

80TH GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 4, 1977

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The Regular Session of the 80th General Assembly
3. shall come to order. Reading of the Journal. Senator
4. Kosinski.

5. SENATOR KOSINSKI:

6. Mr. President and members of the Senate. I move that
7. reading and approval of the Journals of Wednesday, November
8. 2nd and Thursday November 3rd in the year 1977 of the
9. Regular Session be postponed pending arrival of the
10. printed Journal.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. You've heard the motion. Those in favor indicate
13. by saying Aye. Those opposed? The Ayes have it. The
14. motion carries. Resolutions.

15. SECRETARY:

16. Joint Resolution 58 offered by Senator Rock..

17. (Secretary reads title of JR 58)

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Rock moves to suspend the rules for the
20. immediate consideration of this resolution. Those
21. in favor indicate by saying Aye. Those opposed. The Ayes have it.
22. The motion carries. Senator Rock now moves that the
23. resolution, Senate Joint Resolution 58 be adopted.
24. Those in favor indicate by saying Aye. Those opposed.
25. The Ayes have it. The resolution is adopted. Committee
26. Reports.

27. SECRETARY:

28. Senator Vadalabene, Chairman of the Committee on
29. Executive Appointments and Administration reports out
30. Senate Bill 1388 with the recommendation Do Pass.

31. Senator Vadalabene, Chairman of the Committee on
32. Executive Appointments and Administration to which
33. was referred the Governor's Message of October the
34. 24th, 1977, reported the same back with the recommendation

1. that the Senate do advise and consent to the following
2. appointments.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Vadalabene.

5. SENATOR VADALABENE:

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

7. I move that the Senate resolve itself into Executive
8. Session for the purpose of acting on the Governor's
9. Appointments set forth in the Governor's Message of
10. October 24th, 1977.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. You've heard the motion. Those in favor indicate
13. by saying Aye. Those opposed Nay. The Ayes have it.
14. The Senate is now in Executive Session. Senator Vadalabene.

15. SENATOR VADALABENE:

16. Yes, thank you Mr. President, and members of the
17. Senate. With respect to the Governor's Message of
18. October 24th, 1977, I will read the names of the unsalaried
19. appointments that the Committee on Executive Appointments
20. and Administration recommends that the Senate advise and
21. consent to. After reading the names, I intend to ask
22. leave to consider all of the unsalaried appointments on
23. one roll call unless any Senator has objection to
24. any particular name.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Is there objection? Leave is granted.

27. SENATOR VADALABENE:

28. To be a member of the Illinois Historical Library Board
29. of Trustees for terms expiring January 15th, 1979, John
30. R. Gehlbach of Elkhart, Charles L. McMackin the II of Salem,
31. and Sally B. Schanbacher of Springfield.

32. To be a member of the Industrial Pollution Control
33. Financing Authority for a term expiring June 30th, 1980,

1. John R. Morris, Jr. of Robinson. And to be Chairman and
2. member of the Illinois Futures Task Force for an unspecified
3. term, George A. Ranney, Jr. of Mt. Vernon.

4. And to be a member of the Kaskaskia Regional Port
5. District Board for terms expiring June 30th, 1979, Arthur
6. Jean Miller of Freeburg, Glen F. Reinhold of Waterloo,
7. Wilmer J. Schuster of New Athens, C. Herschel Williams of
8. Sparta and James J. Gregory of Chester.

9. And to be a member of the Kaskaskia Regional Port
10. District Board for terms expiring June 30th, 1980, Clarence
11. S. Henderson of Sparta, Arthur S. Macke of Marissa, Robert
12. W. Rippelmeyer of Valmeyer and Walter R. Phillips of
13. Smithton.

14. And to be a member of the Illinois College Community
15. Board for a term expiring June 30th, 1983, William S.
16. Campbell of Ashland.

17. And to be a member of the Illinois Health Facilities
18. Authority for a term expiring June 30th, 1984, Joseph
19. Wright, Jr. of Glenview.

20. And to be a member of the Lottery Control Board for
21. a term expiring July 1, 1980, Mary Ann Koppel of Skokie.

22. Mr. President, having read the names of the unsalaried
23. appointments, I now seek leave to consider these names on
24. one roll call unless some Senator has objection to a specific
25. name.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Is there objection? On that question...

28. SENATOR VADALABENE:

29. Mr. President will you put the question as required by
30. our rules.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. The question is does the Senate advise and consent
33. to the nominations just made. Those in favor vote Aye.

1. Those opposed Nay. The voting is open. (Machine cutoff)...
2. voted who wish? Take the record. On that question the
3. Ayes are 55, the Nays are none. A majority of the Senators
4. elected concurring by record vote, the Senate does advise
5. and consent to the nominations just made. (Machine cutoff)...
6. Vadalabene.

7. SENATOR VADALABENE:

8. Yes, thank you, Mr. President. With respect to the
9. Governor's Message of October 24th, 1977, I will read
10. the names of the salaried appointments, which a Committee
11. on Executive Appointments and Administration recommends
12. that the Senate advise and consent to. After reading
13. the names, I intend to ask leave to consider all the
14. salaried appointments on one roll call unless any Senator
15. has objection to any particular name.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Is there leave? Leave is granted.

18. SENATOR VADALABENE:

19. To be Superintendent of the Department of Registration
20. and Education for a term expiring January 15th, 1979,
21. Jav T. Downen of Virden.

22. To be Assistant Director of the Department of Registration
23. and Education for a term expiring January 15th, 1979, Thomas
24. W.Ortciger of Palos Hills.

25. To be a member of the Illinois Commerce Commission
26. for a term expiring January 19th, 1981, Charles G. Stalon
27. of Carbondale. And to be Chairman and member of the Illinois
28. Commerce Commission for a term expiring January 16, 1978.
29. Charles P. Kocoras of Oak Lawn.

30. And to be State Fire Marshal for a term expiring
31. January 15th, 1979, Jack H. Carter of Danville.

32. And to be a member of the Board of Review for a term
33. expiring January 15, 1979, Dennis H. Block of Glenview.

1. And to be Secretary of the Department of Transportation
2. for a term expiring January 15, 1979, John D. Kramer of
3. Springfield.

4. And to be Executive Secretary of Statewide Health
5. Coordinating Council for a term expiring January 15, 1979,
6. Roy W. Armstrong, Jr. of Wheaton.

7. And to be Director of the Department of Financial
8. Institutions for a term expiring January 15, 1979,
9. Edgar F. Callahan of Springfield.

10. And to be Superintendent of Women and Children to
11. the Department of Labor for a term expiring January 15, 1979,
12. Billie Ann Pilling of Macomb.

13. To be Commissioner of the Banks and Trust Companies
14. for a term expiring October 18, 1982, William C. Harris
15. of Pontiac. And to be Deputy Commissioner of the Banks
16. and Trusts Companies for a term expiring October 18, 1982,
17. Daniel P. Isacksen of Arlington Heights. And to be First
18. Deputy Commissioner of the Banks and Trusts Companies for
19. a term expiring October 18, 1982, Joseph Ciaccio of Springfield.

20. Mr. President, having read the names of the salaried
21. appointments, I now seek leave to consider these names
22. on one roll call unless some Senator has objection to a
23. specific name.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. The question is shall the Senate advise and consent.
26. Is there objection?

27. SENATOR VADALABENE:

28. Mr. President, will you put the question as required
29. by our rules.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. The question is shall the Senate advise and consent
32. to the nominations just made. Those in favor vote Aye.
33. Those opposed Nay. The voting is open. (Machine cutoff)

1. ...voted who wish? Take the record. On that question the
2. Ayes are 57, the Nays are none. A majority of the Senate
3. elected concurring by record vote and it does advise and
4. consent to the nominations just made. Senator
5. Vadalabene.

6. SENATOR VADALABENE:

7. Yes, thank you, Mr. President and members of the Senate.
8. And I now move that the Senate arise from the Executive
9. Session.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. You've heard the motion. Those in favor indicate by
12. saying Aye. Those opposed. The Ayes have it. The Senate
13. does now arise. On the Order of Motions.

14. SECRETARY:

15. Motion in Writing. I move to amend Temporary Rule
16. Number 10 by striking, in addition there is created a
17. Committee on Rules to be composed of the President,
18. the two Assistant Majority Leaders, the Minority Leader
19. and one Assistant Minority Leader. And inserting in
20. lieu thereof the following, in addition there is created
21. a Committee on Rules to be composed of the President,
22. who will serve as Chairman, five Majority Members appointed
23. by the President, the Minority Leader and three Minority
24. Leaders appointed by the Minority Leader. Signed, President
25. Hynes.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Hynes.

28. SENATOR HYNES:

29. Mr. President, I would move the adoption of this
30. amendment to the...to the rules. This...the appointments
31. had...had previously been made. Through an oversight the
32. ...the change was not made and it's been agreed to on
33. both sides of the aisle and I would move the adoption of
34. this amendment.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Is there further discussion? The question is shall
3. the motion just stated be adopted? Those in...those in
4. favor shall vote Aye. Those opposed Nay. The voting is
5. open. (Machine cutoff)...voted who wish? Take the record.
6. On that question the Ayes are 54, the Nays are none. And
7. 2 Voting Present. The Amendment to the Temporary Rules
8. is adopted. Senate Bills 2nd reading. Senate Bill
9. 1387, Senator Nimrod. Read the bill. Mr. Secretary.

10. SECRETARY:

11. Senate Bill 1387.

12. (Secretary reads title of bill)

13. 2nd reading of the bill. No committee amendments.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Are there amendments from the Floor? 3rd reading.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. House Bills 3rd reading. House Bill 236. House
18. Bill 255, Senator Kosinski. Senator Knuppel, rather.
19. House Bill 256, Senator Knuppel. House Bill 384, Senator
20. Guidice. House Bill 1226, Senator Graham. House Bill
21. 2359, Senator Chew. On the Order of Total Vetoes on...
22. beginning on Page 3. Are there any members that have
23. filed a motion and wish the motion to be called at this
24. time? Total Vetoes. Senator Maragos. Read the motion,
25. Mr. Secretary.

26. SECRETARY:

27. Motion in Writing. I move that Senate Bill 607
28. Do Pass the Veto of the Governor to the contrary
29. notwithstanding. Signed, Senator Maragos.

30. PRESIDING OFFICER: (SENATOR MARAGOS)

31. Senator Maragos

32. SENATOR MARAGOS:

33. Mr. President and members of the Senate. The reason

1. why I'm arising at this time and asking for an override
2. of a veto on Senate Bill 607 has nothing to do directly
3. with the Governor's Office as such, but more so of the
4. (advice that he'd received from the Capital Development
5. Board to veto this particular bill. Those of you who
6. are members of the Executive Committee of this Senate
7. will remember that when we had the hearings before that
8. committee, this bill was amended at the express
9. request of the Capital Development Board to lock in
10. their objections at that time. And after we had
11. finished and put over acting both at the committee,
12. Executive Committee and on 2nd reading after we
13. had made the amendments to comply with their request,
14. we were assured by that board that they would support
15. this particular legislation, which is good legislation,
16. to give the local college districts an opportunity to
17. have some voice in the hiring of the architects and
18. into the payment of same. Unfortunately, after the
19. bill passed resoundingly both in the Senate and in the
20. House, for reasons unknown to this speaker and to the
21. other supporters of this legislation..

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Just...just a moment, Senator. Would the Senators
24. please be in their seats. Would all unauthorized personnel
25. remove themselves. May we have order. There are many
26. caucuses. on both sides of the aisle. Proceed.

27. SENATOR MARAGOS:

28. As I stated, the issue here is whether the local
29. districts that plan these programs for the building
30. acquisitions should be...have no voice at all in that
31. planning or whether they should all come from the
32. Capital Development Boards planning group. I think
33. we should have some local control for the local college

1. boards should have an opportunity to voice their opinions.
2. The bills do provide, both 607 and 606, which is not
3. at issue right now, but 607 do provide for supervision
4. and approval by the Capital Development Board, but
5. evidently they feel that they want complete control
6. and not to give the local college boards an opportunity
7. for some input. In view of this, Mr. President and
8. members of the Senate, I respectfully ask that we
9. pass this bill, the Governor's Veto notwithstanding.
10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Is there further discussion? Senator Shapiro.

