

85TH GENERAL ASSEMBLY

REGULAR SESSION

OCTOBER 22, 1987

PRESIDENT:

The Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Our prayer this morning by the Reverend John Jamison, Laurel United Methodist Church, Springfield, Illinois. Reverend.

REVEREND JOHN JAMISON:

(Prayer given by Reverend Jamison)

PRESIDENT:

Thank you, Reverend. Reading of the Journal. Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President and members of the Senate. I move that reading and approval of the Journals of Thursday, October 8th; Thursday, October 20th, and Wednesday, October 21st, in the year 1987, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Vadalabene. 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. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 126. It is congratulatory.

And I have like Messages on House Joint Resolutions 127 and 128.

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

Mr. President - I am directed to inform the Senate

that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 129. It is a death resolution.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 130. And it is...commendatory.

PRESIDENT:

Consent Calendar. Introduction of bills.

SECRETARY:

Senate Bill 1530...1537 offered by Senator Smith.

(Secretary reads title of bill)

Senate Bill 1538 offered by Senator del Valle.

(Secretary reads title of bill)

Senate Bill 1539 offered by Senator del Valle.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Rules Committee. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 605 offered by Senator Smith.

Senate Resolution 606 offered by Senators Mahar and Kelly.

Senate Resolution 607 offered by Senators Mahar and Hudson.

Senate Resolution 608 offered by Senators Mahar, Kelly and DeAngelis.

Senate Resolution 609 offered by Senators Mahar and Kelly.

Senate Resolution 610 offered by Senator Mahar.

Senate Resolution 611 offered by Senator Ralph Dunn.

Senate Resolution 612 offered by Senators Fawell and Newhouse.

Senate Resolution 613 offered by Senator Keats.

Senate Resolution 614 offered by Senator Keats.

Senate Resolution 615 offered by Senator Luft.

Senate Resolution 616 offered by Senators Rock and all members.

They're all congratulatory.

PRESIDENT:

Consent Calendar on those resolutions.

SECRETARY:

Senate Resolution 617 offered by Senator Rock. It is substantive.

PRESIDENT:

617, which was sponsored by myself, Executive Committee.

PRESIDENT:

Senate Resolution 618 offered by Senator Etheredge.

PRESIDENT:

Executive Committee.

SECRETARY:

Senate Joint Resolution 82 offered by Senators Ralph Dunn, Poshard, Macdonald, Netsch, Philip and Geo-Karis.

PRESIDENT:

Executive. Introduction of bills.

SECRETARY:

Senate Bill 1540 offered by Senator Jeremiah Joyce.

(Secretary reads title of bill)

Senate Bill 1541 offered by Senator Jeremiah Joyce.

(Secretary reads title of bill)

Senate Bill 1542 offered by Senator Jeremiah Joyce.

(Secretary reads title of bill)

1st reading of the bills.

SB 1520
Recalled

Senate...Senate Bill 1543 offered by Senator Jeremiah Joyce.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

Rules Committee. Resolutions.

SECRETARY:

Senate Resolution 619 offered by Senator D'Arco. It is congratulatory.

PRESIDENT:

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

SENATOR JEREMIAH JOYCE:

Point of inquiry, Mr. President.

PRESIDENT:

Yes, sir.

SENATOR JEREMIAH JOYCE:

Maybe you...you could give us a little bit of...of an idea what we are going to do. Are we going to go right through this Calendar or are we...

PRESIDENT:

Yes. We are going to go through the Calendar, as I indicated yesterday. We will go to Senate bills 3rd reading for 1520 which will be called back for purpose of an amendment, and then we will proceed right down the list of motions that have been filed...motions in writing filed to react to the Governor, and if we...we should be able to conclude our business by about noon, I expect. If I can have the attention of the membership. Channel 3 from Champaign and Channel 2 from Chicago have requested permission to videotape. Leave is granted, without objection. And the gentleman from the Chicago Tribune has requested permission to take some still photographs. Without objection, leave is granted. We'll move to page 3 on the Calendar. Madam Secretary, on the

Order of Senate Bills 3rd Reading is Senate Bill 1520. Sponsor has requested leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1520. With leave of the Body, Senator Carroll will handle this matter. Madam Secretary, any further amendments?

SECRETARY:

Amendment No. 23 offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment is a technical amendment to 1520. Yesterday we adopted an amendment with respect to the Carlinville School District, and the amendment from the...from the School Construction Bond Act was going to be given to the Capital Development Board, this simply moves it to the State Board of Education. It's technical in nature, that's all it does. I would move its adoption.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 23 to Senate Bill 1520. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The Amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 24 offered by Senators Rock and Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and gentlemen, this amendment appropriates twenty-one million dollars under the General State Aid Distribution Formula throughout the State of Illinois for elementary and secondary education. The

number of twenty-one million dollars as we are all aware is substantially less than the House figure in their override of yesterday. But I would suggest that this is a responsible number that as of October 22nd is a good proposal to include in this supplemental appropriation. It is fair because it is distributed as is the general state aid distribution to every part of the state. Chicago gets approximately one-third of it, downstate throughout the state gets the balance as is the general state aid distributed throughout our usual formula distribution system. I would hope that we could appropriate more. I am sure the Governor would like to appropriate less or none. I don't want to go home, ladies and gentlemen, without including in this supplemental appropriation bill some amount of money for elementary and secondary education; and, therefore, I suggest to you that we adopt Amendment No. 24, twenty-one million dollars for general state aid distribution to our elementary and secondary schools.

PRESIDENT:

All right. Senator Berman has moved the adoption of Amendment No. 24. Discussion? Senator Haitland.

SENATOR HAITLAND:

Thank you, very much, Mr. President, members of the Senate. I rise in...in opposition to Amendment No.24 to Senate Bill 1520 and...and do so reluctantly. I have spoken with a multitude of school groups across this state in recent weeks and have told them that absolutely the General Assembly must hold the line and not override the Governor's reduction vetoes; difficult as it is, the money simply is not there, and they've banged on us pretty hard as all of you know. But I have told them, also, that when we came back in October and later in November that we should address the possibility of partial restoration in a supplemental appropriation bill and work is proceeding on that, we are attempting to do that. And when you do that for elementary and secondary education,

you can't just address general state aid, you've got to address the three major areas or we don't do well, some of us. Difficult as it is to say, we simply do not do well. And we're attempting to do that also. Those of you who have followed the figures both from the Bureau of the Budget and from economic and fiscal know that we are in a terrible state of repair in this state right now, the money simply is not there. Any money we overappropriate comes from either the...the two hundred million dollar cushion that we absolutely know we have to have or the hundred million dollars that is destined to be paid back in February. So to find money to fund elementary and secondary is going to be difficult at best. But I think we can try to do that in the next two weeks. One other thing that we don't do here, we don't address the problem of higher education and we can't forget them either. It is my feeling, my strong feeling, this motion ought to be defeated, get the bill in conference and work on it later.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, I think there really are a couple of questions that need to be asked about an amendment of this type. I guess the first and most important question is, is there any money? And I...I think the answer pretty obviously is that there is not any money without some form of increase in state revenue. And...and by way, I would suggest that the Governor doesn't want to cut education, he just doesn't want to spend money that isn't there. And I do recall he took a fair amount of abuse around this state for trying to raise taxes just a few months ago, so I think it's unfair to attack him about not caring about education. He cared enough to put his political reputation on the line and take an awful lot of abuse. I think

he ought to get a little credit for that, along with some other members of this General Assembly that had the courage to speak in...in that manner. The simple fact is, the money is not there. If through some quantum leap in logic you can somehow justify in your mind that there is money there, perhaps the Ayatollah is going to send us a check to help us out out of his deep concern, then one would have to argue how are we going to prorate this money, how are we going to distribute it? In candor, this amendment comes up with the...the mechanism that treats my part of the state the absolute worst, this is not a balanced approach. If you could convince yourself there was money, that's one thing. If you then started to prorate it, I would at least hope we would try to do something that wasn't obviously aimed to benefit certain parts of the state and hurt other parts of the state. And while I don't want to prolong these proceedings, I want a roll call.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

You know this...this is really funny in a way, I guess. But where were all these voices of dissent yesterday when the Math and Science Academy amendment was up? I didn't hear Senator Schaffer talk about there's no money for education in the budget, so how can we fund this 3.5 million dollars for this sacred cow in Aurora. I didn't hear Senator Maitland get up and tell us about the problems we're facing with education in the State of Illinois yesterday...oh, today is a different day, I understand that. Today is today and yesterday was yesterday. So some...in some miracle fashion we have the money for Aurora but we don't have the money for Chicago or the rest of the state. I mean, this isn't only Chicago, it's for the whole state. So we don't have the money for the education of children in the rest of the state

but we do for this sacred cow in Aurora. Well, that's a sad commentary on the representation of the people in the Senate of the State of Illinois, ladies and gentlemen, and that's unfair and that's unreasonable and we should kill the entire bill if that's the situation.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. Question of the sponsor first, 'cause I have not have the opportunity to see his amendment, and I think I heard that he's...opposing...proposing twenty...one million dollars for the entire state.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Could you tell me how much of that money would go to the City of Chicago?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Approximately seven million dollars.

SENATOR COLLINS:

Seven million dollars. Senator Berman, what do you think that the City of Chicago...or what impact would seven million dollars have on the school situation in the City of Chicago? And who...upon whose authority did you decide that that was the amount of money that you would...we would try to provide for the City of Chicago while yesterday I looked and sit here and heard all of those amendments that everybody got whatever

or trying to pretend that they're going to get whatever it is that they want for their district, and yet you from the area would sit and propose six hundred...or seven million dollars for the City of Chicago, that's...that's not...two dollars or five dollars for each of the classrooms. And I want to know what impact do you think seven million dollars is going to have on that crisis? And I would say that I have some amendments to...to...to...to restore the money, and if we're not going to do it, there's no need of us playing games.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senator Collins, as you are well aware, because you are an experienced and talented legislator, we operate here in the arena of what is possible through the art of negotiation. In twenty years of addressing school funding appropriation bills the word "sufficient" doesn't exist. I would like to be able to give every school district what they need. I don't think even the Federal...deficit could address that. Where...what's my authority? Well, if this amendment is adopted, my authority is the General Assembly; if the amendment is defeated, I have no authority. I thought it was a reasonable basis on October 22nd to address the needs of the schools throughout the state under a system, a formula, that we have used for fifteen years, and it may have some imperfections. There is no doubt that it does not do what Chicago says it needs, but I will tell you that Chicago would not be unhappy with seven million dollars if it's faced with the alternative of no dollars. So I guess it's just within the realm of your individual evaluation as to whether this amendment can get sufficient votes and sufficient basis of negotiations between now and November 6 to be a viable method of delivering money to Chicago and every other school in the state. There's no way that you're

going to get a bill passed that's going to give money only to Chicago, and I see that that's one of your amendments. That may be great for back home press release, Senator Collins, but it ain't going to float here. And a substantially higher figure may also make good press coverage, just like yesterday's override, but I am not sure, although I would like to see it, I'm not sure that that's going to survive the negotiations. So this is what I would suggest is a reasonable but unhappy alternative. And I solicit your support for this amendment.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, I'm sorry, but I do have to respond to Senator Berman while he so eloquently pointed out the art of negotiations. I must say to Senator Berman, you are a...learned lawyer and I'm sure that you know that when one start a negotiations they don't start at the bottom, usually they start at the top. And so if you're talking about a...negotiating down or negotiating in the...process of that seven million dollars, then what's the point? I mean, why waste your energy or your...or your time? And then I'd like to also say that, yes, I have an amendment for the fifty...the entire...restoring the monies to the formula, the entire amount, just as they overrided...rode...rode it yesterday in the House. And I think if we going to negotiate, that's where we ought to start negotiating from, not from the bottom.

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise, obviously in support of the amendment, because I think what we're attempting to do is be fiscally

responsible but identify specific needs that have to be addressed. Many of them were addressed yesterday, not at levels people wanted, not at levels the Governor vetoed but at levels that seemed to be within the state's ability to pay the check. Most of us know that the needs are greater than the balance in the bank, and if we don't, all we've got to do is look and see. But we also know that there is some money available and some very crying needs, again, much of which we addressed yesterday. If you're talking about the need for day-care, the need for parole officers, the need for care for the handicapped, the need for hemophiliacs, renal dialysis, et cetera, you also have to talk about the need for school children statewide. We have said all along we believe there is in the range of forty, fifty million dollars; the Governor has said he cut the budget forty million below where he said the need was. Within the total bill is his money for transfer to Agricultural Premium Fund, five and a half million dollars. He can either do it now or later but it's going to have to be done. He has said forty, Handeville has said rounding errors could be twenty, we're talking in the neighborhood of thirty, forty, fifty million dollars clearly available if we prioritize. This number allows us as a Chamber to say we have identified specific need, we have addressed those concerns that have to be met, including education, but have lived within the balances available to State Government to spend based on current revenue. If we don't do this, we're just fooling everyone. Everyone knows that the needs for day care are real and education are real, those have to be priorities of this General Assembly. This amendment is within the dollars available, and I think it would be irresponsible for us not to send that message, especially to those of you who think sixty million for Common School Fund education is not available, twenty surely is, twenty-one surely is, sixty if you think it is not then you should sup-

port a prioritization that is within our spending abilities and that's what this amendment attempts to do. I would urge its adoption.

PRESIDENT:

Further discussion? Senator Luft.

SENATOR LUFT:

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

PRESIDENT:

Indicates he will yield, Senator Luft.

SENATOR LUFT:

It appears to me that the twenty-one million dollars is approximately one-third of what was vetoed by the Governor. Would that translate then into each school district within the State of Illinois getting a third of the...money? For example, if this...this...this money would get straight into the formula and be disbursed to every school district in the state and they would get literally a third more of the sixty some million dollars had that been put in, am I correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDENT:

...Senator Luft.

SENATOR LUFT:

That's...that's good.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I...I really did not want to stand up but some things have to be put in perspective. The twenty-two million dollars that we're talking about represents a quarter of one percent of the total amount spent for

education; in fact, it's slightly less than a quarter of one percent. Now, for someone to draw the analogy on yesterday's activity in which we voted three million dollars for a place that's going to shut down if the money doesn't come and try to equate it to an appropriation that means a quarter of one percent is not a fair analogy. In addition to that, that represents a quarter of one percent...from my suburban districts and probably represents one-sixteenth of one percent of the amount of money they spend. And let me point out to you for those of you who are going to see this next year, my school districts ended up with thirty, forty and fifty percent more money with the property tax assessment this year and a lot of them moaned and groaned. One school district lost eighty thousand in state aid and picked up three and a half million dollars in property taxes and didn't bother to tell the people that attended the meeting that they had picked up that money. They talked about how the state aid is the equivalent of the loss of four teachers. Now I want to tell you, Senator Berman, you are the point man on education, and let me tell you where the fall lies on this. The reason the tax increase didn't go through and the reason that education has been partially treated this way is that your group and this General Assembly failed to deal with the issue that it was asked to deal with last year and that's the change in the State Aid Formula. We were in fact mandated by our own desire and our own mandate to phase out that formula but we're going to keep that formula, we're going to keep putting money in, money that doesn't really mean too much. In fact, in the Governor's tax proposal, the largest single tax increase in this state's history since the income tax after the four hundred million was put in for education, my school districts, most of them, Senator Mahar's districts, ended up with less money than the previous year, and you ask us to support this. And you know we want to talk about where

everybody was; well, I'll tell you where I was. I had a bill last year that increased the State Income Tax one percent and put in nine hundred and fifteen million dollars into education and six hundred million dollars back in the taxpayers' pocket, where was the educational community on that? And now we come in today with a twenty-two million dollar band-aid that's not going to mean anything to anybody except for one thing, it's going to threaten the budget. And I'll tell you, there isn't one member on this Floor who isn't for education, but I'm going to tell you, if education doesn't get its act cleaned up, and if they continue to rely on the property taxpayers to fund that burden, they're going to get very little sympathy from me, but more importantly, they're going to get very little sympathy from the people back home. When we do this, let's do it right, let's not go back and say, well, we gave you twenty-two million, 'cause in my districts it's not going to mean anything. So I would suggest that we go about the business of not busting the budget. Those items that we voted yesterday have no other alternative except us. We're talking about an item that represents one-quarter of one percent of the total expenditures. And I hear this dialogue about how we're threatening education, how we're endangering it. Come on, fellows, cut out the bull and let's stay with the program.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in opposition to this amendment because in the spring of this year I was told by my leadership that we were physically responsible, that we did have a five percent shortfall but the way we spread it out across the budget that no district...no area of the state would face an undo hardship. I knew I have good leadership in my committees and, therefore, I followed that leadership.

