

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.	)	
	)	
	)	
Petitioner,	)	PCB No. 2025-002
	)	
v.	)	(Permit Appeal - Land)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

NOTICE OF FILING

TO: Attached Service List Via Email

PLEASE TAKE NOTICE that on May 1, 2025, I caused to be filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing Respondent Illinois Environmental Protection Agency’s Reply in Support of Respondent’s Motion for Summary Judgment, attached and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

By: /s/ Elizabeth Dubats
Elizabeth Dubats
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 590-6794
Elizabeth.Dubats@ilag.gov

SERVICE LIST

Philip L. Comella
Ryan Rudich
TAFT, STETTINIUS, & HOLLISTER, LLP
111 E. Wacker Drive, Suite 2600
Chicago, IL 60601
pcomella@taftlaw.com
rrudich@taftlaw.com

Bradley Halloran
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, Illinois 60605
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

I, Elizabeth Dubats, an Assistant Attorney General, hereby certify that on the 1st of May 2025, I caused to be served the foregoing Notice of Electronic Filing and Respondent's Reply in Support of Respondent's Motion for Summary Judgment, upon the parties named on the attached Service List via email.

/s/ Elizabeth Dubats
Elizabeth Dubats
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 590-6794
Elizabeth.Dubats@ilag.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 2025-002
	)	(Permit Appeal-Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY	)	
	)	
Respondent.	)	

**REPLY IN SUPPORT OF
RESPONDENT’S MOTION FOR SUMMARY JUDGMENT**

Waste Management of Illinois, Inc. (“Waste Management”) sought a permit to operate a waste treatment facility for the purposes of treating and disposing of special waste. R 000004-000008. At the heart of the parties’ dispute in this matter is the extent to which the operator of a waste disposal site can alter the scope and nature of its operations without proof of local siting approval meeting Section 39.2’s local siting review criteria. 415 ILCS 5/39.2. As the Illinois Supreme Court held in *M.I.G. Investments, Inc. v. EPA*, “the legislature amended the Act in 1981 to give local governmental authorities a voice in landfill decisions that affect them” and “the legislature intended to invest local governments with the right to assess not merely the location of proposed landfills, but also the impact of alterations in the scope and nature of previously permitted landfill facilities.” 122 Ill. 2d 392, 400 (1988).

The burden is on Waste Management to prove that its permit application as submitted to the Illinois Environmental Protection Agency (“Illinois EPA”) demonstrated that no violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.*, or Illinois Pollution Control Board Regulations would have occurred if the requested permit had been issued. *Jersey*

Sanitation Corp. v. IEPA, PCB 00-82, at 6 (June 21, 2001).¹ As explained in detail in Respondent's Motion for Summary Judgment, it is undisputed that, to date, Waste Management has never obtained new local siting approval under 39.2 despite the fact that its original local siting did not include its new waste treatment facility and despite the fact that its local siting was expressly conditioned on not accepting special wastes for disposal at the Prairie Hill facility. Respondent's MSJ at 5-6; Exhibit A, Joint Stipulation of Facts and Documents ("Stip.") at 6 and 12. Instead, Waste Management relies on stacking exceptions to the definition of "pollution control facility" to expand the scope of its operations without re-siting—first accepting special waste at the county-owned "portion of a municipal solid waste landfill unit" under Section 3.330(a)(24), then developing a new waste treatment facility for on-site generated special waste under Section 3.330(a)(3). However, Waste Management's latest permit modification application pushes past the permissible boundaries of these exceptions by bringing in special waste leachate from off-site for treatment and disposal. Illinois EPA reasonably determined that treatment and disposal of off-site leachate goes beyond the plain language of Section 3.330(a)'s operator generation exceptions, which were never intended to "dominate and defeat the other provisions of the Act." *Peoria Disposal Co. v. IEPA*, PCB No. 08-25, at 80-81 (Jan. 10, 2008). As Waste Management has run out of exceptions, treating and disposing of off-site leachate in its Leachate Evaporator would constitute "a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste" and therefore a "new pollution control facility" requiring local siting approval under the Act. 415 ILCS 5/3.330(b)(3). As Waste Management has not submitted the required proof of local siting approval, it cannot meet its burden, and its Motion for Summary Judgment should be denied and Respondent's granted.

¹ Available at <https://pcb.illinois.gov/documents/dsweb/Get/Document-14127>.

I. Section 3.330(a)(3) Does not Apply to the Treatment and Disposal of Off-site Generated Waste.

Respondent's Motion for Summary Judgment lays out exactly how and why the Leachate Evaporator at Prairie Hill is a new pollution control facility accepting special waste for the first time. Respondent's MSJ at 8-13. Nonetheless, Waste Management claims in its Response that "any argument for how, by its terms, Section 3.330(b)(3) applies to WMI's permit application" is "[c]onspicuously absent from IEPA's Motion for Summary Judgment." Response at 13. While Petitioner and Respondent differ in our interpretations of the plain language and intent of Section 3.330 of the Act, this characterization is willfully obtuse. Respondent and Petitioner agree that for Waste Management's Leachate Evaporator to be "a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste" under Section 3.330(b)(3), it must first be a "pollution control facility" therefore Illinois EPA must account for why Section 3.330(a)(3)'s operator generation exception does not apply. Response at 3.

As explained in detail in Respondent's Motion, the plain language of Section 3.330(a)(3) distinguishes between on-site and off-site operator generated waste. Respondent's MSJ at 10-13. "If the legislative intent can be determined from unambiguous language of the statute, that intent will be given effect without necessity of resort to aids of construction." *M.I.G. Invs., Inc. v. EPA*, 122 Ill. 2d 392, 398 (1988) (internal citation omitted). "Too, it is axiomatic that if a statute contains language with an ordinary and popularly understood meaning, courts will assume that that is the meaning intended by the legislature." *Id.* (internal citation omitted).

Contrary to Waste Management's assertion, this reading is not overly focused on conduct over the intended subject of the statute. Response at 4. The exception is clearly directed to "sites or facilities" (in this case the Leachate Evaporator) which are "used" by "**any person conducting**

a waste storage, waste treatment, waste disposal, waste transfer or waste incineration **operation**, or a combination thereof” (the operator, in this case Waste Management) for “wastes generated by such person’s own activities” (in this case leachate)² “when such wastes are stored, treated, disposed of, transferred or incinerated **within the site or facility** owned, controlled or operated by such person,” (dealt with onsite), **or** “when such wastes are **transported** within or **between sites** or facilities owned, controlled or operated by such person” (transported to another operator site). (emphasis added.) 415 ILCS 5/3.330(a)(3).

As explained in Respondent’s Motion, the General Assembly purposefully divided “within the site” and “between sites” into separate clauses with different activities listed. Respondent MSJ at 11-13. Had the General Assembly intended for all wastes generated by the same operator to be treated equally regardless of where the waste was generated it could have simply written “sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, to store, treat, dispose of, transfer or incinerate wastes generated by such person’s own activities.” One need not speculate as to the operational purpose of transporting waste between sites to realize that it is even more absurd to rewrite the plain language of the statute to say something it does not, namely “when such wastes are **transported** within or **between sites** or facilities owned, controlled or operated by such person **for storage, treatment, and disposal.**” Waste Management’s Leachate Evaporator is

² There is an argument that leachate is not even operator generated waste because Waste Management is simply treating a byproduct of wastes created by others rather than wastes incidental to the creation of a marketable product. *Peoria Disposal Co. v. IEPA*, PCB No. 08-25, at 86-87 (Jan. 10, 2008) (“Here, PDC treats wastes generated and shipped to it by customers. After treating the waste it receives, PDC disposes of the new waste it has produced. As in *Pielet Brothers*, here PDC processes wastes created by others, creating in that process a new waste. PDC does not create waste incidental to the process of manufacturing or creating a marketable commodity or product. Waste management is PDC’s business at this site. In this sense, then, the Board finds that PDC does not create waste as a result of “its own activities”...).

permitted as a treatment facility not a transfer station. R 000008. By treating and disposing of off-site generated leachate, Waste Management leaves the confines of this exception.

The dicta Waste Management cites from *American Fly Ash Co. v. County of Tazewell*, does little to flesh out the legislative intent beyond the plain language of the statute. Response at 6; 120 Ill. App. 3d 57, 61 (3d Dist. 1983). The relevant portion of the decision that Waste Management quotes is the court's paraphrasing of an out of context portion of Governor Thompson's amendatory veto, unrelated to the actual holding. *American Fly Ash Co.* involved a development permit that was issued two weeks before the effective date of the local siting requirements under the Act. 120 Ill. App. 3d at 58. The case was decided by balancing the equities of retroactive application of the law. *Id.* at 59 (“[J]ustice, fairness and equity require that persons who comply with the law not as it might be but as it is then in effect, and in this instance obtain the required permit after expenditure of funds, should not have that permit nullified by retroactive application of a statute subsequently enacted.”).

In moving to accept the governor's specific recommendations as to then Senate Bill 172 on October 15, 1981, the state senate did so with little fanfare, with Senator Demuzio announcing “The Governor made some ... clarifying language changes to indicate that the bill did not apply to on-site waste storage, treatment, or disposal facilities.” 82nd General Assembly Regular Session (Oct. 15, 1981) Tr. 67 (Attachment A hereto). He went on to note “I don't know of any known opposition and it's not totally the way we would like to have ... I would like to have it, but at this particular time, I respectfully ask for a favorable vote.” For all the other subsequent amendments to 3.330(a) to add additional exceptions to the definition of “pollution control facility” the current plain language of 3.330(a)(3) has remained consistent with the language Governor Thompson subsequently signed into law.

Absent 3.330(a)(3)'s operator generation exemption, there is no real dispute that the Leachate Evaporator is a waste treatment facility and therefore a "pollution control facility". Waste Management admits in its application that the Leachate Evaporator is a Waste Treatment Facility. R 000008 and R 000013 (checking the Treatment Facility box in addition to Landfill). Moreover, Waste Management's description of the Evaporator's operations are consistent with the Act's definition of Treatment which includes any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume..." 415 ILCS 5/3.505.

The technology consists of injecting hot gas from landfill gas combustion into a reservoir containing leachate, which generates water vapor. The vapor is discharged directly to the atmosphere through three stacks of equal diameter and a concentrated residual is left behind. Fresh leachate is continuously fed into the reservoir and the residual is directed to a clarifier for further concentration of solids. The residual is removed from the clarifier and deposited in a temporary storage tank. Periodically, the solids are removed from the storage tank and deposited within the landfill for disposal.

R 000005.

Waste Management's Leachate Evaporator is unquestionably designed to change the physical composition of liquid leachate waste to concentrated solids that can be deposited into a landfill for disposal, and is therefore a waste treatment facility. The Act's definition of "pollution control facility" includes "any waste storage site, sanitary landfill, waste disposal site, waste transfer station, **waste treatment facility**, or waste incinerator" therefore, absent any relevant exceptions, the Leachate Evaporator independently qualifies as pollution control facility under the Act. 415 ILCS 3.330.

II. Section 3.330(b)(3) Applies to Prairie Hill's Leachate Evaporator.

A. Waste Management's Leachate Evaporator is Functionally a Permitted Facility Accepting Special Waste for the First Time.

Waste Management's Leachate Evaporator independently qualifies as pollution control facility under the Act, and, as explained in Respondent's Motion, under Section 3.330(b)(3) of the Act, the definition of "new pollution control facility" includes already permitted facilities "requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste." 415 ILCS 5/3.330(b)(3); Respondent's MSJ at 9-10 and 13-17. Because Waste Management's Leachate Evaporator was developed without proof of local siting approval under the Section 3.330(a) operator generation exception, the instant permit application is its first time applying to treat and dispose of a special waste as a pollution control facility.

B. The Act can and Often Does Require Re-siting of Existing Permitted Facilities.

The notion that existing sites and facilities may undergo physical and operational changes significant enough to require local re-siting approval is fully accounted for in the Act. Two of the three definitions of "new pollution control facility" involve already permitted facilities. See 415 ILCS 3.330(b)(2) ("the area of expansion beyond the boundary of a currently permitted pollution control facility") and (b)(3) ("a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste."). For example, in *Village of Robbins and Allied Waste Transportation, Inc. v. Illinois EPA*, a waste management site granted local siting in 1993 as a waste-to-energy facility was denied its application for a modification approving waste transfer operations at the site and receipt of special waste even though "the permits indicate that the sited waste-to-energy facility did have transfer station components" finding "the change sought by the petitioners is not a mere change in condition; but a wholesale change in the very type of facility contemplated." PCB No. 04-48, at 8-9 (Sept. 16,

2004).³

Moreover, Waste Management puts the cart before the horse when it again argues that 39(c) is directed at construction and development permits and therefore its requirements cannot apply to its requested modification simply because it was submitted as an operating permit. Response at 6-8. As explained in Respondent's Motion, Waste Management cannot simply dodge local siting requirements by initially seeking to develop the Leachate Evaporator for treatment and disposal of on-site generated leachate and then modify only its operating permit to accept off-site generated leachate. *United Disposal of Bradley, Inc. v. Illinois EPA*, PCB. No. 03-235 at 18 (June 17, 2004)⁴ *aff'd United Disposal of Bradley, Inc. v. Pollution Control Bd.*, 363 Ill. App. 3d 243 (3d Dist. 2006), *cert. denied*, 363 Ill. App. 3d 243 (2006). Yet even when confronted with *United Disposal*, Waste Management stays committed to getting the requirements backward. Respondent's MSJ at 14. In *Bradley*, the requirement for local siting approval was not triggered by the modification of a development permit, but rather **both** the need for a development permit **and** local siting approval were triggered by the fact that "by increasing the facility's service area, the facility qualifies as a 'new pollution control facility' under either Section 3.330(b)(1) or (2) of the Act." *Id.* at 17-18. The Board agreed, holding that "[r]ead together, Sections 3.330(b)(1) and 39(c) of the Act require that all pollution control facilities initially developed after the date of July 1, 1981 submit proof of Section 39.2 local siting approval. 415 ILCS 5/3.330(b)(1)." The fact that *United Disposal* submitted the wrong permit application under 35 Ill. Adm. Code 807.207(c) was just an additional deficiency in its application.

³ Available at <https://pcb.illinois.gov/documents/dsweb/Get/Document-44474>.

⁴ Available at <https://pcb.illinois.gov/documents/dsweb/Get/Document-43100>.

C. Whiteside County's Support for the Modification as Owner of the Facility is no Substitute for the Standards for Public Notice, Participation, and Substantive Criteria of Section 39.2 of the Act.

While Waste Management maintains “[t]here is no legal or policy reason to prevent operational changes at an existing facility that the siting authority could have, but chose not to, prohibit,” Whiteside County’s support for Waste Management’s permit modification does not replace the substantive and procedural standards of Section 39.2 of the Act. Response at 10. Much like Whiteside County, the Village of Robbins was extremely supportive of the requested permit modification at issue. So much so that the Village Mayor submitted a sworn affidavit certifying siting approval that represented the facility had received local siting approval in 1993 to operate as a transfer station. *Village of Robbins*, PCB No. 04-48, at 1-2. However, ultimately the Board gave “more weight” to the plain language of the 1993 siting ordinance than the Village’s “certification filed as part of an application to modify a permit ten years after siting was initially approved than it does to the ordinance itself.” *Id.* at 8. The Board held that “use of Section 39.2(e-5) in this context would deprive members of the public an opportunity to participate in the local siting process.” *Id.* at 9. Similarly, because the Leachate Evaporator was developed under the 3.330(a)(3) operator onsite generation exception, and Prairie Hill’s acceptance of special waste was also permitted under the 3.330(a)(24) limited time exception to the definition of pollution control facility for non-hazardous special waste for county owned municipal solid waste landfill units, to date the public has been deprived of any opportunity to participate.

III. Waste Management’s Leachate Evaporator Is Not Exempt from Local Siting Requirements under Section 3.330(a)(24), Which Only Applied to its Prairie Hill Municipal Solid Waste Landfill Unit.

Waste Management’s claims that Whiteside County has granted local siting approval that authorizes the Leachate Evaporator to accept off-site special waste by amending its original local

siting approval to remove the condition prohibiting special waste are equally unavailing. Response at 9. Prior to 2015, Prairie Hill was prohibited from accepting special waste by both its operating permit and as a condition of its local siting approval. Respondent's MSJ at 5-6. Then, in 2015, the General Assembly amended Section 3.330(a) to add a new subsection 24 of the Act which provides as follows:

The following are not pollution control facilities:

* * *

(24) the portion of a ***municipal solid waste landfill unit***:

(A) that is located in a county having a population of not less than 55,000 and not more than 60,000 according to the 2010 federal census;

(B) that is owned by that county;

(C) that is permitted, by the Agency prior to July 10, 2015 (the effective date of Public Act 99-12); and

(D) for which a permit application is submitted to the Agency within 6 months after July 10, 2015 (the effective date of Public Act 99-12) for the disposal of non-hazardous special waste; . . .

415 ILCS 5/3.330(a)(24) (2022) (emphasis added). Thereafter, Whiteside County adopted a resolution removing the siting condition that prohibited Prairie Hill from accepting special waste, and Illinois EPA modified Prairie Hill's permit authorizing its acceptance of special waste. Stip. at ¶¶7, 8. Waste Management now argues that Whiteside County has given siting approval sufficient for Illinois EPA to grant its permit modification seeking approval to accept off-site generated leachate at its Leachate Evaporator. Response at 9. But contrary to Waste Management's argument, Whiteside County's resolution to remove its siting condition is limited by the plain language of Section 3.330(a)(24), which exempts only "the portion of a municipal solid waste landfill unit" from the definition of a pollution control facility. 415 ILCS 5/3.330(a)(24) (2022). It

was pursuant to Section 3.330(a)(24) that Illinois EPA authorized Prairie Hill's municipal solid waste landfill ("MSWLF") unit to accept special waste without proof of local siting approval. But Prairie Hill's authorization to accept special waste at its MSWLF unit does not extend to its Leachate Evaporator because, as Waste Management acknowledges, "The leachate evaporator is not an MSWLF unit." Response at 11. Section 3.285 of the Act defines a MSWLF unit as "a contiguous area of land or an excavation that received household waste" 415 ILCS 5/3.285 (2022); 35 Ill. Adm. Code 810.103 (defining a MSWLF unit as "a discrete area of land or an excavation that receives household waste . . ."). Because the Leachate Evaporator is not a "contiguous area of land or an excavation that receives household waste", it is not a MSWLF unit within the meaning of either Section 3.285 or Section 3.330(a)(24) of the Act. Because the Leachate Evaporator is not a MSWLF unit, it is not exempted from the definition of pollution control facility under Section 3.330(a)(24). Moreover, the plain language of Section 3.330(a)(24)(D) only applies to "a permit modification submitted to the Agency within 6 months after July 10, 2015. . . .", 415 ILCS 3.330(a)(24)(D), and Waste Management did not meet that deadline for the Leachate Evaporator, because it submitted its application to Illinois EPA on January 12, 2024. Stip. at ¶18. Consequently, despite Whiteside County's resolution to remove its siting condition prohibiting Prairie Hill's acceptance of special waste, the effect of that change is still limited to the MSWLF units.

Waste Management also argues that the Leachate Evaporator cannot be a separate pollution control facility based on the definitions of the terms "site", 415 ILCS 5/3.460 and 35 Ill. Adm. Code 807.104, and a "pollution control facility", 415 ILCS/53.330(a). Response at 10-11. Waste Management's contention is that the Leachate Evaporator is within the physical boundaries of Prairie Hill, and Prairie Hill is already a site and a pollution control facility. But Section 39(c) of

the Act requires applicants to submit proof of local siting approval for “new pollution control facilities” not for “new facilities” or “new sites.” See 415 ILCS 5/39(c) (2022). As such, any argument concerning the definition of a “site” misses the mark, because the issue here is whether the Leachate Evaporator is a “new pollution control facility” which is a specifically defined term under the Act that encompasses already existing facilities accepting special waste for the first time. 415 ILCS 5/3.330(b)(3) (2022).

To the extent the Board finds any merit to this argument, which it should not, the plain language of the Act shows that the Leachate Evaporator is itself both a “site” and a “pollution control facility”. The Leachate Evaporator meets the definition of a “site” because it is an “improvement[] used for purposes subject to regulation or control by this Act and regulations thereunder.” Further, the Leachate Evaporator, which is a waste disposal site and a waste treatment facility, is also a “pollution control facility” within the meaning of Section 3.330(a). See Respondent’s MSJ at 9. Nothing in the Act precludes a finding that both the Prairie Hill MSWLF and the Leachate Evaporator are each a “site” and a “pollution control facility”, and Waste Management cites to no authority suggesting otherwise. Furthermore, the definition of “site” does not subsume every addition within a site to the point where a site cannot contain “pollution control facilities” much less a “new pollution control facility” as defined under the Act within its boundaries. *Saline County Landfill, Inc. v. IEPA*, PCB 02-108 (May 16, 2002) (holding that an alteration of the design within the site required re-siting).⁵ Because the Leachate Evaporator is a site and a pollution control facility and Illinois EPA has never received proof of local siting approval for its acceptance of special waste, Illinois EPA cannot issue Waste Management’s permit modification request.

⁵ Available at <https://pcb.illinois.gov/documents/dsweb/Get/Document-22803>.

IV. Waste Management's Interpretation of Section 3.330(b) Would Render Section 3.330(b)(3) Superfluous.

Waste Management argues that Prairie Hill and the Leachate Evaporator cannot be new pollution control facilities under Section 3.330(b)(3) because those facilities have already accepted special waste for the first time. Waste Management MSJ at 8. But as Respondent has shown, Waste Management's reading of Section 3.330(b)(3) creates a loophole which would allow a facility to avoid the Act's local siting requirements simply by accepting special waste for the first time under a Section 3.330(a) exception. Respondent's MSJ at 9. Now Waste Management appears to argue that the Board need not worry about this loophole because a facility's acceptance of special waste for the first time may involve expansion of a facility's boundaries which would then fall under the Section 3.330(b)(2) definition of a new pollution control facility (defining new pollution control facility as "the area of expansion beyond the boundary of a currently permitted pollution control facility"). Response at 8 and 14. But Waste Management's interpretation of Section 3.330(b) effectively reads Section 3.330(b)(3) out of the Act. If a facility's acceptance of special waste for the first time implies a facility's physical expansion, then the General Assembly need not have included Section 3.330(b)(3) in the Act at all. Section 3.330(b)(2) would have encompassed all expansions at existing facilities, including expansions to accommodate a facility's acceptance of special waste for the first time. But such reading mangles the plain language of the Act. Section 3.330(b)(3) says nothing about expansions of a pollution control facility's physical boundaries. Rather, the plain language mandates that an existing facility seeking approval to accept special or hazardous waste for the first time becomes a new pollution control facility under Section 3.330(b)(3) and must obtain local siting approval under Section 39.2. Accordingly, the Board should reject Waste Management's reading of Section 3.330(b), which effectively reads Section 3.330(b)(3) out of the Act.

V. Conclusion

In Response to Respondent's Motion, Waste Management stretches the limits of the Act's statutory exceptions and combs the caselaw for loopholes in an attempt to avoid having to obtain local siting approval under Section 39.2 of the Act. However, as set forth in detail in Respondent's Motion, Waste Management's most recent application to treat and dispose of offsite special waste at its Leachate Evaporator exceeds the plain language boundaries of any available exception under the Act and falls squarely into the Section 3.330(b)(3) definition of a new pollution control facility. As a waste treatment facility treating and disposing of off-site special waste, the Leachate Evaporator would no longer be exempted from the definition of a pollution control facility under 3.330(a)(3)'s operator generation exception, which limits facilities to the transportation of offsite generated waste. Without this exemption, the Leachate Evaporator would require local siting approval as a new pollution control facility under Section 39(c) as this would be the first time the Leachate Evaporator would be treating and disposing of special waste as a nonexempt pollution control facility. Therefore, Waste Management has failed to demonstrate as a matter of law that it has proven its application, as submitted to the Agency, demonstrated that no violations of the Act or Board Regulations would have occurred if the requested permit had been issued. As such, summary judgment should be granted in favor of the Respondent and against Waste Management.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
by KWAME RAOUL
Attorney General State of Illinois

BY: /s/ Elizabeth Dubats
Elizabeth Dubats
Justin Bertsche

Assistant Attorneys General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312.814.5393
773.505.5308
Elizabeth.Dubats@ilag.gov
Justin.Bertsche@ilag.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 2025-002
	)	(Permit Appeal-Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY	)	
	)	
Respondent.	)	

REPLY IN SUPPORT OF
RESPONDENT’S MOTION FOR SUMMARY JUDGMENT

ATTACHMENT

OCTOBER 15, 1981

SENATE SESSION

82nd General Assembly

Regular Session

October 15, 1981

1. PRESIDENT:

2. The Senate will come to order. Will the members please
3. be at their desks. Will our guests in the gallery please rise.
4. Our prayer this morning by the Reverend Anthony Tzortzis, St.
5. Anthony's Hellenic Orthodox Church, Springfield. Father.

6. FATHER TZORTZIS:

7. (Prayer given by Father Tzortzis)

8. PRESIDENT:

9. Thank you, Father. Reading of the Journal. Senator Johns.

10. SENATOR JOHNS:

11. Thank you, Mr. President. I move that reading and approval
12. of the Journal of Wednesday, October the 14th, in the year of
13. 1981 be postponed pending arrival of the printed Journal.

14. PRESIDENT:

15. You've heard the motion as placed by Senator Johns. Any
16. discussion? If not, all in favor signify by saying Aye. All
17. opposed. The Ayes have it. So ordered. Committee Reports.

18. SECRETARY:

19. Senator Donnewald, Chairman of the Committee on Assignment
20. of Bills, assigns the following bills to committee:

21. Appropriations I - Senate Bill 1250, 1251, 1252 and 1253;
22. Insurance, Pension and Licensed Activities - Senate Bill 1254.

23. PRESIDENT:

24. Resolutions.

25. SECRETARY:

26. Senate Resolution 320 offered by Senator Sangmeister, it's
27. congratulatory.

28. Senate Resolution 321 offered by Senator Schuneman and
29. it's congratulatory.

30. PRESIDENT:

31. Consent Calendar. Senator Egan, for what purpose do you
32. arise?

33. SENATOR EGAN:

34. Yes, thank you, Mr. President. To...announce one of the

Page 2 - October 15, 1981

1. pleasurable moments of the day. At ten o'clock the Committee
2. on Executive meets in deliberation on one bill, and I would
3. urge all of the members to be timely and we can dispose of
4. the matter and come back then, Mr. President, at the call.

5. PRESIDENT:

6. Senator Philip, for what purpose do you arise?

7. SENATOR PHILIP:

8. Thank you, Mr. President. I'd like to make a motion
9. that we recess until the time of 11:00 a. m., so we'll have
10. time for Executive Committee Meeting and then come back and
11. get to work.

12. PRESIDENT:

13. All right, you've heard the motion. Any discussion?
14. If not, all in favor signify by saying Aye. All opposed.
15. The Senate stands in recess until the hour of eleven o'clock.

16. RECESS

17. AFTER RECESS

18. The Senate will come to order. If you'll turn to page
19. 15 on the Calendar, we will begin at the top with the motions
20. as filed, Motions in Writing to Override Total Vetoes and the
21. Motions in Writing to Accept the Recommendations for Change
22. and the motions to override the Item Vetoes. All right, with
23. leave of the Body, we'll go to the Order of Committee Reports.
24. I understand Senator Vadalabene has a report from the Committee
25. on Executive Appointments. Mr. Secretary, Committee reports.

26. SECRETARY:

27. Senator Vadalabene, Chairman of the Committee on Executive
28. Appointments, Veteran's Affairs and Administration, to which was
29. referred the Governor's Messages of March 25, June the 20...June
30. the 22nd, June the 25th and October the 1st, 1981, reported
31. the same back with the recommendation that the Senate do advise
32. and consent to the following appointments.

33. PRESIDENT:

Page 3 - October 15, 1981

1. Senator Vadalabene.

2. SENATOR VADALABENE:

3. Yes, thank you, Mr. President and members of the Senate.

4. Mr. President, I move that the Senate resolve itself into

5. Executive Session for the purpose of acting on the Governor's

6. appointments set forth in the Governor's Messages of March 25th,

7. June 22nd, June 25th and October 1st of 1981.

8. PRESIDENT:

9. You've heard the motion. Any discussion? If not, all

10. in favor signify by saying Aye. All opposed. The Ayes have

11. it. The motion carries, the Senate is now in Executive Session.

12. Senator Vadalabene.

13. SENATOR VADALABENE:

14. Thank you, Mr. President and members of the Senate. With

15. respect to the Governor's Messages of March 25th, June 22nd, June

16. 25th and October 1st of 1981, I will read the salaried appointments

17. to which the Committee on Executive Appointments, Veteran's

18. Affairs and Administration, recommends that the Senate do advise

19. and consent. And after reading those appointments, I intend to

20. ask leave to consider all of the salaried appointments on one

21. roll call unless any Senator has objection to any particular

22. appointment.

23. To be Chairman of the Illinois Liquor Control Commission

24. for a term expiring February 1st, 1986, Albert D. McCoy of Aurora.

25. To be Assistant Director of Veteran's Affairs for a term

26. expiring January 17, 1983, Thomas R. Jones of Springfield.

27. To be Assistant Director of Personnel for a term expiring

28. January 17, 1983, Rose Mary Bombella of Chicago.

29. To be Director of the Environmental Protection Agency for

30. a term expiring January 17, 1983, Richard J. Carlson of Springfield.

