

85TH GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 30, 1988

PRESIDENT:

The hour of noon having arrived, the Senate will please come to order. Will the members be at their desks. Our guests in the Gallery kindly rise. (Machine cutoff)...this afternoon by the Reverend Howard Milkman, First Presbyterian Church, Springfield, Illinois. Reverend.

REVEREND HOWARD MILKMAN:

(Prayer given by Reverend Milkman)

PRESIDENT:

Thank you, Reverend. Obviously, ladies and gentlemen as you can see, we are attempting to get a photograph of the members of the 85th General Assembly; the House has already done so. I ask all members to...within the sound of my voice, to please hurry to the Floor and...assume your chair. Ladies and gentlemen, while we are awaiting the arrival of the balance of the membership, Senator Davidson has some special guests he would like to introduce, and the Chair will yield to Senator Davidson.

SENATOR DAVIDSON:

Ladies and gentlemen, if I could have your attention, please. Ladies and gentlemen,...Timmy...ladies and gentlemen, it's my pleasure to introduce to you...present to you, as I did two years ago, the national champions of the NAIA Soccer of the United States. This team has won the national championship two out of the last three years. They are a local team from Illinois, as you all know, the soccer team from Sangamon State University here in Springfield. Alex Gonulsen, their coach, will present the team to you. Coach.

COACH ALEX GONULSEN:

(Remarks given by Coach Gonulsen)

SENATOR DAVIDSON:

Thank you, coach. Most of you didn't hear him 'cause he doesn't always speak as loud as I do, but this gentleman

immediately to my left, Mr. Doe, was the most valuable player in the entire championship games, and so you need to be not only proud of the team but also the individual effort they put forth. Coach, on behalf of the Illinois Senate, we want to welcome you, we want to present to you Senate Resolution and there's individual copies for each member of the team and the coaches, and there's also one for...suitable for framing and if the university can't afford it, I will. Glad to have you here. Hold it...hold it...hold it, coach, come back, my photographer, who was late, finally showed up.

PRESIDENT:

Ladies and gentlemen, can I ask you to please be in your seat so that we can take a head count to make sure the whole class is available for this class picture. Yes, sir. (Machine cutoff)...suggestion. The photographer suggests that everybody point their mark down...mike...microphone down so that...mikes down. Get a head count, who's...I think I...I think he'd prefer if we sat. I'm sorry? (Machine cutoff)...he prefers to have everybody seated. Can I ask...is...can I ask Senators Berman and Brookins and Alexander...Senator Severns. Senator Philip, we can't take a picture unless you're in it, pal. Can we close the telephone door, please. Ask all others in the Chamber to find a seat, please. (Machine cutoff)...had this much order in a long time. All it takes is a camera, you see that? (Machine cutoff)...to facilitate the photographer taking down his equipment and to comply with Senator Philip's request, we are each going to have a...a caucus. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we're going to have a Republican Caucus in Senator Philip's rooms immediately.

PRESIDENT:

All right. Republicans in Senator Philip's Office

immediately. Sam...Senator Vadalabene, 212.

SENATOR VADALABENE:

Yes, thank you, Mr. President, members of the Senate. There'll be a Democratic Caucus in Room 212 immediately.

PRESIDENT:

All right. 212 for the Democrats, immediately; Senator Philip's Office for the Republicans. The Senate will stand in recess for approximately one hour.

RECESS

AFTER RECESS

PRESIDENT:

(Machine cutoff)...will please come to order. Reading of the Journal, Madam Secretary. Ladies and gentlemen, if I can have your attention. WLS-TV in Chicago, Hugh Hill, and Channel 7 has requested permission to shoot some film as has WHOI-TV from Peoria. WEEK-Peoria, WICS-Springfield, WAND-Decatur, WCIA-Champaign, WHOI-Peoria and WBBM-Chicago, all have requested permission. Without objection, leave is granted. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that reading and approval of the Journals of Thursday, November 17th and Tuesday, November...29th, in the year 1988, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Vadalabene. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Resolutions.

SECRETARY:

Senate Resolution 1420 offered by Senator Davidson and all members.

Senate Resolution 1421 offered by Senator Carroll.

Senate Resolution 1422 offered by Senator Mahar.

Senate Resolution 1423 offered by Senator Ralph Dunn.

Senate Resolution 1424 offered by Senator Holmberg.

Senate Resolution 1425 offered by Senator Jerome Joyce.

They are all congratulatory.

Senate Resolution 1426 offered by Senator Davidson and all members. It's a death resolution.

PRESIDENT:

Consent Calendar, Madam Secretary.

SECRETARY:

Senate Resolution 1427 offered by Senator Zito.

Senate Resolution 1428 offered by Senator Jerome Joyce.

They are both substantive.

PRESIDENT:

Executive. Senator Madigan, for what purpose do you arise, sir?

SENATOR MADIGAN:

Point of...personal privilege, Mr. President.

PRESIDENT:

State your point, please.

SENATOR MADIGAN:

Thank you, Mr. President. I would...seated in the Visitors' Gallery on the Republican side are four students from the Eureka College government in business class, Mic Seward, Mike Ksiazak, Scott Fryzel and...Jeanette Malafa, along with their professor, Doctor Rolf Craft. I would like to introduce them. Doctor Craft is also a former state Senator from Iowa and former chairman of the State Republican Party of Iowa.

PRESIDENT:

Will our guests please stand and be recognized, I apologize. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President. For a point of personal privilege.

PRESIDENT:

State your point, please.

SENATOR SEVERNS:

It's my honor to have join us...joining us today in the Visitors' Gallery members of the Shelby County Board and other friends from Shelby County. I'd like...

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. Ladies and gentlemen, we will begin on page 10 on the Calendar. If I can have your attention, we'll begin on page 10 on the Calendar. The Secretary informs me that a supplemental Calendar has also been distributed which contains two additional motions. We will go through the motions in writing and then return to the regular Calendar on the Order of House Bills 3rd Reading. But we'll do the motions first. Middle of page 10. On the Order of Motions in Writing to Override Total Vetoes, House Bill 2930, Senator Savickas. Madam Secretary,...

SECRETARY:

I move...

PRESIDENT:

...the motion filed with respect to House Bill 2930.

SECRETARY:

I move that House Bill 2930 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 2930 creates an advisory committee to develop a bill of rights for persons with developmental disabilities and to

develop the plan for its implementation. But it clearly specifies that no rights are established except as provided in the plan and made effective by the express provisions of laws enacted after the effective date of the bill. The director of the Department of Mental Health and Developmental Disabilities and the chairman of the existing Council on Developmental Disabilities would appoint the committee. The committee must submit a report to the General Assembly which includes the plan, the estimated cost of implementation and the proposed legislation to effect the rights. I disagree with the Governor's veto, House Bill 2930 does not establish any entitlements nor mandate any costs. The fact that it passed the House unanimously and passed the Senate by near unanimous votes, 52 Ayes, is clear enough evidence that it does not obligate the state to any major cost. The Governor's veto does not give favorable consideration to the negotiation and compromise that enabled the bill to pass the House and Senate by near unanimous roll calls. Explicit assurances were given by the sponsor and written into the bill that the legislation only established a planning process...it only established a planning process. This legislation originated from the Governor's Council on Developmental Disabilities which still...officially endorses its purpose and objectives. This legislation is supported by the Illinois Association of Retarded Citizens and other groups that advocate for the developmentally disabled. These groups are concerned about the decline of state services and the lacking commitment to the development of a...comprehensive system of community and home based services that will assure alternatives to institutional, long-term care and disregard the Illinois Association of Retarded...Retarded Citizens has filed suit against the department and other involved state agencies to force further system development under existing state and federal mandates.

This legislation could provide a basis for the state to respond to the issues of the Illinois Association of Retarded Citizens litigation. I would seek your support in this override motion.

PRESIDENT:

All right. Senator Savickas has moved that House Bill 2930 pass, the veto of the Governor to the contrary notwithstanding. Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And I would like to have your close attention, ladies and gentlemen, on this bill. This is not a merely bill. The implications of an override of the Governor's veto of this bill are very, very serious; let me tell you what they would be. While Senator Savickas indicates that all this bill does is to establish a planning commission, I would...direct your attention to Section 4 of this bill. You will find that what this bill does, it...is far more than ask for the development of a plan and a timetable. It establishes a bill of rights. This is an entitlement program and while there are other sections in this bill that would suggest that maybe the...the rights are not firmly in place, I would suggest to you that the wording in Section 4 is such that once it is put in place, we may be brought into court if we do not fully fund this program. Now let me tell you about the funding implications. It has been calculated by the Department of Mental Health that the full funding of this program would be on the order of four billion dollars a year. Let me repeat that, and I did not misstate, I did not say four million; I said four billion dollars a year. I would suggest that it is very important that we do everything we can to meet the needs of our citizens with developmental disabilities. We are trying to do that now through the programs which are in place in the Department of Mental Health.

There already is, I would suggest to you, a planning process in place. That planning group will make a report in December of 1990. Some are concerned about the length of time that is required for this plan to be developed. I suggest to you that it is important that we do this properly and that we not have another CHIPS situation developing, which we will deal with later this afternoon. It is important that we develop a plan which we can live with and not raise the hopes of people where people expect that services will be there and then we can't possibly afford the...the programs which we say that these people are entitled to by law. I would urge you to vote No on this motion, but when you vote No, you can do that knowing that a planning process is in place. Once the report of the planning commission is brought forward, then we can determine which of these additional programs, there are already programs there, but we can then determine what additional programs we can...we can afford at that time. I would urge a No vote on this motion.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I stand reluctantly in opposition to this bill for all the reasons that Senator Etheredge offered and to add to the fact that, you know, since we do have this process in litigation now, I don't think we should enter into this bill at this time to influence that litigation one way or another. Furthermore, not only are we in the planning stages in terms of trying to come to grips which...which...what will probably amount to just about a...a total overhaul of the Department of Mental Health, which I would agree is much needed, we have the Citizens' Assembly and the Mental Health Council, they're working on it with a mandated report due; we also have the Technical Task Force on Mental Health which is...working

concurrently with the Citizens' Assembly and working back and forth and interrelatedly. So we do expect this process to take place, and, as Senator Etheredge pointed out, it is going to take a bit of time because the...the amount of mess up that we have in the Department of Mental Health is going to take just that long to untangle, make right and provide for a program that we can deal with and we can depend on. And as a result, I think it would be premature to go with this very expensive bill at this time. If we do, then we all should be prepared to vote for a tax increase because it will take that to sustain it.

