

80th GENERAL ASSEMBLY

REGULAR SESSION

MARCH 23, 1977

1. PRESIDENT:

2. The hour of twelve o'clock having arrived, the Senate
3. will please come to order. The prayer will be by Monsignor
4. John J. McGrath, St. Agnes Church in Springfield.
5. Will our guests in the galleries please rise.

6. MONSIGNOR McGRATH:

7. (Prayer by Monsignor McGrath)

8. PRESIDENT:

9. Reading of the Journal. Senator Clewis.

10. SENATOR CLEWIS:

11. I got power here? Mr. President, I move that reading
12. and approval of the Journals of Wednesday, March 16th...
13. I'm sorry, yeah Wednesday, March 16th, Thursday, March
14. 17th and Tuesday, March 22nd be postponed pending arrival
15. of the printed Journals.

16. PRESIDENT:

17. You've heard Senator Clewis' motion. Is there any
18. discussion? If not, all those in favor signify by saying
19. Aye. Opposed. The Ayes have it. The motion carries.
20. The approval of the Journal is postponed. Introduction of
21. Bills.

22. SECRETARY:

23. Senate Bill No. 304 introduced by Senators Graham,
24. Moore, Shapiro and others.

25. (Secretary reads title of bill)

26. 1st reading of the bill.

27. Senate Bill No. 305 introduced by Senator Knuppel.

28. (Secretary reads title of bill)

29. 1st reading of the bill.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Committee Reports.

32. SECRETARY:

33. Senator Donnewald, Chairman of Assignment of Bills assigns

1. the following bills to committee: Agriculture, Conservation
2. and Energy, Senate Bills...Senate Bill 296 and House
3. Bill 131. Appropriations I, House Bill 204. Appropriations
4. II, Senate Bill 294. Elementary and Secondary Education,
5. Senate Bills 293, 297 and 298. Executive, Senate Bill
6. 303 and House Bill 255. Local Government, Senate Bill
7. 299. Pensions, Personnel and Veterans Affairs, House
8. Bills 182, 287 and 351. Public Health, Welfare and Corrections,
9. Senate Bills 300 and 301 and House Bill 13. Transportation,
10. Senate Bills 292 and 295.

11. Senator Kosinski, Chairman of Elections...of the Committee
12. on Elections and Reapportionment reports out Senate Bill
13. 219 with the recommendation Do Pass.

14. Senator Berman, Chairman of the Committee on Elementary
15. and Secondary Education reports out Senate Bills No. 33 and
16. 220 with the recommendation Do Pass as amended. Senate
17. Bill No.28 with the recommendation Do Not Pass as amended.

18. Senator Carroll, Chairman of Appropriations Committee
19. No. 1 reports out House Bill 24 with the recommendation Do Pass.

20. Senator Merlo, Chairman of Committee on Pensions,
21. Personnel and Veterans Affairs, reports out Senate Bill 182
22. with the recommendation Do Pass.

23. Senator Chew, Chairman of Transportation Committee
24. reports out Senate Bills 166 and 302 with the recommendation
25. Do Pass as amended and House Bill 161 with the recommendation
26. Do Pass.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Will the members please be in their seats. Message
29. 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 Senate
33. that the House of Representatives has passed bills with the

1. following titles in the passage of which I am instructed
2. to ask the concurrence of the Senate, to-wit:
3. House Bills 241, 259 and 324.
4. PRESIDING OFFICER: (SENATOR DONNEWALD)
5. Resolutions.
6. SECRETARY:
7. Senate Resolution No. 58, introduced by Senator
8. Carroll, it's congratulatory.
9. Senate Resolution No. 59, introduced by Senator
10. Bloom and all Senators, it's congratulatory.
11. Senate Resolution No. 60, introduced by Senator Mitchler,
12. it's congratulatory.
13. Senate Resolution No. 61, offered by Senator Mitchler
14. and it's congratulatory.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Do we have leave to place these on the Resolution
17. Consent Calendar? Leave is granted. House Bills, 1st
18. reading. House Bill 54. If it's the desire of the membership,
19. if they wish to pick up these bills, please indicate to the
20. Chair. House Bill 121, Senator Deavers. Senator Glass.
21. SENATOR GLASS:
22. Mr. President...
23. PRESIDING OFFICER: (SENATOR DONNEWALD)
24. Senator Glass.
25. SENATOR GLASS:
26. Mr. President, I'm sorry to interrupt the proceedings
27. but I'd like to call the attention of the Chair and the
28. membership to the presence on the Floor of former President
29. of this Body, Russell Arrington.
30. PRESIDING OFFICER: (SENATOR DONNEWALD)
31. Senator Arrington.
32. SENATOR ARRINGTON:
33. You know, it's nice to be with you all again. I think

1. you all know that for four years, I wasn't able to talk
2. at all. It's only just last year, I believe, that I've been
3. able to talk at all. As a matter-of-fact, my first
4. public speech was here last...last May when you honored
5. Fred and Danny and Art and me and I spoke two minutes.
6. But that for me was quite a thing and I'm trying ever
7. since to talk whenever I can. And hopefully sensibly.
8. It's always...I have an affection for this group as you
9. know. I just love this Body even though I'm sorry
10. that we have so Goddamn many Democrats. But I must
11. say, you Democrats, you've really have had your troubles
12. too. I told the Democrat...the Republican members of the
13. caucus this morning I was so damn proud of the Republicans
14. when we hang on together and even though it was quite
15. serious, I really enjoyed the trouble that you were
16. having on the other side. You know, I'm...I know that
17. Body pretty well. At one time, you can't believe it,
18. but I used to sit on that side. When I first came to the
19. Senate everything was Republican and the...I was required
20. to sit on the third...the end of the row on the Democrat
21. side and that almost bothered me quite a bit. But, now,
22. the way you guys are doing it now, are all the Democrats
23. still on the other side? That's good. Well, anyway
24. enjoyed very much seeing you and I know you have a real
25. problem and let's hope that for the state of the State, you
26. resolve all your problems of which you have a host. Thank
27. you, much.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator...Senator Arrington, the manner in which you
30. conducted the affairs of the Senate when you presided, the
31. training that you received was from that side of the aisle.
32. Senator Hynes.

33. SENATOR HYNES:

1. Mr. President, I would simply like to welcome Senator
2. Arrington back to the Illinois State Senate. I think we are
3. all very pleased that he is here with us today because
4. I think Senator Arrington holds a very high place in the
5. history of the Illinois State Senate and has made contributions
6. to this Body that none of us will equal and certainly not
7. surpass and I think he is a giant in the history of the
8. Illinois General Assembly and I also might say that a couple
9. of the comments that Senator Arrington just made indicate
10. to me that those of us on this side of the aisle may
11. well be fortunate that he is in semi-retirement at the
12. moment insofar as our ability to operate. But, Senator
13. Arrington, we are very, very happy that you're back with
14. us today.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Chew.

17. SENATOR CHEW:

18. Mr. President, I...I came in this Senate at the time
19. that Rus Arrington was the President pro tempore. That
20. was prior to our 1970 Constitution. I'm going to tell
21. you something. They only made one Rus Arrington. They
22. broke the mold after he was created. I have not seen
23. since his administration anybody who could get the
24. things done here in this Senate as Rus did. Now, he was
25. labeled as sort of a hard nosed kind of leader. I didn't
26. really find that at all in Rus. I found Rus to be a
27. very compassionate man who had a job to do and did it
28. very well. I recall many, many times my first year to
29. here he would come over to my desk and advised me as to what
30. should or should not be done. Rus, I accomplished more
31. under your leadership in the form of legislation than
32. I have since you left and it was only because you were
33. determined to help we young guys who came in here and didn't

1. know the process as well as you did. So, I have nothing
2. but words of praise for your administration. I might add
3. when Rus was sick that I made it a point to...to call him
4. or call his aides or his family to ascertain his condition.
5. I've had a great, great respect for him as a man and as
6. a Senate leader and I'd hope someday, Rus, that you could
7. maybe come back down here in a capacity where we could
8. just see you every day. Cause we love you.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Kenneth Hall.

11. SENATOR HALL:

12. Thank you, Mr. President, fellow members of the Senate.
13. I just want to say that maybe many of you do not know
14. but Senator Arrington is a product of East St. Louis.
15. Senator Arrington is a graduate of the East St. Louis
16. High School and you know, I was quite surprised on my
17. first trip that I came to Springfield back years ago,
18. I never had any idea or dream that I'd ever be in the
19. Legislature so I walk in here and I see Senator
20. Arrington sitting on this side and since we're so heavily
21. Democratic like the rest of...like Chicago, that I assumed
22. he was on the Democrat side. So,...but anyway, Senator,
23. it's great to have you here and we are very happy to have
24. you back home in God's country, East St. Louis, for that
25. reunion. Happy to see you, Senator.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Kenneth Hall, that's Democratic party.

28. Senator Demuzio.

29. SENATOR DEMUZIO:

30. Thank you, Mr. President. I just want to remind
31. Senator Hall that Rus Arrington was born in Gillespie
32. and he is a Macoupin Countian.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. That's...that's correct. I just commented he's
2. from Illinois. House Bills, 1st. House Bill 121,
3. Senator Deavers. Or Representative Deavers, I beg your
4. pardon. House Bill 168, Senator Savickas.
5. SECRETARY:
6. House Bill 168.
7. (Secretary reads title of bill)
8. 1st reading of the bill.
9. PRESIDING OFFICER: (SENATOR DONNEWALD)
10. House Bill 181, Senator Demuzio.
11. SECRETARY:
12. House Bill 181.
13. (Secretary reads title of bill)
14. 1st reading of the bill.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. House Bill 328, Senator Kosinski.
17. SECRETARY:
18. House Bill 328.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. PRESIDING OFFICER: (SENATOR DONNEWALD)
22. House Bill 331, Senator Kenneth Hall.
23. SECRETARY:
24. House Bill 331.
25. (Secretary reads title of bill)
26. 1st reading of the bill.
27. PRESIDING OFFICER: (SENATOR DONNEWALD)
28. House Bill 339, Senator Carroll.
29. SECRETARY:
30. House Bill 339.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Resolutions.
2. SECRETARY:
3. Senate Resolution No. 62, introduced by Senators
4. Mitchler and all Senators. It's congratulatory.
5. Senate Resolution 63, introduced by Senators Lemke,
6. Hynes, Savickas, Daley and Kosinski and it's congratulatory.
7. Senate Resolution No. 64, introduced by Senators
8. Lemke, Kosinski, Savickas and others and it's congratulatory.
9. PRESIDING OFFICER: (SENATOR DONNEWALD)
10. Do we have leave to place these resolutions on the
11. Consent Calendar? Leave is granted. Introduction of bills.
12. SECRETARY:
13. Senate Bill No. 306, introduced by Senators Regner,
14. Kosinski, Roe and Bloom.
15. (Secretary reads title of bill)
16. 1st reading of the bill.
17. Senate Bill No. 307, introduced by Senators Regner,
18. Harber Hall, Rhoads and others.
19. (Secretary reads title of bill)
20. 1st reading of the bill.
21. Senate Bill No. 308, introduced by Senator Ozinga,
22. Graham, Johns and others.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. Senate Bill No. 309, introduced by Senator Bowers.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. Senate Bill No. 310, introduced by Senators Harber
29. Hall, Smith, Graham and others.
30. (Secretary reads title of bill)
31. 1st reading of the bill.
32. Senate Bill No. 311, introduced by Senators Joyce,
33. Morris and Demuzio.

1. (Secretary reads title of bill)

2. 1st reading of the bill.

3. Senate Bill No. 312, introduced by Senator Joyce.

4. (Secretary reads title of bill)

5. 1st reading of the bill.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Kenneth Hall.

8. SENATOR HALL:

9. Thank you, Mr. President. Mr. President, I would like
10. leave to, if I could have the attention of the Body,
11. yesterday, we introduced a Senate Joint Resolution that
12. for the Secretary of Transportation United States, for the
13. major airport facility at Columbia Waterloo sight. It just
14. so happens that this resolution is joined by the leadership
15. on both sides and Senator Vadalabene is handling the
16. appropriation for it. At the time that all of you are
17. aware that the importance of this airport it means around
18. ten thousand jobs that will be brought into the area.
19. Now, there is going to be a decision issued by the thirty-
20. first of March by the Secretary of Transportation since
21. this is a Senate Joint Resolution, that I would ask leave
22. and I've talked to Senator Wooten in this regard, that the
23. Committee...Executive Committee would be bypassed and this
24. be placed and heard at this time because of the urgency
25. of this matter. We must do this before March 31st when
26. the decision is on and it still has to go over to the House.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Hall moves that the Committee on Executive
29. be discharged from consideration of the joint...Senate Joint
30. Resolution 27. All those in favor indicate by saying Aye.
31. Those opposed Nay. The Ayes have it. Senator Hall now moves
32. for the immediate adoption...for the consideration of the
33. resolution before us, Senate Joint Resolution 27. All those

1. in favor of the resolution indicate by saying Aye. Those
2. opposed. The Ayes have it. The resolution is adopted.
3. ...bills, 2nd reading. Senate Bill 167, Senator Regner.
4. Move the bill. Read it.

5. SECRETARY:

6. Senate Bill 167.

7. (Secretary reads title of bill)

8. 2nd reading of the bill. The Committee on Pensions,
9. Personnel and Veterans Affairs offers one amendment.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Regner.

12. SENATOR REGNER:

13. Yes, Mr. President and members of the Senate. The way
14. the bill was originally drafted, it would have allowed the
15. reopening of cases after they've been turned down. That
16. certainly wasn't the intent of the bill and this amendment
17. strikes that part of the bill as originally intended and I
18. move the adoption of Committee Amendment No. 1.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Is there further discussion? The question is shall
21. Committee Amendment No. 1 to Senate Bill 167 be adopted?
22. Those in favor indicate by saying Aye. Those opposed Nay.
23. The Ayes have it. The amendment is adopted. Are there
24. further amendments?

25. SECRETARY:

26. Amendment No. 2 offered by Senator Regner.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Regner.

29. SENATOR REGNER:

30. Mr. President and members of the Senate. This is an
31. amendment that was suggested in the committee by the members
32. and I agreed to put it on and you know, each...every other
33. year, every Session, we extend the deadline for two years.