12. SENATOR SHAPIRO:

13. Well, Mr. President and Ladies and Gentlemen...
14. Ladies and Gentlemen of the Senate. I'm going to
15. object to an override on this particular bill and
16. my reasons for it are that since the CDB, particularly
17. the board and the executive director are new members
18. and the board has been restructured, the CDB is
19. now more receptive than it had been in the past to the
20. selection of architects and to cooperating with our
21. local school districts. And in the past I was one
22. of the strongest advocates to pass legislation which
23. would mandate that the local district and the junior
24. college boards have the total say in the selection.
25. It is my understanding in speaking with the executive
26. director and with various board members and the
27. chairman, particularly, that the CDB is cooperating
28. with local school districts and does allow them to
29. have their first selection. I think the need for this
30. legislation is past. I think the CDB is doing an
31. excellent job from what I hear from my local school
32. districts and local junior college boards. I know that was
33. not the practice in the past, but it is now and I would

1. urge everyone to resist an override on this bill.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Rhoads.

4. SENATOR RHOADS:

5. Will the sponsor yield for a question? .

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Indicates he will.

8. SENATOR RHOADS:

9. Senator Maragos, just to refresh my memory on this

10. one. If the architect selected by the local school

11. district, does the CDB then have a veto over that

12. architect or do they just have the initial selection

13. power?

14. SENATOR MARAGOS:

15. That...that...problem is...is addressed by Senate

16. Bill 606. What 607 does is it allows joint control

17. of the funds as they are spent and the...and the a

18. the question 607 does, Senator Rhoads, it establishes

19. priorities among the District Capital projects and

20. requires the simultaneous proportional disbursement

21. of State and school district funds on the projects.

22. In other words, whatever portion the State puts

23. in and whatever portion the...college districts

24. put in, the school districts put in, should be meated

25. out equally, rather than have first come from one

26. section from another. And this does not have to do

27. with the selection of the architect, 606 and...addresses

28. that, so that is not the problem before us right now.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Rhoads.

31. SENATOR RHOADS:

32. Well, maybe our...our Calendar synopsis is...doesn't

33. accurately describe 607. What...what happened to 606?

1. Did that pass and was that signed?

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Maragos.

4. SENATOR MARAGOS:

5. No, that is a...was a amendatory veto on that one

6. and I will address to that when we come to that order

7. of business. That was also confined.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Well, do you have a motion on that bill as well? Is

12. ...is that to accept or to override the amendatory veto?

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Senator...Senator Maragos.

15. SENATOR MARAGOS:

16. I have a motion to also override that amendatory

17. veto as well.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Rhoads.

20. SENATOR RHOADS:

21. Okay, now just to clear up one more time the difference

22. between 606 and 607. Our...our Calendar, does that...

23. does our Calendar accurately describe what 607 does or

24. was that in error? It says permits college districts

25. to select the architects.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Maragos.

28. SENATOR MARAGOS:

29. That is really the purview of 606 of the...straight

30. emphasis. Indirectly, it does deal with that subject,

31. However, what 607 is primarily concerned about is the

32. question of...of allôcation of the funds as they go

33. along after the projects have been initiated.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)
2. Senator Hickey.
3. SENATOR HICKEY:
4. ...606, thank you.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Is there further discussion? The question is shall
7. Senate Bill 607 pass, the Veto of the Governor to the
8. contrary notwithstanding. Those in favor vote Aye.
9. Those opposed Nay. The voting is open. Have all those
10. voted who wish? Have all those voted who wish? Have
11. all those voted who wish? Take the record. Senator
12. Maragos.
13. SENATOR MARAGOS:
14. Please place this on Postponed Consideration.
15. PRESIDING OFFICER: (SENATOR DONNEWALD)
16. Consideration will be postponed. Senator Berman
17. as to Senate Bill 392. Read the motion, Mr. Secretary.
18. SECRETARY:
19. I move that Senate Bill 392 Do Pass. The Veto
20. of the Governor to the contrary notwithstanding. Senator
21. Berman.
22. PRESIDING OFFICER: (SENATOR DONNEWALD)
23. Senator Berman.
24. SENATOR BERMAN:
25. Thank you, Mr. President. Senate Bill 392 was
26. a bill that passed both Houses of the Legislature
27. in the Spring. It was only one of a series of
28. bills that had been introduced dealing with special
29. education, the great majority of which we re-referred
30. to the Senate Committee on Elementary and Secondary
31. Education because of a great deal of debate. This
32. bill, however, had very little conflict as it moved
33. through the Legislature. What Senate Bill 392 does

1. is to take out of the school code language that allows a
2. school to ignore the needs of trainably mentally handi-
3. capped children, TMH children, and emotionally maladjusted
4. children. We have taken this language out by the passage
5. of Senate Bill 392. The Governor vetoed the bill based
6. upon a recommendation of BOB, the Bureau of the Budget.
7. I would point out that there was a split in the administration
8. because the Department of Mental Health, I am advised, recommended
9. that Senate Bill 392 be, in fact, signed by the Governor.
10. The Bureau of the Budget estimated a cost impact that resulted
11. in the Governor's Veto. Now, last night I met with a
12. member of the Bureau of the Budget and I asked him if
13. what his present impression would be of the cost impact
14. of Senate Bill 392. And I want to quote these words,
15. I've marked them down and the words that were given to
16. me by BOB as of last night of the cost impact of Senate
17. Bill 392 is, and I quote, "minimal, but uncertain."
18. Now that's the words of the Bureau of the Budget on
19. the cost impact of Senate Bill 392. Minimal, but
20. uncertain. Now, if the cost impact is minimal but
21. uncertain, let us look at the question of the philosophy
22. behind Senate Bill 392. What we are saying by the
23. passage of Senate Bill 392 is that every child, regardless
24. of his handicap...

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Just...just a moment, Senator. Would the members
27. please be in their seats. This sounds like a Monday
28. instead of a Friday. Proceed.

29. SENATOR BERMAN:

30. We are saying by Senate Bill 392 that every child,
31. even if he is trainably mentally handicapped or
32. emotionally maladjusted that there is some program
33. someplace in State government where this child can be
34. helped. And that is, in fact, true and that is what

1. we do today. The Bureau of the Budget again has given
2. me a letter to point out that under the rules and
3. regulations that presently exist by the Illinois Office
4. of Education, a child who cannot be handled by the
5. public school system is required by that school to
6. seek assistance for that child in some other type of
7. facility, whether it be in a residential care home,
8. public or private, in some other type of educational
9. facility. The school is the touch point for treatment
10. of some nature of that child's handicap. And that's
11. all that Senate Bill 392 does. We are taking out
12. the language that can allow a school to totally ignore
13. a handicapped child. I believe there will be, in effect,
14. no change in policy from that presently required by
15. the rules and regulations of the Illinois Office of
16. Education and it is a bill that is supported by the
17. State Board of Education, the Illinois Administrators
18. of Special Education, the Illinois Association for
19. Retarded Citizens, the Chicago Association for
20. Retarded Citizens, the Illinois Council for Exceptional
21. Children, the Illinois Catholic Conference, Niles
22. Township District for, of Special Education, the
23. Regional Service Agency, the East Central Counties Regional
24. Special Education Service Unit, not to mention thousands
25. and thousands of parents of handicapped children throughout
26. the State of Illinois. I solicit your Aye vote to override
27. the Governor's misinformed Veto of Senate Bill 392.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Glass.

30. SENATOR GLASS:

31. Thank you, Mr. President, Ladies and Gentlemen of
32. the Senate. There has been a good deal of confusion
33. on this bill and I, frankly, have had a difficult time

1. deciding where to come down on it. I think Senator Berman
2. is right. The Bureau of the Budget has backed off on
3. what apparently was its original statement that there
4. was a fiscal impact. I've checked that out and they're
5. not prepared to say that there is any. They are concerned
6. that if a child, handicapped child, was forced to go into
7. a public school and that school were forced to hire a
8. teacher, there would be a...an impact on that school. Now...
9. now I agree with Senator Berman. I don't think that's
10. what the bill says. And to...to quote him as I heard
11. it, that there should be some program somewhere in
12. State Government for a handicapped child, is certainly
13. something I can support. I would, however, like to
14. ask, Senator Berman, if the bill passes will you support
15. clarifying language to...to make it clear? That it
16. is not the intention of State Law to force a given
17. school district to accept a handicapped child in a
18. program in that district.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Berman.

21. SENATOR BERMAN:

22. Yes.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Glass.

25. SENATOR GLASS:

26. All right. I...I think that would be desirable and based
27. ...based on that and I think my feeling that it is certainly
28. proper for any handicapped child to have ...the opportunity
29. for an education in...in a school district. I am going to
30. support Senator Berman in this motion.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Nimrod.

33. SENATOR NIMROD:

34. Mr. President, a question of the sponsor.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Indicates he will yield.

3. SENATOR NIMROD:

4. Senator Berman, my only concern is as Senator Glass
5. just stipulated, that not only would there be a clarifying
6. action here, but in no way would this mean that that
7. education would be...have to be provided at the public
8. school My concern is that this would not in any way
9. change the present placement because there are certain
10. handicapped children that at no time do I believe that
11. the schools could ever, on...on a cost basis, ever be
12. able to provide that kind of education as presently
13. being provided by some of the private schools and I
14. would hate to have us leave the impression that we
15. have changed that particular situation.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Berman.

18. SENATOR BERMAN:

19. I agree with that, Senator Nimrod, and that's why
20. my answer was an unequivocal yes to Senator Glass.
21. May I point out to you that even after passage of this
22. bill, the rules and regs which are presently in existence
23. will apply. I'll give you a copy of the letter from the
24. Bureau of the Budget that spells out those regulations,
25. but let me merely point out to you that the rules and regs
26. of the..of the Office of Education, at the present time,
27. state, and I'll just read one sentence that if the
28. public school doesn't have a program that can meet
29. the child...this child's needs " the student shall be
30. referred for placement in either a State operated or
31. a private facility." That's the present reg that is the
32. intent of this bill.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Nimrod.

2. SENATOR NIMROD:

3. Yes, I...I thank you because I do know we did, when
4. we had assistant director over there, Superintendent
5. Tilly was there, of course there were some different
6. statements that were forthcoming from the State Board
7. of Education, but I would hope they would continue to
8. do that and I do believe there's a resolution that was
9. passed by this Senate of which Senator Newhouse and
10. myself were sponsors that reiterated our position and
11. this...this Senate supported the position that we
12. continue replacement for education in the private
13. schools. And I'm sure that the Commissioner on Mental
14. Health would be glad to work with you and attempt
15. to resolve this particular clarification. Thank you.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Newhouse.

18. SENATOR NEWHOUSE:

19. Thank you, Mr. President. And not to drag this
20. out, but I think some few words ought to be said of
21. congratulations to leadership on both sides of the
22. aisle in clarifying this very serious problem. Only
23. this past year, there was a wide divergence of...opinion
24. on what ought to be happening to young people who had
25. emotional problems as to what direction we ought to
26. be taking as to public versus privates and it even
27. went so far as to bring about some understanding that
28. as a practical matter what's happening to some children
29. in this State. Let me give you an example. Out in the
30. Woodlawn Community, which is in my district, it was
31. my finding some six years ago that there were children
32. being excluded from school. And these children once
33. excluded from school were simply out in the streets.

1. Sometimes, it was simply behavioral problems acting out,
2. but these children were out in the streets with no super-
3. vision, no provision made for their education. These
4. were not handicapped children, what had happened to
5. handicapped children sometime in the past has been the
6. same thing. There has been no specific responsibility
7. allocated for their education and training. It seems
8. to me that as a result of what I hear here on the Floor
9. today, that we're all on the same wave length. We're
10. saying that there ought to be some responsibility directly
11. allocated. That those who run our educational system to
12. provide for training for these young people. That
13. training, whether it's in the public special education
14. PROP programs, whether it's in...in a State institution
15. or whether it's in a private facility, if I...what I hear
16. this morning is that all those facilities ought to be
17. available and that the districts are responsible for
18. seeing to it that those children are educated then I
19. think that we're really made a great deal of progress.
20. And what I further here is from the sponsor of the bill
21. and others saying that, at some point in the future,
22. and soon I hope, that we will place language in the
23. Statute that makes that unequivocal, makes it absolutely
24. clear that that is what this State Legislature intended.
25. And I congratulate both sides of the aisle and I certainly
26. will support Senator Berman on this measure.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator D'Arco.

29. SENATOR D'ARCO:

30. Will the sponsor yield for a question?

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Indicates he will.

33. SENATOR D'ARCO:

1. All right now, what the bill does then, it mandates
2. the local school districts to find facilities for the
3. severely handicapped children, is that principally what
4. it does, or...

