

83RD GENERAL ASSEMBLY

REGULAR SESSION

OCTOBER 20, 1983

PRESIDENT:

The hour of ten having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Our prayer this morning by Rabbi Israel Zoberman, Temple B'rith Sholom, Springfield, Illinois. Rabbi.

RABBI ISRAEL ZOBERMAN:

(Prayer given by Babbi Zoberman)

PRESIDENT:

Thank you, Rabbi. (Machine cutoff)...of the Journal. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that the Journal just read by the Secretary be approved unless some Senator has additions or corrections to offer.

ACTING SECRETARY: (MR. FERNANDES)

Wednesday, October 5, 1983.

PRESIDENT:

Alright. Senator Johns.

SENATOR JOHNS:

Thank you, again, Mr. President. I move that the Journal just read by the Secretary be approved unless some Senator has objections or additions to offer.

PRESIDENT:

Alright. You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries. It is so ordered. Senator Johns.

SENATOR JOHNS:

Thank you, again, Mr. President. I move that the Journals of...Tuesday, October the 18th; Wednesday, October the 19th, in the year 1983, be postponed pending arrival of the printed Journal.

PRESIDENT:

SJR 2 CA
3rd reading

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries. It's so ordered. With leave of the Body, we'll go to page 5 on the Calendar. On the Order of Constitutional Amendments 3rd Reading, Senate Joint Resolution 2. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution 2, Constitutional Amendment.

(Secretary reads SJR 2)

3rd reading of the resolution.

PRESIDENT:

With leave of the Body, we'll move to the Order of House Bills 2nd Reading. The Secretary informs me that House Bill 553 which had been discharged on the motion of Senator Grotberg technically has to...yet...has yet to be read a first time. So, we will do that and then it will remain on the Calendar in its proper place for Senator Grotberg's future action. 553, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 553.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Yesterday, the only business that we were not able to get to, the order of business was on page 17, Motions in Writing to Override Item Vetoes. On the bottom of page 17 of your Calendar...Senator Buzbee, you're going to be the first...first on these. On the bottom of page 17, the Order of Motions in Writing to Override Item Vetoes, and on that order of business, the first bill is Senate Bill 374 under the sponsorship of Senator Buzbee. Has a motion been filed, Mr. Secretary? If you'd read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 25, lines 17 through 22 of

Senate Bill 374 do pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Buzbee.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee is recognized.

SENATOR BUZBEE:

Thank you, Mr. President. With the help of Senator Sangmeister, I'm going to attempt this, since I left my glasses home this morning and Senator Sangmeister has graciously loaned me his. Hopefully I'll be able to see well enough to be able to explain to you what this is all about. This is a matching grant appropriation for engineering colleges for equipment purchases. We passed legislation in this past spring Session which would allow universities, their engineering departments specifically, to go to private industry and to get matching grants to Illinois engineering colleges for the purchase of laboratory equipment. Now, as a matter of fact, in the committee, as I recall when this bill was heard in front of the Higher Ed. Committee, I think it passed unanimously. Senator Hudson, as a matter of fact, was one of the supporters of this when we were talking about it in the committee. It's an idea that...what's happening is that the engineering schools are simply behind times in the technology that they use and the equipment that they use in the teaching of their technology to engineering students. And so when a student comes out of an engineering school and goes into the private sector, they find that the equipment that they are having to work with in the private sector is so much more modern than what they were learning in the engineering school that they have to go through a retraining process all over. This bill, by the way, did not come from the universities. It came from the Engineers Society and the Illinois Society of Professional Engineers that...that asked for this bill to start with. The Governor signed the bill, the substantive legislation, and then he vetoed the start-up

funds of five hundred thousand dollars. Now, this is a two for one match, which means that for every one dollar of...pardon me, it's...it's a one for one match. For every one dollar of State funds put in, private industry will put in a dollar. And let me tell you who's going to get the money, which universities; the university that is in the district where I...which I represent gets very little of this five hundred thousand dollars. As a matter of fact, Southern Illinois University, Carbondale, gets a total of sixteen thousand eight hundred and fifty-five dollars. Bradley University...and this is based, by the way, on the number of engineering students in the preceding year. Bradley University would get twenty-seven thousand. Illinois Institute of Technology, sixty-two thousand. Northwestern University, fifty-three thousand. SIU-C, sixteen thousand eight. SIU-E, ten thousand. University of Illinois, Chicago, sixty-five thousand five hundred, and the biggest recipient by far and away is the University of Illinois at Urbana, two hundred and sixty-three thousand dollars. This is something that is badly needed. It's an idea for cooperation between the private sector and the public sector, and, as I said, in support...in committee, the legislation had the support of Senator Hudson and several others who thought it was a very good idea, and I would appreciate if you would give me the support now in overriding the...the reduction veto.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there...is there discussion? Discussion? The question is, shall the item on...the question is, shall the item on page 25, lines 17 through 22 of Senate Bill 374 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 14, none voting Present. The item on page 25, lines 17

through 22 of Senate Bill 374 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. We will continue on page 18 on this order of business and then we will take up motions in writing to restore item reductions, also on page 18. Page 374, Senator Jones. Would you read the motion, Mr. Secretary, please, on Senate Bill 374.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 36, lines 18 through 22 of Senate Bill 374 do pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Jones.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones is recognized.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. This is a very small amount of money that we...the General Assembly finally agreed on in June for a intern program at Chicago State University. It originally started out in the House at seven hundred and fifty thousand dollars, and by the time it left the Appropriation Committee here we whittled it down to two hundred and fifty thousand dollars. It is a program that serves the urban area of the City of Chicago for...one of our governor universities, which is Chicago State University. We're all familiar with the internship program. It is a worthwhile program for young people to learn government at a very early age, and I solicit your favorable vote on this override, the Governor's veto notwithstanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, this is a new intern program. It's the only new intern program anybody got going this year or tried to get going. You know, we're trying to hold the line on spending.

I think we have a temporary tax increase that I suspect a majority of the members would like to see be temporary, and I think some of these overrides we're going to have to remember that we're not flush. We ought to exercise some restraint even though many of these projects are very commendable and worthwhile. I'd like to remind you, there's still an awful lot of people that were cut out of public aid benefits that haven't been restored, and we're out starting new programs without going back to try and get those people taken care of. It's a matter of priority I would think.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Jones may close.

SENATOR JONES:

Yes, thank you, Mr. Speaker. In response...Mr. President, rather. In response to the previous speaker, I understand exactly what you are saying, but I just witnessed the vote that just went out of here for several hundreds of thousands of dollars on another program, and if we are going to be consistent, then we will vote Yes on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate...shall the item on page 36, lines 18 of...through 22 of Senate Bill 374 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, none voting Present. The motion to override the item veto is lost. Senate Bill 374, Senator Vadalabene. And would you read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 29, lines 8 through 10 of Senate Bill 374 do pass, the item veto of the Governor to the

contrary notwithstanding. Signed, Senator Vadalabene.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Vadalabene is recognized.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Southern Illinois University at Edwardsville is in the center of the second largest population and industrial area of the State of Illinois. The guiding force behind the economic development of southwestern Illinois since 1976 has been Southern Illinois University at Edwardsville. The five hundred thousand dollars vetoed by the Governor would allow the university to begin creating the physical infrastructure, utilities, sewers and roads are need for a research park at the Edwardsville campus. The appropriation is also needed to begin the strategy for economic development in the Madison-St. Clair Counties area. This appropriation would allow the university to attack the problems of the economic development on a regional basis with other educational facilities, business people and local governments. And I've heard the Governor say many, many times that the Edwardsville campus of Southern Illinois University is his favorite campus, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to override the item veto. Discussion?
Senator Schaffer.

SENATOR SCHAFFER:

Well, I...I guess I'll give the same speech again, and also point out that we've already put an additional 14.7 million for upgrading engineering programs and equipment. You know, we're...this is money on top...new money on top of new money at a time when we haven't gone back and restored some of the cuts that we had in the existing programs and some of the shortfalls in public aid, mental health, you name it. I just have a feeling we ought to be talking about trying to

take a look at all those things we haven't restored before we start putting new money on top of new money.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Vadalabene may close.

SENATOR VADALABENE:

Yes, just that I appreciate a favorable vote, and some of the things that Senator Schaffer is talking about, we'll be getting some of the people off the public aid rolls.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. The question is, shall the item on page 29, lines 8 through 10 of Senate Bill 374 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 20, none voting Present. The motion to override the item veto is lost. Senate Bill 378, Senator DeAngelis. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 48, lines 33 through 35, and on page 49, lines 1 and 2 of Senate Bill 378 do pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis is recognized.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. This is a ninety thousand dollar item for hypertension control that was item vetoed out. Some of you may have received some mail on this from your local agencies. It cuts across quite a few agencies across the State. The hypertension control program is pretty effective in Illinois. It's far better to check somebody's blood pressure rather than wait for them to get a stroke and then take care of them in the hospital. So,

I would urge that we override the item veto of ninety thousand dollars on page 48, page 49, of Senate Bill 378.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

In the spirit of bipartisanship, I would respectfully remind the Body that we already have three hundred and eleven thousand dollars in the budget...pardon me, three hundred and thirty-seven thousand dollars in the...a budget, which is an increase over last year. It's an unbudgeted...add-on. Same speech I've given twice before for additional comments.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

Well, with all due respect to Senator Schaffer, he is correct except that the three thirty-seven is all Block Grant money. This was our contribution from General Revenue Fund which was what...which was what was vetoed.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the item on page 48, lines 33 through 35, and on page 49, lines 1 and 2 of Senate Bill 378 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 15, the Nays are 25, 1 voting Present. The motion to override the item veto having failed to receive the required constitutional majority is declared lost. Senate Bill 394, Senator Rock. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 19, lines 26 through 34 of Senate Bill 394 do pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

...may we have some order, please. Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This motion and the one which will follow it, I think, are motions upon which we can all agree, or at least we should agree. I believe the Governor in the exercise of his item veto in this instance made a mistake. This motion would call for the restoration of 1.3 million dollars for the grant awards to the metropolitan enforcement groups, the MEG units. There are, as you know, nine such units across the State. When Director Zagle came before the Senate for advice and consent to his reappointment, he made the point that in 1982 the MEG units in Illinois made thirteen hundred arrests which resulted in a conviction rate of ninety-three percent, and the confiscated heroin, cocaine and other narcotics were valued on street value over twenty million dollars. This is an investment we simply can't afford to lose. Now, we passed...this Assembly passed a year or so ago a Drug Traffic Prevention Fund. It called for the confiscation of assets from those involved in the trafficking of drugs. Frankly, that program has not yet been fully implemented, and we made an agreement and we intend to stay by that agreement, that at some point in time the Drug Traffic Prevention Fund will, in fact, be the funding vehicle for the metropolitan enforcement groups. At the moment, however, there simply isn't any money in that fund. There is less than ten thousand dollars. This motion would call for the restoration of the grant monies to those nine enforcement groups across the State; the Quad Cities, Lake County, Vermillion, Carbondale, East St. Louis, Joliet, Kankakee and, obviously, Cook County. It is an investment, as I say, we just can't afford not to restore. The Governor does not indicate that he's in any way opposed.

He said in his Veto Message, "otherwise, there will be no incentive to institute and step up the worthwhile program, namely, the drug traffic prevention program." That program will be stepped up, has been instituted. It simply has not yet reaped the benefits. There is no money in the fund. In the meantime, absent this money, the metropolitan enforcement groups, frankly, will simply go out of business. At the moment, they do not have any money. I think the Governor recognizes he made a mistake, and I would ask that we restore this...money, the line item veto of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall the item on page 19, lines 26 through 34 of Senate Bill 394 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. The item on page 19, lines 36 through 34 of Senate Bill 394 having...having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. WCIA is requesting permission to videotape the proceedings. Is there leave? Leave is granted. 394, Mr. Secretary, further motions?

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 19, lines 20 through 25 of Senate Bill 394 do pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the companion item. It...it is in the

amount of one hundred and sixty thousand dollars to be appropriated to the Department of Law Enforcement for the purpose of the administration of this program. It's...again, absolutely essential. It is a hundred and sixty thousand dollars, but it's part and parcel of the other motion, and I would again seek your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is, shall the item on page 19, lines 20 through 25 of Senate Bill 394 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. The item on page 19, lines 20 through 25 of Senate Bill 394 having received the required three-fifths majority is declared passed, the item veto of the Governor to the contrary notwithstanding. Senate Bill 714, Senator Welch. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 12, lines 20 through 27 of Senate Bill 714 do pass, the item veto of the Governor to the contrary notwithstanding. Signed, Senator Welch.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch is recognized.

SENATOR WELCH:

Thank you, Mr. President. The veto of this bill has a long history. What this appropriation was, was a reappropriation of 1.5 million dollars for the conversion of a hospital in the City of LaSalle, St. Mary's Hospital, into a veterans' nursing home. The bill passed the Legislature last Session. The 1.5 million dollars is a matching fund to be created to match 1.5 million dollars to be raised locally by the veterans to complete this project. The estimated cost of the project is three million dollars. When the project is

completed, the State of Illinois will get back not just the 1.5 million dollars that we want to vote on today but an extra fifteen percent. In other words, the Federal Government reimburses sixty-five percent of the total cost of the project to the State even though the State of Illinois will only put up fifty percent. No money will be spent, it appears, until the local group raises the matching amount of money. When they do, then we could start changing this hospital into a veterans' facility. As I said, the bill passed last year with bipartisan support. It started out, it was a Republican sponsored bill in the House last year. The Governor decided to veto it. I think that this is something that we should vote for to help our veterans. I don't think we've done anything for the veterans this year except give them their own license plate for Pearl Harbor Veterans, but beyond that, I don't think we've...we've done much for the veterans. We have a group of veterans here lobbying for this bill, and I would appreciate your support on this override.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Schaffer.

SENATOR SCHAPFER:

Well, I think we've forgotten the eleven million plus that we've put in the budget for a similar facility in Mantino-Shapiro, I guess, as that negotiation continues. I guess I should preface my remarks by saying I'm a veteran and, you know, I...I like to support things for the veterans but, frankly, I think we're...at a time when we're trying to hold the line on new programs and new commitments, we're certainly getting deeply mired in this type of thing. If we're going to go ahead with this one and then the one at Mantino, and I don't think, frankly, any of us have any reason to be particularly proud of the number of dollars we are putting in the one at Quincy that we already have a responsibility for. I think we've got to draw a line here. It's a very difficult

vote. I know many of us feel very strongly about seeing that the veterans are well taken care of, but I think this is a program that the State will not be able to afford down the road, and why kid anybody about it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would just like to say that even though...as we build these facilities around the State and we're getting help from the Federal Government, the State of Illinois is still responsible for operating them. We, in Quincy, are finding ourselves short of an operating budget and are not being able to do properly for the veterans at our home, and I would just say that I think it's...with the prospect of Mantino and the problems we're having at the Quincy Veterans' Home, I would hope that we could defeat this.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. I guess this is kind of an, "I've got mine, so we don't want another one" type of argument. I think that the time has come for us to act again on this bill favorably. The 1.5 million dollars is not going to come out of the budget this year unless the local groups raise 1.5 million dollars. If they can do that, I think that that shows a great deal of participation on the local part and it's something to be commended and perhaps something that should be done more often. But the fact remains that if we do appropriate the money, we get it back plus fifteen percent, and I don't think we can say that about any other bill we passed in this Session this year. And I think that the time has come for us to help the veterans, to help them in

the northern part of Illinois, not just in the southern part or in...where the...most of the veterans reside. Some eighty percent of the veteran population within...live within a one hundred mile radius of this facility. I don't think that can be said about any other facility. In addition, the...the number of beds necessary are not there unless we do build this facility. The land for this project is being donated by the City of LaSalle. The...the hospital itself was donated by the...by some nuns to the city to be turned into a facility to help the people. I think this is a project that shows a great deal of local participation. I think it should be encouraged, and I think that this is one vote that we can be proud to cast, and it's one vote that I think is fiscally responsible because the money is going to come back. And I would appreciate your support.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the item on page 12, lines 20 through 27 of Senate Bill 714 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 14, 2 voting Present. The motion to...override the item veto of the Governor having failed to receive the required constitutional majority is declared...Senator Welch asks that further consideration of the motion be postponed. The motion will be placed on the Order of Postponed Consideration. Senate Bill 378, Senator Buzbee. Read the motion, Mr. Secretary, please. We are now going to the Order of Motions in Writing to Restore Item Reductions. That is on page 18 of your Calendar in the center.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 56, lines 13 through 17 of

Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Signed, Senator Buzbee.
PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee is recognized.

SENATOR BUZBEE:

Thank you, Mr. President. This is a restoration attempt of dollars that the Governor had eliminated from the Illinois Veterans' Scholarship appropriation. He reduced some two million nine hundred and fifty-one thousand dollars. Now, who this impacts on is the senior universities somewhat in this State, but it primarily impacts on the community colleges that are in each and every one of our districts. What happens it...is...it is the law of the State of Illinois that those veterans who went in on...to military duty prior to 1976, I believe it is, or '78, they are still eligible under current Illinois law for a veterans' scholarship, which means that if they have served honorably in...any of the four branches or the five branches of the U.S. Military and then they come out...and they were a resident of the State of Illinois before they went in, they come out of the military under honorable conditions, they are eligible if they want to go to school, for a military scholarship, which means that the State will pick up their tuition. But what has been happening is that over the last three years the Illinois Department of Veterans' Affairs has purposefully decided to underfund this particular item, and it has been impacting on the community colleges, primarily the senior institutions also but to a lesser extent. Now, three years ago the Department of Veterans' Affairs came in and told us, we're going to fund this at a...at a lesser percentage level rather than one hundred percent. It will be a one-time only shot. We know that we're hurting the universities and the community colleges by doing this, but we're only going to do it once. And so the universities and the community colleges all agreed

that they would take that one-time hit because of the financial exigency which supposedly was...was...we were experiencing at that time. Then the next year they came back in and did the same thing, and then again this year they've done the same thing again. Now, what I'm asking for is a restoration of two million nine hundred fifty-one thousand dollars. In anticipation of Senator Schaffer's speech, let me just tell you, Ladies and Gentlemen, that the Governor's Office has over fifty-eight million dollars in supplemental appropriation requests before this Body. We will be hearing that week after next. Yes, we did pass a temporary tax increase, and the Governor has found a lot of ways to spend it obviously. He's got fifty-eight million dollars in supplemental appropriations that we're supposed to pass two weeks from now. Whether we do or whether we don't is not the subject here now obviously, except to say that the two million nine I'm talking about is impacting directly on your taxpayers and your community colleges, and I have the list. If we do this override, Belleville Community College will get an additional ninety-six thousand dollars; Blackhawk, ninety-four thousand; Chicago, three hundred and eight; Danville, twenty-six; DuPage, ninety-five thousand; Elgin, thirty-seven; Harper, sixty-two, and I can go on and on and on and on. I got them all right here if anybody is interested. Thank you. I'll ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Bruce.

SENATOR BRUCE:

I just rise in support of this two million nine. I've given this speech before, and that is, we in this Body tell the colleges and universities and community colleges throughout the State of Illinois we want veterans to get a free ride at our universities and colleges, then we do not put in the money. The community colleges in particular have to fund all

these. They are losing money. I would appreciate the restoration of this two million nine helping the community colleges throughout the State of Illinois get their fair share of the money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall the item on page 56, lines 13 through 17 of Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The item on page 56, lines 13 through 17 of...Senate Bill 378 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. Motions in writing, accept the specific recommendations for change. Bottom of page 18, Senate Bill 98, Senator Luft. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 98 in manner and form as follows. Signed, Senator Luft.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Luft is recognized.

SENATOR LUFT:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 98 dealt with the income tax and had three provisions. Two of those provisions the Governor eliminated. One, a decoupling from the Illinois...of Illinois from the Federal withholding requirements. He did that because that was stated in House Bill 400 and already been signed. Another was a requirement that the Department of Revenue collect and publish individual income tax data. The

AB 187
Accept Gov.
Spec. Reccom.

