

83RD GENERAL ASSEMBLY

REGULAR SESSION

OCTOBER 18, 1983

PRESIDENT:

The Senate will come to order. Prayer this afternoon by Rabbi Israel Zoberman, Temple B'rith Sholom, Springfield, Illinois. Rabbi.

RABBI ISRAEL ZOBERMAN:

(Prayer given by Rabbi Zoberman)

PRESIDENT:

Thank you, Rabbi. Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that the Journal of Wednesday, October the...5th, in the year 1983, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The motion carries. It is so ordered. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 339, by Senator Kelly.

340, Senator Kelly.

341, Senator Kelly.

342, Senator Becker.

...343, Senator Becker.

344, Senator Lemke and all members.

345, Senator Lemke and all members.

346, Senator Lemke, Savickas and all members.

And 347, Senator Lemke, Savickas, Degnan and all members.

And all resolutions are congratulatory.

PRESIDENT:

Consent Calendar. Introduction of bills.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1358, by Senator Watson.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

Rules Committee. The Senate will be in order. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Mr. President, I'd like for a Recess for the purpose of a Republican Caucus immediately in Senator Philip's office.

PRESIDENT:

Request is in order. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. Democratic Caucus in Room 212 immediately.

PRESIDENT:

Alright, the Senate...pursuant to those requests, the Senate will stand in Recess until the hour of three o'clock. Three o'clock. Democrats in 212, Republicans in Senator Philip's office immediately.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. If I can ask the members to turn to page 21 on the Calendar. Page 21, motions in writing to override total vetoes. We will go just straight down the Calendar and work as long as people feel like working. The Chair would observe that a number of motions...if...if members have not yet filed motions, encourage them to make up their mind. Tuesday, Wednesday and Thursday is the schedule for days 13, 14 and 15. So, those members who wish to file motions, this is the time. Senate Bill 3, Senator Joyce. Senate Bill 10, Senator Grothberg. Senate Bill 84, Senator Luft. Senate Bill 85, Senator Geokaris. Senate Bill 211, Senator Vadalabene. Turn to the top of page 22. There's been a motion in writing on the order of business of Override Total Vetoes. Mr. Secretary, read the

motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 211 do pass, the veto of the Governor to the contrary notwithstanding. Signed, Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Why this veto should be overridden; Senate Bill 211 would allow certified employees of teachers' organizations to remain in the teachers' retirement system if they go to work for a teachers' organization after having been members of the system. The Governor questions the constitutionality of such a provision, and I point out that this bill will not set a precedent in this respect. It would only treat the teachers of the system in a similar manner to the way in which others...are now treated in other systems. Examples of provisions in the Pension Code which allows employees of private organizations to...members of systems are; the Illinois Association of School Boards who holds a teacher's certificate may become a member of this system. This article allows an employee of a teachers' organization to remain a member while on indefinite leave in which case employer...contributions do not have to be made for the first three years of any tenure period. The Governor also questions the provisions requiring that the employee and employer contributions meet the full accruing retirement cost instead of, in his words, normal cost. He says it could not be assured that the contribution required of the teachers' organization would actually cover the cost involved. I point out that the original language of the bill called for the contribution to meet normal costs, but the retirement staff itself requested the change in language in order that Senate

Bill 211 would be consistent with language in the same section dealing with contributions based upon salaries paid to the members from special trusts or Federal funds. Contributions under Senate Bill 211 would be greater than if the language, "normal cost" had been retained, and we assume this is why the system requested the change. The Governor's Message is not consistent with the facts. As an additional restriction not provided for similar benefits in other systems, the message in Senate Bill 211 specifically prohibits credit for periods of service for which a person receives credit in another pension plan. So, in summary, there are numerous precedents in other systems as well as in the system itself for the provision of Senate Bill 211. Senate Bill 211 is more restrictive and it has provisions intended specifically to prevent abuses from occurring. It calls for contributions greater than normal costs and much greater as a percentage of salary that has been provided by the State. It had the approval of the Pension Laws Commission, and I move for the override.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 211 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? It's a good thing you're not flying an airplane. Mr. Sergeant-at-Arms, will you see if you can find the Senator's key or something that will activate his... (Machine cutoff)... the way Jack Dempsey felt, Sam, just hang in there. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 21 Nays. The motion fails. Senator Vadalabene.

SENATOR VADALABENE:

Yes, as a...on a point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR VADALABENE:

Sometime ago, I think it was last year, I got up on the Floor of the Senate and I asked my colleagues on both sides of the aisle, if you're not going to vote for the bill, don't vote for it. But when you put 36 or 37 votes on that bill and then get back off, I think you're doing the person who sponsors the bill a disservice and you're also doing the Illinois Federation of Teachers a...a...a disservice. I don't mind losing the bill, but I hate like hell to have you play with the keys or the switches to get a bill passed and then get off of it when the...when the President of the Senate says, "Take the record." I think that is not legislative courtesy.

PRESIDENT:

Motions in writing, top of page 22. Senate Bill 230, Senator Savickas. Senate Bill 302, Senator Carroll. On the Order of Motions in Writing to Override Total Vetoes, read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 302 do pass, the veto of the Governor to the contrary notwithstanding. Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the annual attempt to finally appropriate Federal funds...all Federal funds that flow through the State. The Governor, once again, has vetoed this and the companion bill dealing with education. Every year we pass this...the bill, this year on the Consent Calendar, and then we override the veto of the Governor. I believe it is more

important each and every Session that we do have the authority and judgement over the spending of monies for State purposes, even if they are Federal funds. The prior Acting Attorney General had issued an opinion that unless they are appropriated funds, these agencies do not have to use the funds even for the purposes they state that they had wanted the funds for. And the only way we will know whether or not agencies are, in fact, following the mandates of the General Assembly in programmatic spending is, therefore, to appropriate these funds. It is even more critical now that there has been that advisory opinion that absent action by the General Assembly, the agency is free to utilize these any way they see fit. We have traditionally gotten well in excess of fifty votes on the legislative prerogative to appropriate all funds, and I would ask that Senate Bill 302 become law, the veto of the Governor to the contrary notwithstanding.

PRESIDENT:

If I can have the attention of the membership, Mr. Edward Steckey from the Illinois State Medical Society is seeking leave to take some still photographs up in the gallery. Is leave granted? Leave is granted. Any discussion? Discussion on the motion? If not, the question is, shall Senate Bill 302 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 40 Ayes, 17 voting Nay, none voting Present. Senate Bill 302 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. 303, Senator Carroll. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 303 do pass, the veto of the Governor to the contrary notwithstanding. Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I had identified in the last motion, this is the other part of this package which deals with the school funding; and, again, I think for the very same reasons, especially in light of that advisory opinion, that we do move to pass Senate Bill 303, the veto of the Governor to the contrary notwithstanding, and hopefully we can have successful action in the House and finally make it the law of Illinois that the Legislature shall appropriate the funds for the purposes of State Government, be they Federal or State in generation. I would therefore move that Senate Bill 303 pass, the veto of the Governor to the contrary notwithstanding.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 303 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 42 Ayes, 16 Nays, none voting Present. Senate Bill 303 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Schuneman, on 319. Senator Hall, on 416. Senator Vadalabene, on 502. Middle of page 22, on the Order of Motions in Writing Override Total Vetoes, a motion filed on Senate Bill 502, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 502 do pass, the veto of the Governor to the contrary notwithstanding. Senator Vadalabene.