PRESIDENT:

Further discussion? If I can have your attention, Mr. Chuck Berman of the Chicago Tribune has requested permission to shoot some photographs. Without objection, leave is granted. Further discussion? Any further discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

Yes. Mr. President, I would just like to state that this four billion dollar figure has been bandied about by the department and by some Republicans on that side. They could never come up...where this four billion dollar figure comes from. They allude that everyone is doing something but these past few years nothing has been done. If this only section, Section 4, which reads, "The family/individual support, a person with a developmental disability has the right to family and/or individual support services to prevent unnecessary out-of-home placement and foster independent living skills." If this was such...the costly item in this whole piece of legislation, why didn't the Governor just amendatorily veto this section out? This is a...a...an attempt, I guess, by the department for their jurisdictional...right to control everything. I think that the Legislature here was correct in passing this bill of rights

and this here request for them to report to the General Assembly and make a definite commitment to our disabled, make that commitment soon and not in some future time as they keep putting off and keep talking about. I think it's time for us to show the department...and that's what this really is a fight with, show the department that we as an assembly are concerned with our developmental disabled and we wish to do something about it.

PRESIDENT:

The question is, shall House Bill 2930 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. 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, there are 33 Ayes, 23 Nays, 1 voting Present and the motion fails. 2986, Senator Holmberg. On the Order of Motions in Writing to Override Total Vetoes there's a motion filed, Madam Secretary, with respect to House Bill 2986. Read the motion, please.

SECRETARY:

I move that House Bill 2986 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Holmberg.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. House Bill 2986 that passed the Senate 56 to nothing and it...originally and the House 113 to nothing basically expands the Baccalaureate Trust Authority's responsibilities to make available to the public alternative suitable investment instruments for college savings. The Baccalaureate Trust Authority, if I can remind you, is the newly created body involved in advising the Governor and the Bureau of the Budget with respect to the

popular college savings bond program. The Governor has periodically resisted efforts in previous legislation that would give the authority more than advisory functions and that's what he is doing again with this veto. As you undoubtedly read this year, the issue of three hundred million dollars in college savings bonds was well oversubscribed. It brought some sixty-seven percent new investors into the savings bond market; however, we're finding that the assessment of the first bond sale indicates that the purchasers were predominately in the eighty thousand to a hundred and twenty thousand income range, purchasing an average of six bonds. What we would like to do by giving the Baccalaureate Trust Authority some additional capacity is that they could advise about other already existing financial investment plans that are available for the people that do not fit into this category and were not able to take advantage of the college savings bond as it was passed.

PRESIDENT:

All right. Senator Holmberg has moved that House Bill 2986 pass, the veto of the Governor to the contrary notwithstanding. Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As the hyphenated sponsor of this bill and one who voted for it previously, I reluctantly rise to oppose it. And, frankly, the reason being is that this bill does not do anything more to help the program that Senator Holmberg talked about that would currently exist in law. In fact, it would be somewhat detrimental because it transfers the authority for doing those things that Senator Holmberg thinks we ought to do and that I agree we ought to do, and that is to make those investments available to other people. It...it, frankly, does not do that because by transferring the authority to somebody who does not have the authority, which is the Baccalaureate Advisory Committee, you

essentially...or you might potentially destroy the opportunity for creating those other instruments. I'm a little surprised that Senator...that Representative Satterthwaite went for the override because she attended, along with myself, a meeting of that committee, she's a member of that board, and we discussed other instruments and we also review the bond sales. So I don't know why this is needed at all.

PRESIDENT:

Further discussion? Any further discussion? Senator Holmberg may close.

SENATOR HOLMBERG:

Thank you, Mr. President. As I mentioned before, it is not the intent of this legislation that the Baccalaureate Trust Authority make available...become...an...financial institution or do anything that would make it a threat to any of the existing institutions. They would just continue to make available information but it would be on other standard investment opportunities so that buyers could definitely make a choice. One of the things I know we've talked about is some kind of a payroll deduction plan, a way of savings towards a bond, individual university prepaid tuition plans; perhaps in the future some of the tax problems can we worked out with the federal government, and our own Legislative Research Unit has said that the college savings bonds are not right for every financial tax bracket. The Illinois bonds with maturity through 2001 are favorable are favorable only for persons in the federal twenty-eight percent bracket and thirty-three percent bracket. But college savings bonds with maturity in the year 2002 and later are favorable for taxpayers in the fifteen percent federal tax bracket. And a lot of people will find that treasury bonds bearing interest will suit their purposes better. What we are saying to the Baccalaureate Trust Authority, what Representative Satterthwaite, the author of this bill, is saying, let them advise more

people, more citizens in Illinois on which program is best for them. And I advocate this bill's passage.

PRESIDENT:

Question is, shall House Bill 2986 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. 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, there are 31 Ayes, 26 Nays, none voting Present and the motion fails. Bottom of page 10, on the Order of Motions in Writing there's a motion filed to override item vetoes...with respect to House Bill 3199. Read the motion, Madam Secretary, please.

SECRETARY:

I move that the item on page 8, lines 29 through 35 of House Bill 3199 do pass, the item veto of the Governor to the contrary notwithstanding. Filed by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. This, as I think everyone in this Chamber knows, is the motion to follow the course of conduct set almost unanimously by the Illinois House of Representatives, both sides of the aisle, to override the veto of the Governor of the funding essential for the startup of the Comprehensive Health Insurance Plan. Let me take a few moments but just a few to remind us of how we got here. Four years ago we started down this road, a road that was bipartisan in creation and bipartisan in all of the walks to date, a road that created a Comprehensive Health Insurance Plan for those who did not wish to be on public aid but who needed essential health care to sustain life and wanted to pay a portion but not a bankrupt portion of their income to do so. So, let's be clear, we're not talking about the poor who we already pay

for in public aid. We're talking about those who are middle income, true; who want the dignity of working, paying us taxes and paying a couple thousand dollars, three, four, maybe even five thousand out of their pocket a year to sustain life. They've been denied that at a reasonable rate for years in Illinois but not in our neighboring states because they had some condition; they didn't want to have it, they didn't ask to have it, they have it, be it a cancer, a lupus, one of the crippling diseases, polio; you've seen the people around, they want the dignity of not being job locked if they have insurance or not having to go on public aid in order to live. If they're on public aid we pay, state taxes, half the cost; they pay nothing. We pay, of course, more than that if they're on public aid. We also pay their rent, their food, their care for their children. They can't earn money if they're going to get medical care. Doesn't it make sense to say to them, we want jobs in Illinois for people who happen to live in Illinois. Oh, we can bring in Diamond Stars to create jobs. How about helping the people in Illinois who are already here and want to work? With just a very little help, a help that probably will cost us next to nothing, 'cause many of these people...twenty-five percent of the bankruptcies in Illinois are because of medical bills. Many of these people are already being subsidized by the taxpayers of Illinois to a much greater extent...much greater extent than this legislation would cause to happen. So, what do we do? We pass the plan. We pass the plan that said, you can work with dignity, pay more than anyone else is paying and we'll subsidize it to an amount. And what happened? The Governor delayed that plan. And what happened? The Governor delayed that plan. And what happened? Again, the Governor delayed that plan. And then we came to last year. Last year they said to us, well, gee, I don't know if we can afford all this, this could become an entitlement. We all know the

buzzword, but what it means to everyone else is anyone could get in, and we don't want to do that, we can't afford it without a tax increase. So, we made an agreement, yes, a deal, and we made it in June, and we said...we said that we will, in fact, allow a limitation on enrollment, we'll give the board some authority to adjust the cost and to create some cost effectiveness, and instead of being an entitlement, anyone can get in, it will year in and year out be subject to the amount of money appropriated by this the General Assembly elected by the people of the State of Illinois and signed into law by the Governor of the State of Illinois every year. Not a dime more will be an entitlement but what we send him and he signs into law. Half the deal got signed; the part of the deal that took away benefits, that curtailed enrollment, that limited the cost. The half of the deal that didn't was the ten million dollars. So what happened? For the first time in the history of this state to my knowledge, eighteen years of service, two hundred and ten groups got together representing over a million and a half citizens of Illinois, many of whom are not even directly affected, they wouldn't be recipients of CHIPs, a million and a half people in this state, two hundred and ten groups, went out and got thousands of petitions, thousands of them, a sample of which is here, tens of thousands, and said, override...override...override the veto. Why? Because when that board is done CHIPs is law. No more guesses. No more games. When that board is lit CHIPs is law. Now, we've heard lately there are other potentials. Well, I can tell you, these people in the disability groups, about five hundred of which are here today, from all over Illinois...all over Illinois, these people told me they got a commitment...a commitment before November 8th...before November 8th, by sufficient members of the Senate of Illinois to make this bill law this afternoon by overriding the veto of the Governor, a commitment to vote on

