

80th GENERAL ASSEMBLY

REGULAR SESSION

MAY 2, 1978

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The Senate will come to order. Prayer by Father
3. Henry Kozak of the Little Flower Church, Springfield,
4. Illinois.

5. FATHER KOZAK:

6. (Prayer by Father Kozak)

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Reading of the Journal.

9. SECRETARY:

10. Tuesday, April the 25th, 1978, Wednesday, April
11. 26th, 1978.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Kenneth Hall.

14. SENATOR KENNETH HALL:

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

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Heard the motion. Those in favor indicate by saying
20. Aye. Those opposed. The Ayes have it. The motion
21. carries. Senator Kenneth Hall.

22. SENATOR KENNETH HALL:

23. Mr. President, I move that reading and approval of the
24. Journals of Thursday, April 27th and Friday, April 28th
25. in the year 1978 be postponed pending arrival of the
26. printed Journals.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Heard the motion. Those in favor indicate by saying
29. Aye. Those opposed Nay. The Ayes have it. The motion
30. carries.

31. SENATOR KENNETH HALL:

32. Aye.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Committee Reports.

2. SECRETARY:

3. Senator Hickey, Chairman of Higher Education,
4. reports out Senate Bill 825 and 1529 with the recommendation
5. Do Pass as Amended.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. A Message from the House.

8. SECRETARY:

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

10. Mr. President - I am directed to inform the
11. Senate that the House of Representatives has passed a
12. House Joint Resolution Constitutional Amendment
13. in the following title in the passage of which I am instructed
14. to ask the concurrence of the Senate, to-wit:

15. House Joint Resolution Constitutional Amendment 14.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Executive.

18. SECRETARY:

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

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

24. House Joint Resolution 84 which will be handled
25. by Senator Berning.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Executive. Senator Hynes.

28. SENATOR HYNES:

29. Mr. President, I'd like to announce a meeting of the Rules
30. Committee in the President's Office at 1:00 o'clock. A meeting
31. of the Rules Committee in the President's Office at 1:00
32. o'clock. We have had a discussion...leadership. We are
33. proposing now to move that the Senate stand in recess until

1. 3:00 o'clock. There are committees scheduled at 1:30. If they
2. are not completed, we would ask that the chairman recess the
3. meetings at 3:00 so that we can come back in Session and that the
4. committee then, if necessary, will resume its hearing after the...
5. the Senate adjourns. But we are waiting for Messages from the House
6. and I would therefore move, Mr. President, that the Senate
7. stand in recess until 3:00 o'clock.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Hynes moves that the Senate stand in recess until
10. 3:00. Those in favor indicate by saying Aye. Those opposed. The
11. Ayes have it. The Senate stands in recess until 3:00 p.m.

12. Recess

13. After Recess

14. PRESIDING OFFICER: (SENATOR KENNETH HALL)

15. The Senate will come to order. It appears that the committees
16. are still in session so that the committee will stand at ease...
17. the...the Senate will stand in recess until 3:45.

18. Recess

19. After Recess

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The hour of 3:45 having arrived, the Senate will come to
22. Session. Is there leave to go to the Order of...leave to go to
23. the Order of Committee Reports? Leave is granted. Committee Reports.

24. SECRETARY:

25. Pursuant to Amended Temporary Rule No. 5, the Rules Committee
26. met at 1:00 p.m., May the 2nd, 1978 and makes the following
27. report; by unanimous vote the committee ruled that the following
28. bills can be considered during the Spring Session of the Senate:
29. Senate Bills 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494,
30. 1495, 1496, 1497, 1550, 1682, 1683, 1684, and 1777. The...the
31. foregoing bills were ordered to be read a first time, printed and re-
32. ferred to the Committee on Assignment of Bills. Signed, Senator
33. Thomas C. Hynes, Chairman.

34. PRESIDING OFFICER: (SENATOR BRUCE)

35. Senate Bills, 1st reading.

1. SECRETARY:
2. Senate Bill 1486.
3. (Secretary reads title of bill)
4. Senate Bill 1487.
5. (Secretary reads title of bill)
6. Senate Bill 1488.
7. (Secretary reads title of bill)
8. Senate Bill 1489:
9. (Secretary reads title of bill)
10. Senate Bill 1490.
11. (Secretary reads title of bill)
12. Senate Bill 1491.
13. (Secretary reads title of bill)
14. Senate Bill 1492.
15. (Secretary reads title of bill)
16. Senate Bill 1493.
17. (Secretary reads title of bill)
18. Senate Bill 1494.
19. (Secretary reads title of bill)
20. Senate Bill 1495.
21. (Secretary reads title of bill)
22. Senate Bill 1496.
23. (Secretary reads title of bill)
24. Senate Bill 1497.
25. (Secretary reads title of bill)
26. Senate Bill 1550.
27. (Secretary reads title of bill)
28. Senate Bill 1682.
29. (Secretary reads title of bill)
30. Senate Bill 1683.
31. (Secretary reads title of bill)
32. Senate Bill 1680...Senate Bill 1684.
33. (Secretary reads title of bill)