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Speak into the microphone, Senator.

7. SENATOR D'ARCO:

8. I'm sorry. Is that principally what it does, Art?
9. It mandates the local school districts to find facilities,
10. either public or private for the severely handicapped
11. children is... I'm a little confused on this.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Senator Berman.

14. SENATOR BERMAN:

15. No, Senator D'Arco. This bill does not mandate
16. anything. All that it does is take out language whereby
17. a school could, under this existing language, could
18. ignore what I feel is it's obligation and, in fact,
19. under the rules and regs of IOE is its obligation
20. to counsel the parents and to direct them to some other
21. type of facility if the public school, in fact, doesn't
22. have that kind of program. There's no mandate. It's
23. just..it takes away language whereby these children
24. could be excluded, dumped, ignored, whatever you wish
25. to call it.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator D'Arco.

28. SENATOR D'ARCO:

29. I...I was told by one group of people that by taking
30. out the language, there may be an interpretation that
31. would say essentially, we don't have to find facilities
32. if we can't teach these severely handicapped children
33. in the public schools. We don't have to find private
34. facilities because there is no exclusionary language

1. at all in the bill anymore and therefore, you know, we
2. can just let the problem lie where it is now, is that...
3. Did you hear that interpretation and...and, I would
4. like an answer to that.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator Berman.

7. SENATOR BERMAN:

8. The group that you're referring to testified yesterday
9. morning in front of the Senate Committee on Elementary
10. and Secondary Education in favor of the Veto override
11. Yesterday at about 12:30 they called me out to the
12. rotunda and they said that they had changed their position
13. after talking with Phil Gonet of the Bureau of the Budget.
14. I went down last nite and spoke to Phil Gonet of the
15. Bureau of the Budget and I'm not clear as to why this
16. particular group changed their position. I understand
17. their fears and their fears will be answered in the
18. same way that Senator Nimrod was concerned and Senator
19. Glass was concerned by Statutory requirements regarding
20. the ability to refer children out of the public schools.
21. That requirement is in the rules and regs now. The trouble
22. with this particular group is that they are apprehensive
23. about their trust or that the way the IOE is operating
24. under this rule and reg. They think they've being ignored,
25. they think they're not getting referrals of children.
26. That may, in fact, be true, but I think that that is a
27. problem that we will have to address, either through
28. pressure on IOE or through legislative enactment since
29. as Senator Glass and Nimrod had voiced. I understand
30. their concern. I don't think the override of 392 is
31. going to hurt them.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Harber Hall.

1. SENATOR HARBER HALL:
2. Well, no one is going to speak against handicapped
3. children, and certainly I don't want to, but I've heard
4. some very uncomfortable discussion this morning by people
5. working in this area who say the language is not clear.
6. They don't know what it does. Most of them are supporting
7. the motion to override, apparently, but I'm very confused
8. and when we pass out legislation as comprehensive and as
9. large an impact as this, with a statement that, will the
10. sponsor come back next year and help us make the language
11. right, it makes me all the more uncomfortable and for
12. that reason, I think I will be voting to sustain the
13. Governor's Veto.

14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Senator Schaffer.

16. SENATOR SCHAFFER:
17. If the sponsor would yield to a couple of questions.

18. PRESIDING OFFICER: (SENATOR BRUCE)
19. Indicates he will yield. Senator Schaffer.

20. SENATOR SCHAFFER:
21. Senator Berman, do we know how many kids we're
22. talking about?

23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Senator Berman.

25. SENATOR BERMAN:
26. No.

27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Senator Schaffer.

29. SENATOR SCHAFFER:
30. Do we know where these kids are located?

31. PRESIDING OFFICER: (SENATOR BRUCE)
32. Senator Berman.

33. SENATOR BERMAN:
34. I do not and I...in asking questions... Yesterday,
35. Senator Schaffer, as you're aware, we undertook a

1. unusual action by calling a meeting of the committee of
2. the Senate, the Elementary and Secondary Education Committee,
3. in which...through which this bill had gone in the Spring
4. Session. The reason for the meeting was to clarify and
5. get public comment on the Governor's Veto. The trouble
6. that I find is that we have great public input during
7. the Regular Session, but very little public input to
8. educate the Legislature following Governor's action
9. and that's why we have that meeting yesterday. I extended
10. an invitation by letter to the Governor, the Bureau of
11. the Budget, the Department of Mental Health and we
12. posted it publicly. We had proponents only, proponents
13. of the override, only appear. I understand, perhaps,
14. regarding the atmosphere of the hearing, that the...that
15. the administration did not wish to come in. But it was
16. the administration that had...or...or some agencies of
17. the administration that had recommended, in fact, BOB
18. had recommended a veto based upon dollar impact. That
19. was why I wanted them there, to try to find out where
20. they got their figures. Because everyone that testified
21. yesterday, indicated that the...that the impact would
22. be nominal. That this is a safeguard against ignoring
23. children, but that most school districts, commendably,
24. follow the present IOE rules and regulations and don't
25. ignore the children. So that, based upon that, I can't
26. tell you how many there are, or where they are, but
27. everyone who works in the field has said that there
28. are relatively few of these children that have been
29. ignored and I just want 392 to be passed so that they
30. cannot be ignored.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Schaffer.

33. SENATOR SCHAFFER:

1. Well, then what school districts are...are ignoring
2. these children. I...I frankly, have asked a few people
3. in my district about the problem and I am told, and I
4. believe the people, that in my area that there's a
5. program for every child. Some of them fall in one
6. category, some in another. And...I'm...I'm frankly,
7. Senator Berman, torn between two things. One, a basic
8. feeling that there should be a program for every child.
9. I would respectfully point out that perhaps the program
10. is not within the realm of the education field, but
11. perhaps within the realm of the developmentally disabled
12. program in the Department of Mental Health. And it
13. concerns me that this mandate might be used by that
14. department to shift its responsibilities to the schools,
15. which bothers me. But the thing that I think bothers me
16. most about this, is, as you know, we've spent the Summer
17. roaming the State on the Governor's Commission on Mandated
18. Programs. And in deference to your interpretation to
19. Senator D'Arco's question, I think whenever you restrict
20. a...a...an option, which frankly, is an option that very
21. few people appear to be using, you are, in effect, extending
22. the mandate. And...and I think we should move very slowly
23. before we extend any more mandates, particularly, if we
24. extend a mandate that, for instance, might be interpreted
25. by the Office of Education to require the hiring of an
26. additional teacher that we are not prepared to finance.
27. And a fear I have with this bill is not the intent or
28. what would, what's been mentioned in the debate. A fear
29. I have is what our friends in IOE and the Department of
30. Mental Health will do with this bill, should it become
31. law. And the argument that we will pass additional safeguards
32. in the future, frankly, fails to move me. I think the intent
33. is good. I'm not sure where the problem is coming from
34. but I am very reluctant to extend a mandate, any mandate,
35. without total guaranteeing of total State funding and

1. consequently I'm going to have to reluctantly oppose you
2. on this one.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. There's been permission sought to film the proceedings.
5. Is there leave? Leave is granted. Senator Ozinga.

6. SENATOR OZINGA:

7. Well, I wasn't going to speak on this, but seems
8. like we're making a mountain out of a mole hill. This
9. bill does nothing more than to eliminate an exception.
10. Now, over the years I have been personally involved
11. with this mandate, as everybody is bringing up, to
12. educate handicapped children. About fifteen, eighteen
13. years ago, we had it permissive to the public schools
14. that they provide a teacher and a classroom for these
15. type of people. After...an ignoring of that situation
16. for a period of time, it then become necessary that
17. we did mandate. And those Statutes are on the books.
18. Now; that happened maybe ten, twelve years ago.
19. They have been on the books all along. But now come
20. somewhere along the line where somebody slipped in
21. an exception. Where this exception now is the one that
22. is being tried to eliminate by this bill. Am I not
23. right, Senator Berman? So that actually when Senator
24. D'Arco asked the question about the mandate, these are
25. people that really know that there is a mandate on the
26. books to have provisions for these type of children and
27. any of these supplemental things that have come up
28. inbetween, and being talked about here, are being taken
29. care of, but the thing that is worrying Senator Berman
30. and his bill here, is the fact that on the Statute,
31. right now it says, except these children. Now, all that
32. we're doing here is taking out that language and all this
33. talk about cost and...and mandates and all...that is already

1. on the books. So we don't have to even think about it. It...
2. all that we're talking about here now is merely taking out
3. the exception.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Hickey.

6. SENATOR HICKEY:

7. Mr. President, a lot has been said about this, but
8. one thing, I think, hasn't been said. If we don't go
9. along with Senator Berman on this, the State of Illinois
10. will have in its Statutes, as it does now, a statement
11. saying that we don't, but we think there are some people
12. that aren't worth getting any education. And lots of us
13. have visited Dixon and some other places like that where
14. we..so that we know that there are people for whom a
15. lot of people think that the only thing necessary for
16. them is custodial care. By removing this from the Statute,
17. we are saying the State of Illinois believes that every
18. child has the right, under law, to some kind of developmental
19. training which will, if not teach him to read and write,
20. at least increase his own personal sense of well-being.
21. And I think that that is very, very, important and I beg
22. you to vote along with Senator Berman.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Shapiro.

25. SENATOR SHAPIRO:

26. Mr. President and Ladies and Gentlemen of the Senate.
27. I don't believe there is anyone in this Body who is not
28. sympathetic to the handicapped and I'm almost positive that
29. no one would be a party to passing legislation that discriminates
30. against any type of handicap for any type of person. But
31. that's not really the question confronting us here in the
32. override of Senate Bill 392. And I think, personally, that
33. the question is whether this particular segment should be

1. considered out of context with the entire picture. Now,
2. we've heard a lot in the past about the...implementation
3. of Public Law 94142, Constitutional Mandates what we
4. should do and what we shouldn't do, court cases and the
5. like. I confess that I do not know a lot about the entire
6. subject. But I do know this. I have received many complaints
7. about the implementation of public law 94142, from school
8. people, educators, special educators, private schools and
9. public schools alike. And I've heard from enough..from
10. so many different sources, I know that we should not consider
11. this bill without considering all the other bills that
12. implement that Federal Mandate. And rightfully so,
13. last Spring, most of those bills were sent back to committee
14. for further consideration. And I think that the action of
15. this Body should be in the same manner. That this bill should
16. go back to be considered in the entire picture and the
17. implementation of the Federal Mandate. Now what if we
18. do override the veto of this bill, what can possibly
19. happen and what are some of the questions that will come
20. up that no one really seems to be able to answer? Does
21. it mean that the public schools must place the severely
22. handicapped in a public school, if a private or any other
23. type of institutional care is not immediately available?
24. And what is the roll of the private schools in this entire
25. matter? Some of them are for the override and at least
26. one segment of the private schools are opposed to it.
27. How do you deal with a mentally handicapped individual
28. who is entirely disruptive in a classroom, a special
29. ed classroom? Is suspension or expulsion of the handicapped
30. child ever justified, particularly if he happens to be in
31. a curricular or an environment where the services available
32. for that particular child is not available? If we have
33. to institutionalize, and if it's the only answer, does

1. the public school have to pay for the entire cost? What
2. is the possible cost if children in institutions are referred
3. to the public schools? What is the relationship between
4. the public schools and other State agencies? These are
5. some of the questions that have been broached to me that
6. I have received from many sources. And frankly, I don't have
7. the answers to them, nor have I been able to get the
8. answers to them. No one really seems to know. And really,
9. are we being fair to anyone, including the handicapped and
10. their parents, if we take action with so many questions that
11. are unanswered and I think it's because of these important
12. questions that I believe that they should be adequately
13. answered before we take action in overriding Senate Bill 392.
14. I think the right decision is to hold the bill for further
15. study in context with all the other bills that implement
16. the Federal Mandate of Public Law 94-142. And I oppose
17. the motion to override the Governor's Veto on Senate Bill 392.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Grotberg.

20. SENATOR GROTBORG:

21. Thank you, Mr. President. I reluctantly arise to
22. explain my opposition to the override of Senate Bill 392.
23. The one thing that I will state is this, no one in this
24. Assembly works harder for kids than I do or Senator
25. Berman. One thing that has not been mentioned is that this
26. will be, regardless of its fiscal impact, and the fact that
27. we don't know what it will makes it even scarier, before
28. this day is out we will have mandated an impact on every
29. school district in the State of Illinois, probably ten
30. millions of new dollars in their costs. And I think the
31. timeliness of any other mandate in this Session, of this
32. General Assembly is poor and for that reason alone, we
33. dare not send anything back home to our local units of

1. government that is...even questionable as far as fiscal
2. impact is concerned and therefore I will oppose the motion
3. to override.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there further debate? Senator Berning.