3-1-9-9 Yes on the motion to override. I didn't get the commitment, two hundred and seventy groups did, a million and a half people did, from enough members of this General Assembly to make that bill into law today. Oh, I've heard and you've heard that there may be some other form, there may be some other bill, there may be some other method. Well, we had hearings yesterday on a supplemental appropriation, almost two hundred million dollars of spending...almost two hundred million dollars of spending and no request for spending for CHIPs, forty-five, forty-six million of what we call general revenue, normal taxes, not a penny for CHIPs. I didn't make the commitment to these two hundred and seventy on behalf of the members of the Senate, you did, my colleagues. And it wasn't the commitment to figure out some other way, some other time, some other place, some other manner; it was a question on 3199. Doctor Mandeville said yesterday, there's money. Why the Governor vetoed out of eleven and a half billion dollars of general revenue merely twelve million, and in those couple of months of final spending of last year ten million dollars was saved, same time he vetoed this ten million. Ten million was saved during what we call the lapse period Doctor Mandeville said yesterday; yet, he vetoed ten million for this. The House took the responsible action, the money is in the bank. We had forty-six million dollars more in the bank at the close of business June 30th than the Governor projected in his budget book, forty-six million at the start, forty-six million at the end. Doctor Mandeville said, there's another twenty-five million there, we're up to seventy million. So, what are we saying to people, to those million and a half people that my colleagues made commitments to? Well, maybe we go back to them and say we tried something else, we did something else, we almost tried something else, but we will have lied to them before an election, we will have lied to them if we do not

override. That was the commitment, this bill, this vote, so that this is law today without any question. Representative Bowman is one of the four chairs yesterday made a comment on the Floor of the House, many of you were there at our joint committee meeting, two and a half hours of hearings, we didn't even get through all the agencies in an alphabetical order that begin with the letter C. We didn't get through a fraction of the requests for spending for this a limited Session, a veto Session, not a general budget Session. Chairman Bowman asked his members on the Floor on the mike of the House if they felt there should be a supplemental appropriation of any kind during this the veto Session, and the answer was no, a resounding no. He then asked his colleague chairmen if they agreed. I am told reliably, very reliably, that that is still the position...still the position of the House, that they are not prepared because of the nature and length of all the requests to single any out or all out and deal with a supplemental appropriation. There is only one way that we know that CHIPs will start and that is to vote Aye on the motion to override. Thank you, Mr. President.

PRESIDENT:

Further discussion? The Chair would like to admonish our guests that under the Senate rules signs of approbation or displeasure are equally discouraged, so I would hope you'd bear that in mind. Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Carroll, I don't know if anybody could tell this any better than you have, but I just want to remind everybody sitting here. What's happening to us? We're no longer a caring society. You know it's sad today that when you think...and all you have to do is look around, and if you're for the poor, the sick, the elderly, you're liberal. What's wrong with this? What's wrong with us? We spend

monies for every little item, but I just want to tell everybody sitting here, the same thing could happen to you. We're not guaranteed that we won't fall...sickness, other things that would help us. I just want to appeal to you and I just want to be brief. I just want you to examine your conscience. I just want you to take and look at this and say, the people need this, the people want this. We find money here for every little item that we have, and I'm like you; Senator Carroll, I've been here twenty-three plus years and this is the first time that I've ever seen in my life as many people down here to saying, please vote to override. And I implore you, I beg you, I plead to you, search your conscience; in your heart, I know you want to do that. So, do the right thing, vote to override the veto of House Bill 3199. Thank you.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. I rise reluctantly because I am going to urge that you vote to sustain the Governor and vote against the motion, not because I'm opposed to the CHIPS program, the CHIPS program is already on the books. CHIPS will begin. The question is, whether we start it with a ten million dollar appropriation this year, which...and assuming that we bring in the maximum number of people that we can bring into the program causing the growth next year to require a thirty million dollar expenditure. Now, that's basically what our actuaries have told us is going to happen next year. I think that approving a ten million dollar appropriation this year would tend to send the wrong signal again to the people here in the galleries and around the state who are looking for us to do, not only the right thing but the responsible thing. You and I know that in a few minutes these galleries are going to be

cleared, these folks are all going to go home, then you and I are going to be left here with making a hard decisions not only on this program but all the rest of the needs of the state. To the extent that we can afford this program we should do it, but let's not start it at a level that we can't afford. That's what this argument is about. It isn't about whether we're going to have a CHIPS program, the Governor has agreed to the program; you and I have agreed to it. The question is, are we going to start it at a level that we can't sustain. I think we should do the responsible thing, vote down this motion, send a supplemental of five million dollars or whatever we think we can afford back to the House, and I'm sure they'll approve it, and we'll have CHIPS beginning in Illinois rather than just a promise for the future. I urge a vote against this motion.

PRESIDENT:

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, members of the Senate. Very rarely do we have the opportunity or the responsibility to make a decision that could so dramatically affect the very life or quality of life of individuals in our state, but this is the case with the Comprehensive Health Insurance Program. Thousands of Illinois citizens with a history of cancer, heart disease, diabetes, kidney disease and a host of other medical conditions cannot obtain adequate health insurance because of their disabilities. Many cannot obtain health insurance at all. Being labeled high risk or uninsurable affects the very livelihood of countless families throughout our state. Sometimes it affects the very decision to seek or not to seek adequate health care. More than twenty-four percent of Illinois personal bankruptcies are due to medical costs, and countless individuals spend their entire life savings to pay for their medical bills. All too many seek no

medical attention at all for the cost of medical service is more disturbing than the illness itself. The Comprehensive Health Insurance Program would provide the high risk and uninsurable individuals of our state the opportunity to purchase health insurance coverage at a basic cost. Fourteen other states including our neighboring...midwestern states of Iowa, Indiana, Minnesota and Wisconsin have already successfully implemented similar insurance programs. America leads the world in Nobel prizes for medical research, but we are winning no prizes for our ability to provide assistance to those individuals denied adequate health insurance. In fact, our county stands alone among the industrialized nations except for one in our failure to act. It is now up to the states to respond to this challenge. The health insurance crisis has many faces, it is the union member in Decatur whose kidney dialysis machine is about to be unplugged unless he can pay for the thousands of dollars to keep the machine running. It is the elderly woman in Moultrie County who has been diagnosed as having alzheimer's disease and whose family has been told their insurance will not pay. It is the college engineering student paralyzed for life by a tragic football injury whose family has been devastated by the injury and by the bills. It is the family in Shelby County who can no longer find adequate health care insurance because of the genetic respiratory disease their children are suffering from. It is the disabled veteran in Pana who cannot get insurance because of his lingering physical and mental disabilities suffered in Vietnam. These individuals and more represent the thousands of Illinois citizens who cannot obtain through no fault of their own adequate health insurance because of their disabilities. And all of us in this Chamber have countless such examples of individuals who are challenged by the availability of health insurance in our state. The health care insurance availability in our state

for all too many is in critical condition, and now we have a choice of conscience to make. Let us today be guided by the standard John Winthrop set so very long ago. "We must always consider," he said, "that we shall be as a city upon a hill, the eyes of all people are upon us." And so it is in the Senate today, the eyes of all Illinoisans in need of adequate health care insurance are truly upon us. Let us meet our commitment to them and to ourselves.

PRESIDENT:

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, members of the Senate. I rise in support...of this override. I feel that we have misled the...the people long enough here in...in the State of Illinois. I have a couple from my district here that have a hospital bill of a hundred and seventy-five thousand dollars, they have a youngster that...that has cancer. We get concerned about...our credibility and we've made commitments here that we haven't honored. And I think if we plan on this great Body regaining their credibility we'll have to honor these commitments that we make, and this isn't the first time we've made a commitment then failed to honor it. Another example is the hold harmless in the farm land reassessment for the school districts. We made a commitment to the people of this state that we would pick up the shortfall for two years, we haven't done that. I think it's very important that we here in the General Assembly begin to honor the commitments we made, and if we make a commitment, I think...we should be bound by that to honor it, and I think this legislation should be passed.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this

legislation. We have recently come through campaigns and all we heard in them campaigns was about the spirit and the spirit of the country. And the spirit of the country is shown by the commitment it has for its people. And I would submit to you that the spirit of a state is known by the commitment it has to his people. And its people are those are the ones that build Illinois, those are the ones that support it and made it the state that it is, a good state, a good place to live. And I think that we owe something back to those folks, those folks that was...stricken through no cause or no fault to their own, those folks who now need help and need our help. And I think this bill will give them that help. It was stated here that we would be sending a bad message, or a message or what message...would we be sending if we voted for this bill. Well, let me tell you the message that we will be sending to them. We'll be sending them the...the message that we care, that we are not mean spirited. We will be sending him...them that message. And that is the message that I wish to send to them. I urge that we vote Aye on the override of the Governor to take away this feeling of a mean spirit here in Illinois.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I feel compelled to speak because there are some of us who are going to throw a vote on this that we're not going to be very proud of and it's going to probably be our most difficult vote. But I think we ought to know that a No on this is not a no to CHIPs. I think we ought to be put on record as saying that we are for CHIPs but at a different level. Was the veto an error on this bill? My Governor sits there and I will tell him it was, but I want to also tell you that in April this Body made an error too when we agreed with only four...opposition votes to postpone

this program. Because in the process of postponing that program, we knew...we knew that we were, in fact, putting it into the category of a new program, and we also knew that without a tax increase all new programs were going to get a veto. Now, what can we do to rectify this? Well, by voting No we will give the Governor, who I think made a mistake, an opportunity to correct his error, and that is to have him okay an appropriation at a level that is usable and will make the program work. And by voting No we will also take the politics that has gone into this situation out...out of this situation. Senator Severns, you're right. I first came upon this six years ago and I introduced a bill that was very cavalierly killed in Insurance Committee for four years by the Democrats. When an unemployed auto worker came into my office and said to me, I have no insurance, I don't think I'm sick, but if I get sick, I'm going to lose my house that he had paid for in Sauk Village. Those people need to be protected. There are other people as well who cannot get insurance that need to be. The guy that I buy my lotto tickets from owns a little liquor store and his employees don't have insurance because he once had a heart attack. The guy who introduced me on the radio back home, twenty-four years old, married, with diabetes, unable to get insurance. And I agree, the program ought to work. And for that reason...for that reason, we ought to...vote No, because then we ought to put it out of the political arena at the level that we can all support and make the program workable.

