

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

October 18, 1989

PRESIDENT ROCK:

The hour of noon having arrived, the Senate will please come to order. Will the Members be at their desks and will our guests in the gallery please rise? Our prayer today this afternoon by Rabbi Barry A. Marks, Temple Israel, Springfield, Illinois. Rabbi.

RABBI MARKS:

(Prayer given by Rabbi Marks)

PRESIDENT ROCK:

Thank you, Rabbi. Reading of the Journal. Madam Secretary. Senator Hall.

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Wednesday, October the 4th and Tuesday, October the 17th, in the year 1989, be postponed pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion, as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. And it is so ordered. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 628 offered by Senator Karpiel.

Senate Resolution 629 offered by Senator Karpiel.

Senate Resolution 630 offered by Senator Jerome J. Joyce.

Senate Resolution 631 offered by Senator del Valle.

Senate Resolution 632 offered by Senator del Valle and

Senate Resolution 633 offered by Senator Woodyard.

They're all congratulatory. ...(machine cutoff)...

Senate Resolution 634 offered by Senator Topinka.

It is also congratulatory.

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Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 635 offered by Senator J. J. Joyce.

It is substantive.

PRESIDENT ROCK:

Executive. ...(machine cutoff)... Ladies and Gentlemen, we -- we will begin, again, with Motions in Writing. If you'll -- turn to Page 16 on the Calendar. We will, again go right down, in order, on the Motions that the Members have filed with respect to Gubernatorial Action. In the mean time, with leave of the Body, the Illinois Information Service has requested permission to shoot some film. Without objection, leave is granted. All right. With leave of the Body, in an attempt to get us rolling here, we'll start with -- on Page 19 -- with Motions in Writing to Accept the Specific Recommendations of the Governor, if the Members wish to call those Motions. Senate Bill 10. Senate Bill 389. Senator Demuzio. On the Order of Motions in Writing to Accept the Specific Recommendations For Change is a motion with respect to Senate Bill 3-8-9. Top of Page 19, Ladies and Gentlemen. Senate Bill 389. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 3-8-9 in manner and form as follows:

Amendment to Senate Bill 389

in Acceptance of Governor's recommendations.

Filed by Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 389 was the bill that created the Illinois Professional Land Surveyors Act of 1989, to replace the Illinois

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Land Surveyors Act which sunsetted on December 31st of -- of '89. It stiffened the requalifications for registration so that the 1998 - all - in 1998 - all applicants should have, or must, have a BS Degree. The Governor's recommendations were that he deleted the requirement that the examination of applicants for registration include a practical demonstration of the -- an oral test. He allowed the surveyor, whose license has been lapsed or expired less than five years, to restore it merely by paying the fee, and without examination. And authorize the Department of Professional Regulation, rather than the Land Surveyor Examining Board, to determine the fitness of a surveyor whose license had lapsed, and who has not maintained an active practice in another jurisdiction. And he made some other technical and clarifying corrections. These recommendations, I am told, are not objectionable to any of the interested parties. I know of no controversy. And I would move for the acceptance of the amendatory veto with respect to Senate Bill 389.

PRESIDENT ROCK:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 389, in the manner and form just stated by Senator Demuzio. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 3-8-9, having received the required constitutional majority vote of Senators elected, are declared accepted. 4-9-9. Senator del Valle. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 4-9-9 in manner and form as follows:

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Amendment to Senate Bill 499

in Acceptance of Governor's recommendations.

Filed by Senator del Valle.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The Governor, in his changes, reinstated current language which requires a Department's EO Officer to perform certain functions pertaining to affirmative action. In cooperation with CMS, he deleted language mandating that certain departments work together, and he eliminated language which mandates CMS to provide to -- DES requested information received from agencies. And, finally, he deleted language which mandates the Director of CMS to conduct a biannual compliance audit of all the agencies. I move to accept the Governor's recommended changes.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 499, in the manner and form just stated by Senator del Valle. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 4-9-9, having received the required constitutional majority vote of Senators elected, are declared accepted. 5-8-8. Senator Netsch. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 5-8-8 in manner and form as follows:

Amendment to Senate Bill 5-8-8

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in Acceptance of Governor's recommendations.

Filed by Senator Netsch.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 588 is the very important -- bill that dealt with scavenger sales and the tax delinquency process, not just in Cook County - Statewide, but, most particularly, aimed there. And is designed to get property back on the property tax rolls and available for good use as soon as possible. The Governor's recommended changes were two, and well not purely technical, were in no way shape or form, were adverse to the purpose of the bill. One, simply limited all of the effective provisions of the bill to tax sales occurring after the effective date of Senate Bill 588, which made a great deal of sense. The second dealt with a provision that was added having to do with notifying State's Attorneys in the cases of where there are -- this is -- this is in the Insurance Code, by the way, and deals with notifying the State's Attorney where there are fire loss settlements to be made before the certificate is made available. The Governor pointed out that, with respect to small fire losses, that it made not a great deal of sense to hold up the claimants for thirty days. They are not the ones who are likely to be in any way, milking the system, and that was what the original provision was aimed at. We agree that that is a reasonable interpretation and resolution of that issue. And I would, therefore, move that the Senate accept the Governor's recommended changes to Senate Bill 588.

PRESIDENT ROCK:

Any discussion? Senator Fawell.

SENATOR FAWELL:

I -- I was just going to ask for a -- a personal privilege.

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We have an old Senator here, and I just wanted to have us welcome him. Senator Terrell Clark.

PRESIDENT ROCK:

Senator Clark. You're not that old, but welcome back, anyway. All right. Any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 5-8-8, in the manner and form just stated by Senator Netsch. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate 5-8-8, having received the required constitutional majority vote of Senators elected, are declared accepted. 633. Senator Welch. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 6-3-3 in manner and form as follows:

Amendment to Senate Bill 6-3-3

in Acceptance of Governor's recommendations.

Filed by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The portion of the bill that was vetoed by the Governor, was vetoed due to his opinion that it would be unconstitutional to impose penalties on on-site PCB burning facilities and not on off-site PCB burning facilities. Based on the experience we've had with law suits concerning the environment, in the past, and the number of years these things get tied up. It was felt by the individuals sponsoring that particular portion of this bill, that we should accede to the Governor's

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wishes, in order to have the rest of the bill enacted into law. Therefore, I'd ask for an affirmative vote.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor - I'm sorry. Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President. I rise to oppose this override motion. As the Governor's message indicates, the -- to accept, excuse me.

PRESIDENT ROCK:

Discussion? Any further discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 6-3-3, in the manner and form just stated by Senator Welch. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 633, having received the required constitutional majority vote of Senators elected, are declared accepted. 709. Senator Smith. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 709 in manner and form as follows:

Amendment to Senate Bill 709

in Acceptance of Governor's recommendations.

Filed by Senator Smith.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I accept the Specific Recommendations of the Governor on Senate

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Bill 709, which deletes the language delegating authority to the Adult Advisory Board, Women Offender Sub-Committee for the formulation of the plan. The amendatory veto of Senate Bill 709 is a recommendation of the Department of Corrections and the Citizens Assembly on Women. I move for its adoption.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 709, in the manner and form just stated by Senator Smith. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 709, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, please.

SENATOR DEMUZIO:

Well, today is rather a historic day in the annals of the Members of the Senate. It is the birthday of one of our colleagues, here, in the General Assembly. Emil Jones. This is his sixty-fifth or seventieth birthday, now. And I notice that Senator Hawkinson had passed out all of the birthday cake to all of the Members - came from Galesburg, Illinois. And we just want to say thanks to Emil for the -- for the birthday cake, and for notification of the Members, and say happy birthday.

PRESIDENT ROCK:

Senator Jones, happy birthday. You don't look a day over a



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hundred. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Yes, I -- I just wanted to know, was it a Republican Cake or Democratic cake?

PRESIDENT ROCK:

Depends on whether it's sweet or sour. 729. Senator Dunn. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 7-2-9 in manner and form as follows:

Amendment to Senate Bill 7-2-9

in Acceptance of Governor's recommendations.

Filed by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The Governor's change leaves the probationary period at one year for firemen and exempts, from that probationary period, any firemen who is involved in paramedic responsibilities. I move for adoption.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 729, in the manner and form just stated by Senator Dunn. Those in favor will vote Aye. Opposed will vote Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 729, having received the required constitutional majority vote, are declared accepted. 735. Senator Carroll. Read the motion, please, Madam Secretary.

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SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to Senate Bill 7-3-5 in manner and form as follows:

Amendment to Senate Bill 7-3-5

in Acceptance of Governor's recommendations.

Filed by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill deals with the issue of demonstration programs for what's called the Managed Care Delivery System in health - in public health. It's an attempt to keep costs down in the escalating area of health care in hospital and physician services. The Governor had recommended it - that it be permissive, rather than mandatory, and be demonstration in urban or rural, and adjust the manner in which those who provide the services will be providing them. I move that we accept the Governor's recommendation for change.

PRESIDENT ROCK:

Any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 735, in the manner and form just stated by Senator Carroll. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 735, having received the required constitutional majority vote of Senators elected, are declared accepted. 7-6-8. Senator Severns. 939. Senator Fawell. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

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I move to accept the Specific Recommendations of the Governor as to Senate Bill 9-3-9 in manner and form as follows:

Amendment to Senate Bill 9-3-9

in Acceptance of Governor's recommendations.

Filed by Senator Fawell.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This -- this is the bill that -- is the bill that talks about setting up some clinics for the insurance for alcoholism and substance abuse for our students. There has just been technical changes made in the -- in the bill, by the Governor, and I would ask that you would accept the changes. ... (machine cutoff) ...

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate accept the Specific Recommendations of the Governor as to Senate Bill 939, in the manner and form just stated by Senator Fawell. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 939, having received the required constitutional majority vote of the Senators elected, are declared accepted. 1270. Senator Marovitz. All right. Ladies and Gentlemen, we'll now go back to the beginning. The beginning being Page 16. Those motions listed on the Calendar, as filed by the Members. We'll go right down the line, and if any Member wishes to pursue his, or her motion, this is the appropriate time. We will again, or course, deal with these motions and others that may be filed tomorrow. But, tomorrow will be the last day. Senator Philip and I discussed the

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his own piece of legislation. Secondly, the Governor says there's a new agency being created. What is being created is someone to make sure that there is energy conservation going on. Instead of just waiting and hoping that it happened, what this bill did was create a oversight committee that basically would make sure that we kept this in mind. That we kept in mind the idea that conserving energy saves money to the people of Illinois. And what this bill would do would be to save millions and millions of dollars by using the projective savings to issue bonds. Those bonds would be used to insulate buildings. To make them more energy efficient. To make sure that the cracks, and drafts, and the windows don't cause us to use too much heat. To make sure that it doesn't cause us to use too much air conditioning. That's not too much to ask. This isn't a radical program. I've received a letter from a Senator in Iowa who said that he has a similar program. And, this bill was based on his piece of legislation. And what he said was that his bill, now in effect in Iowa, realized four chief objectives. Energy savings mean fewer tax dollars spent on non-renewable resources. The improvements permit us to achieve upgrading the Iowa's State Buildings and pay for them with energy savings. The energy dollar, in Iowa, which is largely exported, with energy conservation, we keep those dollars in Iowa and in it's government. And actual construction costs are small, but they are contributions to Iowa's economy. If it's good enough for Iowa, I think it was good enough for Illinois. And, that's what we tried to do. This bill is one of the few that we passed that not only would save money, but had the agreement of all of these agencies. This bill passed unanimously, Ladies and Gentlemen. It had the support of ENR, CMS, DMHDD, DOC, Board of Higher Ed and the Capital Development Board. All of these agencies supported it. We went to Dr. Mandeville concerning this bill and asked for his opinion. Dr. Mandeville said, "if you can prove to me that

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schedule. We our -- our intent is to come in early tomorrow and, hopefully, conclude our business prior to noon or about noon. So, we will start tomorrow morning at nine o'clock and attempt to conclude our business for the week. Page 16, on the bottom. Motions in Writing to Override Total Vetoes. Senate Bill 13. Senator Berman. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 13 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 13 was passed by this Body in - early this year by a vote of 55 to nothing. The Governor, I think, responded to a position that was taken by the Illinois State Bar Association, who supported the bill while the bill was moving through the Legislature. They changed their position in July, and the Governor responded to their request that he veto it. The ISBA has changed back, again. And they are back in support of the bill. And let me tell you, without getting too technical, what it's all about. There is an Appellate Court decision that came down that said that if I'm an employee attorney of a company, and I am ordered by my boss to do something illegally, under the code of ethics -- cannons of ethics, I must resign my job. But if I tell the -- my boss that I don't want to break the law, for example, respond to a subpoena to produce documents - which is the facts of this Herpster case - and I say -- the boss tells me to destroy the documents, rather than to supply them to the court in response to the subpoena. Herpster got fired for refusing to burn the documents - to destroy the documents. Herpster sued the employer

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for wrongful discharge. The Appellate Court said he could not bring that suit, for two reasons. One, that any attorney-client relationship is at will. In other words, the client can fire the lawyer at any time. And secondly, that he couldn't testify to it because it violates the attorney-client privilege. That is the law in Illinois. This bill, as I would suggest to you, a law and order bill. It prevents lawyers who are in-house attorneys from being parties to violating the law. And requires that both the employer and the in-house lawyer follow the law. This bill, as I said, passed without a dissent in June, or May; it passed with 103 to 8 in the House. I think the Governor was wrong in his veto. The Bar Association, that urged him to veto it, has reversed its position, is supporting my motion to override. I'd be glad to respond to any questions, and I again solicit your unanimous support.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

Senator Berman, you perhaps know that a member of my family got caught in a -- a situation and is, frankly, in court right now -- in the Supreme Court, waiting for a decision on a similar client-attorney privilege. And my son feels very strongly that it was necessary to collect - to -- to protect that -- that client-attorney privilege. And, frankly, was even willing to go to jail to do so. Will this bill, at all, affect that final decision on that particular case, where he is attempting to uphold the traditions of the legal profession?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

The case that you're talking about has -- this bill has nothing to do with that situation. Your situation is where, as a