31. To be Superintendent of the State Lottery for a term expiring

32. January 17, 1983, Michael J. Jones of Chicago.

33. To be Assistant Director of the Department of Insurance for

Page 4 - October 15, 1981

1. a term expiring January 17, 1983, Richard W. Carlson of Springfield.

2. And to be Assistant Director of the Department of Agriculture
3. for a term expiring January 17, 1983, John L. Rowley of Morrison.

4. To be a member of the Court of Claims for a term expiring
5. January 19, 1987, S. J. Holderman of Morris.

6. And to be a member of the Chicago Transit Authority for
7. a term expiring September 1, 1983, Jordan Jay Hillman of Evanston.

8. Mr. President and members of the Senate, having read the
9. salaried appointments, I now seek leave to consider these appoint-
10. ments on one roll call, unless some Senator has objection to a
11. specific appointment.

12. PRESIDENT:

13. You've heard the request. Is leave granted? Leave is
14. granted, Senator Vadalabene.

15. SENATOR VADALABENE:

16. Yes, Mr. President, will you put the question as required
17. by our rules.

18. PRESIDENT:

19. The question is, does the Senate advise and consent to
20. the nominations just made. Those in favor will vote Aye. Those
21. opposed will vote Nay. The voting is open. Have all voted who
22. wish? Have all voted who wish? Have all voted who wish? Take
23. the record. On that question, the Ayes are 54, the Nays are none,
24. none Voting Present. A majority of the Senators elected concurring
25. by record vote, the Senate does advise and consent to the nominations
26. just made. Senator Vadalabene.

27. SENATOR VADALABENE:

28. Yes, thank you, Mr. President and members of the Senate.
29. With respect to the Governor's Message of March 25th, June 22nd,
30. June 25th and October 1, 1981, I will read the unsalaried appoint-
31. ments to which the Committee on Executive Appointments, Veteran's
32. Affairs and Administration recommends that the Senate do advise
33. and consent. And after reading those appointments, I intend to

Page 5 - October 15, 1981

1. ask leave to consider all of the unsalaried appointments on
2. one roll call, unless any Senator has objection to any particular
3. appointment.

4. To be members of the Advisory Board of Livestock Commissioners
5. for a term expiring January 17, 1983, Merle Miller of Clinton,
6. Art Barnard, Jr. of Wayne City and George Inness of Galesburg.

7. To be members of the Agricultural Export Advisory Committee
8. for a term expiring January 17, 1983, Satoru Takemoto of Morton
9. Grove, Leslie Shearer of Chicago, Bruce Cluver of El Paso and
10. A. Bard Boand of Barrington.

11. To be members of the Board of Agricultural Advisors for a
12. term expiring January 17, 1983, Richard Stone of Springfield,
13. Duane Smith of Allendale, Enid Schlipf of Gridley and Michael
14. Perrine of Jacksonville.

15. And to be a member of the Advisory Board to the Department
16. of Personnel for a term expiring January 21, 1985, Roscoe L.
17. Mitchell of Chicago.

18. And to be members of the Law Enforcement Commission for a
19. term expiring November 1, 1981, Richard J. Brzeczek of Chicago
20. and Michael P. Lane of Springfield.

21. And to be members of the State Board of Education for a
22. term expiring January 19, 1987, Louis Mervis of Danville, Carol
23. N. Johnston of Des Plaines and George H. Thompson of Prophetstown.

24. And to be a member of the Board of Natural Resources and
25. Conservation for a term expiring January 17, 1983, Dr. H. S. Gutowsky
26. of Champaign.

27. And to be a member of the Illinois Aeronautics Board for
28. a term expiring July 1, 1983, Kenneth Fischer of Belleville.

29. And to be a member of the Guardianship and Advocacy Commission
30. for a term expiring June 30th, 1984, A. Gerald Erickson of Homewood.

31. And to be a member of the Advisory Board to the Department of
32. Conservation for a term expiring January 19, 1987, Anthony J.
33. Skowronek of Chicago.

1. And to be a member of the Illinois State Scholarship Commission
2. for a term expiring June 30th, 1983, Patricia Banks of Chicago.

3. And to be a member of the Board of Public Health Advisors
4. for a term expiring January 17, 1983, Michael F. Schmidt of Ottawa.

5. And to be a member of the Industrial Development Authority for
6. a term expiring January 17, 1983, G. Allen Andreas, Jr.

7. And to be a member of the Illinois Building Authority for
8. a term expiring January 18, 1988, Stephen E. Gant of Streamwood.

9. And Mr. President and members of the Senate, having read
10. the unsalaried appointments, I now seek leave to consider these
11. appointments on one roll call unless some Senator has objection
12. to a specific appointment.

13. PRESIDENT:

14. You've heard the request. Is leave granted? Leave is
15. granted. Senator Vadalabene.

16. SENATOR VADALABENE:

17. Yes, thank you, Mr. President and members of the Senate.
18. Will you put the question as required by our rules.

19. PRESIDENT:

20. Yes, the Chair would note that UPI has asked or sought leave
21. of the Body to take some still photographs. Is leave granted,
22. while Senator Vadalabene is still on his feet? Leave is granted.
23. The question is, does the Senate advise and consent to the nominations
24. just made. Those in favor will vote Aye. Those opposed will vote
25. Nay. The voting is open. Have all voted who wish? Have all
26. voted who wish? Have all voted who wish? Take the record. On
27. that question, the Ayes are 57, the Nays are none, none Voting Present.
28. A majority of the Senators elected, concurring by record vote, the
29. Senate does advise and consent to the nominations just made.
30. Senator Vadalabene.

31. SENATOR VADALABENE:

32. Yes, thank you, Mr. President and members of the Senate. I
33. now move that the Senate arise from Executive Session.

1. PRESIDENT:

2. You've heard the motion. Any discussion? If not, all in
3. favor signify by saying Aye. All opposed. The Ayes have it,
4. the motion carries. So ordered. The Senate does now arise.
5. All right, again, if you'll turn to page 15 on the Calendar,
6. we will begin with the Motions in Writing as filed. There's
7. a Motion in Writing filed with respect to Senate Bill 12.
8. Mr. Secretary.

9. SECRETARY:

10. I move that Senate Bill No. 12 Do Pass, the veto of the
11. Governor to the contrary, notwithstanding. Signed, Senator Keats.

12. PRESIDENT:

13. Senator Keats.

14. SENATOR KEATS:

15. Thank you, Mr. President and Ladies and Gentlemen of the
16. Senate. Senate Bill 12 passed the Senate, 52 to 2. What this
17. bill deals with is a National Guard preference in state hiring.
18. This came out of the commission to study some of the needs of
19. the National Guard to help strengthen the Illinois National Guard.
20. I want to stress, this bill costs absolutely nothing, no expense,
21. whatsoever, there's absolutely no money involved. This is a
22. completely free method to help increase the...membership in the
23. Illinois National Guard. It has no cost to us, and if we are to
24. say that we need to increase the number of soldiers in our
25. guard, and virtually everyone agrees with that, and certain anyone
26. on the Commission, we recognize this is one way to do it at
27. absolutely no expense and in reality, a direct benefit to the
28. State. When the Governor vetoed it, he said the Department of
29. Personnel might have a little trouble administering it, and I
30. said, if they aren't smart enough to administer it, fire it
31. and get someone intelligent and competent who can. There's no
32. cost, whatsoever, it's a benefit to the State and a benefit to
33. the guard. We passed it 52 to 2 and it passed the House just

1. as overwhelmingly. I would ask for your positive support in
2. this veto override. Thank you.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Is there discussion? Is there discussion? Senator
5. Vadalabene.

6. SENATOR VADALABENE:

7. Yes, as a member of the commission, I rise in support of
8. this, so...of...of Senator Keats' motion.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Further discussion? Further discussion? Senator Keats,
11. do you wish to close? Senator Keats.

12. SENATOR KEATS:

13. No, I just thank you and ask you for your affirmative
14. roll call.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. The question is, shall Senate Bill 12 pass, the veto of the
17. Governor to the contrary, notwithstanding. Those in favor
18. will vote Aye. Those opposed will vote Nay. The voting is
19. open. Have all voted who wish? Have all voted who wish?
20. Take the record. On that question, the Ayes are 49, the Nays
21. are 3, 1 Voting Present. Senate Bill 12, having received the
22. required three-fifths vote is declared passed, the veto of the
23. Governor to the contrary, notwithstanding. Motion on Senate
24. Bill 147, Senator Geo-Karis. The Secretary will read the motion.

25. SECRETARY:

26. I move that Senate Bill 147 Do Pass, the veto of the Governor
27. to the contrary, notwithstanding. Signed, Senator Geo-Karis.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Geo-Karis is recognized.

30. SENATOR GEO-KARIS:

31. Mr. President, Ladies and Gentlemen of the Senate. This
32. bill would establish by Statute that the division of marital
33. property among spouses subsequent to the dissolution of marriage

Page 9- October 15, 1981

1. or as a result of it, is a division of property among co-owners
2. and not a sale or exchange of property requiring tax implications.
3. This case is a result of the bad decision the Kujawinski v. Kujawinski
4. case in Illinois, which held that, a nontitled holding spouse
5. had no interest in marital property at...until entry of the
6. judgment dissolution, and therefore, if the property were...given
7. to the one spouse, the other...the other spouse would have to pay...capital
8. gains, which I think is utterly ridiculous. This is marital
9. property which is acquired during the marriage and there should
10. not be a taxable transfer. And I ask your respectful support
11. of my override...motion.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion of the motion? Senator Bloom.

14. SENATOR BLOOM:

15. Question of the sponsor.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Indicates she will yield. Senator Bloom.

18. SENATOR BLOOM:

19. All right, to the sponsor or somebody else who might know.
20. The IRS, in some instances, defers to State law in such matters,
21. in other instances, it does not. Now, the Governor's objection,
22. one of his objections, I should say, to this particular bill, is
23. that it's really a matter that the IRS, the Internal Revenue
24. Service should address and that indeed the IRS will not defer
25. to State law in this area. I...I...I don't know and I...I seek
26. the...answer of either the sponsor or someone else who knows.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Geo-Karis.

29. SENATOR GEO-KARIS:

30. This bill is similar to the bills that were...passed and
31. made into law in the states of Oklahoma and Colorado, which are
32. not community property states. And what the IRS will do, no one
33. ever knows, but if you have a statement of State policy right in

1. the bill, which this does have, and says it's not a taxable
2. transfer between spouses...in...in a divorce action, then you're
3. making it clear that you are using your State rights. Because
4. only the State of Illinois, for example, can make laws affecting
5. marriage and divorce, those are not Federal laws, and therefore,
6. I feel there should be a statement of State policy embodied
7. in such a bill and it is and I ask for...for your favorable
8. vote on this override. I feel that whoever...reviewed this
9. bill for the Governor, did not look into it completely.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Further discussion? Senator Geo-Karis
12. may close on her motion to override.

13. SENATOR GEO-KARIS:

14. I ask your respectful consideration because it's not
15. fair when you want to give your house, your share of the house
16. to your wife and...and if you do it, you have to pay a taxable...
17. gain...capital gain. I don't think it's right at all and I ask
18. for your favorable consideration on this override.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. The question is, shall Senate Bill 147 pass, the...the veto
21. of the Governor to the contrary, notwithstanding. Those in
22. favor will vote Aye. Those opposed will vote Nay. The voting
23. is open. Have all voted who wish? Have all voted who wish?
24. Have all voted who wish? Take the record. On that question,
25. the Ayes are 40...on that question, the Ayes are 40...may we
26. have some order, please...on that question, the Ayes are 40, the
27. Nays are 7, none Voting Present. Senate Bill 147, having received
28. the required three-fifths vote is declared passed, the veto of
29. the Governor to the contrary, notwithstanding. For what purpose
30. does Senator Chew arise?

31. SENATOR CHEW:

32. If the record would have shown that if I hadn't been busy
33. getting other votes, I would have voted for the bill myself.

34. PRESIDING OFFICER: (SENATOR BRUCE)

Page 11- October 15, 1981

1. All right. The electronic record...shall so indicate.

2. Senate Bill 181, Senator Maitland has a...motion filed. Read
3. the motion, Mr. Secretary, please.

4. SECRETARY:

5. I move that Senate Bill 181 Do Pass, the veto of the
6. Governor to the contrary, notwithstanding. Signed, Senator
7. Maitland.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Maitland is recognized on the motion.

10. SENATOR MAITLAND:

11. Thank you, Mr. President and Ladies and Gentlemen of
12. the Senate. Senate Bill 181 passed out of this Chamber by
13. a vote of 56 to 0, last summer. This is the reimbursement
14. to the nursing homes for long term care residents in the
15. State of Illinois. Illinois presently ranks at the...at the
16. bottom...of the Medicaide reimbursement for Public Aid patients.
17. And what we're finding happening, indeed across this entire
18. State, is that the private pay patients are subsidizing
19. the Public Aid patients in nursing homes. They are picking
20. up a responsibility, that, in fact, is the responsibility of
21. the State of Illinois. We find, across the State, that they
22. are subsidizing Public Aid patients to the tune of three to
23. five dollars a day. It simply does not seem reasonable nor
24. fair to me, that we should ask these individuals who are
25. willing and able to pay their own way to also pick up part
26. of the State's responsibility. Therefore, I would respectfully
27. request that this Body do override the Governor's veto of
28. Senate Bill 181.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there discussion? Senator Berning.

31. SENATOR BERNING:

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

33. PRESIDING OFFICER: (SENATOR BRUCE)

Page 12 - October 15, 1981

1. Indicates he will yield, Senator Berning.

2. SENATOR BERNING:

3. Senator, since I don't have the bill in front of me,
4. would you refresh my memory. How many dollars are involved?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Maitland.

7. SENATOR MAITLAND:

8. It appears, presently, the cost of the bill, starting
9. January 1, would be in the neighborhood of thirteen and a
10. half to fourteen million dollars.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Berning.

13. SENATOR BERNING:

14. Is that annually?

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Maitland.

17. SENATOR MAITLAND:

18. That would be what the bill would cost from January to...
19. June 30th.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berning.

22. SENATOR BERNING:

23. Well, Mr. President and members of the Senate. I have to
24. agree that this is a substantial sum of money. But what distresses
25. me, is that just recently, according to what were reports in the
26. news media,...the Governor's Office and the Department of Public
27. Aid, recently defendants in a lawsuit, settled out of court to
28. the tune of something like 3.3 million on this very issue of
29. under payment for costs incurred to maintain patients in nursing
30. homes. That being the case, it appears to me that...there is
31. strong argument that the State of Illinois is defaulting on
32. its obligation, and therefore, Mr. President and members, it would
33. appear that an override of this bill will preclude any further

Page 13 - October 15, 1981

1. litigation in which the State of Illinois can only lose.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Further discussion? Senator Philip.

4. SENATOR PHILIP:

5. Thank you, Mr. President and Ladies and Gentlemen of
6. the Senate. I rise with a little hesitation, because quite
7. frankly, some of the points that Senator Maitland have made
8. are correct. Unfortunately, it's a matter of priorities and
9. a matter of money. And whether I like it or not, the State
10. revenues are down some two hundred and fifty-eight million
11. dollars. The Federal Revenue Sharing is down some hundred
12. and seventeen million dollars. And the prospect of that
13. getting any better is certainly doubtful. And I would certainly
14. suggest keeping that in mind, keeping some of the priorities
15. in mind, that we say no at this time. That we come back
16. next year, reevaluate that program, that suggestion, and I
17. think it's got a lot of merit. Then hopefully, hopefully,
18. the State will be in better financial condition and we can
19. do something.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Johns.

22. SENATOR JOHNS:

23. Thank you, Mr. President. I rise in support of the
24. override motion. I've been in attendance at several hearings
25. with Department of Public Aid officials and with nursing
26. home and shelter care home people. I've found that regulation
27. after regulation is being imposed upon these people. In some
28. instances, both Federal and State, have caused them to have to
29. rebuild and when they have to rebuild, they have to go for more
30. money. More money means renegotiation of mortgages, renegotiation
31. of mortgages means increasing the interest rate from the old
32. rate that they originally used to reestablish their priorities
33. for care. Now they go to twenty-four and five percent, it was

Page 14 - October 15, 1981

1. a few days ago, now it's dropped to eighteen percent. But these
2. people are faced with mandates by State Government and Federal
3. Government, and they're always in a bind with overseers and
4. overlookers looking in on their business, causing disruptions
5. time after time. And I think they deserve what Senator Maitland
6. is fighting for and I move that we do override the Governor's
7. veto.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Vadalabene.

10. SENATOR VADALABENE:

11. Yes, as a joint sponsor of the bill, I support Senator
12. Maitland's motion to override.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. All right. Further discussion? Further discussion?
15. Senator Maitland may close.

16. SENATOR MAITLAND:

17. Thank you, Mr. President, would appreciate a favorable
18. vote.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. The question is, shall Senate Bill 181 pass, the veto of
21. the Governor to the contrary, notwithstanding. Those in favor
22. vote Aye. Those opposed vote Nay. The voting is open.
23. Have all voted who wish? Have all voted who wish? Take
24. the record. On that question, the Ayes are 39, the Nays are
25. 16, 1 Voting Present. The Senate...and Senate Bill 181, having
26. received the required three-fifths vote is declared passed,
27. the veto of the Governor to the contrary, notwithstanding.
28. Senate Bill 209, Senator Friedland with a motion. Mr. Secretary,
29. read the motion, please.

30. SECRETARY:

31. I move that Senate Bill 209 Do Pass, the veto of the
32. Governor to the contrary, notwithstanding. Signed, Senator Friedland.

33. PRESIDING OFFICER: (SENATOR BRUCE)

page 15 - October 15, 1981

1. Senator Friedland is recognized.

2. SENATOR FRIEDLAND:

3. Thank you, Mr. President and Ladies and Gentlemen of the
4. Senate. Some of my colleagues are...have an interest in this
5. bill, especially those that may have to move to other districts.
6. This bill would...passed 57 to nothing and it amends the Judgment
7. Act to raise the interest rate which was set in 1895 from six
8. percent to ten percent on redemption of property. The second
9. floor got confused, confused it with another bill or they saw
10. my name as sponsor or something, they vetoed it. However, it's
11. all in agreement, support my motion. Thank you.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Further discussion? The question is,
14. shall Senate Bill 209 pass, the veto of the Governor to the
15. contrary, notwithstanding. Those in favor vote Aye. Those
16. opposed vote Nay. The voting is open. Have all voted who
17. wish? Have all voted who wish? Take the record. On that
18. question, the Ayes are 51, the Nays are 3, 2 Voting Present.
19. Senate Bill 209, having received the required three-fifths
20. vote is declared passed, the veto of the Governor to the contrary,
21. notwithstanding. Senate Bill 384, Senator Nimrod...has filed
22. a motion. Read the motion, Mr. Secretary, please.

23. SECRETARY:

24. I move that Senate Bill 384 Do Pass, the veto of the
25. Governor to the contrary, notwithstanding. Signed, Senator
26. Nimrod.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Nimrod is recognized.

29. SENATOR NIMROD:

30. Thank you, Mr. President and Ladies and Gentlemen of
31. the Senate. This bill provides for the students who are
32. podiatrists while they are in school, to be able to get a
33. temporary license so that they can take a residency in a
34. hospital. And what's happened, is that the Department of

Page 16 - October 15, 1981

1. Registration and Education, both the present director and the
2. one before have both supported this position and we have letters
3. in our possession on that. The problem is that when the tests
4. are given and when the license become effective and in order
5. to allow them to be able to get into residency, this bill
6. would then clarify it and allow them to have a temporary license
7. during that period they're in school. I would ask for your
8. support in the override of the veto.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there discussion? Senator Bloom...no. Further...any
11. discussion? The question is, shall Senate Bill 384 pass, the
12. veto of the Governor to the contrary, notwithstanding. Those
13. in favor vote Aye. Those opposed vote Nay. The voting is open.
14. Have all voted who wish? Have all voted who wish? Have all
15. voted who wish? Take the record. On that question, the Ayes
16. are 55, the Nays are none, none Voting Present. Senate Bill
17. 384, having received the required three-fifths vote is
18. declared passed the veto of the Governor to the contrary, notwith-
19. standing. Senate Bill 390, there's been a motion filed. Senator
20. Vadalabene is ready. Read the motion, Mr. Secretary, please.

21. SECRETARY:

22. I move that Senate Bill 390 Do Pass, the veto of the Governor
23. to the contrary, notwithstanding. Signed, Senator Vadalabene.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Vadalabene is recognized.

26. SENATOR VADALABENE:

27. Yes, thank you, Mr. President and members of the Senate.
28. My action has been taken after full consideration of the
29. business of the Illinois General Assembly has at hand, during
30. this fall Veto Session. And with the understanding that such
31. legislation will again be considered next spring, Mr. President
32. and members of the Illinois Senate, at this time, I withdraw
33. my motion to override Governor Thompson's veto on Senate Bill 390.

Page 17 - October 15, 1981

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. All right. The motion is withdrawn. Thank you, Senator.

3. Senate Bill 30...405, Senator Buzbee, you ready? Read the motion,

4. Mr. Secretary, please.

5. SECRETARY:

6. I move that Senate Bill 405 Do Pass, the veto of the Governor

7. to the contrary, notwithstanding. Signed, Senator Buzbee.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Buzbee.

10. SENATOR BUZBEE:

11. Thank you, Mr. President. Senate Bill 405 is a part of
12. a package which the Energy Resources Commission introduced into
13. the General Assembly this year to promote the use of Illinois
14. coal. This bill would allow a credit against Illinois Income
15. Tax due of twenty percent of the amount spent on coal utilization
16. for research and five percent of the amount spent on equipment
17. for increasing the use of Illinois coal. The Governor's Veto
18. Message was quite confusing because first of all, it is
19. contradictory; secondly, he flies in the face of...the...the
20. idea of investment tax credit, which he has supported so well
21. at the...at the Federal level and...and President Reagan's and
22. Reagan economics, the...the Governor has been telling everybody
23. how...what a good deal it is and yet he vetoes the same sort of
24. thing at the State level here. To give you just a few brief
25. facts, the Governor claims that the Income Tax credit will
26. be little incentive for corporations to convert to coal, will
27. only mean a windfall for corporations which are planning to
28. convert for other reasons. I wonder if the Governor would be
29. satisfied with a larger Income Tax credit than the one that
30. I proposed. The Governor's estimates that the Tax Credit
31. Program would cost seventy million dollars is completely misleading.
32. First of all, the Governor claims the figure is...is from the
33. Institute of Natural Resources, the institute's people deny this,
34. by the way. Secondly, the Governor does not clarify whether

SB 405
motion in writing
to Governor

Page 18 - October 15, 1981

1. or not he estimates the seventy million to be a one year figure,
2. if his figure is for one year, it is completely without foundation.
3. At worst, the seventy million revenue loss would be spread over
4. a five to ten year period, seven to twelve million dollars per
5. year. The seventy million dollar figure is even more amazing
6. when one considers the amount of investment in coal research
7. and conversion equipment that would be...needed to reach
8. the seventy million dollar figure. To reach seventy million
9. dollars in credit for coal research, there would have to be,
10. at least, three hundred and fifty million invested in such
11. research. To reach the seventy million in credit for the
12. purchase of coal equipment designed to increase the utilization
13. of Illinois coal, the purchases would have to total 1.4 billion,
14. to reach the Governor's estimated revenue losses. Incidentally,
15. this would far exceed the minimum estimates and almost reach
16. the maximum estimates on the total cost of converting Illinois
17. major industrial facilities to Illinois coal. The Governor's
18. claim that the Income Tax credit is an inefficient way of
19. funding coal research flies directly in the face of Reagan
20. economics, which he so wholeheartedly embraces. After all,
21. what Senate Bill 405 is providing are tax incentives to
22. encourage corporations to engage in coal research and to
23. encourage private industry to convert to Illinois coal. The
24. tax incentive private industry solution to the...nation's
25. economics problem is at the heart of Reagan's economic program.
26. And I would submit that, again, his veto is completely contradictory
27. to what he talked about on Senate Bill 477, the investment tax
28. credit bill, which was sponsored by Senator Davidson. And
29. I would ask for your support of this bill to promote the use of
30. Illinois coal and Illinois industries.
31. PRESIDING OFFICER: (SENATOR BRUCE)
32. Further discussion? Senator Johns.
33. SENATOR JOHNS:

1. Thank you, Mr. President. I've probably been fighting
2. for coal and coal development more than anybody in this
3. General Assembly and anybody in this Senate, especially.
4. This does do something, this gives us some action. We've
5. done more talking in Illinois about how to get coal out of
6. the ground than any other state and we have the largest reserves,
7. at least about the fourth largest reserves, maybe in the nation.
8. But this bill is exactly what we need. And we better vote for
9. it, because if we don't, we're going to nullify the very actions
10. that we've been espousing for years. You're going to tell industry
11. and you're going to tell everybody else, we really don't give
12. a damn, when we really do. And I urge a vote to override.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator McMillan.

15. SENATOR McMILLAN:

16. Mr. President and members of the Senate. I rise in
17. opposition of the motion to override. This bill passed this
18. Body by the very skimpiest of...margins, earlier this year.
19. At that time, our primary concern was that the State could
20. not afford it, the economy is in an even less desirable stance
21. now than it was at that time, everybody's projections are that
22. revenues are going to be down. Whether or not it was a good
23. idea or would be in the future, is really not the issue. The
24. question is, can we afford it, we simply cannot. And this
25. veto should be sustained.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Senator Grotberg.

28. SENATOR GROTEBERG:

29. Just to remind the sponsor that, even at twelve million
30. dollars a year, our best estimates indicate we're only going
31. to have thirteen million discretionary dollars next year for
32. the whole State budget and we'll probably pass a judges pay
33. raise bill out of here for about twelve million, yet this year,

Page 20 - October 15, 1981

1. and I'm concerned about what tax we're going to raise to cover
2. the loss on this...credit that is involved in this with the
3. accumulated seventy million dollars.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Further discussion? Senator Buzbee may close.

6. SENATOR BUZBEE:

7. Thank you, Mr. President. I...I am...I am a little astounded
8. at the arguments that come from the other side. I wish we could
9. have O and B Director Stockman, here, to explain some things to
10. some folks or...or have the President here to explain some things
11. to some folks. Twelve million dollars is an outside figure, the
12. very maximum that could possibly be...be saved by industry in
13. this State under tax bill in one year, seven million is a more
14. realistic figure. That seven or twelve, whichever one you want
15. to use would certainly be made up immediately in the amount of
16. Income Tax collected by the State on the increased production,
17. on the increased number of folks working, on the increased
18. corporation profits that would be coming to the coal companies,
19. because they were able to sell more coal. ...Again, it...it's
20. a little strange to me...that I, as a Democrat am standing here
21. arguing...Reaganomics ...with...with the other side of the aisle,
22. because this is a classic example of the very sorts of tax
23. incentives that the President proposed to the Congress of the
24. United States to revitalize industry in this country. And, I am,
25. as a poor lonely little Democrat from the southern part of the
26. State, trying to espouse the President's principle's on
27. revitalizing one industry that's very important to my district
28. and very important to this State, with this concept. Another
29. point, I guess, that could be made is, that, if everybody paid
30. their taxes in this State, there would be more than enough
31. money in the State Treasury and we wouldn't have to worry.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. The question is, shall Senate Bill 405 pass, the veto of the

Page 21 - October 15, 1981

1. Governor to the contrary, notwithstanding. Those in favor vote
2. Aye. Those opposed vote Nay. The voting is open. Have all
3. voted who wish? Have all voted who wish? Have all voted who
4. wish? Take the record. On that question the Ayes are 31, the
5. Nays are 26, none Voting Present. The Senate does not override
6. the veto of the Governor and the motion is lost. Senator
7. Buzbee.

8. SENATOR BUZBEE:

9. Thank you, Mr. President. We...we were on...we were on a slide there
10. for awhile, but we...we fell off the slide with...with my bill, but
11. I did get one more vote than I got on the original passage, so
12. thank you.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senate Bill 475, Senator Hall. Senate Bill 497, Senator
15. Carroll. The motion has been finally prepared. Read the motion,
16. Mr. Secretary, please.

17. SECRETARY:

18. I move that Senate Bill 497 Do Pass, the veto of the Governor
19. to the contrary, notwithstanding. Signed, Senator Carroll.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Carroll.

22. SENATOR CARROLL:

23. Thank you, Mr. President and Ladies and Gentlemen of the Senate.
24. This is our annual effort to override the Governor's veto of the
25. appropriation of Federal fund's bills. Each and every year for
26. the last several, we have passed this bill, we have sent it to
27. the House, they have passed it, the Governor has vetoed it, we
28. have overridden that veto and then the House seems to have failed
29. to do so. In prior years, there were, at least, some arguments
30. of technical deficiencies with the concept, although many of
31. us didn't agree with those arguments, they were being effectively
32. made, whether we were including IDA bonds or school bonds or
33. things like that. Luckily, the Governor has now run out of arguments
34. and no longer in his Veto Message does he talk about any defects

Page 22 - October 15, 1981

1. in the concept, he merely talks about not wanting the General
2. Assembly to have the appropriation powers over departments who
3. are able to obtain money from the Feds. He wants to be able
4. to shield that from our review and I think that is exactly
5. the opposite way to go, especially now. For us to make intelligent
6. decisions on what State dollars we are willing to put into programs,
7. we have to know what Federal dollars there are and where they
8. will be allocated. I think it is important that the General
9. Assembly take back its authority to appropriate all public funds
10. that are spent in this State, so that we are in a position to
11. make wise decisions, and I would urge that the veto of the Governor
12. to the contrary, notwithstanding, that we override that veto.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Rhoads.

