

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

120th Legislative Day

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PRESIDENT ROCK:

The hour of nine having arrived, the Senate will come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this morning by Pastor Robert Hanson, Greenview United Church, Greenview, Illinois. Reverend. THE REVEREND ROBERT HANSON:

(Prayer by the Reverend Robert Hanson)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals or Wednesday, November 28th; and Thursday, November 29th, in the year 1990, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You're 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.

SECRETARY HAWKER:

Senate Resolution 1503 offered by Senator Severns, President Rock and all Members.

Senate Resolution 1504 offered by Senator Karpel.

Senate Resolution 1505 offered by Senator Karpel.

Senate Resolution 1506 offered by Senator Alexander.

Senate Resolution 1507 offered by Senator Demuzio and all Members.

Senate Resolution 1508 offered by Senator Demuzio and all Members.

Senate Resolution 1509 offered by Senator Mahar.

Senate Resolution 1510 offered by Senator Keats.

And Senate Resolution 1511 offered by Senators Kelly and

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Jones.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1512 offered by Senator Savickas and all Members.

And Senate Resolution 1513 offered by Senators Savickas and Dudycz.

One is congratulatory and the other is a death resolution.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 1514 offered by Senator Jerome J. Joyce. It is substantive.

PRESIDENT ROCK:

Executive. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 543 with House Amendments 1 and 2.

I have a like Message on Senate Bill 2001 with House Amendments 1, 2, 3, 4, 8, 9, 18, 19, 20, 21, 22, 23 and 25; and House Bill 4061 with Senate Amendment 1.

PRESIDENT ROCK:

Secretary's Desk. Resolutions -- or Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint

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resolution, in the adoption of which I'm instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 157.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

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

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

House Joint Resolution 31.

It is substantive.

And I have a like Message on House Joint Resolution 159, which is also substantive.

PRESIDENT ROCK:

All right. With leave of the Body, we'll order those two resolutions on the Secretary's Desk. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on Senate Bill 2309, and requests a second committee of conference to consider the differences between the two houses in regards to Amendments 5, 6, 7 and 8.

PRESIDENT ROCK:

All right. Senator Alexander has moved to accede to the request of the House. Discussion? If not, the motion carries, and the Secretary shall so inform the House. Committee Reports, Madam Secretary. Senator Kelly.

SENATOR KELLY:

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Mr. President, I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his Messages of June 29, 1990; October 16, 1990; and November 28, 1990.

PRESIDENT ROCK:

All right. You've heard the motion as placed by Senator Kelly. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The Senate resolves itself into Executive Session. Madam Secretary.

SECRETARY HAWKER:

Senator Kelly, Chairman of the Committee on Executive Appointments, Veterans Affairs and Administration, to which was referred the Governor's Messages of June 29, 1990; October 16, 1990; and November 28, 1990; reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of June 29, 1990, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be a member of the Prairie State 2000 Fund Board of Directors for a term expiring July 1, 1991, Leslie E. Dennis of Evanston.

Mr. President, having read the unsalaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has objection to this specific appointment.

PRESIDENT ROCK:

All right. You've heard the request. Is leave granted?

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Leave is granted. Discussion? If not, the question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed, 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, the Ayes are 54, the Nays are none, none voting Present. Majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of October 16th, 1990, we'll read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be a member of the State Board of Elections for a term expiring June 30, 1991, Lawrence E. Johnson of Champaign.

Having read the unsalaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has objection to this specific recommendation. Mr. President, will you put the question as required by our rules?

PRESIDENT ROCK:

You've heard the request of Senator Kelly. Is leave granted? Leave is granted. Discussion? If not, the question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed, 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 54 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's

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Message of November 28, 1990, I will read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be a member of the Board of Review for a term expiring January 21, 1991, John G. Cashman of Elmhurst.

Mr. President, having read the salaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has objections to this specific appointment. Will you put the question as required by our rules, Mr. President?

PRESIDENT ROCK:

You've heard the request of Senator Kelly. Is leave granted? Leave is granted. Discussion? If not, the question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed, vote Nay. The voting's 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 Senate -- a majority of the Senators concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of November 28, 1990, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be members of the Governor's Disadvantaged Business Enterprise Advisory Council for unspecified terms, Walter A. Allen of Thompsonville; Marva A. Green of Sumner; James C. Littig of Bluffs; Marco A. Morales of Worth; Harold -- Howard R. Veal, Sr., of Springfield; Patricia Wannemacher of Bloomington; and Robert A. Spates of Decatur.

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To be members of the Department of Commerce and Community Affairs Advisory Council for terms expiring January 14th, 1991, James Anderson of Springfield; Charles Marshall of Chicago; James E. Mentesti of Quincy; Mary Ann Millush of Aurora; and John Frazee, Jr. of St. Charles.

To be a member of the Illinois Medical Determinations Board for a term expiring March 3, 1994, Noel M. Bass of Joliet.

To be a member of the Illinois State Medical Disciplinary Board for a term expiring January 11, 1994, Warren H. Staley of Chicago.

To be members of the East St. Louis Financial Advisory Council for terms expiring August 30, 1992, Ron Bean of Olympia Fields; Claudia Thomas of East St. Louis.

And to be members of the East St. Louis Financial Advisory Council for terms expiring August 30, 1993, Jerome Jackson of East St. Louis; Earl E. Lazerson of East St. Louis; and Roland L. Thompson of St. Louis.

To be a member of the Advisory Board of Livestock Commissioners for a term expiring January 21, 1991, Gretchen Bernardi of Edwardsville; and David Ruppert of Nokomis.

To be a member of the Guardianship and Advocacy Commission for a term expiring June 30, 1992, Richard L. Blakley of Sherman.

To be members of the Board of Public Health Advisors for terms expiring January 1, 1993, Chauncey Cross of Springfield; and Michael Williams of Rockford.

To be members of the Illinois Job Training Coordinating Council for terms expiring July 1, 1992, William Dempsey of Decatur; Barbara Gordon of Zion; and Mary G. Koenig of Chicago.

To be a member of the Illinois Job Training Coordinating Council for a term expiring January 1, 1991, Helen Bibbs of Calumet City.

To be a member of the Illinois Coal Development Board for a

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term expiring July 1, 1993, Carolyn Ehlert of Moline.

To be a member of the Illinois Health Care Cost Containment Council for a term expiring September 5, 1993, Frank Gramm of Libertyville.

To be members of the Agricultural Export Advisory Council for terms expiring January 21, 1991, Ron Havekost of Peoria; and Marc S. Schulman of Chicago.

To be a member of the Illinois Student Assistance Commission for a term expiring June 30, 1995, Odell Hicks, Jr., of Chicago.

To be a member of the Quad City Regional Economic Development Authority for a term expiring January 20, 1992, Richard C. John, Sr., of Moline.

To be a member of the Illinois Electronic Data Processing Advisory Committee for a term expiring January 21, 1991, Randy L. Mitchelle of Rochester.

To be a member of the Kaskaskia Regional Port District Board for a term expiring June 30, 1992, Leo M. Pautler of Evansville.

To be a member of the Joliet Regional Port District Board for a term expiring June 1, 1993, Donna Rickman-Chval of Romeoville.

To be a member of the Illinois Committee for Agricultural Education for a term expiring March 13, 1993, Harold F. Reetz, Jr., of Monticello.

To be a member of the Illinois Committee for Agricultural Education for a term expiring March 13, 1991, Charles Ferguson of Pittsfield.

To be a member of the Board of Agriculture Advisors for terms expiring January 21, 1991, Enid S. Schlipf of Gridley; and Russell Stauffer of Springfield.

To be a member of the Illinois Export Development Authority for a term expiring January 19, 1993, Lawrence A. Warner of Chicago.

To be a member of the Illinois Export Development Authority

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for a term expiring January 21, 1991, Maurice Weiss of Buffalo Grove.

To be Public Administrators and Guardians for terms expiring December 6, 1993, Charles A. Burton of Rushville; F. Ron Ealy of Effingham; John A. Leezer of Toulon; Ronald E. McConkey of Fairview; Jerry D. Miller of Olney; Robert L. Morin of Clinton; Louise D. Quick of Polo; Kim Roddick of Galena; Robert N. Shafer of Mendota; Peggy C. Thompson of Champaign; Wayne R. Whitmore, Jr., of Mendota; Deborah Ann Woodruff of Bourbonnais; Terry Kaid of Mt. Carmel; Doris L. <sic> (I.) Lehne of Mt. Sterling; Barbara K. Long of Hamburg; and Betty Jones of Arthur.

