

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

77th Legislative Day

October 23, 1991

PRESIDENT ROCK:

The hour of eleven having arrived, the Senate will please come to order. Will the Members please be at their desks, and will our guests in the gallery kindly rise. Our prayer this morning by the Reverend Oliver Zivney, Reddick United Methodist Church, Reddick, Illinois. Reverend.

THE REVEREND OLIVER ZIVNEY:

(Prayer by the Reverend Oliver Zivney)

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 and Tuesday, October the 22nd, 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:

Senate Resolution 801 offered by Senator Lechowicz.

Senate Resolution 802 offered by Senators Fawell, Philip, Karpel, Hudson and others.

Senate Resolution 803 offered by Senator Macdonald.

Senate Resolution 804 offered by Senator Woodyard.

Senate Resolution 805 offered by Senators Berman, President Rock, Senator Jacobs and all Members.

Senate Resolution 806 offered by Senator DeAngelis.

Senate Resolution 807 offered by Senator Etheredge.

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Senate Resolution 808 offered by Senator Jones.

Senate Resolution 809 offered by Senator Jones.

And Senate Joint Resolution 98 offered by Senator Davidson and all Members.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

And Senate Joint Resolution 99 offered by Senator del Valle. It is substantive.

PRESIDENT ROCK:

Executive. Introduction of bills.

SECRETARY HAWKER:

Senate Bill 1481 offered by Senators Karpel and Friedland.

(Secretary reads title of bill)

Senate Bill 1482 offered by Senators Friedland and Karpel.

(Secretary reads title of bill)

Senate Bill 1483 offered by Senator Carroll.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, if I can turn your attention to Page 13 on the Calendar. Bottom of Page 13, we have a number of motions that have been filed to override total vetoes. That would be Senators Jones, Cullerton, Collins, Mahar, Holmberg, Leverenz, Tom Dunn and Senator Karpel. The Secretary informs me that additional motions have been filed. We will have a Supplemental Calendar prepared so that those Members who wish can address them today, if they wish. Senator Davidson, for what purpose do you arise, sir?

SENATOR DAVIDSON:

Mr. President, I'd like to waive the rules and take for

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immediate consideration Senate Joint Resolution 98. For those Members of the Senate, this is a congratulatory resolution to Mike Lennon, who is leaving Sangamon State University, who has been the editor of the Illinois Issues all the time it's existed. He's now going to be the new senior vice president, or something like that, for Wilksberry College <sic> (Wilkes College) in Pennsylvania. He's leaving November the 1st and we would like to do that today, so they can take it up in the House tomorrow. I'll move the appropriate motion, Mr. President.

PRESIDENT ROCK:

All right. The Gentleman has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 98. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Davidson now moves the adoption of Senate Joint Resolution 98. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. ...(machine cutoff)...Senator Hawkinson, for what purpose do you arise, sir?

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. I would like to seek leave of the Body to have my name removed as the chief sponsor of House Bill 1352 and that the bill reflect the chief sponsorship of Senator Madigan.

PRESIDENT ROCK:

All right. The Gentleman seeks leave -- if I can turn your attention to Page 6 on the Calendar, on the Order of Conference Committee Reports, is House Bill 1352. The Gentleman seeks leave to have Senator Madigan assume the chief sponsorship of House Bill 1352, the First Conference Committee Report. Without objection, leave is granted. Senator Madigan, we'll get back to it. We're -- we're going to -- we're going to start on the Order of Total

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Vetoes. Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, sir.

SENATOR BROOKINS:

At my desk, I have two of the south suburban school superintendent, Dr. Willy Mack and Dr. Samuel Romey at my desk. And I'd like to welcome them to Springfield.

PRESIDENT ROCK:

Gentlemen, welcome to Springfield. Nice to see you. Ladies and Gentlemen, if I can have your attention, please. I'd ask the staff to please take a seat. And I ask the Members to please be at their desks. We have with us a number of special guests, and the Chair will yield to Senator Frank Savickas, for the purpose of an introduction.

SENATOR SAVICKAS:

Yes. Thank you, Mr. President. Members of the Senate, I have today a distinct honor and privilege to introduce to you our Vice President of the Supreme Council of Lithuania, Members of his Parliament, and the Parliamentary Staff. It's a honor and a privilege to show to you, I guess, a lifelong fight and hope and desire that these Members and these people have accomplished above all obstacles. So with you, I would like to welcome Ceslovas Stankevicius, our Vice President on the Supreme Council, who would like to say a few words to you, and then we'll introduce the Members of Parliament. How about giving him a nice Senate welcome?

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

Honorable President and Members of the Senate,

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CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

it is a great honor to us to be presented here before you in the State Senate of Illinois.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

The independence of the Lithuanian Republic was declared and it was defended.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

This was done first by the Lithuanian people - unarmed, standing before the -- the Soviet forces and tanks.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

You have played a role in this achievement of freedom, Honorable Senators, by supporting resolutions that were in support of us and our quest for independence and liberty.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

The Lithuanian Republic faces many challenges.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

One of the urgent objectives regards the Soviet forces which remain in Lithuania and are a danger to our people.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

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INTERPRETER:

These forces without delay must be removed from our territory.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

We must make big changes in our agriculture

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

to reestablish private initiative and market economy factors.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

We need information, assistance and cooperation.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

During our visit to Illinois, we feel an interest and a willingness to assist us in this.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

On behalf of the delegation from the Lithuanian Parliament, I would like to thank you for the warmth and the welcome that we feel from each of you.

CESLOVAS STANKEVICIUS:

(Remarks by Ceslovas Stankevicius)

INTERPRETER:

Thank you very much.

(Applause by the Illinois State Senate)

INTERPRETER:

If I may, I'd like to present to you the delegation from the

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Parliament of Lithuania: Liudvikas Sabutis, Jonas Prapiestis, Arvydas Lescinskas, Petras Vaitiekunas, Vladimiras Jarmolenka, Medardas Cobotas and Juozas Karvelis. And Members of the Parliamentary Staff with us today: Arturas Racas, Kastytis Skusenenas and Vytautas Sinkevicius. Thank you very much.

SENATOR SAVICKAS:

We thank you. And we appreciate your -- your interest and help when Senator Topinka and Senator Raica and all of you worked together to put resolutions - and Senator Brookins - to help support our families and friends in Lithuania. So thank you very much. We appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft, what purpose do you arise? Senator Luft.

SENATOR LUFT:

Purpose of an announcement, Mr. President. I'd like to announce that next -- not next Wednesday - the Wednesday that we come back at 11:00 a.m., the Revenue Committee of the Senate will have a meeting on subject matter of property tax caps.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's come to my ear that one of our distinguished Members has reached another year in his life, and that's none other than Senator Forest Etheredge. We'd like all of you to wish him a happy birthday, and this time it really is his birthday this week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Who is it? Senator Forest Etheredge? Oh, it's his birthday, oh. Happy birthday. Well, Senator Geo-Karis, I am surprised. I had no idea that Senator Etheredge was that old, as you stipulated. I don't think he was paying any attention, while you were introducing him. All right. If I could have the attention

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of the Body, we have another special guest. I would ask Senator Topinka to join me at the Podium. Can we have some -- could we break up the caucuses, please. Senator Topinka.

SENATOR TOPINKA:

Thank you, President Demuzio and Members of the Senate. Today we have a very special guest with us today. I think he -- he represents a most wonderful country with a very long tradition of democracy, of independence, of civil rights, of everything that I think all of us want to be, hope to be, long to be and, hopefully, are. We -- we welcome today Arthur H. Burkhardt who is the Consul General of Switzerland. Switzerland is celebrating its 700th Anniversary, so it is far older than we are. It has, as I said, a long and exalted tradition. Mr. Burkhardt was born in Thun, Switzerland and graduated from the Commercial College of this city. He began his career in 1956 in Eberdun, in an import/export company. In 1959 -- may I -- may I maybe have some -- some time here, Gentlemen? Could you hold the conversations down? I've always wanted to do that. That's wonderful. If you could hold the conversations down. In 1959, he joined the Federal Department of Foreign Affairs in Bern and spent some time at the Swiss Embassy in Brussels as a trainee. From 1961 to '66, he was attached to the Commercial Section of the Consulate General of Switzerland in New York, as commercial attache. In 1967, he was transferred to Frankfurt. Senator Schaffer, would you mind keeping your conversation down? In New York, as commercial attache. In 1967, he was transferred to Frankfurt, West Germany where he headed the chancellery of the Consulate General of that city. Three years later, he got a new assignment as Deputy Head of Mission in Monrovia, Liberia. From 1974 to '75, he served as Vice Consul in charge of the Consular's Section at the Swiss Embassy in Dublin, Ireland. And in 1976, followed a transfer to the Swiss Diplomatic Mission in Bangkok, Thailand. During four

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years, his responsibilities as Consul included, besides normal routine work, assisting Swiss citizens detained for possession of/or dealing in drugs, as well as involvement in the selection process of Indo-Chinese refugees to be moved to Switzerland. In 1980, Mr. Burkhardt returned to Switzerland. At the Humanitarian Aid Division of the Federal Department of Foreign Affairs, he took up the position as Personnel Manager and Project Coordinator of the Swiss Disaster Relief Unit. Until 1986, he was involved in many relief missions around the world, but particularly in Africa. Following his appointment as Consul General of Switzerland to the Midwest of the United States, he took up his new post in Chicago in August 1986. Consul General Burkhardt is married and has one daughter and one son, born in 1969 and '73. He plays golf and tennis and, as you would expect one from Switzerland, skis down hill and cross-country, loves music, especially jazz, and loves to travel, as we can see by his varied diplomatic posts. Would the Illinois Senate be kind enough, at this time, to welcome the Consul General of Switzerland, Mr. Arthur Burkhardt, on the 700th Anniversary of the Great Nation of Switzerland. Consul General Burkhardt.