15. SENATOR RHOADS:

16. Thank you, Mr. President and members of the Senate. Just
17. to echo the comments of Senator Carroll, who is perfectly correct.
18. This is...have received broad bipartisan support year after year
19. after year, and I'm simply speaking for it this time 'cause Senator
20. Regner isn't here anymore, but I urge an override vote also.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Carroll.

23. SENATOR CARROLL:

24. Roll call.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is, shall Senate Bill 497 pass, the veto of the
27. Governor to the contrary, notwithstanding. Those in favor vote
28. Aye. Those opposed vote Nay. The voting is open. Have all
29. voted who wish? Have all voted who wish? Take the record.
30. On that question, the Ayes are 48, the Nays are 6, none Voting
31. Present. Senate Bill 497, having received the required three-
32. fifths vote is declared passed, the veto of the Governor to the
33. contrary, notwithstanding. Senate Bill 498, Senator Carroll.

1. Read the motion, Mr. Secretary, please.

2. SECRETARY:

3. I move that Senate Bill 498 Do Pass, the veto of the Governor
4. to the contrary, notwithstanding. Signed, Senator Carroll.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Carroll.

7. SENATOR CARROLL:

8. Thank you, Mr. President and Ladies and Gentlemen of the
9. Senate. To be extremely brief, this is the companion bill,
10. this deals with the educational part and the...while the Governor's
11. Message referred to 497, so will all of my comments. This too,
12. is needed so that we can intelligently appropriate public
13. funds in this State and I would ask that the veto of the Governor
14. to the contrary, notwithstanding, that we override his veto.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Further discussion? The question is,
17. shall Senate Bill 498 pass, the veto of the Governor to the
18. contrary, notwithstanding. Those in favor vote Aye. Those
19. opposed vote Nay. The voting is open. (Machine cutoff)...voted
20. who wish? Have all voted who wish? Take the record. On that
21. question, the Ayes are 53, the Nays are 3, none Voting Present.
22. Senate Bill 498, having received the required three-fifths vote
23. is declared passed, the veto of the Governor to the contrary, not-
24. withstanding. Senate Bill 524, Senator Simms. Senator Simms is
25. prepared. Read the motion, Mr. Secretary, please.

26. SECRETARY:

27. I move that Senate Bill 524 Do Pass, the veto of the Governor
28. to the contrary, notwithstanding. Signed, Senator Simms.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Simms is recognized.

31. SENATOR SIMMS:

32. Mr. President and Ladies and Gentlemen of the Senate. Senate
33. Bill 524 exempts from the Child Care Act the licensing of...day
34. care centers that are operated as an integral part of a local

SB 524
motion in writing

Page 24 - October 15, 1981

1. church ministry that meet the health, life and safety codes of
2. the State of Illinois. Now, the basic threshold of this
3. legislation deals with the First Amendment guarantees, the
4. separation of church and state. The common rationale, very
5. frankly, in summation, is to make sure that...the traditional...
6. religious ministries are not subject to licensing by civil
7. governments as long as they meet the...the original and the...
8. the Health, Fire and Safety Code, which this bill provides.
9. To guarantee those First Amendment guarantees, I would move
10. that the Senate override the Governor's veto on Senate Bill 524.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Is there discussion? Senator Geo-Karis.

13. SENATOR GEO-KARIS:

14. Mr. President and Ladies and Gentlemen of the Senate.
15. This bill does have the safeguards for the health and safety
16. of the students...of the children, so to speak. It is a good
17. bill, it simply provides for less interference by the State
18. in church educational programs. And if there's any question
19. about some of these storefront churches, the question should
20. be addressed to the law of Illinois, which allows churches to
21. incorporate under certain sections of the Statute and if they're
22. defective, that's where we should amend. But we shouldn't
23. penalize this bill and I ask for a favorable vote on the
24. override of this veto.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Is there further discussion? Further discussion? Senator
27. Simms may close. Senator...Senator Buzbee. I'm sorry, Senator
28. Simms. Senator Buzbee.

29. SENATOR BUZBEE:

30. Thank you, Mr. President. I...I think that this is...this
31. is a bill that...that we ought to look at very closely. I think
32. the Governor was absolutely correct in...in his action in the
33. veto of this bill. If you override this veto, you're going to

1. be putting the Director of the Department of Children and Family
2. Services in the position of determining what is a religion and
3. what is not a religion. I have a list here in front of me...that
4. people who have...from church organizations, who have written
5. to...to support this veto, churches that run day care centers,
6. that say we think that our day care centers...

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Excuse me, Senator Buzbee. Can we have some order, please.
9. I wonder if the Sergeant-at-Arms can clear the center aisle here
10. and we can keep the conferences off the Floor. If we can clear
11. all the aisles, Mr. Sergeant-at-Arms, we'll have a chance to
12. conduct our business. Senator Buzbee, excuse the Chair, but we
13. were getting a little unruly. Senator Buzbee.

14. SENATOR BUZBEE:

15. Thank you, Mr. President. I have a list of...of churches
16. who have written in support of the Governor's veto override and
17. these are churches that run day care centers. Several of them,
18. as a matter of fact, are in my district, several of them are
19. in the City of Chicago and in various communities throughout
20. this State. What's going to happen is, that if anything untoward
21. happens in any of these centers that are not presently licensed,
22. it's going to come back on the State's head. And it seems to
23. me, that it's not good policy in this State for us to say that...
24. that for health and safety, sorts of...of policy matters that
25. the State should not be licensing. The State has no business
26. going in and telling anybody what they can teach or what they
27. cannot teach in a day care center. And, it's not the State's
28. intention to do that. But if we were to override this bill,
29. it would simply say that anybody that wanted to qualify themselves
30. as a religion, they could start any kind of a day care center
31. and they could run it anyway that they want to, as long as they
32. meet the Fire and Life Safety Codes and there is no other licensing
33. that will be necessary. I don't think that's good public policy.

Page 26 - October 15, 1981

1. I submit that most of you don't think that's good public policy,
2. but that you have received a lot of pressure from...certain
3. individuals in your constituency that have caused you to vote
4. for this bill to start with. I think that you should not be in
5. that position, because in my opinion, by far and away, the most...
6. the majority of the people in this State and the majority of the
7. people in your constituencies would say that the State ought
8. to, in fact, be able to license those kind of facilities. I
9. would submit the Governor was...was right in his veto of this
10. bill and we ought to vote No on the override motion.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Nimrod.

13. SENATOR NIMROD:

14. Thank you, Mr. President and Ladies and Gentlemen of the
15. Senate. I rise in support of the override of this veto. I think
16. that what we have to do here is make sure that we do not interfere
17. with the churches, who, in fact, are running legitimate schools.
18. There was an attempt on the part of the...both the department
19. and the Governor's office to find a compromise. But since they
20. couldn't find a reasonable compromise, we shouldn't be penalizing
21. legitimate churches. It will cause...the department would
22. have to go for the illegitimate type operations, but that's
23. something that's very small and inadequate. We should not punish
24. the general church community in order to satisfy their...their wishes
25. here. I would urge an override of the Veto.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Netsch.

28. SENATOR NETSCH:

29. Thank you, Mr. President. I would like to add just one
30. thing to what Senator Buzbee said in suggesting that we support
31. the Governor's veto of this bill. There is, in no way, shape, or
32. form, a First Amendment problem involved in this bill. As a
33. card carrying civil libertarian, I'm extremely sensitive to

Page 27 - October 15, 1981

1. First Amendment issues and I think there, not only is not one
2. present in the bill, as...as it presently is written, but there
3. is no possibility that it will spawn First Amendment problems
4. in the future. And I would point out, that many institutions
5. which are otherwise protected by the First Amendment, are,
6. with respect to certain basic health and safety standards and
7. social safety standards, subject to the police power of the
8. State. That is basically all that the...this kind of licensing
9. regulation is intended to do and that is all that the...that
10. would be accomplished absent Senate Bill 524. I think that's
11. a very important point to make.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Further discussion? Senator Gitz.

14. SENATOR GITZ:

15. Mr. President and members of the Senate. I must respectfully
16. disagree with Senator Netsch and Senator Buzbee. The debate thus
17. far in this...this bill, has consistently been based on the premise
18. that the mere licensing of these day care and child care
19. facilities is somehow going to offer that protection that we
20. will not have any scandals or problems that we have all too
21. often read about in the newspaper. Now, quite frankly, we have
22. been privy in this Floor to many case examples and many items
23. in debate where people have suggested that the Department of
24. Child and Family Services simply has too many hats to wear and
25. is not able to really focus on the critical problems. I don't
26. believe for one moment, that the mere licensing of these facilities
27. or any other facility, by itself, is a guaranteed protection against
28. child abuse. And furthermore, even with the passage of this bill,
29. there certainly is adequate legislation on the books for child
30. abuse to prosecute to remedy a situation. The idea that licensure,
31. by itself, provides that necessary protection, I believe is false.
32. The idea that churchs are somehow the major topic of conversation that
33. we've got to investigate, we've got to harass for their licensure,
34. simply doesn't seem to me to make any sense. Not only in fiscal

1. grounds, but simply in practical grounds. It seems to me that
2. this legislation was wise in its intention when it was passed
3. by this Body. I believe, if I recall correctly, there were
4. only two dissenting votes. I think that we should approve
5. this legislation and send it to the House and make the point
6. that we want the department to focus on those situations
7. where the problems are most accute.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Collins.

10. SENATOR COLLINS:

11. Thank you, Mr. President. I rise in support of the
12. Governor's veto for many reasons, some of which Senator Netsch
13. already expressed and Senator Buzbee. But more than that, my
14. first job with the Department of Children and Family Services
15. was to, in fact, evaluate the quality of care provided by private
16. agencies, day care operated centers. And I found that it is
17. very important that we license those centers, not just to
18. approve the basic of the essential safety and health standards,
19. but along with that license goes a responsibility of the Department
20. of Children and Family Services for continuously monitoring
21. of those programs. And there are all kinds of things that need
22. to be monitored, if you had the opportunity to go into one of
23. those centers and see how those children were being cared for,
24. or the lack of care that were being provided in some of those
25. centers. And I'm not standing here saying that churches all operate
26. bad day care centers, but many of them do operate bad day care centers,
27. and most of the ones that we hear about in the City of Chicago
28. are, in fact, operated by church institutions. I do not feel that
29. the licensing of a church operated child care center has anything
30. to do with the separation of power between church and state. It
31. is simply saying that we, as a State, has a responsibility to
32. look after the safe and well-being of little children under
33. five years old. And we should be as concerned about their...
34. over...total development, rather than just what they are teaching

Page 29 - October 15, 1981

1. them in terms of the spiritual development of that child. That
2. is our responsibility and that is why we license day care centers,
3. is to make sure that the program is operated in a way to protect the...
4. the...the physical, the social, total development of a child while
5. they are attending those programs. The nutrition problem..nutrition
6. is a serious problem with some of those centers. Some of those
7. children are paying for and being served meals almost as bad as
8. those that we saw when Reagan's team went out to...sample some
9. of the school lunch programs. That's very good in comparison to what
10. some of the little children are being served in day care centers
11. throughout the State. So I say we should sustain the Governor's
12. veto.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there further discussion? Senator Grotberg.

15.

16.

17.

18.

19. End of Reel

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.

1. SENATOR GROTEBERG:

2. Thank you, Mr. President. I'm going through a personal
3. quandary on this issue, along with the five eighty-eight money
4. overrides for day care. Day care seems to be the big question
5. of this General Assembly. It seems to me, whether the Governor's
6. veto notwithstanding, that anybody that can take care of kids
7. until we can get back here and find out where the money is
8. coming from,...probably do it for less. I grant the Governor's
9. Message, and Senator Collins, and Senator Netsch, and the Governor's
10. position on the responsibility for excellent care and all of the
11. inspections that go therein, but I think this would be a good
12. time to cut the umbilical cord and let some people take care
13. of kids. And, therefore, I'm going to vote for the motion.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Is there further discussion? If not, Senator Simms may
16. close.

17. SENATOR SIMMS:

18. Well, thank you, Mr. President and Ladies and Gentlemen of
19. the Senate. I think we've had a good discussion on the issue.
20. As Senator Gitz has...illustrated in his commentary, only two
21. negative votes were present against the legislation in the spring
22. Session. The threshold question to the whole matter is whether
23. or not church ministries are subject to the licensing requirements
24. of a state. And the day care center is nothing more than an
25. extension of the integral part of a ministry of a church. And
26. for these reasons, I strongly believe that there should be a
27. separation between the church and state, and I would move that
28. ...the Senate do override the Governor's veto on Senate Bill 524.

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. The question is, shall Senate Bill 524 pass, the veto of
31. the Governor to the contrary notwithstanding. Those in favor
32. vote Aye. Those opposed vote Nay. The voting is open. Have all
33. voted who wish? Have all voted who wish? Have all voted who wish?

Page 31 - October 15, 1981

1. Take the record. On that question, the Ayes are 38, the Nays
2. are 15, none Voting Present. Senate Bill 524 having received
3. the required three-fifths vote is declared passed. The veto
4. of the Governor to the contrary notwithstanding. Senate Bill
5. 611, Senator Gitz. Senate Bill...614, Senator Marovitz. Read
6. the motion, Mr. Secretary.

7. SECRETARY:

8. I move that Senate Bill 614 do Pass, the veto of the
9. Governor to the contrary notwithstanding. Signed, Senator
10. Marovitz.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Marovitz.

13. SENATOR MAROVITZ:

14. Thank you, very much, Mr. President and Ladies and Gentle-
15. men of the Senate. Senate Bill 615 is the bill which would
16. offer a cooperative opportunity between businesses, industry,
17. and communities and community development corporations. It
18. is a program that says...we need cooperation...between business
19. and communities for the betterment of both...to...improve
20. blighted commercial strips, improve housing stock, create jobs,
21. put property back on the tax rolls,...and in a cooperative
22. effort...effort this can be done. It's been done in other
23. states, and we'd like to see it in a progressive state like
24. Illinois. What this says is that a business or industry can
25. contribute funds up to two hundred and fifty thousand dollars
26. ...to communities and community development corporations and
27. take a sixty percent...Income Tax...State Income Tax credit
28. from the State of Illinois. The bill passed both Houses over-
29. whelmingly...on bipartisan support. It has been endorsed by
30. newspapers throughout the State of Illinois, TV and radio stations,
31. and really will be a boon to...to help areas that are being
32. hardest hit by the budget cuts out of Washington and by the
33. decrease in aid that the State of Illinois is getting. The

1. maximum...that can be...allowed in the first year is two million
2. dollars, and the other states that have created this type of
3. program have found a minimum short term loss and a maximum long
4. term gain because people are...jobs are created, property is...
5. back on the tax rolls, housing stock increases and improves,
6. blighted commercial strips are once again brought to life, and
7. this is the kind of cooperative effort that we are going
8. to have to face and going to have to bring into reality,
9. especially in view of the economic cutbacks out of Washington
10. and the decreased State aid that Illinois is getting. I truly
11. feel that...any question of income is really moot because
12. Illinois is going to...really find a tremendous boon out of a
13. bill like this, as other states have...in terms of the people
14. and the improvement of communities and the quality of life
15. and housing and jobs in communities...throughout the State of
16. Illinois. There is precedent for this. The Governor...argues
17. against the bill on the grounds that the bill is eroding the
18. corporate income tax base. Well, this bill would set a bad
19. precedent is what he says. For his information, there is
20. precedent for this bill. His signing of Senate Bill 477,
21. the investment tax credit, has already established a precedent.
22. This tax credit for new business investment will cost forty to
23. sixty million dollars in lost revenue in the first year. Perhaps,
24. this tax credit is more acceptable to the Governor because it's
25. against the replacement tax distribution, which means that local
26. governments, rather than the General Revenue Fund will bear the
27. brunt of the lost revenues. This will...this will vastly im-
28. prove...community life and the cooperation of businesses with
29. communities and community development corporations. And, most
30. important of all, the Department of Revenue has total control
31. over this bill. This is not a willy-nilly bill. The Depart-
32. ment of Revenue can grant...the...the project and the tax
33. credit or not. It is not something that is up in the air. It

1. is a...it is within the purview of the...the Government of the
2. State of Illinois and the Department of Revenue. And if, in
3. their wisdom, they feel we can afford it, then, they will allow
4. the projects that are applied for and the tax credits that go
5. with those projects. If they do not feel that we can, then,
6. they will not allow those projects. It is totally within
7. the jurisdiction and control of State Government and the
8. Department of Revenue. I think this is an excellent bill. It
9. had overwhelming support when it came through. It had over-
10. whelming editorial support, and I would ask for your support
11. on this override motion.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Is there further discussion? Senator McMillan.

14. SENATOR MCMILLAN:

15. Mr. President and members of the Senate, I rise in opposition
16. to this override motion for a couple of reasons. Number one,
17. within the Department of Revenue, whoever happens to be running
18. that Department of Revenue, I, frankly, am not sure we want
19. to grant the kind of discretionary authority, which the sponsor
20. of the bill has indicated, to decide whether we can afford it,
21. whether it's wise and whether it's not. That will not be a
22. simple matter. Primarily, I oppose this...this override because,
23. again, we simply cannot afford it. There was some question in
24. the spring whether we could. The Legislature and through the
25. Governor of the...the entire legislative process has determined
26. that...that some of the tax relief and some of the tax breaks
27. that we all gave a lot of attention to are going to be enacted,
28. but this is one...ten million dollars worth or more which we
29. cannot afford, and I would urge a No vote on this motion.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Bowers.

32. SENATOR BOWERS:

33. Would the sponsor yield to a question?

Page 34 - October 15, 1981

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. He indicates he will.

3. SENATOR BOWERS:

4. Senator, the...as I understand it from reading the Veto
5. Message and...and listening to your...your comments on the
6. Floor, this is a direct bottom line tax credit. It's not a
7. deduction. Is that correct...as...as distinguished from a
8. deduction, I should say?

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Marovitz.

11. SENATOR MAROVITZ:

12. It is a tax credit, that is correct.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Bowers.

15. SENATOR BOWERS:

16. Then the Governor makes a point that I wish you would
17. address. When he points out that the State of Illinois Income
18. Tax Act is directly related to the Federal Income Tax Act and
19. when a charitable contribution is made there is a deduction
20. from the Federal Act, which, in effect, gives them a deduction
21. in the State. So, don't they, in fact, get a double deduction?
22. One for the contribution, which reduces their State liability
23. and then an additional direct credit...to the bottom line.
24. And...and it just seems to me that's a pretty good point that
25. has not been addressed in the debate, and I would like to hear
26. your comments on it.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. Senator Marovitz.

29. SENATOR MAROVITZ:

30. Well, your initial...premise is correct, but what we are
31. doing is providing them with...with an additional tax credit
32. in order to increase the cooperation between communities because
33. ...and businesses because there have not been the kind of...

Page 35 - October 15, 1981

1. contributions between businesses and communities and community
2. development corporations...unless there are tax incentives,
3. and this is the kind of tax incentive that will increase that
4. cooperation and has increased it in other states where the
5. same duality of taxation benefits...are...are in...are in
6. effect.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Bowers.

9. SENATOR BOWERS:

10. I'd like, then, just to briefly speak to the bill. It
11. seems to me, Senator, you've acknowledged the fact that this,
12. in effect, is a double deduction,...and if you made this a
13. straight tax...deduction rather than a credit,...it would
14. make more sense to me, but when you make it a bottom line
15. credit...so that...if I...if I, as a business, deduct a hundred
16. dollars, I...I take it as a deduction on the Federal Income
17. Tax return, therefore as a deduction on the Illinois...Tax
18. return. Then, in addition, you're going to give me a direct
19. credit and reduce my tax liability by a hundred dollars. I
20. think you're giving...frankly, I'm pro-business, but I think
21. you're giving business altogether too much in terms of an
22. incentive. This isn't an incentive. It's...it's...it's almost
23. robbery of the State coffers, as far as I'm concerned, and I
24. would urge a...urge a No vote.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Is there further discussion? If not, Senator Marovitz may
27. close debate.

28. SENATOR MAROVITZ:

29. Well,...what...Senator Bowers is claiming is that the tax
30. incentives...that presently are incorporated in the Federal Tax
31. structure...are sufficient. And, in fact, if we check our...our
32. ...corporate contribution rate to communities, community develop-
33. ment corporations and the kind of projects that will...improve

SB 819
Amended

1. the quality of life in communities,...that is not true. And...
 2. other states that have enacted this very same legislation...
 3. this tax credit incentive have proved that the amount of coop-
 4. eration in contributions between communities and community
 5. organizations and business and industry has improved vastly.
 6. I mean, let's really be serious about this thing. The only
 7. way business is going to contribute money and services to hard
 8. pressed areas, and those are the areas that are being hit under
 9. the Federal budget cuts,...the only way business will contribute
 10. money and services to these hard pressed areas is if there's
 11. a profit to be made or a tax incentive to be gained. This is
 12. really a standard law of economics, and this is what Senate
 13. Bill 614 is addressing. The tax breaks in exchange for business
 14. contributions to communities to help housing stock...improve
 15. housing stock, create jobs, put property back on the tax rolls,
 16. improve...blighted commercial strips, and, really, this is what
 17. we must do in view of the kind of cuts...that are coming out
 18. of Washington and are going to be affecting the State of Illinois.
 19. It's a cooperative effort...business and industry and communities
 20. and community organizations. It's something we can afford and
 21. is under control of the State of Illinois, and I would ask
 22. everyone to give an Aye vote to override the...the veto of
 23. Senate Bill 614.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. The question is, shall Senate Bill 614 pass, the veto of the
 26. Governor to the contrary notwithstanding. Those in favor will
 27. vote Aye. Those opposed vote Nay. The voting is open. Have
 28. all voted who wish? Have all voted who wish? Have all voted
 29. who wish? Take the record. On that question, the Ayes are 29,
 30. the Nays are 27, none Voting Present. Senate Bill 614 having
 31. failed to receive the required three-fifths vote is declared
 32. lost. Senate Bill 819, Senator Totten. Read the motion, Mr.
 33. Secretary.

1. SECRETARY:

2. I move that Senate Bill 819 Do Pass, the veto of the Governor
3. to the contrary notwithstanding. Signed, Senator Totten.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Senator Totten.

6. SENATOR TOTTEN:

7. Thank you, Mr. President and Ladies and Gentlemen of the
8. Senate. ...filed a motion to override on Senate Bill 819. The
9. Governor, in his Veto Message, has cited a number of reasons
10. for his veto. Most of these...citations were arguments that
11. were presented in the House when the House took up the bill,
12. most of these arguments were rejected by the House when the
13. House took up the bill, and it came back here for concurrence.
14. In his conclusion in his Veto Message, he said that the bill
15. was flawed and that I believe in the enterprise zone concept,
16. but because the administration is...Federal administration
17. is going to propose a bill to anticipate the President's
18. proposal with a flawed bill in Illinois does a disservice
19. both to the national administration and to the people of
20. Illinois. Well, that's absolutely not true. A couple of
21. citations that I would like to put into the record regarding
22. that part of the Veto Message, from a recent book entitled,
23. "Reagan and the States", it says President Reagan endorsed the
24. enterprise zone concept during the '80 Presidential campaign
25. after...consultation with the nation's leading experts on
26. enterprise zones, Congressman Jack Kemp, Republican, New York
27. and State Senator Donald Totten of Illinois. I don't know
28. whether I'm an expert, but we did have some input into that.
29. This bill was not created in a vacuum. It was created over a
30. number of years with consultation both with Federal and State
31. officials. The Illinois bill is a model bill in a number of
32. other states. I would also like to read into the record some
33. correspondence, which I received today, from the Department of

Page 38 - October 15, 1981

1. Housing and Urban Development addressed to me regarding Senate
2. Bill 819. "Dear Senator Totten, this is in response to your
3. request for our opinion concerning the consistency of the
4. Illinois enterprise zone bill, Senate Bill 819, with potential
5. Federal enterprise zone legislation. We, in the Office of
6. Policy Development and Research at HUD are coordinating in
7. conjunction with the White House, the Administrations Working
8. Group on enterprise zones. The Working Group is now completing
9. the development of an enterprise...an administration enterprise
10. zone program based on the framework provided by the Kemp-
11. Garcia bill. I can find no inconsistency between the Illinois
12. bill, Senate Bill 819, and the Kemp-Garcia bill or the modified
13. approach based on that bill, which the administration is
14. developing. The administration, in fact, believes that State
15. and local governments should be allowed wide discretion and
16. latitude in choosing their contributions to the enterprise zone
17. program. I do not believe that there is anything in your bill
18. which would be unacceptable by this standard. Indeed, many
19. within the administration, including myself, have looked to
20. your bill as a model for State enterprise zone legislation.
21. Very truly yours, Peter Farrar, Special Assistant to the
22. Secretary for Policy Development for HUD." I would like to
23. also point out to many members of this General Assembly that
24. a lot of the problems in the bill, that the...some people in
25. the City of Chicago had, were worked out in the House amendments.
26. and that we concurred by a substantial majority when that was
27. brought over here. There is a...there is also some concern by
28. union opposition to the bill. We removed, in the Senate com-
29. mittee, the major objections that unions had to this bill...
30. before we even heard it in committee, and now, there is really
31. no logical reason for the labor movement in this State to be
32. opposed to the legislation. In conclusion, let me say, that
33. the Governor indicated to me about ten days before he vetoed

1. it, that he would like to sign the bill and...what cite would
2. I like to see the bill signed. Between that date and the date
3. that the bill was vetoed, the only thing that changed was the
4. office for which I announced my candidacy. I think that it is
5. unfair to deprive this Legislature of a bill that was carefully
6. worked out, because of partisan politics, the opportunity to
7. create jobs, to rehabilitate neighborhoods and do something
8. about getting this economy moving in the way that only states
9. can do it. My colleagues in the Senate, I would appreciate your
10. favorable support for this override motion.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? Senator Geo-Karis.

13. SENATOR GEO-KARIS:

14. Would the sponsor yield for a question?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Indicates he will.

17. SENATOR GEO-KARIS:

18. Under your Bill, it takes a local option; in other words,...
19. local government has to pass an ordinance and the State Department
20. of Commerce and Community Affairs both have to join into the
21. contracts, so to speak, before such an option becomes available.
22. Is that correct?

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Senator Totten.

25. SENATOR TOTTEN:

26. The bill explicitly says that it is local initiative. First,
27. a local city or municipality must initiate the process to create
28. an enterprise zone. If they don't initiate anything, they don't want
29. it, nothing happens. Secondly, they enter into an agreement with
30. the State Department of Commerce and Community Affairs to establish
31. a zone, there has to be both State and local agreement and approval
32. before a zone can be created.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Geo-Karis.

2. SENATOR GEO-KARIS:

3. Mr. President and Ladies and Gentlemen of the Senate, I
4. feel compelled to vote in favor of this override, because I
5. know, for example, in East St. Louis there are about seventy-
6. five percent of the people who are on welfare, and I think this
7. kind of a bill...the passage of such a bill could help alleviate
8. these situations where...which are really distressed financially
9. and lack employment; and I certainly speak in favor of the bill.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is there further discussion? If not, Senator Totten may
12. close debate. Senator Bloom.

13. SENATOR BLOOM:

14. Will the sponsor yield to a question?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. He indicates he will.

17. SENATOR BLOOM:

18. Don, I understand you have a...I understand you have a
19. supply of letterheads from every Federal agency. Is that
20. correct?

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there further discussion? If not, Senator Totten may
23. close debate.

24. SENATOR TOTTON:

25. Thank you, Mr...Mr. President and Ladies and Gentlemen of
26. the Senate. In conclusion, let me just say that I think the
27. Governor's Veto Message, where he indicated the bill may be
28. flawed, the Veto Message and it's arguments is considerably more
29. flawed than the bill as it was constructed and presented to us.
30. This is...this is an excellent opportunity for us to do something
31. in Illinois, at our own initiative, at the local community initiative
32. to provide a strong economy in areas where it hasn't been before.
33. This is a new idea, it's an innovative idea, but it's an idea that

Page 41 - October 15, 1981

1. Illinois can lead the way on, and I'm very proud to be a sponsor
2. of it and I'd like...I think we all would like to see this as
3. part of Illinois law, so that we can lead the way; and I'd
4. appreciate your support.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. The question is, shall Senate Bill 819 pass, the veto of
7. the Governor to the contrary notwithstanding. Those in favor
8. vote Aye. Those opposed vote Nay. The voting is open. Have
9. all voted who wish? Have all voted who wish? Take the record.
10. On that question, the Ayes are 45, the Nays are 10, none Voting
11. Present. Senate Bill 819, having received the required three-
12. fifths vote, is declared passed, the veto of the Governor to the
13. contrary notwithstanding. Senate Bill 915, read the...read the
14. motion, Mr. Secretary.

15. SECRETARY:

16. I move that Senate Bill 915 Do Pass, the veto of the Governor
17. to the contrary notwithstanding. Signed, Senator Jeremiah Joyce.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Joyce.

20. SENATOR JEREMIAH JOYCE:

21. Thank you, Mr. President and members of the Senate. There
22. is but one...one concern expressed in the Governor's veto, and
23. that is the issue which we debated...the specific issue that we
24. debated when this bill was before us in committee and when this
25. bill was up for a vote before the full Body. Now, that is the
26. question is how much protection we are going to afford by way of
27. definition of unborn child, when dealing with a willful offender.
28. We resolved that question, both in committee and in this Body, and
29. it was resolved on the other side of the Chamber, and I would ask
30. that we adhere to our position, and I would ask for a favorable
31. roll call at this time.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Is there further discussion? Senator Thomas.