1. Senate Bill 1777.
2. (Secretary reads title of bill)
3. 1st reading of the foregoing bills.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Committee Reports.
6. SECRETARY:
7. Senator Donnewald, Chairman of Assignment of Bills
8. Committee, assigns the following bills to committee:
9. Agriculture, Conservation and Energy, Senate Bill 1550.
10. Judiciary I, Senate Bill 1777. Local Government,
11. Senate Bills 1486, 1487, 1488, 1489, 1490, 1491, 1492,
12. 1493, 1494, 1495, 1496, 1497, 1682, 1683, and 1684.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Is there leave to go to the Order of Motions?
15. Leave is granted. Senator Guidice is recognized for the purpose of
16. of a motion.
17. SENATOR GUIDICE:
18. Thank you, Mr. President. I would ask leave of the Body
19. to have Senate Bill 1792 referred back to the Insurance Committee
20. and for hearing tomorrow. I have spoken to the chairman and
21. to the minority spokesman and they have no objection.
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. The motion is to recommit Senate Bill 1792 to the
24. Senate Insurance Committee. Is there...all in favor say Aye.
25. Opposed Nay. The bill is rereferred. Now the motion is to
26. suspend the rules for the immediate consideration of that
27. bill tomorrow morning in the committee. Is there leave?
28. Leave is granted. Leave to go to the Order of Resolutions?
29. Leave is...Messages from the House.
30. SECRETARY:
31. A Message from the House by Mr. O'Brien, Clerk.
32. Mr. President - I am directed to inform the
33. Senate that the House of Representatives has passed House
34. Joint Resolution Constitutional Amendment with the following

1. title in the passage of which I am instructed to ask the
2. concurrence of the Senate:
3. House Joint Resolution Constitutional Amendment No. 20.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Executive Committee. Leave to go to the Order of
6. Resolutions?
7. SECRETARY:
8. Senate...
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. For...
11. SECRETARY:
12. Senate Resolution 349 offered by Senators Shapiro,
13. Hynes, Graham, Soper, Weaver, Bruce, Donnewald, Kenneth
14. Hall, Rock and all members. Senate...Senate Resolution
15. 346.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Senator Weaver.
18. SENATOR WEAVER:
19. Mr. President, I move to suspend the rules for the
20. immediate consideration of Senate Resolution No. 346.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. The motion is to suspend the rules for the immediate
23. consideration of the resolution. All in favor say Aye.
24. Opposed Nay. The Ayes have it. The rules are suspended.
25. Senator Weaver on the resolution.
26. SENATOR WEAVER:
27. This is a congratulatory resolution for the Honorable
28. Russell Arrington.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Is there discussion? The motion is to adopt. All in
31. favor say Aye. Opposed Nay. The Ayes have it and the...and
32. the resolution is adopted. Senator Carroll, for what
33. purpose do you arise?

1. SENATOR CARROLL:

2. Thank you, Mr. President. For purpose of seeking
3. suspension of the rules as to posting on certain bills that
4. are being heard by the Appropriations Committee today.
5. There had been some misunderstanding on substantive bills,
6. the authorization type bills, as to whether they were
7. subject to this week's deadline. The Rules Committee has
8. determined they are and I would, therefore, ask leave
9. for the record to suspend the Six Day Posting requirement,
10. I'll supply you with a list, on Senate Bills 1415, 1429,
11. 1606, 1624, 1645, 1672, 1681, 1703, 1709, 1803, 1833,
12. and House Bill 2344. We'll give you a copy of the list.
13. I would ask that the Six Day Posting requirement be suspended
14. as to those bills and that they be allowed to be heard today
15. in Appropriations I.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. You've heard the motion. Is there discussion? All in
18. favor say Aye. Opposed Nay. The Ayes have it. The motion
19. prevails. Messages from the House.

20. SECRETARY:

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

22. Mr. President - I am directed to inform the
23. Senate that the House of Representatives has passed the
24. House Joint Resolution Constitutional Amendment with the
25. following title, in the passage of which I am instructed
26. to ask the concurrence of the Senate, to-wit:

27. House Joint Resolution Constitutional Amendment No. 21.
28. It's going to be handled by Senator Maragos.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Maragos is recognized.