Governor thought the reliability of that data did not sufficiently justify the signing of this portion of the bill, and an automatic sixty-day extension on the date of which a taxpayer must file a return if the taxpayer is living or travelling abroad on the date of that return is due was amended to make sure that it applied only to individuals. And I would ask for a favorable vote on my motion.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is, shall the Senate accept the specific recommendation of the Governor as to Senate Bill 98 in the manner and form just stated by Senator Luft. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the specific recommendation of the Governor as to Senate Bill 98, and the bill having received the required constitutional majority is declared passed. Senate Bill 133, Senator Dawson. Senator Dawson on the Floor? Senate Bill 187, Senator Demuzio. Read the motion, Mr. Secretary, please, on 187.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 187 in manner and form as follows. Signed, Senator Demuzio.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio is recognized.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. The Governor had a long and lengthy message on Senate Bill 187 in regards to utilities. The principal change, I suspect, is adding to the substantive language allowing for the one hundred thousand dollar appropriation that's in the, as I recall correctly, is in the Illinois Commerce Commission funding bill to be lent to the Citizens Utility Board as start-up money. The other

major changes were that the annual report would be automatically sent to the board members rather than upon request. He made some technical changes in regards to the Open Meetings Act as well as putting into the record, I guess, the recodification of the winter shutoff, which apparently the Commerce Commission has already been doing, and restructured the CWIP part to allow for the Commerce Commission flexibility in returning to the rate base that portion of the CWIP that was already in it, and provided that the Illinois Commerce Commission members would be excluded from participation in the representation before the Commerce Commission in any professional capacities, and made other changes. I would think that those are the major changes that were made, and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 187 in the manner and form just explained by Senator Demuzio. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the specific recommendations of the Governor as to Senate Bill 187, and the bill having received the required constitutional majority is declared passed. Senate Bill 288...Senator Sangmeister, for what purpose do you arise?

SENATOR SANGMEISTER:

A matter of personal privilege. I'd like to make an introduction, if I can. I'm very pleased today to have with us the senior citizens from St. Mary's Nativity Church in Joliet, who are visiting and taking a tour of the Capitol, and I would like them to rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized. Welcome to the Capitol Building. Senate Bill 288. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 288 in manner and form as follows. Signed, Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized. May we have some order, please. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, you will recall that Senate Bill 288 is an amendment to the Illinois Pension Code, and it came specifically at the request of the State Board of Investment. The primary motivating force behind this bill was the need to permit the Illinois State Board of Investment to indemnify its members. You'll recall that we have now established as policy the prudent man rule for investment, and at the same time when we changed that law, we knocked out...inadvertently knocked out the indemnification for our trustees on the State Board of Investment. Indemnification is absolutely essential that the...so that they can properly function. Senate Bill 288 as it...as it left the Senate and left the House contained in addition thereto a number of other changes in the Pension Code which the Governor felt in his message were not necessary or far beyond what he felt was necessary. The essential question is the indemnification of the State Board of Investment members. The bill as it came back to us with the Governor's specific recommendations for change literally stripped all the other changes out and left only the indemnification section intact. It is worthy of our vote, and I move to accept the Governor's specific recommendations for

change.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Discussion? Discussion? The question is, shall the Senate accept the specific recommendation of the Governor in the manner and form just explained by Senator Rock on Senate Bill 288. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the specific recommendation of the Governor as to Senate Bill 288, and the bill having received the required constitutional majority is declared passed. Senate Bill 304, Senator Demuzio. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 304 in manner and form as follows. Signed, Senator Demuzio.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Demuzio is recognized.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. I am told that this is a technical change in the Illinois...in the establishment of the Illinois...Economic Opportunity Act to simply...to conform the definition of that area which constitutes poverty and poverty level to the already established enacted departmental rules. I don't know of any opposition and would move for the...for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall the Senate accept the specific recommendation of the Governor as to Senate Bill 304 in the manner and form just explained by Senator Demuzio. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish?

Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the specific recommendation of the Governor as to Senate Bill 304, and the bill having received the required constitutional majority is declared passed. Senate Bill 403, Senator Grotberg. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 403 in manner and form as follows. Signed, Senator Grotberg.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg is recognized.

SENATOR GROTBORG:

Thank you, Mr. President and fellow Senators. Senate Bill 403 was the part-time employee for not-for-profit organizations on the unemployment compensation program that we worked diligently on on two different bills, and the Governor has made some language change that improves the bill really and clarifies that it's not subject to the payments in lieu of contributions, and it will bring the not-for-profits into line...the bill stemmed from townships who use prisoner labor on the work release programs, and that's the main substance of the bill, and this has the...I move we go along with the Governor on it.

PRESIDING OFFICER: (SENATOR DENUZIO)

Is there any discussion? Is there any discussion? The question is, shall the...shall the Senate accept the specific recommendations of the Governor as to Senate Bill 403 in the manner and form just stated by Senator Grotberg. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting

Present. The specific recommendations of the Governor as to Senate Bill 403 having received the required constitutional majority vote of Senators elected are declared accepted. 457; Senator Dawson. Senator Dawson on the Floor? Senate Bill 457. Senate Bill 536, Senator Collins. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 536 in the manner and form as follows. Signed, Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and the members of the Senate. Senate Bill 536, as all of you are aware, is the collective bargaining bill passed by both Houses and sent to the Governor's Desk last spring. The Governor made some substantial changes in the bill, and I will briefly go through those changes with you. First of all, he deleted all provisions in the bill dealing with educational employees. He increased the number of arbitrators from three to seven in cases involved in security and essential personnel. His rationale was to increase management input in that...in review...in...in that area. He excluded mandatory political contributions from the fair share provision in the bill. He added the director of the Department of Labor and Central Management Services to the State Government body to be included in the review of arbitrated...arbitration decisions. He included the...the employees of the Department of Law Enforcement below the rank of sworn officers. He increased some of the...he also included many of the elements in the Senate Bill 416 sponsored by Senator Hall, the Bi-State Development Agency Act. He clarified language in the...in the definitions in areas of confidential employee, super-

visory employees, strikes, binding arbitration, unfair labor practices, and he made numerous technical changes and cleanup language. At this time, I would move to accept the...specific recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WAND-TV, Channel 17 has asked...is seeking permission to tape the proceedings. Is leave granted? Leave is granted. Is there any discussion? Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, there have been some improvements on this bill but it still does not negate the fact that public employees will have the right to strike, for example, in the mental institutions of the State, in the...in the...the public institutions of the State, and also of every local government in the whole State. I think it's a bad bill. I think the concept was bad, because I do not believe that we should give public employees the right to strike, although I am in favor of collective bargaining with mandatory arbitration right of appeal to the courts. When you have strike bills for public employees, you are not allowed to stop paying taxes when your services are cut and you are...that when you...when you cut those services, when those...when there's a strike, those services affect the very health, safety and welfare of the people of Illinois, and I think it's a bad bill. It's a bad bill as...as corrected. It was a bad bill when it was brought up and amended, and I speak against this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Keats. Senator Keats.

SENATOR KEATS:

...only to say I don't rise in any argument. I mean, if...if the Senators don't know what 536 is by now, God save

us. It's just that for those who are opposed to the concept, I've been asked to say, the correct vote is a No vote if you're opposed to the concept. I don't intend to argue it one way or the other. I think it's a philosophic issue that either you're for or against based on your philosophy, but for those who are not in favor of it, a No vote could essentially kill the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins may close.

SENATOR COLLINS:

Senator Geo-Karis, let me just respond to your...your statements in reference to the strikes. Under this bill, Senator Geo-Karis, strikes are far more unlikely to occur than they are today under the negotiated collective bargaining agreements...agreements that takes place throughout the State, because this bill specifically sets forth all kinds of steps by which one must follow prior to going on strike. It will reduce the likelihoods that strikes would occur. It also provides for the governing...the management agent to go into court or any citizen to go into court and to declare that strike as an immediate danger to the welfare of the citizens of the State of Illinois and to get a court injunction. All of these provisions are not available now. If they were, the teachers in Chicago may not be on strike.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall Senate Bill 536...the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 536 in the manner and form just stated by Senator Collins. Those...those in favor will vote Aye. Those...Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

I wonder if we could have a short Recess for a Republican Caucus?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Rock.

SENATOR ROCK:

Well, the...that...that request is always in order. I would remind you, however, that we are at the point of a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. The question is, shall the Senate accept the specific recommendations for...as to the Governor as to Senate Bill 536 in the manner and form just stated by Senator Collins. Those in favor vote Aye. Those opposed vote Nay. The voting is open...Senator Geo-Karis, she...she was closing. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 22. Those voting...the specific recommendations of the Governor as to Senate Bill 536 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

Yes, I would request a verification on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

There's been a request for a verification. Senator Hudson has requested a verification of the...affirmative roll call, Senator? Of the affirmative roll call. The members will be in their seats, and the Secretary will read the affirmative votes.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Chew, Coffey, Collins, D'Arco, Darrow, Davidson, Dawson, Degnan, Demuzio, Egan, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Marovitz, Nedza, Netsch, Rupp, Sangmeister, Savickas, Vadalabene, Welch, Zito, Mr. President.

*SB 619
Spec. Recommendation
of the Floor*

PRESIDENT:

Senator Hudson, do you question the presence of any member?

SENATOR HUDSON:

(Machine cutoff)...Senator Jones.

PRESIDENT:

Senator Jones on the Floor? Senator Jones on the Floor? Strike his name, Mr. Secretary. Senator Hudson.

SENATOR HUDSON:

Senator Marovitz.

PRESIDENT:

Senator Marovitz is on the Floor next to Senator Demuzio.

SENATOR HUDSON:

No further requests, Mr. President.

PRESIDENT:

Thank you. The roll has been verified. On that question, there are 32 Ayes, 22 Nays, none voting Present. The Senate...the specific recommendations of the Governor as to Senate Bill 536 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Weaver.

SENATOR WEAVER:

(Machine cutoff)...but no, thank you.

PRESIDENT:

Alright. 581, Senator Bloom. 619, Senator Egan. On the Order of Motions in Writing to Accept the Specific Recommendations for Change is a motion filed on Senate Bill 619. Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 619 in manner and form as follows. Signed, Senator Egan.

PRESIDENT:

Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. The motion is to concur in the amendatory veto of the Governor. The bill as it left the Senate requires and allows for the admissibility of inconsistent prior statements made at a criminal trial, something that has been forbidden until this bill becomes law. The two additional provisions were added on in the House which would require two things, basically; that the witness is a hostile or unwilling witness within a Supreme Court...within the scope of the Supreme Court Rule No. 238; and number two, that the party calling the witness is surprised by the witness' testimony within the meaning of Supreme Court Rule 238. As it turns out, the rule amended...the Supreme Court amended the rule to delete any reference to a party's being surprised. Consequently, the applicability of this particular provision in the Statute is negated by the absence of that rule and so it was removed by the Governor, and I would respectfully request the...your approval in the Governor's amendatory veto.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 619 in the manner and form just stated by Senator Egan. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 619 having received the required constitutional majority are declared accepted. 740, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I...I move to accept the...the specific recommendations of the Governor as to Senate Bill 740 in manner and form as

follows. Signed, Senator Watson.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Originally, Senate Bill 740 amend the provisions of the Snowmobile Registration and Safety Act which regulate the general operation of snowmobiles and provided that the snowmobile lands which are leased for public purposes are not to be considered as lands leased for valuable considerations. The bill also contained an immunity to public utilities and other land owners who lease land to the State for recreational purposes, and it also excused the Department of Conservation from maintaining bathhouses on certain beaches and in certain areas. The Governor deleted all but the Snowmobile Registration and Safety Act provisions, and that would be, he took out the immunity to public utilities and other land owners who lease land from the State for recreational purposes, and he also took out the provision which excused the Department of Conservation from maintaining bathhouses on certain beaches. I know of no opposition, and I just simply ask for your approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 740 in the manner and form just stated by Senator Watson. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 740 having received the required constitutional majority vote of Senators elected are declared accepted. 981, hold. Senate Bill 1056, Senator

Schaffer. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 1056 in manner and form as follows. Signed, Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

This bill relates to using the boat funds for operations of the locks in the chain of lakes. All the Governor did was add an effective date of January 1st, 1984. I'd move to accept that change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1056 in the manner and form just stated by Senator Schaffer. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1056 having received the required constitutional majority vote of Senators elected are declared accepted. Senate Bill 1116, Senator Marovitz. Senate Bill 1174, Senator Rupp. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor to Senate Bill 1174 in manner and form as follows. Signed, Senator Rupp.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I move to accept the specific

recommendations of the Governor. Basically, what it is, it's a change adding in words that the Labor Department must be represented by the Attorney General, and since in Section 39-9 of the Act it's requires that the Attorney General represent the agency, I make the move that we accept the recommendations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, this bill originally would seek to put into the Prevailing Wage Act some injunctive relief against the award of a contract. Did the Governor leave that part in the bill? Is that still a part of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bupp.

SENATOR RUPP:

Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. I merely want to point out to the members that this bill just narrowly passed the Legislature in the spring. I think it's a bad idea. I think it expands the...the concept of prevailing wage to the extent that the Department of Labor can get involved in these things before a contract is even awarded, and I think it's a bad practice and we should never have approved this in the first place. So, we have another chance to vote on the issue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Only to remind...Senator Schuneman has covered the bill well. It only received 31 votes when it passed last time. I

would ask each of you to consider the fact that this bill does set a precedent that many people really don't want set, and I think from that angle, we've set enough precedents this year for other problems. I would ask all the members to remember it only got 31 votes, and don't get carried away on voting.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Further discussion? Senator Grotberg.

SENATOR GROTBERG:

Thank you, Mr. President. I think the Body should be aware of what happens under the existing law, and it would be worse with this. We have a prison problem, and I think it's fifteen hundred beds up in Dixon that we're planning on to relieve the whole prison problem of the State of Illinois along with...a lot of other actions. That construction job is tied up and is not going to get open. They're six months behind schedule. The whole of State Government is falling apart. This bill just supports the system that has crippled construction in this State. The low bidder just happened to save the people of Illinois millions of dollars...or thousands, I'm sorry, on that particular job that's on strike and...because of the concept of the prevailing wage. And...we've got to reject these things and keep the system out there and keep it going.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Alright. Further discussion? Senator Rupp may close.

SENATOR RUPP:

Thank you, Mr. President. I would like to remind the question before us is whether or not the changes made by the Governor should be accepted. It's a very simple change, a few words, and the other problem had been solved, we did vote on that, and I will be glad to accept 31 votes again.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall the Senate accept the specific

AB 133
Open Recession.
the Rev.

recommendations of the Governor as to Senate Bill 1174 in the manner and form just stated by Senator Rupp. Those in favor will vote Aye. Those opposed will...vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Vote Senator Rock Aye. Take the record. On that question, the Ayes are 32, the Nays are 23, 1 voting Present. The specific recommendations of the Governor as to Senate Bill 1174 having received the required...constitutional majority vote of Senators elected are declared accepted. Is there leave to return to page 18, Senator Dawson was off the Floor on Senate Bill 133? Is leave granted? Leave is granted. On page 18, motions in writing, accept the specific recommendations for change, Senate Bill 133. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 133 in the manner and form as follows. Signed, Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, 133 now reads that it only pertains to steel products with a ten percent override on it, and I wish to concur with the Governor's recommendations and ask for a favorable roll call. It does not pertain to any other products whatsoever at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Mr. President and members of the Senate, I stand on a point of...personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, Senator.

SENATOR SMITH:

Thank you. I want to offer my apologies for coming in late this morning. I have death in my family, my stepson passed, and I was on the telephone making arrangements. His wake is tonight, and tomorrow morning at eleven o'clock is the service. But there...I understand that 536 was before Body this morning, and I'd like to be registered as having voted Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The electronic marvel will so indicate.

SENATOR SMITH:

Thank you, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any...any discussion relevant to Senate Bill 133? Alright. The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 133 in the manner and form just stated by Senator Dawson. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 133 having received the required constitutional majority vote of Senators elected are declared accepted. Page 19, motions in writing, override the specific recommendations. 133, Senator Dawson...we just did that. Senate Bill 581, Senator Bloom. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept...I move that Senate Bill 581 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Well, thank you, Mr. President and fellow Senators. You know, it's...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Mr. Secretary, correct the board, 581. Senator Bloom, pardon me.

SENATOR BLOOM:

Thank you. Thank you...thank you, Mr. President. Well, it's kind of ironic. I'm...I get a letter from the Governor's Office explaining about the amendatory veto is good for me, and it's alright; yet, by amendatorily vetoing this particular bill he changed it substantially. This bill was a minor...relatively minor matter that was part of the recommendations that the Illinois Supreme Court makes to the Legislature annually. It would allow voluntary associations to sue and be sued. By his amendatory veto, he made it prospective in application, and what it does, it harms a large class of persons by excluding worthy suits, and basically, arbitrarily killing some pending cases; and it creates another undesirable precedent in that 581 is clearly procedural in nature, but he feels...in fact, it doesn't create or delete any legal rights but does create procedures making that preexisting right to litigate available to all members of society including these associations. Similar laws in other states have regularly been interpreted to be retrospective, and that is the overwhelming majority rule. By his amendatory veto making it prospective, it excludes large classes of worthy people and absolutely...absolutely throws the crimp into several pending cases. Therefore, if we would override it, we would affect no pending cases and achieve the result recommended by the Illinois Supreme Court. I'll answer any questions; otherwise, I'd seek a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Thank you. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well...if I read the amendatory veto message from the Governor, it simply...doesn't veto your bill...doesn't amendatorily veto your bill except to say that it doesn't become effective until this Act is passed, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Yes, that's my point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe I was a cosponsor of this bill, if I recall correctly, and I would like to suggest that we go with the Governor's amendatory veto because I do feel that we shouldn't attempt legislation that will go beyond the date but go forward.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...further discussion? Senator Bloom may close.

SENATOR BLOOM:

Yes. The point that we're making is that by making it retrospective, it...there are several cases already pending in courts, and by his amendatory veto, he throws those people out of court. And that affects existing litigants, and that is why, after consulting with various legal experts, I'd go for the total override to go with the bill as it was recommended by the Illinois Supreme Court. So, I'd seek a favorable vote.

*SB 849
Accept Gov.
Spec. Recession.*

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall Senate Bill 581 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Sam. Have all voted who wish? Senator Vadalabene. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, 1 voting Present. Senate Bill 581 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. 619, Senator Kustra. No, we handled that already. Senate Bill...Senate Bill 849, Senator Bruce. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept...I move that Senate Bill 849 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Bruce.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. Senate Bill 849 as it left this Body, I thought made a great deal of sense, and that is, it said to the Illinois Commerce Commission that under the Open Meetings Act their deliberations would be in public. That is a simple precept that this Body has accepted as it regards to nearly every other body in the State of Illinois, be they a school board, a township board, city council, this Body, or anyplace else. The people of the State of Illinois, I believe, now realize...for a good deal of time they have realized that the proceedings and deliberations of the Illinois Commerce Commission, although they may be conducted in Springfield, certainly affect their livelihood as they live in the cities

and villages across the State of Illinois. I believe that we ought to have those meetings open. I don't see that there's anything wrong with saying that the deliberations of the Illinois Commerce Commission shall be open and public meetings. And yesterday's paper has reported, for example, that one of the commissioners himself on a 4 to 1 vote was turned down to have a public discussion of what we ought to do with the Illinois Power situation in Clinton. And Daniel Rosenblum was upset with the entire commission that although they've had reports from their staff that indicate the closure of that facility over which there have been several billions of dollars spent already, that the closure of that facility right now and calling that a total loss, putting in a hole somewhere and then starting out with a gas-fired plant would have two results. First of all, it'd be cheaper for the ratepayer; and secondly, it would bring the power on line quicker cannot be discussed in a public meeting, that the staff report is not available for public discussion. It seems to me that...that the Illinois Commerce Commission proceedings ought to be public. There ought to be a public discussion of what we ought to be doing about Illinois Power. We ought to know what their rate structure is. We ought to have some better idea of what to do. The Governor in his amendatory veto, which ran line after line said, yes, those proceedings ought to be open, but then wrote into the Act nearly every possible exclusion. And the exclusions are so broad as to, I believe, leave us without any open meetings of that Body at all. And so, my decision was, in cooperation with the Attorney General who has sponsored this legislation, is that we say to the public in the State of Illinois, yes, the Illinois Commerce Commission proceedings that affect you on a day-to-day basis should be and are, in fact, open meetings.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Senator Johns.