CONSUL GENERAL ARTHUR BURKHARDT:

(Remarks by Consul General Arthur Burkhardt)

SENATOR TOPINKA:

Mr. Burkhardt, in honor of Switzerland's 700th -- 700th Anniversary, we do have, indeed, a Senate resolution extolling all the virtues of Switzerland. We would like you to have that. That has been read into the record here in the Senate. It's my understanding you will have a similar one in the Illinois House, and I want you to know that there is a line forming in the Senate for those of us who would like to talk to you about getting clocks, watches and, most specifically, your wonderful chocolate. Thank you very much.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body now, we will go back to the original Calendar, your original Calendar this morning, bottom of Page 13. Bottom of Page 13 on your regular Calendar, Motions in Writing, Senate Bill 407. Senator Jones. Senator Jones on the Floor? Top of Page 14. Senate Bill 443. Senator Cullerton. Top of Page 14. Collins. 468. Senator Jones, did you want 407 on the bottom of Page 13 called? All right. With leave of the Body, we'll return to Page 13. Bottom of Page 13 is Senate Bill 407. Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 407 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones. Pardon me, Senator Jones. WCIA Channel 3 has requested permission to videotape. Is leave granted? Leave is granted. Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Senate Bill 407 was vetoed by the Governor because, in his Governor's Veto Message, he indicated that he did not think there was a sufficient number of nail technicians in the State of Illinois that would generate enough revenue to require licensure. But the Governor in his fiscal note, which has been changed and updated somewhat, but it is still incorrect. There are many, many nail technicians throughout the State of Illinois who -- who would -- who would be licensed by this Act and they, in turn, would provide sufficient dollars in revenue that will more than be enough for them to be licensed. Nail technicians is a part of the cosmetology industry in the State of Illinois. It's a industry that does need regulated simply because when you're dealing with

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chemicals, when you using these -- these sculptured nails...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Jones. Ladies and Gentlemen. Senator Jones.

SENATOR JONES:

And when you're using sculptured nails, which require the use of chemicals, one needs the necessary training and also the experience necessary to do the job, which would not be harmful to the people of the State of Illinois. The -- each of you probably received a communication from the Illinois -- Cosmetology Association, and we are talking about an estimated -- of over twenty-seven hundred people in the State of Illinois who would be licensed, who would generate more than a hundred and eight thousand dollars a year in revenue which would be sufficient to cover the necessary costs of this -- of licensing nail technicians. Each of you, no doubt, have been talked to. I solicit your support. This legislation passed this Body by a vote of 51 to zip, and I solicit a Aye vote on this override.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicate he will yield. Senator Madigan.

SENATOR MADIGAN:

Senator Jones, according to our analysis and according to the information that we have, this has, passing or overriding this veto would carry a fiscal cost of eighty-two-thousand dollars. Would you care to comment on that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

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Yes, that is -- that is the -- that is the cost that the -- the -- the fiscal note indicates it would be to the agency. And then I indicated to you earlier that would be many, many more nail technicians licensed under the Act. I do have a revised fiscal note from the Department, and what they estimate, over a four-year period, a deficit of approximately seven thousand dollars over a four-year period. However, this is still relatively low. It's more than enough revenue here to actually license this profession and -- which would not cause a fiscal deficit to the Department of Professional Regulations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. One more question. Senator Jones, in your opinion then, could this, indeed, in the future, be a positive cash flow for the State of Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

In my -- in my estimation, it would be a positive cash flow. At the same time -- at the same time, Senator Madigan, it would more than pay for itself because there are many, many more nail technicians than is -- is listed here in the fiscal note. So it would pay for itself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jones may close.

SENATOR JONES:

Yeah. Thank you, Mr. President. I ask for a favorable vote. This is a worthwhile piece of legislation. As I indicated, there was a error in the fiscal note which prompted the Governor to issue his veto. It has been corrected somewhat, but not in its entirety, and I think this is a worthwhile profession and it

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deserves your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 407 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 18, none voting Present. Senate Bill 407, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Page 14. 468. Senator Collins. Senate Bill 468. Top of Page 14. Senate Bill 468, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 468 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Will -- will you take it out of the record? There's some problems in reference to the monies for this task force.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. Senate Bill 1020. Senator Mahar. Senate Bill 1020, Madam Secretary, the motion.

SECRETARY HAWKER:

I move that Senate Bill 1020 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

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Thank you, Mr. President. Senate Bill 1020 imposes a penalty of one hundred dollars upon those individuals convicted of -- of about forty crimes of domestic violence, and this money is then placed into the State's Domestic Violence Shelter and Service Fund. And I have read the Governor's Message and, quite frankly, I don't really understand where he's coming from in vetoing this, and let me just give you a couple of examples. He didn't veto it because, unlike other bills, it has a negative impact on the State. In fact, the reason I introduced it is because it has a positive impact. We, last year and this year and in years past, have contribute ten million dollars of General Revenue Fund money to the Domestic Violence Shelter and Service Fund. Obviously, with this hundred -- hundred-dollar fine, we are going to be far relieved of that accountability, as far as the General Revenue Fund goes. Secondly, he didn't do this 'cause this imposes some type of hardship -- unnecessary hardship on the abusers. In fact, Illinois is the only State, I believe today, is the only State, where the -- the abusers do not help compensate the services to the victims or those people that they abuse. And finally, you know, it's not because domestic violence isn't an issue. There's literally tens of thousands of cases where women and children are physically abused every year in this State, and those are the reported cases. God only knows how many go unreported. The principal reason that the Governor gave, as far as I can understand, is the circuit court clerks didn't get their cut of the pie. Well, to that, I would say that the -- these forty crimes were on the books before my bill. They have fines and penalties already associated with them. So even if this bill doesn't go into effect, they're still going to have to handle that transaction. And -- and finally, I introduced this bill in March and as of today, I have yet to have one circuit court clerk, or any representative of circuit court clerk, come to me in

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opposition to this bill. So with that, Mr. President, I would move that we override the Governor's veto of Senate Bill 1020, and I would ask my colleagues to put the same vote on the board we did last spring, which was 59 to nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I, too, rise in strong support of Senator Mahar's motion to override the Governor's veto. This bill was a responsible bill; it was a reasonable approach. It's balanced, and most of all, it's needed. It received bipartisan -- bipartisan sponsorship and certainly support in both Houses. The best vote is a Yes vote, and I would appreciate the support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, who's going to be custodian of these funds until they go there? We hear of so many things coming through here now that's going here -- fines here. This is increased. Is this tenfold? Are you taking it from ten dollars to one-hundred dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The -- there is no money. Prior to last Session, there is no money going from the abuser to the Domestic Violence Shelter Fund. The Governor did sign a bill for

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one particular offense that provided for ten dollars to go to a -- go to this fund. Well, my bill would have it a hundred dollars and it be over forty different crimes. I would suggest to you that the ten-dollar bill that the Governor signed will have no significant impact, and the taxpayers are the ones that are going to be picking up this cost, and not the abusers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hall.

SENATOR HALL:

Well, I'm for doing something for this, but what I'm trying to get is that oftentimes we pass something around here, then the people who do all these things have no visible means of support, or they don't -- that I'm just trying to say, how are they surviving right now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Mahar.

SENATOR MAHAR:

Well, thank you, Mr. President. If the question is, how do the defendants come up with the fines - well, once again, there is no fine at this point that goes into -- into the Domestic Violence Shelter Fund. And you know, as far as -- I surveyed every forty-nine states to see how they handle this, and as far as the hundred-dollar figure is -- goes, we're -- that's very modest. There's two states in the United States - Hawaii being one, and I forgot the others - that have a five-hundred-dollar fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, I'm not against domestic violence -- I mean, that I'm -- I'm not against putting a fine on them. I don't have any problem there, but I just want to be sure that the money in the end goes to these people. That's my question. So I'll support this.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Mahar. All right.
Is there further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think maybe I can clear up what we're -- what we're talking about. The bill that the Governor signed was one that I handled in the Senate. It has Wennlund, Daniels, Santiago, Balanoff, Weller and Hoffman on as -- as co-sponsors in the House. Basically, what the bill that the Governor signed does is it -- it imposes an additional ten-dollar fine for the offense of domestic battery and that additional ten dollars will go to the shelters and the shelter fine. I think that Senator Mahar is doing with his bill is increasing it from ten dollars to a hundred dollars. And, apparently, what the Governor is concerned about is, in the language it talks about -- according to the -- the Governor's Message, it's talking about forty criminal offenses where the bill that -- that was passed and signed was really limited to one and that was domestic violence -- domestic battery.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Mahar may -- I'm sorry. Senator Fawell, was that a question? Senator Fawell.

SENATOR FAWELL:

Is that true? Is this -- is this now expanded to forty different crimes, as the -- as the Governor's Message says? Or is -- is -- and is that the problem; that they're afraid that this is going to be just, you know -- I mean, if somebody is charged with a Domestic Violence Act, battery, trespassing, so on, so forth and all that is involved with domestic violence, you're talking two, three, four hundred dollars for each crime, I assume.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Mahar may close.