6. SENATOR BERNING:

7. Just a brief comment, Mr. President. I have reread
8. the Governor's Veto Message and I want to emphasize that he does
9. not mention cost, Senator Berman. But he does
10. indicate that he respectfully asks the General Assembly
11. to give further deliberation to these comments of his
12. above as well as to other questions, and closes
13. by saying, I pledge that I will work with you in this regard.
14. In other words, the considered judgment of the Governor
15. is that, yes, there is a problem and we must address ourselves
16. to it, but this particular bill is not in the proper form.
17. I respectfully suggest to the sponsor that he consider with-
18. holding his action, let's even go so far as to draft a new
19. bill to be considered in the next half of his biennium, working with
20. the Governor to be sure that all the questions, reservations are
21. resolved so that we can all agree on it. At this time echoing
22. the sentiments of Senator Shapiro, it seems those of
23. us who not only are concerned, but also who have reservations,
24. have not choice but to resist the override motion.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Is there further debate? Senator Berman may close.

27. SENATOR BERMAN:

28. Thank you, Mr. President. Just a few points in rebuttal.
29. Senator Shapiro talked about the package of other bills. We
30. deliberated at great length when we decided that Senate Bill 392
31. and we being the Senate, because there was a motion placed
32. on the Floor that Senate Bill 392 be moved

1. forward and the other bills, dealing with 94142 and other
2. mandates, be re-referred back to the Senate Education
3. Committee. 392 was move forward specifically because
4. it has little, if anything, to do with 94142. Senate
5. Bill 392 is a move in accordance with a mandate that
6. is in our existing School Code under Article 14 and that
7. is that every child, every handicapped child, must have
8. some program available to him. Senate Bill 392 is in
9. keeping with that mandate that exists in our present
10. Statutes. And that mandate is that every child shall
11. be addressed according to his needs, 392, as Senator
12. Ozinga so artfully put it, eliminates an exception
13. to that requirement. Senator Grotberg talked...offhandedly
14. of ten million dollars. That figure, Ladies and
15. Gentlemen, is no where near the most conservative
16. estimates or pessimistic estimates of the cost of this bill.
17. Again I quote the language of a representative of the
18. Bureau of the Budget, the cost impact is minimal, but
19. uncertain. This bill will only carry forward a commitment
20. that this General Assembly made in 1965, in 1969, and
21. in every year thereafter, with substantial increases
22. of funding and substantial safeguards for the treatment
23. of the handicapped children of the State of Illinois.
24. This bill is in conformity with the conviction that each
25. of us carry that handicapped children should be addressed
26. according to their needs. Whether it be in private facilities,
27. State facilities, or in the schools. I urge your support of
28. my Motion to Override the veto.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The question is shall Senate Bill 392 pass the Veto
31. of the Governor to the contrary, notwithstanding. Those in
32. favor vote Aye. Those opposed vote Nay. The voting is
33. open. Have all voted who wish? Have all voted who wish?

1. Take the record. On that question the Ayes are 43, the
2. Nays are 11, none Voting Present. Senate Bill 392, having
3. received the required three-fifths majority is declared
4. passed the Veto of the Governor to the contrary, notwithstanding.
5. Senate Bill 413 on the Order of Total Vetoes, Senator
6. Vadalabene. Mr. Secretary.

7. SECRETARY:

8. I move that Senate Bill 413 Do Pass the Veto of the
9. Governor to the contrary, notwithstanding. Signed,
10. Senator Vadalabene.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Vadalabene.

13. SENATOR VADALABENE:

14. Yes, thank you, Mr. President and members of the
15. Senate. Yesterday I had passed around to each member
16. of the Senate, the fact sheet from Dale Swartz, Executive
17. Director of the Illinois Aviation Trade Association. I
18. think you've had time to read it so I will just refer to
19. parts of the fact sheet. The...the Governor says that
20. the Department of Revenue cannot determine the amount of
21. Motor Fuel Tax collected from aviation use. We do not
22. know that an average of approximately five hundred and
23. twenty-five thousand dollars is refunded annually and
24. it goes on to say that...it is likely that as much as
25. one million to two million dollars is not refunded. And
26. therefore Senate Bill 4...13 would reduce net receipts
27. to the Motor Fuel Tax fuel fund. From the fact sheet
28. from the Executive Director of the Illinois Aviation
29. Trade Association, in rebuttal to that, the Governor's
30. figures, goes on to say, are wrong. Records from the
31. Federal Energy Administration informed them that the
32. fifteen million, six hundred and seventy-seven thousand,
33. eight hundred and eighty-six gallons of aviation gas

1. were sold in Illinois in 1976. The seven and a half cent
2. tax on that would amount to one million, one hundred and
3. seventy-five dollars and eighty-four...eight hundred and
4. forty-one dollars. The Governor acknowledges that five
5. hundred and twenty-five thousand dollars is refunded.
6. So that leaves six hundred and fifty-thousand dollars,
7. six hundred and fifty thousand, eight hundred and forty-
8. one dollars that's not refunded. Not as much as one
9. million to two million as the Governor says. Undoubtedly,
10. the Governor has relied on information provided by the
11. Department of Revenue, but they didn't do their homework.
12. Their figures are totally wrong. The six hundred and fifty
13. thousand dollars, eight hundred and forty-one dollars that's
14. going to be lost to the Motor Fuel Tax Fund is a piddling
15. amount when you consider the cost of all the administration
16. of this. The cost to collect the tax in the first instance,
17. and subsequently the cost on everybody's part, including
18. the State in conjunction with...the refunding by far exceed
19. the amount. And because of the refund procedure many
20. transit flights are overflying the State of Illinois to
21. avoid the purchase of fuel and thereby avoid the administrative
22. hassle of the refund. And finally, Mr. President and
23. members of the Senate, one more fact. The Illinois Commission
24. for Economic Development, the Illinois Aeronautics Department,
25. the Illinois Department of Transportation, the Illinois Public
26. Airports Association and the Illinois Aviation Trades Association
27. all recommend the Governor sign one of these bills. So I move
28. that the Senate Bill No. 413 Do Pass the Veto of the Governor
29. to the contrary, notwithstanding.

30. End of Reel

31.
32.
33.

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Is there debate? The question is shall Senate Bill
3. 413 pass, the veto of the Governor to the contrary not-
4. withstanding. Those in favor vote Aye. Those opposed vote
5. Nay. The voting is open. Have all voted who wish?
6. Have all voted who wish? Take the record. On that question
7. the Ayes are 37, the Nays are 18, none Voting Present.
8. Senate Bill 413 having received the required three-
9. fifths vote is declared passed, the veto of the Governor
10. to the contrary notwithstanding. For what purpose
11. does Senator Glass arise?

12. SENATOR GLASS:
13. Request a verification of the affirmative roll
14. call, Mr. President.

15. PRESIDING OFFICER: (SENATOR BRUCE)
16. There has been a request for a verification.
17. Will the members please be in their seats. The Secretary
18. will call those who voted in the affirmative.

19. SECRETARY:
20. The following voted in the affirmative: Berman,
21. Bowers, Bruce, Buzbee, Carroll, Chew, Collins, D'Arco,
22. Daley, Davidson, Demuzio, Donnewald, Egan, Grotberg,
23. Guidice, Kenneth Hall, Hickey, Johns, Joyce, Knuppel,
24. Kosinski, Lane, Lemke, Leonard, McMillan, Maragos,
25. Merlo, Moore, Newhouse, Regner, Rock, Sangmeister,
26. Smith, Vadalabene, Washington, Wooten, Mr. President.

27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Senator Glass, do you question the presence of
29. any member?

30. SENATOR GLASS:
31. Senator Bowers.

32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Is Senator Bowers on the Floor? Senator Bowers.

1. Strike his name, Mr. Secretary.

2. SENATOR GLASS:

3. Senator Chew.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Chew on the Floor?

6. SECRETARY:

7. He's not...not...not recorded.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Would Senator Harris qualify? Close enough, maybe?

10. You request the verification of any other members?

11. SENATOR GLASS:

12. Senator Grotberg.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is Senator Grotberg on the Floor? Strike his name.

15. Senator Grotberg was not recorded as having voted, so

16. his name...Gentlemen, if we can have some order, please.

17. Senator Grotberg did vote in the affirmative and his name

18. has been removed from the roll call.

19. SENATOR GLASS:

20. Senator Chew, also, was his name removed?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Chew is recorded as absent.

23. SENATOR GLASS:

24. All right. The name was read, that's why I asked.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Vadalabene.

27. SENATOR VADALABENE:

28. Yes, for those who took a walk, postpone consideration.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further consideration of the motion will be postponed.

31. Senate Bill 450, Senator Egan. Senator Egan. Does any

32. other member have a bill that they would wish to...on the

33. Order of Total Vetoes that they would like to have considered

34. at this time? Senator Daley. 1322, Senator...

1. SENATOR DALEY:

2. Yes.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Mr. Secretary, Senate Bill 1322, on the Order of Total Vetoes.

5. SECRETARY:

6. I move that Senate Bill 1322 Do Pass, the veto of the
7. Governor to the contrary notwithstanding. Signed, Senator
8. Daley.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Daley is recognized.

11. SENATOR DALEY:

12. Mr. President and fellow Senators. This bill passed
13. out of the House and the Senate last Session with a
14. considerable vote. It requires a ten day notification
15. to any taxpayer in Illinois when the Federal Government
16. is requesting any information off their tax returns,
17. individual or corporate returns. This is a safeguard to the
18. Illinois taxpayers. Presently, when you file under your
19. income tax or sales tax, inheritance tax or any
20. other form of taxation, once you file with the Department
21. of Revenue, you cannot change or modify the tax at all.
22. You have fully paid your tax, you have fully prepared
23. your returns. What I am requesting is a ten day notification
24. from the Illinois Department of Revenue to the taxpayers.
25. Presently, there is a contract existing between the
26. Federal Government and the State of Illinois. The Federal
27. Government stated earlier that supposedly, we will lose
28. 3.5 million dollars. I have requested a detailed
29. explanation of the 3.5 million dollars from the Department
30. and from the Federal Government. They have not returned
31. any information to us. They said that if we pass this bill,
32. they will cancel the contract. It's a one year contract.
33. And the contract in itself t allows the State of Illinois to

1. modify or change. Under the presently IRS rulings, they
2. must give people notification if they are investigating,
3. civilly or criminally. And this just protects the Illinois
4. taxpayers and would ask for a favorable roll call.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? Senator Glass.

7. SENATOR GLASS:

8. Well, Mr. President and members of the Senate.
9. As much as I sympathize with Senator Daley's feelings on
10. this bill and don't like the Federal intrusion into
11. Illinois' policy of giving...giving this notice,
12. it would be disastrous for us, I feel, to lose that
13. Federal compact and there is an estimate of three and
14. a half million dollars that would be lost and I don't
15. think we should take that kind of chances with the
16. State's revenue. And I think if we override this veto,
17. that's exactly what we would be doing and I, therefore,
18. urge that the veto be sustained.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator...Senator Daley.

21. SENATOR DALEY:

22. I would like to respond to that one fact, the
23. Department of Revenue, Senator Glass, has never
24. given a detailed explanation of the 3.5 million dollars.
25. If they say we would lose this, how are we going to lose
26. it? The Department of Revenue can recover the 3.5
27. million dollars by themselves. They can do it. It isn't
28. the Federal Government recovering any money for us. We're
29. doing it.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Glass.

32. SENATOR GLASS:

33. Well, I would respond, Senator Daley, by saying that

1. as I understand the Veto Message, because of that Federal
2. agreement, we have access to Federal income tax returns
3. and through that mechanism, are able to discover
4. areas where there is more income that should be coming
5. to the State of Illinois and at least the cooperation that
6. we get from the Federal Government, according to the
7. Department, results in that additional three and a half
8. million. If that's wrong, I'd like to be shown where
9. that is wrong.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Daley.