1. SENATOR THOMAS:

2. Thank you, very much, Mr. President and Ladies and Gentlemen
3. of the Senate. It's a very difficult situation for me to rise in
4. opposition to the concept of Senator Joyce. I have been supported,
5. very strongly, by Pro-life organizations in Illinois and nation-
6. wide. Last spring when Senator Lemke introduced a series of pro-
7. lifestyle bills, I supported every one of Senator Lemke's bills.
8. What does disturb me, is that in lobbying in the rotunda, this
9. morning, on behalf of Senator Joyce's bill, it has come to my
10. attention that there have been members representing pro-life
11. organizations who have stated that I am in accord with this over-
12. ride. For those of you who may have been led to believe that,
13. and who, therefore, are willing to vote for an override, let me
14. just say that your word, which is your bond, can be taken back
15. on this particular instance if, in fact, you are voting for the
16. override because you believe that I've supported this. People
17. in the House and the Senate for years have been working on this.
18. Senator Sangmeister has worked on this proposal for a long while;
19. Representative Davis, over in the House. We finally came up
20. with Senate Bill 192 this past year, that seemed to have the
21. consensus of opinion on the part of Pro-choice, Pro-life, all
22. the organizations involved in this, seemingly, moral issue. It
23. is not a moral...issue that we have been dealing with. The
24. Governor has signed into law, a bill that the courts can utilize
25. and can get convictions on. If this bill is overridden, we, then,
26. have two conflicting fetuside bills on the Illinois books; and
27. I'm afraid, Ladies and Gentlemen of the Senate, that the entire
28. concept will be thrown out; and, therefore, for those families
29. who have suffered the pain, anguish, indignity of losing a child
30. due to an act of violence, there will be no protection for them.
31. Again, I reluctantly rise to oppose the concept of the override.
32. I think that the Governor's Veto Message was well put.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Senator Bowers.

2. SENATOR BOWERS:

3. I think, perhaps, Senator Thomas has made the points that I
4. just want to reiterate. We do have, now, a Statute on the books
5. in this area. If we override this particular veto, then we're
6. going to have two conflicting Statutes, and they're going to
7. conflict in terms of definition, they're going to conflict in
8. terms of penalty; and I don't know what the courts are going
9. to do with it, but I've got a feeling that the whole thing will
10. be tossed out and we're right back to the void that was...that
11. we all worked very hard and...and it's...it's an important void
12. in the criminal law that we've all worked very hard to...to
13. overcome. And, I...I sympathize with those who feel that the
14. definition ought to be other than is in the other bill. On
15. the other hand, the other bill goes a long, long way. It is
16. intended and was a compromise to get something on the books.
17. All the override of this is going to do, is to...is to make those
18. other efforts go for naught. I would hope in the...in the idea
19. of consistency...in legislation, consistency in penalties and
20. just get something done in this area, that we would sustain this
21. veto and vote No on the motion to override.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Rhoads.

24. SENATOR RHOADS:

25. Mr. President, would it be in order if I could ask a question
26. of the previous speaker, Senator Bowers? If leave would be granted?
27. Senator Bowers, the...in reading both the veto analysis and the
28. staff analysis, I can see how the definition in Senator Joyce's
29. bill goes farther than Senator Thomas' bill. I cannot see the
30. conflict. Would you point out the specific conflict to me?

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Bowers.

33. SENATOR BOWERS:

1. I don't have the language in front of me...of the two bills.
2. One bill defines...defines it one way, another defines it another;
3. and, in addition to that, we've got the penalty question. And,
4. I'm not sure, depending upon the timing of the...of the action
5. of the General Assembly, which of those...which of those definitions
6. are going to prevail. And, it just seems to me, that this kind
7. of confusion, in effect, in a Murder Statute, is something that
8. we can't afford. Now, if you want to address it the next time
9. through and...and come in with this concept to amend the existing
10. law, then fine, we can vote it up or down; but I think this is
11. going to create so much confusion that...that you're not going
12. to end up with anything. I don't have that language in front of
13. me, Mark, I'm sorry.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Rhoads.

16. SENATOR RHOADS:

17. Well, the Veto Message goes to the heart of the matter at
18. what is the philosophical difference between the two bills that
19. Senator...in the Governor's objection to Senator Joyce's bill,
20. he states that the unborn child moves the bill into a position of
21. tension with the State's abortion law. Now, I don't see that.
22. I see that it goes farther than Senator Thomas' bill, but I don't
23. see how it conflicts with it; and, maybe, I could ask the same
24. question of Senator Joyce, because I'm really confused on this one.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Joyce.

27. SENATOR JEREMIAH JOYCE:

28. Well, Senator Bowers, if I may address your concern. You
29. know and I know that there is a specific body of law which is
30. available for a court to determine what, in fact, would be
31. applicable in a criminal trial involving a charge such as this.
32. So, there wouldn't be any problems in terms of leaving the State
33. of Illinois without Statute in this area, if we override this.

1. There is but one issue before this Body, and that is the same
2. issue that we discussed when we passed this bill; because at
3. that time, we were aware of the language of Senator Thomas' bill.
4. There's only one issue and that's what the definition of
5. unborn is, and we have spoken twice, at least those in the committee
6. have spoken twice on this question. The full Body, with the
7. exception of three, have spoken that this is the definition that
8. we want to adopt. This is where we want to be in the State of
9. Illinois on this question, because we are talking about willful,
10. intentional offenders. We're not talking about someone who
11. casually finds himself in this situation.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Further discussion? Senator Bowers.

14. SENATOR BOWERS:

15. Well, for a second time and if he wasn't closing, I would
16. like the...the sponsor to yield to a question.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. He wasn't closing. He was asked a question by Senator
19. Rhoads and he was responding to the question.

20. SENATOR BOWERS:

21. Okay. Senator, if this...if this...veto is overridden, we
22. have a definition of feticide, what will be the penalty? What
23. will be the penalty for feticide? Now, the...the...and I will
24. call your attention to the fact that Senate Bill 192 punishes
25. it as murder, non-probationable; Senate Bill 915 calls it a
26. Class II Felony, three to seven years. And I would ask you,
27. what will the penalty be, if, as a matter of fact, this veto
28. is overridden?

29. PRESIDING OFFICER: (SENATOR SAVICKAS)

30. Senator Joyce.

31. SENATOR JEREMIAH JOYCE:

32. Seven.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

Three to seven. Senator Bowers.

1. SENATOR BOWERS:

2. Well, I'll respectfully disagree, and...I...I seriously...
3. this is not an amendment to an existing Statute; this is a
4. conflicting bill and in my opinion, you will...you will have two
5. separate...two separate penalties for the same definition, and
6. it's...and there's no court in the world that's going to convict
7. somebody under this...under either one of these Statutes, if you
8. override this veto.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Thomas.

11. SENATOR THOMAS:

12. Thank you, Mr. President, and I apologize for rising a
13. second time. I think, perhaps, to help Senator Rhoads in his
14. understanding of the definitions, while morally I agree with
15. Senator Joyce that a fetus is viable from the point of conception,
16. the problem exists that there will be no jury convict an individual
17. when, in fact, it can't be proven that this was a complete human
18. being. My definition of viability, loosely stated, said that
19. professional witnesses must be brought in, that professional
20. witness, for instance, being a pathologist that performed the
21. fetal autopsy; and in that professional's opinion, the unborn
22. baby had a complete respiratory system, a circulatory system,
23. the central nervous system was in order; and that had the baby
24. been born at that particular moment that the act of aggression
25. took place, yes, that baby could have lived outside of the womb,
26. more than momentarily and with or without life support systems.
27. In other words, that baby was full term and could have survived
28. in the outside world. That's the kind of thing that a jury can
29. hang it's hat on for a conviction; and again, while I agree with
30. the morality of Senator Joyce's bill that, yes, in fact, many of
31. us do believe that a fetus is viable from the point of conception,
32. you'll never get a jury to convict anyone of it, and that was the
33. problem in previous years, here in Springfield, in trying to come

Page 47 - October 15, 1981

1. up with legislation on this matter. The issue has got clouded...
2. has become clouded in a moral issue. We're talking about
3. criminal law, we are not talking about legislating morality.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Is there further discussion? If not, Senator Joyce may close.

6. SENATOR JEREMIAH JOYCE:

7. Thank you, Mr. President and members of the Senate. Just
8. very briefly, Senator Thomas, we would prove the existence of an
9. unborn child the same way we prove anything else in a court of
10. law. We would prove it with evidence; now, whether that would
11. be physical evidence or evidence of another nature, whether it
12. would be circumstantial evidence, would...depend on the particular
13. case. But, there would be no problem there, in terms of...from
14. a criminal law standpoint. I ask for a favorable roll call.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. The question is, shall Senate Bill 915 pass, the veto of the
17. Governor to the contrary notwithstanding. Those in favor will vote
18. Aye. Those opposed vote Nay. The voting is open. Have all voted
19. who wish? Have all voted who wish? Have all voted who wish?
20. Have all voted who wish? Take...take the record. On that question,
21. the Ayes are 35, the Nays are 14, 1 Voting Present. Senate Bill
22. 915, having failed to receive the required...three-fifths vote,
23. is declared lost. Senate Bill 922, Senator Berman. Read the
24. motion, Mr. Secretary.

25. SECRETARY:

26. I move that Senate Bill 922 Do Pass, the veto of the Governor
27. to the contrary notwithstanding. Signed, Senator Berman.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Senator Berman.

30. SENATOR BERMAN:

31. Thank you, Mr. President and Ladies and Gentlemen of the
32. Senate. This bill was a product...was a product of a commission
33. that was created by this Legislature to evaluate the nursing

1. shortage throughout the State of Illinois. One of the reasons
2. that we introduced this bill, but with bi-partisan support, was
3. that we found that one of the needs, among others, that nurses
4. had problems with was a need to coordinate between a number of
5. different agencies in the State, the education and upward
6. mobility of people that...are entered or want to enter the
7. nursing profession. The Governor signed the bill that appropriated
8. the money for this commission, we're only talking about thirty
9. thousand dollars. The money has already been appropriated, but
10. he vetoed the bill. The bill is for a fourteen member commission,
11. made up of gubernatorial and legislative appointments. One of
12. the primary responsibilities of this commission is to sit down
13. and work out the problems in our areas of higher education, so
14. that nurses can move upward in improving their educationl status
15. to associate degrees, and bachelor degrees, and master degrees, to
16. make them more competent servants in the nursing profession.
17. I don't understand the reason that the Governor vetoed the bill.
18. He said that this bill doesn't solve the problem. Well, Ladies
19. and Gentlemen, I'm not saying it will, but it is an important step.
20. The override motion is supported by the Illinois Hospital Association,
21. by the Illinois Nurses Association. It is an important step to
22. address the problems that we have throughout the State of nursing
23. shortage. I ask your support of the motion to override.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Channel 20 requests permission to film. Is leave granted?
26. Leave is granted. Is there further discussion? If not, the
27. question is, shall Senate Bill 922 pass, the veto of the Governor
28. to the contrary notwithstanding. Those in favor will vote Aye.
29. Those opposed vote Nay. The voting is open. Have all voted who
30. wish? Have all voted who wish? Have all voted who wish? Take
31. the record. On that question, the Ayes are 38, the Nays are 17,
32. none Voting Present. Senate Bill 922, having received the required
33. three-fifths vote, is declared passed, the veto of the Governor

1. to the contrary notwithstanding. Senate Bill 966, Senator Gitz.

2. Read the motion, Mr. Secretary.

3. SECRETARY:

4. I move that Senate Bill 922 Do Pass, the veto of the Governor
5. to the contrary notwithstanding. Signed, Senator Gitz.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Senator Gitz.

8. SENATOR GITZ:

9. Thank you, Mr. President and members of the Senate. The
10. Governor's chief rationale in vetoing Senate Bill 966 was that
11. the public does not need to be protected against the sale of
12. gasohol which may not contain at least ten percent alcohol.
13. It is his contention that this is a new and expensive program,
14. and that the cost of the regulatory program doesn't bear it out.
15. It seems to me the issue is very straightforward. There isn't a
16. soul in this country, I don't believe, who would disagree that the
17. common...definition of gasohol is ten percent ethanol fuel. It
18. is not a complicated test. The Department of Agriculture is
19. presently vested with testing gas stations, at present; and it
20. seems to me, that since most of these pumps are installed as an
21. addition to existing facilities, the idea that, somehow, that this
22. is going to be a brand-new set of regulations in a brand-new area
23. is just simply fallacious. It is not enjoyable to take issue
24. with the Governor, but I think in this case, it clearly...if we're
25. serious about promoting alcohol fuels, the bear minimum, minimum
26. thing that the public can be expected to have, is to know that
27. when they're purchasing that...that product, usually at a higher
28. cost, that they are getting what they intended to pay for. That's
29. all this bill does.

30. PRESIDENT:

31. Any discussion? If not, the question is, shall Senate Bill
32. 966 pass, the veto of the Governor to the contrary notwithstanding.
33. Those in favor will vote Aye. Those opposed will vote Nay. The

SB 1051
overide

1. voting is open. Have all voted who wish? Have all voted who
2. wish? Have all voted who wish? Take the record. On that question,
3. the Ayes are 33, the Nays are 23, none Voting Present. The motion
4. fails. 1051. On the Order of Motions in Writing, the middle of
5. page 16, is a motion filed with respect to Senate Bill 1051, Mr.
6. Secretary.

7. SECRETARY:

8. I move that Senate Bill 1051 Do Pass, the veto of the Governor
9. to the contrary notwithstanding. Signed, Senator Marovitz.

10. PRESIDENT:

11. Senator Marovitz.

12. SENATOR MAROVITZ:

13. Thank you, very much, Mr. President and Ladies and Gentlemen
14. of the Senate. Senate Bill 1051, if...if the Clerk might correct
15. the board. Senate Bill 1051 is the bill which creates a mandatory
16. four-year prison sentence for any crime committed with the use of
17. a gun. It passed out of here and the House, virtually, uncontested
18. ...on...I believe it was on the Consent Calendar in one of the
19. two bodies. And, I was absolutely flabbergasted at the Governor's
20. veto of this bill, in view of the fact that he's co-chairman of
21. the Attorney General's Violent Crime Task Force, and has gone
22. around the country talking about the need for mandatory sentences.
23. And, this indeed, is what we have in this bill. It was a bill
24. that was supported by the National Rifle Association, it was a bill
25. that was supported by gun control activists, it's a bill that sends
26. a message to criminals that we're going to get tough on crime. I
27. read in the Governor's Veto Message, he talks about knives and
28. perilous knives and how knives aren't covered in this bill. Well,
29. that's very true, knives aren't covered in this bill; we never
30. intended to...to cover knives. It...it was intended to be a...a
31. gun bill...legislation to get tough on crimes committed with the
32. use of a gun. It doesn't change the law in any respect in regards
33. to Class X, which covers knives and other dangerous weapons. This

1. is a bill that...that sends a message to criminals that if they're
2. going to take guns with them and commit a crime using these guns,
3. whether they're fired or not, just threaten somebody, that they're
4. going to go to prison for four years, non-parole, no probation,
5. and that's the way it's going to be; there is going to be day-per-
6. day goodtime, at Senator Bowers' request, and that is in the bill.
7. This covers crimes that are not covered by Class X. Class X covers
8. felonies, this covers commission of crimes, so, it would cover
9. crimes in addition to felonies, such as, aggravated assault. I
10. think the most important...word that I could say, is this is not
11. offered to supplant Class X, but to supplement Class X. Class X
12. is in effect, remains in effect, unchanged at all by this
13. legislation, whether this legislation were to be used by a
14. prosecutor is under the control of the court and the prosecutor...
15. and this would help increase dispositions in the state's attorney's
16. office. It really is a get tough on crime bill and does not affect
17. existing law or Class X in any way, and I think the fact that it's
18. supported by the Rifle Association and the gun control activists
19. is something that people ought to think about. It's been editorial-
20. ized by the newspapers and I would ask for an Aye vote to override
21. the veto of Senate Bill 1051.

22. PRESIDENT:

23. Any discussion? Senator Bowers.

24. SENATOR BOWERS:

25. Senator Marovitz, I may have missed this when this bill was
26. originally passed, and I merely ask this question, when can you
27. use a gun in the commission of an offense when it would not be a
28. Class X Felony? The Governor's principle objection, as I understand
29. it, is that the...that we are, in effect, reducing the penalty.
30. And, I think you made a statement that you could use a gun in the
31. commission of an offense other than a Class X Felony, in which case...
32. in which case, your bill would apply and Class X would not. My
33. understanding of Class X, there's a provision in there somewhere, I

1. think, that says anytime a gun is involved, it's a Class X Felony,
2. and I wish you would address that question.

3. PRESIDENT:

4. Senator Marovitz.

5. SENATOR MAROVITZ:

6. Under...under the present crime of aggravated assault,
7. aggravated assault, I believe, is a Class A Misdemeanor. It's
8. not covered under Class X; it would be covered under this bill,
9. and we have...everyday in the papers and everyday in the news,
10. examples of Class A Misdemeanors where...where people are threatened
11. with guns or guns are...nobody's shot, nobody's injured, nobody's
12. killed, but people are threatened. And, that would be an aggravated
13. assault. It would be covered under this piece of legislation, and
14. it's an alternative sentencing procedure.

15. PRESIDENT:

16. Senator Bowers.

17. SENATOR BOWERS:

18. Well, drag that...I'm sorry to prolong this, but drag it by
19. again. I don't think you can use a gun without...or have a gun
20. involved without committing a Class X Felony. And...and, could you
21. explain the circumstances where you could commit an aggravated
22. assault with a gun and it not be a Class X Felony? That's my
23. question.

24. PRESIDENT:

25. Senator Marovitz.

26. SENATOR MAROVITZ:

27. I believe...an aggravated assault, such as having a gun, or...or
28. having someone believe that you are...that their life is being
29. threatened with a gun and they are just held up, let's say their
30. purse is snatched, or whatever it happens to be, they're robbed,
31. they're mugged, the gun is not used, but they are in fear of their
32. life, because a gun is...is carried by the perpetrator of the
33. crime. That would be a Class A Misdemeanor, aggravated assault.

1. PRESIDENT:

2. Senator Bowers.

3. SENATOR BOWERS:

4. Well, it seems to me, that when you use under...I just was
5. handed 3383, under sentence where you have a Category One weapon,
6. which is a...which is a...which is a gun, a violation of Section
7. 3382 with a Category One weapon, is a Class X Felony, and that's
8. the thing that's confusing me. I think when there's a gun involved,
9. it's a Class X Felony, period. And, I...and I don't want to, you
10. know, I don't want to willy-nilly argue against this bill; but I
11. think the Governor has a good point, when he says you're actually
12. reducing the penalty.

13. PRESIDENT:

14. Senator Marovitz.

15. SENATOR MAROVITZ:

16. I would just say that upon receiving this veto, I ran this by
17. several criminal lawyers and two criminal judges, and both said that
18. this would cover cases under aggravated assault, which were not
19. covered by Class X.

20. PRESIDENT:

21. Further discussion? Senator Joyce.

22. SENATOR JEREMIA JOYCE:

23. Will the sponsor yield?

24. PRESIDENT:

25. Indicates he will, Senator Joyce.

26. SENATOR JEREMIAH JOYCE:

27. This bill applies to felonies and non-felonies?

28. PRESIDENT:

29. Senator Marovitz.

30. SENATOR MAROVITZ:

31. Yes. This bill applies to crimes, it does not distinguish
32. between felonies and non-felonies.

33. PRESIDENT:

Senator Joyce.

1. SENATOR JEREMIAH JOYCE:

2. What does the Governor's Veto Message say? Does it say
3. felony?

4. PRESIDENT:

5. Senator Marovitz.

6. SENATOR MAROVITZ:

7. The Governor's Veto Message says a lot of things about...it
8. covers a lot of different areas. It talks about knives, it talks
9. about Class X...it talks about his desire for mandatory sentences
10. and why he thinks that's a good idea, and why he prefers Class X
11. to this; and Class X is not an alternative. This is meant to
12. supplement.

13. PRESIDENT:

14. Senator Joyce.

15. SENATOR JEREMIAH JOYCE:

16. It was my understanding that this bill was going to be changed
17. from crime to felony. If we pass this bill out, now, and we're
18. talking about crime, I can give you some examples, Senator Bowers,
19. of where you can use a weapon and it would not be a felony. How
20. about, if you get in an argument with your neighbor and you shoot
21. a bullet through his car, or through his garage. Do we understand...
22. does...Senator Marovitz, do you understand the present state of law
23. of mandatory sentencing in the State of Illinois, now...the Supreme
24. Court decision?

25. PRESIDENT:

26. Senator Marovitz.

27. SENATOR MAROVITZ:

28. As a result of that example that you gave in committee, the bill
29. was changed before it passed, to deal with crime against a person,
30. so that that example where you are shooting someone's property,
31. neighbor's get in a fight, those kinds of altercations, are not
32. covered under this legislation. It is only a crime against a person,
33. and that is in the legislation. That's why the Governor doesn't

1. deal with that kind of example.

2. PRESIDENT:

3. Further discussion? Senator Bowers.

4. SENATOR BOWERS:

5. Well, I'd like to speak a second time, because I think,
6. Senator Marovitz, you're in error. The...first place, a violation
7. of the Armed Violence Section with a Category One weapon, is a
8. Class X Felony. Okay. So, that appears in 3382...in the
9. sentencing provision. Now, armed violence...the definition of
10. armed violence is as follows: "a person is considered armed with
11. a dangerous weapon for purposes of this Article, when he carries
12. on or about his person, or is otherwise armed with Category One
13. or Category Two weapons." And, under sentencing...under the
14. sentencing provision, if he's got a Category One weapon on his
15. person, he is guilty of armed violence; and therefore, it's a
16. Class X Felony, and that's the Governor's point, and I think it's
17. well taken, that under your bill you can use the gun and have less
18. ...have less penalty than you do under Class X, if you merely
19. have the gun on your possession.

20. PRESIDENT:

21. Any further discussion? Senator Marovitz may close.

22. SENATOR MAROVITZ:

23. Well, all I can tell you...direct to Senator Bowers is, when
24. this Veto Message came out and it was shown to criminal lawyers
25. and judges in the...in the city, who helped prepare the legislation,
26. they all felt that...and unanimously, that this bill covered
27. aggravated assault as a misdemeanor, which, in fact, Class X did not
28. cover, because it only covered felonies. And, I think the...the
29. point to emphasize, Senator Bowers, is this is not taking the place
30. of Class X in any way. It's...it is a tool for prosecutors, it is a
31. tool for the court to use to help increase dispositions and to cover
32. crimes that are not covered by Class X. It is an alternative, it's
33. meant to supplement Class X, not to supplant Class X, and deals with

Page 56 - October 15, 1981

1. a public policy concern that is the...use of guns in committing
2. of a crime that is not dealt with by Class X, and that's why it
3. passed out of here with support from both Bodies, and both sides
4. of the aisle, and by the gun control people, and by the Rifle
5. Association. I would ask for an Aye vote.

6. PRESIDENT:

7. The question is, shall Senate Bill 1051 pass, the veto of the
8. Governor to the contrary notwithstanding. Those in favor will vote
9. Aye. Those opposed will vote Nay. The voting is open. Have all
10. voted who wish? Have all voted who wish? Have all voted who
11. wish? Take the record. On that question, the Ayes are 33, the
12. Nays are 24, none Voting Present. The motion fails. The middle
13. of page 16, there's a motion filed with respect to Senate Bill
14. 1146, Mr. Secretary.

15. SECRETARY:

16. I...I move that Senate Bill 1146 Do Pass, the veto of the
17. Governor to the contrary notwithstanding. Signed, Senator Berman.

18. PRESIDENT:

19. Senator Berman.

20. SENATOR BERMAN:

21. Thank you, Mr. President and Ladies and Gentlemen of the
22. Senate. Senate Bill 1146 was a bill that did two things. It
23. addressed the status of the hearing officers in the administrative
24. procedures of the State of Illinois. It said that the hearing
25. officers should be lawyers, and that they should be called
26. Administrative Law Judges. The...the Governor vetoed the bill.
27. ...I don't understand, really, why it was vetoed; it's a bill that
28. upgrades the requirements and professionalism of people that hold
29. the life and death determination before the citizens of the State
30. of Illinois get to the courts. We're talking about the people
31. in all the agencies of the State that act as the hearing officers
32. when there is a dispute between the agencies of the State and the
33. citizens that are regulated by those agencies. And, I think that

Page 57 - October 15, 1981

1. it should be people that are qualified and of the highest caliber,
2. and giving them the title of Administrative Law Judge is in line
3. with the procedures that have been followed for many years on the
4. Federal level. I think it's a good bill. It...it addressed a...
5. not a terribly important problem, but it was important to a
6. segment of our society in...in State Government that's important
7. to those who are regulated by them, and I ask your support in this
8. override.

9. PRESIDENT:

10. Any discussion? Senator Bloom.

11. SENATOR BLOOM:

12. Senate...question of the sponsor.

13. PRESIDENT:

14. Indicates he'll yield, Senator Bloom.

15. SENATOR BLOOM:

16. This...this legislation, as I recall, does this...this
17. grandfathers in non-attorneys, does it not, and makes them
18. Administrative Law Judges?

19. PRESIDENT:

20. Senator Berman.

21. SENATOR BERMAN:

22. Thank you, Senator Bloom. That's very important. Nobody
23. that's presently employed will be affected as far as losing their
24. jobs. The requirement that they be attorneys is prospective, only,
25. of course, those who do have the jobs now, will be accorded the
26. new title of Administrative Law Judge.

27. PRESIDENT:

28. Further discussion? Senator Grothberg.

29. SENATOR GROTHBERG:

30. Thank you, Mr. President. Just to express how my viscera
31. turns sour when I think of judges wanting to be called judges,
32. who are not, in fact, judges as the populous understands them.
33. It was not difficult, this morning, to get the feeling of professional

1. judges as we sat in the Executive Committee listening to their
2. appeal for salary increases. We would all like to be judges,
3. and I think everyone in this General Assembly would like to be
4. a judge, but Administrative Law Judge will soon be called Judge
5. So-and-so, Judge So-and-so; it's a simple differentiation, but
6. I think it's crucial in the general understanding of the people
7. of Illinois. A judge sits in a courtroom and administers law,
8. not regulations and I would request a No vote on the motion.

9. PRESIDENT:

10. Further...further discussion? Senator Nimrod. Any further
11. discussion? Senator Berman may close.

12. SENATOR BERMAN:

13. Thank you. Ladies and Gentlemen, I would adopt Senator
14. Grotberg's opposition as an argument for the bill. These people
15. act like and perform functions of judges and there's nothing
16. wrong with calling them judge. The Federal Government has called
17. these hearing officers Administrative Law Judges for many years.
18. That is what they are, because they have the power to determine
19. disputes between the citizens and administrative agencies, and it
20. upgrades and improves a system that greatly needs improvement.
21. I ask for your support for the motion to override.

22. PRESIDENT:

23. The question is, shall Senate Bill 1146 pass, the veto of
24. the Governor to the contrary notwithstanding. Those in favor
25. will vote Aye. Those opposed will vote Nay. The voting is
26. open. Have all voted who wish? Have all voted who wish? Have
27. all voted who wish? Take the record. On that question, the
28. Ayes are 24, the Nays are 29, none Voting Present. The motion
29. fails. Senator Chew on 1198. The motion filed...the Motion
30. in Writing with respect to Senate Bill 1198, Mr. Secretary.

31. SECRETARY:

32. I move that Senate Bill 1198 Do Pass, the veto of the Governor
33. to the contrary notwithstanding. Signed, Senator Chew.

1. SENATOR CHEW:

2. Mr. President, the Governor's rationale for vetoing this
3. bill is the fact that it might violate Federal regulations; but
4. in the next sentence he says, the department has the right to
5. waive that violation and carry on. What this bill does, it allows
6. through a voluntary effort, that Public Aid recipients can assign
7. over to the Public Housing Authority the authority to subtract, or
8. in fact, have the Public Aid Department to pay their rent out of
9. the Public Aid check. Prior to the merger of the State of Illinois
10. and the Cook County Department of Welfare, it did exist in Cook
11. County. It was a total success. When we came into the State of
12. Illinois Department of...Public Welfare, it was eliminated. After
13. the Governor vetoed the bill, I met with some of the persons
14. that were previously under the program and they are all for it;
15. and the ironic thing about it, Mr. President, some people just
16. admit that they cannot manage their own monies, and I have not
17. found anyone that's in opposition to this bill, other than the
18. Governor; and he is not in opposition to it. He merely said that
19. it would violate the Federal law, but the department has the right
20. to waive that Federal law. So, that's not a valid reason for the
21. veto of the bill. And, the other part that happens, when these
22. people are evicted from the Public Housing Authority, then law
23. enforcement has to go in and serve the summons or eviction notices.
24. Law enforcement is not paid for that, because there is no provisions
25. made that they will get paid for that time spent. So, it makes
26. their records cumbersome and it's something that should be done.
27. I've gone into Public Housing and talked to persons, as I've said,
28. that were previously under the program, and they had no objections
29. to going back to it. And, let me emphasize, it is not mandatory,
30. it is merely a right that they would have to allow the Public Aid
31. Department to pay their rent in Public Housing. It does not, and
32. let me emphasize, it does not include private housing that have
33. tenants that are on Public Aid. It only applies to the Chicago

Page 60 - October 15, 1981

1. Housing Authority. Everybody in the Housing Authority is for
2. it, the department is not against it and the rationale that the
3. Governor used, in my opinion, is not sufficient to have vetoed
4. this bill. Let me give you the history of it, Mr. President.
5. It passed out of the Senate on 3rd reading at 57 to nothing.
6. On the Conference Committee Report it passed out 57 to nothing.
7. In the House, it passed out 156; on the Conference Committee
8. Report, it passed out 132 to 4. Now, if that is not a good
9. record vote, I don't know what is. Let me emphasize, I have
10. not found anyone that is in opposition to the bill. The persons
11. that would be affected by it, by their own movement, are in
12. favor of it and I would ask that we vote Aye to override the
13. Governor's veto.

