

78TH GENERAL ASSEMBLY  
MARCH 21, 1973

1. PRESIDENT:

2. The Senate will please come to order. The prayer will be  
3. offered by the Reverend Larry Maffett, of the First United  
4. Methodist Church, of Springfield. Reverend Maffett.

5. (Prayer by Reverend Maffett)

6. PRESIDENT:

7. I'm just thrilled to announce to the Senate that we do, in  
8. fact, have a most pleasant experience in store for us, and in  
9. order to make known what that prospect is, I'm going to introduce  
10. one of our colleagues, Senator Knuepfer, who will proceed with  
11. this very happy occasion. Senator Knuepfer.

12. SENATOR KNUEFFER:

13. ... I'm delighted to be able to tell you that I have a very  
14. young lady ... lovely young lady up here. Her parents have been  
15. long time friends of mine ... Miss Carolyn Kay Paulus, who is  
16. Miss Illinois. Miss Paulus.

17. MISS PAULUS:

18. Good morning, gentlemen. I'd like to tell you just a little  
19. bit about myself. I am Miss Illinois, and I'm from the town of  
20. Elmhurst, that's my home town. I go to school at Western Illinois  
21. University so that means I'm partially from Macomb also. And, I'm  
22. a junior down there, a voice major. This year as Miss Illinois  
23. I'm traveling all around the State, and I've probably been to many  
24. of your home towns for various affairs, parades and Chamber of  
25. Commerce, Jaycee events. And, today I'm down here in Springfield,  
26. making a tour of the Capitol building and I was in the House  
27. earlier this morning and now over here, and I would just like to  
28. say, thank you very much for having me today.

29. SENATOR KNUEFFER:

30. ... uh ... An introduction then of the proud parents, Mr.  
31. and Mrs. K. Paulus.

32. PRESIDENT:

33. I notice that ... the Senator who serves Western, seeks

1. recognition. Senator Latherow.

2. SENATOR LATHEROW:

3. Thank you Mr. President. I'd like to have you, Senator  
4. Knuepfer, recognize the fact that the young lady did have to  
5. leave your area before she received the proper recognition. She  
6. was Miss Maccomb, which we are very proud and I assure you that  
7. there's no one any prouder of this young lady than we are in the  
8. 47th District in the State of Illinois. Thank you Mr. President.

9. PRESIDENT:

10. Reading of the Journal.

11. SECRETARY:

12. Thursday, March 15, 1973.

13. PRESIDENT:

14. Senator Soper.

15. SENATOR SOPER:

16. Mr. President, I move to with the further reading of the  
17. Journal of March 15th and unless some Senator has some correc-  
18. tions or additions to make that the Journal stand approved.

19. PRESIDENT:

20. For the Journal of March 15, are there additions or correc-  
21. tions? All in favor of the motion to dispense and adopt signify  
22. by saying aye. Contrary nay. The motion is carried. Senator Soper.

23. SENATOR SOPER:

24. ... Mr. President, I move to ... postpone reading the Journal  
25. of March 20th pending arrival of the printed Journal.

26. PRESIDENT:

27. Senator Soper has moved to dispense with the reading of the  
28. March 20 Journal until the arrival of the printed Journal. All  
29. in favor of the motion signify by saying aye. Contrary nay. The  
30. motion is carried and the March 20 Journal will be delayed until  
31. the arrival of the printed Journal itself. Committee reports.

32. SECRETARY:

33. Senator Graham, Chairman of the Committee on Assignment of

1. of bill, reports the following assignments: To the Committee on  
2. Agriculture, Conservation and Ecology: SB 365, 372 and 376.  
3. To the Committee on Appropriations: SB 355, 359, 367, 368, 369,  
4. 370, 371, 377, 378 and 379. To Committee on Education: HB 307.  
5. Committee on Executive: SB 360. Committee on Insurance and Finan-  
6. cial Institutions: SB 353 and 366. Committee on Judiciary: SB 354,  
7. HB 130 and 200. Committee on Local Government: SB 352, 356, 362,  
8. 364 and 374. HB 181, 248 and 249. Committee on Public Health,  
9. Welfare and Corrections: SB 358, 361, 373 and 375. Committee  
10. on Revenue: SB 357. Committee on Transportation and Public  
11. Utilities: SB 363. Senator Latherow, the Chairman of the Com-  
12. mittee on Agriculture, Conservation and Ecology, reports SB 27,  
13. 68 and 97 with a recommendation the bills do pass as amended.

14. PRESIDENT:

15. The...Chair wishes...to announce to the Senate that we are  
16. enjoying the pleasure of the personal presence of one of our  
17. Constitutional Officers. Attorney General Bill Scott is on the  
18. Floor. General. Resolutions.

19. SECRETARY:

20. Senate Joint Resolution 26 by Senator Graham.

21. (Secretary reads Resolution)

22. PRESIDENT:

23. Senator Graham.

24. SENATOR GRAHAM:

25. I move the adoption of the generma...REs...Resolution.

26. PRESIDENT:

27. Senator Graham has moved the adoption of the Joint Reso-  
28. lution. All in favor signify by saying aye. Contrary nay.  
29. The Resolution is adopted. Introduction of bills.

30. SECRETARY:

31. SB 380 by Senators McBroom, Berning and Merritt.

32. (Secretary reads title of bill)

33. 381 by Senators Weaver, Latherow, Merritt, Davidson, Shapiro,

1. Regner and Harber Hall.
2. (Secretary reads title of bill)
3. SB 382 by Senators Chew, Swinarski, Kosinski, Buzbee, Newhouse,
4. Saperstein, Nudelman, Palmer, Romano, Welsh, Dougherty, Wooten,
5. Smith, Bruce, Rock, Kenneth Hall, Vadalabene, Daley, Johns,
6. Keegan, Course, Savickas, Carroll and Scholl.
7. (Secretary reads title of bill)
8. 383 by Senators Don Moore, Graham, Shapiro, Howard Mohr, Scholl,
9. Sommer, Bell, Weaver, Ozinga, Glass, Regner, Walker, Nimrod,
10. Bartulis and Conolly.
11. (Secretary reads title of bill)
12. SB 384 by Senators Don Moore, Walker and Bartulis.
13. (Secretary reads title of bill)
14. 385 by Senators Regner, Don Moore and Welsh.
15. (Secretary reads title of bill)
16. 386 by Senators Berning, Conolly, Weaver, Howard Mohr, Regner
17. and Romano.
18. (Secretary reads title of bill)
19. 387 by Senators Chew, Latherow, Course and McCarthy.
20. (Secretary reads title of bill)
21. 388 by Senators Nudelman, Partee, Rock, Donnewald and Palmer.
22. (Secretary reads title of bill)
23. 389 by Senators Nudelman, Donnewald, Partee, Rock and Palmer.
24. (Secretary reads title of bill)
25. 390 by Senators Nudelman, Donnewald, Partee, Rock and Palmer.
26. (Secretary reads title of bill)
27. SB 391 by Senator Shapiro.
28. (Secretary reads title of bill)
29. SB 392 by Senators McBroom, Bruce, Vadalabene, Glass, Weaver
30. and Roe.
31. (Secretary reads title of bill)
32. 393 by Senators Walker, Don Moore, Bartulis, Glass, Roe, Schaffer,
33. Berning, Sours, Ozinga, Latherow, Conolly, Harber Hall and Regner.

1. (Secretary reads title of bill)

2. 394 by Senators Don Moore, Soper, Bartulis, Dougherty, Palmer,

3. Regner, Rock and Welsh.

4. (Secretary reads title of bill)

5. 395 by Senators Don Moore, Soper, Bartulis, Dougherty, Palmer,

6. Regner, Rock and Welsh.

7. (Secretary reads title of bill)

8. 1st Reading of the bills.

9. SB 396 by Senators Howard Mohr, Weaver, Don Moore, Ozinga,

10. Graham, Roe, Glass and Schaffer.

11. (Secretary reads title of bill)

12. 1st Reading of the bills.

13. SB 397 by Senators Saperstein, Partee, Donnewald and Rock.

14. (Secretary reads title of bill)

15. 398 by Senator Saperstein.

16. (Secretary reads title of bill)

17. 1st Reading of the bills.

18. 399 by Senator Saperstein.

19. (Secretary reads title of bill)

20. 1st Reading of the bills.

21. PRESIDENT:

22. Senator Saperstein.

23. SENATOR SAPERSTEIN:

24. Mr. President, and ladies and gentlemen, 398 is that the

25. first bill that you read? I tried to get your attention. ...

26. This is a ...a bill to...delay the reporting date, to give us

27. more time. And, the reason we must submit it in the form of a

28. bill that this is a ...permanent commission. Therefore, I would

29. like to...to suspend the Rules for immediate consideration of

30. this bill and be placed on 2nd reading.

31. PRESIDENT:

32. Senator Saperstein in reference to SB 398, has moved...that

33. it be read a 1st time and advanced to 2nd reading without reference.

1. In response to her motion, Senator Clarke is recognized. Senator  
2. Clarke.

3. SENATOR CLARKE:

4. ...Mr. President...I think the sponsor ought to give us and  
5. explanation as to just what the bill involves and what it does.

6. PRESIDENT:

7. ...Senator Saperstein.

8. SENATOR SAPERSTEIN:

9. ...I'm sorry I did, but I probably spoke too softly, Senator  
10. Clarke. This would postpone the reporting date or advance the  
11. reporting date, give us more time...from February 15th to June 1st.  
12. This is merely...you see the reason it has to come in this form  
13. rather than a resolution the fact that it is a permanent com-  
14. mission, and this is what we were advised by Mr. Bobbitt. It  
15. must come in the form of a bill and not a resolution. This is  
16. ...398 was this for the Commission of Mental Health or the Status  
17. of Women? There were two bills. They're both alike. Which one  
18. was that Mr. ...er?

19. SECRETARY:

20. Commission on Mental Health.

21. SENATOR SAPERSTEIN:

22. Right.

23. PRESIDENT:

24. Senator Mitchler, you seek recognition?

25. SENATOR MITCHLER:

26. I was ... I was going to ask what the bill...what commission  
27. is this, Senator Saperstein?

28. SENATOR SAPERSTEIN:

29. Pardon me.

30. SENATOR MITCHLER:

31. What commission are you talking about?

32. SENATOR SAPERSTEIN:

33. This is Mental Health.

1. SENATOR MITCHLER:  
2.           The Commission on Mental Health.  
3. SENATOR SAPERSTEIN:  
4.           Yes, Sir.  
5. SENATOR MITCHLER:  
6.           Yeah, I don't think there'll be any objection to that.  
7. SENATOR SAPERSTEIN:  
8.           All right, thank you very much.  
9. SENATOR SOURS:  
10.          Let the Record show I object to it.  
11. SENATOR SAPERSTEIN:  
12.          What did you say, Senator Sours?  
13. PRESIDENT:  
14.          Senator Sours.  
15. SENATOR SOURS:  
16.          I'd like to recommend it be ... assigned to Executive.  
17. PRESIDENT:  
18.          On the motion to suspend the Rules, there is not unanimous  
19. consent. Senator Sours has raised an objection. Senator Saperstein  
20. may proceed to ... on a motion to suspend if that is her wish.  
21. The motion is to suspend the Rules. On the motion to suspend,  
22. all in favor signify by saying aye. Contrary nay. On the motion  
23. to suspend, will the members please be in their seats? Will the  
24. members please be in their seats? All in favor of the motion  
25. to suspend the rules, have the bill read a 1st time and advanced  
26. to 2nd reading, without reference, signify by standing. ...  
27. Please be seated, those supporting the motion. Those in favor  
28. of rejection of the motion, please stand. On that motion having  
29. failed to receive a sufficient number of votes, it requires 30  
30. votes, the motion fails and the Rules are not suspended. ...  
31. Roll...t...two Senators request a roll call. The Secretary will  
32. call the roll on Senator Saperstein's motion to suspend. Will  
33. the members be in their seats?