Now I find that we're only going to take into the Chicago since the veto of the government we're twenty-two million dollars short, that means that we're going to lay off teachers, administrators and close some schools. Our schools have been stripped to the bone already in the cut of '84. We have no...art teachers, no music teachers, no counselors, we have kids just being warehoused. In some schools in our Chicago area kids don't even have the books, the pencils, nothing, and, yet, one of my colleagues, Art Berman, says that we're only going to take a mere seventy-seven million dollars back. A mere seventy-seven million dollars, Art Berman, will not reemploy them teachers, will not put the books in the schools, will not have the counselors, will not have the music teachers or the art teachers. I cannot support this amendment and I'm going to call on my colleagues to not support this amendment. This is not even a decent band-aid because it will not cover the wound. I would like to also know, Senator Berman, where you propose to spend this mere five million that is going back into the schools of the City of Chicago. Will it, in fact, go into the neighborhood schools? Will it, in fact, put books in those neighborhood schools where they are sorely needed, or will it go to the elitest magnet schools across the City of Chicago where you seem to have your heart fixed on supporting?

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. This is a heck of a dilemma that we are placed in and I have the utmost respect for the sponsor of the amendment, I was chairman of our Education Committee; however, I cannot get...in...caught in the posture of being...voting for something less than what my colleagues did on...in the other Chamber. If we are sincere about funding education, if we

are sincere about doing the job, then we should go for the entire ball of wax. I have no problems with the taxes...increasing those taxes necessary to fund education. I know this past summer it was banged about in the media that the General Assembly failed to pass the Governor's tax proposal, but the General Assembly did not fail to pass a tax proposal because there was never a tax bill introduced as such. If you are sincere, Senator, I won't call your name 'cause I don't want you to jump up and say you have an opportunity to speak, but there is another tax bill which I introduced, it's called Senate Bill 1524. If you want to join as cosponsor of that tax increase bill, you're welcome to do so. But when it comes to schools across this state, when it comes to schools particularly in the City of Chicago, I don't want to be caught in position to voting for something that's not going to do any good. I don't want to be caught in position to vote for a mere seven million dollars that's...only going to take care of a few at the expense of many. Magnet schools may be good for some but the majority of the students in the City of Chicago should have the opportunity...equal opportunity to receive a quality education. It should not be for just a select few. I have conveyed this to Dr. Byrd, I conveyed this to the Chicago board members and for them to negotiate for this, I cannot be in support of it. I cannot...stand on this Senate Floor when I know there are schools where they don't have proper supplies, they don't have proper books and vote for something to take care of a select few. I was not in the room when the so-called negotiations took place. But it is criminal for us to think that we're...attempting to do something for education and we're really doing nothing. As Senator Brookins pointed out, this band-aid would not even stop the bleeding. And while we are...attempting to do something on a temporary basis, we are at the same time giving someone else a permanent solution to

their problems. I don't like getting caught in this...in this posture. You talk about giving 3.6 million dollars to the Math and Science Academy, it's a great academy, to take care of...to take care of a few students, but you have over four hundred thousand students in the Chicago Public...School System and you only talk about seven million dollars, that is no equity whatsoever. I know we have a fine chairman of the Elementary and Secondary Education Committee, but if we vote for this, we are saying that we are solving the problem, we are only kidding ourselves and I don't like being placed in that position to vote for this when our colleagues in...on the other side of the Rotunda, they vote to restore the entire amount. So I...with that, I will probably vote Present or No, but that No vote would not be down for it...against the appropriation but I believe we should go for the whole ball of wax.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I too, rise in favor of this amendment. I would suggest that twenty-one million dollars...you know...appears to be much fairer, and perhaps...when we go to conference perhaps we can get a better agreement. So I suggest that we vote for this amendment, put it on and keep the negotiation process going.

PRESIDENT:

Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. Senator Kustra said that this is what happens to a moderator or a moderate because all the accidents happen in the middle of the road. Let me tell...suggest to you, and I suggest to those who have pronounced that they want to vote No or Present, my colleagues from Chicago, this is a legislative process, you're not the

Governor, you're not signing on a bill. This is an amendment which in the posture of this bill, Senator Jones, in the posture of this bill there is not one penny in this bill which will be voted on on 3rd reading today that addresses elementary and secondary education. If that is the posture...if that is the posture on which this bill is presented to us on 3rd reading or the posture in which this bill leaves this Chamber, it appears that the members of the Illinois House have responsibly or irresponsibly addressed the needs of our schools throughout the state and the Senate has not. Now perception is part of the problems that we face as elected officials, and I know that there is no...not one iota of less commitment in this Body to our schools than there is in the House but that's the message that we are going to deliver. Now there's nothing perfect about this approach. Some school districts don't get as much as they would like whether they are rich districts or poor districts. I am employing a time-honored traditional approach, the general State Aid Formula. We all have differences with it. I am suggesting that Chicago will take home seven million. That's not what they say they need, and let me suggest, Senator Brookins, that the problems that you enunciated as far as the math teachers, the music teachers, the art teachers, haven't been in those schools for three years and they're not going to be in there even if we override the...the...the...the Governor's veto. So let's not mislead anybody. We're talking about putting this bill in a posture that will allow us to go home addressing a portion of the needs of elementary and secondary education, number one; and, number two, it puts this issue on the bargaining table of which Senate Bill 1520 is going to be the object of intense negotiations between now and November 6. I suggest to you that if you look realistically at the amendments that are coming down, they may be ideally wonderful. I would be happy to take home twenty-two million

dollars to Chicago only, as one of Senator Collins' amendment propose, but I just don't think that there's thirty votes on this Floor for that. I would like to be able to appropriate sixty-two million dollars that the House appropriated yesterday...overrode yesterday, I'm not sure there are thirty votes on the Floor of this Body to do that. If there were, this amendment wouldn't be there. So I suggest to you, ladies and gentlemen, to deliver a single message, the Senate is concerned about elementary and secondary education, we're putting this on the table, we will do our best to take home something on November 6th. I solicit your Aye vote.

PRESIDENT:

The question is the adoption of Amendment 24 to Senate Bill 1520. A roll call has been requested. 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 28 Ayes, 26 Nays, 3 voting Present. Amendment No. 24 is adopted. Further amendments?

SECRETARY:

Amendment No. 25 offered by Senator Poshard.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. Two years ago the Legislature passed a bill which put ten million dollars in the School Construction Bond Fund in the state to assist those districts who were willing to consolidate smaller districts into a larger district. Gallatin County voted to consolidate three separate school districts into one countywide unit, and by virtue of the grant index under the School Construction Bond Fund they are to receive .49 percent matching funds from that School Construction Bond Fund. The county passed a local

referendum and raised six million dollars in local funds. They have been appropriated only two million dollars at this point and this appropriation brings them up to the 4.9 million which we promised them for their consolidation effort and for their raising their own local matching funds and for which they qualify as the matching grant under the School Construction Bond Fund. This consolidated district has met their obligation, they've done what we asked them to do and they're starting their building program this next spring. This enables them to go ahead with that building program, it's the money for which they qualified under their consolidation effort which they need to complete this effort. And I'd ask for you favorable consideration.

PRESIDENT:

All right. Senator Poshard has moved the adoption of Amendment 25 to Senate Bill 1520. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 26 offered by Senator Thomas Dunn.

PRESIDENT:

Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. Originally the Governor vetoed this measure by ninety percent from a hundred and fifty thousand down to fifteen thousand. This deals with the Fitzpatrick House which would serve in Hill County as the offices for the Illinois-Michigan Canal Heritage Commission and I think is instrumental in continuing tourism in the state in conjunction with the Illinois and Michigan Canal that is Federally funded, and this is an integral part. And I ask for a favorable Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, all in favor indi-

cate...Senator Dunn has moved the adoption of Amendment 25 to Senate Bill 1520. All in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 26 offered by Senator Thomas...Thomas Dunn.

PRESIDENT:

Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. This deals with a sewer project where the residents themselves have contributed sixty thousand dollars. And this was funded last year by the Governor to a hundred and forty-three thousand dollars. I'm asking to raise it six thousand dollars because they are short six thousand dollars and it's crucial to the completion of the project. The road district has already approved twenty thousand dollars and the township has expended twenty-four hundred dollars in...engineering...fees. I urge an Aye vote.

PRESIDENT:

All right. Senator Dunn has moved the adoption of Amendment No. 27 to Senate Bill 1520. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 28 offered by Senator Ralph Dunn.

PRESIDENT:

If I can have your attention, Channel 20 from Springfield also has sought leave to shoot some videotape. Without objection, leave is granted. Senator Dunn on Amendment No. 28.

SENATOR RALPH DUNN:

...thank you, Mr. President and members of the Senate. This amendment transfers money...within the Agriculture Pre-

mium Fund between different line items to avoid layoffs both at DuQuoin and Springfield at the fairs in those two cities. And it amounts to three hundred thousand dollars. I'd be glad to answer any question and urge your approval.

PRESIDENT:

Senator Dunn has moved the adoption of Amendment No. 28 to Senate Bill 1520. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 29 offered by Senators Collins, Smith, Jones, Brookins, Alexander and Newhouse.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

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

PRESIDENT:

29.

SENATOR COLLINS:

...No. 29 seeks to restore most of the...the monies for elementary and...secondary education back that were...that was vetoed by the Governor as it relates to the general School Aid Formula. I know that Senator Berman said a few minutes ago that I could offer this amendment and it would only serve...it may get me some publicity back home. But I want Senator Berman to know that I do not thrive on publicity as many of my colleagues. I'm here and I'm here for one purpose only, the people that I represent don't even know I exist and don't care whether I exist. And these are the little children, Senator Berman, who goes to school in my district, many of whom lack the bare necessities of sustaining a reasonable...a reasonable existence. But those children too need an education, Senator Berman, so that they

don't have to live in those conditions once they finish school. Many of them, thousands upon thousands of them, after going through those schools in the City of Chicago are unable to not only get a job but they can't fill out an application. So that's why I'm here, Senator Berman, speaking for those persons who can't speak for themselves, and because I see and I hear the cries of those children crying out, give me a chance, Senator Berman. Can't you just let us be a priority in the scheme of things, just once, Senator Berman? Let us have a piece of the money, put everything, some of the other things aside, Senator Berman, and if you got forty-two million or fifty-two million, just once give us a real chance. I don't care who made the mistakes. Yes, there are a lot of mistakes made by the Chicago School Board, and not just Chicago, there...there are problems across the state as it relates to how we administer the education dollars of this state. The truth of the matter is that while that is true, we just don't fund education the way we should.

Looking at the...the billions and billions of dollars that we appropriate and that we spend each year in this state, not enough of it goes toward education and too much of it goes to frills and frills and...and projects that's not really necessary or essential to improving the quality of life in this state or keeping this state a viable state. And so that is my mission here, Senator Berman, and I don't really care whether or not I get publicity. And so, therefore, I offer to you an amendment, not the sixty-two million but fifty-two million dollars, that if we want to negotiate...honestly and...sincerely and fairly negotiate, then we can start from that fifty-two million dollars; and I think if we can somehow come out of here with a reasonable amount that would ensure that no additional...teachers are laid off and that the children have just the bare essential supplies and equipment to operate, then I think we have done the citizens of this state

proud. Therefore, I ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Discussion? Now...let's...let's try to keep to some time frame here this morning so we can...we all know what the issues are, let's try to get out of here on time.

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr...Mr. President and Ladies and Gentlemen of the Senate, I do care about the school children, but where was the president of the Chicago Teacher's Union when she insisted they have a strike and put the children out of school for nineteen days? And what about those kids not getting their hot lunches 'cause they couldn't be in school, some of them couldn't get any lunch elsewhere. What about those kids? Did they care about them? So they got a three percent raise and there's going to be about eight hundred teachers laid off and about another eight hundred supporting personnel. Now, if I recall correctly, the Governor did make an extra payment in the last six months...last three months, but that was ignored. Why? Because don't they care about the children? I sure care about the children, I care about them very much, 'cause I'm...I'm the biggest kid at heart. But I'm going to tell you something, when they take it upon themselves, the Chicago Teacher's Union, the heads of them, to go ahead and have a strike when it was...they knew they didn't have the money, they knew they'd be short of funds, I think that's perfectly a...a travesty of justice, an injustice to the children, an injustice to the parents and I hope the parents of Chicago wake up and start demanding things of their teachers and of their school board because there's just so much money and we don't have it, and you know it and I know it. I speak against the amendment.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, I will be brief. Senator Collins, you and I sat down the other day in Chicago for long hours listening to testimony of what the problems were in the City of Chicago. I believe I...Senator Berman and I, who you seem to feel is not interested in...in the Chicago children, were the only ones that sat there from nine o'clock in the morning till four-thirty in the afternoon, but I did listen, and what I heard was a system that is so fouled-up that we could give them twice as much as your amendment and it's not going to solve the problem. The problem is that the system has to be reorganized. The problem is that we have to get down to the very basic problems that the city is facing as far as their school system is concerned and this amount of money is not going to do it. It is not fair for you to ask those of us over here to solve your problems when I, too, have problems in my district. I would suggest that we vote this amendment down and that a roll call be taken.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate, I rise in support of the amendment. And listening to the debate on the previous amendment as well as this one when it was stated that the Chicago School Board negotiated and want this amendment, I'd like to know who the individuals were at the Chicago School Board who are going to accept not even a...a band-aid and place us, as legislators, in a box wherein we see other areas of the state getting something permanent and we not even getting a temporary solution to the problem. This is a good amendment and there are school districts across this state, more than two hundred of them, that are in worse financial condition than the City of Chicago schools. The only difference in the two is that you know and I know

next spring they are going to borrow money to get them out of the hole. Without that provision, you would have had strikes all across the State of Illinois. So the Chicago School System is no worse off than many of the school districts across this state, so let's stop playing games. But we know that seven million dollars is not going to do a darn thing for the City of Chicago schools and those people who negotiate for the board to put us in this trick bag had no business doing so. They should have consulted with us about this before they said, we accept seven million dollars. What the hell is seven million dollars going to do to assist them that needs over a hundred and some odd million dollars? And I see amendment after amendment being proposed here that's giving a permanent solution to some problems in the legislative districts across this state and next spring when you come back you...you will have gotten that and then you want to hold the City of Chicago in hostage while you get something permanent. The board members, the superintendent had no right to do that; they had no right to put us in a trick bag like this. This is a good amendment. If you want good education, you're going to have to pay for it whether you decentralize the system or not. If you want to fully fund education, you're going to vote for the taxes. Hell stop all this hocus-pocus about the Chicago School System. Go back to your own superintendents in your own districts and find out how much money they are short, and they are short thousands and hundreds of thousands of dollars. But they're going to borrow money next spring to get them out of the hole, so they need this money as well as the City of Chicago. So let's stop playing games.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Maitland.

SENATOR HAITLAND:

Thank you, Mr...thank you, Mr. President and members of the Senate. Senator, what does...if...if you explained the

amendment in the beginning, I...I'm sorry, I missed it, would you please tell the Body what the amendment does?

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Senator Collins. Senator Collins. Turn Collins on, please. Senator Collins.

SENATOR COLLINS:

Yes. Okay. Yes, Senator Maitland, this...this amendment is to restore fifty-two million dollars of the original sixty-two that was in the general School Aid...Fund. And it is for the entire state, not the City of Chicago as...Senator...one of the Senators said. This is for the entire state.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Maitland.

SENATOR MAITLAND:

Could you explain to the Body whether or not this is in addition to the...the twenty-one million dollars that was in Senator Berman's amendment?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Collins.

SENATOR COLLINS:

I am hoping that if we get both amendments on here that the House will see in its wisdom to take his off or somewhere in the Conference Committee.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Maitland.

SENATOR MAITLAND:

Okay. That would be fine. Could...could you tell the Body where the money is going to come from?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Collins.

