

79TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 22, 1976

1. PRESIDENT:

2. The hour of ten-thirty having arrived, the Senate will
3. come to order. Will our guests in the gallery please stand as
4. we have the prayer by Reverend Robert T. McDill, First Presbyterian
5. Church, Taylorville, Illinois.

6. REVEREND ROBERT T. MCDILL:

7. From the One hundred and eighteenth Psalm we read: this
8. is the day that the Lord has made, let us pray. Almighty God,
9. we acknowledge that this is the day that you have made, and
10. grant wisdom to our Senators and the decisions that they must
11. make, that they may wisely choose the right course of action for this
12. sovereign State, and make us aware of the fact that this day
13. can never be relived, that we can take action that will be alive
14. forever more, through Jesus Christ, our Lord. Amen.

15. PRESIDENT:

16. Reading of the Journal, Senator Davidson.

17. SENATOR DAVIDSON:

18. Mr. President, I move that reading and approval of the
19. Journals of Friday, June the 11th, 1976, Monday, June the 14th,
20. 1976, Tuesday, June the 15th, 1976, Wednesday, June the 16th,
21. 1976, Thursday, June the 17th, 1976, Friday, June the 18th, 1976,
22. and Monday, June the 21st, 1976, be postponed pending arrival
23. of the printed Journals.

24. PRESIDENT:

25. You heard the motion. All in favor say Aye. Opposed Nay.
26. The Ayes have it. The motion carries. Messages from the House.

27. SECRETARY:

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

29. Mr. President - I am directed to inform the Senate
30. that the House of Representatives has concurred with the Senate
31. in the passage of a bill with the following title: Senate Bill
32. 1514, with House Amendment No. 1.

33. PRESIDENT:

1. Secretary's Desk.

2. SECRETARY:

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

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

5. that the House of Representatives has concurred with the Senate

6. in the passage of a bill with the following title: Senate...

7. Senate Bill 1681, along with House Amendment No. 1.

8. PRESIDENT:

9. Secretary's Desk. House Bills on 2nd reading. House

10. Bill 3036, Senator Dougherty. House Bill 3062, Senator Fawell.

11. House Bill 3374, Senator Bruce. Those are House Bills on 2nd

12. reading, Page 5 of your Calendar. Read the bill.

13. SECRETARY:

14. House Bill 3374

15. (Secretary reads title of bill)

16. 2nd reading of the bill. The Committee on Appropriations offers

17. four amendments.

18. PRESIDENT:

19. Senator Bruce, Amendment No. 1.

20. SENATOR BRUCE:

21. Yes, if the Secretary could...I'm unaware of how they are

22. adopted.

23. SECRETARY:

24. The first amendment is the fifty percent amendment.

25. SENATOR BRUCE:

26. Yes. I...I would think so. I would move the adoption of

27. Amendment No. 1 which is the Partee amendment, fifty percent

28. limitation.

29. PRESIDENT:

30. Senator Bruce moves the adoption of Amendment No. 1 to

31. House Bill 3374. All in favor say Aye. Opposed Nay. The Ayes

32. have it. The amendment is...No. 1 is adopted. Amendment No.

33. 2, Senator Bruce.

1. SENATOR BRUCE:
2. If the Secretary again...
3. SECRETARY:
4. The Amendment No. 2 is by deleting three hundred and
5. thirty-nine thousand and inserting in lieu thereof three hundred
6. and thirty...three hundred and thirty-five thousand seven hundred.
7. SENATOR BRUCE:
8. Oh, that's the deletion of...
9. PRESIDENT:
10. Senator Bruce.
11. SENATOR BRUCE:
12. ...personal services and deletion for an...thirty-five
13. hundred dollars for an automobile. There's still ongoing discussion
14. to that, but I would move the adoption of Amendment No. 2.
15. PRESIDENT:
16. Any discussion? Senator Bruce moves the adoption of
17. Amendment No. 2 to House Bill 3374. All in favor will say Aye.
18. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted.
19. Amendment No. 3, Senator Bruce.
20. SENATOR BRUCE:
21. Yes, ...Amendment No. 3 is a hundred and forty
22. thousand dollars for a blood gas machine which is used to analyze
23. horse blood to see whether or not it had been any sort of foreign
24. substance had been introduced into the bloodstream.
25. PRESIDENT:
26. Any further discussion? Senator Bruce moves the adoption
27. of Amendment No. 3 to House Bill 3374. All in favor will say
28. Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted.
29. Amendment No. 4, Senator Bruce.
30. SENATOR BRUCE:
31. Yes, Amendment No. 4 adds five million four hundred thousand
32. dollars for racetrack improvement. The Comptroller indicated
33. that...that although these are funds collected directly from the

1. tracks,, it would be necessary that it be appropriated by the
2. General Assembly directly, and that it is at his request that
3. we make this line item. It would have been spent. It's not
4. additional money...I move the adoption.

5. PRESIDENT:

6. Any further discussion? Senator Bruce moves the adoption
7. of Amendment No. 4 to House Bill 3374. All in favor will say
8. Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is
9. adopted. Any further amendments? Any amendments from the Floor?
10. 3rd reading. House Bill 3377, Senator Joyce. House Bill 3889,
11. Senator Knuppel. House Bill 3403, Senator Demuzio. House
12. Bill 3411, Senator Buzbee. Read the bill.

13. SECRETARY:

14. House Bill 3411

15. (Secretary reads title of bill)

16. 2nd reading of the bill. The Committee on Appropriations offers
17. three amendments.

18. PRESIDENT:

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. Mr. President, I believe the first amendment is the Partee
22. amendment and I would move for its adoption.

23. PRESIDENT:

24. Senator Buzbee moves the adoption of Amendment No. 1 to
25. House Bill 3411. All in favor say Aye. Opposed Nay. The
26. Ayes have it. Amendment No. 1 is adopted. Amendment No. 2,
27. Senator Buzbee.

28. SENATOR BUZBEE:

29. Mr. President, I would defer to Senator Rock on these...
30. these next two amendments. They were his amendments, I believe.

31. PRESIDENT:

32. Senator Rock.

33. SENATOR ROCK:

1. Thank you, Mr. Chairman. Amendment No. 2 offered and
2. adopted in the Committee effects a total reduction of eighty-one
3. thousand five hundred dollars. There was some forty-five
4. thousand dollars in personal service line items and the balance
5. in the concomitant line items and I would move its adoption.

6. PRESIDENT:

7. Any discussion? Senator Rock moves the adoption of...of
8. Amendment No. 2 to House Bill 3411. All in favor will say Aye.
9. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted.
10. Amendment No. 3, Senator Buzbee...Senator Rock.

11. SENATOR ROCK:

12. Thank you, Mr. President. Amendment No. 3 effects a
13. net addition of one hundred and forty-eight thousand dollars.
14. It returns the appropriation for the Northeastern Illinois
15. Planning Commission to the FY '76 funding level and increases
16. the appropriation for the Southwestern Illinois Planning
17. Commission. This was offered and adopted in Committee and I
18. would move its adoption.

19. PRESIDENT:

20. Any discussion? Senator Rock moves the adoption of
21. Amendment No. 3 to House Bill 3411. All in favor will say Aye.
22. Opposed Nay. The...Ayes have it. The Amendment No. 3 is adopted.
23. Any further amendments? Senator Buzbee.

24. SENATOR BUZBEE:

25. Mr. President, this bill went to a subcommittee made up
26. of Senator Rock, Senator Regner and myself, and we have been
27. working. We are going to restore some of the funds that we
28. cut in Amendment No. 2, however, there is some disagreement
29. at the moment between myself and Senator Rock, so I want to
30. move it on to 3rd reading, bring it back tomorrow after we
31. resolve those differences and be available for...further amend-
32. ments at that time.

33. PRESIDENT:

1. Any amendments from the Floor from any other members?
2. 3rd reading. Senate...House Bill 3475, Senator Smith. Read
3. the bill.
4. SECRETARY:
5. House Bill 3475
6. (Secretary reads title of bill)
7. 2nd reading of the bill. The Committee on Appropriations
8. offers two amendments.
9. PRESIDENT:
10. Senator Smith.
11. SENATOR SMITH:
12. May I see those amendments? I have an opinion, but I...
13. SECRETARY:
14. Fifty percent amendment is the first amendment, Senator
15. Smith.
16. PRESIDENT:
17. Senator...Senator Smith moves the adoption of Amendment
18. No. 1, the fifty percent...Senator Hynes.
19. SENATOR HYNES:
20. Mr. President, I wonder if Senator Smith would be willing
21. to defer this bill for just a moment so that we could have a
22. chance to chat on something?
23. PRESIDENT:
24. Yeah...
25. SENATOR HYNES:
26. Take it out of the record for just a moment.
27. PRESIDENT:
28. ...take it out of the record...take it out of the record.
29. House Bill 3494, Senator Mitchler. Read the bill.
30. SECRETARY:
31. House Bill 3494
32. (Secretary reads title of bill)
33. 2nd reading of the bill. No committee amendments.

1. PRESIDENT:

2. Any amendments from the Floor? Senator Mitchler.

3. SENATOR MITCHLER:

4. Mr. President, and if I could have the attention of
5. Senator Netsch? Senator Netsch...yeah...this is the bill I'm
6. waiting for an amendment, but I'd like to move it to 3rd, and
7. we can bring it back when we get the amendment. I'll hold it.
8. Thank you.

9. PRESIDENT:

10. Any amendments from the Floor? 3rd reading. House Bill
11. 3518, Senator Brady. House Bill 3629...no, he's going to hold.
12. Senator Brady is recognized.

13. SENATOR BRADY:

14. Mr. President, I realize this bill is of some import to
15. all. I would like everybody to have a chance to hear it, but
16. I'd certainly like the bill read and amended and moved to 3rd
17. today.

18. PRESIDENT:

19. Read the bill.

20. SECRETARY:

21. House Bill 3518

22. (Secretary reads title of bill)

23. 2nd reading of the bill. The Committee on Education offers
24. one amendment.

25. PRESIDENT:

26. Senator Brady.

27. SENATOR BRADY:

28. Yes, Mr. President and fellow members. The Committee...

29. PRESIDENT:

30. Senator Weaver, for what purpose do you arise?

31. SENATOR WEAVER:

32. Mr. President, I wonder if we might have leave for a
33. Republican caucus for about thirty minutes?

1. PRESIDENT:

2. There's leave granted for a Republican caucus for thirty
3. minutes. Thank you.

4. SENATOR WEAVER:

5. Thank you, Mr. President. There'll be a Republican
6. caucus in Room 400 immediately. Room 400.

7. PRESIDENT:

8. The Senate will be in recess.

9. (RECESS)

10. (AFTER RECESS)

11. PRESIDENT:

12. The Senate will come to order. At the time of the recess,
13. we were addressing House Bill 3518 on the order of the amendment
14. stage with Amendment No. 1 as offered by Senator Brady. He
15. is not here, so we're going to take the bill out of the record,
16. proceed with the Calendar, and when he and other members get
17. here, we'll get back to that bill. Take it out of the record.
18. House Bill 3629, Senator Sommer. House Bill 3819, Senator Kosinski.
19. House Bill 3821, Senator Kenneth Hall. House Bill 3822, Senator
20. Netsch. Is there leave to go to the order of Senate Bills on
21. 2nd reading? Leave is granted. Senate Bill 1915, Senator Daley.
22. Senator Daley moves to Table House Bill 1915. You might want
23. to make an explanation on that. Some of them might not know.

24. SENATOR DALEY:

25. It's a Senate Bill 1915 which is...yesterday Senator Harris
26. made a statement in regards to procedure of a Committee bill
27. which we did place a...Committee bill and that is 2010, so it's a...

28. PRESIDENT:

29. So, in other words...

30. SENATOR DALEY:

31. ...identical bill.

32. PRESIDENT:

33. ...Senate Bill 1915 and 16 have been replaced...

1. SENATOR DALEY:

2. Right.

3. PRESIDENT:

4. ...by Senate Bills 2010 and 2011.

5. SENATOR DALEY:

6. 2010 and 2011. Right.

7. PRESIDENT:

8. The motion is to Table Senate Bills 1915 and 1916. All
9. in favor will say Aye. Opposed Nay. Senate Bills 1915 and 1916
10. are Tabled. Senate Bill 2010, Senator Daley. Read the bill.

11. SECRETARY:

12. Senate Bill 2010

13. (Secretary reads title of bill)

14. 2nd reading of the bill. No committee amendments.

15. PRESIDENT:

16. Any amendments from the Floor?

17. SECRETARY:

18. Amendment No. 1 offered by Senator Daley.

19. PRESIDENT:

20. Senator Daley.

21. SENATOR DALEY:

22. Mr. President and fellow Senators, Amendment No. 1 is a
23. technical amendment. Was presented by the Commissioner of Banks
24. and Trusts in Illinois as well as the Savings and Loan. This
25. only effects the banking industry. It allows the examination
26. of financial records by any State bank to any officer, an employee,
27. or agent of the Commissioner of Banks and Trust Companies, the
28. Federal Reserve Board, or the Federal Deposit Insurance Corpor-
29. ation for use soley in the exercises of their duties as an
30. officer, an agent or an employee.

31. PRESIDENT:

32. Any further discussion? Senator Daley moves the adoption
33. of Amendment No. 1 to Senate Bill 2010. All in favor will say

1. Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is
2. adopted. Any further amendments? 3rd reading. Senate Bill
3. 2011, Senator Daley. Read the bill.

4. SECRETARY:

5. Senate Bill 2011

6. (Secretary reads title of bill)

7. 2nd reading of the bill. No committee amendments.

8. PRESIDENT:

9. Any amendments from the Floor?

10. SECRETARY:

11. Amendment No. 1 offered by Senator Daley.

12. PRESIDENT:

13. Senator Daley.

14. SENATOR DALEY:

15. Mr. ...Mr. President and fellow Senators, this amendment
16. allows the examination of the...financial records by any officer,
17. employer or agent of the Commissioner of Savings and Loan
18. Association, the Federal Savings and Loan Insurance Corporation,
19. or the Federal Home Loan and Bank Board.

20. PRESIDENT:

21. Any discussion? Senator Daley moves the adoption of
22. Amendment No. 1 to Senate Bill 2011. All in favor will say
23. Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted.
24. Any further amendments? 3rd reading. For what purpose does
25. Senator Mitchler arise?

26. SENATOR MITCHLER:

27. Mr. President, I'd like to rise on a point of personal
28. privilege.

29. PRESIDENT:

30. State your point, Senator.

31. SENATOR MITCHLER:

32. In the President's gallery directly behind the President
33. of the Senate is Tom Fletcher from Kendall County and he has with

1. him a group of students from the Oswego High School, and they're
2. down studying State government during the summer session. I'd
3. like to have them please rise and be recognized by the Senate.

4. PRESIDENT:

5. Will they rise and be recognized by the Senate? Is there
6. leave to go to the order of Senate Bills on 3rd reading for the con-
7. sideration of a bill that a member desires to bring back to 2nd reading
8. for purpose of an amendment? Leave is granted. Senator Daley,
9. on your Senate Bill 1997, you wanted to bring that back for an
10. amendment, did you? Okay. Fine.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. House Bills on 1st reading. House Bill 3313, Senator
13. Partee.

14. SENATOR PARTEE:

15. Thank you, Mr. President and members of the Senate. House
16. Bill...

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. ...I think probably we have to read the bill, Senator.
19. Is that correct?

20. SENATOR PARTEE:

21. Thank you.

22. SECRETARY:

23. House Bill 3313

24. (Secretary reads title of bill)

25. 1st reading of the bill.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Partee.

28. SENATOR PARTEE:

29. Mr. President and members of the Senate, this bill was
30. sent over by Representative Ryan, and it does precisely what the
31. calendar says. It does not entail any new money. It certainly
32. ...it only gives permission to counties to appropriate from county
33. funds money that comes as a result of revenue sharing for the purpose

1. of operating and equipping senior citizen centers. There's no
2. controversy about it. It's a permissive bill, and I'm going to
3. move that the bill bypass committee and go directly to the order
4. of 2nd reading.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. I...I think you would bypass the Committee on Rules first
7. and...

8. SENATOR PARTEE:

9. Rules and Assignment of Bills. Well, it's been in Rules,
10. Senator. It's the Assignment of Bills Committee I seek to bypass
11. and have...

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Motion is to bypass the Committee on Assignment of Bills
14. and...and refer the bill to the order of 2nd reading.

15. SENATOR PARTEE:

16. That is the motion.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Is there leave? Just...Senator Harber Hall.

19. SENATOR HARBER HALL:

20. I can appreciate, Senator Partee, that it's noncontroversial.
21. I just wonder if you can explain whether it's...you classify
22. it under emergency or necessary for State government or what?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Partee.

25. SENATOR PARTEE:

26. It relates to revenue at the county level. It relates to
27. revenue which comes to the county through the Federal government
28. and the Revenue Sharing Program. It's a permissive bill which
29. gives the county the right to make a choice as to how they
30. can use it. Under the present law, they cannot use it for this
31. purpose. It does, in fact, relate to revenue...county revenue.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Is there further discussion? Do we have leave? Leave is

1. granted. 2nd reading. Senator Partee, I believe it was your
2. intention to move to the order of Senate Bills on 3rd?
3. SENATOR PARTEE:
4. That's right, Senator.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Just a moment. Senator Knuppel, for what purpose do you
7. arise?
8. SENATOR KNUPPEL:
9. Well, if we're on the order of bills similar to this, I'd
10. like to move before we go to that order...I'd like to move that
11. ...for discharge of two bills from committee. First bill is the...
12. PRESIDING OFFICER: (SENATOR DONNEWALD)
13. We're...ask leave to be on the order of motions?
14. SENATOR KNUPPEL:
15. Yes.
16. PRESIDING OFFICER: (SENATOR DONNEWALD)
17. Do we have leave? Senator Knuppel.
18. SENATOR KNUPPEL:
19. This is House Bill 3556. It's Representative Schraeder's
20. bill for the sale of Peoria State Hospital. The manner of sale
21. is a little different than the bills we've passed out of here
22. for me. It's in Executive. I've talked to the Chairman of
23. the Executive Committee and to Senator Harris on this. No
24. objection to having that bill discharged from Committee.
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. The motion is to discharge the...
27. SENATOR KNUPPEL:
28. I make a motion to discharge...
29. PRESIDING OFFICER: (SENATOR DONNEWALD)
30. ...Committee on Executive as to House Bill...
31. SENATOR KNUPPEL:
32. 3556.
33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. ...3556. All those in favor indicate by saying Aye.

2. SENATOR KNUPPEL:

3. Aye.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Those opposed. The Ayes have it.

6. SENATOR KNUPPEL:

7. Now I have another bill...

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. The bill is on the order of 2nd reading.

10. SENATOR KNUPPEL:

11. ...I have another bill. It's a bill...House Bill 3225
12. and that has to do with transfer of jurisdiction over the Veteran's
13. Home in Quincy. I've talked to the Chairman of the Executive
14. Committee. He has no objection. I've talked to Senator Harris.
15. He...he does say that he objects on the basis that it's not an
16. emergency matter. However, this is supported by all the
17. veteran's administration...all the veteran's groups, and I'd
18. like to have that bill also discharged from Committee and placed
19. on the order of 2nd reading.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. The motion is to discharge the Executive Committee from
22. further consideration of House Bill 3275...3225. Those in favor
23. indicate by saying Aye.

24. SENATOR KNUPPEL:

25. Aye.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Those opposed. The Ayes have it. The Committee is discharged
28. and the bill is placed on the order of 2nd reading. Senator Egan.

29. SENATOR EGAN:

30. Yes, Mr. President and members of the Senate, if you're on
31. the order of motions, I would like to move to bypass a committee
32. relative to House Bill 3971. It has been assigned to Pensions
33. and Personnel. I have discussed the matter with the chairman and the

AB 3308
6/22/76
Jed Kinnis

1. minority spokesman. The bill is...there are amendments to the
2. deferred compensation plan which was enacted two years ago by
3. the General Assembly. The concept has been approved by the
4. Legislature and signed by the Governor. This bill merely amends
5. that original Act to conform to the Internal Revenue Service
6. request so that the plan may now be implemented. There is no
7. controversy. There is no objection to this bill. It is unanimous
8. in it...in its approval, and I would ask please, if, Mr. President,
9. if I could...

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. The motion is to discharge the Committee on Pensions and
12. Personnel and take House Bill 3971 from that committee and place
13. it on the order of 2nd reading. All those in favor indicate
14. by saying Aye. Those opposed Nay. The Ayes have it. The bill
15. is on 2nd reading. Senate Bills on 3rd. Senate Bill 1516,
16. Senator Carroll. Senate Bill 1584, Senator Shapiro. Senate
17. Bill 1801...or Senate Bill 1712, Senator Hynes. Senate Bill
18. 1801, Senator Bruce. Senate Bill 1802, Senator...Senator Bruce.
19. 8...Senate Bill 1847, Senator Knuppel. Senate Bill 1867,
20. Senator Bruce. Senate Bill 1878, Senator Demuzio. Senate Bill
21. 1928, Senator Brady. Senate Bill 1977, Senator Morris. Senate
22. Bill 1997, Senator Daley. Senate Bill 1998, Senator Daley.
23. House Bills on 3rd reading. House Bill 1080, Senator Nudelman.
24. House Bill 1304, Senator Davidson. House Bill 2115, Senator
25. Vadalabene. Senator Vadalabene. Senate...House Bill 3155,
26. Senator Knuppel. House Bill 3197, Senator Shapiro. House Bill
27. 3202, Senator Hynes. House Bill 3308, Senator Rock. Read the bill.

28. SECRETARY:

29. House Bill 3308
30. (Secretary reads title of bill)
31. 3rd reading of the bill.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Rock.

HB 3308
6/12/76
3rd Reading

1. SENATOR ROCK:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. House Bill 3308 is an amendment to the Juvenile Court
4. Act, and what it does very simply...under the present Juvenile
5. Court Act, a minor must be brought for...must be brought to an
6. adjudicatory hearing within thirty days. However, if the minor
7. is, in fact, in detention, he must be brought to that adjudicatory
8. hearing within ten days. House Bill 3308 would allow in certain
9. specific cases, namely where it is alleged that the minor has
10. committed a crime of violence, it would allow the prosecuting
11. attorney to delay for an additional ten days upon proper notice
12. and motion that hearing in order to give the State's Attorney
13. time to fully garner the facts and present his case. The bill
14. has been amended to provide for the proper notice. It came out
15. of the Judiciary Committee, and I would solicit a favorable roll call.