1. SECRETARY:

2. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,  
3. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,  
4. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns,  
5. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy,  
6. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
7. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,  
8. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
9. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver,  
10. Welsh, Wooten, Mr. President.

11. PRESIDENT:

12. Senator Saperstein.

13. SENATOR SAPERSTEIN:

14. Absentees, please.

15. PRESIDENT:

16. Secre...may...a call the absentees has been will requested.  
17. Secretary will call the absentees. ...will the Senators please  
18. be in their seats.

19. SECRETARY:

20. Bartulis, Bell, Bruce, Conolly, Davidson, Glass, Harber Hall,  
21. Johns, Don Moore, Netsch, Nimrod, Ozinga, Roe, Schaffer, Soper,  
22. Weaver, Mr. President.

23. PRESIDENT:

24. How is Senator Saperstein recorded?

25. SECRETARY:

26. Aye.

27. PRESIDENT:

28. Senator Saperstein.

29. SENATOR SAPERSTEIN:

30. Mr. President, when I voted...I asked for that vote to be  
31. recalled because I did want an opportunity to explain my vote.

32. PRESIDENT:

33. Proceed.

1. SENATOR SAPERSTEIN:

2. ...Thank you very much... I just wonder whether my friends  
3. on the other side of the aisle understand that this does nothing  
4. but delay the reporting date...of the Mental Health Commission  
5. because we are now in the process of working with the Department  
6. in drawing up legislation and recording some of the material of  
7. the meetings. And,...what we are asking is just a delay in re-  
8. cording the reports. It's a perfectly natural and ordinary re-  
9. quest that is made of the Legislature everyday that we are here.  
10. And if we're going to deny a simple request like this, I think  
11. a very, very, very serious matter. ... It doesn't change the ...  
12. it isn't any change in the law, there is no change in the procedure.  
13. It will just give us enough time...there are several members of the  
14. other side of the aisle who are on the committee and they understand  
15. that we need more time ... to make our report. So, I am ... really  
16. sincerely requesting the, at least the members of the commission  
17. ... to ... help us in the delay of the reporting date so that we  
18. may present to this august Body ... the report in its total. We  
19. did issue an interim report and it was placed on the desks of all  
20. the Senators and ... and we know that everyone in this ... what?  
21. PRESIDENT:

22. Senator Saperstein has 3 minutes to explain the vote.

23. SENATOR SAPERSTEIN:

24. ...We...they know that our...work on the commission was a  
25. very serious and important piece of proposed investigation to ...  
26. to improve the conditions. ...And I want to thank everyone who  
27. understands this. Thank you, very much.

28. PRESIDENT:

29. Senator Ozinga, desire recognition?

30. SENATOR OZINGA:

31. Mr. Chairman, I don't believe that I have voted on this,  
32. but I did not, I want it to be understood that I did not start this  
33. little argument...however, I think that it should be responded,

1. I think that somebody should respond to Senator Saperstein to  
2. the extent that it's been less than 2 weeks ago when legislation  
3. of a similar nature, when people from that side of the aisle were  
4. requested and talked in favor of a bill and at time specifically  
5. stated, well look, Senator Saperstein would like us not to vote  
6. on this and therefore we've got to respect our own Senator. Well  
7. now, this is a little bit ridiculous. I realize fully what she's  
8. up against and I ... I don't like to be playing games, I don't  
9. like to be a part of a game, but with the same token, Senator,  
10. don't you think it's a little bit ridiculous when you pull this  
11. kind of stuff when there are people right, sitting over on your  
12. own side of the aisle that are holding up a postponed consideration  
13. because a couple of our people are absent and were absent at the  
14. time?

15. PRESIDENT:

16. On that motion, the Chair just wants to acknowledge that ...  
17. we've been ... have you completed, Senator Ozinga?

18. SENATOR OZINGA:

19. I'm going to vote aye.

20. PRESIDENT:

21. On the motion to suspend, the yeas are 31, the nays are 14.  
22. The Rules are suspended. The bill will be advanced to 2nd read-  
23. ing without reference. Senator McBroom.

24. SENATOR MCBROOM:

25. Mr. President, members of the Senate, I would like very  
26. briefly to interrupt business here to make a/an introduction.  
27. I want to call Senator Partee's attention that ... he has an  
28. old friend sitting in the gallery and I didn't want to make  
29. this introduction, Mr. President, unless Senator Romano and  
30. Senator Vadalabene were on the Floor. ... Chief Circuit Judge  
31. from our District is in the gallery, Judge Cardosi, if he'll rise  
32. and Circuit Judge Fred Michela and Circuit Clerk of our county,  
33. Roger Serafini.

1. PRESIDENT:

2. For what purpose does Senator Saperstein arise?

3. SENATOR SAPERSTEIN:

4. ... I do believe there's another bill to do the same thing  
5. for the Commission on the Status of Women, is that 399? 399, the  
6. same request that it be ...

7. PRESIDENT:

8. ... Senator Saperstein has moved that SB 390 be read a 1st  
9. time and advanced to 2nd reading without reference. On ... that  
10. is a motion to 399, I'm sorry.

11. SENATOR SAPERSTEIN:

12. 399

13. PRESIDENT:

14. Yes, Senator Sours.

15. SENATOR SOURS:

16. Mr. President, Senators, I make the same didactic objection.

17. PRESIDENT:

18. The motion was not expressed in seeking unanimous consent.  
19. The motion is to suspend and have the bill read a 1st time and  
20. advanced to 2nd reading without reference. All in favor of the  
21. motion to suspend, signify by saying aye. Contrary nay. On the  
22. motion to suspend, those in favor please stand. ... the other mem-  
23. bers please be in your seats. Those supporting the motion please  
24. be seated. Those opposed to the motion stand. On that motion,  
25. having failed to receive 30 votes, is declared lost. What  
26. Senator joins Senator Saperstein. A roll call has been re-  
27. quested. The Secretary will call the roll.

28. SECRETARY:

29. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew, Clarke,  
30. Conolly, Course, Daley, Davidson, Donnewald, Dougherty, Fawell,  
31. Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns, Keegan,  
32. Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,  
33. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,

1. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,  
2. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,  
3. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

4. PRESIDENT:

5. For what purpose Senator Saperstein seek recognition?

6. SENATOR SAPERSTEIN:

7. ... plain my vote.

8. PRESIDENT:

9. Proceed. I might point out, Senator, that the Rules do not  
10. provide for vote explanation on nondebatable subjects, but I  
11. would encourage you to be brief and I do recognize you.

12. SENATOR SAPERSTEIN:

13. All right. Thank you very much, Mr. President, Ladies and  
14. Gentlemen, I would like to explain my vote on 399, which the main  
15. ... the trust of this bill is to also allow the Commission on the  
16. Status of Women more time ... to compile its report. Those of you  
17. who received a notice know that we had a public hearing on sex  
18. discrimination in higher education. We are now transcribing these  
19. notes and it's going to take a little longer than we expected.  
20. So, I would respectfully say to my colleagues on the other side  
21. of the aisle, especially those members that are on the Commission  
22. and the one member, Senator Mitchler, who has just resigned from  
23. the Commission and Senator Walker, and Senator Schaffer, ... who  
24. are valuable additions to the Commission, I am sure, we're very  
25. delighted to have them, that we need a little more time ... to  
26. compile the report. It's a simple request, uncomplicated,  
27. doesn't change a thing in the world and I would, I would suggest  
28. respectfully to my friends on the other side of the aisle that  
29. they support this request for an extension. I vote aye.

30. PRESIDENT:

31. On that roll call the yeas are 28 the ... Senator Swinarski.  
32. How is Senator Swinarski recorded? You are not recorded. On  
33. that question the yeas are 29 the nays are 12. The motion failed

1. and the Rules are not suspended. Senate Bills on 2nd... for  
2. what purpose Senator Romano seek recognition?

3. SENATOR ROMANO:

4. ...Mr. President, Senator McBroom had asked me to say some  
5. words in Italian to those three distinguished Italian-Americans  
6. up in the gallery but I only know one word. Bono Venuto to  
7. Springfield.

8. PRESIDENT:

9. ...Bills on 2nd reading. ...Senator Rockelli seek recognition?

10. SENATOR ROCK:

11. No, Mr. President, I wouldn't...I'm not that distinguished.  
12. I just wanted to get on the order of 2nd reading. I've got some  
13. bills I want to move.

14. PRESIDENT:

15. Senate Bills on 2nd reading. SB 3. Senator Mitchler.

16. SENATOR MITCHLER:

17. Mr. President, I know a number of the Senators are interested  
18. in SB 3 because of the paint industry contacting them on the  
19. amount of lead to be contained in the paint, and what we're doing  
20. now, the reason I'm holding this is because I'm working out an  
21. amendment and making sure that it is agreeable with all of those  
22. that were in opposition. So, I'm holding the bill and I ...hope-  
23. fully next week we can move it out.

24. PRESIDENT:

25. Bill will be held. Senator Rock, you wished your bill  
26. called. SB 32.

27. SECRETARY:

28. SB 32 (Secretary reads title of bill) 2nd reading of the bill.  
29. The Committee on Judiciary offers one amendment.

30. PRESIDENT:

31. Senator Rock.

32. SENATOR ROCK:

33. Yes, Mr. President, this is an amendment that was offered in

1. committee by Senator Fawell. It was adopted unanimously. And,  
2. all it does is change ... this bill calls for notice to foster  
3. parents if, in fact, the custody or status of the child is to be  
4. changed once having become a ward of the Department of Children  
5. and Family Services. ... Senator Fawell thought it was a little  
6. bit too broad, the notice provisions were, and he offered an  
7. amendment which we wholeheartedly accepted, to insert the word  
8. current so that the foster parent who currently has custody of  
9. the child will certain to receive notice, and I would move its  
10. adoption.

11. PRESIDENT:

12. I have an instruction, Senator Rock ... was there an under-  
13. standing in the committee to Table your original motion and then  
14. offer a substitute or you're proceeding with just a supplemental  
15. amendment to the committee amendment?

16. SENATOR ROCK:

17. No ... no this, ... this is a committee amendment which ...  
18. whose adoption ... which ... the adoption of which I have just  
19. moved.

20. PRESIDENT:

21. Is there further discussion? ON the motion to adopt Com-  
22. mittee Amendment No. 1, all in favor signify by saying aye.  
23. Contrary nay. Amendment No. 1 is adopted. Senator Rock do you  
24. have further amendments?

25. SENATOR ROCK:

26. No further amendments.

27. PRESIDENT:

28. Are there amendments from the Floor? 3rd reading. You  
29. wish ... 33 called? Senator Rock.

30. SECRETARY:

31. SB 33.

32. (Secretary reads title of bill)

33. 2nd reading of the bill. The Committee on Judiciary offers 1  
34. amendment.

1. PRESIDENT:

2. Senator Rock.

3. SENATOR ROCK:

4. Again, Mr. President, this is ... deals with the subject  
5. of child abuse ... heretofore, as you know, the custody of a  
6. child ... could, could, in fact, be changed kind of unilaterally  
7. by a social worker or the Department of Children and Family Ser-  
8. vices. What we are saying in this bill or what the bill origi-  
9. nally said was that, if in fact, there had a finding of physical  
10. abuse that there could not be any change or any return to the  
11. natural parents without prior court approval. Senator Fawell  
12. offered an amendment in committee again which was wholeheartedly  
13. accepted and unanimously adopted, which calls for prior court  
14. approval of any change pursuant to a finding of neglect or de-  
15. pendency. And, again I would move the adoption of this amend-  
16. ment.

