

STATE OF ILLINOIS  
87th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

76th Legislative Day

October 22, 1991

PRESIDENT ROCK:

The hour of twelve having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this afternoon by the Reverend William Oaks, Elliott Avenue Baptist Church, Springfield, Illinois. Reverend.

THE REVEREND WILLIAM OAKS:

(Prayer by the Reverend William Oaks)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Wednesday, October the 9th, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. 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 HAWKER:

...(machine cutoff)...Resolution 778 offered by Senator Brookins.

Senate Resolution 779 offered by Senator Vadalabene.

Senate Resolution 780 offered by Senator Raica.

Senate Resolution 781 offered by Senators Philip and Woodyard.

Senate Resolutions 782 and 783 offered by Senator Brookins.

Senate Resolution 784 offered by Senator Butler.

They're all congratulatory.

Senate Resolution 785 offered by Senator Daley and all Members.

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It's a death resolution.

...(machine cutoff)...Resolution 786 offered by Senator Weaver and all Members.

It's -- it is also congratulatory.

Senate Joint Resolution 93 offered by Senator Hall and all Members.

It's a death resolution.

And Senate Resolutions -- Senate Resolution -- Senate Joint Resolution 94 offered by Senator Cullerton.

And Senate Joint Resolution 95 offered by Senator Cullerton. They are both congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 787 offered by Senator Brookins.

And Senate Joint Resolution 96 offered by Senators Carroll, Berman, Marovitz, Lechowicz and others.

It is substantive.

PRESIDENT ROCK:

Executive. ...(machine cutoff)...Butler, for what purpose do you arise, sir?

SENATOR BUTLER:

Thank you, Mr. President. I rise to ask for a suspension of the rules in order to -- for immediate consideration of Resolution 784.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to suspend the rules for the immediate consideration and adoption of Senate -- Senate Resolution 784. It is a congratulatory resolution of some urgency. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Butler now moves the adoption of Senate

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Resolution 784. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. ...(machine cutoff)...Jacobs, for what purpose do you arise, sir? Jacobs.

SENATOR JACOBS:

Is it blinking? Hello? Okay. Thank you, Mr. President. Yeah, I would like to suspend Rule 7, the six-day posting requirement, to hold a Finance Committee Regulations -- Committee meeting Thursday, October 24th, at 8:30 a.m.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to waive the posting notice, so that the Committee on Finance can meet on Thursday, October 24, at 8:30 a.m. Discussion on the motion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Thursday, 8:30 a.m., the Finance Committee. Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 1479 offered by Senators Carroll, Berman, Marovitz, Lechowicz and others.

(Secretary reads title of bill)

Senate Bill 1480 offered by Senator Jacobs.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Rules Committee. Resolutions.

SECRETARY HAWKER:

Senate Resolution 788 offered by Senator Mahar.

Senate Resolution 789 offered by Senator Kelly.

Senate Resolution 790 offered by Senators Kelly and Mahar.

Senate Resolution 791 offered by Senator Kelly.

Senate Resolutions 792 through 797 offered by Senator Topinka.

Senate Resolution 798 offered by Senator Lechowicz.

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Senate Resolution 799 offered by Senator Lechowicz.

Senate Resolution 800 offered by Senator Jerome Joyce.

And Senate Joint Resolution 97 offered by Senator Geo-Karis and all Members.

They're all congratulatory and death resolutions.

PRESIDENT ROCK:

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

SENATOR WELCH:

Thank you, Mr. President. I'd like to announce that the Senate Energy and Environment Committee will have a meeting tomorrow either at two o'clock or upon adjournment of the Legislature on the issue of the Rewrite of the Telecommunications Act. The hearing will be held in Room 212.

PRESIDENT ROCK:

All right. Committee on Energy and Environment immediately after adjournment tomorrow, or two o'clock - whichever comes first. Senator Vadalabene, for what purpose do you arise, sir?

SENATOR VADALABENE:

Thank you, Mr. President. There'll be a Democratic Caucus in Room 212 immediately.

PRESIDENT ROCK:

All right. Democratic Caucus immediately in Room 212. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, there will be a Republican Caucus immediately hereafter in Senator James "Pate" Philip's Office. Republican Caucus in Senator Philip's Office immediately.

PRESIDENT ROCK:

All right. There's been a request for both a Democratic and a Republican Caucus. The Senate will therefore stand in recess

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until the hour of three o'clock. I would ask you to note that the clock in the Senate Chamber is an hour fast. It is 12:30 and the Senate will stand in recess until three o'clock. Democratic Caucus immediately in 212, and a Republican Caucus immediately in Senator Philip's Office. Senate stands in recess until three o'clock.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

The hour of three o'clock having arrived, the Senate will again be in order. We have had a request from WICS-TV, WAND-TV, WLS-TV to shoot some film. Without objection, leave is granted. Ladies and Gentlemen, we are going to begin on the Regular Calendar, and I've asked the Secretary to distribute the Supplemental Calendar. So we will go through the Regular Calendar, and then move right into the Supplemental, and then adjourn until 10:30 tomorrow morning. Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCYZ:

Yes, thank you, Mr. President. Point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR DUDYCYZ:

Mr. President, I filed a motion. I was wondering whether we will have the opportunity to go to that Order of Business.

PRESIDENT ROCK:

Never any doubt. It's on the Supplemental Calendar. All right. If I can have your attention. If you'd turn to Page 5 on

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the Calendar, Senator Luft has requested that we move, with leave of the Body, to the Order of Secretary's Desk, Non-concurrence. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Matter of a point of personal privilege, Your Honor.

PRESIDENT ROCK:

State your point, please.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have seated to the right of me here a lady who headed the Illinois Municipal League - was the first woman president - and is the former mayor of Buffalo Grove, and she's a constituent of Senator Barkhausen. I'd like you to help me welcome Velma <sic> Clayton -- Verna Clayton.

PRESIDENT ROCK:

Welcome, Madam Mayor. All right. Page 5 on the Calendar, on the Order of Secretary's Desk, Non-concurrence, House Bill 1911, Madam Secretary, please.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 1911.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would ask that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 1911 and a conference committee be appointed.

PRESIDENT ROCK:

All right. Senator Luft has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 1911 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. Turn

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to Page 6 on the Calendar. Senator Jones has indicated he will pursue House Bill 971 tomorrow. Senator Marovitz has indicated that House Bill 1007 is subject to a hearing later this afternoon. So the Chair would call your attention then to Page 14. There are nine motions on the Regular Calendar. We will afford the sponsor the opportunity to pursue those motions if he or she wishes, and then we will move to the Supplemental Calendar. Ladies and Gentlemen, on Page 14 of the Calendar - so that we're all on the same wavelength - we will begin with Motions in Writing to Override Total Vetoes; that is, motions filed by Senators Jones, Topinka, Topinka, Mahar, Cullerton, Jones, Cullerton, Jacobs and Karpziel. Pages 14 and 15 on the Regular Calendar. Jones, Topinka, Mahar, Cullerton, Jacobs and Karpziel. All right. Ladies and Gentlemen, we have, in my judgment, less than an hour's work, if we can get at it here. Page 14 on the Calendar. There's a Motion in Writing filed to override the total veto on Senate Bill 407. Senator Jones. 435. Senator Topinka. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 435 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 435 -- Senate Bill 435 was worked out and was agreed to by all parties, including the Department of Environment <sic> and Natural Resources, and also with the Illinois State Dental Society. After four months of negotiations, this was the result. Everyone was signed off on it. The agency signed off on it. Safety precautions were looked at. There was absolutely no

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problem. Nobody had any objection to this. I find that the veto is rather hazy at best. Everybody has spent the appropriate amount of time and is all agreed to, and I would ask that we override this bill <sic>.