16. PRESIDENT:

17. Any further discussion? Senator Roe.

18. SENATOR ROE:

19. Mr. President and members of the Senate, I agree with
20. Senator Rock. I think this is a very constructive change. I
21. don't see that there's any possibility of any abuse by the
22. State's Attorney of this amendment that is being proposed in
23. this bill. It would simply allow him the necessary time in
24. many serious cases, such as murder, in juvenile court to
25. prepare and as you no doubt know, practically every rule of
26. evidence and procedural safeguard is now given the juveniles
27. in juvenile court, short of the right to trial by jury and we
28. may get that pretty soon from the U. S. Supreme Court, and I
29. see no reason not to support this bill.

30. PRESIDENT:

31. Any further discussion? Question is, shall House Bill
32. 3308 pass? Those in favor will vote Aye. Opposed will vote
33. Nay. The voting is open. Have all voted who wish? On this

HB 3300
6/22/76
3rd Reading
Jasany

1. question, the Aye...take the record. On that question, the
2. Ayes are 52, the Nays are none, with none Voting Present. House
3. Bill 3308 having received a constitutional majority is declared
4. passed. House Bill 3380, Senator Palmer. House Bill 3505,
5. Senator Vadalabene. Read the bill.

6. SECRETARY:

7. House Bill 3505

8. (Secretary reads title of bill)

9. 3rd reading of the bill.

10. PRESIDENT:

11. Senator Vadalabene.

12. SENATOR VADALABENE:

13. Yes, thank you, Mr. President and members of the Senate.

14. The main objection of House Bill 3505 is to bring the definition
15. for nest drawn eggs into the conformity with the Federal
16. definition and allow small egg producers to sell their eggs
17. directly to ma and pa retail stores and removes the requirement
18. that such small retail stores be bonded. The ma and pa stores
19. that are being exempted are those small retail stores which
20. purchase less than a hundred and fifty cases of eggs annually
21. directly from the producer. The bill will also reduce the
22. license fee for these small stores from thirty dollars to an
23. annual five dollar fee. The reduction will amount to a loss
24. of revenue to the State of Illinois of approximately twenty-five
25. hundred dollars, and since most of the stores in this category
26. are family operations, they are providing a service to the
27. community and barely provide enough income for their subsistence
28. and I appreciate a favorable vote.

29. PRESIDENT:

30. Any further discussion? Senator Shapiro.

31. SENATOR SHAPIRO:

32. Mr. President, a question of the sponsor?

33. PRESIDENT:

1. He indicates he'll yield.
2. SENATOR SHAPIRO:
3. Senator Vadalabene, does this take care of the producer
4. who wishes to sell directly to the housewife and that?
5. PRESIDENT:
6. Senator Vadalabene.
7. SENATOR VADALABENE:
8. Yes, Amendment No. 2 takes care of that.
9. PRESIDENT:
10. Any further discussion? The question is, shall House
11. Bill 3505 pass? Those in favor will vote Aye. Opposed Nay.
12. The voting is open. Have all voted who wish? Take the record.
13. On this question, the Ayes are 52, the Nays are none, with
14. none Voting Present. House Bill 3505 having received a constitutional
15. majority is declared passed. House Bill 3605, Senator Knuppel.
16. Read the bill.
17. SECRETARY:
18. House Bill 3605
19. (Secretary reads title of bill)
20. 3rd reading of the bill.
21. PRESIDENT:
22. Senator Knuppel.
23. SENATOR KNUPPEL:
24. Mr. President, for some reason this commission didn't
25. get their work done and they need some more time. All this does
26. is extend the time and the life of the commission to July 1st,
27. ...or from May the 2nd, 1976 to July 1st, 1977. Hopefully, they'll
28. get it done. This is a McMaster's bill. It has to do with
29. reclamation of the aggregate business, and I submit that this
30. is a serious reclamation problem and that this bill should be
31. passed with a favorable roll call.
32. PRESIDENT:
33. Any further discussion? The question is, shall House Bill

1. 3605 pass? Those in favor vote Aye. Opposed Nay. The voting
2. is open. Have all voted who wish? Take the record. Senator
3. Palmer, for what purpose do you arise?

4. SENATOR PALMER:

5. To advise the President that the button don't work.

6. PRESIDENT:

7. On this question, the Ayes are 47, the Nays are 1, with
8. none Voting Present. House Bill 3605 having received a consti-
9. tutional majority is declared passed. The Chair recognizes Senator
10. Palmer.

11. SENATOR PALMER:

12. I just want to advise the President that I intended to
13. vote Yes on this last bill, 3605. I pressed the Yes button,
14. and it did not indicate so on the recorder. So I want the...

15. PRESIDENT:

16. The record will reflect your statement. House Bill 3630,
17. Senator Sommer. Read the bill. Oh, pardon me. Senator Sommer
18. desires to...is there leave granted to return 3630 to the order
19. of 2nd reading for the purpose of an amendment? Leave is granted.
20. Senate Bill 36...House Bill 3630 is on the order of 2nd reading.
21. Senator Sommer is recognized.

22. SENATOR SOMMER:

23. - Mr. President, I believe Senator Demuzio has an amendment.

24. PRESIDENT:

25. Senator Demuzio.

26. SENATOR DEMUZIO:

27. Thank you, Mr. President and members of the Senate. It's
28. a very simple amendment. It amends on Page 4, Line 8, it adds
29. the word "public". There was some discussion in committee and...
30. in this committee as well as other committees in reference to
31. State property that was being transferred back to local government
32. ...local municipalities. The amendment would stipulate that
33. the property, the real property that is received from the State

1. of Illinois for public purposes, and stipulates and that it
2. would be used, in fact, for public purposes and...and, therefore,
3. if it's not used for those purposes, the State of Illinois has a...a...
4. a right to get it back.

5. PRESIDENT:

6. Any further discussion?

7. SENATOR DEMUZIO:

8. I'd move for the adoption of the amendment.

9. PRESIDENT:

10. Senator Demuzio moves the adoption of Amendment No. 1
11. to House Bill 3630. All in favor say Aye. Opposed Nay. The
12. Ayes have it. The amendment is adopted. Any further amendments?
13. 3rd reading. House Bill 3705, Senator Glass. House Bill 3814,
14. Senator Graham. House Bill 3817. Read the bill. You have?
15. Senator Rock, would you handle that? 3817.

16. SENATOR ROCK:

17. We...we have one amendment ready, and there's an...there's
18. ...oh, they're both down there. Okay. I'd like...

19. PRESIDENT:

20. Senator Rock seeks leave to...

21. SENATOR ROCK:

22. I'd leave to call it back to the order of 2nd for the
23. purpose of attaching two amendments.

24. PRESIDENT:

25. Is leave granted? Leave is granted. House Bill 3817 is
26. now on the order of 2nd reading. Senator Rock.

27. SENATOR ROCK:

28. I think it'll be Amendment No. 5 when it gets there.

29. PRESIDENT:

30. Amendment No. 5, Senator Rock.

31. SENATOR ROCK:

32. Would the...will the Secretary read...

33. PRESIDENT:

1. The Secretary will read the amendment.

2. SECRETARY:

3. Amend House Bill 3817...

4. SENATOR ROCK:

5. No, he...he doesn't have to read the whole thing. He's
6. got to indicate Amendment No. 5 offered by Senator Rock so it's
7. in the record so we know where we're going here.

8. SECRETARY:

9. Amendment No. 5 offered by Senator Rock.

10. SENATOR ROCK:

11. Thank you. Amendment No. 5, Mr. President and Ladies
12. and Gentlemen of the Senate, would appropriate fifty...add fifty
13. thousand dollars to the Bureau of the Budget in the Executive Office
14. of the Governor for the salaries and expenses of a transition
15. force to be designated by the Governor-elect. This is something
16. that we have done in the past with respect to an incoming
17. administration. I think it's vitally necessary and I would urge the
18. adoption of Amendment No. 5.

19. PRESIDENT:

20. Any further discussion? Senator Rock moves the adoption
21. of Amendment No. 5 to House Bill 3817. Those in favor will say
22. Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted.
23. Any further amendments?

24. SECRETARY:

25. Amendment No. 6 offered by Senator Rock.

26. PRESIDENT:

27. Senator Rock.

28. SENATOR ROCK:

29. Thank you, Mr. President and Ladies and Gentlemen of the
30. Senate. Amendment No. 6 adds four words to this appropriation.
31. It is at the request of the Bureau of the Budget, specifically
32. the Office of Manpower Development. It adds the words "or to
33. nonstate agencies". It was a technical omission in one of our

1. prior amendments. We are now correcting that technical error,
2. and I would move the adoption of Amendment No. 6.

3. PRESIDENT:

4. Any further discussion? Senator Rock moves the adoption
5. of Amendment No. 6 to House Bill 3817. Those in favor will say
6. Aye. Opposed Nay. The Ayes have it. Amendment No. 6 is adopted.
7. Any further amendments? 3rd reading. House Bill 3818, Senator
8. Bruce. House Bill 3630, Senator Sommer.

9. SECRETARY:

10. House Bill 3630

11. (Secretary reads title of bill)

12. 3rd reading of the bill.

13. PRESIDENT:

14. Senator Sommer.

15. SENATOR SOMMER:

16. Mr. President and members, this...this is the Department
17. of Conservation bill to convey this rather...rather small tract within
18. the City of Creve Coeur to a local...to the local village for
19. the purposes of reconstructing a fort on there. They have raised
20. about fifty thousand dollars, and they have a substantial board
21. made up of architects, engineers, people from business, labor
22. and a group very interested in this. The Department says they
23. cannot undertake this project, but if goes back to local hands,
24. they'll be able to do it, and that's the purpose of this bill.

25. PRESIDENT:

26. Any further discussion? Question is, shall House Bill
27. 3630 pass? Those in favor vote Aye. Opposed Nay. The voting
28. is open. Have all voted who wish? Take the record. On this
29. question, the Ayes are 52, the Nays are none, with none Voting
30. Present. House Bill 3630 having received a constitutional
31. majority is declared passed. House Bill 3817, Senator Rock.

32. SECRETARY:

33. House Bill 3817

1. (Secretary reads title of bill)

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Rock.

5. SENATOR ROCK:

6. Thank you, Mr. President and Ladies and Gentlemen of
7. the Senate. House Bill 3817 contains the FY of '77 appropriation
8. for the Bureau of the Budget and the Office of Manpower within
9. that bureau. It does contain, in fact, the State-wide grant
10. monies. It has undergone four amendments in the Senate
11. Appropriations Committee and I would urge a favorable roll call.

12. (continued on next page)

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1. PRESIDENT:

2. Any further discussion? The question is, shall House
3. Bill 3817 pass? Those in favor vote Aye. Opposed Nay. The
4. voting is open. Have all voted who wish? Take the record.
5. On this question, the Ayes are 52, the Nays are 1, with none
6. Voting Present. House Bill 3817 having received a constitutional
7. majority is declared passed. House Bill 3825, Senator Rock.
8. House Bill 3837, Senator Netsch. House Bill 3838, Senator
9. Netsch. Read the bill. Recall. Is there leave to recall
10. House Bill 3838 for the order of 2nd reading for the the purpose
11. of an amendment? Leave is granted. House Bill 3838 is now
12. on the 2nd reading. Senator Netsch is recognized.

13. SENATOR NETSCH:

14. Thank you, Mr. President. There are three amendments on
15. the Secretary's Desk to House Bill 3838. I will offer the 1st
16. and 3rd and Senator Schaffer will offer the 2nd. All of these
17. have been worked out by everyone who was involved in the
18. committee on the bill specifically. Amendment No. 1, Mr.
19. Secretary, is amend House Bill 3838 on Page 2, Line 10 by
20. inserting immediately after "necessary" the following: Right.
21. This amendment was requested by...

22. PRESIDENT:

23. Just a moment, Senator. Now, can we have just less noisy
24. conferences. They must be, so that we may hear the person
25. speaking. Senator Netsch.

26. SENATOR NETSCH:

27. ...Thank you, Mr. President. This amendment was requested
28. by Senator Moore on behalf of the Legislative Advisory Commission
29. on Public Assistance. The bill, incidentally, is the nursing
30. home financial disclosure bill, and the sentence that we are
31. amending makes it clear that the information that is received
32. by the Department can be shared with others who have a legitimate in-
33. terest in it. This amendment clarifies the fact that any State

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1. agency which is involved in investigations with respect to
2. nursing home matters would also have access to the information. The
3. ...it is agreeable to Senator Moore on behalf of that Commission,
4. and I would move adoption of Amendment No. 1.

5. PRESIDENT:

6. Any further discussion on Amendment No. 1? Senator Netsch
7. moves the adoption of Amendment No. 1 to House Bill 3838. Those
8. in favor will say Aye. Opposed Nay. The Ayes have it. Amend-
9. ment No. 1 is adopted. Amendment No. 2, Senator Netsch.

10. SECRETARY:

11. Amendment No. 2 offered by Senator Schaffer.

12. PRESIDENT:

13. Senator Schaffer.

14. SENATOR SCHAFFER:

15. Amendment No. 2 just adds language to specify that the
16. Department of Public Aid and the...the Director of Public Aid
17. and the Director of the Department of Public Health will
18. promulgate only one set of regulations. There was some possibility
19. that they might duplicate each other, and we all felt that was
20. unnecessary, and I know of no opposition.

21. PRESIDENT:

22. Any discussion? Senator Schaffer moves the adoption of
23. Amendment No. 2 to House Bill 3838. All in favor will say Aye.
24. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted.
25. Any further amendments?

26. SECRETARY:

27. Amendment No. 3 offered by Senator Netsch.

28. PRESIDENT:

29. Senator Netsch.

30. SENATOR NETSCH:

31. Amendment No. 3 puts an immediate effective date on the
32. Act, and the primary reason for that relates to the point that
33. Senator Schaffer was just making also. We want to make sure

AP 3843
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1. that the nursing homes are not all of a sudden confronted with
2. a dozen different forms to fill out or even with two forms,
3. one from Public Aid and one from Public Health. By making the
4. bill immediately effective, we think we can forestall that.
5. Public Health has agreed, and we will be able to have one
6. financial disclosure. That is what we want.

7. PRESIDENT:

8. Any further discussion? Senator Netsch moves the adoption
9. of Amendment No. 3 to House Bill 3838. All in favor will say
10. Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted.
11. Any further amendments? 3rd reading. House Bill 3843, Senator
12. Philip. Will the gentleman standing in front of Senator Philip
13. find another place to stand or sit preferably. Read the bill.

14. SECRETARY:

15. House Bill 3843
16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDENT:

19. Senator Philip.

20. SENATOR PHILIP:

21. Thank you, Mr. President and Ladies and Gentlemen of
22. the Senate. House Bill 3843 is a House Election Committee bill.
23. Under the present law, a county clerk or a town clerk can
24. register people up to twenty-eight days before the election.
25. A village clerk or a city clerk can only register people up to
26. forty-five days before the election. And all this does is put
27. it in line with the county and township clerks, and...allows them
28. both to register people twenty-eight days before the election.
29. I know of no opposition. I ask for your favorable consideration.

30. PRESIDENT:

31. Any further discussion? The question is, shall House
32. Bill 3843 pass? Those in favor vote Aye. Opposed Nay. The voting
33. is open. Have all voted who wish? Take the record. On this

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1. question, the Ayes are 53, the Nays are none, with none Voting
2. Present. House Bill 3843 having received a constitutional
3. majority is declared passed. House Bill 3838, Senator Netsch.

4. SECRETARY:

5. House Bill 38...3838

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. Senator Netsch.

10. SENATOR NETSCH:

11. Thank you, Mr. President. The bill, as it is now amended,
12. requires a full financial disclosure statement to be filed by
13. all nursing homes that are regulated by...licensed and regulated
14. by the Department of Public Health. It is more inclusive than
15. another bill which had passed last year and was vetoed. Every
16. nursing home in the broadest definition...every bill covered
17. by the licensure act will have to file the attested financial
18. statement. The information will, however, be available to the
19. Department of Public Aid or any other State or local agency
20. that has a concern about it. The information is necessary
21. for two reasons. One, the State pays a very large amount of
22. the money that goes into nursing homes. About seventy percent
23. of the funds come from public agencies and we simply need to
24. know and have a right to know how that money is being spent.
25. Secondly, under Federal regulations which we must bow to in
26. this respect, a cost reimbursement is...formula is required as
27. of July 1 of this year. If we do not have this information,
28. there is no sensible way in which that regulation can be complied
29. with, so on those two grounds, the bill is absolutely essential.
30. I'd be happy to answer any questions about it.

31. PRESIDENT:

32. Any further discussion? Senator Berning.

33. SENATOR BERNING:

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1. Thank you, Mr. President. Yes, I'd like to ask the
2. sponsor a question.

3. PRESIDENT:

4. She indicates she'll yield.

5. SENATOR BERNING:

6. Do you have any projection as to what an average cost
7. to a licensee would be to provide this information?

8. PRESIDENT:

9. Senator Netsch.

10. SENATOR NETSCH:

11. No, I think we did have some information last year when
12. we were going through the same process. I do not have all of
13. that handy at the moment, Senator Berning. One of the major
14. changes that we made in the original version of the bill was to
15. require only an attested statement, not an audited statement.
16. The estimates that we were given were that that would considerably
17. reduce any cost to the nursing homes of complying. In other
18. words, they do not have to have a CPA come in and produce a
19. very elaborate audited statement. It simply must be sworn to.
20. And the forms will be kept as simple as possible.

21. PRESIDENT:

22. Senator Berning.

23. SENATOR BERNING:

24. Well, Mr. President and members of the Senate, I'd like
25. to then speak to the issue of this bill. There isn't any question
26. but what the State of Illinois is entitled to any information
27. that reasonably allows it to exercise control over every and any
28. kind of license activity in the State, but I submit to you, Mr.
29. President, the State of Illinois at this time is not, and I repeat, is
30. not covering the cost of maintaining the State's wards in the
31. licensed institutions. I can cite case after case in my area
32. where the State is reimbursing at a level below, below the actual
33. cost of maintaining that patient...all patients. Now, I don't

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1. care how little additional burden we want to place on these
2. licensed facilities, it is too much. There is no justification
3. unless we are willing, we the State and our departments, are
4. willing to pay the total cost of maintaining a patient which will
5. include then the pro rata share of that per diem cost of furnishing
6. reports like this. There apparently is at this time some kind
7. of report being made. Now, if this is more inclusive, more
8. comprehensive, perhaps it is required...but I want to point out
9. again, Mr. President, that in at least one instance where one
10. of the licensees in my county in an effort to substantiate its
11. claim to the State that it was not being properly reimbursed,
12. had to spend fifty thousand dollars to provide the kind of
13. an audit of its financial condition to prove to the Department
14. of Mental Health that it was not being fully reimbursed. All
15. of which, Mr. President, came to naught. The fifty thousand
16. dollars was spent. The Department did not increase its per
17. diem reimbursement rate and the whole thing was an exercise
18. in futility, and I somewhat have reservations about our now
19. imposing mandatory requirements on institutions, such as the one
20. I just mentioned to you, solely adding to the burden and not in
21. any way helping to carry the cost.

22. PRESIDENT:

23. Senator Schaffer.

24. SENATOR SCHAFFER:

25. I rise in support of this bill, and I think it's a reasonably
26. good compromise worked out with the health care industry, the
27. nursing home industry in particular. It does provide for the
28. elimination of duplicate forms which by the way, Senator Berning,
29. were already in the process of being drawn up. We will save the
30. nursing homes in total a great deal of effort. I believe by this
31. bill as amended. It is another step, of course, toward the...
32. down the road towards rate review, which, of course, is what
33. the nursing homes want. I think the State would be imprudent at

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1. this point to jump into the rate review business, if you
2. will, until the Federal government finally establishes its
3. guidelines. Those guidelines have been a long time coming,
4. but I'm told...I'm not sure I believe, that those guidelines will
5. be with us in the next few months and once we know what the
6. Federal government, who by the way do pick up a major share
7. of the bill, what their guidelines are going to be. I think
8. at the point this Senate and this Legislature will have to
9. address itself to rate review legislation in Illinois.
10. Senator Berning, I would also point out that if you'd seen the
11. amendment that the nursing home industry wanted to put on the
12. bill to make the form even more complicated, you would shake
13. your head in total disbelief, but I understand their point
14. of view. They aren't being reimbursed in many cases to the
15. level that they can justify and it is justifiable, but I
16. think this bill is a good piece of legislation. It's a step
17. in the right direction, and I think it's well thought out,
18. and deserves the support of everyone here.

19. PRESIDENT:

20. Senator Brady.

21. SENATOR BRADY:

22. Yes, Mr. President and fellow members. I also rise in
23. support of this piece of legislation as amended. I asked leave
24. of the sponsor the other day to become a cosponsor of this
25. piece of legislation. I think it's unfortunate the example
26. that Senator Berning cites of the financial burden to one home
27. in his district because of the problem they had with State
28. claims, but I submit to you I represent a district in the north
29. side of Chicago in the suburbs that probably has more nursing
30. homes than any other district in the State. I see this from
31. the view of my area as a very necessary piece of legislation
32. and...and a great step forward, and I urge your support. Thank you.