17. PRESIDENT:

18. Is there any further discussion? On the motion to adopt  
19. committee amendment No. 1, all in favor signify by saying aye.  
20. Contrary nay. Motion carried and the amendment is adopted.  
21. Any further amendments, Senator Rock? Are there amendments from  
22. the Floor? 3rd reading. Did you wish to call 35?

23. SECRETARY:

24. SB 35.

25. (Secretary reads title of bill)

26. 2nd reading of the bill. The Committee on Judiciary offers 1  
27. amendment.

28. PRESIDENT:

29. Senator Rock.

30. SENATOR ROCK:

31. Yes, Mr. President, members of the Senate, these next 2  
32. bills 35 and 36 deal with an ancillary subject and that is the  
33. subject of the Act for the reporting of physical abuse. SB 35

1. had as its original intent an accommodation to the medical  
2. people who are required to make these reports, to give them  
3. additional time after ... their investigation or their find-  
4. ings. ... I have an amendment on the Secretary's desk. I  
5. would move the adoption of the committee amendment and then  
6. I have an amendment which I wish to offer from the Floor.

7. PRESIDENT:

8. Is there any further discussion? The motion is to adopt  
9. Committee Amendment No. 1. All in favor signify by saying  
10. aye. Contrary nay. The motion is adopted.

11. SECRETARY:

12. Amendment No. 2 offered by Senator Rock.

13. SENATOR ROCK:

14. Yes, Mr. President, members of the Senate, with the adop-  
15. tion of Amendment No. 1, Senator Fawell has pointed out to me  
16. and I agree with him that the amendment kind of defeats the in-  
17. tent of the bill. We took the amendment in good faith, we have  
18. put it on, but now the amendment, the 2nd amendment which I  
19. offer, goes a little bit further. It's very short and I would  
20. read it to the members of the Senate before I move its adoption.  
21. It says, now this is in the area again of reporting of physical  
22. abuse cases, this says: The Department shall initiate an in-  
23. vestigation of each report of child abuse under this Act whether  
24. oral or written, within 24 hours after the receipt of such report.  
25. This investigation shall include but not be limited to an on site  
26. investigation of the residence of the abused child. The reason  
27. for this amendment, Mr. President and members of the Senate, as  
28. you recall in the 77th General Assembly, there was a subcommittee  
29. of the Judiciary Committee that was invoked by Senators Partee  
30. and Neistein and Clarke, pursuant to the John, Johnny Lindquist  
31. tragedy. Some of the testimony that we had from the social workers,  
32. employees of the Department of Children and Family Services, in-  
33. dicated very strongly to us that in all too many instances there

1. were case reports which were not promptly investigated by the  
2. Department. This due to a number of factors, one of which was  
3. the ... not enough personnel frankly. The reports were coming  
4. in at the rate of about 50 per month, and the work load of each  
5. of the case workers was such that only a preliminary screening  
6. was had at ... when the report initially came in. And, only  
7. those cases that were horrendous ... on the face of the report  
8. were promptly investigated. The rest were kind of shuffled to  
9. the bottom of the pile. This amendment would mandate the De-  
10. partment of Children and Family Services to investigate every  
11. report within 24 hours, and I would move the adoption of this  
12. amendment.

13. PRESIDENT:

14. Is there further discussion? All in favor of the adoption  
15. of the amendment signify by saying aye. Contrary nay. The  
16. motion carries. The amendment is adopted. Senator Rock do you  
17. have additional amendments?

18. SENATOR ROCK:

19. I ... no sir, I do not.

20. PRESIDENT:

21. Are there amendments from the Floor. 3rd reading. SB 36.

22. SECRETARY:

23. SB 36.

24. (Secretary reads title of bill)

25. 2nd reading of the bill. The Committee on Judiciary offers 1  
26. amendment.

27. PRESIDENT:

28. Senator Rock.

29. SENATOR ROCK:

30. Ye... Mr. President, members of the Senate, this bill again  
31. deals with the reporting statute. Under the reporting statute  
32. as it now stands only medical doctors are required to fill out  
33. these reports and mail them to the Department. What we have

1. attempted to do here, and I might point out to Senator McBroom,  
2. ... some of the most pertinent testimony was received from Dr.  
3. Ryan from Kankakee ... And, as a matter of fact, I will get to  
4. him a little bit later. But, what we attempt to do here is en-  
5. large the class of those who are required to report. And, we  
6. enlarge it to the extent that we have registered nurses, social  
7. workers, caseworkers, school teachers. Those people which in  
8. the ... again, in the opinion of the subcommittee last year,  
9. those people we felt, come into daily contact with these children,  
10. would be able to, upon reasonable suspicion fill out such a re-  
11. port and we would hopefully ... hopefully by enlarging the re-  
12. porting class we would get more and better reports. ...Now the  
13. amendment which was offered in committee which is currently on  
14. the Secretary's desk, I ... I would ask that it would be tabled  
15. for this reason. We put an amendment on to accommodate the  
16. social workers and to accommodate the registered nurses. The  
17. amendment was technically faulty. We had used the word li-  
18. censed social worker and apparently ... the ... technically  
19. they're not licensed, they are registered. I would ask that ...  
20. I would ask that, that amendment be tabled and I have another  
21. amendment to offer which again reincorporates these groups and  
22. additionally adds two groups of people which were suggested in  
23. a letter to Senator McBroom from Dr. Ryan, the Coroner of  
24. Kankakee County. I would move that this amendment be tabled.

25. PRESIDENT:

26. Senator Rock has moved Committee Amendment No. 1 be tabled.  
27. Senator Bell.

28. SENATOR BELL:

29. ... Yes, I would like to ask a question of Senator Rock  
30. in reference of this SB 36 ...

31. PRESIDENT:

32. ... Senator, the matter before us now is just to table  
33. Committee Amendment No. 1. I think we should dispose of that

1. and then the bill will be subject to discussion. All in favor  
2. of the motion to table signify by saying aye. Contrary nay.  
3. Committee Amendment No. 1 is tabled. The motion carried. The  
4. amendment is tabled. Senator Bell.

5. SENATOR BELL:

6. Yes, Senator Rock, when you say required, could you digress  
7. just a little bit on that? It would seem to me that very pos-  
8. sibly that there would be administrative aspects of that ...  
9. that might cause problems in actuality.

10. PRESIDENT:

11. Senator Rock.

12. SENATOR ROCK:

13. The reporting statute, Senator, says now that any physician  
14. and goes on to detail all the medical personnel, having reason-  
15. able cause to believe that a child brought to him or coming be-  
16. fore him for examination, care or treatment, has suffered injury  
17. or disability from physical abuse or neglect. At that point he  
18. has to make report. Now all we're saying is that ... that same  
19. reasonable cause, we feel, is a judgment call and it should also  
20. be made by those persons who come into daily contact with children.  
21. Namely, schoolteachers, registered nurses, licensed social workers  
22. that's the whole intent of it. But, it's the reasonable cause  
23. aspects, Senator.

24. PRESIDENT:

25. Senator Bell.

26. SENATOR BELL:

27. I don't want to belabor the point, but when you say required  
28. are the ... are they the schoolteachers, the administrators and  
29. so on and so forth as you've enumerated here, when you use the  
30. word required if in fact... if in fact, they do not choose to do  
31. so, to choose to not report, what will happen then under your bill?  
32. What... you know, what's the ramification of it, if they don't  
33. report this?

1. PRESIDENT:

2. Senator Rock.

3. SENATOR ROCK:

4. Well, the ... the thrust ... the thrust, Senator of the  
5. statute is in the other direction. We give them liability or  
6. an exclusion ... immunity from any liability if in fact they  
7. make a false report. Now if they don't report at all, there's  
8. no way to get at them. ... The fact of the matter is that the  
9. statute was put on the books to encourage this type of report  
10. and the only way to encourage it is to afford these people that  
11. we direct to report, immunity from liability in the event that  
12. their reasonable suspicion is not well grounded.

13. PRESIDENT:

14. Senator Rock may proceed with his ... additional amendment.

15. SENATOR ROCK:

16. Yes ... now there is an amendment on the Secretary's desk  
17. which I presume will be numbered Amendment No. 2.

18. PRESIDENT:

19. Yes.

20. SENATOR ROCK:

21. And I would again just for the benefit...

22. PRESIDENT:

23. Makes ... Makes the change from licensed to registered.

24. SENATOR ROCK:

25. It does and in addition ... Senator McBroom, it incorporates  
26. two additional classes. Two classes which were suggested by Dr.  
27. Ryan. I'm sure Senator McBroom might want to say something on  
28. behalf of Dr. Ryan. In my opinion he's a ... a nationally re-  
29. nowned expert, and Kankakee County is very fortunate, by the way  
30. to have such a man. But, this again, enlarges the class and it  
31. would read so that any school, nursery school, or day care center,  
32. any law enforcement officer, or any employee or agent of a law  
33. enforcement agency, any registered social worker, any registered

1. nurse, or any caseworker or case aide employed by the Illinois  
2. Department of Public Aid having reasonable cause to believe and  
3. etc. And I would move the adoption of Amendment No. 2.

4. PRESIDENT:

5. Is there further discussion? Senator McBroom.

6. SENATOR MCBROOM:

7. Well I ... I just like to say, Mr. President, members of  
8. the Senate that I ... I for one particularly appreciate Senator  
9. Rock's efforts in ... in this behalf. Many months ago I called  
10. him and asked him if he would give Dr. Ryan some time on this  
11. subject matter and he was delighted and most cooperative. ...  
12. ... Mr. President and members of the Senate, I might just  
13. point out one statistic that Dr. Ryan pointed out to me, that  
14. there are over twice as many cases of child abuse ... reported  
15. in one county in Texas as there has been in the entire State  
16. of Illinois. So, I think, that what Senator Rock is endeavoring  
17. to accomplish here is certainly meritorious. I also might point  
18. out, and I'm ... I'm not being facetious when I make this remark  
19. I'm not trying to sell any books for Dr. Ryan, but I think for  
20. those of you who are interested in this, ... you might find it  
21. most fascinating, he has written a book on the subject called  
22. Suffer the Little Ones. ... And it's quite enlightening as to  
23. some of the psychiatric problems that are involved here and  
24. several of the members I know have read the book and it might  
25. be interesting to some of the other ones ... and I appreciate  
26. your efforts very much Senator Rock. Thank you.

27. PRESIDENT:

28. Is there further discussion? Sena... On the motion to  
29. adopt Amendment No. 2. All in favor, signify by saying aye.  
30. Contrary nay. Motion carries and the amendment is adopted.  
31. Senator Rock.

32. SENATOR ROCK:

33. Yes, Mr. President, members of the Senate, I know Senator

1. Ozinga has an amendment which he wishes to offer from the Floor.  
2. I will say only this, that it is an amendment offered that is  
3. kind of commonplace in the Legislature and that is one offered  
4. by the practitioners of Christian Science, Senator Ozinga ...  
5. I told Senator Ozinga I did not wish to offer it in committee  
6. but that I would certainly recognize him on the Floor and that  
7. I would ask him to explain that amendment.

8. PRESIDENT:

9. Senator Ozinga.

10. SENATOR OZINGA:

11. Mr. President, as a member of the committee, I guess to me  
12. fell the job of presenting the motion, but this was a little bit  
13. of an argument, I think probably Senator Soper started it because  
14. he's usually pretty good at starting arguments, but at any rate,  
15. it came out where the practitioner with the staff men of both  
16. sides of the aisle together with the chairman of the committee,  
17. offers the amendment for the Christian Science practitioner. And  
18. I would move its adoption.

19. PRESIDENT:

20. Senator Ozinga has offered Amendment No. 3 which is the  
21. Christian Science Practitioner Exclusion. Is there discussion?  
22. Senator Sours.