PRESIDENT:

Further discussion? Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I...I rise reluctantly because there's been a fairly thorough discussion of this bill and I suppose we're all pretty much set in where we are. But I'd

like to suggest that there is no necessary conflict between the compassion that needs to be exhibited to those who have difficulty buying insurance and the possibility for economic gain by those who are kept healthy by it. This bill, to me, has some economic development consequences, because those we keep employed and on the market do two things; one thing is this, they're off the social service cost rolls, they're not tax consumers. That reduces the tax burden on the rest of us. The other is that...when returned to the tax production rolls, we get a double hit. So, I think we ought to consider that when we talk about the losses and the gains and we talk about the fiscal...impact of it. Of course, the compassion impact is absolute, there is no substitute for it, but what does happen is the level of hope is raised. What happens when we have the ill...the terminally ill and those who cannot provide for themselves, not only...not only is there a loss of hope among them but there is a definite depression on the family itself and who knows what fiscal cost that might finally run into. Yes, it's questionable...it's problematical but it's there...it's there. It's all part of what is the makeup of those who go out and contribute economically to this system. So I should not like to have that element overlooked. I think we ought to give this bill a vote, get it out, send a message of hope and compassion to the people who...who will be helped by it and send a message of economic development at the same time so that the hit that we get on the economic pool is much lessened and is added to by those who are returned to those rolls. I would urge an Aye vote on this bill.

PRESIDENT:

Any further discussion? Any further discussion? Senator Carroll, you wish to close?

SENATOR CARROLL:

Yes, Mr. President, Ladies and Gentlemen of the Senate.

Let me just make a few comments, if I can, please. First, we didn't look for this fight, never did look for this fight. Four years, four delays, four changes, we didn't look for this fight. Sent the Governor a budget that was balanced within his revenue projections, not economic and fiscal or any higher number, his projections...his projections. Only one bill got vetoed; funding for only one bill got vetoed. Ten million dollars, CHIPs. A couple of other little pieces of bills, two million dollars, in a budget of general revenue of over eleven billion dollars. What does that really say? Money was there. As I said before, they saved more than ten million over the summer, forty-six million more in the bank that they...he vetoed it. It's got to be his lowest priority, what else could it say? There's no other statement that can be made by that action. But we didn't make that fight. We were shocked, I was shocked, the people represented in the galleries were shocked. A commitment was made. We tailored the bill to meet our financial needs. And then these people went out and they talked to members of the General Assembly...I say again, I heard a couple of members discuss another potential bill, I stress the word "potential." The House was to adjourn today, I assume they did, I saw minority leader here at three for some caucuses. They have said already they don't intend to deal with supplementals, and who knows what's going to happen over there for sure? No one knows for sure. I've been here the last couple of years when this Governor has said on occasion, I've made a mistake, and I've congratulated him for that. And I've heard from Senators today that the Governor made a mistake. And I've heard him say to us, the Senate, as he has said on occasion to the House, I made a mistake, vote to override. You and I made a commitment, it's not my commitment to make another deal on. I don't have that power or authority. If I have to explain or you have to explain to people why you didn't vote on this,

you're never going to get the opportunity to explain it to all the people you promised. And you don't know sitting here now, nor do I, with any reasonable assurance that the House will deal with it or anyone else at any level on any bill at any time. There's only one way to honor that commitment. That commitment can be honored in the next sixty seconds. And that's the only way that we can live up to our word, and that's for those who committed to the people of Illinois before November 8th to put the green light on the board on November 30th.

PRESIDENT:

Question is, shall the item on page 8, lines 29 through 35 of House Bill 3199 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed vote Nay and 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, there are 35 Ayes, 13 Nays, 11 voting Present and the motion fails. Ladies and gentlemen, I wish again to admonish the group. On the Order of Motions in Writing, Madam Secretary, to Override Item Vetoes, there's a motion filed with respect to House Bill 3543.

SECRETARY:

I move that the items on page 24...page 24, lines 32 through 35 and page 25, line 2 of House Bill 3543 do pass, the item veto of the Governor to the contrary notwithstanding. Filed by Senators Etheredge and Lechowicz.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a...an override motion which has been agreed upon by the Governor and others. I would earnestly solicit your support.

PRESIDENT:

All right. Senator Etheredge has moved to...Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

...as a point of order in an effort to try and help the Chamber. If those who were here on the CHIP thing, those who were the leaders, if they'd report back to Room 114 quietly, I think people can explain to you what just happened and what to expect from here. Thank you.

PRESIDENT:

Thank you. Senator Collins. That's what I'm trying to restate. Senator Etheredge has moved that the item on page 24, lines 32 through 35 and on page 25, line 2 of House Bill 3543 do pass, the item veto of the Governor to the contrary notwithstanding. Discussion? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. The sponsor yield for a question, please?

PRESIDENT:

Sponsor indicates he will yield, Senator Poshard.

SENATOR POSHARD:

Senator Etheredge, would you just explain to us the content of the override motion here and what this is all about?

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Senator, I'd be very happy to do that. What the...the impact of this override would be to allocate approximately 1.1 millions of dollars from the Civic Center Support Act to a project in Rosemont. I would point out that this project is the only certified project uncompleted on a list of projects, twelve projects, that were certified two years ago.

PRESIDENT:

(Machine cutoff)...Poshard. Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Again, my question has partly been answered by your response to Senator Poshard, but I guess we don't really understand why we are supposed to do this. And why is one a priority over another? This is not a challenge so much as it is please tell us.

PRESIDENT:

All right, ladies and gentlemen, can I ask the members to take the conferences off the Floor and ask the staff to settle down. We're having a little difficulty with Senator Etheredge's explanation. Senator Etheredge.

END OF REEL

REEL #2

SENATOR ETHEREDGE:

Senator, this is the...there were twelve projects that were certified two years ago, this is the only project left uncompleted on that list. We're simply trying to wrap up that list, that's all.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Just...just one more question then. What is the source of the 1.1 million dollars that we are overriding or, in effect, restoring?

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

This is a...the tax on racing, Senator...race track.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

To answer Senator...Netsch's question, the money comes from the Illinois Civic Center Bond Fund and it's for the Rosemount Civic Center. As was pointed out by Senator Etheredge, it was a commitment made two years ago which...has not fulfilled, and I strongly encourage an Aye vote on the override motion.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall the item on page 24, lines 32 through 35 and on page 25, line 2 of House Bill 3543 pass, the item veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed vote Nay. The voting is open.

All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 2 Nays, none voting Present. The item on page 24, lines 32 through 35 and on page 25, line 2 of House Bill 3543 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. Senator Jacobs, for what purpose do you arise, sir?

SENATOR JACOBS:

Thank you, Mr. President. I'd move to suspend the rules to move to the Order of Secretary's Desk Nonconcurrency.

PRESIDENT:

All right. The gentleman has moved to suspend the rules for the purpose of moving to the Order of Secretary's Desk Nonconcurrency. Any discussion? With leave of the Body, without objection. On the Order of Secretary's Desk Nonconcurrency, Madam Secretary. 1072, House Bill 1072. Ladies and gentlemen, we are on the order...pursuant to a suspension of the rules, we are on the Order of Secretary's Desk Nonconcurrency. House Bill 1072, Madam Secretary.

SECRETARY:

(Machine cutoff)...Amendments 1, 2, 3, 4 and 5 to House Bill 1072.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I move to refuse to recede from the amendments and ask for an appointment of conference.

PRESIDENT:

All right. Senator Jacobs has moved that the Senate refuse to recede from the adoption of Senate Amendments 1, 2, 3, 4 and 5 and asked that a conference committee be appointed. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion car-

ries and the Secretary shall so inform the House. Now, ladies and gentlemen, we'll...get back on the Order of Motions, top of page 11. The top of page 11, Senator Jones on 2034. Senator Poshard. All right. Top of page 11, ladies and gentlemen, on the Order of Motions in Writing to Accept the Specific Recommendations for Change, there's a motion in writing filed with respect to House Bill 2034. Madam Secretary, read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 2034 in manner and form as follows. Amendment to House Bill 2034 in acceptance of Governor's recommendations. Filed by Senator Jones.

PRESIDENT:

Senator...Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr...President, members of the Senate. On this issue, it has raised so much controversy and now Representative...I mean, Senator Poshard handled this issue, so I'd like to yield to him on this matter.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Senator Jones, Mr. President, Ladies and Gentlemen of the Senate. The bill as it currently exists now with the Governor's changes would simply include the authorization for a port authority district for the Counties of Alexander and Pulaski County which is down in my legislative district. Port authorities, as you know, are economic development tools that can be used just as TIF districts or other enterprise zone efforts and so on and that's all that's left in this bill. It's something that's needed for our end of the state in order to help develop the riverfront properties along the Ohio and Mississippi Rivers in those coun-

ties, and I would ask for your support on this motion.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield.

SENATOR GEO-KARIS:

Is that Seneca and Alexander Counties for port authority, is that right? Is that for a port authority for Seneca and Alexander Counties? Well, much as I have respect for the sponsor, Mr. President, Ladies and Gentlemen of the Senate...

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

(Machine cutoff)...sorry, Senator Geo-Karis, this is a port authority district for Alexander and Pulaski Counties. The Governor deleted that portion of the bill that related to the Seneca Airport Authority.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I have received an overflow of mail and calls...excuse me, long distance calls against the override because the people from that area have said they don't need it and they don't want it. So...accordingly.

PRESIDENT:

Further discussion? Senator Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President, members of the Senate. This is a bill that was ill-conceived and ill-advised and the people of Alexander and Union County...or Alexander and Pulaski County tell me they weren't consulted about it. I've circu-

lated on the House Floor...Senate Floor letters from the Bungy Corporation and from another enterprise, Crane Enterprises, who urged me to ask you to vote Present or not to override the Governor's...to...to concur and let the bill die where it is now. The bill would give the port authority regulatory jurisdiction that's not needed and not required. The people of that area don't want the bill. The bill was written without their consent, and I'd urge you to vote No or Present on the bill. I urge for a No vote.

PRESIDENT:

Further discussion? Further discussion? Senator Poshard may close.

SENATOR POSHARD:

Mr. President, it's not true that all of the people of the area do not want the bill nor is it true that the people were not consulted. Representative Phelps, who is the author of this bill, put out many press releases, much consultation with people in the district over this port authority district bill. Obviously, any economic development tool when it passes through here isn't always in the final shape that we would hope it to be, but this is an important economic development tool that Pulaski and Alexander County need. It can be reshaped to get rid of some of those objections that certain people have about it in the district down the road, but it is an economic development tool, it would be valuable to our area, and I would ask for your support for this measure.