1. And it was suggested that we take that extension out
2. and just leave it open and we wouldn't have to come back
3. every other year to extend the deadline two more years.
4. It was drafted by the Department of Veterans Affairs
5. and I move the adoption of Amendment No. 2 to Senate Bill 167.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Is there further discussion? The question is shall
8. Amendment No. 2 to Senate Bill 167 be adopted. Those in
9. favor indicate by saying Aye. Those opposed Nay. The
10. Ayes have it. Amendment No. 2 is adopted. Are there
11. further amendments?

12. SECRETARY:

13. No further amendments.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. 3rd reading. Just a moment. Senator Berning.

16. SENATOR BERNING:

17. Thank you, Mr. President. A point of personal
18. privilege. I beg leave of the...

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Just a moment. This...did this have to do with
21. this particular Senate Bill?

22. SENATOR BERNING:

23. I beg leave of the Body for unanimous consent to be
24. shown as a cosponsor.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Do we have leave? Leave is granted. Senator...Senator
27. I see...I tell you what, it...it appears to me that there
28. are several that wish to be cosponsors of the bill.

29. If they would come forward to the Secretary's Desk and
30. indicate to him that you wish to be. Do we have leave for that?

31. Leave is granted. 3rd reading. Senate Bills on 3rd
32. reading. Senate Bill 15, Senator Maragos. Senate Bill 72,
33. Senator Berning. Read the bill. Just a moment. Senator Berning,

S.S. 79
Maurice 23
3rd reading

1. for what purpose do you arise?

2. SENATOR BERNING:

3. Mr. President, as agreed, I ask permission to bring
4. Senate Bill 72 back from 3rd to 2nd reading for the
5. purposes of an amendment which is the agreed amendment.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Do we have leave to return to the order of 2nd reading?

8. Leave is granted. The bill is now on 2nd reading. Senator
9. Berning.

10. SENATOR BERNING:

11. I think the Secretary has the copy of the amendment.
12. The members of the committee that heard the bill have been
13. furnished with copies of this amendment as it has now
14. been corrected and there being no objection on the part of
15. anyone so far as I know, I move the adoption of
16. Amendment No. 1.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there further discussion? The question is
19. shall Amendment No. 1 to Senate Bill 72 be adopted.
20. Those in favor indicate by saying Aye. Those opposed
21. Nay. The Ayes have it. The amendment is adopted. Are
22. there further amendments? 3rd reading. Senate Bill
23. 79, Senator Rock. Read the bill.

24. SECRETARY:

25. Senate Bill 79.

26. (Secretary reads title of bill)

27. 3rd reading of the bill.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Rock.

30. SENATOR ROCK:

31. Thank you, Mr. President, Ladies and Gentlemen of the
32. Senate. Senate Bill 79 is an amendment to the Act which
33. created the Department of Children and Family Services and

1. what it purports to do is to set up an alternative
2. for the Department of Children and Family Services, an
3. alternative to removal of a child from the home. It will
4. allow, under certain given circumstances, the Department
5. to place a emergency caretaker within the home for a
6. period of up to twelve hours. We had a long and heated
7. discussion in the Senate Committee on Public Health,
8. two amendments have been offered and adopted. One, the
9. first amendment struck out that portion of the bill which
10. purported to give the Department of Children and Family
11. Services some power which was tantamount to police power
12. and the second amendment at the suggestion of Senator
13. Netsch and Senator Schaffer...

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Just a moment, Senator. May we have order. Would
16. the Senators please be in their seats. Would those people
17. not entitled to the Floor, please retire to the gallery.
18. Proceed.

19. SENATOR ROCK:

20. Thank you, Mr. President. The second amendment more
21. closely circumscribed the authority of the Department
22. to enter into the home and said that after a period of
23. twelve hours, they must, in fact, go under the provisions
24. of the Juvenile Court Act which means in effect, take
25. the child before a judicial officer. The bill will have a life
26. up to and including April, 1979. It is in fact, a pilot
27. project. This program has been in effect in some other
28. states. Illinois has always been in the forefront of human
29. services and I think this bill is a good idea and one that
30. deserves our support. I will answer any and all questions,
31. Mr. President.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Rhoads.

1. SENATOR RHOADS:

2. Mr. President, members of the Body. When this bill
3. was heard in the Public Health Committee, I was the lone
4. dissenting vote because I wanted to have an opportunity to ask
5. the Minority Council on the Republican side, the...his
6. opinion as to the Constitutionality of the bill. He
7. raised some, what I thought, were significant
8. Constitutional questions which were confirming suspicions
9. that I had had. I've since asked the American Civil
10. Liberties Union to take a look at the bill. Have not had
11. an answer from them. Two weeks ago, I asked the Department
12. of Children and Family Services to provide me with a copy
13. of their own internal council's opinion as to the
14. Constitutionality of the bill and it was given to me just
15. this morning. I've had a chance to peruse it and
16. none of my questions really have been satisfied. I do think
17. this bill is unconstitutional. The good faith and the
18. noble motives of the sponsor and the Department in drafting
19. and presenting the bill are not in question here. It's
20. obvious that the Department cares about the welfare of the
21. children concerned here. They're trying to meet a problem
22. and I think that they...they feel that this is a good
23. response to the problem. However, I don't think they have
24. really thought through the administration of this program.
25. I spoke with Assemblyman Alfred Delabovoe in Albany who is a
26. member of the New York House and on their Public Health
27. Committee to find out how this pilot project was working
28. in New York State and he really felt that it was still
29. too new a program to make any adequate judgment on it.
30. What this bill does, please bear in mind, is give the
31. State the authority to place an employee of the State or
32. a contractual employee in a person's home without that
33. person's permission, without a search warrant, without

1. a court order of any kind up to a period of twelve hours.
2. This to me, is a very dangerous undertaking. I hope you
3. will stop and consider the constitutional aspects of this
4. bill because I sincerely believe that if you do you will
5. come to the same conclusion that I have that Senate Bill 79
6. would not be wise or prudent public policy and I hope
7. you will join me in casting a No vote.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Schaffer.

10. SENATOR SCHAFFER:

11. I share many of the reservations that Senator Rhoads has
12. just mentioned but I would suggest to you that the present
13. program is probably worse. Without this bill, the Department's
14. choice when they find an abandoned child is to arrive with
15. policemen in hand, enter the home under the same circumstances,
16. pick up the child, pick up the child's clothes and pajamas,
17. take them to a private agency, separate them from their
18. family for an average of three months at tremendous cost
19. to the taxpayers, and involve the child in the court system
20. and all the backlog and problems in the court system.
21. I think the bill is a scary bill. It's a scary problem.
22. Simply put, if the Department does a good job with this
23. program, it can be of tremendous benefit. If the Department
24. does not do a good job, we're going to have problems.
25. I for one, am prepared to give the Department a trial period
26. and there is a self-destruct amendment on this bill that was
27. placed there at my request and the request of Senator Netsch and others
28. I am prepared to let the Department have a chance to try this
29. program. I believe it does have some benefit...benefits,
30. I concede. I have reservations and I see the pitfalls
31. but it's a bad problem and I think the State should take
32. a new approach. The current system we're now using
33. obviously is not adequate. I urge a Yes vote.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Well, I talked to Senator Rock a couple of weeks
5. ago and I told him I had reservations about it under
6. the fourth amendment to the United States Constitution
7. where it provides the right of the person to be secure in
8. his person, his house, his papers and effects against
9. unreasonable searches and seizures. I think that the
10. right of the Department to come in there and to stay
11. for any period of time is a seizure and an occupancy of
12. a part of the residence or the house of the party
13. involved that...that is the parent, the parent in locus and
14. I think that no point at all, I see no reason to pass
15. a bill that is so patently unconstitutional and then set
16. the person that...that has to protect himself in this area,
17. to the expense of a court case. I don't care how the rest
18. of you may vote here today. I personally am forced, because
19. of my belief and my oath to uphold the Constitution of the
20. United States to vote against this piece of legislation because
21. I think it clearly and patently violates at least a seizure
22. of a part of the resident's property where that child
23. lives. I...I'll support any other kind of a procedure
24. that meets with the laws of the United States and the State
25. of Illinois to bring about the protection of this child.
26. But, if the situation is that bad, then somebody has been
27. neglecting their duties and they can surely get some kind
28. of a writ on short notice to remove the child from that
29. area. I...I just feel that the protection of one under
30. the fourth amendment is so great, so important, that we ought
31. not to pass this law. If we do it for the Department of
32. Children and Family Services, the court holds that up, or...
33. and upholds it, then, we'll do it for some other department

1. and the first thing you know, we'll be nibbled to death and
2. I don't think the courts will ever do it and I don't think
3. we as legislators should.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Just...just a moment. It seems to me that the corned
6. beef and cabbage generated an awful lot of noise this
7. morning. Senator Grotberg.

8. SENATOR GROTBORG:

9. Thank you,...thank you, Mr. President. I rise in
10. support of this amended Senate Bill 79 for the following
11. reasons, my fellow Legislators. I think if you would
12. read the bill, God knows we're all concerned about the
13. constitutionality of it, but as soon as you start dealing
14. with kids, you're in a constitutional problem by virtue
15. of the fact of them being children, period. The first
16. sentence, if the child is found in his or her residence,
17. without a parent, a guardian, a custodian or a responsible
18. caretaker, you're already talking about an abandoned kid.
19. And I would draw to your attention and there will be
20. a lot of child legislation going through as there always
21. has, but nearly most all of the problems with childrens
22. and for Department of Children and Family Services, start
23. with the minute they take a kid out of a home. Therest
24. all compound themselves from that moment on. If we can
25. spite the canon at this level, I'll take a little bit of
26. unconstitutionality to stop the blatant abuse of children
27. that the public goes through and God help us when the
28. parent is the State of Illinois. I'd rather have a mediocre
29. caretaker, than the State of Illinois taking that kid to
30. an institution. I advise you to vote for the bill.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Glass.

33. SENATOR GLASS:

1. Well, thank you, Mr. President. And despite the support
2. for the bill and that the arguments that it is a good concept,
3. I'd like to ask Senator Rock about the constitutional question
4. because not having been a member of the committee, but
5. looking at the new language, it certainly appears to me that
6. the bill would be giving a representative of the Department
7. of Children and Family Services the power to exercise
8. what is the legal judicial function. That is to make
9. a determination as to whether that child should remain in
10. the home or not and the other powers that are given and I...
11. it certainly seems to me in reading this language for
12. the first time, that Senator Knuppel has made a good
13. point, Senator Rhoads and others and I question whether
14. we ought to be passing a bill that has these serious
15. constitutional questions involved and would appreciate your
16. response on that point.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Rock.

19. SENATOR ROCK:

20. Thank you. Senator, I appreciate the opportunity
21. to give what I hope will be an adequate response. The
22. constitutional question was, in fact, brought up in
23. committee and it was stated there that this program is
24. in fact, in existence in other parts of the country, namely
25. New York City and Tennessee has a particularly large
26. program. The constitutional question itself has not, in fact,
27. on this issue been placed. I have provided Senator Rhoads
28. with a memorandum which cites the Wyman versus James
29. case, the United States Supreme Court case. In my opinion,
30. this bill offers only an alternative to the Department and is
31. not, in fact, unconstitutional. If you will look at the
32. Act which creates the Department of Children and Family
33. Services, the Department does, in fact, have broad powers

1. and what this does is offer a viable, in my opinion,
2. alternative to the situation where the police department
3. would walk into a home which they can do and do in fact
4. now and remove a child physically. This is an alternative
5. so that we don't have to, as Senator Schaffer so rightly
6. pointed out, we don't have to place the child as a ward of
7. the court immediately, which we do now. It is an alternative
8. in my judgment in the best interest of the child. I have
9. never, I don't think, agreed with the ACLU and frankly
10. I don't care what their opinion is. And I'm not going
11. to wait for it. In my judgment the bill is constitutional
12. and I think the Department and this General Assembly should
13. welcome a court test of this kind of power. The act which
14. creates the Department of Children and Family Services
15. which we passed in 1964, does, in fact, give the Department
16. broad powers in this area. We are attempting, at least,
17. to pass some legislation in the best interest of the child
18. and I think it's constitutionally correct.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Glass.

21. SENATOR GLASS:

22. Well, without...without debating that point at
23. great length, is it correct, Senator Rock, under present
24. procedure, if a child is removed, there has to be a court
25. proceeding within a matter of hours...thirty-six hours
26. and isn't that a constitutional protection that ought to be
27. carried over?

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator...just a moment. Senator Rock.

30. SENATOR ROCK:

31. That was, I hope, a question not a statement.

32. In fact, Amendment No. 2 refers specifically to Section
33. 3.5 of the Juvenile Court Act which mandates hearing before

1. a judicial officer within thirty-six hours. You are correct.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Bloom.

4. SENATOR BLOOM:

5. Yeah, I think that we ought to remember that twelve
6. years ago when this Department was created it was created
7. to fill a void in southern Illinois and this bill further
8. expands their powers and right now they're into every urban
9. area and squeezing out the private agencies who were doing
10. a good job when this agency was created in the urban areas.

11. And there's no doubt in my mind that I think it's
12. unconstitutional.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Is there further discussion? Senator Rock may...
15. just a moment. Senator Netsch.

16. SENATOR NETSCH:

17. Thank you, Mr. President. I have supported
18. the bill, particularly or perhaps only after its amendment
19. and I'm...it disturbs me a little bit because I consider
20. myself the most narrow-minded civil libertarian in the entire
21. Illinois State Senate and I don't really quite see what
22. the...I understand the constitutional question that is
23. raised, but I do not really think it is a valid and total
24. objection to the bill. It seems to me that as the bill is
25. now written, it very carefully makes only a substitute
26. or an alternative method of dealing with the child and does
27. not really invade the home or the sanctity or the privacy
28. of that home as such. The Department, with the law enforcement
29. agency involved, has a set of conditions under which a
30. child may be removed from the home, because it has been
31. abandoned or whatever or mistreated at that time. This bill
32. as now drafted very carefully says that as an alternative
33. instead of physically picking the child up and removing that

1. child from the home, someone may in effect, stay with that
2. child for a limited and specific period of time in order
3. to make the...the later determination about what has to be
4. done. If that period of time exceeds twelve hours, then
5. just as what happened if the child were being physically
6. removed from the home, the caretaker must go to court
7. and go through all of the procedures that are otherwise
8. applicable so that it seems to me while...no, it may be
9. a little bit scary to think about having someone enter
10. a home without a technical search warrant, that it is a
11. home which in a sense has already been abandoned and it is
12. simply a matter of placing someone in the custody of...or
13. with custody of that child rather than physically removing
14. the child and putting the child into a...a traumatic and
15. very difficult set of circumstances. And given that
16. interpretation of the law, it seems to me that there is not
17. a constitutional objection that is not otherwise satisfied
18. by the bill as amended. And I...I think it can be supported
19. in good conscience.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there...Senator Berning.