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lawyer, he obtained certain information regarding an alleged driver and he refused to disclose it. That has nothing to do with this bill. This bill won't touch that at all. In fact, this bill is drawn very tightly - that the only testimony that will be allowed in the court, under this bill, would be that -- only the conversation where the employer ordered the violation of the law to the attorney employee. That's all that could be testified to, under this small opening of that privilege.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. I had supported Senator Berman in this legislation last spring when we considered it. But at the time that we did so, for better or worse, we had not heard from those whom this bill would most directly affect. That is, the lawyers who were working on an -- on an in-house basis for a company. And -- and it so happens that the divisions of the Bar Associations, both the State Bar Association and the Chicago Bar Association, the divisions of in-house counsel, who, one would think, would stand to benefit from being given a special cause of action under circumstances as outlined in this bill - they both oppose it. I've had several conversations with those who -- who have been active within those Bar Associations. They feel that they do not want to be treated as a separate class of attorneys who are able to sue under the facts that -- that this bill envisions. And they therefore oppose being treated as a -- as a separate class of attorneys. In addition, as the Governor points out in his Veto Message, the Bar Associations - I think the State Bar Association, in particular - have urged the Supreme Court to -- to modify a provision in the Code of Professional Responsibility that limited -- limits the circumstances under which the attorney-client privilege can be broken, so as -- so

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that those circumstances would include, in a fact situation, where the attorney is being called upon to violate public policy, so that in the future, if -- if the attorney feels compelled to make a disclosure of that fact, that he or she can do so without violating what is now in the Code of Professional Responsibility that seems to -- to preclude that kind of disclosure. I think that we should wait for the possibility of further legislative action until we can see what the Supreme Court - how -- how the Supreme Court responds to this recommendations from the Bar Associations. And, until such time, I think we should oppose Senator Berman's motion.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. -- Mr. President and Ladies and Gentlemen of the Senate. An attorney-client communication is privileged communication. And when a company takes it upon themselves -- itself to order the in-house lawyer to do an unethical thing, it reminds me of the Oliver North Case, where he was ordered, no doubt by someone higher up, to do certain things. And I think it's only fair -- only fair to respect the attorney-client privilege of private and privileged communications. Therefore, I agree with the sponsor of the bill. I think we should act on it now. I don't think corporations should be encouraged to order unethical conduct and not be responsible for it. I support the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I also arise in support of -- of the motion. I disagree with one of the former speakers, who indicated that this would be setting up a separate class of attorneys. Attorneys employed by other attorneys in law firms



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would have recourse, because the -- of the disciplinary procedures existing within the Bar Association. We're talking about an attorney who has no recourse, because he's a corporate employee. This is the kind of conduct that cannot be condoned, and there ought to be a remedy for this kind of violation. I don't think it sets up a separate class. I would agree that we ought to strengthen the Disciplinary Code, as well. But I think that we ought to take the Bar Association position, as we did last spring, and support this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Berman, you wish to close?

SENATOR BERMAN:

Thank you. Responding to Senator Barkhausen and one point. I want to point out to you that there is a proposed change in the Supreme Court rules. But that has been pending for two years now. So, I think that we ought to move, because the Supreme Court hasn't moved. I am asking them to also move. But that doesn't take the place of this bill. This bill is specifically regarding that Herpster-type thing. And I've got to tell you: public policy - this is not a lawyer's issue, Ladies and Gentlemen. This is a societal issue. We should pass this bill to prevent laws from being broken by employees of companies. That's what this bill is all about. I appreciate the support of outstanding attorneys like Senators Geo-Karis and Hawkinson. And I think that this is a good bill - not for lawyers, but for society. It's a law and order bill. I'd like to see the same 55 votes up there that we had earlier this year. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill - Senate -- Senate Bill 13 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Opposed, vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 49, the Nays are 7, none voting Present. Senate Bill 13, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. On the Order of Motions in Writing, Override Total Veto, is Senate Bill 38. Senator Welch. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 38 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 38 created the Government Buildings Energy Costs Reduction Act of 1989. The purpose of the bill was, as it says, to reduce the cost of energy to public buildings. It was one of the few pieces of legislation that we passed that would have saved us money here in the government when we look at old buildings that we rent or new buildings that we build. The Governor has objected to the bill for two basic reasons. First, he said that the bill creates an impression that we aren't doing anything. That we aren't pursuing conservation activities. And it's funny that he says that, because the Governor's administration had its own bill to encourage energy conservation. And they basically admitted that they weren't doing enough. That bill was negotiated, and a final result was this bill - Senate Bill 38. But now the Governor says that, "Well, we don't need this. Enough is being done." Well, which position of the Governor is the right one? I would submit to you that the correct position was his earlier one, when he had

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this will save the State money, I'll support it." And you know what, he sent us a letter in support of this bill because it will save the State money. The Governor's veto was in error. He has not studied the total impact of this bill. And, I would ask for an affirmative vote on the Motion to Override the Governor.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes. I rise in objection to this Override Motion. I think the Governor has explicitly expressed, and appropriately so, his objections to this bill. It does create, yet, another bureaucracy that he feels is unnecessary. It also may be expected that this bureaucracy identify budget requests outside the Governor's presentation of the entire State budget. I think that's something we did not consider at the time. I think the Governor is correct in vetoing this bill. And I would ask for your support of the Governor's total veto of this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch, you wish to close?

SENATOR WELCH:

Well, let me just say, that the Governor found that it was a problem, prior to this bill passing. That his agencies, and their heads, should of been told back then this was creating a bureaucracy, because they all supported this bill. The idea that it's going to create a bureaucracy - is really a bunch of bunk. What it's going to do is require some coordination among these department heads to make sure that they try to save money. Is that too much to ask, that the government tries to save money for the taxpayers? After all the tax legislation that was passed this spring, to vote against this, I think, is adding insult to injury. I think that we should override this Governor's veto. I think that this is one of the few, if only, bills we can point to that

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says - look we're looking after taxpayer dollars. We're being stingy about spending them, and we're going to save the taxpayer some money. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 38 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, 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, please, Madam Secretary. On that question, the Ayes are 28, the Nays 27, none voting Present. Senate Bill 38 having failed to receive the three-fifths vote, the motion fails. On the Order of Motions In Writing, Overrides Total Vetoes, is Senate Bill 248. Senator Zito. Read the motion please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 248 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Zito.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. Senate Bill 248, as you recall, was a bill that would attempt to regulate the flow of water and flood control plains, specifically in the northeastern section of our State. Senate Bill 248, which passed the House and passed this Body, prohibited construction within a hundred-year floodway, and it would cause stormwater to flow beyond the speed limit. Basically, what it attempted to do was set some speed limit controls and ask that IDOT monitor this flow of water, so that we would not experience the type of flooding that we have in the northeastern section of the State of Illinois over the last several years. The House thought it was good idea.

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The Senate thought it was a good idea, and we went one step further. We added three amendments, if you recall, after the bill was passed, to accommodate municipalities, the homebuilders, and several other concerns that were raised on Senate Bill 248. I am surprised when I read the Governor's Veto Message, and I quote, "I am vetoing this legislation because I believe it is flawed in that it addresses only the amount of water entering Cook County from neighboring counties..." Well, I -- I don't -- I frankly don't understand the message. I don't know of any one area in Cook County that water flows upstream. If that's the case, and the water is flowing into Cook County, it would be impossible to enforce this bill in the reverse. I've been told that, but I'd like to be shown that water, in fact, would -- would work in the opposite direction. This is a simple attempt to at least look at water flow, monitor water flow, and have the Illinois Department of Transportation actively involved in this process, so that we can prohibit unnecessary flows of water during peak times of flooding like we've experienced in the last two years. I would sincerely ask, in your wisdom, that you do what you did in the spring and support my motion to override the Governor's veto by voting in favor of this motion on Senate Bill 248.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Keats.

SENATOR KEATS:

It's amazing how much effort is put in on minor bills. I want to say something. There is a reason this fight is going on. And it has to do with - I wish the leaders would listen, on both sides. There was a minor flooding problem in Cook County about ten feet deep in Judy Topinka's district, about nine feet deep in Greg Zito's district, only about seven feet deep in Bob Kustra's district; my district only had about two and a half feet of water in the average house. I called that more than a minor problem, so

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we agreed to pass a bill. But the City of Chicago didn't want to be included in the bill, because they didn't want someone infringing upon their rights, which would have been okay. And if you'd wanted to exclude Chicago, we wouldn't have minded. But unfortunately, then you pulled Cook County out of the bill, too. And for those of us who live in suburban Cook, we had a flooding problem. My collar county friends said, "Well, we want this bill for the collar counties; we don't want to have to get in a argument with the Speaker and the President, so we'll back off and leave suburban Cook out." Well, guys, the water is still ten feet deep in Judy's district, nine feet deep in Greg's, and we're still not in anybody's bill. Next year, when we're dealing with this exact same issue, which we are going to be required to do, I'd like to ask a favor, representing the two and half million people who live in suburban Cook. If the City of Chicago wants out of the bill, I will personally offer the amendment to let the City of Chicago out of the bill. But will you please put the suburbs back in? 'Cause we have the flooding problem, and we're getting killed out of Lake and McHenry, and Dupage is getting killed out of us. We can exclude Chicago, and then we don't step on anyone's toes, but we cannot continue in suburban Cook County to buy all these boats. We've got Lake Michigan. I don't need to water-ski right in the middle of Glenview. If you would please allow us to put suburban Cook back in, you would solve everyone's problem. Then we would be under the same rules as the collars, and Chicago wouldn't have to put up with the hassles from us. With that kind of understanding - and I know we don't have an understanding from anybody, and I am sure it will end up in a minor fight next time, too - but with that understanding, those of us in suburban Cook could live with the program from both sides. But please quit using two and a half million people - who pay more per capita taxes than any other area in the State - please quit using us as a

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football in a power struggle, and let us work to solve our problems, of the people who are having the same problem we are. With that, I had intended to support the bill. I think I'm just going to vote Present, because my arm is about eighteen twists to the wind. But remember next year, and I am saying this to my guys too, don't leave suburban Cook dangling again. The reason we're in this problem is because you didn't help us by keeping us in the bill. And to my Chicago friends - we'll let you out; let us in.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill has an awful flaw in it. As my colleague mentioned some of the problems in it, this bill addresses only the amount of water entering Cook County from neighboring counties, but not the reverse. What about the water coming into my county and Dupage County? No, that's not addressed. And I might tell you that this bill does not define, quote, "substantially depleted," end of quote; or, quote "high capacity pumpage," end of quote; quote, "depletion source en route," end of quote; nor does it provide any guidelines when determining the cause of depletion. This is a very bad bill, and I ask for your unanimous support to vote against it. It's not fair.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And there's probably no district in the State of Illinois that has any more flooding than my legislative district. I have been telling my constituents for some twenty-three years that I'm going to solve the flooding problem. And quite frankly, today I can't tell you that I have solved the flooding problem. We in

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DuPage County, on our own, have spends <sic> thirty-six million dollars, and have created seven thousand three hundred and nine feet - acre feet - of storage, of retention of water, and we still haven't solved the problem on our own. Now the Governor, quite frankly, was absolutely right when he vetoed this bill, and he vetoed it for this reason. What you have done, if you -- if you pass this over the Governor's veto, is that you ask the Department of Waterways to measure the amount of water that flows from the collar counties into Cook County. But you do not say, "We're going to measure the water that flows out of Cook County into the collar counties," so it creates a double standard, quite frankly. The Department of Waterways said, "We're not sure how you do measure the water." Do you measure the water when it is raining? Before it's raining? After it's raining? Where are you to determine where you're suppose to measure it? They say mechanically, it's a very difficult thing to do. And I'm saying this: if we have standards -- standards for water flowage, it ought to be the same for Cook as it is for the collar counties. Quite frankly, this does not do it. It also allows the Department of Waterways, if they determine the flow is too great, to prevent a municipality or local government from issuing permits. So there's another time a local government will have to go back to the State of Illinois for another permit within their municipality. Also, there is the matter of cost. The Department has determined it's going to cost local governments some seven million dollars, and their own Department, who they claim is understaffed, eight hundred and thirty-three thousand dollars. I think that we ought to let this thing stay vetoed, and we ought to come back next year, quite frankly, and do the right thing. We ought to have the same standards for Cook County as we do the collar counties. It makes sense. If there's anybody who wants to solve the flooding problem, it is me. Thank you.



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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Zito, to close.

SENATOR ZITO:

Thank you, Mr. President. Just in closing, a couple of quick comments. Senator Philip and Senator Geo-Karis, as I mentioned in my opening comments, it is topographically incorrect to think that water would flow south from Cook County northwest into DuPage County, or into McHenry, or into Lake. It just can't happen. Topographically, it can't happen. That's why I don't understand the Governor's Veto Message. As referred to cost to the municipalities, one of the amendments we did put on, late in the spring, was to exempt municipalities. And to my friend, Senator Keats, I understand perfectly well what he is speaking of, because I was a member of that task force, as well as Senator Topinka, who sat in those meetings. And being a representative of Cook County, I too, was frustrated with the process. That's why we introduced Senate Bill 2-4-8. Not to prohibit or deny anybody flood relief, but to help entire suburbia, whether it's Cook County or those collar counties, monitor the flow of water. I ask for your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 248 pass, the veto of the Governor 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 please, Madam Secretary. On that question, the Ayes are 27, the Nays are 23, 1 voting Present. Senate Bill 248, having failed to receive the required three-fifths vote, and the motion fails. On the Order of Motions in Writing, Override Total Vetoes, is Senate Bill 249. Senator J. J. Joyce. Out of the record. Page 17. The top of Page 17, is Senate Bill 269. Senator DeAngelis. Senator DeAngelis. Motions in Writing,

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Override Total Vetoes. Senate Bill 292. Senator Netsch. 292. Top of Page 17. We will skip over 647, that's been withdrawn. The next bill is Senate Bill 702. Senator Smith. Senator Smith. Senator Demuzio. Senate Bill 647 we had as withdrawn. Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

I withdrew the wrong motion. So, if I might just give it to the Secretary, right now, we could go ahead and proceed.