PRESIDENT ROCK:

All right. The Lady has moved to...(machine cutoff)... The Lady has moved that Senate Bill 435 pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 435 pass, the 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? Take the record. On that question, there are 48 Ayes, 4 Nays, none voting Present. Senate Bill 435, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. 644. Senator Topinka. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 6-4-4 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 644 tells our State universities that, indeed, units of the Reserve Officer Training Corps should be allowed to stay, as long as they are in compliance with federal law. If there were no redress for groups that wish to change policy, then I think this bill would be questionable. However, considering that the U.S. Supreme Court has upheld the current policy for how the



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military runs ROTC - that, indeed, redress is not at this particular level on college campuses but -- it deserves to be, with the Department of Defense and with the U.S. Congress. I think if we don't override this -- this particular veto, we will threaten the amounts of federal dollars that come into us, to our State universities, that, indeed, do get a lot of kids through college who otherwise might not have that opportunity. Over twenty-five percent of ROTC funding now is disbursed to minorities and women. It would be a terrible blow to some of those kids who most need college educations. I would ask that we override this veto. I think the Governor just got some poor advice on it.

PRESIDENT ROCK:

All right. The Lady has moved that Senate Bill 6-4-4 pass, the veto of the Governor to the contrary notwithstanding. Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the motion. I think the Governor has taken a reasonable approach in vetoing this bill. Let me quote from his Veto Message that this legislation would be an intrusion into the abilities of the higher educationing <sic> governing boards to regulate extracurricular student activities. Our student -- our current system of governing -- system of governing colleges and universities should not be changed or limited in a piecemeal or reactionary manner, which this bill would do. I think that we have the basis upon which to determine higher education policies in this State, and I don't think they ought to be determined by the feds. I don't think that the action of Congress indicates that they know all the answers. In fact, I'm not sure how many answers they know at all. So I think that this veto ought to be upheld. I urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Cullerton.

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SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. I received correspondence from constituents as to this bill after it passed. I, fortunately, voted Present when the bill was first passed, even though only four of us did, and I reviewed the transcript of the debate. And unfortunately, you could not tell from the argument that was proposed by the sponsor of the bill just what this was all about, and we still don't know what it's all about. So I thought I'd indicate, for the record, why I'm opposed to this bill and support the Governor's veto. At the University of Northern Illinois, the University Council found that the ROTC program policies, which prohibit homosexuals from being commissioned officers, to be in direct violation of University anti-discrimination policies, and they gave the Department of Defense two years to change these policies. And if, by March of '92, the Department had not complied with the request, the council at NIU plans to recommend to the Board of Regents that the ROTC programs be barred from campus. That's what this bill is all about. The Governor was absolutely correct in vetoing the bill. I think we should not take this -- this tool away from the University Council at Northern Illinois or any other university. If that is, indeed, what -- the hammer that they have, we should let them have that hammer. So I would urge that we support the Governor on this Override Motion.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There's something should be -- explained on this bill. These are federal regulations of the ROTC, Reserve Officer Training Corps; these are not local regulations. The local ROTC contingent at a university has no control over these rules. Any of us who are

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ROTC graduates - and I was an officer commissioned by the ROTC Program, University of Michigan and University of Illinois - you don't set these standards. They are set by the U.S. Government. It is completely funded by the U.S. Government. This is not State taxpayer money. And they offer a series of excellent scholarship opportunities that are probably, from an equal opportunity point of view, the most aggressive equal opportunity scholarships available at any level of university education, and they're also some of the most lucrative, in terms of the students involved. To take this scholarship opportunity away - and it's one of the few scholarship opportunities that we, at the State level, all of our universities can participate in voluntarily, with no strings attached - to take this away from them because someone is concerned that the Federal Government does -- is dissatisfied with having gays put in commissioned officer positions, is absolutely silly. This is blatant discrimination against the student bodies of the State, and takes away an excellent scholarship opportunity from those students. I would vote to override.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I would stress that again, at the local level at the ROTC unit, these people are merely carrying out federal law. This does not say that a university could not get rid of an ROTC unit if they chose to. What we say is, in this particular bill, that you could not use this particular reason, which is in -- being in compliance with federal law. And I might add that it is federal law which has been sustained by the U.S. Supreme Court. If there is a problem in policy, then that policy should be taken to the area where it can do the most good, which is at Congress and with the

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Department of Defense - not with the local ROTC unit. I appreciate that the American Civil Liberties Union has a problem with this. We've had a vote before on this; it was 51 to 0 here. There were 2 negative votes in both Chambers. I'd like to see the same roll call as we override this veto.

PRESIDENT ROCK:

Question is, shall Senate Bill 644 pass, the 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? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 15 Nays, none voting Present. Senate Bill 644, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Mahar. 1020. Senator Cullerton. 1058. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move that Senate Bill 1058 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Cullerton.

PRESIDENT ROCK:

Gentleman -- Gentleman wishes it taken out of the record. 1059. Senator Jones. Top of Page 15, Motions in Writing to Accept Specific Recommendations For Change. 789. Senator Cullerton. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 1283 do pass -- excuse me -- I move to accept the specific recommendations of the Governor as to Senate Bill 789, in manner and form as follows:

Amendment to Senate Bill 789

in Acceptance of Governor's Recommendations

Filed by Senator Cullerton.

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PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. I would move to accept the Governor's specific recommendations for change with regard to Senate Bill 789. This bill requires written notice to both parties in a custody case within sixty days of judgment. Department of Children and Family Services shall submit a monthly report of expenses and any changes in custody or visitation terms, and failure to notify the court of arrangements for supervision within sixty days would result - the way the bill passed - in contempt. The Governor deleted the provisions that failure to notify the court results in contempt, and I am agreeing with that change, and would therefore move to accept the change. Would be happy to answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate accept the specific recommendations of the Governor as to Senate Bill 789. Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 789, in the manner and form just stated by Senator Cullerton. Those in favor will vote Aye. Opposed will 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 789, having received the required constitutional majority vote of Senators elected, are declared accepted. 1086. Senator Jacobs. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1086, in manner and form as follows:

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Amendment to Senate Bill 1086

in Acceptance of Governor's Recommendations

Filed by Senator Jacobs.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I ask that we accept the specific recommendations of the Governor to change Senate Bill 1086, which he does so by removing the county jurisdiction from the Circuit Court and -- and putting the administrative review in the Appellate Court in Sangamon County, with his rationale being for expediency in a uniform regard; also, some language to clarify, at his request, the eighteen- to twenty-one-year-olds working on a riverboat and clarifying more clearly that that's only in non-gaming positions. And I ask for its approval.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate accept the specific recommendations of the Governor as to Senate Bill 1086. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1086, in the manner and form just stated by Senator Jacobs. 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 53 Ayes, 1 Nay, none voting Present. The specific recommendations of the Governor as to Senate Bill 1086, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Karpel. Page 15. All right. Ladies and Gentlemen, that concludes the business on the Regular Calendar. I would now direct your attention to Supplemental Calendar No. 1. Secretary informs the Chair the

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Calendar has been distributed. We will go right down this Calendar. Supplemental Calendar No. 1. There's a Conference Committee Report on Senate Bill 708. Senator Kelly. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 708.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. This Conference Committee Report changes the legislation. What it does is, it responds to the question of the delayed school payment. This would return the double school payment in 1994, and in 1992 and 1993 there would be with interest paid, but it would not be effective until 1994. This is one of the main issues and one of the deep concerns expressed by our local school districts and one of the reasons why they didn't say thank you to a lot of the people who had supported their position on the cap legislation previously. And what it does is, it would -- this would be an issue that they have been asking for, and I think many -- most of us have been lobbied by our local school boards and school administrators asking us to get back this money. And in the southern suburbs, which Senator Mahar, Senator DeAngelis and I represent, there's been even a larger outcry that -- or need for these funds to be returned. So I would solicit your support, and would be available for any questions you might have.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the First Conference Committee Report on Senate Bill 708. Discussion? Senator Berman.

SENATOR BERMAN:

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

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Senate. The nonpayment of the second payment in July -- I'm sorry, in June was part of Senate Bill 45, which was the budget-balancing bill that we voted on on July 18th. When we adjourned and went home, after a relatively short time of days, or perhaps a couple of weeks, a lot of you started to contact your Leadership because of the heat that was generated from your local school districts when they realized what Senate Bill 45 did to them. Senator Jerome Joyce and Senator Demuzio, two of my downstate colleagues on this side of the aisle, in particular, voiced the concern of most of my colleagues, and they were really troubled by the perception that we took away a payment from the school districts - adding up to a hundred and seventy-six million dollars - and there was no commitment to pay it back. Now we can talk about what it is and what it's supposed to do, but they - the school districts - were terribly upset - and that's a kind word - at what they felt we did to them. Two weeks ago, the Senate Committee on Elementary and Secondary Education and the Senate Appropriations II Committee held a hearing up in Room 400. It was wall-to-wall witnesses. They were out into the hallway. School board members, school administrators, school business officials were down in droves, and the message that they delivered at that hearing was that the Legislature wasn't fair - wasn't fair - in the way we did this to them. And although most of those school districts would like us to be able to change the law and make sure they get the double payment next June, they recognize our very terrible fiscal position, and they have reluctantly bought into this Conference Committee Report on Senate Bill 708. I'm not aware of any school district that wouldn't welcome an Aye vote on this. And what this does is to say that in Fiscal '94 - two years down the road - we will reinstate the double payment in June; that in Fiscal '92 and '93, we'll pay you interest for what that payment amounts to. And let me add that I've stated publicly -



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and I've not gotten any flack for this statement - that if comes Fiscal '94 and our fiscal posture is no better than it is today, I will introduce a bill to delay it another year or two. But the important part of this Conference Committee Report is to put on the books that, yes, we owe it to the school districts and, yes, they will get it back. That's important. That's the message. That's what our school districts want to -- want to hear, and that's what this Conference Committee Report does. I urge your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR RIGNEY:

How did we ever get into this strange situation where we made the double payment in June and none in July? It seems to me, from a cash flow standpoint, it would be easier just to have twelve equal payments.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Kelly.

SENATOR KELLY:

Senator Rigney, this goes back to 1975, when we got into this posture of moving it back. So we started it in 1975, and since then we've gone back and forth a few times. And it belongs where -- where we -- where we had it with the double payment. The schools were counting on it heavily, and especially in a tight year. It's tight for the State, but it's certainly tight for the school districts. And that's why they feel -- once you give it to them, it's hard to take it back. But it was 1975 when this first was initiated.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this -- this bill. I look up here in the audience and I see these young children up here, and I listen to all of our rhetoric on the Floor many times which says education's our number one priority. But in all actuality, is it? We gave education what boiled down to be a five-million-dollar increase this year over last year, but then we take it away, on the other hand, with the second payment. It was my belief, and I think it was most of this Legislators' belief -- Legislature's belief, that this was a temporary issue that would be caught up somewhere along the line; however, it's not. And this is an open-ended, dead-ended road of which we're on. I think it's important that we not only give a clarification and give this interest to pay this back in 1994 - which hopefully then we will be in better shape. If we're not, it's our duty then to -- to look at that and maybe delay it a year or two, if that be the case - hopefully, it won't. But I think we have to show that education is our number one priority, and instead of paying lip service, let's put our money where our mouth is.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of the Conference Committee on Senate Bill 708. I know that many people felt that this was a delayed payment, but actually, in going back and facing many of the school districts, this was one of the top problems that they confronted legislators with and a great concern. And many of the districts, and particularly ones that I represent, this loss of payment would

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be very critical to their continual operation. And if you're sincere about this being only a delayed payment, then this is our opportunity to make that vote count and support this Conference Committee Report so that we guarantee that this will only be a delayed payment, with the interest also attached to it. I would ask that you give a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. First of all, on this bill: The language in this bill dealing with the interest - it does not spell out that that interest has to be above and beyond -- you know, raise that money outside of the hundred and seventy-five million. It could be taken from that fund -- I mean, from that pot of money and pay the interest with that, and really they're not going to be getting any more at all. I mean, I -- I think there's a problem with the wording in that section, which if this bill or override goes through, might want to look at in the next Session. But to the bill: I am on the Education Committee and sat in -- in committee hearing when we were here on the 9th and heard how much damage this might do to many -- many of the school districts. And believe me, this is not an easy bill to stand up and oppose -- or an override motion, to oppose this motion, because a lot of my districts are concerned as well. The only thing I can say is that this is going to cost a lot of money. We don't have the money, and we don't know if we'll have the money in two years. Every other department and agency has taken drastic cuts this year, and will probably take more next year. A lot of providers of State services are not being paid; some haven't been paid since last February and are still not being paid. A lot of our own offices have found that our rent's not being paid or our lights haven't been paid. It's been -- it's been a very difficult

