

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

80th Legislative Day

October 13, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Regular Session will come to order. Our prayer today will be from Pastor John Duke, Zion Lutheran Church, of Pleasant Plains. If our guests in the galleries will please rise. Pastor Duke.

PASTOR JOHN DUKE:

(Prayer by Pastor John Duke)

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, Pastor Duke. Reading -- reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Tuesday, October 12th, in the year 1993, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves the postponement of the reading of the -- and approval of the Journal, pending arrival of the printed transcript. There being no objection, it is so ordered. Resolutions.

SECRETARY HARRY:

Senate Resolution 827, offered by Senator Mahar.

Senate Resolution 828, offered by Senator Hall, President Philip and all Members.

And Senate Joint Resolution 91, offered by Senator Karpel. They're all congratulatory and death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Insurance, Pensions and Licensed Activities Committee - a motion to concur with House Amendments 1 and 3 to Senate Bill 358; referred to the Committee on Local

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Government and Elections - Conference Committee Report No. 1 to Senate Bill 990; referred to the Revenue Committee - motion to concur with House Amendment 2 to Senate Bill 591; and referred to the Senate without reference to committee - Conference Committee Report No. 1 to Senate Bill 707, and Senate Resolution 823.

Senator Mahar, Chair of the Committee on Environment and Energy, reports that House Bills 1354 and 1479 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR WEAVER)

Motions, Mr. Secretary.

SECRETARY HARRY:

Senator Shaw has filed a motion with respect to Senate Bill 775.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, the Chair requests that the motion be printed on the Calendar. So ordered. If I might have your attention, if any Member wishes to file a motion on veto action, this is the last opportunity. We will have a Supplemental Calendar. So if you'll come to the Secretary Desk, if you have a motion to file, so that we can prepare a Supplemental Calendar. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1127, offered by Senator Shaw.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 823, offered by Senators Philip and Weaver.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution No.

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823. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Philip, to explain the resolution.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the -- of the Senate. These are two technical amendments to the Rules to -- that will affect our Special Session -- the Veto Session. It's been -- the other side, I'm led to believe, have seen it and have agreed to it. So, I move the adoption of these two minor changes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip has moved for the adoption of Senate Resolution 823. Those in favor... Excuse me. Senator Demuzio, for what purpose do you rise? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank -- thank you, Mr. President. If Senator -- I don't see our lawyers here at the moment. If Senator Philip could just briefly indicate to us what the minor changes are in the -- in the Rules, so that all the Membership might know, I'd certainly appreciate it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Well, it basically does two things. It -- it takes -- to recede from a Senate amendment, it puts it in joint action motions. And it simply takes out under 9-3 the word -- takes one word out - "not".

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Philip has moved for the adoption of Senate Resolution No. 823. Those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it. The resolution is adopted. Resolutions.

SECRETARY HARRY:

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Senate Joint Resolution 94, offered by Senator Ralph Dunn, as is Senate Joint Resolution 95.

They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. If I might have your attention, we're going to go to the Regular Calendar on page 12, Motions in Writings - Override Total Vetoes. On page 12, in the middle of the page. Senator Hawkinson, are you ready on Senate Bill 48? Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 48 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise today to ask the Senate of the State of Illinois to restore Lydia Thorpe's right to a secret ballot. Going to give you the history of why she has lost her right to a secret ballot, then try and refute some of the legal arguments that have been made by the opponents of this bill, and finally, urge you to override the veto and restore Lydia Thorpe's right to a secret ballot. The redistricting of 1992, by -- by computer, placed eighty -- at -- then eighty-six-year-old Lydia Thorpe in the 93rd Representative District. She was the -- could we have some order, Mr. President?

PRESIDING OFFICER: (SENATOR WEAVER)

This is final action, folks. I hope you would listen to the discussion here and give the speakers some respect.

SENATOR HAWKINSON:

That computer-drawn map, in equalizing the population, placed eighty-six-year-old Lydia Thorpe of Kewanee, Illinois, in the 93rd

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Representative District, and everyone else in her precinct in the 94th Representative District. Some have suggested that there are other ways to change that result. There are not. The county clerk, the State's attorney and the county board tried everything to shift boundaries, to change precinct boundaries - everything that they could think of - including an appeal to the Supreme Court of the State of Illinois - all without success. The boundaries cannot be changed because of the configuration of where she lives in the county..

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. Excuse me, Senator. Will we take our conferences off the Floor, please? Senator Dudycz and others.

SENATOR HAWKINSON:

The -- thank you, Mr. President. The boundaries of the precinct cannot be shifted. It has been tried. The lawyers, the State's attorney, the county clerk, the county board in Henry County have tried those avenues - again, as I said, including appeal to the Illinois Supreme Court. The only recourse Lydia Thorpe has to gain her secret ballot is through the Illinois General Assembly. That is part of the history. A year ago, Senator Cullerton had a bill that shifted some other boundaries in the Legislative Body, and I added an amendment to restore Lydia Thorpe's right to a secret ballot by moving her into the 94th Representative District. Primarily, we thought at the time that bill was vetoed because of the other changes in the Representative districts. I pledged to introduce it this year as a clean bill that did one thing and one thing only, and that's to restore Lydia Thorpe's right to a secret ballot. I made the pledge to the Senate Committee, I made the pledge to the full Senate, that no amendments would be accepted to this bill. I kept that pledge. There were no amendments to this bill in either the Senate or the House, and it went to the Governor doing only one thing, and

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that's to restore the right of now eighty-seven-year-old Lydia Thorpe to her secret ballot. The Governor received some advice and that advice has been shared with the Members today, in the form of a letter from Winston and Strawn signed by Dan Webb. And he vetoed the bill. And I think his judgment was incorrect on the law. And I want to go through this because it's been distributed to the Members. The first reason given suggesting a veto -- thank you, Mr. President. The first reason given in this letter to sustain the veto and to make the veto in the first place, it is alleged that it's unconstitutional because the General Assembly lost its right to change the boundaries when the deadline passed and the -- and the Commission took over. But if you'll look at your Constitution of the State of Illinois, you'll find an equally compelling constitutional argument that we have a sworn duty to restore Lydia Thorpe's right to a secret ballot. In Article III of our Illinois Constitution, Section 4, "The General Assembly by law shall define permanent residence for voting purposes, insure secrecy of voting...." By law. We have a sworn duty to insure that our citizens have the right to a secret ballot, and that's all that I ask that we do in overriding this veto. The second reason, in my humble opinion, is almost laughable. The second reason given is that the redistricting plan of this bill would violate the provision that requires that all districts be compact, contiguous and substantially equal in population. And the author suggests that by doing this bill, we would create districts that are not substantially equal in population. Come on, we're going to change one person. One person. That does not violate the equal population provision. The third reason is given that there may be some risk that other people with different agendas will choose to take this opportunity to challenge the map. I suggest that is equally absurd because of our constitutional requirement that we insure the secret ballot of every citizen of this State. No court

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is going to say that by insuring Lydia Thorpe's right to a secret ballot, that this somehow opens up the possibilities for changing all the boundaries of the State of Illinois. Finally, I ask you to restore Lydia Thorpe's right to a secret ballot because it's the right thing to do. I know there's a lot of pressure. I know that there's some paranoia, as exhibited by the third reason in this letter that is being sent around, that this is going to open Pandora's box. I suggest to you that it's not. But think for a moment about eighty-seven-year-old Lydia Thorpe, who I don't know personally, but who I've seen on TV. She has lost her faith in the American political system. She saw a system where, in the south, people of color were not allowed to vote. She has seen much progress in the United States of America in giving every citizen of this country the right to vote. But now, by computer glitch, the State of Illinois has taken away her right to a secret ballot. We have taken it away. She doesn't know or think that she will ever vote again. I ask you to do the right thing, and to join with me in overriding the veto of Senate Bill 48.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson has moved that Senate Bill 48 do pass, the veto of the Governor to the contrary notwithstanding. Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I share the feeling strongly of Senator Hawkinson. For those of us who still do not like to operate in the computerized world, who have some real problems with always being at -- the victim of the computer, this is a pure case of that. And for someone to be disenfranchised from a secret vote, just because of a glitch of a computer, is -- is both almost asinine, and most certainly inane. I feel that we must give Lydia her right to a secret ballot, and if one vote is going to throw off the balance of this whole State,

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then so be it. And I think that we should overwhelmingly support the override of this veto. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, this has certainly become a proverbial mountain out of a molehill. This lady risks being totally disenfranchised by our system of government because the Governor has been advised by counsel that he will get into deeper trouble if he passes this bill. While it might sound corny to recall history - and remember that many of us are the children of immigrants - this is a right that is not enjoyed throughout the world. It -- until modern times, it is not a right that was enjoyed, unfortunately, in our old -- our own country. It was a right that was achieved by the Civil Rights Voting Act in the sixties, where this country was embarrassed - repeat, "embarrassed" - into the position that that right was a fundamental right that ought to be granted to all people, regardless of race, creed or color. And that same right ought to be given to this lady, irrespective of the arguments that it's going to cause the Governor more problems. This is a fundamental right that she is entitled to. And the fact that we're here now arguing about it for the second time really borders on the ridiculous, and it encourages people to think of us exactly what they do.