PRESIDENT:

The...the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2034 in the manner and form just stated by Senators Jones and Poshard. Those in favor will vote Aye. 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, there are 26 Ayes, 28 Nays and the motion fails. 3109, Senator Savickas. On the Order of Motions in Writing to Accept the Specific Recommendations for Change, there's a motion filed with respect to House Bill 3109. Madam Secretary, read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3109 in manner and form as follows. Amendment to House Bill 3109 in acceptance of Governor's recommendations. Filed by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate, the Governor's recommendation was that rather than conduct training the Local Government Law Enforcement Officers Training Board shall have the power to review and approve annual training curriculum for county sheriffs. The training shall be approved by the board rather than the Sheriffs' Association. The Sheriffs' Association and the Training Board are in agreement with the recommended changes, and I would move the adoption of this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Just a question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator, does this affect the Cook County Sheriff's Department at all?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, that portion of the bill that passed by us...would raise the maximum compensation for members of the County Sheriffs' Merit Board from seventy-five hundred dollars to ten thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3109 in the manner and form as just stated by Senator Savickas. 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 54, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3109 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 3355, Senator...I'm sorry, 3335, Senator Poshard. House Bill 3335, Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3335 in manner and form as follows. Amendment to House Bill 3335 in acceptance of Governor's recommendations. Filed by Senator Poshard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I accept the Governor's recommendation for change here. It merely changes...changes the definition of a juvenile prostitute from under sixteen to under seventeen years of age. So all the change incorporates and I support the Governor's change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3335 in the manner and form as just stated by Senator Poshard. 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 58,...I'm sorry, the Ayes are 59, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3335 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 3482, Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3482 in manner and form as follows. Amendment to House Bill 3482 in acceptance of Governor's recommendations. Filed by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 3482 is a bill that required the Department of Public Health to publish a summary brochure for early detection and diagnosis of breast cancer. The Governor made a...an amendatory veto that said the funding of this bill, which was estimated about thirty thousand dollars, would be subject to new revenues and appropriations. Reluctantly, I move that we accept the Governor's suggested changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3482 in the manner and form as just stated by Senator Berman. 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 58, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3482 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 3666, Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of...of the Governor as to House Bill 3666 in manner and form as follows. Amendment to House Bill 3666 in acceptance of Governor's recommendations. Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. This bill as amended will require disposal facilities to get a permit for shipment and disposal of material classified as a special waste which may not be hazardous; however, it still may contain toxins containous...the Governor's veto will allow the state to have the same rights that are currently enjoyed by local units of government, and, therefore, I would move to accept the Governor's specific recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate accept the...specific recommendations of the Governor as to House Bill 3666 in the manner and form as just stated by Senator Mahar. Those in favor will vote Aye. Those opposed 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 58, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3666 having...received the required constitutional majority vote of Senators elected are declared accepted. House Bills 3968,

Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3968 in manner and form as follows. Amendment to House Bill 3968 in acceptance of Governor's recommendations. Filed by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. The Governor amendatorily vetoed a...a portion of this bill which was controversial concerning the community college boards having to...annually publish a categorized list of faculty positions according to seniority. This portion was taken out of it. The only two parts that are left in it now are the school districts must report allegations of battery against educational personnel and community college must maintain a mailing list. As far as I know, everybody is in line and I am asking for you to accept the Governor's recommendations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3968 in the manner and form as just stated by Senator Kelly. Those in favor will vote Aye. Those opposed 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. The specific recommendations of the Governor as to House Bill 3968 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Well, Mr. President, I...I would ask that we move to the

Order of Secretary's Desk Nonconurrence for the purpose of refusing to recede from Senate Amendment No. 1 to House Bill 3767 and ask that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, let's stay on this order of business and I'll come right back to you. Okay? All right. Supplemental Calendar No. 1...Supplemental Calendar No. 1 is House Bill 3286, Senator Joyce. Supplemental Calendar No. 1. House Bill 3286, Madam Secretary.

SECRETARY:

I move that House Bill 3286 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I'd ask for an override of this. What this does, it allows forest preserve districts to disconnect, and what has happened particularly in...in my area a situation in Bourbonnais Township in Kankakee County where recently the residents of that township passed on the same ballot the creation of a park district and a forest preserve district and both have property taxing powers for the same purpose of preserving the Perry Farm on Kennedy Drive in...in Bradley. Now, this bill would permit by front-door referendum the disconnection of either...either Bourbonnais Township or any municipality within the district, in this case, Bradley. It would also apply, I don't know if there's any situations like this, to DeKalb, Kendall, Ogle and Platt counties, but they would have to be a front-door referendum. What it...what it does is...is just let them dissolve this taxing body. The...the State of Illinois own the Perry Farm and has now deeded that Perry Farm to the other taxing body, so there is no need for this one and I'd...I'd ask for

a...for an override.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3286 pass, the veto to the Governor...of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed 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...have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 25, none voting Present. The motion having failed to receive the required three-fifths vote is declared lost. House Bill 3800, Senator Joyce. House Bill 3800, Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3800 in manner and form as follows. Amendment to House Bill 3800 in acceptance of Governor's recommendations. Filed by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

(Machine cutoff)...I would move to accept the specific changes by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3800 in the manner and form as just stated by Senator Joyce. Those in favor will vote Aye. Those opposed 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 House Bill 3800 having received the required constitutional majority vote of Senators elected are declared

passed...I'm sorry, declared accepted.

PRESIDENT:

Ladies and gentlemen, if I can have your attention, we'll begin now on the regular Calendar. There are bills that have already been subject to motions to suspend that members have indicated they wish to proceed on. There are two on 3rd reading and two on 2nd reading, and then we will go to the Order of Motions in Writing to have presented those motions to get to yet more bills. So, Madam Secretary, we're on the Order of House Bills 3rd Reading. Bottom of page 2, on the Order of House Bills 3rd Reading is House Bill 1820. Read the bill, Madam Secretary. (Machine cutoff)...Maitland, we are awaiting the arrival of this...in the meantime, Madam Secretary, why don't we move on. We can go to 3355, is that one available? Senator Kelly. With leave of the Body, we'll get right back to 1820 as soon as it physically appears before us. In the meantime, top of page 3, on the Order of House Bills 3rd Reading is House Bill 3355. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 3355.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 3355 as amended with Senator Fawell's amendment yesterday deleted everything after the enacting clause, and now the bill provides for township governments that in order to reorganize or eliminate township governments, you have to have a ten percent of the legal voters in a particular county and also a ninety-day limitation on the circulation of petitions. As we know, there has been petitions circulating for

over three years now with signatures and this will limit it, and that's exclusively what the bill does now and I ask for your support.

PRESIDENT:

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I think Senator Kelly...basically explained the bill. It also requires that the signatures on petitions for dissolution must be collected within ninety-days which is exactly the same requirement that we have for our petitions. I think this brings it into conformity and I would ask an Aye vote. Thank you.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall House Bill 3355 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 3355 having received the required constitutional majority is declared passed. (Machine cutoff)...Schaffer, for what purpose do you arise, sir?

SENATOR SCHAFFER:

Mr. President, I think...we may have inadvertently skipped over House Bill 3241 which I was going to request to be brought back for an amendment.

PRESIDENT:

I understand. We did not...that was...that passing over was not at all inadvertent, that...that will be covered on the Order of Motions in Writing or motions to get to that order. We are dealing with those bills that have already been subject to a motion and subject to leave of this Body to be handled during this period of time, and we will certainly afford you that opportunity when the opportunity is ripe.

Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Thank you, Mr. President. I've...didn't close on the last bill but that's all right, no problem, but I would like to have Senator Welch...

PRESIDENT:

...with...with was 59 to nothing.

SENATOR KELLY:

I know, I know.

PRESIDENT:

You want to get sixty or what? Senator Kelly wishes to close.

SENATOR KELLY:

I would like to have...no, I don't. I...all I wanted to do was ask to have Senator Welch added as a...hyphenated sponsor, and if I can get leave, I would appreciate that.

PRESIDENT:

Okay. The gentleman seeks to have Senator Welch shown as the hyphenated cosponsor. Without objection, leave is granted. Senator Maitland, I think we're ready if you are, sir. On the Order of House Bills 3rd Reading is House Bill 1820. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 1820.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. House Bill 1820 as amended is a recodification of the...of the county code. It makes absolutely no substantive changes. This is the bill that was presented to you before we went home on Thanksgiving break. The staff on both sides of the

aisle, it is my understanding,...had had an opportunity to go through it with a fine-toothed comb. In addition to that, the House staff has also gone over it completely and find that it's a...makes no substantive changes. It deletes...obsolete material, it edits and revises cross-references, includes section captions which is something a bit unusual, and it's the first time that this has happened, and, again, makes absolutely no substantive changes and I would seek your support.

PRESIDENT:

All right. Senator Maitland has moved the passage of House Bill 1820. Is there any discussion? If not, the question is, shall House Bill 1820 pass. Those in favor will vote Aye. Opposed vote Nay and 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 59 Ayes, no Nays, none voting Present. House Bill 1820 having received the required constitutional majority is declared passed. Bottom of page 3 on the Calendar on the Order of House Bills 2nd Reading, Madam Secretary, is House Bill 3498.

SECRETARY:

(Machine cutoff)...Bill 3498.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. Senator Philip.

SENATOR PHILIP:

(Machine cutoff)...thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd ask leave to take Senator Barkhausen off as the Senate sponsor and replace it with

Senator Philip.

PRESIDENT:

All right. The gentleman seeks leave to be shown as the Senate sponsor of House Bill 3498. Without objection, leave is granted and the bill is ordered to the Order of 3rd Reading. 4213, Senator Jones. On the Order of House Bills 2nd Reading is House Bill 4213. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 4213.

(Secretary reads title of bill)

3rd reading of the bill...pardon me, 2nd reading of the bill.