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year. And education is certainly our priority, because it's the one entity that did not take a cut. It took this delay; it took this cut, if you want to call it. But certainly in a time like this, when we've had such difficult fiscal problems, everybody has to share in the cuts; everybody has to share in the dilemma. And I certainly urge a No vote on this motion.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. It's funny that we talk about how we're all for education and then we took away a hundred and seventy-six million dollars and postponed it for another month. The testimony of more than half of the superintendents at the hearing that Senator Berman held, said that they were going to lay people off because they don't have the money. And when Senator Berman said that if we didn't have the money in two years, he'd pass another bill postponing the repayment, I think that shows a terrible path that we are taking in this Legislature. We're becoming just like the Congress of the United States. So far, we've borrowed a hundred and eighty-five million dollars under the Casual Deficits Act this year. We postponed a hundred and seventy-six million dollars for schools till next year - that's, in effect, borrowing. We borrowed money from the road funds. A lot of us are getting letters from the universities because we borrowed from their pension funds. And now we're talking about passing this, and if we don't have the money - well, we'll pass another bill saying we'll pay it someday later. Unless we want to be as bad as Congress in their borrowing from the Social Security Trust Fund and every other fund that they have available to them, we have to start saying we're going to fund existing obligations. I think that we should pass this bill, but I think we should fund it as soon as we can. I would urge an Aye vote.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I thought the former speaker had made a good speech in favor of not supporting this bill. This is show business again. And we really have had enough of this. Are we going to make one more promise to the school districts and not keep them? You know, I -- I think we're wrong to do this sort of thing in an attempt to try to fool people as to what we're doing. If we want to fund schools - contrary to what a speaker said on the other -- on the other side that -- we ought to put our money where our mouth is - this doesn't put any money anywhere. This is all mouth. And it seems to me that what we should do is wait until we have the money and then fund the schools. Don't make a promise that we may not be able to keep.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

Thank you. I rise in support of this Conference Committee Report, because I think it's just fair. When we passed that bill -- is when this bill -- that bill was passed - let me put it that way - the superintendents that I heard spoke before the Education Committee, and some of the legislators, was under the impression that at some point -- that this was a delay and not a reduction. And I heard considerable debate in that committee as to whether or not this was, in fact, a delay or a reduction. And simple -- I mean, you don't have -- you don't take a genius to understand that if you take something away and that you never intend to pay it back, that it is a cut; it is a reduction. And you can't call it nothing else, except a reduction. And when they prepared their budgets, they prepared their budgets under the impression somehow that this money would be somehow returned. It's -- it's like one

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of the -- the people that testified said - it's very simple. If you have a lease and your rent come due the first of the month, and if you delay that payment - that rent - for one month, and you don't make it up the next month, or the next month, or the next month, then you have, in fact, reduced or took away, or reneged somehow, on your lease or rent agreement. That's what this is all about. It's about basic fairness. Senator Berman indicated that this Report, as it is drafted, will, in fact, allow for the money not to come out if the State don't have the money to pay. But just to say that we're going to take the money away and call it something else other than a cut, that's not fair. That's what this is about - basic fairness, and I think we should pass this Conference Committee Report.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Maitland, finally.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. We are dealing in this fiscal year with a very fragile budget. We stayed in this city for eighteen extra days --

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Could we get some order, please.

SENATOR MAITLAND:

We stayed in this city for eighteen extra days last summer to balance this budget. And I can well recall the day when Senator Carroll said to me in Budget Conference - and others - we are considering the possibility of delaying the double State aid payment in June for one month. And I think he would attest to the fact that I was very much concerned about that, as a matter of fact was very much opposed to that. And we spent several hours talking about this. The Governor's Office, by this time, was involved; then it became apparent that this was a way in which we could help ourselves through the serious fiscal dilemma we were

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facing. But one of the commitments that I asked for, and Senator Etheredge and others asked for, was that the school districts would be paid interest on this. And in the beginning, we wanted it to be temporary. And we were assured by the administration and others that that creation of a one-hundred-and-seventy-six-million-dollar additional debt was not in the best interest of the State. The commitment would be there verbally by the Legislature, and I assumed by the Governor, that one day when the revenue was there, we would then replace or back that money back into the current fiscal year. That's the way I explained it to my Caucus, and that's the way I've been explaining it across this State to superintendents and school people. And that's the commitment that we have. Ladies and Gentlemen of the Senate, school districts are not losing any money. This money has been appropriated; the one hundred and seventy-six million dollars is in the current fiscal year. The spending authority is there. Schools are spending as though it's there. They are spending as though it's there. And the rhetoric about laying off teachers and staff next spring is a joke. To some degree, they already do it now, because they don't know what we're going to do down here. And because of legislation we passed a few years ago, they have to have sixty days notice before they lay those people off, and they do that anyway. One month later of every year - one month later of every year - the schools are going to have the same amount of money. The spending authority is there. I suggested to Senator Berman that maybe a better way to handle this, instead of a time certain for us, might be simply to put in the Statutes language that makes a commitment - that we all made - that this money, in fact, when it became available, would once again be paid in the current fiscal year. That then is telling school districts the honest truth. What we are doing here today does not play. Senator Berman has already told you that in two years if the money

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isn't there, and it's not going to be there - all the cash flow projections show us that - he's going to stand up and suggest legislation to extend this. This affects the credibility of this budget year and all subsequent budget years. We made the right decision last spring. We are yielding to pressure, pressure from people who simply aren't totally understanding what our commitment was. Let's live with the agreement we made last spring. It's important to the fiscal stability of this State, and I urge your No vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President --

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Can we have some order, please.

SENATOR DEMUZIO:

-- and Ladies and Gentlemen of the Senate. You know, myself and Senator Watson and a few others, I guess, spent about four hours at the Superintendents' Conference about three weeks ago, and faced a number of superintendents who were pretty hostile about this question. And I was wondering, when we left this Chamber - July the 19th, I guess it was - and I told this story, I thought that what we had actually had -- had done with this payment was that we had, in fact, delayed it, rather than making it on a permanent basis. But nevertheless, it was July the 19th, and what was ever in that bill on the 19th was going to pass. All we are attempting to do here, I believe -- recognizing that the superintendents across Illinois, recognizing that we are not going to be able to give them a hundred and seventy-six million dollars in cash - their final payment for this fiscal year - because they know we don't have it. Now there have been a number of proposals that have been proffered since we had left this Body. Some had



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suggested that we change the accounting procedure to a -- a different procedure, that we change the school year, that we do all other kinds of flimflam to attempt to see if we couldn't reconcile this problem. In my own judgment, I think what we are doing here today is, in fact, getting back our credibility. But more importantly I think, it's giving back the credibility to the local school superintendents across Illinois. Because, when we said it was going to be a permanent delay, we said that it was going to go on into eternity - that they were never going to get that last payment. Some will argue, obviously, that that's not the case; we only delayed it by a couple of weeks. The fact of the matter is, is that if we pass this bill today - this Conference Committee Report - and we say to the superintendents and to the school districts statewide that, yes, this is going to be a -- a yearly basis, we're going to delay it -- I'm sorry -- for a two-year basis, until two years from now, and if we don't have the money two years from now, we're going to delay it again - and they know that. And if we'd have told that to them up front, we wouldn't be going through the exercise that we're going through today. The fact of the matter is, is that if we can show somewhere along the line that they're going to be able to recoup that last payment, whether it is bookkeeping, or whether it is fiscal year, or whether it's this mechanism that we're going through now, it affords them to get their credibility back. They have bond issues out there that they're trying to pass. Governor says this isn't a loss. Some people say that this is a cut. Governor says is isn't a loss. This gives everybody their credibility back today by suggesting that we're going to delay this for two years. If the money isn't there in two years, we're going to have to delay it again. But at least everybody knows up front what the deal is. And so I rise in strong support of this Conference Committee Report, and I would be the first one to tell

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you that in two years, if the funds are not available, we will have to delay the payment again. But the point of the matter is today, is that we are attempting to give everyone their credibility back by virtue of this vote on this bill. And I would ask, Mr. President, if I would be added as a hyphenated co-sponsor, along with Senator Jerome Joyce. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman, to close for Senator Kelly.