PRESIDENT:

*SB 643  
Vote of the Hour.*

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 502 would require State agencies to pay the same fee that all others do when recording documents with the county recorder. Currently, the Federal Government and municipalities pay these fees. During all the committee hearings and debate, there was no objection filed by the State. The Secretary of the State's Office is the greatest user of recorder's office, and their only request was that the effective date be delayed until January 1, 1985 to allow them to set up procedures to collect the fees up-front. This effective date was added. The counties can no longer continue to furnish this service without being able to recover their cost. There is no cost to the State of Illinois. The bill passed the Senate 55 to 1, in the House 117 to 0, and I would appreciate your favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 502 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, the Yeas are 46, the Nays are 12, none voting Present. Senate Bill 502 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. 511, Senator Darrow. 547, Senator Netsch. 583, Senator Berman. 643, Senator Grotberg. 731, Senator Berman. 643, John. Alright, on the Order of Motions in Writing, the middle of page 22, motion filed with respect to Senate Bill 643, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 643 do pass, the veto of the

Governor to the contrary notwithstanding. Senator Grotberg.

PRESIDENT:

...Senator Grotberg.

SENATOR GROTEBERG:

Thank you, Mr. President and fellow members of the Senate. Senate Bill 643 was my effort to help small business and minority business in Illinois in redefining the Illinois Purchasing Act. If this very brief preamble to the Purchasing Act does such a good job of saying that it's the policy of the State that the principle of competitive bidding and economical procurement practices shall be...applicable to all purchases and contracts by or for any State agency, which is our preamble. It's been on the book since 1973. Now, Ladies and Gentlemen of the Senate, the Act goes on to define what a State agency is, it defines what a person is, what a licensed architect is, what an engineer is and what a contract is. The only thing they never defined was competitive bidding. Isn't that amazing? We have hereby found a way to amend that, and if those of you who have read the message and can remember the bill, that in essence following the...same procedures we use now but specifying or purchase descriptions that are explicit, realistic and nonrestrictive as to source, supplier, manufacturer or vendor. In my district, the named specific items of the Capital Development Board and government purchases in general do select brand names and don't even say that brand name or equal. This would correct that. It would make it possible for all of those people that are complaining to you that they never get a chance to bid. It went out of here 59 to nothing, and lo and behold, somebody found out that we were trying to help somebody, and sure enough, it wound up as a veto. I recommend highly that each of you in your own district can go home and be proud of the fact that you're going to allow somebody besides a favorite few to bid on Illinois contracts and Illinois construction

contracts, and I solicit an Aye bid...vote.

PRESIDENT:

Any discussion on the motion? Discussion? If not, the question is, shall Senate Bill 643 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 58 Ayes, none voting Nay, none voting Present. Senate Bill 643 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. 731. Alright, on the Order of Motions in Writing to Override Total Vetoes is a motion filed on Senate Bill 731, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 731 do pass, the veto of the Governor to the contrary notwithstanding. Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is a bill that's of importance to every...to every retailer in the State of Illinois. I want to point out that this bill passed out of this Senate 57 to 1. It passed out of the Revenue Committee in the Senate 10 to 0, and passed out of the House 117 to 0, and then the Governor vetoed it. The purpose of the bill is to give every person that has a dispute as to the State's claim regarding the payment of retailer's occupation tax his day in court. Under the present law, if the retailer who has a dispute with the Department of Revenue wants his day in court,...they must have assets equivalent to the amount of the assessment, and there is no discretion given in the court in setting that bond, and a bond is necessary in order to have their day in

court. What this bill did is to say that that measure of a bond in the amount of the assessment was not necessarily the amount that had to be posted, that the judge could impose a bond or a lien of a lesser value. Now, what in effect that did was, that if there was an assessment placed on a retailer for a million dollars, and the retailer doesn't have assets of a million dollars, he could never get to court. This says that the judge has the discretion to set a lower bond in order to proceed with the administrative review. I think it's a...it is an equitable approach. If there's only a hundred thousand dollars in assets and the court is going to impose a lien of that...of all those assets, then the...then the taxpayer would have his ability...have his day in court. Otherwise, we are, in effect, locking that taxpayer out of the courthouse. There was virtually no opposition, as I've indicated in my opening comments, to this bill as it moved through the Legislature, and I think there is no basis to sustain the Governor's veto. The court will have the discretion to impose a lien on behalf of the State within the discretion of the court, and that way we'll give the retailers the...their day in court if the court thinks that there is some equity to that challenge to the assessment for the sales tax. The Illinois Retail Merchants supports this motion to override. I solicit an Aye vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 731 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 53 Ayes, 5 Nays, none voting Present. Senate Bill 731 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary

notwithstanding. 776, Senator Berman. 789, Senator Welch. 826, Senator Bruce. 831, Senator Degnan. 838, Senator Bruce. 840, Senator Jones. 938, Senator Netsch. 1004, Senator Holmberg. 1006, Senator Berman. 1020, Senator Dawson. Senate Bill 1241, Senator Newhouse. Senate Bill 1256, Senator Dawson. Senate Bill 1313, Senator Savickas. Alright. Middle of page 23, there are motions filed in writing to override item vetoes. I'd ask the members to...motions have been filed. Senator Buzbee, on Senate Bill 374. Senator Bloom, on 378. Alright, there's a motion filed in writing to override an item veto on Senate Bill 378, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 47, line 8 through 13, 14 through 16 of the Senate Bill No. 378 do pass, the veto of the Governor to the contrary notwithstanding. Senator Bloom.  
PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Yes, thank you, Mr. President and fellow Senators. This motion would restore the funding for a program to help nurses get their BSN Degree. Essentially, we have an...anomalous situation. Last year when finances were tight, the Governor approved the funding for the baccalaureate program for nurses. This year, for some reason, he excised it. We feel that this isn't fair to those nurses who have already made a commitment. And I'll answer any questions; otherwise, I'd seek a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the item on page 47, line 8 through 13 and 14 through 16 of Senate Bill 378 do pass, the item veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is

open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 9, none voting Present. The item on page 47, 13 through....lines 8 through 13 and 14 through 16 of Senate Bill 378 having received the required majority vote of Senators elected...on that question, there are 47 Ayes, 9 Nays and none voting Present. The item on page 47, lines 8 through 13 and 14 through 16 of Senate Bill 378 having received the required three-fifths vote is declared passed, the item veto of the Governor to the contrary notwithstanding. 714, Senator Welch. 378, Senator D'Arco. 378, Senator Demuzio. Top of page 24...(machine cutoff)...beg your pardon. Okay, we're on a different order of business. I beg your pardon, the Secretary pointed that out. Top of page 24, on motions in writing to restore item reductions. The top of page 24. 378, Senator D'Arco.

SENATOR D'ARCO:

Thank you...

PRESIDENT:

Wait till we...wait till we find the motion, Senator. Okay. Mr. Secretary, if you'll read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 31, line 22 of Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What the Governor did was to veto the Illinois Childrens...School and Rehabilitation Center in my district. Now, what the school does is deal with multiply handicapped children who have severe physical handicaps. Some of them are blind, some of them are deaf and some of them have multiple handicaps which...which include

many more physical problems than just that. The headcount has dropped drastically. From 1980 the headcount...the people working in...in this institute...was a hundred...one hundred and thirty-five people. Today, in 1984, the headcount is a hundred and nine people. He vetoed sixty-three thousand one hundred dollars. I mean, I'm not talking about a lot of money, I'm talking about sixty-three thousand one hundred dollars. That's all I'm talking about. There's four staff positions involved. This is very important for the people in my district. It's very important to maintain adequate services for these multiply handicapped children. I seek an Aye vote. Thank you.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the item on page 31, line 22 of Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. 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, 16 Nays and none voting Present. The item on page 31, line 22 of Senate Bill 378 having received the majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. 378, Senator Demuzio. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 32, line 32 of Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. The amount that the Governor vetoed is less than fifty thousand. It's forty-