PRESIDING OFFICER: (SENATOR WEAVER)

Chicagoland Television and WCIA have requested permission to record. Is there leave? Leave is granted. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.



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SENATOR GEO-KARIS:

Do you know whether or not any attempt has been made to have your county -- county clerk and county board, amend their lines to include her in one of the precincts adjoining her, which has more people?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Absolutely, and I apologize, Senator, but during the early portion of my remarks there was a lot of confusion. I thank the Chair for trying to solve that. But they tried on several occasions to move the boundaries. Because of the layout of the boundaries, and the school district, and townships, it cannot be done. They had...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

First of all, Mr. President and Ladies and Gentlemen of the Senate, I have the highest respect for my colleague, and I don't always disagree with him, but this is one time that I'm constrained to disagree with him. First of all, in my county, we do alter the lines so that we can include some person who is able to vote - and by the way, this lady is not disenfranchised; the only thing is, that she's the only voter there - to include her in a precinct adjoining her, so that she won't -- her vote won't be told whether it's for me or for anyone else. Second of all, there is, I think -- there is a bad precedent set if we pass this bill, because we've had so much agony with redistricting, and there's nothing to stop anyone from going to a court and starting all over again. And then where are we? Then we're going to create a great expense to the taxpayers of Illinois and to ourselves, and add to more chaos. I feel that the Governor is

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right in this, and we're not trying to disenfranchise anyone. The lady can still vote; it's her option to vote. The fact she's alone -- I still think it's a matter of her county board going to bat and including her in their closest precinct to her, which has other people, so that her vote won't be told. And therefore, reluctantly, because I have -- have the highest respect for the sponsor, I rise to speak against this override.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. I would like to reiterate some of the points that Senator Hawkinson made, and -- and tell you how this -- how I view this bill. I certainly rise in support of the motion to override. A couple years ago, I sponsored a bill to change the legislative boundaries. We changed the boundaries of Lydia Thorpe, put her back - as this bill changes her - and about eight other legislators whose districts were within a block or in some cases, twenty-five feet of their homes. We passed that bill. Because of the redistricting process, there were a number of legislators - two, I remember - that lived across the street from their district; we changed the boundaries. We -- we attempted to do that to accommodate those people because of their homes, and I was one of them. And the Governor met with me to explain why he was going to veto that bill. He was compassionate; he felt sorry for the people, but he was given legal advice that said that if we changed the boundaries, then the Democrats are going to come right back into court and try to overturn the whole map. And as a result, he vetoed the bill. Okay? Now, I disagreed with him, in that he said the Legislature didn't have the right to change the boundaries. I got to tell you that we do have the right to change the boundaries. The -- the Constitution, Article IV, Section 3, doesn't state that the

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General Assembly is excluded from further action after we first do legislative districts. We can and we have the right, constitutionally, to change the boundaries after we set them. And this is a perfect example of when you'd want to change the boundaries - for one person. So we did, in this bill, change the boundaries. Now, the lawyers who wrote this opinion - and I hope that they didn't charge for this legal advice, because it is so poor - they -- they said that - the third issue -- the third issue, the thing that they're so worried about - somebody's going to file a lawsuit. Well, I'm going to just let you know that I spoke to the lawyer for the Democrats who did the redistricting case, and he -- I talked to him last night. He told me that if he -- if he filed a lawsuit claiming that now we should reopen the entire redistricting process because we moved one person, he'd be afraid of being fined, as a lawyer, for filing a frivolous lawsuit. This bill, if challenged in court, would not be a challenge to the entire redistricting process or the -- or the current map under which we -- we operate. If anything, there would be a effort in court to establish the fact that the Legislature has the right to change the boundaries. That's what any action in court would be about. So, the Governor is clearly wrong in saying that we don't have the right to change the boundaries. The second reason - the fact that it's not equal population - is -- is, as Senator Hawkinson said, ludicrous, and this does not open up any Pandora's box to bring a lawsuit. The precedent it sets is to set the precedent that we have the right to change the boundaries. But this is not going to open up the redistricting process. Believe me, I wish it did. But it won't. For that reason, I think you should think about this lady. That's what this thing is all about; it stands for a proposition. There's another section of the Constitution that says people have the right to a -- a private vote. Right now, you can go and find

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out how this lady voted. It can't be done by the county board. It only can be done by a change in the legislative district by one person. It makes sense. I think you should make your own decision on this, realize how sensible it is, and vote Aye.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't rise often here in this Body, but I'll tell you this, it would be -- I want to congratulate Senator Hawkinson for attempting to do this. And I think we all should fully support this. So vote Aye.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Thank you, Mr. President. I may be the only former county clerk in the Body; I'm not sure. But let me say that the county clerk does not draw precinct boundaries; the county board does, and they can only do it at specific times of the year, and only for particular reasons. This seems to me a time when we have really only one course: to override the Governor's veto. Let's just do it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. I would just like to take a moment to refresh everyone's memory, and I have this handbook that's put out by the Secretary of State that has the Constitution, Article III, Section 4, and I want to read it, very briefly: "The General Assembly by law shall define permanent residence for voting purposes," and "insure secrecy of voting and the integrity of the election process, and facilitate registration and voting by all

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qualified persons. Laws governing voter registration and conduct of elections shall be general and uniform." And I think we complain in our society about people not voting. I think it's our obligation and our responsibility to make sure that this lady has the opportunity to vote the same way we do. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Thank you. I respectfully disagree with my good friend, Senator Hawkinson, and -- and just briefly want to explain why. You know, there are some other fundamental issues at stake here: separation of powers, both between legislative and judicial branches within the State, and the constitutional clause on supremacy. Now if this woman has a complaint, which she claims should be recognized in a court of law under the federal Constitution, this may not sound like a very appetizing alternative, but let me suggest: she ought to go back to the federal courts who approved this map, and say, "You're violating my federal rights; redraw the precinct line." Now for those of you who think that that is not much of an alternative, let me suggest the price of not pursuing that alternative, and that is, to open up this entire map. And I'm not going to stand here and say that some Senators are going to stand up and redraw their legislative districts, but what is at risk here is our countermanding a federal court order. This map was drawn not just by the Legislative Redistricting Commission; it was approved by the federal courts. And I submit to you that that principle of separation of powers and supremacy relative to the federal courts and the State of Illinois are what is at issue here today. I believe that although it is not an attractive alternative, she does have redress in the courts, and she ought to exercise it. The price for giving what appears at first blush to be a very

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understandable, easy solution, does violence to our system of law. And don't kid yourself, if this isn't going to come back and bite somebody in the rear end as a precedent. There are many precedents that people cannot foresee under the law. Hubert Humphrey, for example, could not foresee the way the civil rights laws would -- would be used today. As a matter of fact, according to his own testimony, if he had known then what is the fact of the matter today, he probably wouldn't have voted for those laws. You cannot foresee the way this precedent can be used, except in one particular: It will be used. Do not doubt that. It will be used.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson, to close.

