

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

116th Legislative Day

November 20, 1996

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members be at their desks. Will our guests in the galleries please rise. Our prayer today will be given by Senator Adeline Jay Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Adeline Jay Geo-Karis)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Tuesday, November 19th, in the year 1996, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. If I might have your attention. In about five minutes, we're going to do the Memorial Service and we will be securing the doors. So everybody who wants to participate in the service please be in their seat. It'll take us about five minutes; we're still waiting for one of the participants to arrive. Senator Shadid.

SENATOR SHADID:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

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I have some visitors behind me in the gallery. I'm pleased to have joining us, in the Senate gallery today, visitors from East Peoria, Illinois, the home of the Festival of Lights. Forty-four members of the East Peoria Central Junior High School Student Council, along with their advisors, Scott Estes and Julie George, are here today. Their trip is sponsored by the East Peoria Chamber of Commerce and Tourism. Karen McClelland, President-elect, and their Executive Director, Dick Dodson, are also in attendance. I want to mention that East Peoria Central Junior High Girls' Softball Team recently won the 1996 State IESA Championship, with an undefeated season. Would you please help me in welcoming them to Springfield?

PRESIDENT PHILIP:

If you'll please rise and be recognized by the Senate.  
...Shadid.

SENATOR SHADID:

Mr. President, I also have, if you'll bear with me, another point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

I'm also pleased to have joining us, in the Senate Gallery behind the Republican's section, four of my constituents from Peoria Heights: Rhonda and Larry Haslett, and Ned and Andrea Pendleton, from Peoria Heights. Thank you.

PRESIDENT PHILIP:

Would you please rise and be recognized by the Senate? The Senate will stand at ease until the call of the Chair.

(SENATE STANDS AT EASE)

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(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Resolutions.

SECRETARY HARRY:

Senate Resolution 258, offered by Senators Philip and Jones.

PRESIDENT PHILIP:

Senator Weaver moves the adoption of Senate Resolution 258. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The resolution is adopted. For the record, that was the Cardinal's resolution. We just did it officially. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 1766.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference. Action taken by the House, November 19th, 1996.

PRESIDENT PHILIP:

Without objections, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Leave is granted. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Well, thank you, Mr. President. Just simply for the purposes of informing the Body that Senator Mahar will be gone today and tomorrow, November 20th and 21st, due to the death in the family.

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The record will so indicate.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith.

SENATOR SMITH:

Mr. President, point of personal privilege. I wanted to inquire of the President if there would be any copies available of the services that were just held here for the -- in order -- in honor of the Cardinal, or any tapes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith, we will make every attempt to get a transcript for you of the proceedings. On page 3 of the Calendar is the Order of Motions in Writing to Accept Specific Recommendations for Change. Senator Madigan. Senator Madigan, on Senate Bill 1425? Mr. Secretary, read the -- Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1425, in manner and form as follows:

Amendment to Senate Bill 1425

in Acceptance of Governor's Recommendations  
Offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. On Senate Bill 1425 and the amendatory veto, I would, again, move to accept the changes made by Governor Edgar to Senate Bill 1425. Yesterday we had some questions. I think those questions have been answered; didn't really pertain to the amendatory veto, more to the original bill. If there are any further questions, I'd be glad to answer those. Otherwise, I would ask for approval of those changes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President. Yesterday we raised some issues on this bill. Between yesterday and today, the questions that were raised have been answered, at least to my satisfaction. Let -- and I appreciate the courtesy of Senator Madigan in taking this out of the record yesterday. I have had distributed on the Floor to each of your desks a letter, dated yesterday, from the Illinois Coalition Against Domestic Violence, Vickie M. Smith, Executive Director, addressed to me and states that "The Illinois Coalition Against Domestic Violence had a number of concerns in relation to Senate Bill 1425 and we made those concerns known to Governor Edgar. The amendatory veto is in response to one of those concerns. As a result, we are supportive of the changes made by the amendatory veto." Again, that's from the Illinois Coalition Against Domestic Violence. And just for the record, the purpose of the bill is to set certain guidelines so persons who are victims of domestic violence will have the opportunity of getting insurance - health insurance, primarily - the same way that other people who have injuries would be questioned or examined by the insurance companies. It eliminates -- the purpose of the bill is to eliminate possible discrimination against victims of domestic violence. I stand in support of Senator Madigan's motion.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1425, on the manner and form just stated by Senator Madigan. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. The specific

