

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

135th Legislative Day

November 18, 1992

PRESIDENT ROCK:

The hour of twelve-thirty having arrived, the Senate will please come to order. Will the Members be in <sic> their desks, and will our guests in the gallery please rise. Prayer this afternoon by the Reverend William Oaks, Elliott Avenue Baptist Church, Springfield, Illinois. Reverend.

THE REVEREND WILLIAM OAKS:

(Prayer by the Reverend William Oaks)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I move that the reading and approval of the Journal of Tuesday, November 17th, in the year 1992, be postponed, pending arrival of the printed Journal.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Dunn. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Messages from the House.

SECRETARY 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 am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 161.

Adopted by the House, November 17, 1992. And it is substantive.

PRESIDENT ROCK:

Executive.

SECRETARY HAWKER:

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

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

House Joint Resolution 162.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1623 offered by Senator Woodyard.

Senate Resolution 1624 offered by Senator Collins, President Rock and all Members.

Senate Resolution 1625 offered by Senator Carroll.

And Senate Resolution 1626 offered by Senator Thomas Dart.

They are all congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. If I can have your attention. We will begin on page 26 on the Calendar and handle those motions that have been filed by Members with respect to gubernatorial action. So I'd turn your attention to page 26 and ask Senator Jones, Di Turi, Holmberg, Jacobs, Carroll, Raica, Berman, Welch, Dudycz and Donahue to please be prepared. In the meantime, with leave of the Body, Mr. Val Mazzenga, photographer for the Chicago Tribune, has requested permission to take some photographs. Without objection, leave is granted. Additionally, we have some special guests. We have with us this afternoon some special guests, and the Chair will yield to Senator Janet Joyce.

SENATOR JOYCE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Several years ago, my husband had the pleasure of introducing to you some young men from Kankakee Bishop McNamara High School, after they had finished second in the IHSA Class A State High

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School Golf Tournament. Well, today I get the pleasure of introducing Bishop Mac, but they are now number one in the State. Their golf team did a great job. Guys? That's great. These gentlemen won the championship on October 17th in Danville with a thrilling, come-from-behind victory. And I'd like to ask their coach, Mike McGuckin, brother of Pat McGuckin, to step forward and introduce the team members to us now. Mike?

MR. MIKE MCGUCKIN:

From your left to my right, Mr. Chad Gessner, Mr. Joe Blanchette, Mr. Andy Bayston, Mr. Tim Sheehan, Mr. Brad White, Mr. Tony Hartman and Mr. Mike Edwards - the 1992 Class A State Golf Champions.

SENATOR JOYCE:

We do have a nice resolution to present to them. We will not go through that detail. But let's give them one more hand. They did a great job for us.

PRESIDENT ROCK:

Senator del Valle, for what purpose do you seek recognition?

SENATOR DEL VALLE:

Thank you, Mr. President. Point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR DEL VALLE:

In the gallery here with us today is the Coalition for Better Hispanic Public and Community Services. I'd like to welcome them to Springfield.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Senator Macdonald, for what purpose do you seek recognition?

SENATOR MACDONALD:

I rise for a point of personal privilege, Mr. President. I'd

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like to introduce some guests of mine who are with us today. From Arlington Heights is Michelle Lannes and her mother, Cindy. So they are going to be -- Michelle's going to be paging with us today, and her mother's going to be observing. So, welcome them to Springfield.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1627 offered by Senator Lechowicz, President Rock and all Members.

Senate Resolution 1628 offered by Senator Savickas.

Senate Resolutions 1629 and 1630 offered by Senator Dart.

They are all congratulatory.

PRESIDENT ROCK:

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

SENATOR DAVIDSON:

For a personal point of -- point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR DAVIDSON:

Mr. President, all of us in the Senate are well aware of one of our elseworthy <sic> Members always bragging about being the only Ukrainian in the Illinois Senate. And it was Senator Schuneman's and my privilege to be in Kiev, in the Ukraine, in September, and we have a little presentation we want to make to this lonely petunia in the onion patch that keeps bragging about being the only Ukrainian in the Illinois Senate. And we don't want him to be lonely anymore. So if you'll bear with me while I walk over to his desk, Senator Schuneman and I have a presentation to make to Senator Dudycz, and I think Senator Schuneman may have

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a few chosen words to add to this. But we'll be right over, Walter. Please get on your feet.

PRESIDENT ROCK:

Senator Schuneman, do you wish to be heard?

SENATOR SCHUNEMAN:

Thank you, Mr. President. Like many of the rest of our colleagues, I have been somewhat berated by our good friend, Walter, over the years, about the importance of his Ukraine background and the fact that Ukrainians applauded the fact that he's the highest elected Ukraine official in -- in the United States, I believe is his claim. Senator Davidson and I did the best we could to check out the popularity of that opinion in the Ukraine. I'm sorry to report that we couldn't find anybody over there who knew Walter, but probably we were searching in the wrong place. But it -- it was a great experience to visit that country, to learn about their -- their problems, and we certainly wish them well in the many problems that they have facing them, Walter. And I hope that you can help them in any way possible.

PRESIDENT ROCK:

Senator Davidson, at Senator Dudycz's mike.

SENATOR DAVIDSON:

Walter, on behalf of we sufferers from this only Ukrainian, and knowing that you're unaware that the Cossack history really came from the Ukraine and not from Russia, it's my privilege to present to you this presentation, so you'll never be lonely in the Illinois Senate again.

PRESIDENT ROCK:

Senator Etheredge, for what purpose do you arise, sir?

SENATOR ETHEREDGE:

Thank you, Mr. President. I'm just seeking recognition for Senator Dudycz, Mr. President.

PRESIDENT ROCK:

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Oh, I'm sorry. He didn't have his light on. Like it or not, you're recognized, Senator Dudycz.

