

81st GENERAL ASSEMBLY

REGULAR SESSION

MARCH 7, 1979

1. PRESIDENT:

2. The hour of eleven forty-five having arrived, the Senate
3. will come to order. Prayer this morning will be by the Reverend
4. Mason Finks, First United Methodist Church, Springfield,
5. Illinois. Reverend.

6. REVEREND FINKS:

7. (Prayer by Reverend Finks)

8. PRESIDENT:

9. Reading of the Journal. Senator Johns.

10. SENATOR JOHNS:

11. Thank you, Mr. President. I move that reading and approval
12. of the Journals of Thursday, March the 1st and Friday March the
13. 2nd in the year 1979 be postponed pending arrival of the printed
14. Journals.

15. PRESIDENT:

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

18. SECRETARY:

19. Senator Donnewald, Chairman of the Assignment of Bills
20. Committee, assigns the following bills...Senate Bills to committee:
21. ...and House Bills: Education...Elementary and Secondary
22. Committee, Senate Bill 192. Higher Education, Senate Bill 177.
23. Elections and Reapportionment, Senate Bill 179. Executive,
24. Senate Bill 191. Finance and Credit Regulations, Senate Bills
25. 186 and 188. Insurance and Licensed Activities, Senate Bill 187.
26. Judiciary II, Senate Bills 184 and 185. Labor and Commerce,
27. Senate Bill 190. Local Government, Senate Bill 189.
28. Pensions, Personnel and Veterans Affairs, Senate Bill 178.
29. Public Health, Welfare and Corrections, Senate Bill 176.
30. Transportation, Senate Bills 180, 181, 182 and 183.
31. Agriculture, Conservation and Energy, House Bill 172.
32. Elementary and Secondary Education, House Bills 9 and 242.

33. PRESIDENT:

1. Message from the House.

2. SECRETARY:

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

4. Mr. President - I am directed to inform the Senate

5. the House of Representatives adopted the following Joint

6. Resolution in the adoption of which I am instructed to ask

7. concurrence of the Senate, to-wit:

8. House Joint Resolution 18.

9. (Secretary reads HJR 18)

10. Senator Donnewald.

11. PRESIDENT:

12. Senator Donnewald moves that the rules be suspended for the

13. immediate consideration and adoption of House Joint Resolution 18

14. which calls for this Body to meet with the House in Joint

15. Session at the hour of noon. All those in favor signify by saying

16. Aye. All opposed. The Ayes have it. The rules are suspended.

17. Senator Donnewald now moves the adoption of House Joint

18. Resolution 18. All in favor signify by saying Aye.

19. All opposed. The Ayes have it. The resolution is adopted.

20. Resolutions.

21. SECRETARY:

22. Senate Joint Resolution 16, Constitutional Amendment offered

23. by Senators Bowers, Sangmeister, Bloom and others.

24. PRESIDENT:

25. Executive. Senator Merlo. Pursuant to House Joint

26. Resolution 18, which calls for the Senate to meet with the House

27. in Joint Session for the purpose of receipt of the Governor's

28. State of the State and Budget Message, the Senate will now stand in

29. recess pursuant to Senator Shapiro's motion until the hour of

30. 2:30. I would ask that the membership meet in the well of the

31. Senate and will walk over as a Body and we will be properly

32. announced in the House. Those who have been appointed to the escort

33. committee will kind of hang back and when the Speaker appoints his

1. House members, then the ten members of the House and the Senate
2. will meet the Governor at the front door of the House.
3. No further business at this time, the Senate will stand in
4. recess until the hour of 2:30. Will everybody please meet in the
5. back and we'll go over en masse.

6. (RECESS)

7. (AFTER RECESS)

8. PRESIDENT:

9. The hour of 2:30 having arrived, the Senate will come to order.
10. With leave of the Body, we'll go to the Order of House Bills,
11. 1st reading. House Bills, 1st reading.

12. SECRETARY:

13. House Bill 35, sponsored by Senator Lemke.

14. (Secretary reads title of bill)

15. 1st reading of the bill.

16. House Bill 40, sponsored by Senator Lemke.

17. (Secretary reads title of bill)

18. 1st reading of the bill.

19. House Bill 43, sponsored by Senator Lemke.

20. (Secretary reads title of bill)

21. 1st reading of the bill.

22. House Bill 48, sponsored by Senator Lemke.

23. (Secretary reads title of bill)

24. 1st reading of the bill.

25. House Bill 50.

26. (Secretary reads title of bill)

27. 1st reading of the bill.

28. House Bill 51, sponsored by Senator Lemke.

29. (Secretary reads title of bill)

30. 1st reading of the bill.

31. House Bill 52, sponsored by Senator Lemke.

32. (Secretary reads title of bill)

33. 1st reading of the bill.

1. House Bill 53, sponsored by Senator Lemke.
2. (Secretary reads title of bill)
3. 1st reading of the bill.
4. House Bill 54.
5. (Secretary reads title of bill)
6. 1st reading of the bill.
7. House Bill 56.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. House Bill 8...57...sponsored by Senator Lemke.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. House Bill 59, sponsored by Senator Lemke.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 61.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 64, sponsored by Senator Lemke.
20. (Secretary reads title of bill)
21. 1st reading of the bill.
22. House Bill 72, sponsored by Senator Lemke.
23. (Secretary reads title of bill)
24. 1st reading of the bill.
25. House Bill 75, sponsored by Senator Lemke.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. House Bill 88, sponsored by Senator Lemke.
29. (Secretary reads title of bill)
30. 1st reading of the bill.
31. PRESIDENT:
Introduction of bills.
32. SECRETARY:
- 33.

1. Senate Bill 193, introduced by Senators Carroll, Rock,
2. Donnewald, Savickas and others.
3. (Secretary reads title of bill)
4. Senate Bill 194 introduced by the same sponsors.
5. (Secretary reads title of bill)
6. Senate Bill 195, introduced by the same sponsors.
7. (Secretary reads title of bill)
8. Senate Bill 196, introduced by Senator Rhoads.
9. (Secretary reads title of bill)
10. Senate Bill 197, introduced by Senator Berning.
11. (Secretary reads title of bill)
12. Senate Bill 198, introduced by Senators Merlo,
13. Geo-Karis, Chew and others.
14. (Secretary reads title of bill)
15. Senate Bill 199, introduced by Senator Merlo.
16. (Secretary reads title of bill)
17. Senate Bill 200, introduced by the same sponsor.
18. (Secretary reads title of bill)
19. Senate Bill 201, introduced by Senator Vadalabene.
20. (Secretary reads title of bill)
21. Senate Bill 202, introduced by Senators Vadalabene, Donnewald.
22. (Secretary reads title of bill)
23. Senate Bill 203, introduced by Senator Sommer.
24. (Secretary reads title of bill)
25. Senate Bill 204, introduced by Senator Sommer and Bloom.
26. (Secretary reads title of bill)
27. Senate Bill 205, introduced by Senators Rupp and Merlo.
28. (Secretary reads title of bill)
29. Senate Bill 206, introduced by Senators Bowers, Walsh,
30. Sangmeister and Egan.
31. (Secretary reads title of bill)
32. Senate Bill 207, introduced by Senator Lemke.
33. (Secretary reads title of bill)

1. Senate Bill 208, introduced by Senators Bowers, Walsh,
2. Sangmeister and Egan.
3. (Secretary reads title of bill)
4. Senate Bill 209, introduced by Senators Egan, Berning
5. and Merlo.
6. (Secretary reads title of bill)
7. Senate Bill 210, introduced by Senator Moore.
8. (Secretary reads title of bill)
9. 1st reading of the foregoing bills.
10. Senate Bill 211, introduced by Senators Berning, Shapiro,
11. Philip, Walsh and others.
12. (Secretary reads title of bill)
13. 1st reading of the bill.
14. Senate Bill 212, introduced by Senators Bowers, Graham,
15. Philip and others.
16. (Secretary reads title of bill)
17. Senate Bill 213, introduced by Senators Regner, Rhoads and
18. Geo-Karis.
19. (Secretary reads title of bill)
20. Senate Bill 214, introduced by Senator Regner.
21. (Secretary reads title of bill)
22. Senate Bill 215, introduced by Senators Egan, Bruce, Moore
23. and Schaffer.
24. (Secretary reads title of bill)
25. 1st reading of the foregoing bills.
26. PRESIDENT:
27. Resolutions.
28. SECRETARY:
29. Senate Joint Resolution 117, offered by Senators Sommer and Bloom.
30. Constitutional Amendment.
31. PRESIDENT:
32. Executive Committee.
33. SECRETARY:

1. Senate Resolution 58, offered by Senators Ozinga, Graham,
2. and others. It's a death resolution.
3. PRESIDENT:
4. Senator Ozinga has asked leave of the Body that all members
5. be shown as cosponsors. Is leave granted? So ordered.
6. Consent Calendar.
7. SECRETARY:
8. Senate Resolution 59 offered by Senators Nega, Lemke, Daley,
9. and others and it's congratulatory.
10. PRESIDENT:
11. Consent Calendar.
12. SECRETARY:
13. Senate Resolution 59 offered by Senator Mitchler and
14. it's congratulatory. Senate...that's Senate Resolution 60
15. offered by Senator Mitchler and it's congratulatory.
16. PRESIDENT:
17. Senate Bills on 2nd reading. Senate Bill 26, Senator Keats.
18. We're on 2nd reading. Do you wish the bill moved? Move it?
19. Read the bill, Mr. Secretary. On the Order of Senate Bills, 2nd
20. reading, Senate Bill 26. Read the bill, Mr. Secretary.
21. SECRETARY:
22. Senate Bill 26.
23. (Secretary reads title of bill)
24. 2nd reading of the bill. No committee amendments.
25. PRESIDENT:
26. Any amendments from the Floor?
27. SECRETARY:
28. No Floor amendments.
29. PRESIDENT:
30. 3rd reading. Senate Bill 50, Senator Vadalabene.
31. Read the bill, Mr. Secretary.
32. SECRETARY:
33. Senate Bill 50.
(Secretary reads title of bill)

1. 2nd reading of the bill. No committee amendments.
2. PRESIDENT:
3. Any amendments from the Floor?
4. SECRETARY:
5. No Floor amendments.
6. PRESIDENT:
7. 3rd reading. Senate Bill 58, Senator Grotberg.
8. Read the bill, Mr. Secretary.
9. SECRETARY:
10. Senate Bill 58.
11. (Secretary begins reading title of bill)
12. PRESIDENT:
13. Hold it. Hold it. Take it out of the record. Senate Bill
14. 59, Senator Grotberg. Yes, read the bill, Mr. Secretary.
15. SECRETARY:
16. Senate Bill 59.
17. (Secretary reads title of bill)
18. 2nd reading of the bill. No committee amendments.
19. PRESIDENT:
20. Any amendments from the Floor?
21. SECRETARY:
22. No Floor amendments.
23. PRESIDENT:
24. 3rd reading. Senator Vadalabene, for what purpose do you
25. arise?
26. SENATOR VADALABENE:
27. Yes, thank you, Mr. President and members of the Senate.
28. I agreed in committee to hold Senate Bill 50 on 2nd reading
29. until an amendment can be worked out if possible. Should I bring it
30. back to...from 3rd to 2nd at the proper time or...
31. PRESIDENT:
32. Yes.
33. SENATOR VADALABENE:
Would that be okay?

1. PRESIDENT:
2. Well, with whom did you make the agreement?
3. SENATOR VADALABENE:
4. With Senator Gitz.
5. PRESIDENT:
6. All right. If he agrees now that you can call it back when
7. he's got the amendment ready, that's fine. We're at your
8. disposal.
9. SENATOR VADALABENE:
10. All right.
11. PRESIDENT:
12. Senate Bill 65, Senator Joyce. Senate Bill 74, Senator
13. Sangmeister. There's a committee amendment on your bill.
14. Okay. Senate Bill 92, Senator Regner. Read the bill,
15. Mr. Secretary.
16. SECRETARY:
17. Senate Bill 92.
18. (Secretary reads title of bill)
19. 2nd reading of the bill. The Committee on Appropriations II
20. offers one amendment.
21. PRESIDENT:
22. Senator Regner.
23. SENATOR REGNER:
24. Mr. President, members of the Senate. This amendment
25. reduces the appropriation by a hundred and thirty-seven thousand
26. seven hundred dollars and it's funds that wouldn't be needed due to the
27. phase-in of the program and I'd move its adoption.
28. PRESIDENT:
29. Is there any discussion? Senator Regner has moved
30. the adoption of Committee Amendment No. 1 to Senate Bill 92.
31. Any discussion? All those in favor signify by saying Aye.
32. All opposed. The Ayes have it. The amendment is adopted.
33. Any further amendments?
34. SECRETARY:
35. No further committee amendments.

1. PRESIDENT:
2. Any amendments from the Floor?
3. SECRETARY:
4. No Floor amendments.
5. PRESIDENT:
6. 3rd reading. 113, Senator Berning. Read the bill,
7. Mr. Secretary.
8. SECRETARY:
9. Senate Bill 113.
10. (Secretary reads title of bill)
11. 2nd reading of the bill. No committee amendments.
12. PRESIDENT:
13. Any amendments from the Floor?
14. SECRETARY:
15. Amendment No. 1 offered by Senator Berning.
16. PRESIDENT:
17. Senator Berning.
18. SENATOR BERNING:
19. Thank you, Mr. President and members of the Senate. this
20. is the amendment which was agreed upon in committee and meets
21. the requests of the members of the committee. It's been
22. submitted to those who had doubts about the bill as presented.
23. So, unless there is question, I'll move to adopt the amendment,
24. Mr. President.
25. PRESIDENT:
26. Any discussion? Senator Bruce at the President's microphone.
27. The end one. Thank you. Senator Bruce.
28. SENATOR BRUCE:
29. Yes, Senator Berning, the way I read the amendment, it
30. will allow or require that a solicitor be liable for any damages
31. done, is that...is that correct? It seems that you're putting a
32. liability for any claim or claims arising from damages
33. to any person or property.

1. PRESIDENT:

2. Mr. Secretary, will you...can we have a page down here to
3. bring a copy of the amendment back to Senator Bruce?

4. SENATOR BRUCE:

5. Senator, on the first page, line two, it says that the
6. solicitor shall be liable for any claim or claims arising from
7. damages to any person or property during the solicitation.
8. The way I read that, if...if they're standing with all the other
9. requirements, the high visibility...the vest, registered and
10. everything else, and the guy behind them doesn't slow down and
11. smashes into the car number one that he's talking to, the
12. solicitor will be liable for all damages done. I don't know whether
13. we want to turn tort law upside down like that in Illinois, but it
14. seems to me you're putting upon the VFW members, the members of the
15. Heart Association and others that support this bill, a huge amount
16. of liability. They will be liable for all damages including
17. death claims and everything else that might occur from any
18. accident caused during solicitation.

19. PRESIDENT:

20. Senator Berning.

21. SENATOR BERNING:

22. Senator, you may be correct in your interpretation. I'm
23. not sure. But this is the amendment which was requested by
24. DOT in order to prevent claims that might arise wherein an
25. individual would be left with no one to turn to. The soliciting
26. organization would have to provide the liability insurance and
27. that's the intent. If it is not clear, Mr. President, I'd be
28. pleased to strike it from the record and try to work it out to the
29. satisfaction of the members, rather than get into an
30. extended debate over what may or may not be a legitimate concern.

31. PRESIDENT:

32. Do you wish to hold it, is that what you've requested?

33. SENATOR BERNING:

34. Yes, if there is no objection to moving it to 3rd, I'll work
35. on an amendment and bring it back, otherwise...

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1. PRESIDENT:

2. All right. The amendment will be withdrawn.

3. Do you wish to keep the bill on 2nd reading, Senator?

4. SENATOR BERNING:

5. Might as well keep it on 2nd.

6. PRESIDENT:

7. All right. Take it out of the record. Senate Bill 150,
8. Senator Shapiro. On the Order of Senate Bills, 2nd reading, Senate
9. Bill 150. Read the bill, Mr. Secretary.

10. SECRETARY:

11. Senate Bill 150.

12. (Secretary reads title of bill)

13. 2nd reading of the bill. The Committee on Local Government offers
14. one amendment.

15. PRESIDENT:

16. Senator Shapiro.

17. SENATOR SHAPIRO:

18. Mr. President and Ladies and Gentlemen of the Senate.
19. Amendment No. 1 is a technical amendment and it tightens up the
20. definition of area as it pertains to this bill. It strikes some
21. new language in the bill and states that area means any area
22. located within the territorial limits of the municipality
23. of not less than the aggregate than two acres. I would appreciate
24. the adoption of the amendment.

25. PRESIDENT:

26. Senator Shapiro has moved the adoption of Committee Amendment
27. No. 1 to Senate Bill 150. Is there any discussion? If not, all
28. those in favor signify by saying Aye. All opposed. The Ayes have it.
29. The amendment is adopted. Any further amendments?