PRESIDING OFFICER: (SENATOR LUFT)

All right. On the Motions in Writing, Override Total Vetoes. Senate Bill 647. Senator Demuzio. Read the Motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 6-4-7 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This was before us yesterday. And a number of Members, on the other side, Senators - will remain nameless - except my good and clear and close friend, John Maitland indicated to me that there was an error in there -- yesterday, and that they wanted to vote in the affirmative with respect to this bill. All this bill did was that it said that the interest that was earned on the investments that it would go back into the -- the fund. And, I -- I see a motion over there, so I would move to take the appropriate action.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 647 pass, the veto of the Governor to the contrary

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notwithstanding. Those in favor, 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, please, Madam Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. And Senate Bill 647, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senate Bill 702. Senator Smith. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 702 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Smith.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand to override the Governor's veto on Senate Bill 702. The bill merely mandated that the Department of Aging would implement a pilot program to provide emergency shelters for the elderly victims of abuse. The bill does not impact on the fiscal year 1990 because it is not effective until July 1, 1990. That's its effective date. And, evidentially, our General Assembly, considers -- Senate Bill 702 to be -- crucial, because it passed our Senate 53 by 2 and in the House by 113. I'm asking for your cooperation. Let us override this bill and help the elderly.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, please, Mr. President and Ladies and Gentlemen of the Senate. First of all, although this is a -- a very noble concept, and I'm sure if there were money enough to do it, it would be possible. But, at this moment in time, 1.6 million

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dollars has already been appropriated for a program of elder abuse and neglect. Now, the Department on Aging hasn't even gotten that off the ground yet. That we are superimposing this on top of it and it would more -- more than likely, be counterproductive, at this time. At this point, you know, you're probably talking about a half of million dollars to get this thing going and yet you've got a whole domestic violence network that would probably be better able to handle this again at this time. The Department really doesn't have the expertise. They're going to have to go into existing funds, cut back on other programs. This may have a time in the future. But, I don't know that the time is right now. So, I would ask that the veto be sustained.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith, you wish to close?

SENATOR SMITH:

Thank you, Mr. President and to my colleague, Senator Topinka. Yes, money may have been appropriated, but we've been waiting, and waiting, and waiting. And despite the contentions of the Department of Aging, statistics show that the current domestic violence shelters can barely accommodate non-elderly victims, moreover, elderly victims of abuse and neglect have been more special needs now for the non-elderly people. People of elderly age, they need this emergency. They have been left alone. They have been abused. And, I think that it is something that we can do, and it does not become effective until July 1, 1990. Not right now. And I think we should give them that hope, to let them know that we are concerned about them as -- an Assembly, and that we are going to try and do something for them. Please, let us override this, and give this hope to the Department of Aging of elderly people.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 702 pass, the veto of the

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Governor to the contrary notwithstanding. Those in favor, 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, please, Madam Secretary. On that question, the Ayes are 31, the Nays 26, none voting Present. Senate Bill 702 fails to receive the required three-fifths vote, and the motion fails. Motions in Writing, Override Total Vetoes. Senate Bill 816. Senator Maitland. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 816 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill -- 816 sponsored by -- by Senator Luft and me last spring, passed out of both this Body and the other Body with -- with little, if any, opposition. What it does, it allows employers who have their own -- who have their own radiation system to allow noncertified people to administer -- to administer the radiation, as long as a doctor or certified radiologist is in -- in attendance. All the major business groups in the State support this. It seems to me that the amendatory veto, it may be -- or in the total veto -- it may be more of a turf issue than -- than anything else. And, I would -- would appreciate very much your support of this Override Motion.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 816 pass, to veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present and Senate Bill 816, having received the required three-fifths vote, is declared passed, the veto to the Governor -- to the -- contrary notwithstanding. Senate Bill 830. Senator O'Daniel. Senator O'Daniel. Senate Bill 852. Senator Zito. Senator Zito. 852. Senate Bill 887. Senator del Valle. Read the bill -- read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 8-8-7 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 8-8-7 establishes a Nutrition Outreach and Public Education Program within the Department of Public Health to promote fuller implementation and utilization of federal food and nutrition programs. This program would target services on populations that are at risk of nutritional deficiencies, and in geographic areas of the State where significant numbers of those eligible for federal food programs are not participating. The Governor vetoed it because of costs. I think that IDPH has come up with an inflated figure. I don't think they need all the staff that they indicate they need. The language in this bill would serve to ensure collaboration and coordination between the agencies that are responsible for nutrition programs. And, even without the appropriation, these activities can take place. And, this bill, I think, would go a long ways towards also helping to prevent homelessness, because we know that with the proper nutrition, and the proper health, then individuals will be able to, also, be able to deal with their

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needs, find employment, et cetera. And, therefore, will be able to provide for themselves. So this is, truly, a preventive program, to preventive measures that need to be taken. And, I think that we need to support it. And, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, and Ladies and Gentlemen of the Senate. Although money is a consideration, as it always here, obviously we have the right to override when we see fit. But, I think the concept here is a little foggy, because it probably would be duplicative of what is already going on in other programs. Five State agencies currently have their own outreach programs on nutrition. And they are in five State agencies because they're fine tuned to do the mission that those particular agencies have. When you start trying to combine them, and still carry on this program, you're going to start duplicating efforts. While adding on top of it, probably, three hundred thousand dollar annual costs. So, I don't know that this bill is really getting to what it wants to do. And, probably, would be detrimental to what is already in place now, and working. So, I would ask that the veto be sustained.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator del Valle, you wish to close?

SENATOR DEL VALLE:

Well, Senator Topinka -- the duplication that you're talking about, I just don't see. We are currently not providing services to a million people -- over a million people that are eligible. And so to force agencies to communicate, to collaborate, and to have a coordinated outreach effort, I think, could only help, not hinder. And, so I think, that we should support this effort.

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PRESIDING OFFICER: (SENATOR LUFT)

All right. The question, is shall Senate Bill 8-8-7 pass the veto of the Governor to the contrary notwithstanding. Those in favor, 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, please, Madam Secretary. On the question, the Ayes are 30, the Nays are 27, none voting Present and Senate Bill 8-8-7 does not receive the required three-fifths vote, and the motion fails. On the -- Senator Collins.

SENATOR COLLINS:

I wanted to speak, but, you...

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle was closing. On the Order of -- veto -- Motions in Writing, Override Total Vetoes, is Senate Bill 1-0-4-7. Senator del Valle. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1047 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 1047 attempts to reduce the infant mortality rate in Illinois. As we all know, infant mortality rates in Illinois are high. 11.2 deaths per one thousand births Statewide, and in Chicago 16.5 deaths per one thousand births. This legislation would ensure that home visits to high risk infants and high risks pregnant mothers would increase, in order to ensure that the necessary services are being provided, and that lives of children are being saved. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)



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Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. This one, for those of you, you know, who get involved with your local county health departments, you might want to look at this bill. Because, ultimately, you are laying the costs of these home visits on your county health department. And, I would note that this does not include the Chicago Board of Health, which probably has the single biggest problem with this. And if you -- if you'd want to direct that look to Chicago, I think it would probably have a higher bearing and maybe do more. With State involvement, you're talking, probably, about 2.86 million. By the time you get through spreading it around, I think you're creating expectations that cannot conceivably be delivered here. It -- it is a nice idea, but I don't know that our local health departments are really geared up to be able to do this. And, on that basis, I would ask that we sustain the veto.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Further discussion? Senator del Valle, to close.

SENATOR DEL VALLE:

Thank you, Mr. President. I think this is a step in the right direction. Let's get serious about reducing the infant mortality rate. And this will move us in that direction. I ask for a favorable...

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1047 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, 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, please, Madam Secretary. On that question, the Ayes are 30, the Nays are 28, none voting Present. Senate Bill 1047, does not receive the required three-fifths vote, and the motion

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fails. Motions in Writing, Override Total Vetoes, on Page 17. In the middle of Page 17 is Senate Bill 1073. Senator Welch. Read the -- motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1073 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Welch.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1073 required the Department of Energy and Natural Resources, in cooperation with the EPA, to study the feasibility of recycling the sanitary landfills, and also the feasibility of using these existing sited landfills as the source for future refuse disposal sites. The Governor, in his veto, spoke only to one portion of the bill. What the Governor's veto objected to, was that the study would not provide potentially recoverable materials that -- so that the value of the recovered materials are balanced favorably against the cost. The cost of the study was estimated, I think, way in the high side by the Governor, at a hundred thousand dollars. The purpose of the bill was not just to decide if you could recycle the material in the landfill and make some money for somebody. The purpose of the bill was to take existing sited landfills where they've already met the requirements of Section 39.2 of the EPA, the siting provision that requires the seven criteria be met. When landfill has already met that, you take that landfill, you go into the landfill, take out what's there, recycle what you can, put in a clay liner -- a plastic liner. And you end up having, number one; a sited landfill in a place that's already used to a landfill, and one that has additional capacity. All of us have been concerned about siting landfills, and all of us should be

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aware of the fact that the cost of the disposing of your garbage is going up and up. The idea behind this bill was to create more capacity in existing landfills without the problem of going through siting; and trying to resolve that problem. The Governor, apparently, did not see that benefit of this proposal. The idea behind this proposal is not new. I can't take original credit for it, because it's being done in Florida. Collier County, Florida has developed a process for doing this. They've studied this. It's workable. It saves landfill space. You take old landfills that may be leaking and will have to be dug up, anyway, and allows them to be recycled. You put in a clay liner, and you end up with a spot that not only cleans up the environment, but creates additional capacity for more refuse. Now, this seems to me to be one of the answers to the landfill crisis. I wish the Governor would have explored this proposal more than he did. He, obviously, only gave it a cursory glance. I would move for an affirmative vote to override the Governor's veto.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes. Again, I rise to encourage a No vote on this Override Motion. The Governor, in deed, has given a very explicit reason why he opposes this particular bill. It would take over a hundred thousand dollars of money to - even to start to investigate this problem. And he just feels that the end result would not justify the money that will have to be spent, at this particular time. So, I would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch, to close.

SENATOR WELCH:

Well, the Governor's argument is rather curious. We're

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spending millions of dollars on landfill siting hearings now, and he's objecting to spending one hundred thousand, and that's an inflated figure, for this department to study something that really is going to be the ultimate solution. I think that this is what we're going to end up with, eventually. If we don't end up using these old landfills for new refuse, we're certainly going to be digging them up. Because they're leaking as it is. They are contaminating our ground water. And, it's a -- it's a bill who -- a bill which is ahead of its time, and apparently ahead of the Governor, as well. I would move for an affirmative vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1073 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, 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, please, Madam Secretary. On that question, the Ayes are 31, the Nays 23, 1 voting Present. And Senate Bill 1073 does not receive the required three-fifths, therefore, the motion fails. Senate Bill 1184. Senator Topinka. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1184 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. I will, first of all, put forward that I -- I am reluctant to go forward on this bill, because it does cost money. On the other hand, as I've pointed out in other bills, sometimes you have to spend some to get to where you're going. This bill would require

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the Department of Public Health to provide five hundred new scholarships, annually, for nursing education. It does provide a pay-back for recipients who fail to fulfill their employment requirements; which means you'd have to spend four years practicing in Illinois. So, ultimately, we don't lose anything on this if somebody walks on the program. I don't know how else to get at the nursing shortage in Illinois. This bill comes out of meetings with the Illinois Nurses Association. They say it would be one of the single best helps they could have in order to attract people to nursing. The Governor has said that this bill should be overridden because it doesn't direct attention to areas in the State where nurses should practice, in what are called underserved areas. But, I would submit to you that the whole State is an underserved area. I come from suburban Cook and East DuPage. We have ten hospitals we serve. They cannot get nurses. Now, this should be a top quality medical area, they cannot get nurses. Not that they're not paying, not that they're not providing other perks, they're just not there. Because nursing schools cannot attract people to go into the profession, because it is a very hard job. And -- and because of this, I think we have to provide some sweetener here, or else our -- our hospitals, our nursing homes, our home visit home -- home health care institutions, are all going to tumble. Because, ultimately, the health care system just is based on the back bones of nurses. And if we cannot attract them, we're all in deep trouble. So, I would ask for an override on this and to make the bill law.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes. Would Senator Topinka yield?

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she will yield, Senator.

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SENATOR VADALABENE:

Yes, are you saying that we would provide a five hundred dollar scholarship to any student who wants to become a nurse, annually?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

No. I am saying we would provide five hundred new scholarships. Five hundred is the number of scholarships, not the amount of money involved. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Vadalabene.

SENATOR VADALABENE:

Would that help them financially?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes it would, because it would take care of their tuition, it would take care of a stipend, and it would get them into school. I mean, if I were looking, at this stage of the game, at about eighteen, nineteen years of age, something like this would attract me. And, I have to base it on how I'd feel, if I were out there and looking to a -- a medical career. -- And that was three years ago.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, I have -- many inquiries on, particularly girls who want to become nurses, and are -- and are not financially sound. I think this is a good bill. It should be supported.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kelly.

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SENATOR KELLY:

Yes. Senator Topinka, can you tell me what the Illinois Nurses Association - what their position is on this legislation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

They helped to write it. They stand behind it. They've asked that it be overridden.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. The sponsor yield?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates she'll yield.

SENATOR JONES:

Senator Topinka. It says on my analysis, "that upon the completion of a four year baccalaureate program", would that preclude those nurses who go to the community college from participating in this program?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes. At this point, it would. But, down the road, I would have no problem amending this program. When we spoke to the community nurses, they had not gotten involved in this. They brought it to my attention very late in the Session. So, I have no objection to that. It is not there now, and I would have no qualms about advancing that in the future.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you. Would the sponsor yield to a question, please?

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PRESIDING OFFICER: (SENATOR LUFT)

She indicates she'll yield.

SENATOR SMITH:

In view of the fact that there is such a shortage of nurses now and it has been advertised, how will this program help us in this immediate need that we're in now?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR SMITH:

...the program that you're talking about, and...

SENATOR TOPINKA:

Well, you've got to put four years in. I mean, no matter how you cut it, you have to go to nursing school. You've got to, ultimately, get people into the system. You have to make the system interesting enough and -- and rewarding and challenging enough to get people into the system. Right now, we have nobody going into the system. Or in such minute numbers, that -- that we're closing down nursing schools, rather than even sustaining the ones we have. I -- I just don't know of any other alternative, Madam Health Committee Chairman.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith.

SENATOR SMITH:

Another question, to you, please? In view of the fact that there is such a shortage of nurses, and it's because of lack of pay - proper pay to these nurses, don't you think it would be



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advantageous for the State to take a lot of money, so you're saying 1.225 million dollars, and place it in a long range program whereas, you could help these nurses who are already qualified, now, and say we can have -- can up your salaries if you go and work in these hospitals when there is such a shortage of nurses today?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

I -- I think that's an interesting concept. But, it may be a BandAid approach, because you're still talking about basic numbers that you don't have, and are not generating. And the situation is going to become exceedingly worse when the baby boomers start getting older, and start requiring more and more health care. Because then you're talking about that glut in the population. We don't have nurses now; what is our future? You and I might want to start looking at what happens to us when we get of that age, and have to be in the hospital.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith.