SENATOR DUDYCYZ:

Well, thank you, Mr. President. Just briefly to respond to Senator Davidson and Senator Schuneman: (speaks Ukrainian).

PRESIDENT ROCK:

All right. Ladies and Gentlemen, if I can direct your attention to page 26 on the Calendar. Page 26. I see Senator Raica. Are you ready, Senator Raica? We will begin -- we have four Motions in Writing to Override Total Vetoes, a Motion to Restore Item Reductions, and a -- two Motions to Override Recommendations. And we have six Motions to Accept Specific Recommendations. I think, with leave of the Body, we'll start on that Order. And so on the Order of Motions in Writing to Accept Specific Recommendations for Change, there's a motion, Madam Secretary, with respect to Senate Bill 1657. Read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1657, in manner and form as follows:

Amendment to Senate Bill 1657

in Acceptance of Governor's Recommendations

Filed by Senator Raica.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1657 -- I move to accept the specific recommendation of the Governor to Senate Bill 1657. The Governor objected to the provision which would have imposed an infectious disease testing mandate, because of the cost of such a mandate to the counties. The remaining provisions of the bill are still

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intact, and I'd just appreciate a favorable consideration.

PRESIDENT ROCK:

The Gentleman has moved to accept the specific recommendations of the Governor with respect to Senate Bill 1657. Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1657, in the manner and form just stated by Senator Raica. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1657, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Berman. Madam Secretary, on the Order of Motions in Writing is a motion with respect to Senate Bill 1749. Read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1749, in manner and form as follows:

Amendment to Senate Bill 1749

in Acceptance of Governor's Recommendations

Filed by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. The only change that the Governor made in here was to delete the references in this bill to the Torrens Indemnity Fund. By his changes, nothing changes regarding that Indemnity Fund. I move that we accept the changes.

PRESIDENT ROCK:

The Gentleman has moved the acceptance of the specific recommendations of the Governor as to Senate Bill 1749. Is there

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any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1749, in the manner and form just stated by Senator Berman. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1749, having received the required constitutional majority vote of Senators elected, are declared accepted. 1768. Senator Welch. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1768, in manner and form as follows:

Amendment to Senate Bill 1768

in Acceptance of Governor's Recommendations

Filed by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1768 was an environmental bill. It created the establishment of a Solid Waste Advisory Council to make recommendations to ENR concerning solid waste programs. Also created a Battery Task Force. The Governor did not like the idea of a -- volume-based pricing techniques as a method to be imposed upon municipalities. The Governor then amendatorily vetoed out the -- what he considered to be a mandate on local government to go into the per-bag pricing of disposal of garbage. And so he vetoed that provision out and inserted a provision that provides for an additional study by DNR of the feasibility of doing so. So I would move to accept the recommendation of change by the Governor.

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PRESIDENT ROCK:

All right. The Gentleman has moved to accept the specific recommendations of the Governor. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1768, in the manner and form just stated by Senator Welch. Those in favor will vote Aye. Opposed will vote Nay. And the voting's open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. The specific recommendations of the Governor as to Senate Bill 1768, having received the required constitutional majority vote of Senators elected, are declared accepted. We're at the top of page 27, Ladies and Gentlemen. On the Order of Motions in Writing to Accept Specific Recommendations for Change, there's a motion filed with respect to Senate Bill 1772. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1772, in manner and form as follows:

Amendment to Senate Bill 1772

in Acceptance of Governor's Recommendations

Filed by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The bill, as changed by the Governor, provides for only one thing, and that is to provide for the DeVry Institute, which is a institute that grants higher education degrees, to remain under the jurisdiction of the Board of Higher Education. I move the acceptance of the Governor's changes in the amendatory veto.

PRESIDENT ROCK:

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The Gentleman has moved acceptance of the Governor's specific recommendations. Is there any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Just -- I just wanted to stand in support of this override -- this acceptance. DeVry happens to be in my district. It does issue bachelor of arts degrees, and I think it's appropriate it should be under the Higher Ed.

PRESIDENT ROCK:

Further discussion? Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1772, in the manner and form just stated by Senator Berman. 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? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1772, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Dudycz, on 1789. If I can direct your attention to the Calendar, Ladies and Gentlemen. The Calendar is in error. Madam Secretary will read into the record the appropriate motion. On the Order of Motions in Writing, there is a motion to accept the specific recommendations for change with respect to Senate Bill 1789. Read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1789, in manner and form as follows:

Amendment to Senate Bill 1789

in Acceptance of Governor's Recommendations

Filed by Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz.

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SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 1789, as passed last summer with a vote of 55 to nothing, established a statute of limitations on disciplinary actions brought against police officers based upon the alleged use of unreasonable force. Currently there is no statute of limitations on such actions, and as passed, the bill placed a three-year -- three-year limitation period on it. The three-year period is the same as would apply to a felony criminal charge brought against a police officer for such a misconduct. What the Governor did: his amendatory veto set the statute of limitations at five years - increased it by two years - made it the same as that under federal civil rights laws for civil complaints against police officers. The amendatory veto also requires police boards to file an annual report on the status of its investigations of unreasonable force. So every year now the police boards will have to make -- will have to disclose to the public where those investigations are. Finally, the amendatory veto makes new five-year statute of limitations apply only to cases arising from conduct alleged to have occurred after the effective date of this legislation. So anything prior to the -- to this date would not be affected.

PRESIDENT ROCK:

All right. Senator Dudycz has moved to accept the Governor's specific recommendations with respect to Senate Bill 1789. Discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Dudycz, one of the issues that was raised by people in Chicago is whether this five-year statute of limitations applies

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to the time that the victim can file the grievance, or whether it also includes the time that the investigation is done by the OPS and other investigative bodies. And my question is, which of these applies?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Senator -- Senator, the five-year statute ends five years from the date of the alleged incident -- occurrence, not when they came in and made the complaint, but when it occurred, allegedly. So if something were to happen five -- or today, or if there were to be an incident that a person would go before the police board and make a complaint, say six months from now, they have five years from today's date in which to complete that investigation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Palmer.