SENATOR HAWKINSON:

Thank you, Mr. President, and I appreciate the debate on -- on both sides of this issue. In closing, let me just make a couple remarks. This bill is in no different posture today than it was when each one of you voted for it, when it left this Body. It passed unanimously, and it did so with my commitment to keep any other amendments off it. I kept that commitment; there are no amendments on this. All it does is restore Lydia Thorpe's right to a secret ballot. You've all voted for it once. The arguments that have just been made and the case that was given to me in -- in support of this and in urging me to -- to adopt those arguments was a case called Shaw versus Reno, Supreme Court of the United States, dated June 28th, 1993. There is nothing in this decision that gives any support to the arguments made. This case was strictly about a Legislature gerrymandering districts for impermissible racial purposes. It has nothing to do with the restoration of the right of the secret ballot. And let me remind you that we have a sworn duty under Article -- Article III, Section 4, of the Illinois Constitution, to insure the secrecy of

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the voting rights of Lydia Thorpe. Now in closing, let me just respond briefly to the suggestion that Lydia Thorpe go to federal court. Well, you know, Lydia Thorpe's up against an awful lot in this battle. She's up against a map that took away her right to her secret ballot. She's up against the -- a Governor who twice vetoed the restoration of her secret ballot. She doesn't have any lawyers from Winston and Strawn that get a couple hundred dollars an hour to go to bat for her. As far as I know, she has no lawyer or any means to have any lawyer. She tried going, through the State's Attorney of Henry County, to the Supreme Court of Illinois, and they shut the door in her face. This is the only recourse that she has. It is up to me, it is up to you, to restore her right to a secret ballot. I plead with you to do that, and would ask for your vote to override the Governor's veto of Senate Bill 48.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 48 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 18, 1 voting Present. The motion fails. Senator DeAngelis, on Senate Bill 100? Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 100 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 100, when it went out

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of the Senate, was designed to rectify the problem with an ill-advised tax on soft drinks in the City of Chicago. That tax was imposed on a gallonage basis. In other words it said, "We will charge you by the gallon," which made it very difficult in situations in which drinks were being served across soda fountains, drinks that -- soft drinks that were mixed with liquor. So, the bill originally was designed to abolish that tax. It went over to the House -- it went over to the House -- it went over to the House, and the House then amended it to have a change in the manner in which the tax was assessed, and limiting it exclusively to the City of Chicago. In other words, allowing them to have the tax, but tax it in a manner that was consistent with the Sales Reform Act of 1988. I would be happy to answer any questions. If not, I would move that the -- that we override the Governor's veto on Senate Bill 100.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis has moved that Senate Bill 100 do pass, the veto of the Governor to the contrary notwithstanding. Any discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just rise in support of the override. This was an agreement that was reached among the parties, and it's unfortunate the Governor vetoed that agreement. This should pass. It was meant to carry out the sales tax reform that we had several years ago. It's supported by the Taxpayers' Federation, as well as the Retail Merchants and Restaurant Association, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

I just move for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)



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Senator DeAngelis has moved that Senate Bill 100 pass -- do pass, the veto of the Governor to the contrary notwithstanding. The question is -- or those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 15 Nays, none voting Present. The bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Berman, on 286. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 286 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Berman.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 286 does something that I think almost all of us have recommended and spoken about and spoken for, for many, many years, and that is urging that the program of Meals on Wheels be a -- a program that is guaranteed an entitlement program for our seniors. It is a program that all of us have recognized for years, keeps seniors out of nursing homes. It is probably one of the most cost-effective programs that has ever come before us. This program -- this bill says that in the order of preference, because it sets it up as an entitlement program, that preference should be given by the Department of Aging to the provision of Meals on Wheels for those persons who qualify for them. The Governor has vetoed this bill. Part of the Veto Message I have no argument about. He says that the appropriation this year funded the amount that was requested from the Department on Aging. Where I do take issue is that when there is a selection process

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available to the Department on Aging of Meals on Wheels and a number of other programs - and everyone has their own constituency and their own advocates for different programs - without this bill, we are going to be denying some of the seniors that qualify for Meals on Wheels, we're going to be denying them access to that, in -- in preference to other programs. That is wrong. That is wrong spending of our money. That is wrong prioritizing of our programs. I urge an override of the Governor's veto on Senate Bill 286 so we keep our seniors at home and we make Meals on Wheels a priority entitlement program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman has moved that Senate Bill 286 do pass, the veto of the Governor to the contrary notwithstanding. Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he would.

SENATOR FAWELL:

Senator Berman, under this bill, will this, in effect, say that those seniors who are presently receiving the Meals on Wheels will indeed continue to receive the Meals on Wheels; that this is now an entitlement program and they are entitled to continue receiving the Meals on Wheels?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

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Senator Berman, as you, I'm sure, are aware, there has been a change in the census over the last few years, and indeed, some of my constituents who are entitled legally to the Meals on Wheels Program have not had access to it because the monies have not followed the seniors over the past twenty years. Under this bill if there is an area that is receiving more monies than they are legally entitled to and are using those monies for the Meals on Wheels, under your bill is it not true that they would be still entitled to those meals even though those federal monies that normally pay for those meals would no longer be sent to that area because of the census?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Senator Fawell, I would respectfully suggest that your question has nothing to do with this bill. This bill does not make - does not make - seniors who do not qualify for Meals on Wheels, qualified for Meals on Wheels. If they don't fit the definitions, they don't qualify. This bill does not change that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Senator Berman, I -- I think you -- you misunderstood what I was saying. There are some seniors in this State who legally - legally - do qualify and have never had access to any funds because of the fact that the monies were inappropriately sent to other areas, such as areas, frankly, in Chicago. My question is, are you saying that regardless of whether there are seniors in other areas that are legally entitled to those funds but have not got them, will still continue to be deprived because the monies will go to those who have -- through their good luck or whatever means happened, will continue to get those Meals on Wheels?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

I'm -- I was trying to listen to you, and I'm -- I've -- I think the answer is, and I apologize, because I'm not sure what -- the -- the classification of people who qualify is not addressed in this bill. The funding mechanism is not addressed in this bill. This bill says that the Department on Aging shall give priority to Meals on Wheels when they have a choice or a competition by recipients of different programs. We want Meals on Wheels to be one of the preferred programs. That's my answer. I don't know if that's an answer to your question. I apologize if it isn't.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill: The problem that we have is that the vast majority of funds that go to Meals on Wheels come from the federal government, and the federal government funds the majority of that program. I understand what you are saying; that indeed some monies might be taken away from community care programs and some of these other programs, and you want to make Meals on Wheels a priority, and I think we can easily do that through the Appropriation Committee. However, to make it mandatory that we must above everything else fund Meals on Wheels and that those who are entitled to them presently must indeed remain entitled to them, regardless of how many funds we get from the federal government or regardless of how those funds are distributed, I think is wrong. Your heart may be in the right place, but I think we are going down the wrong road when we make more entitlement programs, right now, than we presently have. That's how we are in the budgetary problems that we have, is because we've got so many

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entitlement programs. The system has worked well before. I think we ought to leave it alone. Let's not make any more entitlement programs, and let's do it by the Appropriation Committee, which is where it belongs.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I stand in support of this bill, And I think we indeed should single it out by Statute as being a priority of the -- of the Department on Aging. And why I say that is, I think that we deservedly should look at this program as being something that aids us in the whole question of cost containment in terms of health care, by virtue of the fact that Illinois is aging, and aging rapidly. Our numbers of people who are elderly are increasing and those between the seventy-five- and eighty-five-year level is increasing beyond those even above sixty-five and above. I think it behooves us to keep these people in their homes as long as possible and out of the official institutionalized health care system where they will be paying, if private pay, somewhere in the neighborhood of thirty thousand dollars a year plus, for nursing homes and/or whatever hospital bills they may incur. Even if Medicare picks up their costs in the hospital, it's not as though they're getting it free. It comes out of everyone else's pocketbook who is paying toward the support of Medicare, or it comes out of increased insurance premiums. So we wind up cost shifting it. I think Meals on Wheels, as I've seen personally, has been able to subvert malnutrition, which oftentimes shows up in these homebound senior citizens, especially those who are alone, who are widowed, who are widowers, who can no longer cook for themselves, who depend on this one meal a day to keep going, a nutritionally sound meal, which will keep them -- keep them healthy. It's a good idea. It's