33. PRESIDENT:

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- 1. Senator...Senator Kenneth Hall.
- 2. SENATOR KENNETH HALL:
- 3. Will the sponsor yield to a question.
- 4. PRESIDENT:
- 5. She indicates she will.
- 6. SENATOR KENNETH HALL:
- 7. Senator Netsch, I have, as Senator Berning has said, I
- 8. have a number of nursing homes in my area that's having the
- 9. same problem. Now, who wants this legislation?
- 10. PRESIDENT:
- 11. Senator Netsch.
- 12. SENATOR NETSCH:
- 13. Well, I'll start with the Department of Public Health and
- 14. the Department of Public Aid. Both of them have sought the
- 15. legislation, or sought it and supported it at least, in part for their
- 16. ...their own needs and in part to satisfy Federal regulations.
- 17. I also have found that the association that works with the
- 18. mentally retarded...most of the mental health associations and
- 19. numerous others have also supported the legislation.
- 20. PRESIDENT:
- 21. Senator Hall.
- 22. SENATOR KENNETH HALL:
- 23. Well, that...the only thing that I have to say is in
- 24. similar to this, now. The letters that I get from all of them
- 25. is that they're not getting their payments promptly, that they're
- 26. really suffering, and don't you feel this would be an additional
- 27. burden? Are there guidelines on just how much they have to report
- 28. and, or is this going just be a simple...just how complex
- 29. does this have to be, Senator?
- 30. PRESIDENT:
- 31. Senator Netsch.
- 32. SENATOR NETSCH:
- 33. It does not necessarily have to be complex, but I would point

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1. out to you, Senator Hall that without this information, the
2. question of whether or not nursing homes are being fairly
3. reimbursed, both from their point of view and from the point of
4. view of we who are paying over seventy percent of their fees
5. will never really be resolved. We have got to know what those
6. costs are before the reimbursement question can ever be
7. satisfactorily resolved.

8. PRESIDENT:

9. Any further discussion? Senator Ozinga.

10. SENATOR OZINGA:

11. Mr. President and members of the Senate, I rise in support
12. of this piece of legislation, however, I am in full recognition
13. of what Senator Hall and Senator Berning have said. One of
14. the reasons for this piece of legislation is exactly to counter-
15. act exactly what you're talking about, because I and the
16. Visitation Commission have visited some of these nursing homes
17. and like all other things, all other professions, there are a
18. few bad apples in the barrel. But our biggest fight has been
19. to get the departments to sit down and actually recognize that
20. there is a...a differentiation being made with reference to certain
21. nursing homes, and the biggest battle has been in order to get
22. a coordination of all of the services rendered and like as has been
23. said, the services required. Now, with this bill, they will
24. have an area-wide locale...location for these various forms, and
25. we have pleaded...if you'll remember last Session, we fought to
26. have this go to Public Aid where most of these recipients are
27. in these various homes, and believe you me, it is my belief that
28. all of the legitimate homes, want this legislation.

29. PRESIDENT:

30. Any further discussion? Senator Berning.

31. SENATOR BERNING:

32. Just to clarify one thing, Mr. President. I did not want
33. to leave the impression that only one installation in my county has

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1. had similar problems. There are none that I know of that have
2. not had problems with covering their cost of operation inadequately
3. by the State.

4. PRESIDENT:

5. Any further discussion? Question is, shall House Bill 3838
6. pass? Those in favor vote Aye. Opposed Nay. The voting is
7. open. Have all voted who wish? Take the record. On this
8. question, the Ayes are 49, the Nays are 1, with 2 Voting Present.
9. House Bill 3838 having received a constitutional majority is
10. declared passed. House Bill 38...just a moment. Is there
11. leave to go back to the order of business that we were on
12. before the recess? On Page 6 at the top of the page, we were
13. engaged with House Bills on 2nd reading, with House Bill 3518.
14. Is leave granted? Leave is granted. We are back to the order
15. of 2nd reading, House Bill 3518, Senator Brady.

16. SECRETARY:

17. House Bill 3518

18. (Secretary reads title of bill)

19. 2nd reading of the bill. The Committee on Education offers
20. one amendment.

21. PRESIDENT:

22. Senator Brady. Now, just a moment. What is it? It's
23. okay now, Senator Berning. All right. Senator Brady is
24. recognized.

25. SENATOR BRADY:

26. Thank you, Mr. President and fellow members. House Bill
27. 3518 is a bill to amend the formula section of the School Code,
28. Section 18-8 and 18-12. It came over after a lot of work in
29. the House and a lot of provisions affecting a lot of districts.
30. As we viewed it in the Senate Education Committee, there was a
31. need for some districts to have formula changes still not in-
32. cluded in that portion of the bill. In the Senate Education
33. Committee, I offered an amendment which has just been read as

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1. Committee Amendment No. 1. That amendment adds to the formula
2. change bill, three things. First, it allows for greater access
3. for elementary districts by reducing the rate from one ninety-five
4. to one ninety-two, a three cent reduction. Second, it
5. clarifies the language that was offered in the House Amendment
6. to the bill which allowed the rollback. The elimination of
7. the rollback affects some seventy...seventy-two districts...
8. high school districts, primarily suburban Cook County, but also
9. some downstate. When the resource equalizer was introduced,
10. these districts had to roll back to their original tax rate.
11. This provision as stated in the amendment as it came over to
12. the Senate allowed for the striking of that language and
13. allowed these high school districts to go back to the taxing
14. rate they were at. Further I might add, and part of the
15. district I represent to the north and some of the north suburbs
16. that I'm familiar with around Chicago, have said on repeated
17. occasions at Senate Education Committee meetings and school
18. meetings elsewhere that they would like the opportunity to tax
19. on a local level. They feel their citizens would pay more
20. money for education if they were allowed to do that, and if
21. they were not penalized as under the present plan, they would
22. attempt to do that. So, in this step in the Senate amendment,
23. we have taken the elimination of the rollback one step further,
24. and provided for prospective tax increase through local referendum
25. so that these school boards can carry their case to the people
26. directly without being penalized and losing a portion of State-aid.
27. The third section of this amendment deals with a clarification
28. on the penalty imposed during this school year for the closing
29. of the Chicago schools early. What that means simply is this.
30. In this one school year, Chicago had to close its doors early,
31. because it didn't have the money and because that happened, they
32. were then penalized under the present formula in an amount equal
33. to some fifty-five million dollars. For those of you haven't seen it

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1. in the press or heard anybody talk about, that fifty-five million
2. dollars would create a tremendous crisis in Chicago. I don't
3. know how they would ever come out from under it educationally. The
4. importance of this section of the amendment is set down for the
5. children, the people, the teachers. However, you want to factionalize
6. this thing, it is vital to keeping Chicago schools open and
7. running in an orderly fashion. We have not touched the section
8. of the penalty that says you have to have a certain amount of
9. minimum school days. I think it's worthy to note that Chicago
10. enters into an agreement to have thirty-nine weeks of school,
11. which in most years puts them over the minimum, somewhere five,
12. somewhere eight days over the minimum amount required for State-
13. aid. This year they happen to fall under the minimum, and it's
14. this year, they're being penalized for and this year alone this
15. revision is written in for the '75-'76 school year. I am
16. seeking, by this revision, to offset the penalty that Chicago
17. is charged by way of prorating it over a five year basis.
18. It does one further thing. If you will, it prorates it to
19. eleven million dollars a year over five years, and there is a
20. portion of the language that says - that the unfunded liability...
21. in other words, the money that the State through its mandate
22. promised to give to Chicago and did not give because it fell
23. short of funding, it could allow them to use that as an offset
24. against this penalty. Should the question come up, there is
25. close to twenty million that Chicago could use for that offset,
26. thereby voiding this penalty in this next critical school year
27. and nine million of it in the succeeding school year. The
28. question has been asked - if the level of full-funding is
29. reached, Chicago will then be into a penalty situation in that
30. third year, and will be penalized the amount of eleven million
31. a year. At this time, I'd be glad to answer anybody's questions
32. on this matter.

33. PRESIDENT:

HB 3513
Sent Senate
Apr 6 1976

1. Any further discussion? Senator Shapiro..

2. SENATOR SHAPIRO:

3. Well, Mr. President and Ladies and Gentlemen of the Senate,
4. I think it'll come as no surprise that I rise in opposition
5. to the adoption of the amendment. There's no question that
6. our unit elementary districts throughout the State need more
7. access to the resources provided by the current formula. I do
8. point out to you, however, that ten cents of access availability
9. in one year for our unit districts at this particular point
10. in time when our State resources are...are woefully inadequate
11. may be a little bit too far to go in one year. I think that the
12. addition of the three cent additional access for our elementary
13. districts is laudable, and but when you place that along side
14. of a ten cent unit access availability, there is a disparity
15. there that should not...that should be...that you should be
16. brought closer together if we're going to attempt to provide
17. access for these two types of districts in one year, and the
18. inclusion of the transportation totally in one year does add
19. a cost factor that this amendment provides for, and makes the total
20. package for this amendment in excess of eighty million dollars
21. It does not address itself in this next fiscal year to the
22. declining enrollment of our large urban school districts, and
23. there are some of us in this Senate that feel that that can be
24. handled in a very good manner possibly by the addition of an
25. amendment to another bill. But I think apart from the consideration
26. that we have today, the so-called hold-harmless for the City
27. of Chicago approximating fifty-five million dollars for the
28. lost school days, is an issue apart from what we are considering
29. here, and that is fundamental changes in the resource equalizer.
30. I think that that particular part should be handled in another
31. bill. The fiscal implications of this bill, considering the
32. amendment as it regards Chicago, in the future could well total
33. over a quarter of a billion dollars. This bill with this amendment

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1. harms our high school districts. It harms our districts that
2. are increasing in enrollment and basically does not provide.
3. There is not enough money to take care of this in the next
4. fiscal year and will provide a pro ration that would deeply
5. into the necessary amount of money or the monies available
6. for every district throughout the State. I'm going to close
7. by saying that I think we should not adopt this amendment and
8. I urge everyone to oppose it.

9. PRESIDENT:

10. Senator Wooten.

11. SENATOR WOOTEN:

12. Mr. President and colleagues, I also rise in opposition
13. to this amendment and I want to speakly plainly to the issue
14. and stake out some territory right now which I will continue
15. to occupy. I find the hold-harmless provision as regards
16. Chicago offensive. I think all of you have had roughly the
17. experience that we have had in my district. In one school
18. district alone, we pink slipped one hundred and fifty-seven
19. teachers this year. The final toll will be cut down to forty,
20. as many of them have resigned and left the district. The
21. general population came up with enough money to keep athletic
22. programs going, otherwise they would have been gone. We have
23. suffered in our district, and I want to point out to you we did
24. not let teachers go for a number of days. We fired them. I
25. simply cannot in good conscious support a measure which would
26. withdraw the penalty in effect from Chicago. I do not consider
27. myself an unreasonable or an insensitive man, and I am certainly
28. willing to listen to reasonable proposals, but I simply cannot
29. support this move in its present form and I urge the defeat of
30. the amendment, although it does contain features which are quite
31. attractive. I think this consideration makes the amendment it-
32. self unpalatable and I urge its defeat.

33. PRESIDENT:

HB 3518
2nd reading
Nov 6-2-74

1. Any further discussion? Senator Glass.

2. SENATOR GLASS:

3. Thank you, Mr. President, Ladies and Gentlemen. I would
4. echo the opposition to this bill, and I think for one specific
5. reason which I'd like to highlight that Senator Shapiro mentioned.
6. There was a bill pending in Education Committee which would have
7. treated with the fifty-five million dollar penalty charged
8. against Chicago all by itself. I think that is, in fact, a
9. separate issue that ought not to be involved in this legislation.
10. The way the...the amendment is drawn and it's extremely intriguing.
11. There is a five year period over which the rate of eleven million
12. a year the penalty can be forgiven if the State does not fully
13. fund the formula which certainly is likely, and I...I think at
14. least my best estimate and...and that of those I have discussed
15. this with, is that, in fact, under this amendment the full fifty-five
16. million dollar penalty would be forgiven. I think that is wrong
17. that that this is a separate issue that ought to be debated by the
18. General Assembly but certainly not a part...as a part of this formula
19. bill, and I would, therefore, urge a No vote.

20. PRESIDENT:

21. Any further discussion? Senator Palmer.

22. SENATOR PALMER:

23. Mr. ...Mr. President and members of the Senate. I'd like
24. to read something to this illustrious Body. An excellent
25. opportunity to relieve some of the disastrous effects of the
26. current State school-aid formula exists in the Illinois General
27. Assembly where a formula revision bill is now awaiting Senate
28. action. The measure is House Bill 3518. It was approved by
29. the House and amended in the Senate before moving to the Senate
30. Floor. We believe these provisions would make the formula much more
31. fair to the unit districts. The only real relief that unit
32. districts, discriminated against by the formula, can get most come
33. from the changing of the formula. The best opportunity for that

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1. lies in support of House Bill 3518 as it stands. This bill ought
2. to be passed without further amendments. Gentlemen, Ladies,
3. this is a editorial of the State Journal-Register, and I think
4. that we ought to listen to it. We ought to abide by it and I do
5. not think that a...a paper of downstate would report erroneously
6. that absolutely contrary to the representations made here by
7. Senator Shapiro and Senator Wooten and Senator Glass. I am
8. certain that the State Journal-Register is concerned about the
9. school system for the entire State of Illinois and I'd like to
10. tell you, Ladies and Gentlemen, instead of arguing about resource
11. equalizers and equalized assessment rates and transportation
12. costs, let's do something for the kids who don't understand
13. your conversations. Listen to this excellent editorial which
14. I am sure was written after...after the entire subject was
15. reviewed properly. I ask the support of this amendment.

16. PRESIDENT:

17. Any further discussion? Senator Buzbee.

18. SENATOR BUZBEE:

19. Thank you, Mr. President. Mr. President, there's been
20. a lot of concern in my area for quite some time about revision
21. of the school-aid formula, because when we wrote the resource
22. equalizer when the bill was past in 1973, we quite frankly did
23. quite an injustice to those districts that were under the
24. organizational form of being a unit. We also did quite an injustice
25. to those districts that were elementary districts, and, of course,
26. the people that made out on this thing were...were the high school districts.
27. They have made out quite well, and so over the years, there...
28. there have been attempts...last Fall there was an attempt by a
29. compromise bill, of which I was the principal sponsor, to revise
30. that formula to give more access to the formula for our unit
31. districts and elementary districts. That bill failed in the
32. Fall Override Session. It was reintroduced this year and still
33. languishes. We have all talked about various types of school-aid

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1. revision and eventually, this bill, the bill of which Senator
2. Brady is the Senate sponsor, came out of the House with a so-called
3. compromise version of a formula change as it came out of the House.
4. In that particular bill, what we did was, we helped the unit
5. districts tremendously, and we did absolutely nothing for the
6. elementary districts unless you consider the declining enrollment
7. factor which does not affect all elementary districts in the State,
8. or unless you consider the transportation factor which does not
9. affect all of the elementary districts in the State, and so,
10. when that bill came over here in many discussions, I informed
11. Senator Brady that I would not support that bill in that form. He
12. agreed to...to amend the bill in such a manner as to allow
13. three cent formula, or rather access reduction on the elementary
14. districts to go along with the ten cents that we had done for
15. the units. I told him that I would support his amendment when he did
16. that, however, I was going to present an amendment right after
17. his which will knock it down another two cents, which would mean then
18. that the elementaries would have access at the rate of a dollar
19. ninety vice a dollar ninety-five which they have now and the
20. units would stay at two ninety vice the three dollars which they
21. have now. So, on that basis, Senator Brady informed me that
22. he would then support my amendment and I plan to vote for his
23. amendment now. Thank you, Mr. President.

24. PRESIDENT:

25. Senator Hynes.

26. SENATOR HYNES:

27. Mr. President, members of the Senate. This bill, with the
28. amendment that Senator Brady proposes, I think will go a long way
29. toward eliminating the...the inequities that exist in the resource
30. equalizer formula, inequities which many of us have recognized from
31. the very beginning, and I would point out, as Senator Buzbee had,
32. that the original bill provided substantial relief for unit districts.
33. The amendments here considered will bring elementary districts into the

HB 3511
School Budget
April 6, 1971

1. picture. There is also an improvement in the rollback...in the
2. elimination of the rollback so that those districts that have
3. the local support can take advantage of local revenue. The
4. amendment that Senator Brady proposes also includes a very
5. important factor in so far as the problem of the City of Chicago
6. is concerned, and it has been drafted so as to avoid the
7. imposition of a double penalty on the City of Chicago in this
8. sense, that during the current fiscal year and by action of this
9. legislature last June, full-funding was provided for. That
10. amount of money has not been realized and this proposal would
11. allow the amount by which...the amount by which it is deficient
12. in full-funding to be applied against the penalty to reduce it,
13. and similar action would take place in future years. We had
14. a commitment from this legislature, from the Governor, and from
15. everyone in any position of authority in the field of education
16. at the State level as to full-funding. That commitment has not
17. been met. It apparently is not going to be met in the upcoming
18. fiscal year, and therefore, what we are seeking is to have the
19. amount of shortfall, the amount by which full-funding...by which
20. we are short of full-funding applied against the full penalty.
21. What it will amount to in future years is indefinite at this
22. point. The question of whether there should be a double penalty
23. is the one I think that we have to assess here. Should there
24. be a failure to fully fund the school-aid formula which brought about
25. the...the situation in question, and secondly, a further reduction
26. of monies to be payable. I think this is a reasonable amendment,
27. and I think with the subsequent amendment that Senator Buzbee
28. intends to offer, it puts the...the bill in a very desirable
29. posture and I would urge your support.

30. PRESIDENT:

31. Any further discussion? Senator Fawell.

32. SENATOR FAWELL:

33. All right, it's easy to talk about some of the merits of

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Amendment
April 6, 1976

1. the bill here, I think, and like every...almost every measure
2. before us, there's some good and there's some bad. There's a
3. lot of good in this bill and in the amendment, too. The
4. elimination of the rollback is something I've talked about for
5. quite sometime. Of course, it's, Senator Brady, way too late.
6. The taxes have all been extended and the harm has been put upon
7. the suburban areas now for the second straight year, but the
8. real issue, I think, we all know is putting in this amendment,
9. what it is referred to as the hold-harmless agreement
10. Senator Palmer, I was interested in your statement about how
11. the editorial board of the Springfield paper feels about this.
12. Could you tell me how the editorial boards of the Chicago news-
13. papers feel about the hold-harmless agreement?

14. PRESIDENT:

15. Senator Palmer.

16. SENATOR PALMER:

17. Feel great.

18. PRESIDENT:

19. Senator Fawell.

20. SENATOR FAWELL:

21. As I understand it, if I can read their editorials correctly,
22. they have admonished the State Legislature not to accept this
23. particular amendment, and I think what they're saying is that
24. if the legislature has stated that there is a penalty for not
25. conducting public schools for a certain number of days, that
26. you just cannot expect, if you're going to violate those provisions,
27. that you can come down to the legislature and expect us to just
28. to say in effect - well, we didn't really mean it. This can
29. set a very dangerous precedent, and I think as a practical matter the
30. incorporation of that aspect into this amendment has caused most people
31. who have been very objective as they have viewed this to say
32. that...that the legislature and, in all common decency, can't accept
33. something like that. Senator Hynes, I don't look upon it as a

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1. double penalty. First of all, the first penalty is something
2. that everybody in the State of Illinois has been suffering
3. under, and as Senator Wooten has pointed out, many districts
4. have had to do all kinds of things and they have kept their
5. schools open, and they have had to, unfortunately, discharge
6. teachers, they've had to cut in many areas in the helps and
7. aids which are granted to teachers in volunteer efforts and
8. extra expenses for all kinds of aids, and it's unfortunate,
9. deeply unfortunate, so there's a double penalty that we are
10. all facing. But we have to face the question of whether or
11. not we're going to just simply say that the penalty which
12. everyone understood and comprehended was there. Just...we're
13. just now going to in effect waive it, and I think that an
14. awful lot...

15. PRESIDENT:

16. Time, Senator.

17. SENATOR FAWELL:

18. ...of us here feel as though we cannot do that. Thank you.

19. PRESIDENT:

20. Any further discussion? Senator Bruce.

21. SENATOR BRUCE:

22. Well, I just think that Senator Hynes' comments about
23. double penalty...I think we ought to realize that every school
24. district in the State has already suffered one half of that
25. penalty if we're talking about double penalties. Chicago is
26. not the only school district in this State that was not fully
27. funded. Every school district in this State was not fully
28. funded, so we've already had the penalty. You go to Robinson
29. where forty teachers were laid off and they've suffered the
30. penalty. You go to Rock Island where they raised private funds
31. to continue school programs, they've suffered a penalty. What
32. we're saying here, is that one school district should be singled
33. out to not suffer a penalty of not having the minimum number of

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1. school days as required by law. That's their penalty, not
2. the penalty suffered on all of us. And so to say that we
3. would have a double penalty is not correct. They would suffer
4. a...a just penalty as...as decided by this Body some years ago
5. by statute, and that's all we're talking about.

6. PRESIDENT:

7. Any further discussion? Senator Brady may close the
8. debate.

9. SENATOR BRADY:

10. Yes, thank you, Mr. President and fellow members. As I
11. stood here and listened, I realized that what we were starting
12. to debate was the total merits of this bill which could and
13. should be done at passage stage on 3rd reading. We didn't
14. address ourselves specifically to the amendment at hand. That
15. amendment in doing three things, I'd like to repeat. By allowing
16. three cents to elementary districts, I found no sense of
17. disagreement with any member who stood up in this Body. By
18. allowing further to add on the clarifying language to the
19. elimination of the rollback, the possibility of prospective
20. taxation through local referendum for districts who said they
21. could and did want to pay more locally to educate their students
22. without being penalized on a State basis for aid, I found no
23. disagreement. What I did find disagreement was in the third
24. portion of the amendment which was the clarification of the
25. penalty and how Chicago would, could, or if they did pay it
26. and how much. It seems to be the sense of some members of the
27. Body that because the schools in their area have been hurt,
28. that Chicago should suffer. I submit to you fifty-five million
29. dollars of sufferage will create chaos in the Chicago Board of
30. Education and the education of the children that come under that
31. school system. I don't think anybody really intends to bring
32. that about. We are suggesting here today by our words that maybe
33. there's another plan, that maybe this portion of the amendment

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1. Should fly alone. This amendment deals with the revisions of
2. the School Code, and I submit it is properly placed in any
3. formula bill to change the School Code. I also suggest to you
4. that we're getting down to the end of a Legislative Session
5. and to start now to implement a totally new plan where a
6. formula will work for one area and then again meet disagreement
7. for another is at best a difficult task. We have been working
8. so hard the entire length of the Session to come out with the
9. revisions made in this bill, but if you will, consider the
10. amendment, consider it separately. They'll be another chance
11. to vote on 3rd reading for the passage and how that formula
12. should be distributed. It all comes down to the question of
13. whether or not because at one time we wrote at law, we should
14. not in essence change part of it because one area of the State,
15. a vital area to me, will be in chaos if we don't. I urge your
16. support.