To be Public Administrators and Guardians for terms expiring December 5, 1994, Steve Garst of Paris; Edward J. Hinners of Metropolis; and Joe E. Wright of Shawneetown.

To be a member of the Havana Regional Port District Board for terms expiring June 30, 1992, George Dirreen of Havana.

To be a member of the Board of Trustees of the Historic Preservation Agency for a term expiring January 20, 1992, Pamela A. Daniels of Elmhurst.

To be a member of the Illinois Affordable Housing Advisory Commission for a term expiring October 1, 1993, Kerry Flynn of Jacksonville.

To be a member of the Board of Natural Resources and Conservation for a term expiring January 21, 1991, Donna M. Jurdy of Evanston.

To be a member of the Employee-Owned Enterprise Advisory Council for a term expiring November 7, 1994, Joseph Kindlon of Wheaton.

To be a member of the Illinois Racing Board for a term expiring July 1, 1996, John Simon of Glencoe.

Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on one roll call, unless

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some Senator has objection to the specific appointments. Will you put the question as required by our rules?

PRESIDENT ROCK:

You've heard the request from Senator Kelly. Is leave granted? Leave is granted. Is there any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed, 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 57 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

You got quite a handsome assistant there on your right hand. A new Parliamentarian, Mr. President? Mr. President, I move that the Senate now arise from Executive Session.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate does now arise from Executive Session. All right. Ladies and Gentlemen, if I can have your attention. If you'll notice on the Calendar, there are very few items that are in place and ready to go, and we have some motions yet remaining. My suggestion is that we will go through the Calendar from top to bottom, and then we have a supplemental Calendar prepared, to address some of the matters that the House has just afforded us the opportunity to address. And then we'll make a decision as to where we're going. Senator Weaver, are you ready on -- no, you're not ready. Senator Daley, for what purpose do you arise, sir?

SENATOR DALEY:

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Mr. President and Members of the Senate, I would ask leave to be removed on Conference Committee Report No. 2 to House Bill 3793, and Senator Luft be appointed.

PRESIDENT ROCK:

All right. You've heard the request. The Gentleman asks leave to be removed as a member of the Conference Committee Report on 3793, and to be replaced -- Senator Daley.

SENATOR DALEY:

Mr. President, as sponsor.

PRESIDENT ROCK:

As the sponsor. You've heard the request. The Gentleman seeks leave to be replaced as sponsor by Senator Luft. Without objection, leave is granted. ...(machine cutoff)... Ladies and Gentlemen, we're going to begin on Page 7 on the Calendar. Senator Hall, for what purpose do you arise, sir?

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to have leave for -- that we could go -- I mean -- Senate Joint Resolution 228. I ask leave of this Body -- the rules could be suspended and this could be heard today.

PRESIDENT ROCK:

All right. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 228 offered by Senators Hall, Vadalabene, Watson and Ralph Dunn.
It is substantive.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Yes. This is a very important resolution, it needs to be heard, and that's why I'm asking for that to be done today.

PRESIDENT ROCK:

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All right. Senator Hall has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 228. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senate Joint Resolution 228. Senator Hall has moved its adoption. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, if I might have leave to relinquish primary sponsorship of House Bill 4-0-6-1, and turn that over to Senator Weaver. And I would be the joint hyphenated -- sponsor.

PRESIDENT ROCK:

All right. The Lady seeks leave to have Senator Weaver shown as the chief sponsor of House Bill 4-0-6-1. Without objection, leave is granted. All right. We're going to start on the top of Page 7. On the Order of House Bills 3rd Reading is House Bill 2867. Senator Woodyard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2867.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments -- 3rd Reading of the bill.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. The bill contains the amendment that we added yesterday, and that's really all that's in the bill. What it does is extend the deadline for the imposition of a trigger date, which is January 1. From January 1, 1991, to July 1, 1991, to give us time to see if there can be a compromise worked out to prevent the people who do van

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conversions from being put out of business. We may not accomplish anything, but at least this will give us another six months to -- to try to make that compromise. That's what the bill does, and I would appreciate a favorable vote.

PRESIDENT ROCK:

All right. Senator Woodyard has moved the passage of House Bill 2867. Discussion? Senator Jacobs.

SENATOR JACOBS:

I would just ask for an Aye vote.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall House Bill 2867 pass. 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. House Bill 2867, having received the required constitutional majority, declared passed. 3037. Senator Maitland. Madam Secretary, on the Order of House Bills 3rd Reading is House Bill 3037. Read the bill, please.

SECRETARY HAWKER:

House Bill 3037.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

...(machine cutoff)... Senator Maitland. I'm sorry.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. As I indicated yesterday, the Supreme Court recently found in favor of the plaintiffs with respect to where lawsuits were filed to collect back -- back defaulted student loans. They ruled that unconstitutional, and under the new scenario that is included in House Bill 3037, then you would remain in Cook County, but could,

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upon request, be transferred outside of the County of Cook. And I -- I know of no opposition. This simply meets the spirit of the Supreme Court's decision, and I would seek your support.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 3-0-3-7 -- 3037 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. House Bill 3037, having received the required constitutional majority, is declared passed. Senator Savickas, 3386. You seek leave to bring that one back? Senator Savickas.
SENATOR SAVICKAS:

Yes, Mr. President. I would move for a suspension of the rules to recall House Bill 3386 to the Order of 2nd Reading for the purpose of an amendment.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to take House Bill 3386 back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3386, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, the amendment to House Bill 3386 does two things. It amends the Revenue Act to make its provisions compatible with the provisions of the Cook County ordinance establishing a triennial assessment cycle in Cook County. And the second, it amends the Revenue Act to require owners of historic property to file annual affidavits with the assessor's office

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attesting to the property's ownership and use. These types of properties are eligible for an eight-year assessment freeze, provided they meet certain criteria. Currently the assessor's office has no mechanism to track changes in these types of -- properties. Both these provisions were passed last spring. They were approved by the Governor in an omnibus bill - House Bill 2872 - which was amendatorily vetoed by the Governor for other reasons. The changes made by the Governor were not accepted by the House. There is also a provision there on licensing -- the Licensing Act provisions for real estate appraiser laws. These were adopted and put in by the Illinois Association of Realtors, and the supporters include the Illinois Association of Realtors, the Illinois Bankers Association, the Illinois League of Saving Institutions, the Community Bankers Association, and the -- excuse me, the Cook County Assessor's Office. I would move for its adoption.

PRESIDENT ROCK:

All right. Senator Savickas has moved the adoption of Amendment No. 3 to House Bill 3386. Discussion? Senator -- Senator Philip. I'm sorry. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a seventy-eight-page amendment. Nobody's had a chance to analyze it, and I don't care who has endorsed it. I talked to one of my assessors, who was down here yesterday - had never seen it, - knows nothing about it. I had an assessor call me yesterday, the largest township in my county, and said, "Hey, somebody ought to have a good look at this. It might be dangerous." Are you adding to the board -- the State Board? You're putting on two bankers and two brokers. Well those guys -- no wonder they're for it. I tell you, we ought to have a very close look at that. We shouldn't rush into this, and quite frankly, we shouldn't adopt this amendment. It's a bad amendment.

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PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDENT ROCK:

I'm sorry, Senator Karpziel.

SENATOR KARPIEL:

A question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Karpziel.

SENATOR KARPIEL:

Yes. Thank you. Senator Savickas, is there anything in -- I -- I heard that you said the Realtors were in favor of this. This is much too lengthy to -- for me to get through this morning. Is there anything in there to do with the antisolicitation language that we saw last spring? The Realtors are very concerned about that.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

No.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

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Senator Savickas, several auctioneers have contacted me. They're afraid that they will have to get real estate licenses to sell real estate, or be banned from selling real estate at auctions. Does this have anything to do with auctions or auctioneers, and real estate licenses?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Senator, not that I know of. Not that I know of. It has to do, basically, with the qualifications of appraisers and the two other items that were put in by the Cook County Assessor's Office.