SENATOR COLLINS:

The same place it's going to come from for all of that that you put on yesterday, out of the State...General Revenue

Fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, as I...as I remarked to Senator Berman on his amendment, there's nothing that I would rather do or nothing the members on this side would rather do than to support an amendment like this, but pure and simply, the money is not there. This is a totally irresponsible act, it seems to me, and I would suggest to you, as I suggested to Senator Berman, that we ought to try to work between now and next week coming up with a reasonable approach to the problem hopefully to get some money in all three major areas for elementary and secondary education. I don't think this is a responsible way to deal with it, I think it ought to be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins. Senator Brookins. Senator Brookins, apparently there's something wrong with your mike. Senator Brookins will be at Senator Alexander's desk. Senator Brookins, I think your time has expired. Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this amendment and in the discussion they ask where will the money come from. Let me tell you where the money is going to come from. Next year...or next Session there is going to be a tax increase and I'm going to be one of the one's who will have to vote for that tax increase, as usual, because I know that that money will have to go to support that school system and the education not only in the City of Chicago but across the State of Illinois because education is lacking here in Illinois and it's lacking because we're not putting enough money and enough emphasis in Illinois for a proper education. We knew a couple of Sessions ago when we went through the edu-

cation reform there was not enough money. That's where the money is going to come from. And I know that you're going to sit over there and say, no, you can't vote for it and you won't vote for it as you did earlier in the Session when a tax package was even being proposed by your Governor, not my Governor, your Governor, that you did not support. So that's where the money is going to come from. This is a good amendment, it will restore back what was cut and I'll support it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, Senator Collins may close.

SENATOR COLLINS:

Thank you, and I would just...just hope that inasmuch as several of you have said that we are still in the process of negotiating that you would put this amendment on, and in that process that...when...when we decide next week and when we talk about how responsible we...we are and...and should be, I'm sure that if you put this amendment on that you will make a decision to know that the most responsible thing to do, regardless to the circumstances, it would be to provide an education for the children of the State of Illinois. The other...someone also...and I'd like to just say...mention the fact...about how chaotic that the Chicago School System is in and the need for reform. No one knows that any better than I do. And there has been a commitment made and I'm confident that that commitment will prevail, that there will be an all-out effort to reform the Chicago School System and that process is now on the way. And so...but right now the children needs an education not just in the City of Chicago but across this state. And if we don't do something responsibly, many of the school districts across the state is going to be experiencing some very serious difficulties in the spring of this year. So I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, Senator Collins has moved the adoption of Amendment

No. 29. Those in favor indicate by saying Aye. Opposed Nay. The opinion of the Chair the Nays have it. All right. A roll call has been requested. Senator Collins has moved the adoption of Amendment 29 to Senate Bill 1520. Those in favor will indicate...will vote Aye. Those opposed will vote Nay. The voting is open. Senator Luft. Senator Luft. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 17, the Nays are 40, none voting Present. Amendment No. 29 fails. Further amendments?

SECRETARY:

Amendment No. 30 offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Amendment...Amendment No. 30 addresses an area that we have not spoken to in the reductions by the Governor. Amendment No. 30 would appropriate ten million five hundred thousand dollars to the Board of Higher Education for distribution to the Board of Governors, Board of Regents, Southern Illinois and the University of Illinois and the community colleges. As most of you know, the reduction to higher education was in the neighborhood of fifty-eight million dollars, and this is just a small token to be discussed, I hope, in Conference Committee or in another bill. And I would move for the adoption of Amendment No. 30 to Senate Bill 1520.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Weaver has moved adoption of Amendment No. 30. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 30 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEBUZIO)

3rd reading. Senator Savickas, for what purpose do...do you arise?

SENATOR SAVICKAS:

Well, Mr. President, I would move to suspend the rules and go to the Order of 3rd Reading for the purpose of recalling Senate Bill 1268 to the Order of 2nd Reading for the purpose of putting on an amendment. This amendment would deal with the electric rates that the ICC had arbitrarily raised this summer and I would like to amend the bill to further prevent that type of action.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Senator Savickas has moved to suspend the rules for the purpose of going to the Order of Senate Bills 3rd Reading to take up Senate Bill 1268. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended and we are now on the Order of...of 3rd Reading. Senate Bill 1268, Senator Savickas we have to physically get it here.

SECRETARY:

Amendment No. 1 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEBUZIO)

No, wait a minute. We're on the Order of 3rd Reading, Senator...Savickas now seeks leave of the Body to bring Senate Bill 1268 back to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. All right. Senate bills 2nd reading is...is Senate Bill 1268, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Mr. President and members of the Senate, basically what

Amendment No. 1 does would prohibit the ICC from approving a disproportionate increase in kilowatt-hour...charges based on seasons unless the difference is specified on a rate schedule filed with the ICC. In layman's language it basically prohibits the ICC from doing what they did this summer in facing...in raising...the rate on the use of electricity during the summer. And their theory was that by raising the rates there would be less electricity being used, people didn't really need air-conditioners and would save on the utilities. There is nowhere in the Statute that gives the ICC the authority to raise the rates without a request or without going through the proper channels. They do not in the Statutes have this arbitrary authority and this bill would prohibit them from ever doing that again. And I would seek its adoption.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. The issue that Senator Savickas has brought to the Floor is a very dear concern to homeowners and senior citizens probably in my area and throughout the state. What has been done with the summer rates has been totally uncalled for and is totally unfair to the homeowner and to the senior citizens. It is therefore that I stand and ask for support as far as...and back Senator Savickas' amendment to Senate Bill 1268.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Savickas, the...the summer rates adopted by ICC were not adopted, as I understand it, this year, they were adopted several years ago. And apparently that's the authority that you seek to take from them and, frankly, I'm sympathetic to what you're trying to do. The only problem that I see with it is that if we...if we take from the Commerce Commission the right to do this now, that is to...to set up summer rates, doesn't it follow that they're going to raise the rates for the rest of the year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Senator, the way that the amendment is drafted, they would not have the arbitrary authority to raise the rates without going through the regular process. Just like your utility companies would have to do, they would have to go in and present a case, make it public, have testimony, have someone there that could...they would not be able to just sit there and raise the rates, they would have to do what anybody else wanted to do to raise rates and justify it. One of the problems was that this summer after I received a horrendous electric bill and I complained to Edison Company, which is my supplier, I was told, don't look at us, we didn't raise the rates, we didn't ask for the raise, we didn't have nothing to do with it. But everybody in my community was blaming the supplier and blaming me, as a legislator, what are we going to do about it; and I find out that the commission just on their own, without any statutory authority, went and did this. I...I don't think they have this authority and I...I think if they did it a few years ago, they were wrong. Maybe we were lax in watching and catching up to them. Maybe...I don't know where CUB was, maybe they should have been on it, but someone should have done it and I, at this point, after finding out this late in this season am attempting to solve

that problem.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I think I'm going to support the...the amendment, but I think when we do it, if we do it, we all ought to recognize that what we probably will wind up with is a leveling of the rate so that consumers may not have a reduction in their total annual bill but that it would be reduced perhaps in the summertime and raised in the wintertime. I'm not sure that that's all wrong but I don't think we ought to be doing something here with the mistaken idea that we're just going to eliminate the summer surcharge and not have an increase in the rest of the rates.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Topinka.

END OF REEL

REEL #2

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would be supportive of this measure but I would like to ask a question. Furthermore, to agree with Senator Schuneman, I don't think this in any way precludes the fact that this amendment would not even out the rates thus raising them straight across the board twelve months out of the year rather than in the summer. So I don't know that that conception should be put forward to the public that somehow someone is going to save money here. There won't be probably any money savings but it will be spread out over the course of the year. If I may ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

Yeah. This...this does not preclude the utility company from...from creating a differential should they choose to do...do so, correct? I mean, that would still be available to them to be able to competition the ICC and seek a differential on their time, correct?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Senator, it's not my intention to set rates or to get into the rate making policy here. The total thrust of the amendment and the bill after it's amended would be to prevent the ICC from just on their own without any request...any need and you're saying it's going to average out. If there was no request and no shown need for those summer months for the rate to go up, then why would it go up?

Why would it change the winter months? Obviously, no one requested the rates to go up for the summer. The ICC did it on their own as a...a test program evidently. Edison in...in my instance and I don't know about some of the suppliers in the other areas of the state but the Edison Company in our district did not request it, had told me they had no need for the raise in the rates for the summer. So I don't know why...how it would change the winter rates. They didn't want it in the summer, they didn't ask for it, so why...why raise it?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, if...if I may comment, and in trying to track down this issue and...and beating on the ICC and the utilities since this has been in effect and which causes great upset to my constituents, it's my understanding that the summer rate differential was created by the ICC as a savings mechanism or a...a conservation mechanism to keep people from using air-conditioners and things of that sort during the summer on the theory that they would have to use more electricity in the winter for sure where they needed heating. I don't know if that has played out but I would question whether or not this would indeed average out, and on that, I'll rest my case.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. To my colleagues, I stand in support of the amendment of...Senator Savickas. I received petitions, not letters, petitions, from constituencies in my district, senior citizens especially expressing concern and questioning the reason why they were charged these exorbitant summer rates. I ended up, as many of you did, exchanging my

gas bill in the winter heating for an electric bill in the summer. So I shall be voting Yes for this motion.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I...I'm...I'm all for this, I think it's a wonderful idea. The...the only problem is I...I think we've got a little bit of a smoke screen here dealing with summer rates. Farmers in this state for their corn dryers had to pay summer rates a month longer in Commonwealth Edison's area than they did in other areas of the state. So I, you know, I...I think that though they may not have asked to...to do this, they certainly didn't shut it off a month earlier, that utility company, when they were asked to do that. So I...I don't think it's all goodness and light on the part of the utility companies in this issue either. So, you know, but...

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Well, I support this, but this only shows how important it is to have an elected Commerce Commission. Make these people responsible and...I hope that whoever has that bill in, I think that Senator Joyce has that bill, but...but just points to the point. This is an affront to people to do this. Yes, and it will...right now, I want to know would you accept an amendment for that right now? We need to get these people off or...or else abolish the Commerce Commission.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, Senator Savickas has moved the adoption of Amendment No. 1 to Senate Bill 1263. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

HB 911
2nd Reading

No further amendments.

PRESIDING OFFICER: (SENATOR DEHUZIO)

3rd reading. With leave of the Body, we'll now go to page 5 on your Calendar. With leave of the Body, we'll go to the Order of House Bills 2nd Reading for the specific purpose of taking up House Bill 911. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 911, Madam Secretary. House...House Bill 911.

SECRETARY:

House Bill 911.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Energy and Environment offers one committee amendment.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. The amendment becomes the bill in this particular case. This amendment authorizes municipalities and counties to impose a surcharge on telecommunication carriers to implement or improve 911 emergency service. This is a bill that we had originally discussed earlier in...in the Session. There were some problems with Illinois Bell and the telephone companies. We sat down over the summer, we have worked those out and the telephone companies are...are now in agreement and in committee it was unanimous vote and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator Jacobs has moved the adoption of Amendment No. 1 to House Bill 911. Discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

SB 1520
3rd Reading

PRESIDING OFFICER: (SENATOR DEWUZIO)

Amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEWUZIO)

3rd reading. All right. With leave of the Body, we'll now return to the Order of Senate Bills 3rd Reading for the specific purpose of taking up Senate Bill 1520. Is leave granted? Leave is granted. On the...bottom of page 3, Madam Secretary, Senate bills 3rd reading is Senate Bill 1520. Read the bill, please.

SECRETARY:

Senate Bill 1520.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1520 is an attempt on my part and the part of those who have also offered amendments to it to literally engage in some further negotiation with the administration concerning the restoration of some appropriations which some of us feel literally are of an emergency nature. I think it's fair to say that the...the day-care money and the TIF money and the assessors' stipends are things that...that we were all...could have been willing to restore. The fact of the matter is I think a supplemental appropriation is a better process...a better vehicle for accomplishing that purpose. In addition, there are...we have added amendments for the Math-Science Academy; and obviously in an attempt to afford some much needed relief to the Chicago and other state school systems, we have added some money at least, twenty-one million dollars, to be distributed through

the formula for that purpose. Now the negotiations will continue as is obvious. This Bill will go to the House, it is...in its current position sixty-nine million dollars worth of GRF spending, some of which, frankly, I find objectionable. I am convinced and sure that the Governor will find some of it objectionable; I'm sure the House will probably find some of it objectionable. But the fact of the matter is, it seems to me, that in these waning days of the Session it is in our best interest to have a negotiating vehicle alive and well and circulating and so I offer Senate Bill 1520 and ask for the Senate's approval.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? If not, the question is, shall Senate Bill 1520 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 1, none voting Present. Senate Bill 1520 having received the required constitutional majority is declared passed. Senator Rock. Senator Rock.

SENATOR ROCK:

Yes, thank you, Mr. President. Ladies and Gentlemen of the Senate, we will now move, as I indicated earlier, pursuant to our agreement with Senator Philip, right to the Order of Motions in Writing and go right down the line. So those who...I would prefer that everybody is on red alert so if...if you skip it or choose not to call it, understand this may be your last chance at it, because once we get through this Calendar, we intend to adjourn until November the 4th. So if you start on page 18, motions in writing to override, go right down the line.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. With leave of the Body, we'll...we'll go to page 18 on your Calendar, motions in writing. Senate Bill

52, Senator Hall. Senator Hall, on page 18, Senate Bill 52.
Senator Hall.

SENATOR HALL:

You caught me totally unprepared here, so I'll ask you to
come back to me.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Senate Bill 385, Senator Poshard. (Machine
cutoff)...Bill 385, Madam Secretary.

SECRETARY:

I move that Senate Bill 385 do pass, the veto of the
Governor to the contrary notwithstanding. Filed by Senator
Poshard.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Poshard.

SENATOR POSHARD:

Mr. President, I'd like to respectfully withdraw that
motion.

PRESIDENT:

454, Senator Karpel. On the Order of Motions in Writing
to Override Total Vetoes, there's a motion filed with respect
to Senate Bill 454. Read the motion, Madam Secretary.

SECRETARY:

I move that Senate Bill 454 do pass, the veto of the
Governor to the contrary notwithstanding. Filed by Senator
Karpel.

PRESIDENT:

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. I would like to...to let Sena-
tor Jones handle the bill as it was his bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

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

Senate Bill 454, as I stated, yesterday, is a bill to license...estheticians as well as it has the Farm Implement Act in it. The bill had been thoroughly discussed and I ask for a favorable vote on this motion.

PRESIDENT:

All right. Any discussion? Any discussion? If not, the question is, shall Senate Bill 454 pass, the veto 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? Take the record. On that question, there are 37 Ayes, 14 Nays, 3 voting Present. Senate Bill 454 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. 945, Senator Holmberg. On the Order of Motions in Writing, a motion with respect to Senate Bill 945. Read the motion, Madam Secretary.

SECRETARY:

I move that Senate Bill 945 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Holmberg.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the legislation I presented yesterday on pilot programs, just the statutory language, in parenting instruction. Several members were off the Floor and indicated they were in support of the bill and so we will be voting again today. As a reminder, this provides only the statutory language for pilot programs in parenting instruction. There is absolutely no money involved. Local school districts are beginning to put this program into effect and the state board would like to be in a position to monitor and

assess whether we should expand it further. As you remember, the State of Missouri is using this program and entering kindergarteners whose parents have been a part of it are testing at the eighty-fifth percentile where the control groups in Missouri are at the fifty-fourth percentile. This week our people are in Missouri studying the program. The Illinois P.T.A. stands strongly behind it. It will be cost effective in reducing future remedial problems for education in Illinois and I ask for your favorable vote.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall Senate Bill 945 pass, the veto of the Governor to the...I beg your pardon. Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT:

Indicates she'll yield.

SENATOR SCHUNEMAN:

Senator Holmberg, is this not a mandate on our local schools?

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

There is no mandate whatsoever. It...it...the original language said that there would be four pilot programs created around the state; the companion bill to pay for those out of state funds, I kept in committee. These programs are being done by local initiative. The only thing that we would have any say in at all is the state board would like to have the official capacity to take a look at those programs and see whether they need to be continued.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 945 pass, the veto of the Governor to the con-

trary 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? Take the record. On that question, there are 33 Ayes, 25 Nays, none voting Present. The motion fails. 1003, Senator Jones. Motion in writing, Madam Secretary, with respect...1005. Motion in writing with respect to Senate Bill 1-0-0-5, Madam Secretary, read the motion, please.