22. SENATOR BERNING:

23. Just two quick questions of the sponsor.

24. More on the...

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Indicates he will respond.

27. SENATOR BERNING:

28. Or on the basis of suppose rather than anything else,
29. Senator Rock, individuals involved here placed in a home
30. are in an unusual position from two standpoints. I'm wondering
31. if you have considered the necessity or desirability of
32. some kind of bond for these persons after all, there are
33. things in these homes, perhaps, of value. Secondly, I hope
34. that it would be possible to exercise some kind of screening

1. process for individuals to be placed in a home such as this
2. recognizing that today, there are so many instances not only
3. of child abuse physically, but sexually and we ought not to
4. open up the possibility for any overt act by a custodian
5. which would be detrimental to a child, be it a boy or a girl.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senator Rock.

8. SENATOR ROCK:

9. Thank you, Mr. President. Yes, Senator, you are
10. quite correct. The Department when testifying before
11. the Public Health Committee did, in fact, indicate that the
12. caretaker will one, be one who is eminently qualified
13. and two, will be both bonded and insured.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Senator Nimrod.

16. SENATOR NIMROD:

17. Mr. President, a question of the sponsor if he'll
18. yield.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Indicates he will respond.

21. SENATOR NIMROD:

22. Senator Rock, just to clarify this one situation, if
23. in fact, I think Senator Netsch referred to it, but if in
24. fact, a child is found abandoned in his home, is there a time
25. limit here that has to prevail until they can find a
26. parent or a guardian or someone else is not available?

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Rock.

29. SENATOR ROCK:

30. Yes, Senator. That was a matter of some concern in the
31. committee and in fact, Amendment No.2 which was offered and
32. adopted, says that after a caretaker has remained in the home
33. for a period not to exceed twelve hours, the Department, then,

1. must follow those procedures outlined in Section 3....

2. 3-5 of the Juvenile Court Act which section refers to the

3. physically taking the child before a judicial officer

4. within thirty-six hours.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Nimrod.

7. SENATOR NIMROD:

8. Yeah, then,..then the alternative to this is remove

9. them from the home before the twelve hours are up and this

10. gives us a chance then for them to find someone that does

11. have some guardianship or kinship to the...to the child if

12. there is such person available?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Rock.

15. SENATOR ROCK:

16. That is correct and that is the exact point of this

17. legislation. As it stands now, the Department has only

18. one thing they can do in the case of an abandoned child and that

19. is physically remove the child and place him in emergency

20. foster home situation, emergency care. This will offer the

21. Department an alternative where they can place someone in

22. the home to look out for the best interest of the child

23. and await the return of a responsible parent or guardian.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Roe.

26. SENATOR ROE:

27. Mr. President and members of the Senate, two brief points.

28. There's absolutely no obligation on the Department to

29. attempt to give anybody any notice under this bill that they're

30. there and nobody else is there. I also point out to you that

31. the standards to be used by the Department official in the

32. case are entirely subjective, an apparent willingness,

33. or apparent ability and a willingness to care for the child.

1. That is an entirely subjective decision based on those
2. standards which will be made by the Department official.
3. I think for those two reasons, the bill is bad. I'd
4. give some thought to the bill if there was any obligation
5. to provide any custodian any notice, but there isn't and
6. there are no standards on which the decision is going to be
7. based on the Department as to whether or not they're moving
8. in or not.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Is there further discussion? The question is shall
11. Senate Bill 79...just a moment. Senator Rock, do you wish
12. to close the debate? All right. Just a moment. I'm sorry.
13. We have...we have a request. Senator Collins. Sorry.

14. SENATOR COLLINS:

15. Mr. President, I, too, as Senator Rhoads, I am very
16. sympathetic to the intent and the philosophy behind this
17. bill. However, as a former member...a former employee
18. of the Department of Children and Family Services, I have
19. some serious reservations about some of the constitutional
20. questions and also the methods and procedures that
21. I have received from the Department as to the implementation
22. of this program, more than the constitutional question.
23. There are some serious questions here in terms of the
24. procedures about the guardianship's position in...and in
25. terms of the representative being able to take the child to the
26. doctor and give consent to have medical treatments and medical
27. care. That is not a current practice under the Department
28. now. That is simply left up to the guardianship unit. In
29. addition to that, I feel that if the Department is truly
30. committed to and which I feel that they are, is to implement
31. programs that would minimize or stop the current practice of
32. separating the kids and taking the kids out of the home,
33. because I know that the social workers for Children and Family
34. Services now have been labled as professional child snatchers.

1. And anything that I can...any bill or any alternative
2. to taking the kids away from the home, I most certainly
3. would be in favor of, but I cannot support this particular
4. bill because I feel that the Department can in fact, with the
5. children that they have now, that go through the legal
6. court system within thirty-two hours, if they want to
7. demonstrate the fact that they can place a representative
8. or qualified social worker in the home and keep the kid
9. in a home the intent of the Department was to maintain
10. and strengthen the family and I think that any experimental
11. program in this area should first begin with those children
12. that the court has already have legal authority...given
13. legal authority to the Department and then...rather
14. than moving those kids from the home and placing them into
15. foster homes or temporary care...shelter care, that a
16. representative should be placed in the home under the
17. ...after the court has made a decision. So, therefore,
18. I could not support this bill.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Newhouse.

21. SENATOR NEWHOUSE:

22. Thank you, Mr. President. I didn't intend to speak on
23. this bill because I, like a number of other people here, I think,
24. am torn very much by this whole concept. I think
25. the concept is good. It would be well if something of this
26. nature could be implemented without the dangers that I see
27. in this particular bill. We're asking the Department of
28. Children and Family Services to make some judgment calls
29. Senator Roe, and you're absolutely right. And there's nothing
30. in the history of that Department to convince me that they're
31. going to make the right decisions. I certainly don't want to
32. cast any reflection on the present administration but the
33. past administration of this Department gives me no confidence,

1. no confidence that the decisions that they make are going
2. to be proper ones. The second thing that bothers me
3. is this, I'm very much concerned about the people in that
4. Department and let me tell you how I'm concerned. I'm concerned
5. about the first time that a parent goes away from the home
6. on a real emergency and must for some reason or another
7. leave a child there who comes back to his household and
8. discovers a stranger sitting in his household and outs
9. with his thirty-eight and puts a hole in that stranger.
10. Now, I don't know who is going to bear the responsibility
11. for that, but I certainly, for one, would not want to be
12. that Departmental representative placed in that position.
13. I think we ought to think about that.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Just a moment. Do we have leave to shoot some silent
16. films at this time? Leave is granted. Senator Washington,
17. did you...did you wish to address yourself to this bill.

18. SENATOR WASHINGTON:

19. Thank you, very much, Mr. President. I'm very much
20. intrigued by the very cogent arguments put forth by Senator Collins.
21. My first impression of this bill was that it probably
22. would clear up an area which has troubled many people in
23. this State for a long time. But, I'm inclined to think
24. based upon her analysis and that of others including Senator
25. Rhoads, that perhaps I would suggest to Senator Rock that
26. perhaps we hold this bill a bit longer. I would hate to
27. see the concept even voted down. It's apparent that there's
28. a serious constitutional question but even more so there's
29. a matter of the amount of discretion that you want to give
30. to an existing department which over the years has not
31. indicated through its track record that it might be the
32. recipient of such awesome power over the children of this
33. State. And in sense, Senator Knuppel pointed out, might

1. well be in violation of the Fourth Amendment. The
2. concept is good. If we abandon it, we might be doing
3. a disservice. It appears to me that perhaps some
4. more work is needed on it and I would like a response from
5. Senator Rock in terms of my deep-seated concern for what
6. he is doing along the lines of perhaps holding this bill
7. a bit longer in the hopes that we can minimize the serious
8. constitutional, administrative problems.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Rock.

11. SENATOR ROCK:

12. Well, Senator, any time there is a new program, any
13. time there is an attempt at change, there will, in fact,
14. be resistance, I am well aware. What is suggested by
15. this legislation and I introduced this last year as a matter-
16. of-fact, as a result of the study done by the American
17. Humane Society is that this will provide an alternative
18. to physical removal of a child from its home. In every
19. instance, the Department is called in at the request of the
20. police department, so that without this alternative,
21. they have but one option and that is physical removal
22. of the child and temporary custody and care of that child,
23. as removed from the home. This legislation, this program
24. will provide an alternative that is not to be used in every
25. instance, obviously, but it will in those instances where
26. appropriate, afford the Department the option to place a
27. representative in the home until the parent or responsible
28. guardian or caretaker does, in fact, return. Senator Roe
29. brought up the question of notice. There is absolutely
30. no notice when the police department walks into a home and
31. physically removes an abandoned child. Under the rules and
32. regulations that the Department talked about in the committee,
33. there would, in fact, be a notice, a placard placed on the door

1. saying the Department is now here, and they would only be
2. there at the request of the police department. This is in my
3. judgment , a viable alternative. It is a new program,
4. admittedly. The Department has indicated that it will be
5. utilized as a pilot project only in the county of Cook
6. and we have further limited them to April of 1979 to see
7. whether in fact, the project will work at all. I think that
8. given the fact that it's a new program, we should give it
9. a chance. We are attempting to protect the best interest
10. of the child and every social psychologist will tell you
11. that one of the traumas that these children undergo and we
12. have thirty thousand wards of the State in our State
13. that one of the traumas these children undergo is the fact that
14. they are physically removed from their home and they are
15. brought to a court and they are given unto the care
16. and custody of the Department and placed in emergency care
17. type situation. This is, in my judgment, a viable
18. alternative and one that is worth a try and I would
19. solicit your favorable vote.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Is there further discussion. That was your closing
22. argument, Senator, is that correct? The question is shall
23. Senate Bill 79 pass? Those in favor vote Aye. Those opposed
24. Nay. The voting is open. Have all those voted who wish?
25. Have all those voted who wish? Have all those voted who wish?
26. Push your button, Senator. Take the record. On that
27. question, the Ayes are 37, the Nays are 15, 4 Voting Present.
28. Senate Bill 79 having received a constitutional majority
29. is declared passed. Now, members of the Senate, the Secretary
30. advises me that you will be a...sheet with the Resolutions
31. Consent Calendar will be distributed immediately and
32. these various congratulatory resolutions will be acted upon
33. tomorrow. There will be no debate, be one roll call. If there
34. is objection, why it will...the resolution will be removed.

1. It does, in fact, take three Senators for a legitimate
2. objection. Senate Bill 101, Senator Knuppel. Senate Bill
3. 108, Senator Knuppel. Senate Bill 120. Hold. Senate
4. Bill 181. Hold. Senator Vadalabene.
5. SENATOR VADALABENE:

6. Yes, Mr. President, I just want to...I'm not involved
7. in Chicago politics, but you just gave permission to the...
8. to the fellows to take pictures and all he's doing is taking
9. pictures of Harold Washington talking to the different
10. Senators on the Floor. Now, there's a mayor race in
11. Chicago and I was just wondering, are we going to use
12. the Senate for public relations?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. The Chair asked for consent of the Body to take
15. pictures and there was no objection at that time. I
16. wasn't aware of any ulterior motive. Senator Vadalabene.
17. SENATOR VADALABENE:

18. Yes, but you didn't ask why the pictures were
19. going to be taken and this is what we're observing. I'd
20. like to have my picture taken.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Well, we'll give you consent, Senator. Senator
23. Knuppel.

24. SENATOR KNUPPEL:

25. Well, I have very strong feelings about this in any
26. event. I...I think that it imposes upon us, it distracts
27. from the attention of the Body. It's a waste of the taxpayer's
28. money when these people prance around here for the press
29. and that it ought not to happen any more.

30.
31.
32.
33.

End of reel

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. House Bills 3rd reading. House Bill 49, Senator Vadalabene.
3. House Bill 615, Senator Shapiro. Just a moment. Senator
4. Berning, for what purpose do you arise?
5. SENATOR BERNING:
6. Thank you...
7. PRESIDING OFFICER: (SENATOR DONNEWALD)
8. Senator Berning.
9. SENATOR BERNING:
10. ...thank you, Mr. President. We...we started to move
11. from Senate Bills 3rd reading. I would respectfully request
12. that Senate Bill 72 which was amended and brought back to 3rd
13. reading is on the passage stage, and I would appreciate it
14. being called.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. You wish to call Senate Bill 72?
17. SENATOR BERNING:
18. Please.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. All right. On the Order of Senate Bills 3rd reading is
21. Senate Bill 72. Read the...read the bill, Mr. Secretary.
22. All right, Senator, Enrolling and Engrossing has it for the
23. purpose of putting the amendment on. We'll get right back to
24. you, all right? On the Order of Senate Bills 3rd reading is
25. Senate Bill 15. Read the bill, Mr. Secretary.
26. SECRETARY:
27. Senate Bill No. 15
28. (Secretary reads title of bill)
29. 3rd reading of the bill.
30. PRESIDING OFFICER: (SENATOR ROCK)
31. Senator Maragos.
32. SENATOR MARAGOS:
33. Mr. President and members of the Senate, this a very simple

1. bill. All it does is raises the ceiling of allowing a certi-
2. ficate to be issued by a burial society from five hundred
3. dollars to one thousand dollars. It was asked by several burial
4. societies in my district and it passed unanimously out of the
5. Senate's Insurance Committee and I ask for your support.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Is there any discussion? The question is, shall Senate
8. Bill 15 pass. Those in favor will vote Aye. Those opposed
9. will vote Nay. The voting is open. Senator Hynes, will you
10. vote me Aye please. Have all voted who wish? Take the
11. record. On that question, the Ayes are 49, the Nays are
12. none, 1 Voting Present. Senate Bill 15 having received a
13. constitutional majority is declared passed. On the Order of
14. Senate Bills 3rd reading, Senate Bill 72. Read the bill,
15. Mr. Secretary.

16. SECRETARY:

17. Senate Bill 72

18. (Secretary reads title of bill)

19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Berning.

22. SENATOR BERNING:

23. Thank you, Mr. President and members of the Senate. The
24. bill now having been amended to answer the questions that were
25. raised in committee. I think it is in proper shape. Simply
26. what it does is make the effective date of the previously pass-
27. ed Minimum Wage Act affecting supervisory personnel August 1976,
28. rather than the January '77. I would appreciate a favorable
29. roll call, Mr. President.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Is there any discussion? Senator Nimrod.