PRESIDENT ROCK:

All right. Senator Savickas has moved the adoption of Amendment No. 3 to House Bill 3386. Further discussion? If not, all in favor, indicate by -- all right. Roll call has been requested. That -- that request is in order. Question is the adoption of Amendment No. 3 to House Bill 3386. Those in favor of the amendment 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, and 28 Nays, none voting Present, the amendment fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Zito. 2570. Senator Weaver indicates that the amendment has been distributed as per request last evening. Madam Secretary, on the Order of House Bills 3rd Reading is House Bill 2570. Senator Zito seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of

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House Bills 2nd Reading, House Bill 2570, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Weaver.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I have distributed a memo explaining Amendment No. 2 to 2570. If there are any questions, I'll be happy to try to answer them. I've talked to everyone, I think, that has some concern with what we're trying to do here, and basically, that's just to sustain the funding of the Commissioner of Banks Office due to a 1.3 deficit. It will be a transfer and a payback to the Education Fund over a period of three years, with interest. If there's any questions, I'll be happy to try to answer them. Otherwise, I would move adoption of the amendment.

PRESIDENT ROCK:

All right. Senator Weaver has moved the adoption of Amendment No. 2 to House Bill 2570. Discussion? Senator Zito.

SENATOR ZITO:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Zito.

SENATOR ZITO:

Senator Weaver, there has been some confusion over the -- the Amendment No. 2 -- your -- your amendment, and for the record, and for the edification of the Members, I -- I would like you to explain a little bit more in detail, Senator Weaver. This is going to transfer 1.3 million dollars. If you can explain that, and also for the edification, explain a little bit of why the shortfall and the budgetary problem has arisen.

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Senator Weaver.

SENATOR WEAVER:

Let me say this is a transfer from the Education Fund to the Operating Fund with the provisions of payback over a period of three years, plus interest that may be lost from the Education Fund's investment. That amounts to about, I think, twenty-eight thousand dollars. So the interest will be paid back to the Fund, along with the principal over a three-year period. Now we had passed, basically, 2072, I believe it was, in the spring Session, which would have rectified the cash flow problems. We passed it out of the Senate. It was Tabled in committee in the House, for some reason. That bill would have solved the long-term problems of cash flow in the Commissioner's Office. The short -- the shortfall comes from the fact that every -- every three months, the banks pay into the Commissioner's Office fees in the amount of roughly 2.8 million dollars. That is paid within thirty days after the end of the quarter. So there's been an accumulated deficit because of the lag time in payment -- through the years. This should correct that problem by setting up a reserve fund, instead of crediting back to the banks that which they have overpaid over a total fiscal year. And an adjustment will be made at an appropriate time or a credit made at an appropriate time to compensate or to credit to the paying banks of the State of Illinois that which they have paid over what the total fiscal expenditures of banks and trusts are in a given year. I hope that answers your question.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Thank you, Senator Weaver. Why the Education Fund? That's another question that I -- I have been unable to answer.

PRESIDENT ROCK:

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Senator Weaver.

SENATOR WEAVER:

Well, it is one fund that is under the control of the trustees in the Commissioner of Banks of the State of Illinois. We have never supported the Commissioner's Office through General Revenue Funds, and so we thought it advisable to use those funds instead of going to GRF and the payback to GRF.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Well, thank you, Mr. President. To the amendment: I had some concerns yesterday with this amendment, and that's precisely why I asked Commissioner Harris and Senator Weaver to add this as a separate amendment. You'll -- you'll remember yesterday we put Floor Amendment No. 1 on, which addressed the industry's concerns on some language that was worked out over the summer on the four points that I discussed. The reason I asked for this amendment to be separate, because justifiably or unjustifiably so, there's a number of individuals on this Floor, and I'm sure in the House, that had some reservations, some confusion, and frankly did not understand exactly what we were trying to attempt to do. Complicated by the fact that - and I am one of those Senators that does not feel we should be dictated to by the House - however the House has indicated that, on numerous occasions, that this bill would not seek final action in the House if this language was on there, and that's why I asked for the two amendments. Unfortunately now, we have lost a legislative day. We did not deal with this bill yesterday, therefore, if we are going to pass, successfully, House Bill 2570, we need to do it in haste to get it to the House, so the action can be taken today. A number of you have had questions. A number of you have asked Senator Keats and myself -- I'm not so -- I have reservations about this action for

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a number of reasons. The two -- two points I have made, and also because I think we're getting into an area now where we would be, in fact, making a legislative commitment or doing something legislatively that would fall under a new administration. Do what you will; I just -- my concern in this bill is making sure that the four points in -- in Floor Amendment No. 1 are addressed in this legislative Session.

PRESIDENT ROCK:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise, as Senator Zito did, with some concerns. At this time in the history of this country, I, for one, don't like the idea of using those funds that were supposed to be educational -- to the industry and to those who examine the industry, and taking from those for the operations of the agency. I am very uncomfortable with saying that we are going to take education funds away at a time when people are concerned with the financial viability of the institutions that this agency oversees, examines and tells the public are correct and proper agencies to put in their trust and confidence. My other concern is if this is truly cash flow, and doesn't affect the amount of money that's going to be spent -- two problems: why did we get into it now to this extent, and secondly, why not a short-term payback? If it's merely cash flow, then why can't the examiners do what the people do from the same institutions, and that is borrow from General Revenue or wherever for a short-term need? If this is because of the way in which the Commissioner's Office gets paid by the banks, and it comes in in the quarter, and they don't have enough cash in the drawer to meet their expenses, businesses go to banks and borrow short term. If it's not an issue of how much is there in twelve months, then why is this a thirty-six-month payback, if it's only a short-term

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need? The Commissioner has told me that he would like to see a different solution, but that this is the only one available now, and would hope that in January something else could be done. I'm not comfortable with this solution for now.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. To Senator Carroll's remarks, I might say that there's certainly a possibility of shortening the term of payback, and we can certainly do that. There's been a great deal of misunderstanding on both sides of the Rotunda. This morning I met with Speaker Madigan, showed him the amendment, asked him if he had any problems with it. He has no problems with it. He has no problems with either amendment, and I don't know where all the confusion is coming from, but I wanted to know firsthand whether anybody in the House or in the Senate had any problems with this concept. This is an emergency situation. The Commissioner's Office will not be able to pay their salaries or their vendors come the middle of December, and this is one way to try to work through a problem that was created by the House not acting on a bill that we passed last spring to solve the long-term cash flow problems of the Commissioner's Office. So I would solicit a favorable vote -- appreciate an Aye vote.

PRESIDENT ROCK:

All right. Senator Weaver has moved the adoption of Amendment No. 2. Roll call's been requested. Those in favor of the amendment will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 16 Nays, none voting Present. Amendment No. 2 is adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Zito, you wish to get back to that? We'll have to have intervening business. We'll get right back to it. Senator Savickas, on 3386. Are you just going to let that sit, or are we going to send it over? All right. Ladies and Gentlemen, let's turn then to Page 9. A number of Members have resolutions that they wish to address, and again, I would urge you -- we're going to go right through the Calendar and probably only go through it once. It is Friday, November 30th. And there will not be a Saturday. On the Order of Secretary's Desk, Resolutions. Senator Schaffer. Senate Resolution 1488, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1488.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, recently the High School Athletic Association has proposed a rule change that very adversely affects nonpublic schools in football. In essence, what they've done is require all public schools -- nonpublic schools to be kicked up into the next size category. Apparently there's been some feeling among the public school members of the board who are obviously dominant, that the private schools have advantages over the public schools, and that therefore this is justified. Frankly, I -- I reject that philosophy. It would seem every once in a while the Illinois High School Athletic Association gets a little out of control, and I think this is one of those cases. For instance, one of the schools that falls in this category is the Illinois School for the Deaf, and I'm not sure where that is, but -- Jacksonville, with a hundred and sixteen students. Under

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this new category, athletically they will compete with Park Forest and Rich East that have enrollments of over twelve hundred. This seems to me to be patently unfair, and what the purpose of this resolution is is to suggest to the ISHA, before they adopt this rule, that they ought to rethink it. Be happy to answer any questions. A number of you have indicated that you'd like to go on as co-sponsors. Please go to the well and put your name on. The more the merrier.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, I think Senator Schaffer has stated it pretty well. This is a pretty poor response by the public schools to the losses suffered by the football teams. I would tell you that this, I think, epitomizes a change in the playing field - the level of the playing field - and it's just, frankly, quite wrong, and we ought to support this resolution wholeheartedly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... All right. Further discussion?
Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Just to shed a little bit of different light on this. I -- not -- I don't know how many of you are football fans or high school football fans, but there is a little bit of a problem out there, and one of them -- it happens to occur in my particular area. You have a school that -- that closes -- a private school that closes, then the neighboring private school actively goes out and recruits the athletes from that school to come to that particular high school. As a result, they become a very dominant team, but stay within the enrollment structures that allows them to participate in a particular level.