seven thousand two hundred. It's for the Illinois School for the Visually Impaired. It is all for personal services. I had the opportunity, along with a member of our appropriations staff, to visit this...this school as well as the Illinois School for the Deaf, which would be the next motion, and I can assure...the members of this Senate that if there was ever a opportunity for us to be compassionate, it is certainly for the Illinois School for the Visually Impaired, and I would respectfully ask the membership of the Body to restore the forty-seven thousand two hundred dollars for personal services for the Illinois School for the Visually Impaired.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the item on page 32, line 32 of Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 15, none voting Present. The item on page 32, line 32 of Senate Bill 378 having received the required majority vote of Senators elected is declared restored, the item reduction of the Governor to the contrary notwithstanding. Further motions? Senate Bill 378, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that the item on page 33, line 14 of Senate Bill 378 be restored, the item reduction of the Governor to the contrary notwithstanding. Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President. This is in the...a hundred and seven thousand dollars for the Illinois School

for the Deaf. If you will recall in the last Session when we were here, it was reported that the Illinois School for the Deaf had shut off its heat during the winter months on a periodic basis in order to save money. In addition to that, I'm kind of surprised in the Governor's action here because we have a dormitory that is also closed on the campus which means that students are going to have to be tripled up, share triple space in...in...in rooms, and the hundred and seven thousand dollars would help to alleviate both of those areas as well as to provide for some additional added staff, and I would request the Senate's approval of this...of this motion.

PRESIDENT:

Discussion? Any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Demuzio, how much as amendatorily vetoed is this appropriation in comparison to last year's appropriation?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

I'm...unable to give you that at the moment. I'll see if I can find out here in a second.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

I'm told about a hundred thousand dollar increase on about a 4.8 million dollar base.

PRESIDENT:

Further discussion? Is there any further discussion? If not, the question is, shall the item on page 33, line 14 of Senate Bill 378 be restored, the item reduction of the Gover-

nor 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 40 Ayes, 16 Nays, none voting Present. The item on page 33, line 14 of Senate Bill 378 having received the required constitutional majority is declared restored, the item reduction of the Governor to the contrary notwithstanding. Top of page 24, there are motions in writing to accept the specific recommendations for change. Page 24, Senate Bill 22, Senator Joyce. On the Order of Motions in Writing to Accept the Specific Recommendations for Change, read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 22 in the manner and form as follows. Signed, Senator Jeremiah Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 22 as amended by the Governor now includes a provision that passed out of here as another bill, that is the bill for the park district employees. It puts the park district employees in the...includes the Park District Employee Pension Fund in with the other pension funds. I know of no opposition.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 22 in the manner and form just stated by Senator Joyce. 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

SB 61  
Spec. Recommendation  
of the Gov.

who wish? Take the record. On that question, the...there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 22 having received the required constitutional majority vote are declared accepted. Senate Bill 61, Senator D'Arco. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 61 in the manner and form as follows. Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I move to accept the Governor's recommendation of specific...specific recommendation of change. There was some question in the bill about the legal status of the people involved, whether or not they would have to be married, and the Governor cleaned that portion of the bill up, and with that, it is a better bill, and I move to accept the specific recommendation for change.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 61 in the manner and form just stated by Senator D'Arco. 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, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 61 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Mahar on...Senator Luft on Senate Bill 97. Senator Carroll, Senate Bill 28. On the Order of Motions in Writing to Accept the

Specific Recommendations for Change, a motion filed with respect to Senate Bill 128, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 128 in the manner and form as follows. Signed, Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Governor has suggested in an effort to keep this bill kosher that we use the phrase, "code of Jewish laws," and I would accept the Governor's recommendation for change and make the appropriate motion.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 128 in the manner and form just stated by Senator Carroll. 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 58 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 128 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Sangmeister on 147. On the Order of Motions in Writing to Accept the Specific Recommendations for Change, a motion on Senate Bill 147, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 147 in the manner and form as follows. Signed, Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. If you recall, Senate Bill 147 was the Correctional Budget and Impact Note Act, and in that bill was another provision providing for restitution to victims of a crime. The Governor felt that that was better treated in House Bill 67 and took it out of here. So, Senate Bill 147 now is a naked Correctional Budget and Impact Note Act which I think we approved and passed out of here by 58 to 1. Therefore, my motion is that we accept the amendatory veto of the Governor.

PRESIDENT:

Any discussion? Senator Keats.

SENATOR KEATS:

A question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Keats.

SENATOR KEATS:

Only loosely related to the bill, the Governor vetoed a portion of this in terms of what happens...the restitution funds. Could you tell us what the Governor's position on...on restitution and who gets the money, first? Could you explain what the Governor...what the other bill does so we know whether we want to accept what the Governor did?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Frankly, Senator Keats, I'm not that familiar with what was in House Bill 67 and I have not compared it. I was interested in the...or the correctional impact note, and what was in 67 I'm not sure, so I was not that concerned about it. If you are and you want to pass this...tomorrow or something, why we'll do so, but all we're interested in is getting the original intent of the bill.

PB 151  
PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

No, I...I was going to explain that, but everything is fine, let's vote.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 147 in the manner and form just stated by Senator Sangmeister. 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, the Ayes are 58, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 147 having received the required constitutional vote are declared accepted. Senator Luft on 149. Senator Sangmeister on 151. On the Order of Motions in Writing to Accept Specific Recommendations for Change, a motion on Senate Bill 151, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 151 in the manner and form as follows. Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. The original content of Senate Bill 151 was to do away with frivolous post-conviction petitions, and the Governor in...in that bill we had a requirement that the post-conviction petition could not be heard by the judge who was not involved in the original proceeding, and the Governor was concerned about smaller downstate counties whereby it would have to come back

to that judge again and, therefore, deleted that requirement. I have no problem with it, and I would move that we accept the recommendation of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 151 in the manner and form just stated by Senator Sangmeister. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 151 having received the required constitutional majority are declared accepted. 187, Senator Demuzio. On the Order of Motions in Writing, there's a motion on Senate Bill 187, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 187 in the manner and form as follows. Senator...signed, Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, very much, Mr. President. The Governor made several changes. The first one authorizes the CUB to receive the one hundred thousand dollar loan appropriated from the Public Utility Fund for a twenty-four month period of time. Exempts the...or extends the...ineligibility of a...to be a director of the organization from the...to employees or agents of utilities or members of their immediate families. Provides that an annual report shall be made available to the members rather than may. Reinserts the original language exempting the ICC...deliberations from the Open Meetings Act and further exempts those ICC deliberations

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for changes

and that portion...of the CUB meetings in which there is discussed information obtained from a person which is privileged, proprietary, confidential or trade secret. Made several other changes, and I would move to accept the Governor's recommendations.

PRESIDENT:

Discussion? Discussion? Senator Buzbee.

SENATOR BUZBEE:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Buzbee.

SENATOR BUZBEE:

I'm sorry, Senator Demuzio,...would you mind to go over again briefly exactly what the Governor's changes were? I'm trying to follow along as you...as you were going...as you were giving your explanation, but I simply missed it. Would you please give it again?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

At what point did I lose you, Senator?

PRESIDENT:

Senator Buzbee.

SENATOR BUZBEE:

When you said, "Thank you, Mr. President."

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Take it out of the record.