31. SENATOR MARAGOS:

32. Mr. President and members of the Senate. I respectfully
33. ask that the rules be suspended for immediate consideration

1. and reading of House Joint Resolution Constitutional
2. Amendment 21. This matter has been heard previously
3. by the Senate. It's the same subject matter which is
4. House...Senate Joint Resolution Constitutional Amendment
5. 29 which is now over in the House. And I ask for immediate
6. suspension of the rules.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. The motion is to suspend the rules and...and that
9. the resolution not be referred to the Committee on
10. Executive. Is there discussion? All in favor say Aye.
11. Opposed Nay. The Ayes have it. Senator Maragos.

12. SENATOR MARAGOS:

13. Now, Mr. President and members of the Senate, I respectfully
14. ask that the House Joint Resolution Constitutional Amendment
15. 21 be read for the first time.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Is there...is there leave? Senator Hynes is recognized.

18. SENATOR HYNES:

19. Mr. President, before putting that question, there is
20. an identical resolution that will be coming over and
21. the same motion will be made. If we could just hold them
22. and read both of them one after another?

23. You have the other one, also? No,...you...I don't...Mr.

24. Secretary, you talking about House Joint Resolution 20?

25. That is not the identical resolution. There is another
26. one coming. And while there is...so if we could follow that
27. procedure when both are here, we'll read both of them.

28. We have...it is now on the Order of 1st reading, is it not?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. It is on the Order...and Senator Maragos, would you
31. withdraw your motion until such time as the other resolution
32. catches up with it? Senator Maragos.

33. SENATOR MARAGOS:

1. Yes, if that's the wish of the Chair, I'll be glad to.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. The motion is withdrawn. The resolution is on the
4. Order of 1st reading. It has not been read yet today.
5. The rules have been suspended. It was not referred to
6. Executive Committee and is before the Body. For what
7. purpose does Senator Harber Hall arise?

8. SENATOR HARBER HALL:

9. That matter is now resolved, or...

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator...yes, Senator, it's on the Order of 1st
12. reading. It has not yet been read a first time.

13. SENATOR HARBER HALL:

14. Well, Mr. President, in respect to House Joint
15. Resolution 15, Constitutional Amendment, this resolution
16. proposes to abolish the Board of...State Board of Education
17. and have an elective Superintendent of Public Instruction.
18. This House Joint Resolution was in the Executive Committee
19. on the last day that the committee met last week and
20. the sponsor could not be present...the House sponsor and the
21. bill was not heard. However, the same matter was heard and
22. passed through that committee and passed this Body earlier
23. as a Senate Joint Resolution. For that reason, Mr. President,
24. I would ask leave of the Body to discharge committee in respect
25. to HJR 15 and have it placed on the Order of 2nd reading.
26. I have spoken to the Chairman and Vice-Chairman of the
27. Executive Committee and I believe they would agree that this
28. process would be suitable.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Rock is recognized.

31. SENATOR ROCK:

32. Only for the purpose, Mr. President, of objecting.
33. It's scheduled for Executive tomorrow. We'll all be in Executive

1. tomorrow and it can be heard.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. The motion is for the suspension of the rules...or for the

4. discharge of the Executive Committee from further consideration.

5. Senator Hall. Senator Harber Hall, can you give us the number

6. again, Senator?

7. SENATOR HARBER HALL:

8. HJR 15 CA.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. HJR 15...the motion...

11. SENATOR HARBER HALL:

12. I would...I would point out to Senator Rock, that

13. if it were heard tomorrow, that the time left remaining

14. to pass the Senate, there wouldn't be...there wouldn't

15. be sufficient time left since it has to be read three

16. times...three days.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. The motion is to discharge and Senators Berning,

19. Wooten, Netsch and Hynes have sought recognition.

20. Senator Berning. Senator Wooten. Senator Netsch.

21. SENATOR NETSCH:

22. Yes, I...I...you may have described briefly what the

23. subject matter was, Senator Hall, but I'm not sure

24. that everyone was paying attention. Would you kindly...and...

25. and while I...I'll put a second question to you. I'm still

26. not clear why you did not call it last week. As I understand

27. it, there was an opportunity to do that.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Harber Hall.

30. SENATOR HARBER HALL:

31. Well, thank you. I'll respond to both of those. First of all,

32. I will repeat that the House sponsor could not be present

33. at the committee hearing. As you recall, the committee hearing

1. was quite late in the day and the House sponsor had to
2. be somewhere else and couldn't be present to speak for his bill.
3. The...in respect to the explanation of the bill...or the
4. resolution, I think the Senator from Evanston could do a much
5. better job of describing what's in it, but briefly,
6. it removes the Superintendent of Public...Office of Education
7. from an appointed position to one of election and eliminates
8. the State Board of Education. The...I think everyone is
9. probably familiar with that since everyone who was present
10. voted one way or the other on the previous Senate Joint
11. Resolution that did pass this Body.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Netsch. Excuse me, Senator. May we have some
14. order. Can we clear the aisles? Senator Netsch.