30. SECRETARY:

31. No further committee amendments.

32. PRESIDENT:

33. Any amendments from the Floor?

1. SECRETARY:

2. Amendment No. 2 offered by Senator Shapiro.

3. PRESIDENT:

4. Senator Shapiro.

5. SENATOR SHAPIRO:

6. Mr. President and Ladies and Gentlemen of the Senate.

7. Amendment No. 2 tightens up the awarding of a contract for work
8. by inserting on line sixteen before the word contracts, if
9. prior authorization is granted by ordinance of the corporate
10. authority. I would urge adoption of the amendment.

11. PRESIDENT:

12. Senator Shapiro has moved the adoption of Amendment No. 2
13. to Senate Bill 150. Is there any discussion? If not, all those in
14. favor signify by saying Aye. All opposed. The Ayes have it.
15. The amendment is adopted. Further amendments?

16. SECRETARY:

17. Amendment No. 3 offered by Senator Shapiro.

18. PRESIDENT:

19. Senator Shapiro.

20. SENATOR SHAPIRO:

21. Mr. President and Ladies and Gentlemen of the Senate.

22. Amendment No. 3 changes the maximum rate of interest on this
23. type of revenue bond from seven percent to nine percent. In lieu
24. of the fact that interest rates on revenue types of bonds have
25. increased, it was suggested that we place a limitation of nine
26. percent instead of seven. I understand there are many other
27. bills attempting to do the same thing. I would urge adoption of the
28. amendment.

29. PRESIDENT:

30. Senator Shapiro has moved the adoption of Amendment No.
31. 3 to Senate Bill 150. Is there any discussion? If not, all those
32. in favor signify by saying Aye. All opposed. The Ayes have it.
33. The amendment is adopted. Any further amendments?

1. SECRETARY:
2. No further amendments.
3. PRESIDENT:
4. 3rd reading. Senate Bills on 3rd reading.
5. On the Order of Senate Bills, 3rd reading, Senate Bill 90.
6. Read the bill, Mr. Secretary.
7. SECRETARY:
8. Senate Bill 90.
9. (Secretary reads title of bill)
10. 3rd reading of the bill.
11. PRESIDENT:
12. Senator Shapiro.
13. SENATOR SHAPIRO:
14. Mr. President and Ladies and Gentlemen of the Senate.
15. Senate Bill 90 appropriates two hundred thousand dollars from the
16. State Boating Act Fund to the Department of Conservation for the
17. repair and little reconstruction of a State owned dam at
18. Oregon, Illinois on the Rock River. It was discovered
19. during the month of December, that the structural foundation
20. of the dam was seriously erroded and that immediate work was needed.
21. Now, the total cost of this project was in excess of five hundred
22. thousand dollars. The State will pay two hundred thousand
23. dollars with Commonwealth Edison picking up the difference
24. between two hundred thousand and the final cost of the project.
25. Just as soon as this is completed, Commonwealth Edison is going
26. to assume ownership of the dam and be totally responsible
27. for it. And the reason the State is anxious to get this done
28. is so that they can return ownership of the dam to Commonwealth
29. Edison because Commonwealth Edison will use the waters backed up
30. by the dam for their cooling lake for the Byron Nuclear Plant.
31. I don't think there's any controversy about the bill. It's
32. desperately needed funds and I would appreciate a favorable roll call.
33. If there are any questions, I will do my best to answer them.

1. PRESIDENT:

2. Is there any discussion? Senator Demuzio.

3. SENATOR DEMUZIO:

4. Senator Shapiro, the two hundred thousand dollars that
5. you're asking for, is this State money or is this Federal money?

6. PRESIDENT:

7. Senator Shapiro.

8. SENATOR SHAPIRO:

9. To the best of my knowledge, it is State money taken from
10. Boating Act funds because the...actually, the...the dam for
11. many years and the waters that it has backed up, has provided
12. for boating for those people who desire that type of recreation.

13. PRESIDENT:

14. Any further discussion? Senator Mitchler.

15. SENATOR MITCHLER:

16. Mr....yes, Mr. President and members of the Senate.
17. I rise in support of this Senate Bill 90 and at the same time, I
18. would like to commend the Department of Conservation for acting
19. so quickly in getting repairs done to a dam that's under their
20. jurisdiction. When I first read the bill, I had some questions
21. about it because it...in investigating, they talked about
22. a dam in the Rock River at Oregon that was under control of the
23. Department of Conservation. And normally dams in our rivers and
24. streams are under control of the Division of Waterways in the
25. Department of Transportation. But I find out that the Department
26. of Conservation does own a dam in Kankakee, in the Kankakee River
27. and also this one in the Rock River at Oregon. And it was
28. discovered that the dam was in need of repair and the threat
29. of it being washed out in high water would jeopardize the
30. lives and property of people downstream and result in millions
31. of dollars of damage. I might point out that the reason the
32. Department of Conservation owns the dam at Oregon and the Rock
33. River, is because it was purchased during the Stratton administration
when the then Director of the Department of Conservation, Glen

1. Palmer, worked out a program to obtain the dam from the
2. Commonwealth Edison Company who no longer needed it for
3. hydropower producing electricity. And they purchased it at a
4. very nominal charge because it did serve as a boating and
5. recreation pool upstream of the dam that they have developed into
6. conservation areas. And now the Commonwealth Edison is
7. willing to assist in the cost of repairs because by having this
8. dam being kept in tact, it will contain a pool of water
9. that will be beneficial to them in their new generating plant
10. upstream from the location of the dam. But I did want to give that
11. as an explanation. Now, it's important that this money be
12. appropriated into the Boat Fund so that they can continue with the
13. construction of four marinas, one is the Illinois Beach Marina
14. at Lake County, the MoraineView State Park at McLean County,
15. Mississippi Palisades in Carroll and Jersey County and the
16. Shell Harbor near Calhoun Park. Thank you.

17. PRESIDENT:

18. Senator...further discussion? Senator Buzbee.

19. SENATOR BUZBEE:

20. Mr. President, I didn't intend to speak on this, but there
21. seems to be some small amount of confusion and I spent quite
22. some time talking to Director Kenney about this bill. Let me
23. point out first of all, the dam has already been repaired, the bills
24. have already been paid. The money is, as Senator Mitchler just
25. said, has been transferred from four other projects that were
26. going to be built for the marina projects have been transferred
27. over to pay this, so what in fact, we are doing, is replenishing
28. the money for those four projects which have yet to be worked
29. upon. The...the dam is owned by the State of Illinois, by the
30. Department of Conservation. The body of water that is there is
31. a very shallow body of water, but it was right ready to...it
32. was going to be even more shallow because they were going to lose
33. the whole thing and the Commonwealth Edison has said they were willing

1. to take over the ownership of this and Director Kenney has
2. assured me if it's the General Assembly's desire that they
3. not take over ownership that that is no problem, that the
4. State can continue to own it, but this is simply a method of going
5. ahead and paying for something that had to be done before the whole
6. dam washed away. And I would ask for a favorable roll call.

7. PRESIDENT:

8. Any further discussion? Senator Shapiro, do you wish to close the
9. debate? All right. The question is shall Senate Bill 90 pass.
10. Those in favor will vote Aye. Those opposed will vote Nay. The
11. voting is open. Senator Bruce, will you vote my switch?
12. Have all voted who wish? Have all voted who wish? Take the record.
13. On that question the Ayes are 53, the Nays are none, none Voting
14. Present. Senate Bill 90 having received a constitutional
15. majority is declared passed. Introduction of Bills.

16. SECRETARY:

17. Senate Bill 216, introduced by Senators Berman, Philip,
18. Mitchler and others.

19. (Secretary reads title of bill)

20. 1st reading of the bill.

21. Senate Bill 217, introduced by Senator Gitz.

22. (Secretary reads title of bill)

23. 1st reading of the bill.

24. Senate Bill 218, introduced by Senators Maragos,
25. Vadalabene, Chew and others.

26. (Secretary reads title of bill)

27. 1st reading of the bill.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there leave to go to the Order of Resolutions? Leave
30. is granted. Resolutions. Mr. Secretary.

31. SECRETARY:

32. Senate Resolution 61 offered by Senators Rock and Shapiro.

33. PRESIDENT:

Senator Rock is recognized.

1. SENATOR ROCK:

2. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
3. Senate Resolution 61 offered by myself and Senator Shapiro,
4. I will, after presenting it, make a motion to suspend the rules
5. and ask that it be immediately considered and adopted. It does
6. something that we did last Session which we found, frankly,
7. very helpful. It will set up a special committee to study the
8. reorganization of State Government as proposed by the Governor.
9. We heard in his message today that he has two sweeping
10. reorganization messages which he will submit to the Assembly,
11. one has already been filed and it seems in our best interest,
12. to have a special committee as we did last Session,
13. for the purpose of the study of these reorganizations as
14. proposed by the Governor. This calls for a committee of thirteen
15. members of the Senate, eight from the Democratic side and five
16. from the Republican side, to meet whenever the Chairman of that
17. committee and the membership agrees to meet and to be in
18. receipt of those messages from the Executive calling for
19. Executive reorganization and to then report back to this Body so that the
20. Body can take the proper action as required under the Constitution.
21. So, if there is no discussion, Mr. President and Ladies and Gentlemen,
22. I would move for the suspension of the rules and the immediate
23. consideration and adoption of Senate Resolution 61.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. The motion is to suspend the rules for the immediate
26. consideration of Senate Resolution 61. All in favor say Aye.
27. Opposed Nay. The Ayes have it. And the rules are suspended.
28. On the adoption, all in favor say Aye. Opposed Nay. The Ayes have
29. it. Senate Resolution 61 is adopted. It has been earlier announced
30. that we would adopt any proposed amendments or considering
31. any proposed amendments to the rules today. And we are at that Order of
32. Business and there has been distributed on the desk of every
33. member the proposed rules amendments...and we distributed to each

1. member last week a computer printed copy of the Senate rules.
2. Most of the rules changes are keyed to that volume which was
3. left on your desk last week. We are going to go in the order
4. that the amendments were proposed. All right. The first rule
5. amendment proposed was Senator Washington, then a group of
6. proposed amendments by Senator Netsch, Amendment to Rule 5
7. by Senator Buzbee, a proposed amendment to Rule 11 by Senator
8. Walsh, a proposed amendment to Senate Rule 5 by Senator
9. Schaffer, and a change in Rule 5 by Senator Berman. They will be
10. considered in that order, Gentlemen and Ladies.

11. For what purpose does Senator Washington arise?

12. SENATOR WASHINGTON:

13. Mr. President, will you defer my amendment? A subsequent
14. amendment may take care of what I want.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. All right. Senator Washington, will it be all right to put
17. yours at the back of the list then? Fine. Senator Netsch.
18. Is there another Senator that might go first? Senator Netsch.

19. SENATOR NETSCH:

20. Yes, Senator Buzbee has discussed this with me and I with him
21. and one of...or his one proposed amendment relates also to
22. a subject which is a subject of some of my amendments, but we think
23. it would be more orderly if his were presented first and so
24. I have agreed with Senator Buzbee that I would defer to him at...

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Is there leave that we consider Senator Buzbee's proposed
27. change to Rule 5 first in the order? Leave is granted.
28. Senator Buzbee is recognized. Senator, has this amendment been
29. distributed? If you would identify it to your...the membership.

30. SENATOR BUZBEE:

31. It certainly has, Mr. President. It's in the form of a
32. cover letter from me that was distributed to each Senator's
33. desk this morning with my proposed rule change and I...I might
add, I think there probably is one more thing that...no, I

1. think I am correct. I move that Senate Rule 5 of the Temporary
2. Senate Rules, page 2, be amended by deleting all of Section C
3. and inserting in lieu thereof, the following. Basically, what this
4. proposed rule change would do, is to allow each of us to have four
5. chances at getting our particular bills passed through the
6. Senate and the General Assembly. You will notice that I have
7. followed...actually, you could say that...that the 81st
8. General Assembly will be broken down into four quarters
9. and you will notice that I have followed the first quarter
10. as defined there by the heavy black line underneath it, follows
11. the exact timetable, by lines, by dates that are in the present
12. temporary rules. Then after that, we would go to the second
13. quarter which would be this fall Session and you would have the
14. opportunity to introduce new bills again but that opportunity would
15. be cut off as of October the 3rd, by October the 10th...pardon me,
16. that would be the first day to introduce new bills, by October
17. the 10th would be the final day for introduction of new bills,
18. October the 17th would be the final day for standing committees
19. to report all Senate Bills, October the 24th would be the final
20. day for 3rd reading and passage of all Senate Bills, et cetera,
21. going on down. Then next spring, again, the opportunity would be
22. opened up one more time for the introduction of new bills with
23. various by...by dates inserted there for getting bills out of the
24. ...of the Senate committees, that is Senate Bills out of Senate
25. committees, final passage dates getting House Bills out of
26. Senate committees, et cetera. And then going onto the last page
27. to the fourth quarter, the only thing that's different there from
28. previous quarters is that at this point, you have no opportunity
29. to introduce any new bills. It is simply we have eliminated that one
30. deadline there for introduction of new bills and we say that here
31. on November the 13th of 1980, will be the final day for
32. standing committees to report all Senate and House Bills,
33. November the 19th, final day for 3rd reading and passage of all
Senate Bills, et cetera. The idea of this is that if you introduce a

1. bill this March, you have, in effect, two years to get it passed.
2. If you want to put...you're the sponsor of the bill, you control the
3. flow of your bill and if you want to wait until fall of 1980
4. before you try to get it passed, that's up to you. But you have
5. certain deadlines which have to be met in each case and
6. it's simply up to you as to whether you want to push your bill
7. through at that time or whatever. What it would say is if
8. you don't meet the deadline this spring, it doesn't mean your bill
9. is automatically dead as for all intents and purposes, is what
10. happens under the present rules. If you don't meet the
11. deadlines now of getting your bill out of committee and getting
12. your bill through the process, it, in fact, in almost all cases,
13. is dead. My rule change would change that. It would give you
14. the opportunity over two years to get a bill through. Now, there
15. has been some criticism of my proposal in that it will make
16. us be in Session all the time. I don't subscribe to that on the
17. basis that we have very definite, very tightly drawn time
18. schedules in here and as you can see as an example,
19. this coming fall, October the 3rd would be the first day for
20. introduction of bills, October the 10th would be the final
21. day for introduction of bills, so you've got seven days
22. in there to get bills in in the fall, October the 17th is the
23. final day for standing committees to report all Senate Bills, so
24. you've only got one more week to get any bill that you might introduce
25. this fall out of your committee. By keeping a very tightly
26. drawn schedule, I think we can eliminate that expanding to the
27. point where we're in Session as much as Congress is. I don't
28. favor that either. Senator Rock, in his announcement of the
29. ...of the Senate schedule for the rest of this calendar year,
30. could do the same thing for the next calendar year if
31. this rule is adopted and we would not have to expand the number
32. of days we are in Session, but it would give us, I think,
33. a more equitable opportunity. It...it would allow

1. us to respond to those constituents and I know this has
2. happened to you, it's happened to me several times,
3. where somebody comes in and wants a highway easement bill or
4. something like that, or maybe something of a little more
5. import, and says we need to have this passed and I say
6. I'm sorry, it's already past the deadline, this is in
7. April of 1979. We're already past the deadline for introduction
8. of bills and they say, well, when can I get this introduced,
9. and I say 1981 because the Senate rules are such that
10. you would not be allowed to introduce any new legislation
11. after April of this year unless it is of an emergency
12. nature. I don't think this would expand. Senator Netsch
13. allowed me to go first because she has a proposed rule change
14. on Senate Rule 5 which if mine were adopted, hers addresses the
15. subject of the Rules Committee. The Rules Committee would still have
16. the reign under her proposed rule as to which bills can come
17. of committee, et cetera. So, they...in...in the...after
18. June of this year, they would still have that kind of
19. control, if you will, and it seems to me that this would make
20. us more responsive to our constituent's needs. I'd be
21. glad to try to answer any questions, Mr. President.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Is there further discussion? Senator Savickas and Senator
24. Berman have caught the attention of the Chair. Senator
25. Savickas is recognized.

26. SENATOR SAVICKAS:

27. Yes, Mr. President and members of the Senate. I rise
28. to oppose this rule change. Although, on the surface,
29. Senator Buzbee indicates that it would reduce workloads, in
30. reality, it would turn this Body into a full-time General
31. Assembly without any provisions for proper compensation,
32. without any provisions for our time in our districts.
33. I would suggest that if we are to be a full-time legislative body,

1. that we do it on our own and not through rules changes
2. providing for introduction of bills and the handling of bills
3. in this manner. I would suggest that we defeat this motion.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there further discussion? Senator Buzbee, you may
6. ...is there further discussion? Senator Buzbee may
7. close.