SENATOR BERMAN:

Thank you, Mr. President. Thank you, Senator Kelly. In closing on this motion for -- to accept the Conference Committee Report, let me touch on a couple points that were made. Senator Rigney, you asked how we got into this double payment business. Let me just tell you that going back to 1975, the double payment in June is not an advance of the July -- the next month's payment. Going back to 1975, it was a delay of the previous July's payment. When you move that double payment away, if you look over the long history and count payments and count months, you're, in fact, taking a hundred and seventy-six million dollars away from the schools. Now, Senator Maitland said at the committee hearing that we had two weeks ago that he was making an oral commitment. And I think that the people in that room that day have great respect for Senator Maitland, and if Senator Maitland was a one-man legislature, or a -- or the Governor, they would have walked out reasonably satisfied. But they didn't. They don't believe us. They don't like the way Senate Bill 45 was passed. They are asking us, don't tell us in speeches; put our votes where our press releases are. And that's what this bill is all about. If it's temporary, Ladies and Gentlemen, say it's temporary, and that's what this bill does. It's temporary. And if you don't vote Yes, you're saying I'm not willing to commit to that by my vote. Stand behind your school districts, give them credibility.

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Stand behind your own pronouncements and make your credibility mean something. Vote Aye on this Conference Committee Report.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 708. 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 42 Ayes, 15 Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 708, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we're still on the Supplemental Calendar. There's a Motion in Writing with respect to Senate Bill 1474. Senator Dudycz. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to suspend Senate Rule 5C, and that the Senate Committee on Rules be discharged from further consideration of Senate Bill 1474, and that it be placed on the Senate Calendar on the Order of 2nd Reading.

Filed by Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Yes, I do motion that the Senate discharge the Committee on Rules on Senate Bill 1474 so that the bill may be placed on the Calendar of Order of 2nd Reading so that we may debate amendments tomorrow.

PRESIDENT ROCK:

All right. The Gentleman has moved to discharge the Committee on Rules from further consideration of Senate Bill 1474, and asks that the bill be placed on the Order of 2nd Reading. Is there any

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discussion? Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Senate. I rise to indicate that while I support Senator Dudycz's concept, there are other programs and plans that will come before this Body, and one which has been put forth by the Assessor of Cook County, Tom Hynes, is fair and more equitable to the homeowners of Cook County, and at the same time, it's not as destructive to local government. So while I'm supportive of what you're trying to do here, Senator Dudycz, I will be voting Present.

PRESIDENT ROCK:

Further discussion? Senator Dudycz, to close.

SENATOR DUDYCYZ:

Yes. Thank you, Mr. President. Just for your information, Senator Joyce, the contents of Senate Bill 1474 are supported by the Assessor, Tom Hynes, of Cook County. And I will be willing to debate the amendments that will be offered tomorrow morning, and I ask everybody's affirmative support.

PRESIDENT ROCK:

All right. Senator Dudycz has moved to discharge the Committee on Rules from further consideration of Senate Bill 1474, and asks that the bill be placed on the Order of 2nd Reading. Those in favor of that motion will vote Aye. Opposed will 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 26 Ayes, 17 Nays, 12 voting Present, and the motion fails. On the Order of Motions in Writing to Override Total Vetoes, a -- Senate Bill 195. Senator Severns. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 195 do pass, the veto of the Governor to the contrary notwithstanding.

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Filed by Senator Severns.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 195 is a bill that emerged from the State Government Organization and Administration Committee after we held hearings in both Chicago and Springfield, taking testimony on potential reorganization of the Department of Commerce and Community Affairs. We worked hand-in-hand with not only Director Grayson, but the chief people who are affected by economic development policy in this State. And it was moving along smoothly, without any opposition, when Senator Davidson, during the spring debate, raised to alert me - for the first time I was hearing it - that the Governor did not like the makeup of the board. Because it was the first time I had heard that complaint, I said I'd be more than willing to address the Governor's concern by adding the appointment that he wanted, which we did by way of amendment through the House and came back to the Senate for concurrence. Now, in his Veto Message, the Governor says once again, "I'd like to change it once more." But we've had the debate; we've had the hearings. It's had bipartisan support, without a single vote of opposition in the House. It's a good move. We worked with Director Grayson to make this happen. It's a reasonable bill, and I would urge the unanimous support that the -- this Chamber gave it last spring when this bill was debated. It's been debated in good faith, and I would hope to have your support again. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. I

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recently had to fill in for Senator Severns to give a speech on this bill, so I had an opportunity to study it. And I think it's -- it's interesting that the -- the Governor's objections had to do with the makeup of the -- the board. And I think something's happened since the Governor vetoed the bill. The Governor may have been concerned with who was going to be the minority and who was going to be the majority party, but let me just suggest to you that it's very possible that there could be as many as fourteen Republican and only six Democrat appointees to this -- this board. So I don't think the Governor should be concerned, as he maybe was when he first vetoed it, that the makeup of the board would be unfair. It's almost as if the Governor's veto was not even aware of the fact that this bill was amended in the House after it passed the Senate with the changes that Senator Severns had indicated. So I -- I really think it's something which must have slipped by the Governor's Office. It's something that he campaigned on, in terms of restructuring DCCA. There was the full cooperation of the -- the Director, who I think is an excellent director, of -- of -- Director Grayson of DCCA. And so I would also urge support for the Lady's motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Gentleman from Sangamon, Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in opposition to this Motion to Override the Governor's Veto. We had this discussion when this bill passed. Prior to this new legislation, the equal number of Republican and Democrat members were appointed by the Majority and the Minority Leaders of the House and Senate. Why change this? This is a bipartisan commission, as far as the Legislature's been concerned, since its existence. Why now change where the Democrats have a extraordinary majority? It says

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there'll be six Democrat legislative members and there'll be four Republican legislative members. And I urge all the people on this side of the aisle to vote No or Present on this Motion to Override.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I, too, rise in opposition on this Override Motion. Along with the fact that this creates an imbalance, and if there's any area at all that we do not need an imbalance, it's in the area of economic development. In addition, at this very time there are conversations and meetings going on regarding the restructuring of DCCA, so I find that this bill is a little premature and this Override Motion unnecessary.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Macon, Senator Severns, to close.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I'm a little puzzled by the comments on the Floor, because we did have this debate last spring. In fact, the debate, as least as represented by Senator Davidson, and I'm certain appropriately, was that the Governor wanted one more member to this board. My response then, last spring, was that's the first time I had heard of that request, but I thought it was a reasonable request, and I would meet that request. We did that by way of amendment in the House. This bill has been debated and dealt with in good faith over the -- over the course of the months in the -- the hearings that the State Government Organization and Administration Committee held. It's received bipartisan support. It had terrific input from a host of people that -- that came to the committee to testify, people that included not only Jan Grayson, but Don Frey, Ron Gidwitz, Tom McHugh, Dave Baker, Eric Canada, so on and so forth -