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SENATOR MAHAR:

Thank you, Mr. President. As I say, that this bill has passed unanimously both the House and the Senate and no time was there one vote in objection to it. The money - to get back to Senator Hall's issue - this money is collected by the circuit clerks. It is deposited in a fund in the State of Illinois, the Domestic Violence Shelter and Service Fund. That money is then distributed to each and every shelter and every program around the State of Illinois by the Coalition Against Domestic Violence. And with that, I would ask for your support in the override.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1020 pass, the veto 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? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1020, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. WICS-TV has requested permission to videotape. Is leave granted? Leave is granted. 1058. Senator Cullerton. Madam Secretary, Senate Bill 1-0-5-8, please.

SECRETARY HAWKER:

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

Filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. Members of the Senate, I would move to override the Governor's veto, and I hope my explanation will clear up what I think is a misunderstanding, on the Governor's

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part, as to what this bill is all about. The bill passed, convincingly, bipartisan support, and this bill deals with the rehabilitation facilities in the State of Illinois. And let me briefly explain the reason for the bill. Back in 1974, there were some insurance companies that were denying paying coverage for rehabilitative services, if that coverage was -- or if that treatment was received in a freestanding facility. Now there's four in -- in the -- in the State of Illinois - the Rehabilitation Institute of Chicago, Marianjoy Rehabilitation Center in Wheaton, Schwab Rehabilitation Center in Chicago, and the Institute of Physical Medicine in Peoria. Back in 1974, the insurance companies said, "We will pay you if you went to a hospital with a surgical suite, but we won't pay you if you went to one of these freestanding facilities." So the Legislature passed a law that said, "If you provide this coverage - we're not going to mandate that you provide this coverage - but if you provide this coverage, then you can't discriminate between a freestanding facility and one of the hospitals." Now, you may recall that last year, in an effort to be -- to provide small business with an opportunity to buy insurance at lower costs, we passed a bill that eliminated some twenty-two mandated benefits. Well, it turns out that some of them were, indeed, mandated benefits that would -- cost money, where we are saying, "You must provide this coverage." But others were not mandated benefits. They were of this category where we were just saying, in the law, "If you want to provide the coverage, you can't discriminate between who you reimburse." I'll give you another example: the podiatrist. The podiatrists said, "Hey, you know, when a medical doctor treats somebody's foot, they get reimbursed by the insurance. But when we do it, we can't get reimbursed." So the podiatrists came down here and we passed a law that said, "You've got to pay the podiatrist if you have the coverage, just like you'd pay the medical doctor." Now, this is

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very similar to that. This, therefore, is not, in my opinion, a mandated benefit that costs money. Now we did pass -- in fact, I was the sponsor of a bill on the in vitro fertilization - that the Governor signed - and that was a mandated benefit. That costs money. We even told you it was going to cost money. We estimated how much it would cost. And because it was going to cost money, we exempted the small businesses - under twenty-five people. But this one doesn't cost money. All it says is that if the business decides that they want to provide group health insurance coverage for -- physical or psychiatric rehabilitation, they can't discriminate between the freestanding facility and the surgical suite. Maybe it's paranoia on their part to even have this bill try to be passed by the rehabilitation facilities, but it happened before where insurance companies were discriminating against them, and that's why there's a need for the bill. Now, again, the Governor's Veto Message talks about adding back into the law the mandate and the bad precedent that would be set by going back on the bill we passed last year. It seems to me that by signing the in vitro fertilization bill, the Governor has indicated that in some cases, we -- we should have mandated benefits. But if anybody's being inconsistent, then I would argue that he is, by vetoing this bill. This is not a mandated benefit. It doesn't cost any money. I'd be happy to answer any questions. I hope I've made the purpose of the bill clear, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Madigan.

SENATOR MADIGAN:

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Senator Cullerton, you mention inconsistency as far as upon the Governor's part, and I think that you, as the sponsor of the in vitro bill and this bill, would have to agree that you are the one who is inconsistent, in that you exempted small employers from the in vitro bill and did not exempt small employers on this bill, as the sponsor of both bills. So I would rise to correct you as to who is being consistent and who is being inconsistent, as far as pursuing legislation of this type, and would rise in -- the request to sustain the Governor's veto on this matter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If we could have a little attention, Mr. President. Might I respectfully suggest that the issue here is not who's consistent or who's inconsistent. We passed this bill in the spring, and it made sense then and I suggest to you that it makes very good sense today. Each of us probably have known somebody who has had some serious trauma - injury, stroke, heart attack, some other type of debilitating injury - and they're taken to a hospital. And after a certain number of days in that hospital, the person is at a level where the intensive care of the hospital itself really isn't necessary, but that person isn't ready to go home. That person needs rehabilitation. Now I speak personally, because this happened with my -- with my own mother, four or five years ago. She was in a great facility after a stroke. She was at St. Francis Hospital in Evanston. But when she reached a level where the hospital care reached a certain level, they were ready to discharge her. The doctor said, "She can't handle herself at home." The problem was - and it was up to the doctor - keep her in this hospital for rehabilitation, for therapy, or send her home where she just couldn't manage, or send her to the Rehabilitation

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Institute of Chicago. That's one of the facilities covered by this bill. She went there. The cost in that hospital - in the rehab center - was less per day than at St. Francis Hospital. It cost less money at the rehab center. After three weeks at the rehab center, this woman, who could not move her left arm, who could not move her left leg when she was discharged from the hospital, was capable of handling all of her homemaker tasks herself. They did a great job for her, Ladies and Gentlemen - a great job for her. And I'm sure that we can go down the list, whether it was W. Russell Arrington, who went to the rehab center after a stroke, or sheriff -- former sheriff, now Judge Dick Elrod, who did the same after the terrible injury back in the early eighties - they became useful citizens. The hospital wasn't able to perform the kind of services, or if they were, it was even more expensive than the four facilities that are covered by this bill. This bill makes sense from a dollar-and-cent, insurance-coverage point of view. It doesn't add any requirement, because if the doctor says you can't go home, that patient is going to stay in the more expensive hospital. So I just suggest to you - the issue is not consistency or inconsistency; the issue here is what is the better treatment at the lower cost. Vote Aye to override the veto on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I rise in support of the override and agree with the first and third speakers on this issue. I don't know whether, in fact, Senator Berman is correct that rehab facilities are invariably less expensive than hospitals, although it does make sense that -- that those facilities that don't have all the equipment and the acute care that hospitals - particularly our most -- our largest teaching hospitals - entail, would be less

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expensive. I also agree that this is not a mandate. This is simply saying that any health insurance policy that provides, as one typically does, for physical care for individuals, will cover care that's provided at rehab facilities, even when those facilities do not also include surgical treatment. We -- we are talking here, Ladies and Gentlemen, as the prior speakers have -- have made you aware, about some of the finest facilities not only in this State, but in the country. I am most familiar with the Rehab Institute, and have several of my finest constituents who serve on its board, and they -- they are dedicated, as I think we should be, to providing the best care available to our citizens here in Illinois and throughout the country, at a cost which I don't think - and Senator Berman has also maintained - is -- is probably going to be less expensive than that which would otherwise be provided in an acute-care hospital. And I urge support for the override.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Just -- just to add to what my colleagues have said. I have Marianjoy in my district. Marianjoy came directly out of Chicago Rehab. It -- it is a good service that is provided, and very frankly, can be very cost-effective. A number of the people at Marianjoy are people who have had strokes or have been in accidents who are within working age. They don't all -- they are not all seniors, and Marianjoy has gotten some of those people back on their feet, back into the working force, and therefore, in the long run - and, frankly, quite often in the short run - has saved the State money, because we no longer then have to have them on the tax rolls. I think this is a good bill, and I think we should support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Just briefly - unfortunately, I became all too familiar with the Rehab Institute because my father had a very serious stroke, and the hospital said that they didn't think they could give him the kind of rehabilitation care that he could get at the Rehab Institute. We took him to the Rehab Institute and the kind of care, and services, and love, and attention that he got, as well as everyone else at that facility, was beyond belief. You have to work your tail off to make rehabilitation work, but they work with you. These institutes are invaluable. This -- there is no State cost whatsoever, and I think every vote on there should be green.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank -- thank you, Mr. President. It's -- it's interesting to hear Members describe these fine facilities that are in their districts - and I have no quarrel with the fact that they are fine facilities - but I think you're missing the point. The people that might be covered by this bill are people who now have no insurance. Do you -- please listen to that. The people that are affected by that have no insurance. It's not a question of them getting treatment at one facility or another. They have nothing. And the -- the idea of the bill, originally, was to provide a bare-bones, less expensive kind of policy that people might buy who are currently uninsured. The insurance companies have not rushed into selling this product. I think there may only be one or two companies in the whole State that have offered anything. But immediately now, the Legislature is beginning to dictate changes in that -- in that policy format, and to the extent that we do that, we're going to scare out the insurance