17. PRESIDENT:

18. Senator Brady moves the adoption of Amendment No. 1 to
19. House Bill 3518. Those in favor say Aye. Opposed Nay. A
20. roll call is requested. All in favor of the adoption of Amend-
21. ment No. 1 to House Bill 3518 will vote Aye. Opposed will vote Nay.
22. The voting is open. Have all voted who wish? Take the record.
23. On this question, the Ayes are 24, the Nays are 32. The
24. amendment fails. And now, for a surprise and a rather pleasant
25. interlude, Senator Ozinga.

26. SENATOR OZINGA:

27. Mr. President and members and colleagues, it gives me
28. great pride and privilege at this time to present to you the
29. most beautiful, the most amiable, one of the best in the
30. State of Illinois...and in...in presenting her to you, it just
31. kind of makes me feel a little bit senior to senior citizens. Her
32. dad and I used to run around together some sixty years ago,
33. and now we see our children coming up into this vein, why, it...it's

1. just marvelous to find that we have with us here today representing
2. the...the good Village of Oak Lawn, Miss Kathy Ann Schmalen,
3. who is Miss Illinois and a participant in Miss Universe 1976.
4. She is a resident of Oak Lawn, Illinois. She attended the Oak
5. Lawn grammar school, the Oak Lawn Community High School.
6. She's now attending the Moraine Valley College in Palos Heights.
7. All in the district. Her activities have been widespread.
8. She's won many, many awards during the course of the last year.
9. Some of her accomplishments...and believe you me, it takes some
10. of us two lifetimes to accomplish what she's done in the last
11. year or year and a half. She has been the runner-up in the I
12. Want to be a Model Contest in 1974. She's been the winner of
13. the Veterans of Foreign War Post 5220 Beauty Queen 1975, winner
14. of the Veterans of Foreign Wars 3rd District of Chicago Beauty
15. Queen 1975, third runner-up VFW Beauty Queen for Illinois held
16. in Springfield...1st runner-up...She's been the Teenage Chicago
17. Pageant. Winner, Miss Illinois, University Beauty Pageant, 1976.
18. One of the twelve semi finalists in the Miss USA Beauty Pageant.
19. in which she represented Illinois. Fellow colleagues, I present
20. to you, Kathy Ann Schmalen, Miss Illinois.

21. KATHY ANN SCHMALEN:

22. Thank you, Senator Ozinga, Mr. Speaker, Ladies and Gentlemen
23. of the Senate. Thank you. It is a great honor for me to have
24. been honored today, first by the House and now I am in front of
25. the Senate. It was a great experience to have competed in such
26. a large and elaborate pageant in Niagra Falls. My experience has
27. ...is being continued now and as I stand before you also, I consider
28. it a great pleasure to be recognized before our government as I
29. am here today. Thank you.

30. PRESIDENT:

31. We're just delighted to have you, Miss Schmalen, and I'd
32. like for you to meet her parents, Mr. and Mrs. Schmalen.
33. Committee reports.

1. SECRETARY:
2. Senator Dougherty, Chairman...

3. PRESIDENT:
4. Wait a minute...just a moment. For what purpose does
5. Senator Buzbee arise?

6. SENATOR BUZBEE:
7. Well, Mr. President, we were on the order of 2nd reading
8. on the House Bill 3518 that we had just completed one amendment
9. and I had an amendment to offer now, and I thought we still were...

10. PRESIDENT:
11. Senator Brady.

12. SENATOR BRADY:
13. Mr. President, if I may, if Senator Buzbee's agreeable
14. to this, I would like to get together with him on his amendment
15. and to see...we can work this out together to maybe change
16. some of the wording of his amendment to include something else.

17. PRESIDENT:
18. Very interesting choice of words. We'll...we'll just
19. hold it...hold it in abeyance for a moment. Committee reports.

20. SECRETARY:
21. ...Senator Dougherty, Chairman of Local Government, reports
22. out House Bill 3332 with the recommendation Do Pass.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)
24. A message from the House.

25. SECRETARY:
26. A Message from the House by Mr. O'Brien, Clerk.

27. Mr. President - I am directed to inform the Senate
28. that the House of Representatives has refused to recede from
29. their amendments No. 5 to a bill with the following title:
30. Senate Bill 1620. I am further directed to inform the Senate
31. that the House of Representatives has requested a First Conference
32. ...a Committee of Conference to consist of five members from
33. each House to consider the differences of the two Houses in regard

1. to the amendments to the bill. The Speaker of the House has
2. appointed a such committee on the part of the House: Representatives
3. Tipsword, Lechowicz, Brady, Ryan and Totten.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Johns moves that we accede to the request of the
6. House and...for a Conference Committee. All those in favor
7. indicate by saying Aye. Those opposed. The Ayes have it. The
8. Secretary...will so inform the House.

9. SECRETARY:

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

11. Mr. President - I am directed to inform the Senate
12. that the House of Representatives has refused to recede from
13. their Amendment No....Amendments...Amendment No. 1 to a bill
14. with the following title: Senate Bill 1621. I am further
15. directed to...to inform the Senate that the House of Representatives
16. requests a First Committee of Conference to consist of five
17. members from each House to consider the differences of the
18. two Houses in regard to the amendment to the bill. The Speaker
19. of the House has appointed as such members on the part of the
20. House: Representative Richmond, Barnes, Brady, Ryan and Totten.
21. Senator Vadalabene's bill.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Vadalabene moves that the...accede to the request
24. of the House and that a Conference Committee be appointed. All
25. those in favor indicate by saying Aye. Those opposed Nay. The
26. Ayes have it, and the Secretary will so inform the House.

27. SECRETARY:

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

29. Mr. President - I am directed to inform the Senate
30. that the House of Representatives has passed bills with the
31. following titles in the passage of which I am instructed to ask
32. the concurrence of the Senate, to-wit: House Bill 927, 3226,
33. 3285, 3367, 3124, 3191 and 3430.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Rules. House Bills 3rd reading. House Bill 3856, Senator
3. Rock. Read the bill.
4. SECRETARY:
5. House Bill 3856
6. (Secretary reads title of bill)
7. 3rd reading of the bill.
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. Senator Rock.
10. SENATOR ROCK:
11. Thank you, Mr. President and Ladies and Gentlemen of the
12. Senate. You will recall by virtue of Public Aid 79-842 that
13. we reacted to a Supreme Court case with respect to the four
14. term rule or the hundred and twenty day rule with respect to
15. the trial of criminal defendants. We responded and...re...or
16. set up standards for computing the days during the running of
17. that hundred and twenty days. What we also did by virtue of
18. 79...or that Public Act, is delay the effective date of that
19. Act until July 1 of this year. What we are asking by virtue
20. of House Bill 3856, which came over from the House Committee on
21. Judiciary, is that effective date be further delayed until
22. March 1, 1977. This is a matter that has been under quite a
23. bit of discussion especially in the Judicial Advisory Council.
24. I have in my file a letter signed by the Chairman, Senator Carroll,
25. which says that they have voted to recommend extension of that
26. Public Act to and including March 1, 1977. I know of no objection.
27. The State's Attorney of Cook County has been on record requesting
28. this extension. In the County of Cook as...as most know, we
29. have provided for thirty additional judges who...who will be
30. sworn in first week of December of this year, and we have...have
31. under construction fourteen additional court rooms that will be
32. ready again about the first of the year. So, this is a...a move
33. to delay the effective date of that legislation that we passed

1. reacting to a Supreme Court opinion and...and I would solicit
2. a favorable roll call.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? Senator Fawell.

5. SENATOR FAWELL:

6. Senator Rock...oh...I don't...I don't quite understand
7. why. As I recall that Act, the basis of the Supreme Court
8. decision had held that in counting the number of days there's
9. a motion for continuance by the defense, that it would not...
10. you wouldn't have to start all over again, as I recall the case.
11. But why would...why would we want to delay the effective date of
12. this? It's...I don't quite understand that.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator Carroll indicates he will respond.

15. SENATOR CARROLL:

16. Thank you, Mr. President. I'm not attempting to speak
17. for Senator Rock, but as chairman of the Council that originally
18. heard this...and I might add Senator Berning had first brought this
19. to our attention from Senator Strauss in his county that, for
20. example, there when the defendant comes in and asks for a date
21. somewhere near the end of the time period, one twenty or one
22. sixty, their system is set up on a one day a month. While, the
23. defense counsel comes in and says, I only want a three day
24. continuance to start trial. The court says you have to take
25. thirty days. The defense says, if it's thirty, it's by order
26. of court. I only want a week or three days, and then they
27. have to reset their whole system. That particular system has
28. asked for additional time to coordinate in a court calendar that
29. will allow them to bring officers back, for example, on a regular
30. basis and not interrupt their general police system. Elsewhere
31. in the State, for example, in Cook, where we have authorized
32. additional judges who will start December 1st, the court rooms
33. will not be ready. The State's Attorney does not have the additional

1. manpower ready now to man those rooms, and each of the State's
2. Attorney, the court system, the judiciary, the court services
3. administration have asked for an extension to March so that
4. these court rooms can be made physically ready to allow for
5. this additional workload. So, throughout the State, we have
6. had all of the circuit courts asking for this time for one
7. reason or another in order to administer properly the time frame.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Is there further discussion? The question is, shall
10. House Bill 3856 pass? Those in favor vote Aye. Those opposed
11. Nay. The voting is open. (machine cutoff) voted who wish?
12. Have all those voted who wish? Take the record. On that
13. question, the Ayes are 53, the Nays are 1. House Bill 3856
14. having received a constitutional majority is declared passed.
15. House Bill 3858, Senator Knuppel. Senator Knuppel, is it your
16. ...your desire to take the bill back to the order of 2nd reading?
17. Do we have leave? Leave is granted. The bill is now on
18. 2nd reading. Senator Knuppel, are there amendments?

19. SENATOR KNUPPEL:

20. There are amendments. If the...there's been several filed
21. up there. This is the State Fair bill, and as I understand it,
22. the first amendment is generally an amendment that makes a lot
23. of changes. One of which is to repeal the bill that was passed
24. last year, because it has never...

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Just...just a minute, Senator.

27. SENATOR KNUPPEL:

28. All right.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Would we defer to the Secretary?

31. SENATOR KNUPPEL:

32. Okay.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. The Secretary will read the Amendment.

2. SECRETARY:

3. ...Amendment No. 2 offered by Senator Knuppel, and it's
4. the amendment, Senator Knuppel, that on page 2, in line 22
5. by inserting after the following...it's a rather long amendment.
6. "Eight members of the board shall comprise a quorum"...

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Senator Knuppel.

9. SENATOR KNUPPEL:

10. These amendments are designed to make a few small changes
11. in the bill to make it a more workable one. It provides that
12. the interim board appointed by the Legislative...where the old
13. one provided that the...let me start over. This provides that
14. eight of fifteen members shall comprise a quorum. The old bill,
15. or the bill as amended now, did not make such a provision.
16. Number 2, it allows the board members to be paid fifty dollars
17. a day during the State Fair as well as at their meetings. They...
18. they...the bill provided for fifty dollars for attending meetings
19. per diem. This has been to enlarge to provide that they also
20. receive fifty dollars a day while they're attending the State
21. Fair. I think the board members should be at the Fair, and
22. they should be compensated. That's not an excessive compensation.
23. Another change is that it states that if the board member is
24. absent without leave for three consecutive board meetings, the
25. governor shall declare his office vacant. Now, the office is
26. automatically vacant, which the administration feels violates the
27. constitutional removal power of the governor. In other words,
28. this gives the governor the power to vacate it. There's some
29. changes in the transition schedule, and makes a November 1st or
30. sixty days after the effective date of the bill, the effective
31. date of the State Fair Agency. We felt that these changes together
32. with a repealer on the bill that was passed last year were
33. necessary to insure that this would be the bill which would be

1. the one that directed the Illinois State Fair, and I move the
2. adoption of the amendment.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? The question is, shall
5. Amendment No. 2 to House Bill 3858 be adopted? Those in favor
6. indicate by saying Aye. Those opposed. The Ayes have it.
7. The amendment is adopted. Are there further amendments?

8. SECRETARY:

9. Amendment No. 3 offered by Senator Knuppel.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Amendment No. 3 is an amendment that has been requested
14. and it provides that of the appointments of the five initial
15. members appointed by each of the executive officers, no more
16. than three shall be of the same political party. This could
17. result in three executive officers appointing a...a board that
18. would be nine of one political party, six not of that party,
19. so that it tends to downplay political differences. The...one
20. of the arguments in favor a new State Fair Agency has been to
21. remove politics from the Illinois State Fair. I think this is
22. a good amendment, and I would encourage its adoption. I move the
23. adoption of Amendment No. 3.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Is there further discussion? The question is, shall
26. Amendment No. 3 to 38...to House Bill 3858 be adopted? Those in
27. favor indicate by saying Aye.

28. SENATOR KNUPPEL:

29. Aye.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Those opposed. The Ayes have it. The amendment is adopted.
32. Are there further amendments?

33. SECRETARY:

1. Amendment No. 4 offered by Senator Demuzio.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Demuzio.

4. SENATOR DEMUZIO:

5. Thank you, Mr. President and members of the Senate.

6. Amendment No. 4 simply stipulates that no more than two members

7. appointed shall be members of the same farm organization...

8. established farm organization. We've stipulated on pages...on

9. page 1, line 30...1 and 32. Well, shall I...I'll read from the

10. Act. Five members shall have been appointed by the governor

11. with the advice and consent of the Senate. One member...one

12. of the members appointed by the governor and not having been

13. nominated by the State Fair districts, one shall be associated

14. with organized labor, which is already in the bill, one shall

15. be associated with the business community in the State, which

16. is already in the bill, and none shall be members of any

17. professional farm organization to which two or more of the

18. members nominated by the State Fair districts belong. It

19. stipulates that the members appointed by the governor shall

20. include one individual with the experience as a livestock

21. producer, another individual with the experience as a farmer, another

22. individual with the experience as a business administrator, and

23. I think this so stipulates those individuals and the kind of back-

24. ground that they should have in order to implement this...this

25. State Fair bill. We do it in other bills, like we do for the

26. State Comprehensive Health Planning Agency when we stipulate

27. so many members to be providers, so many to be consumers, and

28. I don't see any reason why we can't have this amendment adopted

29. to this bill, so if there aren't any objections, I move for the

30. adoption of Amendment No. 4.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Is there further discussion? The question is, shall

33. Amendment No. 4 to House Bill 3858 be adopted? Those in favor

1. indicate by saying Aye. Those opposed. The Ayes have it.
2. The amendment is adopted. Are there further amendments? 3rd
3. reading. House Bill 3859, Senator Carroll. House Bill 3952,
4. Senator Savickas. House Bills, 1st reading. For what purpose
5. do you...
6. SECRETARY:
7. House...
8. PRESIDING OFFICER: (SENATOR DONNEWALD)
9. ...Just a moment. For what purpose do you arise, Senator
10. Buzbee?
11. SENATOR BUZBEE:
12. On a point of personal privilege here, Mr. President, I
13. would like...
14. PRESIDING OFFICER: (SENATOR DONNEWALD)
15. State your point.
16. SENATOR BUZBEE:
17. ...for the record to show that on House Bill 3856, I in-
18. advertently hit my No button and I meant to hit my red...my
19. green button, Yes.
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. The record will so show. House Bills 1st reading.
22. SECRETARY:
23. ...House Bill 3918
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. Assignment of Bills. Senator Knuppel, do you...is it your
28. desire to call House Bill 3858? Read the bill. We are 3rd
29. reading. House Bills 3rd.
30. SECRETARY:
31. House Bill 3858
32. (Secretary reads title of bill)
33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. Mr. President and members of the Body, this is the State
5. Fair Agency bill which has come over for the...from the House
6. which would change the nature of the direction of the Illinois
7. State Fair. It calls for a board of fifteen members. In
8. the initial instance, five to be appointed by the Governor,
9. five by the Secretary of State, and five by the Lieutenant
10. Governor to overcome the constitutional objection that was...
11. that were found in the earlier bill by the Supreme Court of
12. the State of Illinois. Once the interim board has served and
13. laid out districts...the districts to be ten or twelve counties
14. in total size...the...there will be members nominated by the
15. State...or by the County Fair Boards and suggested to the
16. Governor as appointees to this board. There'll be ten districts,
17. and the Governor may reject the people who are submitted to
18. him as nominees. If he does not object to them, they will be
19. appointed, and the Governor will then appoint five additional
20. members of his own. The bill as it now stands repeals the
21. earlier State Fair Agency bill we passed last year. It provides
22. for some political balance on the board as well as a business
23. experience in...in the light of farmers and businessmen, labor
24. and industry. I think this is the best job that we can do on
25. the bill. There are some amendments that may have to have some
26. further consideration if we have to go to a Conference Committee
27. with the House. I think it's a good bill. It'll tend to take
28. politics out of the direction of the Illinois State Fair. That's
29. something all of the people of the State of Illinois want. They
30. want to be proud of their agricultural fair here at Springfield,
31. and it's been harassed too long by politics and by scandals. I
32. think this is a good bill, and I would seek your support.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Is there further discussion? Senator Buzbee.

2. SENATOR BUZBEE:

3. Well, Mr. President, I think this a fair attempt to come
4. to some sort of a compromise and...between what was passed last year,
5. a bill which I opposed and...under the present system...a
6. compromise between the present system and what was attempted to
7. do last year. However, I still have some reservations. I
8. still question whether any agency of this government of a
9. magnitude of this size should not be responsible to somebody,
10. and I'm really...I'm hesitant to...I...I fail to understand
11. at this point who this agency...who the members of this board
12. would be responsible to. At least under the present system,
13. even though it may be bad, if there is politics, if there is
14. mismanagement and so forth, we know who that person is responsible
15. to. That person that's in charge of that agency is responsible
16. to the governor, and the governor is, of course, ultimately
17. responsible to the people. That's my hangup, my hesitancy on
18. this concept. I know the stories about this has worked in
19. Indiana and so forth, but I...I am very hesitantly supporting
20. the bill primarily because some of the main principal House
21. sponsors were my Representatives over there, and for that reason,
22. I'm going to go ahead and support the bill, but I may be back
23. in a year or so and say, I told you so.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Mitchler.

26. SENATOR MITCHLER:

27. Mr. President and members of the Senate, I certainly wouldn't
28. dispute any of the remarks of Senator Knuppel, because I think
29. he has worked very hard, not only this year but last year in
30. trying to construct something that will be an answer to a very
31. serious problem, that is, the operation of our Illinois State Fair.
32. It's just too bad that a state like Illinois cannot have a State
33. Fair operated and controlled by the governor without getting into

1. the political involvement that we have experienced over the
2. past years and have the scandals and all of the...actually the
3. cost to the taxpayer result from the operation of the Fair,
4. because Illinois is a great agricultural state, it's a great
5. industrial state, and this is where we show our products and
6. where the people of, not only Illinois, but all throughout the
7. Midwest and the entire United States come to look at Illinois
8. on parade. And this is an attempted answer to a problem, but
9. it is not the complete problem. I don't think it's going to
10. solve it until we recognize and have a State Fair...a presentation
11. from the State Fair in some way to have a five, ten, fifteen
12. year reconstruction program with a physical plant and then get
13. an organization within the operation of the State Fair that will
14. work. Now, a very similar operation I understand as we're
15. proposing now is functioned in other states. Let's give it a
16. try, certainly go along, because Senator Knuppel has worked
17. very closely with the local people. They don't think it's a
18. complete answer, but we're willing to give it a try. So, I'm
19. going to support the bill.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Soper.

22. SENATOR SOPER:

23. Thank you, Mr. President, with reluctance, I...I get from
24. the tone of your voice. Senator Knuppel, the only thing that
25. bothers me about this is when you said that if a...one of the
26. members of this board, a fifteen man board, didn't report or didn't
27. show up for three meetings, the governor would have the right
28. to remove him. Then you tell me that you have five that are
29. going to be put into this commission by the secretary of state,
30. five by the...by the lieutenant governor and five by the governor.
31. Now, wouldn't that give the governor an advantage over the...
32. over this situation? Suppose he didn't choose to...to take
33. ...take that proposition if...if one of his...his own people didn't

1. report for three meetings, but then if some...if one of the
2. designated commissioners would...that was designated say by the
3. lieutenant governor or by the secretary of state, if he didn't
4. report for three, he'd fire him. I think...I think you're
5. going to have a little problem here. Nobody will know who is on
6. first, who is on second, but how do you remedy that?

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Is there further discussion?

9. SENATOR SOPER:

10. Be more politics than ever before.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Is there further discussion? Senator Demuzio.

13. SENATOR DEMUZIO:

14. Well, first of all to answer,..Senator Soper, I think that
15. in that particular instance to which you described that vacancy
16. would then revert back to the local district from whence...
17. from whence he came. I think that Senator Knuppel has done
18. a great job on this bill, and I think with the amendment so
19. stipulating the areas of expertise that these individuals should have in
20. the original appointments, the kind of guidance that is provided
21. in this bill. I, too, had the same concerns last time that
22. Senator Buzbee expressed just a few minutes ago and was opposed
23. to this bill last time, but I think that the bill has substantially
24. tightened up to the...to the extent that we have responsible
25. people that are being selected by the people back in the districts
26. to which we represent, and I think that this is putting the
27. State Fair Agency in capable hands when you can do something like
28. that. I want to say that I support this bill. I didn't last
29. time, but I think you've done a commendable job in attempting
30. to take the political aspects out of the State Fair. Thank you.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Netsch.

33. SENATOR NETSCH:

1. Thank you, Mr. President. With some sadness, I will vote
2. Yes on the bill, also this time. I think the problem is that
3. when a program is not working well, a feeling develops that by
4. changing a structure to quote - take it out of politics - unquote
5. somehow it is going to solve all of the problems and that
6. program will begin working well. I doubt very much if that will
7. happen, particularly in the case of the State Fair. The...it's
8. a been problem for years and it probably will continue to be
9. in someone's estimation at every...at any given time. It does
10. seem to me, however, that the people who are most deeply involved
11. with it and most committed to it are sufficiently unhappy, that
12. they deserve a chance to try to demonstrate that a different
13. form of structure, one which I regret to say is going to be
14. considerably less responsible and less responsive or may be. They
15. had...they deserve to have that chance to see whether or not
16. it will make a difference. I very strongly predict it will not
17. make a difference, but I think it is their choice and they have
18. that opportunity which should be accorded them.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Question is, shall House Bill 3858 pass? Those in favor
21. vote Aye. Those opposed Nay. The voting is open. (machine
22. cutoff) those voted who wish? Have all those voted who wish?
23. Take the record. On that question, the Ayes are 53, the Nays
24. are none, 1 Voting Present. House Bill 3858 having received a
25. constitutional majority is declared passed. We are now going
26. to recess until the hour of seven. Be reminded that Revenue
27. and Appropriations will meet at...immediately. Senate stands in
28. recess...until 7:00 p.m. Senator Hynes.