SENATOR SMITH:

I approve -- her concept is good, but I think that right now an emergency to our community and to our State - when downstate they are in dire need of hospitals and nurses. And I think we should look in that direction right now. Because, this is an emergency. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson. Sponsor indicates she'll yield. Senator Davidson. Move over to -- Senator -- on Senator Hawkinson's microphone. Senator Davidson.

SENATOR DAVIDSON:

Was -- was there any money appropriated in the Public Health

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budget for this expansion of this program?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

No. But -- all right. The -- but the whole idea is that -- the whole -- the cost of this would be controlled by the appropriations. So, the Department of Public Health would be in control, as would we, in terms of how this program functions.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

But there was no money appropriated in the Public Health budget this year to fund this program if this would override the Governor's veto. Is that not correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

That's right.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes, I -- I just have one question.

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she'll yield.

SENATOR COLLINS:

And, I agree there is a shortage of nurses in the various hospitals. But, Senator Topinka, can you tell me in your research, how many nurses are out there now, graduate nurses, or otherwise, who does not work as a nurse because lack of pay and other working conditions?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

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SENATOR TOPINKA:

I agree that is the problem. I've had that brought to my attention by the Illinois Nurses Association. We've tried to address some of that in other bills, in terms of daycare, which was one of their main objectives and that was -- it just never could get out of the Revenue Committee. Which were incentives, you know, on that front because they said that, indeed, would get them back into the system. So, I have tried on their fronts. I've -- I tried with the whole package, and this was just one component.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Just to clarify a couple of points. There was a -- a -- a study done on why - have we got a nurse -- shortage in this State, which all of us received about 2 years ago or 3 years ago. Basically, what the study said was exactly what Senator Collins said. It is not that we have a shortage of nurses that -- it is that we have a shortage of nurses who are willing to stay in the profession. And, frankly, the first two reasons that were given, in that report, was one: they didn't like the way the doctors treated them. I'm not sure we can legislate that. Two, they didn't like the hours in the hospitals, because they had to work nights, and they had to work weekends. And then the third one was the pay. The first two, though, frankly, we're not going to change either with this bill, or any other. I think we all ought to go home and tell our doctors to straighten up.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins, for the second time.

SENATOR COLLINS:

Well, thank you for answering that question. Because I had vaguely remembered something to that effect. And Senator Topinka,

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I would suggest you go along with the Governor. Work on this. And, I would be happy to work with you, also. To talk about how we can really get - address the whole shortage of nurses. Believe me, this bill, in and of itself, getting more nurses it's not going to solve your problem. We've got to figure out how we going to keep the nurses in the profession and -- and -- and get more of the nurses that's out there now, working in other professions, probably unfulfilled and not satisfied, to go back into the -- the medical profession.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Topinka to close.

SENATOR TOPINKA:

Well, I appreciate the comments that were made here. And, I would agree with those who have brought up the fact that there are, obviously, other components to the puzzle of how we get, and keep, and maintain nurses. They're all very valid. They appeared in other bills that, in many cases, did not come out of committee or were not considered. But, who better would know what nurses problems are, but nurses themselves. And, they went into the writing of this legislation and do say that as a part of the solution, this will help. So, I would ask for an override.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1184 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, please, Madam Secretary. On that question, the Ayes are 43, the Nays 12, none voting Present. Senate Bill 1140 -- 84. I'm sorry, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Motions in Writing, Override Total Veto is Senate Bill 1197. Senator del Valle. Out of the record.

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Senate Bill 1257. Senator Topinka. Out of the record. Senate Bill 1269. Senator Marovitz. Read the -- motion please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1269 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Marovitz.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1269 amends the Radiation Protection Act. The same one that Senator Maitland's did to remove a person, nurse, technician, or other assistant of a person, licensed under the Podiatric Medical Practice Act from the accreditation requirement of the Act. Back in 1983, I passed legislation and I was the sponsor of it, dealing with -- the radiation protection and accreditation of certain individuals. Back in that time, in 1982 or 1983, we exempted dentists because they - their amount of radiation was so minimal, that it would not effect the health safety of individuals. We passed this bill, this year, 57 to 1. The House passed it 113 to nothing and it was never opposed by the Department of Nuclear Safety at any point. As a matter of fact, in a field survey done by the Department of Nuclear Safety on Podiatric X-Ray Units, they confirmed that over 2,000 exposures on one individual would be needed for any harm to even be, conceivably, caused, and that never happens, in any case, on a Podiatric patient. Since the enactment of the bill in 1983, the Department of Nuclear Safety, they were charged with the responsibility of setting up standards and regulations. They never developed any regulations for accreditation under this. So, obviously, they didn't believe that there was any public health

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standard. This is a relatively minor bill. It passed without any objection in both in the House and the Senate. And I would ask that you override the veto, as we did with Senator Maitland's bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1269 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, please, Madam Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1269, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. At the bottom of Page 17, is Senate Bill 1302. Senator Rea. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1302 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Rea.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1302 creates a program of grants and scholarships to allow health care professionals - to encourage them to practice in health manpower shortage areas, and to increase the number of those professionals in the State. You just heard Senator Topinka, earlier, talk about the need of -- for this in underserved areas. There is certainly a -- a strong need, and this is one of the highest priorities that we have in the State. And I would certainly move for an override of the Governor's veto.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Well, Mr. President and Ladies and Gentlemen of the Senate. I -- I -- I thank the Senate for -- for supporting my bill. I hate to come back on this and say this is significantly different than what I was arguing, for the following reason. This creates scholarships for just about everything that moves in health care. I was talking about a nursing shortage, because there is a nursing shortage. I don't know that there is necessarily a shortage of optometrists and physical therapists and excuse me, Senator Davidson, chiropractors - maybe you can answer that better. You know, who've agreed to provide health care in -- in underserved areas. Furthermore, the difference, too, between what I just proposed and otherwise, was that it involved the whole State. This of course, is -- is much more delineated as to where it would wind up. Furthermore, it was dependent on the passage of Senate Bill 1301 for funding, and that failed in the Senate. So, there's nothing out there that can really substantiate this. It's -- it's kind of floating out there. So, on that basis, we might want to sustain the veto on this particular piece of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Rea to close.

SENATOR REA:

Thank you, Mr. President. Given the crisis of health care, in both rural and urban areas of Illinois, Senate Bill 1302 is certainly timely, and certainly an emergency. And I think that the Senator - pretty wide definition when she talked about the health care professionals. And as far as the money is concerned, the -- there has been other bills, other programs, that have been passed that have been very important to this State which the

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funding was delayed for. I think that, you know, the lack of health care in Illinois has certainly reached a crisis. It's time that - we're at the stage where the State must provide a program for the medically underserved areas in Illinois, if we expect to have any type of quality health care. And we need those linkages of primary health care to secondary care; and without these types of incentives we will have a shortage in those areas. I -- strongly recommend an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1302 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, please, Madam Secretary. On that question, the Ayes are 31, the Nays are 26, none voting Present. And Senate Bill 1302 does not receive the required three-fifths, and the motion fails. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Bottom of Page 17, Senate Bill 1400. Senator Hall. Senator Hall on the Floor? Page 18. Senate Bill 1441. Senator Newhouse. Senator Newhouse on the Floor? All right. Page 18. Motions in Writing to override item vetoes. Senator del Valle. On Page 18. Motions in Writing to Override Item Vetoes is Senate Bill 278. Madam Secretary, Senate Bill 278.

SECRETARY HAWKER:

I move that the item on Page 7, lines 19 through 22 of Senate Bill 278 do pass, the item veto of the Governor to the contrary notwithstanding.

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:



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Thank you, Mr. President. Over a year ago the Joint Committee on Minority Student Access to Higher Education was established. The mandate of that committee, that legislative committee, was to look at the overall status of minority student participation in our public universities in our public community college system. That committee determined that not only is there drastic underrepresentation of minorities in our colleges and universities, but also that more needs to be done by each university to recruit, and then retain, students. There were several recommendations that were made in a series of public hearings throughout the State. The number one recommendation that was made by the university presidents, administrators, faculty, education organizations and others, was the recommendation to increase funding for efforts to recruit and retain students. That was the number one recommendation. Those recommendations were then taken and put into the form of appropriation recommendations in the Higher Ed approp bill. We supported a tax increase. I supported a tax increase. With the understanding that some of those dollars a small portion of those dollars would be used to deal with this problem - this serious problem of underrepresentation, that is much more serious today than ever before, given the increasing, the growing, need for academic preparation in order to be competitive in the job market. And so, in good faith, I proceeded to support the tax increase, because of the overall needs of education in general, and in particular the need in the university and elementary school system and high school system to better prepare minority students. These amounts were vetoed out of the approp budget, the Higher Ed approp budget. The only amounts that were vetoed out of the budget were amounts for minority access to higher education. I am asking today that we override the line item veto that took out one million dollars for establishing transfer centers in our community college system -

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transfer centers that would help insure that information and other kinds of support services are provided to increase the number of students that transfer from our community college system to our four-year college system. So I ask that we restore -- that we restore the item reduction of the Governor, for Senate Bill 278.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator, just as you did last spring, you make a very persuasive speech in the fall Veto Session, and I stood with you during many of those hearings, and you did an excellent job as those hearings were held across the State. The real issue here this afternoon, Ladies and Gentlemen of the Senate, is the fact there simply is no substantive language to allow for the expenditure of these funds, and obviously the natural recourse for us would be to simply not support this motion and -- and to come back yet again next year and deal with the issue then. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I stand in support of this override motion. I too voted for the tax increase, with the understanding that the educational needs of the minorities will be made -- or will be met. We can look at any of the universities, starting at the U of I throughout in all our State universities. The minority enrollment is down. The retention of those minorities that do attend college is low and there's a high dropout rate among them. With this bill, and with this money, I think that this can be corrected, and we need it, and therefore that was one of the reasons that I voted for tax increases - so we can help the educational community. Find out the reason why this is happening.

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I urge an Aye vote on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. I -- I too rise in very strong support of -- of -- to restore these line items reductions, because if we're talking about improving the quality of education in this State, and if education is truly a priority agenda for us, as we have proclaimed across the State over the last two or three years, we can no longer ignore the fact that a majority of students who even enter into the colleges drop out. And on the other hand, there are just not enough minority students who even go through high school are able to enter into college. Now if we're not content, or if we're not ready to accept a whole generation of people out there unable to get jobs and to lead productive lives, then we have to act now, we cannot afford, Senator Maitland, on the basis of a minor technicality, to ignore this situation any longer. Now we do have precedent. Maybe, maybe the substantive language is not there as it should be, but we most certainly have precedent in this Body by which we have allowed, through appropriations, this kind of thing to take place - in DCCA all the time. And there are even some incidents through the Board of Education that you can say there is some similarity to it. We can, in fact -- that is no reason to -- to take this money out, because we say we don't have substantive language. It has been done before. We must do it now. We can no longer allow these students to drop out of college, or we cannot be satisfied with our minority students not entering college, or are we going to talk about, in this State, a underclass of people that will never, ever, never be able to lead productive lives? It's just not fair, and we can't hide behind technicalities any longer. I say we should override the Governor's veto and restore these items.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If I might underline Senator del Valle's comments and the others, but just add a direct plea from a somewhat different prospective, perhaps. I'm on the faculty at a private university, which admittedly is very expensive, and -- but which has nevertheless devoted a good deal of time, attention and resources to minority recruitment itself, with not the kind of success that we would like. But what we see happening - and we've seen it from our own experience in that private university - is that we -- there is not enough effort being made to reach out and make sure that minority students understand and have access - understand the importance of higher education and have access to it. The -- it is particularly important with respect to the public universities. We are just depriving ourselves of so much talent if we let this continue, and not only are we depriving ourselves of talent, but we are creating for ourselves a problem that we do not want to share the consequences of. We have got to make sure that the minorities in our State, which are a growing part of our State population, know, understand, and can get into higher education. This program - these funds - are a small, but important step in that direction. Please, I think we have got to continue this program. We have got to make this statement of policy, and to restore these funds to override this veto is one way of making that statement and making that commitment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, and I want to -- I'd like this Body to know that I rise reluctantly, because we have a great deal of work to do. But what this Legislature has just done, or is about

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to do, is again say "No" to a large number of people who represent the future of this State. Don't misunderstand that. The cost of refusing admission to higher education to the youngsters that we're talking about is going to do several things. One of the things it's going to do is make much more persuasive the argument to those who would destroy our mutual communities. We're talking here about communities where young -- more young men go to jail that go to college. We're talking here about the youngsters who are going to fill up all those additional prisons that we have built around this State that are costing us enormous amounts of money. Meanwhile, the illicit traffic in my city is going to offer them the alternative that we refuse to them, and that is the opportunity to become young entrepreneurs and listen to that, because a ten-year old carrying a beeper on his belt is an entrepreneur, and the kind of heights to which that youngster might rise, in the legitimate business world, we can't even imagine. Let me tell you a story about a young man from my community who is now the Chief Executive Officer of a major corporation in this country with outlets in every city, distributing pharmaceuticals. He grew up as a young gangbanger on the fringes of my community. You'd know his name if I called it. He has a board of directors, he has an advancement track, he has a pension plan. You go to jail, he'll take care of your family, and that's the alternative my kids are being offered, and they're taking it, and they're doing very well until they either get killed or go to jail. But that is the alternative that we are offering to them, rather than the logical alternative of the development in a society which they can contribute, and we instead are saying "Let's shut the doors." I cannot accept the explanation that was just given as to why this bill is in the shape it's in. The veto pen was there before. There was ample time with all the staff that exists down on that Second Floor to make

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this bill and to put it in the posture that it ought to be in, if that were the case. It obviously wasn't. That lack of interest, I say to you, is going to come back to haunt us, and that day isn't far away. I don't know about you, but I see it every day, and the same ills that beset, the urban areas and that we used to laugh at, are at your back door right now, no matter how rural your community is. It's there; the drug traffic is there. You know it and I know it. It's not going to go away. If we continue to feed into that system more sales people, more independent business people, more corporate executives - and that's what we're talking about - if we continue to keep that kind of talent out of the legitimate market, we are going to reap the whirlwind, and those of you from the rural areas know that right now we're talking farm foreclosures by virtue of the fact that social service costs have gotten completely out of hand. Your response to it in many cases is the building of new prisons, which is a stopgap, but who's going to pay for them? Your kids are going to pay for them. I don't know if what I say is going to make any difference at all today, but I certainly hope it gives some food for thought, when we talk about, in a sense, deliberately closing the doors on our own children, on our own future, closing the doors that will give them the opportunity to be able to constructively participate in this society. I would urge that this Body put this bill in the posture to do something about that problem right now. I would suggest if it goes out of that Body, we would have done a disservice to all our communities. I urge that this Body take the step to see to it that those doors are open, that they stay open, that our youngsters be able to participate on an even footing in an economy that badly needs their services.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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Thank you very much, Mr. President and Members of the Senate. I know we appear as hardliners over here as we stand here before you and debate this issue, but Mr. President, I have a question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

And this might be directed also to -- to Senator Netsch as well. Senator, could you tell the Body that, even if there was language that would authorize the expenditure of this money, could you tell the Body to what school the total amount of this money is appropriated to?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Half of the one million would go to the Chicago community colleges and the other half would go to the community college districts across the State, to be appropriated by the Illinois Community College Board and with the involvement of IBHE.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, you would have to recite that language to us. It is our understanding that the total amount of money goes to the City College of Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

No, that's not my understanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

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I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

That is not my understanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- you know, we don't want to misquote, nor do you want to misquote. It is our understanding that it is all to the City College of Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator del Valle.