PRESIDENT:

Take it out of the record, Mr. Secretary. 228, Senator Lemke. On the Order of Motions in Writing to Accept the Specific Recommendations for Change is a motion filed on Senate Bill 228, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 228 in the manner and form as follows. Signed, Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What the Governor did was delete some language in here which was covered in Senate Bill 1070, which has been amendatory vetoed, and I think it will be coming up. But I think it's...it talks about expedient hearings, and I think this is a...a good bill and I ask that we go along with the Governor's Amendatory Veto and take care of that provision in Senate Bill 1070.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 228 in the manner and form just stated by Senator Lemke. 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 54 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 228 having received the required constitutional majority are declared accepted. 247, Senator Netsch. Motion filed to accept the specific recommendations on Senate Bill 247, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 247 in the manner and form as follows. Signed, Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The bill as passed simply changed the auditing dates for the Illinois Toll Highway Commission from semiannual to annual. The Toll Highway Commission being the only agency that had a semiannual requirement. It was a Legislative Audit Commission bill and it does, of course, effect a cost savings. There were provisions added subsequently which had to do with procedures dealing with a rate increase or...on the tolls for the toll highway projects. They were the contents of Senate Bill 1244. They are now, basically, in another bill, and Senator Kustra, whose language this was originally, is quite prepared to handle that part of the bill in the context of Senate Bill 1244. So, I believe there is no objection to returning this bill to the form in which it initially passed the Senate.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 247 in the manner and form just stated by Senator Netsch. 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, the Ayes are 57, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 247 having received the required constitutional majority are declared accepted. (Machine cutoff)...Lemke, for what purpose do you arise?

SENATOR LEMKE:

Just to make an announcement. The Judicial I Committee is going to be cancelled tomorrow morning, and the reason I'm making this now is so people can go home and catch the plane for Chicago.

PRESIDENT:

For the World Series, right?

SENATOR LEMKE:

I don't know what they're going to do.

PRESIDENT:

Alright.

SENATOR LEMKE:

The witnesses are here to testify on the condominium bills and the...the House sponsor, Representative Madigan, wishes not to have them heard. So, we're cancelling the meeting.

PRESIDENT:

316, Senator Vadalabene. Top of page 25, motion in writing to accept the specific recommendations on Senate Bill 316. Mr. Secretary, read the motion.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 316 in the manner and form as follows. Signed, Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 316, the Governor's action alters a new provision relating to payment of expenditures of the coroner. Senate Bill 316 as sent to the Governor is identical to current law relating to the office of sheriff which the Governor signed two years ago. However, the Governor's recommended changes do conform with similar provisions relating to county clerks and treasurers, and I move to accept the specific recommendations of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 316 in the manner and form just stated by Senator Vadalabene. Those in favor will

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Ayes, 56  
of the House.

vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 316 having received the required constitutional majority are declared accepted. 323, Senator Sangmeister. Senator Darrow, can we part the wave here. Read the motion, Mr. Secretary, on Senate Bill 323.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 323 in the manner and form as follows. Signed, Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Senate Bill 323 was a recodification of the Illinois Public Library District Act, and when we did that, for one reason or another, we took out the provision for a public library district to be dissolved; that is, the procedure to dissolve it. We certainly did not want to do that. The Governor put that back in the bill, plus there were a few other technical changes that he made and, therefore, I would move at this time that we accept the specific recommendations of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 323 in the manner and form just stated by Senator Sangmeister. 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,

the...there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 323 having received the required constitutional majority are declared accepted. 496, Senator Fawell. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 496 in the manner and form as follows. Signed, Senator Fawell.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. This bill was originally requiring that the parent or the guardian of a minor to pay charges for the care and training of children that were placed with DCSP. In the original bill the monies collected would go into a special fund. The Senator...the Governor amended it so that the funds would be put into the General Revenue Funds, and then we can appropriate the funds from the General Revenue Funds, and I move that we accept the Governor's veto.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 496 in the manner and form just stated by Senator Fawell. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 496 having received the required constitutional majority are declared accepted. 512, Senator Savickas. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendation of the Governor as to Senate Bill 512 in the manner and form as follows. Signed, Senator Savickas.

PRESIDENT:

Senator Savickas.

END OF REEL

REEL #2

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I would move that we do accept the...the Governor's recommendation. It is consistent with the intent of the legislation. All it does is define the corporate officer as a bona fide president or vice-president, secretary or treasurer of a corporation who voluntarily elects to withdraw from the Workmen's Compensation Act.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 512 in the manner and form just stated by Senator Savickas. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 512 having received the required constitutional majority are declared accepted. 536, Senator Collins. 571, Senator Fawell. Read the motion, Mr. Secretary, on Senate Bill 571.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 571 in manner and form as follows. Signed, Senator Fawell.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President and members of the Assembly. All this bill did was allow counties to publish county codes in a form similar to the State Statutes, and

then allows the county clerk to sell copies at a fee by the county board and that this can be used as a legal document. We originally set this at a six hundred thousand population figure, and apparently the other counties would like to do the same thing; in fact, some of the other counties have, so we have merely deleted the figure of six hundred thousand and it is a...it is a permissive bill. It is not a "shall" bill it is a "may" bill, and I move that we accept the Governor's message veto.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 571 in the manner and form just stated by Senator Fawell. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. The specific recommendations of the Governor as to Senate Bill 571 having received the required constitutional majority are declared accepted. 576, Senator Joyce. Motions in writing on Senate Bill 576. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 576 in manner and form as follows. Signed, Senator Jerome Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. These are technical changes. It eliminates the requirement for certification of the animal health technicians. This is the...the Veterinary Medicine Surgery Practice Act that was sunsetted, and it establishes a hundred dollar CAC fee for reciprocal license, and I move

for those changes to be accepted.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 576 in the manner and form just stated by Senator Joyce. 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 53 Ayes, 1 voting No, none voting Present. The specific recommendations of the Governor as to Senate Bill 576 having received the required constitutional majority are declared passed. 591, Senator Bruce. Motion in writing on Senate Bill 591, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 591 in manner and form as follows. Signed, Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President. I would move to adopt the Governor's specific recommendations. This bill created the Joint Municipal Electric Power Agencies throughout the State of Illinois which allowed various municipalities that join together to buy and create electrical power. Part of that legislation allowed an exemption from local property taxes, and in the...definition thereof we included all property owned by the Municipal Power Agency and that was only to have been that part of the property which is part of the project owned by the agency and, therefore, since this inconsistency existed, the Governor's recommendations we delete from property tax exemption only that property which is part of the project owned by the agency, and I would move for the adop-

tion of the Governor's recommendation.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 591 in the manner and form just stated by Senator Bruce. 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, the Ayes are 58, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 591 having received the required constitutional majority are declared accepted. 607, Senator Vadalabene. Motion in writing. On the Order of Motions in Writing to Accept the Specific Recommendations for Change is the motion on Senate Bill 607, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 607 in manner and form as follows. Signed, Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 607, the Governor's recommendation deletes the portion of the bill which repeals the provision stating, "Nothing in the Act prohibits a county from abolishing the elective office of coroner." I move to accept the specific recommendations of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 607 in the manner and form just stated by Senator Vadalabene. Those in favor will

vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 607 having received the required constitutional majority are declared accepted. 695, Senator Bruce. On the Order of Motions in Writing, motion on Senate Bill 695, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 695 in manner and form as follows. Signed, Senator Bruce.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. Several years ago we made certain material relating to hospitals privileged so that physicians and staff could make recommendations for quality control in hospitals. When that legislation...was passed it only dealt with accredited hospitals. The Illinois Hospital Association indicated last Session an interest in including licensed hospitals. That...that then would cover all the accredited and licensed hospitals in the State of Illinois so that they could have quality control review without worrying about whether or not a patient would have access to those records. The Governor decided, in his wisdom, that in addition to that DMH-DD facilities that also involved staff in quality control in trying to improve the services to their patients ought to have the protection of making confidential their...memoranda between staff. And so that is added, and I would move that we adopt that addition of DMH-DD facilities.