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companies. Let's not be silly about requiring that everybody be furnished with a Cadillac. What we're trying to do is provide something for these people who now have nothing. We should sustain the Governor's override -- or veto, rather. We should leave this alone for a year or two, then if we want to go back in and put in some of these coverages, that's a different matter. But let's see if the plan will work before we begin tinkering with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Cullerton may close. Oh, I beg your pardon. Senator -- there was another light on. I didn't see it. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Schuneman, thank you very much for getting us back on track here. I was the original sponsor of this concept and, Senator Berman, you and I negotiated two or three critical areas, and we worked out that agreement. And -- and I agree with Senator Schuneman -- we are in our infancy with this issue right now, and these are people who absolutely have no coverage. I disagreed with my friend from the Hospital Association who opposed this in the beginning. And if we start now adding one coverage after another, then we defeat the purpose of what we are all about. I rise in strong opposition to this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Cullerton may close.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate, and I -- I want to address my remarks to Senator Madigan, Schuneman and Maitland. I would suggest that you are misreading what the bill was that you passed last year. Let's make it clear. This law does not mandate new coverage. This does not mandate new

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coverage. New coverages would be something like mammography - we mandate you got to have mammography, or we mandate you got to have in vitro fertilization. That's new coverage, and that's a mandated benefit, and that's something which we were trying to eliminate with your bill. But we also eliminated a different category, and I tried to make this clear in my opening presentation. This is a different category. This talks about "if" you provide the coverage, "if" the insurance company decides that they want to provide coverage for physical or psychiatric rehabilitation. We don't mandate that they provide it. But "if" they want to provide it, then they can't discriminate between a freestanding facility and a surgical facility. And as has been noted by previous speakers, they -- they probably wouldn't make that discrimination, because it might even be less expensive to go to the Rehab Institute. But all we're saying with the bill is since they did it back in 1974, we just don't think they ought to have the ability to do it again. And therefore, we're saying, "Don't discriminate between freestanding and hospitals." It's not new coverage. It's not new coverage. So therefore, there's no cost. It's not a mandated benefit. I can't -- I can't -- I don't know what words to use to make it more clear than that. And so for that reason, we should override the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1058 pass, the veto of the Governor to the contrary notwithstanding. 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 40, the Nays are 16, none voting Present. Senate Bill 1058, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 1059. Senator Jones. 1095. Senator Holmberg. Senate Bill 1095.

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Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that Senate Bill 1095 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 1095, as you may remember, amends the Senior Citizens' Real Estate Tax Deferral Act as to new kinds of eligibility. The Senior Citizens' Tax Deferral Program, which we already have, allows qualified senior citizens to defer part or all of the property taxes on their personal residence. It's done in the form of a loan with a six percent interest rate that is to be repaid after the taxpayer's death or at the time the property is sold. Up until now, those with fourteen thousand income or less have been eligible, this plan --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me. Pardon me, Senator Holmberg. Ladies and Gentlemen, it's difficult for me to hear the speaker. Could we break up the caucuses, please. Senator Holmberg.

SENATOR HOLMBERG:

The reason for the change in the Tax Deferral Program is a direct result of the Revenue Committee's hearings in DuPage County. A typical complaint was from a widow or senior citizen who had purchased a thirty-thousand-dollar house, some thirty years ago, and was now living in a house valued at two hundred thousand dollars. The income was the same, or less, but the tax bill was horrendous. They saw no way out. Property tax caps were not going to help them. The problem was now. They needed some way to be able to pay the property taxes they already had. So that this proposal came out of those hearings and gives true

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property tax relief to those on fixed incomes and those who are elderly. It is for those who are house rich and income poor. It keeps neighborhoods intact. People who have lived in a neighborhood all their life will no longer be forced to move. The original program that is now in place has some two hundred and thirty-two participants. The administration is already in place for the program and it's estimated that maybe some one-third more people may participate. It basically is a revolving loan fund. It is used for only a very few years at the end of life. My office has had more calls on this issue than any other issue we have dealt with this year. And interestingly enough, the seniors will tell us, "No, we're not going to use it, but we are so thankful that the Legislature has put this in place so that we can fall back on it should we ever need it." This particular piece of legislation, for which my constituents are grateful to all of you, passed out of the Senate with a 57 to 2 vote, and out of the House with 115 to nothing. It responds to the pleas that all of you made to bring property tax relief to people who are on fixed incomes. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Mr. President, the closing comments - something about people on fixed incomes - I point out to you that what we're considering here is paying the tax bill for people who are making up to thirty thousand dollars. Now that's a long ways from poverty rich. For instance, for a couple - two people - poverty level is eighty-eight hundred dollars. We're saying that people that are making thirty thousand dollars a year need help paying their taxes. I don't think that is necessarily true. Might be nice if we had a great abundance of money and couldn't think of anything else to do with it. But given the current financial situation in

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this State, I think probably we'd better go back and take a second look at this bill that we passed out of here. I think the Governor is right on this subject, and I think it would be very poor policy, given the condition of the State, to pass legislation of this kind.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Holmberg may close.

SENATOR HOLMBERG:

Thank you, Mr. President. This is truly a bill for, not only those on very low incomes, but for those in the middle class - the group that we fail to help time and time again in this Legislature. As I said, it was a direct result of the hearings in DuPage, would certainly have been applicable to the most recent hearings in the Cook suburban area. It's something that tells our constituents that we, as a State, are willing to help them, instead of just putting caps on the locals, telling the locals what to do, we are telling our constituents what we will do. It's a bill to help seniors. It's a bill to help the lower and middle class. I ask for your positive vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1095 pass, the veto 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 who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 20, none voting Present. The motion, having failed to receive the required three-fifths vote, is declared lost. 1189. Senator Leverenz. Madam Secretary, Senate Bill 1189. Read the motion, please.

SECRETARY HAWKER:

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I move that Senate Bill 1189 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. I thought the -- the bill was proper and right. It passed from the Senate with 42 -- affirmative votes and in the House, 76 votes. We simply want to create a commission on economic -- study on productivity in State Government. I think this is -- exactly goes to the heart of the Republican Party and what their platform is, to find out what we should and what we should not keep in government, to go through the agencies and find out the best way to serve the people we represent. This bill will do that at a nominal cost, rather than to end up doing wholesale cuts in agencies, for example, as we see in the Department of Revenue - laying off the collectors to save money, and hopefully everyone will pay under a voluntary compliance. And, too, it would abolish itself in two years. So I would ask for your Aye vote and answer any questions that you may have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I just rise in opposition to the Motion to Override. We're creating another commission, and it -- sooner or later we talk about all these -- it's just a nominal cost here, a nominal cost there. Pretty soon those things add up. And a number of years ago, we eliminated a lot of commissions and here we are starting to create, and I just hope we can sustain the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? If not, Senator Leverenz may close.

SENATOR LEVERENZ:

All right. Thank you. The Lady rises to ask to support the Governor. I think this would, from our prospective, do a better job of identifying all of the waste that everyone says there is in State Government, rather than just blatantly broad-brush the entire subject. The cost would be minimal - that's true. What it would save, I think, would more than repay the cost or the investment to do it. When you talk about waste, you have to have someone to identify it. Surely even the Appropriations Committees do not take the time to adequately look into all of the different parts of how State Government is put together and what to keep and what not to keep. We should have an attitude of what's inspected gets done, not what's expected. So I would ask for your Aye vote to put this in motion for two years and get some hard answers that we can identify waste.

PRESIDENT ROCK:

Question is, shall Senate Bill 1189 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, 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, 28 Nays, none voting Present, and the motion fails. 1353. Senator Holmberg. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 1353 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Holmberg.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

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Thank you, Mr. President. Senate Bill 1353 requires that the University of Illinois, the Board of Regents, Southern Illinois University and the Board of Governors provide fifty-percent tuition waivers within each system to the children of university employees. And I think it's important that it covers both academic and nonacademic staff. Previously, Senator DeAngelis had this bill and I know several of the others of you have had it in past years at full tuition. But in passing it this year at fifty percent tuition, we gathered the support of the Illinois Federation of Teachers and the Board of Higher Education, as well as each of the university systems. The Governor chose to veto it with two erroneous statements; one, that each university could collectively bargain this. And only one system, the Board of Governors, has collective bargaining, so the universities are asking that it be done this way. The other thing is that they said they can do it if they want to, but universities are limited by a three-percent total on any tuition waivers they give. This allows them to go beyond that and, as they say, at really no additional cost. They will basically be eating the cost, but they will not be putting out any additional money. In the case of the Board of Regents - I talked to the -- Chancellor Groves today, and he said this would immediately free up money in their three-percent fund for additional minority and needy scholarships which now are shared with what they're already doing, 'cause they are already doing tuition waivers within that system - so that they would have more money to give to those in need. So as we're looking at this, we realize that most of the major privates are doing this, community colleges are doing this. It's something we can give to university personnel when wages are practically nil, when we have not been able to do much for them in the past couple of years. I would be happy to answer any questions and, if not, ask for a favorable roll call.

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PRESIDENT ROCK:

All right. The Lady has moved that Senate Bill 1353 pass, the veto of the Governor to the contrary notwithstanding. Discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I stand in support of this override. Most all university employees, whether they be academic or nonacademic, have not received any salary adjustments this year, and most of the nonacademic personnel in the same category are receiving from ten to twenty percent less than State employees are receiving. This is a small fringe benefit that would be -- be very beneficial to those people. They have children to educate also and they want to educate them in the State-supported universities. This is -- as Senator Holmberg has said, has been a general practice for privates and -- and community colleges and universities throughout the United States. I think it's only fair that we treat these university employees to at least half of a tuition waiver, and I would hope all of you would support this override.