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Maybe less of a level than -- than they should be. They actively go out and schedule schools in higher enrollment and participate throughout the year, playing those schools. Then when the tournament comes, they roll back into the smaller class of schools and just roll through it. And I'll have to admit that my particular school - Greenville High School - played this particular team twice. They played them -- I beg your pardon, They played them last year, and then this year Monticello had played them twice, and both times -- it's -- it's the situation in which you're really concerned about injury of the lesser enrolled school. There is another side to this issue. I really think something should be done in regard to some of the private schools' abuse of the situation in which they roll back their enrollment so that they can participate in the smaller schools' football tournament. And this may be something that's not only football, but some of the other interscholastic activities, but I -- I do know that there's abuses that go out there. And of the twelve schools that participated in the finals of the high school football tournament year before last, seven of them were private schools. And I'm not -- I'm a private school supporter. I have private schools in my district. But I do think there should be -- and the Illinois High School Association is attempting to address this particular problem. And I'm not so sure that this resolution -- and I haven't read it, and I just -- first that I really heard of it was just now. So we ought to take a good look at this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Schaffer may close.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, I -- I suspect, like most things in life, there probably is a little gray on both sides of this issue, and there potentially is some abuse, but once again, the Illinois High School Athletic Association has used a

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shotgun instead of a rifle. I think most of us know that our private schools are -- are hanging on just barely, financially. They usually are considerably understaffed - at least in my area - compared to the public schools. And it just -- it just seems totally unfair to take this broad-brush approach instead of trying to sit down and address the problem. One also gets the clear impression that there was very limited discussion on other potential solutions to the problem, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer has moved the adoption of Senate Resolution 1488. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. There's been a -- in the opinion of the Chair, the Ayes have it. Senate Joint <sic> Resolution 1488 is adopted. Senate Resolution 1489. Page 10. 1490. Senator Marovitz. Senate Resolution 1490. Senator Marovitz. Pardon me. Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1490.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. There are some discussions going out in the Rotunda about a couple things relative to the resolution, and if we could hold this, with leave to get back to it at some -- today, I'd like to do that. 'Cause this is an important resolution to the rate-paying customers of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz has requested leave to get back to it later. Take it out of the record. Senate Resolution 1502. Senator Woodyard. Senator Woodyard. 1502, Madam Secretary.

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SECRETARY HAWKER:

Senate Resolution 1502.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senate Resolution 1502 deals with an Indiana -- basically, an Indiana bank franchise tax that they enacted last year, and it actually imposes a tax on banks in Illinois -- other lending institutions also that do business in Indiana. In other words, if -- if a bank loans money to an Indiana customer, they have to pay not only the full hundred percent of the Illinois income tax, they must now pay a tax to the State of Indiana. What this resolution does is to urge Indiana, Tennessee and Minnesota to repeal the tax that they have imposed on lending institutions in the State of Illinois. I would urge its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Woodyard has moved the adoption of Senate Resolution 1502. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution's adopted. House Joint Resolution 100. All right. We'll go back then, Ladies and Gentlemen, to the Order of House Bills 3rd Reading. We've had intervening business. Senator Weaver. Senator Zito. On the Order of House Bills 3rd Reading is House Bill 2570. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2570.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

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Thank you, Mr. President and Members. This bill now has two amendments - the one we placed on yesterday, which we discussed and debated, and the amendment that Senator Weaver offered -- Amendment -- Floor Amendment No. 2, that was just adopted. I'd be happy to answer any questions. I know, at this point now, no opposition, and would ask for your favorable vote.

PRESIDENT ROCK:

Question is the passage of House Bill 2570. Discussion? If not, the question is, shall House Bill 2570 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 2 Nays, none voting Present. House Bill 2570, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, I'd call your attention to the Supplemental Calendar that's been passed out. You might want to take a look at that. We will go to that Order as soon as we finish the regular Calendar. Page 10 on the Calendar. Senator Dunn, on 1310. On the Order of Secretary's Desk, Concurrence, is Senate Bill 1310. Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1310.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I move to non-concur on Amendments 1 and 2.

PRESIDENT ROCK:

Senator Dunn has moved to non-concur on House Amendments 1 and 2 to Senate Bill 1310. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Jacobs, on 1638. Senator

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Berman on the Floor? Senator Savickas, we'll get right back to -- 2237. I was waiting for Senator Berman. In the meantime, on Page 11, Ladies and Gentlemen. On the Order of Conference Committee Reports, there's a Conference Committee Report on Senate Bill 1638. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1638.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This -- this Conference Committee deletes everything after the enacting clause, and it becomes the bill. And in fact what it does, it's an agreed-upon bill that allows for a one-million-dollar loan to be repaid on February 15th, to go into a fund which pays the cost-of-living benefits to permanently and totally disabled workers, and the fund is just one million dollars short to pay these things, and they will repay that on February 15th. And then there is some language changes in the unemployment, which is -- insurance, which is been agreed to by all parties. And I ask for an Aye vote.

PRESIDENT ROCK:

All right. Senator Jacobs has moved the adoption of the Conference Committee Report on Senate Bill 1638. Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1638. Those in favor will vote Aye. Opposed, vote Nay, and the voting's open. 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. Senate does adopt the Conference Committee Report on Senate Bill 1638, and the bill, having received the required constitutional majority, is declared passed. ...(machine cutoff)... Senator Berman is back on the Floor. We'll revert

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now, with leave of the Body, to the Order of Secretary's Desk, Concurrence. Senator Etheredge wishes to address Senate Bill 1635, Madam Secretary. 1-6-3-5.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 1635.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to non-concur in Senate Bill 1635.

PRESIDENT ROCK:

All right. Senator Etheredge has moved to non-concur in House Amendment No. 2 to Senate Bill 1635. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motions carries, and the Secretary shall so inform the House. On the Order of Secretary's Desk, Concurrence, is Senate Bill 2237, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 2237.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, Members of the Senate, the bill, as it stands now, deleted all the original bill, which addressed with the annexation of unincorporated territory, and as it stands, as amended, Senate Bill 2237 would bar the imposition by local municipalities of a tax on tuition and fees paid by students attending public and private colleges and universities in the State of Illinois. This bill was introduced because of the concern that happened in Evanston where the City Council decided to raise money for their community by taxing the tuition of the students at Northwestern. Mayor Joan Barr, in her great wisdom,

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vetoed that decision by the City Council. Yet that ability is still available, and the people throughout Illinois have contacted their legislators in an effort to make sure that this does not occur in any area in the State of Illinois, when we have aldermen or city council members that feel our education system would be fair game to institute a local tax upon. I would ask your concurrence with Senate Bill 2237, as it now stands.

PRESIDENT ROCK:

Senator Savickas has moved to concur with House Amendment No. 1 to Senate Bill 2237. Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I raise a point of parliamentary inquiry.

PRESIDENT ROCK:

State your point, sir.

SENATOR BERMAN:

Senate Rule 38 -- Senate Rule 38 states that "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." As the principal sponsor has just explained, Senate Bill 2237 concerned the subject of condemnation of dangerous or abandoned buildings. House Amendment No. 1, which we are being asked to concur in, concerns the subject of taxation of higher education tuition or fees. Because the subjects of the bill and the amendment are different, I suggest that the amendment is not germane to the bill, and I would ask for a ruling as to its germaness.

PRESIDENT ROCK:

All right. The Chair will certainly reply to your request for a ruling. A number of Members have indicated they wish to speak. Senator Berman, do you wish to speak to the substance? Senator Berman.

SENATOR BERMAN:

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Yes. Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise with...