29. SENATOR HYNES:

30. Mr. ... Mr. President, the Appropriations Committee will
31. not meet until 3:15. 3:15 for the Appropriations Committee.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Partee.

1. SENATOR PARTEE:

2. Is Senator Harris...no, there he is. Senator Harris,
3. I recognize that some of us have to go to either Revenue
4. or Appropriations, but there have been some requests made...
5. some rather serious requests about bills in the Rules Committee,
6. and I'd like to have a Rules Committee meeting immediately.
7. Hopefully, we can get out very fast and get down to our other committees

8. SENATOR HARRIS:

9. All right.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Harris.

12. SENATOR HARRIS:

13. Well, thank you, Mr. President. Senator Mohr and I, of
14. course, will be there, but before we get to that, might we revert
15. to the order of motions? I have a bill in which...you are
16. interested, and, in fact...

17. SENATOR PARTEE:

18. Oh, yes.

19. SENATOR HARRIS:

20. ...it's a series of three bills.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Well, technically...

23. SENATOR PARTEE:

24. Well, no...no...the Senate was called to recess. Now, you
25. can call the Senate back in order for the purpose of this motion.
26. That's very simple.

27. SENATOR HARRIS:

28. Okay. We'll...we'll take it up at seven.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Carroll.

31. SENATOR CARROLL:

32. Thank you, Mr. President. Because of the announcement of
33. the President of the Senate and the minority leader, we will have

1. the Revenue meeting one half hour after the recess was announced
2. which would make it at about twenty minutes to three. Also, I've
3. been asked to post 3965 House Bill and ask that the six day notice
4. be waived and that the...bill...be heard.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. You could ratify that at seven.

7. SENATOR CARROLL:

8. Okay.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Schaffer.

11. SENATOR SCHAFFER:

12. I have a similar request for a similar ratification for
13. the Revenue Committee if I could. I haven't had a chance to
14. talk to Senator Carroll, but I'd like to have House Bill 3918
15. which just came out Rules heard today.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. ...Just a minute. We're still in recess, gentlemen.

18. Senator Dougherty.

19. SENATOR DOUGHERTY:

20. I'd like to have to announce that there'll be a meeting of
21. the Committee on Local Government at 8:30 tomorrow morning in
22. Room 212. The meeting was held originally this morning. We
23. didn't have time to continue our program so we are in adjourn-
24. ment until 8:30 tomorrow morning in Room 212.

25. (RECESS)

26. (AFTER RECESS)

27. PRESIDENT:

28. I'll get to you in a minute. The hour of seven having
29. arrived, the Senate will come to order. Committee reports.

30. SECRETARY:

31. Senator Hynes, Chairman of the Appropriation Committee,
32. reports out House Bill 3376, 3379, 3417 and 3816 with the
33. recommendation Do Pass.

1. Rules Committee met on June the 22nd pursuant to notice.
2. The following members were present: Senators Partee, Donnewald,
3. Rock, Mohr...Howard Mohr and Harris. By unanimous vote, the
4. following bills were reported out of Committee, ordered read a
5. first time and referred to the Committee on Assignment of Bills:
6. House Bills 3124, 3555, 3759, Senate Bill 1949.
7. PRESIDENT:
8. Read the bills. Senate Bills 1st reading.
9. SECRETARY:
10. Senate Bill 1949
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. PRESIDENT:
14. Senator Wooten.
15. SENATOR WOOTEN:
16. Mr. President, I move that the Committee on Assignment on
17. Bills be discharged...that the bill be discharged from...further
18. consideration by the Committee on Assignment of Bills and then it
19. be advanced to the order of 2nd reading without reference to
20. committee.
21. PRESIDENT:
22. You've heard the motion. All in favor say Aye. Opposed
23. Nay. The Ayes have it. The motion carries. House Bills on 1st.
24. SECRETARY:
25. House Bill 3759, Senator Harris is the sponsor.
26. (Secretary reads title of bill)
27. 1st reading of the bill.
28. PRESIDENT:
29. Senator Harris, for a motion.
30. SENATOR HARRIS:
31. Thank you, Mr. President. I would like to move that the
32. bill be advanced to the order of 2nd reading without reference
33. to committee.

SB 1997
6-22-76
RECALL

1. PRESIDENT:

2. You heard the motion. All in favor will say Aye. Opposed

3. Nay.. The Ayes have it. The motion carries.

4. SECRETARY:

5. House Bill 3124. Senator Glass is the sponsor.

6. (Secretary reads title of bill)

7. 1st reading of the bill.

8. PRESIDENT:

9. Assignment of Bills. Senate will be at ease for a moment.

10. The Senate will be at ease for a moment. The Chair...may I

11. have your attention. The Chair is informed that the Revenue

12. Committee is still in session, and many of our members are

13. still there. The Senate will be in recess until 7:30.

14. (Recess)

15. (After Recess)

16. PRESIDENT:

17. The Senate will come to order. Will the members be in their

18. seats and all unauthorized persons please leave the Floor.

19. It is the Chair's position that if we move with some dispatch,

20. we won't be here all night, so we can get started and move

21. with some dispatch, it'll be in everybody's best interest.

22. Page 7 on the Secretary's Desk for concurrences. Senate Bill

23. 1498, Senator Hynes. Senate Bill 1500, Senator Lane. Senate

24. Bill 1606, Senator D'Arco. Senate Bill 1609, Senator Knuppel.

25. At Senator Knuppel's desk, could we have a little quiet please,

26. so that Senator Knuppel can hear himself think. He thinks

27. loudly as he does...Senator Knuppel. Page 7 on your calendar.

28. SENATOR KNUPPTEL:

29. Pass it for a minute.

30. PRESIDENT:

31. We'll pass it for a minute. Senate Bill 1619, Senator

32. McCarthy. Senate Bill 1628, Senator Weaver. I see a lot of

33. people who want to be around here till the 3rd of this July.

AB 1991
6/28/76
Kane

1. Senate Bill 1637, Senator Hynes. 1637 on concurrences. Page 7
2. on your calendar, about three inches from the bottom. Senate
3. Bill 1646, Senator Buzbee. Senate Bill 1684, Senator Brady.
4. Senate Bill 1934, Senator Carroll. A lot of progress there.
5. Secretary's Desk on the order of nonconcurrences, the final page
6. on your...House Bill 2804, Senator Vadalabene. House Bill
7. 3370, Senator Joyce. House Bill 3820, Senator Joyce. Senate
8. Bills on 3rd reading. Senate Bill 1997. Senator Daley has
9. a motion.

10. SENATOR DALEY:

11. Mr. President and fellow Senators, I'd like to bring Senate
12. Bill 1997 back to 2nd reading for an amendment.

13. PRESIDENT:

14. Is leave granted? Leave is granted. Senate Bill 1997 is
15. on the order of 2nd reading. Senator Daley is recognized.

16. SENATOR DALEY:

17. This is Senator Sommer's amendment.

18. PRESIDENT:

19. Senator Sommer.

20. SECRETARY:

21. Amendment No. 1 offered by Senator Sommer.

22. PRESIDENT:

23. No, the bill has already been amended. This cannot be
24. No. 1. It shows it's been amended. Maybe it has not, but the
25. calendar shows it has been. Think two amendments...two previous
26. amendments. Amendment No. 3, Senator Sommer.

27. SENATOR SOMMER:

28. Mr. President and members, some downstate counties use
29. the deferred...

30. PRESIDENT:

31. Now, just one moment...just one moment. Will the members
32. be in their seats. Maybe have some order? Senator Sommer.

33. SENATOR SOMMER:

DB 1991
6/22/76
Rivace

1. Mr. President and members, some downstate counties use the
2. deferred prosecution system rather than the system proposed in
3. Senator Daley's bill, and all this does is allows that that
4. practice continue and it be offered to the defendants before
5. they go into this other program.

6. PRESIDENT:

7. Any further discussion? Senator Netsch.

8. SENATOR NETSCH:

9. Senator Sommer, we don't seem to have a copy of it. Would
10. you just explain what it says? I heard....

11. PRESIDENT:

12. Senator Sommer.

13. SENATOR SOMMER:

14. What it...what it says is, that in the event a person who
15. commits a misdemeanor or a violation of the Illinois Vehicle
16. Code is offered participation in an approved deferred prosecution program,
17. one that's approved by the chief circuit judge of the circuit,
18. that he can no longer be eligible for the...the program proposed
19. in Senator Daley's bill. In other words, he's got to make his
20. choice early in those counties that have it. Cook County doesn't
21. have it, but a number of downstate counties do.

22. PRESIDENT:

23. Senator Netsch.

24. SENATOR NETSCH:

25. No, that's fine.

26. PRESIDENT:

27. Senator Daley.

28. SENATOR DALEY:

29. I talked to Senator Sommer. It's a good amendment. I make
30. a motion then that Amendment No. 3 be adopted.

31. PRESIDENT:

32. Any further discussion? Senator Fawell.

33. SENATOR FAWELL:

15/991
6/20/76
Rec'd

1. Senator Sommer, excuse my ignorance, but what is a deferred
2. prosecution program?

3. PRESIDENT:

4. Senator Sommer.

5. SENATOR SOMMER:

6. That's a program that's entered into by a variety of down-
7. state counties, Senator, in which the...the State's attorney and
8. the judges create a program and each person who finds himself
9. under the purview of the law having committed some sort of offense
10. or having allegedly committed a offense is asked whether he
11. wishes to participate in this program. It's basically for
12. juvenile or younger people. They sign a contract that's approved
13. by the prosecutor and the court in which they agree to certain
14. conditions. That is, they say they will finish school and they
15. will report to an officer or probation group every other Tuesday
16. night and they will engage in certain acts and that's...that's
17. what it is, and then in exchange for that, the prosecution is
18. ultimately dropped at the termination of the contract,
19. whether it be a year or two years, whatever it is, if they complete
20. it. If it's not, the prosecution is continued.

21. PRESIDENT:

22. Senator Egan...Senator Fawell, I'm sorry.

23. SENATOR FAWELL:

24. Yeah...well, Mr. President, I'm a little bit concerned about
25. whether we're just creating something here that the statute doesn't
26. authorize at all. Is there a plea of guilty before one enters
27. into this deferred...I know nothing in the statutes that authorizes
28. that...that procedure and maybe there are those here who...and
29. Senator...Senator...

30. PRESIDENT:

31. Just a moment...

32. SENATOR FAWELL:

33. ...Roe might have some...

DB 1991
6/20/76
Krause

1. PRESIDENT:

2. ...just a moment. Now, wait just a moment. There's just
3. ...get me another gavel. There just has to be some order if we're
4. going to have an orderly process here tonight, and happy hour is
5. over. We're back here to do business. Senator Sommer.

6. SENATOR SOMMER:

7. You're correct, Senator Fawell. There is nothing in the
8. statute, nor...nor is there anything in the statute concerning
9. supervision. These are both essentially being validated by this
10. Act, but it is a practice that occurs in numerous downstate
11. counties pursuant to agreements with the court and the state's
12. attorneys.

13. PRESIDENT:

14. Senator Fawell.

15. SENATOR FAWELL:

16. All right. Now, I think everybody in this Body ought
17. to just pause and give some thought to what we're doing here
18. then. Now, we understand, I think, that we are attempting in
19. this legislation to validate the supervisory procedures which
20. courts really as it turns out invalidly were utilizing. Now,
21. we're attempting to incorporate into the Statutes something
22. which is called deferred prosecution, and there's no definition,
23. of by what...what we mean by deferred prosecution. I mean,
24. again, is there a plea of guilty? ...When does the so-called...

25. PRESIDENT:

26. Now, just a moment. At the back of the room...will the
27. Sergeant-at-Arms remove those persons, please. Senator Fawell,
28. you may continue.

29. SENATOR FAWELL:

30. ...Well, I don't...I don't...would it be possible to let
31. me look at that amendment and do some discussing, and maybe we
32. could save some time here, and come back to this. I...I am concerned
33. about loading this legislation now with something that really...

DB 199
6/22/76
Rec'd

1. PRESIDENT:

2. Senator Egan.

3. SENATOR EGAN:

4. Thank you, Mr. President and members of the Senate. Senator
5. Fawell, I may be able to shed some light. The downstate State's
6. attorneys have never used the system of supervision and the
7. reason...one of the reasons is that they have a deferred
8. prosecution system. In Cook County the...the system of placing
9. defendants on supervision has, in fact, been highly successful.
10. It has met with the approval of the former and present State's
11. attorney in Cook County. The caseload in Cook County is much
12. greater than those counties downstate. It is a method of the
13. ...the best ends of criminal justice in that county and I have
14. met with the downstate State's attorneys in hopes that they
15. could embrace this system, but I have met with antagonism. This
16. amendment allows the State's attorney to decide who he's going
17. to prosecute in those areas where the deferred prosecution system
18. is used, rather than turn that over, as it were, to the judicial
19. branch after a plea of guilty. The State's attorney then has
20. control of the matters of criminal jurisprudence in his county.
21. I support the amendment, because it assists the State's attorneys
22. outside of Cook County who cannot live with the supervision
23. system or at least don't think that they can. The...the whole
24. idea of the supervisory system...the supervision system is to
25. clear the court dockets of cases that arise because of...of
26. the charge that has been levied. Well, I...I thought maybe I
27. could alleviate the fears of...of Senator Fawell, but in any
28. event, Senator...Senator Sommer, I would say...I just ask you
29. this question that if...if this amendment is adopted, I under-
30. stand that many of the opponents that are within the State's
31. Attorneys Association would remove their objection to the
32. legislation and that...and again, that is a reason why I support
33. the amendment, isn't that correct?

JB 1991
6/22/76
Rivale

1. PRESIDENT:

2. Senators...Sommer.

3. SENATOR SOMMER:

4. I...I...Senator Egan, I cannot speak for all of the State's
5. attorneys, but I know that this would validate the deferred
6. prosecution program, and therefore, would make them do what
7. they're always doing and they'd be very happy, I think, but I cannot
8. speak for all of them. No.

9. PRESIDENT:

10. Senator Roe.

11. SENATOR ROE:

12. Mr. President and members of the Senate, I...I think that
13. I can explain what the deferred prosecution program is. I don't
14. know if after I've explained it, that that will satisfy anybody
15. as far as the questions that they might have. First of all, I
16. think you have to put the deferred prosecution program in proper
17. perspective. It only exists in about a half a dozen downstate
18. counties. I might add that in the counties where it does
19. exist, there is less than unanimous acclaim for the program. It
20. originated through a Federal government grant that was available
21. a year or two ago to counties that wanted to establish this
22. informal system, and the grant ran for one year. It is now run
23. out and some of the counties that had deferred prosecution are
24. faced with funding the cost of that program themselves without
25. Federal help, and some are going to go ahead with it and some are
26. not. Now, by custom, what this program consists of, is a contract
27. between the state's attorney's office and the person charged
28. with an offense and the practice in most counties is to limit
29. deferred prosecution to misdemeanors and traffic offenses
30. although it does...it does exist in practice as to some felonies.
31. But I...I want to make it very clear that that there are no formal
32. statutory standards involved in this program, and it is a question
33. of discretion by the State's attorney as to who gets into the program

AB 1997
6/22/76
Rural

1. and who doesn't get into the program, and the practice is
2. that if a person is charged, shall we say, with drunk...driving
3. under the influence and the State's attorney decides that he's
4. going to defer prosecution of that individual, what he does
5. is, go to court, dismiss the charge against the person with
6. leave to reinstate the charge if he does not satisfactorily
7. complete the program whether the...and the program normally
8. for a charge like that might be six months to a year and
9. consist of going to a couple of movies a month about not
10. drinking and driving, and it could include other things similar
11. to what would happen when a person was on probation. Now,
12. in practice, this does not involve any court supervision.
13. It involves...entirely a decision within the State's attorney's
14. office, and there is no statutory authority for it and I...I
15. have some reservations about this amendment because it does
16. create something called county deferred prosecution without
17. any definition of what it is and without any court approval
18. of what it is.

19. PRESIDENT:

20. Senator Don Moore.

21. SENATOR MOORE:

22. Thank you, Mr. President. I rise in support of this
23. amendment, Mr. President. We have different problems in the
24. State of Illinois. We, in Cook, Lake and DuPage County have
25. a problem with supervision. Senator Sommer's and some counties
26. downstate, they have problems with their deferred prosecution
27. program. You leave us alone, leave us solve our problem in
28. Cook County, and we'll leave you alone and you solve your
29. problem downstate. I think this is a good amendment, and I
30. urge the support of this amendment.

31. PRESIDENT:

32. Senator Glass.

33. SENATOR GLASS:

SB 199
6/22/76
Russell

1. I'd like to ask a question of the sponsor, Mr. President.

2. PRESIDENT:

3. He indicates he'll yield.

4. SENATOR GLASS:

5. Senator Sommer, if this amendment was not added, is there
6. anything to prevent deferred prosecution from continuing as it
7. has in the past in these downstate counties?

8. PRESIDENT:

9. Senator Sommer.

10. SENATOR SOMMER:

11. Yes, Senator Glass, a...the practical problem would arise, in which
12. people would say, what the heck, let's shoot dice. If I get convicted,
13. I'll probably be under the...the written and...written guidelines
14. of the...whatever that's called...the supervision program...if
15. I get convicted. If I don't get convicted, I'm off the hook.
16. You see, it lets the...it lets the defendant make a total choice
17. on that and he gets out both ways. This way it makes him stick
18. to a much, much more rigorous contract in the beginning. If he's
19. at all worried that's he going to be convicted, he will sign
20. this contract to show up and do what he has to do. But if...if
21. this isn't in there, he's simply going to shoot the dice, I
22. think, on it.

23. PRESIDENT:

24. Any further discussion? Senator Daley may close the debate.
25. Oh, I'm sorry. It...it's your amendment. Senator Sommer may
26. close the debate.

27. SENATOR SOMMER:

28. I would ask for approval.

29. PRESIDENT:

30. Question is, on the adoption of the Amendment No. 3 to
31. Senate Bill 1997. Those in favor will say Aye. Opposed Nay.
32. The Ayes have it. Are you seeking a roll call? I was just reading
33. your lips. I couldn't hear you, Senator. A roll call has been

SB 1997
6/22/76
Recall

1. requested on Amendment No. 3 to Senate Bill 1997. Those in
2. favor will vote Aye. Opposed will vote Nay. The voting is
3. open. Have all voted who wish? Take the record. On this
4. question, the Ayes are 39, the Nays are 6, with 1 Voting Present.
5. Senate Bill 1997 having...Senate Bill...Amendment No. 3 to
6. Senate Bill 1997 is adopted. Any further amendments?

7. SECRETARY:

8. Amendment No. 4 offered by Senator Roe.

9. PRESIDENT:

10. Senator Roe.

11. SENATOR ROE:

12. It has...

13. SECRETARY:

14. It's...it begins, Senator Roe, by on page 1, by deleting
15. lines 8 and 9.

16. SENATOR ROE:

17. Thank you, Mr. Secretary. Mr. President and members of
18. the Senate, the...this is a very short amendment. I haven't
19. distributed it. I will distribute it if there's a request.
20. But the only change this amendment makes is that it prohibits
21. the granting of supervision under Senate Bill 1997 if there has
22. been a trial, that's a trial...bench trial, jury trial and
23. it would require supervision to be granted on a finding of guilty
24. or a plea of guilty at that time and at no other time. And I'll
25. be glad to answer any questions and explain the genesis of this
26. amendmer: if anybody is interested.

27. PRESIDENT:

28. Senator Daley.

29. SENATOR DALEY:

30. Mr. President and fellow Senators, I stand in opposition
31. to Amendment No. 4. There is a problem with the amendment. It
32. states, where there's a finding of guilty before the commencement
33. of a trial. I don't know how they can find a person guilty before

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6/22/76
Rusale

1. the commencement of a trial. He has to plead guilty or he has
2. to go on trial. I think there's an inconsistency here and that's
3. why I want this amendment to be defeated.

4. PRESIDENT:

5. Senator Roe.

6. SENATOR ROE:

7. With all...with all due respect to Senator Daley, that it
8. is not correct. It is very common for a judge to find a person
9. guilty, and I'll give you a very much used example of that where
10. there's a...an accident case where there's property damage, a
11. person is charged with failure to yield. A guilty plea would be
12. admissible in a civil suit as a result of the automobile
13. accident. A finding of guilty where the person...stood mute, took
14. no trial, and the judge found him guilty would not be. That's
15. an example. Now, what this amendment...

16. PRESIDENT:

17. Senator Don Moore.

18. SENATOR ROE:

19. ...maybe...maybe that's not true in Cook County, and that's
20. the biggest...

21. PRESIDENT:

22. Senator Don Moore.

23. SENATOR DON MOORE:

24. I...I...I know it's not too noisy in here, Mr. President,
25. and I thought I heard what Senator Roe said, but my ears don't
26. believe what he said and I wish he would repeat how you can be
27. found guilty before the commencement of a trial. Would you
28. reiterate that again for me, Senator please?

29. PRESIDENT:

30. Senator Roe.

31. SENATOR ROE:

32. You obviously consent to a finding of guilty without actually
33. pleading guilty. That occurs day after day in and out of all

1. counties in downstate Illinois, and I assume it occurs in
2. Cook County.

3. PRESIDENT:

4. Senator Don Moore.

5. SENATOR DON MOORE:

6. Well, Senator Roe, it does not apply in Cook County. I
7. don't know of anyone that has been found guilty by consent. There
8. has to be some presentation of evidence. I can see a trial
9. being commenced and the witnesses sworn, and the State putting
10. on their case, and the defendant standing mute. In which case if
11. he's found...if the judge feels that the evidence is beyond
12. a reasonable doubt, he'd be found guilty, but...but, there,
13. in effect, is some evidence heard and I just can't see how someone
14. can be found guilty before the commencement of a trial. I
15. think this is a bad amendment, Mr. President.