SENATOR DEL VALLE:

You might be referring to the -- the next amendment, where there are two million dollars appropriated to the community colleges of Chicago for the preapprenticeship program. That's -- that's the next motion. Not this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

You know, we disagree, we believe that both -- both amendments are. But let me just -- let me just comment folks. We appear as being anti-minority. Let me share with you, let me share with you what, to this date, the General Assembly has done for minority students in Illinois over and above a year ago. For public university program support, two million seven hundred thousand. For community college program support, 1.4 million dollars. Consortium for educational opportunity, six hundred sixteen thousand. All above last year's appropriation. And finally, the MAP, the Monetary Award Program. Of the hundred and seventy-five million dollars in that program, the minority share of MAP is --



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is fifty-eight million dollars. So it's not as though we're not doing anything, and I -- I understand the argument and the speech on that side, but don't point -- don't point to us as being anti-support for this program. And we still question, Senator, the -- the allocation of the money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, and I -- I, -- I'm just -- I apologize for speaking a second time, but I -- I do have to say -- respond to your comment about we thinking that you're anti-minority. You see, that's the real problem around here. This bill is not about -- just about minorities. We are talking about the State of Illinois, the health of the State of Illinois, the economy of Illinois. That's what it's about; it's about all of us - all of us - and unless we can perceptualize this problem as a problem of the State and of all of us, we will never be able to solve this problem and many other problems that we are called upon indirectly or directly; we have to respond to it as a State, and if you don't act on this bill one way or the other, you going to respond to this problem as a State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Maitland, to your question. The bill reads, "The sum of one million, or so much thereof as may be necessary, is appropriated to the Illinois Community College Board, for distribution as Minority Articulation Program Grants." Doesn't say Chicago. I am surprised by some of the comments that were just made regarding the overall status of -- of minorities in our college system. The University of Illinois at Chicago has seen a fifty percent decline in enrollment since 1980. Decline in their

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black student enrollment. On the same day that the Governor vetoed - line item vetoed - these two amounts and the reduction veto that we'll get to later, he signed the appropriation to construct prisons. Ninety-seven million dollars for three new prisons. Now I realize that there are a lot of communities across the State that are waiting for a prison, and I realize that those prisons mean economic development for the communities, and I'm glad that they're glad to get a prison, glad enough to bring out the marching bands - the high school marching bands - when the Governor comes into town to make his announcement. But the reality of it is that most of the individuals that are going to fill those cells are black and Hispanic. That is where our role models are coming from, and so yes, we talk about this time and time again on this Floor. but I thought that this year -- this year would be the year; that this year, with the votes of every single minority legislator on this Senate Floor for a tax increase, that we would be able to get a small amount of money to increase our efforts. A small amount of money that has been requested by every single university president and every single administrator and program support personnel that has talked to our committee. And Senator Maitland, you heard those requests. I've been told that we could double the population, we could double the enrollment, if we expand existing programs and establish some new initiatives. And so we thought that we were asking for an -- a small amount of money, to make sure that instead of spending over seventeen thousand dollars a year for an individual in our prison system, that instead we take our money and start producing taxpayers and role models in our communities across the State of Illinois. And so this makes all the sense in the world, and yes, we hear that there's no money. No money. Over one billion dollars in new taxes, but there's no money to produce more taxpayers for the State of Illinois. It is an injustice. It is unfair. And what

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I'm appealing to you today for is for you to correct this injustice, for you to join with me in our effort to produce more taxpayers, to produce the professionals of tomorrow, to produce the nurses that are needed, to produce the bilingual teachers that are needed in all your districts, because yes, we do have a teacher shortage. We want to produce the kinds of individuals that will be productive members of our society and will help us build the economy of the State of Illinois. And so, at what point are we going to start refocusing and directing our energies in such a way that we begin to shift our priorities? At what point do we say we cannot build, we cannot build more prisons? And yes, this is not to say that if an Hispanic or a black youth does not go to college they will go to prison - no, that is not to say. But folks, we have a serious problem, and we're appealing to for help. Our communities are deteriorating because of a lack of leadership, and it's our public universities because they are affordable, even though that's changing quickly. It's our public universities, that have produced the kind of leadership that is now working to change things in our communities. Our leadership needs to come from these universities, and we can't do it without the support of the Governor and the Illinois General Assembly. So I ask for you to please support us in our effort to override this line item veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the item on Page 7 -- question is, shall the item on Page 7, lines 19 through 22 of Senate Bill 278, pass, the item veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? ...(machine cutoff)... Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 22, none voting Present. The motion fails. On Motions in

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Writing to Override Item Vetoes. Senate Bill 278. Senator del Valle, on the second motion on, Madam Secretary, 278, second motion.

SECRETARY HAWKER:

I move that the item on Page 7, lines 23 through 26 of Senate Bill 278, Do Pass, the item veto of the Governor to the contrary notwithstanding. Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This motion also comes out of the effort by the Minority Access to Higher Education Committee to increase the participation of minorities in our educational system - Higher Ed system. The sum of two million dollars was appropriated to the Illinois Community College Board for grants to community colleges of Chicago for a preapprenticeship program. Again, as was stated before, it's an attempt to get more people trained and working, earning decent salaries and working, so that they can pay taxes. If you want them to pay taxes, support this bill. I move for the restoration of the line item veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Mr. President, I'm sorry to rise again on this issue, but I simply rise in opposition for the same reason, the fact that there is not substantive language that permits the expenditure of this money, and to say to the Body, that don't forget that tax increase that Senator del Valle spoke to you about a few moments ago pumped nearly five hundred million dollars of new money into elementary, secondary -- elementary and secondary education last spring, much of which was put there to more adequately fund Education Reform of 1985, the bulk of which goes to address, Senator, the very concern

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that you have - the needs of the students who are at risk of failure. So we are doing a lot, not enough, not enough, but we are doing a lot.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator del Valle may close.

SENATOR DEL VALLE:

Thank you, Mr. President. I just move to override, to restore the item.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the item on Page 7, lines 23 through 26, of Senate Bill 278, pass, the veto -- the item veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 23, none voting Present. The motion fails. Senate Bill 284. Senator Holmberg. Senate Bill 2-8-4, Madam Secretary.

SECRETARY HAWKER:

I move that the item on Page 5, lines 20 through 25, of Senate Bill 2-8-4 do pass, the item veto of the Governor to the contrary notwithstanding.

Filed by Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise to propose that we override this item veto. This appropriation is - for five hundred thousand dollars, is vitally necessary for Northern Illinois University to have the money available to proceed with site acquisition, for an extension center in Rockford. The substantive bill to set up guidelines for how NIU and the Board of Higher Education will work

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together for site selection has already been signed into law by the Governor. One of the buildings that NIU is looking at is our recently closed Rockford area vocational center, which is available for purchase at this time. Yesterday -- our council of one hundred, made up of one hundred and twenty of the chief CEO's of Rockford business, met and reaffirmed their support for this NIU extension in Rockford. John Holland, Director of the Chamber of Commerce in Rockford, has stated in the press, that it is the most important project we have going for us in Rockford, today. Our attempts to lure -- lure new business and industry to Rockford have been thwarted because we have lacked a kind of presence of a public university in our community. Right now, some one to two thousand students take classes in Rockford, in a given year. And this money would begin the process of finding them a permanent academic building. I ask for your positive support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise -- I feel I must rise in opposition to this amendment, or to this Motion, rather. What we have here is an item which was added on, via an amendment, during the legislative process last spring. We are dealing with an amendment that establishes a -- a center which did not go through the Board of Higher Education approval process. It is an add on, and then was deleted by the Governor. I -- I would rise in opposition and would request a No vote on this Motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Holmberg may close.

SENATOR HOLMBERG:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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The question is, shall the item on Page 5, lines 20 through 25, of Senate Bill 284 do pass, the item veto of the -- 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? Take the record. On that question, the Ayes are 36, the Nays are 20, none voting Present. The -- on that -- the item on Page -- Page 5, lines 20 through 25 of Senate Bill 284, having received the required three-fifths vote, is declared passed, the item veto to the Governor to the contrary notwithstanding. Senator Etheredge, for what purpose to you arise?

SENATOR ETHEREDGE:

Mr. President. I would request a verification of the Aye votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge has requested the verification of those Members who voted in the affirmative. Will all Members please be in their seats. And the Secretary will so read those who -- Members who voted in the affirmative. Madam Secretary.

SECRETARY HAWKER:

The following Members voted in the affirmative: Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Fawell, Hall, Holmberg, Jacobs, Jones, J. E. Joyce, J. J. Joyce, Karpriel, Kelly, Lechowicz, Luft, Macdonald, Mahar, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Rigney, Savickas, Schaffer, Severns, Smith, Vadalabene, Welch, Zito and Mr. President. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge, do you question the presence of any Member who voted in the affirmative? Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Senator Savickas, Mr. President.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas is standing on your side of the aisle, toward the back.

SENATOR ETHEREDGE:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Senator Rock, for what purpose do you arise?

SENATOR ROCK:

I am told that the Gentleman was called to the Governor's Office, and he's on his way up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Standing right here at the Podium.

SENATOR ETHEREDGE:

Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs on the Floor? Senator Jacobs on the Floor? I think he must be in the same meeting, Senator Etheredge.

SENATOR ETHEREDGE:

Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- strike Senator Jacobs. Is Senator Mahar on the Floor? He is in his seat. All right. Senator Jacobs has just returned to the Chamber, at the back of the well. Senator Etheredge, I'm sorry. Senator Etheredge. Senator Etheredge. Do you question the presence of any other Member? All right --

SENATOR ETHEREDGE:

Senator Lechowicz, -- I still have not seen.



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PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Is Senator Lechowicz on the Floor? Is Senator Lechowicz in the Governor's Office? Hello. Strike his name. Senator Etheredge, on that question, on a verified roll, there are 35 -- 35 Yeas, 20 -- 20 Nays, none voting Present. The motion fails. Senate Bill 441 -- Senator -- I'm sorry. Senate Bill 441. Senator Carroll. Senator Carroll, for what purpose do you arise?  
SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. On this, and the subsequent motion on 4-4-1, there has been agreement reached. I will be withdrawing them. I'd like to make a comment, though, because there's some confusion on the Floor, as to what was going on. The first one dealt with the area of the teen suicide prevention. The Governor's Office has indicated to us that they have found available money, in the tune of fifty to a hundred thousand in the Department of Mental Health's budget, as well as having acquired some new federal monies, that they will be asking for by way of supplemental appropriation. And that the Department of Alcohol and Substance Abuse will be dedicating approximately a hundred thousand dollars for development of a Drug and Teen Suicide Prevention Program. That being sufficient funding to start the program, I would withdraw the motion to override the Governor's line item veto of that. And on the next one Mr. President, on the area of parity in -- in pay for those who are community based in mental health. There was confusion in that yesterday. There were some who thought an agreement was reached, and some who thought there was not. There is, this morning, agreement that has been reached with all those who are providers of community based care with the Office of the Governor, where the Department shall be providing a two and a half percent, or 3.8 million dollar salary parity adjustment, effective December 1st, 1989. With that amount added

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to the -- the base for fiscal '91, and that the base for fiscal '91 will then be subject to the same four percent salary COLA for parity with those who are State employees. This has reached agreement with all providers, and therefore, I would withdraw that motion, as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, Senator Carroll has withdrawn both motions. Senator Madigan, for what purpose do you arise?

SENATOR MADIGAN:

Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR MADIGAN:

Thank you, Mr. President. Visiting with the Senate, today, as a result or as part of a study group of Rotary International, there is a group of businessmen from the country of Finland being escorted by Mr. David Benner and Mr. Lynn Loffman. I'd like, if it's possible, for you to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be welcomed to the Senate. All right. We will -- we keep going right down the Page -- Page 18. Motions in Writing to Restore Item Reductions. Senate Bill 278. Senator del Valle. Senate Bill 278, Madam Secretary.

SECRETARY HAWKER:

I move that the item on Page 2, lines 24 and 25 of Senate Bill 278 be restored, the item reduction veto of the Governor to the contrary notwithstanding.

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

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SENATOR DEL VALLE:

Thank you, Mr. President. This is also part of the package coming out of the Minority Access to Higher Education Report, and this appropriated 3.850 million dollars for recruitment, retention and achievement activities. The Governor reduced that amount by 3.8 million, and we're asking that we restore the item reduction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the item on Page 2, lines 24 and 25 of Senate Bill 278, be restored, the item reduction of the veto of the Governor 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 30 -- 31, the Nays are 25, none voting Present. The item on Page 2, lines 24 and 25 to Senate Bill 278, 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?

SENATOR MAITLAND:

Verify the affirmative, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland has requested a verification of those who voted in the affirmative. All Members will be in their seats. The Secretary will read the names of the Members who voted in the affirmative. Madam Secretary.

SECRETARY HAWKER:

The following Members voted in the affirmative: Berman, Brookins, Carroll, Collins, Daley, D'Arco, DeAngelis, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Kustra, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Savickas, Severns, Smith, Vadalabene, Welch,

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Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, do you question the presence of any Member who voted in the affirmative?

SENATOR MAITLAND:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Strike his name.

SENATOR MAITLAND:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas on the Floor? Senator Savickas on the Floor? Strike his name. Senator Maitland.