32. SENATOR NIMROD:

33. ...Mr. President, I would like leave to be shown as a

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1. cosponsor of this bill.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. You have heard the request. Is leave granted? So ordered.

4. Any further discussion? All right, the question is, shall

5. Senate Bill 72 pass. Those in favor will vote Aye. Those

6. opposed will vote Nay. The voting is open. Have all voted

7. who wish? Take the record. On that question, the Ayes are 56,

8. the Nays are none, none Voting Present. Senate Bill 72 having

9. received a constitutional majority is declared passed. On the

10. Order of House Bills 3rd reading is House Bill 615, Senator

11. Shapiro. Senator Shapiro.

12. SENATOR SHAPIRO:

13. Mr. President, I would like leave of the Senate to return

14. House Bill 615 to 2nd reading for purposes of an amendment.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. You have heard the request. Is leave granted? So ordered.

17. On the Order of House Bills 2nd reading is House Bill 615.

18. SECRETARY:

19. Amendment No. 1 offered by Senator Berman.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Berman.

22. SENATOR BERMAN:

23. Thank you, Mr. President, members of the Senate. Senate

24. Bill 615 is the bill that will extend for one more year the

25. authorization for the Department of Mental Health to utilize the

26. services of the what is called the permit physicians. Physicians

27. that have been fully licensed in the State, but are still

28. rendering services to the mental health patients. In Senate

29. Bill... in House Bill 615 as it came over from the House of Repre-

30. sentatives, it has language that would allow the Department of

31. Mental Health to continue to hire new permit physicians all the way

32. up until the cut off date of March 1, '78. My amendment would

33. strike that language so that the Department recognizes that the

1 Legislature four years ago in '72 said that we have to eliminate
2 permit physicians, that we want only fully-licensed, fully-
3 qualified doctors to treat the patients in the mental institu-
4 tions, and that we will not condone a continued hiring of these
5 type of Physicians. I think that this amendment is important
6 in order to make very clear to the new director of the department
7 who I am...who I feel has inherited a bad situation. The
8 Legislature has inherited a bad situation. These doctors
9 should have been phased out totally by now. They haven't. We
10 are faced with a dilemma, but I submit this amendment is important,
11 so that there is no misunderstanding, none whatsoever on the
12 part of the...of the administration that we want to put an
13 end to these permit physicians and the department shall not have the
14 authority to hire any more between now and March 1, '79, so
15 I move the adoption of Amendment No. 1, Mr. President.

16 PRESIDING OFFICER: (SENATOR ROCK)

17 Senator, have...have copies of the amendment been distributed,
18 Senator?

19 SENATOR BERMAN:

20 They were filed with the Secretary.

21 PRESIDING OFFICER: (SENATOR ROCK)

22 Secretary. I wonder if you could just indicate...can you
23 read...read the amendment, Mr. Secretary? I think what it does
24 is it just deletes a whole paragraph.

25 SECRETARY:

26 Amendment No. 1 - Amend House Bill 615 by deleting lines
27 28 through 32 on page 1, and lines 1 through 15 on page 2, and
28 on page 2, line 16 by deleting in quote - the letter...the alpha
29 letter c and incerting in lieu thereof the numerical in quote - 4.

30 PRESIDING OFFICER: (SENATOR ROCK)

31 All right, the question is the adoption of Amendment No. 1.
32 Senator...don't get excited. Senator Shapiro

33 SENATOR SHAPIRO:

1. Mr. President and Ladies and Gentlemen of the Senate,
2. I am in opposition to this amendment for many reasons. Even
3. though the sponsor of the amendment did raise some valid
4. points concerning the continued hiring of limited licensed
5. physicians, the bill as it is now drafted places severe
6. restrictions upon the continued hiring until the expiration
7. on March 1 of 1978, and it involves a situation as concerns the con-
8. tinued hiring of limited licensed physicians only when...
9. only when the Director of the Mental Health and Developmental
10. Disabilities Department or the Director of the Public Health
11. or Director of Veterans Affairs certifies to the Governor and
12. the Director of the Department of Registration and Education
13. that the license is necessary to meet an emergency situation,
14. and there could arise an emergency situation, not quite
15. similar to what we are now going through, but, but it is conceivable
16. that there could be a mass exodus of the present physicians
17. within the department seeking other employment due to the
18. fact that this type of license is going to be terminated or there could
19. be a termination of the employment of the volunteers that the Department
20. is now depending on due to overwork, so on and so forth. The
21. bill as it is now constructed with this emergency provision
22. in merely gives the director of the various departments that
23. I mentioned the flexibility to meet an emergency situation. It
24. also has in it a reporting date and a reporting agreement in it,
25. whereby everyone will know that additional limited licensed
26. physicians have been hired, so I would urge everyone in the
27. Senate to resist the amendment, because in effect all it does
28. is give a little flexibility to the director to cope with a
29. situation not of his own making, not of the making of this Body or
30. the House or the Governor, and I think the amendment should be
31. defeated.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Further discussion? Senator Schaffer.

1. SENATOR SCHAFFER:

2. Mr. President, there's a couple of other factors I
3. think we ought to consider. As Senator Berman knows, I'm
4. sympathetic with the intent of the amendment, although I
5. felt that the assurances that...Director DeVito gave us
6. yesterday certainly were adequate, and I certainly am pre-
7. pared to stand behind him and his word as backed up by the
8. Governor. It...the one thing that we have to do this week
9. if we do nothing else is to resolve the crisis in the mental
10. institutions involving the temporary licensed doctors. We
11. put an amendment on the bill, it has to go back to the House.
12. Now, I would remind you that that the volunteer period that the
13. the medical doctors have granted us to us to help us through
14. this crisis ended last Friday. Those doctors...that period
15. ...some...most of them I believe are still are on board.
16. But many of them are driving a large number of miles. Their...
17. their own practices have suffered, and I don't know how long
18. we can reasonably expect them to stay with this. I...would
19. also remind you that the licensed doctors in our facilities,
20. many of them have been working double shifts since the crisis
21. began in that period. You know...that is not going to continue
22. simply because the human body can only endure so much. I
23. would suggest to you that...that while the amendment probably
24. is good and I...I think with the assurances of the Director it
25. perhaps is unnecessary, that whatever we do, we must resolve
26. this problem this week, and I would...would like to have
27. assurances that should this amendment go on, that we would
28. stay in Session Friday and possibly Saturday so that we can
29. react to what...whatever the House does. And I think for us
30. to leave this thing up in the air and to go home this week,
31. would be a great mistake. I would think the simplest matter
32. is to pass the bill without an amendment and resolve the
33. crisis in a responsible manner and consequently I am forced to

1. urge the resistance to this amendment so that we can get this
2. crisis solved and get on with the peoples' business.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Further discussion? Senator Hynes.

5. SENATOR HYNES:

6. Mr. President and members of the Senate, I rise in support
7. of this amendment. I think it is very necessary to put this
8. bill into the proper shape if we are, in fact, intending to
9. end this practice. I think we ought to make that declaration
10. here and now. We ought to say that we are not going to the
11. increase the numbers and I think that the Director ought to
12. live within the capability that he has with those that are
13. already on board, and we ought to shoot for the deadline
14. involved in this bill, and for once and all, put this practice
15. behind us, and I think the amendment should be supported.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Further discussion? Senator Nimrod.

18. SENATOR NIMROD:

19. Mr. President and fellow Senators, it seems to me that
20. this amendment is not in the spirit of keeping with the bill,
21. and the reason that I say that is that the bill mandates that
22. the doctors will be removed within the one year. It also
23. mandates that the present doctors who initially are found to
24. be unable to provide...pass these tests will be removed now.
25. That means then that in order to provide adequate care during
26. this interim period, the Department ought to have the opportunity
27. to be able to staff those particular hospitals in whatever
28. manner they can do that, and I think our first responsibility
29. is for the care of those patients. If we harness and make it
30. impossible for the...the staff to do it, then they cannot
31. provide the care. Our...our objective here is to remove these
32. doctors within...before...by March of next year. It's un-
33. important how it's done, and we ought to make sure they're all

1. off by then, but let us give the Department the opportunity
2. to be able to provide services for that patient in between
3. without having to come back here if they feel they need to
4. have some interim support in order to carry it through.
5. These...those patients deserve that opportunity and if we're
6. sincere about wanting to get rid of these doctors, then we
7. ought to give the Department an opportunity to perform and
8. provide its services. I would strongly urge us to oppose
9. this, and I do believe that Senator Schaffer made a very
10. excellent point that if this goes back to the House, we
11. don't know how long we're going to be here, that volunteer
12. period is over, and certainly there's nothing to gain by
13. putting this amendment on.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Further discussion? Senator Carroll.

16. SENATOR CARROLL:

17. Thank you, Mr. President, members of the Senate. I rise
18. to support this amendment. I think the exact opposite of the
19. last speaker is, in fact, the case. The point of it is we
20. have accepted the fact that this is not adequate care. We do
21. not want limited license physicians treating the mental patients
22. of this State, many of whom have language barriers in treating
23. those patients, but we do recognize an emergency exists. We
24. have heard, in fact, that the tests given may have been improperly
25. given. That may or may not be the case, and that's why additional
26. testings are necessary. It is not a case of firing those
27. immediately as I have heard it from the Director, but rather
28. living within the means of the limited licensed people avail-
29. able until such time as additional tests can be given and staff
30. increased to licensed people. I have not heard the limited
31. licensed physicians say that they would stay with the State once
32. they became licensed, that they would not go out into other
33. forms of practice after we train them and made them capable

1. of becoming fully-licensed. They have not given us that
2. type of commitment to work within the State system to treat
3. the mental patients, so I think what this amendment says is
4. it works both ways.- if you have a limited licensed person
5. there and you are attempting to make him capable of treating
6. patients in an appropriate manner, fine, we recognize the
7. emergency, we will deal with it accordingly, take the test,
8. pass the test, become licensed. But to add on to that milieu
9. is exactly the opposite of the way the State should be going
10. as far as giving adequate care to the mental health people
11. of this State. Thank you.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Demuzio.

14. SENATOR DEMUZIO:

15. Thank you, Mr. President. I'd like to ask a question of
16. the sponsor of the amendment.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Sponsor indicates he will yield. Senator Demuzio.

19. SENATOR DEMUZIO:

20. Senator Berman, is there anything in the law now that
21. says that...well, your amendment is saying that the State will
22. be authorized not to hire any additional limited licensed
23. physicians. Is there anything in the law now that...is there
24. a quota that...that we are addressing here or...what are we
25. addressing really?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Berman.

28. SENATOR BERMAN:

29. Well, the amendment addresses the language of the proposed
30. bill. The question that you raised was asked yesterday in the
31. committee hearing as to the status of these limited licensed
32. physicians as to whether they can be fired, discharged, what
33. duties they're carrying on. Dr. DeVito indicated that he would

1. prefer not to have to hire any more of these, but the language
2. of this bill goes contrary to what he's indicated. It, in fact,
3. authorizes them to if he's...feels that there's an emergency.
4. What we are, in fact, saying is that if there's an emergency,
5. he has to go out and hire fully-qualified physicians, not un-
6. qualified permit or temporary doctors, and that's the reason
7. for the amendment.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Demuzio.

10. SENATOR DEMUZIO:

11. That's it.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. All right, any further discussion? Senator Soper.

14. SENATOR SOPER:

15. Thank you, Mr. President. The only thing that troubles
16. me with this amendment, this one fact. We have institutions
17. and now we have people that are...well, haven't passed the examination.
18. Now, if you put this amendment on and all these...all these
19. so-called unqualified doctors or doctors that haven't qualified
20. quit at one time, then where are you going to get...where are you...
21. why are you...where are you going to get qualified doctors or...
22. or doctors that...that are licensed in the State of Illinois in
23. that short...short of time. What we're trying to do is hold
24. this open so that if there is a general exodus of the...of the
25. physicians that haven't passed this examination, that the
26. Governor would be able to fill that void till we can replace
27. these people. Now, you can't do this overnight, and I think
28. the lawyers here and some...anybody that practices medicine
29. knows that...that people that we've had in there are old...old
30. doctors...are older doctors, they haven't looked at a medical
31. examination for years, and all of a sudden they were asked
32. to take a medical examination. I would say that most of the
33. lawyers that have been in here for any length of time, if they

1. were told tomorrow to take a Bar exam, they'd...they'd fail
2. the Bar exam unless they had...did a little studying. Now,
3. if you...if you think of what could happen to our institutions
4. ...if there wasn't a stop of...an ability for the...for the
5. Director to fill this void if they all walked out, or he had
6. a great many of the doctors in the place at this time walk out,
7. and he'd have to look for physicians that are qualified or
8. licensed. If that could be done, we could do it overnight,
9. but you can't do it, because the physicians won't go in there
10. that are licensed and are able to practice medicine for the
11. amount of money that we pay. All these fellows are outside
12. psychiatrists and everything else. You know they...they come
13. in that bracket - seventy-five, eighty, a hundred thousand,
14. two hundred thousand. You got some that are just punching
15. needles around on...on Medicare and Medicaid, and you see all
16. the money that they're making, so I think, Senator Berman, if
17. this amendment goes through, I think you'll...you've just
18. caused a lot of trouble if there's an exodus of these doctors
19. and they go someplace else. Give us a chance to keep this
20. thing together till we can...till we can get...get it solved
21. by next year, and I hope that some of you understand if you
22. have got some institutions in your district.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Further discussion? Senator Mitchler.

25. SENATOR MITCHLER:

26. Mr. President and members of the Senate, it would be very
27. reluctant not to support the amendment proposed by Senator
28. Berman, because I think that if we had the ability to put the
29. sufficient number of licensed doctors in our mental health
30. institutions and the...under the Department of Veterans
31. Affairs and the Department of Public Health, we would do so.
32. Now, what this bill in its entirety does, it allows these State
33. Hospitals to continue until March 1, 1978 on a limited

1. licensed basis, these doctors and allow them to practice
2. medicine in all its branches, and that's what concerns me,
3. but in researching this, I found that these doctors have
4. been practicing in these hospitals for twenty-six years with-
5. out the complete licensure from the State of Illinois, so if
6. this has been going on for twenty-six years, and if we can
7. resolve the period in a one year period up through March 1978,
8. I think that we can extend it that period, but it's only on
9. account of that, that I would give support to the legislation
10. and not go along with Senator Berman's proposed amendment to
11. hurry it along, but we certainly should hang our heads in
12. shame for allowing our State Hospitals...mental hospitals to
13. have practicing physicians that did not come up to the
14. standards that we require of physicians to be out practicing
15. in the private practice. It's not fair to those patients
16. that we put into those mental institutions at many times under
17. court order, and then give them second class care, and I
18. think that this bill will resolve that because March 1, 1978
19. is the end of that practice that's been going on for twenty-
20. six years. So, I'm going to oppose your amendment, Senator
21. Berman, by...because I want to move this along and we're
22. going to let it ride for one more year and hopefully we can
23. solve it...resolve it prior to that date.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. All right, is there any further discussion? Senator Johns,
26. would you...Senator, can you move...we're going to recognize
27. Senator Berman to close. Please...thank you. Senator Berman
28. to close the debate.