PRESIDENT ROCK:

Ladies and Gentlemen, if I could have your attention, please. We can handle our business here, I think, with some dispatch. WCIA-TV and WLS-TV have requested permission to shoot some videotape. Without objection, leave is granted. Senator Berman.
SENATOR BERMAN:

Thank you. I rise with mixed emotions, Ladies and Gentlemen, because this is a difficult debate to enter into. If I were an elected member of the Evanston City Council, I would probably have voted no on the tuition tax proposal. But that is not the subject before us. The aldermen and the Mayor that acted upon this proposal are elected. They are elected by the same constituents that you and I are elected by. And what this proposal is is for us to say that those elected legislators, city council members, mayor, cannot act on this subject. That disturbs me, and that is why I rise in opposition. What also disturbs me, Ladies and Gentlemen, is that this proposal, which understandably has broad-base support by the higher education committee -- community -- the higher education community, which teaches political science, which teaches government in their classroom, which talks about public participation in the legislative process through committee hearings and public input, has chosen this route to amend a bill which is totally dissimilar, on the last day of the House's Session two weeks ago. And for us to approve it today, without any public input -- there has not been one committee hearing in either the House or the Senate on this very important issue, and that disturbs me, because our institutions of higher education, I would hope, would have a higher calling in asking us to vote on something than to allow us this kind of nonparticipatory action. That's the reason I stand in opposition.

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Let us reintroduce this bill. Let Senator Savickas reintroduce this bill in January. Let's hold public hearings. Let's give the public an opportunity to debate whether this is a good preemption effort or not. I'm not defending the proposal for tax on tuitions, but I am defending the right of elected legislators, who happen to be city council members, to decide that issue on a local basis, and for us not to preempt them. I urge a No vote on the motion.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have already stated a possible conflict of interest, and I am a Mayor too, and let me tell you, I don't want to have the right to impose a tax on students. We're talking about education, for heaven's sakes - that we need more money. So we're going to tax students? When we have -- when we have students in colleges, they bring money into the area, and I think it's silly to have any more debate on it. It think it should be a statewide issue, and I -- I speak in favor of this -- this bill, and urge everyone to support it.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President and Ladies and Gentlemen of the -- of the Assembly. I happen to have a district that has three independent colleges. I have Wheaton College. I have Elmhurst College, and in another week or two I will have a branch of the Illinois Institute of Technology just a few blocks away from me. I agree with the sponsor of this bill. There is absolutely no reason why in the world these municipalities should have the power to tax those students. Those students bring monies

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with them. They already help support the local communities. Our communities are very proud of the fact that they are in the -- those communities. Certainly Evanston is well-known, not particularly because it is a community outside the City of Chicago, but because it is the homeland of Northwestern University. It seems to me that the students bring enough prestige and monies with them, that we could forgo one small additional tax that we are placing on students, when the students already have enough problems raising the tuition in order to stay in school. I strongly suggest we vote with the sponsor of the bill and vote for this bill.

PRESIDENT ROCK:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you -- thank you, Mr. President and Members of the Senate. I've been listening as carefully as I could to the debate, and I was noticing, with interest, the comments that Senator Berman made. And that great speech he gave about all the procedures that we follow around here in the Illinois State Senate. Senator Berman, I didn't hear you giving that speech about a week or so ago. That was when the Chicago pension bill was up. I didn't notice any committee hearings there. I didn't see that bill go through your Committee on Education or the Pension Committee. It's amazing how we can kind of sort out for ourselves which bills we think deserve a complete and full hearing before all the appropriate committees, and then the bills that deserve some other kind of consideration. I'd like to speak on this bill and say first and foremost that I do serve on a part-time basis - I'm not a tenured faculty member - but occasionally I teach at Northwestern University and at the University of Illinois at Chicago, and I've taught a lot of schools across this State. I think I would echo the words of

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Senator Geo-Karis. It seems a little silly to me for any city council anywhere across this State to be establishing a policy that begins to tax tuition, and gets us into the business of competing city against city, and university against university. The fact is that the Illinois State Constitution gives this General Assembly the right to preempt when there is a statewide uniform policy that makes more sense, and I don't see a thing wrong with this General Assembly setting a precedent. And Senator Berman, being the strong advocate of education that you are, I can't imagine why you wouldn't agree with me that when it comes to our system of higher education, it doesn't make any sense for our city councils across this State to start taxing students. Senator del Valle many times has spoken eloquently on the Floor about how difficult it is for our students to access higher education. And here we are, about to allow city councils across the State to embark on this mission of taxing students' tuition. That's going to come back and hit only one person square in the face. The student and the parent who ultimately pays the bill. It makes no sense. We ought to support Senator Savickas here in this concurrence motion, and do what we can to establish a statewide policy that says tuitions ought to be set by higher educational institutions without taxes by local governments.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

I rise in support of this bill. I know that in my community that student enrollments in higher education is at a low ebb, and part of that is because of the cost of education today. Secondly, I know that...

END OF TAPE

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TAPE 2

SENATOR BROOKINS:

...in the past that there has been a tactic to eliminate certain people from being able to have access to education and higher education. Therefore, I don't think that we need to put into the hands of a very small portion of the State, that authority. Therefore, I rise in support of this legislation.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, WAND-TV has also requested permission to shoot some film from the gallery. Without objection, leave is granted. Senator Savickas, you wish to close, before the Chair makes its ruling?

SENATOR SAVICKAS:

Yes, Mr. President, I do. I have to commend one of our more eloquent speakers, Senator Berman, who's reached far and wide to reach two conclusions here. One is that these aldermen that are elected in Evanston and should have the power to tax - I agree with that - but they were elected by the people of Evanston, not by the people in my community and the other communities of those students that attend and pay that tuition that will be taxed. So in effect, they are voting to tax you and I, and not only those people in their own community. So I thought that was reaching a little far to justify that. When we talk about public input, I think the Senator would be naive to think that if we had public hearings on this issue that we would be flocked by people coming in and saying, "Yes, we should tax those students. I think that this committee should tax our students' tuition." Let's not be naive about that. If we had public hearings on this, we'd be overwhelmed by people that would object to the -- to the decisions of the Evanston City Council in instituting a tax on tuition. And this only prohibits taxes on tuition and fees. It does not

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prohibit the City of Evanston from taxing on other legitimate areas regarding the Northwestern institution. I would ask your support in concurrence with this bill. tf PRESIDENT ROCK:

All right. Senator Savickas has moved that the Senate concur with House Amendment No. 1 to Senate Bill 2237. The Chair rules that House Amendment No. 1 to Senate Bill 2237 is out of order. Under Senate Rule 38, the amendment is not germane to the bill, and therefore out of order. That will amount to a non-concurrence, and the Secretary shall so inform the House. Senator Savickas.

SENATOR SAVICKAS:

Under Rule 45, I would appeal the ruling of the Presiding Officer.

PRESIDENT ROCK:

That -- that request is in order. All right. Senator Savickas has appealed the ruling of the Chair. The Chair ruled that under Senate Rule 38, House Amendment No. 1 to Senate Bill 2237 was out of order. Senate Bill 2237 concerned the subject of condemnation of dangerous or abandoned buildings. House Amendment No. 1 concerns the subject of taxation. Because the subject of the bill and the amendment are different, the amendment, in the opinion of the Chair, is not germane, and therefore out of order. Senator Savickas has moved to appeal that ruling. Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of parliamentary inquiry. If we vote Yes, does that mean we have overruled you?

PRESIDENT ROCK:

The question will be put, shall the ruling of the Chair be sustained. Those who agree with the Chair will vote Yes. If you do not agree with the Chair, you vote No.

SENATOR GEO-KARIS:

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That's what I want to know.

PRESIDENT ROCK:

36 votes to overrule the Chair. I'm sorry. Senator Geo-Karis. 36 votes will be required. All right. Senator Savickas has appealed the ruling of the Chair. The question is, shall the ruling of the Chair be sustained. Those who agree with the Chair, that the amendment is non-germane, 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? Have all voted who wish? Take the record. On that question, there are 13 Ayes, 40 Nays, none voting Present. And the motion carries. The ruling of the Chair is overruled. Senator Savickas, on the main question.

SENATOR SAVICKAS:

Yes. Mr. President, I would now move that the Senate do concur with Senate Bill 2237, as amended.

PRESIDENT ROCK:

All right. Senator -- the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2237. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 2 Nays, none voting Present. Senate does concur in House Amendment No. 1 to Senate Bill 2237. And the bill, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if I can call your attention to Supplemental Calendar No. 1. We will go through that Calendar, and then go to the Order of Motions -- to handle those motions that yet remain with respect to Gubernatorial action. Those are found on Page 16. So we'll go to Supplemental No. 1 and then Page 16 on the Calendar. Oh, I'm sorry. Senator Welch has the Revisory Bill, Ladies and Gentlemen. I beg your pardon. If

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you'll move back to Page 10 on the Order of Secretary's Desk, Concurrence, is Senate Bill 2012. 2-0-1-2, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 20 -- 2-0-1-2.