PRESIDENT ROCK:

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank -- thank you, Mr. President. I just want to say that I join with Senator Weaver and Senator Holmberg in being for this bill. It's a bill that's needed. University employees have not been getting pay raises and this is a way to kind of help them a little bit. It doesn't cost any money out of the General Revenue Fund. The universities will take care of it with half the tuition. I'd urge an Aye vote. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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Well thank you very much, Mr. President and Members of the Senate. Unlike the previous speakers, I oppose this motion. And, Senator Holmberg, I understand what you're trying to do, and I don't fault you or the previous speakers for this. But this is the wrong way to raise salaries. It is absolutely the wrong way to raise salaries. The Board of Governors already does this. It's a decision that should be made by the governing bodies of the universities, not by the General Assembly to mandate this. We ought not be about that. Now, those of you who are concerned about higher tuition costs, think about this for a minute. When you grant tuition waivers to students who are in a classroom at a university, the State is subsidizing that seat. The cost goes on. Cost goes on for the operation of that university. So what you are doing is transferring the burden of that State benefit to that faculty or staff person to your children, and that's the long and short of this. It absolutely tends to increase tuition on the rest of society. Faculty need higher salaries? Absolutely. It's justified, and I have supported that, but this is the wrong way to do it. We ought to let the individual governing boards do it if they want to do it, and I would urge defeat of the motion.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. A question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Watson.

SENATOR WATSON:

Yes. Senator, obviously there is a cost here. There has to be. Who bears this cost and how is it recovered?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

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There is no cost to General Revenue. The universities themselves eat part of the cost. We need to remember that these students are there at half tuition. They're covering most of the base -- costs, and the universities say that they are willing to offer this as an added benefit and feel that they can -- can manage to eat the remaining costs for these additional students.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes. Thank you. Well, how many students are we talking about? Do you have any idea as to what that number may be?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

No, we do not have that information, but the Board of Regents does it now - I will correct Senator Maitland's statement that it's the Board of Governors - and they seem to not have, you know, had a problem.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Well, I think it's kind of naive to suggest that somebody is going to absorb the costs here, quite frankly. I -- somebody has to pay and the universities, obviously, will be coming back to us - and whether it -- whether you think it's going to impact the revenue -- General Revenue Fund or not, I -- I think, is quite erroneous. I think next year we'll see these people coming in here asking for more dollars for whatever to absorb the cost of this particular program. It has to cost somebody and the money's got to come from somewhere. And I think if you're going to support legislation such as this, you better be prepared for a tax increase, because we can't, simply, afford it.

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PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I appreciate what the sponsor is doing here. When this bill originally came up, I put forth my objections, and I think they still hold true. In light of what other speakers have said in opposition, which, I think, holds and which I will not repeat, I would also like to call to the attention of the Assembly here that this does not differentiate between faculty or any other employee of the university. So as a result, if, indeed, we are trying to attract and give perks to faculty members here to keep or retain or attract them, we've got -- this is wide open. So it would be my interpretation that -- let's say any of us here in the General Assembly, if we chose to get a part-time or full-time job, let's say sweeping the halls of any of our State universities, we could, indeed, qualify, as could anybody else qualify. I -- I don't think that's fair, because obviously this is going to be transferred onto the tuitions of other students who don't have this opportunity. And I don't know about your constituents, but mine are all complaining about higher tuitions. They're trying to find scholarships which are earned and which they pay back in some form or another. Furthermore, this bill does not, in any way, consider financial need or merit. That's just completely not taken into consideration at all. I mean, if you work for the university in any capacity, you're in on this. I -- I don't think this is fair. In fact, I think it's down right pernicious. If universities want to do this in a negotiated way, fine, I have no objection to how they run their ship, but I really don't think we should be mandating this in any capacity. It's grossly unfair to the rest of the students of the State of Illinois who would not have this ability.

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PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think the previous speaker made most of the points and made them very well. One of the glaring errors in this bill, in my opinion, is that there is no financial need test. Two university professors who have -- happen to have a child going to the university, may be able to afford tuition a heck of a lot better than the average constituent in my district. And I'm not sure why we need to give them an additional benefit in this way. The other point I think should be made here - we're often concerned about cost shifting in the field of hospital insurance. This is pure and simple cost shifting. Don't believe that the university is going to operate on any less money because they're educating children of university professors. The cost will be there. It's simply going to be shifted to those people who are paying the bill. And I think it's the wrong thing to do at the wrong time. If we want to give an increase to university professors, then that should be measured along with every other need of this State. We shouldn't be doing it in this way. I would urge sustaining the Governor's veto.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I think it should be pointed out, and it probably echoes what Senator Schuneman just said - we're not exactly talking about poverty level people here. We're talking about people earning fifty or sixty or seventy thousand dollars, which seems to me to be a -- a bit of a bonus far beyond -- they might deserve at that salary level. If there were some needs test, I might be able to accept this, but to subsidize at that level of income, I think is just plain wrong.

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PRESIDENT ROCK:

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

SENATOR HOLMBERG:

Thank you, Mr. President. I think a couple of things need to be cleared up from questions on the other side. First of all, Senator Schuneman, benefits are never paid and this is a benefit, not a salary increase - this is a benefit - are never based on financial need. I would think with your insurance experience, you would probably realize that this is true. And to Senator Topinka, I take exception to the fact that you don't believe that the people sweeping the halls need this kind of benefit. This is exactly the type of person that might need the help to send their children to college. We need to talk about everyone who could benefit. And certainly, as I mentioned before, it is not a salary increase. This is not a new concept. Almost every community college in the State already does this, most of our major private universities; Bradley University, Millikin, Eureka, Lake Forest, Illinois Wesleyan, the Big Ten universities. I could go on and on. And it's needed so that we can compete with a benefit package with the rest of these fine universities. It will keep our best employees here. It will keep our best students here. This is the reason that we are doing it. It is the reason that it is being supported by the Board of Higher Education, that it is being supported by the university systems, that it is being supported by their employees. It is a benefit whose time has come in order that we can keep up with the rest of the world. I ask for your favorable vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1353 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted

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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 39 Ayes, 17 Nays, none voting Present. Senate Bill
1353, having received the required three-fifths vote, is declared
passed, the veto of the Governor to the contrary notwithstanding.

END OF TAPE

TAPE 2

PRESIDENT ROCK:

Middle of Page 14, Ladies and Gentlemen. There's Motions in
Writing to Override Specific Recommendations. Senate Bill 42.
Senator Dunn. Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 42 do pass, the specific
recommendations of the Governor to the contrary notwithstanding.
Filed by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I'm moving to override the
Governor's veto. In his message, in vetoing this bill, he looked
favorably upon two elements of the bill. The one element that I
think probably caused him to veto this bill was the Travel
Management Plan. He objected to that because funds were not
appropriated for staff and, secondly, that the Legislative and
Judicial Branches should not be exempt. The latter portion of the
exemption came from the Republican side of the aisle on the theory
that it raised the separation of powers issue. The other
objection that the Governor raised, that we couldn't afford it,

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really doesn't seem to hold water to me because the projection is that we will save somewhere between two to three million dollars if we implement this travel plan. And to say that we can't afford to save money, I think, is the wrong approach. The last objectors to the plan were some State employees who were accruing bonus miles for themselves. This bill would require that those bonus miles be used by the agency, rather than themselves personally. So based on that, I would suggest to you that this bill ought to be overridden.

PRESIDENT ROCK:

All right. The Gentleman has moved that Senate Bill 42 pass, the specific recommendations of the Governor to the contrary notwithstanding. Discussion? We've been together too long. Give me a break, will you? Senator Geo-Karis.

SENATOR GEO-KARIS:

There's no one that I would -- wouldn't like to be together -- as much as with you. I apologize. Mr. President, Ladies and Gentlemen of the Senate, I rise to speak against the override, because, first of all, it would be costly and that additional staff would be needed. Funds were not appropriated for the staff. Most of the duties of the Office of State Travel Management can already be performed under existing law by the Travel Regulation Council and the various travel control boards. And I don't think the Legislative and Judicial Branches should -- should be exempted from this portion of the bill, and I think that -- we have enough money that we don't have -- and I think it's time that we watched it as much as we could. Therefore, I speak against it.

PRESIDENT ROCK:

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise in strong support of the Override Motion by Senator Dunn and, in

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fact, agree many times with Senator Geo-Karis, but on the points that she just raised, I'm going to have to respectfully disagree. When it relates to the Travel Management Plan, we have a fifty-six-million-dollar travel budget in Illinois and no plan. Employees can go out and secure any price ticket without being subjected to find the cheapest price. The frequent-flyer points that they currently receive, yet the State picks up the tab, go to the employee, rather than to the State. Great Lakes Airlines has already provided confirmation to the State that they're more than willing, and they're currently doing with the Illinois Senate, providing this frequent-flyer points directly to the Senate and the State agencies. The State of Mississippi, who has a travel plan half the size of ours, a travel budget half the size of ours, implemented a travel plan and immediately garnered a two- to three-million-dollar savings just in the first year. That would more than cover the cost of the one or two staff members that might be needed to implement this plan. It's essential that we finally do what -- what we're telling our constituents we must do with the State budget, and that's tighten our belts. This is one easy way to do it, and I would urge a favorable vote on SB 42.