8. SENATOR BUZBEE:

9. Well, I know the...the argument that Senator Savickas
10. has made is one that is...that a lot of people feel. However,
11. I would...I would respond by asking you to look at the
12. days that are designated on my proposed rule...my proposed
13. calendar. If we adhere to our schedule, there's no way that
14. there would be sufficient time to make us into a full-time
15. legislature. And without getting in all...into all the merits
16. or demerits of that argument, we're talking about days, not
17. even weeks or months. As an example again, the third quarter,
18. October the 10th is the final day for introduction, October
19. the 17th, the final day for standing committees to
20. report all Senate Bills, October the 24th, one week later,
21. final day for 3rd reading and passage of all Senate Bills.
22. November the...pardon me, October the 31st, one week after that,
23. final day for standing committees to report House Bills.
24. November the 1st, the next day, final day for 3rd reading and
25. passage of all House Bills. November the 7th, final
26. day to act on Veto Messages in the Senate, November the
27. 9th, final day to act on Veto Messages from the House.
28. Going on down into next spring, we follow approximately
29. the same kind of schedule that is being followed in this
30. spring's Session and then in next fall, that is the fall of 1980,
31. we're talking again about days, November the 13th, November
32. the 19th, November the 20th, December the 10th and December
33. the 12th. It seems to me it's a...it's a...an attitude that

1. we ought to be expressing to our constituents that we can
2. try to work on your problems. We're going to do it in a
3. very compressed schedule, but it is a schedule that is
4. workable and that...and that is known, a schedule that is
5. known so that we don't have to go by guess and by golly.

6. PRESIDENT:

7. The question is Senator Buzbee moves that the...that
8. Senate Rule 5 be amended as prescribed in the motion that he
9. has placed upon your desks. Those in favor say Aye.
10. Opposed Nay. In the opinion of the Chair, the negatives
11. prevail and the...there's been a request for a roll call.
12. Will the members please be in their seats. The motion is
13. to amend Rule 5. Those in favor will vote Aye. Those
14. opposed will vote Nay. The voting is open. Have all voted
15. who wish? Have all voted who wish? Take the record. On that
16. question the Ayes are 13, the Nays are 38, none Voting
17. Present. The motion is lost.

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End of reel.

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1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Netsch, are you ready to proceed or...is there
3. another Senator that's...May we have some order please?

4. SENATOR NETSCH:

5. Mr. President, if I might first explain to the members what they have on
6. their desks. I had handed out..distributed last week before
7. we left a series of amendments which I will be proposing to
8. the Rules. Because we then adopted...because we then adopted
9. the Permanent Rules we rewrote all of them and keyed them in
10. to those section numbers and page numbers. I have then redone
11. and distributed to you today a complete new set. There are a
12. few substantive changes but only a few from those that you
13. received last week. Some of them were in response to points
14. that...one Senator or another made to me in the interim. In
15. one case I divided what used to be a proposed amendment...a
16. single proposed amendment into three separate parts because
17. it did, in fact, have three separate parts. But basically,
18. it is in substance what you had distributed to you last week
19. so that you could consider it before you returned today. If
20. there are any questions about differences between this set and
21. the set you received last week I'll certainly call attention
22. to those or be happy to answer those questions as we come
23. to each of them. There are some of them which are fairly
24. technical in nature, do not involve major substantive questions.
25. There are a few which do, indeed, involve substantive questions.
26. Now, if I could proceed then. I have numbered them in...in
27. order in the packet that I have given you and I will take them
28. in that order. That happens to be the way in which they fell.
29. The one that has a number 1 in the corner and at the same time
30. I want to talk about what is in 1 A because they are, in effect,
31. alternates dealing with and addressed to the same question.
32. The...the question and the problem is the flow of business in
33. the State Senate. That was, is and remains the single most

1. difficult problem that we have hanging over us. It is that
2. which always results in a horrible logjam now, not just at the
3. end of the Session but at several other deadlines throughout.
4. It is the one point that in my judgment we must address if
5. ever we are to make the process work well and make the public
6. believe, in fact, that we are making the process work well. In
7. addition, all of us, I think, have heard from time to time from
8. constituents, from interest groups, from others and sometimes
9. from our fellow members of the Senate that we never know in
10. advance when important pieces of Legislation are going to be
11. debated on the Floor of the Senate. It seems to me that is
12. one of the things that ought to be planned in advance, noticed
13. in advance so that everyone can be prepared to deal with those
14. important issues. Therefore, the...the two alternate proposals,
15. both of which are in the form of amendments to Rule 4 are in-
16. tended to address the question of creating a mechanism by which
17. the business of the Senate will be scheduled throughout the
18. Session, obviously not in a completely rigorous fashion because
19. it's going to take us awhile to learn how to do that, but at
20. least so that there is a mechanism to do that. The first of
21. the two amendments, which is marked number 1 is almost verbatim
22. from the report of the ad hoc committee on procedures that was
23. chaired by Senator Maragos last Session. It is in many respects
24. a much tougher or more restricted version than the second one
25. and basically what it says is that the Committee on Rules will
26. establish a weekly schedule for the consideration of bills that
27. are on 3rd reading, not those that are on 2nd reading. We have
28. to start somewhere and that that schedule will be made available
29. in advance and copies sent to the members and that we will then
30. meet that schedule. When a bill...an important bill or a non-
31. important bill is scheduled for Wednesday, March the 8th, it will,
32. indeed, be debated and acted on, on March the 8th so that every-
33. one knows how to plan in accordance with that kind of schedule.

1. If a bill does not...is not called, that is if the sponsor
2. chooses not to have the bill heard on that day then he does
3. suffer a penalty under this approach. The bill does go back
4. to the Rules Committee automatically to be rereferred elsewhere.
5. The...the feeling...I could read you the provisions in the
6. report of the ad hoc committee from last Session their feeling
7. was that this is a system that has been tried in Wisconsin,
8. particularly that it does work well there once you get used to
9. it and you get used to it very fast and that it is one that we
10. could, indeed, emulate here and they feel that the...a...an
11. enforcement mechanism must be present. I think it would be
12. helpful although we'll vote on them separately, I realize if
13. I could briefly explain the difference between that and 1 A,
14. which is the alternate proposal. 1 A would create a Calendar
15. Committee, the membership of which is referred to...subsequently
16. in the proposed amendment and the language is more general, but
17. the Calendar Committee will have both the responsibility and the
18. authority to manage the flow of Legislative business throughout
19. the Session so that we will again make an effort to avoid logjams
20. so that we will know the days on which important bills will be
21. debated so that we can to the extent possible coordinate the
22. debate and consideration of bills that deal with a single subject.
23. For example, if we...the School Aid Formula is a big issue in the
24. Session and it is not infrequently, it doesn't make an awful
25. lot of sense to have sixteen different School Aid Formula Bills
26. debated on sixteen different days. It would make an awful lot
27. of sense to have them all considered at the same time. That is
28. the responsibility that would be given to the Calendar Committee
29. under this proposal. I think we will have to vote on each of
30. them separately but I wanted to present them to you as
31. alternatives and again, let me say that I...in my judgment
32. this particular proposal or the alternate proposal is probably
33. the single most important one in the package of amendments

1. which I have. I genuinely believe that if we do not begin to
2. address the one thing that makes a mockery out of the Legis-
3. lative process Session after Session and that is the incredible
4. logjams, the consideration of a hundred and fifty bills on a
5. single day. If we do not begin to address that kind of problem
6. we are never going to be able to keep a...control of the
7. substance and quality of the work that we produce and for that
8. reason I think that both of these provide a mechanism for
9. beginning to address that problem. I do not suggest they are
10. going to work perfectly at the outset. We will obviously have
11. to feel our way along with it but if we do not address this
12. problem then we will not have done anything significant with
13. respect to our own procedures. I'll be happy to answer any
14. questions about them.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there discussion? Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President and Ladies and Gentlemen of the
19. Senate. I, although the idea does, in fact, have some merit
20. I rise in opposition to both alternatives. We have for a long
21. time and I hope will in the future left the calling of
22. legislation to the discretion of the individual sponsor. Now
23. there is some art to that. Obviously one does not wish to call
24. a bill at ten o'clock in the morning on opening day because
25. there's usually less than a Constitutional majority present.
26. It seems to me to take that from an elected member and put it
27. in the hands of committee, which will designate and tell me that
28. I have to call my legislation next Wednesday at two o'clock or
29. my bill goes back to Rules Committee. It is simply not in the
30. best interest of this Body and I would hope we'd vote No.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Savickas.

33. SENATOR SAVICKAS:

1. No, Senator Rock stated exactly what we were thinking.
2. Senator Netsch mentioned about Wisconsin and I would like
3. to remind the people that were present, the Senators and
4. Representatives that were present in Wisconsin, when a bill
5. is being discussed nobody can leave the Chambers. There is
6. no staff. There are no outside influences permitted in the
7. Chamber. If there is a private discussion as we have Senator
8. Chew, Senator Daley and Senator Nimrod having, the meetings
9. come to a halt so the debate may be heard. I would suggest
10. that we follow Senator Rock's lead on this and defeat this
11. amendment.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Rhoads.

14. SENATOR RHOADS:

15. Very briefly, Mr. President. I rise in support of the
16. motion. I think Senator Netsch deserves some credit for, at
17. least, offering this for debate whatever its fate may be on
18. adoption. It is true that of the eight largest states in the
19. Union, Illinois is one of the... the only, it is my understanding,
20. that does not have some sort of orderly Calendar procedure for
21. the final passage stage of bills. Congress long ago had to go
22. to a procedure whereby debate was scheduled far in advance. It
23. is in the public interest and I think Senator Netsch deserves
24. some support on either of these alternatives.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? Senator Netsch may close.

27. SENATOR NETSCH:

28. Am I correct that we will have to take a separate vote on
29. each of them?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. That is correct, Senator.

32. SENATOR NETSCH:

33. Yeah. I would like to say because I...I will not continue

1. the debate when we vote on the second one that your point about
2. the sponsor losing control is absolutely untrue with respect to
3. the second of the alternatives. There is nothing that interferes
4. with the sponsor's control. There will be a mechanism to attempt
5. to begin to bring pressure on members to get their bills moving.
6. That is not the same thing as saying that a sponsor does not
7. still have control and as a matter of fact two of the provisions
8. in that alternate specifically say that the...wait a minute, I
9. will read them, that the Calendar Committee shall not have the
10. power to deny a committee hearing to a member's bill nor shall
11. the Calendar Committee have the power to prevent a bill from
12. reaching the Floor of the Senate. I do not want anything like
13. the old House Rules Committee in Congress. Even under the first
14. proposal it is not true that the sponsor loses control. It is
15. assumed that the Rules Committee is going to be working with the
16. sponsors to schedule those bills and that if a sponsor absolutely
17. adamantly refuses then their...that bill will not be scheduled.
18. It may never get scheduled if they continue to refuse for too
19. long a period of time but I think that's something that is
20. probably fair. I genuinely believe the first one is a tougher
21. approach but it was the approach of a committee which this
22. Body appointed to decide such matters or to recommend such
23. matters to it last Session. The second is a more flexible
24. approach but...at least, for the first time it gives us a
25. mechanism to start addressing what is the most serious problem
26. in our entire Legislative procedure. I would urge your favorable
27. support of either of them and we will take them seriatum.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Walsh, Senator Netsch was closing but...Senator Walsh.

30. SENATOR WALSH:

31. Mr. President, how many votes are required in order for this
32. motion to prevail?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. It will require thirty affirmative votes. Yes. For
2. what purpose does Senator Netsch arise?

3. SENATOR NETSCH:

4. I know the groans that I'm going to hear when I say this
5. but I am going to want a roll call on this and on a number of
6. the others that I present. Fine. Thank you.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. The motion is by Senator Netsch to amend Senate Rule 4
9. by adding the sections put forth in her amendment. Those in
10. favor will vote Aye. Those opposed will vote Nay. The voting
11. is open. (Machine cutoff) voted who wish? Have all voted who
12. wish? Take the record. On that question, the Ayes are 18,
13. the Nays are 31, 1 Voting Present. The motion to adopt is lost.
14. The next motion is by Senator Netsch, which by leave of the
15. Body was explained and that is the motion to amend Senate Rule
16. 4 and to amend Senate Rule 7 as prescribed in her amendment that
17. she has passed out. Those in favor will vote Aye. Those opposed
18. will vote Nay. The voting is open. Have all voted who wish?
19. Have all voted who wish? Take the rules...take the record. On
20. that question, you take the...on the question the Ayes are 23,
21. the Nays are 28. None Voting Present. The motion is lost.
22. Further amendments? Senator Netsch.

23. SENATOR NETSCH:

24. This is a...is not particularly substantive but I think
25. it clarifies something that is, in fact, practiced. It's the
26. one that is marked number 2 and it makes clear that bills will
27. be called in the order on which they appear on the printed
28. daily Calendar unless the Senate directs otherwise. That is,
29. in fact, the procedure that we have been following although
30. the present wording of the rule would indicate exactly the
31. contrary. It seems to me that the practice that we've been
32. following is a good one and that we ought to have it reflected
33. in the rules.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator Savickas.

3. SENATOR SAVICKAS:

4. Yes, Mr. President and members of the Senate. I would
5. submit that this rule would limit the flexibility of our
6. procedures as we do them now where we can jump when we have
7. moments of leisure from one order of business or from one bill
8. to another. We can to hear any specific bill at this point
9. in our Constitution suspend the rules and move to that order so
10. I would suggest that this instead of helping us would limit
11. the President's ability to move around the Calendar and hear
12. specific bills. As you noticed that many times when a sponsor
13. is not...is not present, he may be out in a committee in the
14. House or he may be out on some business for his district, we
15. bypass his bills. We can always come back through the President
16. come back to that order of business so I would suggest that we
17. defeat motion number 2 to Rule 4.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? Senator Wooten.

20. SENATOR WOOTEN:

21. Well, Mr. President and colleagues, I would remind Senator
22. Savickas that that is exactly what we have been doing. That
23. when we go out of order we ask leave of the Body and when we
24. go back to pick up a bill because the sponsor is not on the
25. Floor we ask leave of the Body. It seems to me that this is
26. exactly as Senator Netsch has presented it. It is a clear
27. statement of what our practice is now and simply because it
28. was not included in the rules we adopted the other day I don't
29. think we should be blind to something that says in black and
30. white what we currently do and unless my memory fails me
31. completely this is exactly the procedure we've been following.
32. We always ask leave of the Body to go out of order and this
33. simple codifies that. I think it's an absolutely reasonable

1. statement in writing of what our current practice is.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further discussion? Senator Netsch may close.

4. SENATOR NETSCH:

5. Now I would simply repeat that we had conceded a long
6. time ago that bills should be called in order unless someone
7. requests that their bill be held and come back to it. That is what
8. we've been doing. I think everyone has recognized it as a
9. protection of all of the members at any given time and it seems
10. to me that since we have been generally following it and have
11. done it for the protection of ourselves that we ought to see
12. that our rules reflect that.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. A question on Senator Netsch's motion to amend Rule 4.
15. Those in favor will vote Aye. Those opposed will vote Nay.
16. The voting is open. Have all voted who wish? Have all voted
17. who wish? Take the record. On that question, the Ayes are
18. 27, the Nays are 20. The motion to adopt is lost. Are there
19. proposed rules changes? Senator Netsch.

20. SENATOR NETSCH:

21. We are now on the one that is marked number 3. This is an
22. attempt to spell out in somewhat more detail what is already
23. alluded to in the rules and that is what is a Committee Bill.
24. The proposed amendment defines what is a Committee Bill. A...
25. in terms of one which is initiated by a standing committee of
26. the Senate designated as such by a record vote of the majority
27. of the members appointed and it must receive a...an affirmative
28. vote of a majority of the members of that committee. It then
29. would be introduced, assigned a number and treated as any
30. regular bill except that the official sponsor would be...the
31. committee with one member of the Senate designated as the
32. spokesman for that bill on the Floor. It also indicates that
33. a committee may take formal action to make a bill which is

1. already before it a committee bill but only with the written
2. consent of the sponsor. That, of course, would save time.
3. The purpose is really to spell out some...in somewhat greater
4. detail a procedure which we already have recognized and occasionally
5. used but have not really had rules to define properly. I would
6. also say that it is a mechanism for encouraging the use of
7. committee bills. Something which I and a good many other members
8. of the Senate feel is something very much to be desired. We...
9. we could do it now but we don't have anything really to encourage
10. us to do it. By defining what is a Committee Bill and what
11. happens to it this provides the mechanism and, hopefully, the
12. encouragement for a greater use of Committee Bills. Something
13. which I think in the long run would save us a great deal of
14. time on the Floor.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there discussion? Senator Savickas.

