

85TH GENERAL ASSEMBLY

REGULAR SESSION

OCTOBER 20, 1987

PRESIDENT:

The hour of two o'clock having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this afternoon by Father Victor Kaltenbach, St. Patrick's Church, Springfield, Illinois. Father.

FATHER VICTOR KALTENBACH:

(Prayer given by Father Kaltenbach)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Mr. President, I move that the reading and the approval of the Journal of Thursday, October 8, in the year 1987, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Smith. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. All right, with leave of the Body, we'll move to introduction of bills. Introduction of bills, Madam...Madam Secretary.

SECRETARY:

Senate Bill 1528 offered by Senator Marovitz.

(Secretary reads title of bill)

Senate Bill 1529 offered by Senator Marovitz.

(Secretary reads title of bill)

Senate Bill 1530 offered by Senator Jones.

(Secretary reads title of bill)

Senate Bill 1531 offered by Senator Marovitz.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Rules...Rules Committee. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 567 offered by Senator Smith.

Senate Resolution 568 offered by Senator Lechowicz.

Senate Resolution 569 offered by Senator Hawkinson.

Senate Resolution 570 offered by Senator Karpel.

Senate Resolution 571 offered by Senator Kustra.

Senate Resolution...572 through 583 offered by Senator Geo-Karis.

Senate Resolution 584 offered by Senator Geo-Karis.

Senate Resolution 585 offered by Senator Jacobs.

Senate Resolution 586 offered by Senator Jacobs.

Senate Resolution 587 offered by Senator Topinka.

Senate Resolution 588 offered by Senators Topinka and Philip.

Senate Resolution 589 offered by Senator Brookins.

...Senate Resolution 590 offered by Senator Brookins.

Senate Resolution 591 offered by Senator Brookins.

Senate Resolution 592 offered by Senator Brookins.

Senate Resolution 593 offered by Senator Brookins.

And they're all congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 594 offered by Senator Geo-Karis.

PRESIDENT:

Executive.

SECRETARY:

Senate Joint Resolution No. 80 offered by Senator Hawkinson.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Joint Resolution 81 offered by Senators D'Arco and

Marovitz.

PRESIDENT:

Executive. Introduction of bills.

SECRETARY:

Senate Bill 1532 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

Senate Bill 1533 offered by Senator Maitland.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Rules Committee. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes,...yes, thank you, Mr. President and members of the Senate. There'll be a Democratic Caucus in Room 212 immediately and it will last approximately one hour.

PRESIDENT:

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

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, there will be a Republican Caucus immediately after this first session in Senator Pate Philip's Offices.

PRESIDENT:

All right, Democratic Caucus immediately in Room 212. Republican Caucus immediately in Senator Philip's Office. The Senate will stand in Recess for one hour. Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will please come to order. If you'll turn to page 22 on the Calendar...page 22 on the Calendar on the Order of Motions in Writing to Override Total Vetoes. Any

*SB 2
Accept Spec.
Recommendations*

member have a motion they wish to pursue at this time on this order? Pages 22 and 23, motions in writing. The Chair will observe that no member has indicated they wish to pursue a motion. Top of page 24, motions in writing to override item vetoes, motions in writing to restore item reductions. Bottom of page 24, motions in writing to accept specific recommendations for change. Does any member have a motion in writing to accept specific recommendations for change that he wishes...he or she wishes to pursue? Senator DeAngelis. Turn to page 24 on the Calendar. Page 24. On the Order of Motions in Writing to Accept Specific Recommendations for Change, there's a motion in writing with respect to Senate Bill 2. Madam Secretary, read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 2 in the manner and form as follows. Amendment to Senate Bill 2 in acceptance of Governor's recommendations. Filed by Senator DeAngelis.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. In my overzealousness to create inducements, I, in fact, included the principal amounts that would be subscribed to be tax exempt as well; and in defense of my overzealousness, there is an authority...in the bill itself and I had hoped that the authority would put a limit on that, but since there is no limit, I would accept this recommendation for change.