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a good program. And I might add that when this bill first came to us, the Department on Aging was in support and said it could handle it, you know, in their budget; then it changed its mind. And as we sometimes see with our agencies, they come and they go, and they're up and they're down, and we can't get a straight shot. I think we ought to go with our original intention on this bill, lock it in and make sure that Meals on Wheels stays where it should be, which is a priority for the State of Illinois.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, mr. President, Members of the Senate. I just rise to say to those who do not serve on the Appropriations Committee, we had a debate before the Appropriations Committee where the Department of Aging planned to lapse twelve million dollars. This is an issue that the Department wanted to support, as Senator Topinka has said, and it's an issue that I think some pressure was placed from the Second Floor for them not to support. The problem is, the money is there, and too many seniors are falling through the cracks. An override of this measure will help prevent that more seniors fall through the cracks. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

A couple questions for the sponsor. First, Senator Berman, can you tell me -- they tell us there's a cost on this at 2.3 -- at 2.3 million, but what was -- what is the potential savings from reducing the number of -- the number of -- or the amount of time that a choreworker needs to spend in a home?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

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Senator, I don't have a number on that. I -- I think -- let me just suggest that the... Senator Carroll advises me that the cost of the homemaker is about twice the cost of the Meals on Wheels, assuming that the homemaker stays for one hour.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

So, the -- the net cost, I think, if I'm not mistaken, a choreworker is -- 7.91 is paid to the agency, and we're saying that the cost of a home-delivered meal is going to be about half of that cost.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

So, it's half the cost plus -- it's 7.91 plus the cost of the actual food that that chore care worker has to -- has to prepare. So the savings is actually more than half, and I guess if -- if that's the case, why are we saying that there's a cost here? I would think that in the long run, we're talking about a net savings of this program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you for that question. We're not saying there's a cost. The Department has shifted its position, and at the end said there was a cost. We are saying there is, in effect, a net savings rather than a net cost.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR DEL VALLE:

Will there be a reduction in the number of hours that home care workers provide, as a result of this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

No. That would be a -- the -- that question would be addressed totally separate from what this bill provides.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Will there be a -- a reduction in hours, because I -- I ask the question again, because my understanding is that some of the home care workers do prepare meals, and that that is included in the time that they spend at the home and the time that they are paid for in terms of the delivery of services. So there is a concern on the part of the union representing these workers regarding the impact that this will have on their workers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

My impression is that there is enough demand out there for homemakers, on the one hand, and by seniors who just need Meals on Wheels, to keep everybody very busy for a long time in the future.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman, to close.

SENATOR BERMAN:



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Well, thank you. I want to thank my colleagues on the other side of the aisle that recognize that if you go to a seniors' group, or to children who have seniors living in their own homes, one of the hottest tickets is the question of our funding of Meals on Wheels. This is a good program. It's an economical program. It's a program that is in demand. It is supported -- this bill is supported by AARP and the Illinois branch of AARP, by the Illinois Council of State Senior Citizens' Organizations, and I hope - just as it was in the spring - it will be supported by you today, by an Aye vote to override the veto. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 287 pass, the veto of the Governor to the contrary notwithstanding. 286, excuse me. Those in favor will vote Aye. 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, there are 34 Ayes, 16 Nays, and 5 voting Present. The motion fails. Madam Secretary, 287.

ACTING SECRETARY HAWKER:

I move that Senate Bill 287 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 287 required that small estates affidavits be filed in the county clerk where a decedent lived. The bill really wasn't controversial when it went through the Senate or the House. Apparently a few clerks objected, calling it a mandate, and it was vetoed. I must reiterate, not a single clerk - certainly not one of my six - has talked to me about this bill, to this date. I don't believe it is a mandate.

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What it does is it prevents attorney fraud and client fraud. Right now, there are some instances where a small estate, which is supposed to have a fifty-thousand-dollar level, where you will get some unscrupulous people to try an attorney shop, or to go to from attorney to attorney to get multiple small estate affidavits filed so they can evade the requirements of the law. And it's a simple bill. It simply says right now, if you have a will that has to be filed, this could be filed in the same register, no additional expense; just put it in the same register with the wills. But the Governor's seen fit to veto it. I think in the interest of preventing fraud, that we ought to override the veto, and I would seek your support to override the veto on Senate Bill 287.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson has moved that Senate Bill 287 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I want to join Senator Hawkinson in calling for a override of this. I agree with everything he said. I do not consider this a mandate. This is a protection for individuals.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Senator Hawkinson is absolutely right about this bill, and I urge everyone to vote for the override, much as I don't like to disagree with the Governor. But the -- the cost is very minimal, and it's important to avoid fraud.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson, to close. The -- Senator Hawkinson -- no.

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The question is, shall Senate Bill 287 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? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Madam Secretary, on 594.

ACTING SECRETARY HAWKER:

I move that Senate Bill 594 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 594 amends the School Code and allows school districts to issue life safety bonds and utilize life safety funding for handicapped accessibility projects necessary to comply with the State's School Building Code and also to comply with the Americans with Disabilities Act. The legislation did pass here on a unanimous vote; 54 Senators voted for it. It also got 98 Yes votes over in the House. Now, the Governor claims that the bill -- in his Veto Message he claims that the -- the Senate Bill 594 is open-ended, and he claims that it conflicts with the narrower framework for life safety funding established last year under Public Act 87-984. What I would share with you: I think the Governor has been misinformed on this and doesn't understand the complete context of the bill with the amendment. And with the amendment, that was actually written by the State Board of Education, we have put the controls necessary back in the hands of the State Board of -- of Education, so that the -- the bill is not

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open-ended, and it gives them the ability to control the use of life safety funds, as they've written in their own memo, strictly for the use and access to the building, access to clean drinking water, and to clean and safe restrooms. So the control is there that the Governor was talking about. There really has been no one in opposition to this bill. Your local school superintendents will tell you that they very much want this legislation to clarify their ability to use life safety money for handicapped accessibility. The bill is supported by the State Board of Education, by the IEA, by ED-RED, by LUDA and by local school superintendents throughout the State, and I would ask for a Yes vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben has moved that Senate Bill 594 do pass, the veto of the Governor to the contrary notwithstanding. Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of the motion. Senator Sieben, during the spring Session, was very responsive. There were some questions that came up on the bill as it was moving along. He cleaned it up, and it passed out without a dissenting vote in the spring. The bill hasn't changed. I like it, and I urge Members on my side to support the motion.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben, to close.

SENATOR SIEBEN:

Thank you, Mr. President. Ladies and Gentlemen, I think you can see by the nature of the discussion here, there is no opposition to -- to the bill. And I think the -- it's pretty clear that the Governor probably had some bad advice on this one. So I'd ask everybody unanimously to vote Yes on this bill again. Thank you.

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PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 594 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 3 Nays, none voting Present. Senate Bill 594, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Madam Secretary, on 1078.

ACTING SECRETARY HAWKER:

I move that Senate Bill 1078 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator LaPaille.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille. Senator LaPaille.