PRESIDENT ROCK:

Madam Secretary, 2-0-1-2. Senator Welch.

SENATOR WELCH:

Thank you -- thank you, Mr. President. This is an amendment put on by the House recommended by the Legislative Reference Bureau. The underlying bill was a vehicle bill. The amendment itself amends every chapter in the Statute. It's our standard Revisory Act that we wanted to pass. There will probably be one more before the end of the year, but this is the latest revision of the Statutes. The Legislative Reference Bureau would like to get this passed today so they can start working on it. I move for concurrence in the House amendment.

PRESIDENT ROCK:

Senator Welch has moved the -- that the Senate concur in House Amendment No. 1 to Senate Bill 2-0-1-2. Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2012. Those in favor, vote Aye. Opposed, vote Nay. The voting's 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. Senate does concur in House Amendment No. 1 to Senate Bill 2012. And the bill, having received the required constitutional majority, is declared passed. Start at the top on Secretary's Desk, Resolutions. I might also -- Senator Joyce has a resolution that was inadvertently referred to the Executive Committee that we'll get to. That's Senate Resolution 1514. Why don't we start with House Joint Resolution 31? Senator Dunn. Madam Secretary.

SECRETARY HAWKER:

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House Joint Resolution 31.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Based on the 1990 Federal Budget, the Department of Veterans Affairs has been shorted some seven hundred million dollars. This resolution urges a reconsideration of that amount in order to pay the proper medical care benefits for veterans. I would submit to the Body that the veterans have uniquely earned those rights, and that this is something that they are entitled to. And they are entitled to a dignified system of care for those individuals who are deserving of it. And I would urge an Aye vote.

PRESIDENT ROCK:

Senator Dunn has moved the adoption of House Joint Resolution 31. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. House Joint Resolution 159. Senator Welch. Senator Welch. Madam Secretary.

SECRETARY HAWKER:

House Joint Resolution 159.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This House Joint Resolution is a resolution to create a joint House/Senate committee to review the Telephone Service Protection Law of 1985. The law is subject to sunset, and will be repealed December 31, 1991. This resolution creates a joint committee on telecommunications policy, consists of three Members of the House of Representatives who shall be appointed by the Speaker, two Members of the House appointed by the House Minority Leader, three Members of the Senate appointed

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by the President, two Members of the Senate appointed by the Senate Minority Leader. The co-chairmen are the House -- are designated -- the chairpersons of the House Public Utilities Committee and the Senate Energy and Environment Committee. The purpose of the committee is to review and make findings concerning the Telecommunications Act. And we expect the hearings actually will start this coming month of December in -- in the State of Illinois. I would move for the passage of House Joint Resolution 159.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of House Joint Resolution 159. Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, I stand in opposition to the resolution as it is now drafted. We have requested -- first of all, I don't remember discharging committee. No one came and talked to me, as Minority Spokesman on Executive, about this resolution. And I think that the -- if we're going to have this resolution passed, that the makeup of the committee should be even. I don't know that Democrats have any more knowledge about telecommunications than Republicans. And I think it should be three and three. And until then, I would stand in opposition to the resolution.

PRESIDENT ROCK:

All right. Further discussion? Further discussion? Senator Welch, you wish to close?

SENATOR WELCH:

Yes, Mr. President. Well, I would just point out that if we don't appoint a special committee, it will go to the Senate Energy and Environment Committee, which has a majority of Democrats on it, both in the House and the Senate. So I'm not sure why we should create a special committee that's going to be involved in a

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great number of hearings and is objected to because it's not equally represented between Democrats and Republicans, Senator. I don't understand that argument. This has passed the House. I had understood that it was pretty well agreed to by everybody in the industry who seemed to have a great objections to each other's position. But they all agree that they wanted to have a -- a smaller committee, because there are going to be quite a few hearings, Senator. And for that reason, we thought that a reduced committee with people who are more interested in telecommunications than are normally on the regular committee be appointed to this. So, I would move for adoption of the resolution.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of House Joint Resolution 159. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 28 Nays, 2 voting Present. The resolution fails. Senator Joyce, for what purpose do you rise? 1514. Do you want to move that sucker?

SENATOR J.J. JOYCE:

Yes.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This resolution -- I'd ask leave first of all to have Senator Maitland join me as a co-sponsor. It asks the -- the Bush Administration to extend most-favored nation trading status to the Soviet Union. To do that they would have to waive the Jackson-Vanik provision. Without this, there is -- it virtually shuts off all trade with the Soviet Union, and -- and

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that is very detrimental to Illinois farmers. And -- and I think that if -- in fact, not only farmers, the manufacturers as well. So I think this -- this is something that is -- is in line with what the State of Illinois is doing by opening an office to try and trade with the -- with the Soviet Union in Moscow. So, with that, I'd ask for the immediate passage of this resolution.

PRESIDENT ROCK:

All right. Senator Joyce has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1514. Asks leave of the Body to show Senator Maitland as a co-sponsor. All in favor of the Motion to Discharge, indicate by saying Aye. All opposed. The Ayes have it. The resolution is discharged. Senator Joyce now moves the adoption of Senate Resolution 1514. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution's adopted. ...(machine cutoff)... On the Order of Secretary's Desk, Concurrence, Senator Brookins, you ready? Senate Bill 543, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 543.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I move that the Senate do concur in the House Amendments 1 and 2 to Senate Bill 543.

PRESIDENT ROCK:

All right. Senator Brookins has moved to -- that the Senate concur with House Amendments 1 and 2 to Senate Bill 543. Discussion? Senator Keats.

SENATOR KEATS:

I think, as most people know, this is the apportionment of the Cook County Court System. This is the first major step in thirty

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years to make significant changes in the -- in the Cook County Court System. So you understand, outside of Cook County there are four hundred judges in approximately twenty circuits. In Cook County we have three hundred and eighty-three judges in one circuit. This now makes it three hundred -- actually four hundred judges, roughly, in fifteen circuits. For the first time, Cook County has become part of the State of Illinois from a judicial point of view. I will not get into the justification of the bill, other than to say after the Greylord problems and some of the discrimination problems we faced, we felt that perhaps it was time that the Legislature take a more active role in reforming the Cook County judiciary, and I think the Legislature, in a three-year battle, should be commended for our sticktoitiveness and to have made these inroads in what should be a dramatic improvement in the Cook County courts. I would hope you would support it.

PRESIDENT ROCK:

Question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 543. Those in favor, vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 2 Nays, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 543, and the bill, having received the required constitutional majority, is declared passed. 2001. Senator Welch. 4061. Senator Weaver. On the Order of Secretary's Desk, Non-concurrence, 4061, Madam Secretary. Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 4061.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move that the Senate refuse

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to recede from Senate Amendment No. 1 to House Bill 4061, and request a conference committee.

PRESIDENT ROCK:

Senator Weaver moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 4061, and that a conference committee be appointed. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. ...(machine cutoff)...Resolutions.

SECRETARY HAWKER:

Senate Resolution 1515 offered by Senator Macdonald.

Senate Resolution 1516 offered by Senators Topinka, Philip and all Members.

Senate Resolution 1517 offered by Senator Topinka.

Senate Resolution -- Resolution 1518 offered by Senator Topinka.

Senate Resolution 1519 offered by Senators Topinka, Philip, Weaver and all Members.

They're all death resolutions and congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 1520 offered by Senators Hudson, Philip, Vadalabene, Geo-Karis, Dudycz and Kelly.

And Senate Resolution 1521 offered by Senator Weaver.

They're both substantive.

PRESIDENT ROCK:

Executive. Resolutions. Senator Demuzio, on Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 229.

(Secretary reads SJR No. 229)

PRESIDENT ROCK:

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Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I -- I would hope that this is the proper time, since yesterday wasn't. Senate Joint Resolution 229 is the adjournment resolution. Calls for us to come back on January the 8th, at the hour of twelve noon. I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 229.

