

80TH GENERAL ASSEMBLY

REGULAR SESSION

MARCH 10, 1977

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senate will come to order. Will the members and the guests
3. please rise. The prayer will be by Reverend Rudolph S. Shoultz,
4. Union Baptist Church of Springfield, Illinois.

5. REVEREND SHOULTZ:

6. (Prayer by Reverend Shoultz)

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Reading of the Journal. Senator Johns.

9. SENATOR JOHNS:

10. Good morning, Mr. President. I move that reading and
11. approval of the Journal of Wednesday, March the 9th, 1977, be postponed
12. pending arrival of the printed Journal.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. You've heard the motion. Those in favor indicate by saying
15. Aye. Those opposed Nay. The Ayes have it. Motion carried.
16. Committee Reports.

17. SECRETARY:

18. Senator Donnewald, Chairman of Assignment of Bills, assigned
19. the following bills to committee: Agriculture, Conservation,
20. and Energy - Senate Bill 193 and House Bill 20; Appropriations I -
21. Senate Bills 191 and 195 and House Bill 24; Elementary and
22. Secondary Education - Senate Bills 197 and 200; Elections and
23. Reapportionment - Senate Bill 204; Executive - Senate Bills 196,
24. 201 and 205; Insurance and Licensed Activities - Senate Bill 190;
25. Judiciary I - Senate Bill No. 192 and House Bill No. 250; Local
26. Government - Senate Bills No. 189, 198, 199, 202 and 203; Public
27. Health, Welfare and Corrections - Senate Bill No. 194; Transportation -
28. Senate Bill 206.

29. Senator Berman, Chairman of Committee on Elementary and
30. Secondary Education, reports out the following bills: Senate
31. Bill 27 and House Bill 49 with a recommendation Do Pass.

32. Senator Netsch, Chairman of Committee on Judiciary No. II,
33. reports out Senate Bill 73 with the recommendation Do Pass.

1. Senator Joyce, Chairman of the Committee on Local Govern-
2. ment, reports out Senate Bill No. 11 with the recommendation
3. Do Pass as Amended.

4. Senator Wooten, Chairman of Committee on Executive,
5. reports out Senate Bills 61, 72, 95, 96, 97, 98, 101, 102, 104,
6. 106, 107, 108, 110, 114, 115, 116, 117, 118, 120, 121, 140
7. and 144 with the recommendation Do Pass; Senate Resolution 36
8. with the recommendation for adoption; Senate Bill No. 1 with the
9. recommendation Do Pass as Amended.

10. Senator Smith, Chairman of Public Health, Welfare and
11. Correction, reports out Senate Bill 79 with the recommendation
12. Do Pass as Amended, and Senate Bill No. 88 with the recommenda-
13. tion Do Pass.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. A Message from the House.

16. SECRETARY:

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

18. Mr. President - I am directed to inform the Senate
19. that the House of Representatives has passed bills with the
20. following titles in the passage of which I am instructed to ask
21. the concurrence of the Senate, to-wit: House Bill 54, 276 and
22. 317.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Introduction of bills.

25. SECRETARY:

26. Senate Bill No. 207 introduced by Senators Lemke, Daley,
27. Moore and others.

28. (Secretary reads title of bill)

29. 1st reading of the bill.

30. Senate Bill No. 208 introduced by Senators Graham, Berning,
31. Regner and others.

32. (Secretary reads title of bill)

33. 1st reading of the bill.

1. Senate Bill No. 209 introduced by Senators Vadalabene,
2. Hynes, Donnewald, Rock and Soper.
3. (Secretary reads title of bill)
4. 1st reading of the bill.
5. Senate Bill No. 210 introduced by the same sponsors.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. Senate Bill No. 211 introduced by Senators Vadalabene,
9. Hynes, Donnewald and Soper.
10. (Secretary reads title of bill)
11. 1st reading of the bill.
12. Senate Bill No. 212 introduced by Senator Regner.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. If I can have your attention, we'll go to the order of
17. House Bills on 1st reading. If there are House Bills you wish
18. to pick up, please indicate to the Secretary. House Bill 31.
19. House Bill 122. House Bill 163, Senator Glass.
20. SECRETARY:
21. House Bill 163.
22. (Secretary reads title of bill)
23. 1st reading of the bill.
24. PRESIDING OFFICER: (SENATOR ROCK)
25. 171. 189. 189, Senator Nimrod. Read the bill, Mr.
26. Secretary.
27. SECRETARY:
28. House Bill 189.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. PRESIDING OFFICER: (SENATOR ROCK)
32. House Bill 236, Senator Rock.
33. SECRETARY:

1. House Bill 236.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. House Bill 269, Senator Vadalabene.
6. SECRETARY:
7. House Bill 269.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. PRESIDING OFFICER: (SENATOR ROCK)
11. 284. House Bill 299, Senator Sangmeister.
12. SECRETARY:
13. House Bill 299.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. PRESIDING OFFICER: (SENATOR ROCK)
17. All right, on the order of House Bills, 3rd reading...1st
18. reading, Mr. Secretary, House Bill 31, Senator Knuppel.
19. SECRETARY:
20. House Bill 31.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Introduction of bills.
25. SECRETARY:
26. Senate Bill No. 213 introduced by Senators Nimrod, Shapiro,
27. Harber Hall and others.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill No. 214 introduced by Senator Bowers, Walsh,
31. and Sangmeister and others.
32. (Secretary reads title of bill)
33. 1st reading of the bill.

1. Senate Bill No. 215 introduced by Senators Bowers, Philip,
2. Walsh and others.
3. (Secretary reads title of bill)
4. 1st reading of bill.
5. Senate Bill No. 216 introduced by the same sponsors.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Resolutions. Senator Mitchler.
10. SECRETARY:
11. Senate Resolutions No. 39 and 40 offered by Senator
12. Mitchler and they are congratulatory.
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Senator Mitchler.
15. SENATOR MITCHLER:
16. Mr. President and members of the Senate, these two resolu-
17. tions...one is for the Boy Scout Troop 31 of Oswego celebrating
18. its fiftieth anniversary. It's a congratulatory. The other was
19. for a Mrs. Charles Schrockey, the National President of the AMVETS
20. ...AMVETS Auxiliary organization. I would ask for suspension
21. of the rules, immediate consideration and adoption of these
22. two resolutions.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. Senator Mitchler has moved for the suspension of the
25. rules for the immediate consideration and adoption of Senate
26. Resolutions 39 and 40. All those in favor signify by saying
27. Aye. All those opposed. The Ayes have it. The rules are
28. suspended. Senator Mitchler now moves the adoption of Senate
29. Resolutions 39 and 40. All those in favor signify by saying
30. Aye. All those opposed. The Ayes have it. The resolutions
31. are adopted.
32. SECRETARY:
33. Senate Joint Resolution No. 24 offered by...

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Gentlemen, this is the adjournment resolution. If we can
3. just have your attention?

4. SECRETARY:

5. ...Senate Joint Resolution No. 24 offered by Senator
6. Donnewald.

7. (Secretary reads SJR)

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Donnewald moves to suspend the rules for the
10. immediate consideration and adoption of this resolution. All
11. those in favor signify by saying Aye. All those opposed. The
12. Ayes have it. The rules are suspended. Senator Donnewald now
13. moves the adoption of Senate Joint Resolution 24. All those in favor sig-
14. nify by saying Aye. All those opposed. The Ayes have it. The resolution
15. is adopted. All right, Mr. Sergeant-at-Arms, will you ring the
16. bell the please? Senator Vadalabene, do I understand you wish
17. to go to the Order of Senate Bills, 3rd reading? All right,
18. let's see if we can round up some people. All right, with
19. leave of the Body, we'll go to the Order of Senate Bills on 3rd
20. reading. On your Calendar, Senate Bill 178. Read the bill,
21. Mr. Secretary.

22. SECRETARY:

23. Senate Bill No. 178.

24. (Secretary reads title of bill)

25. 3rd reading of the bill.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Vadalabene.

28. SENATOR VADALABENE:

29. Yes, thank you, Mr. President and members of the Senate.
30. This is emergency legislation and if the legislation passes, it
31. will become law as it passes. What it does is, it amends the
32. Coal Mining Act regarding conduct of mines and minerals during
33. subsidence. Some of the background information on coal mine

1. subsidence is...relates to abandoned coal mines having created
2. economic and safety problems in the past. At the present time
3. coal mine subsidence problems are increasing in magnitude and
4. intensity in several areas of the State. At the present count
5. thirty-four areas of the State have suffered damage because of
6. coal mine subsidence in the past few years. Most recently the
7. cities of Belleville and Maryville have suffered extensive
8. damages. Homes and business have suffered structural damages
9. totally hundreds of thousands of dollars. The Department of
10. Interior has allocated at least one million dollars with a four to five
11. million dollar backup for demonstration projects in subsidence
12. areas near Belleville and Maryville and which is causing terrific
13. foundation damages. The Feds and...and Department of Mines and
14. Minerals have requested permission from the coal company to
15. enter the mine for filling operations. The company would agree
16. to turn over ownership of the entire mined areas to the Depart-
17. ment, but the Department wants and needs only a small easement.
18. The company may be in a position of admitting liability if the
19. grants...the easements. This bill would allow the Department to
20. enter the mined areas without permission and I would appreciate
21. a favorable vote.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Any discussion? Senator Mitchler.