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economic development leaders across this State. There's nothing wrong with this bill. In fact, the only thing wrong - if -- if the Governor thinks there is something - is that it should have arrived here earlier. I would urge a vote to override the Governor's veto. Would hope the colleagues that joined unanimously last spring, in doing so, will do so again. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 195 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On that question, there are 30 Ayes, 27 Nays, none recorded as Present. This bill, having received -- having failed to receive the required three-fifths vote, is declared lost. Senate Bill 443. Out of the record. Senate Bill 580. Senator Savickas. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that the -- that Senate Bill 580 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Savickas.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, I move to -- we override the Governor's action on this bill. Senate Bill 580 would require the State Board of Education to develop a model instructional program and instructional materials for senior citizen respect courses, which are to emphasize an understanding of the aging process and the needs of the elderly. These materials are to be made available to all school districts. And I



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might say, "made available" for their use, if they so desire. The Governor's veto of this was to assume that in some new Legislative Body, that the next logical step after creating these programs would be to make such courses mandatory. We are, at this point, just saying - develop these courses, make them available. If the Governor wants to veto some bill that may -- may be put in the future, that's fine, but don't veto this bill which says - make these courses; let the schools, if they want, use them; let our children get acquainted with the needs of the elderly. And I would ask your support in overriding the Governor's veto.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is, shall Senate Bill 580 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On that question, there are 29 Ayes, 23 Nays, none recorded as Present. This bill, having failed to receive the required three-fifths vote, is hereby declared lost. Senate Bill 725. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

725.

SECRETARY HAWKER:

I move that Senate Bill 725 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Berman.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Berman.

SENATOR BERMAN:

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

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Senate. Senate Bill 725 created the Urban Education Partnership Grants Program. It would award competitive grants to schools with at least fifteen hundred students, of which at least ten are -- percent are from low-income families, to -- or to schools that receive at least a hundred thousand dollars in State Chapter 1 and Federal Chapter 1 funds. What we did, in recognition of the fiscal problems, was to not pass an appropriation for this bill. And we recognized that when the money was there -- the program would be created by Senate Bill 725, and when there was money, it be plugged in. The Governor didn't like that approach. He vetoed it. But, Ladies and Gentlemen, let me suggest that the program is good, the program makes sense. And we are fiscally responsible -- there is no money with this bill. I urge an Aye vote to override the Governor's veto.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from DuPage, Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I rise in support of Senate Bill 725. This -- these programs have been established in some districts, and they show there is a very good -- there's a success rate. There is no money that goes along with this program. And while I normally do not stand and support bills when there is -- establishing something and there is no money for it, I think that this is a very good program and we should at least put the language in place to -- for this program. And then when the money is available, then we can think about funding it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Lake, Senator Geo-Karis. Senator Berman, to close. Berman, to close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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The question is, shall Senate Bill 725 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 47 Ayes, 5 Nays, none recorded as Present. And this bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 973. Senator Demuzio. Read the bill, Madam Secretary. 973.

SECRETARY HAWKER:

I move that Senate Bill 973 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 973 was that bill that was before us that said that -- respect to school districts, that it would mandate that the State of Illinois - which we have already done - set up parent/teacher advisory committees to develop guidelines for administering medication in schools. What this bill, in fact, would do, was it would provide that under no circumstances shall teachers or other non-administrative school employees, except certified school nurses, be required to administer medication to students. It, in fact, can -- this Section shall not provide -- prohibit a school district from adopting guidelines for self-administration of medication by students, and shall not prohibit any school employee from providing emergency assistance to students. The Governor, in his veto message, indicated that we in the General Assembly, through Public Act 86-1441, required the school boards of education to establish parent/teacher advisory

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committees to develop guidelines for the administration of such medication in schools, and -- very little has been done. So I would ask for your approval.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Lady from DuPage, Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This bill - Senate Bill 973 - I rise in strong opposition to, and I'll tell you why. First of all, the bill does sort of interfere with a bill that was passed last year, which required school -- school districts to have parent -- I mean, to have teacher and parents and administrators sit down and come to a -- a local decision on how these matters should be handled. And I think before those local school decisions can even be made, this bill interferes with it right off the bat. But mostly, I'll tell you why I'm opposed to this. I don't know about the rest of you, but I have been getting tons of postcards, or tons of mail on this from teachers in my district who evidently have been told that unless this bill is passed, they're going to have to change colostomy bags or catheterize people. That's what the cards say, "Please, Senator, don't make us -- do catheterizations and change colostomy bags." And I'd like to know, Senator Demuzio, how many colostomy bags your teachers in your districts have had to change in the last year or so. That card alone has made me get up on this bill in strong opposition, because I think that if, number one, that's what's being told those teachers, then I think that that's pretty bad. The bill might have been overridden and might have even had my support till I started seeing those cards come in. I urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? The Senator from Knox, Senator Hawkinson.

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SENATOR HAWKINSON:

Thank you, -- thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio indicates he'll yield.

SENATOR HAWKINSON:

Senator, I believe, as with some of the other school issues this year, there's been some misinformation that's been circulating about this bill, and I've had more than a few contacts on this bill telling me that this bill would prohibit teachers from dispensing medication in the classroom. And so I got a copy of the bill and read it, and it appears to me that it only says that they cannot be required to dispense it, and that teachers would still be allowed or permitted to dispense it as they felt capable and -- and able to do so. And I just wanted, for the record, to clarify that so that there's no misunderstanding or misinterpretation that this bill, in any way, prohibits teachers from dispensing medication, particularly in some of our more rural settings.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio. For the record.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. I want to thank my good friend, Senator Hawkinson, on the other side of the aisle, for helping to clear that up. Senator Karpziel. Senator Karpziel.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR DEMUZIO:

Senator Karpziel, I want to -- I'm closing, but I just wanted to thank you for your -- for your...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I'm sorry. Senator Demuzio.

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SENATOR DEMUZIO:

Yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Pardon me. We're not at that stage yet. Senator Fawell seeks recognition yet. I'll get back to you to close. I thought you wanted to respond to Senator Hawkinson for the record. Senator Fawell.