SENATOR MAITLAND:

That's -- that's it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland, was that it? On the verified roll call, the Ayes are 29, the Nays are 25, none voting Present. The motion fails. Senate Bill 437. Senator Berman. Senate Bill 437, Madam Secretary.

SECRETARY HAWKER:

I move that the item on Page 6, line 29, of Senate Bill 437, be restored, the item reduction of the Governor to the contrary notwithstanding. Filed by Senators Berman and Severns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This motion and the following one, I've got to tell you, I think was just an inadvertent mistake by the Governor. I'm sure he didn't mean to do this, because I know him, and I am sure he

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has as much respect for our elderly senior citizen constituents as do you and I. And I think it was just a -- we'll attribute it to the slip of the pen, that he took a million and a half dollars out of home-delivered meals for seniors. So I think in order to protect the Governor, and certainly to restate our recognition of the value of seniors and the value of home-delivered meals, I would ask for a restoration of this reduction on Senate Bill 437.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I concur with the sponsor of the bill, because in my county alone, we have forty thousand senior citizens, who are in need of the Meals on Wheels, and I believe there are about eighty thousand senior citizens in need for the Meals on Wheels in DuPage County, and I think it's a very humane bill. And I am sure that it must have been vetoed in error, 'cause I know the Governor better than that, as Senator Berman says, and I urge a favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there further discussion? Now that we've all gone to confession. The question is, shall the item on Page 6, line 29, of Senate Bill 37 <sic> be restored, the item reduction 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The item on Page 6, line 29, of Senate Bill 437, having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding, and the slip of his amendatory veto pen. Senate Bill 437. Senator Berman wishes to

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proceed, Madam Secretary.

SECRETARY HAWKER:

I move that the item on Page 7, line 23 of Senate Bill 437 be restored, the item reduction of the Governor to the contrary notwithstanding. Filed by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. This was a reduction in the community-based services. I think we've all heard from our seniors in our Area Agencies on Aging regarding the need for these services. I will not go into details, unless you ask, but I would be pleased with the same roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the item on Page 7, line 23, of Senate Bill 437 be restored, the item reduction 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 wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The item on Page 7, of line 23, of Senate Bill 437, having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding. Senate Bill 438. Senator Newhouse. 442. Senator Carroll. On the Order of -- of Restoration, Senate Bill 442, Madam Secretary. I beg your pardon -- Senator Newhouse, are you ready to proceed? All right. Take it out of the record. We're back -- Senate Bill 442, Madam Secretary. 4-4-2. Senate Bill 4-4-2.

SECRETARY HAWKER:

I move that the item on page 11, line 8, of Senate Bill 4-4-2

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be restored, the item reduction of the Governor to the contrary notwithstanding.

Filed by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Governor saw fit to reduce the funding for Regional Alzheimer Disease Assistance Centers, and took out about a -- a fourth of the funding level. These Centers, developed by the General Assembly, with a Committee appointed by the Governor, had determined how much monies were necessary, Statewide, for an education and treatment complex of Centers throughout this State. What actually happens is, hospitals are chosen as outreach Centers throughout Illinois to train doctors on how to identify Alzheimer patients, and then to help in a treatment plan for those people, and for support to the families. The numbers of people assisted has more than doubled this past year. The numbers of facilities seeking to be served, has doubled this past year. The number of doctors, who have been trained by this program, is seeking to double this year. Yet, the Governor saw fit to reduce this amount to a level that would make it ineffective Statewide to accommodate this most important problem. It's merely a six hundred thousand dollar restoration. It is Statewide in impact. It would effect some fifteen hundred professionals, and three thousand patients, and some eight hundred and fifty Evaluation Centers. I would urge a -- a support in restoring the six hundred thousand dollars.

PRESIDENT ROCK:

Is there discussion? Discussion? If not, the question is shall the item on Page 11, line 8, of Senate 4-4-2 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed will vote

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Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The item on Page 11, line 8, of Senate Bill 4-4-2 having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding. All right. Ladies and Gentlemen, if I could have your attention. We'll now move to Page 19. There are four Motions in Writing to Override Specific Recommendations, which we will call, if the sponsor so chooses. And then, the Secretary has passed out Supplemental Senate Calendar No. 1, which contains five additional motions. So, we'll do Motions in Writing to Override Specific Recommendations, then the Supplemental Calendar, and that should conclude our business for this afternoon. 141. Senator Welch. Read the motion, please, Madam Secretary. Page 19. On the Order of Motions in Writing to Override Specific Recommendations there's a motion filed with respect to Senate Bill 141. Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 141 do pass, the Specific Recommendations of the Governor to the contrary notwithstanding. Filed by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 141 amends an Act concerning the employment of Illinois workers on public works project. In particular, it included, in the requirement that Illinois workers be hired, hazardous waste cleanup projects. As it stands now in hazardous waste cleanup projects, specifically superfund sites, that are funded with federal money, Illinois workers don't have to be hired. And the purpose of this bill was



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to include Illinois workers in superfund projects. And, you know, the Governor agreed one hundred percent with that. He signed everything that I changed in this bill, and he wants it to be law. But what his veto did was - he took, in a portion of one of the paragraphs, and decided to change that. Something that the bill didn't touch. And what the Governor has done, is attempted to assert legislative power, when he is in the Executive Branch. What he did was, he took a paragraph of the existing law, took a separate sentence out of it that wasn't affected - where it says: "every contractor in a public works project, or improvement, in this State, may place on such work, no more than three of his regularly employed nonresident executive and technical experts." That wasn't touched by this bill. That was meant to remain as it was. The Governor exercising legislative authority, that he believes that he has, which I don't believe that he has, changed that from three to six. So what he's saying is that there should be six out of state workers allowed on a hazardous waste project. Ladies and Gentlemen, some of these projects only have six workers, or fewer. There's a project going on now, in LaSalle, that's supposed to have, at the most, eight. It's a project to incinerate PCB's, a Superfund project. What the Governor has done is -- is, basically, thwarted the intention of this bill, by making the loophole so large, that the bill becomes much less useful. I would urge that we override the Governor's veto. In main part, because he doesn't have the authority to do what he's done, but on the other hand, we should override it, because what he's done is wrong. I would move for an affirmative vote on the override.

PRESIDENT ROCK:

Is there discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes. I arise to urge your No vote on this particular Override

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Motion. The Governor supports the principle of using Illinois workers wherever possible, but of course he was concerned with the limit provided for - that only three technical experts could be used in the case of hazardous waste cleanup. It -- he vetoed the bill and increased a number of out of state technical experts that could be used on hazardous waste cleanup from three to six. So I urge that you vote No on this issue.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I concur with Senator Macdonald. Why should we limit it to three? When we talk about hazardous waste, for heaven sakes, we should not be limiting how many experts we bring in. This is a serious matter. And I think when you want to override the Governor's veto, I think you're wrong, Senator. I think we should go ahead and support the -- rather -- the veto the way he made it. Because, I think it'll protect to people more if we can get more experts, and you leave the door open for more experts.

PRESIDENT ROCK:

Further discussion? Is there any further discussion? Senator Welch, you wish to close?

SENATOR WELCH:

Yes, sir. Ladies and Gentlemen, what Senator Macdonald spoke about was something that wasn't in my bill. I didn't affect the number of people who could be employed on this -- on a project. If the Governor wants to do that, he should introduce a bill to do so, and let's debate the merits of that. Let's not have the Governor become the sixtieth Senator in this Body, by suddenly having the authority -- accrued to himself, under his interpretation of the constitution, to start rewriting our laws. The idea that three or fewer executive or technical experts be

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employed, and no more, is so that the companies don't hire outside Illinois employees, and suddenly deem them experts. Who is to determine who is an expert? It's the company saying that, "Well, Joe Blow is an expert, because he's got the forty hours required to go on a hazardous wastesite." This is merely a ruse to get around an existing law. And if you vote for this, what it's going to do is it's going to thwart the purpose of hiring Illinoisans for Illinois projects. And I would urge an affirmative vote to override the Governor.

PRESIDENT ROCK:

The question is, shall Senate Bill 141 pass, the Specific Recommendations 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 31 Ayes, 26 Nays, 1 voting Present, and the motion fails. 633. Senator Welch. 956. Senator Marovitz. On the Order of Motions in Writing to Override Specific Recommendations, is a motion with respect to Senate Bill 956. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 956 do pass, the Specific Recommendations of the Governor to the contrary notwithstanding. Filed by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I'm asking for your support in overriding the Governor's amendatory veto on Senate Bill 956, which is the legislation that bars the death penalty for persons who are mentally retarded. By a very recent Harris poll, seventy percent of the American public

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believe that people with mental retardation should not be considered for execution. In Illinois, there have been many, many groups that have been working very hard on this legislation, to override this veto. Among those groups, are the Illinois Planning Council on Developmental Disabilities, the American Bar Association, the Illinois Bar Association, the Chicago Bar Association, the Association of Retarded Citizens, the Jewish Federation, the Lutheran Social Services, the Catholic Conference and the State Alliance for the Mentally Ill. The overriding concern expressed in the Governor's message is that the definition of mental retardation cannot be practically applied. And further, in the Governor - in his message stated and I quote, "If Senate Bill 956 becomes law, the amended death penalty Statute would undoubtedly be challenged on equal protection grounds. Challenges under the Eighth Amendment and Due Process also are likely". That's what the Governor said. The concerns that the Governor raises, with respect to the definition of mental retardation, overlooked the fact that a virtually identical statutory definition - identical statutory definition - of mental retardation has been in effect, in Illinois, since 1979. Mental retardation means significant sub-average general intellectual functioning, which exists concurrently with the impairment in adaptive behavior, and which originates before the age of eighteen years old. This statutory definition, which has never been challenged as unconstitutional, has served since -- since it's enactment, as the basis of determining who has mental -- retardation, and is, therefore, eligible for both State services, and for federal reimbursement. Moreover, the definition in this bill, Senate Bill 956, and Illinois Statutes, is based upon the definition created by the American Association on Mental Retardation, the nation's largest and oldest professional organization in the field. Ladies and Gentlemen of the Senate,

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recently the United States Congress passed, and President Reagan signed, an amendment to the Anti-drug Abuse Act of 1988 which bars the death penalty for persons with mental retardation, in a death penalty provision of that Act. The definition of mental retardation set forth in a congressional record, in the Act recently signed by President Reagan, is the same definition that is in this bill, Senate Bill 956. That amendment was adopted by the Congress unanimously. Interestingly, the four members of the Congress who spoke most vehemently in favor of the amendment, one was a Democrat, and three were conservative Republicans. I think this is the humane way to deal with this situation. It does not say that those who are mentally retarded cannot receive a life imprisonment sentence. It merely says that those who are adjudicated, clinically, as mentally retarded, a condition which cannot be cured, like mentally ill; cannot be subject to the death penalty. And I solicit your Aye vote to override the veto.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any -- any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I arise in opposition to the Motion to Override this amendatory veto of the Governor. I'll try to be brief. We spoke about this, at length, in the spring. We voted on it four times. The first time the bill was before us, it was defeated 29 to 22. There was a second vote, it passed 33 to 18. There was an amendment -- we failed to concur, the first time -- 29 to 25, and on Postponed Consideration it finally passed 32 to 25. The Governor's changes to this bill are exactly what we suggested in our debate, in urging defeat of the bill the first time. The Governor has taken exactly the right approach. And we ought to be moving to accept his amendatory veto, rather than to override. What we suggested last spring, in the protracted debate on this bill, was that we ought to consider retardation as a

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mitigating factor on a case-by-case basis. You know, we don't have an expanded death penalty in the State of Illinois. It ought to be broader than it is. But the death penalty now only applies in very limited situations. It applies if a murderer has committed some other crime, such as rape or armed robbery. It applies if we've killed a policeman in the act of duty -- very few situations. It is only the worst of the worst killers in Illinois who are even eligible - for the death penalty. It doesn't apply to all murderers in Illinois -- all first degree murderers. It's only the worst of the -- the most heinous offenses, that the death penalty even applies. To suggest that we will create some kind of blanket exception, in an area where you're going to have experts coming in - if we create this blanket exception there will be experts coming in, in every case, to suggest some level of mental retardation. It ought to be considered, but it ought to be considered on a case-by-case, individual-by-individual basis. It ought to be inserted as a mitigating factor, just the way that the Governor has changed the bill with his amendatory veto. It's the way we suggested it when we were urging a No vote last spring. Sure, if the mental retardation is severe, it ought to be considered by the court - by the jury; the death penalty ought not to be imposed. But to create a blanket exception, something we haven't done - any others - is wrong, and it will only invite a challenge in every case of heinous murder, as a challenge to that kind of sentence. And it'll even prolong, even further, and Illinois has a sorry record on our death penalty - in how long we prolong the appeals of people like John Gacy, and others. We should not set up another automatic challenge in every case. The Governor's done the right thing. He's made it an exception. In certain cases, it ought to be a mitigating factor, and it ought to preclude the issuance of the death penalty; but don't set it up where you're going to be inviting a challenge in every case, and

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having a battle of the experts in every case, and prolonging it.  
I urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I concur with Senator Hawkinson. I think the amendatory veto of the Governor is one of the best ever written. I congratulate his staff who did it, because we should not be so judgmental and say just because he's retarded, "He's not capable of raping and murdering a child, or raping or murdering a woman". For heavens sakes, that should be a factor in mitigation, and if that's the case, then everyone who's up for murder is going to say, "well, I'm mentally retarded, and, therefore, I cannot have the death penalty." That's ridiculous. I think we have a duty to protect the -- the citizens from these heinous crimes. And what about the poor victim who's gone? Let's remember the victim. I think we should, absolutely, oppose, this -- this motion to override the veto.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President. I certainly support the position of the last two speakers, as well as the Governor, with his recommendations to us. I just simply wanted to make one additional point. In that -- particularly for those members on the other side of the aisle that respect the position of the Cook County State's Attorney, who -- who is opposed to this motion and in support of the Governor's action, and supported our suggestions last spring when we were -- when we were suggesting the action that the Governor, in fact, has taken, in setting forth mental retardation as a specific mitigating factor. And for those reasons, like the previous two

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speakers, I urge opposition to the motion.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any further discussion? Senator Marovitz, to close.