17. SENATOR SAVICKAS:

18. Yes, we discussed this option in our subcommittee and it
19. was felt or at least it was my feeling of our discussions that
20. the committee bill process and the definition of the rules
21. and procedures would be quite unclear as they are today. I
22. can't understand why a sponsor of a piece of legislation
23. that would be a particular good piece of legislation would
24. want to relinquish his sponsorship and give it to a committee.
25. When we talk about a spokesman of that committee to be the
26. sponsor of that Committee Bill on the Floor what happens
27. when that spokesman is not here. Does any other member of
28. that committee have the authority to move or Table the bill?
29. I would suggest that our process now is individual sponsors
30. and cosponsors and except in extreme emergency situations
31. that may be called upon in Special Sessions that the Committee
32. Bill structure would probably cause more problems than it
33. would solve. I have heard of no concern that we must institute

1. this type of a program or this type of a procedure
2. to solve any particular problem and I think again we would
3. be cluttering our rules with a rule that I feel would be
4. unworkable at any point.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Senator Netsch may close.

7. SENATOR NETSCH:

8. Well, the process is not unworkable, Senator Savickas.
9. It has worked very well on some occasions in the past but it
10. has been without benefit of any very clear definition in the
11. rules. I can remember, for example, several years ago when
12. the certificate of need legislation had been in committee,
13. worked on for some period of time. A number of members from
14. both sides of the aisle finally reached a resolution on a
15. very important piece of legislation and the process then was
16. to report it out as a Committee Bill because it did, in fact,
17. represent the consensus and the work of that entire committee with
18. one of the members designated as the spokesman on the Floor.
19. We did that without benefit really of any rules to authorize
20. it and we managed to get away with it but it seems to me that it
21. is a process which not only...should...it should be available
22. from time to time but it should be actively encouraged. One
23. of the things that we are going to have to do some day, Senators
24. and colleagues is if we are ever going to get a control of the
25. enormous amount of workload that we have in this General
26. Assembly, we are going to have to start moving away from the
27. personalization and the individualization of the bill process
28. so that everyone is fighting to see that the bill with his or
29. her name on it is the one that becomes the focal point. That is
30. fine up to a point but at some stage when major pieces of
31. legislation are worked on for a long period time in a committee,
32. it should be the committee which reaches the consensus and
33. which tells the Senate this is our work product and this is what

1. we would like to have considered. I think it is a process
2. which as I indicated before should be actively encouraged. At
3. the very least there ought to be a mechanism for it to be used
4. by those committees that do want to use it. I think it is a
5. very important procedural reform for us and I would urge your
6. support of this amendment.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. The motion is to amend Rule 5. Those in favor will vote
9. Aye. Those opposed will vote Nay. The voting is open. (Machine
10. cutoff)voted who wish? Have all voted who wish? Take the record.
11. On that question, the Ayes are 22, the Nays are 27. None Voting
12. Present. The motion is lost. Further motions?

13. SECRETARY:

14. Senator Netsch.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Netsch is recognized.

17. SENATOR NETSCH:

18. The motion marked number 4 would adopt for the Senate a
19. process which the House already or a courtesy if you will,
20. which the House already extends to us. It says that the House
21. sponsor of a bill originating in the House may remove or
22. substitute the Senate sponsor by notifying the President in
23. writing. We, as Senate members already have that privilege
24. with respect to our bills that go over to the House. It seems
25. to me that we owe the House members the same courtesy when
26. their bills come to this Chamber.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Is there discussion? Senator Rhoads.

29. SENATOR RHOADS:

30. Well, a question of the sponsor. Does this prevent you
31. from stealing a bill? I...I don't want...I don't want to
32. prevent that.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Netsch.

2. SENATOR NETSCH:

3. The answer is yes.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Geo-Karis.

6. SENATOR GEO-KARIS:

7. Well, Mr. President and colleagues in the Senate. I think
8. this is only fair. We've had the situation occur where certain...
9. when I...when I was a House member, certain bills would come over here
10. and by the time we tried to reach the sponsor we had indicated
11. to take our bill. It made a problem. Well, it happens both
12. ways. I think it's only fair. I think this is probably one
13. of the finer pieces of suggested changes that we have and
14. I would like to speak in favor of it.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Berning.

17. SENATOR BERNING:

18. Thank you, Mr. President. The...the sponsor of this
19. amendment that I would like to make a suggestion to. Part
20. of the problem it seems to me results from the...the practice
21. that has been in existence for some time that has, in a sense,
22. bothered me some, House Bills come over here and are either
23. indiscriminately assigned or someone condescendingly
24. ultimately takes sponsorship. I would suggest, Senator, that
25. with your amendment after the second word "House" in other
26. words the House sponsor of a bill originating in the House
27. insert "shall designate a Senate sponsor and may remove or
28. substitute" then it would be something that I think will be
29. a meaningful change to our rules.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Further discussion? Senator Savickas.

32. SENATOR SAVICKAS:

33. Yes, Senator Berning had hit on the point that we discussed

1. in our subcommittee and my major objection is that many times
2. these bills come over from the House, they sit on our Calendar,
3. many times for a week at a time with no interest of a sponsor...
4. a Senate sponsor picking that bill up. Then when it is picked
5. up by a particular Senator then somebody gets a little
6. concerned. I would suggest that this conflict if it does
7. occur could best be settled by the President himself, who I
8. am sure can arbitrate and sit down with any Senate sponsor
9. of a bill and if there is that much objection from the House
10. people, I cannot understand why, if a House member is that
11. interested in his bill he has not already contacted a Senator,
12. told him the status of the bill in the House and has asked
13. him to pick it up. I cannot recall, excuse me, of any
14. Senator on either side of the aisle when he was asked to
15. relinquish a bill that he did not relinquish it to another
16. Senator. It may have occurred but I...I don't know of any
17. particular instance. As far as the comments of stealing a
18. bill, if a House sponsor does not care about his own bill and
19. leaves it come over here without any designated Senate sponsor
20. why are we concerned on who picks up that bill. I would suggest
21. that once again, that this practice and the arbitration of any
22. problem that may arise should be left with the President and
23. we should not be stripping the President of his authority here.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Washington.

26. SENATOR WASHINGTON:

27. Thank you, Mr. President. The simple fact is this, that
28. I have had it happen to me. When I was in the House I'd send
29. bills over here and on several occasions Senate sponsors
30. grabbed the bill with the particular purpose of killing that
31. piece of legislation and did. That has happened before since
32. I've been here. This, to me, is an unconscionable situation.
33. Now if the House can extend to us this kind of courtesy, it seems

1. to me that reciprocity is in order. I'm just amazed that we're
2. even debating this thing. It's a simple question of fairness.
3. I support it:

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Rock.

6. SENATOR ROCK:

7. Thank you, Mr. President and Ladies and Gentlemen of the
8. Senate. I suppose in a general sense what we are discussing
9. here is whether or not we wish to find ourselves in the
10. position that the House has found itself and that is to say,
11. they have about three times as many rules and subparagraphs
12. and cross-references as do we and they attempt, at least, by
13. virtue of their rules and the amendments to their rules to
14. hypothecate and to anticipate every conceivable possibility
15. that's going to arise during the course of a Session. I
16. don't think we should get ourselves in that box and they are,
17. in fact, in a box. When a House bill comes to the Senate it
18. no longer belongs to the House sponsor. It is Senate business
19. and when a Senate bill goes to the House, it is House business.
20. Now this has happened in my recollection. Senator Washington's
21. statement to the contrary notwithstanding on one occasion and
22. we had, in fact, I think attempted at many times to work these
23. things out. The fact of the matter is the House sponsor doesn't
24. own the idea or the bill. It belongs to the Senate and I think
25. we ought to leave it that way.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Berman.

28. SENATOR BERMAN:

29. Thank you, Mr. President. I rise in support of the
30. motion. I can only indicate last Session, I sent a bill over
31. to the House and the bill was picked up by a member of the House
32. who intended to kill it because of this rule existing in the
33. House Rules, I was able to file a request to get him off and

1. put on the guy that I wanted. I think that, in fact, this
2. gets the President off the spot and debating it between some
3. guy that tries to steal or kill a bill and I think it will
4. keep you out of the middle in those kind of debates and I
5. think it...I think it is fair and just based upon my own
6. experience I think it should be...reciprocal between both
7. the House and the Senate.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Nimrod.

10. SENATOR NIMROD:

11. Thank you, Mr. President. A...a question of...of Senator
12. Netsch. What happens in the case if...are we opening up some
13. area of...of concern? What happens then if a sponsor has a
14. bill? I...I agree with you about the beginning part of it.
15. What happens if he carries the first and second reading and
16. goes into the...brings it up on third reading or at some
17. point and the House sponsor arbitrarily decides to replace
18. him? And that's totally inconsistent with our kind of
19. practice here. Now, if you're saying you want to replace
20. him in the beginning or...he has a right to designate in
21. the beginning, that's fine, but it seems to me that this also
22. opens up for some shenanigans that could take place.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Netsch.

25. SENATOR NETSCH:

26. The rule does not specify at what point. It does not
27. say only at the beginning, although that certainly is...is
28. probably implied. I would suggest, Senator Nimrod, that for
29. the most part the only question is going to arise at the very
30. beginning stage. However, if it should happen that a House
31. sponsor has picked up a bill and...I'm sorry... the other
32. way around because we're talking about our rules and it
33. suddenly appears that that Senate sponsor of the House bill

1. is going to play games with that bill or has decided that now
2. that sponsor is opposed to the bill and wants to hang onto it
3. to either not to call it at all or to kill it then it seems to
4. me if that kind of a situation arises that the House sponsor
5. should have the same privilege. I think it is not likely to
6. take place at that late stage in the proceeding. It is
7. more likely to be recognized at the beginning. But I think
8. that the protection is there for those rare instances where
9. it might occur even at a later stage that the sponsor just
10. simply decides that he's never going to call the bill. I would
11. suggest, well, I'm sorry, that...that's the response to your
12. question.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? The motion is to amend Rule 4.
15. Those in favor will vote Aye. Those opposed will vote Nay.
16. The voting is open. Have all voted who wish? Have all
17. voted who wish? Take the record. On that question, the
18. Ayes are 30, the Nays are 21, none Voting Present. The
19. motion to amend Rule 4 is adopted. Is there a request for
20. a verification? Request by Senator Savickas that the roll
21. call be verified. Will the members please be in their seats?
22. The Secretary will call the roll of those who voted in the
23. affirmative under our...new rules, Gentlemen, you are to
24. answer the...the Secretary with the affirmative that you are
25. present. The Secretary will call those who voted in the
26. affirmative.

27. SECRETARY:

28. The following voted in the affirmative: Berman, Berning,
29. Bloom, Bowers, Bruce, Buzbee, Davidson, DeAngelis, Demuzio,
30. Geo-Karis, Gitz, Grotberg, Hall, Joyce, Jerome; Keats, Maitland,
31. Martin, McMillan, Mitchler, Moore, Netsch, Newhouse, Nimrod,
32. Philip, Rhoads, Schaffer, Sommer, Walsh, Washington, Wooten.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Savickas, do you question the presence of any
2. member? The roll call has been verified. On that question,
3. the Ayes are 30, the Nays are 21. The motion is adopted.
4. Further motions, Mr. Secretary.

5. SECRETARY:

6. Senator Netsch, motion number 5.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Netsch is recognized. May we have some order,
9. please. Senator Netsch.

10. SENATOR NETSCH:

11. Thank you, Mr. President. Motion number 5 deals with
12. the question of joint sponsorship, what we often call
13. hyphenated sponsorship. It's a practice that we already
14. employ but we have never really recognized it or provided
15. for it in the rules. The rule just says very simply that a
16. bill may be sponsored by no more than two principal sponsors,
17. each of whom will be regarded as a sponsor for purposes of
18. these rules and the last sentence then attempts to deal with
19. the problem of what happens if the two sponsors do not agree
20. about moving the bill and it provides a mechanism for resolving
21. that dispute. We do, in fact, use this practice right now.
22. Often there are very good reasons for it and this simply
23. formalizes the practice and the procedure.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there discussion? Senator Rhoads.

26. SENATOR RHOADS:

27. Yes, Mr. President, I rise in opposition to the motion.
28. The practice has been in the last Session, if I'm not
29. mistaken that the name listed first on joint sponsorship was
30. the name which controlled the bill and the name listed second
31. under joint sponsorship was there for purposes of handling the
32. bill in the absence of the principal sponsor which was the
33. first name listed. I don't think it's a good practice to have

1. co-equal sponsorship under the hyphenated printing in the
2. digest and I think this motion ought to be defeated.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Is there further discussion? Senator Netsch may close.

5. SENATOR NETSCH:

6. I think, in fact, that has not been the case, Senator
7. Rhoads. I have been a hyphenated sponsor on a number of
8. bills, sometimes in the first position, sometimes in the
9. second position and when the bill came to its place on the
10. Calendar either one of us has been recognized from time to
11. time. I believe that really has been in practice what we
12. have been doing and it seems to me that it is a perfectly
13. adequate...provision. There are lots of times when there
14. are reasons for joint sponsorship. When a bill comes out of
15. a particular study commission, for example. One of the standing
16. committees where two people have worked on it equally, I think
17. there...those are the good reasons why it is done and it seems
18. to me there is nothing wrong with the practice, in fact, it's
19. a rather good one and it should be encouraged and formalized
20. in this respect.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The motion is to amend Rule 5. Those in favor will vote
23. Aye. Those opposed will vote Nay. The voting is open.
24. Have all voted who wish? Have all voted who wish? Take the
25. record. On that question, the Ayes are 9, the Nays are 41,
26. none Voting Present. The motion is lost. Further motions,
27. Mr. Secretary.

28. SECRETARY:

29. Senator Netsch's motion on number 6.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Netsch is recognized.

32. SENATOR NETSCH:

33. The amendment...the amendment proposed which is marked

1. number 6 is intended to clarify and in a few respects to
2. change the procedure particularly relating to our even numbered
3. Sessions. We have gone in many, many different directions
4. since I have been a member of the Senate and all of us, I
5. think, find it a source of confusion and frustration because
6. we never know what's going to happen to the bills which may
7. be introduced, for example, in the odd numbered year but
8. often for very good reasons are held over in a committee or
9. a subcommittee for further work and then we come to the
10. even numbered year and the only thing that our rule says is
11. that nothing can be acted on unless it goes to the Rules
12. Committee and it doesn't say what can come out of the Rules
13. Committee except the Budget Bills. It doesn't specify the
14. procedures. It gives no encouragement for the process of
15. doing additional work on...on bills in between the first and
16. second year Session. This is a fairly tough one. In fact,
17. I doubt very much that it would increase the workload in the
18. second year. I suspect it might even restrict it but, at least,
19. everyone would know where we stand and basically, what it
20. says is that if a bill is introduced in the odd numbered year
21. or in the early part of the even numbered year and that bill
22. is put in a subcommittee, is worked on and is ready to be
23. sent to the Floor for action in the even numbered year after
24. a committee has been working on it. That, in fact, that bill
25. may go to the Floor without going through the Rules Committee
26. but, it must have a majority vote of the members appointed to
27. that substantive committee. In other words, it is not going
28. to be a device for logrolling bills or for frivolous bills
29. to get out and be on the Calendar in that second year. The
30. bill is going to have to have a fairly solid base of support
31. in the substantive committee which has been doing the work on
32. it. I strongly suggest to you that it will not increase the
33. number of bills, which will come to the Floor but it will

1. guarantee that those that have in good faith been worked in
2. the interim will make sure that they do, in fact, make it to
3. the Floor so that members are encouraged to do that kind of
4. work in between. I used as an example in my explanatory
5. memorandum the package of bills known as the Mental Health
6. Code package. A...a very large, complicated series of bills.
7. It was quite clear that they should not come to the Floor in
8. the first year of the Session during which they were introduced.
9. They were put in in that case a Special Joint House Senate
10. Committee, which worked very hard on them, resolved most of
11. the differences. At the time we were doing all of that work
12. and even at the time that we...we first brought the bills
13. back to the even numbered Session, we didn't know whether
14. we would ever be able to get those bills onto the Floor and we
15. might have had a suspicion that we could bring that about, but
16. we had to face the prospect of going through the Rules Committee.
17. I think that is not a good idea. This clarifies the procedures
18. with respect to what happens. It leaves intact the require-
19. ment that bills which are not introduced until the even numbered
20. year or which do not arrive in the Senate from the House until
21. the even numbered year must still go to the Rules Committee.
22. So that process is not basically changed at all. I think
23. it does...it doesn't significantly change the procedure except
24. really to tighten it up and clarify it but I think it does
25. provide all of us with a clear set of guidelines about what
26. can and cannot be acted upon in that second year of the Session.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The following Senators have sought recognition on this
29. motion. Senators Daley, Savickas, Geo-Karis and Berning.
30. Senator Daley is recognized.

31. SENATOR DALEY:

32. Mr. President and fellow Senators, I ask the sponsor to
33. yield to a few questions.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Indicates she will yield. Senator Daley.