12. SENATOR DALEY:

13. Mr. President, on that fact alone, this only gives
14. the taxpayer a notification. They only say that the
15. Federal Government, whether the IRS, the CIA or FBI are
16. requesting information off your tax returns. And it
17. just gives the taxpayer notification. They can still
18. investigate or do what they want to do. There's no
19. prohibition, or we can do it. But they've never
20. given a detailed explanation of what they're doing...
21. whether the Department of Revenue or the IRS.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Maragos.

24. SENATOR MARAGOS:

25. Mr. President and members of the Senate. I, too,
26. arise in support of this motion because those of us who
27. have been involved many years in revenue practices
28. have found that the long arm of the Federal
29. Government comes and takes away the private citizens'
30. ability to defend himself because they don't notify
31. him in advance and therefore, many of his records, which
32. he thinks are confidential and private, are taken upon by
33. agencies of the government. We have been bombarded in

1. the last five or six years with information of the abuses
2. of Federal Government and in some cases, the State Government
3. as to the rights of privacy as to the rights
4. of...the ability of the particular citizens to defend
5. themselves. I think it is a very, very sandy foundation
6. upon which the veto was based. It says it has been
7. estimated that the information secured by the Department
8. on the basis of this agreement with the Federal Government,
9. in other words, accounts for the collection of three and
10. a half million dollars. In other words, what they're
11. saying here in the Veto Message is that because they
12. think that if this agreement which is presently
13. is set up, would be abrogated, that the State of Illinois
14. could not collect an additional three and a half million
15. dollars. It doesn't say that it would be given any
16. money by the Federal Government. It doesn't say that
17. there's money coming from the Federal Government at
18. which will be deposited in the State coffers. All it
19. says is that if we did this, we could lose three and a half
20. million. I say to you, Mr. President and members of the
21. Senate, that this is a very thin line upon which we should
22. take away the rights of individuals of being notified
23. after their records are being examined. Everyone of us
24. here are taxpayers. We give...we...under our system
25. voluntarily file our returns every year. We take away
26. the onus of the government spending millions of dollars
27. to prepare these tax returns for us and then when we are
28. being examined all we are saying to the...to the State
29. Government is the State Department of Revenue, please when
30. the Federal Government is going to do some auditing or wants
31. our records, please let us know so we can be prepared
32. to anticipate any possible action by that government.
33. It is, I think, a foolhardy basis upon which we say,
34. because we may lose three and a half million dollars in
35. collections, I say to you that we should not deprive the

1. rights of citizens. I'd like to say to you also, Mr.
2. President and members of the House, that right now...Senate,
3. sorry, still the right House, though. The questions that
4. evolve here is whether the department is enforcing
5. other areas in the...in collection of its taxes which
6. would overcome the three and a half million and I say
7. to you, Mr. President and members of the Senate, that
8. we should approve this override.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. I have Senators Egan, Rhoads, Bowers and Wooten,
11. in that order, have sought recognition. Senator Egan.

12. SENATOR EGAN:

13. Thank you, Mr. President and members of the Senate.
14. I wholeheartedly concurred in the remarks by Senator
15. Maragos. It seems to me that when we...have a very
16. tenuous negative attitude by the Internal Revenue
17. Service that we...now we are...we are legislating not
18. only based on what the Federal Government tells us
19. explicitly what to do, now we're regulating ourselves
20. based on what tenuous possibility the Federal Government
21. might do to us. It's my understanding and I'd like to
22. clear this up, Senator Glass, if you could help. It's
23. my understanding that the Internal Revenue Service has not
24. said that this agreement...the agreement that is referred to in the...
25. in the message, specifically does not say that...the
26. Internal Revenue Service definitely will vitiate that
27. agreement, but there's only an idea that they...they
28. may do that and I have a question, too, of Senator Daley...
29. if...if he would...

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Glass.

32. SENATOR GLASS:

33. Well, thank you, Mr. President. It is a point that
ought to be cleared up and it may be a matter of

1. semantics, but the Veto Message says the Internal Revenue
2. Service has indicated that the imposition of the notice
3. requirement would be contrary to the agreement and would
4. compel its termination. Now, I think that's fairly clear
5. language as to what the services said. You can always
6. question, I guess, whether it would actually happen or not,
7. but at least based on the Veto Message, the agreement
8. would be terminated.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Egan.

11. SENATOR EGAN:

12. Well, I don't think indicating what it will do means
13. anything whatsoever. As a matter of fact, it's my
14. understanding that the State must give to the Federal
15. Government thirty days notice if the Federal Government
16. asks for State records. The point I'm trying to make,
17. Senator Glass, is that an indication by the Federal
18. Department of the Internal Revenue Service should not
19. necessitate our reaction in the negative...on this
20. sensitive kind of legislation. When, in fact, they impose
21. upon us, a stricter regulation than we're asking to the
22. General Assembly to pass. Is that correct, Senator Daley?

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Daley.

25. SENATOR DALEY:

26. In the contract, it allows a modification or alteration
27. of the contract by either Federal or State Government.
28. Presently, if we use the Federal Tax returns, we must give and
29. we're...the Department of Revenue must give a thirty
30. day notification to the IRS if we are going to proceed to
31. collect some taxation due to the State of Illinois.
32. We have to give the Federal Government a thirty day
33. notice and it's in the contract in Section 3.6. It's
too bad that the Department of Revenue and the Governor's

1. Office didn't read the contract.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Rhoads.

4. SENATOR RHOADS:

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

6. I'm very much in favor of the principle that Senator

7. Daley is trying to establish with this bill and I guess

8. the only remaining question is whether or not if we do

9. override, what will be the attitude of the Federal

10. Government and will it result in the abrogation

11. of the agreement. So, my question to Senator Daley is,

12. if we do override today and if your bill becomes law,

13. and if by that action, that results in an abrogation of

14. the agreement, what would be your attitude or what

15. remedial legislation would you suggest next year?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Daley.

18. SENATOR DALEY:

19. If they terminate the agreement, I would hope

20. the Department of Revenue would sit down with myself

21. and other people and tell us where they would lose

22. 3.6 million dollars and if they can show us by their

23. figures, then we will proceed to put a bill in and

24. rectify the situation. But the Federal Government requires

25. us to give them a thirty day notification and we're

26. just following the Federal Government with a ten day

27. notification.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Rhoads.

30. SENATOR RHOADS:

31. Well, I don't want to make you make...have you make

32. a specific commitment, if you don't want to make one.

33. But are you implying that you would sponsor a bill to repeal
this one?

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Daley.
3. SENATOR DALEY:
4. Yes, if the...if the facts by the department and the
5. IRS are there.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Rhoads.
8. SENATOR RHOADS:
9. Well, with that understanding, as I say, I think
10. the principle is an important one and I'd like to support
11. the override.
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Senator Bowers. Is there further discussion? Senator Guidice.
14. SENATOR GUIDICE:
15. Will the sponsor yield to a question?
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Indicates that he will yield.
18. SENATOR GUIDICE:
19. Regarding this contract that's between the State
20. and the Federal Government now, I understand that they
21. have a right to a thirty day notice. Is that correct?
22. And then they don't have to give us the returns anyway,
23. is that correct, also? I'm sorry. Do you want to...
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator Daley.
26. SENATOR DALEY:
27. Yeah, you are correct, Senator.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Senator Guidice.
30. SENATOR GUIDICE:
31. Well, under the present situation now, with what
32. you're intending to do with this bill, is we're requesting
33. a ten day notice. There's no monies that are going to be
expended by the Federal Government in this particular regard,

1. is that correct?

2. SENATOR DALEY:

3. Correct.

4. SENATOR GUIDICE:

5. The Federal...I understand that the Federal Government
6. ...this is the IRS now, but they can give the information
7. that they received from our tax returns in the State to
8. any other agency that's corresponding with them
9. in...through any agreements that they have, is that
10. correct, also?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Daley.

13. SENATOR DALEY:

14. Correct.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further questions? Further debate? Senator Daley.
17. Senator Collins.

18. SENATOR COLLINS:

19. Question to Senator Daley to clarify Senator Glass'
20. question. Senator Daley, you're talking about
21. Illinois taxpayers and the Illinois Department of
22. Revenue sending out a notice when the Federal Government
23. requests to review our tax return.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Daley.

26. SENATOR DALEY:

27. Yes, when the Federal Government decides to look
28. in the...any company or individual, I'm requiring the
29. Department of Revenue give a...just a ten day notice.

30. SENATOR COLLINS:

31. Okay, then, how...Senator Glass, I have a question
32. for you. How would this be an imposition to the Federal
33. Government?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Glass.

3. SENATOR COLLINS:

4. How would this be an imposition on their part?

5. SENATOR GLASS:

6. This...this is not an imposition on the Federal
7. Government. I think it's a reasonable bill and I believe
8. I supported it before. The point I was making
9. that in the...in the Veto Message, the requirement of
10. that ten day notice would have the effect of invalidating
11. another agreement that's now in effect between State of
12. Illinois and the Federal Government. And under that agreement
13. there is a sharing and cross checking of State and
14. Federal records and because of that agreement, the
15. ...the Veto Message of the Governor says that the
16. ...our Department of Revenue is much more effective
17. in enforcing collection and estimates they would lose
18. about three and a half million dollars if...if that
19. agreement is invalidated and they say moreover the public
20. awareness of the compliance effort has an immeasurable
21. impact on voluntary obedience to our income tax laws.
22. There is no doubt that the department's ability to maintain
23. the agreement is critical to our tax collection efforts.
24. So, I...I think that...you know, that's the basis for
25. my support of the Governor's message.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Collins.

28. SENATOR COLLINS:

29. Senator Glass, then, is there any place in that
30. agreement between the Federal Government and the State
31. of Illinois that says that their inspection of the individual
32. taxpayer's return must be confidential between the State
33. and the Federal Government? That is not a part of the agreement,
34. is it not?

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Senator Glass.
3. SENATOR GLASS:
4. I frankly don't know the answer to that. I have not
5. seen the agreement. I'm basing my...I have not seen the
6. agreement. My...I won't repeat what my lawyer just
7. advised me.
8. PRESIDING OFFICER: (SENATOR BRUCE)
9. Senator Collins.
10. SENATOR COLLINS:
11. Well, on that vein, Senator Glass, and members of the
12. Senate. I rise in support of the override because I think
13. the bill has no impact on the Federal agreement at all.
14. It simply protects the confidentiality of the taxpayers
15. and give them an opportunity as Senator Daley and others
16. have said, to know what the Federal Government is looking
17. for in their tax returns so that they can prepare to
18. defend themselves against it and I think it's a harmless
19. bill and it's a right that every taxpayer in the State
20. should have.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Senator Walsh.
23. SENATOR WALSH:
24. Mr. President, members of the Senate. I was not going
25. to speak. I thought Senator Glass did a good job in
26. explaining the position of the...of the administration,
27. but in view of Senator Collin's statement, I think it's
28. important that the membership note in the Veto Message,
29. the Governor states that the Internal Revenue Service has
30. indicated that the imposition of the notice requirement
31. contained in this bill would be contrary to the agreement
32. and would compel its termination. Now, that's...
33. that's the statement in the Veto Message and if, in fact, the
agreement would be terminated, I think override of this...of this

1. veto would be treading on very dangerous ground. Now, the
2. 3.5 million dollar figure is referred to in the Message
3. and no one has refuted it. I think we should also note that
4. the Federal Government has much more information about our
5. Federal Income Tax figures than the State. The State
6. Income Tax Return is based on the Federal return. It's
7. a one page document that contains figures that are
8. included in your Federal return, where your Federal return
9. may run anywhere from...from one to...one to twenty or
10. fifty pages. It has page two deductions and schedule C
11. and...and D and what have you. I think I supported this
12. bill. I certainly subscribe to...to its ...to its import.
13. However, I don't think that we should override a veto in
14. this very...this very technical area. I think it could also
15. have immeasurable fiscal consequences if we have to have any
16. army of...of revenue agents auditing Illinois Income
17. Tax returns. At the present time, we're the beneficiaries
18. of the...of the auditing procedures of the Federal Government
19. because the Federal Government notifies the Department of
20. Revenue when an audit has been made and if any additional
21. Illinois tax is due, a bill is just submitted by the Illinois
22. Department of Revenue and there's not a separate audit
23. made. I would think that the way to approach this thing
24. is to urge the Department of Revenue administratively
25. to indicate to the department or the Internal Revenue Service
26. the action that has been taken in the passage of this bill,
27. the efforts made to override the veto and possibly ..
28. when this agreement is renewed, the notice requirement sought
29. by Senator Daley could be included therein. But for the
30. present, Mr. President and members of the Senate, I think
31. we should sustain the action of the...of the Governor and resist
32. the effort to override his veto.
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Bowers.