23. SENATOR SOURS:

24. I'd like to support this ... Mr. President, Ladies and  
25. Gentlemen of the Senate, and I am. I don't think we should deny  
26. the ... those who practice Christian Science of the right to  
27. amend this bill to this extent, because however we want to dis-  
28. cribe it is nevertheless a religion, it is a sect, it is a re-  
29. ligious group and I don't think we ought to exclude them because  
30. of that.

31. PRESIDENT:

32. Senator Knuppel.

33. SENATOR KNUPPEL:

1. Mr. President, as a member of the Judiciary Committee, I  
2. think it was a little more complicated than just being the cus-  
3. tomary Christian Science amendment. It had something to do with  
4. ... with the treatment of the child in returning to its parents  
5. or something therefore, I'd like to see this amendment so ...  
6. Is it on the ... our desk?

7. PRESIDENT:

8. Senator Ozinga.

9. SENATOR OZINGA:

10. Do you ... you are right. This was ... just as a matter of  
11. explanation, this was in the event that a Christian Science prac-  
12. titioner beat his own child or was neglected. That he could not  
13. use the Christian Science belief as an exclusion, and that's what  
14. the amendment says if you've got it there.

15. PRESIDENT:

16. Is there further discussion? Senator Knuppel, do you wish  
17. further recognition?

18. SENATOR KNUPPEL:

19. ... This ... this seems to be different than what we dis-  
20. cussed in committee as I understood it. But, I have no objection  
21. to this, I mean here says that ... that he cannot be considered  
22. abused merely because they chose a Christian Science practitioner,  
23. but I was under the impression that there was a different amend-  
24. ment in Judiciary which we were all willing to accept and this  
25. ... this is not the same as what that was.

26. PRESIDENT:

27. Senator Rock.

28. SENATOR ROCK:

29. Yes, Mr. President, members of the Senate, I did not mean  
30. to indicate to the members that this particular wording was  
31. customary. What I did say is, customarily the practitioners of  
32. Christian Science come before various committees and ask for this  
33. type of an exclusion. Senator Knuppel is quite correct, the

1. amendment as first drawn and offered to the committee was in  
2. the opinion of Senator Sours, Soper; myself unacceptable for  
3. the reason that it just did not appertain to this bill. What  
4. this bill now says is that now that we have enlarged the scope  
5. or the class of those required to report, they should not re-  
6. port any child as abused or neglected solely because he prac-  
7. tices Christian Science. Now, that's the whole thrust of it.

8. PRESIDENT:

9. Is there further discussion? All in favor of Amendment  
10. No. 3 signify by saying aye. Contrary nay. The amendment ...  
11. the motion carries and the amendment is adopted. Is there fur-  
12. ther on SB 36? Senator Rock, do you have further amendments?  
13. Further amendments from the Floor. 3rd reading. The Chair  
14. wishes to announce that our procedure for the remainder of to-  
15. day will be at 1:45, we will adjourn, give you 15 minutes for  
16. phone calls and responses otherwise and at 2:00 o'clock, re-  
17. convene here, I've discussed this with Senator Partee, and at  
18. 2:00 o'clock we will reconvene here in the Senate Chambers.  
19. So that the Senate will proceed in a Body to the ceremonies  
20. welcoming POW Zeigler, at that 2:15 ceremony on the east lawn  
21. at the Lincoln statue. It was the consensus of the Republican  
22. membership and I'm certain that the Democrat side of the aisle  
23. join us, that there is something appropriate in the Senate's  
24. significant response as a Body on this occasion. So, we will  
25. work until 1:45, recess for 15 minutes, and form together here  
26. in a Body and proceed to the ceremonies in a Body. Committee  
27. meetings will be delayed one-half hour. We will instruct the  
28. pages to post notices on all of the committee rooms that there  
29. will be that half hour delay because of the POW ceremony. We  
30. will proceed with SB's 2nd. Senator Wooten. Yes, we will ad-  
31. journ. We will anticipate that we can complete our participation  
32. in the ceremony within twenty minutes or so and that will give  
33. us ten minutes to get to our committee meetings. So we will work

1. until 1:45, reconvene at 2:00, proceed in 10 minutes or so,  
2. down to the ceremonies, be there just in advance of the sched-  
3. uled time of 2:15. Committees will meet at 2:45 rather than  
4. 2:15. SB's 2nd. ... Senator Moore, you wish to call SB 48?  
5. Senator Kenneth Hall, do you wish to call 142? Senator Hall.  
6. SENATOR HALL:  
7. ... I'm holding, waiting on an amendment ...  
8. PRESIDENT:  
9. That's all right.  
10. SENATOR HALL:  
11. Being prepared by Senator Harber Hall.  
12. PRESIDENT:  
13. The bill will be held. ... Senator Merritt. SB 144.  
14. SECRETARY:  
15. SB 144  
16. (Secretary reads title of bill)  
17. 2nd reading of the bill. The Committee on Public Health, Wel-  
18. fare and Corrections, offers Amendments 1, 2 and 3.  
19. PRESIDENT:  
20. Senator Merritt.  
21. SENATOR MERRITT:  
22. Yes ... Mr. President, members of the Senate, I'll take  
23. them in that order, I think I have them in mind enough. Amend-  
24. ment No. 1 requires that a district hospital making a contract  
25. with a new hospital that the State of Illinois be made an ex-  
26. officio, a 3rd party to contract. This is to insure that after  
27. the dissolution of the district, someone will have standing to  
28. sue the new hospital district for non-performance of contract  
29. should the need arise. Otherwise, after the district is dis-  
30. solved, the contract will be unenforceable. The other part of  
31. that same Amendment No. 1 ... requires that the local be Compre-  
32. hensive Health Planning Agency known as CHP be invited by the  
33. board of directors of the hospital district to make a fact-finding

1. study with respect to conditions likely to prevail following  
2. dissolution of the district. Should CHP come to a conclusion  
3. different from the board, the board can still adopt the ordi-  
4. nance and proceed towards dissolution. The other part of that  
5. same Amendment No. 1, ... the requirement that a 1,000 signa-  
6. tures under the present law be on a petition for a referendum,  
7. we feel like that ... that may be too high consistent with the  
8. procedure for the same creation of the same district, we have  
9. suggested in this amendment that the requirement for submission  
10. referendum be 1,000 signatures or 10% of the eligible voters  
11. of the district, whichever is lower. I think that covers Amend-  
12. ment No. 1 and I would move the adoption of that amendment.

13. PRESIDENT:

14. Is there further discussion on the amendment? All in favor  
15. of the adoption of Committee Amendment No. 1, signify by saying  
16. aye. Contrary nay. Motion carries and the amendment is adopted.  
17. Senator Merritt.

18. SENATOR MERRITT:

19. Yes, now Amendment No. 2 ... we felt that there should be  
20. a provision requiring that the Circuit Court to hold a public  
21. hearing prior to certification by the Court of the board of di-  
22. rectors ordinance. This is consistent with the procedure used  
23. for the creation of the hospital district. Many decisions con-  
24. cerning health care services are highly controversial and I ...  
25. we felt that all elements of the community ought to be given an  
26. opportunity to at least be heard. I would move the adoption of  
27. that Amendment No. 2.

28. PRESIDENT:

29. Is there further discussion on the amendment? Motion is to  
30. adopt. All in favor signify by saying aye. Contrary nay. Motion  
31. carries. Amendment No. 2 is adopted. Senator Merritt.

32. SENATOR MERRITT:

33. Now, Mr. President, members of the Senate, Amendment No. 3

1. merely clarifies the publication language ... the original draft-  
2. ing of the bill, said, of general circulation, we've added, gen-  
3. eral circulation published in the county wherein the district in  
4. located. I would move the adoption of Amendment No. 3.

5. PRESIDENT:

6. Is there further discussion? Motion is to adopt commit ...  
7. Committee Amendment No. 3. All in favor signify by saying aye.  
8. Contrary nay. The motion carries. Amendment No. 3 is adopted.  
9. Are there amendments from the Floor? 3rd reading. Senator  
10. Netsch. Not on the Floor. Senator Don Moore. Both bills  
11. Senator Moore? Yeah, all right. Senator Glass. SB 179.

12. SENATOR GLASS:

13. ... Mr. President, ... I have to have an amendment drawn  
14. for that bill so will, I hold it.

15. PRESIDENT:

16. The bill will be held. Senator Fawell you ... Senator ...  
17. Senator Netsch ... your amendment is not ready yet. Ok then,  
18. the bill will be held. ... Sen ... yes ... Senator Davidson ...  
19. May we revert to the order of resolutions, and the Chair rec-  
20. ognizes Senator Davidson.

21. SENATOR DAVIDSON:

22. Mr. President, and Ladies and Gentlemen of the Senate, the  
23. resolution before you, I would ask all of you to join as co-  
24. sponsors with me. This is a resolution welcoming POW prisoner  
25. Roy Zeigler home. We would like to sus ... I like the motion to  
26. suspend the rules and take it up and adopt it immediately so we  
27. could present it to him along with the resolution that the House  
28. is passing on the steps in front of Lincoln's statue at 2:15.  
29. And, I appreciate your cooperation and like all of you to join  
30. as co-sponsors.

31. PRESIDENT:

32. Is there leave for all Senators to join as co-sponsors? So  
33. ordered. The motion is to suspend the rules for the immediate

1. consideration of the resolution. All in favor of the motion to  
2. suspend, signify by saying aye. Contrary nay. The rules are  
3. suspended on the motion to adopt. All in favor signify by saying  
4. aye. Contrary nay. The motion carries and the resolution is  
5. adopted. We have 2 additional Congratulatory Resolutions.

6. SECRETARY:

7. Senate resolution No. 71 by Senator Walker.

8. PRESIDENT:

9. Senator Walker.

10. SENATOR WALKER:

11. Congratulatory Resolution and I would request unanimous  
12. consent to suspension of the rules and immediate adoption.

13. PRESIDENT:

14. On the motion to suspend, all in favor signify by saying  
15. aye. Contrary nay. The motion carries. On the motion to adopt  
16. Senator Resolution 71 which is congratulatory, all in favor  
17. signify by saying aye. Contrary nay. Motion carries. Resolu-  
18. tion 71 is adopted.

19. SECRETARY:

20. Senate Resolution No. 72 by Senator Johns.

21. PRESIDENT:

22. ... I understand that this is not a Congratulatory Resolution,  
23. then rules provide that it would go to Executive. Senator Johns.

24. SENATOR JOHNS:

25. Mr. President, and Ladies and Gentlemen of the Senate. This  
26. particular resolution, I'd just like to mention it in case you  
27. might like to join me in this resolution. I would consider it a  
28. privilege if anyone would. This particular resolution is just  
29. something that is heartfelt by me. It's a protest that the Depart-  
30. ment of Public Aid pays for abortions with taxpayer's dollars. And  
31. anyone that would care to join me in sponsorship of this resolution  
32. I would be more than welcome ... I mean glad to have them do that.  
33. Thank you very much.

1. PRESIDENT:

2. Executive. Motions ... on 3rd reading. Senator ... Senator  
3. Buzbee.

4. SENATOR BUZBEE:

5. Mr. President, ... I would Like ... before we go to 3rd  
6. reading, I would ask leave of the Body to move SB 356 to 2nd  
7. without reference to committee. This is a bill that would vacate  
8. a highway easement in Jackson County. I've checked with Senator  
9. Conolly on this and he's agreeable.

10. PRESIDENT:

11. Senator Buzbee moves to discharge the Committee on Trans-  
12. portation from further consideration of SB 356. All in favor  
13. signify by saying aye. Contrary nay. The motion carries and  
14. the bill will be discharged from Transportation and placed on  
15. the order of 2nd reading. Senator Bartulis.

16. SENATOR BARTULIS:

17. Mr. President, I rise on a point of personal privilege.  
18. Today we have with us, right directly behind me in the gallery,  
19. some of Green County's finest, the eighth grade from the Carrollton  
20. School.