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recommendations of the Governor as to Senate Bill 1425, having received the required constitutional majority vote of Senators elected, are declared accepted. ...page 3 of the Calendar is -- in the Order of Motions in Writing to Accept Specific Recommendations for -- is Senate Bill 1781. Senator Burzynski. Senator Burzynski. Take it out of the record. On the same page is Senate Bill 1853. Senator Berman. Read the bill, Madam Secretary. Or, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1853, in manner and form as follows:

Amendment to Senate Bill 1853

in Acceptance of Governor's Recommendations

Offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this bill, which was sponsored by Senator Karpel and passed unanimously by both Houses, is a bill that addressed the procedure that we have been involved in for the past almost two years, dealing with waiver requests by school districts. This bill -- this bill says, in effect, that when there have been waiver requests that we have disallowed - that the Legislature has disallowed - that once we have set that precedence of disallowing certain categories of waiver requests, that we don't have to act again on the same type of waiver request; that the State Board can follow our prior action and disapprove those requests. Now, why would we do that? Well, under the system that we have, for example, in the Veto Session, we're here for six days - six working days. If there are dozens or hundreds or, perhaps, even thousands of waiver requests, we could easily get bogged down. And

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as you are well aware, if we don't affirmatively act to disapprove a waiver, the waiver becomes law. We have literally been holding on to the cliff -- edge of the cliff for a couple of Sessions because of differences of opinion, because of, sometimes, disputes between the -- the Leadership in the House and the Leadership in the Senate, as to what -- which waiver requests we want to let go through and which ones we want to disapprove. What the Governor has done to, I think, improve the bill was to say that even if we have set a precedent of disallowing certain categories of waiver requests, we, the Legislature, can change that at any time by passing a affirmative resolution. The purpose of the bill and the amendatory veto makes the system much more workable. We are not put under the kind of pressures that certainly could have come up before us, where we would allow things to go through and waivers to take effect because of our lack of time, our differences of opinion, our inability to get both Houses to act at the same time. For example, as you recall, the first series of waiver requests dealt with, I think it was, two school districts that wanted to reinstate capital punishment. Now, if there are other school districts that want to reinstate capital punishment, why should we have to worry about reincorporating a -- a refusal resolution, passing it out of the Senate, passing it out of the House? We've taken a position. We don't think that capital punishment should be the subject of a waiver and it shouldn't be reinstated. Corporal punishment. I'm sorry. Not capital punishment; corporal punishment. Now -- that's right. Capital punishment maybe, but not corporal punishment. The same -- the same has existed with other requests. For example, jeopardizing the safety of our children, where they want to waive the requirements of sprinkler systems. These are two examples of bills -- waiver requests that we have turned down. We ought not to have to go through the technical process of turning them down every time another school

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district - nine hundred plus school districts - want to consider it. It ought to be no. I move that we accept the Governor's amendatory veto. If we want to change our mind, the amendatory veto allows us to do it. But it will work better by the passage of this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. As the chief sponsor of this legislation, I am asking for a No vote on this motion. And the reason is because when I sponsored the legislation last spring, and even when I talked to the Governor's Office this summer about the amendatory veto, I thought it probably sounded okay. But on rethinking, I think, perhaps, the bill wasn't such a great idea and, certainly, the amendatory veto isn't such a good idea, for these reasons: First of all, the waiver process has worked very well so far, but we are still in the -- in the beginning years of this process. This year we only have thirty-five waiver applications to consider in the Legislature. If we, in fact, do put this bill into place, first of all, I am -- I am questionable about the constitutionality of letting the State Board of Education automatically grant mandatory -- mandates, grant them waivers. And I'm also concerned about the rescission process in this bill. If, in fact, we grant out -- grant a waiver for a particular mandate and there are interest groups that don't like the -- like that fact and are afraid that they will then become automatic, it will be very easy to be putting in these resolutions against this particular mandate waiver. And I don't know, it just seems like it's going to increase all the arguments about them and -- and -- and increase the -- the workload and -- and put districts at risk, or at -- so that they don't know whether or not that they're going to be -- have this waiver in the future. I