2. SENATOR BOWERS:

3. Thank you, Mr. President. I, too, was not going to
4. speak on the issue until my seatmate decided to and
5. since I am opposed to his position I thought I ought to.
6. Number one, I think there's a little confusion here
7. with respect to violation of the agreement, if I've
8. got the correct quotes, as far as the agreement itself
9. is concerned. According to the quotes I've got,
10. the agreement says that it's specifically subject
11. to State law and Federal Statute. It also says that in
12. case there's a change in either State law or Federal
13. Statute, either party has the right to terminate the
14. agreement. Now, that's not violating the agreement
15. if we change the State law. We concede, of course, that
16. it gives the Federal Government the right to terminate
17. the agreement. Frankly, I don't think they will. I think it's
18. ...I think it's a totally phoney issue because they served
19. the same notice we're asking about the...that the State
20. serve. They served it themselves. So to say that we
21. are going to do something that they don't approve of because
22. we're asking for the same thing in the State, doesn't make
23. any sense at all to me, I don't think they're going to
24. terminate this agreement based on a change in State law.
25. If they do, I'll rely on Senator Daley's agreement that
26. we're going to back up and take another look at it and
27. we can always reimpose or repeal this particular provision
28. in the event they, in fact, terminate the agreement.
29. I think it's time we called the Federal Government's
30. bluff on a few of these threats and see what they do
31. and I'm all for it. Thank you.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there further debate? Senator Daley, do you wish to close?

1. Senator Daley.

2. SENATOR DALEY:

3. Mr...Mr. President and fellow Senators. I ask for
4. a favorable roll call and I fully agree with Senator
5. Bowers stating that in the contract itself, I think
6. very few people read the contract, we can modify or
7. change and this is not the cancellation of the contract
8. on a ten day notice. We give the Federal Government
9. thirty days. We're asking for the Illinois taxpayers
10. to receive a ten day notice and I ask for a favorable
11. roll call.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The question is shall Senate Bill 1322 pass, the
14. veto of the Governor to the contrary notwithstanding.
15. Those in favor vote Aye. Those opposed vote Nay.
16. The voting is open. Have all voted who wish?
17. Have all voted who wish? Take the record. On that question
18. the Ayes are 44, the Nays are 10, none Voting Present.
19. Senate Bill 1322 having received the required three-fifths
20. vote is declared passed, the veto of the Governor to the
21. contrary notwithstanding. For what purpose does Senator
22. Coffey arise?

23. SENATOR COFFEY:

24. Yes, Mr. President. On a point of personal privilege.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. State your point. Senator Coffey.

27. SENATOR COFFEY:

28. Mr. President and members of the Senate,
29. up in the President's gallery, I have with us today,
30. Professor Peter Lee and the class of a Political Science
31. students from Eastern Illinois University and I'd like
32. for them to stand and welcome them to this House.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Would they please stand and be recognized by the
2. Senate. Does any other Senator have a bill on the Order of
3. Total Vetoes that they would like to take up at this time?
4. Senator Harber Hall. Senate Bill 1357. Mr. Secretary.
5. SECRETARY:

6. I move that Senate Bill 1357 Do Pass, the veto of the
7. Governor to the contrary notwithstanding. Signed, Senator
8. Harber Hall.

9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Senator Hall. Harber Hall.

11. SENATOR HARBER HALL:

12. Thank you, Mr. President and Ladies and Gentlemen of the
13. Senate. 1357 is a bill that simply placed into the Statutes
14. language for the...our county coroners identical with
15. language found in the acts for the administration of other
16. county officials such as the county clerk, county recorder,
17. county treasurer and other county officials. The Governor
18. vetoed 1357 by stating that he thought it would be
19. advisable to centralize the costs of all county offices
20. apparently, of course, with the boards. This is a
21. popular conception. I don't know whether I agree with that
22. concept or disagree with it at this point. But the question
23. that we offer with 1357 is should any county officer
24. have language not identical with the other county
25. offices in respect to administration of the office and
26. that's all this bill does. I think the question of
27. should total control of all county elected officials'
28. duties be vested with the county board is a separate
29. question and should be addressed with a different
30. legislation than this. For that reason, I would respectfully
31. solicit your support to override 1357, the veto of the
32. Governor notwithstanding.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there further discussion? The question is shall
2. Senate Bill 1357 pass, the veto of the Governor to the
3. contrary notwithstanding. Those in favor vote Aye.
4. Those opposed vote Nay. The voting is open.
5. Have all voted who-wish? Have all voted who wish?
6. Take the record. On that question the Ayes are 28, the
7. Nays are 4, 5 Voting Present. Senate Bill 1357 having
8. failed to receive the required three-fifths vote
9. the motion to override the veto of the Governor is lost
10. and the Governor's veto is sustained. On the Order of
11. Total Vetoes, does any other Senator wish to have
12. the motion...any motion called? Senator Maragos.
13. SENATOR MARAGOS:

14. Mr. President, at this time, I would like to withdraw
15. my motion to override the veto on Senate Bill 477 because
16. it is duplicative and the other bill that had covered it
17. is...so I withdraw at this time my motion for 7...477.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. The motion will be withdrawn on Senate Bill 477.
20. Does any Senator wish to withdraw a motion? On the
21. Order of Item Vetoes. Does any Senator wish to call a motion
22. on the Order of Item Vetoes? Be Senators Rock, Carroll,
23. Joyce, Egan, Harber Hall. Senators Buzbee and Vadalabene
24. have motions on file under that Order of Business.
25. Item Vetoes. Do any of those Senators wish to call a
26. motion? Senator Harber Hall has a motion under that
27. Order of Business. Three motions. Under the
28. Order of Specific Recommendations for Change, the following
29. Senators have filed motions...Item Reductions, motions have
30. been filed by...for what purpose does Senator Berning arise?
31. Senator Berning, wait one moment and see if we have anyone
32. on Item Reductions. Any Senator on Item Reductions? Senators
33. Harber Hall, Rock, Buzbee and Vadalabene have filed motions.

11-4-75
P. Schaffer

1. Do any of those Senators wish to call those motions?
2. Senator Rock. On...
3. SENATOR ROCK:
4. Thank you, Mr. President. Yes, on Senate Bill 362...
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Mr. Secretary.
7. SENATOR ROCK:
8. Senator Schaffer is on the Floor. Yeah.
9. Fine.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Schaffer.
12. SENATOR SCHAFFER:
13. Without speaking to Senator Rock's motion,
14. I've been requested to request an opinion on
15. the...a ruling on whether or not Senator Rock can make
16. this motion within the eight days, not referring to this
17. motion just procedurally on other issues. I am not
18. inclined to make the motion. I have no objection to Senator
19. Rock doing it but according to our rules, I am under the
20. impression he must wait eight days, which is...I personally
21. have no strong feelings one way or another but we ought
22. to clarify what the rules are on this case for...there could
23. be other precedents where...shall we say less congenial.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator Schaffer, are you the sponsor of Senate
26. Bill 362?
27. SENATOR SCHAFFER:
28. I am.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Schaffer, the motion as filed is dated November
31. the 2nd. According to our counting, that would have been
32. after the eight day would have run counting October 25th as the first
33. day we were here on 24th. And today is...the 2nd would

1. have been...it's eight calendar days, not Session days.
2. So, I think your...your point is moot and the motion is
3. in order. Senator Rock. The Chair has ruled that your
4. motion is in order. It was after the eighth day ruling
5. of the allowance of a sponsor to file a motion.
6. Do you wish to proceed at this time? Senator Rock.

7. SENATOR ROCK:

8. Thank you, Mr. President and Ladies and Gentlemen
9. of the Senate. I...I do, in fact, wish to proceed. I would
10. ask that the Secretary read the motion. I had spoken with,
11. frankly, Senator Schaffer, as the sponsor and asked
12. him if he wished to make the motion or have let me make it
13. so I think your ruling is correct and I appreciate it.
14. Mr. Secretary, will you read the motion?

15. SECRETARY:

16. I move that the item on page 11, line 31 of Senate
17. Bill 362 be restored, the Item Reduction of the Governor
18. to the contrary notwithstanding. Signed, Senator Rock.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Rock.

21. SENATOR ROCK:

22. Thank you, Mr. President, Ladies and Gentlemen of the
23. Senate. Senate Bill 362 is the annual appropriation
24. for the Department of Children and Family Services and during
25. the course of the hearing before the Appropriations Committee
26. it was, as you will recall, the subject of some concern
27. during the past Session of the Assembly, as to the amount of
28. money paid to the foster parents of this State by our
29. State Department. Representative Bradley in the House had
30. House Bill 883 which he was pursuing with some vigor
31. and then based upon the fact that we put three and a half
32. million dollars additional money in for the foster parents
33. returned House Bill 883 which would have mandated a minimum

1. monthly amount to foster parents. Representative Bradley
2. was kind enough to put that bill back in a House Committee
3. for further study. It was pointed out during the course of
4. the hearing both on this amendment and on Representative
5. Bradley's bill, that we have some ninety-four hundred
6. children in this State who are wards of the State
7. and who are in foster placement and we have not, in fact,
8. provided the foster parents with the minimum amount of
9. money necessary to maintain and care for these children
10. so during the Appropriation Committee hearing, we proceeded
11. to add an additional three and a half million dollars
12. concerning which, frankly, the department had no objection.
13. The Bureau of the Budget obviously objected and they
14. obviously prevailed. But the department well recognizes
15. that they have, in fact, not had the money sufficient
16. to pay the foster parents a reasonable monthly allotment
17. for the care of these children. I think three and a half million
18. certainly is available. It is certainly necessary and I think
19. if we are to provide the new director of the Department
20. of Children and Family Services, this gracious lady should
21. have this kind of help. The foster parents have, in fact,
22. been underpaid and vastly underpaid for a number of years
23. and the department simply cannot upgrade its schedule of
24. payments unless we make this money available. I think
25. the three and a half million dollars is...is well within the
26. State's means. It's a concern about which we should have
27. some concern and I would urge a favorable vote to restore this
28. three and a half million dollars to this department.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there debate? Senator Regner.

31. SENATOR REGNER:

32. Yes, Mr. President and members of the Senate.

33. I rise to oppose this motion. It is, in fact, three and

1. a half million dollars of unbudgeted money and when you
2. look at the statistics and the current rates paid by the
3. Department of Children and Family Services right now for all
4. age levels, they are above the U.S. Bureau of Labor Statistics
5. estimated costs of caring for a child. Moreover as we all
6. know that the Department of Children and Family Services
7. has not been operating and I'll be kind, operating not
8. very efficiently recently under the throws of the
9. reorganization right now and I certainly don't think just
10. putting more money in is going to improve the programs
11. until the agency itself gets straightened away and can
12. operate effeciently and for that reason and the reason
13. that I said earlier, we are already paying above the
14. averages for all the other care services around the country.
15. I think we should defeat the motion at this time and
16. sustain the Governor's action.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Channel 20 is asking permission to film and have TV
19. lights turned on. Is there leave? Leave is granted.
20. Further discussion? Senator...Senator Shapiro. Senator
21. Rock, we'll get back to you as soon as the lights come on.
22. Senator Shapiro.

23. SENATOR SHAPIRO:

24. Mr. President and Ladies and Gentlemen of the Senate.
25. I just want to make a few brief points. Senator Regner pointed
26. out that it does restore three and a half million
27. dollars to that particular line item, but the department has
28. also testified that a number of children who need to be
29. placed in foster homes has been declining for the past three
30. or four years and that they expect the decline to continue and
31. furthermore, they would much rather and they intend to work
32. in the actual homes of these children through the
33. counseling and homemaker services rather than attempt

1. to pace...place these children in foster homes. I think
2. for these reasons and the other reasons outlined by
3. Senator Regner that we should resist this override to restore
4. the three and a half million dollars for the reasons
5. outlined and in addition, the fact that three and a half
6. million dollars is a quite a bit of money to be spending
7. in addition to the other funds allocated to foster care.
8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there further discussion? Senator Schaffer.
10. SENATOR SCHAFFER:

11. Well, I think that at some point we are definitely
12. going to have to increase again the rates to foster
13. parents. It's my understanding that this...even if we do
14. override this veto that the department will still not
15. be mandated to increase the care. I don't believe the
16. language in the appropriation bill gets the job done.
17. I think we do have to look at it, but at this point in
18. time, I'm going to concur with Senator Regner's
19. arguments and be fiscally responsible. I think one ought
20. to do it at least once a year.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further debate? Senator Rock, you may close.