PRESIDENT ROCK:

All right. Senator Demuzio has moved the -- to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 229. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Joint Resolution 229. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. Ladies and Gentlemen, I'd call your attention to Page 16 on the Calendar. Page 16 on the Calendar. This is the last day to react to gubernatorial action. So we will go through Page 16 on the Calendar. On the Order of Motions in Writing to Override Total Vetoes, there's a motion with respect to House Bill 3655. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move that House Bill 3655 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Zito.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Bill 3655 would, in fact, put the State of Illinois and the Department of Public Aid on an -- uniform reimbursement cycle for nursing home

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providers Statewide. The Governor's Message said, in fact, that it would cost, in his estimation, four million dollars, for which no funding is available. I said two days ago - and I stand here and say again - the money, in fact, is available. These are bills that the State of Illinois has incurred to these nursing homes that need to be paid. This is money that we owe these nursing homes. Some nursing homes, Ladies and Gentlemen, are on a pay schedule of fifty-six days. Should be thirty, and for the downstaters in this room, I can tell you that the City of Chicago nursing homes are already getting paid at the thirty-day intervals. Downstate nursing homes -- some of them are at fifty-six days. There's no cost to the State of Illinois. This is money, in fact, that was supposed to be paid. We are holding the money...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me, Senator. Pardon me, Senator Zito. We have some order, please? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. This is money that the State is holding back and not paying these providers. We should not do that. We don't have to do that, and this bill would provide for a mandated reimbursement cycle on a calendar-month basis for all long-term care providers Statewide by July 1, '91. You know, the Governor also, in his veto message, had indicated that he's sensitive to this problem, and he realizes the inconvenience. I think the State of Illinois needs to pay its bills on time so that these providers can continue to provide the service to our senior citizens that are in these homes. Be happy to answer any questions. Appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall -- Senator Schaffer.

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SENATOR SCHAFFER:

Well, there is a one-time expenditure of four million dollars here, and frankly, I think most of us are very reluctant not to do this, but the simple fact is that we're spending ourselves deeper and deeper into a hole. And very regretfully, I think some of us would like to wait till next year. And I think we're going to have a new administration. I think we're going to have some emergency budget proposals, and I don't think we need to get any deeper in this pit that we've dug in the last few years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ZITO:

Thank you, Mr. President. Again, to answer Senator Schaffer, he's clever enough to hold the administration line, but let me tell you, this is not new money. This is money that the State of Illinois owes. These are bills that have already been incurred. We need to pay this money. We have an obligation to pay this money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Zito. Senator Alexander, the Gentleman was closing. On this issue? Senator Alexander, for what purpose do you arise?

SENATOR ALEXANDER:

Thank you. I'm sorry. I did not understand that the Senator was closing. I had a question I wanted to ask. Does this appropriation or bill, in any way, infringe upon the Chicago or northern nursing home appropriations?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito. I'm sorry. I -- I did not see your light on, Senator Alexander. Senator Zito.

SENATOR ZITO:

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Senator, as I said earlier, I would suppose that indirectly, it does. I can tell you that the nursing homes in our area, in fact, are already on this cycle. That they, in fact, are receiving their payments - the bills that have been incurred - the State is paying them on a thirty-day cycle. Particularly, this would put all of downstate nursing homes on the same pay schedule, and make sure that downstate nursing homes are paid in the timely fashion that the City of Chicago nursing homes are paid for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you. It does not, though. It merely puts you all and everybody equal on the same pay cycle, but it does not take away money from the Chicago nursing homes and area?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Not at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Zito may now close.
Senator Zito.

SENATOR ZITO:

Well, thank you, Mr. President. I said before, Senator Schaffer makes a good pitch for the administration line. I just think we need to pay our bills. And I think that we need to do that in a timely fashion. And yes, maybe there's concern and some over-hyper reaction by the nursing home community that says, "Look, if we don't get paid in a more timely fashion, we may not be able to provide that kind of service." I don't want to have that happen downstate. It isn't happening in Chicago. Shouldn't happen downstate. This is not new money. This is money that we owe. Please vote Yes for House Bill 3655.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3655 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 13, 4 voting Present. On that -- having failed to receive -- House Bill 3655, having failed to receive the required three-fifths vote, the motion -- the motion's declared lost. House Bill 4049. Senator Marovitz. Motions in Writing to Override Item Vetoes. House Bill 3273. Senator Rea. Senator Rea. 3341. Senator Carroll. 33 -- 3544. Senator Carroll. Motions in Writing to Restore Item Reductions is House Bill 3544, Madam Secretary.

SECRETARY HAWKER:

I move that the item on Page 8, line 35, of House Bill 3544 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, Ladies and Gentlemen of the Senate. This is an issue we had passed on yesterday with sufficient votes to restore the funding, then a Motion to Reconsider was successful, and we're now back before the Body. Question is very simple. The Governor took twenty million dollars from the line that says, "For payments of grants under the senior citizens and disabled persons property tax relief and pharmaceutical assistance" line. He reduced that line by twenty million dollars, which means either senior citizens and people with disabilities

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will not get the life-sustaining drugs that we indicated in that program that they are to get. That is money that only comes out of that line. Or, if the Department of Revenue chooses to pay them, then according to the Department, eighty-two thousand senior citizens statewide will not receive the property tax relief grant that we, the General Assembly of Illinois, promised to them, and that the Governor of the State of Illinois signed into law. We all know that most of the seniors of this State on fixed income live from check to check to check. For us not to pay them what they are duly and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator -- Senator Carroll. Can we break up the conferences?

SENATOR CARROLL:

For us not to pay them what they are duly and lawfully entitled to, at the time to in which they're entitled, and to say that these eighty-two thousand seniors cannot get their check from the State to live this year, or, if the Department of Revenue does it equally, they cannot get their life-sustaining drugs to live this year. If they're around, they can get their money next year. To me, that is not what the State is in business for. These people are entitled to these grants in the timely fashion. Those who support the program of senior assistance and disability, property tax relief, and pharmaceutical drugs must vote to restore this twenty million dollars, so that eighty-two-thousand-plus seniors throughout this State can, in fact, make it through this fiscal year. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Sponsor indicates he will yield, Senator Watson.

SENATOR WATSON:

Several times during your discussion, you mentioned the Pharmaceutical Assistance Program. I'm curious as to what impact this will have on that program and those seniors who participate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Watson, as I said in my remarks, there is but one line in the budget. And it deals with both -- I'll read the line again. "For payment of grants under The Senior Citizens and Disabilities <sic> Persons Property Tax Relief and Pharmaceutical Assistance Act." It's all one line item. What I indicated in my remarks is that the Department of Revenue, who pays these, has indicated that their preference is to pay the pharmaceutical part of that line. But it is all one line. We have no control over which way they pay, whether they do not pay the seniors the check they're entitled to or do not pay for the life-sustaining drugs. In either event, they will not be able to meet their obligation to the seniors of Illinois in either giving them the money to live on or the drugs to live on this fiscal year that they're entitled to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, this will not have an impact on a seniors' eligibility for the Pharmaceutical Assistance Program. All this is going to have is an impact on the payment to the pharmacies who are participating in that program. This has no impact on the seniors. Now, you correct me if I'm wrong, but that's my interpretation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

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If, in fact, they decide not to pay for the drugs, and the pharmacies are still in existence where you can get the drugs, then you are correct. Pharmacies in the past have closed when they have not been paid. But, if there's no availability because there's no payment, there's no drugs. At the same time, many of these people live on the monies they get through circuit breaker as well. And according to the Department, at least eighty-two thousand people will be denied their payments this year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Senator, what you said, though, was you -- this was going to have an impact on the eligibility of those seniors -- yes, sir. You said that during the debate - that this will have an effect on the eligibility of those seniors to participate in the Pharmaceutical Assistance Program. That's not the case at all. Those people will be allowed to participate. It's just the pharmacies may not be paid for the drugs that they give and the services they give to those recipients. So I think what you were saying was a little bit misleading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, I never used the term eligibility in any of my remarks. That's a comment that you made, Senator Watson. And I did say, however, that if the Department's analysis is correct, that they -- and I said to you the Department said they would pay for the drug portion, but will deny eighty-two thousand seniors their check for the property tax relief. That was the Department's decision. But I said to you - it is all within one line - it could mean that the drugs are not paid for.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Carroll, do you wish to close?
Senator Carroll.