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just think it's a bad idea. We ought to just forget the whole thing, go back to the way the waiver bill was written originally and leave it at that, at least for now. And I ask for a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Would the sponsor yield for question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR KLEMM:

Senator Berman, I -- I received a copy of your letter today that you sent to all the -- the memo that you sent to all the legislators. And one part concerned me, and I thought perhaps you could resolve it, perhaps, if you could. And in your third paragraph, you said, "It gives the State Board of Education authority to grant or deny waivers based on previous actions by the General Assembly on similar waivers." And then you go on to say: and then it "binds all districts in the State to that policy" - in your third, fourth paragraph. What concerns me is that perhaps many of the schools are asking for a waiver for certain conditions that may be unique in their legislative district, or -- or in their -- in their case, their educational district that they serve, that does not need to be mandated as such as law all over the State of Illinois. When I talked to some of my school people, there were some who had problems with asbestos, some people had problems with something else because they didn't have qualified people, they asked for a waiver, they gave the State Board of Education alternatives, the State said okay, the General Assembly grants it, but it's only for those particular cases. Now, I'm concerned then when you go on in that by stating it binds all districts to -- to -- in the State to that policy, and I think

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that goes too far. Maybe you could respond to that inquiry.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you. Senator Klemm, your question is an excellent one and that's exactly what the Governor's amendatory veto addresses. For example, if -- if we have prohibited relaxation of asbestos requirements, but one of your school districts has a situation where the waiver should be granted - okay? - what they would do is make a waiver request, and at the same time, you would introduce a resolution to allow that waiver to go through. It's the same thing that we do now, but it would be in reverse. Instead of you introducing a negative resolution, you would introduce a positive one, explain it, and if we saw fit, we could allow it. But for all the other school districts that wanted to waive asbestos requirements, and they -- they were the similar kind of requirements that we've disallowed in the past, we wouldn't have to go through all of that rigamarole and all of the procedures when it's the same kind of request that we've already said no to.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

To -- to the bill, Mr. President: Why I -- I thank you for the explanation and -- but I think it goes a little different direction, I'm afraid. To -- to my way of thinking, we are not then allowing each one to have their individuality on waivers of mandates that particularly affect that school district for that particular time and maybe of a short duration. And if we do feel we want to change it, then why don't we change the legislation and do it uniformly for everyone, rather than using the waiver process of eliminating what the General Assembly has already enacted? So I share, I think, Senator Karpel's concerns that maybe we'd be

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going too far and losing some of this control. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Senator Berman, to close.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I -- I have discussed this with Senator Karpziel, and I made this motion because, again, you have nine hundred and six school districts in the State of Illinois. We have set the policy on a certain number of waivers that we wish not to have granted. We should not have to go through the technical process every time a school district, for example, and to be somewhat redundant, that wants to reinstate corporal punishment. We've set that policy. On the question that Senator Karpziel raises regarding constitutionality, I'm very comfortable with this bill, because we're telling the State Board of Education, we, the General Assembly, have said that corporal punishment prohibition cannot be waived until we, the General Assembly, change our mind. We will not -- you, State Board, cannot allow that waiver to go through. That's delegation of authority from us to the State Board. I see no constitutional problem in that. It will ease up our workload, so that we don't allow some outrageous waiver request to slip by because of the pressure of other things, and - and - once we have set the policy, every school district in Illinois will know that we have set the policy - the General Assembly. And that will make it more workable for every school district in the State of Illinois. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1853, in the manner and form just stated by Senator Berman. All those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record. On that question, there are 27 Ayes, 29 Nays, none voting Present. Senate Bill 1853, with the specific recommendations for the change having failed to get the required constitutional majority, is declared failed. ...Secretary, have there been any motions filed?

ACTING SECRETARY HAWKER:

I have a motion on file by Senator Dillard with regard to Senate Bill 946.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Madam Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. ...purpose does Senator Maitland seek recognition?