PRESIDENT:

Any discussion? Any discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2 bears a good resemblance at this point to Senate Bill 875 which I sponsored here in the Senate and I

SB/47
Amendatory
Veto

think, therefore, makes it a pretty good bill and I would like to rise in support of Senator DeAngelis.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 2 in the manner and form just stated by Senator DeAngelis. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 2 having received the required constitutional majority vote of Senators elected are declared accepted. Any other member? Senator Rigney. Senator Rigney, on 147 I can assume? All right, Madam Secretary, in the middle of page 24, on the Order of Motions in Writing to Accept Specific Recommendations for Change is a motion in writing with respect to Senate Bill 147. Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 147 in manner and form as follows. Amendment to Senate Bill 147 in acceptance of Governor's recommendations. Filed by Senator Rigney.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Mr. President, this is the alzheimer's training bill that requires twelve hours of additional training for nurse aides. The Governor basically did three things to the bill which I approve of. First of all, he makes it clear that in-house training as long as it's approved by the Department of Public Health is one of the options for the training. It grandfathers in all of those who are currently CNA's and it also makes it clear that once the training is completed this

certificate will follow the nurse assistant in any future employment that she might have.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 147 in the manner and form just stated by Senator Rigney. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 147 having received the required constitutional majority vote of Senators elected are declared accepted. Page 24. 382, Senator Vadalabene. Madam Secretary, on the Order of Motions in Writing to Accept Specific Recommendations for Change, there's a motion with respect to Senate Bill 382. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor to Senate Bill 382 in manner and form as follows. Amendment to Senate Bill 382 in acceptance of Governor's recommendations. Filed by Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The Governor's rationale in regards to the portion of the bill that permits the chief of police in a municipality of more than one hundred thousand population to appoint six deputy chiefs represents an agreement between the City of Rockford and the...Rockford Police Benevolent Association. The bill as sent to the Governor applies to any city of more than one hundred thousand population. By raising the population threshold to a hundred and thirty thousand, only

Rockford, nonhome rule would be impacted, and I would move for the adoption.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 382 in the manner and form just stated by Senator Vadalabene. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does accept the specific recommendations of the Governor as to Senate Bill 382 and the bill having received the required constitutional majority vote of Senators elected are declared accepted. 421, Senator Demuzio. On the Order of Motions in Writing, there's a motion with respect to Senate Bill 421, Madam Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to...Senate Bill 421 in manner and form as follows. Amendment to Senate Bill 421 in acceptance of Governor's recommendations. Filed by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, all this...all the Governor did was to remove the Farm Development...Farm Development Authority's authority to provide bonuses to its employees and that's all it does.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 421 in the manner and form just stated by Senator Demuzio. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who

*SB 461
Spec. Recommendations
of the Governor*

wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, there are 57 Ayes, no
Nays, none voting Present. The specific recommendations of
the Governor as to Senate Bill 421 having received the
required constitutional majority vote of Senators elected are
declared accepted. Senator Mahar, 461. Madam Secretary, on
the same order of business is the motion with respect to
Senate Bill 461. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the
Governor as to Senate Bill 461 in manner and form as follows.
Amendment to Senate Bill 461 in acceptance of Governor's
recommendations. Filed by Senator Mahar.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Senate Bill 461 requires that
counties with fewer than two million inhabitants abide by the
competitive bidding procedures that all local units of
government must now abide by. The Governor has requested
that these purchases which would be in excess of ten...ten
thousand dollars...purchases of used equipment and purchases
at auctions be exempt, and I would move that we accept the
Governor's recommendations.

PRESIDENT:

Discussion? Is there any discussion? If not, the ques-
tion is, shall the Senate accept the specific recommendations
of the Governor as to Senate Bill 461 in the manner and form
just stated by Senator Mahar. Those in favor will vote Aye.
Opposed vote Nay. The voting is open. Have all voted who
wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, there are 57 Ayes, no
Nays, none voting Present. The specific recommendations of
the Governor as to Senate Bill 461 having received the

required constitutional majority vote of Senators elected are declared accepted. Senator Friedland, on 505. On the Order of Motions in Writing to Accept Specific Recommendations for Change, Madam Secretary, there's a motion with respect to Senate Bill 505. Read it, please.

SECRETARY:

I move to accept the specific recommendation of the Governor as to Senate Bill 505 in manner and form as follows. Amendment to Senate Bill 505 in acceptance of the Governor's recommendation. Filed by Senator Friedland.

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to accept the specific recommendations of the Governor as he made in Senate Bill 505. This is the annual land conveyance bill, different parcels of land. He...made a corrected...technical correction in one section which was needed to exclude the conveyance a portion of land conveyed to the Department of Transportation for a highway maintenance site and a...removed another...one parcel which was received from the Federal Government and cannot under the restrictions imposed be leased to other entities, but the other parcels are intact and I'd urge your favorable consideration on it.

PRESIDENT:

Discussion? Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Senator Friedland. The provision that you're talking about, it deletes the Department of Conservation's authorization to lease a strip of land for a dollar on a ninety-nine year term to the Joliet Port District. Is that what we're talking about?