SENATOR CARROLL:

Just ask for a favorable vote. This is money we owe the seniors. Many of them live on this money. I think we have the obligation to pay them, and not steal from the seniors.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the item on Page 8, line 35, of House Bill 3544 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 27, the Nays are 11, 11 voting Present. The motion fails. Motions in Writing to Accept the Specific Recommendations for Change. House Bill 3 -- 3-0-5-8. Senator del Valle. Madam Secretary, 3-0-5-8.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 3058 in manner and form as follows:

Amendment to House Bill 3058

in Acceptance of Governor's Recommendations.

Filed by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No.

SECRETARY HAWKER:

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to accept the specific recommendations for change made by the Governor. This is the bill establishing the Homeless Prevention Act. It authorizes DPA to

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establish a Homeless Prevention Demonstration Program. And the change the Governor made was the deletion of language that mandated DPA to make a payment of a rent arrearage three times the monthly fair market rent established by HUD. This is a -- an amendatory veto that actually clarifies the intent of the bill. I move its acceptance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3058 in the manner and the form as just stated by Senator del Valle. Those in favor will indicate by -- 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 56, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 3-0-5-8, having received the required majority vote of Senators elected, are declared passed. House Bill 3164. Senator Netsch. Madam Secretary, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 3164, in manner and form as follows:

Amendment to House Bill 3164

in Acceptance of Governor's Recommendations

Filed by Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. -- Mr. President. We did deal with this issue in somewhat similar form yesterday, and I think there was some misunderstanding about it, and -- and some diversion from the substance. I am moving to accept the Governor's recommended

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changes on a bill that involves two major provisions that are before us. One critical to all of us - the spousal impoverishment provisions. The Governor removed the requirement that everyone be reexamined, because there was not adequate money for it. I'm accepting that. The other has to do with -- basically, with women released from prison. The program is there right now. This simply expedites their being able to get assistance for their children. It is nothing new at all. The bill is supported by the Department of Public Aid in this form. I am moving to accept the Governor's recommended changes. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3164, in the manner and form as just stated by Senator Netsch. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 17, none voting Present. The Senate -- the specific recommendations of the Governor as to House Bill 3164, having received the required majority vote -- majority vote of Senators elected, are declared accepted. Top of Page 17. House Bill 3656, Madam Secretary.

SECRETARY HAWKER:

I move to accept the Specific Recommendations of the Governor as to House Bill 3656, in manner and form as follows:

Amendment to House Bill 3656

in Acceptance of Governor's Recommendations

Filed by Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I would move to accept the Governor's recommended change. He suggests that we remove a provision supported by the DuPage Mayors and Managers Conference which would permit the committees consisting of both municipal and county members to adopt their own bylaws. If you'll remember, this bill created seven stormwater management planning councils in Cook County for the establishment of watersheds. I accept his recommendation for change, and would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, does your bill apply only to Cook County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, you say no. Will you tell me how it affects counties like Lake?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, first of all, for the Membership, Senate Bill 100 is not in this bill. Secondly, Senator, this is a multicounty agreement,

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if you will, to talk about stormwater flowing through the counties, and establishing watersheds. I don't know specifically how it affects your county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate - and especially those of us from northern Illinois in the -- the Cook and the collars who have had a significant flooding problem - this bill attempts to start addressing that on a regional basis. To my knowledge there is no opposition. Everybody is in agreement on it. It's a sit-down gettogether and cooperatively to try and figure out how to make all of this happen, because indeed the flooding knows no boundaries. So from a standpoint of anybody in northern Illinois, this is something that I think would be very helpful for all of us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall the Senate accept the specific -- I'm sorry. Senator Macdonald.

SENATOR MACDONALD:

Just very briefly, I want to stand in strong support of Senator Zito's motion. This is very important for those of us who live in, as Senator Topinka said, in the northern part - northwest suburban part, particularly - of Illinois. So I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3656, in the manner and form as just stated by Senator Zito. 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? Take the record. On that

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question, the Ayes are 54, the Nays are none, none voting Present. The specific recommendations of the Governor, as to House Bill 3656, having received the required majority vote of Senators elected, are declared accepted. Motions in Writing to Override Specific Recommendations, House Bill 3146. Senator Rea. 3585. Senator Rea. On the Order of -- Override Specific Recommendations is House Bill 3585, Madam Secretary.

SECRETARY HAWKER:

I move that House Bill 3585 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Rea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. House Bill 3585 raises the percentage of revenues from the Public Utilities Act transferred into the Coal Technology Development Assistance. There was some misinformation yesterday, because what this does is that it changes the one-sixty-fourth to a one-twentieth. And actually it -- the misinformation was that this would -- cost the State several million dollars, and that is not the case, because there is a cap on it. And more monies are generated into the Fund, and this comes at a time that is very necessary for coal research and development, in light of the federal air quality standards that has been moving in at the congressional level. So this would help us greatly to expedite our coal research and development on the use of high-sulfur coal, which we have an abundance of in Illinois, to be able to burn it in a clean way. So I would certainly ask for your Aye vote on this very important piece of legislation.

PRESIDENT ROCK:

All right. Senator Rea has moved to -- passage of House Bill

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3585, the specific recommendations of the Governor to the contrary notwithstanding. Is there any discussion? Any discussion? If not, the question is, shall House Bill 3585 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 13 Nays, 5 voting Present, and the motion fails. 3771. Senator Macdonald. Hold. You wish to hold it? Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President. The compromise language has been incorporated now - that we were speaking of yesterday - in House Bill 3777. So we will address that issue in that bill when it comes.

PRESIDENT ROCK:

All right. All right. Madam Secretary, have any additional motions been filed with respect to gubernatorial action?

SECRETARY HAWKER:

I have an additional motion on House Bill 3273.

PRESIDENT ROCK:

Read the motion, please.

SECRETARY HAWKER:

I move that the item on Page 28, line 1, of House Bill 3273 -- pardon me. That's lines 21 and 24 of House Bill 3273 be restored, the item reduction of the Governor to the contrary notwithstanding.

Filed by Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

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

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This was a motion that I filed yesterday that I understand now that there was some confusion, and there are a number of individuals who now wish to vote in the affirmative. This is the restoration for the adult education, both the public assistance as well as the -- the State line items, and I would move for your favorable support.

PRESIDENT ROCK:

The Gentleman has moved that the item on Page 19, lines 21 and 24, of House Bill 3273 be restored. Is there any discussion? Discussion? If not, the question is, shall the item on -- items on Page 19, lines 21 and 24, of House Bill 3273 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 21 Nays, none voting Present. The item on Page 19, lines 21 and 24 of House Bill 3273, having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding. ...(machine cutoff)... Message from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1086 with House Amendments 1 and 3.

PRESIDENT ROCK:

Secretary's Desk. Madam Secretary, have any objections been filed to the Resolutions Consent Calendar?

SECRETARY HAWKER:

No objections have been filed.

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PRESIDENT ROCK:

All right. Copy of the Resolutions Consent Calendar has been distributed. ...(machine cutoff)... With leave of the Body, we added Senate Resolutions 1504 through 1513 and 1515 through 1519, and House Joint Resolution 157. Senator Demuzio moves the adoption of the Resolutions Consent Calendar. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolutions are adopted. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

A point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point.

SENATOR PHILIP:

I understand our distinguished colleague from central Illinois, Babe Woodyard, is going to be sixty years old on Monday, December 3rd. I think we ought to wish him a happy birthday. And he just caught up with me. Congratulations, Babe.

PRESIDENT ROCK:

Senator Woodyard, happy birthday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, the percentages of Babe Woodyard hitting age sixty versus the percentages of the earthquake on December the 3rd are better than -- okay. All right. Is there further discussion? All right. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have, as I'm sure everybody's aware, about ten or twelve conference committees floating out there. I am told mechanically it will take somewhere between six and eight hours to get them all put together and printed and distributed. In addition, there was under consideration a supplemental appropriation. And I think

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it's fair to say that this Assembly has decided that we are not going to overburden the Governor-elect's new budget. We have turned down additional money -- money that's due and owing to senior citizens and to hospitals and medical providers. So I don't think it's appropriate for us at this time to be considering a supplemental appropriation, either now or on January the 8th. I think we'll leave that, as we should, to the incoming administration. So, on that basis, Mr. President, I would move that we stand adjourned until January the 8th at the hour of noon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved that the Senate stand adjourned till the January the 8th at the hour of noon. Senate stands adjourned. And it's been called to the Chair's attention that Senator O'Daniel will be ninety-two on December the 4th. Happy birthday to you. Senator O'Daniel, do you wish to correct the record? How old will you be? All right.

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