SENATOR JOHNS:

You know, Senator Bruce, I want to compliment you, because when I read the press release and it indicated Commissioner Daniel W. Rosenblum and his dissent with the rest of the commission, I was shocked and pleased; shocked that this could happen with one of the commissioners because I've been looking for some sign of relief by the commission towards the...sympathy towards the utilities. But I want to compliment him, and I want it a matter of record that every one of us should read that press release from Rosenblum stating how he fought to make public hearings available and to make the information available to the public from the staff, and he's run up against a stone wall. I just want to compliment you, Senator Bruce, for bringing this to our attention again, and I just wanted to say that everybody should read that press release.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg. Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. As the designated bitter, I would like to bring you up to speed on the fact that we just, in Senate Bill 187, Senator Demuzio's bill, concurred in the same amendatory veto language exactly, and that the chairman of the Commerce Commission, Mr. O'Connor, has assured everybody involved as to how this thing is going to work. If you've read your...your...the Governor's objections, it simple states that he's added the language to exempt meetings because of the commercial or financial information relating to inside stock information and any indication, et cetera, ad infinitum on rather standard procedures over these years, but for other purposes, the meetings will be open, very much as Senator Bruce has indicated. And to override now would put the two bills in

conflict. Let us then defeat this motion and accept the language as the Governor has written it. After careful consideration, I don't think that of all people that I know of the heat on these issues has certainly resulted in a Governor that's rather sensitive to the issue, and this language having already been accepted should be accepted again by means of killing this motion. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

END OF REEL

REEL #2

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, you and I have...cosponsored, and you the lead sponsor, of the Citizens Utility Board under Senate Bill 187, and what this bill will do now, if we override the Governor's veto, and he...and he's right when he says when the Citizens Utility Board will become a party intervening in rate making and other procedures pending before the commission on behalf of taxpayers it would...it then...their...their actions, their strategy, and legal course of action in representing the people of the State of Illinois in rate cases would be open to their opponents; and I think we're not protecting the...citizens of Illinois if we want the Citizens Utility Board to operate at...well and within its confines to discuss this strategy and figure out how to beat the public utility companies when they seek so many unnecessary increases in rates when they at...at the same time are getting the deductions from the Federal Government on their taxes. I think that we should accept the amendatory veto and vote against overriding the veto in this case, in all due respect the sponsor of the...of the 849, because we are opening the...the Citizens Utility Board to the public utilities when they can know the strategy and what course of action the public utilities...the Citizens Utility Board would take once it's established.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I rise in strong opposition to this motion to override the Governor's veto. I think

somebody like Commissioner Rosenbloom is a prime example of why we need some of these deliberations to be kept secret. Here is a guy who is all but telling the public that a power plant that was originally given a certificate of need and allowed to proceed with construction by people like him when the Illinois Commerce Commission originally granted it, now, when it's halfway completed, should be held out for public scrutiny. Well, I mean, we can't do that anymore. I mean, what are you going to do? Are you going to stop construction in...in halfway to completion of the plant? I mean, who is this guy kidding? He's grandstanding. He's doing it for the public. You know, we know that maybe...he was probably on the commission when he allowed this plant to be constructed initially...he wasn't on the commission? Oh,...he's a new commissioner, I'm sorry. So, he wasn't on the commission. Well, the point is that we can't do anything about it anyway, and I don't...I don't see his logic.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. The only comment I really want to make on this is that there is a feeling that if you have an open meeting, the end result is always going to be better and that is not always true, in fact, in many instances not true at all if you would observe some of our very own activities, but I think we're failing to forget that the ICC is quasi-judicial agency and, therefore, there are some matters that come before it by their very nature that must remain private. The other thing that concerns me is that there is sensitive information from a financial standpoint that has to be analyzed at some of these meetings. Information that...that affects and impacts upon the value of the stock of those corporations, and things discussed openly regarding those situations could have an

extremely detrimental effect on the perceived value of those corporations that, in fact, give us our utilities and in the long-run would injure those people like many people in this General Assembly and many of our constituents are stockholders of those corporations. I...I think what we're saying here is that if it's open it's better. Senator Bruce, sometimes it is but sometimes it's not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Bruce may close.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. You know, what we're talking about here are public utilities, public utilities, not private utilities, not the right of these fellows to decide in closed doors what the people of the State of Illinois are going to pay for gas and electricity. They decide the budgets of more families than any action that we take in this Body. As you may recall, the Illinois Taxpayers' Federation put out a report on the payment of utility taxes, and they find out that we're...mainly paying more in utility tax than almost any tax that we pay in the State of Illinois, and that's based on the gross receipts of these companies. This is the Illinois Commerce Commission not the Illinois Power Commerce Commission or the CIPS Power Commission, this is the Illinois Commerce Commission, and we ought to have an Illinois Commerce Commission regulating public utilities in the open, and that's all my motion...says that we will have open proceedings of this commission. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 849 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish?

Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 19, 1 voting Present. The motion having failed to receive the required three-fifths vote is declared lost. Senate Bill 891, Senator Bloom. Well, Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President. A point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR MAITLAND:

In the gallery, to the rear of the Chamber, is the American Government class from Wapella High School and their instructor, Mr. Wes Wells. I'd like for the group to stand and be recognized by the Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would our guests in the gallery please rise and be recognized by the Senate. Bottom of page 19, Senate Bill 891, Senator Bloom. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 891 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed, Senator Bloom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. As you recall, Senate Bill 891 adds to the list of child welfare services...supporting the physical and other needs of pregnant and unmarried teens. That's the way it went down to the Governor's Desk. What he did is basically excised that language at the heart of the bill leaving in some ancillary language that was added in the House to other areas, and basically he took the guts out of the bill. Therefore, I would

move that we put the gist of the bill...put the language back in and have the bill become law in the manner and form that we sent it to his desk. It passed overwhelmingly. I'll answer any questions you may have; otherwise, I'd seek a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 891 pass, the...the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 891 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. Top of page 20, Senate Bill 942, Senator Barkhausen. All right, page 16, motions in writing, override total vetos, page 16, in the middle, Senate Bill 3, Senator Joyce. Senate Bill 84, Senator Luft. Senator Luft on the Floor? Senate Bill 85, Senator Geo-Karis. Senate Bill 139, Senator Zito. Okay...Mr. Secretary, read the motion, please. Senate Bill 139.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept...I move that Senate Bill 139 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. When Senate Bill 139 left this Body...by a vote of 49 to 4, in the House by a vote of 91 to 14, myself and certainly all of you, obviously, thought it was...made a great deal of sense. Senate Bill 139 deals with the crucial issue of job retraining. I'm

confident that throughout our campaigns and certainly throughout this Session providing job retraining for our five hundred thousand plus individuals who are employed in this State was of major concern, and I was convinced by the overwhelming support that this legislation...by this legislation that the promises we made during those campaigns and certainly in this legislative Session was more than just campaign rhetoric. We finally had some legislation that would deal with this problem. Unfortunately, this total veto by the Governor reverts this legislative commitment back to rhetoric. Senate Bill 139 gives more than simply a ray of hope to those unemployed thousands. It will give them an opportunity to return to the...to the employment in areas where they were not previously trained. In my district International Harvester has all but shut their doors leaving some four thousand people unemployed. Many of them have put in fifteen to twenty years on assembly lines and jobs that are simply no longer available and with no hopes of going back to work in those specific jobs. What Senate Bill 139 attempted to do was to establish a board consisting of business, labor, the community colleges and our higher educational school structures and certainly government to provide these people with counseling and job retraining so that they may continue to be the bread winners of their families and continue on in the employment lines for some ten or fifteen more years. We thought that this was comprehensive, we tried to work out all the problems. Certainly there were some continuing problems, and in the Governor's Message he indicated one source of funding which would be an additional game added on to the already existing State Lottery much like we did with the University of Illinois some years ago. I never certainly believed that we would use that safety valve because the money I asked for in this bill would come specifically and totally from the Federal Job Partnership Act money. We had

hoped that by putting this money at no tax expense to the taxpayers in the State of Illinois we could successfully counsel these people, retrain these people and provide them an opportunity not only to employ themselves once again, but to get them off the...unemployment insurance rolls and to provide a saving grace for our economy. Be happy to answer any questions. You overwhelmingly supported this legislation in the past. Ironically, this is the only piece of legislation that made it all the way to the Governor's Desk for job retraining. If we have that commitment to the people in the State of Illinois, and we have that commitment to put those people back to work and be productive taxpaying citizens again, please support me on this override so that we can give not only a ray of hope to all those people but a legislative commitment from this Body that job retraining will exist in the State of Illinois. I would appreciate...a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Any discussion? The question is, shall Senate Bill 139 pass, the veto of...of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 13, none voting Present. Senate Bill 139 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 186, Senator Buzbee. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 186 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Buzbee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. This is the Casual Deficits Act. You will...recall we passed this bill during the Spring Session which would put a cap on the ability of the Governor to borrow...the Governor and the Comptroller and the Treasurer to borrow over three hundred million dollars without the General Assembly's specific approval. The Constitution of this State says that the Illinois General Assembly has the power of the purse, but it also has given the Governor the power...the authority to borrow some...some funds in the event of...of revenue shortfall. The Casual Deficit Act was enacted in 1897. At that time the General Assembly met only once every two years and the Act was established to allow the Governor to meet the financial problems of the State during the absence of the General Assembly. The Casual Deficit Act now allows the Governor, Comptroller and Treasurer to borrow up to fifteen percent of the State's fiscal year appropriations to meet casual deficits or emergencies not accounted for in the budget, and that would allow some four hundred and sixty million dollars of the Governor being able to borrow without the General Assembly having any say whatsoever. We realize there are times...we just experienced one in this past few months when it is necessary for the Governor to go to the Treasurer and the Comptroller and say, we've got to borrow some money. Those times, however, we think we should...he should be allowed to borrow up to three hundred million dollars, and then anything over that, the General Assembly is going have it give its approval. It is ironic during the legislative process last spring we ran into trouble with this on the Governor's...well, it was on the Republican side of the aisle one day, and apparently there had been some mixed signals because you had gotten the information the Governor was opposed to it. The Governor's

Office came on the Floor and said, absolutely not, we're not opposed to it, we're neutral on it, we're staying out of this one, and so as a result, enough Republican votes came on and we passed the bill. Now, all of a sudden it seems that the Governor's stance has changed and he did veto it. So, I'm not quite sure why the Governor changed his mind. But the fact of the matter is, regardless of all of that, it's a good idea that we...we retain control of the purse strings. Not only is it a good idea, it is our...constitutionally mandated duty. So, therefore, I would ask for your support in the override of this...of this veto that the Governor did on Senate Bill 186.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. As spokesman on the Republican side on the Executive Committee, I want to second what Senator Buzbee has just said. There was some concern that this bill originally might restrict the Governor unduly in this year. I think that those of us who served on that committee and heard the bill concluded that it does not restrict the powers of the administration unduly, and...and I join the Senator in asking for the override of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, under the present law, the Governor, the Comptroller and the Treasurer have to decide this, and if they all three do not agree, my understanding is, the Governor can't do a thing about it; and considering that the Comptroller and the Treasurer come from the opposite party from the Governor, I think you've got the safeguards already built in there. So, therefore, I think it's unnecessary to override the...the

veto of the Governor completely, and I speak against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Buzbee may close.

SENATOR EUZBEE:

Well, thank you, I would point out to Senator Geo-Karis that we're not in the business of passing legislation just as it reflects on current officeholders. We're in the business of passing good public policy. At some point in the future all three of those offices may be held by Democrats, and the...the General Assembly might be controlled by Republicans. It doesn't make any difference to me which party controls which office or which Body of...of the General Assembly. The fact of the matter is, it's the General Assembly that has control of the purse constitutionally mandated, Senator, and so I think we ought to keep that control and we're allowing him up to three hundred million dollars borrowing without our authorization and, again, I would ask both sides of the aisle to joint Senator Schuneman and me in overriding this veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 186 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 15, 1 voting Present. Senate Bill 186 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. 211, Senator Vadalabene. Mr. Secretary, read the...Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President. A parliamentary inquiry, please. I'm curious...I noticed that...that there have been some motions filed...refiled, bills that have been...were

defeated on motion yesterday. It seems to me that there is a mechanism to provide for a rehearing of those bills and that's postponed consideration, and I'm just curious, is there...is there no limit on the amount of time we can refile a motion for...for another vote in the Veto Session?

PRESIDING OFFICER: (SENATOR DEMUZIO)

You... it's my understanding, under the rules, that you can file a motion at any time on a...on a bill that has...that has...that has...on a motion that has failed. Senator Maitland.

SENATOR MAITLAND:

And we also continue to take that in sequence then as we go down the Calendar or...or is there no mechanism for getting back to that order after we've been through...every other bill has had the first hearing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you. Just to clarify that point. I think the point Senator Maitland makes is good one. As you know, each House has fifteen days within which to address the messages on the bills in the House of origin as they came back from the Governor; and under the rules, one can file, in...in effect, multiple motions, one each day for fifteen days. The reason that we asked the Secretary to put the filing date...you'll notice under the...under the motion is just exactly that reason. It seems to me only fair that everyone should have at least one opportunity, and if any...if anybody who has a motion that was earlier filed wishes is to go out of order, that request will be honored. You are quite correct, we are attempting at least to get every...everybody at least one shot, and if they want to file more motions, they can file as many as they want.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 211, Senator Vadalabene. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 211 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. There seemed to be a little confusion on Senate Bill 211 the day before yesterday, and I filed another motion to see if the confusion could be corrected. I would like to emphasize that Senate Bill 211 does not set a precedent. Employees of various organizations already have that right, including employees of the Illinois Association of School Boards who are members of this retirement system, employees of organizations of State University Retirement System, Chicago Teachers' System, the IMRF, the park district systems and numerous others. I also want to reiterate the important restrictions in the bill. These restrictions would mean that no more than a few people could take advantage of this bill. I'm estimating approximately five or six people, and the biggest reason for this is the high employer's contribution rate which is presently ten and a half percent. The normal cost which the Governor mentions in his Veto Message would make employer's contribution rate only a seven and a half percent according to the retirement system. I also want to emphasize that the Pension Laws Commission withdrew their opposition when the language concerning the amount of the organization...organization's contribution was tightened. The other restrictions are that credit under the bill can only be prospective after July 1, 1983. A person could not buy credit for past service, a person could not earn credit in other pension

plan for the same period of service for which he earns credit under this bill, and anyone who gets credit under this bill must sign an irrevocable election to participate so that he or she could not become a member just to earn a few credits but would have to continue membership for the duration of employment. We acquiesced to every objection to this bill in Senator D'Arco's committee to put it in the posture of which it came out favorably, and I would appreciate a favorable vote and a reconsideration of what happened the day before yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I think there's some confusion about this bill. The Governor's rationale for vetoing the bill was that the term "normal cost" which was in the original version of the bill would not include all of the cost that the organization would pay as far as paying employer costs are concerned, but the actuaries told us that we had to use the term "normal cost" and not the term "accruing retirement cost," so that the term "normal cost" would include all of the costs for the employer's contribution. So, you know, we're...we're looking at the actuaries and they're telling us that we did the right thing because we want these organizations to pay the full cost...bear the full cost. The other argument the Governor makes is that not being teachers, some of these employees shouldn't be in the retirement system, but the precedent has already been set by other associations, the Illinois Association of School Boards, the Illinois Municipal League, supervisors, the Association of Park Districts, it goes on and on. So, we're not doing anything that hasn't been done before. There's no reason...we...we worked on this bill extensively and there's no reason to not support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall Senate Bill 211 pass, the veto to the...of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that...question, the Ayes are 36, the Nays are 19, none voting Present. Senate Bill 211 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Grotberg, for what purpose do you arise?

SENATOR GROTEBERG:

I'd like to verify the affirmative roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotherg has requested a verification of the affirmative roll call. The members will be in their seats. The Secretary will read the affirmative vote.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Becker, Berman, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco, Darrow, Davidson, Dawson, Degnan, Demuzio, Egan, Etheredge, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Keats, Kelly, Kustra, Lechowicz, Lemke, Luft, Bahar, Marovitz, Netsch, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Grotherg, do you wish to verify?

SENATOR GROTEBERG:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll is in his seat.

SENATOR GROTEBERG:

Senator Degnan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan is in his seat.

SENATOR GROTEBERG:

Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra? Senator Kustra on the Floor? Strike his name.

SENATOR GROTEBERG:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz is sitting in his seat.

SENATOR GROTEBERG:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas?

SENATOR GROTEBERG:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Savickas on the Floor? Senator Savickas is on the Floor.

SENATOR GROTEBERG:

That's enough.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Mr. Secretary. On that question, the Ayes are 35, the Nays are 19, none voting Present. The motion in regards to Senate Bill 211 having failed to receive the required three-fifths vote is declared lost. Senate Bill 416, Senator Hall. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 416 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I explained to you yesterday that this is a compact between both Missouri and the State of Illinois. Now there seems to be some misunderstanding and this legislation must be identical. Now we have philosophical differences on this Floor, but one thing about this august Body is that we're fair. Now, all that I'm asking is fairness. Every other transportation system in the State of Illinois has this right. What you're doing, if you don't override this veto, it means the people in the bi-State area, that would be Senator Buzbee's area, Senator Watson's area, Senator Vadalabene and mine, we will end up with people working as second class citizens. All that I'm simply asking is to vote and override this veto. This bill does not cost one single dime to the State. There's no money involved here. It's not going to cost the State a single dime, and the next contract does not come up until 1985, and I would ask, please, be fair. I need your help. That's what we want. I ask for a favorable vote for Senate Bill...override of 416.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a quick question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Does your bill provide for right to strike if a public employee is there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

It does exactly...the bill that the Governor signed, he placed part of that bill over into the other bill, and the answer would be, yes...Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Channel 20 has requested permission to tape. Is leave granted? Leave is granted. Senator Geo-Karis.

SENATOR GEO-KARIS:

Did I understand the sponsor to say that it does provide a right to strike?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

That's correct, same as given the others.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members. The Honorable Governor actually did veto one collective bargaining bill, the most miniscule of all. Let's at least honor that on his behalf and kill this one, and do a good job of it once and for all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall may close.

SENATOR HALL:

Thank you, Mr...thank you, Mr. President. All that I'm asking is that we would be fair with every transportation system in the State. What you're doing is that you're making a...a difference between the people of bi-State and the rest of the transit system. We need your support and I would ask that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 416 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays

are 19, none voting Present. The motion in regards to Senate Bill 416 having failed to receive the required three-fifths majority is declared lost. Page 17 at the...beginning at the top of the page, Senate Bill 511, Senator Darrow. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 511 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Darrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARRROW:

Thank you, Mr. President and Ladies and Gentlemen of this Senate. I won't spend much time describing this bill. We've discussed it before. What it does is allow the county...the school teacher who is elected a member of the county board the same rights as a school teacher who serves on jury duty; that being that the school would give him a leave of absence...he or she a leave of absence. The compensation that he receives...he or she receives as a member of the county board would be deducted from the salary as a school teacher. It also provides that if a member of the staff at any school is elected president of a State-wide teachers' organization, a leave of absence of up to four years would be given that teacher...that's similar to the provision that the teachers receive when they become members of the General Assembly. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise, once again, in opposition to Senate Bill 511. We, of course, voted on this bill yesterday and...and there was a verification and that...it

was...did not...did not pass, of course. This is a personnel mandate. School boards now grant leaves of absences to...to...to their teachers for a situation such as this. This now becomes a mandate, can create either a cost to the local school district, or we think it's a personnel mandate, obviously, and so it's a hundred percent reimbursable by the State, so keep that in mind. I just simply believe especially now that we are about to put into law in this State a mandatory collective bargaining bill, I don't think we need these kinds of measures. We are ready going to be able to clean up the Statutes because now all these things are going to be bargainable anyway, and they're going to be mandated to do that. So, let's once again kill this bill and...and put it where it really belongs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I want to relate to the Body a problem that exists in my home county, and I think was the reason this bill was introduced originally. There were a number of teachers who filed for election to the county board in my county and two of them were elected. There was no discussion during that term that there would be a conflict between the fact that they had agreed to teach school and the fact that the county board met during the daytime. The issue never was apparently a problem to them until after they were elected. Then immediately they demanded that the county board change their meeting time to comply with their schedule. They ran into a problem with the school board who, of course, didn't want to let them off and...and then have to try to find somebody else to fill their positions while they were serving on the county board, and it...and the problem, I think, with this whole thing is that in...in this particular

instance, those folks knew very well when they filed for election of the county board that they were required to stay and teach school; they were also...they also knew very well that the...the county board and the school met at exactly the same time and that this conflict would exist. I simply point this out because we...we have a real live problem that this bill, I think, seeks to solve but it doesn't seek to solve it...to necessarily the good of the taxpayers, and I think this bill ought to be rejected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Darrow may close.

