had ruled that they could meet, they did have a quorum, they did act, and their report is properly filed. It is...it is filed before this Body. And that ruling has not been appealed. Senator Rhoads.

SENATOR RHOADS:

In the opinion of the Chair there is no cloud. In the opinion of some of the members on the Floor there is a cloud. But the second part of the question is, is Senator Rupp within his rights, or any other Senator, to move that the Senate disapprove the report of the committee?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, I think the appropriate motion would be that the committee report not be accepted. Senator Rupp.

SENATOR RUPP:

I think the first thing I indicated that I did object and asked that the committee report not be accepted. I so make that in the form of a motion, if that's necessary.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp, if you wish to pursue this matter, the Chair has reviewed the rules and I think the appropriate motion would be that you recommit the bill. The report is here before the Body and the bill is contained within the report. The appropriate motion, if the committee has acted inappropriately, is to recommit the bill to committee or to whatever committee you wish. Senator Rupp.

SENATOR RUPP:

Well, the reason I wanted to...Mr. President, thank you...was to not give any substance or credence to the bill by having it accepted at all, and that's why I wanted to do that right before it was accepted. I think we could possibly...do either way. Not accept it, and that's what my motion is,...

PRESIDING OFFICER: (SENATOR BRUCE)

Why don't we...

SENATOR RUPP:

...or...pardon? Or do as you say, make another motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rupp. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. With the permission of the President, I'll remove the motion to not accept and ask that the bill be recommitted to the Insurance Committee.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Now, Senator Rupp, you wish to put that in writing and vote on that Monday, or do you want to handle that right now?

SENATOR RUPP:

I'd like to handle it right now.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright.

SENATOR RUPP:

Isn't today the last day for this?

PRESIDING OFFICER: (SENATOR BRUCE)

Well, we could recommit bills any day. Alright, the motion is to recommit... (Machine cut-off)... Bill 1423. The motion is debatable. Senator D'Arco.

SENATOR D'ARCO:

Yeah, Mr. President, I rise in opposition to this motion. I feel that we had a fair hearing on this bill and the bill was reported out on a Do Pass motion. The proponents testified, the opponents testified. We heard testimony from Senators on the bill, we've heard testimony from all interested parties. There's no reason to recommit this bill to the Insurance Committee. And it's my understanding that this bill, in order to be recommitted, would take thirty votes, thirty affirmative votes. So, I would ask everyone on our side to oppose this motion because we did, in fact, have a fair hearing.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Hall.

SENATOR HALL:

Well, for the edification of all of us, I was just going to ask, how many votes does it require?

PRESIDING OFFICER: (SENATOR BRUCE)

To recommit a bill will require thirty affirmative votes. Further debate? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I have no quarrel and we have not... gotten into this substance of the bill. I think this is a procedural thing that if this stands the way it is, then we could open up this Floor to a series of these impromptu meetings called at the last minute, and suppose I have a bill that did not get through, or suppose I have a bill in our committee that went through and I objected to it, could I, if I were chairman, call a meeting and have another hearing on

it not having proper notice to those who were at the previous meeting? It seems, and I think the Floor should be reminded, that the sponsor of this bill is not here. He, during our committee meeting, indicated that he wanted this in committee. That was the last thing I have heard from the sponsor of the bill. I ask that no votes...I ask for...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, Senator Rupp was closing. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just a brief comment that, obviously, the Chair was in error, you know it, we all know it, you made a mistake. And you know, when we do these things at the last minute, we really don't give the public a chance to come in and testify on these bills. This is supposed to be a limited Session, budgetary emergency matters only. If this is an emergency matter, I will eat your hat. And what we ought to do is...is put this back in committee where it rightfully belongs.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall House Bill...oh, Senator Rupp.

SENATOR RUPP:

I want to make sure that...I wanted this not to happen but I need a Yes vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Those who support Senator Rupp will vote Aye. Those who support Senator D'Arco will vote No. The question is, shall House Bill 1423 be...recommitted to the Committee on Insurance and Licensed Activity. Those in favor vote Aye. Those opposed vote Nay. The voting is open. (Machine cut-off)...voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 28, and the motion to recommit is lost. Eight. 27 Ayes, 8 Nays. The motion to recommit is lost. Resolutions.

SECRETARY:

Senate Resolution 582 offered by Senator Berning, it's congratulatory.

Senate Resolution 583 offered by Senator Lemke, it's congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to place them on the Resolution Consent Calendar? Leave is granted. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, there seems to be a lull, and I thought I might take this opportunity, because we will be adjourning today, that I have five Flag Day addresses left, and you may be called on when you get back home to make one, so the first five up here will get this last edition of a Flag Day address.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolutions. Message from the House.