SENATOR PALMER:

Yes, Senator, but I'm asking: Within that five-year period of time, the victim has five years to file the complaint, or does the victim have five years to file the complaint and that is also the period of time during which the investigation must be completed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

My able attorney tells me that we're talking about -- the investigation can continue, but we're talking about the complaint must be filed five years from the date that the alleged incident occurred.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Palmer. All right. Further discussion? Senator Welch.

SENATOR WELCH:

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I had a parliamentary inquiry of the Chair. On the Calendar, under Senate Bill 1789, it says, a "Motion to discharge the Committee on Rules of Senate Bill 1789," and we're discussing a separate motion. Could the Chair explain that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

As I understand it, the President had indicated that the Calendar was in error before I came up here. Further discussion? Senator -- and the correct motion, I'm told, Senator Welch, was also read into the record. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. I would just like a little more clarification to be sure what the Governor's amendatorily -- motion is saying. Now let me sort of repeat what Senator Palmer said, and I want to ask in a different way and maybe you'll answer. If the investigation -- if I file a charge today and the investigation takes longer than five years, will that investigation continue after I file that charge, for however long it takes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

The other provision of this bill - because now I have filed the charge - will the annual report include the progress of my investigation on an annual basis within that five-year period?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

The annual report, Senator, will -- must include the current status of every investigation that has not been adjudicated.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

So the answer is yes. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

I think that my answers and questions has been answered by Senator Collins, but I do have just one point to ask Senator Dudycz. If the charge is made and the investigation is ongoing - and this, I think, is what Senator Collins was said - and it stretches out to seven years, this statute would not dismiss that charge because it went over the five-year period. Am I correct? I think your answer was...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Hello. Yes, that's correct, Senator. What -- what -- the purpose of this legislation, as you know, was precipitated by an action against three Chicago police officers that -- regarding an incident that allegedly occurred ten years ago, and they are currently facing disciplinary action. Although this particular legislation does not affect that particular case, this would prevent something like that to be resurrected ten years or sometime in the future from an incident that may or may not have occurred more than five years ago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Palmer, for a second time. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President, and I apologize for rising a second time, but I did have another question of the sponsor. Senator

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Dudycz, I'm just wondering, as I review the process by which this legislation reached the Floor, and correct me if I'm wrong, but it seems that it did not go through the committee process, and therefore we had no hearings on it. In my community and in many districts in Chicago, this is a very serious issue, and so we did not have a chance to hear from all sides of this matter. And we seem to have been conducting this by letter and by fax machine. So could you just enlighten me on why, with such a hot issue, we did not have a full hearing on it? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, I had spoken to both proponents, as well as the opponents, to this legislation previously. We have had negotiations; we have had discussions, both before and after the passage of the legislation. As a matter of fact, they met -- they met -- both sides met with the Governor's Office and crafted the language in this final version, which was acceptable to all sides. Now I know that there are certain groups that have emerged subsequently that have voiced opposition to this. I have never heard of these people before, or met these people, or knew that those organizations even existed prior to having that sheet of paper handed to me. But as far as I know, all people whose -- whose concerns were addressed, we had -- or concerns were brought up to my attention, we had communications with them. And like -- like I said, all I can tell you, Senator, is that the Governor spoke -- the Governor's people spoke in detail, at length, with both sides, and came up with this language.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Dudycz may close.

SENATOR DUDYCZ:

I just move that we accept the specific recommendations of the

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Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1789, in the manner and form as just stated by Senator Dudycz. 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 -- have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 1, 6 voting Present. The -- on that -- the specific recommendations of the Governor as to Senate Bill 1789, having received the required majority vote of Senators elected, are declared accepted. Senate Bill 1950. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1950, in manner and form as follows:

Amendment to Senate Bill 1950

in Acceptance of Governor's Recommendations

Filed by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. All the Governor did in his amendatory veto was to add an immediate effective date. This legislation did pass the General Assembly -- in both -- both Houses unanimously, and I would move to accept his recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1950, in the manner and form just stated by Senator Donahue. Those in favor will vote Aye. Those opposed, Nay. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the -- take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1950, having received the required majority vote of Senators elected, are declared accepted. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, before we proceed on the balance of the motions, which include motions to override and restore, I would request a Democratic Caucus immediately in Room 212, and I would suggest that the Senate stand in recess until the hour of two-thirty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Democratic Caucus in the -- we will return at the hour of two-thirty. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, then we will request a Republican Caucus in Senator Pate Philip's Office immediately hereafter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Recess till two-thirty.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

All right. The hour of two-thirty having arrived, the Senate will please reconvene and come to order. Resolutions, Madam

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Secretary.

SECRETARY HAWKER:

Senate Resolution 1631 offered by President Rock.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. Ladies and Gentlemen, if I can have your attention. We will begin on page 27, where we left off before the recess, and that is on Motions to -- Motions in Writing to Override Specific Recommendations. And then we will move to Motions in Writing to Override Total Vetoes, and then to Motions in Writing to Restore Item Reductions. And I would point out and direct your attention to the fact that we have -- the Secretary has prepared and distributed a Supplemental Calendar. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Point of parliamentary inquiry.

PRESIDENT ROCK:

Yes.

SENATOR GEO-KARIS:

On Motions to Override -- let me just take a look at this. Hold on just a minute, sir. To -- Motions in Writing to Restore Item Reductions, does that take thirty votes or thirty-six?