29. SENATOR BERMAN:

30. Thank you, Mr. President. To hear the arguments against
31. this amendment, you would think that this is the first time
32. that this issue has come before the General Assembly. Well,
33. Ladies and Gentlemen, it's not the first time. In 1972, the

1. General Assembly passed a law that said these limited licensed
2. physicians must be phased out. We gave them four years to
3. be phased out. The last administration did not phase them out.
4. Now, Dr. DeVito is faced with a crisis. That's why this bill
5. was introduced. But these doctors must go. Either they must
6. prove that they are fully capable of giving the type of service
7. that the patients are entitled to or they must be removed from
8. the institutions. Now, what we are saying here by this amend-
9. ment is that that is our intent. The patients are entitled
10. to the best care possible by fully-licensed doctors. Without
11. this amendment...without this amendment, we are saying that
12. the General Assembly is willing to condone inadequate mental
13. care. That's not been the position of this General Assembly.
14. In '72 and in '74, we passed legislation that said that the
15. patients are entitled to the best care. Senator Soper talks
16. about a immediate walkout by these permit physicians. That
17. same argument, Ladies and Gentlemen, could apply to any phase
18. of State Government. What happens if anybody else...if all
19. the nurses walk out, if all the janitors walk out, if all the
20. State Police walk out? Well, Ladies and Gentlemen, we are in
21. Session until June 30th, at least. If there's an emergency,
22. let the Director come back and advice us of that emergency so
23. that the General Assembly isn't backing down from the very
24. strong position that we've taken in the past, and I think the
25. strong position that we're...that we should take today. That
26. position is that the patients in the mental hospitals of our
27. State are entitled to be treated by fully-capable, fully-licensed
28. doctors, nothing less, that only those that have been previously
29. employed, we are going to give an extension until March 1.
30. I'm not sure they're entitled to that extension, but it's been an
31. inherited problem. We don't want to vent the problems of past
32. administrations on the present one, but we certainly don't want
33. to compound the problem by encouraging...encouraging the continued

1. hiring of unqualified doctors. I urge the adoption of Amendment
2. No. 1.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. All right, the question is, the adoption of Amendment No.
5. 1 to House Bill 615. All those in favor signify by saying
6. Aye. All those opposed. The Ayes...roll call has been requested.
7. Question is the adoption of Amendment No. 1 to House Bill 615.
8. Those in favor of the amendment will vote Aye. Those opposed
9. will vote Nay. The voting is open. Have all voted who wish?
10. Have all voted who wish? Take the record. On that question,
11. the Ayes are 27, the Nays are 29, 1 Voting Present. The
12. amendment fails. Any further amendments?

13. SECRETARY:

14. Amendment No. 2 offered by Senator Newhouse.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Newhouse.

17. SENATOR NEWHOUSE:

18. Thank you, Mr. President.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Newhouse.

21. SENATOR NEWHOUSE:

22. Thank you. Amendment No. 2, Mr. President and Senators,
23. is a simple amendment that advances the date for the effective
24. change in this bill from March to January. It means that it
25. shortens by two months the period within which the doctors who
26. are presently in an unqualified status, are either qualified
27. or the Department makes some move to provide adequate treatment
28. for people in our mental institutionals. Well, the question
29. here, of course, is how do we repair the damage that's been
30. done, how do we take care of a problem that it is a very
31. pressing one, how do we in a sense rescue this new administration
32. from a very embarrassing position based upon inaction over a
33. four-year period by other administrations? It's sad that this

1. has happened. We're all very much in sympathy with those who
2. are either not being treated or perhaps even being mistreated
3. by virtue of the fact that there is a communication's gap
4. which has been acknowledged. The fact is that many of us being
5. again reminded of the fact that some of the treaters are unable
6. to speak to the treatees. It makes us wonder how they then can
7. get a reasonable knowledge of the symptoms and treat a patient
8. properly. We're saying here by this...amendment that there is
9. sufficient time between now and January to get this job done.
10. We'd like it settled for once and for all by that time. I would
11. move its adoption.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Schaffer.

14. SENATOR SCHAFFER:

15. Well, Senator Newhouse, in the committee, and...I realize you
16. were snowbound and didn't hear the testimony, and I think
17. if you had it might have given you second thoughts about this
18. amendment. The test...we're going to try and qualify these
19. doctors, and the test is going to be given in December of this
20. year, one of two tests, and it takes two months to get the
21. results back from the test. Don't ask me why. It's not my
22. test. It's a national...it's-called a Flex Test. The doc's
23. will be taking...the temporary licensed doctors will be taking
24. the test in December. They won't find out until February whether
25. they passed it or not. That it is why the March date was
26. arrived at, because if we fire people and then find out sixty
27. days later or thirty days later that they, in fact, have
28. qualified, we've done everyone a disservice. The March date
29. did make sense and it wasn't pulled out of the air. It was...
30. it was the first date that we thought we could responsibly
31. respond from the results of the tests given to the unlicensed
32. doctors and I...I'm afraid I must resist this amendment because
33. it would put the Department in an extremely uncomfortable
34. position, and I think...and I think if you...I don't know that

1. you knew that fact, and if you did, you might want...if you
2. didn't, you might want to consider the amendment...withdrawing it.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Chew...oh, Senator Newhouse. Pardon me, Senator
5. Chew. Senator Newhouse.

6. SENATOR NEWHOUSE:

7. I would defer to Senator Chew if he wanted to speak, but
8. the fact is that I was snowbound yesterday and did not attend
9. that meeting, and I was not aware that these were the circumstances.
10. Given your representation, Senator, I...and I will certainly
11. accept it, I would...I would...I would move to withdraw this
12. amendment.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. All right, Amendment No. 2 has been withdrawn, with leave
15. of the Body. So ordered. Any further amendments?

16. SECRETARY:

17. No further amendments.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. 3rd reading. Senator Shapiro, there have been no amend-
20. ments. Do you wish to call the bill for passage? All right, on
21. the Order of House Bills 3rd reading, House Bill 615. Read the
22. bill, Mr. Secretary.

23. SECRETARY:

24. House Bill 615.

25. (Secretary reads title of bill)

26. 3rd reading of the bill.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Shapiro.

29. SENATOR SHAPIRO:

30. Well, Mr. President and Ladies and Gentlemen of the Senate,
31. I think everyone in the Senate is fairly well qualified and
32. fairly well knowledgeable as to the problem. It is a problem
33. that actually has been brewing for twenty-five years, and many
34. times over the twenty-five years, the General Assembly has taken

1. action in an attempt to license fully these so-called limited
2. license and permit physicians who are allowed to practice in
3. our State institutions only. In as late as 1974, there was
4. legislation passed by this General Assembly in attempt to
5. get these limited licensed physicians fully qualified. The...
6. though the attempts were made, they were not totally success-
7. ful, and as a result, we in the General Assembly and the new
8. administration have faced a crisis whereby these gentlemen,
9. Ladies and Gentlemen, are no longer licensed or qualified to
10. practice even in our State institutions, and as a result,
11. Governor Thompson has removed them from practicing medicine
12. in our State institutions. The thrust of this bill is to
13. extend the limited licensure until March 1st, 1978, and in
14. addition give the director of the various departments such
15. as Mental Health-Developmental Disabilities, Registration and
16. Education, Veterans Affairs, the authority in an emergency
17. situation to employ limited licensed physicians to meet an
18. emergency situation and also if this emergency situation arises,
19. limited licensed physicians have to be hired, that that report
20. will be made to the General Assembly. It is absolutely
21. necessary that this bill be passed out this week. I think in
22. view of the fact that the Governor is committed to extending
23. these limited licenses no longer than March 1st, 1978, and due
24. to the fact that he has instituted a program to take care of
25. the situation until we can recertify or recodify these limited
26. licensed physicians, I think the bill is absolutely necessary.
27. I'm not going to go into a great amount of detail on the bill.
28. I think you're all fairly well familiar with the situation. I
29. would be more than happy to attempt to answer any questions:
30. that you may have to ask me. Other than that, I would appreciate
31. a favorable roll call.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. All right. There are a half a dozen at least who have

1. indicated they wish to speak, and we'll...Senator Chew.

2. SENATOR CHEW:

3. Thank you, Mr. President. If...if I'm caught driving
4. my automobile and I'm not properly licensed, I'm punished for
5. it. In driving an automobile where we know it's a privilege
6. to be licensed, you're not dealing with helpless people. I
7. think the Governor made a giant step when he suspended these
8. unlicensed doctors, but I think that step is going to be like
9. the good cow that gave a good bucket of milk and then kicked
10. it over. The people in our institutions are entitled to
11. the best medical attention available, nothing less. We know
12. what the question is. We are advocating here, giving the
13. people in our institutions second or third class care. We can get
14. competent doctors, but we'll have to pay them. They should be
15. paid, and they should not be deprived of working in our in-
16. stitutions simply because we are too cheap to buy competent
17. service. That's all it is. Since the Governor has taken
18. these doctors out...unlicensed doctors or medical technicians...
19. call them what you wish, the Director of the Department said
20. the department has been running very well, because you had
21. quote some volunteers to come in. Well, what we got to do is
22. not to allow these medical technicians to go back into these
23. institutions. We have got to employ competent doctors and we
24. have got to pay them. You cannot get a medical doctor to go
25. into these run down institutions, and that's what they are,
26. the working conditions are deplorable...for twenty thousand or
27. thirty thousand dollars a year. It just isn't going to happen.
28. We ought to embark upon a program of making the working
29. conditions in these institutions attractive enough, making the
30. salaries of the personnel attractive enough whereby they will
31. want to work. How can a doctor who does not speak English pass
32. any kind of examination in English or better than that, how can
33. he communicate with the patient? It's impossible. This is why

1. we're down on the lower rung of the ladder in our institutions
2. because we here in Legislature, coupled with the Executive
3. Branch, have promoted second and third class care for the people in
4. our institutions. This bill is absolutely unnecessary. What we
5. need to do is to appropriate sufficient funds for the Department
6. of Mental Health where we can attract competent medical care
7. for those people in there. Whether we extend it a day or a
8. year is not going to really solve the problem, 'cause we'll
9. probably come up with a test that doesn't necessarily have to
10. be taken, but we'll advocate the fact that they passed it, and
11. what does it do? It puts the same personnel back into these
12. institutions that have been ruled unqualified now. I don't
13. think Illinois is in the business of educating doctors unless
14. they are in a university. I don't think we should spend one
15. dime sending them to school to underpay them when they're graduated.
16. We need to appropriate some money and stand up and be men and
17. women and say here - the problem is finance. If you make it
18. attractive, you can, in fact, secure competent medical authorities
19. in these hospitals. But we're only kicking over the bucket of
20. milk now by saying - here, you have come here, you can't
21. communicate, you are not a doctor, we're going to give you an
22. examination, and you still don't have to be quote a doctor,
23. but you'll satisfy the State. I don't buy it. But I do buy
24. the idea of a sufficient appropriation to hire the best people
25. available, and the patients deserve none less. I will not
26. support this bill under any circumstances, but I will support
27. an appropriation for hiring competent personnel. We...the
28. Governor can appoint people to various departments. Why can't
29. we pay a medical doctor the same salary that we pay the director?
30. He holds a medical degree. Why can't we pay a medical doctor
31. the same salary that we pay the governor? Why can't we? We
32. can the find the money. We seem to find it for everything else.
33. All we're saying is that the people in these institutions don't

1. deserve the best, and we're advocating it by extending this
2. period. I was hoping that Governor would not ask for an ex-
3. tension, but to leave it as is and to come in here and ask
4. for additional monies, and certainly I'd support that, but we
5. need to get out of the status quo. We need to go on about the
6. business of looking after these people in these institutions
7. with competent help and not second and third class medical
8. care. I shall never support a bill of this kind.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Ozinga.

11. SENATOR OZINGA:

12. Mr. President and members of the Senate, reluctantly I get
13. up to talk on this bill. I guess it was me that created this
14. thing about seven, eight years ago when we visited the institu-
15. tion at Elgin, and if you all remember, at that time, we ran into
16. some difficulties. And at time with your help, we passed the
17. legislation that would allow them to remain as doctors in these
18. institutions provided that they pass a sufficient examination
19. qualifying them within the...the realms of the State of Illinois.
20. Now, two years later, the director of the department came to
21. the Legislature and asked for an extension. At that time, we
22. thought we were slapping his wrists a little bit and saying -
23. look, you've had two years, why wait. Two years later, again
24. the director of the department came to the Legislature and asked -
25. would you please give us another two years? When we...explained
26. to him, no go, let's get rid of these people. Either they
27. shall qualify as good doctors and these people within the
28. institution shall get proper care and service. When we visited
29. these institutions, the big complaint with some of the residents
30. at these institutions was we can't understand them, they don't
31. know what they're giving us, we don't know what we're getting,
32. and the result was that the whole commission felt as though
33. they were not getting adequate care and therefore again demanded.