21. PRESIDENT:

22. Senator Chew. On SB's 3rd, was your bill called?

23. SENATOR CHEW:

24. I want to hold it for an amendment.

25. PRESIDENT:

26. All right. Senator Sours, 3rd reading, do you wish ...

27. SENATOR SOURS:

28. ... Yes ... Mr. President, I like to recall SB 72 on con-  
29. sideration postponed back to 2nd reading. Senator ... Senator  
30. Howard Carroll has an amendment that may clarify some of the is-  
31. sues that caused so much discussion yesterday and I'd like to re-  
32. call it, put it on 2nd reading, make the proper motion so as to  
33. put on that amendment 2.

1. PRESIDENT:

2. Senate Bill ... all right, Senate Bill 72 is ordered to  
3. 2nd reading for purposes of amendment. Senator Carroll.

4. SENATOR CARROLL:

5. Thank you, Mr. President, Ladies and Gentlemen of the  
6. Senate, on the Secretary of the Senate's desk there is an amend-  
7. ment, I believe Mr. Fernandes Amendment No. 3. The purpose of  
8. this amendment is to add to the original bill after line 10,  
9. the following very short sentence: This inspection shall be  
10. solely for the purpose of determining whether the specific war-  
11. rants requested evidence the crimes of forgery, mail fraud or  
12. theft. I think this totally clarifies what our position was  
13. yesterday and I think it would make this bill a very good bill.  
14. ... Clearly within what was the discussions of yesterday's de-  
15. bate, I would move the adoption of the amendment.

16. PRESIDENT:

17. What ... Mr. Secretary, what number is this amendment?

18. SECRETARY:

19. Amendment No. 3.

20. PRESIDENT:

21. All right. Senator Carroll is there further discussion?  
22. Senator Carroll moves the adoption of Amendment No. 3 to SB 72.  
23. All in favor of adoption, signify by saying aye. Contrary nay.  
24. The motion carries and the amendment is adopted. Are there fur-  
25. ther amendments? The bill is returned to the order of considera-  
26. tion postponed. ... Senator, do you wish to call SB 71? Senate  
27. ... Senator Newhouse. SB 92. You wish that bill called. SB 92.

28. SENATOR NEWHOUSE:

29. Thank you Mr. President.

30. PRESIDENT:

31. Just a moment. Mr. Secretary.

32. SECRETARY:

33. Senate Bill 92.

1. (Secretary reads title of bill).

2. 3rd reading of the bill.

3. PRESIDENT:

4. Senator Newhouse.

5. SENATOR NEWHOUSE:

6. Thank you, Mr. President, Senators. SB 92 changes the  
7. penalty in anti-trust provisions recommended by the Attorney  
8. General's office. It ... what it does specifically is that it  
9. changes the penalty for violation of Anti-trust Act and adds a  
10. jail term, the minimum jail term, one year as a felony. The  
11. Attorney General ask for this bill on the basis that we needed  
12. this kind of threat in the Anti-trust Act to simply hold over  
13. the heads of the executives who contemplated conspiring to ...  
14. to hold down prices and that ... this would be the kind of pre-  
15. ventive measure that would be required. This came out of Ju-  
16. diciary Committee. There was a question raised at the time it  
17. came out. Senator Knuppel raised the question. I've since gotten  
18. a reply for him from the counsel on the diagnosis of criminal de-  
19. fendants and I ... there is no objection to this bill that I know  
20. of and I would ask for a favorable roll call on it.

21. PRESIDENT:

22. Senator Partee.

23. SENATOR PARTEE:

24. Is this the law anywhere else?

25. PRESIDENT:

26. Senator Newhouse.

27. SENATOR NEWHOUSE:

28. Senator, I can't answer that question. Let me just say that  
29. the counsel in putting together the new Criminal Code had attempted  
30. to, had left it as a misdemeanor, as a business offense with a fine  
31. of up to \$50,000. The feeling of both the Attorney General and the  
32. counsel was that ... that would not be a deterrent. That it could  
33. simply be written off as the price of doing business. And now

1. they've asked that this be replaced in lieu of a fine so that  
2. there would be the deterrent value in the Anti-trust Act.

3. PRESIDENT:

4. Senator Partee.

5. SENATOR PARTEE:

6. ... I was listening to your explanation and it occurs to  
7. me that you said that the Attorney General wants to use this to  
8. hold over the heads of business executives. Now, does he want  
9. to use it to hold them over their heads or does he want to utilize  
10. it and actually get indictments under it? Now it's very important  
11. to me which he wants to do with it.

12. PRESIDENT:

13. Senator Newhouse.

14. SENATOR NEWHOUSE:

15. Senator, I would adopt your language wholeheartedly.

16. PRESIDENT:

17. ... Senator ... Senator Newhouse.

18. SENATOR NEWHOUSE:

19. ... I think that perhaps that answer perhaps didn't satisfy.  
20. Let me say this, Senator, that there are two aspects to this. One  
21. is the deterrent aspect of it, and that is that those who are con-  
22. templating such actions in the face of this kind of penalty would  
23. rethink what it is that they were about to do. And that is what  
24. I attempted to express when I said that ... when the words came out  
25. as they did, and I appreciate your question. Now, I'm certain that  
26. under this provision, that if those who are about to do such things  
27. persist in that kind of action, there will be indictments under it.

28. PRESIDENT:

29. Senate ... is there ... Senator Wooten.

30. SENATOR WOOTEN:

31. Would Senator Newhouse yield for a question?

32. PRESIDENT:

33. He indicates that he will. Proceed.

1. SENATOR WOOTEN:

2. Did I understand you correctly, Senator, to say that this  
3. would replace the fine with a jail sentence or will the fine  
4. also be retained?

5. PRESIDENT:

6. Senator Newhouse.

7. SENATOR NEWHOUSE:

8. It is my understanding, Senator, that the ... that the ...  
9. that the ... that the imprisonment provision will be in addition  
10. to the ability to raise the fine.

11. PRESIDENT:

12. Are there further questions or discussion? The question is,  
13. shall SB 92 as amended be passed? The Secretary will call the  
14. roll. Will the members please be in their seats.

15. SECRETARY:

16. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew, Clarke,  
17. Conolly, Course, Daley, Davidson, Donnewald, Dougherty, Fawell,  
18. Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns, Keegan,  
19. Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,  
20. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod,  
21. Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,  
22. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer,  
23. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,  
24. Mr. President.

25. PRESIDENT:

26. Senator Donnewald, aye, Senator Bartulis, aye, Senator  
27. McBroom, aye. Are there any other additions? Senator Conolly,  
28. aye, Senator Johns, aye. ON that roll call, the yeas are 52,  
29. the nays are 1. The bill having received a constitutional ma-  
30. jority is declared passed. Senator Chew.

31. SENATOR CHEW:

32. Having voted on the prevailing side, I move it ...

33. PRESIDENT:

1. Senator Chew moves to reconsider the vote by which SB 92  
2. was passed, be reconsidered. Senator Vadalabene moves to table.  
3. All in favor of the motion to table, signify by saying aye. Con-  
4. trary nay. The motion is carried. Having had intervening busi-  
5. ness, we will revert to consideration postponed SB 72, Senator  
6. Sours. Senator Sours.

7. SENATOR SOURS:

8. ... Mr. President, inasmuch as there was considerable  
9. flatulence yesterday, I don't think we will have to be very  
10. verbose today. And ... this is a bill that's been ... corrected  
11. to the satisfaction of those who had some feeling about it and  
12. I concur it makes the bill better. And I'd appreciate a favor-  
13. able roll call.

14. PRESIDENT:

15. Is there further discussion? Senator Carroll.

16. SENATOR CARROLL:

17. Rather than be didactic, I would suggest that this is now  
18. a good bill and that we all support it.

19. PRESIDENT:

20. Is there further discussion? Question is, shall SB 72 pass?  
21. Secretary will call the roll. Will the members be in their seats.

22. SECRETARY:

23. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew, Clarke,  
24. Conolly, Course, Daley, Davidson, Donnewald, Dougherty, Fawell,  
25. Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns, Keegan,  
26. Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,  
27. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,  
28. Ozinga, Palmer, Partee, Pegner, Rock, Roe, Romano, Saperstein,  
29. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,  
30. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

31. PRESIDENT:

32. Senator Netsch ... Senator Netsch, aye, Senator Daley, aye,  
33. Senator Keegan, aye, Romano, aye, Johns, aye, Course, aye, Senator

1. Chew, aye, Senator Bruce, aye. On that roll call, the yeas  
2. are 54, the nays are none. The bill having received a consti-  
3. tutional majority, is declared passed. What a difference a day  
4. makes. Senator Sours.

5. SENATOR SOURS:

6. As my old friend Anius Sylvious would say (Latin phrase).  
7. Wonderful to relate.

8. PRESIDENT:

9. Senator Ozinga.

10. SENATOR OZINGA:

11. As long as we are on consideration postponed I'm wondering  
12. if as long as we have perfect attendance here that we might call  
13. SB 133.

14. PRESIDENT:

15. For what purpose does Senator Saperstein seek recognition?

16. SENATOR SAPERSTEIN:

17. Just a point of special privilege please, and I was inspired  
18. by your remark a moment ago, that what a difference a day makes  
19. after Senator Sour's bill passed. Do you think it might be im...  
20. appropriate for me to take advantage of your choice words?

21. PRESIDENT:

22. Well ... Senator in what regard? Am I being importuned?

23. SENATOR SAPERSTEIN:

24. Well ... for instance just a for instance, for instance  
25. the objection by the illustrious Senator ... who said he was  
26. ditatic ... is that it, didactic? And ... and moved that a  
27. simple request be sent to committee and if you'll give me your  
28. word, Mr. President, and I have always followed your word with  
29. great care because we served in the House, that I might wait for  
30. tomorrow for 399 because that would be 1 day. Do I hold promise  
31. of the future?

32. PRESIDENT:

33. Senator, I'm beginning to believe that I'm being importuned,

1. and I can think of no one by whom I would prefer to be importuned  
2. than you, however.

3. SENATOR SAPERSTEIN:

4. I love you too.

5. PRESIDENT:

6. Let me respond to say that your final conjecture might bear  
7. very worthy response by the Senate, and let us proceed with an  
8. understanding of what another day's difference might make.

9. SENATOR SAPERSTEIN:

10. Thank you.

11. PRESIDENT:

12. Senator Ozinga.

13. SENATOR OZINGA:

14. This is merely the extension of the Visitation Commission  
15. which we belabored to quite some extent previously. I would just  
16. ask for a favorable roll call.

17. PRESIDENT:

18. Is there leave to stay on the order of consideration post-  
19. poned and to call SB 133? Is there leave? SB 133. The bill has  
20. been read a 3rd time ... Senator Ozinga is recognized.

21. SENATOR OZINGA:

22. This is merely the extension of the Visitation Commission  
23. which we belabored here about a week and a half ago, and it ex-  
24. tends the Visitation Commission to 24 members instead of 18 members  
25. and I would ask for a favorable roll call.

26. PRESIDENT:

27. Senator Saperstein.

28. SENATOR SAPERSTEIN:

29. I do believe you asked for unanimous approval?

30. PRESIDENT:

31. And there was no objection raised and the bill ...

32. SENATOR SAPERSTEIN:

33. I raised my ...

1. PRESIDENT:

2. Well, the bill is on 3rd reading Senator ... and under  
3. consideration. You may proceed with discussion and debate. You  
4. are recognized.

5. SENATOR SAPERSTEIN:

6. Thank you very much, Mr. President. I again offer the olive  
7. branch to our distinguished Senator by asking him to return the  
8. bill to 2nd reading for a very very minor and clarifying amendment  
9. which would really bring all of us together and support SB 133.  
10. I would like the Senator to make up his mind or ... which way,  
11. which route ... route he wants to go. ... The amendment is a very  
12. simple one and it would clear the air for all of us. ... I would  
13. ... if he would bring it back to 2nd ... or if he would hold it  
14. for a minute and I'll be happy to bring the amendment over to him.  
15. ...