PRESIDENT ROCK:

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

SENATOR T. DUNN:

Thank you, Mr. President. This is really not a political issue; it's not an ego issue. It just makes good sense to have fifty-six million dollars properly accounted for. On behalf of the taxpayers, I urge an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 42 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. And the voting

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is open. 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, 25 Nays, none voting Present, and the motion fails. Senate Bill 1006. Senator Holmberg. Senate Bill 1283. Senator Karpziel. 1283. Senator Karpziel. Read the motion, Mr. Secretary. Senator Karpziel. I'm sorry. Senator Karpziel.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 1283 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Karpziel.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I'd like to withdraw that motion, please.

PRESIDENT ROCK:

All right. Motion has been withdrawn. All right. Ladies and Gentlemen, before we get off the regular Calendar, there have been two requests on Page 6. Page 6. Senator Madigan has assumed the sponsorship of House Bill 1352 and wishes to have that addressed. Senator Jones has requested that we go to House Bill 971. So we will move to Page 6 on the Calendar and then we will take the Motions in Writing. I understand Senators Fawell and Marovitz -- that's on Page 8. Motions in Writing by Senators Fawell, Marovitz and Welch. With leave of the Body, we'll move to Page 6 on the Calendar. Senator Madigan, on House Bill 1352. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1352.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

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Thank you, Mr. President. I would move that the First Conference Committee Report on Senate Bill 1352 be rejected, and that a second conference committee be appointed.

PRESIDENT ROCK:

All right. You've heard the Gentleman's motion. Question is, shall the Senate adopt the Conference Committee Report on House Bill 1352. Those in favor, vote Aye. Opposed, vote Nay. And 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 13 Ayes and 12 Nays. The Conference Committee Report is not adopted and the Secretary shall so inform the House. And Senator Madigan has requested the appointment of a second committee on conference. 971. Senator Jones. Top of Page 6, Ladies and Gentlemen. On the Order of Conference Committee Reports, the Conference Committee Report with respect to House Bill 971, Madam Secretary, please.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 9-7-1.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. The First Conference -- the Second Conference Committee Report -- the Second Conference Committee Report is the Omnibus Pension Bill, which contains many provisions for many of the systems throughout the State. It eliminates from the list of investment restrictions requirement that in order for a pension fund to invest in a certain company, that company must have paid dividends in each of the last five years. It applies the federal benefit limitation provisions to the Cook County and Metropolitan Sanitary District Articles. There are several provisions in there as relate to our own General Assembly Retirement System. There is provisions for

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the downstate police which allows a survivor of a pension system -- surviving spouse and children of any police officer who retired after -- after 1993 <sic> (in 1973), married spouse in 1994 <sic> (1974) and died in 1988. There is provisions for downstate fire -- firemen: creditable service include time spent between 1976 and 1988. There is provision as relate to the Illinois Municipal Retirement Fund. The Chicago Municipal - it allows the Mayor to appoint two members to the board rather than have those persons statutorily included in the pension system. It allows the Chicago aldermen who held office as of four -- April the 30th, 1991, to elect to participate in the alternative pension fund. There is a -- for the Cook County employees there is several provisions in there. Provided that those employees who retire at age sixty can receive an automatic annual increase, if they have thirty or more years of service. Also apply for their extension for the optional contribution plan from July 1, '92 to July 1, 1997. And many, many other provisions. For the Chicago's laborers: allow the Mayor to make three appointments to that board. For State employees, it -- it has in there the limits for Social Security offset against widow and survivor annuities at fifty percent of the annuity of the widow or survivor. The State University Retirement System, there is several provisions in there for that. For downstate teachers and also Chicago teachers, it allows the purchase of military credit up to two years of military service that need not be immediately following service as a member. And same thing applies for Chicago teachers. There is some provisions for judges. And deferred compensation: allow employees - which will be taken out - this employees for soil and water conservation district, that we will take this out in another piece of legislation. But that's the general Pension Omnibus Bill; there are many, many provisions in there. And I ask for a favorable vote.

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PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Second Conference Committee Report on House Bill 971. Discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I -- I rise in support of House Bill 971 -- or the Second Conference Committee Report on House Bill 971. This is an agreed bill that all parties have signed on to, including the Governor's Office. It has little or no fiscal impact to the State of Illinois, and I would clarify -- Senator Jones, did you clarify that there would be a following bill on the soil and water conservation districts? Question.

PRESIDENT ROCK:

Gentleman indicates he will yield. Senator Jones.

SENATOR JONES:

Yes, Senator Madigan, there will be a trailer bill to eliminate that provision that's included -- incorporated in this bill, and we will do that when we return in November.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Keats.

SENATOR KEATS:

Although I have long supported the addition of military credit, I am told this bill includes National Guard and Army Reserve service?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

I don't think that is specifically said, according to staff.

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You know, this is something that we worked on in March -- I mean, in June of this year. I don't think -- it may; it may not. I'm not certain, but it said military credit, so, you know.

PRESIDENT ROCK:

Senator Keats.

SENATOR JONES:

But not specifically.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

That -- that's a real major point. I mean, that's a awful lot of people. Now if it did include that -- Senator Watson wanted to know if it included ROTC service, too, and -- cause I think there are a few people that are ROTC credits, too.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

No. No, I'm serious. Could someone check and see if the Guard and Reserve -- I mean, you're talking about someone who drills and -- as you know, I'm an Army Reserve officer. You telling me for one weekend a month, couple weeks each summer, and a few days in between, that would be counted as pension time you could buy in? That would be a unique method of gaining pension time.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. In -- in checking it even further, Senator Keats, all we did -- expand the provision of military service. There is nothing in there as it relate to National Guard and ROTC, et cetera. So, that's not in there.

PRESIDENT ROCK:

Further discussion? Senator Keats.

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SENATOR KEATS:

The final is, I am aware this costs the State of Illinois nothing, but as we push for tax caps - that some people don't think is a bad idea - there may be a few shekels cost to local government. What is the total cost of this bill, at what various levels?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

As -- as it relate to the -- the local system, this is an agreement that had been worked out by -- with the local officials and for the State Retirement System as relate to the cost -- let me look and see how much the cost is. Okay. For the State teachers it's a minor cost, and for the Chicago teachers it's a minor cost. So, therefore, there is no - what you call - real fiscal impact, as such.

PRESIDENT ROCK:

Senator Keats, I think your time is purt' near expired.

SENATOR KEATS:

Mr. President...(mike cutoff)...I appreciate, Mr. President, but that was a little aggressive. But it's just a couple million bucks among friends. But I would say, minor costs - example Chicago teachers -- and I have personally -- I think I even sponsored the bill for -- to allow teachers to buy in military credit. But I'm saying -- minor cost? Do you have any idea how many male teachers in the Chicago system who are past fifty-five? This ins and they would then be able to retire? I mean, I'm for it, but I'm just saying - this is not a minor cost.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank -- thank you, Mr. President. A question of the sponsor,

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if he will yield.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Jones, under the provision that opens a window to allow transfer of credit with other public pension systems, our analysis indicates that former participants who have not yet retired could make a transfer from IMRF, State Employees Retirement System and the Cook County System. Are those the only systems, or is our analysis perhaps not complete? The reason -- the reason for my question, if I may: normally when we open a window of this kind, I think, the practice has been to allow transfers from all the State systems, from Teachers' Retirement, State Universities, State Employees and IMRF, and this one, according to our analysis, may not be that broad, and I guess I'm -- I'd like to know what the bill actually says.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yes. You are correct in what you -- your thoughts is -- there is a very narrow window to accomplish this for a couple of individuals, that's why it was drafted that way.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, then I'd simply suggest that, rather than keep the window so narrow for perhaps named individuals, we might consider on the -- on -- Senator Jones, on -- on the trailing bill, we might consider making participants in those other systems eligible under this, because this may cut out some people that perhaps would otherwise have been included, had they -- had they been a part of this conference committee process.

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PRESIDENT ROCK:

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Question for the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR DEL VALLE:

Senator Jones, does this bill still contain the provision that would allow for the possible elimination of the city treasurer from a couple of the pension boards?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Under the -- under the provisions of this bill, this -- it gives those executive appointments to the Mayor of the City of Chicago for the municipal as well as the laborer -- laborer. So it gives the appointments to the Mayor of the City of Chicago, and I know you did address those concerns before, and the Mayor has indicated publicly that he intends to reappoint the Treasurer of the City of Chicago.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Yes, I did address those concerns before and it continues to be a concern of mine, particularly given the study that was just released indicating the problems - the management problems - that exist with these funds, and the treasurer's efforts and initiatives to address these problems head-on. So I think that it would be a tremendous loss if the Mayor decided not to appoint the City Treasurer to these funds, and I really am concerned about that.

PRESIDENT ROCK:

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Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just so I understand, for the record, that -- I'm led to believe that the Reserve and Guard time is not included unless they had been activated during wartime?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

The way I read the legislation, it says military service. It does not reference anything as relate to the National Guard and et cetera. And so we can look at it more closely, if it does, when we do that trailer bill; we can make sure that it is narrowly defined. Is that what you are trying to get at? It's not -- what Senator Keats was alluding to is not in the bill, as such.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Well, unfortunately, the way I read it and the way the staff reads it, it would probably include the Reserve and National Guard. But it would be a matter of interpretation. My suggestion is, I would hope that is not the legislative intent. I wanted that in the record, and if the Governor's Office is going to have a trailer bill, I would suggest that we might put some clarification. I don't have any problem if the Guard or Reserve has been activated during wartime or those people who have served during an emergency or wartime. But to include everybody else, I certainly would not support it at all.