23. SENATOR ROCK:

24. Thank you, Mr. President, Ladies and Gentlemen of the
25. Senate. I can appreciate the somewhat shallow ring of
26. fiscal responsibility and as it concerns at least this
27. line item. There was an agreement in the committee as
28. most well know, that this amount of money, if appropriated
29. and approved, would, in fact, be utilized for rate
30. increases for foster parents. To say otherwise, simply
31. denies the conversation that we had both in committee
32. and the representations made here on the Floor. Additionally,
33. I think to cite the United States Bureau of Labor Statistics

1. study, frankly, is...is...is not the way to go and although
2. I know the Governor did that in his Message, having now
3. dealt with the United States Department of Labor for
4. a couple of months on...concerning the unemployment
5. compensation matter, frankly, I don't trust anything they
6. say anymore and I would point out that the...an additional
7. study by the same Federal Government issued by the United
8. States Department of Agriculture puts the annual cost of
9. raising a child at twenty-three hundred dollars a year.
10. An amount at least eight hundred dollars a year or sixty-
11. six dollars a month over the average annual reimbursement
12. paid by the State of Illinois to foster parents. It just
13. seems to me that this is an obligation we cannot shirk.
14. The money is available. We should use it and we should allow
15. this department to adequately compensate those foster
16. parents concerning the ninety-four hundred wards of the State.
17. I would urge a favorable vote.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. The question is shall the item on page 11, line
20. 31 of Senate Bill 362 be restored, the Item Reduction of the
21. Governor to the contrary notwithstanding. Those in favor
22. vote Aye. Those opposed vote Nay. The voting is open.
23. Have all voted who wish? Have all voted who wish?
24. Take the record. On that question the Ayes are 32, the
25. Nays are 23, none Voting Present. The item on page
26. 11, line 31 of Senate Bill 362 having received the
27. required majority vote of Senators elected is declared
28. restored, the Item Reduction of the Governor to the contrary
29. notwithstanding. Are there any other bills on the Order of
30. Item Reductions? Any motions on the Order of Item Reductions
31. that Senators would wish to have considered at this time?
32. Senator Netsch, no. On the Order of Specific Recommendations
33. for Change, Senator Berning, you sought recognition.

1. Is that on Senate Bill 287? Mr. Secretary, read the
2. motion, please.

3. SECRETARY:

4. I move to accept the specific recommendations of the
5. Governor to Senate...as to Senate Bill 287 in the manner
6. and form as follows. Signed, Senator Berning.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Berning is recognized. Senator Glass,
9. if you would be seated. Senator Berning is seeking
10. recognition. Senator Berning.

11. SENATOR BERNING:

12. Thank you, Mr...thank you, Mr. President and members
13. of the Senate. I want to call your attention to the fact
14. that as stated in the Calendar, Senate Bill 287 is
15. entirely different. Let me refresh your memory. Senate
16. Bill 287 was unacceptable in the status as presented and
17. as described in the Calendar, it then became a vehicle
18. for the Department of Personnel and subsequently then
19. passed overwhelmingly in both the Senate and the House.
20. The Governor has amendatorily vetoed it to the extent
21. of reincluding the Secretary of State under the Affirmative
22. Action program. I concur with that and respectfully
23. request a Yes vote on the motion to accept the Governor's
24. Amendatory Veto.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Is there further discussion? Senator D'Arco.

27. SENATOR D'ARCO:

28. Will the sponsor yield for a question?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Indicates that he will yield. Senator D'Arco.

31. SENATOR D'ARCO:

32. Karl, doesn't the Secretary of State have it's own
33. Affirmative Action program?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Berning.

3. SENATOR BERNING:

4. I can't say yes or no. It does...the Secretary
5. of State does have its Department of Personnel but it is
6. the considered judgment of the State Department of Personnel
7. and the government...Governor and I happen to concur, that
8. further fragmentation ought to be avoided and the Department
9. of Personnel ought to be the one sole repository for
10. the Affirmative Action programs for the entire State.
11. That is the intent of the Amendatory Veto.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator D'Arco.

14. SENATOR D'ARCO:

15. Would this mean then that the personnel under the
16. Personnel Department of the Secretary of State, would
17. be changed to be eliminated and the personnel under the
18. Personnel Code would be running the office then? Is that...

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Berning.

21. SENATOR BERNING:

22. No.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator D'Arco.

25. SENATOR D'ARCO:

26. There would be no change at all, then, is that the
27. intent of it, or...

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Berning.

30. SENATOR BERNING:

31. That is correct. Insofar as the operation of the
32. Department of Personnel is concerned, yes, there would be
33. no change for the Secretary of State.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Senator Rock.

3. SENATOR ROCK:

4. Thank you, Mr. President; Ladies and Gentlemen
5. of the Senate. I rise in opposition to Senator Berning's
6. motion to accept the Governor's Specific Recommendations
7. with respect to Senate Bill 287 for this reason, that last
8. Session we considered and passed overwhelmingly a
9. merit employment plan for the Constitutional office of the
10. Secretary of State. Included within that plan, was, in fact,
11. provision for Affirmative Action and...and an Affirmative
12. Action officer to operate under the terms of that Secretary
13. of State's Personnel Code. It seems to me that on the
14. one hand to take as we did, that Constitutional office
15. out from under the Governor's Department of Personnel,
16. which was agreed to and, in fact, signed by the Governor,
17. and then on the other hand to come along with an amendment
18. like this to put that part of the program back under the Governor's
19. Department of Personnel, simply to me doesn't make any sense.
20. The Secretary of State under the...his own personnel code,
21. does, in fact, have an Affirmative Action officer
22. and have affirmative action responsibility. I just don't think
23. this is necessary at all and I would oppose it.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there further discussion? Senator...Senator Weaver.

26. SENATOR WEAVER:

27. Question of the sponsor.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Indicates he will yield, Senator Weaver.

30. SENATOR WEAVER:

31. Senator Berning, how many Affirmative Action officers
32. do we have in State Government?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Berning.
2. SENATOR BERNING:
3. We have one.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Senator...Senator Weaver.
6. SENATOR WEAVER:
7. I just wondered State-wide, how many Affirmative
8. action officers do we have employed by the State of Illinois.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Senator Berning.
11. SENATOR BERNING:
12. That I can't answer. We have at this time one
13. affirmative action program.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Senator Weaver.
16. SENATOR WEAVER:
17. Throughout higher education, all agencies, I just
18. was curious as to how many employees we have in Affirmative
19. Action.
20. PRESIDING OFFICE: (SENATOR BRUCE)
21. Senator Berning.
22. SENATOR BERNING:
23. I'm sorry, I can't answer that.
24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Is there further discussion? Senator Kenneth Hall.
26. SENATOR KENNETH HALL:
27. I'm sorry. I was unattentive at the time. What was
28. the answer to Senator Weaver's question? Did you answer that
29. Senator Berning?
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Senator Berning.
32. SENATOR BERNING:
33. Yes, Senator, I do not know how many persons are

1. employed in the Affirmative Action program of this State.

2. I don't think anybody knows.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Senator Berning may close the
5. debate.

6. SENATOR BERNING:

7. Quite simply, Mr. Chairman and members of the Senate,
8. excluding the Secretary of State from the bill would increase
9. the difficulty of developing a State-wide Affirmative
10. Action program and obviously would eliminate a check on the
11. conformity of the Secretary of State's Affirmative Action
12. program with State and Federal guidelines. I don't believe
13. there's any effort, any intent, even any inference
14. that the interest is in curtailing the autonomy
15. or the prerogatives of the Secretary of State.
16. Affirmative Action ought to be a total approach by one
17. State agency affecting all other facets of State Government
18. and that has been and ought to continue to be the sole
19. prerogative of the State Department of Personnel.
20. For that reason, Mr. President and members of the Senate,
21. I respectfully suggest that we should accept the Governor's
22. recommendation and hopefully then provide a more unified,
23. more defensible, better administered, total State-wide
24. Affirmative Action program. I urge a...an Aye vote.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is shall the Senate accept the Specific
27. Recommendations of the Governor as to Senate Bill 287 in
28. the manner and form as just stated by Senator Berning.
29. Those in favor vote Aye. Those opposed vote Nay. The
30. voting is open. Have all voted who wish? Have all voted
31. who wish? Take the record. For what purpose does Senator
32. Berning arise?

33. SENATOR BERNING:

34. Postponed consideration, please.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further consideration of the motion to accept
3. the Specific Recommendations of the Governor as to
4. Senate Bill 287 will be postponed. On the Order of
5. Specific Recommendations for Change, is there any other
6. Senator who wishes to call a motion? Senator Rupp,
7. is that on Senate Bill 1107? Mr. Secretary, would you
8. read the motion, please.

9. SECRETARY:

10. I move to accept the Specific Recommendations of
11. the Governor as to Senate Bill 1107 in the manner and form
12. as follows. Signed, Senator Rupp.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Rupp.

15. SENATOR RUPP:

16. Mr. President, members of the Senate. The basic
17. bill amends the Insurance Code in the State of Illinois
18. and exempts a written binder for a term of sixty days
19. or less from certain nonrenewal requirements. The only
20. objection that the Governor had was in his recommendations
21. to change the bill, to remove the paragraphs which are
22. duplicative of paragraphs in Senate Bill 526.

23. I ask for a Yes vote and accept the Amendatory Veto.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Is there discussion or debate? The question is shall
26. the Senate accept the Specific Recommendations of the
27. Governor as to Senate Bill 1107 in the manner and form
28. just stated by Senator Rupp. Those in favor vote Aye.
29. Those opposed vote Nay. The voting is open. Have all voted
30. who wish? Take the record. On that question the Ayes
31. are 51, the Nays are none, none Voting Present. The
32. Specific Recommendations of the Governor as to Senate Bill
33. 1107 having received the required majority vote of Senators
34. elected are declared accepted. Senator Kenneth Hall on the

1. Floor? Mr. Secretary, on Senate Bill 1129, read the motion,
2. please.

3. SECRETARY:

4. I move to accept the Specific Recommendations of the
5. Governor as to Senate Bill 1129 in the manner and form
6. as follows. Signed, Senator Kenneth Hall.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Kenneth Hall.

9. SENATOR KENNETH HALL:

10. Thank you, Mr. President, fellow members of the
11. Senate. As stated in the Governor's Message,
12. the suggested change would develop as a result of a discussion
13. with the Bureau of the Budget and Comptroller's Office.
14. The Amendatory Veto recommends four changes. On page 5,
15. it deletes line 29 through 31 and inserts in lieu...thereof
16. the following. The original warrant was drawn whenever
17. the Comptroller is presented. The effect of this change is
18. to eliminate the sentence...the limitation of this subject
19. E shall not apply to warrants or the payments of personal
20. service. Now, the reason for this deletion is that Section
21. E deals with the situation where a replacement warrant would
22. be overobligating the appropriation or other expenditures
23. against which the warrant was drawn. The above sentence
24. would therefore allow and...an overobligation where the
25. warrant was for personal services. So, it was concluded
26. that such overobligations would be in conflict with the
27. Constitutional and Statutory provision that authorizes
28. expenditures. If the...original warrant was not cancelled
29. for reposit, this addition is a technical clarification
30. to indicate that the warrants must be made from the warrants
31. fund only if the original warrant has become void. So, this
32. amendment is necessary to conform to the requirements for
33. request and replacing warrants from the Court of Claims

1. to the procedures set forth in Section 10-10. Under the
2. present language of the bill, an individual may only
3. request a replacement warrant if the Comptroller refuses to
4. issue a replacement warrant or where the warrant has not been
5. paid after two years from the date of issuance. Under
6. Section 10-10 the Comptroller may not issue this replacement
7. warrant. So, I would ask a favorable vote.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there further discussion? Senator Kenneth Hall.

10. SENATOR KENNETH HALL:

11. That we accept the Governor's recommendation and because
12. one thing else, it adds an immediate effective date also.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there questions or debate? The question is shall
15. the Senate accept the Specific Recommendations of the Governor
16. as to Senate Bill 1129 in the manner and form just
17. stated by Senator Kenneth Hall. Those in favor
18. vote Aye. Those opposed vote Nay. The voting is open.

19. Have all voted who wish? Take the record. On that question
20. the Ayes are 55, the Nays are none, none Voting Present.