14. PRESIDENT:

15. Any discussion? Senator Geo-Karis.

16.
17. (End of reel)
18.
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.
29.
30.
31.
32.
33.

Reel #3

Page 61 - October 15, 1981

1. SENATOR GEO-KARIS:

2. Mr. President and Ladies and Gentlemen of the Senate.

3. I speak in favor of the override of the veto, in fact, I don't
4. think the bill goes far enough. I believe people who get money
5. for rent should be paying it as rent and I am in favor of this
6. override because I think it's the only decent thing to do.

7. PRESIDENT:

8. Any further discussion? If not, the question is, shall
9. Senate Bill 1198 pass, the veto of the Governor to the contrary,
10. notwithstanding. Those in favor will vote Aye. Those opposed
11. will vote Nay. The voting is open. Have all voted who wish?
12. Have all voted who wish? Have all voted who wish? Have all
13. voted who wish? Take the record. On that question, the Ayes
14. are 37, the Nays are 17, none Voting Present. Senate Bill 1198,
15. having received the required three-fifths vote is declared
16. passed, the veto of the Governor to the contrary, notwithstanding.
17. All right. Continuing on page 16, there's a motion filed with
18. respect to Senate Bill 21. Senator Berning. Mr. Secretary.

19. SECRETARY:

20. I move to accept the Specific Recommendations of the Governor
21. as to Senate Bill 21 in the manner and form as follows. Signed,
22. Senator Berning.

23. PRESIDENT:

24. Senator Berning. Berning.

25. SENATOR BERNING:

26. Thank you, Mr. President and members of the Senate. The
27. Governor's Amendatory Veto changes one word in Senate Bill 21,
28. striking "shall" and inserting "may." This has to do with the
29. reports by the downstate Firemen's Pension Systems to the
30. Department of Insurance. This Senate Bill 21, you may recall,
31. was an additional step by this Body in our effort to ultimately
32. conform to what we know is coming through the Federal regulations
33. under PERISA. Now there has been a good deal of misinformation

1. going around. I am positive that many of you have been importuned
2. by certain groups and individuals to resist the passage of Senate
3. Bill 21 with this amendment. Let me assure you...that the costs
4. involved are nominal, however, the effective date of the bill,
5. if it is approved by both Houses, will be July 1, 1982. We,
6. therefore, have all of next spring Session to analyze any and
7. all concerns or objections which may be legitimately raised
8. over the bill. As a matter of fact, I do know there is a
9. bill which is in Conference Committee that has an amendment
10. that will affect this bill by eliminating the very small
11. systems from any obligation, whatsoever. Therefore, Mr. President,
12. reassuring the Body that there will be adequate time to make
13. any and all adjustments which are justified, and I believe I
14. echo the...the positions of Senator D'Arco and Senator Egan,
15. that..this Body ought to concur in the Amendatory Veto and get
16. on with this measure.

17. PRESIDENT:

18. Is there any discussion? Senator Bruce.

19. SENATOR BRUCE:

20. Well, although this...Amendatory Act only changes one
21. word, I would want...anyone from downstate Illinois to under-
22. stand that all the downstate police and fire pension systems
23. are very much opposed to this legislation. The change of that
24. one word says that the Department of Insurance, rather than
25. doing this actuarial study, that...that they may do that.
26. They've already announced publicly to the police and fire
27. pensions that they are not going to do it. In downstate
28. Illinois...we have almost entirely volunteer fire departments
29. that would cost approximately six thousand dollars for each
30. one of these systems, some of them having less than twenty
31. or thirty people in it to do the actuarial study, and under
32. the Statute this is forced right back onto the real estate
33. taxpayer because they can levy what is needed to run the system.

Page 63 -October 15, 1981

1. So, in effect, you are levying an additional six to ten thousand
2. dollars in each of your volunteer fire departments and...and
3. fire and police departments. It just seems to me that there
4. are other ways to work out this problem. This is not a...the change
5. of the one word, forces this back on...upon the local fire and
6. police departments.

7. PRESIDENT:

8. Further discussion? Senator Egan.

9. SENATOR EGAN:

10. Yes, thank you, Mr. President and members of the Senate.
11. Senator Berning, I was not aware of the opposition from the
12. municipalities that has arisen just this morning, at least
13. that's the first knowledge I had of it. I think what Senator
14. Bruce is saying makes very good sense. We are imposing...on
15. these municipalities something which they do not now have to
16. do, just by this change and there is no mandate, no clear mandate,
17. because of its...its permissive in nature. However, the intent...
18. the original intent of the bill was to have the Department of
19. Insurance accomplish the goal, not the municipality itself.
20. It's a complete change, I...perhaps you'd change your mind, too,
21. after reflection on it, Senator Berning. I...I'd like to hear
22. what you have to say, but I was unaware of the...of the tremendous
23. opposition that has arisen, not by the departments, but by the
24. municipalities.

25. PRESIDENT:

26. Further discussion? Senator Berning may close.

27. SENATOR BERNING:

28. Thank you, Mr. President. Not more than a half hour
29. ago, I talked to Tom Fitzgerald...Fitzsimmons right outside the door here.
30. He questioned whether or not there was a need and whether
31. there would be exorbitant costs. I assured him that that
32. is not the case, but I also assured him, as I have this Body
33. here, that we have six months, Senator Egan, we have six months,

1. starting with the next Session, to iron out any and all problems
2. that may exist with the bill, if there are any. But, responding
3. to Senator Bruce, Senator, the actuaries with whom I have talked,
4. including Dwight Anderson from the Department of Insurance, estimate
5. that the maximum cost could be a thousand dollars. Now, I see
6. there's a letter going around by one of the groups saying, it
7. is three thousand, now you're saying six thousand. This is
8. totally out of order and unreasonable. There will be a minimal
9. expense, and that can be really small if these smaller groups
10. will combine their needs and their requests with one actuarial
11. firm, it could be as little as twenty or thirty dollars a
12. system. However, as I say, there is a bill that will exempt...
13. will exempt those with fewer than fifty employees and I remind
14. you, Senator Bruce, that volunteer systems don't have a pension
15. system, volunteer firemen are not covered. So, I think you
16. are misconstruing. The important thing is that we take the
17. step to assure that the State of Illinois qualifies for exemption
18. under the Federal regulations which are forthcoming and this is
19. part of that procedure. If we need to make any corrections, we
20. will have ample time. Mr. President, I believe...this is legislation
21. that ought to pass and I respectfully request the support of
22. the membership.

23. PRESIDENT:

24. The question is, shall the Senate accept the Specific Recommendations
25. of the Governor as to Senate Bill 21 in the manner and form just
26. stated by Senator Berning. Those in favor will vote Aye. Those
27. opposed will vote Nay. The voting is open. Have all voted who
28. wish? Have all voted who wish? Take the record. On that question,
29. the Ayes are 6, the Nays are 49, the motion fails. Motion filed
30. with respect to Senate Bill 22, Senator Davidson. Mr. Secretary,
31. please.

32. SECRETARY:

33. I move to accept the Specific Recommendations of the Governor

1. as to Senate Bill 22 in the manner and form as follows. Signed,
2. Senator Davidson.

3. PRESIDENT:

4. Senator Davidson.

5. SENATOR DAVIDSON:

6. Mr. President and members of the Senate. I move to...adopt
7. the...approve the Amendatory Veto. The word was, put the
8. word "full-time" in front of the employees, so there could...
9. be no misconstruing that part-time employees could qualify
10. for this benefit. I think it was a good change. There's no...
11. clears up any doubt...means any full-time employee could qualify
12. for this benefit in the National Guard. I ask for a favorable
13. vote...for the Amendatory Veto.

14. PRESIDENT:

15. Any discussion? If not, the question is, shall the Senate
16. accept the Specific Recommendations of the Governor as to
17. Senate Bill 22 in the manner and form just stated by Senator
18. Davidson. Those in favor will vote Aye. Those opposed will
19. vote Nay. The voting is open. Have all voted who wish?
20. Have all voted who wish? Have all voted who wish? Take the
21. record. On that question, the Ayes are 54, the Nays are none,
22. none Voting Present. The...Specific Recommendations of the
23. Governor, as to Senate Bill 22, having received the required
24. constitutional majority vote of Senators elected, are declared
25. accepted. 27, Senator Nega. On the Order of Motions in Writing,
26. the motion filed with respect to 27, Mr. Secretary.

27. SECRETARY:

28. I move to accept the Specific Recommendations of the Governor
29. as to Senate Bill 27 in the manner and form as follows. Signed,
30. Senator Nega.

31. PRESIDENT:

32. Senator Nega.

33. SENATOR NEGA:

SB 172
Specific Recommendations
of the Gov.

1. Yes, thank you, Mr. President and members of the Senate. The
2. second part of the bill which granted taxicab drivers who were
3. victims of violent crimes, a special status is...absolutely
4. unneeded. Armed robbery of any person is a Class X felony, which
5. also disqualifies the offender from probation. If I had known
6. this, I'd never of put it in the bill. The second part, is one
7. of the changes now, according to the...Governor, would permit
8. judges conducting preliminary hearings to consider at the
9. same time, the State's application to revoke or increase the
10. defendants bail, after a defendant commits a forceable felony
11. while free on bail. This bill passed the House...passed the
12. Senate at 53 to nothing and it passed the House 144 to nothing.
13. I ask for your favorable support.

14. PRESIDENT:

15. Any discussion? If not, the question is, shall the Senate
16. accept the Specific Recommendations of the Governor as to Senate
17. Bill 27, in the manner and form just stated by Senator Nega.
18. Those in favor will vote Aye. Those opposed will vote Nay.
19. The voting is open. Have all voted who wish? Have all voted
20. who wish? Have all voted who wish? Take the record. On that
21. question, the Ayes are 55, the Nays are none, none Voting Present.
22. The Specific Recommendations of the Governor as to Senate Bill 27,
23. having received the required constitutional majority vote of
24. Senators elected are declared accepted. Senator Demuzio on
25. 172. On the Order of Motions in Writing, there's a motion filed
26. with respect to Senate Bill 172. Mr. Secretary.

27. ACTING SECRETARY: (MR. FERNANDES)

28. I move to accept the Specific Recommendations of the
29. Governor as to Senate Bill 172 in the manner and form as follows.
30. Signed, Senator Demuzio.

31. PRESIDENT:

32. Senator Demuzio.

33. SENATOR DEMUZIO:

SB 257
Specific Recommendations

1. Well, thank you, Mr. President and Ladies and Gentlemen of
2. the Senate. This is the...the landfill bill. The Governor
3. made some...clarifying language changes to indicate that the
4. bill did not apply to on-site waste storage treatment or disposal
5. facilities. And also took out the provision which was in House
6. Bill 847, which would have provided the..by local ordinances,
7. that the EPA would not...adopt pollution control ordinances
8. that were more stringent than the EPA, or rather the municipality.
9. And then also provided some additional criteria changes for the
10. site location, some of which there seems to be a minor dispute
11. with, and then also providing that there will be, in clarifying
12. language, no additional evidence to be heard by the Pollution
13. Control Board once the case is appealed. I don't know of any
14. known opposition and it's not totally the way we would like to
15. have...I would like to have it, but at this particular time,
16. I respectfully ask for a favorable vote.

17. PRESIDENT:

18. Any discussion? If not, the question is, shall the Senate
19. accept the Specific Recommendations of the Governor as to
20. Senate Bill 172 in the manner and form just stated by Senator
21. Demuzio. Those in favor will vote Aye. Those opposed will
22. vote Nay. The voting is open. Have all voted who wish?
23. Have all voted who wish? Have all voted who wish? Take the
24. record. On that question, the Ayes are 58, the Nays are none,
25. none Voting Present. The Specific Recommendations of the
26. Governor as to Senate Bill 172, having received the required
27. constitutional majority vote of Senators elected are declared
28. accepted. 257, Senator Davidson. Motion in Writing filed
29. with respect to Senate Bill 257. Mr. Secretary.

30. ACTING SECRETARY: (MR. FERNANDES)

31. I move to accept the...Specific Recommendations of the
32. Governor as to Senate Bill 257 in the manner and form as follows.
33. Signed, Senator Davidson.

1. PRESIDENT:

2. Senator Davidson.

3. SENATOR DAVIDSON:

4. Mr. President and members of the Senate. I move we
5. concur in the Amendatory Veto. What it did was remove the
6. word, "primarily" that was put in the bill out of Conference
7. Committee, which was put in in error because there had been
8. a Supreme Court test dealing with...a section. In 1977 it
9. resolved this and if the word...remained in, it would have
10. made the bill administratively impossible to deal with. Our...
11. ask for a favorable vote.

12. PRESIDENT:

13. Any discussion? If not, the question is, shall the Senate
14. accept the Specific Recommendations of the Governor as to
15. Senate Bill 257 in the manner and form just stated by Senator
16. Davidson. Those in favor will vote Aye. Those opposed will
17. vote Nay. The voting is open. Have all voted who wish? Have
18. all voted who wish? Have all voted who wish? Take the record.
19. On that question, the Ayes are 57, the Nays are none, none Voting
20. Present. The Specific Recommendations of the Governor as to
21. Senate Bill 257, having received the required constitutional
22. majority vote of Senators elected are declared accepted. WBBM-TV
23. News has requested permission to film silent film in the gallery.
24. Is leave granted? Leave is granted. Senator Bruce, on 270.
25. Motion in Writing filed with respect to Senate Bill 270, Mr.
26. Secretary.

27. SECRETARY:

28. I move to accept the Specific Recommendations of the
29. Governor as to Senate Bill 270 in the manner and form as follows.
30. Signed, Senator Bruce.

31. PRESIDENT:

32. Senator Bruce.

33. SENATOR BRUCE:

SB 300
Spec. Rec.

1. Thank you. This deals with the Permanent Improvement
2. and Contractual Line Items. There's a Comptroller's bill
3. on whether or not university systems...that's how the bill
4. eventually got started, could made...small improvements
5. in...in buildings when they had a Permanent Improvement
6. Line Item and wanted to make the improvement out of the
7. Contractual Line Item. Worked out our differences with
8. the university systems, with the Comptroller's Office, with
9. the Governor's Office, by saying that even if they have
10. a Permanent Improvements Line Item, they may, in fact,
11. make minor improvements out of Contractual services Line
12. Item, and so if they have to put a doorknob at the University
13. of Illinois, they may do that out of their contractual
14. Line Item, rather than going back all the way to their...
15. Permanent Improvement Line Item and...and going through the
16. Comptroller's Office on contracts. So, I would move to
17. accept the Specific Recommendations of the Governor as they
18. relate to Senate Bill 270.

19. PRESIDENT:

20. Any discussion? If not, the question is, shall the Senate
21. accept the Specific Recommendations of the Governor as to
22. Senate Bill 270 in the manner and form just stated by Senator
23. Bruce. Those in favor will vote Aye. Those opposed will vote
24. Nay. The voting is open. Have all voted who wish? Have
25. all voted who wish? Have all voted who wish? Take the record.
26. On that question, the Ayes are 57, the Nays are none, none Voting
27. Present. The Specific Recommendations of the Governor as to
28. Senate Bill 270, having received the required constitutional
29. majority vote of Senators elected are declared accepted. Senator
30. Weaver, on 300. Motion filed in Writing with respect to Senate
31. Bill 300. Mr. Secretary.

32. SECRETARY:

33. I move to accept the Specific Recommendations of the
34. Governor to Senate Bill 300 in the manner and form as follows.

Page 70 - October 15, 1981

1. Signed, Senator Weaver.

2. PRESIDENT:

3. Senator Weaver.

4. SENATOR WEAVER:

5. Thank you, Mr. President. This...there are two changes
6. in the Bankruptcy Act. The Governor feels that we ought to
7. correct a couple of inequities, in that we should delete the require-
8. ment that any motor vehicle not be subject to a lien. And also,
9. changes to include any number of benefits from any number of
10. pension plans. So, I would move that we accept these recommendations.

11. PRESIDENT:

12. Any discussion? If not, the question is, shall the Senate
13. accept the Specific Recommendations of the Governor as to Senate
14. Bill 300 in the manner and form just stated by Senator Weaver.
15. Those in favor will vote Aye, those opposed will vote Nay. The
16. voting is open. Have all voted who wish? Have all voted who
17. wish? Have all voted who wish? Take the record. On that question,
18. the Ayes are 57, the Nays are none, none Voting Present. The
19. Specific Recommendations of the Governor as to Senate Bill
20. 300, having received the required constitutional majority vote
21. of Senators elected, are declared accepted. Senator Bowers on
22. 376. There's a Motion in Writing filed with respect to Senate
23. Bill 376. Mr. Secretary.

24. SECRETARY:

25. I move to accept the Specific Recommendations of the
26. Governor as to Senate Bill 376 in the manner and form as follows.
27. Signed, Senator Bowers.

28. PRESIDENT:

29. Senator Bowers.

30. SENATOR BOWERS:

31. Thank you, Mr. President. The original purpose of Senate
32. Bill 376 was to make more realistic the interest rate on local
33. improvement bonds and that's the way the bill was...or that's
34. the form the bill was passed out of this...House originally or this

Page 71 - October 15, 1981

1. Senate originally. The...there was a House Bill that did the
2. same thing, House Bill 1503, which frankly, the bond firm of
3. Chapman and Cutler thought was better language and I have
4. no quarrel with that. And we passed House Bill 1503 and that has
5. been signed by the Governor. So that the original intent
6. of this Senate Bill is unnecessary and that portion of the
7. Senate Bill has been vetoed. Now, when it was in the House,
8. there were two amendments that were...attached to it. One of
9. them provided for the State to pay their fair share of special
10. assessments that were put in in front of State property, and
11. while I totally agree with that concept and supported it when
12. it came back here, the Governor does object and he's vetoed that
13. section. The last remaining portion has to do with industrial
14. bonds...for counties and that comes out of Lake County, Senator
15. Geo-Karis and the Lake County Representatives were interested
16. in that. That went on, that has met with favorable approval
17. of the Governor. Now, my problem is this, if I would move to
18. override and if, in fact, the General Assembly did override,
19. it would put the provisions as...as they relate to special
20. assessment bonds in conflict with the Statute that's already
21. been signed and I don't want to do that. So, I have filed the
22. motion to concur. I...I would yield to Senator Geo-Karis
23. if she cares to address the only issue that's really before
24. this Body.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Geo-Karis.

27. SENATOR GEO-KARIS:

28. Mr. President and Ladies and Gentlemen of the Senate.
29. Senator Bowers...gave the correct version of the whole thing.
30. What happened is that we passed a bill out of here, providing
31. for those industrial bonds for the counties, and unfortunately,
32. the Chairman of the Executive Committee had fifty bills and
33. wouldn't call any more, in the House. And that's what happened
34. and Senator Bowers was good enough to...our county chairman

1. and our board to add an amendment to his bill. And I move for
2. the concurrence of the bill.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Further discussion? Further discussion? The question is,
5. shall the Senate accept the Specific Recommendations of the
6. Governor as to Senate Bill 376. Those in favor vote Aye.
7. Those opposed vote Nay. The voting is open. Have all voted
8. who wish? Have all voted who wish? Take the record. On that
9. question, the Ayes are 54, the Nays are none, none Voting Present.
10. The Senate does adopt the Specific Recommendation of the Governor
11. as to Senate Bill 376 and the bill having received the required
12. constitutional majority is declared passed. Senator Vadalabene,
13. on 446. Hold. Senate Bill 508, Senator Bloom. Read the motion,
14. Mr. Secretary, please.

15. SECRETARY:

16. I move to accept the Specific Recommendations of the
17. Governor as to Senate Bill 508 in the manner and form as follows.
18. Signed, Senator Bloom.

19. PRESIDING OFFICER: (SENATOR BLOOM)

20. Senator Bloom is recognized.

21. SENATOR BLOOM:

22. Thank you, Mr. President and fellow Senators. As you
23. may recall, this particular piece of legislation amended the
24. Illinois Administrative Procedure Act to...address the issue
25. of incorporation by reference. The Governor has made recommendation
26. that appears to be reasonable, so I would move that we accept
27. it and...his changes and that we concur. I'll answer any questions
28. you may have, otherwise, I'd seek a favorable roll call.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is there discussion? The motion...is to accept. Senator
31. Bloom, did...further discussion? The question is, shall the Senate
32. adopt the Specific Recommendation of the Governor as to Senate
33. Bill 508. Those in favor vote Aye. Those opposed vote Nay.

1. The voting is open. Have all voted who wish? Have all voted
2. who wish? Take the record. On that question, the Ayes are 57,
3. the Nays are none, none Voting Present. The Senate does...concur
4. in the Specific Recommendation of the Governor as to Senate Bill
5. 508 and the bill having received the required constitutional
6. majority is declared passed. 556, Senator Schaffer. Read the
7. motion, Mr. Secretary, please.

8. SECRETARY:

9. I move to accept the Specific Recommendations of the Governor
10. as to Senate Bill 556 in the manner and form as follows. Signed,
11. Senator Schaffer.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Schaffer.

14. SENATOR SCHAFFER:

15. Mr. President and members of the Senate. 556 was the bill
16. that provided the thirty-five hundred dollar stipend for
17. county clerks. The Governor has amendatorily vetoed it to
18. delay the enactment of the Act a year, to provide that it will
19. only work when the money is appropriated by the General Assembly
20. and to delete any counties that have...where the county clerk
21. doesn't run the elections and that the county has...a board of
22. elections. The County Clerks Association supports the bill.
23. I think it's a reasonable compromise in light of the fiscal
24. situation of the State and appreciate a favorable roll call.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Further discussion? The question is,...shall the Senate
27. accept the Specific Recommendations of the Governor as to
28. Senate Bill 556 in the manner and form just stated by Senator
29. Schaffer. Those in favor vote Aye. Those opposed vote Nay.
30. The voting is open. Have all voted who wish? Have all voted
31. who wish? Take the record. On that question, the Ayes are
32. 57, the Nays are 1, none Voting Present. The Senate does
33. adopt the Specific Recommendations of the Governor as to
34. Senate Bill...556, and the bill having received the required

SB 606
Spec. Recomm.
of the Gov.

1. constitutional majority is declared passed. Senate Bill 606,
2. Senator Sangmeister. Read the motion, Mr. Secretary, please.
3. ACTING SECRETARY: (MR. FERNANDES)
4. I move to accept the Specific Recommendations of the
5. Governor as to Senate Bill 606 in the manner and form as follows.
6. PRESIDING OFFICER: (SENATOR BRUCE)
7. Senator Sangmeister.
8. SENATOR SANGMEISTER:
9. Thank you, Mr. President and members of the Senate. Senate
10. Bill 606 dealt with when county treasurers would turn over funds
11. to taxing bodies and what interest would go with them. The
12. Governor completely agrees with the bill, but has used taking
13. advantage of the bill to correct what apparently, in Section 9A
14. of Article VII of the Illinois Constitution of 1970, prohibited
15. the collection of fees and commissions by township and county
16. collectors. That language has never been taken out of the
17. Statute and the Governor feels this is the bill we ought to
18. do it with and I concur and would ask for a favorable...adoption
19. of the motion.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Discussion? The question is, does the Senate accept the
22. Specific Recommendations of the Governor as to Senate Bill 606
23. in the manner and form just explained by Senator Sangmeister.
24. Those in favor vote Aye. Those opposed vote Nay. The voting
25. is open. Have all voted who wish? Have all voted who wish?
26. Take the record. On that question, the Ayes are 58, the Nays
27. are none, none Voting Present. The Senate does adopt the
28. Specific Recommendations of the Governor as to Senate Bill 606
29. and the bill having received the required constitutional
30. majority of Senators elected, is declared passed. Senate Bill
31. 612, Senator Sangmeister. Read the motion, Mr. Secretary, please.
32. ACTING SECRETARY: (MR. FERNANDES)
33. I move to accept the Specific Recommendations of the Governor

1. as to Senate Bill 612 in the manner and form as follows. Signed,
2. Senator Sangmeister.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Sangmeister is recognized.

5. SENATOR SANGMEISTER:

6. Thank you, Mr. President and Ladies and Gentlemen of the
7. Senate. Senate Bill 612 dealt with the proposition of reporting
8. a tax on teachers to the superintendent of the schools, who
9. would then, in turn, report them to the State Board of Education.
10. The Governor feels the right agency to report to is the Department
11. of Law Enforcement, who then will report to the State Board
12. of Education. We find no objection with that procedure and would
13. ask for a concurrence.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there discussion? The question is, does the Senate accept
16. the Specific Recommendation of the Governor as to Senate Bill
17. 612 in the manner and form just explained by Senator Sangmeister.
18. Those in favor vote Aye. Those opposed vote Nay. The voting
19. is open. Have all voted who wish? Have all voted who wish?
20. Have all voted who wish? Take the record. On that question,
21. the Ayes are 57, the Nays are none, none Voting Present. The
22. Senate does adopt the Specific Recommendation of the Governor
23. as to Senate Bill 612 and the bill having received the required
24. constitutional majority is declared passed. Senate Bill 618,
25. Senator Jeremiah Joyce. Read the motion, Mr. Secretary, please.

26. ACTING SECRETARY: (MR. FERNANDES)

27. I move to accept the Specific Recommendations of the
28. Governor as to Senate Bill 618 in the manner and form as
29. follows. Signed, Senator Jeremiah Joyce.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Joyce.

32. SENATOR JEREMIAH JOYCE:

33. Thank you, Mr. President and members of the Senate. The

S.B. 633
10-15-81
override

1. Governor's Recommendation for...Specific Change would put
2. the...Murder Statute in compliance with the...offense, which
3. we created, the aggravated indecent liberties and I ask for
4. your favorable support.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? The question is, shall the Senate
7. adopt the Specific Recommendations of the Governor as to
8. Senate Bill 618 in the manner and form just explained by Senator
9. Jeremiah Joyce. Those in favor vote Aye. Those opposed vote
10. Nay. The voting is open. Have all voted who wish? Have
11. all voted who wish? Have all voted who wish? Take the
12. record. On that question, the Ayes are 58, the Nays are none,
13. none Voting Present. The Senate does adopt the Specific
14. Recommendations of the Governor as to Senate Bill 618 and
15. the bill, having received the required constitutional majority
16. is declared passed. Senate Bill 633, Senator Berman. Read
17. the motion, Mr. Secretary, please. For what purpose does
18. Senator Berman arise?

19. SENATOR BERMAN:

20. I filed a motion to override the Amendatory Veto and
21. discussed it with both sides. That motion I would like to
22. have considered first. I don't know when you're going to
23. get to that. This one was...this one was filed earlier and
24. the override has...was filed today.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. All right. There's several Senators have inquired about
27. motions they filed which are not on the Calendar. The Secretary
28. is in the process of preparing a Supplemental Calendar, and as
29. to Senator Berman's specific question, it will be on the
30. Supplemental Calendar...

31. SENATOR BERMAN:

32. All right, then pass this at this time.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. ...and we will...do you wish to withdraw it or just?

2. SENATOR BERMAN:

3. I'll withdraw...

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. All right.

6. SENATOR BERMAN:

7. ...the motion at this time.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Berman wishes to withdraw his motion...

10. SENATOR BERMAN:

11. No, just...skip over it.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. All right, we will just hold. But there will be a
14. Supplemental Calendar and we will consider that today. For
15. what purpose does Senator Geo-Karis arise?

16. SENATOR GEO-KARIS:

17. Mr. President and Ladies and Gentlemen of the Senate.

18. I rise on a point of personal privilege.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. State your point.

21. SENATOR GEO-KARIS:

22. In the gallery, on my left, up there, are students and
23. members of the faculty...and friends of the students and
24. parents from Freemont School in Mundelein, Illinois, which is
25. Lake County, which is serviced by Senator Berning and myself.
26. I would like to have them rise so we could welcome them.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Would our guests please rise and be recognized by the
29. Senate. Senate Bill 666, Senator Gitz. Read the motion, Mr.
30. Secretary, please.

31. ACTING SECRETARY: (MR. FERNANDES)

32. I move to accept the Specific Recommendation of the Governor
33. as to Senate Bill 666 in the manner and form as follows. Signed,

1. Senator Gitz.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Gitz.

4. SENATOR GITZ:

5. Thank you, Mr. President and members of the Senate.

6. There were several provisions to Senate Bill 666. The one

7. that the Governor was concerned about was a new formula for

8. State reimbursement of driver's education cost. His specific

9. concern was the fact that this was already contained in

10. Senate Bill 783, which passed after this bill, and consequently,

11. there is no need for...any further action and I do make a

12. motion to accept his recommendations for change.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? The question is, shall the Senate

15. adopt the Specific Recommendation of the Governor as to Senate

16. Bill 666 in the manner and form just explained by Senator Gitz.

17. Those in favor vote Aye. Those opposed vote Nay. The voting

18. is open. Have all voted who wish? Have all voted who wish?

19. Take the record. On that question, the Ayes are 55, the Nays

20. are none, none Voting Present. The Senate does adopt the

21. Specific Recommendation of the Governor as to Senate Bill

22. 666 and the bill having received the required constitutional

23. majority is declared passed. Senate Bill 818, Senator Schaffer.

24. Read the motion, Mr. Secretary, please.

25. ACTING SECRETARY: (MR. FERNANDES)

26. I move to accept the Specific Recommendations of the

27. Governor as to Senate Bill 818 in the manner and form as

28. follows. Signed, Senator Schaffer.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Schaffer is recognized.