SECRETARY:

A Message from the House by Mr. Leone, Clerk.

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

House Joint Resolution 92.

(Secretary reads HJR 92)

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

This is the adjournment resolution, is it not? It calls for us to return when we...at close of business today to return to Springfield at one o'clock on Monday. And the Appropriations Committee will meet then, I'm told, at two o'clock on Monday. So, I would move for the suspension of the rules and the immediate consideration of House Joint

Resolution 92.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock has moved for the suspension of the rules. On the motion, all in favor say Aye. Opposed Nay. The Ayes have it. The rules are suspended. On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. And the...and the resolution is adopted. Now, for the membership's edification, the House joint resolution was in error and they asked us to come back at noon, but we will be back at one o'clock. And we may have a perfunctory at noon, but it will be one o'clock, Monday. Resolutions. Is there leave to go to the Resolution Consent Calendar? Leave is granted. Mr. Secretary, have any of the Senators filed objections to any of the resolutions contained thereon.

SECRETARY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Hearing no objection, Senator Degnan moves to adopt the Resolution Consent Calendar. On the motion to adopt, all in favor say Aye. Opposed Nay. The Ayes have it. The Resolution Consent Calendar is adopted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr....Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege. I'm delighted to introduce to this Assembly today Mrs. Marion Kopsidas, K O P S I D A S, from Washington, D.C. who is observing our Assembly in action, and who is delighted to be with us 'cause her daughter lives in Illinois. And Mrs. Kopsidas is up there in the President's gallery, and I will ask you to welcome her with me.

PRESIDING OFFICER: (SENATOR BRUCE)

Will our guests please rise and be recognized by the Senate. Senator Bloom, for what purpose do you arise?

SENATOR BLOOM:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR BLOOM:

Yes, seated in the President's gallery are two fine ladies from Peoria County, Jean Kosteka and Virginia Trager, who is the widow of our former colleague, Clyde Trager. I wonder if they'd stand and be recognized.

PRESIDING OFFICER: (SENATOR BRUCE)

We have some very special guests with us today. As you know, Premier Boys State has been going on this week in Charleston, and Senator Mitchler has kindly brought them to the Senate Chambers today and they will be here with Senator Vadalabene, who is Chairman of the Senate Veterans' Committee and Senator Demuzio, who went over and spoke, and I believe, had a son that was actively involved in Boys State today and this week. Senator Mitchler, you want to bring your boys up here?

SENATOR DEMUZIO:

(Machine cut-off)...President and Ladies and Gentlemen of the Senate, we...indeed do have some special guests with us today from Boys State. They're over here observing our unusual Friday morning exercises on parliamentary quizzes of both the Chair and the membership. Wasn't too funny. At this time I'd like to...on behalf of the...of the Senate, say thanks to both Senator Rock and also to Senator Philip for allowing some of the members to go over to Boys State to participate in some of the activities. I had the opportunity to go over this week, as did some of the other members, and it's certainly an enjoyable experience, and certainly this group that I spoke with this time, and I'm sure my colleagues in the Senate that had the opportunity to be there agree, are some of the brightest and the most articulate that I have

seen for a long time. We have with us today Senator...former Senator Mitchler, who is the legislative liaison for the Department of Veterans' Affairs and also is serving as a public relation officer for Boys State, to introduce the State officials that have been elected at Premier Boys State. Senator Mitchler.

FORMER SENATOR MITCHLER:

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

(Comments and introductions made by Senator Mitchler)

PREMIER BOYS STATE GOVERNOR JOSEPH M. WEIGAND:

(Comments and presentation made by Premier Boys State Governor Wiegand)

FORMER SENATOR MITCHLER:

Thank you, very much for being attentive to this, and I hope both of you record the acceptance of those T-shirts. Thank you, very much on behalf of Premier Boys State.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cut-off)...Totten, for what purpose do arise?

SENATOR TOTTEN:

Thank you, Mr. President. A point of personal privilege. I think you can be as proud as I am of young Mr. Wiegand from my district. I just wanted to remind the General Assembly that he is the first Governor from my district, there will be others.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock. Any further business? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Before I place the motion to adjourn until one o'clock on Monday, Senator Philip and I, for housekeeping purposes, would like to move that the Senate bills on consideration postponed be recommitted to their respective committees, and then I'd move to adjourn 'til one

o'clock.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion that we recommit those Senate bills on consideration postponed. Is there leave? Leave is granted to clear up our Calendar. Now, the motion is to adjourn until Monday, June the 14th at the hour of one. On the motion to adjourn, all in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned until one o'clock Monday, June the 14th.