SENATOR DARROW:

Thank you, Mr. President. We already give this privilege to people who are elected to the Illinois General Assembly. We give the same privilege to those who are on jury duty. I feel we should extend it to the people who are elected to the county board. It pertains only to the full meetings of the county board not to the committee hearings or anything of that nature. They are not allowed to attend those, only to the full county board meetings. I'd ask for affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 511 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, none voting Present. The motion in regards to Senate Bill 511 having failed to receive the required three-fifths vote is declared lost. Senate Bill 547, Senator Netsch. 726, Senator Lenke. Senate Bill 726, top of page 17, Mr. Secretary,...read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 726 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LENKE:

What 726 does is sets up the Illinois-Michigan corridor and...and takes care of existing civic authorities as far as tax exemption and also for Rockford. I think we explained the bill, and I ask for a favorable vote to override the veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Is there any discussion? The question is, shall Senate Bill 726 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 8, none voting Present. Senate Bill 726 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 776, Senator Berman. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 776 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Berman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill was debated yesterday. This is the senior citizens' tax deferral program, and the reason I filed a new motion was because in discussing with a number of members of

the Senate, there appeared to be some questions that were either confused or were not answered. Let me quickly cover them so that there is no mistake, and I think that again it merits your support to enact this bill. What the bill says is that any senior citizen over sixty-five who earns less than ten thousand dollars a year can on an annual basis enter into a contract with the county treasurer to defer the payment of their real estate taxes. That local county and taxing bodies do not lose a nickel. This program does not cost local government anything. There is a revolving fund created in this bill. It will not cost the State anything because the revolving fund accrues interest based upon the deferrals. When house is sold or the taxpayer dies, the payment is made back to the revolving fund with interest. Based upon these points, which I think were not covered, I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, once again, I...I rise in opposition to this motion to override the Governor's veto. It is true, as Senator Berman has just indicated, that there is no real loss in revenue to local units of...of government; but as we all know, the money has got to come from someplace and where does this money come from? It comes from the...from the State. The money which is used to establish the revolving fund comes from the proceeds of the State Lottery. Those proceeds otherwise would have gone into the State's General Revenue Fund. I would also remind everyone that there is language in this legislation that says that if the monetary requirement to fund this program is in excess of the three hundred and thirty thousand dollars that would be established through the transfer from the lottery fund, that that additional money

would come out of the State's General Revenue Fund. There is a cost associated with this program and it would come from the General Revenue Fund of the State of Illinois. I would also remind everyone that this program is duplicative of other programs which are now in existence. We already fund the circuit breaker program for this State to the tune of sixty millions of dollars. I would tell you that there is no language in this bill which would prevent...a home owner paying their property taxes through the use of this fund and at the same time...at the same time collecting money from the circuit breaker program. I would suggest to you once again that there is another better way to establish this program that would not represent a...a raid and encumbrance on the General Revenue Fund of the State of Illinois. I would urge you, once again, to vote No on this override motion. Thank you.

ACTING SECRETARY: (MR. FERNANDES)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I had a question as a result of the comments made by Senator Etheredge...a question of the sponsor. Senator Berman, I remember when the circuit breaker bills were passed that the...that the purpose of those bills was to grant tax relief. Now is...is it true that there's nothing in this bill that would prevent someone from having their taxes paid under this provision, and then also under the circuit breaker having a refund for those taxes which aren't paid?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

The circuit breaker, as we explained yesterday, and this bill are separate programs. This bill is supplementary to the circuit breaker program. It is a...the circuit breaker gives

some tax relief. This bill addresses people that because of increased assessed valuation can't even pay the balance of those real estate taxes, and there are plenty of them. The answer to the question is, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, I thought the answer to the question was yes. So that...so that really what we may be doing in some instances is allowing people to defer their real estate taxes and then in addition to that pay a circuit breaker to reimburse them for taxes which they aren't even paying. I think that that loophole at least should be closed before we pass any new program like this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you. That so-called loophole that Senator Schuneman refers to was debated and addressed when this bill was on 3rd reading. Let me point out one other important thing. If you recall, when this bill was on 3rd reading in June...or in May, Senator DeAngelis raised the question as to whether there was a cap...whether there was some safeguard, and this was another question raised yesterday in private conversations, whether there was some safeguard to prevent the State from losing money under this program, and I think this addresses some of Senator Etheredge's objections. We amended this bill in the House of Representatives, and there is a safeguard. There is a limit built into this bill by a House amendment that says at no time can the taxpayer take a...take advantage of this deferral program when the amount of the deferral will cause the taxes to exceed eighty percent of the equity on that home. So, the State is protected, local

governments are protected, and for the relatively small but meaningful number of people who are over sixty-five that earn a...that have an income of less than ten thousand dollars and are being forced out of their homes because they cannot pay their real estate taxes, this is a crucial program. Naturally, it is strongly supported by the Illinois State Council of Senior Citizens Organizations. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 776 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes...Yeas are 38, the Nays are 18, none voting Present, and Senate Bill 776 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 789, Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 789 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Welch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is one for dredging the Illinois-Michigan Canal that we've spoken about several times. I'd like to emphasize that the Governor's Message is incorrect; that it's not going to cost what he said. It's a one-time deal for the Department of Conservation to dredge this canal, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 789 is back again today, once again for another try. I would remind the Body, of course, this is really unbudgeted money, but I think in addition to that, and probably more importantly, this is the second issue that the gentleman has presented to this Body today that has cause for a...an increase in spending and in his district, I might add, and the same gentleman, when all of us debated the tax increase last spring, refused...refused to support the very necessary needs of this State, and I...I believe, Senator Welch, you're just not consistent with your policy. Perhaps if you had supported the tax increase, this Body might have been more favorable, but I think under the conditions, this bill should be rejected once again.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Well, I don't want to debate the tax increase, Senator Maitland, but let me point out that I was in favor of more revenue for the State of Illinois, but I did not particularly favor that bill. That was one of the most regressive tax increase bills ever to pass in a State Legislature, but getting back to this particular bill, yes, it is in my district. I'm down here representing the district you...I'm...I'm not going to be, you know, pushing too many bills specifically helping McLean County alone. It doesn't make to much sense. So, I think that...I don't know if this is a...a new policy on your part to stand up on my bills, but sobeit. This bill is only going to be a fifty thousand dollar payment cost estimate by the Department of...Conservation. It is within their budgetary allowance right now. They have sufficient money if they transfer funds, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 789 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 22, none voting Present. Senate Bill 789 having failed to receive the required three-fifths votes is declared lost. Senate Bill 831, Senator Degnan...Senate Bill 840, Senator Jones. Senate Bill 1006, Senator Berman. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 1006 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Berman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the bill that I really felt deserved a...a second look and, therefore, a motion was filed yesterday. This is the bill that is good for business and good for education, and there's not many times that we can do both at the same time. This allows a double deduction to businesses that donate their equipment, whether it be vocational or high tech. equipment which we are all concerned about, to elementary and secondary schools throughout the State. There is a system provided to evaluate the value of the equipment, but I can assure you that with one fell swoop of enactment of this bill, you will advance the years or the age...or cut down the age, I should say, of vocational equipment in our schools probably by twenty or thirty years to a current status as far as the value of that equipment. I'll be glad to answer respond to any questions. It's a very important bill. It's

supported by the Chamber and by the educators throughout the State of Illinois. I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Grotberg.

SENATOR GROTBORG:

Thank you, Mr. President. The sponsor has given the same speech, so I'll give the same speech. I don't know how many times we have to try these things, but this is that bill that's going to save the world with the Illinois Income Tax deduction for business and industry; and my point yesterday and the same point today is that the real tax credit for contributions and deductions from your adjusted gross income for contributions lies in the Federal package...again, if a major corporation...let's take Illinois...or IBM or one of the majors that can really come forth with some modern equipment or Atari or Radio Shack or whoever makes this equipment that we're looking for or even in the heavy equipment training field, the income tax deduction for the State of Illinois is infinitesimal as a motivating factor for further giving. The question is if somebody believes in his community...he or her or the corporation will, in fact, donate...take their Federal deduction and be delighted with it; otherwise, they're not going to give in the first place. I urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in support of this motion. It is ironic that the Governor vetoed this bill while at the same time he amendatorily vetoed a bill and added to that bill computer education for high school students in the State of Illinois. Now, so often we pass legislation and then fail to provide adequate means for monies to implement the program. This is one way that we can cut the cost and get the necessary equip-

ment to carry out the same programs that he amendatorily veto and to one of the educational bills. I think this is a good bill and it most certainly is a good investment. As Senator Berman says, it's the best investment that we can ever make, and it's the best deal that we've ever made in this Chamber. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DeANGELIS:

Senator Berman, if I'm correct, the appropriation for this bill did not pass, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

That's correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, then would...could you tell me where we're going to take the money to fund this program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

The only money that was necessary was the money necessary for the training of teachers in the smaller schools. That can be addressed in the Spring Session regarding appropriation. The major portion of this bill is a deduction which does not require an appropriation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Berman, there is a cost attached to it, and you have not answered my question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

I thought your question was, "Where's the appropriation?" I said, "There is none."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR LeANGELIS:

Correct, and I asked you then where the money was coming from to fund those grants to train those people?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

After you help me pass this bill, I will help...allow you to cosponsor the appropriation in the spring.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you. I...I said yesterday, and I liked it enough I think I'll repeat it today. For eighty thousand dollars of tax deduction money, you can get a million dollars worth of equipment donated to your schools. I think that's a good deal. Let's put a green light on this good program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1006 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 21, none voting Present. Senate Bill 1006 having failed to receive the constitutional majority is

declared lost. Senate Bill 1015, Senator Hall. Senate Bill 1026, Senator Hall. Senate Bill 1109, Senator Nedza. Senate Bill 1156, Senator Watson. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 1156 do pass, the veto of Governor to the contrary notwithstanding...signed, Senator Watson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate Bill 1156 established a State Fire Protection Grant Program. We currently have one that is funded through the Federal Government and as you know, of course, some of the Federal programs are being cut out and the money is being dropped, and this is one of the programs that is under consideration. At this time I do not believe that the Federal Government has funded it. According to the Department of Conservation it has not been funded at this time, but they...they are not sure exactly what the end result will be, but if...if they...do not fund it, then unfortunately a good program will be no longer with us. So, as a result, I introduced Senate Bill 1156, and this establishes a similar program as what the Federal program would be only we, unfortunately, would have to fund it. It would be administered by the Department of Conservation as they have been doing. The money would be generated from two and a half percent of the Fire Protection Fund which is a one percent surcharge on gross receipts tax on insurance companies, and this would raise about a hundred and seventy thousand dollars which would offset the cost that...would...that would be lost because of the Federal program being dropped. The Department of Conservation has been administering this for...for quite sometime. Most of the projects, the...the local fire protection districts, it's a fifty percent matching grant; in

other words, the local districts have to come up with fifty percent of the dollars. They apply to the Department of Conservation. The Department of Conservation reviews the grants and then awards the grants on the basis of merit. This is a program that's being done throughout the State of Illinois, north to south, and I'm sure that most of you are aware of the various small...fire protection districts in your particular area that have received funding. I've got a list here, in fact, of the Fiscal Year '83 projects that were funded, and most of the Senate districts, as I mentioned, throughout the State are included. The requirements are that the fire protection district...or fire department has to have a population of less than ten thousand. This is naturally a...primarily a rural area and they have problems raising dollars in those areas, and this is a program that has enabled a lot of these fire protection districts and fire departments to get equipment that they otherwise would not be made available to them. This one percent Fire Prevention Fund was established, of course, to fund the fire marshal's office. This one dollar...this one percent fund generates about six million eight hundred and fifty thousand dollars. The fiscal year appropriation for the...Fiscal Year '84 appropriation for the State Fire Marshal's office was 5.7 million dollars, and this included the ten percent share that went to Chicago which was six hundred and eight-five thousand dollars. After taking out the fire marshal's cost of operation, we'll end up with a 1.1 million remaining which is transferred into the General Revenue Fund. Now this Fire Prevention Fund was established to generate dollars for fire prevention. Unfortunately, 1.1 million of it ends up going into...GRF which goes for other things. That was not the original intent. All we're asking for is approximately a hundred and seventy-one thousand dollars to actually fund...fund the...this legislation. The...this would still

leave almost a million dollars that would end up going into the GRF. If any of you have any questions, I'll be glad to...ask...it is a program that's being administered by the Department of Conservation and I think that they've done an outstanding job of it and it should be continued.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Euzbee.

SENATOR EUZEEE:

Thank you, Mr. President. I rise in support of Senator Watson's attempt to override this veto. I think it is important to point out that in addition to the information that Senator Watson has pointed out, that this does...this...this fund would be used to...for grants to local fire districts as well as for the Chicago Fire Department Training Program and maintenance to the Illinois Fire Service Institute, et cetera. In the area from whence I come, these little, small rural fire protection districts simply...well, somebody said they should not exist. Let me tell you what happens if they don't exist. If they don't exist, that means your house catches on fire and it's going to burn down, period, flat out, because city after city after city in this State has simply cut off any fire protection to those areas outside of the city limits, and when you get down into my area of the State, the population is...is rather thinly...dispersed, and it's sometimes twenty and thirty miles between the town; and if that city refuses to send their fire trucks outside the city limits, which a lot of cities in my district have done, and I understand why because they simply...it costs them too much money, that means that any of us who are rural residents, including myself, if my house catches on fire, it burns down. There's nobody to come to our assistance except the little rural fire protection district. In my community, I am aware of two rural fire protection districts, actually these are run by the township in this case, there are others

that are run by the protection districts themselves, they provide a good volunteer fire departments. The one in my area bought a fire truck that was a 1941 vintage. They...it broke down so many times on the way to fires, they said, you, know,...we're well-trained but we can't get the truck there, it keeps breaking down on the way, and we spend ninety-five percent of our time in...in our training program in just maintaining the truck. Finally, through one of these kinds of grants they were able to buy a newer piece of equipment. It is very important, I think, to continue this kind of service, and it doesn't just affect little rural areas, it affects the big City of Chicago, it affects communities all over this State. I think Senator Watson is correct in attempting this override, and I join him in this effort.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I, too, rise in support of this. I think it is sorely needed...all over the State of Illinois. I'd ask for an override, too.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow members. I rise in support of this override motion. The rurals...the rurals are doing their job. We get it all back on our insurance premiums. I'll be presenting to this Body a rearrangement of the Kane County fire districts to only...because of the rural situation where we have to restructure that whole proposition. I rise in full support of it and urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Watson may close.

SENATOR WATSON:

The bill passed 58 to nothing the first time. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1156 pass, the veto of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 1156 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 1318, Senator Egan. For what purpose does Senator Vadalabene arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President, I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in the Governor's Message of October 5th, 1983.

PRESIDENT:

All right, you've heard the motion as placed by Senator Vadalabene. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The Senate is now in Executive Session. The Chair will just reflect that after this order of business, we will then move to the regular Calendar. A number of members have bills that they wish to address. I've asked the Secretary to prepare a supplemental Calendar with motions that have recently been filed, and we will get to those in due order. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. At the outset let me make this announcement that to be director of the Nuclear Safety for term expiring...January 21, 1985, Donald L. Etchison of New Berlin was approved in committee by a vote of fifteen to nothing. However, there's

been a request to hold Mr. Etchison until November 3rd, and at this time his name will not appear on the Senate confirmation process. Mr. President, with respect to the Governor's Message of October 5th, 1983, I will read the salaried appointments to which the Committee on Executive Appointments, Veterans' Affairs and Administration recommends that the Senate do advise and consent.

To be director of the Department of Commerce and Community Affairs for a term expiring January 21, 1985, Michael T. Woelffer of Chicago.

To be a member of the Liquor Control Commission for a term expiring February 1, 1988, Sam J. Gutilla of Chicago.

And to be a member of the Board of Review for a term expiring January 21, 1985, Bruce W. Barnes of Palos Park.

To be an observer for the State Sanitary District for a term expiring January 21, 1985, Louise Borne of River Forest.

To be a director of the Illinois State Toll Highway Authority for a term expiring May 1, 1985, Robert K. Kjellander of Clarendon Hills

And to be a director of the Illinois State Toll Highway Authority for a term expiring May 1, 1987, James C. Soper of Cicero.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call unless some Senator has objections to a specific appointment.

PRESIDENT:

All right, you've heard the request. Is there objections? Senator Kustra.

SENATOR KUSTRA:

Mr. President, I would request that we consider on separate roll calls the appointments of the directors to the Illinois State Toll Highway Authority.

PRESIDENT:

That request is in order. Senator Macdonald.

SENATOR MACDONALD:

I don't whether it's in order, as a freshman you'll have to tell me, but I would like to know why it was asked that Doctor Donald L. Etchison's name was to be withheld for consideration until a future time?

PRESIDENT:

Yes, Senator, that is...that is a courtesy afforded to members of the Senate with the...it was not at the direction of the chairman of the Executive Appointments Committee, there was...just a courtesy that we extend. All right, Senator Vadalabene, there's been objection to...to including the proposed directors of the Illinois Toll Highway Authority in with this group. Can we just do those separate...do you wish two separate roll calls on those? Okay. If we can do those gentlemen, Mr. Kjellander and Senator Soper, on two separate roll calls we can take all the rest on the first roll call, if that's acceptable. Question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open...the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Vadalabene.

SENATOR VADALABENE:

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

To be a director of the Illinois State Toll Highway Authority for a term expiring May 1st, 1987, James C. Soper of Cicero.

PRESIDENT:

Any discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I...I don't look forward to the opportunity on this particular occasion to get up and speak, but I really feel like somebody has to say something. What concerns me about the appointments to the Illinois Toll Highway Authority is the apparent lack of any criteria...(machine cutoff)...used to judge the qualifications of tollway directors. At a recent public hearing which I and a number of other legislators on both sides of this aisle and in the House attended, it was clear...it was clear that there was no expertise among the directors of the Illinois State Toll Highway Authority, that they were, in fact, political appointments, that they had no background in the operations of the tollway; and as a matter of fact, all they really do is rubber stamp the decisions of an engineering staff. More importantly, over time, I believe, they have shown an amazing, an incredible, insensitivity to the motoring public. As far as I'm concerned, these are going to go through and there will be few, if any, No votes, I'll be one, but I do think that at some point something had to be said about the fact that these fifteen thousand dollar a year jobs are nothing more than payoffs to people who have done the right thing. Now, I will say this...about the two appointments; first of all, we're talking about Mr. Sopers...former Senator Soper, and I don't know how to deal with this because I'm a new kid on the block, but I do understand that last night Senator Soper entertained the committee, and I just ask the question or make the statement, is it appropriate...is it appropriate for a man being considered for an appointment on one day to host a dinner for the members of the committee who must approve that appointment the next day? I don't have any answer to that and I don't hold myself up as any great authority, but I would think that it is, in fact, inappropriate. So, on this particular nomination, I will vote against Senator Soper. I would like to

speak to the other one at the appropriate time.

PRESIDENT:

Discussion? Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I happened to be one of those that had dinner with Senator Soper last night. Some of us had dinner with the Illinois Retail Merchants Association, other associations. I don't think there was one individual that was invited to that dinner that was swayed by having dinner with Senator Soper last night. We know him too well. He...he had the votes before that dinner and before he picked up the check, and I kind of object to one of my colleagues intimating that someone seeking appointment or confirmation is influenced by a friendship gathering, Republicans, Democrats alike. We've all known him for many, many years and I object a little bit to that, Senator.

PRESIDENT:

A point well-taken. Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President and Ladies and Gentlemen of the Senate, I think what we're seeing here today is a situation where Senator Soper who served in this Body, who retired and, yes, is still willing to serve the public in Cook County and the...the metropolitan area as a director of the tollway, does have the expertise that is necessary to sit and make decisions affecting the hundred and eighty-seven miles of road or the tollway facility within the metropolitan area. I believe, as a member of this Body, we are making judgment calls on legislation, on the quality of life in this State every time we're in Session, and to say that a person who has served in this Body does not have the expertise to sit on a tollway authority is a sad misjudgment of character, a misjudgment in the qualities of Senator Soper, and really a disservice to each and every one of us who really vote on

many issues. To say that I'm upset is an understatement. To say that against Jim Soper who has worked diligently for a good number of years is a sad commentary from a member of his own party. I'm of the opposite political persuasion, but I know Soper voted on many issues that affected all of us on a day-to-day basis; and he will call the shots as he sees them on a tollway, because anyone who knows Soper knows that he doesn't change, and if he calls a shot, he calls it on his best judgment, and that's what we should do on this confirmation. We should confirm the individual based upon his ability and his service to this State, and I'm going to be proudly cast my...my Aye vote for Jim Soper on the tollway authority.

PRESIDENT:

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President. Only to reflect that the gentleman who is making the objection has never been Soperized, and I'm sitting in Soper's chair, I'm not going to give him the full Soperized treatment, Senator, but you better thank God it's not Soper sitting here. Thank you.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I'm a member of the Executive Appointments Committee and I was asked to have dinner with Senator Soper and I did not attend because I fearful of the moss that might come out of his wallet when he paid the check.