SECRETARY:

I move that Senate Bill 1005 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Jones.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Bill 1005 sets a max salary for court reporters, and reading the Governor's Veto Message on the bill, it talk about salary increase as such but this is not the case. What it does is set the max salary which it has to be approved by the Supreme Court. The Supreme Court will make the determination as to whether such salary shall be increased, so there's no fiscal impact as such on this piece of legislation. What we do statutorily is set the max as to what they should be paid. There's another provision within the bill that was not mentioned...in the Governor's Veto Message and this amendment would save the state hundreds of thousands of dollars. This amendment would remove the statutory requirement that a court reporter furnish transcripts upon request to any party in a trial. While...with that amendment, this saves the state hundreds of thousands of dollars, the Governor did not mention that particular aspect of the bill and I ask for a favorable vote on the override motion on 1005.

PRESIDENT:

Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDENT:

Indicates he'll yield, Senator Dudycz.

SENATOR DUDYCYZ:

...Senator Jones, does this bill include court reporters for the Industrial Commission?

PRESIDENT:

Senator Jones.

SENATOR JONES:

If they are...if they are court reporters as such, it would include all court reporters, yes.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCYZ:

Sorry, Senator, I didn't hear your answer.

PRESIDENT:

Senator Jones.

SENATOR JONES:

They would, yes...yes, it would.

PRESIDENT:

Senator Dudycz. Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator Jones...I'm sorry, I didn't catch the amendment...and it doesn't seem to be in our analysis. What does this...what did the amendment do?

PRESIDENT:

Senator Jones.

SENATOR JONES:

The...another provision of the bill that was not mentioned in the Governor's Veto Message and this amendment...removed the statutory requirement that a court reporter furnish transcripts upon request to any party at a trial. So as a result, that cost is passed on and by doing...with this amendment it save the state millions of dollars...or hundreds of thousands of dollars...

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

To the question, I...to...to the bill. I'm not an attorney and I would hope some attorney would stand up and...and answer this but I thought constitutionally if a...a defendant who was not able to pay for a transcript wanted an appeal that he was entitled to that transcript, and if you do this, that makes the bill unconstitutional. Would some attorney please stand up and...and let me know if I'm right.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I...I admit I'm intrigued at a salary bill that's going to save the state money that increases salaries. Our analysis may be incorrect but it seems to say that it's going to cost an additional million dollars. I...I...you know, I went to school before the new math, perhaps you can explain how a bill who...that increases salaries is going...that the Governor thinks is going to increase a million dollars, I'd be curious how that works.

PRESIDENT:

All right. Further discussion? Further discussion? That was a question? Senator Jones.

SENATOR JONES:

Yes, Senator Schaffer, in...in response to that, in the Governor's Veto Message he is automatically assuming that all the court reporters across the state would receive a two thousand dollar raise, that is not the case. This bill does not impact on the current fiscal year whatsoever. This just sets the max and if the Supreme Court decides that they want to allot the court reporters raises in whatever amount they decide, then we, the members of the General Assembly,...there's no appropriation accompanying this piece of legislation as such. So, this is not the case, that's why...that's the error in the Governor's Budget Message to...I mean the Veto Message to the members of the General Assembly.

PRESIDENT:

All right. Senator Jones, you wish to close?

SENATOR JONES:

Yes, and in response to Senator Fawell, this...this amendment as it relate to this requirement...that the court reporter furnish a transcript upon request to any party...this one requested by the Comptroller Office and the State Employees Retirement System in order to save the state the cost of paying the employee's share or...of social security contribution on the income of the sale of the transcripts. So the Comptroller wanted that second part of the amendment in there to save the state money and, again, this is...sets the max salary but it does not require that we...the Supreme Court have to do such is not a...a increase in salary as such.

PRESIDENT:

The question is, shall Senate Bill 1005 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26

Ayes, 31 Nays, none voting Present. The motion fails. 1057, Senator Demuzio. Motion in writing with respect to Senate Bill 1057. Read the motion, please.

SECRETARY:

I move that Senate Bill 1057 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, very much, Mr. President. Senate Bill 1057 was a proposal that I had put forth because I formerly was a person who ran some of the categorical programs that were funded by...through aging and also through the Federal Government, State and Federal programs. In one of those programs there was a person who had been an employee that...for over a seven-year period and apparently there were some new qualifications in...and changes that were made for...chore housekeepers and for homemakers. And what this bill would have done would...would have established a grandfathering provision and apparently it only applies to at least seven people statewide. It passed here 58 to none...nothing and 109 out of the House. It's not a earthshattering piece of legislation but I would move to override the Governor's veto with respect to...Senate Bill 1057.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall Senate Bill 1057 pass, the veto of the Governor to the contrary notwithstanding. 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 46 Ayes, 6 Nays, none voting Present. Senate Bill 1057 having received the required three-fifths vote is declared passed, the veto

of the Governor to the contrary notwithstanding. Top of page 19, Senator Hall on 1129. 1194, Senator Smith. Motion in writing, top of page 19, on the Order of Motions in Writing, there's a motion with respect to Senate Bill 1194. Madam Secretary, read the motion.

SECRETARY:

I move that Senate Bill 1194 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Smith.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1194 merely provide an important option for school districts attempting to provide support to students at risk of dropping out of school. The bill would create and reimburse programs for schools which voluntarily set up nutrition, supplement programs for pregnant or lactating parents or students. The fiscal note developed by the State Board of Education and filed last spring states that the cost to the state would depend upon the appropriation made by the General Assembly. Now I originally introduced at a three hundred thousand dollar appropriation bill for this program but was later asked to...that the Appropriation Committee to hold this bill because I had amended the bill so that the appropriation would not even be needed until Fiscal Year 1989. Now our beloved Governor, I think, made it wrong to us on two counts, if I might state. First, the program will only cost the state as much as we, the General Assembly, will appropriate not the 1.8 million as the Governor suggested in his Veto Message. And, secondly, the program will not drain Fiscal Year 1988 revenues because the bill specifically states that reimbursements are not to be paid until Fiscal Year 1989. I ask for your favorable sup-

port.

PRESIDENT:

Is there any discussion? Discussion? If not, the question is, shall Senate Bill 1194 pass, the veto of the...Governor to the contrary notwithstanding. 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 30 Ayes, 25 Nays, none voting Present. The motion fails. 1197, Senator Smith. Senator Smith.

SENATOR SMITH:

(Machine cutoff)...?President, Ladies and Gentlemen of the Senate. Senate Bill 1197...

PRESIDENT:

Well, let's read the motion. I just wanted to know if you wanted to proceed.

SENATOR SMITH:

Yes.

PRESIDENT:

On the Order of Motions in Writing, there's a motion with respect to Senate Bill 1197. Madam Secretary, read the motion.

SECRETARY:

I move that Senate Bill 1197 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Smith.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1197 also provides school districts with a essential tool to help keep our children in school. The bill would authorize the State Board of Education to award up to ten matching grants to school districts around the state

for young parents educating programs. Programs could include a wide array of services including a day care, tutoring and other optional educational programs. Realizing that the state revenue would be less than we had hoped in physical 1988, I specifically made Senate Bill...1197 effective on July 1988, precluding the necessity for an appropriation until Fiscal Year 1989. Please, may I have your support on this legislation.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1197 pass, the veto of the Governor to the contrary notwithstanding. 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 25 Ayes, 30 Nays, none voting Present. The motion fails. 1282, Senator Demuzio. 1393, Senator Joyce. On the Order of Motions in Writing, Madam Secretary, there's a motion filed with respect to Senate Bill 1393. Read the motion, please.

SECRETARY:

I move that Senate Bill 1393 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Jerome J. Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senate Bill 1393 was one of the bills that was lumped in with the Governor's large veto. Revenue says it will cost them a million three to implement this, but it creates a toxic waste strike force by coordinating efforts of the state agencies, the Illinois EPA, the state police, Attorney General's Office and local state's attorney to monitor and investigate and enforce the hazardous waste laws. This bill was modeled after a successful project

in Los Angeles County, California and their strike force program generated over two million dollars in fines and penalties during the first two years of the operation while for the same period of time in Illinois the total was only three hundred and sixty-six thousand, one-sixth of that amount. So an aggressive program would be a revenue generator for the State of Illinois and with all the problems we're having with hazardous waste, I think that it's something we can't afford not to do and...and I think it would end up making money for the State of Illinois. For that reason, I'd ask for an override.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall Senate Bill 1393 pass, the veto 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 38 Ayes, 14 Nays, none voting Present. Senate Bill 1393 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Hall, 52. Senate Bill 52. Senator Demuzio, Senate Bill 117. Senator Demuzio.

SENATOR DEMUZIO:

Well, Senate Bill 117 is the bill, if I might, on a point of personal privilege that authorizes GO Bonds for the sewer and water matching money from the Federal Government. We are apparently still in negotiation with the Governor's Office on the grant program as well as this loan program. Therefore, I am not going to pursue the...the override today and we're going to continue to work in the process and see if we can't get an agreement for everybody, both loan and grants. So, I would at this time decide not to call the legislation.

PRESIDENT:

All right. Middle of page 19, ladies and gentlemen, motions in writing to override item vetoes. There's a motion in writing to override item vetoes on Senate Bill 288, Senator Kelly. Read the motion, Madam Secretary.

SECRETARY:

I move that the item on page 3, lines 24 through 29 of Senate Bill 283 do pass, the item veto of the Governor to the contrary notwithstanding. Filed by Senator Kelly.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I move that we override the Governor's line item veto on Senate Bill 288 for a three hundred and thirty thousand dollar appropriation to assist the Thornton Community College in the south suburbs with a computer training program. These are matching funds by private industry. I don't know of any other appropriation that's gone through this fall anyway where you have private industry providing an equal fifty-fifty proportion of funding for a program. This program is the only one of its kind in Illinois and to my knowledge in the United States. Students that are participating are coming from many different legislative districts throughout Illinois to participate in this program. It's a technical program where they use computers to do drafting dynamics and training; for instance, the Ford Motor Corporation had...is one of the participants in the matching funds and they gave us their dynamics for the Taurus automobile. And it's...this is a program that I think is...is one for...for Illinois and it's...I don't think a big dollar amount, I know it's a lot in a tight budget year. But, anyway, I'd ask for your support if you can support it, and if you can't, we'll go on to the next order of business.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the item on page 3, lines 24 through 29 of Senate Bill 288 pass, the item veto of the Governor to the contrary notwithstanding. 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? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 26 Nays, none voting Present. The motion fails. 290, Senator D'Arco. On the Order of Motions in Writing to Override Item Vetoes, there's a motion with respect to Senate Bill 2-9-0. Madam Secretary, read the motion, please.

SECRETARY:

I move that the item on page 2, line 6 of Senate Bill 290 do pass, the item veto of the Governor to the contrary notwithstanding.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What...what this is is...in the Hispanic population there is a...a tremendous problem with diabetes and proportionately Hispanics are suffering from this terrible disease more so than the other segments of the population. Now there's...you know, no one understands the phenomena that is causing this problem, and all we did was say that the University of Illinois will conduct a study to determine why it is that this dreaded disease is substantially greater among Hispanics than any other segment of our population. This idea needs to be addressed and what we are saying is for the...and all we're talking about is the University of Illinois doing the research. They have the component arms within the university to do it, and it's a very small amount of money to conduct this study to come up with some solutions to this very serious problem. The Governor made a mistake here and there's no reason why we can't, in

our good judgment, see to it that this is being done properly and I would ask that we override the Governor's veto.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, may I ask a question of the sponsor?

PRESIDENT:

Sponsor indicates he'll yield.

SENATOR TOPINKA:

Yeah, if you will refresh my memory. I thought that Amendment No. 12 to Senate Bill 1520 that we put on yesterday, which was sponsored by Senator del Valle, asked for two hundred thousand dollars from GRF to the University of Illinois for Hispanic diabetes. Now, I may be incorrect, but does that differ from that or is that over and above that so we're now talking about four hundred thousand dollars?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

He...he withdrew that amendment. That amendment was never put on the bill.

PRESIDENT:

Further discussion? Senator del Valle.

SENATOR del VALLE:

Yes, thank you, Mr. President. I stand in support of the motion. Diabetes is a serious problem; my mother-in-law is on insulin and my father is a diabetic, I have it on both sides of the family. So I think that it is extremely important that we make these funds available in order to conduct the research that will allow us to determine the dimension of the problem and be able to proceed with developing a health plan...action plan that will allow us to treat the problem that is growing more and more severe in the Hispanic community.

PRESIDENT:

Further discussion? Any further discussion? Senator D'Arco, you wish to close? All right. If not, the question is, shall the item on page 2, line 6 of Senate Bill 290 pass, the item veto 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? Take the record. On that question, there are 30 Ayes, 22 Nays, none voting Present. The motion fails. 333, Senator Hall. Bottom of page 19, motions in writing to restore item reductions. 338, Senator Luft. On the Order of Motions in Writing to Restore Item Reductions, Madam Secretary, a motion with respect to Senate Bill 338. Read the motion, please.

SECRETARY:

I move that the item on page...page 9, line 29 of Senate Bill 338 be restored, the item reduction of the Governor to the contrary notwithstanding. Filed by Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Of all the years that I have either served in the House or the Senate I think this is the first time I've ever stood up and tried to override or restore any monies to an appropriation bill. And I hope you will listen because I think this is a unique situation and the subject matter is tax increment financing or what I will refer to as TIF. TIF was created by Senator Rock, I believe, two years ago and the municipalities were asked to incorporate a district within their municipalities for economic development. Those districts were then submitted to the Department of Revenue and were certified, and once certified, we told these municipalities that if there was economic development within this district, after a base was estab-

lished any sales tax made in that district over and beyond that base would be returned to them. And I want you to remember that the money that we're talking about restoring would not be in the budget today if it hadn't have been for the existence of the TIF districts. So, in fact, you could look at this as not even...or should not have been in the General Revenue Fund and this money doesn't even really belong to the state, it belongs to those TIF districts. Now what has happened is by the reduction of the monies that were supposed to go to TIF's, and in fact we did put a limit last year of 3.5 million on that appropriation and this year ten million, the communities and the municipalities issued bonds to pay for the projects; as a matter of fact, there are forty-five municipalities who have issued bonds and are relying on this money to pay off those bonds. I would suspect that if we don't appropriate this money, those communities are going to have to go to their constituents and say, look, the state failed in its obligation, we're now going to have to raise property taxes to pay off this project or this project that's twenty percent or thirty percent finished is just going to sit and never be finished again. So I feel like, first of all, we have a moral if not legal obligation to fully fund this project and, secondly, I...would hope that you would keep in mind that these really are not the state's dollars, they're the dollars that belong to the TIF districts within the respective communities that we represent, and I hope that I would get at least thirty votes or more in restoring the six point some odd million dollars needed to fully fund the project for this year.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I rise in strong support of this override and I do so as having been a mayor for fourteen

years. There are many times as a mayor I sat in the office and I cussed this Body out, this complete Assembly, for giving us the authority to do something and then reneging on the commitment. I think that in this particular case, as Senator Luft has so ably put it, the money belongs to the communities, and in addition to those forty-five communities that have bond issues, there's a number of communities out there that do not have bond issues that are funding them on their own that are every bit as entitled to those funds as anyone else. I think that it...it's...really borders almost on being illegal in not giving the money back to the communities as we have stated that that's what the law calls for. So I strongly urge that we override this veto. If...if there is any concern over the fact that it's already in...in 1520, I think if it's good enough for both sides to mention that we put it in a supplemental, then I think it's good enough to override the veto and ask for your support.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield, yes, Senator Fawell.

SENATOR FAWELL:

I'm sorry, but I'm a little confused. Are you asking for a total override of the veto?

PRESIDENT:

Senator Luft.

SENATOR LUFT:

The original appropriation for tax increment financing was ten million dollars by this Legislature when we left here in June. The Governor reduced that to I think approximately 3.4 million dollars to be spent in this fiscal year. What

I'm asking for is a restoration of the six point some odd million dollars to bring us back to the ten million dollars that we committed to the municipalities in this fiscal year.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I have...I don't have any problem with what you're trying to do but I also noticed that he has vetoed other things. Are you trying to also restore those...at least according to our analysis and that's...that's what's confusing to me. According to our analysis, it's also got the local...assessors, local treasurer and county recorders' stipend in it.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

I think, Senator, if you'll look at what you're reading, you're looking at the amendment to...that was put on Senate Bill 1520, not the...not the attempt to restore funds in the Department of Revenue's appropriation bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

(Machine cutoff)...for a question?