16. PRESIDENT:

17. Any further discussion? Senator Egan.

18. SENATOR EGAN:

19. Senator Roe, I wonder if you would take this out of the
20. record, I...I'd like to discuss it with you further. There is
21. no such thing in Illinois, as you well know, of a plea of nolo
22. contendere, but you're...you're...this...this amendment is defective in
23. ...in my opinion, and I...if...if we had an opportunity to further
24. discuss it, I'd appreciate it.

25. PRESIDENT:

26. Senator Roe.

27. SENATOR ROE:

28. Well, Senator Egan, I'm just following the language of
29. the...of the bill, and the bill itself says finding of guilty.

30. PRESIDENT:

31. Senator Palmer...oh, pardon me, Senator Egan.

32. SENATOR EGAN:

33. I...I...

SB1997
6/15/76
Recall

1. PRESIDENT:

2. You're not finished, I'm sorry.

3. SENATOR EGAN:

4. Well, I...I understand that, but it says upon a plea of
5. guilty or a finding of guilty. That is what the bill says, but
6. that...that implies that a trial has commenced and...and there
7. has been a finding pursuant to the trial. What your language
8. does is indicate that you...a trial is not necessary for a
9. finding. In my opinion, that...that it is not so and if we
10. could discuss this further perhaps...perhaps we could work
11. the...the matter to the satisfaction of those State's attorneys
12. downstate that prefer this over the system of supervision.

13. PRESIDENT:

14. Pardon me. Senator Roe.

15. SENATOR ROE:

16. Well, I'll take it out of the record, Mr. President.

17. PRESIDENT:

18. Take it out of the record. Any further amendments?

19. SECRETARY:

20. Amendment No. 4 offered by Senator Roe.

21. PRESIDENT:

22. Senator Roe.

23. SENATOR ROE:

24. This amendment very simply prohibits the granting of
25. supervision to the same individual twice.

26. PRESIDENT:

27. Senator Daley.

28. SENATOR DALEY:

29. Mr. President and fellow Senators, I stand in opposition
30. to Amendment No. 5. I think you're prohibiting a man who could
31. be eligible for supervision on his second offense, not only on
32. his first year, but how about the second, or third, or fourth, or fifth,
33. or sixth year. There's no...no time limitation in regards to this

AB 1997
6/20/76
Rural

1. amendment. I think it's a bad...bad amendment. I stand in
2. opposition to this amendment.

3. PRESIDENT:

4. Senator Carroll.

5. SENATOR CARROLL:

6. Thank you, Mr. President. I also rise in opposition to
7. Amendment...this amendment. I think it..not only does not
8. make common sense, it is also unworkable. You would have, for example,
9. a person placed on supervision for a red light offense for
10. allegedly running through a light that was no longer green or
11. yellow and then tell a court where he had been arrested for
12. maybe speeding or some other misdemeanor unrelated to traffic
13. to know that he had, in fact, been placed on supervision for
14. a red light offense and then he is not eligible for supervision
15. of some misdemeanor offense that the court feels is an appropriate
16. adjudication of that. I think that the record keeping makes
17. it unworkable and the practical common sense effect of it
18. makes it unworkable, and I would urge its defeat.

19. PRESIDENT:

20. Senator Don Moore.

21. SENATOR MOORE:

22. Thank you, Mr. President and members of the Senate. I think
23. this is a bad amendment, too. I think the discretion should
24. be left to the judge. I think Senator Carroll's observation on
25. the difference between a red light and a Class A misdemeanor is
26. a typical example of...I think that we should have enough con-
27. fidence in our judicial branch of government to leave the
28. courts have this discretion. I think this is a bad amendment,
29. Mr. President.

30. PRESIDENT:

31. Senator Roe may close the debate.

32. SENATOR ROE:

33. Mr. President, as I indicated yesterday, I do not intend

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6/25/76
Rivale

1. to support the bill at final passage stage if it...you know, is in
2. the condition it's in, so I think I have indicated that to the
3. Senate. I think this is a constructive change, however, and I
4. think, whether you think it's a good or bad amendment depends
5. on whether you agree or not with the philosophy of supervision,
6. and supervision informally has been a very common occurrence
7. in Cook County and some of the large suburban counties for many
8. years. Now, we're putting it into statutory authority if we
9. pass this bill. I personally do not think supervision is a
10. good concept. The State's Attorneys Association does not with
11. the exception of two or three State's attorneys and whether or
12. not you think it's good or bad amendment, basically it boils
13. down to whether you think the supervision bill in statutory
14. form is a good or bad bill for the State of Illinois, and I
15. thank you.

16. PRESIDENT:

17. The question is on the adoption of Amendment No. 4 to
18. Senate Bill 1997. Those in favor will say Aye. Opposed Nay.
19. Amendment No. 4 fails. Any further amendments? 3rd reading.
20. For what purpose does Senator Morris arise?

21. SENATOR MORRIS:

22. You went to Senate Bills on 3rd reading just as you came
23. to this bill and according to my calendar you...you accidentally
24. slipped over Senate Bill 1977.

25. PRESIDENT:

26. If you had been here, Senator, or if you had...

27. SENATOR MORRIS:

28. I was here, Senator...

29. PRESIDENT:

30. ...been listening...just a moment. If you had been listening,
31. you would have heard me ask leave to go to Senate Bills on 3rd
32. reading and then to ask for Senate Bill 1997 for the purpose
33. of bringing it back for an amendment. We did not start at the

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P. 111

1. beginning. We did not accidentally slip over anything. Senator
2. Daley.

3. SENATOR DALEY:

4. I requested that from the Floor in regards to bringing back
5. a House Bill...Senate Bill 1997 for Senator Sommer and Senator
6. Roe earlier this morning. I asked it on the Floor tonight.

7. PRESIDENT:

8. Thank you for correcting the record, but I don't like slipshod
9. remarks like that. Senator Morris.

10. SENATOR MORRIS:

11. Senator Partee, I would request that we stay on the order
12. of 3rd reading and take Senate Bill 1977 at this point.

13. PRESIDENT:

14. We're going to go to the Senate Bills on 3rd reading, and
15. we're going to start with the first bill. Senate Bill 1516,
16. Senator Carroll. Senate Bill 1584, Senator Shapiro. Senate
17. Bill 1712, Senator Hynes. We'll be there before you know it.
18. Senate Bill 1801, Senator Bruce. Senate Bill 1847, Senator
19. Knuppel. Read the bill. Is there leave to take Senate Bill
20. 1847 back to the order of 2nd reading for the purpose of an
21. amendment? Leave is granted. Senate Bill 1847 is on 2nd reading.
22. Senator Knuppel is recognized.

23. SENATOR KNUPPEL:

24. I think I have amendments there on the Desk that I wanted to
25. offer to 1847.

26. PRESIDENT:

27. Read the amendment.

28. SECRETARY:

29. Amendment No. 1 offered by Senator Knuppel.

30. PRESIDENT:

31. Senator Knuppel.

32. SENATOR KNUPPEL:

33. Well, give me some help on it. I think...I think Amendment...

1. SECRETARY:
2. Amendment...

3. SENATOR KNUPPEL:
4. ...No. 1...

5. SECRETARY:
6. ...No. 1.

7. SENATOR KNUPPEL:
8. ...what that does is provide that court reporters...this
9. originally started out...what?

10. SECRETARY:
11. It's your long amendment...long amendment.

12. SENATOR KNUPPEL:
13. It's a long amendment. It provides that court reporters
14. will receive the same per page rates as has been heretofore
15. enjoyed by court reporters and it'll be the prevailing rate,
16. and that's the purpose of that amendment that is to give them
17. the same...there's two ways they're paid. An explanation was
18. passed out this morning. This amendment gives them the right
19. to charge on a page for a transcript the same as a court reporter.
20. I move the...the adoption of the amendment.

21. PRESIDENT:
22. Any further discussion? Senator Nimrod.

23. SENATOR NIMROD:
24. Yeah, Mr. President, a question from the sponsor.

25. PRESIDENT:
26. He indicates he'll yield.

27. SENATOR NIMROD:
28. Yeah, Senator Knuppel, I know you're changing the amendment
29. from eighty cents a page to some other figure, but it becomes
30. rather vague. What does that refer to? What...what is...what
31. ...what...what prevailing rate? Where?

32. PRESIDENT:
33. Senator Knuppel.

1. SENATOR KNUPPEL:

2. Well, the prevailing rate...this is...this does not fix
3. the amount where it has to be changed everytime by the General
4. Assembly. The prevailing rate at the present time, I think, is
5. about a dollar and fifty-five cents a page for a...for regular
6. court reporters if you want a transcript of a...of a record
7. that's been made in court. It is actually one fifty-five per
8. page, and this changes from time to time. It's not...it's not
9. fixed by the statute.

10. PRESIDENT:

11. Senator Nimrod.

12. SENATOR NIMROD:

13. Yeah, Senator Knuppel, my only concern about this is that
14. these court reporters who work in the Industrial Commission have
15. a captive market and they get so much work every day and because
16. of that load that's there, they get extra work for it...they
17. get a basic salary. They get some extra funds that the others
18. do not get, and they have this particular availability. It's
19. not like they're in a pool. They're assigned and they go ahead
20. with it. They would be having a...or a greater earning capacity
21. than the others since they are actually working for the State.
22. It's seem to me in this case that you can't go by the prevailing
23. rate and that's the only thing that...because that it is a figure
24. that is set by the market and not by the...the work that's
25. given them for the State employees.

26. PRESIDENT:

27. Senator Knuppel.

28. SENATOR KNUPPEL:

29. Well, of course, the answer to that is that this rate has
30. not been raised since 1967, so that it does lag far behind.
31. In fact, it's only about two-thirds of what other court reporters
32. get, and a matter-of-fact in downstate Illinois...I don't
33. know what your experience is in the Cook County area, but in

1. downstate Illinois, just because it's not lucrative enough, we're
2. waiting sometimes as long as two years to get a record on
3. appeal in a Workmen's Comp. case, I feel it's time to upgrade
4. these. I feel that if somebody works nights, weekends typing
5. up a transcript, it's worth just as much as if they were an
6. industrial reporter as if they're a court reporter.

7. PRESIDENT:

8. Senator Nimrod.

9. SENATOR NIMROD:

10. Well, the only thing that I...I say is, that I think we
11. are giving them an...an advantage and I...I'm not sure that
12. I have all the information available that...to go ahead, but
13. it seems to me when we are going to be doubling the rate...I
14. know having worked in the Industrial Commission...about three or
15. four years ago, I know the court reporters did get some increases,
16. but there...there seems to me we are now going to eliminate
17. the necessity of the court reporters ever coming back here
18. for any kind of an adjustment. We're giving up total control
19. in this particular area, and I am not so sure that's that what
20. we really want to do with this; but this amendment of yours
21. takes it totally out of our hands.

22. PRESIDENT:

23. Senator Weaver.

24. SENATOR WEAVER:

25. Thank you, Mr. President. Question of the sponsor.

26. PRESIDENT:

27. He indicates he'll yield.

28. SENATOR WEAVER:

29. I was just wondering, Senator Knuppel, in this bill, is
30. there some requirement that there be a two inch or three inch
31. margin on both sides of the paper and triple spaced or I...you
32. know...those reports I've seen, it seemed liked they could get
33. about three times as much on every page as they have on the pages?

1. This is what bugs me a little bit. Now, what's in the bill?

2. PRESIDENT:

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Well, when I have to pay for them, I feel just about the same
6. way you do, but the fact is I pay that same amount whether it's
7. a court reporter or whether it's an Industrial Commission
8. reporter. In fact, I think I get more on a page from a reporter
9. for the Industrial Commission than I do a court reporter.

10. What this is designed to do is not to test the fairness or the
11. unfairness of the changes but...or charges, but to bring them
12. in line and to be able to provide. We have a shortage of court
13. reporters even for the courts, and what's happening, the courts
14. are getting first call, and those people who have industrial
15. accidents are waiting in the second row for court reporters, and
16. my experience is that these people work much harder than court
17. reporters who generally report at nine-thirty or ten o'clock
18. in the morning, while the Industrial Commission person travels
19. all over the State and may leave home as early as seven o'clock
20. in the morning. Now, I don't disagree with you that it's pretty
21. good pay for one page of work, but it's the same for a court
22. reporter and you don't get anymore.

23. PRESIDENT:

24. Senator Weaver.

25. SENATOR WEAVER:

26. Well, I'm not arguing with the work they do and the manner
27. in which they do it, but it just seems like for those reports and...
28. that I've read from court reporters that...my God, they'd get four
29. pages on one page and it seems like kind of a rip off. I'd rather
30. give them five dollars a page or whatever the fee is and get it
31. all on one page rather than have four or five pages...and I'm
32. not a lawyer.

33. PRESIDENT:

1. Senator Harber Hall.

2. SENATOR HARBER HALL:

3. Would the...would the sponsor yield?

4. PRESIDENT:

5. He indicates he'll yield.

6. SENATOR HARBER HALL:

7. Senator Knuppel, in the bill, does it provide for payment
8. for copies, and if so, how much?

9. PRESIDENT:

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. This is the part we've been discussing. It says that they
13. will be compensated at the prevailing rate. Heretofore, it's
14. had a fixed amount of one dollar. The prevailing rate would be
15. that that's being charged, I assume, by regular court reporters
16. that's supervised by the court administrator, and at the present
17. time, that is a dollar and fifty-five cents a page.

18. PRESIDENT:

19. Senator Harber Hall.

20. SENATOR HARBER HALL:

21. Well, I recall...I'm referring to copies. I recall the
22. Audit Commission one time was looking into the Environmental
23. Protection Agency and records they were keeping and they were
24. paying about a dollar a page for copies, not the typing, just
25. the copies, and they were making those copies on a regular
26. copying machine and charging the State for those copies. My
27. question to you, Senator, is...is there anything in this bill
28. that compensates the reporter for additional copies, not the
29. work, not the typing?

30. PRESIDENT:

31. Senator Knuppel.

32. SENATOR KNUPPEL:

33. Yes, the bill provides that they would charge for copies or

1. whatever the prevailing rate is, and at the present time, your
2. court reporters, reporting for a court, a transcript in a
3. court proceeding, costs you about seventy cents a page for a
4. copy. The Industrial Commission at the present time is one
5. dollar and twenty...one dollar for an original, and twenty-five
6. cents for a copy. It has not gone up since 1967.

7. PRESIDENT:

8. Senator Harber Hall.

9. SENATOR HARBER HALL:

10. Well, the Post Office used to furnish us copies for a
11. dime. I think they went up to fifteen cents recently. I...
12. why do we have to pay seventy cents for a copy?

13. PRESIDENT:

14. Senator Knuppel.

15. SENATOR KNUPPEL:

16. Well, the reason is that if we don't and I say this
17. sincerely...this is what brought it to my attention, is that
18. the Industrial Commission at least in downstate Illinois is not
19. receiving the kind of attention from court reporters. I have
20. waited, and this is no exaggeration, on three cases and I could
21. give you the names, I don't want to do it here on the Floor...
22. of cases where I have waited over two years for a record to be
23. typed up, and I...and I attribute this largely to fact that the
24. gentleman making the report can make more money doing something
25. else, and he does this on weekends. He types up these records
26. on weekends, or evenings, or sometime else. Somebody else puts in
27. for him. A court calls for him, or a deposition. He can get
28. more money. I don't know whether it's just or unjust as far as
29. you are concerned, but as between court reporters and Industrial
30. Commission reporters there is a vast difference in what they're
31. paid and the people who work for the Industrial Commission are working
32. longer hours, doing the same work. They're reporting medical
33. testimony of the most difficult nature while sometimes court

1. reporters what they're reporting is ordinary colloquial...con-
2. versation. These people have the toughest job, in my opinion of
3. all. They come earlier, stay later, work harder, and they're
4. not making the same money that court reporters are.

5. PRESIDENT:

6. Any further discussion? Senator Kosinski asked to speak
7. on this subject. He's not in seat. Senator Berning.

8. SENATOR BERNING:

9. Just one question of the sponsor. This elimination of a
10. minimum or maximum charge of thirty-five cents per page for
11. each copy is somewhat disturbing to me. There's no limitation
12. on the numbers of copies. If an individual once transcribes
13. his testimony, he can make twenty copies and get a dollar and
14. a half a piece if I understand this correctly. If there's
15. some justification for the same rate for one copy, that ought
16. to have then...or a certain number of copies, there ought to
17. be some kind of limitation, so that after the first copy,
18. the next copy is seventy cents, and the third copy is twenty-five
19. cents or something of that nature to bring some reasonableness
20. to this. It...the way it stands now as I read this, an individual...

21. PRESIDENT:

22. Senator Knuppel.

23. SENATOR KNUPPEL:

24. The same thing is true in courts. You pay the same for
25. the fourth copy as you pay for the first copy. I'm not going
26. to argue the justice or the injustice of this bill as a...as an
27. abstract proposition. All I'm saying here is, is that that these
28. people are entitled to the same consideration as court reporters.
29. They have the same qualifications, they put in the same hours.
30. And you go get a court record, the transcript of a case you've
31. tried, if there's eleven copies, and you get the eleventh copy,
32. you pay the same money for it. Now, if we're going to do this,
33. then we ought to change the whole structure of court reporting,

1. and say that the eleventh copy from a regular court reporter in
2. a circuit court ought to be less, too. If you're going to be
3. logical, that's the way it should be. Maybe you're right,
4. but the...but the point is, if you're right, then we're doing
5. it wrong in the courts. All I'm trying to do is say that these
6. people work as hard or harder and are entitled to the same
7. consideration as court reporters.

8. PRESIDENT:

9. On the adoption of Amendment No. 1 to Senate Bill 1847,
10. the question...all in favor of the adoption of Number...Amendment
11. No. 1 say Aye. Opposed Nay. Roll call is requested. On the
12. question of adoption of Amendment No. 1 to Senate Bill 1847,
13. those in favor will vote Aye. Opposed will vote Nay. The
14. voting is open. Have all voted who wish? Take the record. On
15. this question, the Ayes are 28, the Nays are 18, with none
16. Voting Present. Amendment No. 1 is adopted. Any further amendments?

17. SECRETARY:

18. Amendment No. 2 offered by Senator Knuppel.

19. PRESIDENT:

20. Senator Knuppel.

21. SENATOR KNUPPEL:

22. Amendment No. 2 has to do with the salary part of it,
23. rather the page part of it. At the present time, circuit court
24. reporters are paid between the salary of sixteen thousand dollars
25. per annum and nineteen thousand five hundred dollars per annum.
26. The industrial reporters, I don't know exactly what their salary
27. is, but it is somewhat less. What this amendment does, is bring
28. the salary into line with circuit court reporters and provide
29. that their salaries henceforth will be related to the...the
30. salaries that are provided by the director of the administrators
31. of the courts. In other words, it will be in line with the...
32. the administrator of courts fixes the salary of the different
33. reporters and sets up tests and standards by which these people

1. get these salaries, and it depends on their competency and
2. ranges some...and the size of their district possibly, but it
3. ranges somewhere between sixteen thousand and nineteen thousand
4. five hundred. Court...the reporters for the Industrial Commission
5. will have theirs' fixed in the same manner, based upon their
6. competency.

7. PRESIDENT:

8. Senator Don Moore.

9. SENATOR DON MOORE:

10. Question of the sponsor, Mr. President.

11. PRESIDENT:

12. He indicates he'll yield.

13. SENATOR DON MOORE:

14. Senator Knuppel, in the event this amendment is...or is
15. adopted, will this get you your transcripts in a shorter time
16. than the two year period that you have to presently wait?

17. PRESIDENT:

18. Senator Knuppel.

19. SENATOR KNUPPEL:

20. Hopefully, it will. What I'm saying is this, I know even
21. today with circuit courts in downstate Illinois, there's a
22. shortage of court reporters, and if they're hired, they can make
23. between sixteen thousand and nineteen thousand five hundred,
24. hence they're seeking that employment, instead of going with
25. the court reporters or going with the Industrial Commission,
26. ...and as I say. I'm experiencing extreme delays in getting my records.

27. PRESIDENT:

28. The question is on the adoption of Amendment No...Senator
29. Nimrod.

30. SENATOR NIMROD:

31. Yeah. Question of the sponsor.

32. PRESIDENT:

33. He indicates he'll yield.

1. SENATOR NIMROD:

2. Yeah. The...the question I have is that the number of
3. court reporters that work in the Industrial Commission are
4. limited, and if...and if this is passed, all we're going to be
5. doing is raising salaries, tying them into a...in a department
6. and an agency that has nothing to do with the Industrial Commission,
7. and it won't be any connection whatsoever and here we are
8. setting the salaries to it. If...if this...if this is specialized
9. work and it does take more work, it certainly should be more
10. money, but we're not even doing that. We're tying into a court
11. system. Now, the people...I've always found that the court
12. reporters would rather work for the Industrial Commission than
13. work for the courts, because they were making more money before.
14. The whole program here is that we have an Industrial Commission
15. which I have mentioned in previous conversations and
16. literally what I'm saying is that it doesn't do the job and
17. has never done it. They've got a new chairman though and I
18. hoped he would change it. Taking and making these salaries
19. go out of range is not the answer. How much would a court
20. reporter earn if...if he did as a normal amount of work with
21. the number of pages they do and with your salary, and getting
22. paid for those pages plus the sixteen thousand minimum, how
23. much money would a court reporter...or could he earn on this
24. basis?

25. PRESIDENT:

26. Senator Knuppel.

27. SENATOR KNUPPEL:

28. In this case, it isn't the State that's paying...well, they...
29. we're paying their salary, as to the pages, we have nothing to
30. do with that. When a person makes the transcript, the person
31. appealing or whoever it is, pays for that. Now, I have no way
32. of knowing what a court reporter makes. I assume that...that there
33. ...that a person who has a lot of transcripts can make more than

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1. a person who doesn't. I think you recall maybe a few years ago
2. they had a court reporter here who took the court reporting on the
3. four murders down in Menard Prison. And it seems to me that
4. the bill for the transcript was something like twenty-five
5. thousand dollars. So, it depends on how busy...whether you've got a
6. judge that's trying cases and the kind of cases that are appealed
7. or whether you've got one of these country judges who has an
8. appeal once a year. So that the...the thing could run for a
9. court reporter...could run anywhere from sixteen thousand to
10. twenty-five thousand. I'm guessing, depending on how many
11. transcripts they get. But, it wouldn't run anymore for a court
12. reporter, in my opinion, for the Industrial Commission.