SENATOR FAWELL:

Yes, thank you very much, Mr. President. I, too, have been -- have been met in -- in the Jewel, as I've -- as I've gone shopping, and I've gotten phone calls, and I've gotten a number of letters from teachers who are very concerned about this bill, because what they are telling me is that unless this bill is passed, if a child is diabetic, they're going to have to give it shots; if it has a colostomy, they're going to have to change the bag; if the child needs diapering, they're going to have to diaper it. I see nothing in this bill that, frankly, if those things are happening, would stop it from happening right now. I have taught school. If somebody had come up to me and said, "This child is diabetic, and therefore, you, as his teacher, must give him a shot at three o'clock every afternoon," I would have told whoever that was, "Go take a flying leap." There is no way that teachers right now cannot say, "I am not qualified to administer certain shots, medications, whatever, and I'm not going to be held liable for it." Now, I introduced a bill a few years ago that required that every school have a certified school nurse. The problem with that bill, I discovered, is that the estimated cost is twenty-five million dollars, and that would be a cost to the school. This bill doesn't do what the teachers have asked us to do, and that is to put into legislation that they will not be required to give shots or diaper children or -- or perform all these other onerous tasks that, frankly, they should never be required to do. Why

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don't you take this bill back and do what they have been asking us to do, and that is to put in legislation that we don't have to diaper a kid if he's ten years old?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Raica.

END OF TAPE

TAPE 2

SENATOR RAICA:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I guess I'm kind of torn on this particular bill, only because it deals with health care professionals, which I really consider myself after being a paramedic for sixteen years and -- and working in various hospitals. In one paper that I wrote or one circular that was circulating, it says that, I guess some -- the reason some of the schools cannot -- or they dismiss nurses, is because of the -- the budget requirements. If any position should really stay in the school - and this is my personal opinion - it should be the nurse position, for the simple reason it's -- whenever you have to decide, as in baseball - is a tie at the base, you always tie with the runner, and side with the runner. I think that in this particular situation I have to always side with the student, because it is regarding medication and the possibility of -- of medications being dispensed in a school. And I just think that a health care professional should do that, and therefore I'm going to have to support the original bill of having a nurse dispense the medications.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio. I'm sorry, Senator Weaver.

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SENATOR WEAVER:

Just a question, Mr. President. Senator Demuzio, do we have any information as to how House Bill 1220 - or the provisions of House Bill 1220 - has been implemented throughout the State? Have many of these -- have many of the schools worked on the provisions of that - whereby they set up committees to look into the availability of help?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Weaver, it is my understanding that -- I'm not going to refer to the house bill that you referred to, but it's Public Act - and I have it here in front of me, I just can't put my -- my finger on it - 1441, as I recall correctly. There are some school districts who have been exploring the -- this possibility, but I'm not sure as to the number who have already adopted guidelines and how many have not.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. To my good friend, Senator Karpel: You voted for this bill once before on -- last year -- and I'm sure that you must be talking about some other bill when you made your argument a few minutes ago. But this bill is a bill that is permissive, as was explained, and I would seek your positive support. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 973 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 39



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Ayes, 15 Nays, 1 recorded as Present. This bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 981. Senator Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 981 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Severns.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. One of the goals of our State Government Organization and Administration Committee is to try to take a look at State Government and see where perhaps some overlapping or some obvious inefficiency occurs. One example that we found was that a federally mandated State agency sits within one of our universities -- State universities, rather than with the more appropriate agency - the Department of Labor - and subsequently we pay that university fifty-six thousand dollars a year to serve as the fiscal agent. This bill transfers the occupational information coordinating committee to the Department of Labor where it should be and where it would more appropriately sit. The Governor has vetoed this bill because he said that everything's working fine; that there's no need to transfer it. I think there is a need, and I think in a year that we have to look very closely at every expenditure, we must ask ourselves, why are we spending fifty-six thousand dollars to a State university to serve as a fiscal agent, when we could move this task to the Department of Labor, where we would not have to pay that fifty-six thousand dollars to administer this federally mandated program. I think the answer is probably easy for Governor Edgar - the university is Eastern Illinois

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University. I understand his reasoning, but as a State General Assembly, I think we ought to move this agency to the Department of Labor, and that's what this bill would do. I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Edgar, Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Well, I -- I must rise in opposition to Senator Severns' motion. As she did indicate, the repository is a fiscal agent for the coordination of developing or -- or researching labor markets and those types of information. The fiscal agent is Eastern Illinois University. And that university does happen to be in my district. You'll also notice on your analysis that the vote when this bill passed out of the Senate was 58 to 1, which was an overwhelming majority, but -- and I happened to have been the only No vote at that particular time. And I think the reason that this bill passed so easily was the fact that nobody really - particularly at Eastern Illinois University - didn't realize that this bill was out there to transfer to the Department of Labor. So, for several of those reasons, I certainly do oppose the Lady's motion, and would hope that many of you could join with me in leaving this program where it is. It's already established. It is running very successfully. And certainly, Eastern Illinois University is a State agency, if you want to look at higher education as a State entity. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Severns, to close.

SENATOR SEVERNS:

Thank you, Mr. President. To my friend, Senator Woodyard: I've probably given my -- the probable new map should be joining you -- seeing that Coles County, at least in part, is going to be

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possibly in my new district. I understand your point of view, and for that matter, even the Governor - from Eastern Illinois University. But as a Statewide fiscal policy, we must ask ourselves, is it necessary to spend fifty-six thousand dollars to have EIU serve as the fiscal agent for a federally mandated program, when our own Department of Labor - who supported this bill in committee - would take the same program and not charge that fifty-six-thousand-dollar administering fee. At a time when dollars are so tight, I don't think we can afford this luxury, and I think that we need to override the Governor's veto. I would urge a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 981 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 31 Ayes, 26 Nays, none recorded Present. This bill, having failed to receive the required three-fifths vote, is declared lost. Senate Bill 1037. Senator Savickas. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1037 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Savickas.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, Senate Bill 1037 is a program that was designed to continue the home-delivered meals furnished to eligible individuals through a nutrition provider funded by an area agency on aging, and shall be considered an essential service to prevent unnecessary

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institutionalization of persons age sixty and older in need of long term care, or who are Alzheimer Disease or related disorders victim. I would ask your support in overriding the Governor's veto of this program.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Gentleman from McLean, Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Just very briefly, this -- this makes this, of course, an entitlement. There is a waiting list now for -- for this service. And it's -- I am reliably informed that the cost of the entitlement is an additional two million plus. And I think that in a year like this year - and perhaps future years - this is something we should not embark upon, and we should support the Governor's veto.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Brookins.

SENATOR BROOKINS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR BROOKINS:

Senator, is this the Meals on Wheels, where we take care of the elderly and -- and -- and the sick and take 'em dinners and et cetera -- to their homes -- to the people that -- that work so hard in the State of Illinois? Is that this program?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas.

SENATOR SAVICKAS:

Yes, that's part of it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Brookins.