31. SENATOR SCHAFFER:

32. Mr. President and members of the Senate. As...Senate Bill

33. 818 reached the Governor's desk it expanded the PKU Testing

34. Program to include two specific hypothyroid type tests. The

1. Department of Public Health had problems with the specific
2. reference of those two type tests despite an earlier agreement.
3. And the Governor's Amendatory Veto deletes reference to those
4. specific tests. The Department of Public Health, having some
5. semblance of honor, has agreed to use the Federal money that
6. we procured for this purpose to run a six month test program
7. to see if those two tests are justified, and if the tests come
8. back in a very positive manner, we will probably be attempting
9. at some point in the future to put some reference to these
10. tests back in. But from the...this point on, the bill still
11. is a good step forward along with the department's commitment
12. to...conduct the...the dual testing system for at least six
13. months. And I move to accept the Governor's recommendations.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Discussion? The question is, does the Senate...shall
16. the Senate accept the Specific Recommendations of the Governor
17. as to Senate Bill 818 in the manner and form just stated by
18. Senator Schaffer. Those in favor vote Aye. Those opposed
19. vote Nay. The voting is open. Have all voted who wish? Have
20. all voted who wish? Take the record. On that question, the
21. Ayes are 54, the Nays are none, none Voting Present. The
22. Senate does adopt the Specific Recommendations of the Governor
23. as to Senate Bill 818, and the bill having received the required
24. constitutional majority is declared passed. Senate Bill 884,
25. Senator Geo-Karis.

26. ACTING SECRETARY: (MR. FERNANDES)

27. Senate Bill 8...84. I move to accept the Specific Recommendation
28. of the Governor as to Senate Bill 884 in the manner and form as
29. follows. Signed, Senator Geo-Karis.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Geo-Karis.

32. SENATOR GEO-KARIS:

33. Mr. President and Ladies and Gentlemen of the Senate. I'd

- SB.1007,
10-15-81
Spec. recommendations
1. like to concur in the Amendatory Veto of the Governor because
 2. what he has done by his Amendatory Veto is that he has corrected
 3. it to conform with the law...that's in present existence. And
 4. I move a favorable vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Is there discussion? Discussion? The question is, shall
7. the Senate adopt the Specific Recommendation of the Governor
8. as to Senate Bill 884 in the manner and form just explained
9. by Senator Geo-Karis. Those in favor vote Aye. Those opposed
10. vote Nay. The voting is open. Have all voted who wish? Have
11. all voted who wish? Take the record. On that question, the
12. Ayes are 55, the Nays are 1, none Voting Present. The Senate
13. does adopt the Specific Recommendation of the Governor as
14. to Senate Bill 884 and the bill having received the constitutional
15. majority is declared passed. Senate Bill 891, Senator Davidson.
16. Read the motion, Mr. Secretary, please.

17. ACTING SECRETARY: (MR. FERNANDES)

18. Senate Bill 891. I move to accept the Specific Recommendation
19. of the Governor as to Senate Bill 891 in the manner and form
20. as follows. Signed, Senator Davidson.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Davidson.

23. SENATOR DAVIDSON:

24. Mr. President and members of the Senate. I move we concur
25. in the Amendatory Veto. What it does is change the word "elected"
26. to the word "eligible" so that there...be no misinterpretation
27. in who was or was not eligible. I move for a favorable vote.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Discussion? Discussion? The question is, shall the Senate
30. accept the Specific Recommendations of the Governor as to Senate
31. Bill 891 in the manner and form just stated. Those in favor
32. vote Aye. Those opposed vote Nay. The voting is open. Have
33. all voted who wish? Have all voted who wish? Take the record.

1. On that question, the Ayes are 53, the Nays are none, none
2. Voting Present. The Senate does adopt the Specific Recommendation
3. of the Governor as to Senate Bill 891 and the bill having received
4. the required constitutional majority is declared passed. Senate
5. Bill 1007, Senator Mahar. Read the motion, Mr. Secretary, please.
6. ACTING SECRETARY: (MR. FERNANDES)

7. I move to accept the Specific Recommendations of the
8. Governor as to Senate Bill 1007 in the manner and form as follows.
9. Signed, Senator Mahar.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Mahar.

12. SENATOR MAHAR:

13. Thank you, Mr. President and members of the Senate. I
14. would move to concur with the Governor's Recommendation for Change.
15. There was two brief changes, one a technical change to...on
16. page 35 and the other moving the effective date from October 1
17. to January 1, 1982. I would ask for concurrence.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Is there discussion? The question is, shall the Senate
20. adopt the Specific Recommendation of the Governor as to Senate
21. Bill 1007 in the manner and form just explained by Senator
22. Mahar. Those in favor vote Aye. Those opposed vote Nay.
23. The voting is open. Have all voted who wish? Have all voted
24. who wish? Take the record. On that question, the Ayes are
25. 53, the Nays are none, none Voting Present. The Senate does
26. adopt the Specific Recommendation of the Governor as to Senate
27. Bill 1007 and the bill having received the required constitutional
28. majority is declared passed. Senate Bill 1038, Senator DeAngelis.
29. Read the motion, Mr. Secretary, please.

30. ACTING SECRETARY: (SENATOR BRUCE)

31. I move to accept the Specific Recommendation of the Governor
32. as to Senate Bill 1038 in the manner and form as follows. Signed,
33. Senator DeAngelis.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator DeAngelis.

3. SENATOR DeANGELIS:

4. Thank you, Mr. President. The Amendatory Veto simply
5. puts this bill coincidental with another bill that passed.
6. The bill was a recommendation from the Legislative Audit
7. Commission and I would suggest that we accept the Amendatory
8. Veto.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Is there discussion? The question is, shall the Senate
11. adopt the Specific Recommendation of the Governor as to
12. Senate Bill 1038. Those in favor vote Aye. Those opposed
13. vote Nay. The voting is open. Have all voted who wish? Have
14. all voted who wish? Take the record. On that question, the
15. Ayes are 56, the Nays are none, none Voting Present. The
16. Senate does adopt the Specific Recommendations of the Governor
17. as to Senate Bill 1038 and the bill having received the
18. required constitutional majority is declared passed. Senate
19. Bill 1168, Senator Jeremiah Joyce. Senator Jeremiah Joyce
20. on the Floor? All right, we'll get back to him in just a
21. moment then. Senator Joyce, on 1168. Read the motion, Mr.
22. Secretary, please.

23. ACTING SECRETARY: (MR. FERNANDES)

24. I move to accept the Specific Recommendations of the
25. Governor as to Senate Bill 1168 in the manner and form as
26. follows. Signed, Senator Jeremiah Joyce.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator...Jeremiah Joyce.

29. SENATOR JEREMIAH JOYCE:

30. Yes, thank you, Mr. President and members of the Senate.
31. This bill was a bill that I let other people put amendments
32. on as it went through the process. What the Governor's Recommendation
33. for Change does, is delete my bill and leave all the amendments...

Page 83 - October 15, 1981

1. anyway, fool me once, et cetera, I ask for your favorable vote.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. The question is, shall the Senate adopt the Specific

4. Recommendation of the Governor as to Senate Bill 1168 in

5. the manner and form just explained by Senator Joyce. Those

6. in favor vote Aye. Those opposed vote Nay. The voting is

7. open. Have all voted who wish? Have all voted who wish?

8. Take the record. On that question, the Ayes are 47, the Nays

9. are 10, 1 Voting Present. The Senate does adopt the Specific

10. Recommendation of the Governor as to Senate Bill 1168 and

11. the bill having received the required constitutional majority

12. is declared passed. Senate Bill 1175, Senator Sangmeister.

13. Read the motion, Mr. Secretary, please.

14. ACTING SECRETARY: (MR. FERNANDES)

15. I move to accept the Specific Recommendations of the

16. Governor as to Senate Bill 1175 in the manner and form as

17. follows. Signed, Senator Sangmeister.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Sangmeister.

20. SENATOR SANGMEISTER:

21. Thank you, Mr. President and members of the Senate. I

22. thought when I drafted this legislation that I made it perfectly

23. clear that to withdraw from the Water Commission, that there

24. would be no outstanding obligations or any kind of commitments

25. by that Water Commission, and the Governor has added some further

26. wording to make it absolutely sure that is the intent of the

27. legislation. I think it's extraneous, but it does not hurt

28. the legislation any, and therefore, I move to accept the Recommendation

29. for Change.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. The question is, shall the Senate accept the Specific

32. Recommendation of the Governor as to Senate Bill 1175 in the

33. manner and form just stated. Those in favor vote Aye. Those

Page 84 - October 15, 1981

1. opposed vote Nay. The voting is open. Have all voted who
2. wish? Have all voted who wish? Take the record. On that
3. question, the Ayes are 55, the Nays are none, none Voting Present.
4. The Senate does adopt the Specific Recommendations...of the
5. Governor as to Senate Bill 1175 and the bill having received
6. the required constitutional majority is declared passed. The
7. next item on the Calendar are Motions in Writing, and if you...
8. if I might have the attention of...if you have other motions
9. that have not yet been filed and are not on the Calendar,
10. please get them to the Secretary's Desk immediately. They
11. are in the process of preparing the Supplemental Calendar
12. and we will handle those today if they are on the Supplemental.
13. Next...on page 17 in your Calendar are Motions in Writing to
14. override Item Vetoes. Senate Bill 237, Senator DeAngelis,
15. are you ready? Read the motion, Mr. Secretary, please.

16. ACTING SECRETARY: (MR. FERNANDES)

17. I move that the item on page 6, lines 22 through 26 of
18. Senate Bill 237 Do Pass, the Item Veto of the Governor to
19. the contrary notwithstanding. Signed, Senator DeAngelis.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator DeAngelis.

22. SENATOR DeANGELIS:

23. Thank you, Mr. President and members of the Senate. In
24. the 81st General Assembly, we passed a public law which was
25. later to be known as the Academic Scholarship Program.
26. The program was to reward the top two thousand students in
27. Illinois with a one thousand dollar scholarship for a four
28. year period. Senate Bill 237, was in fact, the appropriation
29. for that particular commitment made on the part of the General
30. Assembly. In vetoing that commitment, the Governor's Office
31. took the Statutory thrust of the General Assembly and completely
32. overlooked it. And I think that the veto, not only flies in
33. the face of our commitment, but in the pursuit of academic

1. excellence. There was considerable debate regarding this
2. bill when it was introduced. And even today, some of the
3. opponents...

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. May...may we have some order. Excuse me, Senator, may
6. we have some order, please. Senator Geo-Karis...DeAngelis.

7. SENATOR DeANGELIS:

8. ...perhaps I could yield the...yield to Senator Netsch.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator DeAngelis.

11. SENATOR DeANGELIS:

12. At that time many of the opponents, have come to me since
13. that time and indicated that they are now in support of
14. the program because they have seen a lot of the fine work
15. that that program has done. We have made a commitment to
16. those students and I think, at this particular time, even in
17. spite of our...our problem with fiscal restraint, we should,
18. in fact, honor that commitment, for if we cannot honor it to
19. our young people, I don't know who we can honor it to. The...
20. the override of the veto restores the Academic Scholarship
21. Program.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Is there discussion? Senator Rhoads.

24. SENATOR RHOADS:

25. Question of the sponsor.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Indicates he will yield. Senator Rhoads.

28. SENATOR RHOADS:

29. Senator DeAngelis, is it accurate to say that a restoration
30. of the four million dollars for this program...well let me...let
31. me put the question as a question. Does this in any way detract
32. from the need based grants?

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator DeAngelis.
2. SENATOR DeANGELIS:
3. No, Senator Rhoads, the Academic Scholarship is a line
4. item unto itself.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Senator Rhoads.
7. SENATOR RHOADS:
8. Can there be transferability? Does the two percent trans-
9. ferability between line...items apply? For example, could the
10. Scholarship Commission borrow from that fund to go to the need
11. based grants?
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Senator DeAngelis.
14. SENATOR DeANGELIS:
15. Not to my knowledge.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Senator Rhoads.
18. SENATOR RHOADS:
19. And finally, the...are there students now in school who
20. have...to whom a representation was made that they would receive
21. these academic scholarships who...for whom the State has not
22. delivered?
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. Senator DeAngelis.
25. SENATOR DeANGELIS:
26. At our last accurate count, there are eighteen hundred
27. and seventy-nine students who received the scholarship last
28. year that have been notified they will not be receiving it
29. this year.
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. Further discussion? Further discussion? The question
32. is, shall the item on page...Senator DeAngelis may close.
33. SENATOR DeANGELIS:

1. Yes. I would like to also comment on the Governor's
2. Veto Message. In it, he indicated that the Board of Higher
3. Ed recommended that he do this, and we have just had...a conversation
4. with the Board of Higher Ed and they did not, in fact, recommend
5. this. There was a conversation between the Governor's staff
6. and the staff of Higher Ed, and I guess, what they really did
7. say is that if you're going to make any cuts in Higher Ed, make
8. them in the Scholarship Commission. But they did not, the Board of
9. Higher Education, I restate, did not recommend the abolishment
10. of the academic program.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. The question is, shall the item on page 6, lines 22 through
13. 26 of Senate Bill 237 pass, the Item Veto of the Governor to
14. the contrary notwithstanding. Those in favor will vote Aye.
15. Those opposed will vote Nay. The voting is open. Have all
16. voted who wish? Have all voted who wish? Have all voted who
17. wish? Take the record. On that question, the Ayes are 31,
18. the Nays are 22, the motion to override the Item Veto of
19. the Governor is lost. Senate Bill 308, Senator Demuzio. All
20. right. Read the motion, Mr. Secretary, please. And can we
21. clear the area in front of Senator Demuzio so we can...

22. ACTING SECRETARY: (MR. FERNANDES)

23. I move that the item on page 14, lines 34 and 35 and page
24. 15, lines 1 through 5 of Senate Bill 308. Do Pass, the Item
25. Veto of the Governor to the contrary notwithstanding.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Demuzio.

28. SENATOR DEMUZIO:

29. Yes, thank you, Mr. President. This is for seventy-seven
30. thousand, seven hundred, which represents the start-up money
31. for six counties that did not come on line. The...six counties
32. will be Mason, Whiteside, DeWitt, Christian, Cumberland and
33. Marion. They would have put this in the regular department's
34. budget, I believe, had the money been available, but they

308

1. reduced it by seventy-seven, seven and I think this was the
2. bill that...that had the Chicagofest in it too, as I recall
3. correctly. So I would appreciate a favorable vote.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Is there discussion? The question
6. is, shall the items on page 14...Senator Philip, did you wish to...
7. on this one? Senator Philip.

8. SENATOR PHILIP:

9. I just wanted to remind...the membership, this is only
10. seventy-seven thousand, but it's a step in the wrong direction
11. and we...it's red light time.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. The question is, shall the items on page 14...Senator
14. Demuzio, do you wish to close?

15. SENATOR DEMUZIO:

16. Well, I want to respond to Senator Philip's question.
17. I'd like to...to point out that this would...simply bring
18. these counties on line and put them back into the regular
19. schedule and we were so generous in allowing and supporting,
20. along with my support, five hundred thousand dollars for
21. Chicagofest. And I think that this is a reasonable request
22. that we do grant these counties this additional seventy-seven
23. thousand dollars. Thank you.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. The question is, shall the Senate...shall the item on
26. page 14, lines 20...34 and 35 and the item on page 15, lines
27. 1 through 5 pass, the Item Veto of the Governor to the contrary
28. notwithstanding. Those in favor will vote Aye. Those opposed
29. will vote Nay. The voting is open. Have all voted who wish?
30. Have all voted who wish? Have all voted who wish? Take the
31. record. On that question, the Ayes are 31, the Nays are 26,
32. the motion to override the Item Veto of the Governor is lost.
33. Further motions on Senate Bill 308, Senator Demuzio? Read the

Page 89 - October 15, 1981

1. motion, Mr. Secretary, please.

2. SECRETARY:

3. I move that the item on page 15, line 6 through 12, Senate
4. Bill 308 Do Pass, the Item Veto of the Governor to the contrary
5. notwithstanding. Signed, Senator Demuzio.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Demuzio.

8. SENATOR DEMUZIO:

9. Well, thank you, Mr. President and Ladies and Gentlemen
10. of the Senate. This is a...an override for a hundred and
11. seventy-four thousand dollars for the State to provide its
12. twenty-five percent share of the fifty, twenty-five, twenty-five
13. match to nine counties, again, with the soil maps which signed
14. agreements under the previous Federal county match of fifty-fifty.
15. These agreements were entered into prior to July the 1st of
16. 1980, in the State Match Law and the intent of the hundred
17. and seventy-four thousand dollars...is to afford these nine
18. counties the same funds that are now allowed by the law. The
19. nine counties are Ford, Knox, Macon, Macoupin, Monroe, Morgan,
20. Scott, Perry and Randolph will be the beneficiaries of this
21. a hundred and seventy-four thousand dollars and I would ask for
22. your favorable support.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Senator Schaffer.

25. SENATOR SCHAFFER:

26. Perhaps Senator Demuzio could enlighten me. As I vaguely
27. recall it, didn't the vast majorities of the counties do this
28. on the fifty-fifty cost, and now we're asking for special treatment
29. for those that drag their heels and they're now going to get
30. off for half as much as what the counties that did it when
31. they were supposed to, did it? Seems to me we got kind of a
32. double standard here, the people that were conscientious
33. had to pay twice as much and the ones that lollygagged around
34. now are getting off the hook. I think that's a bad precedent,

Page 90 -October 15, 1981

1. if we want State-wide cooperation in programs, I think we...we
2. can't set a precedent of rewarding the ones who don't cooperate
3. and punishing the ones who are conscientious.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. (Machine cutoff)...Demuzio. All right. All right. Further
6. discussion? Senator Demuzio, do you wish to close?
7. SENATOR DEMUZIO:
8. Well, yes, let me just say that these counties had cooperated
9. all along and were in early. I don't agree with the so-called
10. special treatment. I think that the hundred and seventy-four
11. thousand dollars is a reasonable request and the soil maps
12. are very much...important and certainly needed and I would ask
13. for your favorable support.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. All right. The question is, shall the item on page 15,
16. lines 6 through 12 pass, the Item Veto of the Governor to the
17. contrary notwithstanding. And those are on Senate Bill 308.
18. Those in favor will vote Aye. Those opposed will vote Nay.
19. The voting is open. Have all voted who wish? Have all voted
20. who wish? Have all voted who wish? Take the record. On that
21. question, the Ayes are 33, the Nays are 24, none Voting Present.
22. The motion...to restore the Item Veto of the Governor is lost.
23. Senate Bill 309, Senator Berman. Are you prepared. Read the motion,
24. Mr. Secretary, please.
25. SECRETARY:
26. I move the item on page 5, line 30, Senate Bill 309 Do
27. Pass, the Item Veto of the Governor to the contrary notwithstanding.
28. Signed, Senator Berman.
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Now, Senator Berman, you have filed several motions. The
31. first one we had was...page 5, lines 25 through 29. Do you wish to
32. take that one first? All right.
33. SENATOR BERMAN:

Page 91 - October 15, 1981

1. Thank you, Mr. President. This line item was a veto, it
2. provided a seven and a half percent increase for foster care,
3. money that would go for the provision of foster care homes for
4. children throughout the State of Illinois. All of us have read
5. headlines about the problems in placement, inadequate supervision
6. of children that...that come out of broken homes, problem homes,
7. and are placed in foster care homes. The amount of this line
8. item veto was two million, one hundred and seven thousand, three
9. hundred dollars. This motion is to reinstate that line item
10. veto. We're not talking about giving a lot of money, we're
11. talking about providing a seven and a half percent increase
12. to the parent, to the families, to the households that under-
13. take foster care homes, that take children from broken homes
14. and take them into their homes and provide foster care. DCFS
15. is responsible for nearly...ninety-five hundred children under
16. this program. We're talking about a nominal increase in the
17. funds to allow these people that have opened their hearts and
18. their homes for these children. Not even to meet the cost of
19. inflation in caring for them, it will probably cost closer to
20. half of the cost of inflation, by this seven and a half percent
21. increase for two million, one hundred and seven thousand dollars.
22. I ask for your support to reinstate this line item veto.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Is there discussion? Senator Grotberg. We're on page 5,
25. lines 25 through 29 of Senate Bill 309.

26. SENATOR GROTEBERG:

27. Thank you, Mr. President. First, a parliamentary inquiry,
28. Mr. President. There are some hieroglyphics are the Calendar
29. that looks like a half a parenthesis mark and a TFH. What do that
30. mean?

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. It means that the leprechauns got inside the printing
33. machine.

Page 92 - October 15, 1981

1. SENATOR GROTEBERG:

2. They're still in there, 'cause it's repeated all over
3. the place. No, really, is there...does it mean anything?
4. Nothing, it means nothing. That was my point of order. As
5. regards the motion. I find myself in a very awkward moment
6. in time, when the money is gone and the needs exist and they
7. exist in day care, foster care, senior citizens, every time
8. we turn, we find that there's not enough money to go around
9. and yet the programs continue. I would just urge everyone
10. to make note...that we...the Fiscal and Economic Commission,
11. met this morning and the BOB is guessing that at the end of
12. FY '82, that the budget...the cash balance could possibly
13. be a hundred and seventy-five million dollars, when two hundred
14. million is the danger point. Our own Economic and Fiscal
15. Commission guesses it to be one hundred million dollars worse
16. on the revenue side, leaving next June 30th possibly only seventy-
17. five million dollars, which is about a day and a half to two
18. days expenditures. I think each of these items merits more
19. money. I, for one, am going to hold the line. I would urge
20. everyone who feels similarly to me...always working for the
21. good causes, to restrain themselves at this time and vote No.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Further discussion? Senator Berman may
24. close.

25. SENATOR BERMAN:

26. The organization and the...press reports that you've read
27. regarding the attempts for these overrides, has emanated substantially
28. by the group called the Child Care Association. This particular
29. line item veto is not for administrative costs, it's not for bigger
30. bureaucracies, this is payments to people who have taken foster
31. children into their homes, it's to allow them to pay for the room,
32. the board, the clothing, the food, that these foster children
33. have. And if we can't provide a seven and a half percent increase,

Page 93 - October 15, 1981

1. when the cost of inflation is closer to thirteen and fourteen
2. and fifteen percent, then I think we have our priorities all
3. mixed up. This is a commitment to those foster children. I
4. ask for your Aye vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. The question is, shall the items on page 5, lines 25 through
7. 29 of Senate Bill 309 pass, the Item Veto of the Governor to
8. the contrary notwithstanding. Those in favor vote Aye. Those
9. opposed vote Nay. The voting is open. (Machine cutoff)...who
10. wish? Have all voted who wish? Have all voted who wish?
11. Take the record. On that question, the Ayes are 31, the Nays
12. are 26, the motion is lost. Further motions, Mr. Secretary?

13.
14.
15.
16.
17.
18. END OF REEL
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.
29.
30.
31.
32.
33.

1. SECRETARY:

2. That was on motion...page 5, line 25-29. I move that the
3. item on page 5, line 30 of Senate Bill 309 Do Pass, the...
4. the Item Veto of the Governor to the contrary notwithstanding.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Berman.

7. SENATOR BERMAN:

8. Thank you. This appropriation, this Line Item that was
9. totally vetoed by the Governor, is one million eight hundred
10. and ninety-one thousand. It is for group homes and institutions,
11. and let me say, that there were three other Line Item Vetoes
12. that have been filed, that will not be called. This is the last
13. in the series that will be moved on Senate Bill 309. I have in
14. my hand copies of press clippings from newspapers throughout
15. downstate, Alton, Springfield; upstate, Cook County, Arlington
16. Daily Herald, Bloomington, Belleville, Rockford, Quincy, where
17. there are accounts of these group homes that take in children
18. and provide for their care and maintenance in a home...group
19. home setting, it's not individual homes, it's group homes.
20. DCFS has had to enter into contracts that expire December 31st,
21. instead of the usual full-year contracts. And, one of the
22. reasons for that is the inadequate appropriations to...to know
23. where these privately operated group homes are going to go after
24. December 31. And, I'm not worried about where the homes go, I'm
25. more worried about where the children are going to go. We're
26. talking about a million eight hundred thousand, a reinstatement
27. of that kind of a figure for facilities that provide...group
28. home support and living conditions for children from broken homes.
29. I ask for your Aye vote on this needed reinstatement of this
30. Line Item.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there discussion? Is there discussion? The question is,
33. shall the Senate...shall the item on page 5, line 30 of Senate

SB 313
Amended Item Veto
P.P.C.

1. Bill 309 pass, the Item Veto of the Governor to the contrary
2. notwithstanding. Those in favor vote Aye. Those opposed vote
3. Nay. The voting is open. Have all voted who wish? Have all
4. voted who wish? Have all voted who wish? Take the record.
5. On that question, the Ayes are 31, the Nays are 25. The
6. motion to override the Item Veto of the Governor is lost.
7. Further motions, Mr. Secretary?

8. SECRETARY:

9. I move that the item on page 5, line 31 of Senate Bill 309...

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Oh, Senator Berman.

12. SENATOR BERMAN:

13. The other motions that I filed on 309 I withdraw.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. All right...Are there other Senators who have filed
16. motions? All right. Senate Bill 313, Senator Carroll. Read
17. the motion, Mr. Secretary, please.

18. SECRETARY:

19. I move that the item on page 4, line 30 through 33 of
20. Senate Bill 311 Do Pass, the Item Veto of the Governor to the
21. contrary notwithstanding. Signed, Senator Netsch.

22. Okay. I move that the item on page 1, lines 24 through 26
23. of Senate Bill 313 Do Pass, the Item Veto of the Governor to the
24. contrary notwithstanding. Signed, Senator Carroll.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Carroll is recognized.

27. SENATOR CARROLL:

28. Why, thank you, Mr. President, Senator Netsch and all other
29. members. This particular reduction by the Governor deals with the
30. monies spent by the various counties of this State to house State
31. prisoners. Under existing statutory law, the counties pay, now
32. and will continue to, the first twenty-five hundred dollars of
33. these costs. This appropriation was to pay for the excess, which

1. is what the Statutes call for. The Governor, once again, in
2. taking this money out is taking a State expense and passing it
3. on to the property taxpayers, because now the county would have
4. to pay all of the State's costs for these prisoners, not just
5. the twenty-five hundred; and in effect, what you're doing is
6. you're not saving the taxpayers any money, which was supposedly
7. the purpose of revisions one, two, three and so on. Instead of
8. that, all you are doing is putting on, again, to the property
9. taxpayer that with which the State was supposed to be spending,
10. the State derived income. Just an answer to what Senator Grotberg
11. and others may be saying, or have said in the past, you know,
12. Doctor Bob has always come up with the comfort level to fit that
13. particular day's moment. If you read through his various comfort
14. levels, one thirty-four...a hundred and thirty-four million was
15. the prior comfort level. Now, it has swelled to two hundred million.
16. One thirty-four he found to be acceptable, at prior times. Now,
17. many of us don't think that is the acceptable level. Two, if the
18. Governor did that which the President is doing and cut the
19. bureaucracy twelve percent, that would provide an Operations
20. reduction of two hundred and sixty-four million dollars that
21. could be spent on important programs this year. So, the money
22. can be there were he to follow Reaganomics as he claims he does.
23. And, finally, number three, the issue is who are you trying to
24. fool, when you take and claim you're saving money by merely
25. passing it on as mandated local programs? All you're doing is
26. keeping the same Income Tax and other taxes at the State level
27. but driving up the already overburdened property taxes at the
28. local level. I would urge that we do have the State pay it's
29. fair share of State expenses and the Line Item Veto of the Governor
30. to the contrary notwithstanding.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Grotberg.

33. SENATOR GROTBERG:

1. Thank you, Mr. President and fellow Senators. Again, I
2. find myself on the horns of a dilemma. I think Senator
3. Bowers, Senator Grotberg and Senator Carroll and some others
4. passed the Mandatory Act a couple of years ago which creates
5. this. All I can say at this point in time is, that I have been
6. assured by the Department of Corrections, Director Lane and
7. the Governor's Office that the claims will be paid and they
8. will, then, go to the Court of Claims for...for...in due
9. process, as a way around this to delay the impact on this year's
10. budget, and that is the last word that I have had and with that,
11. I will sit down.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Carroll, do you wish to close? Senator Carroll.

14. SENATOR CARROLL:

15. Yes, just because I think Senator Grotberg's illuminating
16. remarks cause more confusion than illumination, that's just not
17. accurate. I don't know where the information came from, but
18. what you're really saying to all the counties is, wait another
19. year by going to the Court of Claims, then, we will find the
20. Court of Claims will deny them, because without an appropriation
21. that lapses, they can't fund it out of the Court of Claims; they
22. have to reject that claim. So, in effect, what will happen, and
23. the first year it was a six hundred thousand dollar reimbursement
24. to all of the counties of Illinois. This year it is projected to
25. be a million. What you're really saying is, the taxpayers at home
26. are going to have to pick up that million, because the Court of
27. Claims can't hear the case unless there's a lapsed appropriation.
28. in these types of cases; and really, you're trying to delay it
29. again, and then have them get, no, for an answer. It is the
30. State's burden as Senator Grotberg pointed out and the State should
31. be paying for its burden, and I would urge that the Line Item
32. Veto of the Governor to the contrary notwithstanding that this
33. money be restored.