16. PRESIDENT:

17. Well, Senator, the bill is on 3rd reading ... it's ...

18. SENATOR SAPERSTEIN:

19. May I go over and speak with him?

20. PRESIDENT:

21. You certainly may, Senator. Be careful not to be importuned.  
22. Senator Ozinga.

23. SENATOR OZINGA:

24. For the edification of those on the other side now this  
25. amendment would say: However the Commission shall not, now mind  
26. you, shall not evaluate program content of any mental health or  
27. mental retardation facility. What the blazes. That's exactly  
28. what we're going there for. That's exactly why we go to the insti-  
29. tutions and then to say not, that's ridiculous. I can't accept  
30. that amendment.

31. PRESIDENT:

32. The Senator indicates that he cannot accept the amendment.  
33. The bill is on 3rd reading. Is there further discussion? The

1. Secretary will call the roll on the question of passage of  
2. SB 133.

3. SECRETARY:

4. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,  
5. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,  
6. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns,  
7. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy,  
8. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
9. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,  
10. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
11. Sommer, Soper, Sours

12. PRESIDENT:

13. Senator Sours.

14. SENATOR SOURS:

15. Even on this roll call, Mr. President, Senators, I cannot  
16. escape the ... the occasion to recount the story of the rooster  
17. in the big stall with a group of large Belgian Percheron horses.  
18. And he remarked to the biggest, he said, pray gentle folk, let  
19. us dwell in concord and amity. I vote aye.

20. SECRETARY:

21. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten, Mr.  
22. President.

23. PRESIDENT:

24. Senator Hall.

25. SENATOR HALL:

26. How am I recorded, Mr. President?

27. SECRETARY:

28. Not recorded.

29. PRESIDENT:

30. You are not recorded.

31. SENATOR HALL:

32. Please record me as aye.

33. PRESIDENT:

1. Senator Ozinga. A request for the absentees has been made.  
2. The absentees will be called.

3. SECRETARY:

4. Bell.

5. PRESIDENT:

6. Senator Bell.

7. SENATOR BELL:

8. Mr. President, members of this ... this Senate, and Com-  
9. mission Chairman, Saperstein, I'm quite concerned about what seems  
10. to be developing on this Mental Health Commission, and as a new  
11. freshman Senator appointed to that Commission, Senator Saperstein,  
12. it ... it really bothers me that I cannot, in all good conscience  
13. support some of the ... some of the moves, some of the things that  
14. seem to be developing. This is an extremely important commission  
15. as you well know, and I think you've done great service to the  
16. Commission over the years, but I'm really very concerned about  
17. what seems to be a breakdown in communication between both sides  
18. of the aisle on very serious type of work that has to be done.  
19. And ... I'm going to vote aye, in reference to this Senate Bill,  
20. but it would be my hope, that ... certainly no words of wisdom from  
21. a young freshman Senator, but it would be my sincere hope that the  
22. members of this Commission from both sides of the aisle can get  
23. together, can relate to one another and move forward with the State's  
24. very important business. Thank you.

25. SECRETARY:

26. Carroll, Chew.

27. PRESIDENT:

28. Senator Carroll.

29. SENATOR CARROLL:

30. Thank you, Mr. President, in way of explanation of my vote,  
31. unless I totally misunderstand the functions and duties of the  
32. Visitation Commission, ... I see great merit in what Senator  
33. Saperstein has suggested. In reading the bill, I find that their

1. duties and function in general is not to reevaluate programs.  
2. The programs are to be evaluated, if at all, by special study  
3. commissions such as the Mental Health. It is their function  
4. and duty to go into the facilities to see if they are being  
5. properly managed and maintained but not to go into the pro-  
6. grams by which they are attempting to care for our people.  
7. Therefore, I would vote no.

8. SECRETARY:

9. Chew, Clarke,

10. PRESIDENT:

11. Senator Clarke.

12. SENATOR CLARKE:

13. Mr. President, in the first week of this session, the  
14. Minority Leader, as I recall, said, maybe this is going to be  
15. the Session known as the games people play. And, we've been  
16. playing games this morning, to the distress of a good deal of  
17. time. We played some games a little earlier, based on some  
18. other bills, and a very minor matter of extension which in  
19. normally routine. Well, now let me suggest that for the ex-  
20. ponent of the ERA that these kind of games are really unworthy.  
21. ... I'd like to also suggest that she has done a very fine job of  
22. construing or misconstruing some of the facts to at least one of  
23. the metropolitan papers, that I have a very high regard for, to  
24. the detriment of a fellow Senator. And, I like to suggest that  
25. those facts were completely erroneous, in fact in some cases  
26. they were just lies. Because I have served on this Commission  
27. for a period of years and it's a commission that goes back into  
28. the last century, and we do issue reports, I've helped prepare  
29. those reports and yet this Commission was given the facts by  
30. somebody and I can only presume it must have been from their in-  
31. formant on the Mental Health Commission, that no reports have been  
32. issued, that they do nothing. Disregarding the fact that this Com-  
33. mission of Visitation, just two years prior to the Mental Health

1. Commission, which was last year, about two and a half years ago,  
2. spent at least three to four weeks at the Chicago State Hospital,  
3. and they had a complete turnover of the administration there,  
4. based on this investigation. That last summer this Commission,  
5. Visitation Commission, spent three to four weeks holding hear-  
6. ings at Elgin and you'll recall the situation there with Dr.  
7. Limoges. And, as a result the Superintendent at Elgin ... and  
8. had a complete turnover, he was dismissed. And, this Commission  
9. came out with a very critical report of the Mental Health Program  
10. as it was seen at Elgin at a political time in a campaign which  
11. was not helpful from a political standpoint. It has not been a  
12. political Commission. Let me further point out for Senator ...  
13. the Senator that just spoke, that in years past this Commission  
14. did just what he said. They would go to an institution, they'd  
15. arrive in time to have coffee, they'd stay for lunch and they'd  
16. leave and they did practically nothing. And, I don't know how  
17. you can separate looking at the buildings and looking at the other  
18. physical facilities from some comment and evaluation of what they're  
19. doing for the people involved. We are a government that deals with  
20. people not buildings of themselves. ...

21. PRESIDENT:

22. Senator if ... if you will conclude your remarks. Proceed.

23. SENATOR CLARKE:

24. Let me just say, there's a lot of heat on this and very  
25. little light. And, I think, this is a good advance in terms of  
26. looking after the people of the State and I vote aye.

27. SECRETARY:

28. Kenneth Hall, Hynes, Knuppel, Kosinski, McCarthy, Netsch,  
29. Nudelman, Ozinga, Romano, Saperstein, Savickas, Smith, Swinarski,  
30. Vadalabene, Welsh.

31. PRESIDENT:

32. On that roll call, the yeas are 30, the nays are 13. The  
33. bill having received a constitutional majority is declared passed.

1. A verification has been requested. The Secretary will proceed  
2. with the verification of the roll call. Now, just a minute.  
3. Will the members please be in their seats? Verification has  
4. been requested. The Secretary will proceed.

5. SECRETARY:

6. The following voted in the affirmation: Bartulis, Bell,  
7. Berning, Clarke, Conolly, ... Clarke, Conolly, Davidson, Fawell,  
8. Glass, Graham, Harber Hall, Knuepfer, Latherow, McBroom, Merritt,  
9. Mitchler, Howard Mohr, Don Moore, Nimrod, Ozinga, Regner, Roe,  
10. Schaffer, Scholl, Shapiro, Sommer, Soper, Sours, Walker, Weaver,  
11. Mr. President.

12. PRESIDENT:

13. Do you wish to have the nay votes verified? Senator Walker  
14. is in his seat. On that roll call ... do you wish to have the  
15. negative votes verified? All right, on that roll call, the yeas  
16. are 30, the nays are 13. The bill having received a constitu-  
17. tional majority is declared passed. Senator Merritt.

18. SENATOR MERRITT:

19. ... I was ... having voted on the prevailing side, I move  
20. the vote by which just passed be reconsidered.

21. PRESIDENT:

22. Senator Mitchler.

23. SENATOR MITCHLER:

24. That motion lie on the Table.

25. PRESIDENT:

26. The motion is to table the ... Senator Merritt's motion to  
27. reconsider. All in favor of the motion to table, signify by  
28. saying aye. Contrary nay. The motion carries. Senator Ozinga.

29. SENATOR OZINGA:

30. Mr. ... Mr. Chairman, as long as I've got the Floor at  
31. this time, at the request of two of the other Chairman, there  
32. seems to be a rumor around the Senate Chambers, that my committee  
33. is going to have ... or my committee, the Executive Committee, is

1. going to have an all day and an all night Session next week.  
2. This is a false rumor. I will be meeting next week from 2:15  
3. to 4:15 in Room 212 period.

4. PRESIDENT:

5. Senator McBroom.

6. SENATOR MCBROOM:

7. ... to belabor the point, Mr. President, but several  
8. of the members on both sides of the aisle have ask me if  
9. we are going to have a meeting of the Appropriations Com-  
10. mittee next week. We are and Senator Sours says he's going  
11. to have a meeting of his committee next week so ...

12. PRESIDENT:

13. As long as we on the order of announcements ... I might  
14. just proceed and inform you, because it is a matter of great  
15. concern to us all, I have been advised by Senator Netsch that  
16. the United States Supreme Court today on the question of prop-  
17. erty tax as a basis for funding the common schools throughout  
18. the country, I'm sure you're all aware there are several cases,  
19. and ruling on the Texas case ... determined by a 5 to 4 de-  
20. cision, that property tax is an appropriate source while im-  
21. perfect. So they sustained the existing funding of most of  
22. the State funding of common schools. I think that's an ap-  
23. propriate item of interest and concern to you all and without  
24. going into more detail there will, of course, be additional  
25. information on it. But, on a 5 to 4 decision in the Texas case  
26. ... the Court sustained property tax as a basis of funding the  
27. common schools in the several states. We will proceed then  
28. with the ... Senator Latherow.

29. SENATOR LATHEROW:

30. Mr. President, I might want to tell you that yesterday I  
31. attempted to call and talk to one of the members down in the  
32. Bureau of the Budget, concerning a specific problem and I would  
33. say that I was unable to even get that particular individual on

2/21/73

1. the phone and was informed that any communication with the  
2. Bureau of the Budget and the legislative members themselves  
3. would have to go through Mr. Hovey. I just wanted to alert  
4. Mr. Hovey, he probably will be quite busy.

5. PRESIDENT:

6. ... Senate Bills on 3rd reading. Senator Sours you  
7. wish to call 101?

8. SENATOR SOURS:

9. What number are we talking about?

10. PRESIDENT:

11. SB 101.

12. SENATOR SOURS:

13. I'm going to defer action on 101 and 103 and 104 and  
14. 139 at this time hoping that sometime we'll get to 202.

15. PRESIDENT:

16. All right, Senator Hall, you wish ... 110. Senator  
17. Hall.

18. SENATOR HALL:

19. ... Mr. President, I would like to have SB 110 returned  
20. to the order of 2nd reading for a technical amendment.

21. PRESIDENT:

22. Is there leave? SB 110 is offered to the order of 2nd  
23. reading for purposes of amendment. Senator Hall.

24. SENATOR HALL:

25. ... Mr. President, Ladies and Gentlemen of the Senate,  
26. last week an amendment was placed on SB 110 that was tech-  
27. nically incomplete and I would like to have for that reason,  
28. Amendment No. 1 tabled and place Amendment No. 2 on at this  
29. time. This amendment does exactly the same thing as Amend-  
30. ment No. 1 ... tried to do ... and ... Senator Wooten who  
31. offered the amendment in committee and on the Floor has seen  
32. this amendment and agrees I'm sure that it does ... clear up  
33. a technical imperfection of the 1st amendment.