PRESIDENT:

Any discussion? Is there any discussion? If not, the

question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 695 in the manner and form just stated by Senator Bruce. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 695 having received the required constitutional majority are declared accepted. 697, Senator Demuzio. Motion in writing on 697, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 697 in manner and form as follows. Signed, Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you. I, you know...have a fear of trepidation here to continue without Senator Buzbee being on the Floor and having an adequate explanation, but in his absence, I shall try to proceed. The Senate Bill 697 was on the Agreed Bill List last time. The Governor has made some changes indicating that he's eliminated the provisions that allows for the placement of a land surveyor's license on an inactive status, as well as made changes in the fee section of the bill which apparently were in Senator Bloom's bill, 1191, and this apparently is technical changes to eliminate those provisions to avoid any revisions. So I would move to adopt the changes made by the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 697 in the manner and form just stated by Senator Demuzio. 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 54 Ayes, 2 Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 697 having received the required constitutional majority are declared accepted. 864, Senator Vadalabene. On the Order of Motions in Writing, the motion filed on 864, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 864 in manner and form as follows. Signed, Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The Governor's action on Senate Bill 864 recommends that the portion of the bill dealing with maximum tax rates for local libraries and municipalities which in home rule be removed, and I move to accept the specific recommendation of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 864 in the manner and form just stated by Senator Vadalabene. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 864 having received the required constitutional majority are declared accepted. 906, Senator Collins. On the Order of Motions in Writing, there is a motion on Senate Bill 906, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 906 in manner and form as follows. Signed, Senator Collins.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 906 amended the Unified Code of Correction to require that when a person on probation or conditional discharge leave the State they would have to notify the court and get a court order before they could leave. The Governor amendatorily vetoed the bill to allow for enough flexibility in the law to...for the probational officer to use his discretion to allow someone to leave in case of serious emergencies. For example, if the probationer's family member were ill and they could not have...get to the courts in time and they have to leave at the spur of the moment, and it leaves it up to the discretion of the probational officer to grant that leave out of the State. And I move to accept the specific recommendations of the Governor.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 906 in the manner and form just explained by Senator Collins. 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 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 906 having received the required constitutional majority is declared passed...are declared accepted. 919, Senator Zito. 981, Senator Demuzio. 995, Senator D'Arco. 996, Senator D'Arco.

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1001, Senator Collins. 1025, Senator Carroll. We're on the top of page 26, motions in writing to accept the specific recommendations for change. 1033, Senator Nedza. On the Order of Motions in Writing, the top of page 26, is a motion on Senate Bill 1033, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 1033 in manner and form as follows. Signed, Senator Nedza.

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. There was a provision in the...the original bill for funding from the Federal Job Training Partnership Act. The Governor discovered that there are prohibitions against the use of those funds as the bill is so stated, and I, therefore, move to accept the specific recommendation of the Governor.

PRESIDENT:

Discussion? Senator Barkhausen. Your light's on, sir.  
Discussion? Senator Keats.

SENATOR KEATS:

...question of the sponsor. Does this...is this bill now covered by prevailing wage...or anything like that?

PRESIDENT:

Senator Nedza.

SENATOR NEDZA:

No, sir...no, sir, it's not.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1033 in the manner and form just stated by Senator Nedza. Those in favor will

vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1033 having received the required constitutional majority are declared accepted. 1070, Senator Sangmeister. Senator Sangmeister...1070. Top of page 26. Listen. 1157, Senator Berman. All right. On the Order of Motions in Writing, the middle of page 26, there's a motion filed on Senate Bill 1157, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 1157 in manner and form as follows. Signed, Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1157 was introduced to clarify the exemption Statute as it applies to individuals. The Governor amendatorily vetoed it...vetoed it with language that made the bill more specific to exclude...business property from the exemption Statute which was our original intent. I move to accept the amendatory veto language.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1157 in the manner and form just stated by Senator Berman. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1157 having

received the required constitutional majority are declared accepted. 1195, Senator Joyce. On the Order of Motions in Writing, the middle of page 26, motion filed on Senate Bill 1195, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific recommendations of the Governor as to Senate Bill 1195 in manner and form as follows. Signed, Senator Jeremiah Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. The Governor's language would change the disclosure requirement of this legislation to put it into conformity with the Federal truth in lending legislation. What the...the legislation as we passed out of here provided for a notice within a reasonable period of time of a security interest being taken in real property. Under the language that the Governor is inserting in here, the reasonable period of time is being substituted for a time prior to the consumation of the loan.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor...I'm sorry. Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDENT:

Indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

The language in the amendatory veto, is not, in fact, that requirement and law already and therefore unnecessary?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That's what the analysis I have would indicate, yes.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

So, the amendatory veto, in effect, doesn't really do anything.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I don't have...I...I...I...I don't have any strong particular interest in this legislation one way or the other, I'm going along with the program. The Governor seems to think this will put the bill in...the legislation in compliance with Federal truth in lending requirements, and if that's the...if that's their position, fine, I'll go along with it.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Also, Senator Joyce, I believe, and I'm not certain on this, that that specific recommendation for change by the Governor has some wrong references in it. Do you know if your staff checked that out?

PRESIDENT:

Senator Joyce. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

I...I stand corrected. The motion that you filed corrected the error that the Governor's Office made.

PRESIDENT:

Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1195 in the manner and form just stated by Senator Joyce. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish?

Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1195 having received the required constitutional majority are declared accepted. 1260, Senator Demuzio. Motion in writing, middle of page 26, on Senate Bill 1260, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1260 in manner and form as follows. Signed, Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Apparently in the Governor's...the...recommended changes here, he is exempting the permits issued pursuant to the Safe Drinking Water Act from the requirements of the establishments of this bill, which in essence means that the State of Illinois is in the process of seeking delegation from the USEPA a hazardous waste management program under the Research, Conservation and Recovery Act and an underground injection control program under the Safe Drinking Water Act. In order for...for these to be delegated, these two programs...the State had to be...must adopt permitting procedures equivalent to those mandated under the two Federal programs, and therefore, his language would seem to take care of that problem. And it also restores...he has also restored the original language, and I think rightfully so, that allows a third party to appeal the issuance of any RCRA permit for the disposal of hazardous materials. I think he used good judgment and good wisdom in this particular instance, and I would move that we accept the Governor's changes.

PRESIDENT:

Any discussion? Senator Grotberg.

SENATOR GROTERBERG:

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

PRESIDENT:

The sponsor will yield, Senator Grotberg.

SENATOR GROTERBERG:

Thank you. My question, Senator Demuzio, is, 1260 was kind of a heavyweight bill at the end of the Session as I recall. Do you have the Senate roll call on the bill itself, what was the head count? Was it a controversial bill or did it go out of here...

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

I...

PRESIDENT:

Senator Grotberg.

SENATOR DEMUZIO:

I don't know.

SENATOR GROTERBERG:

Yes, I found it myself, 54 to 1. I...I was just wondering if...if it was one of those hot and bothered bills that we had lots of fights over or whether it was pretty well acceptable and that's the wrong bill, okay, thank you.

PRESIDENT:

Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1260 in the manner and form just stated by Senator Demuzio. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The specific recommendations of the Governor as to Senate Bill 1260 having received the

required constitutional majority are declared accepted. The middle of page 26. Motions in writing to override specific recommendations. There are motions filed...eight motions have been thus far filed. Senate Bill 71, Senator Sangmeister. All right, motions in writing to override the specific recommendations, motion filed on Senate Bill 71, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 71 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Sangmeister.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. Senate Bill 71 was the National Guard Construction Fund Act whereby when an armory was sold in the State of Illinois that that money would be set aside in a separate fund so that we could use it as matching funds for Federal funds in order to build more armories throughout the State of Illinois. On that bill was placed an amendment in this Chamber that that law would apply to all armories except those in a county over a certain size and it was actually...the amendment was put on there to protect the Chicago Armory so that it could not be sold without an act of the Illinois General Assembly, and Senator Netsch and other Chicago legislators were very concerned about that. We thought that was fair because it was a unique armory, a little different than all of those in the rest of the State of Illinois, so an amendment was put on and passed both Houses and went to the Governor. Now the Governor's amendatory veto took out that particular provision and made the Chicago Armory the same as all other armories in the State of Illinois. We don't think that is right and, therefore, I am moving for a total override.