PRESIDENT:

Well, I did and they did. Question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,

there are 54 Ayes, 2 Nays, none voting Present. The Senate does advise and consent...a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Vadalabene.

SENATOR VADALABENE:

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

To be a director of the Illinois State Toll Highway Authority for a term expiring May 1, 1985, Robert K. Kjellander of Clarendon Hills, and I might add, he didn't have any dinner last night.

PRESIDENT:

Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Apparently, Mr. Kjellander had heard of some of my complaints about the operations of the tollway, and...and he came to me and talked to me about some of his concerns as you...as you all know he served as legislative liaison to this Body and to the House as well, and I think he is sensitive to the needs of legislators and their concerns, and while I still have some difficulty with...the qualifications problem and what we're doing with the...with tollway directors to begin with, I think with Mr. Kjellander we may well have someone who is particularly sensitive to our concerns and who has pledged his cooperation with those of us who do not like what's going on at the tollway and has agreed to work with us. Having said that, I would support the nomination and appointment of Mr. Kjellander.

PRESIDENT:

The question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no

Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Vadalahene.

SENATOR VADALABENE:

...yes, thank you, Mr. President and members of the Senate. With respect to the Governor's Message of October 5th, 1983, I will read the unsalaried appointments to which the Committee on Executive Appointments, Veterans' Affairs and Administration recommends that the Senate do advise and consent.

To be members of the Board of Agriculture Advisors for a term expiring January 21, 1985, John C. Ackerman of Morton, John R. Campbell of Champaign, Gerald Carney of Girard, Harold W. Dodd of Loami, C. Don Downen of Ridgeway, Leland Glazebrook of Sullivan, Ernest Robinson of Cameron, Harold B. Steele of Princeton, Lowell Swalve of Forreston.

To be members of the Agricultural Export Advisory Committee for a term expiring January 21, 1985, Virgil B. Bachtel of Peoria,... Gary L. Benjamin of Wheaton, Richard E. Burket of Blue Mound, Dale E. Butz of Bloomington, Bruce Cluver of El Paso, Paul R. Lange of Danville, Richard Stone of Springfield, Satora Takemoto of Morton Grove, William N. Thompson of Champaign, John E. Twomey of Monmouth, Morton E. Wolfson of Olympia Fields.

To be members of the Board of Banks and Trust Companies for a term...for terms expiring January 1, 1986, Shaun C. Block of Chicago and Andrew J. Valentine of Winnetka.

And to be a member of the State Board of Education for a term expiring January 16, 1989, Ronald Blackstone of Homewood.

And to be a member of the State Board of Education for a term expiring January 21, 1985, Carroll E. Ebert of...Naperville.

To be a member of the State Board of Education for a term

expiring January 19, 1987, David W....Juday of Sycamore.

To be a member of the Illinois Independent Higher Education Loan Authority for a term expiring June 30, 1990, Kalman Goldberg of Peoria.

To be a member of the Joliet Regional Port District Board for a term expiring June 1, 1989, George J. Michas of Lockport.

To be members of the Kaskaskia Regional Port District for terms expiring June 30, 1985, Charles C. Asselmeier of Columbia, Donald L. Gleiber of Waterloo, Clyde W. Lenke of Mascoutah, Arthur J. Miller of Freeburg, Wilmer J. Schuster of New Athens.

To be a member of the Law Enforcement Merit Board for a term expiring March 20, 1989, Harry Orr, Jr. of Rock Island.

To be a member of the Lottery Control Board for a term expiring July 1, 1986, Mary Ann Koppel of Skokie.

And to be a public member of the Illinois State Medical Disciplinary Board for a term expiring June 10, 1985, Vicki Bahr of Peoria.

To be members of the Board of the Illinois State Museum for a term expiring January 21, 1985, James Ballowe of Peoria, Rosalie Clark of Chicago, Donald F. Hoffmeister of Champaign, Mary Ann MacLean of Libertyville, Michael G. Schneiderman of Chicago and Robert H. Waddell of Illiopolis.

And to be members of the Advisory Board on Necropsy Services to Coroners for terms expiring January 20, 1986, Welland Hause, M.D. of Decatur; Ronald Kowalski, M.D. of Peoria and Grover Seitzinger, M.D. of Danville.

To be Public Administrator, Guardian and Conservator of Mercer County for a term expiring January 13, 1986, Raymond W. Matter of Viola.

To be chairman of the Rehabilitation Services Advisory Council for a term expiring January 13, 1986, Jack K. Genskow of Springfield.

And to be members of the State Soil and Water Conservation Advisory Board for terms expiring January 19, 1987, Elmer A. Frerichs of Litchfield, Kenneth M. Kesler of Champaign and Earl T. Shafer of Wyoming.

And to be student member of the Illinois State Scholarship Commission for a term expiring July 1, 1985, Jon A. Simmons of Chicago.

And to be members of the Southwest Regional Port District Board for terms expiring June 30, 1986, Willie E. Nelson, Sr. of East St. Louis and Scott Bandolph of East St. Louis.

And, Mr. President, having read the unsalaried appointments, I now seek leave to consider those appointments on one roll call unless some Senator has objection to a specific appointment.

PRESIDENT:

You've heard the request. Is leave granted? Without objection, leave is granted. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President, will you put the question as required by our rules.

PRESIDENT:

Question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. I move that the Senate arise from Executive Session.

PRESIDENT:

You've heard the motion. All in favor indicate by saying

Aye. All opposed. The Ayes have it. The Senate does now
arise. (Machine cutoff)...Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President...(machine malfunction)...

END OF REEL

REEL #3

PRESIDENT:

Yes, you are correct. The Constitution does provide that where the General Assembly wishes to act upon what...what is termed branch banking that an extraordinary majority vote is required. It was the opinion of the Chair that this is not such an instance; however, I will say to you that it does have an immediate effective date, so we're at the same vote requirement in either event. The amendment, as I understand it, merely changes the home office protection from a mile down to...back down to six hundred feet, and as such would not constitute branch banking, in the opinion of the Chair. Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, thank you, Mr. President. I understand that part of the ruling, but with an immediate effective date, if the bill should pass with something less than the three-fifths majority then it would be effective at a later date. Is that...is that the ruling?

PRESIDENT:

That...that is correct.

SENATOR SCHUNEMAN:

Thank you.

PRESIDENT:

All right, Senator Donahue, you wish to close?

SENATOR DONAHUE:

I just ask you for your support.

PRESIDENT:

Question is, shall House Bill 1924 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?

*HB 2106
Recalled*

Have all voted who wish? Take the record. On that question, there are 33 Ayes, 12 Nays, none voting Present. House Bill 1924 having failed to receive the necessary three-fifths vote is automatically under Rule 20 deemed reconsidered, and is now subject to an amendment to strike the immediate effective date. Yeah, why don't we just postpone consideration. I think that's a...rather than going through the whole list. All right, sponsor requests that further...consideration of House Bill 1924 be postponed. So ordered. Senator Macdonald on 2106. On the Order of House Bills 3rd Reading, on page 4, is House Bill 2106. It was generally agreed yesterday that the sponsor would recall that bill for further amendments. Senator Macdonald asks leave of the Body to return House Bill 2106 to the Order of 2nd Reading for further amendments. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2106, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 was adopted on October 19 and Amendment No. 2 lost; Amendment No. 3 now offered by Senators Buzbee and Johns.

PRESIDENT:

Amendment No. 3, Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is the amendment we were discussing yesterday evening and I...through an error on my part, the amendment was not distributed. It has been distributed, I understand, now to everybody on the Floor. This is an amendment as I described yesterday evening that was requested by people who testified throughout the course of the hearings this summer across the State of Illinois asking for the general public to have an opportunity to have access to the governing commission of the midwest low-level nuclear waste compact. Again, a brief explanation as to what the amendment does. It says that all meetings of the commission

and its designated committee shall be open to the public and that a roll call...roll call may be required upon request of any party State or the presiding officer. The public document room shall be established in the capitol of each party state for on-site viewing and copying and to fill requests by mail of public documents of the commission by any person. Such a document room shall also be established in the county seat of any county in which a regional disposal facility is located. It also says that the commission shall establish guidelines for the acceptance of donations, grants, equipment supplies, materials and services, and it also says that any person who is or may be adversely effected by any action of the commission may obtain judicial review of such action in any court of jurisdiction by filing in such court a petition for review within sixty days after the commission's action. It also says that the commission shall conduct one or more public hearings in each party state prior to the adoption of the management plan, and it also says that the regional management plan shall not become effective until ratified by each party's state's Legislature. Again, this amendment, it seems to me, does nothing more than assure the public of the states that are going to be a party to this compact the right of access to the governing commission and what that commission is going to be doing to each of us and to each of our states. There was...as a matter of fact, I think this kind of language is guaranteed in the United States Constitution that the public shall have the right of access, that those who are going to be doing the governing at least have to let those who are going to be governed know what is happening to them. I think that this is nothing more than a very logical approach, and I would ask for your support.

PRESIDENT:

Any discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I would oppose this amendment not on the basis of its content necessarily, but again, this kind of discussion belongs with the commission and certainly if Senator Buzbee and Senator Johns know that this is a constitutional right of the people to know, I'm sure that the Midwest Commission will know the same...have the same information...I...it...it just...it just adds one more amendment that we take with the luggage that's going if we go to present to four other states who have in good faith passed the amendment...the overall document which will provide and allow each of them an input and a say which we would have an equal opportunity to do had we passed our amendment in the same form. We've already...you've taken action yesterday, so I...I just make that comment on this amendment, and I will make it on all other amendments, that it just adds to the volume of those requirements that we are taking to four other states who have passed and are waiting and are going to start...they're not going to wait, they are going to start on the 27th of October to deliberate and to discuss what the requirements are going to be for the...their Midwest Compact. So, I would refer that these not be added to make even more volume and more confusion for that commission for Illinois.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I rise in support of this amendment. It not only adds to the volume, as Senator Macdonald says, but it adds to the credibility, and I think that's what we have to be concerned about most of all is credibility of this bill and not volume. So, I would certainly hope that everyone would support this amendment.

PRESIDENT:

Further discussion? Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. Just to be very brief, out of all the...out of all the hearings, this amendment that Senator Buzbee and I are proposing, it naturally evolved out of the hearings. The people kept saying, why haven't we had more information prior to this hearing? These hearings, Senator Joyce, are...are to your...are...you're to be complimented for them, and the public outpouring at the committee in...in Marion, in my home town was amazing, and the people gave us ideas and thoughts that we ought to, as a General Assembly, introduce into this legislation, and I think that you...you really need to support this, because what the public is saying, here are our thoughts, we want to be able to participate with you in a critical issue of this kind, and I urge your solid support for this amendment.

PRESIDENT:

Further discussion? Senator Buzbee may close.

SENATOR BUZBEE:

Thank you, Mr. President. Again, I would simply point out to the members of the Body that Senator Macdonald's opposition is not to the content of the amendment, but it is to the fact that we want to amend it at all. She agrees that the content of the amendment is acceptable language, that it's a good idea. It's her contention that the commission that is going to be governing this compact ought to know that these sorts of things ought to be done. It's my contention that we ought to tell the commission these things will be done, and on that basis, again, it seems to me that it's only good public policy that we put into the law of the State of Illinois if we're going to enter into a compact which will be senior and superior to the State Constitution of the State of Illinois, that we give our citizens every protection we possibly can given them before we enter into that compact; and on that basis, I would ask for your Aye vote on this amendment.

PRESIDENT:

The question is the adoption of Amendment No. 3 to House Bill 2106. Those in favor of the amendment will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 10 Nays, none voting Present. Amendment No. 3 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 4 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I think this amendment was passed out. It's very brief and let me read it, "Provide for the development of alternative means for disposal of waste other than land burial or underground injection well." What this does is reiterate what is stated in the preamble to the compact as amended by Senator Joyce's amendment yesterday. This is a suggestion and a...direction to the compact states, once it's developed, to use an alternate means other than underground burial. The reason it's put separately from the preamble is that this is in the management plan section as opposed to the introductory section. I think that if we don't direct the compact's directors on how we want waste to be handled, it's going to be left up to the one person appointed by the Governor, and I would urge the adoption of this amendment.

PRESIDENT:

Senator Welch has moved the adoption of Amendment No. 4 to House Bill 2106. Discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I...I agree with Senate Welch, this...this suggestion should very definitely be in the man-

agement plan. I think perhaps, Senator Welch, that you and I should work on a resolution to the NRC that they get busy and try and figure out ways to help us with ways of getting rid of our waste other than shallow land burials. I think this is...is...the compact is amended and this...this should very definitely be in there.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

This amendment...I do object to the content of this amendment. I think that the NRC is already trying to help with this particular aspect of providing means other than shallow land or any land burial underground injection, and I...I feel that it is inappropriate for us to preclude any of the methods by which we may be required to dispose of low-level nuclear waste, and I do strenuously object to this amendment.

PRESIDENT:

Further discussion? Senator Welch may close.

SENATOR WELCH:

The NRC testified at one of the meetings at...or at a different meeting that they have not considered any other technology other than underground land burial, Senator Macdonald. So I think your statement is totally misleading, and I would urge the adoption of this amendment.

PRESIDENT:

Senator Welch has moved the adoption of Amendment No. 4 to House Bill 2106. Discussion? Those in favor of the amendment will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 19 Nays, none voting Present. Amendment No. 4 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

7/15/83
2:23 PM
3rd Reading

Amendment No. 5 offered by Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This amendment is a clarification amendment. We failed to delete a line in the amendment, and that's all it does is correct that error. I would ask for its adoption.

PRESIDENT:

Any discussion? Senator Joyce has moved the adoption of Amendment No. 5 to House Bill 2106. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. House Bills 3rd reading, House Bill 2234. Do we wish to call that one? Senator Joyce.

SENATOR JEROME JOYCE:

That...I asked permission to be a hyphenated cosponsor on that yesterday...did...did not show up on the Calendar, but if I can have leave, again, to do that I would...

PRESIDENT:

There are no amendments filed, is that correct?

SENATOR JEROME JOYCE:

Move the bill.

PRESIDENT:

All right. On the Order of House Bills 3rd Reading is House Bill 2234. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2234.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President, this is the management plan if Illinois were to go it alone, and if...this also gives...if we join the compact this gives definite direction to the commissioners and makes sure that Illinois' feelings are expressed. I know of absolutely no objection to this from Commonwealth Edison, the hospitals, the universities to the environmental groups. So I solicit your support on...on this piece of legislation.

PRESIDENT:

Any discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I strongly support this legislation as well. I think that it is absolutely mandatory, especially in the unbelievable events that have taken...place over the last twenty-four hours regarding the Midwest Compact bill, and I think it is obvious that either we are going to say that Illinois, by our action, is going...we are volunteering the State of Illinois, by our action, to become a host State; and if that is true, we certainly need this piece of legislation, and if we are going to go it alone, it is even more important to have it. It always was meant to be, in the House and from the beginning, that we would have this kind of legislation in place so that we could go unencumbered to the natural...National Midwest Conference, and I would urge your passage of this bill.

PRESIDENT:

Further discussion? Is there any further discussion? If not, the question is, shall House Bill 2234 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,

HB 2106
3rd Reading

there are 53 Ayes, 2 Nays, none voting Present. House Bill 2234 having received the required constitutional majority is declared passed. We've had intervening business. Sponsor requests that we move on House Bill 2106. On the Order of House Bills 3rd Reading, 2106. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2106.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the House. I really am not urging you one way or another to vote for this piece of legislation. I will vote for it for one reason only, and that is to send it across to the House of Representatives where it, obviously, will end up in a Conference Committee report. In reflecting on the discussion on this bill is simply amazing to find the contradictions that have come forth in terms of the arguments of the bill. In terms of...several of the sponsors of these amendments that we have had there...one member of the Senate who condemns Congress for leaving to the states...leaving it up to the states and not taking responsibility for all low-level nuclear waste across the country. I might add that the Congress that passed in 1980...that passed the whole concept of regional low-level nuclear waste compacts was a Democratic Congress, not a Republican Congress. I would also add that another member took quite the opposite view and said it should be handled independently and individually by each of the states. With the methods available to us, the safe message, if there are such things available, of disposing of low-level nuclear waste, certainly it would be inconceivable

to think that all fifty states would have either above-ground vaults, Mausoleums, if you will, spotting the landside where they could be destroyed by tornadoes or other natural disasters. There is some question about the safety of underground burial; however, there is research that is being done on that. We have also asked four other states to relinquish their sovereign immunity and we have go into that while that's feasible for Illinois. We are taking these amendments and we are going to the states that have ratified...or we're going to ask to go to the states that have ratified if we can straighten this bill out in Illinois, and we are going to ask four other states who do not have such provisions in their Constitutions and do have sovereign immunity still at very much a part of their Constitutions, we are going to ask them to go back and go through two bodies of their legislator...Legislatures to reconsider what Illinois wants them to do in relinquishing their sovereign immunity. There are just so many contradictions regarding the amendments that we have been offering in the last twenty-four hours that it is really going to be, I suppose from one on the sidelines, certainly going to be an interesting process to watch. The...those who generate low-level nuclear waste in the real world, and the new world, and the world of the future are those that are essential to the life and welfare and health of the people of this State. They are the hospitals, they are the businesses, the technological businesses that are being catapulted into the future and all of the other industries that use low-level nuclear waste. The cost is enormous for temporary storage costs, and I have some of those figures, which I won't bother to take your time with at this point, but they are at my desk if you would like to take a look to see how much it will cost if we insist upon not having underground burial. The cost is enourmous to those industries, particularly our natural resource industries that we

depend upon so fully. I think that it's important for us to just review probably ten points that were reviewed before the committee and offered by a man that I have great respect for, who certainly is not a bureaucrat; he is a scientist and he is a man of great ability, and this was his message to the committee, and I think that it is necessary for this whole Body to hear what he had to say. Illinois is the sixth largest generator by volume of low-level radioactive waste in the United States. The waste is produced in our nuclear power plants, our hospitals and clinics, our research laboratories in universities and in industry. Presently, we send all of our waste, not only to...to the only two operating sites in this country; one which is located in the State of Washington and the other in South Carolina. Illinois is under a Federal mandate to be responsible for disposing of the waste we generate. In passing this mandate, Congress recommended that states form regional groupings or compacts and give these compact states the right to exclude states outside their region from sending waste to regional facilities. During 1981 and '82, Illinois negotiated a regional agreement with our midwestern neighbors. This agreement has been approved by four states and has passed on the House in four others. The states that are parties to the Midwest Compact are holding their first meeting on October 27th in Michigan, and because Illinois has not approved the compact, we will not be able to vote on any issue at that meeting, so that all of the amendments, unless we get this thing straightened out in the next few days, will be of no avail. The Federal law mandating states to be responsible for their waste was supported by the states, the National Governors' Association, the National Conference of State Legislatures,...and President Carter's State Planning Council on Radio Waste Management. Advantages of having a regional waste facility instead of each state having it's own facility are the economics of

scale, the better facilities and qualified personnel, and the ability to exclude waste outside the region. Although Illinois is the largest generator of waste in the midwest, it is not a foregone conclusion that we will be a host state. We are only guaranteed to host a facility indefinitely if we do not join. From a national perspective, some thirty-two states are already in a compact. There are six compact regions in the country and four of them are now before Congress. The two regions which are lagging behind are the northeast and the midwest. This is time...essence of this matter. It takes at least five years to build and license a facility, thus we have already missed the January 1st, '86 deadline mandated by Congress. If we join a compact, however, we can negotiate an interim agreement with one of the compacts that has a disposal facility. Amending the Midwest Compact is unnecessary. The concerns of those who wish to see an amendment can be met at the state law and by the State Compact Commission. I personally talked to the Executive Branch of officials in the midwest states and they reject the proposed amendments. Moreover, in one of the amendatory...in one of the amendments, it may drive out South Dakota, the only state in the midwest which has expressed any interest in hosting a disposal facility. If Illinois unilaterally places substantial amendments on the compact which have not been negotiated with the other states, the other midwest states should not adopt them unless we volunteer to host the first disposal facility. Finally, the Midwest Compact is supported in its original form by the major universities in this State, the medical associations, the State's business and industrial associations, and the State's largest utilities. It was approved by a wide margin in the Illinois House, and while some environmental groups and the League of Women Voters are supporting amendments to the compact here in Illinois, in other states these same organizations have supported the

original compact. In summary, the Midwest Compact is not a perfect document, but it is the only one in this region in which we have approved by four states and has a chance of being approved by three others. The Midwest Compact is not unlike the five other compacts in the country. Much of the language is identical. If Illinois does not approve the Midwest Compact in its original form, we would be in a very difficult time in trying to convince our neighbors that our vision is superior to theirs. We are not saying that the Illinois General Assembly cannot amend the compact, 'cause you can; but if we do, it should be...understood that it is highly unlikely that our neighbors will go along, and as a consequence, you will be left in the position of either removing the changes in the spring or voting for Illinois to have its own disposal facility. The administration has spent a great deal of time and effort on this matter and continues to urge the passage of the Midwest Compact in its original form. We all want to address the disposal problem in a manner which protects the public, the environment and the Illinois taxpayer. Amending the compact that has already passed the Illinois House will and has obstructed the progress in dealing with our low-level waste proposal problem...disposal problem. Ladies and Gentlemen of the Senate, I merely say to you that this bill has been discussed at great lengths yesterday and also in committee hearings and throughout this State. Your vote now will make the decision of what you want to do and where we are going with the bill. If there are any questions, I would be happy to try to answer them. Thank you.