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

That...that's one area of the bill that the Governor addressed and the...the reason for it was that this land was received from the Federal Government and cannot under the restrictions imposed be leased to other entities. Maybe we can...next session if you want to address it or clear it up, I'd be happy to help.

PRESIDENT:

Discussion? Senator Dunn.

SENATOR TOM DUNN:

Well, thank you, Mr. President. My recollection on...on that issue was that when...when the lease occurs, they take it under the same conditions as given by the lessor and they may not come in and essentially change the purpose for which the land exists now. I will tell you that the residents who...who live adjacent to that property are against that and were against it last fall.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 505 in the manner and form just stated by Senator Friedland. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 505 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Marovitz, 523...523? On the Order of Motions in Writing, Madam Secretary, a motion on Senate Bill 523.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 523 in manner and form as follows.

Amendment to Senate Bill 523 in acceptance of Governor's recommendations. Filed by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. I move to accept the Governor's recommendations dealing with Senate Bill 523. The Governor in his infinite wisdom kept the original intent of the bill intact. The Senate bill made some minor changes in amendments that were put on in the House making an experimental program serving high youth permissive rather than mandatory to make sure that it would only be used if the...if there were, in fact, funding for the program and allows certain departments, DCCA, DCFS, DES, to become involved in the cooperation of the experimental program and allows for community involvement in the program. I agree with the Governor's recommendations for change and solicit your Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendation of the Governor as to Senate Bill 523 in the manner and form just stated by Senator Marovitz. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 523 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Joyce, 717. Motion in writing, Madam Secretary, to accept the specific recommendations on Senate Bill 717. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the

Governor as to Senate Bill 717 in manner and form as follows. Amendment to Senate Bill 717 in acceptance of Governor's recommendations. Filed by Senator Jeremiah Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. The part of the bill that the Governor amended out would have established guidelines for a program that the General Assembly subsequently did not enact and, therefore, I make this motion.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 717 in the manner and form just stated by Senator Joyce. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 717 having received the required constitutional majority vote of Senators elected are declared accepted. Top of page 25, Senator Savickas. On the Order of Motions in Writing, Madam Secretary, a motion with respect to Senate Bill 798.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 798 in manner and form as follows. Amendment to Senate Bill 798 in acceptance of Governor's recommendations. Filed by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, the Governor's rationale was to establish that the license is clearly temporary and not an alternate route to

teach dentistry in Illinois without the benefit of Illinois license, and I would move to accept his amendatory veto.

PRESIDENT:

Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 798 in the manner and form just stated by Senator Savickas. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 798 having received the required constitutional majority vote of Senators elected are declared accepted. 827. Motion in writing, Madam Secretary, on Senate Bill 827. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 827 in manner and form as follows. Amendment to Senate Bill 827 in acceptance of Governor's recommendations. Filed by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, the Governor's recommendation would delete...that section of Senate Bill 827 that exempts from the offense of unlawful possession of firearms and firearm ammunition, an ex-felon who has been granted an FOID card by the department...and it would add an...immediate effective date. The changes being deleted are not needed because Senate Bill...1365, I don't know if that was Senator Degnan's, is now a Public Act and this bill would eliminate the section which those changes are proposed. Since Senate Bill 827 passed after Senate Bill 1365, the changes in Senate Bill 827 would prevail and for those reasons I would also support the

*SB 1046
Ayes... Recommendations
of the House*

Governor's amendatory veto.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 827 in the manner and form just stated by Senator Savickas. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 2 Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 827 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Jones, 957. Senator Davidson, 1046. On the Order of Motions in Writing, Madam Secretary, there's a motion on Senate Bill 1046. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1046 in manner and form as follows. Amendment to Senate Bill 1046 in acceptance of Governor's recommendations.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I move that we adopt the specific recommendations of change that the Governor has...he added two words. He put the word "intentional" in front of the word "violating this Act" and changed the word "business" to "petty offense," and this was the agreement of the people...all concerned of this and I would ask for a favorable vote.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations

SB 1181
Aye. Rec. of the Gov.

of the Governor as to Senate Bill 1046 in the manner and form just stated by Senator Davidson. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1046 having received the required constitutional majority vote of Senators elected are declared accepted. On the Order of Motions in Writing, Madam Secretary, there's a motion with respect to Senate Bill 1181. Read the motion, please.