PRESIDENT ROCK:

Any further discussion? Senator Jones, to close.

SENATOR JONES:

Yes, I -- I agree with you Senator Philip, and as I indicated

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before the -- the definition of "military service" has always been in the articles. All we did is include those two years. So we didn't reference anything as relate to National Guard and et cetera. But again, this is the agreed-upon bill, and I ask for a favorable vote on House Bill 971.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on House Bill 971. Those in favor will vote Aye. Opposed, vote Nay, and 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 55 Ayes, no Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 971, and the bill, having received the required constitutional majority, is declared passed. All right. If I can turn your attention, Ladies and Gentlemen, to Page 8 on the Calendar. Page 8. Page 8 on the Calendar. We have three motions in writing. Senators Fawell, Marovitz and Welch. If indeed they wish to pursue it, this is the appropriate time. Senator Marovitz. 934. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to discharge the Committee on Judiciary I from further consideration of Senate Bill 934 and that the bill be read a second time.

Offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I am moving to discharge the Committee on Judiciary on Senate Bill 934. There was an identical bill that was introduced and passed and was -- and vetoed by the Governor which had a controversial provision in it. The other portions of the bill, by everyone's

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admissions - women's groups, men's groups, lawyers, judges, everybody - are very, very important pieces of legislation that everybody agrees with and passed this Body 59 to nothing. It is our intent to move that without any of the -- any of the controversial provisions, but only those that are desired by every single group involved so that the protection of families and children will be preserved automatically under the Dissolution of Marriage Act and I would ask for a discharge -- favorable Discharge Motion.

PRESIDENT ROCK:

The Gentleman has moved the Committee on Judiciary I from further consideration of Senate Bill 934 and asks that it be placed on the Calendar on the Order of 2nd Reading and read a second time. Discussion on the motion? If not, those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 44 Ayes, 2 Nays, none voting Present, and the motion prevails. Madam Secretary, read the bill a second time.

SECRETARY HAWKER:

Senate Bill 934.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments. Senator Marovitz offers Floor Amendment No. 1.

PRESIDENT ROCK:

Amendments from the Floor? Amendment No. 1, Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 does exactly what I explained just previously. It takes out any of the controversial provisions of the bill whatsoever. It deletes cohabitation prior to marriage as a basis for distribution of marital assets and makes sure that we are not

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changing, in any way, the formula for distribution of contributions for nonmarital assets. The case law in the Morse case is the law. We are not changing the formula one iota. It takes out all reference to that so that there is not even any discussion that we're even dealing with that subject matter, and we're only dealing with the subject matter of automatic stays for mutual -- restraints when there is danger to either the -- either spouse or the children in a dissolution action.

PRESIDENT ROCK:

The Gentleman has moved the adoption of Amendment No. 1 to Senate Bill 934. Discussion? If not, all in favor of the amendment, indicate by saying Aye. All opposed. The Ayes have it. Amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. House Joint Resolution 44. Senator Welch, do you wish to pursue that motion? All right. One more item on the Calendar. Senator Carroll has requested that we deal with the resolution on the Secretary's Desk. That's Page 5 on the Calendar. Page 5 on the regular Calendar. On the Order of Secretary's Desk, Resolutions, you will find Senate Joint Resolution 96. Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 96. No committee amendments.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Many of you heard some of this debate yesterday when we, by unanimous consent, discharged the committee. Purpose of the resolution is to create a task force like we had done - I

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together with the late Senator Pres Bloom - in the area of hospital cost health care. This deals with the area of the Circuit Breaker and the copayment and limitation, the caps, upon senior citizens' benefits under the Circuit Breaker plan for those few categories of life-sustaining drugs that the State now provides assistance in. When we had to pass the budget last year, as you'll recall, the only way we could pass a balanced budget was to still keep a cap. The Governor had originally recommended a four-hundred-dollar limitation on how much a senior could get. We raised that to eight hundred, but as we knew then, that is woefully inadequate, particularly since so many are in what we would call a catastrophic area, where their pharmaceutical costs range into the thousands of dollars a year. We didn't know a good way to deal with it then within the budget constraints, but in meetings with various members of consumer groups, labor unions and the industries involved - the pharmaceutical companies, the pharmacists, Retail Merchants, Medical Society and so on - it was decided the best way to approach this was to bring in those experts, have a joint task force, with members appointed by the Legislative Leadership and the Office of the Governor, to sit down and -- and try to come up with a solution - hopefully a permanent solution that will allow us to meet the needs of our senior citizens, utilizing this program for life-sustaining drugs and, yet, not break the bank at the same time. This resolution, a joint resolution, would have the Senate and House so designate a task force. It would ask them to report back by February 1st, a very short time frame, so that as we enter into the Spring Session, we can have some good data and, hopefully, some very good ideas from those most closely associated with it, as to how to reconfigure this program to give the maximum benefit to the maximum number of people. And I would urge adoption of Senate Joint Resolution 96.

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PRESIDENT ROCK:

The Gentleman has moved the adoption of Senate Joint Resolution 96. Discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I, too, rise in support of Senate Joint Resolution 96. I know we had -- a lot of us agonized over the decision that we made this past spring on Senate Bill 45, which included language which established this cap on the Pharmaceutical Assistance Program. I know a lot of you have gone back to your districts and some of the senior groups and others have contacted you wanting to know why we did what we had to do. Of course, the implications -- the fiscal implications of that was to save, hopefully, some forty-six million dollars. We established a copay and other provisions, which I hope will realize that particular dollar figure. The Department of Revenue now is getting together the figures for the first quarter and to see exactly what the fiscal impact will be in regard to what we've done on this particular issue. But I do think that a task force such as this would be beneficial so that we can come back next spring and hopefully make some corrections and -- and really do what we should do in the name of our seniors, who -- quite honestly, this is a group of individuals who oftentimes don't come to us for help. And we need to do and provide for them what we can. So I also rise in support and certainly ask the Membership to do also.

PRESIDENT ROCK:

All right. Senator Carroll has moved the adoption of Senate Joint Resolution 96. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Joint Resolution 96, having received

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the required constitutional majority, is declared adopted. All right. Ladies and Gentlemen, we're going to be moving to the Supplemental Calendar. The Calendar has been distributed. At the conclusion of that Supplemental Calendar, we will effectively have concluded our business for the day. That's Senators Joyce, Cullerton, Dunn, Collins, Holmberg and Hudson. In the meantime, while you're collecting and looking at your Calendars, Senator Berman, for what purpose do you arise, sir?

SENATOR BERMAN:

Thank -- thank you, Mr. President. On the Secretary's Desk, there is Senate Resolution 805, which is congratulatory. I would ask that the appropriate rules be suspended for immediate consideration and adoption of Senate Resolution 805.

PRESIDENT ROCK:

All right. Senator Berman has moved to suspend the rules for the immediate consideration and adoption of a congratulatory resolution, which has to be presented, I'm told, more quickly than the Consent Calendar would allow. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Berman now moves the adoption of Senate Resolution 805. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. And the resolution is adopted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, immediately after the conclusion of this morning's -- this afternoon's Session, there will be a Republican Caucus in Senator James "Pate" Philip's Office. I repeat - Republican Caucus after the completion of this Session this -- of today.

PRESIDENT ROCK:

Sounds like a wonderful idea. Senator Macdonald, for what

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purpose do you arise?

SENATOR MACDONALD:

I rise on a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, please.

SENATOR MACDONALD:

I would like to introduce to the Body my very good friend, Ruth Grundberg, who is also the Supervisor of Wheeling Township and an announced candidate for the House in the 53rd District. Ruth Grundberg.

PRESIDENT ROCK:

Welcome to Springfield. All right. We're going to move to the Supplemental Calendar, Ladies and Gentlemen. We have only six matters left on the Calendar, then we will adjourn until ten o'clock tomorrow morning. And absent any lengthy speeches, we should -- we should be in a position to conclude our business certainly before noon tomorrow. There's a Motion in Writing on the Order of Supplemental Senate Calendar 1. On the Order of Motions in Writing, there's a motion with respect to House Bill 2611. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to discharge the Committee on Executive from further consideration of House Bill 2611, and that the bill be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Jerome Joyce.

PRESIDENT ROCK:

All right. The Senator, I'm sure, indicates that he wishes the bill to be read a second time so we can deal with the amendment. All right. Senator Joyce.

SENATOR J.J. JOYCE:

Yes, I would move that the bill be read a second time and the amendments to follow.

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PRESIDENT ROCK:

All right. The Gentleman has moved to discharge the Committee on Executive from further consideration of House Bill 2611. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. On the Order of House Bills 2nd Reading is House Bill 2611, Madam Secretary.

SECRETARY HAWKER:

House Bill 2611.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Jerome Joyce offers Amendment No. 1.

PRESIDENT ROCK:

Senator Joyce, on Amendment No. 1.

SENATOR J.J. JOYCE:

Thank you, Mr. President. Basically, this amendment would codify the general practice regarding moral obligation bonds. This requires the approval of the Governor before agencies may issue moral obligation bonds. It clarifies that the moral obligation includes the obligation to restore in-reserve -- reserve funds where those funds are withdrawn to pay principal and interest on the bonds. Requires that the Governor inform the General Assembly regarding any shortfalls in funds and to pay the interest and principal on the outstanding bonds as soon as practical after this amount has been certified by the respective agencies. This amendment is needed because Standard & Poor's has refused to underwrite certain moral obligation bonds because of the confusion and the interpretation of certain statutory provisions, so that it -- just basically cleans that up. I think everyone is in agreement about this.