PRESIDENT:

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm in the same boat as Senator Fawell because...and our analysis...all I want to know is what you are asking to do is restore the TIF funds?

PRESIDENT:

Senator Luft.

SENATOR LUFT:

If I...if I think I heard her question correctly. What I

am addressing with my motion is to restore a specific line item in Senate Bill 338 which deals only with tax increment financing.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And that...that's the only thing that you're asking for then? Thank you.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, Senator Jacobs mentioned a point I wanted to make and that was that we had put this money, the...I believe same amount, in the supplemental bill, 1520. My concern quite, frankly, I guess you can operate two ways. We can have overrides or we can go through the supplemental process. My concern...and I agree we have an obligation, I don't think there's any question that this is something we're committed to; but by doing an override, I think we lessen the possibility of 1520 seeing the light of day in the other Chamber. I would suggest to...that we should, you know, put our faith in the supplemental process and reject the override process. I'd like to see 1520 become a meaningful bill and I'm afraid with this override its possible impact will be minimized.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in strong support of this. I think it's not only a moral obligation but a legal obligation as well, the Statute reads "shall appropriate." These funds would not even be in the General Revenue Fund if these projects were not generating them. They were only created because of our promise and that Statute to return the dollars. As to the point of the last speaker, 1520 could be

subject to veto again, whereas this would fulfill our commitment and I would suggest that we vote to override.

PRESIDENT:

Further discussion? Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. For those of you that have confidence in the supplemental bill approach throughout the process and can guarantee us that that money when it comes back to us will include the TIF money, I invite you to vote No, but I would also suggest that if you've been here in the Legislature over a day you know that the possibility exists of that money never seeing the light of day. If you want to ensure your municipalities of receiving full funding under the TIF projects and the program that we've established, then I would suggest and hopefully you would join me in voting Aye to restore this money. Thank you.

PRESIDENT:

(Machine cutoff)...question is, shall the item on page 9, line 29 of Senate Bill 338 be restored, the item reduction of the Governor to the contrary notwithstanding. 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 54 Ayes, 4 Nays, none voting Present. The item on page 9, line 29 of Senate Bill 338 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. 344, Senator Marovitz. Motion in writing to restore item reductions, Madam Secretary, on Senate Bill 3-4-4. Read the motion.

SECRETARY:

I move that the item on page 22, line 23 of Senate Bill 344 be restored, the item reduction of the Governor to the contrary notwithstanding. Filed by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. In all the years I've been down here, I've never filed a restoration motion. I think this one is extremely important and it restores three hundred and thirty-one thousand dollars to the Independent Living line of the Department of Children and Family Services' budget for...the Governor cut...by fifty-four percent the only state money appropriated to provide emergency and support services for the most vulnerable population on the streets and that is our youth. This money represents a small portion of the funds that are needed if we're to provide services to the number of youth estimated to be on the streets according to the Governor's own Task Force on Homeless Youth. That task force...the Governor's task force estimated that there may be as many as twenty-one and a half thousand...twenty-one thousand five hundred youth on the streets throughout the State of Illinois. The Office of Juvenile Justice estimates that seventy-five percent of all youth who run away with no resources will become involved in prostitution or commercial pornography within two weeks. I think we...it's time that we in the Legislature get our priorities in order, and this is not a lot of money but it's directed at the most vulnerable population in our state, youth, young people, kids under seventeen years of age. Twenty-one thousand abused and deserted children and adolescents are literally living in the streets and are barred from public school attendance. Existing services for this population meet at most twenty-five percent of the needs for kids under seventeen. This will help, not fully fund but help, provide the needs for services for those kids, kids who can't help themselves. There are twenty-one thousand homeless kids in Illinois according to the

Governor's task force, forty percent of these have been abused and sexually exploited. This money...this small amount of money, three hundred and thirty-one thousand will help provide services to those kids and give them a chance at living a productive, independent life and I solicit your Aye vote.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

How much are you asking altogether in your amendment?

PRESIDENT:

Senator Harovitz.

SENATOR HAROVITZ:

Three hundred and thirty-one thousand seven hundred dollars.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Isn't your problem addressed in the Senate Bill 1520 in a supplemental where the whole amount is one billion...one million four hundred and fifty-one thousand some restoring...consolidated day care and et cetera?

SENATOR HAROVITZ:

No, it's not.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

...question...

PRESIDENT:

I'm aware of that and you answered it.

SENATOR GEO-KARIS:

...I didn't hear you.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The answer is no. That money has nothing to do with this...money for homeless kids.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. I think we are in a...an area here now where...where we really have to be very cautious. We've talked all morning and talked yesterday about what happens if we override a number of these major areas and, indeed, the Department of Children and Family Services is one that was hit pretty badly too and the programs that have been...have been reduced are ones that are very good programs and ones that the General Assembly ought to support; but the fact of the matter is, revenue is not there, we've discussed that over and over again. The department has told us that at the...at the reduced level it's sufficient to continue the four demonstration programs that are now in operation; indeed, once again, it's not enough and we know that but the money simply isn't there and we ought to defeat the motion.

PRESIDENT:

Further discussion? Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Well, the department has made it clear to me that the cuts will severely impact on services to adolescents, youth, kids under seventeen in this state, kids who are on the street and have no other chance, and I think this is a very important vote for

the people of Illinois to take a look at and see where our priorities are. We're not talking about millions of dollars here. We're talking about three hundred and thirty-one thousand dollars and if we can't put kids who are on the street...kids who are on the street and have no place else to go, if we can't put them at the top of our priority list for a small amount of money so that they can get the kind of services they need to become independent, productive members of society, adding to the economy and the work force of the State of Illinois, then there's something wrong with the Legislature. This is a small amount of money for kids. I solicit your Aye vote.

PRESIDENT:

The question is, shall the item on page 22, line 23 of Senate Bill 344 be restored, the item reduction of the Governor to the contrary notwithstanding. 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 30 Ayes, 25 Nays, none voting Present. The item on page 22, line 23 of Senate Bill 344 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. Senator Maitland, for what purpose do you arise, sir?

SENATOR MAITLAND:

Try a verification, sir.

PRESIDENT:

I beg your pardon. Verification has been requested. Senator Maitland has requested a verification. Will the members please be in their seats. Madam Secretary, read the affirmative roll.

SECRETARY:

Alexander, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Thomas Dunn, Friedland, Hall,

Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Marovitz, Newhouse, O'Daniel, Poshard, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator Collins.

PRESIDENT:

Senator Collins is in her seat.

SENATOR MAITLAND:

Senator Friedland.

PRESIDENT:

Senator Friedland. Senator Friedland on the Floor? Strike his name, Madam Secretary.

SENATOR MAITLAND:

That's all, Mr. President.

PRESIDENT:

All right. The roll has been verified. On that question, there are 29 Ayes, 25 Nays, none voting Present and the motion fails. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I...I...rise on a point of personal privilege, sir. I regret very much having to do that. I know that there are some people that are very much in need of those services and I don't think any of us...want to do these kinds of things. The fact of the matter is, ladies and gentlemen, if we...if we override a number of these...these motions...or these reductions to promise people something in November...in October and November makes them feel very good and makes us feel very good, but if, indeed, we find next spring the money wasn't there, then I think that, too, is hypocritical and I think we really need to...to watch ourselves and I regret having to...to do that.

PRESIDENT:

Top of page 20, Senate Bill 344, Senator Smith. Motion in writing, top of page 20, on the Order of Motions in Writing, Madam Secretary, a motion with respect to Senate Bill 344. Read the motion, please.

SECRETARY:

I move that the item on page 23, line 26 of Senate Bill 344 be restored, the item reduction of the Governor to the contrary...notwithstanding. Filed by Senator Smith.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Page 23, line item 26, which covers protective day care. I'm waiving that, if I may, and let it go with the consolidated package.

PRESIDENT:

All right. The motion has been withdrawn, Madam Secretary. Senator Smith,...are...do you intend to call any of these?

SENATOR SMITH:

No, I...inasmuch as we have in 1520 the consolidated and we have the matching, I want to put these altogether.

PRESIDENT:

Very good.

SENATOR SMITH:

Okay.

PRESIDENT:

Senate Bill...347, Senator Alexander. Motion in writing with respect to Senate Bill 347, Madam Secretary.

SECRETARY:

I move that the item on page 3, line 3 of Senate Bill 347 be restored, the item reduction of the Governor to the contrary notwithstanding. Filed by Senator Alexander.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President and to my colleagues. The line item that is in question for restoration affects the following Senators from the following counties: the County of Cook, the County of DuPage, St. Clair, Lake, Sangamon, Kane, Madison, Peoria, Alexander, Champaign, Rock Island, Jackson, McLean, Winnebago, Macon, Kankakee, Pulaski, Vermilion, McHenry, Logan, Adams, Marion, Stephenson, White. This line item reduced the funding for the homeless. As the bill now stands, six hundred and forty million dollars was removed from this line item. In doing my research with regards to the restoration of this amount of money, the argument that has been presented to me has dealt with what has been in the papers that there are x number of dollars on the way to the State of Illinois with regards to the homeless in our United States. I'm referencing to the McKinley Homeless Assistance Act, a Federal program. According to the information that I have...received, Senators, not only from the counties that I have named but those of us who will be voting on this issue, in FY '88 some two hundred and twenty-two million in Federal dollars indeed was awarded to DCCA under the Homeless Housing Act. However, the amount of seven hundred and twenty-eight thousand which was to be received has not been received nor has it been requested to be received. With regards to the Governor's Veto Message wherein he took into consideration the future or the hopeful future of fifty million dollars of fresh Federal money coming in under the McKinney Act, my intelligence and my information informs me that this money likewise has not been received nor has it been requested to be received to be put into our items or our programs here. Further, the monies that would be and if they are received with regards to the Federal stipend must be matched with

appropriate funding here in Illinois. The question has come up in some cases, what about the hundred and forty million that was given out last year...may I have some order, please. The hundred and forty million that was appropriated as a one-time stipend to these...centers, Senators, was for start-up programs, and many of these county centers and shelters went ahead and prepared themselves to receive the homeless across the State of Illinois. What are they to do now since the money will no longer be there? The homeless has not decreased, it has indeed increased; and is not just homeless men, it does include women and children and I respectfully request that the item line reduction be restored to this budget so that we can prepare and hopefully give some hope to those who are homeless throughout the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. Senator, it's...it's my understanding that this program did get or is about to get a grant from the Hands Across America. Did you mention that...do you know anything about that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Alexander.

SENATOR ALEXANDER:

I have heard nothing about Hands Across America and I'd like to know where it's coming from, who would be giving it to the state and what are the details with regards to it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, we're...we're reliably informed that they have received some money...or...or about to receive some money from Hands Across America and it...and it would prob-

ably be a substantial amount. The level that we are at presently in the bill is at about last year's level, again, not what we want to do but it's a case of...of having to do it, the money is simply isn't there and I would urge the Body to resist this motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

According to the information I have received, the amount of money that you said is about the level is not about the level of the funding; in fact, the Homeless item was not at the level originally funded in FY '86 or FY '87.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the item on page 8, line 3 of Senate Bill 347 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 28, none voting Present. The item having failed to receive the required majority vote of Senators elected is declared lost. Motions in writing, Senate Bill 349, Madam Secretary.

SECRETARY:

I move that the item on page 1, line 23 of Senate Bill 349 be restored, the item reduction of the...Governor to the contrary notwithstanding. Filed by Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Several years ago we made a decision that we would participate in trying to establish Lekoteks in this state. To refresh your memory, Lekoteks are centers that help in the

learning process of children who are severely, physically disabled and Lekotek has gone on throughout this state and has done a marvelous job. They do this primarily through volunteer effort. Their fund raising comes primarily from private effort. They have won nationwide recognition and acclaim, people have come from all over the country to visit these centers and to go back to their own states for the purpose of establishing like centers. This restoration of approximately two hundred and twenty thousand dollars is also contained in 1520 with a slight...at a slightly decreased level I think of fifty thousand dollars less. It is my hope that we could override this. I do not have one of these centers in my own district, I wish I did. Many of you on...in this Chamber are familiar with it from the fact that they are operating in your district. I would hope that we would be able to override this, send this over to the House and then make a decision at some later point...and I think that I am...I am satisfied with what is in 1520, I think that those people who are out there and involved in Lekotek are satisfied with what is in 1520...and if, in fact, 1520 is adopted in the present...in its present form, we would then be able to resolve the override issue in the House, but I would ask that this Chamber override the veto on 349 at this time. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. When the bill was heard in committee several days ago, they...the group that spoke on the issue indicated that the hundred and fifty was sufficient and, Senator Joyce, that's what's in 1520, so it's a little bit more than fifty below the figure that you're asking for here; and I think, as Senator Schaffer has suggested this morning, that this is one of those areas that...going to be

*SB 652
Aye, Rescinded,
of the Aye.*

negotiated and...and...when we deal with 1520 and...and we probably really ought to...to defeat this motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

Senator Maitland, I think that is what I, in fact, said, is that not the case or did you misunderstand when I said that 1520 contains a lesser amount but I think an acceptable amount and that if, in fact, 1520 rides through on the process that we would be satisfied with that? But I am asking...I'm just...as a point of clarification so that you do not feel that I have misled you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

No, you've not misled me nor the Body. I'm just saying that it's...it's in 1520 now and...and we really don't need this one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the item on page 1, line 23 of Senate Bill 349 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 15, none voting Present. The item on page 1, line 23 of Senate Bill 349 having received the required majority vote of the Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. Now, we'll be moving on to motions in writing to accept specific recommendations for change. Senate Bill 653, Senator D'Arco. Read the bill, Madam Secretary.

SECRETARY:

SB 957
Spec. Recommis.
of the Gov.

I move to accept the specific recommendations of the Governor as to Senate Bill 653 in manner and...form as follows. Amendment to Senate Bill 653 in acceptance of the Governor's recommendations. Filed by Senator D'Arco.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, thank you, thank you. Hello. Thank you, Mr. President. The Governor's recommendations are really pretty bad but we don't really have much of a choice in the matter. But what they do...they delete all of the Solidarity merger provisions from the bill, which is in line with the Governor's definition of a free democracy, I guess, and it...and the definition of leading political parties is included within the bill and the election judges outside the jurisdiction of the Board of Election Commissioners shall be appointed by two leading political parties. And it also deletes provisions increasing the fee paid to election judges by fifteen dollars a day and increasing the total amount who take instructional courses by twenty dollars. So I would accept the specific recommendations for change.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 653 in the manner and form just stated by Senator D'Arco. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Yeas are 54, the Nays are 2, none voting...1 voting Present. The specific recommendations of the Governor as to Senate Bill 653 having received the required constitutional majority vote of Senators elected are declared accepted. On Senate Bill 957, Senator Jones. Read the motion, Madam Secretary.

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END OF REEL

REEL 03

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 957 in manner and form as follows. Amendment to Senate Bill 957 in acceptance of Governor's recommendations. Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 957...with the amendatory veto, in effect, delays the...the repeal of the current Act until December 31st, 1988, and it postponed the effective date of the new Act until January 1, 1989. It also repealed a new Act as of December 31st, 1988; but what it does, in effect...there has been so much controversy that has arisen as a result of passage of the licensure of clinical social workers that this will force all those parties who have been contacting you to come together and work out their differences and we will be doing this during the Spring Session, so I move to accept the Governor's recommendation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 957 in the manner and form just stated by Senator Jones. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 957 having received the required constitutional majority vote

AB 28
override

of Senators elected are declared accepted. Senate Bill 1272, Senator Welch. Read the...Senate Bill 1300, Senator Rock. Senate...then we will go to motions in writing to override specific recommendations. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, thank you, Mr...before I forget, I'd like to...the record to indicate that Senator Netsch is not here today. She is absent attending the National Conference of State Legislators on fiscal and legislative business. So, if the record would so reflect.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It will so indicate. On Senate bill 28, Senator Davidson. Read the motion, Madam Secretary.