SENATOR LaPAILLE:

Thank -- thank you, Mr. President. Senate Bill 1078 was a major anti-graffiti package that was sponsored by myself and Senator Hawkinson. And I agree with Senator Sieben's last comment that the Governor got some bad advice. I think the same person that advised him on Senator Sieben's bill must have been the same genius that advised him on vetoing this bill. Right now, in Illinois, for the last six weeks, the graffiti law was weakened by this Governor. He signed a alternative bill that took away classes of criminal penalties that were in the current Statute. So in 1990, Senator Geo-Karis was the chief sponsor of a bill that placed various felonies for graffiti damages of people that are convicted of graffiti, and what she did was move the classes up as the amount of property damage went up. So, if you were three hundred dollars -- zero to three hundred dollars, it would be a Class A misdemeanor; three hundred to ten thousand was a Class IV; ten thousand to a hundred thousand, Class III; over a hundred

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thousand, Class II, which Class II is one of the toughest of all those classes. What the Governor did was sign into law an alternative bill which took all those classes away and basically now tells graffiti vandals, if you create three hundred dollars of damage or if you create a hundred thousand dollars of damage, you'll only get charged with a Class IV felony, the weakest felony class that you could be charged with. So I think that it is a poor example for the Governor to send to these graffiti vandals, especially that do this against businesses, CTA, RTA facilities. I'm told by the CTA that every day a hundred and fifty bus shelters are damaged or -- or marked with graffiti. And those bus shelters on the average are twelve hundred dollars each to clean them and fix them, not to mention the various rapid transit stations throughout our City. Even on the southwest side, the Southwest Rapid Transit District - it's not even opened yet - hundreds of thousands of dollars are being incurred. But this Governor decides to take away all the various classes of penalties, felony charges, and just basically say, "Look, it doesn't matter; if you do three hundred dollars or if you do ten thousand, you're only going to get charged with a Class IV felony." So, with this override of today, we can correct the shortsightedness of this Governor and put into place at least what the current law was, which said, the higher damage you do, the higher of the felony you're going to get charged - exactly what Senator Geo-Karis passed, and was signed into law in 1990. So I would ask for an override to at least restore some sanity in our Criminal Code as it applies to graffiti and correct what the Governor and his wizards did by signing a bill that took away all these classes of felonies against graffiti artists. Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille has moved that Senate Bill 1078 do pass, the

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veto of the Governor to the contrary notwithstanding. Any discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Senator LaPaille is absolutely correct. This does result in a net reduction in the penalty for the offenses as listed. And to refresh everybody's mind, I think I was Chairman of Judiciary when this bill passed in '90. And the occasion that it did pass at that time was the fact that there was damage done to, I think, the University of Illinois football field the -- the evening before a major game, and it caused quite a problem in repairing the field, and it was extremely expensive. It was at that point that the Members of the Judiciary realized that the cost of repairs today had far superseded the penalties that we were using for past offenses; that the things that occurred today could not be repaired at yesterday's prices. And so based on that, we unanimously agreed that we had to up the penalties for these kinds of offenses, and that's what happened, and that's -- ought to be what we should keep. And if you vote to override that, that's what will happen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, would the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he would.

SENATOR GEO-KARIS:

I believe when you quoted me that I did sponsor that bill in 1990, you mentioned that the first offense was up to three hundred dollars, and then it went to Class A, was it, or Class C misdemeanor?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator LaPaille.

SENATOR LaPAILLE:

The zero to three hundred dollars of your law was a Class A misdemeanor. Three hundred to ten thousand, was a Class IV. Ten thousand to a hundred thousand was Class III, and over a hundred thousand was Class II.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No, I don't think it means they became misdemeanors; they became felonies, 'cause if it went up, they weren't misdemeanors.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

They were class -- classes of felonies, correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I read the Governor's veto and he talks about the fact that the same community service provisions and criminal defacement of property were contained in House Bill 1347, which was proposed by the City of Chicago to deal with the graffiti problem, and that was passed and signed into law. Now if that's true, then why do we need another bill? This is what I'm driving at.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

Because what he signed, Senator Geo-Karis, took off the Statutes these higher classes of felonies that you passed in 1990. And what he has said to graffiti vandals around this State, "Doesn't matter; do three hundred or do ten thousand, you're only going to get a Class IV felony." So, he took away the tougher law



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that you sponsored several years ago.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm sure he had a good reason, because I don't like to attack anyone, Senator LaPaille, like you do, but anyhow... The other part is, your bill, then, did not change - if I'm correct - did not change the penalties that were in the Governor's bill, and I think it might be technically incorrect.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

Might I add that my bill kept the penalties as you passed them, so that the classes of felonies that were current law that you passed were in my bill. In addition, my community service is even more than what the Governor signed. I go up to a maximum of two hundred and forty hours. He only does a maximum of a hundred and twenty hours. So when he talks about, "Well, we're going to do community service instead, and that's why we don't need these higher felony charges," I would say that someone that goes and wrecks a -- a -- a business, or -- or a building or a home, or whatever, or CTA, you know, community service is fine, but if they're into the category of fifty thousand dollars, a hundred thousand dollars of damage, let's put 'em behind bars for a few years and teach 'em that this is something that we are not going to condone, and something that I agree with, with your bill. So if we override, we're going to do two things: We're going to restore what was the law - higher classes of felonies for graffiti vandals. Number two, we're going to create even another -- we're going to create a separate crime if you do it against mass transit authorities. And number three, we're going to have higher community service hours, higher than what the Governor signed - up

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to two hundred and forty hours, instead of a hundred and twenty. So if you're for a tougher law on graffiti vandals, this is what you do. And at the minimum, if you want to keep what we've had for the last three years, then you want to override.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate. I concur with the thinking of my estimable colleague on the other side; however, his bill does not amend the penalty -- penalty structure of Senate <sic> (House) Bill 1347 that was signed into law by the Governor. And therefore, I submit that his bill is technically incorrect, and therefore I'm forced to vote against it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille, to close.

SENATOR LaPAILLE:

I regretfully disagree with Senator Geo-Karis. My bill keeps exactly what was current law, until about six or eight weeks ago. It was basically the Geo-Karis law on graffiti. It moved you up in classes of felonies, the higher damage that you committed. The Governor took all that away and said, "Doesn't matter, go ahead, have a -- have a fun night, do twenty thousand dollars of damage, you're just going to be a Class IV felony." Also, my bill has stronger community standard -- community service. So, the bottom line here right now is, if you want to correct an error of what the Governor did, if you want to go back and say, "Look, we reimpose these tougher felonies against graffiti vandals," then you'll be voting to override. If you're for a weaker graffiti law, well then, you've got to go home and explain to your citizens -- when they say, "This person was caught, and he was only charged with a Class IV," then you have to explain that to your

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constituents. So if you want to put the higher standards in, the standards that Senator Geo-Karis passed just three years ago, you would vote to override.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1078 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? Take the record. On that question, there are 27 Ayes, and 30 Nays, 1 voting Present. The motion fails. On page 12 of the Calendar is the Order of Motions in Writing to Accept Specific Recommendations for Change. Senator del Valle. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 7, in manner and form as follows:

Amendment to Senate Bill 7

in Acceptance of Governor's Recommendations

Filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to accept the specific recommendations of the Governor. The recommendations are -- of the Governor are that we give Chicago preschool education program teachers who hold an early childhood certificate until 1998 to obtain a statement of approval in bilingual education or ESL. And it also exempts from the provisions of the bill those teachers employed before the effective date of the bill. I move for the approval of the Governor's recommendations.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle has moved to accept the specific recommendations of the Governor as to Senate Bill 7. Is there any

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discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 7, in the manner and form just stated by Senator del Valle. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. The specific recommendations of the Governor as to Senate Bill 7, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Trotter, on 99. Madam Secretary?

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 99, in manner and form as follows:

Amendment to Senate Bill 99

in Acceptance of Governor's Recommendations

Filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Yes. Thank you very much, Mr. President. I move to accept the revisions to eliminate the provisions that requires the report to contain the name and the address of the primary care provider participating in the Healthy Moms and Healthy Kids Managed Care Program. The Healthy Kids and Healthy Moms Program, which began limited operation April '93, received 57 million dollars to bring it on-line as a statewide program during FY'94. The Governor's amendatory veto of Senate Bill 99 maintains the intent of the bill, which is to afford the General Assembly an opportunity to adequately evaluate the effectiveness of the program. And I ask everyone's acceptance with me.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter has moved to accept the specific

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recommendations of the Governor as -- Senate Bill 99. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 99, in the manner and form just stated by Senator Trotter. 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? Take the record. On that question, there are 57 Yeas, no Nays, and none voting Present. The specific recommendations of the Governor as to Senate Bill 99, having received the required constitutional majority vote of Senators elected, are declared accepted. Madam Secretary, a motion on 159.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 159, in manner and form as follows:

Amendment to Senate Bill 159

in Acceptance of Governor's Recommendations

Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is Senate Bill 159, and I do move to accept the specific recommendations for change by the Governor. The bill, as it passed the Senate, contained some language which was really not very controversial. It permits the funding of scientific literacy grants to be made available to private schoolteachers and students after the public schools have been afforded adequate access, and it prohibits the University of Illinois Board of Trustees from excluding ROTC courses from course catalogs and student transcripts. Both of those provisions, there was no problem. The one area which created the most controversy, and the one area where you're receiving all the phone calls either in support or opposition to the Governor's action, involves a -- a

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parenting training grant program. And we now have this program for preschoolers. And the legislation expanded that program from -- to include K through 12. So we have the program already enacted, which was enacted in 1985 and took effect in 1988. That's the preschool program. We felt that the parenting program has been a success, and as a result, we feel that it should be expanded through K through 12. Now some of the -- the pro-family groups have taken exception to the parenting program, and we met with them and discussed amendments to the legislation originally that satisfied some of their concerns. There were considerable restrictions put in the -- put in the language of the legislation, and -- those were brought forth primarily by those pro-family groups. Now, the Governor amendatorily vetoed several provisions. One, the -- the amendments that were put into the bill affecting the parenting program, affected both the preschool and the new program for K through 12. The Governor said in his Amendatory Veto Message that he only wanted those restrictive amendments to impact the new program; therefore, he amendatorily vetoed out the provisions that impact the preschool program - the current program that's -- that's now in -- in practice. He also deleted the language that prohibited written consent during the four weeks before and four weeks after a birth of a child. And he removed language, one word actually - "derogatory" - from the legislation that would allow for litigation. If someone -- a mandated reporter, or a parenting staff went into a home and made a statement that would be considered derogatory, litigation could have been pursued, under the bill that passed. The Governor took that provision out. I move for acceptance of the amendatory veto.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson has moved to accept the specific recommendations of the Governor as to Senate Bill 159. Any discussion? Senator Berman.

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END OF TAPE

TAPE 2

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senator Watson's motion to accept the... Thank you. I rise in support of Senator Watson's motion to accept the amendatory veto of the Governor. Without restating what he has gone through, as far as the changes, which I think substantially improve the bill, let me just be very basic from the point of view of the politics of this bill. One provision that was in the bill originally said that four weeks before and four weeks after the birth of a child, the parent could not agree to home visitation programs. The women's groups and the children's groups that I met with, after this bill was passed, said that what that language said to them was that for eight weeks - the four weeks before, and the four weeks after a baby is born - a mother doesn't have enough intelligence to consent to these programs. Now I'm sure you don't want your opponents throwing that at you at election time. I stand in support of the motion to accept the amendatory veto.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR RAUSCHENBERGER:

Senator Watson, if we were to not accept the amendatory veto, what would be the status - the final status - of the early

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childhood development training program that's in place in the current home visits?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. The answer is yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

You're saying that the -- the program that's in place that we're all getting calls saying that -- is performing very well, would stay in place if we don't support the veto?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

The current program -- the preschool program in parenting would remain. Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 159, in the manner and form just stated by Senator Watson. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 18 Nays, 1 voting Present. The specific recommendations of the Governor as to Senate Bill 159, having received the required constitutional majority vote of Senators elected, are declared accepted. Madam Secretary, on Senate Bill 224.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 224, in manner and form as follows:



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Amendment to Senate Bill 224

in Acceptance of Governor's Recommendations

Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I -- I would move to concur with the -- the provisions that the Governor has made. All we do here is we change the affidavits which would be filed by State agencies that would be seeking to get new material for their offices - furniture, things of that sort. Instead of filing it with the Auditor General, we would seek to have it filed with Central Management Services, and I would ask concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Topinka has moved to accept the specific recommendations of the Governor as to Senate Bill 224. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 224, in the manner and form just stated by Senator Topinka. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, and none voting Present. The specific recommendations of the Governor as to Senate Bill 224, having received the required constitutional majority of the Senators elected, are declared accepted. On the top of page 13, Senate Bill 254, Motions in Writing to Accept the Specific Recommendations for Change. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 254, in manner and form as follows:

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Amendment to Senate Bill 254

in Acceptance of Governor's Recommendations

Filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to accept the specific recommendations for change of Senate Bill 254. Even though the Second Floor was unable to show compassion to Lydia Thorpe, and even though the Second Floor was unable to show compassion to those who are part of Wheels on Meals <sic>, the Governor did decide that we should not kick people out of trailers when they're still living in them. So I urge that we support the Governor's recommendations for change.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs has moved to accept the specific recommendations of the Governor as to Senate Bill 254. Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, my colleague on the other side wants to talk about Lydia Thorpe. I'll tell you, I wanted to save a lot of the money of the taxpayers, which we would have to pay in endless lawsuits. So therefore, I must tell you, I do like your bill, and I concur with it, in spite of what you're trying to do - make political issues.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Jacobs, to close.

SENATOR JACOBS:

...(microphone cutoff)...vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 254, in the

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manner and form just stated by Senator Jacobs. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 58 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 254, having received the required constitutional majority of the Senators elected, are declared accepted. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Thank you, Mr. President. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CRONIN:

I'd like to draw the attention of the Members in the Chamber to the gallery above the Democratic side of the aisle and ask the members of the Illinois Federation of Women's Clubs to please stand. This is an outstanding service organization throughout the State of Illinois, and ask the Members to please give them a warm round of applause.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise. Welcome to Springfield. Senator Garcia, on Senate Bill 291, Motions in Writing to Accept Specific Recommendations for Change. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 291, in manner and form as follows:

Amendment to Senate Bill 291

in Acceptance of Governor's Recommendations

Filed by Senator Garcia.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I move to accept the specific recommendations for change made by Governor Edgar. It essentially amends Section 2, rather than Section 14, of the Illinois Migrant Labor Camp Law to include the civil penalty -- penalties language of Senate Bill 291. Essentially, the Governor's amendatory veto of Senate Bill 291 is merely technical in nature. The intent of the bill, which is to strengthen the authority of the Department of Public Health in obtaining better compliance of health standards at migrant camp labor camps statewide, is unaffected by this amendatory veto.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia has moved to accept the specific recommendations of the Governor as to Senate Bill 291. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 291, in the manner and form just stated by Senator Garcia. Those in favor will vote Aye. Those 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 58 Ayes, no Nays, and none voting Present. The specific recommendations of the Governor as to Senate Bill 291, having received the required constitutional majority of the Senators elected, are declared accepted. Senator Hawkinson. Senate Bill 325. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 325, in manner and form as follows:

Amendment to Senate Bill 325

in Acceptance of Governor's Recommendations

Filed by Senator Hawkinson.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I move to accept the specific recommendations for change made by the Governor in Senate Bill 325. Senate Bill 325, sponsored by myself and Senator Tom Dunn, is an omnibus juvenile, probation and crime victims' rights bill. One provision was deleted by the Governor's changes -- had been suggested by Representative Mautino, regarding a child safe house...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Excuse me, Senator Hawkinson. May we have a little order in the Chamber, please?

SENATOR HAWKINSON:

Thank you, Mr. President. Again, the deleted portion related to a child safe house provision initiated by Representative Mautino. I have discussed this matter with Representative Mautino, and although I would have been inclined to have sought an override, he's reached an agreement to try and make some changes on another bill. And with that in mind, I move to accept the Governor's specific recommendations for change in Senate Bill 325.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 325, in the manner and form just stated by Senator Hawkinson. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 325, having received the required constitutional majority of the Senators elected, are declared accepted. Senator Geo-Karis, for

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what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

I have the honor of having with me here today, Mrs. -- Mrs. Jacquelyn Pierce, who is the President of the -- the General Federation of Women's Clubs of Illinois - of the Illinois Federation. And she is from Elgin, Illinois, and Steve Rauschenberger is her Senator. And my constituent, Mrs. Evelyn Dill, the Vice President of Membership for the organization. And upstairs in the balcony is Ann Hughes from the Waukegan group in this organization, and we welcome them all here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests rise and be recognized. Welcome to Springfield. Senate Bill 402. Senator DeAngelis. Senator DeAngelis. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 402, in manner and form as follows:

Amendment to Senate Bill 402

in Acceptance of Governor's Recommendations

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 402, as it passed out of the Senate, created the Industrial Jobs Recovery Law. Basically what this was, was to make a new use of TIFs in areas that were economically and environmentally distressed. The Governor expressed some concern that this new TIF program could be expanded

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to include sales tax revenues; so therefore, he amendatorily vetoed it to remove that concern, and also, since he supports the legislation, he made several other changes. He expands the joint review board to all districts who have five percent of their EAV in that district, makes their recommendations binding and eliminates the reimbursable costs to private redevelopers and for school operating expenses. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis has moved to accept the specific recommendations of the Governor as to Senate Bill 402. Any discussion? Senator Tom Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Dunn.