SENATOR MAITLAND:

Thank you very much, Mr. President. On a point of personal privilege, sir. I have a...

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR MAITLAND:

...number of introductions I'd like to make this afternoon. First of all, I have with me, on the Floor, Bev Miller, who's my Executive Assistant, who's been here before. I'd like to introduce her. Karen Otto, who is my Bloomington Secretary. Would like them to stand and be recognized. Then, Mr. President, I want to introduce, and I think Senator Bomke and Senator Bowles will be making a -- an announcement as well, but I'd like to introduce Matt Sebek, who is a intern for me from Illinois Wesleyan University, with me this semester; Kim -- Kim Kuntzman, who is a student at Illinois State University, also an intern; and then, Mr. Dan Jones, who is in the Illinois State University Mentor Program - it is a graduate program - is interning with me this week, and like for him to be introduced. And then, Mr. President, if you would recognize Senator Bomke and Senator Bowles

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for a similar introduction, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you, Senator Maitland. And let's give our guests a good round of applause. Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I have with me today a member of the Mentoring Program at ISU: Heather Sauber, who is a graduate student and a history major. And they're here -- she's here today to observe lawmaking in action.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Let us welcome Heather. Thank you. Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I have with me Deanna Harton, who is a political science major and will graduate in five months. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Let us give recognition to her, too. ...page 3 of today's Calendar is the Orders {sic} of Motion in Writing, Accept Specific - I'm sorry - Override Specific Recommendations for Change. Override motions on page 3. It's at the bottom of the page. Senate Bill 1440. Senator Parker. Madam Secretary, read the message -- the motion.

ACTING SECRETARY HAWKER:

I move that Senate Bill 1440 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to recognize also that Senator Carroll had filed a motion to override, and so that he is with me on this motion. We can't

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formally do a hyphenated, like we do a bill, but I wanted to recognize that. The introduction yesterday of Sean Stephenson, the Governor of Illinois Boys State, was a good lead-in for my request for an override to the amendatory veto. Sean was talking to us yesterday about the need for improved disability services to the citizens in this State. I have met with the deaf, the Illinois Alliance of {sic} (for) the Deaf and hard of hearing, which has representatives from the agencies and organizations of the deaf and hard of hearing throughout the State, and they have unanimously supported that they respectfully request an override of the amendatory veto and would like to go with the original legislation on the Commission, which the deaf community in this State feels will better serve their needs. Also, for the record, this morning I received a call from the Illinois Association of the Deaf, because there was some erroneous information saying, or implying, that they did not support the Commission. They strongly support Senate Bill 1440 as it was originally intended, with the Commission, and they think that the deaf community will definitely benefit from the original Commission that we talked about. And I respectfully ask my colleagues to override the amendatory veto.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of the motion. I know that this is a bill that passed out both the House and the Senate near unanimously, and the Governor, as -- as normal, wants to tell the entire Legislature that they don't know what the hell they're doing. And I know as far as our local chapter of -- the Blackhawk Chapter of the Illinois Association of the Deaf is in strong support of this, and I urge that we support the motion by Senator Parker.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As Senator Parker indicated, I had also filed such a motion and join her very strongly in this motion, and would ask all of our colleagues to pay close attention and to please support this motion to override the Governor's veto. As has been indicated, there was a unanimous vote in the Senate, a unanimous vote in the House, for this legislation that creates, for those who have some hearing impairment, a special ability to go in and have, in effect, its own bureau to deal with it. As the letter that Senator Parker handed us today indicated, when the person who represented the deaf went to the Governor's Office, or was called by the Governor to -- to discuss this issue, the Governor's Office did not even have a TTY phone available, which probably violates the Americans for Disability {sic} (with Disabilities) Act. But there was nothing even available for that person to communicate with the Executive Branch of Government. This type of commission makes sure that those types of things do not happen again. Twenty-three other states have this type of commission. If you look at the statistics, there are almost two million people in Illinois who have some type of hearing impairment. It is truly worthy of having this kind of specific input when we have just taken and -- and merged all of human services together in a way in which it's very hard for anyone to know how to get through that maze. These are people with special needs. I think it was totally appropriate for the General Assembly to take the action it did. I'm sorry that DORS and parts of the Governor's staff did not hear the message that the General Assembly sent. And I think we should pass this legislation, the veto of the Governor to the contrary notwithstanding.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Ladies and Gentlemen of the Senate. I think it's important for people to understand in part what the Governor's intent was. I serve on the Human -- the Human Service Reorganization Task Force. And one of the things we're trying to do is begin to treat all people in need in the State of Illinois in a consistent fashion, in a far more compassionate fashion and a -- we're trying to reorganize how we -- we deal with human services in the State of Illinois, as Senator Carroll mentioned. One of the Executive Branch's concerns were to begin to separate out commissions or special groups to deal with specific groups of people who need our help; begins kind of the bulkanization of human services all over again. I don't think anybody should vote on this bill with an understanding or a concern that the Governor is not concerned. His -- his fear is -- or, his -- his concern in the veto was we would be better with a direct advisory position to the new Secretary of Human Services, rather than a separate commission. But I just want -- as -- as we all vote on this and support it - I think it's an important bill - I wanted people to understand what the intent of the Executive Branch was, I think, and what the concern of the Human Service Task Force is: that -- that we -- we -- we be careful that we don't begin a process where we begin to bulkanize, again, the people of the State of Illinois and differentiate. The goal of the human service consolidation is really to -- to include, rather than to begin to separate. And I just -- thoughtfully consider your vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