PRESIDENT:

If I can have your attention, AF and UFI have requested permission to take some pictures of Senator Vadalabene. Is leave granted? Leave is granted. Turn a little to your left, Sam. That's good. All right, discussion on House Bill

2106? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. I...I assume to...to use a term that Senator Prescott Bloom uses upon occasion, I assume in a prior karma, I would have...arisen on an objection on...Senator Macdonald's speech because a good portion of her speech dealt with the fact that...that the bill should not be amended. We, obviously, have already done that; we're to the passage stage now. However, I find as one grows older and...and likes to get along with ones colleague better that on tends not to do those sorts of things as much.

PRESIDENT:

Thank you, your time is up. Senator Joyce.

SENATOR BUZBEE:

Thank you. Now, Mr. President, I...I haven't grown that old. My speech will be very, very short. There are those who say that the State of Illinois should not join in a compact or should pass any legislation under any circumstances whatsoever regardless of what the bill may say or what the amendments may say. I disagree with that approach. Perhaps the time will come when the State of Illinois might decide to go it on its own. However, we are not to that point yet. I think we ought to continue considering the joining of a compact. We are past the stage of throwing it back into the Congress' lap. They through it to our laps several years ago, and we are now having to deal with it. I think the legislation that is before you now is a piece of legislation that will protect the citizens of Illinois, will be a good negotiating instrument from which we can start into talking to the other states about the possibility of joining a compact. I would say that even though I have very strong feelings about this, Senator Macdonald has very strong feelings about it, a lot of people on this Floor have very strong feelings about it, I think that we are doing the

responsible thing. I think it probably is also fair to say that this is not the last time that this Eddy will see this particular bill. I...I hope that it is, but my guess is that it's not. We'll probably see it again, I would guess, at some point in the very near future; but, anyhow, it is a well written piece of legislation, I think, now. It gives the citizens the protection that it needs, and I'm going to vote in favor of it.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. A couple of things that Senator Macdonald said that I feel that I...I have to comment on. One is about how the Democratic Congress did this. Well, you know, that's true, and it was a Democratic...President, President Carter. It was in a lame duck Session when they...set up the guidelines that these...that all...the states would have to form a compact and deal with their own radioactive waste, and that was to help Jimmy Carter's friend, Governor Richard Reilly of South Carolina because of...of the Barnwell situation there. No one is saying that the Democrats are responsible for low-level radioactive waste or the Republicans are, but as a matter of fact, a southern president and a southern governor did get together and that's why we have this problem that we are faced with right now. They did it in a lame duck Session, and it was the very last thing they did that...that year. So, we are stuck with dealing with that right now and...and we...we can't make the deadline anyway, so let's do it right. Another thing that I have to say to Senator Macdonald is that you talked about South Dakota, we preempted them; well, we took that out in the amendment, the fifty thousand dollars or a thousand dollars per unit is...is out of there...it's not in there, but South Dakota is not eligible to join the other compact

anyway because of the Federal regulations. I would like to say that our committee, and I would like to commend them, they worked very, very long and diligently on this and especially the staff for our committee. They worked very hard on this and...and I think we have a piece of legislation that it is probably as good as we can get it. We took testimony from a hundred and forty-five people. We have two hundred and seventy-seven witness slips. We have got a feeling from people all across the State of Illinois. I'm not going to tell you whether to vote for this compact or not, because I'm not sure and the more you hear about it, the...the more unsure you become, but it is as good a piece of legislation, I think, as we can come up with. It is as good a piece of legislation as we can offer to the citizens of the State of Illinois for their protection, but if you don't believe in the philosophy of...regionalism and if you don't believe in the...philosophy that we ought to share these kinds of problems, then...then I suspect you ought to vote against this; but if you think we should share with other states and even with all of these built in guidelines, I'm not sure that we are not going to end up being the...the host state for twenty years, and then at the end of time all of the other states quit on us. You know, we use to be called the Sucker State. I certainly hope that we're not going to bring that title back upon us with any of this type of legislation. So, I think you're going to have to vote your own consciences on this this, but I'll tell you one thing, we have worked long and hard with these amendments and they are the best that...that I can offer and...and my committee can offer. So, I think that it's up to you and for your consideration. Thank you.

PRESIDENT:

Further discussion? Further discussion? Question is...you wish to close? Senator Macdonald to close.

SENATOR MACDONALD:

Briefly, Mr. President, Ladies and Gentlemen of the Senate, in one twenty-four hour period, we have come to a point where we could have gone to the bargaining table and we could have in good conscience expected to get help with our problem of generating forty percent of the new low-level nuclear waste in the midwest by possibly having a shared responsibility by those other four states that have passed unamended the bill that the House sent over to us. With the amendments that we have passed over the past twenty-four hours, we will now go to the bargaining table, and I believe that because of the amendments we have passed, if they are to be accepted that we have almost assuredly volunteered Illinois to be the host state if our amendments are to be accepted, and I find that appalling. The other alternative we could have had was to have rejected this bill totally and gone it alone, and that would be forever that Illinois will be taking care of its own low-level nuclear waste with no help from other states because the states can, by Federal law, reject having any other state join their compact. I think we have put ourselves in a...ourselves in a very critical position, and I only pray that somehow we will be guided out of this dilemma and that if we pass this bill, and I am going to vote for it because I will never give up hope and I will send it to the...back to the House, hopefully, with your help and we can go to a Conference Committee and see what can be done to put Illinois in the best position in defending the health and the safety and the welfare of our people and the economy which comes second, of course, to our people of which is so perillate at this time. So, I urge you to vote your conscience, to do what you think the right thing to do is. I will be voting for this bill in spite of my reservations. We will send it over to the House and we will see what we can do in a Conference Committee. Thank you.

HB 1939
2nd Reading

PRESIDENT:

Question is, shall House Bill 2106 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 13 Nays, 2 voting Present. House Bill 2106 having received the required constitutional majority is declared passed. Top of page 5, with leave of the Body, we'll move to House Bills 2nd reading. Senator DeAngelis has indicated to the Chair he has an amendment for House Bill 1939. House Bills 2nd reading. On the Order of House Bills 2nd Reading is House Bill 1939. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House...House Bill 1939.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Mr. Secretary, is that have Amendment A on it?

ACTING SECRETARY: (MR. FERNANDES)

Yes, sir.

SENATOR DeANGELIS:

I would like to Table Amendment No. A.

PRESIDENT:

Well, you can just withdraw it at the moment.

SENATOR DeANGELIS:

I will withdraw Amendment No. A.

PRESIDENT:

All right...amendment...any amendments, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 1 amends the State Purchasing Act to allow repair parts to be obtained from the manufacturer without competitive bidding. Currently, repair service is exempt from that bidding. Also it adds duplicating supplies and machines as an item exempt from competitive bidding. The Department of...DCMS feels that word processing equipment, because of its high technology, should be in the same non-bid category as data processing equipment. I move for the adoption of Amendment No. 1 on Senate Bill 1939.

PRESIDENT:

All right, Senator DeAngelis has moved the adoption of Amendment No. 1 to House Bill 1939. Any discussion? If not, all in favor of the amendment indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. When we Tabled...or withdrew Amendment No. 1, we removed the effective date. Amendment No. 2 just simply makes it an immediate effective date.

PRESIDENT:

All right, Senator DeAngelis has moved the adoption of Amendment No. 2 to House Bill 1939. Any discussion? If not,

SRCA 2
3rd reading

all in favor signify by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDENT:

3rd reading. Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

Mr. President - I am directed to inform the Senate that the House of Representative has acceded to the request of the Senate for a first Conference Committee to consider the differences between the...two Houses in regard to Senate Amendment No. 3 to House Bill 2072. Action taken by the House October 30, 1983...John F. O'Brien, Clerk of the House.

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

- House Joint Resolution 82.
- House Joint Resolution 83.
- House Joint Resolution 84.
- House Joint Resolution 85.
- House Joint Resolution 86.
- And House Joint Resolution 87.

All congratulatory resolutions.

PRESIDENT:

Consent Calendar. We'll...we will be adopting the Consent Calendar...hopefully, within an hour or so. We have a...as my reasonable estimation, about an hour and a half perhaps at the longest left yet to do. So, we can...Senators Buzbee and Sangmeister, what is your pleasure on...yes, the Supplemental Calendar has been passed out. In fairness to those who have other things on the big Calendar, we'll just go right through and then go to the Supplemental, then there

are some motions in writing and then we should be concluded until November 1st. Top of page 5, on the Order of Constitutional Amendments 3rd Reading, Senate Joint Resolution Constitutional Amendment No. 2 was earlier today read in full a third time. Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is the Constitutional Amendment that Senator Sangmeister and I introduced into the General Assembly way back at the beginning of January or February, sometime in there, March. We felt that the Governor's use of the amendatory veto has been...let me say, it has been way over used. It was first given to the Governor of the State of Illinois in the 1970 Constitution. Prior to that, the Governor did not have the authority to amendatorily veto a piece of legislation that the Illinois General Assembly had passed. To the best of my knowledge, Governor Ogilvie used it one time, perhaps more, but at least one time where he was taken to court on it, and the Illinois Supreme Court ruled that in that case he had, in fact, exceeded the authority given him under the...under the Illinois Constitution, but they did not rule just how far a Governor could go in the use of the amendatory veto. They left that question open. Governor Walker used the amendatory veto several times and, as I recall, was taken to court on at least one occasion, and then I think what happened there was that he withdrew his amendatory veto prior to the court's ruling. Now if I'm incorrect on that, somebody can correct me, but I...that's my recollection. Governor Thompson has obviously used the amendatory veto many, many, many times to the point where he has on many occasions witnessed what we have been doing the last three days, completely rewritten legislation that has passed both Houses of the General Assembly. Senator Sangmeister and I, and now, Senator Welch has joined in the sponsorship, believe that the Governor should

have the use of a extremely limited amendatory veto and that that limitation should restrict him to just correction of technical errors or matters of form. Now, if the Governor does not agree with the way a piece of legislation is written, he can simply veto the bill outright, and we can start through the process again if we can't override his veto. That's what a veto is for. I don't think that the Chief Executive Officer of this State, be that Chief Executive Officer Republican or Democrat or some other party should be a super legislator. I think the Governor should be the Chief Administrator, should be the Governor and that the legislating should be left up to the legislative Body. The Governor has ample opportunity for input into that legislating business into that legislating process while we are here. He has a very competent staff, he has a lot of staff. We run into them all the time. He has departments and agencies that come in and testify on pieces of legislation constantly. Why shouldn't that staff and those agencies have their input into the way they think a piece of legislation should be written? If the Governor then thinks that we have not done it the proper way, he can always veto the bill outright and then if we can't override, as I said, it's up to us to go through the process again. This Constitutional Amendment is identical to the one that was passed by this General Assembly in 1973 or 4. It was placed on the ballot at that time. At that time, the Governor had had the use of the amendatory veto just a very short number of years, three or four years. When the ballot...when the voters voted, after having experienced the use of the amendatory veto only three or four years, the measure lost by a vote of one million three hundred twenty-nine thousand seven hundred and nineteen voting No, and one million three hundred two thousand three hundred thirteen voting Yes. It lost by a grand total...out of 2.6 million votes, it lost by a grand

total of twenty-seven thousand four hundred and six. Again, they had only had the experience of some three or four years. We think the time has come to allow the voters the opportunity once again to express their opinion as to whether the Constitution should be changed and whether this...the Governor's powers in this area should be restricted. This, in my...from my prospective, I am not aiming this at Governor Thompson personally. I think he has overused it, misused it, perhaps abused it, but I happen to also be an admirer of Governor Thompson. It is not aimed at him personally. It is aimed at the Chief Executive of this State, whoever that person may be, simply saying, the people of the State of Illinois elect the General Assembly to legislate. They elect the Governor to have input into the legislative process and then to execute and administer those laws that the General Assembly passes that he see fits to sign. I think that should be the Governor's duties. With eleven and a half million people in this State, he has...and...and a budget of fourteen billion dollars, he has ample duties to keep him busy without having to worry about being a super legislator. I submit to you that this is a good idea and the time has come for us to give the voters an opportunity once again. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, the following Senators have sought recognition: we have Senator Sangmeister, Netsch, Keats, Collins, Geo-Karis and Mahar, in that order, so we'll start so you will know when you will be called. Senator Sangmeister is cosponsor.

SENATOR SANGMEISTER:

Well, thank you, I don't think...if there's that many people want to speak on this to belabor the issue much. I think the important part, which I would like to reiterate of what Senator Buzbee said, is we are not aiming this at the

man that sits on the second floor. This is not aimed at an...an individual, it is named...it is aimed at an executive office. What we are talking about here, and what you're all well aware of, of course, is a separation of powers, and I think everybody sitting on this Floor ought to be concerned about that. This is an attempt to protect the rights of us, as members of the General Assembly, and to preserve the prerogatives of the House and the Senate that when it is a legislative matter, we should be setting the rules concerning that. As you know, some of the amendatory vetoes have gone so extensively that we see a brand new bill appear before us. Obviously, there's been no chance for any committee input or any input from the public as a whole. I think it is very important that we once restore it to the General Assembly the rights and prerogatives that they have. I really don't think the original Constitutional Convention ever intended that the amendatory veto go as far as it has in Illinois, and this will very clearly clarify that authority, and I would hope that you all feel as we do and on bipartisan basis support this Constitutional Amendment. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. No, I am not a mad scientist, although I may look like one at times. And, yes, I guess I am responsible in large part for the introduction of the amendatory veto into Illinois. I don't apologize for that, although I do apologize for the misuse and abuse by...well, really, the present Governor. That is when it has become a problem, the monumental proportions, and I stand second to none in my outrage, and I mean outrage at what has been the abuse of the amendatory veto power. It is a device that can be extremely useful. Useful not to create further confrontation between the Executive and the Legislative Branch, but

to provide a means of accommodation when the differences between the two branches are indeed fairly small, and that was...that is what it was designed for. I guess I may be the only member of the Senate who has sat on the other side of the desk, in a sense, and done the bill reviewing for a Chief Executive; and believe me, Ladies and Gentlemen, we do occasionally make mistakes, particularly because we do so much of our business in the last few weeks of the Session, but beyond that, often there is a small difference of opinion in terms of how a particular bill will act, and all of us have had amendatory vetos put on our bills that we found to be absolutely appropriate. I've had one or two...well, let me revise that and say may be one that I considered appropriate in...in this Session of the Legislature. So that it is, in fact, an extremely useful device to save a great deal of time, a great deal of paper work and, as a matter of fact, a great deal of aggravation, because no matter what we say, almost any one of us in the Legislature who has a bill vetoed bristles a little bit at it. We are a little resentful and we would like to get a little bit of revenge on the Chief Executive who has, in fact, vetoed our pet project, whatever it might be. When that can be avoided by using an amendatory veto for that small matter of accommodation, it seems to me that it is very worthwhile, but it is not intended to allow a Chief Executive to become literally another member of the General Assembly in every sense of the word. The Governor has enormous legislative powers in this state, in virtually every other other state, that has always been true. That has been true as a part of our constitutional structure from the very first Constitution in the State of Illinois. This was not intended to change that role, and what has happened in the last two years particularly is that has been used for that role. This Chief Executive, particularly...each one has perhaps had one or two occasions of

overuse, this one in the last two years has sat back aloof from the legislative process a good part of the time that we are in Session doing our work, and when we go home, has then assumed that he has the right to rewrite every bill to suit his fancy. That is not what the amendatory vote was intended for, and it is my judgement that if we are going to have a Governor who does not understand the basic separation of powers in this State, who does not have the discretion to know how to use an amendatory veto effectively, when it is appropriate and when it is not appropriate, if we literally cannot trust our Chief Executive with a major constitutional power, then perhaps what might have to be done is simply to take it away altogether. My concern about Senator Euzbee's amendment and Senator Sangmeister's amendment, other than the fact that it was on the ballot four years ago and defeated, is that it doesn't really address that basic problem. The matters of technical corrections and matters of form which are the two matters that they permit it to continue to be used for; number one, will be matters of dispute among us so that we may spend as much time debating what is a technical correction or a matter of form as we would a matter of substance versus procedure. That, I think, is going to be a source of some friction. Beyond that, a lot of the appropriate uses of the amendatory veto would not fall within those two terms. If I may use one quick example, the bill that I had this Session dealing with the removal of judges from the electoral boards. The...after it passed both Houses and went to the Governor, his staff determined, and quite correctly in this case, that it would end up removing the judges from the electoral boards right in the middle of the process because we had not put any other effective date, so they suggested an immediate effective date. That was not a technical correction or a matter of form, that's a very substantive change, can be an enormously substantive change in many cases, and

yet it was quite appropriate. It was...an exactly perfect use of the amendatory veto which would not fit within the terms of this language. I guess what I am saying in that respect is that I think it might be more desirable to take the amendatory veto away altogether from this Governor, at least, rather than putting it in terms of technical corrections and matters of form which I'm sure will not be that helpful. I feel very sad about this. It seems to me that a...a very interesting device that was intended to make life easier in terms of the relationship between the Legislative and Executive Branch has because one Governor has, not understood basic separation of powers and has vastly abused his power, has led to the ill repute of that device and has led to greater friction between the two branches. Shame on you, Governor Thompson.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, now I have the following Senators: Keats, Collins, Geo-Karis, Mahar, Grotberg, DeAngelis and Kustra, so we'll just go right on down. Senator Keats.

SENATOR KEATS:

Believe it or not, I am going to rise in defense of the Governor and vote for the amendment. There's a mistake in assumption here of a mistake in partisanship, and I...pardon, as I make fun of my silk socking colleague from a wealthy city district, those of us from the burrows do not have the advantage of, perhaps, some of the perspective; but if you read the Supreme Court guidelines set forth, Governor Thompson is well within the guidelines. I mean, our differences are not what the Governor has done is unconstitutional, just that we don't believe it's good public policy. If you happen to read what the Supreme Court said in...in the Howlett case, et cetera, the Governor has not violated that intent. My support for this amendment is not based on the fact that I'm unhappy with Governor Thompson on this issue.

On collective bargaining and a few others, I am unhappy with him, but on this issue, the Governor's position is not unreasonable. The point is for public policy's sake, should we say that the Governor can make such major changes in a bill without being involved in the legislative action early. I don't think we should allow that. For that reason, I'm actually in support of the amendment but for a nonpartisan reason, but I do offer one kidding comment for my friend from Chicago. You may feel that the Governor is aloof from the legislative process, but it may just be that he doesn't spend as much time talking to you as his people do us. If you sit on this side of the aisle, you do not consider the Governor terribly aloof, and that's not said in a...a nasty way, it's a compliment, I mean he's...he's well aware of what we're doing and the Governor is on top of it. I support this because from a public policy position, the Governor should not have this power. From a partisan point of view, Governor Thompson has clearly not violated the Supreme Court's interpretation of what are the powers he has under this, and if it becomes a partisan issue, I guarantee you, you are going to lose. If it remains a public policy issue, you have many Republicans who are not opposed to the concept to putting limits upon this particular form of veto.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, we had this argument in the prior administration under Governor Walker. Article IV, Section 9E of the Illinois Constitution of 1970, in which my colleague on the other side worked, says, "The Governor may return a bill together with specific recommendations for change to the House in which it originated." There have been a series of Supreme Court decisions...Klinger versus Howlett of 50 Illinois 2nd

242, 1972...decision which the Illinois Supreme Court has steadily maintained that the amendatory veto authority may be used to make material changes within the bill so long as the fundamental purpose and intent of the bill remains intact. Now, the amendatory veto power of the Governor has been sustained in several Supreme Court decisions which have never been overturned. In a late case, 1979, in the case of Continental Bank versus Zago, 78 Illinois 2nd 387, the court noted that a proposed amendment to the Constitution to restrict the amendatory veto authority strictly to corrections of technical errors and matters of form was rejected by the voters in a 1974 referendum. I don't...I'm not talking now on a partisan issue, I'm talking as a citizen issue. You and I know, Ladies and Gentlemen and Mr. President, that there have been errors, for example, there have been misstatements in bills. I had a bill today that I was going to call but I'm not going to because there was an error on the second page when it came back. Now, I...I want to say this, we...we should not restrict his authority on the amendatory veto. We have restricted in Congress the authority of...the Presidents of the United States about amendatory vetoes and they've cost us a heck of a lot of money as a result. Now, the President of the United States would like to have that power and he doesn't have it. I would like to suggest to this Assembly that since the other House is preparing to...look into the feasibility of the amendatory veto in a more constructive manner by having hearings on...I think we should allow the amendatory veto to stand, and I speak against this proposed amendment, because I think you're only going to create havoc and if you want to make a partisan issue on the other side, you better remember that the other side's Governor did...had the...the authority of amendatory veto, and some of us didn't like it...we...but we still supported the amendatory veto.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President and members of the Senate. I've had some concerns over the amendatory veto process for a long period of time also. I'd like to ask the sponsor, Senator Buzbee or Senator Sangmeister, one quick question. Will you tell...will you tell me at this point whether the line item veto for appropriations is still in and whether there...your amendment will allow any technical changes at all?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Buzbee.