Page 98 - October 15, 1981

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The question is, shall the item on page 1, lines 24 through
3. 26 of Senate Bill 313 pass, the Item Veto of the Governor to the
4. contrary notwithstanding. Those in favor vote Aye. Those opposed
5. vote Nay. The voting is open. Have all voted who wish? Have
6. all voted who wish? Take the record. On that question, the
7. Ayes are 37, the Nays are 18, none Voting Present. The item on
8. page 1, lines 20...through 24 of Senate Bill 313...of House Bill...
9. of Senate Bill 313 are declared passed...and the Item Veto of
10. the Governor to the contrary notwithstanding. For what purpose
11. does Senator Weaver arise?

12. SENATOR WEAVER:

13. Thank you, Mr. President. I'd like to verify the roll call.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. There's been a request for a verification. Will the members
16. please be in their seats. The Secretary will call those who voted
17. in the affirmative, and under the Senate rules, will you please
18. respond when your name is called.

19. SECRETARY:

20. The following voted in the affirmative: Berman, Berning,
21. Bloom, Bowers, Bruce, Buzbee, Carroll, Chew, Coffey, Collins,
22. D'Arco, Davidson, Dawson, Degnan, Demuzio, Donnewald, Egan,
23. Gitz, Hall, Johns, Jeremiah Joyce, Jerome Joyce, Lemke, Marovitz,
24. McLendon, McMillan, Nash, Nedza, Netsch, Newhouse, Rupp,
25. Sangmeister, Savickas, Taylor, Vadalabene, Walsh, Mr. President.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Weaver, do you question the presence of any member?

28. SENATOR WEAVER:

29. Senator Nega...or McLendon, excuse me.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is Senator McLendon on the Floor? Senator McLendon. Strike
32. his name, Mr. Secretary.

33. SENATOR WEAVER:

Chew.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is Senator Chew on the Floor? Senator Chew. Strike his
3. name.

4. SENATOR WEAVER:

5. Coffey.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is Senator Coffey on the Floor? Senator Coffey. Strike his
8. name. All right. The sponsor asks that further consideration of
9. the motion be postponed. It will be placed on the Order of
10. Postponed Consideration. Senate Bill 326, Senator Buzbee. You
11. have filed the first motion. Read the motion, Mr. Secretary,
12. please.

13. SECRETARY:

14. I move that the item on page 19, line 3 through 6 of Senate
15. Bill 326 Do Pass, the Item Veto of the Governor to the contrary
16. notwithstanding. Signed, Senator Buzbee.

17. SENATOR BUZBEE:

18. Thank you, Mr. President. This is an item for one hundred
19. and fourteen thousand dollars of GRF reimbursement to counties
20. for mental health costs. That's to those counties where there
21. are mental health institutions located, and the State of Illinois
22. has provided monies to the state's attorneys of those counties
23. because of the impact of those institutions on the state's attorney's
24. offices where...they, in fact, have additional operating costs in
25. their offices. This is something that we have been doing for
26. awhile, I can't remember exactly how long, but we have been doing
27. it for awhile, and I think that, rather than asking local govern-
28. ments to pick up the burden that we have been providing in the past,
29. that we ought to go ahead and...and continue providing these monies
30. to those counties, and I would ask for a favorable vote on the
31. override of the Governor's Line Item Veto.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Is there discussion? Is there discussion? The question is,

Page 100 - October 15, 1981

1. shall the item on line...on page 19, lines 3 through 6 pass, the
2. Item Veto of the Governor to the contrary notwithstanding. Those
3. in favor vote Aye. Those opposed vote Nay. The voting is open.
4. Have all voted who wish? Have all voted who wish? Have all
5. voted who wish? Take the record. On that question, the Ayes are
6. 29, the Nays are 27. The motion to override the Item Veto is
7. lost. Senator Carroll. Senator Carroll is recognized as to a
8. motion on page 19, lines 28 through 31. Senator Carroll.

9. SENATOR CARROLL:

10. Thank you, Mr. President and Ladies and Gentlemen of the
11. Senate. This and the two that follow are similarly connected.
12. It deals with the State's paying its dues to NIPSY, SWIMPAC and
13. the East-West Gateway. What happens here is, and the Governor,
14. once again, in my opinion, was incorrect when he says that all
15. of these costs should be funded by local governments and other
16. local sources; and again, we see him trying to pass on to the
17. local taxpayers what should appropriately be a State expense.
18. In this case, and in the two that follow, most importantly, in
19. this case NIPSY has one-fifth of its members coming from the
20. Governor's appointments from the State. The other four-fifths
21. are spread out around the various local bodies, be they county
22. boards or municipalities, or other governmental entities, but
23. five of the commissioners are appointed by the Governor. Right
24. now, over three hundred units of local government are making their
25. contribution, which carries the majority of the cost of funding
26. this clearing house required by the Federal Government. So, in
27. effect, what the Governor is saying, he will keep his veto power
28. on the commission by keeping his five members, but does not want
29. it to pay its fair share or pay their dues. The...NIPSY, itself,
30. has the A95 review powers and the water quality management plan
31. responsibilities, and if you, again, say that the State will
32. participate but not pay as local government has paid, then, once
33. again, the State is foisting onto the people an additional tax

Page 101 - October 15, 1981

1. to fund what is a State responsibility and I would urge that the
2. monies be restored, the Governor's veto to the contrary notwithstanding.
3.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Discussion? Senator Schaffer.

6. SENATOR SCHAFFER:

7. I'm intrigued by Senator Carroll's funding logic that the
8. State should fund NIPSY because we have a proportion of the...
9. appointments to that board. I would truly love to follow that
10. logic up for funding certain other regional forms of government,
11. and I suspect my friend from the City of Chicago is not prepared
12. to see that happen. I would suggest to you that we've heard a
13. lot of rhetoric and we're going to hear a lot of rhetoric from
14. my friends on the other side about how the Governor should have
15. cut from the bureaucracy. Let me suggest to you that NIPSY is
16. as bloated a bureaucracy as exists; I can't speak for the other
17. two, I'm not as familiar with them. NIPSY has gone from a
18. relatively small operation to one of the...true giants in terms
19. of both cost and impact, and I might add negative impact on the
20. cost, in most cases in my area. I think it's only appropriate
21. that if we're going to ask the direct service agencies to bite
22. the bullet, that we ask these smoke shovelers, these delayers of
23. progress to take a little bit of a reduction, and I would suggest
24. that this Line Item is exactly the type of thing that most of us
25. who campaign for fiscally responsible government are talking about.
26. Let's eliminate the bureaucracy, at least a little. Let's, at
27. least, curtail their growth and that's why we should agree with
28. the Governor on this particular Line Item.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Senator Rhoads.

31. SENATOR RHOADS:

32. Well, I have to agree, to some extent, with the logic of
33. Senator Carroll's remarks, but the reverse logic also works,

Page 102 - October 15, 1981

1. Senator Carroll. Maybe, the solution is, rather than have the
2. State fund more, to take away the Governor's five appointments
3. to NIPSY on the way to abolishing it altogether. I urge a No
4. vote.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Further discussion? Senator Carroll may close.

7. SENATOR CARROLL:

8. Thank you, Mr. President. I think Senator Schaffer may be
9. surprised to find that I totally agree with his statements; it's
10. a shame that the Governor doesn't. In fact, the request for monies
11. is about twenty percent below last year's appropriated, signed
12. into law, and paid amounts. They received two hundred and seven-
13. teen thousand, last year; they're asking for a hundred and seventy-
14. three thousand, this year. The Governor's approach is to give
15. them zero. That is not a little cut. That is a total elimination
16. of State funding. In the matter of staff, they have already
17. dropped their staff twenty-eight percent, this year, and expect
18. to drop about another ten percent. I think if other State agencies
19. dropped thirty some-odd percent, we would find ourselves with
20. windfall monies, and could, in fact, rebate taxes. So, I do
21. believe that this agency has done that which we would have expected
22. of them. They are asking for lesser State monies, but still that
23. there be some State money, and they have already reduced their
24. staff almost thirty percent and are continuing to reduce it, even
25. funded at a token level by the State. I think the State should be
26. funding it and I would ask that the monies be restored.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The question is, shall the item on page 19, lines 28 through
29. lines 31 of Senate Bill 326 pass, the Item Veto of the Governor
30. to the contrary notwithstanding. Those in favor vote Aye. Those
31. opposed vote Nay. The voting is open. Have all voted who wish?
32. Have all voted who wish? Have all voted who wish? Take the record.
33. On that question, the Ayes are 26, the Nays are 25. The motion

1. to override the Item Veto of the Governor is lost. For what
2. purpose...for what purpose does Senator DeAngelis arise?
3. SENATOR DeANGELIS:
4. Point of personal privilege.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. State your point.
7. SENATOR DeANGELIS:
8. Seated in the gallery, on the wrong side of the gallery...
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Here, here, here.
11. SENATOR DeANGELIS:
12. ...is a class from St. Karen's School in Chicago Heights, Illinois.
13. I would like to have them stand and be recognized.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Would the class please stand and be recognized by the Senate.
16. Happy to have them...seated on the better side of the Chamber.
17. Senator Carroll, on lines...for what purpose does Senator Berning
18. arise?
19. SENATOR BERNING:
20. Mr. President, on a point of personal privilege, as long
21. as we have taken that break. We have in the gallery, today,
22. observing this august Body, some friends of mine and constituents
23. of Senator Sangmeister, Mr. and Mrs. Joel Dames from Joliet, who
24. are sitting up here in the center of the rear of the hall, and
25. their son Shale is an Honorary Page. I wish they would rise and
26. be recognized by the Senate.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. Would our...would our guests please rise and be recognized.
29. Senator Carroll was recognized on his motion.
30. SENATOR CARROLL:
31. Thank you, Mr. President and Ladies and Gentlemen of the
32. Senate. If you didn't like NIPSY, maybe you'll like SWIMPAC;
33. the same issue, different dollars. I would ask that the money
be restored.

Page 104 - October 15, 1981

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. This is lines...the question is, shall the item on page 19,
3. lines 32 through 33...for what purpose does Senator Vadalabene
4. arise?

5. SENATOR VADALABENE:

6. Yes, I appreciate Senator Carroll's short statement. It
7. doesn't sound like a swimming pool. SWIMPAC is...is the co-
8. ordinating council in the metro-east area and this money is
9. vitally needed. I...I appreciate the vote that you gave NIPSY;
10. but SWIMPAC..Senator Schaffer you noticed didn't get up and
11. speak about SWIMPAC, which is a...an outstanding organization
12. in the metro-east area, and I would solicit your favored...
13. support.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. The question is, shall the item on page 19, lines 32 through
16. 33 of Senate Bill 326 pass, the Item Veto of the Governor to the
17. contrary notwithstanding. Those in favor vote Aye. Those opposed
18. vote Nay. The voting is open. Have all voted who wish? Have
19. all voted who wish? Have all voted who wish? Take the record.
20. On that question, the Ayes are 23, the Nays are 29, 1 Voting
21. Present. The Motion to Override the Item Veto of the Governor
22. is lost. Further motions, Senator Carroll?

23. SENATOR CARROLL:

24. Maybe a show of hands. Does anybody like the East-west
25. Gateway? I'll withdraw it.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. All right. The motion is withdrawn. If I might have the
28. attention of the Body. On page 19 of your Calendar, under
29. Restoration...to Restore Item Reductions, is...is an additional
30. Item Veto. Senate Bill 311, filed by Senator Netsch, was
31. improperly placed under Item Reductions, because of an error
32. in the way the bill...the motion was titled, and it is an
33. Item...Item Veto. We will take that up, if the Secretary
will please read that motion. It is the last motion on the

Page 105 - October 15, 1981

1. Calendar on Item Vetoes. Read the motion, Mr. Secretary, please.

2. SECRETARY:

3. I move that the item on page 4, lines 30 through 33 of
4. Senate Bill 311 Do Pass, the Item Veto of the Governor to the
5. contrary notwithstanding. Signed, Senator Netsch.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Netsch, and we are still on Item Vetoes.

8. SENATOR NETSCH:

9. Yes. Thank you, Mr. President. The amount involved is
10. six hundred and seventy-five thousand dollars. The motion is
11. to override the Governor's Item Veto. This amount was added by
12. the Senate to the appropriation bill of the Dangerous Drugs
13. Commission. It was added by an almost unanimous vote, initially,
14. in committee, sustained on the Floor, and ultimately, agreed to
15. by the House. It is not, I think, characterized as just another
16. social welfare appropriation. It really is, in every real sense,
17. a trade-off. I realize that argument is occasionally made in
18. other contexts, but in this case, it is absolutely correct. What
19. we are talking about is residential spaces for treatment alter-
20. natives for those who are...would otherwise end up in the prison
21. system, but who are, indeed, drug addicts. The...if you look at
22. ...what, I believe, some of you have received from the Illinois
23. Alcoholism and Drug Dependents Association, you will see why this
24. makes economic good sense. The amount of money we're talking about
25. would pay for approximately one hundred residential treatment beds.
26. If the same number of...and that, incidentally, would serve about
27. two hundred and fifty abusers. If the same number of drug abusing
28. offenders were incarcerated the cost to the State would be between
29. three million and three and three-quarters million dollars. Or,
30. in other words, to incarcerate someone in the prison system,
31. assuming there were spaces available, which there are not, right
32. now, it costs from twelve to fifteen thousand dollars a year. To
33. take care of the same people in a treatment facility, the cost

Page 106 - October 15, 1981

1. is about sixty-seven hundred dollars per year; about one-half or
2. less. There...we all know the high correlation between drug
3. addiction and the commission of crime, and there are figures
4. available on that, also. What we are saying is that it is
5. absolute nonsense to put a number of these people who are drug
6. addicts into prison, where none of their problem is solved. They
7. will be released, eventually. In the meantime, the State will
8. have paid an enormous sum of money for their incarceration. When
9. they are released, if they have not been treated, they will go
10. right back on drugs again, and they will go right back to crime
11. again. We, at least, have a pretty good shot at them if they are
12. in a residential treatment program. As I indicated, it makes
13. absolute good, economic sense and I would strongly urge your
14. support of the override of this Item Veto.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further...Discussion? Senator Davidson. Davidson.

17. SENATOR DAVIDSON:

18. Mr. President and members of the Senate, I rise in support
19. to override this Item Veto. It's not often I have risen in
20. opposition to one of the items that the Governor has vetoed,
21. monetarily. I believe he erred in this point. I don't know
22. how many of you are acquainted or dealt with the alternate drug
23. system treatment; if you haven't, I invite you, since you're here,
24. go over to Gateway House on north Fifth Street, here in Spring-
25. field. It makes good sense, fiscal sense, to put a person under
26. the treatment of an alternate system at a lot less expense, less
27. than half of what it would cost, to put the individual in jail,
28. or in prison. But more importantly, the most important bottom
29. line part, the man or woman stays in that alternate drug treat-
30. ment they're going to come out with the habit kicked. You're
31. going to remove them from being a parasite on society. You're
32. going to save the horrendous cost they're going to cause by the
33. amount of burglary, assault, theft that they would do to sustain

Page 107 - October 15, 1981

1. their habit if they're not cured or remained off of it. I
2. urge a Yes vote.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Becker.

5. SENATOR BECKER:

6. Thank you, Mr. President and members of the Senate. I rise
7. in support of Senator Netsch's proposal to override this veto.
8. Throughout the State of Illinois, today, we have approximately
9. forty-four centers whereby we can send these youngsters between
10. the ages of nine and fifteen years, who are having drug problems.
11. Throughout the State of Illinois, we have fourteen Halfway Houses
12. to serve the people who are having problems with alcoholism.
13. Where we have these residences, after a period of one year, we
14. are showing a seventy percent recovery rate. There's little room
15. left in any of these homes to accept any additional youngsters or
16. grownups. If this money is taken away, where do we send the
17. children and where do we send the people having trouble with
18. alcohol? I ask that you do give consideration to overriding the
19. Governor's veto. There are many, many, many other ways to take
20. money away from other organizations in this State. You're talking
21. about what is becoming, today, not only in Illinois, but throughout
22. the entire United States, the biggest problem and the number one
23. problem, alcohol and drug abuse. So, I ask that everyone give
24. consideration to voting in favor of Senator Netsch's override.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Berman.

27. SENATOR BERMAN:

28. Thank you, Mr. President. Ladies and Gentlemen of the Senate,
29. I rise in support of this override motion; and I'm not going to
30. talk hypothetically, I want to just give you a very fast, specific,
31. personal experience. I represented a young man on a drug charge
32. out in the western suburbs of Cook County, 5th District. They
33. had this program. A twenty-two year old boy was placed under

Page 108 - October 15, 1981

1. the court supervision into this program. This young man would
2. have either been in the penitentiary or would have been a
3. suicide victim, but for this program. It worked. He became
4. a wage earner, a taxpayer, a productive citizen as a result
5. of the program that these monies go to fund. I've experienced
6. it through that client, I've talked to other people that have
7. represented clients that have gone through this program, only
8. the highest recommendations. It's money well spent. I urge an
9. Aye vote.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Senator Netsch may close.

12. SENATOR NETSCH:

13. Thank you, Mr. President. I think you've now heard from
14. a number of people on both sides of the aisle who have had
15. experience with people who have successfully come through this
16. program. It is good economic sense. I would urge an Aye vote.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. The question is, shall the item on page 4, lines 30 through
19. 33 of Senate Bill 311 pass, the Item Veto of the Governor to the
20. contrary notwithstanding. Those in favor vote Aye. Those opposed
21. vote Nay. The voting is open. Have all voted who wish? Have all
22. voted who wish? Have all voted who wish? Take the record. On
23. that question, the Ayes are 41, the Nays are 14, 2 Voting Present.
24. The item on page 4, lines 30 through 33 of Senate Bill 311 are
25. declared passed, having received the required three-fifths votes;
26. and the Item Veto of the Governor to the contrary notwithstanding.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. On the Order of Motions in Writing Overrides Specific
29. Recommended for Changes, Senate Bill 1085, Senator Bruce. Read
30. the motion, Mr. Secretary.

31. SECRETARY:

32. I move that Senate Bill 1085 Do Pass, the Specific Recommend-
33. ations of the Governor to the contrary notwithstanding. Signed,
Senator Bruce.

*SB 1085
Specific Overrides
of the Gov.*

Page 109 - October 15, 1981

1. SENATOR BRUCE:

2. Thank you, Mr. President. I'm asking that we do not accept
3. the Specific Recommendations of the Governor as to Senate Bill
4. 1085, which deals with the ability of community colleges through-
5. out the State to make and to negotiate an installment loan. The
6. only change the Governor made was to put onto this bill a repealer
7. as of September of next year; and in discussions with the Governor's
8. Office people by the Community College Board and others, they now
9. find that that is not necessary. Before anyone could enter into
10. an installment loan, they will have to have the approval of the
11. Illinois Board of Higher Education and the Illinois Community
12. College Board; and the problem with the September date of next
13. year is that some of these contracts are going to be negotiated
14. over a period of time where we may not, in fact, have termination.
15. The one that we're involved with is with Triton College, in
16. which the plumbers and steamfitters wish to bring in a training
17. program to train and bring employment to this State; and they will,
18. in fact, the college, borrow the money, build the building for
19. the training program. The plumbers and steamfitters would enter
20. into a contract sufficient to pay back that installment loan, and
21. at the same time the college would have the use of the building.
22. We would be training more people to work in the State of Illinois
23. and the installment loan would be paid off. Obviously, the bank
24. is not going to approve that unless they think they've got a...
25. situation of pay back; and before they could, in fact, enter into
26. that installment loan, they would have to get the approval of both
27. the Board of Higher Education and Illinois Community College Board.
28. All of this is a long way of saying, the Governor has no objection
29. to us not accepting his Specific Recommendations, and in fact,
30. passing this bill without his Amendatory Veto, and that would be
31. the motion I would ask your support of.

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Is there further discussion? Senator Rock.

Page 110 - October 15, 1981

1. SENATOR ROCK:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. I rise in support of the motion to override the
4. specific Recommendations for Change as recommended by the
5. Governor on Senate Bill 1085. This is, as Senator Bruce has
6. rightfully said, extremely important toward...to Triton College.
7. I have spoken with the president and the board of trustees and
8. I would urge a favorable vote.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Bill Engle of...who is a reporter and photographer for
11. Associated Publishers in Durand, Illinois would like to take
12. some still photographs of Senator Gitz and other Senators. Is
13. leave granted? Leave is granted. Senator Etheredge.

14. SENATOR ETHEREDGE:

15. Mr. President and Ladies and Gentlemen of the Senate, I
16. rise in support of this motion to override. As has been pointed
17. out, the legislation, as passed, would provide a vehicle for the
18. community colleges of the State to...to provide...capital
19. facilities and instructional laboratory equipment for occupational
20. programs, and these facilities and equipment would be provided
21. without expense to the...to the students, through their payments
22. of tuition, or through the local property taxpayers, or to the
23. State of Illinois. I think that this...this program would be one
24. which would be of considerable assistance in providing needed
25. training in several different occupational areas. The Amendatory
26. Veto Message of the Governor, itself, is...is a little difficult
27. to understand, in that it implies that the present...the law as
28. passed does not require the approval of the ICCB and the IBHE
29. before proceeding with one of these agreements. In fact, the law
30. does require the approval of both of these State agencies before
31. the local community college...enters into the agreement. I urge
32. and Aye...Aye vote on this motion.

33. PRESIDING OFFICER: (SENATOR SAVICKAS)

1. Is there further discussion? If not, Senator Bruce may close
2. debate. Senator Becker, your light wasn't on.

3. SENATOR BECKER:

4. It certainly is.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Now it is.

7. SENATOR BECKER:

8. Thank you, Mr. President and members of the Senate. Speaking
9. as Minority Spokesman for Higher Ed, I have just received word
10. from the Governor's Office that he withdraws his objections to
11. this, and I, therefore, ask that we receive a unanimous vote in
12. favor.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there further discussion? If not, Senator Bruce may close
15. debate.

16. SENATOR BRUCE:

17. Senator Becker gave my speech. I would ask for a unanimous
18. vote.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. The question is,...shall Senate Bill 1085 pass, the Specific
21. Recommendations of the Governor to the contrary notwithstanding.
22. Those in favor will vote Aye. Those opposed vote Nay. The voting
23. is open. Have all voted who wish? Have all voted who wish?
24. Have all voted who wish? Take the record. On that question, the
25. Ayes are 56, the Nays are none, none Voting Present. Senate Bill
26. 1085 having received the required three-fifths constitutional
27. majority is declared passed. ...Order of business of Motions in
28. Writing to Restore Item Reductions, Senate Bill 308, Senator
29. Jerome Joyce. Mr. Secretary, would you read the motion.

30. SECRETARY:

31. I move that the item on page 12, line 22 to Senate Bill 308
32. be restored, the Item Reduction of the Governor to the contrary
33. notwithstanding. Signed, Senator Jerome Joyce.

SB 308
Spec. Comm.
for Jg.

Page 112 - October 15, 1981

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Senator Joyce.

3. SENATOR JEROME JOYCE:

4. Thank you, Mr. President and Ladies and Gentlemen of the
5. Assembly. This is a reduction of two hundred and eight thousand
6. dollars in aid to county fairs. This would average twenty-two
7. hundred dollars per fair reduction, which is...be ten percent on
8. ninety-three county fairs. No agency in State Government has been
9. asked to reduce its operation that much. This is not from the
10. General Revenue Fund, this is the Ag Premium Fund and there is
11. plenty of money in that. I understand Senator Maitland has also
12. filed a motion on this particular item.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Is there further discussion? Senator Maitland.

15. SENATOR MAITLAND:

16. Thank you, Mr. President and Ladies and Gentlemen of the
17. Senate. I rise in support of this...of this motion to override.
18. I think it...be understood here that this was money that has
19. already been expended by the county fairs, it's Ag Premium money.
20. This money was spent last summer; and if they're denied this two
21. hundred and eight thousand dollars, I can assure there are some
22. fairs that are going to be hurt substantially, financially. I
23. think that it's...absolutely imperative that, since this is not
24. General Revenue Fund, it's Ag Premium Fund that we do override
25. this...veto.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Is there further discussion? If not, Senator Joyce may close
28. debate. Senator Joyce.

29. SENATOR JEROME JOYCE:

30. Roll call.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. The question is, shall the item on page 12, line 22 of
33. Senate Bill 308 be restored, the Item Reduction of the Governor

1. to the contrary notwithstanding. Those in favor will vote Aye.
2. Those opposed vote Nay. The voting is open. Have all voted
3. who wish? Have all voted who wish? Have all voted who wish?
4. Take the record. On that question, the Ayes are 43, the Nays
5. are 13, none Voting Present. The item on page 12, line 22 of
6. Senate Bill 308 having received the required majority vote of
7. Senators elected is declared restored, the Item Reduction of the
8. Governor to the contrary notwithstanding. Senate Bill...Mr.
9. Secretary, read the motion.

10. SECRETARY:

11. I move that the item on page 12, line 25 of Senate Bill 308
12. be restored, the Item Reduction of the Governor to the contrary
13. notwithstanding. Signed, Senator Jerome Joyce.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Joyce.

16. SENATOR JEROME JOYCE:

17. Mr. President, thank you, and members of the Senate. This
18. is the reduction of a hundred and twenty-seven thousand five
19. hundred dollars to the 4-H Clubs and Agriculture Extension Clubs.
20. They're being paid at the rate of ten dollars and fifty cents per
21. member. This was raised, last year, from five fifty, and this
22. Governor's reduction reflects a fifteen percent cut.

23. PRESIDING OFFICER: (SENATOR SAVICKAS)

24. Is there further discussion? If not, the question is, shall
25. the item on page 12, line 25 of Senate Bill 308 be restored, the
26. Item Reduction of the Governor to the contrary notwithstanding.
27. Those in favor will vote Aye. Those opposed vote Nay. The voting
28. is open. Have all voted who wish? Have all voted who wish? Have
29. all voted who wish? Take the record. On that question, the Ayes
30. are 30, the Nays are 23, none Voting Present. The item on page
31. 12, line 25 of Senate Bill 308 having received the required majority
32. vote of Senators elected is declared restored, the Item Reduction
33. of the Governor to the contrary notwithstanding. Are there further
motions?

Page 114 - October 15, 1981

1. SECRETARY:

2. I move that the item on page 12, line 28 of Senate Bill 308
3. be restored, the Item Reduction of the Governor to the contrary
4. notwithstanding. Signed, Senator Jerome Joyce.

5. PRESIDING OFFICER: (SENATOR SAVICKAS)

6. Senator Joyce.

7. SENATOR JEROME JOYCE:

8. Yes, Mr. President. This is also Ag Premium Fund, it's a
9. reduction of sixty-seven thousand dollars for the rehabilitation
10. of county fairgrounds.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? Senator Maitland.

13. SENATOR MAITLAND:

14. Thank you, Mr. President. I rise in support of this motion.
15. Again, this is Ag Premium money and it's money that's been
16. expended by the fairs. It's improvements that they made last
17. summer with the assurance that this reimbursement would be there
18. for them. Without it, once again, they would be in serious
19. financial trouble. I would urge a favorable vote.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Is there further discussion? If not, Senator Joyce may close.
22. He indicates a roll call. The question is, shall the item on
23. page 12, line 28 of Senate Bill 308 be restored, the Item Reduction
24. of the Governor to the contrary notwithstanding. Those in favor
25. will vote Aye. Those opposed vote Nay. The voting is open.
26. Have all voted who wish? Have all voted who wish? Take the
27. record. On that question, the Ayes are 43, the Nays are 13, none
28. Voting Present. The item on page 12, line 28 of Senate Bill 308
29. having received the required majority vote of Senators elected is
30. declared restored, the Item Reduction of the Governor to the
31. contrary notwithstanding. Any further motions?

32. SECRETARY:

33. I move that the item on page 4...

Page 115 - October 15, 1981

SB 313
Restore from
Reduction

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. There are no further motions on 308. On Senate Bill 313,
3. Senator Carroll. Read the motion, Mr. Secretary.

4. SECRETARY:

5. I move that the item on page 4, line 19 of Senate Bill 313
6. be restored, the Item Reduction of the Governor to the contrary
7. notwithstanding. Signed, Senator Carroll.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator Carroll.

10. SENATOR CARROLL:

11. Thank you, Mr. President and Ladies and Gentlemen of the
12. Senate. In this particular Line Item, the Governor reduced from
13. approximately a million four to under four hundred thousand, the
14. amount of money being spent for community services in Contractual
15. accounts. Basically, what this is, is people like the SAFER
16. Foundation, who are providing educational opportunities, job
17. placements and things of that sort to the over four thousand
18. prisoners last year, who were provided with early release
19. programs. Today, we face a time when our prisons are at capacity,
20. when, as of yesterday, the head of that agency of that department
21. indicated that even with the new prisons coming on board, they
22. will be at full capacity by the time they can be opened; and at
23. a time when more and more prisoners are becoming eligible for
24. early release, it does not make sense to deny the funds to those
25. people who have been helping these people find jobs, get
26. educational opportunities and do the things that early release
27. and its component parts were supposed to provide people. The
28. Governor had said in his Round Two cuts, that this was the least
29. impact on the department, itself, on the prisoners in jail; and
30. that's true. But it's also the most harsh impact on those the
31. system says are eligible for early release, and what good does it
32. do to put them on the streets if we are not assisting them in
33. getting education, in getting jobs, in getting a place to live and

Page 116 - October 15, 1981

1. all the other necessities. It makes no sense, at all, to deny
2. this kind of money to the SAFER Foundation and people like that,
3. who have been providing an excellent service, especially, at a
4. time when we don't even have the room to keep these same prisoners
5. in jail. What this seems to suggest is, that the Governor wants
6. to release these people, but not provide them with any means to
7. take care of themselves, and I think that's the wrong way to go.
8. I would ask that the money be restored, the Reduction Veto of
9. the Governor to the contrary notwithstanding.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Is there further discussion? Senator Philip.