(Machine cutoff)...committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. (Machine cutoff)...and gentlemen, we'll now move to the Order of Motions in Writing. If you'll turn to page 8 on the Calendar, there's a motion recently filed by Senator Jerome Joyce and a motion filed by Senator Marovitz. Senator Davidson also has a motion that doesn't show on the Calendar but we'll certainly deal with it; as Senator Schaffer also has a motion, we will certainly try to deal with that. On the Order of Motions in Writing, the middle of page 8, there's a motion filed with respect to House Bill 3083, Madam Secretary. Read the motion, please.

SECRETARY:

(Machine cutoff)...move to suspend the appropriate Senate rule to move...pardon me, I move to suspend the appropriate Senate rule to move to the Order of...Consideration Postponed for the immediate consideration of House Bill 3083. Filed by Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This is farm debt mediation. It came close last time and...and things down on the farm certainly haven't gotten any better. The farm debt mediation bill would provide a forum for farmers and lenders along with a third-party neutral mediator to work out a debt settlement outside the bankruptcy or foreclosure court. Now, I think this is particularly important since we've had this devastating drought this year. We, you know, the Lord knows how many farmers we're going to lose in the next...by the time spring comes when we...when farmers are starting to find out what kind of trouble they really are in when they go in to try and...and deal with their banker to put their crops in the ground next year. So I would ask that...that we move this bill to consideration postponed so we could vote on it today.

PRESIDENT:

Discussion on the motion? Senator Keats.

SENATOR KEATS:

No...not on the motion, no.

PRESIDENT:

All right. Discussion on the motion? Senator Donahue. All right. If not, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. We now move immediately to that order, pursuant to that motion, on the bottom of page 7. Bottom of page 7, on the Order of Consideration Postponed is House Bill 3083. Read the bill, Madam Secretary, a third time.

SECRETARY:

House Bill 3083.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. We have debated this in the past, but as I mentioned previously, we...things have...have definitely gotten worse for farmers in the State of Illinois, and...and this bill I think would be...you know, it isn't going to save the world by any means, but it would be an outlet for farmers to...and bankers to express their...their problems before they got into...into court. All it does is say that they would have to meet with a...a mediator with their banker for one hour. The...the cost is twenty-five dollars an hour to the lending institution and twenty-five dollars an hour to the farmer. The federal government would...picks up half the tab on this; the cost to the State of Illinois would be two hundred and forty thousand dollars. Iowa has had this program for some years now and...and it's working very well there. So I...I think it's just something that due to the extreme problems that our agricultural community is having this year and...and they're going to continue to have, it just seems to me this is the least we could do. I'd be happy to answer any questions.

PRESIDENT:

(Machine cutoff)...discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Something to consider, while we have had some problems in our agricultural areas with farmers, I think you may be aware that another group who has had a serious problem have been small banks or agricultural lenders. And if you think we've had some minor problems in the agricultural areas, think what it is like for those banks in particularly in states harder hit than Illinois. Those same small banks or agricultural lenders are totally opposed to this bill. They are having a difficult time right now

dealing...or extending farm credit. To add another layer to make it more difficult for these banks to deal with their loans and with their existing loans and existing people they're lending to and those existing relationships is a serious mistake. This bill has been vetoed in the past, we've sustained the veto, we've beaten the bill in the past, as the sponsor was kind enough to note. You reach a point of saying it's nice to bring it back, but it's a two-sided relationship, and as long as we continue to make it more and more difficult for the small banks or the ag. lenders to work with their own creditors and people who they know far better than we know, we are clearly going to make problems worse, not better. It's going to be harder for these people to get credit because as you extend the process you make banks much less willing to lend. It's again the state getting into areas that's none of our doggone business, and you just have to ask yourself whether this is just not another program added that looks nice but in reality causes more trouble than it solves. I would appreciate a No vote.

PRESIDENT:

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in...in strong opposition to this and I think that Senator Joyce has raised a very important point that things are tough on the farm and I think that the passage of this bill would make it much tougher. When you have a farmer out there that is marginal and the lender knows that and you go in and when the lending process starts and he knows that this farmer is in difficulty and that he may face a mediation and...and...reaction to this, I think that it could be very negative and the loss of credit is a very real possibility. I think there's something else that...that people don't want to realize or accept but because of the federal program that

is referred to as Farmer Mac, there will be a surcharge that is allowed to be...assessed on states that have farm debt mediation on their books, and I think that that could be a deterrent, could ultimately cost our farmers more through this process. I would hope...we have defeated this in the past, I hope that we can continue to do it and I would ask the members on this side of the aisle to please vote No.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. My colleague on the other side of the aisle, my fellow farming friend, Senator Joyce, and I have a definite philosophical difference on this issue and I guess that's what this system is all about, but I rise in support of my two colleagues on this side of the aisle who have already spoken against this issue. I happen to be a farmer who went through some very difficult times in the early eighties, as a lot of farmers who had bought land had done. I also am a farmer who had a crop failure this year and I'm facing some very difficult problems, so I address this very first-hand. Any farmer, any businessman worth his or her salt who doesn't go and speak regularly to their banker about the financial difficulties they are having shouldn't be in the business to start with. Now, my greater fear about this bill is where do we go from here? This is a compromise version, as most of you know. This doesn't require anything other than a meeting, at a meeting that has to last an hour. Now what's so significant about a...a bill that requires sitting down with a group of people for an hour? If I go to committee here and my work is completed in fifteen minutes, am I going to sit there for an hour? Of course not. That's one of the fallacies in what we're talking about here. I...I am so terribly concerned that should this pass that we then will

get into mandatory mediation where we have to have mandatory reduction and interest and God only knows what else. As a farmer, I want to stand on my own, work with my lending institution, work out my problems and work through them without all those...as Senator Keats suggested those other levels of bureaucracy. I think, Senator Joyce, although your point is well-taken, you have the right thought in mind, I think, to help farmers. This is not the way to do it and we ought to defeat this bill.

PRESIDENT:

Any further discussion? Senator Joyce may close.

SENATOR JEROME JOYCE:

Well, thank you, Mr. President...we're...we're arguing here, Senator Maitland, about...a bunch of things that aren't in this bill. What we are arguing about are...or talking about is...is one hour of mediation between a banker and a farmer before he's foreclosed upon. It doesn't seem like it's an outrageous thing to...to ask. We have states in the midwest that are...that have this program, and it's working very successfully in Iowa, Minnesota, Wisconsin, Colorado, Montana, North Dakota, Oklahoma, Mississippi and Wyoming; Indiana, Kansas, South Dakota and Nebraska also have passed this law. I mean, this isn't such a terrible thing, folks. We're asking for one hour and...maybe a family farm that's been there for generations and they came upon a few hard times, some bad years and then this drought, and we're going to say no, we won't give you one hour's worth of mediation before we foreclose on you. Come on, what are you afraid of? What are you afraid of? I mean, if this saves one farm, I think it's worthwhile. So I'd...I'd ask for an Aye vote. I think it's just the very least thing we can do for a bunch of folks who are in terrible economic straits right now through no faults of their own.

PRESIDENT:

The question is, shall House Bill 3083 pass. Those in favor will vote Aye. Opposed vote Nay and 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 30 Ayes, 21 Nays, 3 voting Present. House Bill 3083 having received the required constitutional majority is declared passed. Senator Donahue, for what purpose do you arise, ma'am?

SENATOR DONAHUE:

(Machine cutoff)...afraid I'll request a verification, Mr. President.

PRESIDENT:

All right. That request is in order. (Machine cutoff)...Donahue has requested a verification. Will the members please be in their seats. Madam Secretary, please read the affirmative roll.

SECRETARY:

Berman. Carroll. Collins. D'Arco. Degnan. del Valle. Demuzio. Thomas Dunn. Hall. Holmberg. Jacobs. Jones. Jeremiah Joyce. Jerome Joyce. Kelly. Lechowicz. Luft. Madigan. Marovitz. Netsch. Newhouse. O'Daniel. Poshard. Savickas. Severns. Smith. Vadalabene. Welch. Zito and Mr. President.

PRESIDENT:

(Machine cutoff)...Donahue, do you question the presence of any member?

SENATOR DONAHUE:

Emil is right here. Senator Poshard, I think I just saw him.

PRESIDENT:

Senator Poshard is on the Floor.

SENATOR DONAHUE:

Senator Collins.

PRESIDENT:

Senator Collins is right behind the last row. All right. The roll has been verified. On that question, there are 30 Ayes, 21 Nays, 3 voting Present and House Bill 3083 having received the required constitutional majority is declared passed. All right. If we just stand at ease for a minute maybe we can...we've got a couple of more motions. Senator Marovitz has one. Senator Davidson has one. Senator Schaffer has one. Senator Macdonald wishes to get to a resolution.

END OF REEL

REEL #3

PRESIDENT:

Ladies and gentlemen, we are awaiting a supplemental Calendar and two Conference Committee Reports which are currently being printed. Rather than just having us stand around, perhaps we just ought to stand in recess for about thirty minutes. We'll reconvene at five-fifteen.

RECESS

AFTER RECESS

PRESIDENT:

All right, the Senate will be in order pursuant to the recess. Secretary has distributed Supplemental Calendar No. 2 and I would direct your attention to Supplemental Calendar No. 2. At the point at which we recessed, we were on the Order of Motions in Writing and we will stay there. Motions in writing that have been filed are Senators Berman, Schaffer, Davidson, Welch and Macdonald. If I can have your attention, ladies and gentlemen, we have with us a couple of very special guests. I'm sure you're aware since we adopted

House Joint Resolution 218 last week that today our Comptroller, Roland Burriss, is being honored by his many friends for his first decade, ten years of elected service to the people of the State of Illinois. We have passed a House joint resolution congratulating him and it is my happy duty at this moment to ask all of us to give Roland a round of applause as I present him with this resolution.

COMPTROLLER ROLAND BURRIS:

(Remarks made by Comptroller Burriss)

GOVERNOR RAY MAVIS:

(Remarks made by Governor Mavis)

COMPTROLLER ROLAND BURRIS:

(Remarks made by Comptroller Burriss)

PRESIDENT:

(Machine cutoff)...again, ladies and gentlemen, so that we can attempt to conclude our business, we will direct our attention to Supplemental Calendar No. 2 which contains those motions in writing where we left off. Motion in writing, Madam Secretary, with respect to House Bill 1279. Read the motion, please.