13. PRESIDENT:

14. Question is on the adoption of Amendment No. 2 to Senate
15. Bill 1847. Those in favor will say Aye. Opposed Nay. The
16. amendment fails. You asking for a roll call? Roll call is
17. requested. The question is on the adoption of Amendment 2
18. to Senate Bill 1847. Those in favor will vote Aye. Opposed
19. will vote Nay. The voting is open. Have all voted who wish?
20. Take the record. On this question, the Ayes are 28, the Nays
21. are 13, with 1 Voting Present. Amendment No. 2 is adopted.
22. Any further amendments? 3rd reading. Senate Bill 1712, Senator
23. Hynes. Senator Hynes, what is your motion...your pleasure?

24. SENATOR HYNES:

25. Mr. President, as I indicated when this bill was moved to
26. 3rd reading the other day, ...I would ask leave of the Senate
27. to bring it back to 2nd reading for the purpose of amendment.
28. I believe there is at least one amendment to be offered.

29. PRESIDENT:

30. Is leave granted? Leave is granted. Senate Bill 1712 is
31. now on the order of 2nd reading. Read the amendment.

32. SECRETARY:

33. Amendment No. 2 offered by Senator Wooten.

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1. PRESIDENT:

2. Senator Wooten.

3. SENATOR WOOTEN:

4. Mr. President and colleagues, in...in Amendment No. 2
5. to Senate Bill 1712, I am suggesting that the Senate of the
6. State of Illinois state publicly and clearly just how much
7. money will be available to the Common School Fund in this
8. coming fiscal year. The present sum stated in the bill is
9. one billion three hundred fifty-one million, and that may have
10. been amended. I...I believe that has been taken down. I
11. propose to move it...the sum down to one billion two hundred
12. sixty-five million, and let me tell you where that figure
13. comes from. There is some discussion, some argument as to the
14. amount Governor Walker indicated he would sign for the Common
15. School Fund. I'll admit that figure sometimes seems rather
16. elusive, but the Bureau of the Budget, members of the Governor's
17. staff seem to indicate that when you add in the figure
18. he suggested, we come up with one billion two hundred fifty-nine
19. million five hundred thousand dollars. Taking that as a base
20. figure, I propose that we keep the three million for summer
21. school payments, which was the substance of Amendment No. 1, and
22. the two and a half million for impaction payments to give us
23. a sum of one billion two hundred sixty-five million. I suggest
24. to you this is the figure or very close to the figure that
25. the Governor will sign on. If we pass a higher figure, it is
26. going to be vetoed back...reduced back to that figure. What I'm
27. suggesting is that since it is our function as a legislature
28. to decide how much money will be spent and where, that we tell
29. the people of Illinois here and now that this is how much money
30. is available. This is a figure we can stand by and I would urge
31. the adoption of this amendment.

32. PRESIDENT:

33. Any further discussion? Senator Hynes.

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SENATOR HYNES:

Mr. President, I...I would oppose this amendment, and I think it's important to the membership to know exactly what it does. The... the net effect of the amendment is to reduce the appropriation for the school aid formula for the next fiscal year by some fifty-three million dollars. I believe that this sum ought to be left in the bill. I think it ought to be passed the way it came out of the Appropriations Committee. We have spent some considerable time in this Session...with...the supplemental requests of sixty-seven million dollars for the school aid formula and thirty...some thirty-seven million dollars for various categorical grants, a sum in excess of a hundred million dollars of those items, not budgeted...granted, are not going to be successful it appears in this Session. The supplemental appropriation for the School Aid Formula has been defeated in the House. The supplemental appropriation for the categorical grants is on Postponed Consideration here in the Senate. This, in effect...the bill in its present form would restore during the next fiscal year fifty-three million dollars of that sum. And I think it is within our capability to appropriate it, to afford it, and I do not believe that this reduction ought to be made, and I particularly do not believe that it ought to be made at this point in time in the Senate, so I would resist this amendment.

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

Well, Mr. President, this a subject, of course, to which we started addressing ourselves last Fall. Actually we started before then, we started last Spring at this time of the year when we were considering...

PRESIDENT:

Just...just a moment. Just a moment. Now, will the members

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1. please be in their seats. This is a subject matter of some
2. import and importance. Just isn't possible to hear the persons
3. speaking on this matter. Will the members be in their seats.
4. Continue, Senator Buzbee.

5. SENATOR BUZBEE:

6. Thank you, Mr. President. This is a matter to which we
7. started addressing ourselves last Spring, and we felt it
8. necessary at that time...pardon me...to go ahead and pass out our
9. appropriation at the full-funding level hoping that in the
10. Summer the revenue picture for the State of Illinois would change
11. to the point where we would not have to make any reductions
12. in the Fall, both to the common school aid formula funding and to
13. higher education. Those were two areas that we had hoped we
14. would not have to make cuts although we'd made cuts in other areas.
15. As it turned out, the revenue picture in the State of Illinois
16. did change over the Summer. It got worse, and so the Governor
17. using his reduction veto pen cut back school aid assistance.
18. There was a bitter fight in the Fall, in the Override Session, Mr.
19. President, as you will recall, and there were several proposals
20. brought forward. I was the sponsor of one...principal sponsor
21. of one. There were several other people who were deeply involved
22. in it to try to come to some sort of a compromise, both in the
23. school aid formula and the funding question. At that time, we
24. got the Governor's word that he would support both the change in
25. the school aid formula and the accompanying supplemental reappro-
26. priation, which amounted to some thirty million dollars above
27. his recommended level at that time as I recall. Unfortunately,
28. we were not able to get either one of those bills out of the Senate,
29. and the override attempt on the reduction did fail as well. So,
30. now we're back addressing ourselves this year to the funding
31. level. The Governor has given us what he thinks is liveable,
32. and there a lot of us who would like to vote a substantial amount
33. of money more. The fact of the matter is, Mr. President, the

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1. money is not there. We all know that, and so, we are, in fact,
2. trying to work out an equitable arrangement as to the changing
3. of the school aid formula as well as an equitable arrangement for
4. the funding portion thereof. My position has been somewhat of
5. ...I think that we perhaps could have reached some figure in
6. between the two extremes, between the extreme of Senator Wooten's
7. amendment and the extreme of Senator Hynes' position of the
8. approximately sixty million dollars more. If my figure is not
9. correct, Senator Wooten, please correct me. Your amendment, I be-
10. lieve, reduces it by about sixty million, is that not correct?
11. Fifty. Fifty...

12. PRESIDENT:

13. Senator Wooten.

14. SENATOR WOOTEN:

15. Yeah, it's a...it's a...it's close to sixty million.

16. SENATOR BUZBEE:

17. Yeah, okay. Close to sixty million.

18. PRESIDENT:

19. Senator Buzbee.

20. SENATOR BUZBEE:

21. At...at this point, however, we don't have that choice.
22. e have either the choice of voting Yes or No on Senator Wooten's
23. amendment which would leave it at the fifty or fifty-one million
24. above or the Governor's recommended level. So, it seems to me
25. that we're getting very, very close in this State, and this is
26. certainly...seems to me we're getting very, very close to the point
27. of saying that a tax increase is inevitable. To do the services...

28. PRESIDENT:

29. Time has expired, Senator.

30. SENATOR BUZBEE:

31. ...I appreciate that, Mr. President, and I will close. To
32. perform the services which the people of this State seem to want,
33. we're going to have to start talking very, very soon about the
34. possibility of a tax increase. I think that it's regrettable at
35. this point that we do have a choice of voting for somewhere in
36. between these two levels, but since we do not have that choice,

1. and since I think that fifty-one million more is unacceptable,
2. I'm going to support Senator Wooten's amendment. Thank you,
3. Mr. President.

4. PRESIDENT:

5. Senator Shapiro.

6. SENATOR SHAPIRO:

7. Mr. President and Ladies and Gentlemen of the House, it's
8. never pleasant to stand up and talk about a possible cut in
9. funds for the education of our children, and I certainly am
10. one who would like to see us appropriate every possible dollar
11. that can be spent and will be appropriated. But for us to sit
12. here and delude educators throughout the State and to delude
13. ourselves into thinking that the appropriation for the distributive
14. fund is going to be funded at the full amount, we would only be mis-
15. leading our friends and ourselves. These reduction figures, the
16. new figures that the amendment proposes are well within the
17. ball park of what will be appropriated for the distributive fund
18. next year. And even these figures may be a little too high.
19. No one really knows because of the total available dollars and
20. for us to stand here and say that we're going to appropriate
21. 1.3 billion dollars for the distributive fund and that...and say
22. there is not a crisis looming, and at the same time to be
23. considering bills that provide for the slow down in payments
24. to our school districts throughout the State is a mistake. I
25. personally am going to support the amendment, because I think
26. at this point in time it's the only choice we have. It's a proper
27. thing to do.

28. PRESIDENT:

29. Senator Glass.

30. SENATOR GLASS:

31. Thank you, Mr. President, Ladies and Gentlemen. In my
32. experience in talking to school board members and administrators and
33. teachers in this State, the one thing, of course, that they

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1. wish we would do is fully fund the formula, but since it is
2. obvious that we cannot do that, the thing they would appreciate
3. and have so stated more than anything else is candor. That is
4. a statement of how much we are going to appropriate and...as
5. Senator Shapiro has said, why delude them? I think all of
6. us know that this...the figure in Senator Wooten's amendment is,
7. in fact, what the State can afford, and I think it's...it's
8. obligatory upon us to let our districts know that so they do
9. not expect more. For that reason, I support the amendment.

10. PRESIDENT:

11. Senator Brady.

12. SENATOR BRADY:

13. Yes, Mr. President and fellow members. I rise in opposition
14. to this amendment, and I would like to state just a few points.
15. One is that there is a lot of talk about not being able to
16. fully fund. I conclude that we are not able to fully fund this
17. year to the level that we should, but that isn't what 1313 or
18. the appropriation before this amendment offered does. That
19. appropriation at 1313 is some thirty million below the level
20. of full funding at this stage. Now, we're talking about taking it
21. another fifty million or fifty-one million and we're talking about
22. bringing it down eight some million below the commitment we have made.
23. I think when we talk about available resources, we must decide
24. what our priorities are. I, for one, have a priority of education.
25. I think we have to look to try and put as much available money
26. in the educational appropriation as possible. I just think there
27. is one difference with what Senator Buzbee stated earlier, and
28. that is this is not necessarily the last chance he would have
29. to vote on an amendment or an appropriation. If, in fact,
30. Senator Wooten's amendment to cut some more...fifty-one million
31. dollars out of this appropriation is defeated, maybe a measure
32. coming halfway could be offered by somebody thus giving him
33. another opportunity at voting. I state that I am in opposition to

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1. this amendment. Thank you.

2. PRESIDENT:

3. Senator Netsch.

4. SENATOR NETSCH:

5. Thank you, Mr. President. As others have said, everyone
6. in this Chamber would like to fully fund the school aid formula
7. or come as close to that as possible. But I think that one of
8. the worst things that we engage in as legislators, particularly
9. as elected public officials, is the illusion that we sometimes create
10. and impose on others, and if we vote for a sum over that which
11. is in the budget, we are engaging in an illusion, both for
12. ourselves and for all of those who are dependent on what we
13. do. There is no question that the Governor is going to veto
14. anything that goes over the amount that is in that budget. When
15. that veto takes place, then we will have the kind of chaos that
16. has occurred during this last year when the school districts
17. do not know from one day to the next how much money they are
18. going to have. I don't think we do anyone a favor by engaging
19. in that course of action. I would remind this Body that just
20. about an hour and a half or two hours ago, the Senate Revenue Committee
21. defeated the fiscal management bills that would have accelerated
22. income tax and sales tax payments. Those bills represented
23. ninety-five million dollars of available revenue for this fiscal
24. year. That is ninety-five million dollars of revenue, gentlemen,
25. we no longer have. We will be lucky if we can get this much
26. money through for school aid without further cuts. It's time
27. we stopped fooling ourselves, the school districts, and everyone
28. else. It is not a happy prospect, but this is the way it's going
29. to be. We really have no other choice.

30. PRESIDENT:

31. Senator Regner.

32. SENATOR REGNER:

33. Yes, Mr. President and members of the Senate, I rise in

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1. support of the amendment, and the reason is, I look at the Finance
2. Act of the Illinois Constitution, Article 8, that states -
3. appropriations for a fiscal year shall not accede funds estimated
4. by the General Assembly to be available during that year. Now,
5. the Bureau of the Budget, the Comptroller's Office and the
6. Illinois Economic and Fiscal Commission have all come up with a
7. revenue estimate very close together, and that's about five
8. point four and...five billion four hundred fifty million dollars.
9. We cannot, as was stated before by previous speakers, create an
10. illusion to the people of the State that we're going to provide,
11. more monies than are available, because we just can't do it. If we
12. don't have the money, we shouldn't fake them out and appropriate
13. it, and I think this is an excellent amendment and should be
14. adopted.

15. PRESIDENT:

16. Any further discussion? Senator Wooten may close the debate.

17. SENATOR WOOTEN:

18. Yes, Mr. President. I would ask all of you in this Chamber
19. to think back to that veto override fight. What was the real
20. bitterness engendered in each of our districts? Our people in
21. education said, you mislead us, you promised one thing, we got
22. another. I believe we should tell them at this point in time,
23. this is how much money there's going to be and not play games
24. with them. This seems to be the amount that most authorities
25. agree we will have. This is the amount we should pass. I urge
26. the adoption of the amendment, and ask for a roll call vote.

27. PRESIDENT:

28. The question is on the adoption of Amendment No. 2 to Senate
29. Bill 1712. Those in favor vote Aye. Opposed Nay. The voting
30. is open. Have all voted who wish? Take the record. On that
31. question, the Ayes are 34, the Nays are 22, with none Voting
32. Present. Amendment No. 2 to Senate Bill 1712 is adopted. Any
33. further amendments. 3rd reading. Senate Bill 1847, Senator Knuppel.

1. Read the bill.

2. SECRETARY:

3. ...Senate Bill 1847

4. (Secretary reads title of bill)

5. 3rd reading of the bill.

6. PRESIDENT:

7. Senator Knuppel.

8. SENATOR KNUPPEL:

9. This is the bill we just recently amended. What it calls
10. for is a salary commensurate with the court reporters ability
11. in keeping with the same amount that would be paid a court
12. reporter and for payments on transcripts at the prevailing
13. rate charged by court reporters. This would assure those who
14. work for the Industrial Commission with the same skills, payment
15. in keeping with that paid court reporters who report for regular
16. circuit courts. These reporters, as I've said before, work as...as
17. long hours if not longer, travel greater distances and in...
18. downstate Illinois there is a shortage of court reporters. The...
19. there is a delay in getting transcripts out of the Industrial
20. Commission and surely this will help. This court reporting is
21. no easier than that performed by regular court reporters. It's
22. a great deal of it medical testimony. These people sit there
23. all day and they type these transcripts up on weekends and in
24. the evenings, probably in the same manner that court reporters
25. do, so that whatever additional money they make probably they
26. have less time on...on State business time to type up transcripts
27. than court reporters do. I submit that this doesn't give court
28. reporters for the Industrial Commission anymore than it gives
29. court reporters. This is keeping with people who have similar
30. skills, and I would ask for a favorable roll call.

31. PRESIDENT:

32. Senator Kosinski.

33. SENATOR KOSINSKI:

1. Mr. President and Senators, if the court reporters
2. are as efficient as the...circuit court judges...rather the circuit
3. court reporters, as efficient and hard working, I approve whole-
4. heartedly of this bill, and I seek all of your support.

5. PRESIDENT:

6. Senator Nimrod. Senator Kosinski, were you finished?

7. SENATOR KOSINSKI:

8. I would like to be cosponsor...listed as cosponsor with
9. leave of the assent of the Senate.

10. PRESIDENT:

11. Is leave granted? Leave is granted. Senator Nimrod.

12. SENATOR NIMROD:

13. Yes, Mr. President and fellow Senators, I, too, think we
14. ought to be able to have the court reporters be compensated
15. justly and certainly have them be available. But I think this
16. bill has gone through without reference and I think it has...
17. it might have some problems that we will be unaware of. Just
18. real quickly, what we're doing is saying that the court
19. reporter now will get a salary from the State of about up to
20. nineteen thousand five hundred. If he does fifty pages a day
21. and that's not a lot of work for a court reporter that works
22. for the Industrial Commission because they have a great back-
23. log and a volume, that would give them another twenty thousand
24. dollars. That means a court reporter would earn close to
25. forty thousand dollars. If they make duplicates and they
26. do make a great deal of duplicates...they probably run them over
27. and get them on the zerox machines and since they work in State
28. facilities, I'm not sure what that means as far as earning is
29. concerned. I'm not one who said we ought to hold it...I...I
30. really don't know what the urgency is behind it, but I just think
31. we're getting blindly into something that could be paying a lot
32. of people a lot of money for something that we shouldn't be doing.
33. The...this isn't certainly isn't going to increase the backlog of

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1. the Industrial Commission, and I would think that we need more
2. information before we make a decision on this.

3. PRESIDENT:

4. Any further discussion? Senator Knuppel.

5. SENATOR KNUPPEL:

6. I just ask for a roll call. I've fully debated it.

7. PRESIDENT:

8. Thank you. The question is, shall Senate Bill 1847 pass?
9. Those in favor vote Aye. Opposed will vote Nay. The voting
10. is open. Have all voted who wish? Take the record. On this
11. question, the Ayes are 38, the Nays are 13, with 3 Voting Present.
12. Senate Bill 1847 having received a constitutional majority is
13. declared passed. Senate Bill 1712, Senator Hynes. Read the bill.

14. SECRETARY:

15. Senate Bill 1712

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDENT:

19. Will the Senators be in their seats? Senator Hynes.

20. SENATOR HYNES:

21. This is the modified appropriation to fund the school aid
22. formula for the coming year. It presently is at the level of
23. 1.265 billion dollars, and I would ask for a favorable roll call.

24. PRESIDENT:

25. Any further discussion? Senate Bill...the question is, shall
26. Senate Bill 1712 pass? Those in vote will vote Aye. Those opposed
27. will vote Nay. The voting is open. Have all voted who wish?
28. Take the record. On this question the Ayes are 57, the Nays are
29. none, with none Voting Present. Senate Bill 1712 having received
30. a constitutional majority is declared passed. Senate Bill 1867,
31. Senator Bruce. I didn't understand you. Senate Bill 1878, Senator
32. Demuzio. I suggest that this is very close to the end that these
33. bills ought to be called, Tabled, or sent back to committee.

1. Senate Bill 1928, Senator Brady. Senate Bill 1977, Senator
2. Morris. Oh, excuse me. I'm trying to get to 1977. You'll
3. pardon my haste. Senate Bill 1928, Senator Brady.

4. SECRETARY:

5. Senate Bill 1928

6. (Secretary reads title of bill)

7. 3rd reading of the bill.

8. PRESIDENT:

9. Senator Brady.

10. SENATOR BRADY:

11. Yes, Mr. President. I see Senator Morris go through
12. some choking motions over there. I think it's appropriate
13. we take this bill first. This bill does exactly what the
14. synopsis says it does with one exception. The amendment did
15. not make this bill effective immediately, but effective six
16. months from today, to give the opportunity for Public Health
17. to devise the type of sign necessary for posting. I'd be glad
18. to answer anybody's questions on this.

19. PRESIDENT:

20. Any questions? Senator Hickey.

21. SENATOR HICKEY:

22. Mr. President, I'd like to ask the sponsor a question.

23. PRESIDENT:

24. He indicates he'll yield.

25. SENATOR HICKEY:

26. I was in communication with the Public Health Department a
27. couple of months ago and they were looking into the possibility
28. of doing this without statutory provision. Have you consulted
29. with them about this and had a reaction from them, Senator Brady.

30. PRESIDENT:

31. Senator Brady.

32. SENATOR BRADY:

33. I did not consult with the Department of Public Health, but I

1. had a reaction in as much as they came to the committee meeting
2. where this bill was being heard and testified that they would
3. like time, like six months, to be able to go forward to enact
4. something like this. It was not my impression that they were
5. totally opposed to this concept. Now, maybe they are opposed
6. to putting it in statute. I don't know, but up until this time,
7. we haven't done anything about it in Illinois and several other
8. states have. Choking is the sixth major cause of accidental
9. deaths, and I think it imperative that we act on it.

10. PRESIDENT:

11. Senator Fawell.

12. SENATOR FAWELL:

13. Very...very briefly...I...I don't think this bill is necessary.
14. I don't know why everything we're authorizing cannot be done without
15. passing a statute. I do know there is one thing in there that I
16. could not go along with, and that is the so-called good samaritan
17. aspect of this. I think that's still in there. Isn't...is it not,
18. Senator Brady?

19. PRESIDENT:

20. Senator Brady.

21. SENATOR BRADY:

22. Yes, it is.

23. PRESIDENT:

24. Senator Fawell.

25. SENATOR FAWELL:

26. It's hard to be against a good samaritan. But what this
27. means, of course, is that you can be just about as negligent as
28. you wish now in helping a choking...victim, and if you help him
29. become more of a victim, you...you can't be sued. Now, the whole
30. idea of negligence is that you're judged on the basis of the
31. circumstances and the facts surrounding the particular occurrence.
32. I don't know of anybody that's been sued because they tried to help a
33. choking victim and I...I think that that's the only thing really

1. this bill does do, and I don't think that's necessary though
2. I know that the so-called good samaritan clauses are seemingly
3. gaining more and more prominence in the State of Illinois.
4. I think the Act is...I repeat, I think the...the bill is un-
5. necessary, and I believe the good samaritan aspect of it is a
6. detriment.