SENATOR EUZBEE:

Yes, Senator Mahar, the...the line item veto and the reduction veto is not touched; he would still have that authority. I have no argument with his having that authority. What the language says and the change that we propose is that the Governor may return a bill together with specific recommendations for, and here's the new language, "the correction of technical errors or matters of form," and new language, strike the word "change to the House in which it originated." So, it would now read, "The Governor may return a bill together with specific recommendations for the correction of technical errors or matters of form to the House in which it originated."

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTEBERG:

Thank you, Mr. President. I rise in objection to the proposed amendment. I would like to only reiterate some things that have not been worn out at this point. The older you get the more you realize in these perplexing times, the complexity of our government. I used to dislike a back seat driver in my car, we all did, that's where the term came from.

Right now, I'll take help from everybody in the automobile to save my life at an intersection or along the road. My favor Yogi Berra saying is, "You can observe a lot by watching." I have watched the end of this Session year after year after year when we ram through two and three hundred page bills that nobody knows exactly what's in, especially some of the sponsors. The Governor this year received thirteen hundred of these beasts downstairs and sent back about a hundred and sixty of some minor changes, some very acceptable, others not so acceptable. We've had our chance to debate on them. Within the hour, over in the House of Representatives, today, there's a sixty-three page technical amendment to the RTA Act to dump proportionately across those six counties a new program and seventy-five millions of dollars. There will not be a House member that's had a chance to understand that bill, and you better bet your life it's coming over here; and for the members on this side, we're going to analyze it and send it to you at home, because we're not going to deal with it today. But the biggest things that affect the people of Illinois are in those major block buster bills that go through this process. We still have the last say. One of the comforting things being in the mincrity where we have the Executive and you have the majority in the Legislature, and when I first came in it was the other way around, is that it only adds to the checks and balances. I think maybe the people of Illinois probably in the long-run, no matter who the Governor is, have a little more faith in him than they do in any one of us as individuals, but particularly corporately because of the work we do and the volume of it that has grown to some seven thousand bills every two years. Therefore, I can understand why Senator Alan Dixon wants to give President Reagan the amendatory veto. It has value. He is proposing just the opposite for the President of these United States, in restricted form, yes, not to open up the debate in gen-

eral, but let us then hang on to it because it a comforting thing to know that we do have the last say in the Legislature no matter who's Governor or what he does with those bills we send down. Let's oppose this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I know that the...the debate is not going to influence a lot of minds, but I think there are a few things that ought to be clear for the record. In spite of the machinations to the contrary, I can only think that this resolution is politically inspired. One, by those people whose ox or oxen is being gored, and it's...I had an interesting phone call last week on the Freedom of Information Act where the group was considering overriding the veto but they were afraid of losing the bill, and the issue came up regarding what the Governor had done by the amendatory veto process. Certainly freedom of...information is a kind of sexy subject that you can tie into very well, but I think we ought not to be going for this type of resolution because of that. The second reason is to sail a Republican Governor. There really isn't anybody on this Floor that hasn't at one time or another been victimized by the amendatory veto. I can very well recall in my first year of office where the Governor upon the advice of one of his counsel chose to amendatorily veto a bill of mine which struck out everything after the enacting clause and rewrote an entire bill, and in the explanation, it was that they thought my bill was unconstitutional and, therefore, they were going to take an unconstitutional action to correct an unconstitutional bill. Well, we, in the General Assembly, saw fit to override that amendatory veto. It did go to the Illinois Supreme Court and it was upheld constitutional 7 to nothing. Now I recite that history because it has in it the remedy for the problem

beyond a constitutional resolution. Passing this type of resolution is, in fact, decrying the process, and I'm somewhat surprised that there are people here who say, you know what? He did that without going to committee. Now, I don't know if anybody was around here the last week in June, but I have to tell you I saw a lot of bills that never went through committee sitting on Conference Committee reports flying out of here by the dozens. Now, if you're going to be concerned about a process because it doesn't go into committee, then I think we ought to add a few more lines to this constitutional resolution and probably correct some problems in our House; but we do have a remedy when that happens, and the remedy is that it has to come back to us, and I would suggest that the passage of this resolution does not, in fact, reflect the excesses of the Governor's Office, it simply magnifies the failure of the General Assembly.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I've been listening to the debate and I must say that there certainly have been moments when I have been concerned about the use of the amendatory veto, and I would hope that the Governor is listening to this debate and registering some of the concerns that we have. A year ago when the multiplier was tacked onto a bill that I don't think had much to do with a multiplier, I was concerned about that, aside from the issue it did appear to me to be a...an overextended use of the amendatory veto, but as I see it, most of the uses of the amendatory veto by the Governor have been very positive. First of all, I think as already been said, they've been few; a hundred and sixty-one uses out of approximately thirteen hundred bills that we sent him...and only maybe a little over ten percent of the cases. I think it's important to note

that we've been sitting here going through these books and we've all been for the most part agreeing with the changes that the Governor has made in legislation. I would only add that that probably stems from the fact that we're...we're noted here in Illinois as having a relatively weak committee system, if you look at our sister states anyway; and it's the fact that we cannot straighten out many of these problems with our legislation in committee but that stuff gets through 3rd reading onto the Governor's Desk, and because we have the amendatory veto, we can take that kind of action; that is, the Governor can. As to Senator Netsch's remarks, I'm particularly disturbed at the comment that the Governor sits back during the legislative process and then after we go home takes action. I don't know how you can sit down here for three or four or five...months, Senator, and...and watch directors, and...and deputy directors, and assistant directors, and legislative liaisons, and liaison to liaison, we have plenty of opportunity in committee and on this Floor to hear from the Governor and his staff, and that's the way it should be. Where you can get this argument that there is no executive role during the legislative process is beyond me. I don't think this should be a partisan argument, in 1986 who knows who'll be Governor. I believe that the amendatory veto is an important tool in the legislative process. Now I know about the separation of powers, but I also know about checks and balances; and the fact is, that in our system of government today, the legislative process is a partnership. It is, in fact, whether it's at the Federal level or the State level a partnership between the Executive and the Legislative Branch of Government. As far as I'm concerned, the framers of the 1970 Constitution, Senator Netsch included, were wise. They were wise in giving to the Governor, and to all of us in the Legislative Branch as well, the amendatory veto so it could be used to improve upon legislation flawed as it left

this General Assembly.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, for one, have always opposed this amendatory veto. Everywhere you go and you talk to your sister states and they're appalled that the Governor of this State has the right to rewrite legislation. The argument by the framers of the Constitution in 1970 for removing the Lieutenant Governor as the President of the Senate was that they wanted complete separation of the three powers of government, and what do you do, you turn around and give the Governor a right to legislate. If he's going to be the Governor, let him be the Governor. If he wants to legislate, let him become a legislator. If you just stop and think, a Governor could cause a bill to be introduced knowing full well that we may not pass it, and then when it arrives at his desk, he changes it to suit him and sends it back to us. Now you sit here...and I don't know who you think you're kidding when you say that the Governor...that we have the last word. You have the last word alright, because it...not only on one side of the aisle, they do it on both sides. Many times that you're reluctant to override the Governor because he's a member of your party, irregardless of whether he was right or wrong, so you don't kid people around here. The purpose of this amendatory veto...it should never be. Now what you're going to talk about is that you're here on a yearly basis. If you have a bill vetoed, then let's...reintroduce it. I...I have been here for a number of years. I personally have felt for many years that we should have a Session to do nothing but repeal. We got so many bad bills on this thing, we ought to just come in here and start cleaning up some of this stuff, but to sit here and allow the Governor a right to rewrite legislation, a

hundred and sixty or seventy pieces of legislation. If he wants to be a legislator, let him resign and come here. The point is, that your framers of the Constitution gave it, that I remember, right after the framers of the Constitution many of them were reelected and every time you looked, they was up on the Floor hollering, I was a member of the Con Con, I was member of the Con Con. I don't know how many are still around here now that we can find, and I've talked...and Senator Netsch has been a very fine, a very astute, a very learned person, but I've told her many times that it was big mistake, and she says it was never intended for the use that the Governor is now using it. The point is that we need to get rid of the amendatory veto. If it doesn't have all the things that she quivers about now in questions, let's complete and do it over. I am for this constitutional amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Well, briefly, somewhat confused now. Senator Netsch taught at Northwestern Law School and she might have taught the Governor, Jim Thompson. He taught at Northwestern and they produced former Representative Stern, so, I don't know who to believe. Seriously,...no, seriously, an element that has been left out of his debate that really should be considered by this Body and that is our own time tables and our own work product. As long as we have artificially imposed time tables, our work product isn't going to be that good. You got to stop and think about that. Let's...let's take it...if we're going to be objective, let's be entirely objective. And our work product isn't so good, and I'd remind some of the prior speakers, how many times have we benefited from that amendatory veto that has helped us in our districts, whether it's East St. Louis Community College, or Illinois

Central Community College, or Triton, or some other area. I think that to...take this approach really is somewhat shortsighted and certainly, ultimately if this thing gets on the ballot in the course of the public debates about it, we will probably...we will probably once again, because we are not a moving target, as an institution be held up to ridicule for some of the things that we send down to the Governor. So, let's...let's keep that in mind. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to speak in favor of this resolution. It's unfortunate that the sponsorship of this amendment was the...the reasoning was impugned on the theory that someone's ox was being gored. I think that my purpose for sponsoring the bill is I truly believe the power has been extended too far and there is a violation of the separation of powers. Someone said on the other side that government between the Legislature and Executive is suppose to be a partnership. Unfortunately, the Governor has become a silent partner in that there is no testimony before him when he rewrites these bills. It's my position that the bill should be written by the Legislature. They are supposed to legislate, and they should do that after hearings. If the elimination of partial...of part of the veto results in committees becoming stronger, I think that's fine. I think that gives us the power we should have. It may also result in some members reading the bills that they introduce, that one Senator complained about that the bills aren't read till they get to the Governor, so, therefore, we need him. If the bills are going to be bounced totally, perhaps members will read them, the committee structure will be strengthened and the separation of powers will be back into effect the way it was originally intended. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Any...any Senator seek recognition for a first time?
Senator Netsch, for a second time.

SENATOR NETSCH:

Thank you, I will not deliver the same speech, but I did want to respond to one point. Senator Kustra and several others have suggested that it is not necessarily true that the Governor stays aloof from the legislative process and then uses the amendatory veto to redesign legislation according to his afterthoughts, and I'm not suggesting that this is the only Governor who has thought about that, although there's no question that the abuse has been considerably exacerbated in the last couple of years; but I would like to give you one very simple, clear-cut example with which I had firsthand experience, Senator Kustra. Last Session, we were dealing with the question known as unitary taxation or combined apportionment, a very complicated issue. The Illinois Supreme Court had ruled that combined apportionment was the rule of the day. The General Assembly, or a member of the General Assembly, introduced a bill that would have in effect overturned the Illinois Supreme Court decision and gone back to separate apportionment; in other words, prohibited combined apportionment. We had extensive hearings, long, long periods of hearings, the bill was before the committee for some time. I begged the department...the administration through the department to participate in the process and to give us publically the benefit of their views. I knew what their views were privately. They told me that their lips were sealed, that they could not take any kind of a position on it, and so the Legislature passed the bill. I happened not to vote for it. I was in the minority, but I was overruled by a majority of the Legislature. That bill then, after we went home, the Governor took and...with his help of some of his business friends, I gather, not only substan-

tially changed it, he completely reversed what the Legislature had done using his amendatory veto, and instead of prohibiting combined apportionment, it provided for combined apportionment, limiting it to, basically, Continental United States.

END OF REEL

REEL #4

SENATOR NETSCH: (cont.)

In addition, it included at least one other provision that the Legislature had already rejected on several occasions, the foreign dividend exclusion. Now, there was the Governor literally assuming unto himself the prerogative for writing a bill in the guise of an amendatory veto that was exactly the opposite of what the Legislature had done. If those were his views, they should have been made known to us while the issue was before us. If he didn't make up his mind until later, he should have vetoed that bill and started all over again. That is the kind of abuse that I'm talking about and that causes me really very grave concern and, as I indicated before, great sadness, because I would like for the amendatory veto to stay on the books. I am sorry to see it so abused that, quite clearly, if not this year next year the Legislature is going to take it away from him.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion?...Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, just listening to all the debate, you'd almost think that the House and Senate were perfect legislative bodies, that we never make mistakes. I'm glad we've got somebody else looking over what we do. When you think of that last day at two, three, four o'clock in the morning with these Conference Committee reports and these forty-two page, last minute amendments that nobody really knows what the hell they do, thank God for the second floor and the amendatory veto pen. You know, if it was a Democrat Governor on the second floor, quite frankly, it wouldn't be much of an issue.

Now, you know that and I know that. Thirdly, we have passed this last Session some twelve hundred and eighteen bills. The Governor has amendatory vetoed some hundred and sixty. We will probably sustain his amendatory veto about ninety percent plus. We're the last word on what the second floor does. If he amendatory vetoes something we don't like, we have the final word. And very honestly, I think that takes most of the wind out of your sail and your argument. Ask the Secretary of State what it costs any...in averages every time they've had this on the ballot, and it fluctuates, a little over a million dollars to print up that little blue pamphlet and the poaches. The court poaches is always going up. So, it is very expensive. We've...we've had this on the ballot, the exact same wordage, I believe less than ten years ago. I think it's unnecessary. And, of course, if the Governor were of the other party, we wouldn't be so anxious to do this. So, I certainly think we ought to sustain the Governor on the second floor and vote No.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senators Euzbee and Sangmeister, will you both be closing, or what order? Senator Sangmeister. Okay, Senator Euzbee to close.

SENATOR EUZBEE:

Well, Senator Philip, I have tried not to make this a partisan issue. I don't think it is a partisan issue. When it passed in the Illinois General Assembly, Senator Netsch was wrong, it was not four years ago, I think it was nine years ago. I am told there were four negative votes on it at that time. I don't remember exactly what year it happened. I do know that the breakdown in the General Assembly at that time there were certainly more than four members of the minority party. So, as a result, it was not a partisan issue then, it was a overwhelming feeling of the people of this Senate...the members of this Senate that the Legislature

should legislate and the Governor should govern. Senator Keats, I would also reiterate to you that you indicated that some people are trying to make this a partisan issue. I am not trying to make this a partisan issue. I did not raise the issue of partisanship. It is my contention that we ought to restrict the Governor's use of that veto, not because the Governor is a Republican or a Democrat. Senator Geo-Karis, the language that you used you quoted from the Constitution, which is exactly what we want to change. You indicated that the Governor was perfectly within the guidelines of the Illinois Supreme Court decisions. Well, again, I would go back and reiterate that in the case of Governor Ogilvie, they said in that instance he had exceeded his power, but they didn't say how far his power could go. That has never been accurately defined. We today are trying to define that power, how far he can go, and that is to simply say that he can make technical changes or changes of form...matters of form. We are arguing the philosophical argument here, and that is, again, that the Governor is the Chief Executive of this State, the General Assembly is the Legislature of this State, and the General Assembly is the one who writes and passes or rejects laws. Senator Kustra, your comments concerning the Governor's input into the legislative process through his directors, through his staff, through his legislative liaison, et cetera is, in my opinion, a most appropriate gubernatorial input into the legislative process. After that, it is my opinion that his legislative powers should be restricted to vetoes of bills, not the complete rewriting of bills. Senator DeAngelis, again, I would say to you, this is not politically motivated on my part. Senator Sangmeister and I introduced this resolution and we discussed, as a matter of fact, the use of the amendatory veto by Governor's Ogilvie, Walker and Thompson. We discussed it between the two of us when we decided to put this thing in. We are

legislators. Our argument is not a politically inspired argument, it is...an institutionally inspired argument. Our argument is that the institution of the Legislature ought to be the one that is protected and ought to be the one that has the legislative power. The question is, as Senator Sangmeister so accurately pointed out, a question of separation of powers. The Legislature should legislate, the Governor should execute and administer, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Joint Resolution Constitutional Amendment No. 2 pass and be approved. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 25. For what purpose does Senator Buzbee arise?

SENATOR BUZBEE:

Request postponed consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The matter will be placed on the Order of Postponed Consideration at the request of the sponsor. Leave to go to the Order of Resolutions? Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution 70 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock, this is...

ACTING SECRETARY: (MR. FERNANDES)

(Secretary reads SJR 70)

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. If I can have the attention of the membership, we have yet...this is the adjournment resolu-

tion. At the close of business today, we will adjourn and return to Springfield on November the 1st, at the hour of noon. The House is...will be returning on October 31st for the purpose of committee hearings. We have only remaining the Supplemental Calendar, two or three resolutions, the Consent Calendar. So, hopefully, we can be out within the hour, if I would ask the sponsors...who have matter...motions pending on the Supplemental to please be ready. We will go to that order of business right after the Secretary's Desk Resolutions and clean up some of those. I would move for the suspension of the rules and the immediate consideration and adoption of Senate Joint Resolution No. 70. The House is waiting for this. They tell me they have one matter still pending that they're working on and then they, too, are going to adjourn.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave to suspend the rules for the immediate consideration and adoption of the resolution? Leave is granted. On the motion to adopt, those in favor say Aye. Opposed Nay. The Ayes have it. The resolution is adopted. If you may...would turn to page 5 of your Calendar, Senator Rock, you have SR 330 which you wish to make...Senator Rock asks leave to consider that as the last order of business. Is there leave? Leave is granted. House...EJR 77, Senator Demuzio. Senator Demuzio is recognized.

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President. What this House joint resolution allows is the...apparently, the time to select an additional...or another Auditor General, has...has arrived, and apparently under the provisions of the rules that they hired their first Auditor General there was some closed meetings that were...that had taken place. What this resolution will, in fact, do is to allow for the commission to accept the applications for Auditor General and

would, in fact, allow those applications to be kept secret up until such time as the finalists had been chosen, and then those finalists would, in fact, be...be made public. Apparently, it was in an effort to protect an individual for applying for a position from his current or previous employer. What this, in fact, will do is to allow the commission to conduct some of its meetings in closed session. I don't exactly know whether or not that's what you want to do today in regards to the Open Meetings Act, but it would, in fact, allow the committee to...to hold some...some closed meetings for the selection process for the Auditor General only up until the final candidates had been selected.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Demuzio has moved the adoption of HJR 77, and in that it requires...or the net effect is to allow a closed meeting. Under our Constitution it will require a three-fifths affirmative vote, and so those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The Senate does adopt HJR 77. SJR 49, Senator Rock. Senator Rock.

SENATOR ROCK:

Thank you. I think there is an amendment placed with the Secretary for SJR 49 which is...which creates by Senate joint resolution the Scott W. Lucas Memorial Statue Committee. We had one of these, as you will recall, which...effected a statue of Everett McKinley Dirksen. It was thought only in fairness that there ought to be one for Scott Lucas, another statesman of our party and our State. This was agreed to, I might add, by the Governor's Office. The appropriation has already been approved. This is merely the language to afford the opportunity to appoint the members of the commission and move it along. So, I would move the adoption of the amend-

ment which changes the reporting date...to March, I believe, from December to March. Move the adoption of the amendment and then ask for a roll call and the adoption on Senate Joint Resolution 49.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt the amendment to SJR 49. Is there discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The amendment is adopted. On the motion to adopt the resolution, discussion? Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are none, none voting Present. The Senate does adopt SJR 49. The Secretary shall so inform the House. SJR 68, Senator Berman. Senator Berman is recognized.