SECRETARY:

I...I move to accept the specific recommendations of the Governor as to Senate Bill 1181 in manner and form as follows. Amendment to Senate Bill 1181 in acceptance of Governor's recommendations. Filed by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I would move that the Senate accede to the Governor's amendatory veto. The Governor made a small change deleting a provision that would have required the Commerce Commission to act as the law enforcement agency and having jurisdiction over certifying that a car is abandoned or junked, what is a junked vehicle and when can that vehicle be...be junked and the money go to the relocater. That provision was totally taken out of the bill. Commerce Commission does not have...adequate personnel to do that. State police will remain...remain over jurisdiction on local law enforcement agencies, and I would recommend to accept the Governor's amendatory veto.

PRESIDENT:

Discussion? Any discussion? If not, the question is,

shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1181 in the manner and form just stated by Senator Marovitz. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1181 having received the required constitutional majority vote of Senators elected are declared accepted. 1228, Senator Madigan. On the Order of Motions in Writing, Madam Secretary, there's a motion with respect to Senate Bill 1228. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1228 in manner and form as follows. Amendment to Senate Bill 1228 in acceptance of Governor's recommendations. Filed by Senator Madigan.

PRESIDENT:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I would agree with the Governor's changes in his Amendatory Veto Message. It deleted the ten million dollar bond authority due to the fiscal situation of the state and made the language...permissive instead of mandatory and I would agree with those changes.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1228 in the manner and form just stated by Senator Madigan. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. The specific recommendations of the Governor as to Senate Bill 1228 having received the required constitutional majority vote of Senators elected are declared accepted. 1243, Senator Joyce. On the Order of Motions in Writing, Madam Secretary, there's a motion on Senate Bill 1243. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1243 in manner and form as follows. Amendment to Senate Bill 1243 in acceptance of Governor's recommendations. Filed by Senator Jerome J. Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This...I would move to accept the Governor's Veto Message...this makes the bill now the same as when it passed the Senate. Municipalities may issue bonds to finance...waste water treatment facility if...under orders of the U.S. EPA or the Illinois Pollution Control Board and we added the Federal Clean Water Act. The House put it back to our referendum on it. This takes it off and I would urge its adoption.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1243 in the manner and form just stated by Senator Joyce. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 8 Nays, 2 voting Present. The specific recommendations of the Governor as to Senate Bill 1243 having received the required

constitutional majority vote of Senators elected are declared accepted. 1272, Senator Welch. 1286, Senator Demuzio. On the Order of Motions in Writing, the middle of page 25, there's a motion with respect to Senate Bill 1286. Madam Secretary, read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1286 in manner and form as follows. Amendment to Senate Bill 1286 in acceptance of Governor's recommendations. Filed by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, the Governor changed the effective date to July the 1st of 1988. It was the bill that amended the Trust and Trustee Act. Apparently it just provides some additional time for the trustee to enter into agreement with the bank. I would move that the Senate accept the Governor's amendatory veto with respect to Senate Bill 1286.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1286 in the manner and form just stated by Senator Demuzio. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1286 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Berman. On the Order of Motions in Writing to Accept the Specific Recommendations for Change, there's a motion with respect to Senate Bill 1335. Madam Secretary, read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1335 in manner and form as follows. Amendment to Senate Bill 1335 in acceptance of Governor's recommendations. Filed by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is the computer crime bill and the Governor made two changes which I think improved the bill and I would move their acceptance. The first change...main change was that he...defined vital services in a more specific manner and also addressed the question of due process as to prima facie evidence. Move the adoption of the amendatory veto.

PRESIDENT:

Discussion? Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, our analysis indicates that a second change is that the language in the bill originally which protected innocent third parties and...by that I assume he means bona fide purchasers...good faith purchasers from forfeiture is changed to protect bona fide owners only at the time that the offense is committed and that the change is intended to prevent a fraudulent transfer after the fact from insulating the computer from forfeiture, and my question is...does this mean that a good faith purchaser after an offense is no longer protected...what we know in the law as a bona fide purchaser?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

I don't have that answer. If you wish, I'll take it out and get you an answer tomorrow.

PRESIDENT:

All right, take it out of the record, Madam Secretary. Bottom of page 25, motions in writing to override specific recommendations, Senator Dunn. Madam Secretary, on the Order of Motions in Writing to Override Specific Recommendations, there's a motion with respect to Senate Bill 226. Read the motion, please.

SECRETARY:

I move that Senate Bill 226 Do Pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Thomas Dunn.