SECRETARY:

(Machine cutoff)...move to discharge the Committee on Local Government...from further consideration of House Bill 1279 and that it be placed on the Calendar on...on the Order of 2nd Reading. Filed by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is a motion to take from the Committee on Local Government this bill, and there's an amendment that's been filed that combines two bills that were amendatorily vetoed and were not called. We're combining those two bills which were House Bill 917 and 3273. This has been cleared with the Chair and minority spokesman of the

Local Government Committee. I move the adoption of the motion.

PRESIDENT:

All right, Senator Berman has moved to discharge the Committee on Local Government from further consideration of House Bill 1279 and asked that it be placed on the Calendar on the Order of 2nd Reading. Is there any discussion? If not, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. 3241, Senator Schaffer. I'm sorry. Senator Marovitz has one on 3510, I'm sorry. That was on...on the regular Calendar, page 8, that's where we left off. Page 8 on the Calendar, on the Order of...Motions in Writing, Madam Secretary, a motion with respect to House Bill 3510. Read the motion, please.

SECRETARY:

I...move to discharge the Committee on Rules from further consideration of House Bill 3510 and that the bill be placed on the Calendar on the Order of 3rd...2nd Reading. Filed by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Purpose of this motion is to allow...to put House Bill 3510 in a posture to allow three very important items of the bill that could conceivably go down if another bill doesn't pass in the posture to be passed tomorrow. That would allow a finding of unfitness after two findings of physical abuse of a child and require that the second finding be sustained by clear and convincing evidence, and in custody actions allow courts to consider acts of violence whether those acts of violence were in the present of the child or not to show a propensity of that individual, that parent,

perhaps, to be of a violent nature. These items are very important to be part of this...to be passed and I would just allow...ask for your acceptance of this motion to put this bill in the posture to be passed tomorrow should another bill with similar provisions not be passed.

PRESIDENT:

All right, Senator Marovitz has moved to discharge the Committee on Rules from further consideration of House Bill 3510 and asked that the bill be placed on the Calendar on the Order of 2nd Reading. Any discussion on that motion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. 3769, Madam Secretary. There's a motion in writing with respect to House Bill 3769.

SECRETARY:

I move to discharge the Committee on Insurance from further consideration of House Bill 3769 and that the bill be read a second time. Filed by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I've spoken to the President and the Minority Leader. This...bill has the possibility of being a vehicle if agreement is reached between the...the leaders and the Governor's Office, and...all this move is is to get it in place so if agreement is reached we can address it tomorrow; if not, the bill will die...the bill will address nothing that's in the bill as it is. Everything after the enacting clause will be stricken.

PRESIDENT:

All right, Senator Davidson has moved to discharge the Insurance Committee from further consideration of House Bill 3769 and asked that the bill be placed on the Calendar on the Order of 2nd Reading. Senator Jones.

SENATOR JONES:

Yeah, I'm sorry, Mr. President, I was in conference. What does this bill do again and...for what purpose are you discharging it?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

There is a effort being made between the leaders and the Governor's Office to come to an arrangement to the possibility of addressing a parking ramp facility to address the parking crunch in the State Capitol Building area. We're presently at 5.5 or 5.8 employees for each one parking place. The normal standard is...I mean, three employees to one, and if they come to an agreement, this amendment will go on tomorrow and we an address it. If no agreement is reached, the bill will die.

PRESIDENT:

All right, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. 4293. On the Order of Motions in Writing, there's a motion with respect to House Bill 4293. Senator Welch on the Floor? Take it out of the record. Senate Joint Resolution 175, Senator...motion in writing, Madam Secretary, with respect to Senate Joint Resolution 175.

SECRETARY:

(Machine cutoff)...move to discharge the Committee on Executive from further consideration of House Joint Resolution 175 and that it be placed on the Calendar on...on the Order of 2nd...Secretary's Desk Resolutions. Filed by Senator Macdonald.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President, as...as stated, I am...I am moving to

discharge the Executive of...Senate Joint Resolution 75 and move it for immediate consideration. The resolution, we...we certainly...first of all, Senator Severns and I would like to take this opportunity to thank the cosponsors which include the leadership on both sides of the aisle. This resolution merely asks the Governor to put the Displaced Homemakers Program into special Title 3 funds that will enable the displaced homemaker centers, there are...seventeen of them in this state, to keep their doors open. So, I would ask for your Aye vote on this resolution.

PRESIDENT:

All right, Senator Macdonald has moved to discharge the Committee on Executive from further consideration of Senate Joint Resolution 175 and asked that it be placed on the Calendar on the Order of Secretary's Desk Resolutions. All in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. (Machine cutoff)...Calendar No. 2, on the Order of Motions in Writing to Override Item Vetoes, Senator Carroll. All right, we're at the top of the page, ladies and gentlemen, on the Order of Conference Committee Reports, Senator Jacobs, Senator Degnan. Conference Committee Report, I'm told, has been distributed. On the Order of Supplemental Calendar No. 2 on the Order of Conference Committee Reports there's a...report filed with respect to House Bill 1072, Madam Secretary.

SECRETARY:

First Conference Committee Report on House Bill 1072.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1072, the Conference Committee Report asks that the Senate recede from Senate Amendments 1, 2, 3 and 4 and 5 and that it be amended deleting the title and

inserting in lieu thereof, "An Act...concerning compensation of state's attorneys and amending certain Acts herein." It establishes pay for the state's attorneys in counties of ten thousand, ten thousand and more, twenty thousand and more, thirty thousand and more and I'll be happy to answer any questions.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1072. Those in favor will vote Aye. Opposed vote Nay and 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, there are 35 Ayes, 19 Nays, 2 voting Present...on that question, there are 35 Ayes, 19 Nays, 2 voting Present. Senator Degnan.

SENATOR DEGNAN:

Post...postpone that for awhile, sir.

PRESIDENT:

All right, the gentleman requests that further consideration be postponed on that report. Without objection. Messages from the House.

SECRETARY:

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 refused to adopt the First Conference Committee Report on Senate Bill 1014 and...requests a second committee of conference to consider the differences between the two Houses in regards to Amendment Noes...regards to Amendments 1, 2, 3 and 4. Action taken by the House November 30th. John. F. O'Brien, Clerk of the House.

PRESIDENT:

Senator Severns has moved that...or will move that the Senate accede to the request of the House. All in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate does accede to the request of the House. Message from the House.

SECRETARY:

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 refused to recede from the Amendment No. 1 to a bill of the following title, to-wit:

Senate Bill...1706.

I am further directed to inform the Senate that the House of Representatives...has requested a first committee of conference. Filed...action taken by the House, November 30, 1988. Filed by John F. O'Brien, Clerk of the House.

PRESIDENT:

Senator Netsch, I'm assuming that the Senate...you wish the Senate to accede to the request of the House that a conference committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Senate does accede to the request of the House.

SECRETARY:

A Message from the House...

PRESIDENT:

Messages from the House.

SECRETARY:

...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 adopted the following joint resolution, in the adoption of which I'm instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 223 and it is a death resolution.

PRESIDENT:

Consent Calendar. Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

I just want to make sure my light is working. I wanted to be recognized on that...House Bill 1072, Conference Committee Report, you missed it. So, I want to be first in line on the Second Conference Committee Report.

PRESIDENT:

I'm sorry.

SENATOR LECHOWICZ:

Just want to make sure my light is working. I wanted to be recognized on 1072 and explain exactly what was involved in that fine Conference Committee Report. I just want to put on for the record, when it comes up for the second time, I'd like to be recognized.

PRESIDENT:

Yes, sir, and the Chair apologizes but at the time the bill was called, there were no lights showing. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you, Mr. President. On Senate Bill 1706, with permission, I would like to change the sponsorship to Jones-Woodyard. It is to be a JCAR bill again and that would reflect JCAR's sponsorship of the bill.

PRESIDENT:

All right, the lady seeks leave to show Senators Jones and Woodyard as cosponsors of 1706. Without objection, leave is granted. Further business to come before the Senate? The only request that the Chair has had is to go to the Order of Postponed Consideration to consider again the motion with respect to the Conference Committee Report on House Bill 1072. Senator Marovitz.

SENATOR MAROVITZ:

(Machine cutoff)...I would just like to adopt the amend-

ments on...on House Bill 3510 which are not in controversy at all.

PRESIDENT:

Well, and I...I understand that. We can...adopt them tomorrow just as easily. Senator Marovitz.

SENATOR MAROVITZ:

The problem with adopting tomorrow is if the other bill goes down with the substantive changes in it, which are important to a lot of people, then we would not be able to pass the bill tomorrow which we could if we adopted the amendments today.

PRESIDENT:

All right, Madam Secretary, have you got...the gentleman seeks leave to go to the Order of House Bills 2nd Reading for his bill, and I presume Senator Davidson would have the same request and Senator Berman would have the same request and we'll be here till midnight. On the Order of House Bills 2nd Reading, House Bill 3510. Read the bill, Madam Secretary.

SECRETARY:

House Bill 3510.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Marovitz offers Amendment No. 1.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. This is pretty much as I described and this bill passed without any opposition in the spring. This allows a finding of unfitness after two findings of physical abuse of a child and requires that only the second such finding be sustained by clear and convincing

evidence. Also it allows in custody actions courts to consider acts of violence outside the presence of the child as the determinant that there is a propensity toward violence by either the parent or custodian. That's what this is.

PRESIDENT:

Senator Marovitz moved the adoption of Amendment No. 1 to House Bill 3510. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of House Bills 2nd Reading is House Bill 3769. Read the bill, Madam Secretary.

SECRETARY:

House Bill 3769.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. On the Order of House Bills 2nd Reading is House Bill 1279. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 1279.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Berman offers Amendment No. 1.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This...incorporates House Bill 917 and House Bill 3273, and I'll be glad to explain it in full on 3rd reading tomorrow. I move the adoption of Amendment No. 1.