24. SENATOR MITCHLER:

25. Mr. President and members of the Senate, this bill was
26. advanced without reference to the committee and it was agreed
27. on both sides of the aisle that the advancement would be made
28. without the reference to the committee. I discussed this with
29. people that are involved in the coal industry and the only
30. problem that could be was the fact that this would give the
31. authority to the Director of the Mines and Minerals to go into
32. the areas and utilize the Federal funds available for this
33. so-called work...remedial work necessary to protect the

1. properties. They didn't really have any objection to this. I
2. think it...they're working amicably together down there because
3. this is a serious problem where we have the abandoned mines,
4. and when subdivisions or homes are built and towns expand out
5. into the rural areas that it could result in a very serious
6. damage in the future of these homes sinking, so the Federal
7. money...this is a totally Federally funded project, although
8. it's still taxpayers' dollars coming from someplace in the
9. United States, but it's available, and we have to move quickly
10. on this so that we can make ourselves available of this Federal
11. money. I would recommend that we give a favorable vote to
12. Senator Vadalabene's bill.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Any further discussion? Senator Joyce.

15. SENATOR JOYCE:

16. Yes, Mr. President, I'd like...ask the sponsor a question.
17. What I'm wondering...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Sponsor...oh, I'm sorry...

20. SENATOR JOYCE:

21. ...yeah. Will this be available for just buildings or is
22. this available for land that has depressed following the...you
23. know, the...the underground shafts because I know in some of the
24. areas in my district the...the property...the land itself is
25. depressed and it has ruined tile and all sorts of things in
26. that area? Does that...does this come under that at all or...
27. or?

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Vadalabene.

30. SENATOR VADALABENE:

31. Yes, I'm certainly...certainly I believe this would come
32. under that, because one, whenever the Department of Mines and
33. Minerals is notified that mine subsidence is causing surface

1. damage, the Mining Board will hold a public hearing and publish
2. its findings, and second, if the Director determines that a
3. reparable injury will result without immediate action, remedial
4. action would be taken...before a notice and hearing...so you
5. have it both ways.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Any further discussion? Senator Vadalabene, you wish to
8. close?

9. SENATOR VADALABENE:

10. This is emergency legislation. We have about two and a half
11. weeks to get this million dollars. I would appreciate a...a
12. favorable vote.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. All right, the question is, shall Senate Bill 178 pass.
15. Those in favor will vote Aye. Those opposed will vote Nay.
16. The voting is open. Have all voted who wish? Have all voted
17. who wish? Take the record. On that question, the Ayes are 52,
18. the Nays are none, none Voting Present. Senate Bill 178 having
19. received a constitutional majority is declared passed.

20. Introduction of bills.

21. SECRETARY:

22. Senate Bill No. 217 introduced by Senator Glass.

23. (Secretary reads title of bill)

24. 1st reading of the bill.

25. Senate Bill No. 218 introduced by Senators Netsch and
26. Wooten.

27. (Secretary reads title of bill)

28. 1st reading of the bill.

29. Senate Bill No. 219 introduced by Senators Netsch, Egan
30. and Roe.

31. (Secretary reads title of bill)

32. 1st reading of the bill.

33. Senate Bill No. 220 introduced by Senators Netsch, Glass

1. Roe.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. Senate Bill No. 221 introduced by Senators Netsch, Roe, Glass
5. and Wooten.
6. (Secretary reads title of bill)
7. 1st reading of the bill.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. Senator Davidson, for what purpose do you arise?
10. SENATOR DAVIDSON:
11. Ask the Body leave to be a cosponsor of Senate Resolution
12. 36?
13. PRESIDING OFFICER: (SENATOR ROCK)
14. All right, you've heard the...heard the Senator's request.
15. Is leave granted?
16. SENATOR DAVIDSON:
17. Leave.
18. PRESIDING OFFICER: (SENATOR ROCK)
19. Leave is granted. So ordered. All right, is there any
20. further business to come before the Senate? Senator Mitchler,
21. for what purpose do you arise, Sir?
22. SENATOR MITCHLER:
23. Mr. President, I'd like to rise on a point of personal
24. privilege.
25. PRESIDING OFFICER: (SENATOR ROCK)
26. State your point.
27. SENATOR MITCHLER:
28. Back on January 25th, there occurred a fire on the sixth
29. floor in the north wing of the State Capitol. Now, there was a lot
30. of scurrying around...unfortunately this occurred around 4:55 p.m. in
31. the afternoon when the building was rather heavily occupied,
32. and by word of mouth, people were told that there was a fire
33. and they evacuated. Well, I have noticed that there are fire