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



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I guess that's where the quarrel, I think, remains. And that is, the Illinois School for the -- for the Deaf, for example, which is in Jacksonville, the School for the Deaf and, actually, the one for the visually impaired, these two institutions that are under the Department of Rehabilitation Services, instead of being further put down into the bowels of the reorganization of State government, ought to have the opportunity to be -- the opportunity to look at other options that it may have, which includes being on their own or, perhaps, under the Office of Education, or some other alternative. It would seem to me that this is a direct step in the right direction, and I would rise in strong support of the Senator's motion to override.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Senator Parker, to close.

SENATOR PARKER:

Thank you, Mr. President and my colleagues, and I appreciate your support. I do want to emphasize that reasonable people can have differences on how best to serve a community. And the Governor's Office, I'm certain, wants to serve the deaf community well; however, there is a disagreement on how best to do that. And we think it's best to hear from the deaf community, and they have supported this Commission. And I would appreciate your support and this vote for the override for Senate Bill 1440.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 1440 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 voting No, 1 voting Present. Senate Bill 1440, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary

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notwithstanding. Page 4 of the Calendar is Senate Bill 1781. Senator Burzynski? Take it out of the record. ...believe that you have all received a copy of Supplemental Calendar No. 1, which has been circulated. And on that Calendar is Senate Bill 946. Senator Dillard. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move that Senate Bill 946 do pass, the veto of the Governor to the contrary notwithstanding.

Offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to override the Governor's -- actually, it's a veto, I believe, Madam Secretary, of Senate Bill 946. Senate Bill 946 sets up a way for the State of Illinois, through the State Board of Education, to reimburse local school districts for educational field trips. And over the course of fourteen or fifteen months, the House of Representatives and us worked on a very narrowly defined definition of education for these types of field trips. Unbeknownst, apparently, to the Governor and his staff, they did not realize that, over the last few months, the State Board of Education, through the Superintendent's bulletin, have allowed reimbursement for these kinds of field trips. And our bill, actually, more narrowly defines what educational field trips are, as opposed to what the current recommendations are, or regulations are, for the State Board of Education. And because the Governor didn't realize that these trips were already being allowed to be reimbursed by the State of Illinois, his veto is inaccurate. And for that reason, I move to override him. I believe we need to reimburse educationally related field trips if it's very narrowly drawn. And the Governor, unfortunately, didn't realize that we

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were already doing this, and his Message is inaccurate.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Senator Dillard, I'm just curious. I've been here eighteen years. I've never had the benefit of having a Governor from my own Party. So I'm wondering how it works when -- when you have a Governor from your own Party and he vetoes one of your bills. Does he -- as you said -- you indicated he made a mistake and he didn't understand something. And now does he understand it and does he support your motion here to override the veto, or do we have a letter to that effect from him, or -- or is he still opposed -- is he still in the -- in the -- in the dark, as to the true facts?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