PRESIDENT ROCK:

A Motion to Restore an Item Reduction requires thirty votes, a constitutional majority. All right. As indicated, we will begin on Motions in Writing to Override Specific Recommendations, then to Override Total Vetoes, then to Restore Item Reductions, and then there is a Supplemental Calendar, which I would direct your attention to, we will deal with. In the meantime, if the Membership is not aware, they should be aware, Mr. Rudy Kink from the General Assembly Retirement System has placed himself at our disposal this afternoon. He is in the Podium Office. If any

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Member has a question about his or her pension or pension rights - and particularly those of us who will not be present for the 88th General Assembly - Mr. Kink is here to advise and facilitate and help expedite the implementation of your vested pension rights. Page 27, Ladies and Gentlemen, in the middle of the page, on the Order of Motions in Writing to Override Specific Recommendations, there is a motion filed with respect to Senate Bill 1486. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move that Senate Bill 1486 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Holmberg.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 1486 has had a very interesting life. If I could refresh the memories of the Body, the Senate and the House have a voting history of overwhelmingly supporting Senate Bill 1486 and its underlying Act. Specifically, it passed the Senate by a vote of 54 to 1, and the House by a vote of 117 to nothing. The underlying Act - formerly House Bill 542 - originally passed in 1991. That vote was 54 to 3 in the Senate and 104 to 2 in the House. After the Governor vetoed House Bill 542, the Senate last year overrode him by a vote of 51 to 6, and the House overrode him by a vote of 115 to nothing. Interestingly enough, as part of that debate on the override -- and let me refresh your memory that this is the bill that requires municipalities and counties that are self-insurers to provide coverage for screening by low-level mammography for women over age thirty-five. This brings them into parallel equity with what we have asked other insurers to do in the State. During the debate on the override last year, the Republican Leadership on the other

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side of the aisle pointed out a technical problem - that we had forgotten to mention that this exempts the State Mandate Act. And -- and so we agreed to put in that small technical bill for this year. This the Governor took a look at and decided not only would he veto that part of it, but he went into the Act - something that has -- in my estimation, has never been done before. I don't think it's even legal that you can go into an Act that's passed, been on the books, people have been participating in for a whole year, and because of three or four words that have been added to that, veto the whole Act. I think it was a mistake by the Governor. I don't think it's what the Legislature -- I know it wasn't what the Republican side of the aisle intended. We were trying to be helpful by adding the right technical language. And I would ask at this time that we override what I think was a mistake on the Governor's part, and put into law what has already been law for the past year, and allow those people who work for municipalities to continue to have their mammograms.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 1476 <sic> (1486) pass, the specific recommendations of the Governor to the contrary notwithstanding. I beg your pardon. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I rise support -- rise to support Senator Holmberg's motion, and I just want -- and I know we've just been back from our respective caucuses and rumbling is still kind of going on, but this motion is very important because the Governor's action resulted in something different than what the message said. The Governor's action essentially gutted the existing law enacted in 1991, which requires self-insured municipalities and counties to provide coverage for mammograms as a part of their health insurance coverage for their employees. I

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don't believe that was the intent, and our failure to support this message <sic> will be that result. I would urge the support of Senator Holmberg's motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall Senate Bill 1486 pass, the specific recommendations 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 32, the Nays are 13, 7 voting Present. The motion, having failed to receive the required three-fifths vote, is declared lost. Senate Bill 1769, Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 1769 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate. I move to override the Governor's amendatory veto on 1769. In his veto message, he says that this will permit persons who are not qualified to receive licensure, but that is not the case. I believe he really misunderstood the intent. When we passed the clinical psychologist legislation two years ago, we set up certain requirements; and when we set those requirements up, persons who have completed their education were not permitted to sit for the examination because we changed the requirements as such. They had paid for their education, gone to school. This does not give them the right to become licensed. What it does -- these persons who

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fell through the crack -- they would be permitted to sit for an examination. That's all that it does. And occasionally when we do licensure, we do find people who fall between the cracks. The intent of the legislation is to professionalize the industry, but at the same time, not to exclude those persons who do meet the qualifications. This legislation that the Governor amendatorily vetoed would have permitted them to sit for the examination. And if they sit for the examination, they have the educational requirements, and if they pass the examination, then they will be licensed as such. So I ask for a favorable vote on this Motion to Override the Governor's Amendatory Veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WICS-TV has requested permission to videotape. Is leave granted? Leave is granted. Is there a discussion? Discussion? If not, the question is, shall Senate Bill 1769 pass, the specific recommendations of the Governor notwithstanding. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 22, none voting Present. The motion, having failed to receive the required three-fifths majority, is declared lost. Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. In view -- there are many other provisions in this bill, and in view of that fact, can I proceed now with the Motion to Accept?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones, there is a motion on file. Why don't we wait till we get to it, and we'll... All right. Page 26. Motions in Writing, the Override of the Total Vetoes. In the middle of the page is Senate Bill 963. Senator Jones. 963. Senate Bill 1532. Senator Di Turi. Madam Secretary, please.

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SECRETARY HAWKER:

I move that Senate Bill 1532 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Di Turi.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Di Turi.

SENATOR DI TURI:

First of all, I have some sad news. Senator Sam is doing not well, in the hospital. And I'm very honored that he asked me to cosponsor this bill. I wish he was here, but he told me this morning, he said, "I'll be at your shoulder." And I know he's here on my shoulder. To serve our country during wartime is one of the most honorable sacrifices a person can make. These POWs, in the gallery right above me, suffered, were tortured. I had twenty-five of them in my office yesterday, today. My eyes watered when they told me what pain they went -- and when they had to bring it up, and they told me why it's so important. Their meals - their meals - was grass soup with maggots inside the grass soup, my friends. That's what made them suffer. It was very hard for them. They were in forty degrees below zero weather, with frostbitten toes and hands. And you know what they did? They were suffered. They were thrown boiling water so they would give up and talk, but they didn't talk. They were there protecting us and helping us make this country - this State of Illinois, our children and grandchildren and parents - a better place to live. All I'm asking for, for Senator Sam, is a favorable vote Aye. We all voted 53 to 0 in the Senate, and I ask you -- one second -- could I -- could I have a little quiet, please? This is not a Democratic issue or a Republican issue. It's the men up there that were veterans of the POW wars that were policemen that helped us protect our country. That's what this is all about. Please help me, for Senator Sam. That's all I ask you.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand strongly behind Senator Di Turi, along with Senator Sam, knowing that he's on his shoulder. This bill goes beyond just the POWs. It's goes on to what -- it addresses the issue that we have failed to do this year. In fact, we -- we earlier voted for a Desert Storm stipend. That's not being properly funded. And this really appears to be a year that we have turned our back on the veterans, and I think it's time that we turn our attention back to those veterans who served us so well. And I ask for a Aye vote to override Senate Bill 1532.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. All of us were quite proud of this country's participation last year in eradicating a threat in the Middle East, and especially to the lifeline of industry as we know it in the United States, and the free world. All of us were quite proud of the people that participated in that concept and protected our vital interests. There's no question what Senator Di Turi is asking for us today, and I'm sure if Sam Vadalabene was here he would echo it in a more compassionate and understanding way, because he was one of the fellows that survived and lived through World War II and has seen conflicts the United States enter into, be successful or not successful, but we always took care of the veterans. This General Assembly last year provided 53 votes on this measure to provide a stipend of fifty dollars a month to the widows of the Bataan Death March and other atrocities that transpired in the Second World War and Korea. The total fiscal

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impact of this veterans' legislation is two million dollars. Rest assured that, according to the Economic and Fiscal Commission, we have eighty million dollars that we can use in this coming Veto Session to help our respective constituents. If anybody needs help, it's these people, and I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I wonder if the sponsor would yield for a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator, I was on the Appropriation Committee when this bill originally was -- was introduced. And as I remember, we did not appropriate any money. There's no line item in the budget for this -- for this bill. So even if we pass the bill, there's no money. Is that -- am I correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Di Turi.

SENATOR DI TURI:

Senator, it was not an appropriation bill. But let me ask you one question: When they were tortured, did they ask us...(inaudible)... That's all I ask you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Well, Senator, what I'm -- what I'm concerned about is the fact if we pass this bill, then obviously these widows we are talking about -- and I happen to know one -- the -- used to be one of my county board members -- was on that Bataan March. What we are saying to them is, "Oh, we're going -- we're going to give you

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this money one of these days, if we ever find it, and one of these days we -- you may get a check." But I guess what I'm asking you is, wouldn't it make more sense not to promise this without the money, wait till we can have the -- find the money and do it right, so that, in effect, the people who are expecting this money will get it, rather than an empty promise and a letter saying: "Boy, aren't we great? We're going to promise you this money, but don't expect -- the check is not in the mail."

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you -- thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in strong support of this motion, and I would ask the Members, particularly on the other side, to take a long, hard look at this one in particular, for this reason: what's been left unsaid, and I think even unsaid in the Governor's Veto Message, which is brief, because the Governor says the intent of this legislation is laudable. This is yet another example of General Assembly creating new programs without providing a corresponding appropriation or source of funding. My recollection, frankly, Senator Fawell, in response to your inquiry, was that it was the feeling of many of us that the Department of Veterans' Affairs could, indeed, meet this obligation if, indeed, the program was passed. And so I don't think it's fair to say we can't have this program because we don't have an appropriation. You've got it backwards. The program has to be in place, and then we find the appropriation. And it was the view of many of us, when we discussed this and other pieces of legislation in the Governor's Office, that there was, indeed, money enough, and it was a pitifully small recognition for what these men and women in the Armed Forces have gone through. What we're asking by virtue of this motion is, yes, let's have the

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State of Illinois go on record and authorize this program. And I suggest to you that this Assembly can and will find the money if the Department of Veterans' Affairs, indeed, cannot. The fact is: many of us felt - and I think still feel - that there is, indeed, money available in the Department's line items that could currently cover this if, indeed, there's a program. This motion will establish that program, and I think the Governor's concern that there could be a potential liability of up to four million is exaggerated. I agree, frankly, with Senator Lechowicz's numbers; it's closer to two million. And given the fact that the Economic and Fiscal and the Bureau of the Budget have now revised their figures for this fiscal year, it seems to me again a small, small price to pay for those who paid a great price, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1532 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are none, 21 voting Present. The motion, having failed to receive the required three-fifths vote, is declared lost. Senate Bill 1816. Senator Holmberg. Madam Secretary, 1816.

SECRETARY HAWKER:

I move that Senate Bill 1816 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Holmberg.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Now that you've had a chance to

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vote against widows of veterans, I'm now going to give you a chance to take a look and maybe vote against the senior citizens back in your districts. So pay attention. Senate Bill 1816 is the senior citizen property tax deferral bill. As you know, it now resides in State law, at the circuit breaker level, that if your income is fourteen thousand dollars or less, that you can defer paying your property taxes until your death; that basically the State will take it over and your estate will pay it back, plus six percent interest. Many of us find that when there are two people living in that home and two Social Security paychecks coming in, and maybe a tiny bit of pension, it brings people over that fourteen-thousand-dollar mark. Because of this, we have tried to find a level that would include that type of person, and that type of person came forward time and time again during the Revenue Committee hearings, one of which was held in DuPage. And we had one woman with a thirty-nine-thousand-dollar house that had been purchased by she and her husband, that was now worth two hundred thousand dollars. In other words, she was house-rich and income-poor. It's tearing apart our neighborhoods, as people are forced to leave, as property taxes increase. This is the kind of bill that will allow people to live in their homes with dignity until their death. The Taxpayers' Federation - long an opponent of increased taxes - has come out in strong support of this bill, and one of the reasons that they have mentioned is, in fact, in the long run, the State stands to gain revenue from the repayments with interest. It's repaid at six percent interest. That's better interest than any of you can get on your checking accounts or your savings accounts. We are not losing money with this bill; we are eventually gaining money with this. It's typically used by the senior citizen in the last year or two of their lives. The average amount deferred is a thousand dollars and -- a thousand seventy-two dollars, and it's repaid with six percent interest.