1. Now, just last year...two years ago, if you all will remember
2. those of you who were here...Senator Netsch I'm sure remembers
3. it because we battled pretty heavily on the Floor at that
4. time, and she again assured us by way of the Director, Dr.
5. Levitt, that he would immediately get on this problem. Now,
6. it's...it's a crying shame that this thing was not followed
7. up at that time. We worried about the people in the institu-
8. tions. We expressed our desire to you all at that time,
9. reluctantly at that time with a mandate from the...to the
10. department that they get on with this thing. Now, here we
11. are again, another extension. Even worse, the crisis was
12. created when...within the last three months of the year. These
13. doctors or so-called doctors were told they were going to
14. have an examination. Now, I've...I've visted with them, and
15. I've talked with them, and I can assure you; that they are people,
16. they are doctors that can qualify and can do this if they are
17. just told that it's this or else, and the or else is, they would
18. have to leave the Department. Now, it's hard for me to
19. believe that a total number of doctors who have qualified in
20. different states cannot pass an examination in this State.
21. Whether there's something wrong with the examination, or what,
22. but this was one that was not strictly limited to the State of
23. Illinois. To me, there was an agreement between them that this
24. thing would positively come to a head. To me, it sounds a
25. little bit like a conspiracy within and without and among others
26. than just the doctors. Our present situation is thrust on to
27. a brand new director. Now, I have talked with him. I have
28. told him what I think and I have told him I think the way you
29. all think. He has agreed to put a positive planned program
30. before these men to follow it up with strict accordance. He
31. has assured me that he will do this. I have talked with the
32. Governor. The Governor, as Senator Chew has just said, has
33. reacted. We now have the Director himself which we had before, but on

1. top of that, the Governor has promised that he will follow it
2. through and see to it that the Director follows it through,
3. and it's only with that assurance that I very, very, very,
4. reluctantly will be voting for this bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Daley.

7. SENATOR DALEY:

8. Mr...Mr. President and fellow Senators, I'll...I'd like
9. to ask the sponsor a question.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Sponsor indicates he will yield.

12. SENATOR DALEY:

13. Will the State again...if we extend it for the physicians...
14. limited licensed physicians, will the State give notification
15. to the patients that they are being examined by a limited
16. licensed physician?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Shapiro.

19. SENATOR SHAPIRO:

20. I...I would think that the...the way the license is drawn
21. and the fact that the license does state on there that they
22. are limited to practice medicine in all it's branches in State
23. institutions only and designates the institution that they will
24. know. I...I think it's pretty general knowledge, Senator, and
25. that they patients will know that the physician is a limited
26. licensed physician.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Daley.

29. SENATOR DALEY:

30. ...So that the...anyone appearing...being examined by these
31. physicians, they will get notification that these are limited
32. licensed physician for the future of their care and health.
33. I mean if they're examining today, so that in a year from now,

1. they know if they can come back with some type of lawsuit
2. against the individual or against the State, that they have
3. some type of notification that they were examined by these
4. limited licensed physicians, especially if those that do not
5. pass the exam.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Shapiro.

8. SENATOR SHAPIRO:

9. Well, I...I think, Senator Daley, that the...the fact
10. that the patients know that they are being treated by limited
11. licensed physicians. I can't say that the Department is going
12. to tell each patient whether they're being treated by a limited
13. licensed physician or a...a fully-licensed physician. The
14. limited licensed physician certificate, the certificate they
15. have in which they have to...display in a prominent place at
16. the institution in which they practice, does state that it is
17. a limited license and it states the institution at which they
18. can practice.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Daley.

21. SENATOR DALEY:

22. I would hope that the...the Department would give written
23. notification to any patient or especially their parents if
24. they appear before this limited licensed physician.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Further discussion? Senator Knuppel.

27. SENATOR KNUPPEL:

28. Mr. President and members of this Body, as has been so
29. clearly outlined here before by others. This problem is not a
30. new one, and the unfortunate thing is that it's not exclusively
31. within the State institutions. It's a problem that's been
32. brought on by the American Medical Association, the Illinois
33. Medical Association, and others who have failed to supply the

1. needs of the people of this nation with medical attention. As
2. early as 1950, there were thousands on campuses all over the
3. United States who were qualified to go to medical school. Less
4. than one of out of four were accepted. There were more doctors
5. graduated in this country in 1912 than were graduated in 1950.
6. Now, I ask you, are you going to issue limited licenses for
7. all of the small towns in the State of Illinois who need and
8. want doctors so that those people who have failed can go there
9. and make a living. You're saying those people who need attention
10. most will get it least, and I submit to you that if you license
11. these people on a temporary basis, the problem will be with
12. you yet next year. Not until we realize, not until we demand,
13. not until we pay for medical schools will we ever alleviate
14. this program. Now, the people that need it most, these
15. patients, have never gotten that care, and to believe that a
16. hundred and a fifty doctors can bone up and pass a test when
17. they've been so lethargic that they've always failed to do so
18. heretofore, and afford after they pass that test, the kind of
19. medical attention the people in our institutions need is really
20. a dilemma. It's really kidding ourselves. Many times an
21. amputation is necessary and then, and only then is when we
22. should do it. We should not delay the agony. We should amputate
23. and then as...as Senator Chew has said, we should go out and
24. search with the necessary money to hire those people we need
25. for those who need it most until we fill those positions,
26. and then we should authorize and pay for more medical schools
27. to fill these towns, these communities, with the kind of medical
28. attention they need. This is a joke. We've been kidding our-
29. selves. We're sitting here today kidding ourselves. Never
30. until a vacuum is created will there be a...something to fill
31. it. Not until you empty the glass when it's full, can you get
32. any more water in it.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Buzbee.

2. SENATOR BUZBEE:

3. Senator Knuppel, I...I agree with you. I'm sure that
4. Senator Weaver and I could quickly get the amendments pre-
5. pared to the University of Illinois and the SIU Medical School
6. appropriation bills, and I'm sure that you know or are very
7. well aware...I was told by the Dean of the SIU Medical
8. School as an example that they have one thousand qualified
9. applicants each year for admittance. Of those one thousand,
10. six hundred are eminently qualified, and they can admit some-
11. thing like eighty to each class. It takes a lot of money
12. for medical education. We're very well aware of that. I
13. don't know what the ratio is at the U of I, but I'm sure it's
14. in a direct proportion. The time is going to have to come,
15. of course, when we do start educating more doctors, and it
16. has been suggested I think, by Senator Lemke one day in a...
17. in a Democratic Caucus that perhaps we starting providing
18. more money to the medical schools and...and give psychiatric
19. scholarships, of the type that these kind of people could be
20. used in the State Mental Institutions after they are graduated.
21. The problem that is before us today, I would like for each of
22. us to think just for a moment, if we happen to be in the
23. position of being the consumer of these people's services or
24. the recipient of their healthcare, if we would be willing to
25. accept their treatment. I seriously doubt that any of us
26. would submit voluntarily to the treatment of these so-called
27. doctors, who either do not have the gumption or do not have the ambition
28. or don't have the brains perhaps to prepare themselves to
29. take the examination to become fully qualified doctors, because
30. what's going to happen if they do. They're going to leave
31. those twenty-seven thousand dollar a year jobs and they're
32. going to go out and start practicing as fully licensed MD's
33. in this State or some other state and make fifty or sixty or

1. a lot more than that per year. I would submit to you also,
2. that if you checked into what these people really and truthfully
3. do, is they're band-aid and busted finger doctors. They treat
4. cuts and bruises, but they do not under any circumstances
5. treat people with serious medical problems. One of the
6. institutions with which I am familiar, the Anna State Hospital,
7. they have about three hundred and fifty patients in that hospital,
8. and there is a total of seven or eight doctors available to
9. those three hundred and fifty patients. Three of them are of
10. the type that we're talking about here. There are two full-
11. time psychiatrists, and then there are two or three more
12. practicing MD's in the community who come in on a contractual
13. basis. Those are the people that treat the really serious
14. medical problems. There is a cancer in the Department of
15. Mental Health. It's been there for years. The Department
16. has not chosen to deal with it. The time has now come to
17. deal with it, and I submit to you that the quickest way to cure
18. that cancer is to completely cut it out and vote No on this
19. bill.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Further discussion? Senator Netsch. Senator Morris, will you...

22. SENATOR NETSCH:

23. Thank you, Mr. President. I want the record to show that
24. Senator Morris stands in the way of progress not just for
25. others but for all of us from time to time.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. There is...there is no question about that. It will be
28. Journalized.

29. SENATOR NETSCH:

30. That...it is now Journalized and immortalized, Senator
31. Morris, the...and I just lost a vote on ERA, I am informed.
32. I'm sorry. I...I am...I have more serious business. I really...I would
33. like to make a suggestion to some other gentlemen who voted on

1. an amendment just awhile ago, that I think it was really a
2. very serious mistake for that amendment to receive the fate
3. that it did, because for many of us who would be otherwise
4. be willing to vote for the bill, it put us in a very difficult dilemma.
5. I think I for one would freely if reluctantly and sadly vote for
6. the bill if we knew that the practice was really going to
7. be brought to an end, but without the prohibition on hiring
8. any additional workers, we do not have that assurance, and
9. I think the reason why we need the assurance...maybe I can
10. highlight by just simply reading you the paragraph that was
11. in the 1974 bill which extended the limited licensed practice
12. for another year which turned out to be somewhat longer than
13. a year. I was the sponsor of that bill at the request of the
14. administration, not because I was that enthusiastic about it
15. and we did work very hard to try build some safeguards into
16. it. This is one that was intended to be helpful. The bill
17. read in '74 - the legislative intent of this amendatory Act
18. of 1974 is declared to be to extend to the Department of
19. Mental Health and the Department of Registration and Education
20. a period of time in which to devise a plan either to replace
21. the State Hospital Permit System or to prepare all permit
22. holders to qualify for a license to practice medicine in all its
23. branches. The Department of Mental Health shall therefore take
24. the necessary action to replace such system or to qualify the
25. permit holders and then it required the report back to the
26. General Assembly. Now, as we've all conceded, that simply
27. was not done. Despite the fact that we felt we had written into
28. that bill all kinds of iron-clad commitments that indeed the
29. system would be phased out and the problem faced up to. The
30. point of the amendment which was unfortunately defeated, is that it offers
31. that iron-clad assurance that it will never again be possible
32. to postpone and procrastinate and continue this problem, that
33. we face up to what we are going to do about the medical care in

1. the State institutions, and without that kind of assurance,
2. for some of us who...who...kind of fought and bled and...and
3. wept about this argument two years ago, we simply cannot
4. accept being put into the position of saying that okay, we
5. ...we took your word then and it didn't work, and now we're
6. just going to let the whole thing go over again, so I think
7. what you are going to find perhaps on the part of some of
8. us is the courageous vote of Present. I am not unwilling to
9. give the right to extend it, but I am willing to do that only
10. if I am absolutely sure that the practice will be at an end
11. in March 1978. I'm sorry, that's the way it is.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Further discussion? Senator Demuzio.

14. SENATOR DEMUZIO:

15. Well, thank you, Mr. President and members of the Senate.
16. I certainly want to echo Senator Netsch's remarks that I, too,
17. am prepared to vote for the bill with the amendment. As a
18. member of the Commission on Visiting and Examining State
19. Institutions and a person who voted for the two year extension
20. two years ago, I find it really repulsive to have to vote for
21. an extension again. I'm concerned about in the institutions
22. about the desensualization, the word...deinstitutionalization
23. that we have heard so much about. I'm concerned about the
24. loss of Federal funding, the employees and the patient care
25. that are at the institutions, and I think that we as the members
26. of the commission, with Frank Ozinga, Senator Ozinga, will be
27. very keying in on this very problem during the next several
28. months if this bill passes. I know we had a...a patient load
29. of...in the mental institutions of...at a high peak of fifty-
30. five thousand, and today it is down to around thirtgen thousand.
31. I agree with Senator Knuppel in his remarks one hundred percent.
32. I think that it's a posture and a position that you cannot
33. win as a legislator whether you vote for or against this bill,
34. but with the assurances that we could adopt the amendment, I am
35. prepared to support the bill. Thank you.

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1. PRESIDING OFFICER: (SENATOR ROCK)
2. ...discussion? Senator Maragos.
3. SENATOR MARAGOS:
4. Will the sponsor yield to a question, please?
5. PRESIDING OFFICER: (SENATOR ROCK)
6. Senator Shapiro indicates he will yield. Senator
7. Maragos.
8. SENATOR MARAGOS:
9. Senator Shapiro, what in this bill prevents from
10. the participants in this program, primarily the doctors
11. who are involved from considering themselves as having
12. vested rights the minute that this bill passes?
13. PRESIDING OFFICER: (SENATOR ROCK)
14. Senator Shapiro.
15. SENATOR SHAPIRO:
16. Would you rephrase your question again, Senator?
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Senator Maragos, will you repeat the question? May
19. we have a little order please? Senator Maragos.
20. SENATOR MARAGOS:
21. The bill, if it passes today, does it or does it not
22. give the doctors in question a vested right that they
23. cannot be replaced for cause or otherwise between now and
24. the deadline of that bill?
25. PRESIDING OFFICER: (SENATOR ROCK)
26. Senator Shapiro.
27. SENATOR SHAPIRO:
28. The answer is no.
29. PRESIDING OFFICER: (SENATOR ROCK)
30. Senator Maragos.
31. SENATOR MARAGOS:
32. Another question, then Mr. Shapiro. Isn't it a fact
33. that they are also under the Personnel Code at the present time?

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator Shapiro.

3. SENATOR SHAPIRO:

4. Senator, there is a problem with the...with the
5. Personnel Code as it regards some of these limited
6. licensed physicians.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Maragos.

9. SENATOR MARAGOS:

10. And that being the case, then, Senator Shapiro,
11. does not in effect, this vest them under the Personnel
12. Code unless we have an amendment similar at least to show
13. that there will be no rehiring?

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Shapiro.

16. SENATOR SHAPIRO:

17. Senator Maragos, I think even though some of them
18. may be, they are under the Personnel Code and would be
19. difficult possibly, to bring a case against them. It can
20. be done. It can be done.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Maragos.

23. SENATOR MARAGOS:

24. Mr. President and members, I had my doubts about this
25. bill all along because of the question of the vested rights
26. that may be placed on these physicians who are given the
27. privilege to stay on even though they don't qualify under
28. our Statutes. I would state however, that it would have been
29. much more sweeter for us to swallow if we had the amendment
30. that was presented by Senator Berman because at least we would
31. not be compounding the felony by letting them continue this
32. practice and still giving more people the opportunity to be
33. vested under this bill. That's what I wanted to express at this

1. time and I have my very serious doubts the way it is in
2. its present form.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Further discussion? Senator Berman. Yes, you're
5. next, Senator Smith. Senator Berman.