1. PRESIDENT:

2. All right, the motion is to reconsider the vote by  
3. which Amendment No. 1 was adopted. All in favor of the  
4. motion to reconsider signify by saying aye. Contrary nay.  
5. The vote is reconsidered. Now, the motion is by Senator  
6. Hall to table Amendment No. 1. All in favor signify by  
7. saying aye. Contrary nay. The motion carries. Amend-  
8. ment No. 1 is Tabled. Senator Hall is recognized.

9. SENATOR HALL:

10. I now offer Amendment No. 2 and move for it's adop-  
11. tion.

12. PRESIDENT:

13. Is there further discussion? Senator Rock.

14. SENATOR ROCK:

15. Mr. President, Members of the Senate, I frankly had  
16. difficulty hearing the good Senator. I ... I do not know  
17. what the substance of the Amendment is and I would ask  
18. merely that before he moves its adoption, that he explain  
19. what it does or what it is. ... While I'm on my feet, Mr.  
20. President, as a point of personal privilege ... the announce-  
21. ment or the remark by Senator Latherow I think, bears some  
22. clarification at least, ... I'm sure that Director Hovey has  
23. the best interest of the Legislators in mind when he requests  
24. that all phone calls or all inquiries go directly to him. He  
25. will be as busy as was Director McCarter who had the same rule  
26. and regulation operative in the Bureau during the past ad-  
27. ministration.

28. PRESIDENT:

29. Senator Hall.

30. SENATOR HALL:

31. ... Yes, ... Amendment No. 2 does exactly what No. 1 did  
32. and what that is, is that it, instead of repealing Section 4,  
33. it extends the time of this repeal to July 1, 1976. ... The

1. amendment was offered by Senator Wooten in the committee  
2. hearing on this bill and it was adopted on the Floor by  
3. agreement with the members of the committee on that day.  
4. It was adopted unanimously when it was placed on the Floor  
5. for consideration. This Amendment 2 is exactly like it,  
6. the only thing is that there ... there should have been a  
7. change in changing the word is to are and that's essentially  
8. the only difference in those 2 amendments.

9. PRESIDENT:

10. Senator Wooten.

11. SENATOR WOOTEN:

12. ... Yes ... Senator Hall talked to me about this and  
13. I'm grateful to him for correcting the impetuosity of what  
14. I'd like to think is my youth. The change is merely a  
15. technical one to make it more grammatical and I'm always  
16. in favor of such changes and I certainly urge the adoption  
17. of this amendment.

18. PRESIDENT:

19. Is there further discussion? On the motion to adopt  
20. Amendment No. 2, all in favor signify by saying aye. Con-  
21. trary nay. The motion carries. Amendment No. 2 is adopted.  
22. 3rd reading. Do you wish to proceed with 111, Senator Hall?  
23. SB 111.

24. SENATOR HALL:

25. Mr. President, SB 111.

26. PRESIDENT:

27. Just a moment, Senator.

28. SECRETARY:

29. SB 111.

30. (Secretary reads title of bill)

31. 3rd reading of the bill.

32. PRESIDENT:

33. Senator Hall.

1. SENATOR HALL:

2. Mr. President, SB 111, is a Legislative Audit Com-  
3. mission proposal to correct language in respect the Mental  
4. Health ... the use of Mental Health funds. In the course  
5. of the Legislative Audit Commission's work on a particular  
6. problem involving the expenditure of considerable State  
7. money for capitol improvement, it was discovered that the  
8. Department of Mental Health had used and utilized and spent  
9. funds from the Mental Health Fund for the purchase and acqui-  
10. ... acquiring land in Lake County. And, in ... general ob-  
11. jection to the intent of the use of funds from the Mental  
12. Health Fund. This bill corrects the languages to make it  
13. more clear that monies from the Mental Health Fund are not  
14. to be used for the purchase of land or for the expenditures  
15. of major capital improvements. I know of no objections to  
16. it. It's co-sponsored by all the members of the Legislative  
17. Audit Commission. ... And, I move for its passage.

18. PRESIDENT:

19. Is there further discussion? The Secretary will call  
20. the roll.

21. SECRETARY:

22. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,  
23. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,  
24. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns,  
25. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy,  
26. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
27. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,  
28. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
29. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver,  
30. Welsh, Wooten, Mr. President.

31. PRESIDENT:

32. Hynes, aye, Senator Soper, aye, Senator Keegan, aye. ...  
33. Roll call the yeas are 46 the nays are 1. The bill having

1. received a constitutional majority is declared passed.

2. Senator Don Moore, do you wish ... SB 118.

3. SECRETARY:

4. SB 118.

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDENT:

8. Senator Moore.

9. SENATOR DON MOORE:

10. Thank you, Mr. President, members of the Senate, SB 118,  
11. Mr. President, amends the Election Code to provide for the  
12. distribution of applications and absentee ballots to Township  
13. Clerks. In effect, what this bill does and the onus is on  
14. the clerk, the Township Clerk, he may obtain from the County  
15. Clerk or Board of Election Commissioners as the case may be,  
16. applications and absentee ballots in the forms prescribed by  
17. the Election Code so that it would be more convenient and  
18. possible for citizens who desire to vote absentee to vote at  
19. the Township Hall and obtain their applications and their bal-  
20. lots from the Township Clerk in voting in any general election,  
21. State election and so forth. The ballots shall be executed and  
22. shall be returned to the County Clerk or Board of Election Com-  
23. missioners in the same manner as the present law is set forth  
24. in the Election Code. I think that there is a definite need  
25. for this, not only in the County of Cook but throughout other  
26. portions of the State of Illinois, where the County Seat is a  
27. long ways away from the residence of our voters. I think this  
28. is more convenient. I think it's the intention not that we  
29. should ... not make it hard for people to legitimately cast  
30. votes and I would respectfully request a favorable roll call.

31. PRESIDENT:

32. Is there further discussion? Senator Rock.

33. SENATOR ROCK:

1. Mr. President, members of the Senate, I know that Senators  
2. Dougherty and Graham will probably have something to say about  
3. this bill since it is an amendment to the Election Code. I'm  
4. curious though, that it seems to me that we are, ... we are  
5. giving the Township Clerks authority to do something and then  
6. we are at the same time saying that the binders against which  
7. these ballots are to be verified will remain in the hands of  
8. the County Clerk ... or the Election Commissioners. It seems  
9. to me that it's kind of a dangerous precedent to have people  
10. passing out ballots to people that they're not sure are en-  
11. titled to them and for that reason I am opposed to this legis-  
12. lation.

13. PRESIDENT:

14. Senator Dougherty.

15. SENATOR DOUGHERTY:

16. Mr. President, members of the Senate, I ... I'm quite in  
17. agreement with what Senator Rock has said in regards to that  
18. and further, down through the years we have tried very hard to  
19. add every safeguard we could to the election laws particularly  
20. in the area of absentee voting. Now, I believe it would be an  
21. error on this part of this legislature to proliferate any fur-  
22. ther to Township Clerks handle absentee ballots when as a mat-  
23. ter of fact it was said before the binders are not there. The  
24. binders are in the hands of the County Clerk or in the Board of  
25. Election Commissioners as the case may be. There is no verifi-  
26. cation of the person's right to ask for an absentee ballot. It  
27. will create confusion and I believe that the election jurisdic-  
28. tion should stay right where they belong, in the County Clerk  
29. or in the Board of Election Commissioners. Any further pro-  
30. liferation of this kind leads to fraud or to error. Therefore,  
31. I must oppose it.

32. PRESIDENT:

33. Is there further discussion? Senator Nimrod.

1. SENATOR NIMROD:

2. Mr. President, this is an excellent bill since it offers  
3. the opportunity for people living from a long distance away  
4. an opportunity to vote and not be disenfranchised and this is  
5. certainly a step in the right direction and I heartily support  
6. this bill.

7. PRESIDENT:

8. Is there further discussion? Senator Bruce.

9. SENATOR BRUCE:

10. Well, perhaps I should mention in what opportunity did  
11. ... this offers is the opportunity for a great deal of vote  
12. fraud. I for one speaking about both political parties would  
13. be hesitant to have Township Clerks in my district handling  
14. these particular ballots. Now, we get into a dispute every  
15. time about absentee ballots, ballots of disabled voters and I  
16. would hope that the only person we have to complain both par-  
17. ties is to the County Clerk and not to the numerous Township  
18. Clerks who'll have these things floating around, Lord only knows  
19. how many we'll have, how many Township Clerks will push them  
20. and peddle them. And, I think the best thing to do is to keep  
21. them in one office and that's the office of the County Clerk.

22. PRESIDENT:

23. Senator Wooten.

24. SENATOR WOOTEN:

25. Yes, Mr. President, members of the Senate, I simply would  
26. want to reinforce what Senator Bruce has just said and I think  
27. it's in the best interest of both parties that we not permit  
28. this proliferation of absentee ballots. And our ... in my par-  
29. ticular district this is the one problem that crops up time and  
30. again. It's the one area in which the possibility of vote fraud  
31. seems to present itself. And, I think it would be a serious  
32. mistake. People have ample under present legislation to get  
33. that absentee ballot and get it in. I really don't think this

1. serves a useful purpose and it opens the door to potential  
2. vote fraud. I urge that we vote this down.

3. PRESIDENT:

4. Senator Glass.

5. SENATOR GLASS:

6. Mr. President, I move the previous question.

7. PRESIDENT:

8. Senator Glass has moved the previous question. All in  
9. favor signify by saying aye. Contrary nay. The motion is  
10. carried and the question now is, shall the main motion now  
11. be put. On passage of SB 118, the Secretary will call the  
12. roll. Will the Senators please be in their seats. Proceed.

13. SECRETARY:

14. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,  
15. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,  
16. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns,  
17. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy,  
18. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
19. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,  
20. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
21. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver,  
22. Welsh, Wooten, Mr. President.

23. PRESIDENT:

24. Newhouse, no. Senator Moore for what purpose do you wish

25. ...

26. SENATOR MOORE:

27. Mr. President, would you poll the absentees please?

28. PRESIDENT:

29. A request for the absentees has been called for, Secretary

30. ...

31. SECRETARY:

32. Fawell ...

33. PRESIDENT:

1. Will proceed.

2. SECRETARY:

3. Fawell, Knuppel, McCarthy, Savickas.

4. PRESIDENT:

5. On that roll call, the yeas are 30, the nays are 26.

6. The bill having received a constitutional majority is de-

7. clared passed. There has been a request for the verification

8. of the roll call and the Secretary will proceed. Now, before

9. I ask him to start, I want the Senators to be in their seats.

10. Secretary ... Secretary will proceed with the verification of

11. the roll call, those voting in the affirmative.

12. SECRETARY:

13. The following voted in the affirmative: Bartulis, Bell,

14. Berning, Clarke, Conolly

15. PRESIDENT:

16. Is Senator Bell within the rail? Senator Bell's name will

17. be removed from the roll call. Senator Bell is within the rail.

18. Proceed.

19. SECRETARY:

20. Conolly, Davidson, Fawell, Glass,

21. PRESIDENT:

22. Senator Davidson is in his seat. Proceed.

23. SECRETARY:

24. Graham, Harber Hall, Knuepfer, Latherow, McBroom, Merritt,

25. PRESIDENT:

26. Senator McBroom is within the rail but not in his seat.

27. SECRETARY:

28. Merritt, Mitchler, Howard Mohr, Don Moore, Nimrod, Ozinga,

29. Regner, Roe, Schaffer, Scholl, Shapiro, Sommer, Soper, Sours,

30. Walker, Weaver, Mr. President.

31. PRESIDENT:

32. The bill having received ... do you wish the negative votes?

33. The bill having received a constitutional majority is declared

1. passed. Senator Moore.