PRESIDENT:

Any discussion? Is there any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would briefly reaffirm everything that Senator Sangmeister has said. On a number of occasions efforts to enact legislation that would make it possible to sell the Chicago Avenue Armory, presumably for private development, have been defeated in the Legislature. This was an attempt to make sure that the Legislature would adhere to its consistent pattern of not authorizing the disposal of that particular armory. Senator Sangmeister has indicated it is absolutely unique, it is one of the most congested areas in the City of Chicago and it would be unconscionable for it ever to be sold for private development. Everyone in that area feels very strongly to that effect, and I think the Legislature itself has expressed that on numerous occasions. I have talked to people who are interested in the basic bill, the National Guard Association and others, they understand our concern, they have no objection to our attempts to try to protect this particular piece of property and they do, of course, want the basic bill enacted. The overriding of the veto would accomplish both purposes.

PRESIDENT:

Further discussion? Senator Mahar.

SENATOR MAHAR:

Yes, thank you, Mr. President, I rise in support of the override. This is a very important bill as far as the guard is concerned, as far as the State of Illinois is concerned. A lot of work has been done on the bill and it's hanging on the question of whether who can sell, who has the authority to sell the Chicago Avenue Armory. I think the bill is more important to us than that particular issue and that can be solved in another...another form at another time, and I would

ask that members on this side of the aisle support Senator Sangmeister's motion.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

Question.

PRESIDENT:

Indicates he'll yield, Senator Bloom.

SENATOR BLOOM:

The guard in our area...I, frankly, was taken unawares of the Chicago Armory issue. But if the guard in our area, those that contacted us in our areas, said...to go along with the amendatory veto because the other point in...or the other change that the Governor made...basically, I believe his message was, look, if this passes without this change, this would be the...the only State property that would not be under the jurisdiction of Central Management Services. And I guess what I'm saying is, we're...we're put in...those of us who have been contacted by our local guard units on this issue are put in a bit of a quandary. We can understand and sympathize with Senator Netsch's problem, but by the same token, if we override totally the Governor's veto then...this cluster of properties would not be under the jurisdiction of Central Management Services. So, I guess the question turns into kind of a...a generalized query, and I see that Senator Sangmeister would have a suggestion.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

What...what you're saying is entirely true, what you're representing here that it is not...and that should have been in the bill and we agree with the Governor on that point, and I assure you that with an override here that in the Spring Session that we will come with a bill to put the disposition

of that property under the Central Management's...authority. We had...we had no reason to want to do other than that, but...so we are requesting that you go along with the program here and we'll file a bill to take care of that in the spring.

PRESIDENT:

Further discussion? Senator Grotberg.

SENATOR GROTEBERG:

Well, thank you, Mr. President. My concern is...was partly covered by the previous speakers but it is my understanding that there is a...a Plan B if...if this motion fails, we revert to...another motion that is filed and that the exemption would then be in place as the bill went through. Is that correct, Senator Sangmeister?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, another motion has been filed but we...we take the jeopardy...or we're put in jeopardy that that motion may fail also, which means then the whole bill is going to fail and the National Guard does not want that to happen nor do we. And I don't know what's going to happen on that motion if this one doesn't carry. Senator Mahar has filed another motion, but as he has asked of you, and I hope you support him over there, that this is the motion we want to carry.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDENT:

Indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

I have some concern with the bill and have had right along in...in that it does take away some authority that for-

merly was vested in other departments of government and gives it to the guard. But I have another concern as...and a question to you, Senator, as to just what is so unique about the National Guard Armory in Chicago and not unique about guard armories in every other town in Illinois, where perhaps they also feel, as Senator Netsch does that they don't want the State to sell that particular armory? What's so unique about the Chicago situation?

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

I don't see Senator Netsch is on the Floor over there...

PRESIDENT:

Senator Netsch is...

SENATOR SANGMEISTER:

...that's probably a question that she could better answer than I can. Senator Netsch, the question is, what is so unique about the Chicago Armory. All I know is it's the only armory that we have in the State of Illinois that may have a figure anywhere from ten, I've heard, to twenty million dollars worth of value on it and, in that case, it is unique. Also, as I understand, it is a highly urban area where it is at and the people living in that area are concerned about how that property may be used and therefore there should be more input than just the Adjutant General deciding to sell it and the Governor concurring in it. Perhaps, Senator Netsch, I would defer to her for a further answer on that question.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you. I think most of the points have been covered by Senator Sangmeister. It is in the heart...it's right about one block off of North Michigan Avenue. It is about a

half a block away from Watertower Place, a full block away from John Hancock Tower. It is one of the most...and a new seventy-seven story building that's about to go up there. It's an intensely congested area and the only use that could be made...private use that could be made of the property would be for a major high-rise development of anywhere from seventy-seven to ninety-five stories, I expect, and that would just simply destroy a very important part of North Michigan area. And it is the only armory that is in that kind of a location and the value of which is probably at least twenty to twenty-five million dollars, just the property alone.

PRESIDENT:

Further discussion? Further discussion? Senator Sangmeister may close.

SENATOR SANGMEISTER:

Well, once again, as we have indicated and Senator Mahar has, this is a very important bill to the National Guard. We think this is the right way to go and, therefore, I would move that Senate Bill 71 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

PRESIDENT:

The question is, shall Senate Bill 71 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 71 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. 448, Senator Joyce. On the Order of Motions in Writing, there is a motion filed on Senate Bill 448, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

I move to accept the specific...I move that Senate Bill 448 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Jerome Joyce.  
PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senate Bill 448 was a bill that said, quite simply...the main part of the bill said that the General Assembly...shall, by law, approve of a low-level nuclear waste site. It did a couple of other things; one said that they had to have public hearing and the other one said they could not be a reprocessing plant sited without General Assembly approval. Those things the Governor left but he took out the part saying that there would...that would require General Assembly approval for a low-level nuclear waste site before the Department of Nuclear Safety could okay it. In his remarks, the Governor says that this...the Legislature should not site facilities whether they be hazardous waste, radioactive waste, general refuge, what have you, that such decisions must be based on scientific and environmental concerns rather than political ones. But I would say to you that with Senate Bill 172 that we passed a couple years ago dealing with hazardous waste, we indeed even gave county boards the authority to site hazardous waste sites. So, I would love to have county boards have the opportunity to site a hazardous waste facility, but I would imagine he would veto that also. I think that if we can at least get General Assembly approval before a site is chosen, that it will give the people in that area some leverage to deal with the problems that they may have if, indeed, a hazardous...a low-level radioactive waste site is put in their area. The compact bill that we are going to be voting on...or hearing in committee this...later on this afternoon, if that goes through, in...in fact Illinois does become a host State, a

site will have to be chosen, and I would like at least the people in a community that is picked to host that facility have some opportunity to be heard in the General Assembly. And I would ask for a override on the Governor's motion...specific recommendation.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he'll yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand his specific objection...the Governor's specific objection to this bill is that...point one, which requires specific law to be passed to allow the setting of any...low-level radioactive waste disposal facility in Illinois. In other words, the way I read that, it would be up to the State to pass such a law. Then, what about local areas, municipalities and counties, you mean they would be precluded and would they be preempted by the your overriding this?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, right now no one has any say in whether or not a site is put in their area; municipalities, local government, township, cities, counties or the State Legislature. The way it is right now there is no one who can pick a site other than the Department of Nuclear Safety and the Governor. And, Senator, I would love to have local control of this but I don't think I can get that passed. The best it seems that we can do is have general...the General Assembly have some say in where a site is chosen and that's...that's what I'm asking for today.