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Only two hundred and thirty-two people participate, but it's that life-assurance package that they need at the end of life. And I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, first of all, I think the sponsor did an excellent job of explaining her side of this issue. And, believe me, it's never easy to have to stand up and speak against a bill of this kind, but I point out to you that in our cash flow situation, being what it is today, it's being estimated by our own Department of Revenue that there's probably at least a four-hundred-thousand-dollar impact. What you're talking about here is making another group of people eligible for this type of consideration from the State, people with income up to twenty thousand dollars. I am not sure that they represent, in most cases, a hardship-type of case. And I think maybe it's the sort of bill that'll be a good bill to pass someday, but someday is not right now during the time when we can't pay our pharmacists and all of the other folks that we owe the State money to. So I think it's one of those things that just ought to be kept on ice until we can afford it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. With the recent increases in the assessment of the property in Chicago and the recent increases in property taxes, I've had a number of senior citizens contact my office to say, "What can we do about property taxes?" And as -- as you know, we can point out to them that we don't -- we don't have a State property tax. You know, call your alderman, call your -- the elected officials who deal with the different taxing authorities, but that's not really a

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good answer. And so, in some cases, with the senior citizens, I told them about this program and had them inquire, of course, with the Department of Revenue and helped them do that, and it turns out they can't -- this program doesn't work if you make more than fourteen thousand dollars. What the purpose of this bill is, is to simply raise that to twenty. Now this -- this four hundred thousand dollars that the Department of Revenue has finally said is the amount that they think it's really going to cost - at first it was going to be some astronomical amount - it's -- it's an estimate as to how much it will cost the State in this coming year, but you must remember that the reason why they think it's going to cost four hundred thousand is because they think that these -- these loans are not going to be repaid this year. The way this program works is that when a senior citizen dies or whether -- if they sell their home, the money goes back to the State and the State gets six percent. Now it may be that when the program just started up, the seniors have not died and they have not sold their homes, and as a result, we have lent the money and haven't been repaid. But it's very possible that in this upcoming year, we would be repaid this amount, be repaid the amount and actually get more - get more income - from the estate. If the senior citizens die or sell the home, that's exactly what would happen. But to say that we should not extend this opportunity to people that make between fourteen thousand and twenty thousand is a mistake. You know, we had 52 votes for this bill when it was voted on. It was a good idea then; it's a good idea now. And I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Well, usually, especially from my friends and colleagues on the other side of the aisle, the

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Taxpayers' Federation of Illinois sides with you and with opposing efforts like this in our State. The Federation - the Taxpayers' Federation - has consistently opposed increases in the homestead exemption, as well as additional income tax exemptions for seniors and their spouses. They've always been on this side. For one of the first times that I can remember, the Taxpayers' Federation of Illinois is supportive of this attempt to override, and they are supportive - and I'm reading from what they've handed out - because this tax deferral program is based on legitimate need and is modest in nature. Now for those of you who just react in a knee-jerk manner and say, "Well, this is -- we don't need this," just take a look at one of the organizations that you base a lot of your opposition on: that's the Taxpayers' Federation of Illinois. And this is one of the first times that they say we've opposed efforts before because it hasn't been based on legitimate need. In this particular case, this is based on legitimate need and is very modest in nature. Instead of reacting in a knee-jerk fashion, take a look at this document - if you don't have it, I'll be glad to walk it over - and think about the few people, the seniors, who really need this deferral, who need this exemption. And it's very important to them. I think we ought to vote on substance rather than on some superficial knee-jerk reaction. Take a look at it in substance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Holmberg may close.

SENATOR HOLMBERG:

Thank you very much. We've done little or nothing for senior citizens in the past two or three years, except take away some of the benefits that we formerly gave to them, because these have been tough times for us here in State Government. This is one way that we can provide them with a certain amount of dignity. And as several of the speakers have said, and as the Taxpayers'

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Federation has said, this is not an outlay of State revenue; this is almost a moneymaker, because the money comes back after a year or so with six percent interest. That's very little that we would be doing for seniors, but what a blessing in that last year or two of living in your own home, to be able to count on your own State of Illinois to give you property tax relief. You supported this bill with 52 votes as it went through the general Session. Let's support this override now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1816 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 6, 17 voting Present. The motion, having failed to receive the required three-fifths majority vote, is declared lost. Senate Bill 1935. Madam Secretary, please.

SECRETARY HAWKER:

I move that Senate Bill 1935 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This one's a little reprieve, I guess, from what we were talking about earlier. This one does not allocate any more money from the General Fund or from any fund. This is not a money bill, per se. This bill is about requiring the deposit of one-twelfth of the total income tax receipts, after deposits into the Income Tax Refund Fund. The Governor vetoed this, stating that he felt that