SENATOR BERMAN:

Thank you, Mr. President. This is the joint resolution to extend the reporting date of the Commission on the Improvement of Elementary and Secondary Education. It was introduced to extend the reporting date to February 1 of '85. It was pointed out by staff that that's improper, that the last date that this can report would be January 9th of '85. There's an amendment on the Secretary's Desk. I would ask to adopt the amendment and then move the adoption of the joint resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt...the amendment to SJR 68. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The amendment is adopted. On the motion to adopt the resolution, discussion? Those...those in favor of the passage of SJR 68 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. The

Senate does...adopt SJR 68. For what purpose does Senator Berman arise?

SENATOR BERMAN:

While you're tallying that, I just wanted to make a short announcement. I've had distributed to every member of the Senate a memo that is from Doctor Gill, the State Board of Education; Doctor Wagner of the Board of Higher Education, and Dave Pierce of the Illinois Community College Board. Deals with a new proposed formula for...for funding of adult education. We've debated this subject many times. There is an agreed new formula that we will address when we come back in November. We wanted you all to be apprised of it. If you have any questions about the details, I would refer you to either Diane Ford of the Republican staff or Jean Williams of the Democratic staff. We will be presenting it to you. It's an agreed revision...when we return on November 1. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

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

House Joint Resolution 88, 89, 90, 91, 92, 93, 94, 95 and 96, all congratulatory resolutions.

PRESIDING OFFICER: (SENATOR BRUCE)

And those are on the Resolution Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill with the following title:

Senate Bill 189 together with the following amendments, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

Senate Bill 189 with House Amendments 1 and 2.

And Senate Bill 1206 with House Amendment No.

1.

Mr. President - I am directed to inform the Senate the House of Representatives has passed bills with the following titles, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 2319, 2315, 2320, 1982, 2305, 2313, 1613, 2300, 2302, 2306, 2308, 2309, 2310, 2312, 2314, 2316, 2317 and 2318. Passed the House on October 20, 1983, by a...three-fifths vote. John F. O'Brien, Clerk of the House.

PRESIDING OFFICER: (SENATOR BRUCE)

Introductions.

ACTING SECRETARY: (MR. FERNANDES)

...Senate Bill 1363.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Rules Committee.

ACTING SECRETARY: (MR. FERNANDES)

Senator...Senator Grotberg is the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Rules Committee...leave to return to the Order of Resolutions? Leave is granted. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 360 offered by Senators Rock and Philip.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the

Senate. Senate...Resolution 360, which I have just introduced...360, Mr. Secretary...is a legitimate response sponsored by Senator Philip and myself, and I hope joined in by all the other members, to request the Legislative Investigating Commission to investigate thoroughly the rules and regulations of the Department of Public Health as they pertain to the operation of and patient care in nursing homes. Nursing homes and the care afforded has been the subject of a great deal of...of public outcry, and it seems to me that the nursing home industry ought to be recognized as a vital component in the delivery of health care to the people of Illinois and that we ought not be stampeded, if you will, into the passage of additional legislation calling for, as I understood the House Committee hearing, calling for the imposition of some very stiff criminal penalties, but rather we ought to investigate the whole subject area; the rate setting, the...the mechanisms of the Department of Public Aid, and so this is an attempt to do that, and we are asking our own commission, the Legislative Investigating Commission, to do that and to report its findings and legislative recommendations to us by the end of March so that we can deal with this subject in a rational fashion next Session of the General Assembly. I...I know of no objection. I think it's a legitimate response by all of us to some very unfortunate happenings in this industry. But to paint the whole industry with the same broad brush seems to me also to...be a mistake. So, I would ask for the suspension of the rules and the immediate consideration and adoption of Senate Resolution...Senate Resolution 360.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip, did you wish to make comment as a joint sponsor? Motion is to suspend the rules for the immediate consideration and adoption of SJR 360. On...is there leave to suspend the rules? On the...leave is granted. On the

motion to adopt, discussion? Alright, since it requires expenditure of money we will take a roll call. Those in favor of adoption of SJR...oh, Senator Netsch, I'm sorry.

SENATOR NETSCH:

Thank you. I had a question to direct to either of the sponsors. Does this mean that the bill that was pending in the House and that was the subject of some work and some activity there is simply not going to be before us during the fall Session?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

My latest information, and I'm sure most in this Chamber, particularly those who have some interest in health care, are aware of the fact that the House Committee did have some hearings pursuant to some newspaper notoriety, and did have a bill. My further understanding is that they were unable in the House to agree on any amendments. That there were amendments that were proffered from the committee that...apparently a majority of the membership felt were not in the best interest of...of the people or of this industry, and so the...whatever agreement they thought they had has literally fallen apart. And my latest information is that the master plan was to send to the Senate a shell bill, a vehicle bill to address that. I don't have any objection to that and that may still be the House sponsor's plan. But it seems to me a little better to call for an investigation by a...a group that is capable of, has already done some work in the field, and get a serious set of recommendations so we can adequately address the whole...the whole problem.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Yeah, I don't disagree with the idea certainly of con-

tinuing...continuing or initiating again the investigation. I guess my only concern is that if there is a point at which some...enough agreement has been reached that a piece of legislation could move before then, that it not be held back by virtue of this. I gather, Senator Rock, you're saying that that certainly is not the intention and that it would not have that effect?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

That...that is not the...intention. Now, what the effect will be, I presume we ought to wait and see what the House, in fact, does for us or to us.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The motion is on the adoption of SR 360. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The Senate does adopt Senate...Resclution 360. Further resolutions, Mr. Secretary?

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 361 offered by Senator Geo-Karis and all members of the Senate.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis is recognized.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, whereas in no time since legislative records have been kept have two more bright and devoted...

PRESIDING OFFICER: (SENATOR BRUCE)

May we have your attention, please. It deals with two of our staff members who are...Senator Geo-Karis.

SENATOR GEO-KARIS:

(Senator Geo-Karis reads SB 361)

Congratulations, Diane and Zach, and lots of good luck, health, happiness and prosperity.

PRESIDING OFFICER: (SENATOR BRUCE)

Congratulations. Senator Geo-Karis moves the suspension of the rules and the immediate consideration and adoption. On the motion to suspend, those in favor say Aye. Opposed Nay. The Ayes have it. The rules are suspended. On the motion to adopt, discussion? Senator...Demuzio.

SENATOR DEMUZIO:

I just have one question. Senator Geo-Karis mentioned Forgottonia, and I was wondering if she could tell me where that is.

PRESIDING OFFICER: (SENATOR BRUCE)

...she'll wisper in your ear a little later. We've got a...a few other things to do. Senator Grotberg.

SENATOR GROTBEBG:

We can't do anything else until we remind ourselves that love is ruining the minority. We are being decimated. We lost...a Kent and we're losing a Ford. Our cigarettes, our cars are going, but thank God the whole process started with the Stamp Act, and we do wish them well.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I would also like to move to suspend the rules of the Senate Minority which does not allow for two people to be married together and be on the staff. They can do some other things together and still be on the staff, but I...I...but I am pleased to announce that after a roll call was taken, by a 25 to 1 vote Diane was elected to remain with the staff, and nobody wants to admit to the 1 vote for Zach.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, on a more serious note, and I don't want to make light of this. Evv,...

PRESIDING OFFICER: (SENATOR BRUCE)

She's not here, Sam.

SENATOR VADALABENE:

...this is Sam, and I miss you and I wish you would get well soon and get back. I love you.

PRESIDING OFFICER: (SENATOR BRUCE)

On the motion to adopt SJR...or...Senate Resolution 361, those in favor say Aye. Opposed Nay. The Ayes have it. The resolution is adopted. For what purpose does Senator Philip arise?

SENATOR PHILIP:

Thank you, Mr. President. I'd like the record to show that Senator Fawell is still in the hospital convalescing, at the Memorial Hospital. Her EJK is good, and hopefully she'll be out shortly.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Alright, we have two motions. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. I just wanted the membership to be aware, as I'm sure they are, that Ken Wright, our Secretary, underwent a very serious operation. He is at home recuperating, doing well I am told, and hopefully will be back with us when we return in January. We have yet to do, now, the Supplemental Calendar, so don't everybody...we have the Supplemental and a couple of motions and that will wind us up or down.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. That is correct, we have two motions, Consent Calendar and the Supplemental Calendar. Motions in writing.

ACTING SECRETARY: (MR. FERNANDES)

I move that the Senate Committee on Rules and Senate Committee on Assignment of Bills be discharged from further consideration of Senate Bill 1356 and that the bill be advanced to the Order of 2nd Reading. Signed, Senator Etheredge.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge is recognized for a motion.

SENATOR ETHEREDGE:

Thank you, Mr. President. This legislation does deal with a matter of emergency concern. It deals with the power of local school districts to issue working cash fund bonds. I present this motion in order that this bill can be placed on the Order of 2nd Reading and...to give us...and...and we will have an opportunity to look at it and take appropriate action when we return in November.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge has moved for the suspension of the rules so that Senate Bill 1256 can be placed on the...discharged from the committee and placed on the Order of 2nd Reading. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. The rules are suspended, and Senate Bill 1256 is...shall be placed on...1356 shall be placed on the Order of 2nd Reading. Further motions?

ACTING SECRETARY: (MR. FERNANDES)

I move to discharge the Committee on Local Government from further consideration of House Bill 1780 and ask that the bill be returned to the Order of Consideration Postponed. Signed, Senator Savickas.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, basically, for the same reasons Senator Etheredge moved. We are talking to the Governor and talking to the people about the same

problems of the working cash fund, and I would move that it...bill be returned to the Order of...Consideration Postponed.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to discharge the committee from further consideration of HB 1780 and have it placed on the Order of Consideration Postponed. On the motion, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The bill is discharged and placed on the Order of Consideration Postponed. Alright. Senator Rook, you wish to hold that...Resolution 330...until the very last? Alright. If I might have your attention, we have placed upon your desk a Supplemental Calendar No. 1. On that are five orders of business. Senator Savickas, on the Supplemental Calendar you'll be the first...alright. Supplemental Calendar the...Senate Bill 1004, Senator Holmberg. Do you wish to call it, Senator? Senator Demuzio, could you come to the Podium, please, and I'll...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 849, Senator Bruce. Do you wish...alright, Senator...

SENATOR BRUCE:

No, I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do you wish that called?

SENATOR BRUCE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Mr. Secretary, would you read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 849 in manner and form as follows. Signed, Senator Bruce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. This deals with the open meetings with the Illinois Commerce Commission. We tried a run at it to override the specific recommendations of the Governor. I have spoken to some interested parties. It seems the better course now to accept the amendatory veto. The Governor would be very happy with that. Some of us would rather have had it the other way, but if you can't get a meal, take a sandwich. So, we're ready to go with accepting the specific recommendations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 849 in the manner and form just stated by Senator Bruce. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 849 having received the required constitutional majority vote of Senators elected are declared accepted. 942, Senator Barkhausen. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 942 in manner and form as follows. Signed, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Senate Bill 942 creates...in its original form created a corporation for

science and technology. The Governor's amendatory veto changes the corporation for science and technology to what is called the Governor's Commission on Science and Technology which is somewhat similar to the Governor's Commission on High Technology, which has been in effect since August of 1981. This bill, sponsored by Senator Zito and myself, I think both of us would have preferred that the bill stay in its original form, but the changes that the Governor made are...are...don't really go to the substance of the activities that the...this Body will engage in, and I would prefer to have the bill in a form which the administration will enthusiastically support so that these activities can get off the ground. I, therefore, move for acceptance of the specific changes recommended by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Senator Welch.

SENATOR WELCH:

A...a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Is this going to be a commission with a paid staff and a paid director?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The bill as amended makes clear that whatever staff support is provided will come from ECCA.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The...the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 942 in the manner and form just stated by Senator Barkhausen. Those in...in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are none, 2 voting Present. The specific recommendations of the Governor as to Senate Bill 942 having received the required constitutional...constitutional majority vote of Senators elected are declared accepted. Senate Bill 1116, Senator Marovitz. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move to...I move that Senate Bill 1116 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I've been in touch with the Governor and he has in turn been in touch with interested parties, and I have a letter from the Governor, who has indicated that upon due consideration he believes it would be in the best interest of everyone if the bill...if his veto were overridden and the bill were passed in its original form. Consequently, I would ask that we override the veto of Senate Bill 1116 and that the bill be passed in its original form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Any discussion? The question is, shall Senate Bill 1116 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, 1 voting Present. Senate Bill 1116 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Senator Buzbee, for what purpose do you arise?

SENATOR EUZEEEE:

For the purpose of an announcement. When we come back on Tuesday, November the 1st, we are going to have an Appropriation II Committee hearing to deal with some fifty plus million dollars of supplemental appropriations the Governor is requesting. That hearing will be at 9:00 a.m. on Tuesday, in Room 212. So, that's before we start Session that day. We expect to have a lot of testimony because we'll deal with the whole corrections issue plus all of the other issues. So, we will start at nine o'clock on Tuesday morning and then the game plan is, whatever might be approved will be put into a House bill which is going to be on the Senate Calendar and passed back over to the House. Then I think Senator Carroll has an Appropriations I Committee in the afternoon on Tuesday, after Session. So, if you would keep that in mind that we will be having committee hearing Tuesday morning at nine o'clock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sangmeister, for what purpose do you arise?

SENATOR SANGMEISTER:

For an announcement. For those of you that have been concerned about what we're going to do about the prison overcrowding in the State of Illinois, the proposal is now encompassed in Senate Bill 546 of which Senator DeAngelis is the sponsor. It is presently over in the House, but on October 31st, which is the day before we come back in, the Senate is having a...the Senate Judiciary Committee is having a subcommittee meeting in Room 212. At three o'clock on that day, I am directing this to the attention of the members of the committee, we will have a committee meeting on that bill for informational purposes only, and anyone else...of the Senate that's interested in finding out about what's in this package on prison overcrowding, October 31st, three o'clock, Room

12...212. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. On page...page 5...Senator Rock on the Floor? Alright. I am told that the...the...on the Resolutions Consent Calendar that the printer has had a malfunction. We do, in fact, have the list of the resolutions...the numbers that are...that are on the Calendar here. If there are no objections, we will ask the Clerk to read the numbers of the resolutions, and hopefully, by that time, if...if...if the Consent Calendar is not printed...hope at least at this point to proceed with the adoption of the Consent Calendar unless someone has objection. Alright. Is there leave to go to the Resolutions Consent Calendar? Leave is granted. Mr. Secretary, would you please read the numbers of the resolutions that are on the Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

The following resolutions are all congratulatory resolutions: Senate Resolution 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352,...353, 354, 355, 356, 357, 358, 359. Senate Joint Resolution 65 and 66. House Joint Resolutions 73, 74, 75, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 96.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright, the Consent Calendar has...has arrived. If we could have some Pages down in front to...Mr. Secretary, has there been any objections filed to the resolutions on the Consent Calendar?

ACTING SECRETARY: (MR. FERNANDES)

No objections have been filed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator...Senator Kelly moves to adopt the Resolutions Consent Calendar. All in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Resolutions Consent Calendar is adopted. Senator Eruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. There are several appropriation bills I would like to move now to have discharged from the Rules Committee and assign them to the Appropriations I and II Committee so that they might be posted for hearing when we come back on the 1st of November. And the following bills should be...my motion would be that they be discharged. House Bill 2306, Senator Philip, and that be assigned to Approp. I. House Bill 2314, Senator Welch, and that go to Approp. I. House Bill 2315, Senator Carroll, that goes to Appropriation II. House Bill 2319 under the sponsorship of Senator Sommer, to Approp. I. And House Bill 2320 with Senator Geo-Karis as the sponsor, to Approp. I. I would move to have the Committee on Rules discharged from further consideration of those bills and they be assigned to the...to the committees as I outlined.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator...Senator Bruce has moved to discharge the Committee on Rules and have the following bills: House Bill 2306, 2314, 2319, 2320 assigned to Appropriations I, and House Bill 2315 to Appropriations II. You've heard the motion. Is there...is there any objections? All those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Committee on Rules is...is discharged and assigned to the committees as previously announced. Senator Bruce.

SENATOR BRUCE:

Additionally, Senator Lemke has...in working out with two sponsors here named Rock and Philip, whoever they are, and that they have a minor matter that they would like to hear in committee, Judiciary I. I would move that the Senate Committee on Rules be discharged from further consideration of House Bill 2281 and that be placed in the Committee on Judiciary I for a hearing that Senator Lemke wishes to have on that bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Alright. You've heard the motion. Senator Bruce has moved to discharge the Committee on Rules, House Bill 2281, have it assigned to Judiciary I. All in favor signify by saying Aye. Opposed Nay. The Ayes have it. The committee is discharged. House Bill 2281 is assigned to Judiciary I. (Machine cutoff)...Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It appears that we have completed our business. I would ask leave of the Body to...we'll just hold Senate Resolution 330. That's a death resolution in honor of the memory of Jack Touhy, and I think it more appropriate that we do that when the membership is here and available to express their wishes. So, I would suggest that we are still awaiting Messages from the House, but effectively, we are...have completed our business. So, I would suggest the Senate stand in Recess until the call of the Chair, which we hope will...once the Clerk of the House gets the Messages delivered we can come back in, read in the Messages and then adjourn until November 1, at the hour of noon. So, I would move we stand in Recess till the call of the Chair.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Rock has moved that the Senate stand in Recess to the call of the Chair. Are there...all those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The Senate stands in Recess to...subject to the call of the Chair.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR DEMUZIO)

The Senate will reconvene. Mr. Secretary, Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

Mr. President - I am directed to inform the Senate the House of Representatives has passed a bill with the following title, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 1644.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bill with the following title: Senate Bill 1118 together with the following amendment, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House...House Amendment No. 1 to Senate Bill 1118. John F. O'Brien, Clerk of the House.

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

Mr. President - I am directed to inform the Senate the House of Representatives has passed bills with the following titles, the veto of the Governor to the...notwithstanding, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 22, 307, 349, 412, 482, 488, 682, 743, 801, 835, 842, 932, 958, 965, 1023, 1067, 1079, 1141, 1156, 1259, 1260, 1339, 1473, 1557 and 1753.

Mr...Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change which are attached to bills with the following titles, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 41, 67, 84, 186, 205, 234, 247, 292, 333, 390, 406, 417, 441, 537, 564, 606, 628, 643, 644, 657, 701, 721, 744, 747, 768, 775, 798, 803, 814, 833, 929, 1024, 1054, 1108, 1133, 1170, 1179, 1239, 1257, 1262, 1336, 1342,

1386, 1388, 1402, 1530, 1549, 1599, 1674, 1703, 1707, 1788, 1814, 1825, 1881, 1925, 1972, 1995, 2019, 2035, 2110, 2111, 2171 and 2244. Adopted by the House...October 20, 1983. John F. O'Brien, Clerk of the House.

Mr. President - I am directed to inform the Senate the House of Representatives has passed a bill with the following title...passed bills with the following titles, in the passage of which...correction.

Mr. President - I am directed to inform the Senate the House of Representatives has passed bills with the following titles, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 622, 654, 946, 960, 975, 1121, 1208, 1223, 1323, 1371, 1495, 1667 and 2085. Passed the House October 20th, 1983. John F. O'Brien, Clerk of the House.

Mr. President - I am directed to inform the Senate the House of Representatives has passed bills with the following titles, in...the veto of the Governor to the contrary notwithstanding, in the passage of which I am instructed to ask concurrence of the Senate, to-wit:...the item vetoes, it was.

542, 543 and 888. Passed the House October 19, 1983 by a three-fifths vote. John F. O'Brien, Clerk of the House.

Mr. President - I am directed to inform the Senate the House of Representatives has restored to the original amount items reduced by the Governor...which are attached to a bill with the following title:

House Bill 543.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of this letter to the House of Representatives. Passed the House October 19, 1983. John F. O'Brien, Clerk of the House.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...to a motion made earlier today, the bills about to be read from Appropriations Committee and Judiciary I Committee will now be read and then rereferred to those committees.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2306.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2314.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2315.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2319.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2320.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2281.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

The bills will now be referred back to the committees from whence they came, pursuant to a rule and motion of the Senate made earlier today. Further business to come before the Senate? Motion by Senator Demuzio that the Senate stand adjourned until the hour of noon on November the 1st. On the motion to adjourn, discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned until noon on November the 1st.