15. SENATOR NETSCH:

16. Yes, well, one of the things that I was confused about,
17. Senator Hall, was that since the Senate had previously
18. considered a proposal which was, as I understand it, substantially
19. similar if not identical, why it was necessary for the House
20. sponsor to be there to present something which everyone was
21. already familiar with. I...it seems to me that...that part of the
22. problem is one that...that this Body created for itself by
23. the...some of the time schedules it set with respect to
24. three readings and all that sort of thing and I...I think we
25. have had our opportunity on this issue. The...the...I disagreed
26. with it, by the way, of course. I voted against the proposal
27. which you well know and it seems to me that since that proposal
28. is still over in the House, that we ought to let the House
29. respond to it in any way that it chooses, but that we ought
30. not to further confuse the rules by bringing this out without
31. the appropriate hearing.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Harber Hall.

1. SENATOR HARBER HALL:

2. Well, of course, there are many...there are many items
3. of legislation that concern the individual two Houses at
4. approximately the same time. In other words, duplication
5. of legislation. This is not an exception to that and certainly,
6. Senator, you would...you would acknowledge that there
7. is some pride of authorship in most legislation and I think
8. it's only reasonable to expect that the...the author of a
9. House...Resolution of Constitutional proportions and import
10. would like to be present at the Senate hearing, particularly
11. when it's controversial as you are trying to make it now.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator, your time has nearly expired. Senator Netsch,
14. do you have further questions? Senator Hynes. Senator
15. Wooten.

16. SENATOR WOOTEN:

17. Yes, Mr. President. I am not going to oppose
18. this motion to discharge because it seems to me I have
19. backed an awful lot of people, Senator Netsch and others, in
20. trying to discharge bills from various committees.
21. One of the reasons is that my vote in this had nothing to do
22. with the present Superintendent. It's just that I
23. think that position ought to be an elective one regardless
24. of who is in it and unfortunately, Senator Hall did not
25. take the opportunity last week, but I think principally
26. because he, as many others in this Chamber, was
27. not really aware of the pressure of time. So, unless
28. this whole business is just to be a gesture, we have
29. to discharge committee and...and get moving on it or it
30. will be strictly an academic proposal. I think it's
31. too serious to be treated that way, so I will certainly
32. not oppose the motion to discharge committee.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there further discussion? Senator Rock
2. is recognized.

3. SENATOR ROCK:

4. Well, I...I appreciate the fact that the sponsor has
5. indicated that there probably will not be time enough. The
6. fact is, it's before the committee and the last one should
7. not have gotten out of committee and I will try my best to hold
8. this one in and I would hope that it would stay in committee.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Buzbee.

11. SENATOR BUZBEE:

12. Well, I...that...that clears the air considerably.
13. If one is opposed, one is opposed. But, the fact of the
14. matter is that there were thirty-six people in this Body who,
15. about three weeks ago, decided that this was a good concept
16. and...and even though I understand the wording in this one
17. is a little bit different than the wording in the other one,
18. it is, in fact, the same concept. And I think we ought
19. to go ahead and...and get this out, give the Body a chance
20. to vote on it, give the voters a chance to vote on it.
21. I'm constantly amazed at the editorial rath that has come
22. down on the heads of the lowly legislators because we
23. conniving, dirty, rotten politicians are standing here and we
24. don't know what we're doing, according to some of the press
25. editorily, and I happen to think we do. I happen to think the
26. majority of the people in this State want the opportunity
27. to vote on this and then we'll just wait and see come
28. November if they agree with what some of us feel. I think we
29. ought to go ahead and...and give this Body a chance to...to
30. vote it up or down on this particular resolution and go ahead and
31. bypass committee so we can have the proper amount of time and
32. meet the...meet the constitutional deadline requirements.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there further discussion or debate? The question
2. is on the motion to discharge the Senate Executive Committee
3. from further consideration of House Joint Resolution 15.
4. All in favor say Aye. A roll call vote will be required
5. since thirty votes will be necessary to discharge. Those
6. in favor vote Aye. Those opposed vote Nay. The voting
7. is open. Have all voted who wish? Have all voted who
8. wish? Take the record. On that question the Ayes
9. are 33, the Nays are 13, none Voting Present. The
10. motion to discharge prevails. For what purpose does Senator
11. Berning arise?

12. SENATOR BERNING:

13. Mr. President, tomorrow...I'm rising to ask unanimous
14. consent for the scheduling in Executive tomorrow of HJR
15. 84 which has been assigned for hearing this morning. I'd
16. appreciate if it could be heard tomorrow. May I waive the
17. Six Day notice and have it put on the call for tomorrow?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator, was it on the call for today, did you say?