SENATOR MAROVITZ:

I think most of the arguments have been made. We've heard them all. I would just solicit your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 956 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All right. All right. Have all voted who wish? Take the record. On that question, there are 29 Ayes, 25 Nays and none voting Present. And Senate Bill 956, having failed to receive the three-fifths vote -- the required three-fifths vote, is declared lost. Senate Bill 1270. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1270 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Marovitz.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. You may recall that yesterday I got up on the Floor and was about to proceed with a motion to accept the Governor's amendatory veto. And colleagues from both sides of the aisle said, "Why -- why are you doing this? I thought we were going to get tough on crime. I thought we were going to get tough on gangs." And by accepting the amendatory veto, we're doing just the opposite. What this



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bill does, is similar to what we've done in the Safe School Zone. It says that in public housing projects, throughout the State of Illinois, if you are dealing drugs, if you are carrying firearms, the penalties are enhanced. And fifteen and sixteen-year-old juveniles are transferred to adult court to be tried as adults. The Governor took out the transfer provision. It seems to me that fifteen and sixteen-year-olds who are dealing drugs in residences, and are carrying firearms in those residences, should be dealt with strictly as adults, and determine - and their penalties determined by a judge. So, going along with the wishes of my colleagues, and consistent with the get tough on crimes and on gangs, and protecting the sanctity of someone's home, I am requesting that we override the Governor's veto. In fact, get tough on crimes and get tough on gangs. And send a very loud message that someone's home is his castle and should be protected. And that anybody dealing drugs in those projects, or carrying weapons in those projects, should be dealt with sternly both in terms of penalty and in terms of where they are tried. And I request an override of the Governor's veto.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Any discussion? Senator Jones.  
SENATOR JONES:

Yeah. Thank you, Senator Marovitz. When you say it's an automatic transfer of juveniles in public housing if they are caught with weapons or drugs of that nature, is that the gist of the bill?

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

If they're caught dealing drugs. This does not pertain to possessions of marijuana, nothing like that. We're talking about drug dealers. Sale of -- of controlled substances.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Well, I know it's a very tough question, but my contention is, I think these cases should be judged individually, rather than have a automatic blanket law. If anyone is to be saved in our society, it is the young people, and -- and sure, some of them are wrong, many of them are wrong, but then, too, you have some who are caught in the situation that can be saved, and to have a blanket rule that automatically they are -- they are to go to adult court, I can't go along with that. I -- I believe that -- I want the drugs out of our community. I'm tough on crime and tough on gangs, but I don't think we should have a automatic blanket law for every juvenile in -- in -- in public housing in the State of Illinois, because you're automatically assuming that each individual are equal in the crime that they are charged with, and they are not given the opportunity for their individual cases to be heard, and -- and juveniles do get caught in certain type of situations sometimes that they, unbeknowing to them, they may not know the ramification of what they are involved in, so I don't think this is a very good rule. I think the Governor's veto message is correct, and we should sustain the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Can we have some order, please? Senator Kustra.

SENATOR KUSTRA:

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Thank you, Mr. President and Members of the Senate. I rise in support of Senator Marovitz's motion, and the reason I do is because of the attention which the Cook County Circuit Court System has been receiving in the media lately. The Chicago Tribune did a article or a series just a couple of weeks ago documenting the incredible overload of drug cases that are going through that court system. If we allow the Governor's veto to stand, what we're really doing is placing one more additional burden on the courts. If they're already overloaded, why do we want to place in the hands of people that are already overworked, the additional burden of making this intermediary decision? It makes far more sense to move these people directly into the -- into adult status, and get on with the case. If we're about the business of talking about cracking down on crime and dealing with the drug problem, we're not going to do it by deferring the problem and further burdening the courts. I urge a vote with Senator Marovitz to override 1270.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, when they're fifteen or sixteen years old, under the age of seventeen, and dealing drugs, I don't care - I think they should come to an adult court. Let the court decide there -- if there is any rehabilitation possible for any of these youngsters. What they -- what they're doing is wrong, wrong, wrong, and they shouldn't be excused. I support the override.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Dunn.

SENATOR T. DUNN:

I rise in support - thank you, Mr. President - of Senator Marovitz. For all of you that support the zero tolerance method of

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administering the law, here's your opportunity.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to rise and thank Senator Marovitz for changing his opinion on the override. I think that this veto of the Governor should be overridden. I think that these minors who act like adults should be treated like adults, and that's what this bill is going to do, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones, for the second time.

SENATOR JONES:

Just to point out to the Body, Mr. President and Members of the Senate, is that the sheer hypocrisy as relate to -- to criminal -- to criminal code in legislation. We just heard debate on the death penalty that Senator Marovitz had as relate to mental retardation, and -- and -- and the Gentleman on the other side of the aisle said, "No, we should not have a blanket rule on such, 'cause you only going to clog up the courts, Senator Geo-Karis." Then you come around and take a little fifteen-year-old who may, unbeknowing to himself, get caught in this situation, just hypocrisy in this Body, and if anyone's to be saved, Senator Kustra, it's the young people.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hawkinson, for the second time. Oh, I'm sorry, for the first time.

SENATOR HAWKINSON:

Thank you, Mr. President. Just to -- just to address that point. This is not the same case as the last bill at all. This is talking about which court is going to handle it, not whether you exclude somebody completely from the death penalty. There is

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nothing in this bill that says that the adult court cannot treat people who are convicted differently, or that they have to convict somebody that didn't know what they were doing, as the last speaker suggested. This is just saying that when they're dealing drugs in public housing projects, that they ought to be treated in adult court. If they have mitigating circumstances after they're convicted, some can be given probation, others can be sentenced to stiff terms in prison. There will still be individualized treatment of the offender, but this is saying for this kind of crime, that it ought to be treated in adult court, and I also support the motion.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Marovitz, to close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Well, just answering Senator Jones, if -- if an individual is guilty, they're going to be found guilty whether they're in the juvenile court or they're in the adult court; and if they're innocent, they're going to be found innocent. They can be saved just as well, put on probation, and -- and given services and programs in the adult court, just as they can in the juvenile court. There's no assumption here. The same -- the same opportunity and the same equal rights will be carried with it -- the individual, both in the adult felony court as -- as in the juvenile court, but the ramifications of dealing hard drugs and the ramifications of carrying guns - I don't think that there's any fifteen or sixteen-year-old that doesn't know what they're doing and just happens to get in a situation that they're selling cocaine in their own or someone else's residence. And if we're going to get tough on crime, and if we're going to get tough on gangs, where better to do it than where people live? Let's be consistent, and I urge your green vote for an override.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Let's have some order, please. The question is, shall Senate Bill 1270 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 35 Ayes, 1 Nay, none voting Present, and Senate Bill 1270, having received the required three-fifths vote, is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. Ladies and Gentlemen, we will now proceed to Senate Calendar Supplemental No. 1, and on that Calendar, we will proceed with Motions in Writing, Total Override Votes <sic>. Senate Bill 1417. Senator Welch. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that Senate Bill 1417 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Welch.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1417 amends the Liquor Control Act concerning the licenses allowed to public officials. In summary, what the bill does, is removes a prohibition that exists against the issuance of a liquor license to law enforcement officials, aldermen, members of city councils or commissions, members of village boards of trustees and members of county boards. The bill did not apply to Cook County Board or the Chicago City Council. The Governor vetoed the bill, contending that there might be the potential for a conflict of interest. Ladies and Gentlemen, I think that the Governor's veto is in error. Currently what happens is that many of these officials, instead of holding the license in their own name, end up with a corporation being

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formed or putting it in their wife's name, or some other type of action to deny the real owner in interest in the license. Wouldn't it be much better just to have that on the face of the license who the owner of a particular tavern or -- or bar is? It would seem to me that to prohibit these individuals from being able to have a liquor license, when the objection of a conflict is specious, at best, creates a two-class citizenry. The first class is those that can't hold licenses, the second is those who may have a conflict. This bill specifically left out people who are on liquor commissions. In small towns, the mayor is the liquor commissioner. He cannot hold a license. Before this bill was passed, after this bill was passed, it doesn't apply to him. The idea that there might be a conflict is, at best, questionable. I would ask that these individuals be allowed the status of first class citizenship in being allowed to have liquor licenses - a very small act. I would move that we override the veto of the Governor.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell. Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill has come through Local Government Committee several times in the past few years and each time it was kept in committee, until this last time. I would suggest that the Governor is exactly right in his veto. What we are doing is, we are, in effect, saying that those who set the rules on who can have a liquor license, who can control when that establishment is open for business, what kind of -- what -- what the age of the bartenders should be, et cetera, et cetera, are going to be those who are serving on the city councils and who are serving on the county boards. If that isn't a conflict of interest, I'll eat my hat, very frankly. That is a -- a -- a bad precedent to start. We have never allowed that in this State. I think it is a good idea to make sure that we don't allow it, and I

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would suggest very strongly that you vote No on this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I would like to suggest that Senator Fawell get some mayonnaise for her hat. I rise in support of this particular override. I think that the requirement -- the prohibition for those people who hold liquor licenses from holding public offices an anachronism left over from another era, when perhaps politics were run from a barroom, in a manner that most of us would not find acceptable today. The simple fact of the matter is it -- times have changed. That era is gone and -- that -- I don't think anyone holds a liquor license has any more of a conflict than perhaps a real estate agent who may be doing some major development within a community and may be asking for multimillion dollar considerations from a small community. Perhaps a lawyer who finds himself constantly representing clients in -- from a village should be prohibited - I don't really think so. I think as long as the public is aware of a person's conflict, and that person exercises themselves in a manner to get elected -- and the public knows that they have that license, or that they're a real estate agent, or a lawyer, or whatever, an accountant or whatever your background is. I think the public has the intelligence to select the best men and women for public office. I strongly suspect and I -- I don't want to be accused of practicing law without a license, that this prohibition probably would not stand a solid court challenge, but I really think that the Governor - I'm not sure why he -- what his logic was, but I really believe this is one thing we should override and give these men and women who hold liquor licenses, and don't forget, sometimes an establishment is held by a group of people, and then they're all prohibited and this is -- is something that may have made sense fifty or a hundred years ago



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- doesn't make sense today.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Sometimes it surprises me how quickly and easily we can slide from one position to another. Just a few minutes ago we were hearing about the dangers of drugs in our society, and how we should get tough on people that deal in drugs, and -- and what a terrible scourge on our society that is. I think when we look at this bill, we ought to realize that the most abused drug in America is still alcohol - it's still alcohol. And I think the Governor made some excellent points in his veto message, if you'll just read the message. He says the potential problems with this bill are obvious. It would enable a police official whose responsibility it is to enforce liquor laws, to hold a liquor license. Now that's not a -- that's a real conflict of interest. It would allow a city alderman or commissioner whose responsibility it is to set hours of operation for liquor licensees, to set the age for legal hiring of employees of liquor licensees and to set limits on the number of -- of liquor licenses. That'd be -- that'd be an interesting thing, a question of a holder of a liquor license voting on the question of granting more liquor licenses. Now you think that's not a conflict of interest? I think it is. I think the Governor was right. The prohibition on our law is right and we should leave the law the way it is.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs. ...(machine cutoff)...

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of the override. I find it really ironic of how hypocritical we are and I think that it was said a little

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bit earlier, but my goodness, here we have a situation where you can be a State Representative or a State Senator and be a liquor license holder, but we're not going to let some councilman do it, that doesn't make any sense to me. I think, as a former mayor, that this issue has been one that has been before us for many years. We have kept the tavern owners as second class citizens and we all know that that's not the case. I think that what we need to do in this case is to allow everyone who has the right to run for political office, we encourage people to run, we should be encouraging them to run for political office. That's what this bill is all about. Keep in mind that the mayor who is the ultimate authority of the liquor licenses and is the -- the -- the sole commissioner by law, is not covered under this bill. They -- they still cannot own a liquor license. I think this is a move in the right direction, and I commend the -- the sponsor in the override attempt.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President and Members of the Senate. First of all, I don't want to see mayonnaise on Senator Fawell's head. She happens to be a personal friend of mine. However, I have been a subject of discrimination when I had a liquor license. I couldn't vote for -- I couldn't run for any type of office and -- and if you look at me now -- look where I am now -- after I got out of the tavern business. I think that it's time that we address the subject, and address it properly, and get these second class citizens back to where they really belong. This is a good bill and should be supported, and I'm talking from experience. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President, Ladies and Gentlemen of the Senate, since I wear double hat as a mayor, I -- my town is dry. I don't think that we should extend the -- the liquor licenses to law enforcement officials and alderman. Senator Schuneman's absolutely right. There's just too much possibility of conflict in something like that, and I urge the support of voting against this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I hadn't planned on getting up to speak on this, but let's quit comparing apples to oranges. One of the speakers said insurance agents, real estate agents, et cetera, et cetera. Well, they're not licensed by the mayor, or their hours are not set by the mayor or the county board. They're licensed by the State; and being a former county board chairman, where you served as judge, jury and executor of the liquor license, same as a mayor does, I have real problems with anybody giving the opportunity for a benevolent dictator to say that he's running his business right and someone else is not. Gentlemen, the Governor's veto was correct and I can speak with some authority, as some of you who are former mayors, or former county board chairmen, or present mayors. It's not an easy issue. Let's not put temptation in front of the devil - by giving him an opportunity to have that liquor license. Let's sustain the Governor's veto.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Welch, you may close.

SENATOR WELCH:

Thank you, Mr. President. Some of the remarks of previous speakers have been totally off the point. Mayors, who are the liquor commissioners in downstate towns and villages, still are prohibited. So, to -- to make an analogy between mayors and liquor

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licenses -- tempting the devil, I'm not sure what reference that -- the mayors are going to think about that reference, but these fellows are not in conflict because that doesn't apply to them. I think that what we should do is override the Governor's veto, because these individuals are entitled to have the liquor license. Certainly in smaller towns, this is going to be watched very closely. I don't think it's going to be something that's done sub rosa, that things are going to be done under the table. Things are going to be above board and finally, people are going to know who owns these licenses. To say that a real estate license is issued by the State instead of the local government, ignores the fact that local government zoning boards of appeals and planning commissions report directly to the full city council and they vote on changes. In your zoning - in your town, they vote on new plats, they vote on additions to the city. They have as much effect on real estate, frankly, as the mayor and city council have on liquor licenses. In fact, more so, because the rest of the council doesn't deal with the licenses. So I think all the analogies, while they're fun to talk about, really don't apply. Let's just vote directly on what this bill is, and let's override the Governor's veto.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1417 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? Last call. Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 34, the Nays 23, none voting Present. Senate Bill 1417, having not received the required three-fifths vote, the motion fails. On Supplemental Calendar No. 1, Motions in Writing, Override Item Vetoes. Senate Bill 412. Senator Welch. Read the motion -- out of the record. Motions in

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Writing to Accept Specific Recommendations For Change, Senate Bill 7-9-1. Senator D'Arco. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of -- of the Governor as to Senate Bill 7-9-1, in manner and form as follows:

Amendment to Senate Bill 791

in Acceptance of Governor's recommendations.