PRESIDENT:

Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. The first part of...of this bill passed this Body 54 to nothing, and what that required was to have Department of Revenue provide technical assistance to a county assessor in incidents where the EAV was greater than three hundred and fifty thousand. In the House...the bill was amended to have and mandate that DOR at the request of a local assessing official assess an sanitary landfill in a downstate county with a population of less than two hundred and seventy-five thousand. That technically only affected one county, Sinclair County, and it was sponsored by Monroe Flinn. I urge the override of the Governor's veto.

PRESIDENT:

Any discussion? Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, the way I understand the reason the

Governor struck out two of these sections is that in a year when we simply do not have the dollars to meet our commitments in a lot of other areas, here we go creating some new commitments for State Government. To provide the technical assistance to any assessor that requests it he felt was certainly was not wise in a...in a tight budget year and that furthermore to involve the state in assessing of landfills to the extent that this is going to require, here, again, a new mandate upon government, upon State Government, no idea, really, about what the cost is going to be of...of administrating these two programs. So, I think I would have to respectfully ask that we hold the line with the Governor on this and I wish that later on that the sponsor would file a motion to simply to concur in the amendatory veto.

PRESIDENT:

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

SENATOR TOM DUNN:

Yes, thank you, Mr. President. Well, the bill as put before you in the Senate when it passed 54 to 0 was not predicated on a tax increase. There's not one sitting there today. What it merely does is ask that technical assistance be given in those situations as outlined in the bill. I urge for an overrule.

PRESIDENT:

Question is, shall Senate Bill 226 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 24 Nays, 1 voting Present. The motion fails. 537, Senator Watson. 1009, Senator Savickas, and 1314, Senator Dunn. All right, ladies and gentlemen, we have

effectively been through the Calendar. As I understand the wishes of the Senate, Madam Secretary, you have...resolutions.

SECRETARY:

Senate Resolution 595 offered by Senators Rock, Poshard, Collins, Severns, Thomas Dunn and Holmberg.

Senate Resolution 596 offered by Senator Savickas.

Senate Resolution 597 offered by Senator Brookins.

And they're all congratulatory.

PRESIDENT:

Consent Calendar.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, Senator Rock wishes, with leave of the Body, to go to the order of his motion. Is leave granted? Leave is granted. On the order of Senator Rock's motion, Madam Secretary.

SECRETARY:

I move that temporary Senate Rule 5C be waived and that the Committee on Rules be discharged for consideration of Senate Bill 1520 and that the bill be placed on the Senate Calendar on the Order of Senate Bills on 2nd Reading. Filed by Senator Philip J. Rock.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1520 as introduced is a supplemental appropriation in the amount currently of eighteen million dollars. It was discussed at some length, I am told, this morning in the Committee on Appropriations. It currently resides in the Rules Committee and I think in an attempt to expedite our business this Session, we are better served to have that bill out on the Calendar where it is subject to...amendment and will, in fact, be offered for amend-

ment...the amendment stage tomorrow so that members will have an opportunity to react to the pleas of their constituents, many of whom were here today and have appeared in the Appropriations Committee. I...I fully recognize that we are under a limited time schedule, but I think it's fair to say that negotiations with the administration, with the Governor's Office, have begun. We would hope that we would fine...finally wind up with an agreed amount...and an agreed bill, but in the meantime, this is a vehicle that I think will serve us all well and I would ask that Senate Bill 1520...that the rules be suspended and that Senate Bill 1520 be brought out to the Calendar on the Order of 2nd Reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? All right, Senator...if not, Senator Rock has moved that temporary Senate Rule 5C be waived and the Committee on Rules be discharged from consideration of Senate Bill 1520 and that the bill be placed on the...on the Calendar on the Order of 2nd Reading. Those in favor of the motion will indicate by saying Aye. Opposed Nay. The Ayes have it. Motion carries. Senate Bill 1520 will repose on the Calendar on the Order of 2nd Reading. Further business to come before the Senate? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The Committee on Energy and Environment will be meeting immediately in Room 400 for purposes of considering House Bill 911. It should be a very short meeting.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further announcements? Senator...Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. A reminder that the Economic and Fiscal Commission will meet at 8:00 a.m. tomorrow morning in Room 212. We will be updating the revenue estimate and

hearing some additional fiscal analysis. I would certainly urge the members of the commission to be there and any other members are invited.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, will that be a positive announcement? Further business to come before the Senate? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would move that the Senate stand adjourned until eleven o'clock, eleven o'clock tomorrow morning.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock has moved that the Senate stand adjourned until tomorrow morning at the...at the hour of eleven o'clock. Senate stands adjourned.

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