3. SENATOR DALEY:

4. What guarantee do the members of the Senate have that
5. this Special Joint Committee does not change the whole
6. substance of the legislation? In other words, if we sent
7. a Mental Health package or you could really generalize the set
8. topic and it goes into a Special Joint Committee and comes
9. out with something completely and entirely different from
10. the original concept. That's why I think you would have to
11. go back to the Rules Committee. In other words, if we're
12. going to work on to discharge an...Mental Health patients
13. in a Special Joint Committee and it's considered Mental Health
14. and it goes into this committee, this Special Joint Committee
15. and they come out with a review of the whole Mental Health
16. Code and start talking about other subject matters in Mental
17. Health, there's no guarantee that members of the Senate or the
18. Rules Committee that it follows the same substance.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Netsch.

21. SENATOR NETSCH:

22. Well, you have a couple of built-in constraints, Senator
23. Daley. One is that the bill was introduced to deal with a
24. particular subject. The title of the bill to some extent
25. controls that. I think the second and perhaps even more
26. important constraint is that as I have...proposed the rule
27. now in order for that bill to come out to the Floor in the
28. even numbered year, it would have to receive a majority vote
29. of the members appointed to the committee, so that if anyone
30. were attempting to use a bill that had been worked on in sub-
31. committee as a vehicle or something of that sort, I think they
32. would not be able to persuade a majority of the members of the
33. committee to go along with that. In other words, it is intended

1. to assure that those bills such as the...the code bills that
2. we worked on would, in fact, have a strong base of support
3. and for them to be acted on in that second year, but at the
4. same time it would eliminate that doubt that we had throughout
5. that long process as to whether or not those bills would ever
6. be permitted out of the Rules Committee onto the Floor.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Daley.

9. SENATOR DALEY:

10. Mr. President, but there's no guarantee that a Special
11. Joint Committee will comprise of twelve or fourteen Legislators
12. they could have four members of the General Assembly on a
13. Special Joint Committee and you only need three votes.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Netsch.

16. SENATOR NETSCH:

17. The device of using the Special Joint Committee is not
18. used very often though. That was fairly unique with respect
19. to the package of bills that we worked on and my assumption is,
20. although I think it is a good idea for major packages of
21. legislation, it's rare use suggests that it is going to be
22. invoked only when there is an important substantive package
23. and there is going to be serious work done on it. So I think
24. that is not really going to...to be something that's going to
25. be floating around casually.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Daley. Further questions? Further discussion?

28. Senator Savickas.

29. SENATOR SAVICKAS:

30. Yes, Senator Daley touched on a very important point and
31. this rule is a very...substantive change in our rules and I
32. think it's going to limit the flexibility that we can, at this
33. point, handle and deal with State matters spelling it out in

1. this way. The question I have on the majority of the members
2. of a committee to vote the bill out is that we are again,
3. locking ourselves in into the House Rules where they must
4. have a majority or two-thirds majority of those people that
5. are assigned to a committee. That means if somebody for some
6. reason is absent, they're out of town, they're ill, again we
7. have a problem that would prevent us from getting a bill out.
8. I don't think at this point, that we should change these rules.
9. I think that if these rules are this important that we should
10. work on them for this Session and come in after a very
11. deliberative view of it and discuss them again next year. I
12. would suggest that we defeat the motion to adopt this rule or
13. a motion number 6 to Rule 5.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Further discussion? Senator Geo-Karis. Senator Berning.
16. Senator Berning is recognized.

17. SENATOR BERNING:

18. Yes, a question to the sponsor and referring to the amendment,
19. lines 4 from the top and 4 from the bottom where in...it says,
20. bills on the top, 4th line from the top, "Bills may not be
21. further acted on" and 4th from the bottom "For further review
22. may be reported to the Floor" in each case, Senator, this seems
23. to preempt the right of a sponsor to attempt to discharge by
24. such a motion. Am I reading this correctly?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Netsch.

27. SENATOR NETSCH:

28. No, this would not interfere with the discharge motion.
29. This as the normal...this is intended to spell out the normal
30. course of procedure. If a Senator wishes to resort to a
31. discharge motion then that is an entirely different matter and
32. it's not intended to be covered by this at all.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Berning. Further questions?

2. SENATOR BERNING:

3. Well, I just want to inquire again, when it says "Such
4. bills may not be further acted on by the Senate" it seems to
5. me it's pretty conclusive. Now, how could we circumvent that
6. provision of a rule?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Netsch.

9. SENATOR NETSCH:

10. We do it right now, even though...if you'll look in the
11. existing rules in even numbered years all bills shall be referred
12. to the Rules Committee. Period. That's all it says and we
13. still resort to discharge motions to bring bills out even by-
14. passing the Rules Committee at times.

15. SENATOR BERNING:

16. That...that's...that's my point. That is my point. We are able to do it,
17. but if we put these constraints on, it seems to me we would
18. be prevented from ever even entertaining such a motion to
19. discharge the Rules Committee from consideration of a bill
20. because it says in the first instance "Such bills may not be
21. further acted on" and in the second instance it says "For
22. further review may be reported to the Floor by action of the
23. Senate." It seems to me we are precluding any motion to
24. discharge.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Netsch.

27. SENATOR NETSCH:

28. Well, my response is the same, Senator Berning. This
29. does not affect the discharge mechanism. This is intended
30. to spell out the procedure for the normal course of...
31. legislative activity in both the even and odd numbered years
32. and it does not, in any way, preclude a Senator resorting to
33. one of the devices that is provided for elsewhere in the rules,

1. which in this case, would be the discharge motion.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further questions? Further discussion? Senator Netsch
4. may close.

5. SENATOR NETSCH:

6. I would like to point out again that the only thing
7. that our rules currently say about what happens other than
8. the deadlines that are set forth is in even numbered years
9. all bills shall be referred to the Rules Committee except
10. those that implement the State budget or introduced by
11. standing committee. That is the only direction or guideline
12. that we as members of the Senate are given with respect to
13. what happens to bills that are not introduced and acted on
14. within the deadlines that are spelled out in the rule. That
15. has been a source of concern for a long time to many members
16. of this Senate and, in fact, the Senate has not itself acted
17. consistently. There have been some years, in fact, most years
18. when the assumption...

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. May we have some order, please. Senator Netsch.

21. SENATOR NETSCH:

22. ...when the assumption is that every bill that has not
23. been acted on within the specified deadlines in the odd
24. numbered year, which is the major Session must go to the Rules
25. Committee. There has...there was one year of a legislative
26. Session when just simply by fiat it was decided that that
27. didn't necessarily have to be the operating procedure. What
28. I'm suggesting is not really a major revision of what we do.
29. It is a tightening up of that even numbered year but it is
30. basically a reflection of what we do except it tells us what
31. we are going to do. It gives each of us, as individual members
32. of the Senate, a...a knowledge beforehand of what is going to
33. happen to the bills that we have sponsored that do not meet the

1. original set of guidelines. I think it clears up a point that
2. has been a point that frequently of contention, always of
3. confusion for all of us in the Senate and it seems to me that
4. it is about time that we learned what we are going to be
5. doing in that even numbered Session. This is an attempt to
6. say, this is what you can expect so that each of us knows
7. and can act accordingly.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The motion is to change Rule 5. Those in favor will vote
10. Aye. Those opposed will vote Nay. The voting is open.

11. (Machine cutoff) wish? Have all voted who wish? Take the
12. record. On that question, the Ayes are 14, the Nays are 38.
13. None Voting Present. The motion is lost. We're just having
14. a little difficulty with the board and so if the numbers are
15. switching it's...we're working with the electrician here.
16. Senator Davidson is recognized.

17. SENATOR DAVIDSON:

18. Mr. President, on a point of personal privilege. I'd
19. like to introduce to the Senate an exceptional class. I'd
20. like to present the Gifted Children Class from throughout
21. the City of Springfield who are here with the Springfield
22. Gifted Education Association visiting the Statehouse. These
23. are the outstanding students from all grade levels throughout
24. the City of Springfield. If you'd please stand so we can
25. recognize you.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Will our guests please stand and be recognized by the
28. Senate. Further motions?

29. SECRETARY:

30. Amend Rule 5 by Senator Netsch and it's motion number 7.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Netsch.

33. SENATOR NETSCH:

1. Proposed Amendment No. 7 spells out a procedure for
2. the Consent Calendar device. We end up every Session resorting
3. to a Consent Calendar but we have never had any prior rules
4. that say exactly how it operates and provide adequate protection
5. beforehand for the procedure. There are some members I know
6. who feel that we probably should not encourage the Consent
7. Calendar device by having a rule that relates to it. I would
8. answer that by saying that we end up doing it every time, in
9. any event and it makes a lot more sense to have it adequately
10. spelled out beforehand and secondly, I think it is a device
11. that should be encouraged. There are lots of bills that
12. do not require full debate in the Senate. That is just the
13. nature of the legislative process in this State and it seems
14. to me that in accordance with what a number of other states
15. have done and found to work very well, that we should, in fact,
16. recognize that the kinds of bills that go on the Consent
17. Calendar can be subjected to this procedure and that, in fact,
18. it is a good technique to save a great deal of time of the
19. Senate, particularly in the waning days of a Session. So
20. that I don't think there is anything to apologize for in our
21. practice of resorting to a Consent Calendar, but I do find
22. it and I know other members of the Senate have found it very
23. uncomfortable that we never provide for it beforehand, we
24. always wait until the...the pressure is on us and then we
25. all of a sudden decide we are going to have a Consent
26. Calendar anyway. I think we would all feel much more comfortable
27. if the procedure were there in writing beforehand so that we
28. would know exactly what to expect. There are many safeguards
29. spelled out in this proposed amendment, if you will look at the
30. wording of it.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. ...Is there discussion? Senator...

33. (End of Reel)

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Regner.
3. SENATOR REGNER:
4. Yes, this is the way I read it, Senator Netsch. It says
5. that there's this committee of three members from each side
6. that may file challenges. I see no provision in there for
7. anyone or any group of members that are not members of that
8. challenge committee.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Senator Netsch.
11. SENATOR NETSCH:
12. There...that is just an additional device. If you will
13. look prior to a vote on final passage of any bill on the
14. Consent Calendar the bill shall be removed from the Consent
15. Calendar if six or more members or the sponsor of the
16. bill or one or more of the appointed challengers files
17. an objection.
18. PRESIDING OFFICER: (SENATOR BRUCE)
19. Further...further question, Senator Regner? The following
20. Senators have sought recognition. Senators Berman, Savickas,
21. Wooten and Geo-Karis. Senator Berman.
22. SENATOR BERMAN:
23. Will the sponsor yield?
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Indicates that she will yield. Senator Berman.
26. SENATOR BERMAN:
27. Senator Netsch, I'm concerned with the provision in the
28. second paragraph that talks about forty-eight hours. Why
29. did you specify forty-eight hours rather than two Legislative
30. days? Forty-eight hours might not give us, in effect, any
31. time to see what's on that Calendar, if we're not in Session.
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Netsch.

1. SENATOR NETSCH:

2. I think we decided on forty-eight hours on the basis that

3. the two Legislative days sometimes compresses the time schedule

4. even more. Typically, this is not invoked until towards the

5. end of the Session when we are in Session virtually every

6. day and if a Consent Calendar is not made available until

7. 11:30 p. m. one night, you can end up with something less

8. than, in effect, two full days. That was the reason for

9. using forty-eight hours rather than two Legislative days.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Berman. Senator Savickas.

12. SENATOR SAVICKAS:

13. Yes, Mr. President and members of the Senate, Senator

14. Netsch is correct. This rule does not differ much from

15. our present practice, but the reason that the subcommittee

16. was formed and they discussed this particular rule too,

17. was to reduce the amount of rules and the amount of...reading

18. material that the members would have to digest. The practice

19. is fine, I think it's been working very fine without spelling

20. out additional rules and additional rules that each

21. member must digest to remember what's going on. I...I think

22. we should just keep it at the practice as it is and as the

23. time nears and the time is concerned about the Consent

24. Calendar, adopt a Consent Calendar...procedures at that

25. point and proceed.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Netsch, did...all right. Was that a question,

28. Senator Savickas?

29. SENATOR SAVICKAS:

30. No, it was just stating it.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. All right. Further discussion, Senator Wooten.

33. SENATOR WOOTEN:

34. Yes, Mr. President and colleagues. I am surprised

1. that this was left out of the package of rules we received
2. from leadership. If you'll notice, what we have done through-
3. out our rules in general is to bring them up to date and to
4. spell out things that have become a matter of custom, like
5. verification. This is not an excessive amount of reading
6. to go through. I think the value to each member of this
7. Body is that we know precisely what a Consent Calendar is,
8. how it operates, how you take things off, how they get
9. on, the minimum time they have to be on. If we just leave
10. this to use and custom, each time it comes up we are assuming
11. that the rules stay the same. I think that this is a...I
12. don't want to use a term as strong as safeguard or protection,
13. but something very like that for individual members of this
14. Body, that we know well in advance if we have a Consent
15. Calendar, please notice this does not mandate it, it says
16. the Rules Committee may issue a Consent Calendar and if it
17. does, it will follow this procedure, which is exactly the
18. procedure we have used with an additional safeguard for
19. Majority and Minority leadership. I think it's eminently
20. reasonable out of all the rules Senator Netsch has given
21. us, I think this is the one which most needs to be incorporated
22. in our rules because it is something we do every year. And
23. it's helpful to know exactly how it works well in advance.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Geo-Karis.

26. SENATOR GEO-KARIS:

27. Mr. President, will Senator Netsch yield for a question?

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Indicates that she will yield. Senator...Geo-Karis.

30. SENATOR GEO-KARIS:

31. If I...if I understand correctly then, although this
32. is a practice that has been followed in the past, in
33. essence it is not spelled out in the rules, and at least

1. I can't find them...that were submitted to us last week.
2. Is that right?
3. SENATOR NETSCH:
4. That...that is correct, Senator Geo-Karis.
5. SENATOR GEO-KARIS:
6. Well Mr. President and Ladies and Gentlemen of the
7. Senate, I think it behooves us to have something like this
8. actually spelled out. Particularly for the newer members,
9. I don't think it hurts to see it in black and white. I
10. don't think it's going to change much of anything and the
11. fact that the addition of the President and the Minority
12. Leader each appointing three members who can challenge
13. the presence of any bill on the Consent Calendar, should
14. not be obviated. I think it's an important item and
15. I certainly speak in favor of this particular motion
16. because it is a clarification motion that I don't think
17. it's going to hurt anyone, it might help.
18. PRESIDING OFFICER: (SENATOR BRUCE)
19. Further discussion? Senator Nimrod. Senator Nimrod
20. on the Floor? Is there further discussion? Senator
21. Netsch may close.
22. SENATOR NETSCH:
23. I think the points have been made. It is something we
24. are going to do every year. It is a protection for the
25. individual members of the Senate, that it...the process
26. and procedure be known and spelled out beforehand.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. The motion is to amend Rule 5. Those in favor will
29. vote Aye. Those opposed will vote Nay. The voting is
30. open. Have all voted who wish? Have all voted who wish?
31. Take the record. On that question the Ayes are 20, the
32. Nays are 24, none Voting Present. The motion is lost.
33. Senator Moore, for what purpose do you arise?

1. SENATOR MOORE:
2. Point of personal privilege, Mr. President.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. State your point.
5. SENATOR MOORE:
6. Seated in the...behind Senator Ozinga and myself are
7. the...is the Chief of Police of the Village of Oak Forest,
8. Illinois, which soon will become a home rule of government
9. by population, Chief Allen Mexow and Lieutenant William
10. Bussey together with the Director of the Oak Forest Park
11. District, Jim Schevelere. I'd appreciate it if the Senate
12. would recognize their presence.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Very happy to have our guests with us today. Senator
15. Moore.
16. SENATOR MOORE:
17. And the chief reminded me to invite all the members to
18. the party they're having at the Forum 30 tonight.
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. Further motions?
21. SECRETARY:
22. Amend Rule 6 and this is Senator Netsch's Motion No. 8.
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Senator Netsch is recognized.
25. SENATOR NETSCH:
26. The proposed amendment marked No. 8 would eliminate
27. entirely the introduction of Nonsubstantive Resolutions.
28. It is a problem to which we have addressed ourselves from
29. time to time but we've never done anything about it. I
30. think many of us, at least privately, recognize that it
31. is a waste of our time and a...not an appropriate legislative
32. matter with all the important business we have and
33. I am simply suggesting that it ought

1. to be done away with once and for all and I would urge your
2. support.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Is there discussion? Senator Knuppel.

5. SENATOR KNUPPEL:

6. Well, even a busted clock is right twice a day. This will
7. protect you people who feel that you have to introduce
8. resolutions. I get the same request you do for a fiftieth
9. wedding anniversary, for somebody that's retiring. Has no
10. relationship whatsoever to the Senate here. This kind of
11. a rule will protect you, you can tell your constituent and
12. he won't think that you're actually being rude or...or
13. uncooperative or something of that nature. Just say the
14. whole ballgame's changed, we don't entertain those
15. resolutions anymore. We've been...severely criticized for
16. our pay raise, people think we play around too much
17. anyway. This is a good rule, it ought to be in our rules.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Savickas.