6. SENATOR BERMAN:

7. Thank you, Mr. President. Ladies and Gentlemen of the
8. Senate, one of the reasons that I proposed the amendment
9. that fell two votes short and that I'm reluctant to support
10. the bill in its present form is because I have in my hand
11. a report that's dated December 27th, 1976. A report
12. that was submitted to Governor Thompson and his transition
13. team three months ago in which this problem was highlighted.
14. and explained in detail about the shortcomings of these
15. unlicensed doctors. What has been done in these past
16. three months? The bill in the present form is an invitation
17. to continue this disreputable practice of non-qualified
18. doctors based upon examination, non-qualified doctors,
19. to continue to treat the sick in our mental institutions.
20. I haven't been shown and I was one of the ones who urged
21. the committee hearing yesterday and I was not satisfied and
22. I did not hear testimony to show what has been done in
23. the past three months to get rid of these doctors, to
24. upgrade the salaries, to reach out and get qualified physicians.
25. I don't doubt the good intentions of Doctor Devito but
26. intentions are one thing, performance has been totally
27. absent and is another thing. This report has not been
28. acted upon and if it wasn't for the crisis of the non-
29. licensure I doubt if it would have been acted upon today.
30. If we're going to do something, let's do what is best
31. for the patients. If we're going to give them an extension
32. to these physicians to continue to treat these poor patients,
33. then let's make sure that we don't compound this bad situation

1. by encouraging the hiring of other unqualified doctors.
2. I'm going to vote Present on this bill in its present shape
3. until it...an amendment is placed on it that will give
4. the protection to these patients that they are entitled
5. to.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Smith.

8. SENATOR SMITH:

9. Mr. President and Ladies and Gentlemen of the
10. Senate. I have sat here and followed the procedure
11. I always follow, tried to weigh the arguments that are
12. made for and against any measure. It has been my
13. belief from the time that I read and insofar as my
14. limited ability permitted, gave considerable thought
15. to the bill now under discussion. It so happened that in
16. the committee as of yesterday, I chaired that committee
17. I stated frankly to my...to the members of that committee
18. my opinion predicated upon my having read the bill on
19. three separate occasions. My mind runs back to the last
20. Session when the then President of the Senate...if I may
21. have a little order. I don't address you often.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Yes. You are entitled to order. Senator Bruce and
24. Netsch, can we break up...yes...

25. SENATOR SMITH:

26. ...I'm going to suspend while this discussion...

27. PRESIDING OFFICER: (SENATOR ROCK)

28. I didn't...I didn't want to identify Senator D'Arco
29. as being with that group. All right. If we can have a little
30. order. Senator Smith is entitled to order. Will the members
31. please be in their seats and those not entitled to the
32. Floor, please vacate. Senator Smith.

33. SENATOR SMITH:

1. SENATOR SMITH:

2. I'm not going to stand here and criticize anyone
3. or any member that has spoken either for or against this
4. proposal. I have said before and I say now, that this
5. bill, and I was the only member of my own committee to
6. vote in opposition to the sending out of this bill to the
7. membership proper. My reading, my limited knowledge and
8. my experience indicates to me that the bill as a whole
9. is the second worst bill that has been presented before
10. this Body during the many years that I have served here.
11. This bill needs the amendment that Senator Berman offered
12. and I am hoping as I stand here that one of those who
13. voted on the prevailing side will make a motion to reconsider
14. the vote by which that amendment was defeated. I'm also
15. hoping our friend and our friends on the other side
16. of the Senate will support that motion if we are successful
17. in getting it back in the position where it can be added
18. to this bill. I can go into the other room in my office
19. and bring my notes out here and I'll show you at least
20. seven additional amendments that should be made to this
21. bill. I hope I'm not putting anybody in a bind in standing
22. here and taking the position that I'm taking here now.
23. I discussed this bill early this morning...not early
24. this morning, it was since...well before we met at noon.
25. And I stated then as I state now, this bill matches
26. a bill that was presented here by the former President
27. of this Body and I remember the number, it was Senate
28. Bill 149 and he wanted it passed and it related to this
29. same matter that you have under discussion. And he wanted
30. it out of committee that afternoon and I told him he
31. might be able to do that but I would...I would step down
32. from the Chair and let others preside while this bill
33. was being heard, but I...I would like to reserve the right

1. to testify as a member, as an interested citizen. That
2. bill hasn't come out of committee yet and it was then
3. ordered that that was...rather argued that that was a good
4. bill. Now, all that I consider this bill as is simply
5. a stop gap. That's the best and the most lenient term
6. that I could possibly use with regards to this bill, as an
7. intended stopgap measure. But, when the Senator came
8. forward with his amendment that would guarantee and hinder
9. and prevent the continuation of those men who have been
10. declared to be incompetent, I changed my thinking. I am not
11. going to vote for the bill in its present form.
12. I'm going to vote Present. And I hope and I know I have
13. no right to say what I'm about to say, because after all,
14. we have a leader, but I'm going to express the earnest hope
15. that the membership on this side as a whole to vote Present
16. with regards to this bill and give us a chance to get back
17. to Senator Berman's amendment and I'll gladly support
18. that amendment believing yet as I do that the bill needs
19. plenty amendment. I asked the question as of yesterday, has the
20. Reference Bureau seen this bill and you are now standing,
21. Senator Schaffer, you said yes, that they had. I accepted
22. his word, but still I...I couldn't see the bill. I've
23. studied the bill. I don't know how many of you have
24. studied it, but it's a bad bill. Let us admit that which
25. is right. Let this measure as I have always said, like all
26. others, let it stand or fall upon its merit. This bill as
27. drafted and as presented and as passed does not merit the
28. support of the membership here and I'm frank to confess to
29. you that I've listened to everything that every...I have a mind
30. that's retentive enough to repeat what any individual member
31. has said here. This bill doesn't merit our support in its
32. present shape. Let us get that guarantee that's encroached
33. in the wording of the amendment that Senator Berman offered,

1. then we could probably support it.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Further discussion? Senator Hickey.

4. SENATOR HICKEY:

5. Mr. President and fellow Senators. I think we've
6. really had plenty of debate on this but a couple of things
7. haven't been said. First of all let me say I'm sorry
8. that this bill had to be written. I'm sorry that we ever
9. hired any unlicensed doctors and I'm sorry that we haven't
10. paid the licensed doctors, the licensed American doctors
11. what we've had...what we should have paid them. I'm not
12. sure that if we lose the unlicensed doctors, that the care
13. will really be improved at this point in some of the mental
14. hospitals. There are some people who think that a friend
15. of mine died in a State mental hospital because
16. of lack of adequate care of a licensed American doctor in
17. that institution. I'm going to vote for this bill
18. because I've heard Doctor DeVito talk on this subject. I do
19. not believe that he will hire anybody even on a temporary
20. basis as an unlicensed physician unless it's absolutely
21. necessary and there is a crisis that...that can be solved in
22. no other way. We are going to get rid of them eventually
23. and I...I am going to vote for it. But, I want to put
24. two groups on notice and I think this Body should do this
25. now. This is not going to solve good medical care in our
26. State institutions when we get rid of these unlicensed doctors.
27. I think the only way it's ever going to be done is to hire
28. medical help on a contractual part-time basis in all of the
29. institutions and I think we should let the Department of
30. Mental Health know that we see that as the only possible
31. solution really to improving the situation. Secondly,
32. I quite agree with Senator Knuppel and what he said about
33. medical education and with Senator Buzbee, too. But, I...but

1. the other point I want to make in addition to the necessity
2. for contractual doctors is that we can also ask our medical
3. schools not just to take more people and get more money
4. to train more doctors, but to reallocate within the dollars
5. which they have now. I do not believe that medical education
6. in this State is given as economically and still given as
7. well as...it's given well, but it is not done as economically
8. as it can be. Those two things I want to add to the
9. discussion. Thank you.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator...Senator Davidson has kindly yielded. Senator
12. Wooten.

13. SENATOR WOOTEN:

14. Mr. President and colleagues. I am fascinated
15. with the way the argument on the bill has begun to zero
16. in on what seemed to me to be a largely superficial
17. amendment, even a meaningless one. Maybe...obviously
18. that opinion is not shared by many people in this Body.
19. But, it seems that what we proposed to do is to give
20. Governor Thompson about half the grace period that we gave
21. to Governor Walker to solve a problem. And fair is fair,
22. I believe in that. But, why the insistence on the amendment?
23. I really don't understand that and as I say, I begin to get
24. a little skeptical when such things occur. And the worry
25. that bothers me is what could go wrong if we amend the bill.
26. Two things that I could see that could go wrong, is this
27. could get caught between the two Chambers, between the
28. Senate and the House. And we could play a game of
29. badminton with it for a while. I don't think we can address
30. the situation that way. Another thing that could go wrong
31. if the amendment is on the bill and there is a problem
32. in the Department, let's say we have a mass resignation
33. of doctors and no realistic way to solve the problem to
34. deliver care, that could embarrass our new Governor, give him a

1. real problem. And I suppose in politics that's something
2. you might think about, but I believe it is playing with a
3. segment of our population we ought not open the possibility
4. of playing such games with. I think we ought to pass
5. the bill in the present form. It is not a matter for the
6. kinds of worries that I have raised. I think we simply
7. ought to give the present Governor, the new Director
8. one more shot at giving these...getting these doctors
9. licensed. And if I may admit to one more even more profound,
10. skeptical view, I have discovered that general rules do
11. not apply in all individual cases. I know some doctors who
12. are fully licensed to practice medicine whom I do not consider
13. competent. I know some doctors who have limited licenses
14. that I consider very competent. I think the bill that's
15. before us is a very reasonable one. If we're going to take...
16. give the Governor and the present Department one year
17. to solve the problem. And I think we ought to do that without
18. any incumbrances.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Further discussion? Senator Schaffer.

21. SENATOR SCHAFFER:

22. Well, I just wanted to, since we're redebating the
23. amendment, point out a couple of things again that may have
24. been lost in the shuffle. One thing Senator Berman
25. has pointed out, the three months delay, I would point out to
26. you that the Governor has only been here for about a month
27. and a half and the Director an even shorter time period
28. and it doesn't surprise me that they haven't solved all the
29. problems of the previous administration by this time.
30. I would suggest to you the amendment is not offensive to me.
31. I do believe the Director should have some flexibility
32. and in extreme circumstance he has assured us as candidly and
33. honestly as I've ever seen a Director assure us of something,

1. that it is not his intention to hire anyone except in the
2. extremist of circumstances. The simple fact of the matter
3. is that we cannot leave Springfield this week without
4. resolving this problem. The simple fact of the matter is
5. that the volunteer medical support we've had is going
6. to be terminated or to some degree, may already
7. be terminated. The simple fact of the matter is that our
8. staffs that are on the double shifts can't go on that
9. long. We have an obligation to the patients to resolve
10. this problem and not be bogged down in petty bickering.
11. The simple fact of the matter is that if this bill is
12. defeated, which I sincerely hope it is not, and if the
13. amendment is eventually put on, it is sent to the House and
14. we don't know what happens in the House. I've never chosen
15. to predict what will happen in the House, but we should
16. have an assurance that if that...in that circumstances
17. that this Body will not adjourn until the House responds,
18. if that means staying here Friday and Saturday, then we have
19. that obligation to the patients in the mental hospitals
20. affected to stay here. And I hope everyone who is thinking
21. about voting Present is also thinking about staying here until
22. the problem is resolved because we owe the patients that
23. much.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Further discussion? Senator Lemke.

26. SENATOR LEMKE:

27. We...I am going to vote Present on this bill. Number
28. one, we talk about discretion of the Director. I could recall
29. four or five years back at Elgin State Hospital where we had
30. one of these particular doctors working on the...working
31. there and it turned out that this individual was not even
32. a graduate of a medical school. He said he was a graduate
33. of Havana Medical School, he was on the payroll receiving the

1. funds and after they did a lot of checking they found out
2. he didn't even go to school. And I...I can't see leaving this
3. in discretion and limiting people and putting guys
4. on that are not going to be even qualified to get out of
5. medical school. And we talk about foreigners, the
6. problem we're facing is a main problem in this country.
7. The problem that's facing this nation is that we do not
8. have enough students graduating from medical school and the
9. reason we don't have students graduating from medical
10. school is only one and that's because the AMA sets high
11. standards so only certain people can go to medical
12. school and this is what we're talking about here and this
13. is why we have crises with doctors throughout this State
14. and throughout this nation. The AMA wants high standards.
15. They require high requirements. There's even law...medical
16. schools that require contributions in a great amount
17. before you get in that school. And the only people that
18. can get in schools are relatives and sons of doctors
19. that belong to the AMA. And we should start looking into this
20. problem and not start talking about we got crises going
21. on. There's a crisis going on and the main reason is because
22. of the AMA. Who's for this bill? And I say to this that
23. if we pass this bill without this amendment, we're letting
24. things up to discretions of another doctor who is a member
25. of the AMA.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Further discussion? Senator Hynes.

28. SENATOR HYNES:

29. Mr. President, members of the Senate. Much has been said
30. with respect to this bill. And I don't mean to belabor the
31. point but I think it's a very important one and ought to be
32. repeated. This bill is necessary if we are to resolve this
33. problem. There is no doubt about it. We must have legislation

1. which will give the Department the time to cure this
2. problem that has been with us for so many years.
3. But, I think it is also equally important that we declare
4. without equivocation our intention to put an end to the
5. problem once and for all. And the amendment that Senator
6. Berman offered, I think, would have been such a
7. declaration. It would have been a clear signal to the
8. people of this State and to the Department of Mental Health
9. and to everyone involved that next March is the deadline
10. and that the problem must be corrected within that time
11. frame to allow additional personnel to be put on in the
12. period when we are supposed to be phasing them out, seems
13. to me to be totally inconsistent. And I think that that
14. amendment was well thought out. I think it was necessary
15. to make this a good bill. I think it should have been
16. adopted and I would suggest that the amendment ought to be
17. reconsidered. That this Body ought to vote on it again and
18. put it on the bill. I am confident that the House will
19. pass the bill with the amendment. It received a hundred
20. thirty-four votes in the House without it and I think this
21. amendment strengthens the bill and will add to its
22. supporters. So for my part, even though I think the bill
23. is necessary and I think it is necessary that we pass it
24. this week, I am not prepared to vote for it today in its
25. present condition. I think it should have that amendment and
26. I think it should be brought back to 2nd reading for
27. the purpose of adding it.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Any further discussion? Senator Shapiro may close the
30. debate.