20. SENATOR BERNING:

21. No, it was read in today.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The motion is to suspend the Six Day notice rule. Is there
24. discussion? All in favor say Aye. Opposed Nay. The Ayes
25. have it. The rule is suspended. For what purpose does Senator
26. Philip arise?

27. SENATOR PHILIP:

28. Thank you, Mr. President. Evidently today, Senate Bill
29. 1550 was voted out of the Rules Committee. I would move
30. that we suspend the appropriate rules...the Six Day posting
31. rule and have it heard in committee this week.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Heard the motion. Is there discussion? All in favor

1. say Aye. Opposed Nay. The Ayes have it. The motion prevails.

2. For what purpose does Senator Mitchler arise?

3. SENATOR MITCHLER:

4. Mr. President and members of the Senate. I'd like
5. to rise on a point of personal privilege.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. State your point, Senator.

8. SENATOR MITCHLER:

9. In the gallery immediately behind me, are two University
10. of Illinois students, Nancy Blakenship of Aurora, and Tom
11. Rogers of Clinton. They're active in 4-H programs
12. in their community. They both live on farms and they
13. are studying agriculture at the University of Illinois.
14. I wonder if they would please rise and be recognized by the
15. Senate.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator, and we also have at the podium with us Mrs.
18. Gail Bordy and Mr. Greg Bolin also in the same 4-H
19. program from my district and Senator Ozinga's district.
20. If they would stand at the same time. If they would stand and
21. be recognized by the Senate. For what purpose does Senator
22. Hynes arise?

23. SENATOR HYNES:

24. Mr. President, for purpose of waiving the...moving to
25. waive the Six Day notice requirement with respect to several
26. bills and I would move that that requirement be waived
27. as of Senate Bills 1486, 87, 88, 89, 90, 91, 92, 93,
28. 94, 95, 96, and 97, Senate Bill 1682, Senate Bill 1683,
29. Senate Bill 1684, so that they may be heard in the
30. Committee on Local Government at its scheduled meeting this
31. week. Senate Bill 1777 so that it may be heard tonight in
32. Judiciary I. House Bill 1470 to be heard in Transportation.
33. House Bill 2231 to be heard in the Committee on Executive.

1. House Bill 1264 to be heard in the Committee on Elections.
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. Senator Rhoads on this particular motion. Senator...one minute,
4. Senator Rhoads. Senator Hynes, the Secretary has requested
5. if you could supply that list, it would help us...
6. SENATOR HYNES:
7. All right.
8. PRESIDING OFFICER: (SENATOR ROCK)
9. ...in making sure...
10. SENATOR HYNES:
11. I...I will do that.
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. ...the Journal reflects the action to be taken, Senator.
14. Rhoads is recognized.
15. SENATOR RHOADS:
16. Yes, Mr. President, I have strong objection to the
17. waiving of the Six Day rule on House Bill 1264 which was
18. just listed in the...in the list that Senator Hynes gave.
19. My objection is based on the fact that this bill was heard in
20. the Elections Committee today. It was totally changed in its
21. substance. There was no notice whatsoever given of that hearing,
22. so I have a strong objection to the Six Day waiver on that
23. particular bill.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. It's House Bill 1624, Senator?
26. SENATOR RHOADS:
27. No, no. 1264.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. 1264. Senator Hynes is recognized.
30. SENATOR HYNES:
31. Senator Rhoads, perhaps you...you have not been informed,
32. but there is going to be another meeting of the Elections
33. Committee to consider that bill so that the notice is being

1. given now and the committee will meet this afternoon.
2. So, it will be considered and...and House Bill 1264
3. as part of the motion.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator, does that clarify any problems you might have?
6. Senator Rhoads.

7. SENATOR RHOADS:

8. Well, it doesn't clarify much because if the same amendment
9. is offered, this is a substantively different bill than the one
10. that came in, so I object.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. All right. Is there further discussion on the motion
13. to waive the Six Day posting rule as it relates to
14. the bills as set forth by Senator Hynes? All in favor
15. say Aye. Opposed Nay. There has been a request for
16. a roll call. The motion is to suspend the Six Day
17. posting rule. Those in favor vote Aye. Those opposed
18. vote Nay. The voting is open. Have all voted who wish?
19. Have all voted who wish? Take the record. On that question
20. the Ayes are 33, the Nays are 22, none Voting Present.
21. The motion to suspend the rules prevails. For what
22. purpose does Senator Newhouse arise?

23. SENATOR NEWHOUSE:

24. Thank you, Mr. President. I'd like to move to waive
25. the Six Day notice rule on Senate Joint rule...Joint 81.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. The motion is to...to waive the Six Day posting notice
28. as to Senate Joint Resolution 81. Is there discussion? All
29. in favor say Aye. Opposed Nay. The Ayes have it.
30. The rule is suspended. For what purpose does Senator
31. Chew arise?