PRESIDENT:

Senator Berman moves the adoption of Amendment No. 1 to House Bill 1279. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. If you'll turn to page 6 on the Calendar, there's been a request to move to the Order of Secretary's Desk Nonconcurrency for House Bill 3767. Without objection, leave is granted. On the Order of Secretary's Desk Nonconcurrency, House Bill 3767, Madam Secretary. (Machine cutoff)...of page 6.

SECRETARY:

Amendment No. 1 to House Bill 3767.

PRESIDENT:

Senator Savickas. Senator Savickas.

SENATOR SAVICKAS:

Oh, yes, Mr. President, I would move to...that we refuse to recede from Senate Amendment No. 1 to House Bill 3767 and ask that a conference committee be appointed.

PRESIDENT:

Senator Savickas has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3767 and that a conference committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the

House. Ladies and gentlemen, if there's no further business, we are down to House Bill 1072, the Conference Committee Report, which a little earlier was placed on the Order of Postponed Consideration. If I can turn your attention to Supplemental Calendar No. 2, Conference Committee Report with respect to House Bill 1072, Madam Secretary.

SECRETARY:

(Machine cutoff)...Conference Committee Report on House Bill 1072.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. At this particular time, I would like to yield to Senator Degnan.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank...thank you, Mr. President. There was apparently some confusing on...confusion on two levels. The Conference Committee Report that is identified in the Senate Supplemental Calendar No. 2 refers to an Act concerning municipalities, county and other political subdivisions which increases the rate of salary for circuit court clerks. This was the only vehicle available for this Conference Committee Report which does only one thing. It provides the quadrennial salary increase for a hundred and two state's attorneys in this state. I'd be happy to answer questions about who gets what or the level of pay increases, but I wanted to make that clear.

PRESIDENT:

Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think it is very important that everybody realize

that this is a pay increase for the state's attorneys of the State of Illinois, and I want you to ask yourself a few questions. Did we provide the necessary money for people in education? Are the schools of the State of Illinois satisfied? Did we provide the necessary funds for Mental Health? Are the patients in the institutions having better care? Did we provide the money for CHIPS and a...very...worthwhile program? We requested approximately forty million dollars of GRF appropriation request by the Governor's Office. We probably have additional funds from our own respective districts that are also being considered. I know I'm...interested in as far as the full funding of the Orphanage Act because that was cut by over three and a half million dollars. Did we provide any pay increases to any other elected officials in this state this last session? Why didn't we do it? Why didn't we accept the report that was presented by this bipartisan commission? Because the funds were not available out of the General Revenue Funds to compensate everybody as adequately as they should be. Why are we making this exception today? I think we should answer these questions first and vote accordingly.

PRESIDENT:

All right, question is the adoption of the Conference Committee Report on House Bill 1072. Further discussion? Senator Degnan, you wish to close? I'm sorry, Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Just a question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield.

SENATOR DUDYCH:

Senator Degnan, could you tell me the current salary of the Cook County State's Attorney and what would it be if this

bill passes?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

The current salary is seventy-five thousand dollars. This would provide ninety-nine thousand dollars.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

What percentage is that of an increase?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thirty, thirty-one. Want me to go through the litany of all of them? Under ten thousand dollars...well, let me...thirty thousand to one hundred thousand in population by county is twenty-two percent. One hundred thousand to three million population by county is twenty-three percent, I believe, or twenty-two percent. I'm not sure of the smaller counties.

PRESIDENT:

Further discussion? Senator Dudycz, I'm sorry.

SENATOR DUDYCZ:

Yes, Senator, just to...to clarify it for me, please. I am told here that the Cook County State's Attorney will get an increase of twenty-four thousand dollars while all the...all other state's attorneys get an increase of fifteen thousand. Is there a reason for this?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Well, first of all, your information is in error. All others do not get fifteen thousand. Some others could, in fact, get more than fifteen thousand. The fact is, the

State's Attorney of Cook County has probably the second largest law firm in the country and provides many services through its own office that other offices...other state's attorneys in this...in this state do not provide, such as, he does his own appellate work, appears himself before the Illinois Supreme Court, the U.S. Supreme Court, has a Federal Litigation Division and a Consumer Fraud Division. These are divisions and functions that in the other hundred and one counties are...are done by the Appellate Service Division and the Attorney General.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCH:

Then, Senator, can you tell me what the total cost to the State of Illinois would be and to the individual counties...the aggregate cost to the counties?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

My information is the county pays one-third, the state pays two-thirds. The...total cost, I believe, is 2.244...2.2 million. County's share, I believe, is seven forty-eight, leaving the state at 1.5 million.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I rise in support of this proposal. The focus of the legislation seems to be on the State's Attorney of Cook County, so I will address my remarks to that. Senator Degnan has made reference to the size of that office. The State's Attorney's Office in Cook County is larger than any law firm in the City of Chicago. The major law firms in the City of Chicago start attorneys out of law school in the area of fifty-five to

sixty thousand dollars. What we have...what we have in the City of Chicago and the County of Cook is a situation where you either have to be very, very wealthy to serve in one of these offices or you have to serve at great economic sacrifice. A...a comparable position, the Cook County State's Attorney, would be paying substantially more than what we are proposing here today. I would only hope that politics does not get in the way of our good judgment, and I would ask that we support a fair and proper compensation for an office that requires a great deal of attention and expertise.

PRESIDENT:

Further discussion? Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. I had the privilege to work in the Cook County State's Attorney's Office when I was in school and I don't think politics ought to enter into this one iota. I think the state's attorneys are really the people who are on the front line with the policemen and we all talk about how we ought to fight the war on drugs. If we're going to attract quality people to fight the war on drugs, then we need to pay the freight to do so, and I don't think politics has anything to do with it. These are the people who burn the midnight oil in order to make the prosecutions and to get, more importantly, the convictions. This bill has nothing to do with politics. It has to do with proper compensation to state's attorneys.

PRESIDENT:

Further discussion? Any further discussion? Senator Degan, you wish to close? Senator Jacobs, you wish to close?

SENATOR JACOBS:

Just ask for a favorable support.

PRESIDENT:

Question is, shall the Senate adopt the Conference

Committee Report on House Bill 1072. Those in favor will vote Aye. Opposed vote Nay and 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 29 Ayes, 24 Nays, 2 voting Present. The Conference Committee Report is not adopted and the Secretary shall so inform the House, and the sponsor indicates that he wishes to have a second conference committee appointed. All right, ladies and gentlemen, it appears that we have effectively concluded our business for today. Tomorrow, of course, is the last day of the constitutional period. We will commence tomorrow morning at 10:00 a.m. and take up all those motions with respect to gubernatorial action that have not yet been called or that sponsors wish to pursue. Senator Carroll.

SENATOR CARROLL:

Just, if I could, a...a point of personal privilege, Mr. President...

PRESIDENT:

State your point.

SENATOR CARROLL:

Those people in the galleries who have been here to discuss this with us, we thought it best that we meet them in Room 114 immediately after so we can explain what has transpired. So, if they would meet us there, we'd appreciate it.

PRESIDENT:

All right, any further business? Any further announcements? If not, Senator...Senator Hall moves that the Senate stand adjourned until ten o'clock tomorrow morning. Ten o'clock on Thursday and we will attempt to get us out of here early afternoon, I piously hope. Ten o'clock tomorrow.

STATE OF ILLINOIS
85TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

NOVEMBER 30, 1988

HB-1072 NON-CONCURRENCE	PAGE	30
HB-1072 NON-CONCURRENCE	PAGE	64
HB-1072 CONFERENCE	PAGE	57
HB-1279 SECOND READING	PAGE	62
HB-1279 MOTION	PAGE	53
HB-1820 THIRD READING	PAGE	43
HB-2034 VETO ACTION	PAGE	31
HB-2930 VETO ACTION	PAGE	5
HB-2986 VETO ACTION	PAGE	10
HB-3083 THIRD READING	PAGE	46
HB-3083 MOTION	PAGE	45
HB-3109 VETO ACTION	PAGE	34
HB-3199 VETO ACTION	PAGE	13
HB-3286 VETO ACTION	PAGE	39
HB-3335 VETO ACTION	PAGE	35
HB-3355 THIRD READING	PAGE	41
HB-3482 VETO ACTION	PAGE	36
HB-3498 THIRD READING	PAGE	44
HB-3510 SECOND READING	PAGE	61
HB-3510 CONFERENCE	PAGE	60
HB-3510 MOTION	PAGE	54
HB-3543 VETO ACTION	PAGE	26
HB-3666 VETO ACTION	PAGE	37
HB-3767 NON-CONCURRENCE	PAGE	63
HB-3769 SECOND READING	PAGE	62
HB-3769 MOTION	PAGE	55
HB-3800 VETO ACTION	PAGE	40
HB-3968 VETO ACTION	PAGE	37
HB-4213 THIRD READING	PAGE	45
HB-4293 OUT OF RECORD	PAGE	56
SR-1420 RESOLUTION OFFERED	PAGE	3
SR-1421 RESOLUTION OFFERED	PAGE	4
SR-1422 RESOLUTION OFFERED	PAGE	4
SR-1423 RESOLUTION OFFERED	PAGE	4
SR-1424 RESOLUTION OFFERED	PAGE	4
SR-1425 RESOLUTION OFFERED	PAGE	4
SR-1426 RESOLUTION OFFERED	PAGE	4
SR-1427 RESOLUTION OFFERED	PAGE	4
SR-1428 RESOLUTION OFFERED	PAGE	4
HJR-0175 MOTION	PAGE	56

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT ROCK	PAGE	1
PRAYER - REVEREND HOWARD MILKMAN	PAGE	1
INTRODUCTION OF GUESTS-SENATOR DAVIDSON	PAGE	1
JOURNALS - POSTPONED	PAGE	3
INTRODUCTION OF COMPTROLLER BURRIS	PAGE	53
INTRODUCTION OF GOVERNOR MAVIS	PAGE	53
MESSAGES FROM THE HOUSE	PAGE	58
ADJOURNMENT	PAGE	69