...I've only spoken to his staff, who obviously never like anyone to override a veto of the Governor. So I assume the official Second Floor position is they're opposed to my motion. But I believe it's -- it's a worthy one. It's good for the -- the education of our children, and we should move forward on this.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator Dillard, I understand that this bill, when it was voted on in the House, had perhaps more opposition -- well, it passed unanimously here and it passed 66 to 50 in the House. And I guess part of the concern was that since it -- it was designed to help fund field trips, that it would, perhaps, benefit suburban interests rather than City or -- or downstate rural interests. Now, my first reaction would be that those field trips, many of

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them, are to come into the City of Chicago. But I wondered if you could address that issue, since we are voting on final passage of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard, would you give him the true facts?

SENATOR DILLARD:

The true facts are, this bill benefits everyone, and it especially benefits what I would categorize as the poorer school districts. Quite frankly, the -- the richer school districts, wherever they may be - and I don't know where those school districts are - probably take educational field trips whether there's funding or not. They have the ability to absorb these field trip costs locally. So I would think that this bill would help the -- the school districts that are somehow on the lower end of the equity scale. It's not regionalized at all. I know that downstate students take field trips to Dickson Mounds and places like that. And you are right: One of the big beneficiaries of this would be the museums of the City of Chicago - the Museum of Science and Industry, the Field Museum, places like that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Well, I then would indicate my support for the bill, and I would indicate, for those Members of the General Assembly from the City, that I received letters from the Newberry Library, from the Terra Museum of American Art, indicating that they supported the bill because they recognize that there are people that -- from the suburbs and downstate that come into the City. In fact, if you'll look at the museums around the museum -- the new museum campus - the Shedd Aquarium, the Aquarium, the Field Museum - more people go there from the suburbs and downstate than do from the City of Chicago. It's actually, I think, only about a third of

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the visitors are from the City and the rest are from either out -- the suburbs or from out of State. So I -- I support this bill, and I think it's something we should keep in mind when we go on to other issues that deal with the City as -- and the State as a whole. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Yes. Senator Dillard, question, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator said he...

SENATOR COLLINS:

When you say that the -- that the bill is more narrowly defined, than what is common practice already, without the law?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

That is correct. Up until a few months ago, Senator Collins, the State really didn't reimburse field trips. Over the last few months, the State Board of Education has said, "Yes, we will reimburse for these kinds of trips." And actually, my bill more narrowly defines what an educational field trip is and makes it very clear that it has to have an educational purpose. It can't be for recreation and things of that nature. So, right now, my bill would narrow what the State Board of Education is reimbursing today local school districts for field trips for.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

I support -- I -- I support the bill. I did support the bill because I didn't think that the school {sic} (State) Board was reimbursing the districts for educational field trips, as you

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said. However, if they are now, have you done a -- how, and could you give us some instances of your bill being more narrowly defined than what is permissible currently, now, under the Board's reimbursement that they determine to be educational? Because, see, I don't -- wouldn't want to restrict. Given that the Board has made a policy to fund educational field trips, I wouldn't want this bill to place any limitations on it, and I assume that's why the Governor vetoed the bill. So could you give us an example here so we can know exactly what we're doing?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

One of the things that a number of us, including Members of the House of Representatives, wanted to see was "what is an educational field trip", and it means a one-day field trip. So we're not talking about reimbursing trips to Washington, D.C., or somewhere out of the State of Illinois. We also limited this to travel within the State of Illinois, and narrowly defined what is educationally related. And I think one of the fears, Senator Collins, is that somebody would put in reimbursement to literally go to a soccer game or some type of recreational event, and we wanted to make sure that it was related, really, to the core nucleus of the kinds of core subjects - reading, writing, arithmetic and science - that is taught in the public schools. So, you know, I don't know what the State Board of Education's reimbursing for. But we wanted to make sure, in the General Assembly, that it was educational and not recreational.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Well -- well, thank you. That was the answer to my question, because you didn't know what they were reimbursing for. I -- I

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think it would have been very helpful, though, had you been able to tell us what they were reimbursing for. However, I'm going to go on and support your bill, and it may be something that we may want to revisit. You said -- not so fast, Senator Berman said. But I -- you know, I have some problems with it, and -- and maybe Senator Berman will shed some light on my problem.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman, the beacon.