PRESIDENT:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, leading off, first of all, I guess we would admit that no one wants one of these low-level sites in their own back yard or in their own legislative district. Now I guess we've got basically two choices to make. If we believe, first of all, that decisions of this kind should be made upon environmental and technical data, then we will vote with the Governor. If we believe it should be a political operation and turn it over to the members of the General Assembly and in effect make all of us experts upon the...the business of siting these type of facilities, then we're going to vote with Senator Joyce. Now, this particular time around I happen to feel that we should make these decisions on the basis of technical data; they should not become any more political than they are, and I would ask that we uphold the Governor's veto.

PRESIDENT:

Further discussion? Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. Senator Rigney, I...I would...you, of the party that...that proclaims that that government which is best is that government which is least. I am shocked at...at...at your advocacy of not having the representation of the...the representatives of the people being able to express their displeasure at having a site located in their area. Now, I would build for you a small scenario. The Illinois Department of Nuclear Safety and the Governor decides they want to put a low-level nuclear waste disposal site in your legislative district. Your office is inundated by constituents, telephone calls, letters, petitions, people coming in and saying, we are opposed to this site being located here in our area. If we were to go along with what you are advocating, your only response would be,

I'm sorry folks, there's not a thing I can do for you because the Governor and the Department of Nuclear Safety have the final say-so, and I, as your elected representative, who go to Springfield and draw the salary of twenty-eight thousand dollars a year which you the taxpayers pay me, there's nothing I can do for you. Now, Senator, I would submit to you that the better scenario would be...the better scenario would be, would you would say, I will go to Springfield and I will file a motion that will disallow this decision by the Governor and the Department of Nuclear Safety, and I will try to convince my colleagues in the State Senate to go along with me. I will either win or I will lose, but least...at least I will have a chance. I will do everything I can to help you. Senator, I don't think you really believe what you just said. I think you are displaying a loyalty to the Governor which is admirable, but one which your constituents would find extremely objectionable if that site were to be placed in your district. I join Senator Joyce in his override attempt.

PRESIDENT:

Further discussion? Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and Ladies and Gentlemen of the House. I speak not as a person defending the Governor on this particular issue, I am defending the people on this issue. If such a siting has to take place in Illinois, I think it must be a technical siting, and if it happens in my district, and it might, I would have to go to my people as I do on many other issues. There are going to have to be geological studies, there are going to have to be engineering studies. The Department of Nuclear Safety is not just going to willy-nilly select some site. That is one of the reasons that I have agreed to a...take this bill and thought about it long and hard, because this whole vote on the Midwest

Compact and whether or not Illinois may be choosing such a site is one that is so serious that I think it overrides any of the things, even the tax matters, that we have discussed during this Session. And I frankly happen to agree, not with the Governor but for the good of the people, that we should do the responsible scientific thing with low-level nuclear waste. And even though it is indeed a volatile subject and one that has to be addressed with great responsibility, I think that it is imperative that we let the Department of Nuclear Energy and those scientists and those who know...and there are few of us on this Floor, including me, and I consider myself to be an environmentalist, but I do not know technically those things. I do not know, for instance, where the faults for earthquakes that prevail in both Missouri and Illinois, I don't know where those exist in Illinois, but the Department of Nuclear Safety will know, the engineers will know, the hydrologists will know. Those are the people that are there to protect my citizens, and if the choice is made for my district, I will have to explain to them why it is in the best interest of all of the people of the State of Illinois to have that site located wherever it will be located in Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Schaffer.

SENATOR SCHAPPER:

Simply put, this appears to be a choice of whether we turn these decisions over to the bureaucrats and technicians or the politicians. I would just respectfully remind those few members left on my side of the aisle what the politicians did in the last remap. I think I'll take my chances with the bureaucrats and the technicians on this one.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in support of the motion to override the Governor's specific recommendations for change, and I would ask the...those who have spoken in opposition to that motion to reflect for a moment upon what they're doing. All we are suggesting is not that we, as the General Assembly, have to ignore the advice or the recommendations of that department or any other, and when they come with what is credible evidences to...whether geologically and every other way, this is a proper site, I'm sure the Assembly can respond. But time after time after time on this Floor we hear the plaintive cry that all of a sudden the General Assembly is being ignored. We've heard a great deal and we will hear, I'm sure, a great deal more about the abuse of the amendatory veto power by the Chief Executive, that he has literally ignored and bypassed the legislative process with respect to some of these amendatory vetoes. This question goes even beyond that. We are suggesting that the General Assembly at least, at least, have the right to say Yea or Nay. And I would ask you all to reconsider because the further you circumscribe the authority of the General Assembly, you are only hurting yourselves, ourselves. There is nothing wrong with presentation of this or any other site for approval by this Assembly. You have been elected to represent the hundred and ninety-six thousand people in your district, and if you can persuade a majority of those elected that your position is correct, you will prevail. All we're asking for is the opportunity to persuade one way or the other. I think we're making a mistake if we don't override this, and I would ask you to...vote in favor of the motion to override the specific recommendations for change.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jerome Joyce may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I think that Senator Rock put it very well. What we are here to do is to do the best we can for our districts as well as represent the State of Illinois. If indeed a site for low-level radioactive waste is going to be put in your district, there are many problems that that creates that no one will be able to speak toward if it does not come before this General Assembly. At least you will be able to come here and say, but look at what's going to happen to me, not only am I going to have a radioactive waste site, if this is going to be in some rural area and that township road commissioner is going to have to deal with all kinds of traffic; he's going to have to have all kinds of financing available to him that he does not have. Also, the land that that site is on is going to have to belong to the State of Illinois; he's going to lose the tax revenue from that. Those local taxing bodies and local districts are not going to know how to deal with this. At least if we have the right to say yes or no to them, someone will be here to represent them. We held a hearing in Princeton last week. We heard from the road commissioner in the township where Sheffield is; he has more problems that you can imagine. The township supervisor has more problems than you can imagine and that site is leaking. So at least give those folks who you folks on the other side of the aisle are the champions of, give them an opportunity to have somebody speak for them in the State House. I'd ask for an override of this. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 448 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 17, none voting

Present. Senate Bill 448 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House Bill 736, Senator Marovitz...Senate Bill 736...read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 736. I move that Senate Bill 736 do pass, the specific recommendation of the Governor to the contrary notwithstanding. Signed, Senator Marovitz.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz, are you ready to proceed on your motion?

SENATOR MAROVITZ:

Yes, I am.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. You were recognized.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 736 is a very important bill because it allows State officials to seek outside funding from private sources for senior citizens, disabled and other important governmental service programs. It was approved by this Body by a 48 to 8 roll call. This bill really is...it's unusual for me to be supporting the concept but it is Reaganomics in its purest form, because it allows private sources to assist government by increasing its services in spite of governmental cutbacks. Private grant funds will be specifically earmarked and placed in a special accounts in the Comptroller's Office, not in general revenue. The General Assembly will have to approve receipt and expenditure of the grant funds. In his veto message the Governor agreed with the objective of this bill. If you remember this legislation, originally we did not have the General Assembly approval of receipt and expenditure of the

funds. This Body asked me to take the bill back, put an amendment in so that the General Assembly would have to approve the receipt and expenditure of those private grant funds. We took the bill back, we put the amendment on which everybody supported, then moved it to 3rd reading, it passed 48 to 8 and I would solicit your Aye vote on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Did I...hear that word, Reaganomics? I haven't heard that in such a long time I can hardly believe it. And coming from the other side. Now that the economy is getting better and things are looking better it's...it's dropped from the vocabulary of the media. I'm glad you used that word because I suggest everybody on this side to vote Aye.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Gee, we go through this all the time. The economy is getting better in DuPage County. If he comes into the...come into the inner city, the City of Chicago, we're all out of work over there, you know. Depends where you're at, that's when...where the economy is getting better.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

I...I would just solicit your Aye vote for this excellent piece of legislation which will help State Government and provide services to people in need without additional tax dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 736 pass, the specific

recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 736 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. Senate Bill 824, Senator Degnan. Senate Bill...1001, Senator Collins. Senate Bill 1104, Senator Vadalabene. Senate Bill 1244, Senator Kustra. 1244, Mr. Secretary, read the motion, please.