7. PRESIDENT:

8. Senator Mitchler.

9. SENATOR MITCHLER:

10. Mr. President, I'd like to ask leave of the Senate to
11. be added as a cosponsor of this bill.

12. PRESIDENT:

13. Is leave granted? Leave is granted, Senator. Somebody
14. says the kiss of death, but I don't believe it. Any further
15. discussion? The question is, shall Senate Bill 1928 pass?
16. Those in favor will vote Aye. Opposed Nay. The voting is
17. open. Have all voted who wish? Take the record. On this
18. question, the Ayes are 44, the Nays are 8, with 3 Voting Present.
19. Senate Bill 1928 having received a constitutional majority is
20. declared passed. Senate Bill...for what purpose does Senator
21. Welsh rise? Senator Welsh.

22. SENATOR WELSH:

23. Have you announced the roll call, Mr. President?

24. PRESIDENT:

25. I have indeed.

26. SENATOR WELSH:

27. Mr. President, I request a Democratic caucus immediately in
28. President's Office.

29. PRESIDENT:

30. Any indication as to how long it will be? Will it be a
31. thirty minute one like the other one?

32. SENATOR WELSH:

33. I...I would say closer to forty-five minutes, Mr. President.

1. PRESIDENT:

2. Senator Harris.

3. SENATOR HARRIS:

4. I imagine it will last as long as until Senator Graham
5. has to go back to the hospital.

6. PRESIDENT:

7. Well, I didn't...I don't know a thing about that. There
8. will...the Senate will stand in recess to the call of the Chair.

9. (RECESS)

10. (AFTER RECESS)

11. PRESIDENT:

12. The Senate will come to order. I want to thank Senator
13. Welsh for holding his caucus to the amount of time as indicated.
14. Senate Bill 1977, Senator Morris.

15. SENATOR MORRIS:

16. I would like to hold the bill tonight. I think everybody
17. is well aware of what happened here. Senator Graham...

18. PRESIDENT:

19. Do you desire to hold the bill...

20. SENATOR MORRIS:

21. ...is now in the hospital.

22. PRESIDENT:

23. Senate Bill 1997, Senator Daley. He's not here. Senate
24. Bill 1998, Senator Daley. House Bills on 3rd reading. House
25. Bill 1080, Senator Nudelman. House Bill 1304, Senator Davidson.
26. House Bill 2115, Senator Kane...pardon me, Senator Vadalabene.
27. Read the bill. Take it out of the record. Senate Bill 3155,
28. Senator Knuppel. House Bill 3197. That isn't yours, that's
29. Senator Shapiro's. Well, just because I like you, I'm going to
30. hold it anyway, 'cause Senator Shapiro is not here. Senate
31. Bill 3202, Senator Hynes. Senate Bill 3308, Senator Rock. Well,
32. that's passed. You're right. Senate Bill 3380, Senator Palmer.
33. I'm sorry, House...oh, you're really on the stick. Thank you.

1. House Bill 3380, Senator Palmer. House Bill 3705, Senator
2. Glass. House Bill 3814, Senator Graham. House Bill 3818,
3. Senator Bruce. House Bill 3825, Senator Rock. House Bill 3837,
4. Senator Netsch. House Bill 3859, Senator Carroll. House Bill
5. 3952, Senator Savickas. Senator Savickas, 3952. Read the
6. bill.

7. SECRETARY:

8. House Bill 3952

9. (Secretary reads title of bill)

10. 3rd reading of the bill.

11. PRESIDENT:

12. Senator Savickas.

13. SENATOR SAVICKAS:

14. Yes, Mr. President and members of the Senate, this was a
15. bill that we amended and it provides that a write-in vote for
16. a candidate whose name is listed on the ballot, under this bill
17. any such write-in vote simply isn't counted twice. And I
18. would solicit your favorable support.

19. PRESIDENT:

20. Any further discussion? Question is, shall House Bill 3952
21. pass? Those in favor vote Aye. Opposed vote Nay. The voting
22. is open. Senator Harris, any malfunction of the switches over
23. here? Have all voted who wish? Senator Savickas.

24. SENATOR SAVICKAS:

25. Well, I can only vote once.

26. PRESIDENT:

27. I understand that. You're from my hometown. Do you desire
28. to Postpone Consideration?

29. SENATOR SAVICKAS:

30. No.

31. PRESIDENT:

32. Have all voted who wish? Take the record. On that question,
33. the Ayes are 28, the Nays are 1, with 5 Voting Present. House Bill

1. 3952 having failed to receive a constitutional majority is
2. declared lost. Are there any House Bills on 3rd reading that
3. any member desires to call? Are there any Senate Bills on
4. 3rd reading that any member desires to call? Are there any
5. matters on concurrences on the Secretary's Desk that any member
6. desires to call? Are there any matters on nonconcurrences
7. on the...that the members desire to call? Pardon me. What
8. do you say? Senator Joyce.

9. SENATOR JOYCE:

10. Yes, Mr. President, I would like to move on House Bill 3370
11. and 3820 not to recede.

12. PRESIDENT:

13. On page 8 of your calendar on the...on the order of
14. Secretary's Desk nonconcurrences, House Bill 3370 is under con-
15. sideration, and Senator Joyce moves that the Senate refuse to
16. recede from the adoption of Senate Amendment No. 3 to House
17. Bill 3370, and that a Conference Committee be appointed. All
18. those in favor say Aye. Opposed Nay. The Ayes have it. The
19. motion carries, and the Secretary shall so inform the House.
20. On the order...same order, House Bill 3820. Senator Joyce.
21. Senator Joyce.

22. SENATOR JOYCE:

23. Same motion, Mr. President. Not to recede.

24. PRESIDENT:

25. On House Bill 3820 Senator Joyce moves that the Senate refuse
26. to recede from the adoption of Amendments Numbered 1, 2, 3 and
27. 4 to House Bill 3820 and that a Conference Committee be appointed.
28. Those in favor say Aye. Opposed Nay. The Ayes have it. The
29. motion carries and the Secretary shall so inform the House.
30. Senator Carroll.

31. SENATOR CARROLL:

32. Yes, Mr. President, while we're on that order of business
33. on the Secretary's Desk, the last one on page 7, Senate Bill 1934. I

1. would move that the Senate not concur with House Amendments
2. 1, 2, 3, 4, 6, 7, 9 and 10.

3. PRESIDENT:

4. On Senate Bill 1934, Senator Carroll moves to nonconcur
5. in House Amendments Numbered 1, 2, 3, 4, 6, 7, 9 and 10 to
6. Senate Bill 1934. Those in favor say Aye. Opposed Nay. The
7. motion carries and the Secretary shall so inform the House.

8. SENATOR CARROLL:

9. Thank you.

10. PRESIDENT:

11. Any further business to come before the Senate? Senate
12. Ozinga.

13. SENATOR OZINGA:

14. You've got a resolution on the Desk there.

15. PRESIDENT:

16. We'll get that last. Senator Dougherty.

17. SENATOR DOUGHERTY:

18. Mr. President, I would like permission to waive the six
19. day rule for a hearing of a bill that's set for hearing tomorrow
20. morning. We have a meeting set for 8:30 tomorrow morning. It's
21. a very nominal bill. It's House Bill 3555.

22. PRESIDENT:

23. Is leave granted? The question has been asked as to what
24. the bill accomplishes.

25. SENATOR DOUGHERTY:

26. The bill has to do with the...as it come out of the House,
27. it has to do with salaries of coroners. I have no feeling for
28. it, but I was asked to this.

29. PRESIDENT:

30. Senator Weaver says leave is granted. (machine cutoff) on
31. ...Senator...on...Senator Dougherty, on House...Bill 3555, to
32. be technically correct, I think we have to make the motion
33. first to discharge it from the Committee on Assignment of Bills...

1. SENATOR DOUGHERTY:

2. I will so make that.

3. PRESIDENT:

4. ...at...first of all, it has to be read a first time.

5. All right. It has to be read a first time. The bill...the bill
6. ...let's get the record straight. The bill, 3555, is on the
7. order of 1st reading. It has first to be read. After it has
8. been read, then we will make a motion to bypass the Committee on
9. the...Assignment of Bills and to waive the six day notice
10. to hear it tomorrow morning in the Committee...which one?
11. Local Government. Fine. Senator Berning.

12. SENATOR BERNING:

13. Point of inquiry, Mr. President. According to the digest,
14. this is not a committee bill. Would it then not be necessary
15. also to first discharge the Committee on Rules?

16. PRESIDENT:

17. It has been discharged from the Committee on Rules and it
18. is on...reported out of the Committee on Rules today. It is
19. on 1st reading. Read the bill.

20. SECRETARY:

21. House Bill 3555

22. (Secretary begins to read title of bill)

23. PRESIDENT:

24. Senator Dougherty...all right, go ahead.

25. SECRETARY:

26. ...(Secretary reads title of bill)

27. 1st reading of the bill.

28. PRESIDENT:

29. Senator Dougherty moves that House Bill 3555 be discharged
30. from the Committee on Assignment of Bills, assigned to the Revenue Committee,
31. and that the six day notice be waived as to its being heard
32. tomorrow in Local Government. All in favor will say Aye. Opposed
33. Nay. The motion carries.

1. SENATOR GLASS:

2. Mr. President, I move that Senate Bill 3124 which is...I
3. ...I understand in the Committee on Assignment of Bills, be
4. discharged from further consideration by that Committee and
5. placed on the order of 2nd reading. This is the bill that
6. would establish the Illinois Patients Compensation Fund and
7. would be my intention to leave the bill on 2nd reading for
8. amendment until the parties are satisfied that it is in proper order.

9. PRESIDENT:

10. Senator Rock.

11. SENATOR GLASS:

12. I beg your pardon, I meant House Bill...I...I meant House
13. Bill 3124...

14. PRESIDENT:

15. House Bill 3124. Senator Rock.

16. SENATOR ROCK:

17. Well, the discussion in the Rules Committee was that
18. because all the other...bills dealing with the subject of mal-
19. practice had, in fact, been reported out of the Committee and
20. assigned to the Committee on Insurance, that this bill should
21. meet the same fate.

22. PRESIDENT:

23. Senator Glass.

24. SENATOR GLASS:

25. I...well, Senator Rock, I was not at the Rules Committee
26. and I think this bill, which is similar to the Florida law, and
27. which passed the House without a dissenting vote ought to be
28. given an opportunity to be on 2nd reading as I've indicated, and
29. I spoke to Senator Partee and Senator Harris about this...that
30. it will be held there until the proper amendments are attached. I
31. have no intention to move it unless the Body is satisfied that
32. is a useful piece of legislation.

33. PRESIDENT:

1. Senator Rock, he is correct. Your seatmate to the
2. left is a cosponsor of the bill and that is the understanding...
3. SENATOR ROCK:
4. ...I...I've voted for some of my seatmate's bills.
5. PRESIDENT:
6. That gives you a good record. Just keep following...
7. SENATOR ROCK:
8. Unhesitatingly, I might add.
9. PRESIDENT:
10. Yes, sir.
11. SENATOR ROCK:
12. With a little bit of reluctance, but unhesitatingly.
13. PRESIDENT:
14. Fine. The motion...the motion is to discharge the
15. Committee on Assignment of Bills from House Bill 3124 and place
16. it on the order of 2nd reading. All in favor say Aye. Opposed
17. Nay. The Ayes have it. Senator Bell.
18. SENATOR BELL:
19. Yeah, Mr. President and members of the Senate, I'm kind of
20. rising in a point of personal privilege.
21. PRESIDENT:
22. State your point, Senator.
23. SENATOR BELL:
24. I've got a couple of comments I'd like to make, but first of
25. all, I'd like to know whether we're going to tomorrow get to
26. Senate Bill 1977?
27. PRESIDENT:
28. Are you the sponsor of that bill, Senator?
29. SENATOR BELL:
30. Well, I'm one of the front sponsors. I...
31. PRESIDENT:
32. You are a sponsor of the bill?
33. SENATOR BELL:
34. Yes.
35. PRESIDENT:
36. Well, you...is this indicate that you're anxious to get it?
37. You're a cosponsor, you have the right to call it.

1. SENATOR BELL:
2. No, no. Certainly, I'm not the front sponsor. Senator
3. Morris is. I wouldn't usurp that point. I'd like to make...
4. PRESIDENT:
5. Then you might ask that question of Senator Morris being
6. the lead sponsor.
7. SENATOR BELL:
8. ...No, I'm not asking Senator Morris that question.
9. Senator, I'm asking you...
10. PRESIDENT:
11. Well, obviously, it is a question which I cannot answer.
12. Not being the sponsor, I cannot tell you when it's going to
13. be called. As a matter-of-fact, I can't tell you if it's going
14. to be called, not being the sponsor.
15. SENATOR BELL:
16. All right. Then I'd...then I'd like to address myself to
17. a point of personal privilege.
18. PRESIDENT:
19. What is the point, Senator?
20. SENATOR BELL:
21. The point is that we've had an opportunity earlier this
22. evening to address ourselves...
23. PRESIDENT:
24. That is not a point of personal privilege, Senator.
25. SENATOR BELL:
26. Are you...
27. PRESIDENT:
28. That it is not a point of personal privilege. Senator Bell.
29. SENATOR BELL:
30. Well, are you shutting me off?
31. PRESIDENT:
32. I am not shutting you off, no...
33. SENATOR BELL:

1. Well, I see...I see...

2. PRESIDENT:

3. ...I'm telling you...

4. SENATOR BELL:

5. ...the speaker going off and...

6. PRESIDENT:

7. ...though that what you are saying is not a point of

8. personal privilege. I'm telling you that what you're saying

9. does amount legally nor parliamentary to a point of personal

10. privilege. I'm not shutting you off.

11. SENATOR BELL:

12. ...I...I have deep concern, Senator Partee, about the

13. highhanded manner in which this thing was handled this evening.

14. PRESIDENT:

15. You say highhanded. What does that mean?

16. SENATOR BELL:

17. Well, thank you. Now...

18. PRESIDENT:

19. I called the bill. I was announcing the calling of the

20. bill, Senate Bill 1977. A caucus was requested by the Caucus

21. Chairman of the Democratic Party. I'm not going to do any less

22. for them than I did for your caucus Chairman this morning when

23. he called for a caucus. Now, what's wrong with that?

24. SENATOR BELL:

25. Well, Senator Partee, you've been generally a most fair

26. man, and I think you...you state your point well, but I point

27. out to you, Sir, that when that caucus was called, that probably

28. fifty percent to seventy-five percent of your members were

29. wandering around the aisle here or out in the rotunda and that,

30. in fact, a caucus was not held by the Democrat majority.

31. PRESIDENT:

32. I am not privy to your caucuses, Senator, but there was a

33. Democratic caucus, and I want you to know and you can tell your

1. neighbors and friends that whenever the Republican Caucus
2. Chairman calls for a caucus, I give it to him, and when the
3. Democratic Caucus Chairman calls for a caucus, I give it to
4. him. I had called the bill. I was commencing to call Senate
5. Bill 1977 when a caucus was suggested. Is it your suggestion
6. that I deny a caucus to that Chairman?

7. SENATOR BELL:

8. It's my suggestion, Sir, that when you have a caucus
9. you, in fact, have a caucus, and not use it as a means to
10. deviate from addressing ourselves to the bill was at hand, and
11. that is exactly what was done. You waited until Senator Graham...

12. PRESIDENT:

13. That is your opinion, Senator...that is your opinion. You
14. have your opinion. This is your press release. Let's go.
15. Any further questions to come...any...any further discussion?
16. Senator Donnewald. On the same subject?

17. SENATOR DONNEWALD:

18. As a point of...

19. PRESIDENT:

20. Any further...any discussion? Let it go. Any further
21. discussion? Senator Rock.

22. SENATOR ROCK:

23. He's...he's out of...he's out of order.

24. PRESIDENT:

25. Senator, that's not a point of personal privilege. I want
26. you to know you're just as wrong as Senator Bell on this one.

27. SENATOR ROCK:

28. While...

29. PRESIDENT:

30. Senator Rock.

31. SENATOR ROCK:

32. ...while we're on the order of motions, Mr. President...

33. PRESIDENT:

1. Senator Rock.

2. SENATOR ROCK:

3. ...yes. House Bill 3961 has been assigned to the Executive
4. Committee. I am reliably informed that that Committee probably
5. will not meet. This is a bill that was sponsored in the House
6. by Representatives Shea and Washburn. It is of some great
7. moment to approximately sixty House members plus the leader-
8. ship and they have requested that I attempt to move it and so,
9. I am making a motion to discharge the Committee on Executive
10. from further consideration of House Bill 3961. It relates to
11. the General Assembly home office allowance and its provisions,
12. and it...I'm informed that that certain members have requested
13. amendments, and I'm moving that this...bill be discharged from
14. further consideration of the Executive Committee and placed on
15. the order of 2nd reading on our calendar. Senator Glass has
16. a similar bill. I have...frankly don't know the difference
17. between the two, but I would certainly honor his motion. They
18. both relate to the same subject and deal with it, I'm told, a
19. little differently.

20. PRESIDENT:

21. Any further discussion, hopefully? Any further discussion?
22. Senator Rock moves that House Bill 3961 be discharged from the
23. Committee...on what, Senator? Executive Committee, and be
24. placed on the calendar on the order of 2nd reading. All in
25. favor will say Aye. Opposed Nay. The Ayes have it. The motion
26. carries. Senator Glass is now recognized.

27. SENATOR GLASS:

28. Thank you, Mr. President. What Senator Rock said also
29. applies to House Bill 3425, and I would make at this time a
30. similar motion with respect to that bill.

31. PRESIDENT:

32. You've heard the motion. All in favor say Aye. Well,
33. the motion, I think I should state it...the motion is to discharge

1. the Committee on Executive of House Bill 3425 and place it on
2. the order of 2nd reading. All in favor will say Aye. Opposed
3. Nay. The motion carries. The bill is now on 2nd reading.
4. Resolutions.

5. SECRETARY:

6. Senate Resolution 399 introduced by Senators Mitchler,
7. Merritt, Lane, Weaver, Schaffer and Fawell. It's congratulatory.

8. PRESIDENT:

9. Senator Mitchler moves to suspend the rules for the
10. immediate consideration of this resolution. All in favor will
11. say Aye. Opposed Nay. The rules are suspended. Senator
12. Mitchler moves for the adoption of this resolution...the
13. immediate adoption. All in favor say Aye. Opposed Nay. The
14. resolution is adopted.

15. SECRETARY:

16. Senate...Senate Resolution 400 introduced by Senator Ozinga
17. and all members. It's congratulatory.

18. PRESIDENT:

19. Senator Ozinga.

20. SENATOR OZINGA:

21. The resolution, Mr. President, pertains to the most lovely
22. young lady that we saw this afternoon, and I would move that all
23. of the Senators be added to the resolution and move for the
24. suspension of the rules for the immediate adoption thereof.

25. PRESIDENT:

26. Senator Ozinga moves for the suspension of the rules for
27. the immediate adoption...for immediate consideration of this
28. resolution. All in favor say Aye. Opposed Nay. The rules
29. are suspended. Senator Ozinga moves now for the immediate
30. adoption of this resolution. All in favor say Aye. Opposed
31. Nay. The resolution is adopted. Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. There's a House Committee bill,

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M. Harris

1. which was assigned to me when it came over here and apparently it
2. was not noticed in the Rules Committee and was not automatically
3. voted out, so, I would like at this time to move to dis-
4. charge the Committee on Rules from further consideration of
5. House Bill 3891 and I would further like to...to have it
6. assigned to the Committee on Public Health, Welfare and Corrections,
7. waive the six day notice and allow it to be heard tomorrow
8. morning since that may be the last meeting of that committee.

9. PRESIDENT:

10. In which committee?

11. SENATOR NETSCH:

12. Public Health, Welfare and Corrections. I'm sure that's the
13. committee to which it would be assigned. I'm sorry to do this
14. at such a late date, but we did not realize that it had not come
15. out of Rules.

16. PRESIDENT:

17. The Chair appreciates your solicitude. We'll have to
18. get the bill out here to read it. It has to be read a...a first
19. time.

20. SENATOR NETSCH:

21. All right.

22. PRESIDENT:

23. House Bill 3891. Senator Harris.

24. SENATOR HARRIS:

25. Yes, Mr. President, I have caused to be placed on the Secretary's Des
26. notice of a motion, and I wish the record to show that I have at 9:55 p.m.
27. and I have inquired in the Secretary's Office that the Senate
28. Bill 1712 is in our possession. It was, of course, amended
29. this evening, and it resides right now in the Enrolling and
30. Engrossing office, so I hereby, serve notice that I wish to move
31. on the next legislative day to reconsider the vote by which Senate
32. Bill 1712 was passed, and I wish to take up this matter on the
33. next legislative day. Thank you, Mr. President.

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2/2/1976

- 1. PRESIDENT:
- 2. The motion is in the possession of the Secretary. I
- 3. will try to make an effort to...unless you have already done so, did...
- 4. SENATOR HARRIS:
- 5. Yes, I've...I've made the determination...
- 6. PRESIDENT:
- 7. ...did you mention this?
- 8. SENATOR HARRIS:
- 9. ...the bill is in the possession of the Senate.
- 10. PRESIDENT:
- 11. That is...I was about to say something else. Senator
- 12. Hynes who is the sponsor has gone. He had another meeting,
- 13. and Senator Wooten who offered the amendment is gone, but
- 14. we'll let them know the first thing in the morning. But the...the
- 15. motion is filed.
- 16. SENATOR HARRIS:
- 17. The motion is in order.
- 18. PRESIDENT:
- 19. The motion is filed and the motion is in order. House
- 20. Bills 1st reading.
- 21. SECRETARY:
- 22. House Bill 3891
- 23. (Secretary reads title of bill)
- 24. 1st reading of the bill.
- 25. PRESIDENT:
- 26. Senator Netsch has previously spoken to...what is the number,
- 27. please? House Bill 3891. She moves...Senator Netsch moves to
- 28. discharge this Committee...this bill from the Committee on
- 29. Assignment of Bills. She further moves to waive the six day notice
- 30. for posting and further moves that this bill be referred to
- 31. the Committee on Public Health, Welfare and Corrections and
- 32. further that it be heard tomorrow. All in favor will say Aye.
- 33. Opposed Nay. The Ayes have it. The motion carries. Any further
- 34. business to come before the Senate? The Senate stands in adjournment
- 35. until 10:30 tomorrow morning.