1. alarm boxes in a system installed on the north wing of the
2. State Capitol, so I contacted the State Fire Marshal, Robert G.
3. Walsh, and asked him why these fire alarms did not sound to
4. alert the people that there was this fire. Now, this fire was
5. a rather serious nature, because in the welding for our new
6. elevator shaft, they're putting in steel beams and some of
7. the sparks had dislodged and got down in between the steel
8. beams into some material and it smoldered for approximately
9. a half an hour to forty-five minutes. Now, had these sparks
10. smoldered for maybe an hour or two until people had evacuated
11. and particularly you people on the other side of the aisle on the
12. sixth floor, you could have been very easily trapped had this
13. broken out and caused the stairway and the elevator shaft to
14. be inoperative. Now, the problem here, State Fire Marshal
15. Walsh came over to the Capitol and made an inspection and
16. found that these fire alarms are inoperative. Well, he con-
17. tacted the Secretary of State's Office and found that they
18. had been inoperative and they weren't working. Now, I've
19. sent a letter to Secretary of State Al Dixon calling this
20. to his attention. Now, the reason I do so, I'm competent that
21. Secretary of State Dixon will take immediate action to see
22. that we have the proper alarm system operating throughout
23. all of our public buildings here in Springfield. He was a
24. member of this Senate and I know that he respects the lives of
25. not only you our colleagues, but the people that we work with.
26. But you want to remember that we are passing bills down here
27. daily telling condominiums, apartment owners, schools with the
28. Life Safety Code and everything, telling everybody throughout
29. the State how to maintain safety and here for ourselves and
30. our own public employees, we have neglected to have our fire
31. alarm system working. We don't have a sprinkler system, and
32. I just want to call that to your attention. I know that you
33. would be interested in knowing that.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. The point is well noted. There has been a request from
3. the student intern at SSU to take some still photographs. Is
4. leave granted? So ordered. Senator Bruce, for what purpose
5. do you arise?

6. SENATOR BRUCE:

7. Well, two points on the fire, Senator Rock. For Senator
8. Mitchler's information, when I was officed on the sixth floor,
9. Senator Mitchler, and Secretary Lewis was in charge of the
10. building, I noted that the fire alarm box on the sixth floor
11. was inoperative. I notified him...and Secretary Lewis took
12. prompt action and the inoperative box was then removed. I
13. noted that we had paid on that box to the fire alarm assistance
14. some four or five years that it had been inoperative, so State
15. government can function. We...to my knowledge, there is no
16. alarm box on the sixth floor, and more importantly though,
17. Senator Mitchler, I think, one of the things that bothers me
18. about what happened in the fire is that there is no procedure
19. to evacuate this building, and that almost every secretary in
20. this building, contrary to every fire precaution, went to the
21. elevator, and that is something you should never do in a fire,
22. and everyone was trying to crowd onto this elevator in the
23. north wing to get out of the building, and I don't know whether
24. we ought to post in public...other public buildings that's
25. notified in case of fire, do not use this elevator, but almost
26. the entire Senate staff was trying to get onto to evacuate the
27. building, so perhaps when you talk to Mr. Walsh, you ought to
28. indicate that maybe that elevator problem ought to be solved.
29. Thank you, Mr. President.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. The longer this goes, I can see a subcommittee of two
32. being appointed, one from each side of the aisle. All right.
33. All right, is there any further business to come before the

1. Senate? We have remaining...where is...we have remaining three death
2. resolutions. If the members and our guests will please be in
3. their seats? Will those not entitled to the Floor, please
4. vacate, and will the members please be in their seats? We
5. have three death resolutions and then we will adjourn.
6. All right, Mr. Secretary.

7. SECRETARY:

8. Senate Resolutions No. 41, 42 and 43 introduced by
9. Senators Lemke, Savickas, Daley and Hynes and D'Arco. They're
10. death resolutions.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Lemke.

13. SENATOR LEMKE:

14. I move for the immediate consideration.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Lemke has moved to suspend the rules for the
17. immediate consideration and adoption of Senate Resolutions
18. 41, 42 and 43. All those in favor signify by saying Aye.
19. All those opposed. The Ayes have it. The rules are suspended.
20. Senator Lemke now moves the adoption of Senate Resolutions
21. 41, 42 and 43. All those in favor signify by rising. The
22. resolutions are adopted. The Senate stands adjourned until
23. March 15th at the hour of one o'clock.

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