SECRETARY:

I move that Senate Bill 28 do pass, the...specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Davidson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bail bond...what you passed out of here overwhelmingly, the general electorate at the General Election in November of '86 adopted this Constitutional Amendment by seventy-eight percent of the vote of those who voted. We believe the Governor erred in his amendatory veto because in the constitutional language is that the state will assume the liability of cost to the local counties in most cases, I don't know of any city jails, but mostly the counties for those individuals who bail bond is denied under this Constitutional Amendment. It's denied only after hearing and it's only with those people who are charged of a nonprobational offense. We set a limit in the...this amendment of Senate Bill 28 of fifty dollars a day

which the county says what is their cost. If we don't override this, we could actually open the state up to more cost because the language in the Constitutional Amendment understandingly is vague as to what the cost would be. It says we have to assume it. We believe the Governor made an error. It's on my up list on my marked Calendar. I know we have the support of the Cook County State's Attorney and many other people all across the state and reduced to this and we would urge all of you to join in the overriding of this specific recommendation so we can have Senate Bill 28 and the language as we amended it and adopted and sent it out of here 58 to nothing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 28 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote...oh, Senator D'Arco. Senator D'Arco. Senator D'Arco.

SENATOR D'ARCO:

Hello. This provision deletes the right of a defendant to present witnesses at a hearing on the motion to deny bail, and it would seem to me that that would be consistent with your position which is to deny the defendant rights that he may or not be entitled to. I mean, why would you be against this deletion of that provision? I...I find that hard to believe, you being the arch conservative Senator that you are.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Senator D'Arco, the...that's left in the bill. That's a duplicate. The deletion was a duplicate part which was already in the bill; that part about the defendant having that right is still in the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Another...another question is, this allows the Supreme Court to set the rules determining whether or not a bond is an appealable order. Why are...and it would seem to me that's pretty consistent with the way it should be. The Supreme Court should be the ones to set the rules not the Legislature. Why are you against that provision?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

We will take a look at it. We have some concern on that part, but the most important thing which is...is the bottom line here is the cost issue and with the Governor's amendatory veto removing the fact the state is going to assume the cost to the local counties if someone is denied bail under this and the Constitutional Amendment says we are to assume that, we feel that the Governor is in conflict and that there's a...a problem which we need to deal with and the question you asked, we'll take it up in...come January, we'll file the necessary motions...after talking to the four...four legal people who spokesman from the House and the Senate, Republican and Democrat.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, it would...it seems to me that...what you want to do is have the state pay for the situation where a defendant is denied bail by the county instead of the county having to pay for the provision of that Act. Now, I don't see why that's so terrible. I mean, if the defendant is incarcerated in the county, then they should be the ones that have to pay for the incarceration, not the state.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well, Senate D'Arco, you ought to be with me. The Constitutional Amendment is what says we're going to do it and it's...nonprobationable offenses which are not any person who's going to be assigned to a county jail, a nonprofessional...probationable offense is going to send the person to a state correctional system facility somewhere in this state, and all we're saying...and which we sent it out of here by overwhelming vote in the House and the Senate and seventy-eight percent of the vote of those people who voted in November of '86 that they wanted the state to assume that cost to a county if they did deny bail on a nonprobationable offense and you should be on my side.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Yeah, but...and the fact and the reality...what happens is when you're denied bail, you go to the county jail. You don't go to the state penitentiary until you're convicted of the crime, so...I mean, the Constitution said there are certain offenses that are nonbailable offenses. Those people are going to be incarcerated in a county jail while they're waiting trial, so why should the state have to pay for the incarceration while they're awaiting trial? It doesn't make sense.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

We, the state, are the ones who are saying this is added to...as you well know, prior to the adoption of the Constitutional Amendment, which I and many others in here were sponsors and many people supported and was adopted by

seventy-eight percent of the voters last November, you could only deny bail in case...after hearing in case of a death sentence or life in prisonment. Now, nonprobational offenses after hearing...after evidence, the judge makes the...the state's attorney has to have a feel for this to take it the judge in the first place. The person's rights are protected. He's presumed innocent until proven guilty and to duly organize court and...and I don't understand your argument unless you're just opposed to the idea and trying to tube the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I don't understand your argument either. I mean, this was an issue voted on by the people of the State of Illinois. We didn't make the law. The people made the law. The people decided that this is the law under the Constitution of the State of Illinois, not the Legislature, and they decided that these people should be incarcerated and denied bail before they are...they allowed to have a trial on the merits of the case other than...other crimes of murder and treason, and that's fine, that's the law of the land, and the Governor is simply being consistent with what is the law in the Constitution of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

That's not correct. The Constitutional Amendment, what the people said, we agreed to...put it on the ballot and the people said they wanted the state to pick up that cost, if there is any, on a person who was denied bail at a local level; and that's exactly what this Constitutional Amendment did, that's what exactly Senate Bill 28 did is to put in the guidelines which all you legal people had asked for and all the different associations and the judges and that's exactly

what we were doing, and the Governor amendatorily vetoed that cost out and I absolutely believe he erred because the Constitutional Amendment said we're going to assume that cost that that person denied that and that's what this is all about, and that's...I...I would urge all of you to vote Aye to override this recommendation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 28 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 5, none voting Present. Senate Bill 28 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. On the top of page 21 we have motions in writing to override specific recommendations. We have Senate Bill 537. Mr. Secretary, read the motion.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 537 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. This is the Illinois Optometric Practice Act and it was an agreed bill when it passed here and out of the House, everybody was on board. The department, ophthalmologists, Optometric Association went to the Governor and the Governor took out some provisions in regarding continuing education and also some disciplinary board action that...that was in the legislation. To be quite honest about it, there was just a lack of communication, I

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believe, between several people, and the Governor inadvertently made these...these changes. Since that time, he has agreed that this should go back in as...and on board with this particular motion. Naturally we must have the...the Illinois Optometric Practice Act in order for us to regulate and operate the...optometrists here in Illinois. So, I don't really know of any opposition at this point but I'll be glad to...to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 537 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, no Nays, none voting Present. Senate Bill 537 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR LUFT)

On the Order of Motions in Writing to Override the Specific Recommendations is Senate Bill 957, Senator Jones. That's out of the record. On that same order of business is Senate Bill 1009, Senator Savickas. Read the motion, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 1009 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Savickas.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senate Bill 1009 had two items in it. One was the physician assistant's portion which reenacts the licensure for physician assis-

tants. There is no charge in this portion of the bill. The second portion was the accountant's privilege which clarified the existing accountant's privilege. The original bill adds a sentence stating that the privilege was intended to include documents and information received in connection with tax services. This was offered in response...an Illinois Appellate Court decision in which the court somehow determined that the Legislature did not intend the privilege to cover tax services. The bill as amended passed both Houses unanimously and I would seek your support on this override.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR HALL:

Senator, why is the Attorney General opposing...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Well, in my brief conversation with him, there was a question from some of his staff that had troubles with the enforcement portion of it. Why he...you know, his opposition was to...some staff problems. Now...unless you know more than I do about it...if you've talked to him.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hall.

SENATOR HALL:

Well, I...I'm...I'm reading here, it says, "Those who violate tax laws and refuse to pay their fair share of the cost of government increases the burden on honest citizens," and that's the reason I asked that question.

PRESIDING OFFICER: (SENATOR LUFT)

Is that a question, Senator?

SENATOR HALL:

I...that's what I was trying to figure out. Now evidently that...the Senator feels he was in error and I...I listened to some of my legal people here telling me that he is in error, so...that's why I asked that question.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I stand in support of Senator Savickas' motion. First, I wish to declare that there...that I may have a conflict of interest on this issue but I believe that the conflict does not interfere or suppose a substantial threat to my independent judgment. I have debated somewhat in my own office with the staff of my good friend the Attorney General and I think the Attorney General is wrong. Let me give you a short little history on this subject so that you understand what...where we're at. Several years ago, the General Assembly passed an Accountants Confidentiality Act and what that bill did was to say that if you go to your accountant and you give him all your papers, all...discuss with him your taxes, your reports, all of your financial matters, the information that that accountant gets is privileged. That if a tax...taxing body, the State of Illinois, for example, wants to get information, they've got to come against the taxpayer, they can't...and run the taxpayer by going to the accountant; and in passing that bill out, let me suggest to you that we determined that a free society, our citizens are better off by having adequate proper counsel in the form of accountants to whom they could share the facts and the accountants could give their opinion. So, we passed the accountants privilege bill. Now, it's very important to recognize the accountants privilege bill unlike the traditional privileges which are the lawyer-client and

parishioner-clergyman and doctor-patient, in those traditional privileges the privilege belongs to the client, parishioner and patient. That's not what we did in the accountants privilege bill. We gave the privilege to the accountant because we felt that the accountant ought not to be middled by being subject to a subpoena to be called in to blow the whistle, as it might be, on his client. We wanted to clothe him with some immunity from being put in the middle between his client and the government. Now whether that's good or bad, that's the law that we passed and it's worked. There's a case in Cook County in which the Attorney General subpoenaed an accountant and wanted to get information from the accountant. Now, I don't know why they didn't subpoena the taxpayer, but they didn't, they subpoenaed the accountant. The accountant's lawyer went in and sought to quash the subpoena on the basis that the law, the accountants privilege bill, prevented the accountant from being...coming in and being subpoenaed. The appellate court...the trial court ruled in favor of the...of the accountant, quashed the subpoena. The appellate court, and I don't understand their reasoning, said, and I'm paraphrasing it and I apologize if I'm misquoting, but the way I read the opinion, the appellate court said if the taxpayer came in and gave information that ultimately was going to be on a tax return, they knew that this was going to be public and the privilege does not inure to the benefit of the accountant. Well, that opinion, ladies and gentlemen, to my way of thinking, doesn't make any sense. That's the whole purpose of accountants and clients. I go in there and I talk to them and I want some advice on how to file my tax returns. In the spring, Senator Savickas' bill, we restated the General Assembly's conviction that an accountant ought to be free to advise his client and not be subject to subpoena, but if they want to attack the taxpayer, that's the state's right but we shouldn't jeopardize the

accountant's independence. The Governor vetoed that part of this bill. I think he probably responded to the urgings of the Department of Revenue because it will probably result in more accountants being pulled in, more accountants having to tell what their clients have said and more tax money, perhaps, being collected. But I would suggest to you that I don't think the amount of money that may be collected is worth...worth jeopardizing a privilege that exists in this state between clients and accountants. I think our taxpayers are entitled to good counsel from independent accountants and they shouldn't feel that they are talking to somebody that can be made to divulge their secrets or their confidential...communications to a court by a subpoena. So, I stand in support of Senator Savickas' motion. I apologize for this long explanation. I'd be glad to respond to any questions, if Senator Savickas so sees fit.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Members of the Senate, this is a very complex issue and Senator Berman has given you his scenario of one part of the issue. I think the...the problem here is that we have the accountants' confidentiality issue which has been tacked onto a bill that...reenacts the licensing for the physicians' assistants. So, what we do here is important not only for accountants and the Department of Revenue and the Attorney General but also in the licensing of this important profession. I think on...on the issue of the...the accountants what we have is the courts beginning to interpret the law that we passed and the one that was described by Senator Berman. The Attorney General's Office and the Governor feel that some accountants and, perhaps, some crooked taxpayers are hiding behind that confidentiality language, and the appellate court has in effect ruled that

way that...that the confidentiality does not apply in those instances that were brought to court. There's one thing that Senator Berman did not tell you and...and that...that I learned just recently and that is that the Illinois Supreme Court has accepted this case on appeal. So, what in effect that means is that the Supreme Court is going to decide this issue for us. We don't need to decide it here today and probably we shouldn't. We should probably wait until the court decides what confidentiality really means and then address the issue after that court decision. Now, I would offer a scenario for you as to how we can do that. We...we simply lay off of Senator Savickas' motion to override, and I don't think he's going to move to accept the Governor's veto because that would be contrary to the accountants' position. So, then we have no bill, which is probably where we ought to be right now while the court is deciding what they're going to do. Then we have the remaining problem of the physicians' assistants which need to be relicensed and we can take care of that by simply putting that language into another bill, the...the nurse profession bill which is an agreed bill, and we're going to approve out of here probably next time we meet. So, I really think we ought not to approve this motion. We ought to let this issue die and then take it up next spring when we know what the definition of confidentiality really is.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will Senator Berman yield for a question...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman indicates that he will...

SENATOR HAWKINSON:

...with sponsor's permission?

PRESIDING OFFICER: (SENATOR LUFT)

...yield. Senator Berman indicates he will yield.

SENATOR HAWKINSON:

Senator, I have that appellate court opinion and...and in that opinion the court acknowledges that the question of...of the client's privilege is not at issue, and I assume that's true with this bill as well. The...the question I have is, can the taxpayer or the client who does not have a confidential privilege in withholding certain information from...whether it be from the...the Attorney General's subpoena or the IRS or whatever, can he shield himself...he or she shield himself from disclosing nonconfidential information in response to a subpoena on the taxpayer by turning the records over to an accountant if this override goes through?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

I'm trying to think of how that could be done. You know, I think that under our tax law, if we're talking about sales tax, for example, the...or even an income tax, all the state has to do to prove a prima facie case is to come in and show an assessment and a...and tax returns that did not meet the...the returns as filed. In other words, take an income tax, they...they have access to the Federal Income Tax returns. All that the state has to do, I believe, is to get a copy of...of the taxpayer's Federal tax return and file that in the hearing and then file a copy of the state tax return that was filed, and when there's a discrepancy, that's a prima facie case. Then the taxpayer has to come in and disprove that. Now, on the sales tax, it's very similar. You've got tax returns that have been filed, usually income tax returns, for the entity that files a sales tax return. The state only has to show...comes in, files a copy of the income tax return that shows the gross sales, then they come

in and show the filed returns on the sales tax that is purportedly substantially less than that gross number, the burden then shifts to the taxpayer. I don't see where the state has been hurt. They've got everything going for them.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

My question is...is a little different, I think. If a subpoena is issued for records on the taxpayer and there's no question in the law that if those records are...are disclosable and not privileged or confidential, the taxpayer would have to honor the subpoena, bring the records to court, the Grand Jury, whatever. If, before that subpoena is delivered, the taxpayer delivers the...a box of all his records to the accountant and says hold them, don't give them back to me, I don't want them, and you...and the accountant agrees not to turn them over and won't have to under this bill, my understanding of...of the law would be that he courts would find that that taxpayer still has control over those documents and would...would be forced to retrieve them from the accountant, and I just want to make sure that's your understanding as well.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

I would...I would agree with your conclusion. The accountant for that purpose is the taxpayer's agent. You can't drop them off and say I don't have control of them...all you got to do is ask them...have it back and I would just point out that a violation or a...or refusal by a taxpayer to do that will probably result in at least a six-month civil contempt or criminal contempt sentence which is probably heavier than any of the tax penalties that would be involved.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I think my concern about this legislation stems from the fact that I am not exactly clear that the...the last point on which there seemed to be agreement between Senators Hawkinson and Berman is, in fact, the case. This issue, as Senator Schuneman said, is...is complex and is...is new to most of us. We weren't really aware of it when it went through last spring and have only become slightly aware of it in the last day, which isn't to say we know all there is to know about how the question should be addressed. I happen to feel that there ought to be either...under the common law or by Statute at least a qualified privilege of confidentiality for accountants and between accountants and their clients and, yet, I...I certainly am unclear as to what the extent of that privilege ought to be. As I look at the wording of the Statute, I am...I am concerned and...and not exactly clear that...that the taxpayer would be required to...to turn over documents that have previously been given to an accountant for the...the language of the...the Statute as amended...says that this privilege was intended to include but not be limited to any documents, information or evidence obtained or used in connection with any tax services performed by the public accountant, and...and, clearly, that would seem to include...it would seem at least to include materials that have been turned over to an accountant. I wonder, too, whether we aren't possibly, by this language, attempting to extend a privilege in the accountant-client context that has not been applied in the attorney-client privilege context. In looking at the appellate court's recent decision, they cite Federal Seven Circuit Court of Appeals decisions in United States versus Winfelder, a 1986 case in United States versus Lawless which cited cases

in which the...the government sought tax records that defendants had given to attorneys and in...in those cases in finding that the tax information was not confidential, the court stated we do not believe that the information sought by the subpoenas was protected by the attorney-client privilege because that information was not confidential, and so here I wonder whether we're attempting to provide a...a privilege of...confidentiality to accountants that does not apply to attorneys. I don't pretend to have all the answers on this. I...I do suggest though that we take Senator Schuneman's suggestion and...and probably wait to see what the Supreme Court has to say on the subject before revisiting this issue and to try to resolve it here would be...would be premature on our parts and, therefore, I believe that the...the motion should be rejected.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Savickas, you wish to close? Senator Savickas.