SENATOR BERMAN:

Thank you, Mr. President. I stand in opposition to the motion. Let me tell you why. First of all, I find myself in an interesting position today. This is the second time I've stood up in -- in defense of the Governor. Did you hear that, Governor? Second time this morning. I'll be down to talk to you in a little while. I want to quote from the Governor's veto message. Quote: "Unfortunately, Senate Bill 946 will likely cause further inequities in our current education funding system. This bill will have the impact of reducing the overall dollars available to school districts for regular transportation. Therefore, those districts choosing to send their students on field trips will receive proportionately more transportation funds. I recently signed legislation", says the Governor, "directing the State Board of Education to recommend an overhaul of the categorical funding system for education. This issue of funding for field trip transportation should be considered in a complete restructuring of the transportation funding program", unquote. That's the Governor's reason for the veto. I think that what he has said there is correct. And more importantly - more importantly - when we all voted - strike that - when the current budget was passed out of the General Assembly, the transportation line item in the education budget did not - did not - increase in order to accommodate field trips. For 1996-97 we appropriated - and I've

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been told; I'm not sure - even less dollars in the transportation line than the previous year. It was not increased. So what you're doing, regardless of how meritorious field trips are, is you're taking money away from already underfunded school districts that have to provide regular transportation to get their regular kids to regular classes on a daily basis. If we want to do this - and I have no problem with the concept, but let's be honest - if we're going to do this, we ought to do it in the spring, after we reevaluate education funding, categorical funding, and increase - increase - the transportation line item, so you're not taking from one poor child and giving it for a field trip. That's what we're doing if we're, in fact, voting Yes on this motion to override today. It ought to be defeated and looked at in the spring. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't disagree with either Senator Berman or the Governor's analysis of this. But what is not clear, I believe, to the Governor and, perhaps, Senator Berman is that over the last few months the State Board of Education has said field trips are reimbursable. All my bill does is narrowly define - more narrowly define, Senator Collins - what are educational field trips. And if Senator Berman - and he is correct that some of these monies may come out of the transportation line - the categorical transportation line - more will come out without my bill. So I believe this bill saves money; it's narrowly defined, and is -- is the right thing to do.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 946, the veto of the Governor to the contrary notwithstanding, pass. Those in favor,



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vote Aye. Those opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 22 Nays, none voting Present. The motion fails. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Education Committee - Senate Joint Resolutions 113 and 114, and House Joint Resolution 75; referred to Executive Committee - House Joint Resolution 100; referred to Judiciary Committee - Conference Committee Report No. 1 to Senate Bill 1684; referred to Revenue Committee - Senate Amendments 2 and 3 to House Bill 2702; and Be Approved for Consideration - House Bill 2702. Filed by Senator Weaver, Chairman of Committee on Rules.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1958 {sic}, offered by Senators Carroll and Bowles. Excuse me.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...what purpose does Senator Cronin seek recognition?

SENATOR CRONIN:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement.

SENATOR CRONIN:

The Senate Education Committee shall convene at 1 p.m. today, in A-1. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Resolutions.

ACTING SECRETARY HAWKER:

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That last bill should have been Senate Joint Resolution, Constitutional Amendment, 115, offered by Senators Carroll and Bowles.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Peterson seek recognition?

SENATOR PETERSON:

For the purposes of an announcement, Mr. President. The Revenue Committee will meet at 1 p.m., in Room 212, to consider Senate Amendments 2 and 3 to House Bill 2702.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Messages from the House. Messages from the Governor.

ACTING SECRETARY HAWKER:

Message for the Governor by Deno Perdiou, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 89th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is there any further business to come before the Senate? If not, the Senate moves... Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Because of a conflict with another committee, the Revenue Committee will meet at 2 o'clock. The Revenue Committee will meet at 2 o'clock, instead of 1 o'clock. Thank you. Room 212.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further business to come before the Senate? If not, Senator Butler moves that the Senate stand adjourned until 10 a.m.

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