ACTING SECRETARY: (MR. FERNANDES)

I move that Senate Bill 1244 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Signed, Senator Kustra.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra is recognized.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. The original bill, Senate Bill 1244, was a bill which required that the Tollway Authority hold public hearings before a toll increase proposal. The bill was amended in committee...or on the Floor, I believe, and the amendment read that the decisions of the Tollway Authority be subjected to the Illinois Administrative Procedure's Act, which is the way it works for every other State agency in Illinois. The Governor's veto takes out that provision which applies the decisions of the Tollway Authority to the Illinois Administrative Procedure's Act. All that I can say is that I believe, along with all the members of the Joint Committee on Administrative Rules, that the Tollway Authority is no different than any other State agency and that its decisions should also be subject to the Illinois Administrative Procedure's Act. Having said that, I move that Senate Bill 1244 do pass, the specific

recommendations of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Rock.

SENATOR ROCK:

Well, far be it from me to stand and defend the Governor, but what was he, what...what was his reason for the amendatory veto? It was, I am sure, to ensure as we have by contract that the...the security of the bonds would in no way to be jeopardized, is that a fact?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator Rock. In the Governor's Veto Message he said that he was concerned about whether or not the...the provision that the Illinois Administrative Procedure's Act apply would, in fact, violate the covenant to the bondholders. I can only say that there is no evidence anywhere that a provision...applying the decisions to the Illinois Administrative Procedure's Act would, in fact, violate any covenant. To the contrary, I would argue that if I were a bondholder holding bonds to the Illinois Toll Highway Authority, I would want to be reassured. I would want to be reassured that those people operating that authority were doing so by the very law we put into existence to make sure that there...are not arbitrary and capricious decisions, and that's all that we do is require the Tollway Authority to jump through the same hoops that every other agency of State Government must jump through. And there is no evidence, and in committee we discussed this with Chapman and Cuttler and they could not prove to us that there was any evidence that any covenant would be violated.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, I...I rise in opposition to the motion to override and...and for just exactly the reasons stated. When we passed the Administrative Procedure Act it seemed...my recollection is it was very deliberate that we did not get involved with trafficking with...with contracts and covenants already in existence, and I don't see any reason to do it now; and I think the Governor, frankly, was quite correct, and where the Governor is correct, he ought to be upheld.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall Senate Bill 1244 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 18. The motion that Senate Bill 1244 pass, the recommendation to the Governor to the contrary notwithstanding, is lost. Is there leave to go to the Order of Resolutions? Leave is granted. Leave is granted. Resolutions.

ACTING SECRETARY: (MR. FERNANDES)

Senate Resolution 348, congratulatory, by Senator Marovitz.

349 is a death memorial, Senator Marovitz.

And 350 is a death memorial, Senator Jerome...Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR BRUCE)

Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution 65, congratulatory.

Senate Joint Resolution 66, congratulatory.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution...

ACTING SECRETARY: (MR. FERNANDES)

...by Senator Vadalabene and all members.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution 67 offered by Senator Lemke, Lechowicz, Nedza and Geo-Karis.

PRESIDING OFFICER: (SENATOR BRUCE)

Executive Committee.

ACTING SECRETARY: (MR. FERNANDES)

And Senate Joint Resolution 68 offered by Senators Berman, Holmberg, Davidson and Maitland.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman is recognized.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 67, cosponsored by my fellow members of the Illinois Commission for the Improvement of Elementary and Secondary Education, is a resolution to extend the reporting date from October 1 of '84 to February 1 of '85. I'd ask leave to waive the applicable rules, have it placed on the Calendar of Secretary's Desk so that we could vote on it tomorrow. This was the unanimous request of the commission so that whatever recommendations come forth do not get involved in the November election of '84. Therefore, I move the waiver of the applicable rules and be placed on the Calendar for tomorrow's consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to suspend the rules so that the resolution is not referred to committee and that it be placed on the Calendar for consideration, at the request of the sponsor, tomorrow. Is there..is there leave? On...on that...Senator Keats.

SENATOR KEATS:

Just a quick question. This does not include additional

staff salaries or more Xerox machines or anything, it just...

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there leave to suspend the rules and have the...the resolution placed on the Calendar for consideration tomorrow? Hearing no objection, that shall be the order. Leave is granted. Is there leave to go to the Order of Constitutional Amendments 1st Reading? Senator Rock, for what purpose do you arise?

SENATOR BOCK:

Well, I just wanted the membership to be...Senator Philip and I determined earlier on that we would try to afford everybody the opportunity to file more motions and study early this evening, we're trying to quit around five-thirty. The constitutional amendment 1st reading, as you know, the amendment has to be read in full, constitutionally, on three separate days. I think that request is in order. But we will return tomorrow morning at the hour of eleven, and I would suggest to the members who have not filed motions that tomorrow and Thursday are the only two days remaining to take action, if any, on Senate bills. And so I would urge the membership to aim at trying to do it tomorrow because get-away day is still get-away day.

PRESIDING OFFICER: (SENATOR BRUCE)

For what purpose does Senator Etheredge...(Machine cut-off).

SENATOR ETHEREDGE:

Mr. President, I would ask leave of the Body to have Senators Vadalabene and Bruce shown as hyphenated cosponsors on Senate Bill 1356.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there leave? Leave is granted. On page 4 of your Calendar is SJR 2, Constitutional Amendment. Is there leave to go to that order of business? Leave is granted. Senator Buzbee. All it requires, Senator, is a reading. All right.

Senator Buzbee.

SENATOR BUZBEE:

Yes. Senator Sangmeister and I filed this Constitutional Amendment way back early in...I think in February or so. We had talked about it a long time, limiting the power, the authority, of the Governor in using the amendatory veto. We have not for any particular reason waited until this moment to start it through the process. However, I would say to you that it is very appropriate that we use this particular moment, given the Governor's obvious overuse and, if you will, abuse of the amendatory veto in this past summer. We think the time has come to put it on the ballot once again as it was in 1974 to give the people an opportunity to express their opinion as to whether the Governor should be the Governor or whether the Governor should be the Governor and a superlegislator. So, for that reason, we have started the thing through the process at this point and we would ask that it be read today with the intention of calling it on 2nd tomorrow and 3rd Thursday for...for a vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Leave has been granted. Would the Secretary please read pursuant to the constitutional requirement the proposed constitutional amendment a first time.

ACTING SECRETARY: (MR. FERNANDES)

Senate Joint Resolution No. 2, Constitutional Amendment.

(Secretary reads SJR No.2)

1st reading of the resolution.

PRESIDING OFFICER: (SENATOR BRUCE)

That Constitutional Amendment will automatically go to the Order of 2nd Reading. Any further business to come before the Senate? Any further business? Any announcements? Senator Rock moves that the Senate stand adjourned until the hour of eleven o'clock tomorrow. On the motion to adjourn, those in favor say Aye. Opposed Nay. The Ayes have it. The

Senate stands adjourned until eleven o'clock tomorrow.