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PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of Amendment No. 1 to House Bill 2611. Discussion on the amendment? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Cullerton. Motion in Writing, Madam Secretary, with respect to Senate Bills 1475 and 1476. Read the motion, please.

SECRETARY HAWKER:

I move to discharge the Committee on Rules from further consideration of Senate Bills 1475 and 1476 and that the bills be placed on the Order of 2nd Reading.

Filed by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President and Members of the Senate. 1475 is a substantive bill. 1476 is an appropriation bill. Appropriation is for fifteen million dollars of General Revenue funds that would go to provide low-income energy assistance. This bill is Senator D'Arco's bill. I'm the hyphenated co-sponsor, along with Senator Smith. The -- as you may recall, last Session Senate Bill 45 eliminated all GRF funding for energy assistance benefits to AFDC recipients and transferred those recipients to the federally funded LIHEAP program, which you may recall, during the end of the Session, we had budget negotiations, and the Affordable Budget Coalition was seeking seventeen million dollars in General Revenue funds for the energy assistance in '92. The Governor had indicated that he felt that the Federal Government

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should pay exclusively for this program, and he estimated at the time that a hundred and two million in federal block grant funds would be available of which sixty-seven million would be used for energy assistance. It turns out apparently that this federal award for '92 has still not been made and indications are that it will be less than the -- the amount that the Governor thought would be available. The number of people who are served by this program, two hundred and twenty-six thousand households, for weatherization and assistance in paying their energy bills. And that's the reason for the bill -- the reason for the need for the bill, and both bills -- both the appropriation and substantive bill. So I would move to discharge the committee.

PRESIDENT ROCK:

All right. The Gentleman has moved to discharge the Committee on Rules from further consideration of Senate Bills 1475 and 1476, and asks they placed on the Calendar on the Order of 2nd Reading. Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Cullerton, I understand we -- we voted to discharge the committees and dealt with Senate Bill 934 a little while ago and House Bill 2611 because they, in effect, are noncontroversial. What puzzles me, Senator, is -- is how could you stand there and vote -- or ask us to vote to deal with discharging the committee so that we can debate and vote on a fifteen-million-dollar appropriation for assistance for low-income taxpayers? And yet, yesterday, you refused, and the Members on that side, refused to even allow us to debate property tax caps for the taxpayers of Cook County? Where -- where is the priorities there and why are you willing to deal with one set of taxpayers and not the other?

PRESIDENT ROCK:

Senator Cullerton.

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SENATOR CULLERTON:

I think that's an excellent question. Senator Luft indicated earlier today that the Senate Revenue Committee is going to meet two weeks from today to discuss the same issue that you brought up in your Motion to Discharge yesterday. So, I think that both those taxpayers should be -- concerns should be addressed and I believe that will be done in a couple of weeks, and today, I'm attempting to address the concerns of the people that receive low-income energy assistance.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCH:

Well in that case, Senator, I would suggest that we vote this motion down also and we can deal with -- with your legislation in committee and then we can possibly vote -- you know, next -- in two weeks deal with both matters. But you are not treating the taxpayers, the property owners of Cook County, the same way as you are treating those citizens of Illinois which -- which we will be dealing with in Senate Bills 1475 and 1476. And I would just suggest that -- at least on this side of the aisle, that everybody vote No. Let's treat all our taxpayers the same, if you're going to do it.

PRESIDENT ROCK:

Further discussion? Senator Cullerton, to close.

SENATOR CULLERTON:

I'd simply ask for an Aye vote.

PRESIDENT ROCK:

All right. The question is, the Motion to Discharge. Senator Cullerton has moved to discharge the Committee on Rules from further consideration of Senate Bills 1475 and 1476, and requests that the bills be placed on the Calendar on the Order of 2nd Reading. Those in favor of that motion will vote Aye. Opposed

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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 30 Ayes, 26 Nays, none voting Present and the motion prevails. Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCHZ:

Mr. President, I seek a verification of the affirmative votes.

PRESIDENT ROCK:

That request is in order. Senator Dudycz has requested a verification. Will the Members please be in their seats. Madam Secretary, please read the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Daley, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, O'Daniel, Palmer, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

Senator Dudycz, do you question the presence of any Member?

SENATOR DUDYCHZ:

Senator Jeremiah Joyce.

PRESIDENT ROCK:

Senator Joyce on the Floor? Senator Joyce on the Floor? Strike his name. Senator Dudycz.

SENATOR DUDYCHZ:

Senator Alexander.

PRESIDENT ROCK:

Senator Alexander on the Floor? Senator Alexander on the Floor? Strike her name. All right. The roll has been verified. On that question, there are 28 Ayes, 26 Nays, none voting Present, and the motion fails.

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PRESIDENT ROCK:

We're now on the Order of Motions in Writing to Accept Specific Recommendations for Change. 175. Senator Tom Dunn. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 175, in manner and form as follows:

Amendment to Senate Bill 175

in Acceptance of Governor's Recommendations

Filed by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill rolled out of here 54 to nothing, and I agree with the Governor's recommendations and move to accept his specific recommendations.

PRESIDENT ROCK:

All right. The Gentleman has moved to accept the specific recommendations of the Governor as to Senate Bill 175. Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 175, in the manner and form just stated by Senator Dunn. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 175, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Collins. Senator Collins on the Floor? Senator Holmberg. 1006. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor

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as to Senate Bill 1006, in manner and form as follows:

Amendment to Senate Bill 1006

in Acceptance of Governor's Recommendations

Filed by Senator Holmberg.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I move to accept the revisions which the -- the Governor has made. As much as -- as disappointed as I was that he took out the revolving loan fund for volunteer fire departments, the rest of the bill is very good, and I would recommend that we go with it. It basically abolishes the Fire Equipment Distributor and Employee Board, and creates a new advisory board and eliminates certain licensure requirements and reduces the annual licensure fees. And I recommend its adoption.

PRESIDENT ROCK:

All right. The question is -- discussion? Senator Raica.

SENATOR RAICA:

Mr. President, if I may. I talked to the State Fire Marshal's Office. They're a hundred percent behind the bill; they have no problems with it, and they ask that we go along with Senator Holmberg.

PRESIDENT ROCK:

Question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1006, in the manner and form just stated by Senator Holmberg. Those in favor will vote Aye. Opposed, vote Nay. And 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1006, having received the required constitutional majority vote of Senators elected, are declared

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accepted. 1283. Senator Hudson. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1283, in manner and form as follows:

Amendment to Senate Bill 1283

in Acceptance of Governor's Recommendations

Filed by Senator Hudson.

PRESIDENT ROCK:

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Members of the Senate. Yes, I do rise to move that we do accept the Governor's specific recommendations for change on Senate Bill 1283. And having said that, I think the Governor is trying here his best to accommodate interests of both the forest preserve districts and people who feel, that under the original provisions of the bill, that they might be in some jeopardy - their property, that is. So I think the Governor is trying to do that. Having said that, there is a statement of intent that I would like to have read into the record. The Governor makes amendatory changes only to the bike path Section of the bill. He would require a forest preserve to get concurrence of the municipality or township only when condemnation is used to take property but not when purchasing, leasing or acquiring an easement, as in the original bill. He further adds language which states that, quote, "No district shall establish a trailed surface within fifty feet of an occupied dwelling, which was in existence prior to the approval of acquisition, without obtaining permission of the property owners or the concurrence of the municipality or township within which the property is located," closed quotes. The intent of this new language is that it only applies to a forest preserve district in

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counties with a population of less than five hundred thousand. That is clearly the intent of the Governor as stated in his amendatory veto message dated September 23, 1991, and it is my intent, as the sponsor of the motion, to accept the amendatory veto of the Governor that by the placement of a new limitational language immediately following the limitations of forest preserve districts in counties with population less than five hundred thousand, but prior to the provisions dealing with districts in counties with populations less than six hundred thousand; that it is clear the new provision relates to counties with populations less than five hundred thousand. Thank you, Mr. President.

PRESIDENT ROCK:

Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1283, in the manner and form just stated by Senator Hudson. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1283, having received the required constitutional majority vote of Senators elected, are declared accepted. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolutions 810, 811 and 812 offered by Senator Topinka.

And Senate Resolution 813 offered by Senator Woodyard. They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. Ladies and Gentlemen, that effectively concludes our business. We will reconvene at ten o'clock tomorrow morning. And absent any long speeches by Senator Demuzio or Philip, we'll be out of here before noon. Messages from the

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House.

SECRETARY HAWKER:

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, and the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 80.

Adopted by the House October 22nd, 1991.

I have a like Message on House Joint Resolution 82, which is also congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

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

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

Senate Bill 511, together with House Amendment No.

1.

Passed the House, as amended, October 22nd, 1991.

PRESIDENT ROCK:

Secretary's Desk. Further business to come before the Senate? Further announcements? Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDENT ROCK:

Republican Caucus in Senator Philip's Office. It's supposed to last till 6:00 p.m. Everybody show up on time. Any further business? Further announcements? If not, Senator Vadalabene

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moves that the Senate stand adjourned until tomorrow morning at the hour of ten o'clock. Ten o'clock tomorrow morning, Ladies and Gentlemen. Senate stands adjourned.

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