31. SENATOR SHAPIRO:

32. Well, Mr. President and Ladies and Gentlemen of the Senate,
33. there has been much said concerning this bill and it is

1. unfortunate that we have inherited a problem that we have
2. attempted to rectify over many years and because the
3. former Directors of the Department and former administrations
4. have never addressed themselves properly to the situation,
5. we are saddled in attempting to reach some solution. I don't
6. think anyone in this room knows whether or not the Governor's
7. program is going to bear fruit. I certainly don't.
8. But I do know this, the Governor and the Director of the
9. Department are committed to this one single fact that on
10. March 1st, 1978, the permit position in the State of
11. Illinois will expire. They will not ask for an extension
12. of the Act and hopefully, in the meantime, they will
13. be able to come up with a program to either qualify these
14. people for regular licenses or bring in other people
15. to fill the vacancies created. And with that, Ladies
16. and Gentlemen of the Senate, I would appreciate a favorable
17. roll call.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. All right. The question is shall House Bill 615
20. pass. Those in favor will vote Aye. Those opposed will
21. vote Nay. The voting is open. Have all voted who wish?
22. Have all voted who wish? Take the record. On that
23. question the Ayes are 28, the Nays are 6, 23 Voting Present.
24. House Bill 615, having failed to receive a constitutional
25. majority, is declared lost. Senator D'Arco.

26. SENATOR D'ARCO:

27. At this time I would like to suspend the rules, make a
28. motion to suspend the rules to return House Bill 615 to
29. the order of 2nd reading.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. The bill...the bill, in fact, Senator, has been declared
32. lost. Senator D'Arco.

33. SENATOR D'ARCO:

1. Let me ask you this. I voted on the prevailing side
2. on the amendment, Mr. Berman's amendment that did, in fact,
3. fail. I voted on the prevailing side. Now, what I would
4. like to do and I'm not sure the proper procedure...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Well, wait a minute. Senator D'Arco has the Floor
7. for Parliamentary inquiry. The question, Senator, is...

8. SENATOR D'ARCO:

9. If I voted Present...if I voted Present, is that
10. voting on the prevailing side?

11. PRESIDING OFFICER: (SENATOR ROCK)

12. It is...it is not.

13. SENATOR D'ARCO:

14. All right.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Yes, Senator Morris.

17. SENATOR MORRIS:

18. Thank you very much, Mr. President. Having voted
19. on the prevailing side on House Bill 615, I voted No, I'd
20. like to move for reconsideration of the bill for the
21. purpose of bringing the bill back, then putting it on
22. 2nd reading for an amendment.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. All right. Senator Morris has moved to reconsider
25. the vote by which House Bill 615 lost. Is there any
26. discussion on that motion? Senator Savickas moves to Table
27. that motion. Those in favor of the motion to Table
28. signify by saying Aye. Those opposed. The Noes have it.
29. The motion to Table fails. Now, before the Body is the
30. question...Senator Morris' motion to reconsider the vote
31. by which House Bill 615 lost. All those in favor signify
32. by saying Aye. All those opposed. The Ayes have it. The
33. vote is now reconsidered. We are back on the order of House

1. Bills on 3rd reading. House Bill 615. Senator Shapiro.
2. SENATOR SHAPIRO:
3. As chief sponsor of the bill, Mr. President, the
4. bill will remain on 3rd.
5. PRESIDING OFFICER: (SENATOR ROCK)
6. That is the sponsor's prerogative. Senator D'Arco.
7. SENATOR D'ARCO:
8. No...
9. PRESIDING OFFICER: (SENATOR ROCK)
10. All right. The bill will...the vote having been
11. reconsidered the bill will remain on 3rd reading.
12. Senator Chew, for what purpose do you arise?
13. SENATOR CHEW:
14. Point of information, inquiry.
15. PRESIDING OFFICER: (SENATOR ROCK)
16. State your point, Sir.
17. SENATOR CHEW:
18. What good does it do to cast a vote here and either
19. vote a bill up or vote it down and suddenly put it back on
20. 3rd reading by a voice vote? And now the...now the sponsor
21. does not want it moved back to 2nd reading.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. In the...
24. SENATOR CHEW:
25. Senator D'Arco's motion should be now to take it away
26. from the Body.
27. PRESIDING OFFICER: (SENATOR ROCK)
28. No. In the opinion of the Chair, there were more than a
29. majority of the Senators elected who voted to reconsider and
30. anytime you get thirty votes or more in this Body, something
31. can happen.
32. SENATOR CHEW:
33. Yes, I'm aware of that, but the motion that Senator

1. D'Arco should be making now is to take it away from the
2. sponsor. Since...

3. PRESIDING OFFICER: (SENATOR ROCK)

4. That...that I assume, Senator Chew, is a rhetorical
5. question. Senator D'Arco.

6. SENATOR D'ARCO:

7. All I wanted to do was move it back to 2nd so that we
8. could reconsider Mr. Berman's amendment. I would never take
9. it away from...

10. PRESIDING OFFICER: (SENATOR ROCK)

11. I...I understand that and I'm well aware of that. It
12. is the long standing tradition of the rules of this Body
13. that the sponsor is in control of the legislation. Senator
14. Hynes. Senator Hynes.

15. SENATOR HYNES:

16. Mr. President, this matter, as we've all said, must
17. be resolved this week, which includes tomorrow since we are
18. in Session. It is now 2:30 and the committees are scheduled
19. to begin. Unless the sponsor of the bill has a motion to
20. bring the bill back to 2nd reading and unless there is any
21. further business to come before the Senate, I'm prepared
22. to put a motion to adjourn. All right. I'll yield...

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Senator D'Arco.

25. SENATOR D'ARCO:

26. Mr. President, I would make a motion to suspend the
27. rules to move this bill back to 2nd reading to reconsider the
28. amendment by which House...Amendment No. 1 to House Bill
29. 615 failed. I did vote on the prevailing side there.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Well, under rule 4, the temporary rules of the Senate,
32. the...the sponsor has the absolute right to control his bill.
33. The sponsor has chosen to have the bill remain on the order

1. of 3rd reading. Senator Maragos.
2. SENATOR MARAGOS:
3. I have a point of...Parliamentary inquiry, here.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. State your point.
6. SENATOR MARAGOS:
7. What concerns me is the sponsorship is joint according
8. to the Calendar. Now, it shows to be Shapiro and Hynes and
9. I don't know whether Senator Hynes has been consulted as
10. to where the position of this bill should be.
11. PRESIDING OFFICER: (SENATOR ROCK)
12. Nor...nor do I know. Any further business to come before
13. the Senate? Senator Hynes.
14. SENATOR HYNES:
15. If there is no further business, I do believe there are
16. some bills to be read in. We ought...with leave we could
17. return to the order of Introduction of Bills, read those
18. bills in and then adjourn.
19. PRESIDING OFFICER: (SENATOR ROCK)
20. Until tomorrow.
21. SENATOR HYNES:
22. Till 11:30 tomorrow morning.
23. PRESIDING OFFICER: (SENATOR ROCK)
24. 11:30 tomorrow. All right. With leave of the Body.
25. Introduction of Bills. Pardon me. Hold it, Mr. Secretary.
26. Senator Carroll, for what purpose do you arise?
27. SENATOR CARROLL:
28. For purpose of a Parliamentary inquiry, Mr. President.
29. Because of the...because of the noise level of the Chambers,
30. I found it difficult to hear the ruling of the Chair. The
31. Parliamentary inquiry being, what status or posture of the
32. bill, Senator Shapiro - Hynes bill is in right now.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. The bill is on the order of 3rd reading.

2. SENATOR CARROLL:

3. Would not rather be on the order...didn't it die on 3rd

4. reading?

5. PRESIDING OFFICER: (SENATOR ROCK)

6. It was...it was declared lost and the vote by which it

7. was declared lost was reconsidered...

8. SENATOR CARROLL:

9. I see.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. ...by a majority of the Senators elected.

12. SENATOR CARROLL:

13. Thank you.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Egan, for what purpose do you arise?

16. SENATOR EGAN:

17. Thank you, Mr. President. I would like to just make

18. a brief announcement if I may relative to a subcommittee

19. hearing tomorrow morning at 8:30 in the Judiciary II Com-

20. mittee. We are postponing the hearing for the death penalty

21. bill due to the fact that Senator Sangmeister is in the

22. hospital. The notice will be posted relative to the next

23. meeting date. Also, Mr. President, if I may at this time, I

24. would like to ask leave of the Body to be replaced as the

25. Senate sponsor of House Bill...I would like to ask leave of the

26. Body to place my name in as the Senate sponsor on House Bill 13,

27. not that of Senator D'Arco which I have spoken with him concern-

28. ing and we have total agreement on it.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Can you repeat that convoluted paragraph? All right,

31. Senator Egan has asked leave to be shown as the Senate sponsor

32. of House Bill 13. Is leave granted? Leave is granted. So

33. ordered. Introduction of bills.

1. SECRETARY:
2. Senate Bill 313, introduced by Senators Merlo, Hynes,
3. and Philip and others.
4. (Secretary reads title of bill)
5. Senate Bill No. 314, introduced by Senator Vadalabene.
6. (Secretary reads title of bill)
7. Senate Bill No. 315, introduced by Senator Philip,
8. Nimrod, and Harber Hall.
9. (Secretary reads title of bill)
10. Senate Bill No. 316, introduced by Senators Kosinski,
11. Rock, Hynes, and Donnewald.
12. (Secretary reads title of bill)
13. Senate Bill No. 317, introduced by Senators Bloom,
14. Shapiro, and others.
15. (Secretary reads title of bill)
16. Senate Bill No. 318, introduced by Senators Mitchler,
17. Shapiro, Weaver and others.
18. (Secretary reads title of bill)
19. Senate Bill No. 319, introduced by Senators Harber
20. Hall, Shapiro, Weaver and others.
21. (Secretary reads title of bill)
22. Senate Bill No. 320, introduced by Senator Vadalabene.
23. (Secretary reads title of bill)
24. Senate Bill No. 321, introduced by Senators Sommer,
25. Shapiro, Weaver and others.
26. (Secretary reads title of bill)
27. Senate Bill No. 322, introduced by Senators Harber Hall,
28. Shapiro, Weaver and others.
29. (Secretary reads title of bill)
30. Senate Bill No. 323, introduced by Senators Bowers,
31. Shapiro, Weaver and others.
32. (Secretary reads title of bill)
33. Senate Bill No. 324, introduced by Senators Philip,
34. Shapiro, Weaver and others.

1. (Secretary reads title of bill)
2. Senate Bill No. 325, introduced by Senators Sommer,
3. Shapiro, Weaver and others.
4. (Secretary reads title of bill)
5. Senate Bill No. 326, introduced by Senators Regner,
6. Shapiro, Weaver and others.
7. (Secretary reads title of bill)
8. Senate Bill No. 327, introduced by Senators Grotberg,
9. Shapiro, Weaver and others.
10. (Secretary reads title of bill)
11. Senate Bill No. 328, introduced by Senators Rupp,
12. Shapiro, Weaver and others.
13. (Secretary reads title of bill)
14. Senate Bill No. 329, introduced by Senators Walsh,
15. Shapiro, Weaver and others.
16. (Secretary reads title of bill)
17. Senate Bill No. 330, introduced by Senators Mitchler,
18. Shapiro, Weaver and others.
19. (Secretary reads title of bill)
20. Senate Bill No. 331, introduced by Senator's Schaffer,
21. Shapiro, Weaver and others.
22. (Secretary reads title of bill)
23. Senate Bill No. 332, introduced by Senators
24. Roe, Shapiro, Weaver and others.
25. (Secretary reads title of bill)
26. Senate Bill 333, introduced by Senators McClain...
27. or McMillan, Shapiro and Weaver.
28. (Secretary reads title of bill)
29. Senate Bill No. 334, introduced by Senators Rhoads,
30. Shapiro, Weaver and others.
31. (Secretary reads title of bill)
32. Senate Bill No. 335, introduced by Senators Regner,
33. Shapiro, Weaver and others.

1. (Secretary reads title of bill)
2. Senate Bill No. 336, introduced by Senators Moore,
3. Shapiro, Weaver and others.
4. (Secretary reads title of bill)
5. Senate Bill No. 337, introduced by Senators Ozinga,
6. Shapiro, Weaver and others.
7. (Secretary reads title of bill)
8. Senate Bill No. 338, introduced by Senators Davidson,
9. Shapiro, and Weaver and others.
10. (Secretary reads title of bill)
11. Senate Bill No. 339, introduced by Senators Berning,
12. Shapiro, Weaver and others.
13. (Secretary reads title of bill)
14. Senate Bill No. 340, introduced by Senators Graham,
15. Shapiro, Weaver and others.
16. (Secretary reads title of bill)
17. Senate Bill No. 341, introduced by Senators Coffey,
18. Shapiro, Weaver and others.
19. (Secretary reads title of bill)
20. Senate Bill No. 342, introduced by Senator Regner,
21. Weaver, Shapiro and others.
22. (Secretary reads title of bill)
23. Senate Bill No. 343, introduced by Senators Nimrod,
24. Shapiro, Weaver and others.
25. (Secretary reads title of bill)
26. Senate Bill No. 344, introduced by Senator Schaffer,
27. Shapiro, Weaver and others.
28. (Secretary reads title of bill)
29. Senate Bill No. 345, introduced by Senator Buzbee.
30. (Secretary reads title of bill)
31. Senate Bill No. 344 introduced by Senators Walsh,
32. Shapiro, Weaver and others.
33. Senate Bill No. 347, introduced by Senators Clewis,
34. Hynes, Rock.

1. (Secretary reads title of bill)
2. Senate Bill No. 348, introduced by Senator Joyce.
3. (Secretary reads title of bill)
4. Senate Bill No. 349, introduced by Senator Glass.
5. (Secretary reads title of bill)
6. Senate Bill No. 350, introduced by Senator Berman.
7. (Secretary reads title of bill)
8. 1st reading of the foregoing bills.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. Resolutions.
11. SECRETARY:
12. Senate Joint Resolution No. 28, introduced by Senators
13. Ozinga, Graham, Mitchler and others.
14. PRESIDING OFFICER: (SENATOR ROCK)
15. Executive.
16. SECRETARY:
17. Senate Bill...Senate Joint Resolution No. 29,
18. introduced by Senators Maragos, Regner, Carroll.
19. Constitutional amendment.
20. PRESIDING OFFICER: (SENATOR ROCK)
21. All right. Any further business to come before the
22. Senate? Oh, Executive. I'm sorry. Any further business to
23. come before the Senate? Senator Lemke.
24. SENATOR LEMKE:
25. Mr. President, I'd like to make a motion at this time
26. to waive the Six Day Rule and have Senate Resolution 44
27. heard in Executive tomorrow.
28. PRESIDING OFFICER: (SENATOR ROCK)
29. Any discussion? Is leave granted? So ordered. Any
30. further business to come before the Senate? If not, the
31. Senate, pursuant to Senator Hynes' motion, stands adjourned
32. until 11:30 tomorrow morning.
33.