SENATOR SAVICKAS:

First, I would like to extend my sincere appreciation to Senator Schuneman for offering to shepherd my...legislation through this...through these Chambers...this coming session; but I think a point that he had made and I think we should address is that the courts when they do this...do hear this, probably sometime next year, if they do hear it, shouldn't affect our ability and why we are here to determine through this Body the proper legislative procedure to enact the laws that govern our...life and our society. For forty years the accountants' privileges has existed in law. To do nothing now and to wipe out any...any effort at all to keep this in, I think, would be detrimental to our...our concern with the tax situation. I think we should override this, pass this out, let the courts settle if we've gone too far or if we haven't gone too far, and then we will adjust our stance when

we are back in session, if they do that; if not, we should have this on the books, at least to protect the one privilege that we do have and that is our ability with our taxes. I would move its...to override.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1009 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor shall vote Aye. Those opposed...Nay and the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Mr. Secretary. On that question, the Ayes are 35, Nays 17, none voting Present and the motion to override the specific recommendations of the Governor on Senate Bill 1009 having failed to receive the three-fifths vote is declared lost. Next order on the Calendar is Senate Bill 1272, Senator Donahue. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 1272 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Donahue.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill...1272 had two provisions, one dealing with the filling of vacancies for school board members, the second dealing with the voting for...by districts to vote to consolidate their various areas. Last year or the year before, we passed a bill that allowed for the consolidation of school districts to have a majority vote by each individual school district. The Governor's amendatory veto in this area allows for the majority vote in the combined district, and I believe to be consistent that we need to have

the majority vote by each individual school district being effected; and it is for that reason that I would move that Senate Bill 1272 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this motion. The Governor's amandatory language merely allows the school districts some choice in the process by which they will determine whether they wish to consolidate and what the bill originally did was to limit those options. I think it's important for us to maintain in the Statutes the options that are available to school districts through a number of alternatives, so I stand in opposition to this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, Mr. President, I would just like to state that I think Senator Berman has totally misstated the point. 1272 was my bill originally and the reason that I put that provision into the bill was to allow for each school to have a vote. What this does by vetoing the bill is allows a large school district with more individuals voting than a smaller school district to become a predator school district and usurp the assets and power of the next school district adjacent to it. It allows a large school district to find a smaller school district that has a...a better property tax base to say, we need those assets, we've got more voters, let's...let's absorb that district. This doesn't allow each district to have a vote. It...it lets a large district run roughshod over smaller school districts, that's why the bill is up for a vote. It extends the right of one man, one vote; allows an individual school district, a smaller district, to

have a say in whether they want to be part of a larger school district. If they want to be part, they can vote Yes, but each school district has to pass it by a majority vote, not the overall vote where one larger district may be able to get more people to the polls but rather each individual district, and this bill protects individual voting rights of those individuals in a small school district. So, I rise in support of this motion to override.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. You know, it seems to me really what this bill does is defeat the idea of one man, one vote. I happen to know of a district in...in the...in my county where there is a...an extremely...an extremely small school, in fact, it is the smallest one-room school in the State of Illinois and it is also the wealthiest school in the State of Illinois, and it just so happens through a fluke they ended up with a very large industrial complex, an extremely large industrial complex, to the point where they have something like seven thousand five hundred dollars assessed valuation behind each...behind each child...seventy-five thousand dollars behind each child. There is another school district that is very similar...that is very close to this school where there are hundreds of children and a lot of these children, frankly, are Hispanic. It...they are coming from families that cannot afford high taxes and they, frankly, are being deprived of the monies that should be available to them just because of the fact that twenty families want to keep this assessed valuation. I don't think that's fair that...that deprives the people in that area, in that entire community of having that assessed valuation because of the fact that these twenty little families can in effect say, no, we will send our children to

your high school because we admit we don't have a high school, we will send our children to your junior high because we admit we do not have junior high, but we are going to keep all these monies for forty children and, frankly, that school has gotten down to the point at times when there has been as little as twenty-one or twenty-two children. I don't think that's fair. We are talking one man, one vote, that's what the Constitution says and that's what we should adhere to and I, therefore, recommend that we defeat this motion.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Only to say that our consistent position in regard to consolidation issues before this Body and as originally put forth, I think, by Senator Maitland and...and sustained by Senator Welch and Senator Donahue here has been that in any attempt to consolidate through referendum by two or more districts, it would require a majority of voters within each respective district, that has been our consistent position and, therefore, I rise in strong support of Senator Donahue's motion here. I think we...we should continue the position that we have taken so far in regard to consolidation referendums in this state.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of this Body. I join with Senator Donahue, Senator Welch, Senator Poshard and others who have spoken in favor of the override. This is what we've been talking about ever since we started talking about Senate Bill 730. Reform ought to come from the people in the districts and not be forced on them by the state or by the Governor or by anyone else up here. If a district wants to

consolidate and...people in that district vote to consolidate and the people in the other district vote to take them, why then they ought to do it; otherwise, we shouldn't have consolidation and this is an attempt to thwart the wishes of this Body and the people of our districts. So, I would urge that we override this veto.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield...she'll yield, I'm sorry.

SENATOR SCHUNEMAN:

Senator, am I correct in understanding that...that a part of your motion is to override the Governor's language as it pertains to annexation and that...that your intent is that no school district shall annex another without the vote of the...residents of that district.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

No, both districts. I mean, what...it's...it's each individual school district would have the right in each.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I stand in support of...of this motion. Like most of you from downstate, we're all interested in consolidation, but I think that we have in almost every instance required here that...that when consolidation takes effect that the voters will have a voice in that consolidation, the voters of each affected district. Now, I think annexation is now the only exception to that principle

that's on state...on...on state laws, and as I understand this motion, what we're doing now is saying that only...that even in those cases of annexation, all voters are going to have a voice in this issue, and I think this is the right thing to do. I support the motion.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, this has been portrayed as a small versus large district issue and I think we've missed the point completely, it's a wealthy versus average assessment district. There are some of these very wealthy, fat cat districts for one reason or another that have a high assessed valuation that will never take in a neighboring district, they've got all the marbles, they simply don't want to share them. I think...I simply do not support my seatmate and some of the others from downstate Illinois. I've watched some consolidations take place up in my area that, frankly, would never have taken place if this provision had been the law of the State of Illinois. So...on this particular issue, I'm kind of working on the other side of the street and I think we would be well-advised not to support this motion.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Donahue, you wish to close, please.

SENATOR DONAHUE:

Well, I think that this bill deals with the combination...the combining of elementary districts, the...the combining of high school districts or the combining of two unit districts. Under the law today, we have, in our books, that each individual district affected when making...a unit district would have the right to vote in those majority rules in each district affected. This is inconsistent with that law and that's what we're trying to say, if the Governor wants to

talk about consistency, which he does in his actual Veto Message, that by overriding this veto we will be making our laws consistent with each other, the combining and making of a unit district and then each individual district affected. So, I would just, again, restate my motion and hope that we can have the support.

PRESIDING OFFICER: (SENATOR LUFT)

All right, the question is, shall Senate Bill 1272 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor shall vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 27, 24 voting No, none voting Present and the motion to override the specific recommendations of the Governor to Senate Bill 1272 having failed to receive the three-fifths vote is declared failed. On the Order of Motions in Writing to...Override Specific Recommendations is Senate Bill 1314, Senator Thomas Dunn.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill No. 1314 do pass, the specific recommendations of the Governor to the contrary notwithstanding...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

ACTING SECRETARY: (MR. HARRY)

...filed by Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. Quite simply, this bill was on the Agreed Bill List and when it was up on the Floor I gave to each one of you a letter from the Illinois Association of the Chief of Police of the State who are in favor of it. What this bill does is to establish mobile units to be run by the state police and ask them to consult with leaders in the

community. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1314 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 42, 10 voting No, none voting Present and Senate Bill 1314 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR DEBUZIO)

...all right, with leave of the body, Supplemental Calendar No. 1 was...was passed out, so it should be on your desk. Senate Bill 670 would be the first motion. Mr. Secretary, Senate Bill 670.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 670 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Brookins.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Mr. President, we argued the bill yesterday and I won't go through all of that that I went through yesterday, but it's merely asking that we pay twice a month rather than once a month people that earn a minimum wage, they earn three dollars and thirty-five cents an hour. Instead of making them wait a whole month to get that money, why can't we not pay them three...or pay them twice a month? It's been argued by DORS that it would cost them monies to write the vouchers. I've been in contact and I attempted to ask DORS how, why would it cost you that exorbitant amount of

money? They've been unable to explain it to me or to anyone on your side...on the other side of the aisle. The...I...I've also talked with the Comptroller's Office, Roland Burris' Office and I have in my possession a letter which he agrees that it would be no hardship on them to issue two checks rather than one check a month. This would be of great need and benefit for these folks that merely make thirty-five...or three dollars and thirty-five dollars an hour. I ask for a favorable vote on 670.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? If not, the question is, shall Senate Bill 670 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...take the record. On that question, the Ayes are 38, the Nays are 13, none voting Present. Senate Bill 670 having received the required three-fifths vote is declared passed, the veto of the Governor...Governor to the contrary notwithstanding. Motions in writing, Senate Bill 288, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that item on page 3, lines 24 through 29 of Senate Bill 288 do pass, the item veto of the to the contrary notwithstanding. Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This particular item is a challenge grant. It's a challenge appropriation of three hundred and thirty thousand dollars which has to be matched by the private industry in our area in order to be appropriated or at least spent and it is for a computer training program. Ford Motor Company is a participant in this and, therefore, I

move that the item on page 3, lines 24 through 29 of Senate Bill 288 do pass, the item veto of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator...Senator Davidson.

SENATOR DAVIDSON:

Isn't this identical to the motion that we just previously defeated that Senator Kelly had that put three hundred and thirty thousand dollars for Thornton Community College within the last hour or so?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you may have had hearing, Doc, but you got good perception. Yes, and I think...I filed the motion because I was not aware that it...it was triggered with the matching fund and, believe me, if we funded education this way, we would only have to spend half the money we spend.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I just rise to support the proposal and just tell Senator Davidson, I don't believe everybody was on the Floor, so I wouldn't consider it a defeat.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President,...question of the sponsor. Sponsor, you didn't quite answer the question. In other words, it is the

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same thing, isn't it?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator DeAngelis will answer the question.

SENATOR DeANGELIS:

Well, I would hope...I would hope that it does not come as any great surprise that occasionally we do vote on items twice around here. In fact, Senator Geo-Karis, you just voted for one just about a minute ago that had failed from Senator Brookins, so let it come as no surprise.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? The question is, shall the item on page 3, lines 24 through 29 of Senate Bill 288 pass, the...the item veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 28, none voting Present. The motion fails. All right,...restoration, Senate Bill 290, Senator D'Arco...all right, Mr. Secretary, Senate Bill 290.
ACTING SECRETARY: (MR. HARRY)

I move that the item on page 2, line 5 of Senate Bill 290 be restored, the item reduction of the Governor to the contrary notwithstanding. Filed by Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Hello...hello...

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator D'Arco, you have to use Senator Newhouse's microphone, please.

SENATOR D'ARCO:

Thank you, Mr. President. What this does is to restore four hundred and sixty-one thousand dollars of GRF money from

the University of Illinois Hospital and Medical Services line. The University of Illinois in Chicago Hospital has a research component to it and when it was initially established it really had two purposes, to do research and to do quality care for people that resided in the Chicago...area regardless of whether they can afford to pay insurance or not, and there's a crisis for people who are unable to pay for hospital care who don't have insurance, they don't have insurance; and I want to read you an interesting statistic that forty-nine percent of workers who are employed for thirty-five or more weeks last year and worked an average of thirty-five hours a week or more have no insurance coverage. That means they're not covered on Medicaid, they're not covered on Medicare, they don't have any way to pay the hospital bills and these are the kinds of people that the University of Illinois Hospital has...traditionally catered to and serviced. These are the people that according to articles from the university administrators themselves are going to be denied access to the hospital. These are the kinds of people that are being transferred to Cook County Hospital. Now that's fine except for one problem, the caseload at Cook County Hospital has increased about eight hundred patients over and above normal accessibility to the hospital. Now what does that mean? It...that means that the quality of care for indigent patients is substantially lowered and reduced to the point where people don't receive good quality health care anymore in this medical center district in the center of the City of Chicago catering to people who can't afford health insurance to pay medical bills. This is a simple request, ladies and gentlemen, and, ironically, the university...hospital for every indigent patient that they care for their debt to the State of Illinois is reduced dollar for dollar for the amount of payment for that service and, yet, the quality of care is reduced, the patient loads

are substantially reduced and...and the hospital is reducing the number of in-patient beds that are accessible to...to patients for this type of quality care. Ladies and gentlemen, we've got to restore this money. People in need of hospital care aren't getting serviced in the City of Chicago and elsewhere in the State of Illinois. They need the care in order to survive, in order to become productive citizens in our society. Don't deny them that right. It is a right, and don't deny them that right in order to live productive lives like you and I do. Please, vote for the restoration of this...of these funds.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right, discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator D'Arco, the eight hundred influx of patients that you stated at Cook County Hospital, do you know when that...when that census was taken...additional eight hundred patients?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator D'Arco.

SENATOR D'ARCO:

This is...as of...this started in August...I mean, the university started the denying patients the...the...the right to be admitted at the hospital and in August and September of this year, all of these patients from Pres-St. Luke's, from the University of Illinois have been transferred to Cook County Hospital for treatment, and Cook County is inundated with people who can't afford to pay for hospital care, which is understandable, but the problem is that these other hospitals that are payer providers, generally speaking, and do

have patients as a whole paying for their care through insurance or otherwise are not providing the services to the indigent population that they would traditionally provide.

PRESIDING OFFICER: (SENATOR DEHUIZIO)

Senator Raica.

SENATOR RAICA:

Senator, the reason I'm asking this question is...are you saying that the eight hundred people that Cook County has received are these patients that were turned away from the hospitals in that area or these are just additional patients that have come into Cook County Hospital? Reason being, Cook County Hospital became a trauma center and the people that have influxed in that trauma center are from far beyond the boundaries of Cook County Hospital and are transported by...by...by the Department of Public Health law that says since Cook County Hospital is a trauma center that the patients have to go there. So, my reason for question are these additional patients that have come into Cook County or are you giving us patients that have been turned away from Pres-St. Luke's, U of I, Cabrini and a couple of the other hospitals in that area?

PRESIDING OFFICER: (SENATOR DEHUIZIO)

Senator D'Arco.

SENATOR D'ARCO:

These are not...for the most part they are not trauma patients. These are patients that are being turned away because of the fiscal restraints...constraints that these hospitals...that are imposed on the hospitals.

PRESIDING OFFICER: (SENATOR DEHUIZIO)

All right, further discussion? Senator D'Arco, do you wish to close? Senator...Senator D'Arco.

SENATOR D'ARCO:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEHUIZIO)

*SB 1009
Override*

Question is, shall the item on page 2, line 5 of Senate Bill 290 be restored, the item reduction to the contrary...of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The item on page 2, line 5 of Senate Bill 290 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. All right, there's an additional motion that's been filed, back on your Calendar, page 21, Senate Bill 1009, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that Senate Bill 1009 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I was...I've been approached by a few of our members that were off the Floor at the time of the vote that indicated that they had made commitments to support the bill to both...their constituency in their district and to other people, and I would like to give them that opportunity again to get on the record and I would move that we override the amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Only to object to what is happening. We just voted this bill down about ten minutes ago, maybe as long as fifteen minutes now. My suggestion to each of you who lost your bills because someone may...not

have been on the Floor, to run up here right now and file a motion to reconsider or to call this bill back. I think it's rather dilatory and would hope that we could maintain some decorum in this place by not following through with a procedure such as this.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Well, Senator Luft, under our rules, a member may file a motion at any time. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is the same bill that will prevent us from going after tax sheets...tax cheats and...we have to wait...I think, till the courts make a decision. We already acted on it and I...I think we should give it the same No vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, as I recall, we had a full vote of the Senate the last time, Senator. So, I...I don't...really believe there's anymore...there are anymore people here than we had before. I'm not opposed to the...to the accountants certainly, they're friends of mine, neither...am I opposed to their lobbyist, but I think we have to sometimes set aside those feelings and vote on the...on the issues that are before us. This is the wrong time to choose sides between the accountants and the Attorney General and the Department of Revenue. We should wait and let the court speak and then we can come up with the necessary language, so I think the argument is the same. I would hope that the vote would be the same.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Let me just say that a vote Aye merely states

that you're telling your constituents that they've got the privilege of conferring with their accountant freely and openly as to anything they want to discuss, and it's also saying to the state that you have to go against the taxpayer, not against the accountant, if you want to make a case of tax fraud. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator...Senator...Senator Donahue.