21. The Specific Recommendations of the Governor as to Senate
22. Bill 1129 having received the majority vote of the Senators
23. elected is declared accepted. Senate Bill 624, Senator
24. Knuppel. Read the motion, Mr. Secretary.

25. SECRETARY:

26. I move to accept the Specific Recommendations of the
27. Governor as to Senate Bill 624 in the manner and form
28. as follows. Signed, Senator Knuppel.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. The Governor's Amendatory Veto added to those who would
33. smuggle contraband into prison, those who cause another

1. to bring an item of contraband into the penal institution
2. or places an item of contraband in such proximity to
3. a penal institution as to give an inmate access to said
4. contraband. In addition to that, the Governor changed the
5. language pistol, revolver, rifle and shotgun to provide
6. knife, explosive or firearm which is more general and
7. inclusive. I move that we accept the Governor's Recommendation.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion or debate? The question is shall the
10. Senate accept the Specific Recommendations of the Governor
11. as to Senate Bill 624 in the manner and form just stated
12. by Senator Knuppel. Those in favor vote Aye. Those
13. opposed vote Nay. The voting is open. Have all voted who
14. wish? Take the record. On that question the Ayes are 54,
15. the Nays are none, none Voting Present. The Specific
16. Recommendations of the Governor as to Senate Bill 624
17. having received the required majority vote of Senators
18. elected are declared accepted. Senate Bill 803,
19. Senator Harber Hall. Mr. Secretary, read the motion,
20. please.

21. SECRETARY:

22. I move to accept the Specific Recommendations of
23. the Governor as to Senate Bill 803 in the manner and form
24. as follows. Signed, Senator Harber Hall.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Harber Hall.

27. SENATOR HARBER HALL:

28. Thank you, Mr. President, Ladies and Gentlemen of the
29. Senate. Senate Bill 803 provides that the Auditor General
30. have...has access to confidential records of all agencies
31. that he is required to make an independent audit of.
32. The Governor was advised through the Department of Internal
33. Revenue that they would not cooperate with the State of
Illinois if income tax records were available to any other

1. agency outside of the Department of Revenue. For that
2. reason, the Governor reluctantly amended the bill to exclude
3. the Auditor General from access to these records and the
4. Auditor General by letter has recommended that we accept
5. the Governor's Amendatory change and I therefore, move that
6. at this time.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there discussion or debate? The question is shall
9. the Senate accept the Specific Recommendations of the
10. Governor as to Senate Bill 803 in the manner and form
11. as just stated by Senator Harber Hall. Those in favor
12. vote Aye. Those opposed vote Nay. The voting is open.
13. Have all voted who wish? Have all voted who wish? Take
14. the record. On that question the Ayes are 54, the Nays
15. are none, none Voting Present. The Specific Recommendations
16. of the Governor as to Senate Bill 803 having received
17. the required majority vote of Senators elected
18. are declared accepted. Senate Bill 203, motion to
19. accept the Specific Recommendations for Change, Senator
20. Philip. Read the motion, Mr. Secretary.

21. SECRETARY:

22. I move to accept the Specific Recommendations of the
23. Governor as to Senate Bill 203 in the manner and form as
24. follows. Signed, Senator Philip.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Philip.

27.
28.
29. End of reel
30.
31.
32.
33.

1. SENATOR PHILIP:

2. Thank you, Mr. President and Ladies and Gentlemen of
3. the Senate. Senate Bill 203 increases the tax rate for conduct-
4. ing elections from .01 to .02. The Legislative Reference Bureau
5. made a mistake in one word. And all this does is clear up that
6. one word. Takes it out and secondly, it...it makes it become
7. law as soon as it's signed. So I ask that the Senate accept
8. the recommendation of the Governor.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there discussion? Senator Hynes.

11. SENATOR HYNES:

12. Mr. President, I wonder if the sponsor would hold the motion
13. until Monday. We have some questions...and I think it's...it
14. is okay. This...if you would be so kind. He indicates that
15. he...

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Yes, Senator Philip.

18. SENATOR PHILIP:

19. Being in the...minority, I really don't have any choice
20. and I'll be happy to do that.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. The Gentlemen has graciously withdrawn the motion for
23. further consideration...Senate Bill 745. You want to go...
24. On the Order of Announcements. Senator Netsch.

25. SENATOR NETSCH:

26. Thank you. An announcement and a motion, if I may have
27. Senator Bowers attention. This relates to the consideration
28. by the Senate Judiciary II..by Senate Judiciary
29. Committee this afternoon, Judiciary II of House Bill 1500.
30. The committee will meet immediately following adjournment
31. and looking forward to that, I would now like to waive the
32. Six Day Notice and request that House Bill 1500 be set
33. for hearing this afternoon in Judiciary II subject,of course,

1. to the approval of the Rules Committee, which as I understand
2. will be meeting sometime before that. It is my understanding
3. with Senator Bowers and my agreement that we will put the
4. amendment that has been proposed on 1500 this afternoon
5. answer questions about it, but we will not take a vote on
6. the bill itself. In that connection Judiciary II will meet
7. again on Monday immediately following adjournment. And at
8. that time we hope to be ready to take a vote on it. But
9. my particular motion, then, or my particular request is to
10. waive the Six Day Notice requirement and hear House Bill 1500
11. in Judiciary II this afternoon, subject to approval of the
12. Rules Committee.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The motion is to suspend the Six Day Notice Rule as to
15. House Bill 1500 so the bill might be heard in Senate Judiciary
16. Committee this afternoon. Is there leave? Leave is granted.
17. The Senate Judiciary Committee II will meet in Room 212.
18. On the Order of Resolutions. Order of Resolutions.

19. SECRETARY:

20. Senate Resolution 59 offered by Senators Rock, Donnewald
21. and all Senators.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Rock.

24. SENATOR ROCK:

25. Thank you, Mr. President and Ladies and Gentlemen of the
26. Senate. Just...just while we're in this brief hiatus before
27. we get into the Second Special Session and tackle the problem
28. of Unemployment Compensation Insurance this is a congratulatory
29. resolution congratulating and saluting our esteemed President's
30. on the occasion of his thirty-ninth birthday, which will
31. occur tomorrow. Rather than burden this group with a reading
32. of all these laudatory things, most of which none of us
33. believe anyway, we...I will simply state that it...it is

1. resolved by the Senate of the 80th General Assembly that
2. we congratulate Senator Thomas C. Hynes upon his thirty-
3. ninth birthday and that we express to him our admiration
4. because he has accomplished so much for himself and more
5. importantly for the people of Illinois at such a relatively
6. youthful age. I would ask for the suspension of the rules
7. and the immediate consideration and adoption of this
8. congratulatory resolutuion.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. You've heard the motion to adopt. Is there discussion?
11. ...Senator Rock has moved for...Senator Clewis.

12. SENATOR CLEWIS:

13. Some power here. Mr. President, I have one question.
14. Is this the President's first year at the age of thirty-nine?
15. In that case I rise in support of the...the motion.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. The motion is for the immediate consideration and
18. adoption. The suspension of the rules for that purpose.
19. Is there leave? Leave is granted. On that motion to adopt,
20. do you request a roll call vote, Senator Rock? Those in favor
21. vote Aye. Those opposed Nay. I think ..put the Chair in
22. a very difficult position then. I...I think I heard more
23. Ayes than Nays and...and the resolutuion is adopted...
24. Senator Hynes, if we had to go through a hundred and eighty-
25. nine ballots to adopt this one, I'm afraid we really would
26. be in trouble. Senator Rock.

27. SENATOR ROCK:

28. I just might point out before we recognize Senator Hynes
29. for the purpose of responding to his Jack Benny that there is a
30. birthday cake in the well of the Senate and all members,
31. I'm sure, would want to participate.

32. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Hynes.

2. SENATOR HYNES:

3. Well, thank you very much for the kind resolution and the
4. kind words of congratulations. All I can simply say is that
5. in the past year we've gone through trials and tribulations
6. but I think things have gone very well overall. I do feel
7. much older than thirty-nine, though I will say it at the
8. moment, but I do very much appreciate your kindness.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. The Regular Session of the Senate will stand in recess
11. subject to the call of the Chair. For what purpose Senator
12. Hynes arise?

13. SENATOR HYNES:

14. For the purpose of an announcement, even though I suppose
15. we are in recess and in limbo. Just to outline what we will be
16. doing for the rest of the afternoon. We are now...the
17. Regular Session has been recessed. We will call the...the
18. Second Special Session to order in order to handle the matter
19. of unemployment compensation. Then we will then adjourn that
20. Session. The Regular Session will remain at recess thereafter
21. and there will be a meeting of the Rules Committee in the
22. President's Office immediately upon adjournment of the Second
23. Special Session. The Regular Session will...will stand at
24. ease...until that the Rules Committee meeting has been completed.
25. And we'll come back simply to read into the report of the
26. Rules Committee. So that as far as the general membership is
27. concerned Floor action will be completed once we adjourn the
28. Second Special Session.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. For what purpose Senator Carroll arise?

31. SENATOR CARROLL:

32. On the...thank you, Mr. President. On the Order...I
33. think it's on the Order of the Secretary's Desk there. I filed

1. a motion or you filed a motion, Mr. President, on a bill of
2. mine. Since the Rules Committee meeting did not meet this
3. morning and is meeting this afternoon I would ask that we
4. hold that motion until Monday and all other similarly
5. situated if the Chair would so desire. It's under the
6. Order of Motions in Writing.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there leave to continue the Motions in Writing until
9. Monday?

10. SENATOR CARROLL:

11. Leave.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Leave is granted. (Machine cutoff) some resolutions to
14. adopt and the Regular Session we will recess this Second
15. Special Session briefly so that the Secretary might get some
16. of the resolutions... We will now return to the Regular Session.
17. The Regular Session is called to order. On the Order of
18. Resolutions. Mr. Secretary. On the Order of the Consent
19. Resolution, does any Senator object to the placement of any
20. resolution on that Resolution Consent Calendar? Senator
21. Berman.

22. SENATOR BERMAN:

23. Mr. President. I would just ask for leave for Senator
24. Merlo and myself to be added as cosponsors to Senate
25. Resolution 235.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Is there leave? Leave is granted. Mr. Secretary, have
28. any objections been filed?

29. SECRETARY:

30. No objections have been filed.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Then we will... shall consider the Resolution Consent
33. Calendar. On the adoption of the resolution on the Resolution

1. Consent Calendar, all in favor say Aye. Opposed Nay. The
2. Ayes have it and the resolution so named are adopted. On the
3. Order of Constitutional Amendments. On the Order of 2nd
4. reading is the Constitutional Amendment S.J.R. 31 which must
5. be read a second time. The Secretary will now read the amend-
6. ment, second time, to comply with the constitutional requirement.

7. SECRETARY:

8. Senate Joint Resolution 31: Constitutional Amendment
9. (Secretary reads S.J.R. 31)

10. 2nd reading of Senate Joint Resolution 31.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The Regular Session shall come to order. Senator Netsch
13. is recognized.

14. SENATOR NETSCH:

15. The President has asked me to announce that we will be
16. in limbo for a few minutes but we will be coming back. In
17. the meantime for anyone who is within earshot, Judiciary II
18. is going to meet immediately in Room 212 so that we will not
19. have to meet following adjournment. If any of you are within
20. earshot, please, members of Judiciary II come to Room 212
21. immediately. Thank you.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The...my parliamentarian wanted to know whether earshot
24. was a misdemeanor or Class X felony. The Senate will stand
25. at ease subject to the call of the Chair.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. The Senate will reconvene in Regular Session. Any further
28. business to come before the Senate in Regular Session? Senator
29. Hynes.

30. SENATOR HYNES:

31. Mr. President and members of the Senate. We had announced
32. a Rules Committee meeting in the President's Office upon
33. adjournment. I'd like to announce to the membership that that

1. meeting will be cancelled and will be rescheduled on Monday at
2. two p.m. in the President's Office subject to change, but
3. during the Session...depending on our schedule that day, but
4. it tentatively, it will be set for two p.m. on Monday. Those
5. members wishing to have matters heard can plan on Monday after-
6. noon. And if there are no further announcements and if there's
7. no further business I would move that the Regular Session stand
8. adjourned until Monday at twelve noon.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. You've heard the motion. All those in favor signify by
11. saying Aye. All those opposed. The Ayes have it. The Senate
12. Regular Sessions stands adjourned until Monday, November 7
13. at the hour of noon.

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