SENATOR BROOKINS:

Thank you, Senator. I think I rise in strong support of this override. I just think that these are the people that we need to help. And we really are -- should be about helping. Thank you.  
PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from St. Clair, Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill. It's time for us -- that -- to open our ears and hear people cry. I tell you -- it's -- we need to open our hearts. It's sad today when you are thinking of these people who need Meals on Wheels. These are our people who have worked - in the twilight of their life. Many of them can't get to their doors. And I'm telling you, it's time for us to pass a bill like this, and so I just want to tell you, "Open your ears and hear the cries of people." I fully support this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentleman of the Senate, I speak in support of this override, because I think we could be penny-wise and pound-foolish on this fact. I think it gets down to a question - not only of caring, but also of economics. And that is, if we don't pay now, we're going to pay later. And if we're going to pay later, we're going to pay twice as much, because in many cases, this is the only nutritionally decent meal, or only meal, that many of these people get a day. If that's the case, nutritionally they are going to become so sick they're going to either wind up in hospitals or long-term care facilities. It's ultimately going to cost the State a great deal of money in programs, which we are currently not funding or underfunding. It

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is a good, kind, sensible approach to making this happen, and I certainly would stand in -- in support of this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas, to close.

SENATOR SAVICKAS:

I think Senator Topinka's comments were the most proper in the closing statement, and I would ask your support for our seniors.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1037 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 36 Ayes, 15 Nays, 2 recorded as Present. And this bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 1095. Senator Holmberg. I'm sorry. Senator Maitland, what purpose you seek recognition?

SENATOR MAITLAND:

Thank you, Mr. President. Let's just verify the affirmative vote please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith, what purpose you seek recognition?

SENATOR SMITH:

My -- something was wrong, evidently, with my button. I thought I was the first one to vote -- vote Yes on this bill, and it didn't come on. But I want you to know that I voted Yes on it. I don't think it showed up on the machine. Did it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I really can't answer that question. We'll find out in the verification. You're recorded as not voting, ma'am.

SENATOR SMITH:

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Definitely on that bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Would the Membership please be in their seats. Verification being requested. Please verify the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Butler, Carroll, Collins, Cullerton, Daley, del Valle, Demuzio, Dudycz, Tom Dunn, Geo-Karis, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft, Mahar, Marovitz, O'Daniel, Palmer, Raica, Rea, Savickas, Severns, Topinka, Vadalabene, Welch, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Are there any questions of -- of the affirmative vote? None. And on this question, there are 36 Ayes, 15 Nays, 2 recorded as Present. This bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 1095. Senator Holmberg. Out of the record. 1353. Senator Holmberg. Out of the record. Please turn to Page 3. Motions in Writing. John, Senate Bill 1030? Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1030, in manner and form as follows:

Amendment to Senate Bill 1030

in Acceptance of Governor's Recommendations

Filed by Senator Daley.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I move that we accept the specific recommendation for a change to Senate Bill 1030. And what the Governor recommends is to remove the

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portion of the bill that requires the State of Illinois to relinquish its right of reversion to Springfield Lake in Streator, Illinois. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is, shall the Senate accept the specific recommendations of the Governor to Senate Bill 1030, in the manner and form just stated by Senator Daley. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On that question there are 56 Ayes, no Nays, none recorded as Present. And the specific recommendations of the Governor as to Senate Bill 1030, having received the required majority vote of the Senators elected, is declared accepted. 1172. Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1172, in manner and form as follows:

Amendment to Senate Bill 1172

in Acceptance of Governor's Recommendations

Filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1172 is a product of the State Comptroller. We are moving to accept the specific recommendations of the Governor with respect to the quarterly review. He indicates would become an unnecessary burden, and therefore, it would require agencies to include in their quarterly reports to the Comptroller the agencies' best estimate of the cost of each expenditure related to each of the revenue sources administered by the agency. Requires the effective agencies to annually file a



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tax expenditure report, rather than quarterly - that was his change. I would move to accept the Governor's recommendations for change.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is, shall the Senate accept the specific recommendations as -- of the Governor to Senate Bill 1172, in the manner and form as just stated by Senator Demuzio. Those in favor, signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On that question, there are 56 Ayes, no Nays, none recorded as Present. And the specific recommendations of the -- of the Governor as to Senate Bill 1172, having received the required majority vote of the Senators elected, is declared accepted. Appears on the Calendar, Motions in Writing, Override Specific Recommendations. Senator Dunn, on Senate Bill 42. Out of the record - request of the sponsor. Senator Carroll, on Senate Joint Resolution 96. Senator Carroll.  
SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First, I would ask leave to ask that Senator Watson be joined as a co-sponsor, and then I would ask that the Committee on Executive be bypassed so that Senate Joint Resolution 96 appear on the Calendar. Senate Joint Resolution 96 - and by the way, I've cleared it with both sides of the aisle - is the one that would create a task force to study, within the industries involved, how to deal with the issue of the caps on pharmaceuticals for those senior citizens in the Circuit Breaker System. It's an effort to see, within the consumer industry and the industry providing service, if there's a way in which we can find some better way of doing it or some funds in order to raise or eliminate the cap - the eight-hundred-dollar cap - we, unfortunately, had to impose this year. So this resolution would, when debated, create that

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task force. I'd like to have it done this week, if possible, so that it can report back, under the terms of the resolution, by October 1st -- I'm sorry, by February 1st of next year. The Governor's Office would be involved on the task force. And I would urge that the Committee on Executive be discharged so that the bill be placed on the Calendar -- the resolution, I'm sorry.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

First of all, the Gentleman asks leave of the Body to have Senator Maitland listed as a co-sponsor. Hearing no objections -- oh, I'm sorry -- is it Watson? Senator Watson as a co-sponsor. Hearing no objections, so ordered. Now, Senator Carroll moves to discharge the Committee of Executive from further consideration of Senate Joint Resolution 96. Any discussion? Hearing none -- there is discussion. Senator Donahue.

SENATOR DONAHUE:

Thank you. We were not made aware of the resolution. I realize that we have sponsors on our side of the aisle, so I would assume everything's cool, but we were not notified. And -- can we -- when was it filed? Can I ask that question, please? When was the motion filed?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Two weeks ago. Senator Carroll, why don't you repeat your statement. There was a little bit of -- noise in the Chamber.

SENATOR CARROLL:

I'm sorry. We filed the resolution when we were down here about two weeks ago, and then we spoke with the Minority Leader earlier today about bypassing the Executive Committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hall. Senator Carroll moves to discharge the committee from further consideration of Senate Joint Resolution 96. Hearing no objection, it is discharged. All those in favor, signify by saying Aye. Opposed, Nay. The -- the Ayes have it.

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The motion carries, and the -- Senate Joint Resolution 96 is discharged from the committee and is ordered to be placed on the Secretary's Calendar <sic>. Any further business? Senator Rock.

SENATOR ROCK:

I would move, if there is no further business, that we stand adjourned till 10:30 - 10:30 tomorrow morning.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock moves that the Senate stand adjourned till 10:30 tomorrow morning. All those in favor, signify by saying Aye. Aye. Opposed. Senate stands adjourned till 10:30 a.m. See you then. Thank you. Senator Berman, what purpose you seek recognition? Berman. Berman.

SENATOR BERMAN:

Thank you, Mr. President. Just want to remind the members of the Task Force on School Finance that the meeting is going on now at the 2nd Floor of the State Board of Education Building, 100 South First Street. Thank you. North First Street.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you, Senator Berman.

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