20. SENATOR SAVICKAS:

21. Yes, Mr. President and members of the Senate. I...I
22. rise in opposition to this particular motion. Although
23. Senator Knuppel has stated clearly and it is a legitimate
24. cause, we are not again putting ourselves in a position
25. that the House even hasn't put themselves in. I think it
26. would be a shame where a constituent could go to a House
27. member to get a resolution for a winning basketball
28. team or baseball team or fiftieth year anniversary and
29. they come to the Senator and they say, well I can't do
30. it for you because we just don't do those kind of things.
31. I...I think that although this practice has been abused
32. by some of the members, I don't think there are many members
33. here that use this more than two or three times in a year

1. themselves and to limit those members for the abuses of the
2. few, I think would be wrong.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Geo-Karis.

5. SENATOR GEO-KARIS:

6. Mr. President and Ladies and Gentlemen of the Senate.

7. I don't often disagree with my colleague from Petersburg,
8. but this is one time I must. I believe that the taxpayers
9. are entitled to be heard and some of them are very worth-
10. while taxpayers and some very worthwhile agencies, private
11. agencies and so forth. The only thing that I've introduced
12. in this Senate this...this term, is one resolution to honor
13. the fiftieth anniversary of the largest hospital in my
14. county. Now, if you are going to preclude us from having
15. any worthwhile resolutions commemorative of honor, in this
16. House and the House can go ahead and do it, we as Senators
17. are not going to look very good to our voting constituency,
18. therefore I oppose this motion.

19. PRESIDING OFFICER: (SENATOR RHOADS)

20. Senator Rhoads.

21. SENATOR RHOADS:

22. Briefly, Mr. President, I rise in support of the motion.

23. I'm indebted to Senator Carroll for reminding me that former
24. President Cecil Partee had a proposal that would have done
25. away with Congratulatory Resolutions and have the President
26. of the Senate write congratulatory letters upon the request
27. of a member and I'm sure Senator Rock would be more than
28. willing to...to write to every single beauty contest winner
29. in Senator Mitchler's district and therefore I...I support
30. this motion. Thank you.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Berning.

33. SENATOR BERNING:

1. Since the reference has been made to Senator, former
2. Senator Partee's suggestion, I would like to suggest
3. that perhaps the President of the Senate consider a
4. certificate of merit sort of proposal that we could
5. have preprinted that would merely take the insertion
6. of an individual recipient's name and the signature
7. of the Senator. It might be the kind of thing that
8. would get us out from under this burden, but at the
9. same time provide the recognition that frequently
10. is justified. Senator Rock, I would suggest that
11. perhaps one or two of the staff people on both sides
12. evaluate the potential and then in due time we can
13. eliminate this sort of thing, but for the present,
14. I have to agree with Senator Geo-Karis that we would
15. be in a bad position in the Senate if we were precluded
16. and the House was not.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? For what purpose does Senator
19. Graham arise?

20. SENATOR GRAHAM:

21. I'd like to just ask one question of someone. How
22. much does each resolution cost the taxpayer?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. The Chair is...

25. SENATOR GRAHAM:

26. Ballpark figure, I don't care, something.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The Secretary informs me that if you use the figure of
29. fifty dollars you would not be off much.

30. SENATOR GRAHAM:

31. Thank you, very much.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Netsch may close.

1. SENATOR NETSCH:

2. I did include in the packet of materials the proposal
3. from Senator Partee, which is at least one alternative
4. that might be considered. And I would just say in response
5. to Senator Geo-Karis and others, I think quite to the contrary,
6. if you told your constituents that the Senate has more important
7. business than to pass seventeen thousand Congratulatory Resolu-
8. tions that your constituents would respect you and thank you
9. rather than the opposite.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The question is on the amendment...the motion is to
12. amend Rule 6. Those in favor will vote Aye. Those opposed
13. will vote Nay. The voting is open. Have all voted who wish?
14. Have all voted who wish? Take the record. On that question
15. the Ayes are 27, the Nays are 23, none Voting Present. The
16. motion is lost. Further...further motions, Mr. Secretary.

17. SECRETARY:

18. Senator Netsch's Motion No. 9 relative to Rule 7.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Netsch is recognized.

21. SENATOR NETSCH:

22. This would somewhat revise the notice requirements for
23. meetings of the Rules Committee. The Rules Committee,
24. particularly since you have voted down all of my other
25. proposals, is particularly important. And I think that
26. there should never be any possibility of an occasion when
27. the Rules Committee would meet without every member of the
28. Senate having adequate opportunity to be notified ahead
29. of time.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Can we have some order, please. Senator Netsch.

32. SENATOR NETSCH:

33. So instead of using the language in the existing rules,

1. that a meeting may be called either by announcing it on
2. the Floor or by notifying the members of that committee,
3. which of course would not notify members of the Senate
4. of the meeting of the Rules Committee, it makes it clear
5. that the Rules Committee meetings must have an announce-
6. ment that consists of an announcement on the Floor on a
7. prior or earlier day, if we are in a recess situation,
8. and by giving notice in writing to members of the Senate
9. and the notice should have the content of the Rules
10. Committee meeting. That obviously can be amended so
11. that that is not going to restrict the Rules Committee
12. in any respect. But I think the point is that they do
13. the most important business of this Senate, particularly
14. in that even numbered year. They have the total control
15. over the agenda for the Legislative Session in the 2nd
16. year of the Session. And we all should make sure that
17. we have adequate opportunity to know when, where and
18. with respect to what, the Rules Committee Meetings are
19. to be held.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further...further discussion? Senator Savickas.

22. SENATOR SAVICKAS:

23. Yes, Mr. President, once again we are trying to limit
24. one of the committees and that's the Rules Committee. I
25. would suggest that our present rules where the Chairman
26. of the Rules Committee announces on the Floor, indicating
27. the time of the meeting and the location of it is sufficient.
28. Now to restrict this particular committee to notify every
29. member in writing when other committees do not have this
30. obligation, to restrict this committee by rule is unfair
31. and I think any member that is present at the time when
32. these announcements are made and are interested in
33. presenting their case to the Rules Committee can do it.

1. It's been my observation, coming before the Rules Committee,
2. that no notice was necessary because by the time you came
3. down there you had an hour or two hour wait to even come
4. before the committee. I think there's plenty of notice,
5. just by the announcement on the Floor and I would suggest
6. that we limit ourselves in tying the hands of the President
7. and the Rules Committee and the Rules Committee Chairman
8. by introducing...more restrictive rules. I would oppose
9. Motion No. 9 to Rule 7.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there further discussion? Senator Netsch may close.

12. SENATOR NETSCH:

13. I would point out to Senator Savickas that it is not
14. even necessary under our rules for the President to make
15. an announcement on the Floor. He can call a meeting of
16. the Rules Committee by giving notice only to the members
17. of the Rules Committee. That is clear under the existing
18. rules. I am not suggesting that that is going to happen
19. very often, but I think that rules are designed to prevent
20. things from happening before they happen and it seems to
21. me that the work of this committee is so critical to all
22. of us as individual Senators that there ought to be no
23. possibility at all that we would not know beforehand
24. about a meeting of the Rules Committee. This rule simply
25. spells out a fairly simple procedure to guarantee that
26. every member will know about those meetings.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The motion is to amend Rule 7. Those in favor will
29. vote Aye. Those opposed will vote Nay. The voting is
30. open. Have all voted who wish? Have all voted who wish?
31. Take the record. On that question the Ayes are 16, the
32. Nays are 28, none Voting Present. The motion to amend
33. is lost. Further motions, Mr. Secretary?

1. SECRETARY:

2. Senator Netsch's Motion No. 10 relative to Rule 7.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Netsch is recognized.

5. SENATOR NETSCH:

6. Amendment No. 10 as proposed would provide a mechanism
7. by which the Senate could...constitute a Committee of the
8. Whole to hear testimony on particularly important pieces
9. of legislation if it so desired. It is not mandated, it
10. is not even particularly encouraged. But there have been
11. occasions in the past when we have felt that it was not
12. adequate for a major package or proposal, I can remember
13. several in the past few years to go only to the Substantive
14. Committee which had the only opportunity to hear the testimony
15. and all that this says is that if the Senate or the President
16. chooses to invoke a Committee of the Whole, here is a rule
17. which provides a mechanism for it. It seems to me that
18. there will be occasions when we will want to do this and
19. I think we ought to have it covered.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there discussion? Senator Savickas.

22. SENATOR SAVICKAS:

23. Yes, once again we are trying to limit the President's
24. responsibility. Under this motion, I guess in paragraph
25. two the way it's typed here, you are saying that in forming
26. a Committee of the Whole the President shall leave his Chair
27. and appoint an acting Chairman to preside over the Committee
28. of the Whole. It's been our tradition and our practice
29. that the President or the Speaker of the House presides over
30. the Committee of the Whole. As we witnessed just two or
31. three weeks ago when we had a Committee on the Whole to
32. hear the rules changes on ERA. I cannot understand why
33. once again we elect a President, we elect the leadership

1. of our Bodies and then come in with rules to restrict them
2. from operating as they should. I would oppose Motion No. 10
3. to Rule 7.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Berning is recognized.

6. SENATOR BERNING:

7. Just a question of the sponsor. Is not the provision
8. for a Committee of the Whole covered in Robert's Rules
9. of Order?

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Netsch.

12. SENATOR NETSCH:

13. There may be some provision in Robert's, but we have
14. never had our own procedures spelled out and although...
15. I'd...last week or two weeks ago we sort of did it informally,
16. but there were two occasions since I have been in the Senate
17. when we would liked to have had a Committee of a Whole and
18. did not have any mechanism for it and so the House constituted
19. itself into a Committee of the Whole and invited us over to
20. participate, which was not a totally satisfactory solution,
21. but we did it at that time. This is designed to provide our
22. own procedures for how it will come about. I...I would add
23. ...oh, I'm sorry, go ahead.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Berning.

26. SENATOR BERNING:

27. Our rules do provide that where there is a question or
28. there is a...a vacancy in our rules, Robert's Rules does
29. prevail. And in Robert's Rules I am positive there is
30. provision for the resolving of a Body into a Committee
31. of the Whole. So perhaps what you are attempting is justified,
32. but I think it is already provided for.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Further discussion? Senator Washington.

2. SENATOR WASHINGTON:

3. Mr. President, clearly if a Body, a Parliamentary Body,
4. resorts to a Committee of the Whole they're dealing with
5. what in their wisdom they consider to be extremely important
6. business, otherwise a Committee of the Whole would not be
7. called for. If you're going to deal with extraordinarily
8. important business or quasi emergency business, it seems
9. to me that there should be some general rule set out specifically
10. in your body of rules for several reasons. One, I think that
11. the President...and the Body should be bound by certain
12. specifics and two, the public has a right to have some idea
13. about however we...we will proceed by way of a Committee of
14. a Whole without having to buy Robert's Rules of Order to
15. check it out. Furthermore it's an age old practice in
16. Parliamentary Bodies when you resort to a...Committee of the
17. Whole that the President does step down. Now that doesn't
18. necessarily mean it makes a lot of sense, but it's historically
19. and traditionally true. I think Senator Netsch is simply saying
20. that if you resort to extremely important business then, one,
21. the public should be notified as to what procedures will be
22. followed and two, God forbid, the Senate members should know
23. what procedures should be followed. I think it's a very,
24. very cogent and good rule.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Is there further discussion? Senator Netsch may close.

27. SENATOR NETSCH:

28. First, just in response to Senator Savickas. That is
29. typical parliamentary practice that the President shall
30. leave his Chair and appoint an acting chairman and it does
31. not preclude the President from designating himself as the
32. acting chairman during the proceedings of the Committee on
33. the Whole. This, as a matter of fact, was the recommendation,

1. this particular sentence, of our Parliamentarian because
2. it does accord with usual parliamentary practice. It in
3. no way restricts the President. Quite the contrary, I have
4. given the President a very important role to play in this
5. process, which I think is not spelled out in the same
6. form in Robert's Rules. It just says if we want to do
7. it and we will from time to time, then we ought to have
8. a provision for it so that we can do it and can know what
9. the rules are beforehand.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The motion is to amend Rule 7. Those in favor will
12. vote Aye. Those opposed will vote Nay. The voting is
13. open. Have all voted who wish? Have all voted who wish?
14. Take the record. On that question the Ayes are 18, the
15. Nays are 28, none Voting Present. The motion to amend
16. Rule 7 is lost. Further motions?

17. SECRETARY:

18. Senator Netsch's Motion in Writing No. 11 relative to
19. Rule 7.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Netsch is recognized.

22. SENATOR NETSCH:

23. This provides a procedure for a sponsor to appeal the
24. assignment of his bill...where he feels, he or she feels,
25. that the bill has been improperly assigned. I don't want
26. to play on anyone's sympathy cords, but I would point out
27. that in the settlement of the rather prolonged battle the
28. last Session over the Senate Presidency, this is one of
29. the points that Senator Hynes had agreed to, but it never
30. came into being because we never adopted permanent rules
31. during the last Session. It seems to me that all of us
32. from time to time have felt that a bill had been mis-
33. assigned and improperly assigned. Often it can be worked

1. out informally and that's fine, that's the way it should
2. be done when that can be done. But where it is a clear
3. miscarriage of justice in the view of the sponsor, there
4. ought to be a mechanism by which the appeal can be taken.
5. This fulfills a commitment which many of us felt we had
6. several years ago, which I agree is no longer binding on
7. anyone, but I think the commitment was made because there
8. was a recognition that it reflected a very important
9. procedural reform for us.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there discussion? Senator Donnewald.

12. SENATOR DONNEWALD:

13. Yes, Mr. President. I think that the procedure that
14. could be followed in this Body at the present time, thirty
15. votes can put that bill in any committee that membership
16. so desires. I oppose it.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Savickas.

19. SENATOR SAVICKAS:

20. Yes, Mr. President, Senator Donnewald said what is
21. practiced at the...if we stripped the Assignment of Bills
22. Committee of its power we might as well just go through
23. all the committees and take away any power that they
24. have. The Assignment of Bills Committee was created for
25. that specific purpose. If there is an objection and
26. Senator Netsch alludes to some type of abuse that may
27. occur or may have happened once in the lifetime of the
28. Senate, I don't know, but I am sure that the procedures
29. that are available at the present are more than adequate
30. and I would be opposed to Motion 11 to Rule 7 to strip
31. the Assignment of Bills Committee of their powers.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Further discussion? Senator Washington.

1. SENATOR WASHINGTON:

2. Mr. President, I don't think this should be construed
3. as an attack upon the present or past or even future
4. members of the Assignment Committee. And it seems to me
5. that's a very narrow interpretation and unfair for
6. any such person to enunciate that kind of feeling. Rules
7. are designed to protect the Body, they're not against
8. anyone, they're for protection of people. This is an
9. excellent amendment, I have only one fault with it, it
10. doesn't go far enough. I think that the chairman of a
11. given committee should have a right to appeal when he
12. feels that a given bill should have been referred to his
13. committee and it has been bypassed. I know of instances
14. in which a particular bill fit the jurisdiction of a
15. particular committee and they wound up a hundred and
16. eighty degrees the other way. You all know of those
17. instances. This is what these rules are for, they're
18. not opposed to any body, but unless we understand that
19. a body of rules is designed to reach the least common
20. denominator and keep that common denominator in line,
21. then we don't need any rules. There are many instances
22. in which this has happened, it's unconscionable, it's
23. unfair. Members walk around with rocks...with the
24. rocks in their jaws about it. Now is the time to do some-
25. thing about it. I think it's a good, good rule.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Netsch may close.

28. SENATOR NETSCH:

29. I still feel that...

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Netsch, excuse me...Senator Geo-Karis.

32. SENATOR GEO-KARIS:

33. Well, Mr. President and...and Ladies and Gentlemen of

1. the Senate. I'm inclined to agree with Senator Savickas
2. because all this will do is...be more time taking. As
3. long as we can...discharge a committee with thirty votes
4. I think we're going to accomplish the same thing without
5. prolonging the...the agony and therefore I'm going to
6. speak against the rule.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Senator Netsch may close.

9. SENATOR NETSCH:

10. I would simply repeat that I think that it is a very simple
11. procedure to resolve a problem that has confronted many of
12. us from time to time. It is a mechanism by which we can
13. appeal the misassignment of a bill to the Rules Committee
14. and get it resolved without having to bring the matter to
15. the entire Floor for a long protracted debate. I think it
16. is a much simpler approach to that problem and it is basic
17. fairness.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. The motion is to amend Rule 7. Those in favor will vote
20. Aye. Those opposed will vote Nay. The voting is open. Have
21. all voted who wish? Have all voted who wish? Take the record.
22. On that question the Ayes are 12, the Nays are 38, none Voting
23. Present. The motion to amend is lost. Further motions?