SENATOR T. DUNN:

Thank you. The Governor has made certain changes in Senate Bill 402, the Industrial Jobs Recovery Law, as set forth in his Amendatory Veto Message, dated September 13th, 1993. In his message, the Governor deleted certain language from this Act pertaining to payments or reimbursements made directly by municipalities to developers or other persons for certain redevelopment project costs. Does the deletion of this language mean that this Act can no longer be read to permit the municipality to pay these costs if they are incurred by a developer?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Dunn, in my opinion, this is not the case. In the absence of the deleted language, the Act is still intended to

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permit the municipality to be eligible for redevelopment project costs by reimbursing the developer or another third party. The specific language which the Governor has deleted was merely intended as a -- as a direct statement of existing statutory powers as they are set forth in this Act. The absence of this additional language does not limit municipal powers. We agree with the Governor that developers in certain circumstances should not be permitted direct subsidies. The Governor may have intended that the deletion of the language would prevent a developer from, on its own initiative, making substantial expenditures and then demanding reimbursement from the municipality or a bond trustee. We are of the opinion that the Act, given the deletion of the language vetoed, is adequate to pay for the eligible costs if the expenses are directly undertaken by the municipality, or by another entity acting on behalf of the municipality, so long as the payment is authorized by the municipality. Since it is clear from this Act that the municipality may itself incur direct expenditures for eligible costs, we are sure the Governor did not intend to deny the municipality the right to incur eligible costs by authorizing payments to another entity for these expenditures.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Karpziel. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR RAICA:

Thank you, Mr. President. In the gallery we have a few people from my district, from the St. Rene Parish. Like to just stand them and have them be recognized.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Will our guests in the gallery please rise and be recognized. Welcome to Springfield. Further discussion? Senator Palmer. Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator DeAngelis, according to my analysis, the Governor is recommending a change in the -- that the joint review board's recommendations would be binding rather than advisory. Would you talk about that, and what would be the consequences, or what do you -- would you anticipate - why is this changed from advisory to binding?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, basically, Senator Palmer, advisory doesn't mean too much; binding means a lot more.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Thank you for the -- the lesson in semantics, Senator DeAngelis. Let's get down to brass tacks on this, however. Would you give me an instance -- there has to be a reason why we have changed this, why this is -- is being proposed. What is the Governor's rationale for changing this from advisory to binding?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Palmer, as you probably know, there is a serious concern about the growth of TIFs, particularly in those situations

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in which there's been some abuse. What this does basically, it makes all the parties that are affected - the taxing districts that actually lose money through a TIF or may, in fact, have to return part of that money - it gives them a voice in the TIF and makes their decision binding rather than advisory, therefore giving them more muscle to those people whose interest is affected.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Thank you. So this board could, in fact, be expanded and you're talking about areas that have five-percent interest in this would also be part of it, and their vote would count as much as anybody else's. Is this what you're saying? You're expanding the board; you're making -- I'm just trying to get the nub of this, because it seems to me that there would be -- I would have some questions if you're changing this to being binding. I have a problem with that, and expanding it to include the -- those with only five-percent interest in the district.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, that number was selected because five percent of your EAV could be a fairly substantial amount. Now, I'm not so sure that you want it to be zero or more. But the fact is that there is a growing concern about TIFs, and this is a new category of TIFs, and I concur with that growing concern. And basically, what this says is, let the people who are involved help make that decision.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to

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Senate Bill 402, in the manner and form just stated by Senator DeAngelis. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 402, having received the required constitutional majority of the vote of the Senators elected, are declared accepted. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege. I'm delighted to introduce to you today, if I have that permission, two of my constituents from Libertyville, Illinois. This is Annie Krumtinger and Susan Kennedy. They represent the Libertyville Junior Women's Club, and we're delighted to have them here today. Let us welcome.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. Senate Bill 478, Motions in Writing to Accept Specific Recommendations for Change. Senator Thomas Dunn. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 478, in manner and form as follows:

Amendment to Senate Bill 478

in Acceptance of Governor's Recommendations

Filed by Senator Thomas Dunn.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I do so move. The original intent of this bill was to provide for a individual who had defrauded the welfare system, that he or she be made to mandatorily work off a

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fine, if that individual did not have money, and I set the hourly rate at five dollars an hour. The Governor raised the -- the question of whether or not such mandatory service would be available in all communities, which is a legitimate concern, and I have acceded to him taking out the mandatory aspect and leaving it up to the judge, in the instance where there is the availability to work off a fine. The other was that he raised the question of the fee being five dollars. I didn't think it was too high, being seventy-five cents over what they pay at McDonalds, but as -- as the Governor points out, there are cases involving large amounts of money, and it would take almost forever. So we've given discretion to the judge to set the hourly rate, which means that he could set it even at five or ten dollars. So I -- I accept those recommendations today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn has moved to accept the specific recommendations of the Governor as to Senate Bill 478. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 478, in the manner and form just stated by Senator Dunn. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 478, having received the required constitutional majority of the Senators elected, are declared accepted. Senator Fawell. Senate Bill 479. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 479, in manner and form as follows:

Amendment to Senate Bill 479

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in Acceptance of Governor's Recommendations

Filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a -- a bill that contains several bills that were introduced in the Transportation Committee. Basically, what the Governor has done is signed the other bills that he took out of this bill, and so all the bill will eventually be made the law. I therefore ask for a Yes vote to accept the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell has moved to accept the specific recommendations of the Governor as to Senate Bill 479. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 479, in the manner and form just stated by Senator Fawell. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 479, having received the required constitutional majority of the Senators elected, are declared accepted. Senator Butler. Senate Bill 499. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 499, in manner and form as follows:

Amendment to Senate Bill 499

in Acceptance of Governor's Recommendations

Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Butler.

SENATOR BUTLER:

Ladies and Gentlemen, Senate Bill 499 makes corrections in -- in the bill, so that it will conform to the wishes of the United States Department of Labor. These are -- these are technical changes, and I would urge you to support the recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler has moved to accept the specific recommendations of the Governor as to Senate Bill 499. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 499, in the manner and form just stated by Senator Butler. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, and none voting Present. The specific recommendations of the Governor as to Senate Bill 499, having received the required constitutional majority of the -- of the Senators elected, are declared accepted. Senate Bill 550. Senator DeAngelis. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 550, in manner and form as follows:

Amendment to Senate Bill 550

in Acceptance of Governor's Recommendations

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 550, as it left the Senate, permitted the Illinois Development Finance Authority to

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hold meetings when there was less -- less than a quorum present, by using the teleconferencing method. The Governor felt that a Board of this importance ought to at least have members present for the quorum; if they wanted other members to participate by telephone, so be it. I therefore accept the specific recommendations of the Governor, 'cause I agree with what he did.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis has moved to accept the specific recommendations of the Governor as to Senate Bill 550. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 550, in the manner and form just stated by Senator Butler -- Senator DeAngelis. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 550, having received the required constitutional majority votes of the Senators elected, are declared accepted. Senator Petka. Senate Bill 759. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 759, in manner and form as follows:

Amendment to Senate Bill 759

in Acceptance of Governor's Recommendations

Filed by Senator Petka.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Well, thank you very much, Mr. President and Members of the Senate. As Senate Bill 759 passed the Senate, it contained a provision which basically permitted the court to take into