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it would accelerate payments. This bill does not accelerate payments, and the clear intent of the law is that the transfers to the Local Government Distributive Fund be made on a monthly basis. This is their money. It's not our money. This is strictly a issue, to me, that boils down to: we vote for property tax caps; we are looking to take away the surcharge from the local governments in the future; we have taken away their TIF monies - now we don't want to live up to this single contract we have made with the municipalities. It's their money. All this bill does is give them their money, and it's that simple. Be happy to answer any questions; otherwise, ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I have a number of interesting assignments at this time, and it's not easy to speak against this bill either, because we know that this is money that is owed to the cities, and they could use it, obviously. We created this thing years ago to help them out. And so now we're saying, on behalf of the Governor, that at times we've got some cash flow problems. I think if we look around, we know we've got cash flow problems, and I suggest to you that the cities do not represent the only area to us that presents a cash flow problem. That's all the Governor was really saying in his Veto Message - that maybe we wouldn't give a higher priority to forking the money over to the cities than we do to paying some of our other bills. And so he asked for a little reprieve on this thing, that he be given a little consideration, the cash flow situation being what it is. And I think we ought to stick with the Governor on his veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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Thank you, Mr. President. Well, simply carrying on from what Senator Rigney has pointed out: You know, I don't think any of us like the idea of being characterized as voting against senior citizens, or veterans, or anybody else. It's not a matter of that; it's simply a matter that this State has serious financial problems, and we've got very serious cash flow problems. Almost every one of us supported giving the Governor some extraordinary powers to deal with cash flow problems. Now if we support this measure, we take one of them away from him. I don't think anyone questions that -- that ultimately this money belongs to cities and -- and counties. But to set aside that money now, when the Governor and the State of Illinois are trying to manage cash flow problems, I think would be a step in the wrong direction. The other thing I think we ought to realize is that, contrary to most of State Government agencies, cities and municipalities are receiving some forty million dollars more under this current-year revenues than they did before. So actually they're going to get more money. There may be some delay in the amount that they get. I think we should sustain the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jacobs may close.

SENATOR JACOBS:

Thank you, Mr. President. And let me just respond, if I might, in closing, with the cash flow problem. The cash flow problem should not be a situation to where the Governor makes a determination, the Comptroller makes a determination. We have an appropriation ordinance -- or an appropriation bill that does exactly that, and this is money that is part of that appropriation process. We are, in effect, borrowing this money from cities. We have borrowed money from everyone else we can borrow from. We have borrowed from banks; we have borrowed from bonding houses; we have borrowed from our senior citizens, from our pharmacists, from our

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veterans, from everyone else. And now, all of a sudden, we're going to last resort: we're going to borrow from our citizens. The Comptroller, who truly makes most of the decisions as to cash flow, is in favor of this bill. Almost everyone that I know, except for the Governor, who's worried about accelerating some payments -- other than that, this bill should have been signed by the Governor, and I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 1935 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? Have all voted who wish? Last call. Take the record. On that question, the Ayes are 32, the Nays are 10, none -- I'm sorry, 11 voting Present. The motion, having failed to receive the required three-fifths majority, is declared passed -- is declared lost. I'm sorry. Motions in Writing, Restore Item Reductions. Senate Bill 954. Madam Secretary, please.

SECRETARY HAWKER:

I move the items on page 20, lines 12, 16, 18, 20, 24 and 26 of Senate Bill 954 be restored, the item reduction of the Governor to the contrary notwithstanding.

Filed by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to seek restoration of a cut in the appropriation of the Office of the Attorney General, though not seeking to restore all the funds that were cut. Basically what we're seeking to restore are the items that were in the personal services lines

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in the Office of the Governor -- in the Office of the Attorney General. If you look at the history of spending in that office, and compare it to the other constitutional offices, you will see that the actions may be not intentional, but in fact...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll. Senator Carroll, please. Ladies and Gentlemen, could we have some order, please. Senator Carroll is a very articulate speaker, and I cannot hear him, and I wish to. Senator Carroll.

SENATOR CARROLL:

Some of the Members may wish they couldn't. Thank you, Mr. President. The Office of the Attorney General has already trimmed the number of employees in its office by some fourteen percent. And if you look, in fact, at what is happening in the area of legal services, you will find the Governor has actually increased the number of attorneys working for him from three hundred and forty-eight up to four hundred and fifty. He is starting to pay attorneys as technical advisors and hearing officers at a rate of thirty-two thousand, while the Attorney General had only been able to afford twenty, and has now raised it to twenty-four thousand. Basically what has happened, if you look at the charts, if you look at the charts on the history of General Revenue Fund appropriations, you will see that over the last four years the Office of the Attorney General has consistently gone down. And if you track the various constitutional offices from 1985 through 1993 fiscal years, you will see that the Governor grew over fifty percent, Lieutenant Governor ninety percent, Secretary of State about twenty-five percent, Comptroller about thirty-five, Treasurer about sixty, and the Attorney General has actually gone down a couple percentage points from 1985 to 1993. Since we do want the Attorney General to be the lawyer for the State of Illinois and to act in those capacities, we obviously have to give

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him the tools with which to work, and I would, therefore, suggest to you, Mr. President, that we restore the funds reduced by the Governor in the area of personal services in the lines as indicated by the Secretary and as shown on the Calendar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I rise in opposition to this motion, and let me suggest to you that the Attorney General's Office was -- was treated no differently than all other constitutional offices. At the current level, it puts this budget at five percent below the FY'92 appropriations. This -- this restoration, of course, increases that dramatically. You almost must understand that within -- within the Attorney General's Office, there are other funds that have been used to fund operations of that agency. Indeed, there is no special treatment that should be given to the Attorney General's Office. I believe that if we look at the facts - and I think we have them, Senator Carroll - there have been substantial increases in salaries given to top executives within -- within the agency. I would suggest to you that in FY'92 a number of the attorneys - probably underpaid - did get substantial increases. And if you look at where we are this year - this year - the agency is running at a deficit, based on the appropriations. So their layoffs have not been on track, have not been consistent with the budget that was passed. And admittedly they have not filled vacancies, but they have not laid off the number of individuals that they should have laid off to accommodate -- to accommodate the budget that passed out of here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

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SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I guess all I could say to Senator Maitland is the Attorney General already gave at the office; that's why they could not withstand the second cut. If you look, in fact, at the history from Fiscal '92 to '93, they were down a million and a half. They are actually, in fact, the only one who is below where they were in Fiscal '85, and they, in fact, have reduced the number of employees by fourteen percent, and the Governor is paying a good thirty percent greater for starting attorneys as technical advisors than the Attorney General can afford to pay. For these and other reasons, I suggest if we want an adequate representation in all the cases that we demand of the Office of the Attorney General, whether they be environment or anything else, in order to bring back money to the State, we must give them the tools with which to work. And I would ask that the line items, as indicated in my motion, be restored, the action of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate -- I'm sorry, the question is, shall the item -- items on page 20, lines 12, 16, 18, 20, 24 and 26 of Senate Bill 954 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Senator Rock, you wanted to get me? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 27, none voting Present. The items on page 20, lines 12, 16, 18, 20, 24, 26 of Senate Bill 954, having received the required majority vote of Senators elected, are declared restored, the item reduction of the Governor to the contrary notwithstanding. Senator Maitland, for what purpose do you arise?