32. SENATOR CHEW:

33. Mr. President, I'd like to have leave to become principle

1. sponsor of Senate Bill 552, formerly sponsored by Senator
2. Leroy Lemke and he has agreed that I could become the
3. principle sponsor.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there leave? Leave is granted. ...Senator Berman
6. arise? Senator Berman, I think you'll have to move to Senator
7. Merlo's microphone.

8. SENATOR BERMAN:

9. I would ask for leave to add Senator Merlo as a cosponsor
10. to Senate Bill 995.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Merlo had your microphone worked on until
13. you made that motion. You've heard the motion. All in
14. favor say Aye. Opposed Nay. The Ayes...the motion prevails.
15. Senator D'Arco is recognized. Senator Merlo is recognized.

16. SENATOR MERLO:

17. Mr. President, I would ask leave of the Senate to waive
18. the Six Day ruling and...so that Senate Bill 309 could be heard
19. in the Pensions Commission...

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Heard the motion to suspend the rule on posting.
22. Is there discussion? All in favor say Aye. Opposed Nay.
23. The Ayes have it. The rules are suspended. Senator Hynes. Senator Hynes.

24. SENATOR HYNES:

25. Yes, Mr. President. I have a motion with respect
26. to Senate Bill 1796 which is in the Committee on Pension
27. and Personnels...Personnel and I would move that the
28. Committee on Pension and Personnel be discharged and
29. that the bill be rereferred to the Committee on Judiciary
30. II and that the Six Day posting requirement be waived.
31. I am informed that the chairmen of the committees have been
32. notified of this. This is...it's a criminal bill and it
33. ought to be in the criminal Judiciary Committee.

1. And I would so move.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. You've heard the motion to discharge Pension, and

4. rerefer to Judiciary II and suspend the Six Day posting

5. rule. Is there discussion? All in favor say Aye. Opposed

6. Nay. The Ayes have it. The motions prevail. For what

7. purpose does Senator Buzbee arise?

8. SENATOR BUZBEE:

9. Mr. President, the Appropriations II Committee, the

10. subcommittee of that committee, that met this morning

11. that is dealing with the appropriations for the various

12. institutions of higher education in this State,

13. will reconvene immediately upon the cessation of our

14. proceedings here in Room A-1 of the State Office Building.

15. That's Senators Vadalabene, Hickey, Rock, Buzbee.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. And the Republicans.

18. SENATOR BUZBEE:

19. And the Republicans. There's another Democrat on

20. there. You know who you are and there's...so just be there,

21. please. Thank you.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Regner is recognized.

24. SENATOR REGNER:

25. Just to help Senator Buzbee out, the other three are

26. Senators Weaver, McMillan and Nimrod.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. For what purpose does Senator Berning arise?

29. SENATOR BERNING:

30. Mr. President, to ask suspension of the Six Day notice

31. for hearing Senate Bill 1083 on May 4th at 9:00

32. a.m. I've talked to the Chairman, Senator Merlo, and he has

33. no objection.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. You've heard the motion. Is there discussion? All in
3. favor say Aye. Opposed Nay. The Ayes have it. The
4. motion prevails. Is there leave to go to the Order of
5. Resolutions? Leave is granted. Resolutions.
6. SECRETARY:
7. Senate Resolution 347, offered by Senators Mitchler
8. and Sangmeister. It's congratulatory.
9. Senate Resolution 348, offered by Senator Coffey.
10. It's congratulatory.
11. Senate Resolution 349, offered by Senator Berning.
12. It's congratulatory.
13. Senate Resolution 350, offered by Senators Philip
14. and Bowers and all members and it's congratulatory.
15. Senate Resolution 351, offered by Senator Davidson
16. and all members and it's congratulatory.
17. PRESIDING OFFICER: (SENATOR BRUCE)
18. Resolutions Consent Calendar.
19. SECRETARY:
20. Senate Resolution 352, offered by Senators Donnewald,
21. Hynes and all Senators and it's congratulatory.
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. Senator Donnewald is recognized.
24. SENATOR DONNEWALD:
25. Yes, Mr. President. This young lady that's being
26. commended on her nintieth birthday, her birthday is, in fact,
27. today and I would ask leave to suspend the rules for immediate
28. consideration.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Heard the motion to suspend the rules for the immediate
31. consideration. Is there leave? Leave is granted. Senator
32. Donnewald now moves the adoption of the...of the resolution
33. Is there discussion? All in favor say Aye. Opposed Nay.