24. SECRETARY:

25. Senator Netsch's Motion No. 12 relative to Rule 11.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Netsch is recognized.

28. SENATOR NETSCH:

29. Rule...No. 12...proposed Amendment No. 12, is what I
30. consider to be just a cleanup amendment. We have always
31. resolved ourselves into Committee of the Whole to act on
32. the report of the Committee on Executive Appointments, but
33. the rules do not so provide. This would simply say what we,

1. in fact, have long been doing, that the Senate shall resolve
2. itself into a Committee of the Whole in order to consider
3. the...and act on the report of that committee.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Is there discussion? The
6. motion is to amend Rule 11. Those in favor will vote Aye.
7. Those opposed will vote Nay. The voting is open. Stand
8. by, we've got...have all voted who wish? The voting is
9. is open. Have all voted who wish? Have all voted who
10. wish? Take the record. On that question the Ayes are
11. 27, the Nays are 18, none Voting Present. The motion
12. to amend Rule 11 is lost. Further motions?

13. SECRETARY:

14. Senator Netsch's Motion No. 13 relative to Rule 24.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Netsch is recognized.

17. SENATOR NETSCH:

18. In Rule 24 as adopted last week, there is a provision
19. for expungement from the official transcript of the Senate.
20. It is my view that we should never expunge from the official
21. transcript of the Senate and this amendment would strike
22. that provision.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Senator Bowers.

25. SENATOR BOWERS:

26. Mr. President, I'm not rising on this particular
27. question, but I just point out to the Chair that the
28. board said thirteen on the last vote. Now I don't know
29. what the record is going to show, but that's what the
30. board said.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. The Secretary indicates that he had changed the number
33. after the roll call was taken. It was twelve and before

1. we cleared the board, he changed the number to thirteen,
2. but the roll call...the printed roll call reflects number
3. twelve. The...the number is printed at the beginning and
4. then he changed it as it was kicking through. Is there
5. further discussion? Senator Wooten.

6. SENATOR WOOTEN:

7. Mr. President and colleagues, the hour is getting
8. late, but I submit to you that, at least for me, this is
9. one of the most serious matters before us in the matter
10. of rules. Many members of this Body recalled we had an
11. unfortunate incident that in the judgment of the Body
12. after a long and serious and difficult debate, resulted
13. in the expungement of something from our records. Although
14. I regretted the subject matter that was at the center of
15. that debate, I bitterly regretted the fact that we expunged
16. at all. And perhaps with that instance behind us, if we
17. could adopt this rule, perhaps that would serve as a
18. check for similiar frivolities occuring in the Chamber.
19. But I believe it is the single most serious thing you can
20. do when you change an official transcript, an official
21. record of this Body. And we simply ought to agree in the
22. beginning that we will not do it. It's a mistake to have
23. a provision for expungement in our rules and regardless
24. of how you feel as to whether or not that package of rules
25. that was given us that somehow sacrosanct, think this one
26. over carefully. We ought not play around with our official
27. records. And by leaving any provision for expungement
28. you're doing just that, you ought to stay away from it.
29. That rule ought to be...that provision for expungement
30. ought to be abolished and I urge you to think this over
31. very carefully and adopt this motion.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there further discussion? Senator Berman.

1. SENATOR BERMAN:

2. Thank you, Mr. President, I rise in opposition to this
3. motion. I think that the way it's phrased now in the
4. rules may be more beneficial to this Body than if we
5. adopted the rule. In the heat of debate and if it's a
6. hot subject, on occasion we may say things which are not
7. appropriate. If we cannot expunge it, we have made fools
8. of ourselves and there's no sense in apologizing. But
9. under the rule as it exists, without amendment, the next
10. day or so, we can think of how silly we may have sounded
11. and under the rule with three-fifths accord of the members
12. of this Body, we can correct our silliness. And I think
13. that the apology might be more beneficial to the...nature
14. and to the operations of this Body than not to allow an
15. apology and I think the rule ought to stand as is.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Rock.

18. SENATOR ROCK:

19. Thank you, Mr. President and Ladies and Gentlemen of
20. the Senate. I too rise in opposition to this motion.
21. When the new Constitution became effective and the Con-
22. stitution called for the daily transcription of these
23. proceedings, it was, I think, three or four years down
24. the road after that before this matter was even dealt
25. with. But as Senator Berman so rightly pointed out, and
26. the occasion did, in fact, arise where a member said
27. something frankly untoward against another member. It
28. was said understandably by all, it was said in jest, it
29. was a ha-ha thing, but when the transcript comes out,
30. that mood cannot be reflected. All that's reflected
31. are the words that were, in fact, said. An apology was
32. made to the entire Body and we thought at that time
33. and discussed at some length a provision which would require

1. an extraordinary vote, but would afford to a member of
2. the Senate, a legitimate opportunity to apologize and I
3. think we should keep the rule as is.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Netsch may close.

6. SENATOR NETSCH:

7. There are other mechanisms for correcting the record
8. when we make fools of ourselves. We should not do it
9. by expunging the official transcript of the record.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. The motion is to amend Rule 24. Those in favor will
12. vote Aye. Those opposed will vote Nay. The voting is
13. open. Have all voted who wished? Have all voted who
14. wish? Take the record. On that question the Ayes are
15. 16, the Nays are 32. The motion to amend Rule 24 is lost.

16. Further motions?

17. SECRETARY:

18. Motion No. 14 by Senator Netsch relative to Rule 26.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Netsch is recognized.

21. SENATOR NETSCH:

22. This deals with the question of the allotted time for
23. debate on the Floor. While not every member of the Senate
24. agrees, this is a deliberative Body. There are many extremely
25. important issues with which we deal. It seems to me that
26. to have a maximum total of five minutes per Senator and no
27. explanation of vote is really unconscionably short for those
28. important matters that require it. What I have done is to
29. strike sort of an inbetween position by expanding the allotted
30. time only to ten minutes and adding that the microphone shall
31. be turned off at the end of ten minutes. I don't really see
32. how we can represent to the public and our constituents that
33. we are indeed a deliberative Body, particularly in view

1. of the fact that most of the deliberation takes place on
2. the Floor of the Senate and not in the committees, which
3. is probably unfortunate to begin with, but it does, when
4. we say that no matter how important the issue it's only
5. five minutes. This says at least ten minutes, please,
6. and then we'll cut off the microphone.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there discussion? Senator Savickas.

9. SENATOR SAVICKAS:

10. Yes, once again I rise in opposition to changes in
11. the rules. I think Senator Buzbee has hit it correctly.
12. Ninety-nine percent of the time, whether we had...issue
13. we consider important or one that we just consider a
14. normal routine issue. Most of these issues have been
15. discussed, not only in committee quite adequately, but
16. amongst the Senators, the lobbyists, the promoters and
17. ERA is an example, if we allow them to have ten or fifteen
18. minutes each time, we'd hear those bills every week.
19. We'd hear the same repetitious talk on each subject and
20. I would suggest that part of the flow of business that
21. has been very successful in the Senate is the limitation
22. of debate. And as all Senators know, that the presiding
23. officer has used his discretion very well, he has not
24. cut off any Senator that had something important to say
25. about any particular issue, it was only when it became
26. repetitious that he invoked the rule. I would suggest
27. that we defeat Motion 14 to Rule 26.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further debate? Senator Netsch may close.

30. SENATOR NETSCH:

31. I repeat, this is a deliberative Body. There are issues
32. on which members of the Senate actually listen to the debate
33. and once in a while are even affected by the debate on the

1. Floor. It seems to me that it is unconscionable in our
2. role as elected members of the Senate to say that no Senator
3. under any circumstances can speak for more than five minutes,
4. no matter the importance of the subject of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The motion is to amend Rule 26. Those in favor will
7. vote Aye. Those opposed will vote Nay. The voting is
8. open. Senator Buzbee. Have all voted who wish? Have all
9. voted who wish? Take the record. On that question the
10. Ayes are 10, the Nays are 40, none Voting Present. Motion
11. is lost. Further motions?

12. SECRETARY:

13. Senator Netsch's Motion No. 15 relative to Rule 43.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Netsch is recognized.

16. SENATOR NETSCH:

17. Thank you. This is, I think essentially, a...almost
18. a clean up motion, at least it cleans up the difference
19. between what we do in *practice* and what our rules say.
20. With respect to Appropriation Conference Committee Reports,
21. our rules do require a three legislative day lay over from
22. the time the Conference Committee is...is reported to the
23. Senate. We do not do that in practice, particularly in
24. the waning days, and I think that we ought to recognize
25. that we are not going to do it and to provide a rule which
26. I think is at least livable. This says that we will observe
27. the three day rule until June 15th and a one day lay over
28. rule after June 15th with respect to Conference Committee
29. Reports on legislative bills. I think that that can be
30. lived with in our actual practice and it certainly is
31. preferable to the continuation of our existing policy,
32. which is simply to ignore and defy our rules when those
33. waning days come.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator Regner is recognized.

3. SENATOR REGNER:

4. Well, Mr. President and members of the Senate. In
5. reality what we do is suspend the rules and I think that
6. still be the...the case even if we're amended to one day.
7. Becomes...comes June 30th, there are many Conference Committee
8. Reports and Appropriation Bills that are put together,
9. presented and voted on in less than an hour. So I think
10. we're going to even if we adopt...were to adopt this, we'd
11. still have to suspend the rules on the last day, so I don't
12. see any reason at all that we should adopt this change now
13. since we'll have to do it by a suspension of the rules
14. anyway. And I urge a No vote.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Carroll.

17. SENATOR CARROLL:

18. Thank you, Mr. President and Ladies and Gentlemen of
19. the Senate. My only question would be of the sponsor.
20. Would it take any more or less votes to suspend this
21. rule after June 15th than it would take to suspend the
22. three day rule prior to June 15th, 'cause as I believe
23. Senator Regner pointed out, that has not been the practice
24. nor the direction of the Senate or the House when it comes
25. to dealing with the Appropriations Conference Committees
26. in the waning hours of the Session. And I think what
27. many members would want us to do at that point is just
28. call them when we're ready to vote, let them go home
29. for two or three days and come back because otherwise
30. the work just won't get done in those closing hours.
31. It will not do what I think you want to accomplish, that
32. is to get us to get everybody together and make those
33. decisions a couple days before June 30th. Unfortunately

1. as much as we've tried, that has just never happened in
2. the past and it's going to be waived...you might as well
3. waive three days as one day.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator...Senator Savickas. Senator
6. Netsch may close.

7. SENATOR NETSCH:

8. If you have more realistic rules, there may be a better
9. chance of observing them and living with them, which is
10. what I think is the desirable alternative and I address
11. that both to Senators Regner and Carroll.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The motion is to amend Rule 43. Those in favor will
14. vote Aye. Those opposed will vote...Nay. The voting
15. is open. Have all voted who wish? Have all voted who
16. wish? Take the record. On that question the Ayes are
17. 11, the Nays are 35, none Voting Present. The motion
18. to amend Rule 43 is lost. Further motions?

19. SECRETARY:

20. Senator Netsch's Motion No. 16 relative to Rule 54.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Netsch is recognized.

23. SENATOR NETSCH:

24. Thank you. The last of the numbered motions relates
25. to procedure with respect to gubernatorial vetoes. Often
26. the...our action on a Veto Message from the Governor is
27. at least as important and in many cases more important
28. than other legislative actions we take during the course
29. of the Session. At the present time, we have no provision
30. built into the rules which would permit us to stop, if
31. necessary, hear witnesses or take whatever other action
32. we want before we actually get to the Floor debate, when
33. of course no one else is...permitted to participate. I

1. don't imagine that we would use it very often, but I...again
2. I recall one instance the School Aid Veto of several years
3. ago, where we wanted to have a mechanism for hearing additional
4. witnesses and we just simply had nothing in the rules to
5. make it possible and again we had to resort to going over
6. to the House and hearing some debate over there. I...I think
7. it is a...a good idea for us to have it available in the
8. event that we want to use it. Again, I expect it would not
9. be very often, but it could be extremely important on major
10. gubernatorial vetoes when we do want to have an opportunity
11. to get additional input.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? Senator Grotberg.

14. SENATOR GROTBORG:

15. Thank you, Mr. President. A question of the sponsor, please.
16. Is it not within the prerogative of the Chair to call a
17. Committee of the Whole at anytime that we're in Session on
18. any subject that he would like or that we would ask him
19. to by motion?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Netsch.

22. SENATOR NETSCH:

23. I think that question should be better directed to the
24. Parliamentarian, but I...I assume that the answer is no
25. because at least on one occasion when we were interested
26. in that procedure it was not pursued and the assumption
27. was that there was no mechanism available to do it.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Grotberg.

30. SENATOR GROTBORG:

31. Yes, I notice the Parliamentarian nodding to you, Mr.
32. President. What...

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. It's because he's sleeping.

2. SENATOR GROTBORG:

3. ...is the correct question. What is the answer to my

4. question, Mr. President? I'll direct it to the Chair.

5. Parliamentary ruling, cannot the President of this Body

6. convene us into a Committee of the Whole every day of the

7. week if he wishes to.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. There are no rules in our...there's nothing in our

10. rules that would so provide. We have generally provided

11. by motion to resolve ourselves into Executive Sessions

12. or Committees of the Whole. It is not done by the President

13. of the Senate on his own motion.

14. SENATOR GROTBORG:

15. And neither is it prohibited, correct?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Since our rules are silent as to that, it speaks neither

18. way. Our ruling in custom has been...

19. SENATOR GROTBORG:

20. That whenever the President wants us in a Committee

21. of the Whole he calls us.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. ...well, no, on the contrary, Senator Vadalabene most

24. often makes that motion to resolve ourselves into Executive

25. Session so it is...it is not generally put by the Senate

26. President, it's put by one of the members that we resolve

27. ourselves either into the Committee of the Whole or into

28. Executive Session, and we vote on that motion.

29. SENATOR GROTBORG:

30. Thank...thank you.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Netsch may close.

33. SENATOR NETSCH:

1. It's simply a recognition of a practice that I think
2. we may from time to time want to use. It doesn't restrict
3. us in the practice, it doesn't make us do it, it just says
4. that it's a reminder in our rules that we do have, should
5. have the authority to do that when the occasion calls for
6. it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. The motion is to amend Rule 54. Those in favor will
9. vote Aye. Those opposed will vote Nay. The voting is
10. open. Have all voted who wish? Have all voted who wish?
11. Take the record. On that question the Ayes are 13, the
12. Nays are 31, none Voting Present. The motion is lost.
13. Further motions?

14. SECRETARY:

15. Senator Netsch, do you want...I have three more motions
16. of yours, do you want those...

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. For what purpose does Senator Graham arise?

19. SENATOR GRAHAM:

20. I rise to make a suggestion to the Body. When we have
21. a Senator who has proposed a series of amendments, after
22. they've lost at least fifty percent of them, then we
23. apply the last most unfavorable roll call the rest of
24. them and proceed to the business of the Senate.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further motions, Mr. Secretary?

27. SECRETARY:

28. I...I'll read this Senator Netsch?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Netsch is recognized.

31. SENATOR NETSCH:

32. Senator Graham, I'm perfectly willing to accept that.
33. One of them was simply a technical error, there was an incorrect

1. reference to the rule in one of the other rules. And I'm
2. perfectly willing to let our rules stand uncorrected.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further motions? Senator Netsch, are you withdrawing
5. all three motions?

6. SENATOR NETSCH:

7. Let them...yeah.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The motions will be withdrawn. Further motions?

10. SECRETARY:

11. Motion in Writing with Senator Schaffer relative to
12. Rule 5.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Schaffer is recognized on motion on Rule 5.
15. Senator Schaffer.

16. SENATOR SCHAFFER:

17. Mr. President, this motion does two things. It would
18. prohibit the Christmas Tree or Hanukkah Bush appropriations
19. that we've come to know and love, that put you and I in
20. the posture of having to vote for Medley Movers and other
21. such deserving things if we wish to see the Department of
22. Mental Health funded or the common schools stay open.
23. I think that those Christmas Tree Appropriations are a
24. disgrace, I don't vote for them and I don't like having
25. a gun put to my head in the final hours of the Legislative
26. Session saying either you vote for this stinking rotten
27. package or stay here till the middle of July. I would like
28. to put the Legislature in a better posture. This bill...this
29. says that no appropriation over a million dollars can affect
30. more than two executive agencies. I realize occasionally we
31. do lose an appropriation bill in the switches, it's not
32. an unworkable provision. That's the second phase, or the
33. first phase. The second phase ought to be of great interest

1. to most of the members of this Legislature...this Legislature
2. and this Body in particular, it simply says that no member
3. can have over fifteen nonappropriation bills. I've heard
4. an awful lot of carping in this Body about people that
5. introduce hundreds and hundreds of bills and dream up crazy
6. ideas, they'll mandate that green doghouses be painted
7. blue and blue ones...be painted green. I think if we put,
8. if you will, a control on ourselves, we then have an
9. excuse so that when the green doghouse people come to us
10. and say we want our doghouses to be blue, we can say, gees
11. I'd like to help you, but I can only introduce fifteen bills.
12. I think both of these amendments will help the work flow of
13. this Body and will make this Legislature much more effective
14. and I'd be happy to answer to any questions.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there discussion? Senators Berman, Kenneth Hall,
17. Savickas, Carroll, Buzbee and Geo-Karis. Senator Berman.