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SENATOR MAITLAND:

Thank you, Mr. President. To verify the affirmative roll call, please, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland has requested a verification of those Members who voted in the affirmative. Mr. Secretary, proceed by calling the Members of the affirmative votes.

ACTING SECRETARY: (MR. HARRY)

Following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Dart, del Valle, Demuzio, Di Turi, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, Munizzi, O'Daniel, Palmer, Rea, Savickas, Severns, Smith, Welch and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

I said thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, I didn't hear you. Sorry. All right. On the verified roll call, the Ayes are 30, the Nays are 27, none voting Present. The roll is verified. Senator Alexander is sitting behind me. Senator Rock, is there -- Supplemental Calendar No. 1. Supplemental Calendar No. 1. It is on your desks. Motions in Writing is Senate Joint Resolution 112. Senator del Valle. Take it out of the record. Motions in Writing to Accept the Specific Recommendations for Change on Senate Bill 1992. Mr. Secretary, read that bill, please -- or that motion.

ACTING SECRETARY: (MR. HARRY)

I move to accept the specific recommendations of the Governor as to Senate Bill 1992, in manner and form as follows:

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An Amendment to Senate Bill 1992

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. There seemed to be some confusion yesterday on this bill, so I'd like to go over some -- some key points. Senate Bill 1992 would allow the homeless in the State of Illinois to register to vote. I am moving to adopt the Governor's recommended changes. The Governor's recommendations represent the fair and tested safeguards against vote fraud, as they are essentially applied to anti-fraud protections of the Chicago Consent Decree to Homeless Voters throughout the State. To date, there have been no major complaints regarding the failure of the safeguards provided under the Chicago Consent Decree, which has been in place since 1986. This clearly demonstrates that the measures are practical and effective. Because the bill requires homeless voters to register from such fixed locations as shelters, social service agencies and residence, conducting a pre-election canvass by mail is a feasible procedure in protecting against possible vote fraud. The bill was developed in consultation with the State Board of Elections, which made the bill available to all county clerks and requested their comments. No county clerk, to my knowledge, objected to the bill. Keep in mind that today thirty-five percent of homeless -- of the homeless are families. Why deprive families who have fallen on hard times of a very -- one of the most fundamental rights of our country? I urge that you adopt the Governor's recommended changes and pass this bill.

PRESIDENT ROCK:

All right. The Gentleman has moved to accept the specific recommendations of the Governor with respect to Senate Bill 1992. Discussion? Senator Dudycz.

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END OF TAPE

TAPE 2

SENATOR DUDYCZ:

Yes, thank you, Mr. President. Just to remind the Membership that this side remains opposed to this motion. It was a bad -- bad deal yesterday; it's a bad one today. I know you've got the thirty votes. Enjoy it while you can, Senator, but it's a bad vote, and we're going to urge our Members to vote No.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1992, in the manner and form just stated by Senator del Valle. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Miguel, vote. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 21 Nays, 5 voting Present. The specific recommendations of the Governor as to Senate Bill 1992, having received the required constitutional majority vote of Senators elected, are declared accepted. For those who have not yet availed themselves of the opportunity, I'd like to remind you again that the General Assembly Retirement System met this morning - Senator Schuneman and myself and the others who are on the Board - and we asked Mr. Kink, who runs the General Assembly part of the System, to make himself available this afternoon for any and all Members who wish to confer about their vested rights. So he will be available; he's in the Podium Office. Please feel free to avail yourself. We have only two items remaining. Senator Philip has asked that we go to the Order of Secretary's Desk, Concurrence. Is Senator

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Luft available? On the Order of Secretary's Desk, Concurrence. Senator Macdonald, I think the plan is to move to non-concur, if I'm not mistaken. With leave of the Body, we're moving to page 19 on the Calendar, on the Order of Concurrence. 1635. Senator Macdonald. 1635.

SENATOR MACDONALD:

I move to non-concur, Mr. President.

PRESIDENT ROCK:

All right. On the Order of Secretary's Desk, Concurrence, Mr. Secretary, is Senate Bill 1635.

ACTING SECRETARY: (MR. HARRY)

House Amendment 1 to Senate Bill 1635.

PRESIDENT ROCK:

All right. Senator Macdonald has moved to non-concur with House Amendment No. 1 to Senate Bill 1635. Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 1632 offered by Senator Geo-Karis.

And Senate Resolution 1633 offered by Senator Brookins. They're both congratulatory, Mr. President.

PRESIDENT ROCK:

All right. Consent Calendar. Any further business to come before the Senate? We will adjourn the regular Session until noon tomorrow. Please, don't forget that the Special Session Committee of the Whole will commence at 9:00 a.m. so that all the Members will have a chance to avail themselves of the opportunity to hear the proponents and the opponents, and then we will revert to the regular Session at noon. It does appear that we will have less than an hour's work, if everybody is here and we start on time, so that we should be in a position to get back to our district

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offices in the early afternoon tomorrow. If there is no further business, Senator Di Turi will move that the Senate stand adjourned until noon tomorrow in the regular Session. Noon tomorrow, Ladies and Gentlemen.

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