1. The Ayes have it. The resolution is adopted. Is there leave
2. to go to the Order of House Bills, 1st reading? Leave is
3. granted. House Bills, 1st reading.
4. SECRETARY:
5. House Bill 2514, sponsored by Senator Grotberg.
6. House Bill 3151 and 3152, sponsored by Senator Merlo.
7. House Bill 3238, sponsored by Senator Donnewald.
8. House Bill 1339, sponsored by Senator Donnewald.
9. House Bill 3240, sponsored by Senator Rupp.
10. House Bills 3241, 3242, 3244, 3245, sponsored by Senator Bruce.
11. House Bill 3246, sponsored by Senator Buzbee.
12. House Bill 3247, sponsored by Senator Donnewald.
13. House Bill 3248, sponsored by Senator Buzbee.
14. House Bill 3249, sponsored by Senator Sommer.
15. House Bill 3250 and 3251, sponsored by Senator Coffey.
16. House Bill 3252, sponsored by Senator Davidson.
17. House Bill 3253, sponsored by Senator Shapiro.
18. House Bill 3254, sponsored by Senator Donnewald.
19. House Bill 3255 and 3256, sponsored by Senator Weaver.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Rules...Rules Committee. For what purpose does Senator
22. Rhoads arise?
23. SENATOR RHOADS:
24. On a Parliamentary inquiry. At...when the Six Day rule
25. is waived, at what point did the bills have to be posted?
26. How...how much time before the meeting?
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Our rules would require a posting six days prior to hearing.
29. Once that is suspended, the only requirement is that it be
30. posted prior to hearing. Messages from the House.
31. SECRETARY:
32. A Message from the House by Mr. O'Brien, Clerk.
33. Mr. President - I am directed to inform the Senate

1. that the House of Representatives has passed House Joint
2. Resolution Constitutional Amendment of the following title
3. in the passage of which I am instructed to ask the concurrence
4. of the Senate, to-wit:

5. House Joint Resolution Constitutional Amendment 47.
6. This is being...Senator Maragos is the Senate sponsor.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. For what purpose does Senator Maragos arise?

9. SENATOR MARAGOS:

10. Mr. President, for the same purpose I arose on
11. House Joint Resolution Constitutional Amendment No. 21
12. and ask for leave to suspend the rules and not to refer this
13. to committee, but for immediate action.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Maragos, could you explain the content of the
16. resolution, briefly.

17. SENATOR MARAGOS:

18. It is the one having to do with the personal property
19. taxation, taking away the mandatory date of January 1,
20. 1979 and making it permissive and also leaving the other
21. formula as is.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The motion is to suspend the rules so that the resolution
24. is not referred to the Executive Committee and that it be
25. read a first time...Constitutional Amendment be read a first
26. time today. This is a second resolution of identical nature
27. on this particular topic. Is there discussion? All in favor say
28. Aye. Opposed Nay. The Ayes have it. The rules are
29. suspended. Senator Maragos.

30. SENATOR MARAGOS:

31. Mr. President and members of the Senate, I respectfully
32. request at this time that both Joint Constitutional Resolutions
33. from the House 21 and 47, be read for the first time.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. For what purpose does Senator Lemke arise?
3. SENATOR LEMKE:
4. Purpose of making...announcement, that the Senate
5. Elections Committee will have a meeting immediately following
6. Session on the Senate Floor.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. Senator Hynes,...ready to proceed reading these two
9. constitutional amendments? All right. Mr. Secretary,
10. we'll start with 21. House Joint Resolution Constitutional
11. Amendment 21.
12. SECRETARY:
13. House Joint Resolution Constitutional Amendment 21.
14. (Secretary reads HJR-CA 21)
15. 1st reading of Constitutional...House Joint Resolution
16. Constitutional Amendment 21.
17. House Joint Resolution Constitutional Amendment No. 47.
18. (Secretary reads HJR-CA 47)
19. 1st reading of House Joint Resolution Constitutional Amendment
20. No. 47.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. For what purpose does Senator Maragos arise?
23. SENATOR MARAGOS:
24. Do these resolutions automatically go to 2nd reading now
25. that they've been read the first time? You have to announce
26. it, I think, for the record.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. House Joint Resolution Constitutional Amendment No. 21,
29. 2nd reading. House Joint Resolution Constitutional Amendment
30. 47, 2nd reading. Is there leave to go to the Order of...
31. House Joint Resolution Constitutional Amendment 15? 1st reading.
32. SECRETARY:
33. House Joint Resolution Constitutional Amendment 15.