Filed by Senator D'Arco.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I move to accept the Governor's specific recommendations for change. What the Governor did, is make confidential the sources of information that the Department of Insurance are required to give to the insurance companies for fire losses that are incurred in the State of Illinois. It's a good idea. The source -- the source should remain confidential, and I would move to accept his recommendations.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 791. 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, please, Madam Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. The Specific Recommendations of the Governor as to Senate Bill 791, having received the required majority vote of Senators elected, are declared accepted. Motions in Writing, Accept Specific Recommendations For Change is Senate Bill 1182. Senator Barkhausen. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor

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as to Senate Bill 1182 in manner and form as follows:

Amendment to Senate Bill 1182

Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and -- and Members, the Governor's recommendations for change are merely technical in nature. The legislation itself provides for penalties for driving under the influence of drugs, and creates a new standard for determining when one is under the influence. The Secretary of State, after the bill went to the Governor, Secretary of State's Office pointed out the fact that this new standard needs to be incorporated into certain Sections of the Vehicle Code, where it had not been incorporated, and where reference had not been made to it in the legislation as it went out of here last spring, and that's what the Governor has recommended that we do include, and I, therefore, ask that we accept his specific recommendations for change.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1182 in the manner and form just stated by Senator Barkhausen. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. ...(machine cutoff)... Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1182, having received the required majority vote of Senators elected, are declared accepted. Motions in Writing to Override Specific Recommendations, Senate Bill 10. Senator Welch. Read the motion, please, Madam Secretary.

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SECRETARY HAWKER:

I move that Senate Bill 10 do pass, the Specific Recommendations of the Governor to the contrary notwithstanding. Filed by Senator Welch.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The Governor altered, slightly, Senate Bill 10, but what he did was he altered it so that a group of individuals who have in the past been receiving scholarship money, will continue to receive it for an additional nine months. The group that I'm referring to are those currently in prison. And what the Governor did was take part of the bill that says that we are not going to allow anyone in prison to continue to receive Need Based Monetary Awards, issued by the Illinois Student Assistance Commission, to let them continue to receiving it. Now it makes no sense to me that one of the criteria for receiving a Need Based Monetary Award is immediately met by someone in prison. A person in prison is usually very much in need, and so they meet that qualification right away. To allow them to continue to do this for another nine months is going to not only compound an injustice, it's going to take money away from deserving students who don't participate in this program, because there are not enough funds available. And so what I'm asking to do is to override that specific recommendation of the Governor, that this particular wrong be allowed to continue through the end of this year, and into half of next year. I'm asking that we stop this misspending of State funds right away. I would ask that we override the veto of the Governor, and implement this termination of sending money to prisoners so that they can go to school and compete with other more deserving students, right away.

PRESIDENT ROCK:

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Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate. I think the Governor's statement in his amendatory veto is very good, because what he's saying is you're taking the money away from needy students. After all, other needy students -- other needy students, who are not inmates of correctional institutions, and after all, those who are in -- in the correctional institutions got there by their own efforts. The other part is that all he's asking in addition, is that the date be changed to July 1, 1990, in order to give time to the Department of Corrections to implement the program in the other departments. I think it's only fair, and I think you ought to withdraw your motion, Senator, and bring -- and accept the Governor's recommendations. Therefore, I ask everyone here to vote No against -- on the override.

PRESIDENT ROCK:

Further discussion. Any further discussion? Senator Welch, you wish to close?

SENATOR WELCH:

Mr. President...

PRESIDENT ROCK:

Sorry. I'm sorry. Senator Brookins was...

SENATOR BROOKINS:

I'm sorry, Senator Welch. Would you please repeat your explanation again, of this bill?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Senator, what I basically said, was that individuals who are incarcerated will be prohibited from receiving monetary awards administered by the Illinois Students Assistance Commission. Money



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that is scarce has been divided up between students who are not in prison, and students who are in prison. What I'm trying to do is say that, immediately, we are going to quit sending money to individuals who are students, and are also in jail, and take the same money and give it to students who are not in jail.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, to the bill - to the Motion. I know that, and I do not encourage us to -- to pandy and -- and soft-peddle the people that have committed crimes and et cetera. But I do know that the only way - and the only way that we're going to prevent these same people from coming out of the jails and creating other crimes, is to give them an opportunity to improve themselves. I -- I can't go along with this. I -- I think that we need not defeat this motion. I needed to let it go through as is, as has been recommended by the Governor.

PRESIDENT ROCK:

Any further discussion? Senator Raica.

SENATOR RAICA:

I apologize, Mr. President, but it just seems that -- there seems to be a little conflict, as far as the explanations that have been given. At one hand we were talking about taking money away from -- or allowing prisoners to remain in the program, and now we're saying we're going to take money away from those individuals. It seems like - Senator Geo-Karis -- at first she -- or she was going against what Senator Welch said, and then when he explained himself, he's exactly saying what Senator Geo-Karis is saying. So, I just want to know whose -- what track are we on here?

PRESIDENT ROCK:

Further discussion? Senator Collins.

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SENATOR COLLINS:

Yes. Thank you. I thought I understood it, but the more explanation we get, the more confused I am, so let me see, can I understand this. It's my understanding that you're not stopping those who are incarcerated from going to school through their education program - the scholarship program - you're talking about cash monetary awards. Just the monetary awards and -- I guess I can go along with that, because what are they going to do with the money - the actual money, in terms of, you know, purchasing an education, but that does not prohibit them from being in an educational program - continuing their education. The question then; if you -- if you are now incarcerated, and I don't care who answers this question for me, if you are allowed to go to junior college for example, if the prison is in Joliet, and you're allowed to go to -- to continuous education program that they already have established at that institution for higher education, do you have to pay for this -- that tuition with the money?

PRESIDENT ROCK:

Senator Welch.

SENATOR COLLINS:

...or do you use a scholarship that's granted through the State's programs?

PRESIDENT ROCK:

Senator Welsh.

SENATOR WELCH:

The State Scholarship Commission sends the money to the Department of Corrections, which then uses the money to pay for any necessary tuition for individuals in jail.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Okay. So then I -- I support Senator Brookins, then. Because

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if -- if -- if they can go to school with a scholarship, I know that there are monetary awards, and there are just, you know, plain scholarships whether you don't get -- where you don't get the money. Now, I can go along with not giving them money, but I most certainly cannot go along with denying them the opportunity, if they qualify, to continue their education. For God sakes, we can't afford to do that. Because if that person gets out, and doesn't have adequate means to go out and support themselves and their family, nine times out of ten they're going to come right back into the prison system. You can't allow that to happen. So I support Senator Brookins and the Governor, if that's the case.

PRESIDENT ROCK:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. I'm reading the veto, trying to figure this out myself; and it sounds to me like most of us are in agreement here. The Governor agrees with Senator Welch, that there should not be these Need Based Monetary Awards used for people who are in prison. But in his veto, he says that he doesn't think we should do this until July 1, 1990, because it goofs up the Department of Corrections Educational Program. They have dollars that - apparently a million dollars, a budget that they use to pay for inmates education. If you put this program into effect now, you're going to goof up their budget. The Governor says, "I agree with you, I'm with you, but can you wait until July 1, 1990?" Doesn't seem to me like an unreasonable request to make, and that's the basis for the amendatory veto. I would urge that we defeat Senator Welch's motion here, and accept the Governor's amendatory veto.

PRESIDENT ROCK:

Further discussion? Senator Berman.

SENATOR BERMAN:

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I guess -- I've got a question for the sponsor, I think. If -- if I've been sent to jail, and I -- I'm sitting in jail and I say to myself, "I'm going to change my pattern of life. I don't want to keep doing this. I want to take some courses - and I don't have any money." Before this bill becomes law, in any form, today, I could request a -- a scholarship money that's given to a school, and while I'm in jail, I can take classes. Is that statement correct?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Yes.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

If this bill passes in -- in either the original form, or the amendatory veto form -- I can't get money to pay for classes 'cause I'm in jail. Is that correct?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, not necessarily.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Why? Why? What do you mean by not necessarily?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

The Department of Corrections, in one of its functions, is to rehabilitate individual incarcerated persons. One of the methods of doing that is to send those individuals to schools, training

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schools or colleges. Where they get that money, I guess, becomes one of the questions. What they've done is taken advantage of a scholarship program we have set up, here in Illinois, and had prisoners apply for money that was originally intended for individuals to go to college -- and need the money to pay for their tuition. I don't think when the scholarship program was passed it was anticipated that the Department of Corrections would come in and siphon off one million dollars, intended for students going to college, to the Corrections Department. That's a totally separate governmental agency, that should be funded by a direct appropriation from the General Assembly to take care of rehabilitation needs, and this is what they're using this money for, is for rehabilitation.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

All right. I -- I understand better what you're trying to do. Let me just share with you my concern. I think we probably have the right agreement -- right intention, but I think we're approaching at a different way -- I think I would approach at a different way. I think it's very important to give young criminals the opportunity to change their lifestyle; and to give them the opportunity to say, "I'm going to go to school and I'm going to shake off this life of crime that has landed me in jail." So the question that I now have is, are we -- if -- if you are in agreement with that goal of giving young people who are in jail, the incentive to change their lifestyle, and become good citizens through education, is this the bill -- is this the approach to take? I guess my answer is, I'm -- I'm not sure, because I understand Senator Welch's concern that we've said we ought to have money for scholarships, and here part of it is going to kids in jail. Well, I'm not sure that that's any -- that there's

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anything wrong with that. In fact, to a great extent, I think that it's probably pretty well used money if, in fact, we get that kid out of the life of crime. Now we're faced with this bill in this posture. I probably would vote - if this was 3rd Reading, I'd probably vote against the bill. So, I think what I'm going to do today is vote with the Governor to make it effective July 1, and look at this next spring. Because I'm not sure that what we're doing makes sense. I'm trying to be totally candid with -- with it. If I override the Governor's amendatory veto, this bill becomes law today, or when the House passes it. And I'm not sure that's the route we ought to be doing. So I guess the Governor is letting us buy nine months of time to take another look, and I think that's better than the alternative. So, I think I'm going to vote No on the motion to override to amendatory veto.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. You can sure tell it's getting late. This is -- this bill - I voted for this bill with 57 other Senators. This bill passed 58 to nothing, and here we are just talking about one little date. I don't care what you do with it, but I just think that we're killing this baby.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I think I want to address a question to Senator Welch's not necessarily. If I read the scenerio correctly, if there is someone in prison who does, indeed, want to continue his or her education, that person may still be permitted to do so, even if this veto is overridden, subject, perhaps, to one qualification, does the Department of Corrections have enough money in its budget to be able to care for all of those, and cover

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their tuition? If the Department of Corrections does have enough money to cover them, then clearly that student will go ahead to school in any event, if it does not it has a couple of options. One of which would be to ask us for a modest supplemental appropriation, so that it does not necessarily follow, that that student is going to be denied the right to - or that prisoner is going to be denied the right to go on to school. Is that a reasonable explanation of your thought process on this, Senator Welch?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, that's the best explanation of my thought process, other than my explanation, I guess.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Welch, may close.

SENATOR WELCH:

Well, Ladies and Gentlemen, let me just say that it's interesting that were focusing on the rights of the individual in jail, as opposed to the rights of the individual who hasn't committed a crime. If you have a poor individual who wants to go to college, and has not committed a crime, and he applies for a scholarship, he's thrown in a pool of competition with individuals who have committed crimes. Now, should we say to that individual who has led an upstanding life, hasn't used drugs, hasn't stolen a car, hasn't done any of these other things, that we just passed laws about and - to put them in jail. Are we saying to them, "Well we're not going to take that into consideration. You are now going to compete evenly, to see if you can get this scholarship. Now, you may be competing with some people in jail, but we want to be fair about this, everybody's on the level playing field." Well, I

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don't think there should be a level playing field. I think that if we want to fund individuals, and rehabilitate them in the Department of Corrections, let's be honest about it and give an appropriation to that Department. We're going to have a supplemental bill in two weeks, we can do it then. Let's be honest about what we're doing, let's not mix our feelings about helping incarcerated students with those of helping students who want to go to college, but can't get the scholarships. We've talked about scholarship money time and time again, and obviously there isn't enough. Why split what little money we have with individuals who've committed crimes? I doesn't make sense to me, and I would move for an Aye vote to override the Governor's veto.

PRESIDENT ROCK:

The question is, shall Senate Bill 10 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are twenty-seven Ayes, 30 Nays, none voting Present and the motion fails. ...(machine cutoff)... All right. Ladies and Gentlemen, that effectively -- unless there is any further Member - another Member who has further motions there will -- we will, again, take up the Order of Motions tomorrow morning. We will reconvene at 9:30. In the meantime, we have some Resolutions and introductions to read in. But we will reconvene at 9:30 tomorrow morning, with the hope of concluding our business by noon, so that everybody can get back to their district and be about their business. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 636 offered by Senator Maitland.

Senate Joint Resolution 100 offered by Senator Daley.

They are both congratulatory.



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PRESIDENT ROCK:

Consent Calendar. Introduction of bills, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1479 offered by Senators Lechowicz, President Rock; Senators Berman, Daley, J.E. Joyce, Jones, Zito, Marovitz and Carroll.

(Secretary reads title of bill)

Senate Bill 1480 with the same sponsors, Senators Lechowicz, President Rock; and -- and other Members.

(Secretary reads title of bill)

Senate Bill 1481, with the same sponsorship.

(Secretary reads title of bill)

Senate Bill 1482 offered by Senator Welch.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Rules Committee. Senator Vadalabene, for what purpose do you arise, sir? You're on, Sam. Senator Sam on Senator Welch's mike.

SENATOR VADALABENE:

Hello. Yes, I just want to know that my statement in regards to my colleague, Senator Fawell, has resumed our love match, and I just received this rose from her. Thank you.

PRESIDENT ROCK:

There's good news tonight. With that, Senator Vadalabene moves that the Senate stand adjourned until Thursday, tomorrow morning at the hour of 9:30. 9:30 tomorrow morning, Ladies and Gentlemen. If we're on time, we'll be out early. Senate stands adjourned.

END OF TAPE

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