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consideration as a sentencing option the -- the societal impact upon the cost of not incarcerating an individual. When it went over to the House, it picked up an amendment that basically created a -- an additional surcharge to be deposited in the Trauma Fund. The Governor has correctly pointed out that the Illinois Supreme Court and the Conference of Chief Circuit Judges have expressed grave concerns about the increasing complexity of the use of fine monies, and for this reason, amendatorily vetoed the legislation. After some consideration, I think that the Governor is correct, in that this -- and as a result, I would simply, once again, move to accept the amendatory veto, so that the legislation would -- would become law as originally proposed. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka has moved to accept the specific recommendations of the Governor as to Senate Bill 759. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 759, in the manner and form just stated by Senator Petka. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, 5 voting Present. The specific recommendations of the Governor as to Senate Bill 759, having received the required constitutional majority of the Senators elected, are declared accepted. Senate Bill -- no, 964. Senator Hasara. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 964, in manner and form as follows:

Amendment to Senate Bill 964

in Acceptance of Governor's Recommendations



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Filed by Senator Hasara.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. The portion of this bill that was amendatorily vetoed had a provision for funding rural health care. We did put money in the General Revenue Fund, although it was less than the amount that would have been from this fund, but it is a start in funding rural health in the State of Illinois. The Governor, in his Message, agreed that this is a very important issue that we need to continue to address. But since we did find money in the General Revenue Fund, I would move to accept the specific recommendations for change made by the Governor on Senate Bill 964.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara has moved to accept the specific recommendations of the Governor as to Senate Bill 964. Any discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

Senator Hasara, my understanding is that we're taking away money that is guaranteed to the Rural Downstate Health Access Fund. As a downstate person, why do you want to take money away from a fund specifically going to downstate health care?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Senator, obviously, I don't want to take money from a fund, but the Governor felt - and -- and it is true - that this is

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creating a precedent to find a specific fund that now goes into General Revenue. It is true that the 1994 budget was balanced from money from this Fund. And we did create finally a precedent of finding some General Revenue funds. I have commitments that that will continue. Obviously, I would like to have had six million dollars in the Fund, but we got two and -- and it is a start. And I will accept this veto.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Senator Hasara, I -- I can understand that you want to keep some type of program going that keeps money going to the General Revenue Fund; however, around here there's always a tradeoff, and I imagine that this was a tradeoff for downstate Illinois for somebody else getting something, and then this is our downstate tradeoff. So now all of a sudden, the other parts of the State that got their deal apparently aren't part of this bill. But the part of the bill that downstaters negotiated for is now going to be overridden? I -- I don't see why we are taking needed money away from Downstate Health Access Fund, where you -- where it's hard to find a hospital. The whole idea is that it's hard to access a hospital. We've got money in this Fund to help us, and I don't understand why we want to make it more difficult for downstate people to find hospitals. This just doesn't make sense. I would urge a -- a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Hasara, to close.

SENATOR HASARA:

I would just ask for a favorable roll call. I would remind you that we did not take money away this year; we put money in a fund that had never been funded before. And so, while it is certainly not as much as many of us would have liked, it is the

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beginning of the funding of a bill that passed several years ago. So we did put two million new dollars from General Revenue into rural health care. I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 964, in the manner and form just stated by Senator Hasara. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 11 Nays, 2 voting Present, and the specific recommendations of the Governor as to Senate Bill 964, having received the required constitutional majority of the voters <sic> elected, are declared accepted. For the information of the Membership, we have a -- a couple of items in the Supplemental Calendar No. 1. The Senate will stand at ease for a few minutes while the paperwork is being prepared. Messages from the House.

ACTING SECRETARY HAWKER:

A Message from the House by Mr. Rossi, 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 72

(Secretary reads HJR No. 72)

Adopted by the House, October 13, 1993. Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move for the suspension of the rules for the immediate consideration and adoption of House

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Joint Resolution 72.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for purpose of the immediate consideration and adoption of House Joint Resolution 72. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver has moved for the adoption of House Joint Resolution 72. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 829, offered by Senator Berman.

Senate Resolution 830, offered by Senators Fitzgerald and Butler.

They're both death resolutions.

And Senate Resolution 831, offered by Senator Geo-Karis. It is congratulatory.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1128, offered by Senator Topinka.

(Secretary reads title of bill)

Senate Bill 1129, offered by Senator Topinka.

(Secretary reads title of bill)

Senate Bill 1130, offered by Senators Klemm, Peterson and Fawell.

(Secretary reads title of bill)

Senate Bill 1131, offered by Senators Topinka and Raica.

(Secretary reads title of bill)

And Senate Bill 1132, offered by Senator LaPaille.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

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ACTING SECRETARY HAWKER:

Senate Resolution 832, offered by Senator Petka.

It is congratulatory.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Message from the Governor.

ACTING SECRETARY HAWKER:

Message for the Governor, by Mark Boozell, Director of Legislative Affairs.

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

State of Illinois

To the Honorable Members of the Senate, Eighty-eighth General Assembly - I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

ACTING SECRETARY HAWKER:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 659.

I have like Messages on House Bills 1377, 1451 and 2375.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to

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wit:

House Bill 317.

A Message from the House by Mr. O'Brien -- pardon me, by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 1256.

Passed the House, October 13, 1993, by a three-fifths vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Motions.

ACTING SECRETARY HAWKER:

I move that the Committee on Rules be discharged from further consideration of House Bill 474 and that the bill be placed on the Order of 2nd Reading.

Filed by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Madam Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. The Senate will stand at ease for a few moments while we return to Special Session.

(SENATE STANDS AT EASE)

(SPECIAL SESSION)

(See Special Session Transcript)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DUDYCZ)

The regular Session will now reconvene. Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DeANGELIS:

For those of you who may have been noticing, there are some of us that are wearing funny pictures on our lapel. That picture - and the event someone is not aware of - is the picture of one of our most able -- most able staff members, who is today celebrating her 40 birthday. 40th Birthday, Nancy Couter. Nancy, why don't you stand up and let everybody know how much better you look today than you did then?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy Birthday, Nancy. We will now go to the Order of Supplemental Calendar No. 1. Motions in Writing to Accept the Specific Recommendations for Change. Senate Bill 775. Senator Shaw. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 775, in manner and form as follows:

Amendment to Senate Bill 775

in Acceptance of Governor's Recommendations

Filed by Senator Shaw.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I move to accept the specific recommendations of the Governor's veto, on Senate Bill 775.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Shaw has moved to accept the specific recommendations of the Governor as to Senate Bill 775. Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 775, in the manner and form just stated by Senator Shaw. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, and none voting Present. The specific recommendations of the Governor as to Senate Bill 775, having received the required constitutional majority of the Senators elected, are declared accepted. On the bottom of the Supplemental Calendar No. 1 is the Order of Conference Committee Reports. Madam Secretary, do you have a file on Conference Committee Report on Senate Bill 707?

ACTING SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 707.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to adopt Conference Committee Report on Senate Bill 707, which allows the Downstate Forest Preserves and the Cook County Forest Preserves to levy general taxes by general categories. Also contained in this Conference Committee Report is a -- a provision that Senator Watson needed for the Metro link <sic> light-rail system in -- from East St. Louis to the Scott Air Force Base. There was a bill, House Bill 930, that was passed and signed, and it had no effective date, and Senator Watson also asked if we could include that in the Conference Committee Report. So, Mr. President, I would move that we do adopt Conference Committee Report No. 1 to 707.

PRESIDING OFFICER: (SENATOR DUDYCZ)



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Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this contain any tax levy validations?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Farley.

SENATOR FARLEY:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 707. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 11, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 707, and the bill, having received the required three-fifths majority, is declared passed. ...(microphone cutoff)...now proceed to the Order of Resolutions Consent Calendar. Madam Secretary. ...(microphone cutoff)...leave of the Body, all those read in today will -- will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

ACTING SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Senator

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Woodyard, for what purpose do you rise?

SENATOR WOODYARD:

Thank you, Mr. President. I would like to remind the Members that when we come back, we will be hosting as the Illinois Legislative Sportsmen's Caucus, a wild game hors d'oeuvres reception over at the Hilton. And there's going to be a -- a tremendous auction over there, and all of our Members here will certainly come away winners. I hope that each and every one of you will put that on your calendars. I know you have invitations, and certainly encourage you to attend. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there's no further business to come before the Senate, Senator Weaver moves the Senate stand adjourned until the hour of noon on Tuesday, October 26th.

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