1. (Secretary reads HJR-CA 15)
2. 1st reading of House Joint Resolution Constitutional Amendment
3. 15.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Are there amendments? 2nd reading. SJR 22,
6. Constitutional Amendment.
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14. End of reel.
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1. SECRETARY:

2. Senate Joint Resolution No. 22. Senate Joint Resolution
3. 22, Constitutional Amendment, reported out of Executive with
4. a committee amendment and the Senate sponsor of that amend-
5. ment is Senator Philip.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Philip...the amendment has come back to the
8. Floor with Amendment No. 1.

9. SENATOR PHILIP:

10. Yes.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. ...and they...

13. SENATOR PHILIP:

14. I move that we adopt that Committee Amendment No. 1
15. to House...Senate Joint Resolution 22.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. The motion is to adopt Amendment No. 1 to SJR 22.
18. Is there discussion? All in favor say Aye. Opposed Nay.
19. The Ayes have it. The amendment is adopted. Further...
20. For what purpose does Senator Wooten arise?

21. SENATOR WOOTEN:

22. Mr. President, since I inadvertently muddled up
23. Senator Pate Philip's process here, I would like to move
24. that we...having voted on the prevailing side, I'd like
25. to reconsider the vote by which Amendment No. 1 to Senate
26. Joint Resolution 22 was adopted.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Heard the motion to reconsider. Is there discussion.
29. All in favor say Aye. Opposed Nay. The Ayes have it. The
30. motion to reconsider prevails. Now, Senator Wooten.

31. SENATOR WOOTEN:

32. I'd like to move to Table Committee Amendment No. 1.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Wooten moves to Table Amendment No. 1. Is
2. there discussion? All in favor say Aye.

3. SENATOR WOOTEN:

4. I should explain that what that does, it goes...
5. Senator's intention. It retains cumulative voting...the
6. whole purpose of his amendment is to eliminate cumulative
7. voting. Amendment No. 1 inadvertently retains cumulative
8. voting for the primary, so we simply want to Table that
9. amendment and adopt an amendment that clarifies his
10. intent.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Motion is to Table. Discussion? All in favor say
13. Aye. Opposed Nay. The Ayes have it. Amendment No. 1
14. is Tabled. Mr. Secretary with further amendments.

15. SECRETARY:

16. Amendment No. 2 offered by Senator Philip.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Philip is recognized.

19. SENATOR PHILIP:

20. Thank you, Mr. President. Amendment No. 2 does
21. exactly what we intended to do. It does away with
22. accumulated voting for the House of Representatives. I
23. move we adopt Amendment No. 2 to Senate Joint Resolution
24. 22.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Motion is to adopt Amendment No. 2. Is there discussion?
27. All in favor say Aye. Opposed Nay. The Ayes have it. Amend-
28. ment No. 2 is adopted. For what purpose does Senator Harber
29. Hall arise?

30. SENATOR HARBER HALL:

31. It would appear that's on 1st reading.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Yes, Senator, it is on 1st reading. Under our rules

1. on constitutional amendments, amendments can be offered on
2. either 1st or 2nd reading.
3. SENATOR PHILIP:
4. Yeah, okay.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. It is...it is not the same rule that we had in
7. relation...in relation to bills. Further amendments?
8. SECRETARY:
9. No further amendments.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. 1st reading of Senate Joint Resolution 22 as amended.
12. SECRETARY:
13. Senate Joint Resolution 22 Constitutional Amendment.
14. (Secretary begins reading SJR22CA)
15. (Secretary continues reading SJR22CA)
16. 1st reading of constitution...of Senate Joint Resolution 22
17. Constitutional Amendment as amended.
18. PRESIDING OFFICER: (SENATOR BRUCE)
19. 2nd reading. ...on the Floor? ...Hynes. Is there
20. any further business to come before the Senate? What
21. purpose does Senator Buzbee arise?
22. SENATOR BUZBEE:
23. I would just remind once again the...Appropriations II,
24. the subcommittee, dealing with Higher Ed appropriations will
25. meet in Room A1 of the State Office Building and we'd like
26. to have your attention there promptly. I think we can we
27. through in less than an hour.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Further announcements? Senator Berman.
30. SENATOR BERMAN:
31. The Committee on Elementary and Secondary Education
32. will meet immediately upon adjournment back in Room 400.
33. We only have a...three bills and we hope to get out of

1. there very quickly.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Carroll.

4. SENATOR CARROLL:

5. Thank you, Mr. President. The Committee on Appropriations I
6. which was meeting, starting at 1:30 today, had recessed to allow
7. the Session to go into effect, will reconvene immediately after
8. adjournment of the Session in Room 212. Appropriations I
9. immediately after adjournment.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. ...business to come before the Senate? Senator Sommer
12. moves that the Senate stand adjourned until the hour of 12:00
13. o'clock noon tomorrow. Is there...all in favor say Aye.
14. Opposed Nay. The Ayes have it. The Senate stands adjourns
15. until 12:00 o'clock noon.

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