2. SENATOR DON MOORE:

3. Mr. President, having voted on the prevailing side of  
4. which Senate Bill 118 is passed, I now move that that vote  
5. be reconsidered.

6. PRESIDENT:

7. Senator Moore moves ... Senator Berning ...

8. SENATOR BERNING:

9. I move that motion lie on the Table.

10. PRESIDENT:

11. Senator Moore has moved to reconsider the vote by which  
12. Senate Bill 118 was passed be reconsidered. Senator Berning  
13. has moved to Table. All in favor of the motion to Table,  
14. signify by saying aye. Contrary nay. Motion is carried.  
15. Chair recognizes Senator Howard Mohr.

16. SENATOR MOHR:

17. Yes, Mr. President, members of the Senate. On the Secre-  
18. tary's desk is an amendment to the temporary rules I would  
19. like at this time to have ...

20. PRESIDENT:

21. Might, yes ... Senator might call attention to Senator  
22. Partee on this matter. Senator Mohr has called attention to  
23. the matter of amendments to the rules on the Secretary's desk.  
24. The amendment has been distributed. Senator Mohr is recognized.

25. SENATOR MOHR:

26. Yes, Mr. President, I'd suggest every member take note of  
27. this and read their copies of this amendment. I'd like the  
28. Secretary to read the amendment at this time.

29. SECRETARY:

30. Amendment to temporary rules of the Senate, offered by  
31. Senator Mohr: 1. amend rule 1 to change the hour of meeting  
32. by deleting 11:30 and inserting in lieu thereof 11:00. 2.  
33. amend rule 5 by deleting at the last sentence ... by adding

1. after the last sentence the following: in odd numbered years  
2. the following schedule and timetable shall be applicable to  
3. all bills except those exempted from this schedule and time-  
4. table by the committee on rules: April 14, final day for in-  
5. troduction of all bills, May 12, final day for standing com-  
6. mittees of the Senate to report Senate Bills, May 25, final  
7. for 3rd reading and passage of Senate Bills, June 15, final  
8. day for standing committees of the Senate to report House  
9. Bills, June 28, final day for 3rd reading and passage of House  
10. Bills, June 30, final day for consideration and adoption of  
11. Conference Committee reports. In even numbered years, all bills  
12. shall be referred to the Rules Committee except those that im-  
13. plement the State Budget or are introduced by standing com-  
14. mittees.

15. PRESIDENT:

16. Senator Partee.

17. SENATOR PARTEE:

18. Now, I have agreed to the terms of this amendment. I  
19. think it is the kind of schedule that we certainly need to  
20. abide by to get our work done with some dispatch and get out  
21. of here on time. There's one paragraph here that I'm just  
22. bringing attention to, that I'm not asking that it be changed,  
23. modified or altered in any way, except that I would like to  
24. have something in the nature of an understanding that it does  
25. not mean that it will be elasticized for every member who comes  
26. along who has the favor of the Rules Committee to include that  
27. member's particularly fetching piece of Legislation. And that  
28. relates to paragraph 3, which says in odd numbered years, the  
29. following schedule and timetable shall be applicable to all  
30. bills except those exempted from this schedule and timetable  
31. by the Committee on Rules. Now, what I'm suggesting is that  
32. those bills which are exempted be in the nature of some cate-  
33. gory that we've heretofore addressed ourselves and that it not

1. be used capriciously to help a member who didn't take the  
2. time to get it there on time or things of that sort. I know  
3. and recognize that as long as the numbers are as they are,  
4. this language would suffice because if it didn't, it could  
5. be changed at a later time anyhow, I know this. I'm a prac-  
6. tical, realistic person, but I want to make it crystal clear  
7. that we don't expect it to be used capriciously and I don't  
8. think you intend to but I want to go on record as having said  
9. that.

10. PRESIDENT:

11. As ... if I ... if the Chair might respond to the points  
12. that Senator Partee has just made, I join wholeheartedly in  
13. the observations that he has made and as Chairman of the Com-  
14. mittee on Rules will announce categorically that the Rules  
15. Committee will accept its responsibility to be a stop and go  
16. procedure. And will accept its responsibility on a performance  
17. other than capricious. We are adopting this legislative time-  
18. table knowingly and aware of its squeeze results. But, if we  
19. are going to have orderly process, I think, we've got to rec-  
20. ognize it here today, and I support entirely the observations  
21. that Senator Partee has made here and the suggestions that  
22. there will be some frustration by individual members but we  
23. must face up to that today. The last 6 weeks of the Session  
24. can become intolerable if we don't recognize the thrust and the  
25. significance of what we are considering here today. Senator  
26. Carroll.

27. SENATOR CARROLL:

28. Mr. President, if I may ask a question of either the  
29. President or of the sponsor, ... the language in the very last  
30. paragraph where we talk about; except those implements ...  
31. that implement the State Budget. If I recall last Session, we  
32. talked of bills concerning appropriations and the additional  
33. bills that might be necessary to deal with appropriations.

1. Here, instead of talking in terms of appropriations, we talk  
2. in terms of the State Budget. Are we limiting the bills in  
3. the 2nd year to only those bills that augment the Governor's  
4. specific requests or would we still be allowed to introduce  
5. other appropriation bills that may not be within his budget?  
6. PRESIDENT:

7. It would be my response to your question, that the Com-  
8. mittee on Rules would evaluate that. And, if in fact, it  
9. determines that a bill implements the State Budget it would  
10. proceed and receive consideration. ... this ... is a term  
11. that lends itself somewhat to subjective evaluation. I would  
12. say further that there was lengthy discussion ... among the  
13. joint leadership about the capriciousness of bills that had  
14. attached to them appropriations which in fact, were not di-  
15. rected toward the interest in which there is ... joint attitude  
16. that what the even numbered year ... address itself is con-  
17. sideration of the budget ... and ... and deal with that to at-  
18. tempt to eliminate the subjective considerations of legislation  
19. beyond the implementation of the State Budget. Now, it's  
20. difficult this morning to precisely respond to what I think is  
21. a valid question. And, I've ... I've attempted to be helpful.  
22. I would say that the interpretation of the effect of this amend-  
23. ment to Rule 5 would be to limit the even numbered year's Ses-  
24. sion to budgetary matters, and not precisely identifying them,  
25. to, and if you will recall the word in the former rule was solely,  
26. dealing solely with appropriations and revenue which a ... a  
27. very limiting modifying word ... if construed in its absolute  
28. literal sense was not observed effectively. Now, the intent  
29. here is to limit the even numbered Session to the implementation  
30. of the budget. Provided further that always the will of this  
31. Body as long as I am presiding or as long as I am serving as  
32. Chairman of the Rules will be to offer a member an opportunity  
33. to make his point on the question of an interpretation of truly

1. what the rules mean, I think there comes a time when we must  
2. address ourselves to that eventuality. I would say that it's  
3. my general attitude and I recall ... and I love to make this  
4. reference, Dean Lee, our former colleague in the House, on  
5. constitutional questions and matters relating to Rules, used  
6. to most effectively persuade me that 89 voted in the House  
7. runs the House. And, it's my belief that 30 votes in the  
8. Senate runs the Senate. If that's helpful at this point in  
9. time that would be my response to your valid question.  
10. Senator Carroll.

11. SENATOR CARROLL:

12. The only point that I wish for the record is that we  
13. may not find ourselves in the bind of being totally tied to  
14. the exact recommendations made by any Governor in the odd  
15. numbered year or during this Session. That we may have other  
16. versions of implementations that we want to introduce that  
17. effect the budget not necessary the exact budget.

18. PRESIDENT:

19. I ... I respond completely to the point, affirmatively  
20. to the point that you make. Yes. Does Senator Berning wish  
21. recognition?

22. SENATOR BERNING:

23. Well, Mr. President, I just merely wanted to call your  
24. attention to the time and if this is at all appropriate, I'd  
25. like to move the previous question.

26. PRESIDENT:

27. Yes ... well there is ... this is an important matter  
28. before us and I appreciate our time urgency. Could you with-  
29. hold it one moment and ... the Chair does wish to recognize  
30. Senator Netsch and then we'll proceed with your question.  
31. Would you withhold your motion momentarily? Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. I wanted to call attention to

1. something that, I believe, every member of the Senate probably  
2. is conscience of anyway, and that is the words that you spoke  
3. just a moment ago, that the intent of that paragraph, the last  
4. paragraph of the proposed amendment to the rule, is to limit  
5. the 2nd annual Session to budgetary matters to the extent pos-  
6. sible. I am fully sympathetic with the problem that has brought  
7. about that kind of a suggestion, I think it is not proper under  
8. the Constitution to attempt to restrict the 2nd Session in that  
9. way and I simply wanted to say so for the record.

10. PRESIDENT:

11. Is there further discussion? On ... Senator Moore.

12. SENATOR MOORE:

13. Yes, Mr. President, I agree with you, Mr. President, and  
14. the Minority Leader, Senator Partee, and know that the Rules  
15. Committee will do a good job. I would call the attention to  
16. the members of these dates and ... if you cooperate I think  
17. it'll be very, very helpful and we'll get out of here on time  
18. and we won't have the usual log jam. So, pay attention to the  
19. dates and let's comply. I move the adoption of the amendment.

20. PRESIDENT:

21. Senator Moore, has moved the adoption to Senate ... to the  
22. Temporary Rules. ... I think, we should have a roll call on  
23. this. Secretary will call the roll.

24. SECRETARY:

25. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll, Chew,  
26. Clarke, Conolly, Course, Daley, Davidson, Donnewald, Dougherty,  
27. Fawell, Glass, Graham, Harber Hall, Kenneth Hall, Hynes, Johns,  
28. Keegan, Knuepfer, Knuppel, Kosinski, Latherow, McBroom, McCarthy,  
29. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
30. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,  
31. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
32. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver,  
33. Welsh, Wooten, Mr. President.

1. PRESIDENT:

2. Buzbee, aye. On that roll call the yeas are 54, the  
3. nays are none. The rule ... the amendment to the rules  
4. having received a sufficient vote is declared adopted.  
5. Senator Mitchler.

6. SENATOR MITCHLER:

7. Mr. President, members of the Senate, on the order of  
8. personal privilege, I believe many of you have been talking  
9. to some very lovely ladies who have been visiting the Capitol  
10. today, along with their husbands, ... and in the galleries  
11. and throughout the Capitol today we have members of the Farm  
12. Bureau Women's Group, the Illinois Agricultural Association,  
13. and if they would rise, I would ask the Senate to recognize  
14. them and invite them to join us today in our festivities in-  
15. cluding the welcoming home of the prisoner of war, former  
16. prisoner of war out front. Thank you.

17. PRESIDENT:

18. Senator Ozinga.

19. SENATOR OZINGA:

20. Mr. President, as long as we're running a little off  
21. schedule, Executive Committee will meet immediately after the  
22. ceremonies.

23. PRESIDENT:

24. ... Senator Fawell.

25. SENATOR FAWELL:

26. Yes ... I want to also point out that the Education Com-  
27. mittee will meet immediately after the ceremony, too, and not  
28. at 2:15.

29. PRESIDENT:

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. Mr. President, I'd respectfully urge that all of us now  
33. join now and go down because Mr. Zeigler is now on the platform

1. in front of the statue and we're going to miss the ceremony  
2. if we don't get right ...

3. PRESIDENT:

4. If the Senate will form at the well of the entrance here,  
5. we'll proceed. Senator Moore.

6. SENATOR MOORE:

7. Mr. President, I move we adjourn until 11:00 tomorrow  
8. morning.

9. PRESIDENT:

10. Senator Moore has moved adjournment. All in favor signify  
11. by saying aye. Contrary nay. The motion carries. The Senate  
12. will reconvene tomorrow at 11:00 a.m. Please form in a pro-  
13. cession here and we will proceed to the ceremony.

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