18. SENATOR BERMAN:

19. I rise in opposition to the motion. Just addressing
20. myself to the part about the limitation on fifteen non-
21. appropriation bills. There are occasions when the nature
22. of the bills introduced require a series of bills. Last
23. year in the area of special education, fourteen bills were
24. introduced...on that subject. They all would have been
25. rather unworkable, they could have been combined in one,
26. but making it fourteen made it understanderable to
27. the public, they were worked out in committee. I think that
28. this is an arbitrary limitation that we really ought to
29. impose upon ourselves, but not...should not be in our
30. rules.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. ...Senator Savickas. Senator Rock.

33. SENATOR ROCK:

1. Thank you, Mr. President, Ladies and Gentlemen of the
2. Senate. I too rise in opposition to this motion. I don't
3. know why we feel it necessary to circumscribe and constrain
4. ourselves from what we were elected to do. If someone who
5. has been elected by the hundred and ninety thousand people
6. in his district wants to introduce a hundred and fifty bills
7. or if, in fact, the administration comes to a member of your
8. side of the aisle particularly and says will you handle
9. the Department of Mental Health and all its legislation,
10. how in the world are you going to restrict yourself to
11. fifteen bills. I...I just think any attempt to circumscribe
12. ourselves is ill conceived and I hope we vote No.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Carroll. Senator Buzbee. Senator Geo-Karis.
15. Further discussion? Senator Schaffer, you may close.

16. SENATOR SCHAFFER:

17. (Machine cut-off)...really want a copy of this roll
18. call, it's going to be great. I've sat here for several
19. years and listened to virtually every member of this Body
20. carp about all the bills and the garbage ones. Somebody
21. said they want to put a bill in to require the State Flag
22. to be flown over every septic tank. And I think that this
23. limitation would defeat that type of frivolous...you put
24. it in because somebody asked you for and we pay somebody,
25. some lawyer, a big salary down there to draft this stuff.
26. We've heard a...lot of pious talk and now let's put our
27. feet to the fire, 'cause this is one roll call when you
28. go back to your district and and you say, ah we ought
29. to limit bill introductions, they're going to have a roll
30. call to hang it on and I notice a few people hitting the
31. door already and that's kind of amusing too.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. The motion is to amend Rule 5. Those in favor vote Aye.

1. Those opposed vote Nay. The voting is open. Have all voted
2. who wish? Take the record. On that question the Ayes are
3. 19, the Nays are 26, none Voting Present. The motion to
4. amend Rule 5 is lost. Further motions?

5. SECRETARY:

6. Senator...Berman's motion relative to Rule 5.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Berman is recognized.

9. SENATOR BERMAN:

10. Thank you...

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(End of Reel #3)

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2. ...Mr. President. This is a simple suggestion that maybe
3. will cut down, again, some of the bill load. The suggestion is that
4. when we introduce a bill here, we would have the option of
5. including on the sponsorship, House sponsors. I'm sure many of
6. us have experienced where a constituent or a group will come to the
7. Senator and at the same time approach the members of the
8. House to introduce bills. Everybody wants to be grandstanding
9. and they introduce the same bill here and we introduce
10. the same bill in the House. This way, we can introduce the
11. bills in the Senate, indicate the House sponsorship and eliminate
12. duplication of introduction and still give everybody the
13. ...the credit that is due for the introduction. It's
14. strictly advisory. If you want to do it, you can, if you
15. don't want to do it, you don't have to. It may just cut down a few
16. of the bills that are introduced.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Is there discussion? Senator Rock.

19. SENATOR ROCK:

20. Well, again, I would rise in opposition to this. I don't
21. ...I do not wish to see this State Legislative Assembly
22. try to conform itself to what the Congress may or may not do or
23. may or may not think is in everybody's best interest.
24. We have a mechanical problem in addition to a philosophical
25. one that I have, that when the digest is printed and each of
26. you alongside your name has his or her bills...the sponsorship
27. thereon indicated, I don't know how in the world you would
28. work this one out. I just think it's something perhaps, the Rules
29. Committee can consider for future consideration, but I don't
30. think it's the time to do it now.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Berman may close.

33. The motion is to amend Rule 5. Those in favor will vote Aye.
Those opposed will vote Nay. The voting is open.

1. Have all voted who wish? Have all voted who wish? Take the record.
2. On that question...on that question the Ayes are 9, the Nays
3. are 37. There's been a...may I have the attention of the
4. members. The machine has burped and we have lost the last roll call.
5. And if the members would...Senator Berman, you're going to get a
6. second shot at it. The question is on the motion to amend
7. Rule 5. Those in favor will vote Aye. Those opposed
8. will vote Nay. The voting is open. Have all voted who wish?
9. Have all voted who wish? Take the record. On that question the
10. Ayes are 9, the Nays are 39, none Voting Present. The motion to
11. amend Rule 5 is lost. Further motions, Mr. Secretary.

12. SECRETARY:

13. Senator Berman's motion relative to Rule 54.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Berman is recognized.

16. SENATOR BERMAN:

17. Unlike the previous motion, Mr. President, this one is an
18. idea whose time has come. This rule sets out a procedure
19. for hearings after vetoes. And what it does is to spell out
20. in detail that when a bill has been returned by the Governor,
21. that the sponsor can file a motion to have the bill heard in the
22. substantive committee that heard the bill during the Regular
23. Session. There are many times when the Governor, in his Veto
24. Message and in the discussions with the sponsor, may or may not
25. have either new facts or reasons that weren't brought out during
26. the original debate on the bill for his action, either in
27. reducing an appropriation or amendatory veto or amending or vetoing
28. a bill. Last year I did this with a bill that the Governor
29. vetoed. We had no form of procedure, so I called our committee
30. in and we had witnesses. It wasn't a...it wasn't technically
31. correct, but I will tell this Body that we did find that there
32. was substantial lack of reasoning behind the Governor's action on
33. that particular bill and the Governor's veto was overridden.

1. Now, that was brought out in the committee hearing that was
2. held. This can be triggered by (a), the sponsor, if the
3. sponsor doesn't want it, it won't be done; and (b), by the
4. chairman of the committee, if he doesn't want to call the committee
5. it won't be done. But it does give the sponsor and the
6. committee chairman and the substantive committee, the
7. opportunity to review the action of the Governor, allow the
8. public to have a say in...in commenting on the Governor's action
9. and won't add anymore or detract from the deliberateness of this
10. Body. I think it will add to it. Let the public have a say in
11. the actions of the Governor and I would move its adoption.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? Those in favor will vote...the motion
14. is...Senator Berning.

15. SENATOR BERNING:

16. Just a point of clarification. I think there is a
17. technical or typing error on the line...line 2 of the motion
18. where it says by inserting after line 7. I don't believe
19. there is a line 7 in Rule 54.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berning, according to the parliamentarian, it is
22. properly placed after Rule 7 on page 17 to Rule 54.
23. It is in order, Senator Berning. There have been more than
24. one copy prepared and I don't know whether you're operating
25. with the most recent addition of the computer typed copy.
26. The motion is to amend Rule 54. Those in favor vote Aye. Those
27. opposed vote Nay. The voting is open. Have all voted who wish?
28. Have all voted who wish? Have all voted who wish? Take the
29. record. On that question the Ayes are 27, the Nays are 20,
30. none Voting Present. The motion to amend Rule 54 is lost.
31. Senator Washington, we have now...is there leave to withdraw
32. the motion? Leave is granted. Further motions?

33. SECRETARY:

1. Senator Philip's motion relative to Rule 15.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Philip is recognized.

4. SENATOR PHILIP:

5. Thank you, Mr. President and Ladies and Gentlemen of the
6. Senate. Amendment to Rule 15 is very simple. It says when you
7. propose an amendment and circulate it, that it must include the
8. name of the sponsor. We...the House includes those rules in
9. their rules. Generally speaking, it doesn't happen too often
10. here, but sometimes in that last day, at the last hour, we're
11. circulating a lot of amendments on the Floor of the Senate
12. that we don't know who the sponsors are. And all this requires
13. is that we ought to know who the sponsor of that amendment is.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there further discussion? The motion is to amend
16. Rule 15. Those in favor vote Aye. Those opposed vote Nay. The
17. voting is open. Have all voted who wish? Have all voted who wish?
18. Take the record. On that question the Ayes are 47, the Nays are
19. 1, none Voting Present. The motion to amend Rule 15 is adopted.
20. Further motions.

21. SECRETARY:

22. Senator Donnewald's motion relative to Rule 21.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Donnewald.

25. SENATOR DONNEWALD:

26. Yes, Mr. President. This is...correcting a typographical
27. error from thirty-seven to the number thirty.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there further discussion? The motion is to amend
30. Rule 21. All in favor...will vote Aye. Those opposed will vote
31. Nay. The voting is open. Senator Donnewald, do you wish to vote
32. you and myself? Have all voted who wish? Take the record. On that
33. question the Ayes are 47, the Nays are none, none Voting Present.

1. The motion to amend Rule 21 is adopted. Further motions?
2. SECRETARY:
3. Senator Donnewald's Motion No. 2 relative to Rule 5.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Senator Donnewald.
6. SENATOR DONNEWALD:
7. What this does is a practice that we already are doing,
8. nine copies of the bills instead of four. Where it says four
9. it would be nine. The Secretary has had many requests
10. for copies of the bill and he does need that.
11. PRESIDING OFFICER: (SENATOR DONNEWALD)
12. Is there further...is there further discussion?
13. The motion is to amend Rule 5. Those in favor will vote Aye.
14. Those opposed will vote Nay. For what purpose does Senator
15. Rhoads arise?
16. SENATOR RHOADS:
17. Well, we have been...they have been asking us for ten
18. copies, Senator. The...
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. It is...the Secretary informs me the rule is one plus four,
21. this will be one plus nine or the ten the Secretary needs.
22. Further discussion? The motion is to amend Rule 5. Those in
23. favor vote Aye. Those opposed vote Nay. The voting is open.
24. Have all voted who wish? Have all voted who wish? Take the record.
25. On that question the Ayes are 44, the Nays are none, 3 Voting
26. Present. The motion to amend Rule 5 is adopted. Further motions?
27. SECRETARY:
28. Senator Philip's motion relative to Rule 26.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Philip is recognized.
31. SENATOR PHILIP:
32. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
33. This amends Senate Rule 26. All it simply states is any material that's

1. placed on your desk or circulated in this Body would have to
2. have the sponsor's name on it. It doesn't happen very often,
3. but occasionally, we get newspaper articles, letters from
4. people and we don't know who is sending it out. All this
5. does is require that the name of the sponsor or the people
6. putting the material out will be on the material.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there discussion? Senator Savickas.

9. SENATOR SAVICKAS:

10. Just a question of Senator Philip. It's not only Senators
11. that distribute literature. Some of it comes through requests
12. from the President's office or the Minority Leader's office.
13. Would this have the name of...if it's not a Senator, of a
14. lobbyist or...or a House member or...

15. SENATOR PHILIP:

16. I...I would think this, that unless a Senator is sponsoring
17. that piece of material, it shouldn't be on the Floor of the Senate,
18. so it would have to have a Senator sponsor on it.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is there further discussion? Motion is to amend Rule
21. 26. Those in favor vote Aye. Those opposed vote Nay. The voting
22. is open. Have all voted who wish? Take the record. On that
23. question the Ayes are 46, the Nays are 1, none Voting
24. Present. Motion to amend Rule 46 is adopted. That was a motion
25. to amend Rule 26 that was adopted. ...motions.

26. SECRETARY:

27. Senator Berning motion relative to Rule 7 C.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Berning is recognized.

30. SENATOR BERNING:

31. Thank you, Mr. President and members of the Senate. All this
32. does is require that a majority of the members to a committee
33. be in attendance before a bill can be voted out.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator Savickas.

3. SENATOR SAVICKAS:

4. Yes, Mr. President. I would just like to comment
5. that many instances we have noncontroversial bills that come
6. through a committee and the committee itself or the chairman will
7. vote it out as a attendance record and I...I think this may
8. hinder some minor...minor bills. If a bill is that important,
9. I'm sure there will be enough members on the committee to vote
10. for it. I have never seen a major bill come out of a committee
11. without...and there's always the suggestion that if there is
12. an absence of a quorum, the committee cannot vote anyway. I think
13. we're just putting another rule in the book that doesn't really
14. belong in there.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Senator...Senator Hall.

17. SENATOR KENNETH HALL:

18. Would the sponsor yield to a question?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Indicates that he will yield. Senator Hall.

21. SENATOR KENNETH HALL:

22. Was this Senator Mitchler's or Senator Berman's?
23. Which one...or Berning?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Berning.

26. SENATOR KENNETH HALL:

27. Well, okay. I thought it applied to the committee while he
28. was the chairman one time. I'll never forget that.
29. He was chairman one time and he was the only person present.
30. He had a pocket full of proxies and he killed my bill.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Berning.

33. SENATOR BERNING:

1. Thank you, Mr. President. We finally got rid of the abuse of
2. proxies. Now, I think we ought to go a step further and make sure
3. that the actions of any committee are the result of a
4. majority of the members of the committee being in attendance.
5. It's a simple justice thing.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is there further discussion? The motion is to amend Rule
8. 7. Those in favor vote Aye. Those opposed vote Nay. The voting
9. is open. Have all voted who wish? Have all voted who wish?
10. Take the record. On that question the Ayes are 15, the Nays are
11. 29, none Voting Present. The motion to amend Rule 7 is lost.

12. Further motions?

13. SECRETARY:

14. No further motions.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. For what purpose does Senator Rock arise?

17. SENATOR ROCK:

18. Thank you, Mr. President. I know there will be a couple of
19. announcements. I have it on reliable authority that both committees
20. that were scheduled for tomorrow morning have, in fact, by
21. action of the chairman and minority spokesman, decided to cancel
22. so that we were originally scheduled...pardon me. We were
23. originally scheduled to begin our Session at noon. I think in the
24. interest of the membership since it's getaway day, why don't we...
25. I've spoken with Senator Shapiro, we will put the motion to
26. adjourn until 10:00 o'clock tomorrow morning and hopefully we'll
27. be out of here by noon or earlier.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Are there announcements? Senator Egan.

30. SENATOR EGAN:

31. Thank you, Mr. President and members of the Senate. I would like
32. to announce that the Revenue Committee which was scheduled to meet
33. at nine, will be cancelled tomorrow morning and we have checked with

1. all the sponsors of the bills without any...it's unanimous, so that
2. we can proceed. Thank you.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Senator Donnewald.
5. SENATOR DONNEWALD:
6. Just a reminder from Senator Walsh and myself that our
7. Senate party is going to start in about forty-five minutes.
8. PRESIDING OFFICER: (SENATOR BRUCE)
9. Further announcements? Senator Berman.
10. SENATOR BERMAN:
11. The committee...meeting of the Committee on Elementary and
12. Secondary Education that was scheduled for three o'clock is
13. cancelled by agreement of the members and the sponsors of the bills.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Further announcements? Senator Mitchler.
16. SENATOR MITCHLER:
17. Mr. President, I'd ask leave of the Senate to have the following
18. Senators added as cosponsors of Senate Bill 3 of which I am the
19. chief sponsor, Senator Berning, Senator DeAngelis, Senator Bowers,
20. Senator Geo-Karis.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Is there leave? Leave is granted. Further announcements?
23. Further business? Is there leave to have the Secretary...leave to
24. go to the Order of Resolutions? Leave is granted. Resolutions.
25. SECRETARY:
26. Senate Resolution 62 offered by Senators Netsch, Rock,
27. Savickas, and others. It's congratulatory.
28. Senate Resolution 63 offered by the same sponsors.
29. It's congratulatory.
30. Senate Resolution 64 offered by Senators Rock, Nash and
31. Savickas and it's a death resolution.
32. Senate Resolution 65 offered by Senator Bowers, Philip and
33. others and it's congratulatory.

1. Senate Resolution 66 offered by Senators McMillan,
2. ...McLendon, Rock, Hall and others and it's congratulatory.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. That was Senator Nash instead of Senator Netsch on one of those.
5. Is there leave that those resolutions be placed on the Order of
6. Resolutions Consent Calendar? Leave is granted. Further
7. business to come before the Senate? Senator Nega moves that the
8. Senate stand adjourned until the hour of ten o'clock tomorrow.
9. All in favor say Aye. Opposed Nay. The Ayes have it.
10. The Senate stands adjourned until ten o'clock tomorrow morning.
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