SENATOR DONAHUE:

I apologize, but I have a question for Senator Berman, if he would yield.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

Thank you. It has been stated many times that this is very complicated but what Senator Berman is saying is that the tax accountant would be subpoenaed. Am I right? What we are hearing from others on the other side, not on the other side of the aisle but just the other opinion, is that it is the records that are to be...to be subpoenaed and I want that clarified, please. Sorry.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator...Senator Berman.

SENATOR BERMAN:

The issue here is both records and person. This...you're dealing with the confidentiality and if the subpoena is served, you can serve...the state has the right for either a subpoena which would producing the person or subpoena duces tecum which would be a...to produce the person and the records. Now, the issue here is...is the information that was given to the accountant. Now, either you preserve that in a confidentiality...if they serve a subpoena, and this was the question that Senator Hawkinson asked, if the state serves a subpoena on the taxpayer to produce those same

records, both in...I believe in...I know in my opinion and I think in Senator Hawkinson's opinion, the taxpayer must turn those records over, even if they're in the possession of the accountant. I don't understand why the state doesn't do that. That's what they're trying to do here and...and the court has allowed them to do that. I don't think that makes any sense. If you want to abolish the accountant's privilege. That's a different bill, but we've passed that, it's been on the books for a number of years. Let's stand by that privilege, that's what we're...that's the issue here.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Donahue.

SENATOR DONAHUE:

I apologize, but can I have, possibly, maybe Senator Schuneman respond since he has another opinion to the same question 'cause that's what...the whole point of this bill is and I don't think it's clear.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right.

SENATOR DONAHUE:

If he'll yield.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Are there any objections to that process? Hearing none, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I don't want to get into a legal argument with the...with Senator Berman, but I...I do want to make the point that if we...if this motion fails, the existing confidentiality law is still on the books. The only thing that...that remains is to have that law interpreted by the courts and that's what I'm urging that you do. So, if...if Senator Savickas' motion succeeds, then we will have a new confidentiality law on the books or a changed one, and what I'm arguing for is to leave it the way it is, with this

forty-year-old law that's on the books now, let the courts interpret it, then come back to us and we'll...we'll address the issue when we have time and...and the necessary experts to do it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? And it's my understanding this is perhaps the last motion, so...there's a lot of lights on here. Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I wonder if the sponsor of the bill would be willing to put it in the record that it is the legislative intent that if a subpoena is issued to the client, that the client cannot hide behind the CPA by saying in effect, well, I don't have the records, my CPA does, because that's where the problem lies, at least that's what we're being told that...that what is happening is that they're handing all the records over to the CPA, they can't subpoena the CPA under this and if they subpoena the client, the client in effect says, I haven't got them. Now, I...you know, I agree with Senator Berman, there's absolutely no reason why he couldn't go and get them, but that seems to be the...the crux of the problem, and if you could say that, you know, the legislative intent is not to allow a client to...to hide behind a CPA privilege, I think maybe that might straighten it out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Barkhausen.

END OF REEL

REEL #4

SENATOR BARKHAUSEN:

Well, Mr. President and members, on...on that same point, I...I don't really think we can state as legislative intent that which is not fairly clearly legislative intent according to the language of the...of the proposed Statute. And the proposed Statute seems to indicate pretty clearly that...that accountants would not be required to divulge...anything in the way of tax information when it's subpoenaed. The...the question that Senator...the key question, as the last speaker and others recognize, is...is whether the government could then force the taxpayer to reclaim that information from the accountant and then turn it over to the government. And the...the appellate...Cook County Appellate Court in looking at this question, not that they're...its answer to this issue is final because the matter is now going to be reviewed by the Illinois Supreme Court, but they concluded in the second to last paragraph of the opinion, and I'm paraphrasing just slightly, that were we to hold that this information is...is confidential and cannot be obtained from an accountant and...and now I'm quoting directly, "Any person attempting to evade the reporting requirements of the government could simply transfer any documents pertaining to his tax liability to his accountant and thereby shield such information from discovery." So it is one thing for us, as Senators, to reach our own conclusions, but those conclusions happen to be opposite from the conclusion that was reached by the appellate court. So, we're...we're certainly in a gray area here and I don't think we can state conclusively that which the...on which the appellate court has reached an opposite conclusion and that, therefore, is a good reason why we should defer any

action on this proposal until a later date.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

Question of Senator Berman, I suppose, please.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Luft.

SENATOR LUFT:

If, in fact, the discussions that have ensued and one of the statements made that we would create a new confidentiality law by adopting...or not adopting the Governor's specific recommendations, would the Federal tax law or the IRS have different access to information than the Department of Revenue? Or...what I am trying to say, is there a two-tiered system that we're developing here? Can the Internal Revenue Service under Federal tax laws come in to examine a CPA's books or the taxpayer's books and, in fact, under the bill that we're trying to pass here, the Department of Revenue is prohibited from doing the same thing?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Berman.

SENATOR BERMAN:

As I understand it, and I don't practice in this area, I'm not an accountant, I'm not an expert in tax law, the IRS is governed by Congressional laws, the Department of Revenue is governed by laws that we pass. We have provided a...a CPA Confidentiality Act, an accountant's Confidentiality Act, I'm not sure that the IRS is...I don't think the IRS is bound by that. I don't think Congress has the equivalent. So we have given accountants in Illinois and taxpayers in Illinois that degree of comfort that they can talk to their accountants in...in confidence. The IRS probably is not bound by that so there is two tiers, but that two tier...exists in many areas of criminal law where we have either been more liberal or

more conservative than the Federal Government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Well, that should make, in my mind, a good argument for not supporting this bill because it doesn't make any...difference if we do this or not anyway because all tax information is filed with the Federal Government and if, in fact, there's no confidentiality to exist between a CPA and the Federal Government or the Internal Revenue Service, all that information is available. And the Internal Revenue Service can then simply hand it over to the Department of Revenue, the State of Illinois or the Department of Revenue can make access with the IRS for that information. So what we're doing, in effect, is setting up a system here where we can shield a taxpayer who, in fact, may, and I want to emphasize may, want to be...do something illegal, withhold taxes, we're supplying him with the mechanism by which he could avoid paying taxes or escape the responsibility to the State of Illinois. And so I think this flaw alone would go far enough to warrant us to just hold off on this bill or to defeat the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR SAVICKAS:

Yes, Mr. President, two points. One, the taxpayer...the subpoena of the taxpayer was not at issue in the appellate court's decision. Number two, the intent of this legislation is not to provide the taxpayer with any more protection than he...presently has. So, Senator, I hope that answers your question and I would move that we support this motion to override the amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1009 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, none voting Present. The motion having failed to receive the required three-fifths vote is declared lost. All right. Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. That deals...I understand. That deals effectively with the Calendar, as I understand it. There are a couple of motions in writing pending. Senator D'Arco has a resolution that is of some urgency for the Department of Corrections. We have a rules change and an outline of the deadlines, the schedule for next Calendar year which I have distributed and would like to adopt today, and then the adjournment resolution will be adopted. However, I'm going to request that...the Senate having concluded effectively its business just stand in Recess awaiting further Messages from the House as they wind down or wind up their business later this afternoon. So, if you could, Mr. President, just go to the Order of Motions in Writing and we'll handle the rules change and Senator D'Arco's resolution and then we can move to resolutions and get out of here.

PRESIDING OFFICER: (SENATOR DEHUZIO)

On the Order of Motions, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to amend temporary Senate Rules 5 and 7 by deleting Rule 5C and substituting in lieu thereof the following. C-Schedule. In even-numbered years all bills introduced in the Senate during the Regular Session shall be read

a first time and shall be referred to the Rules Committee. All bills received by the Senate after passage by the House in their Regular Session and all bills pending in the Senate which are requested to be considered shall be referred to the Rules Committee. The Rules Committee shall refer to the Committee on Assignment of Bills only appropriation bills implementing the budget and bills deemed by that committee to be of an emergency nature or to be of substantial importance to the operation of government. The following schedule and time table shall be applicable to all bills in 1988. April 8th, final day for introduction of bills. May 6th, final day for standing committees of the Senate to report Senate bills including Senate appropriation bills. May 20, final day for 3rd reading and passage of all Senate bills. June 10, final day for standing committees of the Senate to report House bills except appropriation bills. June 15, final day for standing committees of Senate to report House appropriation bills. June 22nd, final day for 3rd reading and passage of House appropriation bills. And June 24th, final day for 3rd reading and passage of House bills except House appropriation bills. And in temporary Senate Rule 7B by deleting 5 and inserting 6. And in temporary Senate Rule 7B by deleting 3 and inserting 4. Filed by Senator Rock.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would ask for a favorable roll call on this motion which is an amendment to our Senate rules to set up the deadlines for next year so that all of us can engage in a little advance planning for our personal schedules next year, and also enlarges the Rules Committee of the Senate with one additional majority member and one additional minority member. And I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, those in favor of...of the...of the motion as posed by Senator Rock will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. The motion is adopted. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 620 offered by Senator Kustra.

Senate Resolution 621 offered by Senators Mahar and DeAngelis.

Senate Resolution 622 offered by Senator Lechowicz and all members.

Senate Resolution 623 offered by Senators Demuzio, Rock and all members.

Senate Resolution 624 offered by Senator Jones.

Senate Resolution 625 offered by Senator Geo-Karis.

Senate Resolution 626 offered by Senator Newhouse and all members.

All congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 627 offered by Senator Newhouse and all members. It's a death resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 628 offered by Senator Severns.

Senate Resolution 629 offered by Senators Keats and Philip.

Senate...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 83 offered by Senators Marovitz and D'Arco.

And Senate Joint Resolution 84 offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right. Executive. Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

Thank you. Mr. President, I move to suspend the rules for the immediate consideration of Senate Joint Resolution 83.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco moves to discharge the Committee on Executive from...further consideration of Senate...of Senate Joint Resolution 83. Senator D'Arco, perhaps you ought to explain the resolution. Senator D'Arco.

SENATOR D'ARCO:

First of all, I cleared this with the Republican side, so...but I know that doesn't mean anything, I know that. No. All it is...it has to do with recidivism in the Department of Corrections' system and the department is going to set up a committee to look into this tremendous problem of recidivism and report back to the General Assembly. What is recidivism? That's a good question. No, that's when a guy...an ex-offender goes back into jail; you know, he keeps going back again and again and again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right....Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. Speaker. I just wonder who on the Republican side that this was okayed by, because I'm minority spokesman on the Executive Committee and I haven't heard any-

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thing about it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator D'Arco. Senator D'Arco.

SENATOR D'ARCO:

Hello. Hello. Senator Karpziel, I'm...I'm sorry, I cleared it with Senator Philip and I inadvertently forgot to clear it with you and...and I apologize.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Well, I understand that it was not mentioned to our chief of staff here; no one on the Floor here seems to know anything about it.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator D'Arco.

SENATOR D'ARCO:

All right. I...I...I cleared it with Senator Philip but I apologize to your chief of staff too, how's that? You got any more you want me to apologize to while we're at it?

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further discussion? Senator D'Arco has moved to...to discharge the Committee on Executive of further consideration of Senate Joint Resolution 83 for the immediate consideration and adoption. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Executive Committee is discharged. Senate Joint Resolution 83, on the adoption, Senator D'Arco.

SENATOR D'ARCO:

Hello. I think I've explained it to the members and I would ask for immediate consideration and adoption of the resolution.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. Speaker, I hate to be intransigent, I'm just as anxious to get out of here as everyone else, but we have not seen a...copy of it, I would like to see that first, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. Perhaps while we're doing that we can...Senator Fawell wishes to be recognized with respect...no. Senator Fawell.

SENATOR FAWELL:

No, I was...I was just going to ask if you would either read it out loud or let us know what in the world the resolution says because I...I honestly don't know what it says either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

...it says is that there's a tremendous rate of recidivism in the State of Illinois. That is, ex-offenders are going back into the corrections system time and time again, and...and the rate of recidivism is growing in the State of Illinois. It's a tremendous problem trying to get ex-offenders back into the population in our society and doing something productive. And all it says is that the department...and the department has agreed to do this...will form a committee to examine what the actual numbers of recidivism is in the State of Illinois, whether it is growing or not growing and perhaps recommend to the General Assembly measures that can be taken to help stop this problem from recurring over and over again. There is a report requirement that the committee report back to the General Assembly one year from today's date. And the department has agreed to it and I don't know any objection to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? All right. Sena-

tor...Senator Karpel. All right. Senator D'Arco has moved the adoption of Senate Joint Resolution 83. Those in favor will indicate by saying Aye. Opposed Nay. Opinion of the Chair, the Ayes have it. Senate Joint Resolution 83 is adopted. Message from the Governor.

ACTING SECRETARY: (MR. HARRY)

A Message for the Governor by Zack Stamp, Director of Legislative Affairs.

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

To the Honorable members of the Senate, 35th General Assembly, I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive Appointments. All right. Introduction of bills.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1544 offered by Senator Lechowicz.

(Secretary reads title of bill)

Senate Bill 1545 offered by Senators Rigney, Topinka, Dudycz and Raica.

(Secretary reads title of bill)

Senate Bill 1546 offered by Senator Haitland.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(Machine cutoff)...all right. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 85.

(Secretary reads SJR 85)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 85 is the adjournment resolution. As far as the Senate is concerned, when we conclude our business today, which will be very shortly, it calls for us to return on Wednesday, November the 4th at the hour of noon. All those other arrangements, the House has set up for itself two perfunctory days, which in my judgment are not necessary over here. So, I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 85.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Rock has moved for the suspension of the rules for the immediate consideration and adoption of Senate Joint Resolution 85. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Rock now moves the adoption of Senate Joint Resolution 85. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 85 is adopted. Mr. Secretary, have there been any...Resolutions Consent Calendar. Mr. Secretary, have there been any objections filed?

ACTING SECRETARY: (MR. HARRY)

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, it's my understanding that House Joint Resolution 123 which was printed on the Resolutions Consent Calendar is there in error. And that House joint resolution reposes in the Executive Committee; therefore, it is...it is to be scratched from your Resolutions Consent Calendar. With leave of the Body, we will add Senate Resolution 605 through...616 and Resolution 619 through 627 and House Joint Resolution 126...through 130. All right. Is there leave to add those? All right. Leave is granted. All right. Senator...Jones

moves the adoption of the Resolutions Consent Calendar. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The Resolutions Consent Calendar is adopted. All right. That effectively does all of the paper work and apparently we are going to stand at ease in...in...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. As I explained to Senator Philip, the House is still in Session and so there will be, I suppose, at least the opportunity for more Messages to be coming over from the House. So it's my suggestion that...the Senate stand in Recess until the call of the Chair for the sole and only purpose of receiving Messages from the House. We should be...the House tells me they're going to try to conclude around three-thirty. So, we'll just wait for them to finish their business and then we'll be ready to go on November the 4th when we get back here. So, I'd move we stand in Recess.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Further business? All right. Senator Rock moves that the Senate just stand in Recess until the call of the Chair. The Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR VADALABENE)

The Senate will come to order. Messages from the House.
SECRETARY:

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

Mr. President - I am directed to inform the Senate that the House of...Representatives has accepted the Governor's specific recommendations for change of the following bills.

House Bill 378, 474, 548, 736, 748, 814, 887, 932, 971, 1145, 1168, 1174, 1187, 1300, 1355, 1433, 1469, 1484, 1509, 1546, 2043, 2044, 2164, 2193, 2209, 2269, 2304, 2322, 2378, 2403, 2406, 2532, 2636, 2808 and 2842.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has overridden the total vetoes of the following bills.

House Bills 72, 85, 213, 232, 262, 321, 327, 401, 409, 410, 437, 510, 700, 848, 934, 942, 1585, 1848, 1968, 2006, 2114 and 2470.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has overridden...the amendatory vetoes of the following bills.

House Bill 177, 236, 692, 717, 805, 1256, 1320, 1781, 2410 and 2728.

PRESIDING OFFICER: (SENATOR VADALABENE)

...there being no further business, the Senate now adjourns until Wednesday, November 4th at noon. Senator Sam Vadalabene, presiding. Have a nice day.

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