12. SENATOR PHILIP:

13. Thank you, Mr. President and Ladies and Gentlemen of the
14. Senate. This is over a million dollars. It was not in the
15. Governor's Budget Number Two. It's excessive. I think we ought
16. to hold the line and vote No.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there further discussion? If not, Senator Carroll may
19. close.

20. SENATOR CARROLL:

21. I don't believe that a seventy-five percent reduction is
22. legitimate, which is what the Governor did here. I think I've
23. stated the point as to why it's needed and I would ask for a
24. favorable roll call.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. The question is, shall the item on page 4, line 19 of Senate
27. Bill 313 be restored, the Item Reduction of the Governor to the
28. contrary notwithstanding. Those in favor will vote Aye. Those
29. opposed vote Nay. The voting is open. Have all voted who wish?
30. Have all voted who wish? Have all voted who wish? Take the
31. record. On that question, the Ayes are 28, the Nays are 29, none
32. Voting Present. The item on page 4, line 19 of Senate Bill 313
33. having failed to receive the required majority votes of the
Senators elected is declared lost. Are there further motions?

Page 117 - October 15, 1981

1. Let me give you a little schedule. We have here, at this point,
2. we have a request to go back to Total Vetoes for Senator
3. Hall on Senate Bill 475, that's on page 6. We will then
4. proceed to Senate Bills 2nd reading and the Secretary's office
5. is distributing two Supplementary Calendars. That order of
6. business, after that order, should conclude our business.
7. Is there leave granted to go back to the Order of Total
8. Vetoes? Leave is granted. Mr. Secretary, would you read
9. the motion on Senate Bill 475.

10. SECRETARY:

11. I move that Senate Bill 475 Do Pass, the veto of the
12. Governor to the contrary notwithstanding. Signed, Senator Hall.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. Senator Hall.

15. SENATOR HALL:

16. Thank you, Mr. President and Ladies and Gentlemen of
17. the Senate. I fully realize that Governor Thompson had some
18. unusually tough choices to make, but Senate Bill 475 takes
19. a different approach toward making community tax producers
20. instead of tax consumers. Now it would create an Illinois
21. Community Development Finance Corporation, which would issue
22. one million shares at ten dollars a share, to be purchased
23. by the State. The ten million would be invested in blue
24. chip securities for an eight year period. The return, an
25. estimated 1.4 million a year. Now, this money would be
26. used to give technical assistance and...loans to small
27. businesses, community development corporations and co-ops,
28. working to revitalize depressed areas, rural and urban.
29. The loans would not be in competition with banks, they are
30. designed to take up the slack where bank loans are not available.
31. The State would get back its initial investment in eight years.
32. And in the meantime, would benefit from increased hiring
33. in areas of high unemployment and high welfare costs. A
similar program in Massachusetts is reported to have created

Page 118 - October 15, 1981

1. eight thousand jobs. So now what we're simply trying to say
2. here, is let's demonstrate...let's find some work for people
3. and let's get them off of these rolls. It's an investment,
4. this is something that is not going to cost any money because
5. the interest off of it alone, is going to pay for it. I
6. ask your most favorable support of this...legislation, and
7. that we override the Governor's Veto notwithstanding.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there further discussion? Senator Bloom.

10. SENATOR BLOOM:

11. Senator Hall, I'm intrigued by this. You say this corporation is
12. set up, and then it borrows some money from the State, and then it invests
13. in the stock market, right? Is...is that, you know, that's one
14. of my questions. How does it work? You know, I...is this correct?

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator Hall.

17. SENATOR HALL:

18. Well, what it simply do...is doing, candidate, is that...
19. what...what it does, it's a different approach. In other words,
20. what we're saying is that we're going to make tax producers
21. out of these people and so we set up and have a million
22. shares at ten dollars a share. The State would only just under-
23. write it, understand? The ten million would be invested in
24. blue chip securities. In other words, what happens is, that
25. it's going to be invested and the State is going to get its
26. money back. But in the meantime, that we can be using that
27. for making employment and job securities for people.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Is there further discussion? Senator Bloom.

30. SENATOR BLOOM:

31. Okay, I...I don't want to belabor the subject, obviously,
32. but the State would underwrite the issuing of a million shares
33. of this corporation that everybody is going to buy for ten
34. dollars a share or the State will buy it, I...I...truly didn't

1. follow it. Totten says he'll buy it, but you know how good
2. his word is.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Hall may close.

5. SENATOR HALL:

6. Well, no, I...I'm going to answer the question, Mr.
7. President.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. All right, you may inquire.

10. SENATOR HALL:

11. Well, I would think that all the candidates for Lieutenant
12. Governor would be interested in that because they would
13. be able to get them at ten dollars a share. But this is
14. really, in...in real...being very sincere about this. And I...
15. I mentioned at the outset that this is a new approach. I'd
16. think every legislator on this Floor would probably be
17. interested in...in getting some shares. You follow what
18. I mean, Senator?

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. Senator Ozinga.

21. SENATOR OZINGA:

22. Yeah, this conversation kind of intrigues me.
23. I'm just wondering, on the transfer of all of this stock, who's
24. going to get the brokerage commission?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. You wish to respond, Senator? Is there further discussion?
27. Senator Hall may close as if he so desires.

28. SENATOR HALL:

29. Well, I...see that I have you intrigued, all that I
30. would like for you to do is give me a green light. This is
31. a different approach and this is going to make people that...
32. they're going to be tax producers instead of tax consumers.
33. It's going to get people off of the relief rolls and it has

Page 120 - October 15, 1981

1. worked in other states. If it can work out in the east, it
2. can certainly work here in the middle west. You know we're
3. in the greatest part of the country. To us, it's going to
4. have a minimum of five thousand jobs. I ask your most favorable
5. support of this legislation.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. All right, the question is, shall Senate Bill 475 pass to
8. the veto...the veto of the Governor to the contrary, notwith-
9. standing. Those in favor vote Aye. Those opposed Nay. The
10. voting is open. (Machine cutoff)...voted who wish? Have
11. all those voted who wish? Have all those voted who wish?
12. Take the record. On that question, the Ayes are 29, the Nays
13. are 28, the motion fails. Go to the Order of Senate Bills
14. 2nd reading on page 2 of the Calendar. Senate Bill 1255.
15. Senator Rock. Read the bill, Mr. Secretary.

16.
17.
18.
19.
20.
21. END OF REEL
22.
23.
24.
25.
26.
27.
28.
29.
30.
31.
32.
33.

Reel #5

Page 121- October 15, 1981

1. SECRETARY:
2. Senate Bill 1255.
3. (Secretary reads title of bill)
4. 2nd reading of the bill. No committee amendments.
5. PRESIDING OFFICER: (SENATOR DONNEWALD)
6. Are there amendments from the Floor?
7. SECRETARY:
8. No Floor amendments.
9. PRESIDING OFFICER: (SENATOR DONNEWALD)
10. 3rd reading. Senate Bill 1256, Senator Kent. Read the
11. bill, Mr. Secretary.
12. SECRETARY:
13. Senate Bill 1256.
14. (Secretary reads title of bill)
15. 2nd reading of the bill. No committee amendments.
16. PRESIDING OFFICER: (SENATOR DONNEWALD)
17. Are there amendments from the Floor?
18. SECRETARY:
19. No Floor amendments.
20. PRESIDING OFFICER: (SENATOR DONNEWALD)
21. 3rd reading. Senate Bill 1257, Senator Mahar. Read the
22. bill, Mr. Secretary.
23. SECRETARY:
24. Senate Bill 1257.
25. (Secretary reads title of bill)
26. 2nd reading of the bill. No committee amendments.
27. PRESIDING OFFICER: (SENATOR DONNEWALD)
28. Are there amendments from the Floor?
29. SECRETARY:
30. Amendment No. 1 offered by Senator Mahar.
31. PRESIDING OFFICER: (SENATOR DONNEWALD)
32. Senator Mahar.
33. SENATOR MAHAR:

1. Thank you, Mr. President and members of the Senate. Amend-
2. ment No. 1 just changes one word. The Reference Bureau in looking
3. over the bill, found that one word, the word, "obtaining" should
4. be "obtained." I move for adoption of the amendment.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Is there discussion? The question is, shall Amendment No. 1
7. to Senate Bill 1257 be adopted. Those in favor indicate by
8. saying Aye. Those opposed? The Ayes have it, Amendment No.
9. 1 is adopted. Are there further amendments?

10. SECRETARY:

11. No further amendments.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. 3rd reading. We will go to the Order of Supplemental
14. Calendar No. 1. On the Order of Motions in Writing to override
15. Total Vetoes. Senate Bill 19, Senator Collins. Read the motion,
16. Mr. Secretary.

17. SECRETARY:

18. I move that Senate Bill 19 Do Pass, the veto of the Governor
19. to the contrary notwithstanding. Signed, Senator Collins.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Collins.

22. SENATOR COLLINS:

23. Yes, thank you...Mr. President. Senate Bill 19, if I
24. recall correctly, passed out of here on...on the Agreed Bill
25. List and it amazed me that the Governor, would, in fact, veto
26. this bill. I think it is a very good bill, and it simply brings
27. in conformity with the existing law the provisions that would
28. cover alcoholism as well as drug addiction to be considered
29. as a order of disposition for minors in need of supervision.
30. It is simply saying that, if, in fact, a...a minor is addicted
31. to alcohol that that child, can, in fact, be manned by the
32. courts, in several different ways under the supervision of
33. his parent or, if, in fact, it needs...the child needs further

1. or professional counseling or professional help that the judge
2. can, in fact, order that that child receive that help. It...this
3. is a very good bill, the rationale given in the...in the Governor's
4. veto does not make any sense to me at all. His only rationale
5. was that it would...would add a burden to the Department of
6. Children and Family Services and...and it increases population.
7. But I thought that 's what the Department of Children and
8. Family Services was to...created for and that was to protect
9. the interest and welfare of minors in need of supervision.
10. So I move that we override the Governor's...veto.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Is there further discussion? If not, the question is,
13. shall Senate Bill 19 pass, the veto of the Governor to the
14. contrary notwithstanding. Those in favor vote Aye. Those
15. opposed vote Nay. The voting is open. Have all voted who
16. wish? Have all voted who wish? Have all voted who wish?
17. Take the record. On that question, the Ayes are 28, the Nays
18. are 27, none Voting Present. Senate Bill 19, having failed
19. to receive the required three-fifths vote is declared lost.
20. Senate Bill 355, Senator Lemke. Read the motion, Mr. Secretary.

21. SECRETARY:

22. I move...that Senate Bill 355 Do Pass, the veto of the
23. Governor to the contrary notwithstanding. Signed, Senator
24. Lemke.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Lemke.

27. SENATOR LEMKE:

28. What this bill is...is it's the equal excess to justice
29. for...small businessmen in the State of Illinois. What this
30. bill does is conforms the Administrative Procedures Act and
31. the Court of Claims Acts with Section 41 of the Civil Practice
32. Act and allows small businessmen to collect their cost when
33. harassed by government agencies. I ask for its adoption.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Is there further discussion? If not, the question is, shall

3. Senate Bill 355 pass, the veto of the Governor to the contrary

4. notwithstanding. Those in favor vote Aye. Those opposed vote

5. Nay. The voting is open. Have all voted who wish? Have all

6. voted who wish? Have all voted who wish? Take the record.

7. On that question, the Ayes are 48, the Nays are 2, none Voting

8. Present. Senate Bill 5...355, having received the required

9. three-fifths vote is declared passed, the veto of the Governor

10. to the contrary notwithstanding. Senate Bill 629, Senator

11. Carroll. Read the motion, Mr. Secretary.

12. SECRETARY:

13. I move that Senate Bill 629 Do Pass, the veto of the

14. Governor to the contrary notwithstanding. Signed, Senator

15. Carroll.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Carroll.

18. SENATOR CARROLL:

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

20. Senate. The...the original purpose of this bill was that to

21. limit the Department of Revenue in its ability to transfer

22. funds around without...authority of the General Assembly, the

23. department has had the ability to transfer more than two million

24. dollars anywhere it wants without us having any oversight,

25. and it has done this by the Governor allowing them to transfer

26. from the amounts we allocate for refunds. Now, I believe that

27. most of us involved in the process here, feel that when you

28. give money to the department earmarked for refunds, people

29. who have paid in too much in taxes, that is not to be transferred

30. for hiring people and for buying equipment and for other things

31. that they transfer monies around to do. The idea of the two

32. percent transfer is to keep some flexibility in the various

33. agencies of State Government to be able to do some minor things.

1. But when it gets into these numbers, you're no longer
2. talking about flexibility, you're talking about absolutely
3. eliminating the will of the General Assembly in the process.
4. And it's even more important when you're talking about taking
5. money away from what we've been told are to be refund payments
6. to people who overpay their taxes and are entitled to that
7. money back. And, what can, in fact, happen is, by transferring
8. money out of there, people may have to wait another fiscal
9. year to get their refund if that line ends up short because
10. they used it for transferability. It seems to me that we should
11. not be taking money that we say belongs to the people by way of
12. refund and allowing an agency to spend that on contractual
13. services, phones, employees or whatever. And I would ask that
14. the veto of the Governor to the contrary be not withstanding
15. and that we override that veto.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Is there further discussion? Senator Walsh.

18. SENATOR WALSH:

19. Mr. President and members of the Senate. I rise in support
20. of this motion. I think that the position has been well stated
21. by Senator Carroll. ...and I would like to just emphasize
22. the...the point that...transferability may be a good idea within
23. line items for operating purposes, but to provide for a two
24. percent transferability from a line item for refunds...to an
25. operating line item, I...I think is ridiculous. I'm sure
26. all of us feel that when they...a line item appropriation
27. is made for refunds, we probably don't look into that amount
28. too carefully, because we assume the entire amount will go
29. back to the taxpayers and certainly any amount that goes
30. to the taxpayers, is...would be an amount to which they are
31. entitled. We certainly wouldn't expect that any such line
32. item could be used as a vehicle for transferability to another
33. line item. So, I think this is a...is a good bill. I think

Page 126 - October 15, 1981

1. it was vetoed in error and I would support Senator Carroll's
2. position. I urge an Aye vote.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Is there further discussion? If not, Senator Carroll
5. may close.

6. SENATOR CARROLL:

7. I would ask you to join either Senator Walsh or myself
8. in a favorable roll call.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. The question is, shall Senate Bill 629 pass, the veto of
11. the Governor to the contrary notwithstanding. Those in favor
12. vote Aye. Those opposed vote Nay. The voting is open. Have
13. all voted who wish? Have all voted who wish? Take the record.
14. On that question, the Ayes are 55, the Nays are 3, none Voting
15. Present. Senate Bill 629 having received the required three-
16. fifths vote is declared passed, the veto of the Governor to
17. the contrary notwithstanding. Senate Bill 650, Senator Taylor.
18. Read the motion, Mr. Secretary.

19. SECRETARY:

20. I move that Senate Bill 650 Do Pass, the veto of the Governor
21. to the contrary notwithstanding. Signed, Senator Taylor.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Taylor.

24. SENATOR TAYLOR:

25. Thank you, Mr. President and members of the Senate. The
26. Governor in his Veto Message felt that signing House...Senate
27. Bill 651 negated the necessity for the additional increase for
28. the cost of the transcripts. I think he failed to look at
29. what is actually happening today. Since transcripts has not
30. been risen since 1968 or '69, that the cost of the equipment,
31. and the cost of the papers, and the cost of the repairs and...and
32. maintenance of the equipment, it was necessary that these
33. court reporters do have the increase and this is no cost to

1. the State of Illinois at all. And the bill did pass out of the
2. Senate on the Conference Committee Report on a 43 to 12 vote.
3. And I solicit your support for...the override of this motion.
4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Is there further discussion? Senator Philip.
6. SENATOR PHILIP:

7. Thank you, Mr. President and Ladies and Gentlemen of the
8. Senate. The first point I'd like to make, as you know, the
9. Governor signed Senate Bill 651, which give the court reporters
10. a seven thousand dollar increase per year. There is no definition
11. on the size of the page, the words per page, et cetera. So, there's
12. really no way of knowing exactly how much this bill is going to
13. cost. Seeing that we did give them a pay raise, it would
14. seem to me that...this bill is...should be defeated.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Any further discussion? If not, Senator Taylor may close.
17. SENATOR TAYLOR:

18. Well, Mr. President and members of the Senate. Under the
19. original status today is twenty-five cents for one hundred words.
20. This particular bill, today, asks for per page, which will give
21. anywhere from two hundred to two hundred and fifty word, which
22. is definitely an increase. I think that the...the seven thousand
23. dollars was over a two-year period was the raise that was given
24. by the Governor. Therefore, I feel that the court reporters do
25. deserve this additional fee. Therefore, I solicit your support
26. for the override of the veto.

27. PRESIDING OFFICER: (SENATOR SAVICKAS)

28. The question is, shall...Senate Bill 650 pass, the veto of
29. the Governor to the contrary notwithstanding. Those in favor
30. vote Aye. Those opposed vote Nay. The voting is open. Have
31. all voted who wish? Have all voted who wish? Have all voted
32. who wish? Take the record. On that question, the Ayes are 29,
33. the Nays are 27, none Voting Present. Senate Bill 650 having

Page 128 - October 15, 1981

1. failed to receive the required three-fifths vote is declared
2. lost. Senate Bill 1148, Senator Dawson. Read the motion, Mr.
3. Secretary.

4. SECRETARY:

5. I move that Senate Bill 1148 Do Pass, the veto of the Governor
6. to the contrary notwithstanding. Signed, Senator Dawson.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Dawson.

9. SENATOR DAWSON:

10. Mr. President, Ladies and Gentlemen of the Senate. I ask
11. for an override of the Governor's veto on this piece of legislation.
12. Because of his rationale on this here, the Governor feels that
13. it's ultimately the physican who is responsible for the care
14. of a person who uses his service and being that physicans are
15. already licensed by and responsible to the State. Well, a physican
16. really doesn't have anything..basically, to do with a person when
17. they go to get one of these artificial limbs, and the chance of
18. somebody going back to them to have it inspected is just completely
19. unreasonable. And I ask for a favorable roll call.

20. PRESIDING OFFICER: (SENATOR SAVICKAS)

21. Is there further discussion? Senator Becker.

22. SENATOR BECKER:

23. Thank you, Mr. President and members of the Senate. If you'll
24. note, the Illinois Medical Association does not oppose this bill.
25. The Illinois Hospital Association does not oppose it. The Illinois
26. Podiatric Society does not oppose it. If you have qualified people,
27. such as they are training at the present time, the doctors appreciate
28. this type of service. I can't, for the life of me, understand
29. why the Governor vetoed the bill. It passed out of this Senate
30. 40 to 11 to 2, it passed in the House 111 to 37 to 3. We have
31. educated people who, in turn, are educating doctors on how to use
32. these limbs for the thousands upon thousands of people...who
33. are invalids today because of the type of illnesses that they

1. need this type of equipment. I sincerely hope that the Senate's
2. decision is to override the Governor's veto on this bill.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Bloom.

5. SENATOR BLOOM:

6. Question.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. He indicates he'll yield.

9. SENATOR BLOOM:

10. The provisions of this bill set up a totally independent
11. board that can set up fees by rule. Is there any other regulated
12. occupation where fees are set other than by this Body, the
13. General Assembly, do you know Glen...Senator Dawson?

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Dawson.

16. SENATOR DAWSON:

17. I could not truthfully answer that...question.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Bloom.

20. SENATOR BLOOM:

21. Okay. I have great admiration for the sponsor, so I'm
22. reluctant to rise in opposition to his motion, but I feel
23. we must. Because this particular piece of legislation
24. sets up a totally autonomous board, that would be the only
25. regulatory board that would not have to come to the General
26. Assembly for its fees, among other things. It also sets up
27. its own exams without any input from the Department of...
28. basically, we're setting up another regulatory agency that
29. is, in effect and bottom line, independent of any kind of
30. legislative oversight, that's for openers. There are
31. numerous technical flaws in the bill, it'll lead to litigation.
32. And finally, the committee, the Select Committee on Regulatory
33. Reform heard extensive testimony on this. There's only one

1. school in the entire country, it's in Michigan, that is dedicated
2. to this particular area. And nowhere was it proven that licensure
3. would improve artificial limbs and teeth and things like that.
4. I think that if you closely read the Governor Veto's Message,
5. you'll realize that this bill, whether you agree with the...whether you agree with the
6. theory or not, should be extensively rewritten and I'd urge
7. both sides to sustain the veto. Thank you.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Is there further discussion? If not, Senator Dawson may
10. close.

11. SENATOR DAWSON:

12. Mr. President and Ladies and Gentlemen of the Senate. We
13. feel that we have to take a step forward, and this piece of legislation
14. is our first step forward and the next General Assembly will be
15. more than welcome to take any refinements, but I ask for a
16. favorable roll call on this piece of legislation.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. The question is, shall Senate Bill 1148 pass, the veto of
19. the Governor to the contrary notwithstanding. Those in favor
20. vote Aye. Those opposed vote Nay. The voting is open. Have
21. all voted who wish? Have all voted who wish? Have all voted
22. who wish? Have all voted who wish? Take the record. On that
23. question, the Ayes are 35, the Nays are 20, none Voting Present.
24. Senate Bill 1148, having...Senate Bill 1148, having failed
25. to receive...Senator Dawson seeks postponed consideration on
26. Senate Bill 1148. On that motion, leave granted? Leave is
27. granted. On the Order of Senate Calendar, Supplemental No. 1,
28. Motions in Writing to override Item Vetoes. May we have your
29. attention. We are on Motions in Writing to override Item Vetoes.
30. Senate Bill 308, Senator Coffey. Read the motion, Mr. Secretary.
31. SECRETARY:

32. I move that the item on Page 14, lines 25 through 28 of
33. Senate Bill 308 Do Pass, the Item...the Item Veto of the Governor

Page 131 - October 15, 1981

1. to the contrary notwithstanding. Signed, Senator Coffey.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Coffey.

4. SENATOR COFFEY:

5. Yes, Mr. President and members of the Senate. I rise to
6. add back into the budget some two hundred thousand dollars to
7. be used for the restoration of three horse barns at the State
8. Fairgrounds, that's barns 38, 39 and 41, which is presently
9. being utilized year round for persons having horses at the
10. State Fairgrounds for training purposes as well as being
11. used at the time of the State Fair. I think we're all aware
12. that, for us to let the roofs of our barns deteriorate is not
13. in the best interest of saving money. If we let the roofs
14. deteriorate on these buildings, then we're going to be putting
15. up new buildings in a few years which is going to cost us
16. not thousands, but millions to replace those barns. The structure
17. of those buildings are very sound. There is some...history behind
18. these buildings and I think they should be up-kept. And I would
19. ask this Body to...go along with the addition of the two hundred
20. thousand dollars back in to restore those buildings.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Is there further discussion? Senator Johns.

23. SENATOR JOHNS:

24. Thank you, Mr. President. I...join Senator Coffey. I made
25. an inspection of these buildings, personally, and I find that what
26. he says is true. It's very vital that we restore these funds,
27. restore these roofs to keep them in good shape.

28. PRESIDING OFFICER: (SENATOR SAVICKAS)

29. Any further discussion? If not, Senator Coffey may
30. close.

31. SENATOR COFFEY:

32. Yes, I just ask this Body, take this really under consideration
33. because I think it's very important to keep those buildings restored

Page 132- October 15, 1981

1. and I'd ask for a favorable roll call.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. The question is, shall the items on page 14, lines 25 through
4. 28 on Senate Bill 308 pass, the Item Veto of the Governor to the
5. contrary notwithstanding. Those in favor vote Aye. Those opposed
6. vote Nay. The voting is open. Have all voted who wish? Have
7. all voted who wish? Have all voted who wish? Take the record.

8. On that question, the Ayes are 31, the Nays are 20, 3 Voting Present.

9. The items on page 14, lines 28 through 25 of Senate Bill 308
10. having failed to receive the required three-fifths vote is
11. declared lost. Is there further motions, Mr. Secretary?

12. SECRETARY:

13. I move that the item on page 14, line 22 of Senate Bill
14. 308 be restored, the Item Veto of the Governor to the contrary
15. notwithstanding. Signed, Senator Coffey.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Coffey.

18. SENATOR COFFEY:

19. Yes, Mr. President and members of the Senate. I rise to
20. add back into the Department of Agriculture budget some eleven
21. thousand dollars. Last year, this Body...give the consent to
22. appropriate approximately seventy-five thousand dollars in a
23. grant to the Illinois Department of Agriculture to do a study
24. on Lake Paradise, which is located in my district. This project
25. was a research project coordinated by the College of Agriculture
26. at the University of Illinois. This project is well on its
27. way and near completion. This past year, I received, asked and
28. requested, from the...people doing the study at the University
29. of...of Illinois, if they could complete that study on that
30. money and they asked for an additional eleven thousand dollars
31. to complete that study. This study is not just a study for...for
32. my district or the Lake Paradise area, but I think it's one that's
33. very beneficial to any community that has a lake that has filled
34. in from sediment from the agricultural areas. This eleven

1. thousand dollars was deleted and taken out by the Governor. I
2. would ask this Body to put that eleven thousand back in. That
3. will be used for a part-time person to travel from the University
4. of Illinois to finish that study. They'll be studying...if that
5. silt can be removed and it has been removed at this time, it has
6. been put on agriculture land in the area. There is crops now
7. growing there, they're doing a study to see what...the productivity
8. will be on that land once that silt is removed and put on the
9. land. There's been a lot of...research done by the University
10. of Illinois as well as our own junior college. The community
11. itself has put in some fifty, sixty thousand dollars for the
12. study, because it will, at some point when this lake is reclaimed,
13. be of some help to the City of Mattoon. But I think it's a very
14. worthwhile project, it's one that the study will be available
15. to every community in the State of Illinois. Eleven thousand
16. dollars is not too much, I don't understand why the Governor
17. removed it, but I think it's very important to complete that
18. study or the total program is going to be of waste and the seventy-five
19. thousand we spent last year will be down the tubes. I'd just ask
20. for a favorable roll call.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. Any further discussion? Senator Demuzio.

23. SENATOR DEMUZIO:

24. Yes, thank you, Mr. President. I'd just like to ask the
25. sponsor a question, if he will yield.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. He indicates he will yield.

28. SENATOR DEMUZIO:

29. A...Senator Coffey, I was just wondering, I don't have the
30. roll calls in front of me, I was just wondering how you voted
31. on the soil maps money earlier in the day?

32. PRESIDING OFFICER: (SENATOR SAVICKAS)

33. Any further discussion? If not, Senator Coffey may close.

1. SENATOR COFFEY:

2. Yes, first of all to answer the question. One of the soil
3. maps, the one on the...the nine counties, I voted Yes, on the
4. other one I voted No. So I guess I got a fifty-fifty voting
5. record there. This is only eleven thousand dollars. I think
6. it's very important to the State of Illinois, as well as very
7. important to the community, which I represent. I think it's
8. very, very few dollars. I've supported a lot of legislation
9. that benefit many other people, but I think this benefits everyone,
10. and the University of Illinois as well as Mr. Roberts, that is
11. with the weather on Channel 3, has taken a very active interest.
12. There's been some State-wide publicity on this and I would ask
13. for a favorable roll call.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. The question is, shall the item on page...14, line 22 of
16. Senate Bill 308 pass, the Item Veto of the Governor to the
17. contrary notwithstanding. Those in favor vote Aye. Those opposed
18. vote Nay. The voting is open. Have all voted who wish? Have
19. all voted who wish? Have all voted who wish? Take the record.
20. On that question, the Ayes are 39, the Nays are 10, 1 Voting
21. Present. The items on page 14, line 22 of Senate Bill 308, having
22. received the required three-fifths vote is declared passed, the
23. Item Veto of the Governor to the contrary notwithstanding. On
24. the Order of Motions in Writing to restore Item Reductions.
25. Senate Bill 308, Senator Maitland. Read the motion, Mr. Secretary.
26. SECRETARY:

27. I move that the item on page 12, line 22 of Senate Bill 308
28. be restored, the Item Reduction of the Governor to the contrary
29. notwithstanding. Signed, Senator Maitland.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Senator Maitland.

32. SENATOR MAITLAND:

33. ...Mr. President, if my leader...if my leader would allow
34. me to...withdraw this motion, I would like to. Senator Joyce

1. and I had both...filed motions and he has already called his so
2. I don't even have a motion that is active anymore.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Leave to withdraw the motion. Does that motion cover all
5. the items, all three motions? On Senate Bill 311, Senator
6. Netsch. Read...read the motion, Mr. Secretary. Senator Netsch,
7. do you wish to...Senator Netsch.

8. SENATOR NETSCH:

9. Thank you. There are three motions filed. There is only
10. one that...that I will call. That is the one that relates to
11. page 4, line 13.

12. PRESIDING OFFICER: (SENATOR SAVICKAS)

13. Read the motion, Mr. Secretary.

14. SECRETARY:

15. I move the item on page 4, line 13 of Senate Bill 311
16. be restored, the Item Reduction of the Governor to...notwithstanding.
17. Signed, Senator Netsch.

18. PRESIDING OFFICER: (SENATOR SAVICKAS)

19. Senator Netsch withdraws the other two motions...dealing
20. with items on page 4, lines 27 and page 4, line 25. On this
21. motion, Senator Netsch.

22. SENATOR NETSCH:

23. Thank you, Mr. President. This also deals with drug
24. abuse treatment and it relates, specifically, to the outpatient
25. treatment. The money that was restored a bit ago had to do with
26. the residential treatment and was, of course, particularly for
27. the so-called Task Program. This is outpatient treatment.
28. The reason why I am making the motion with respect to this
29. part of the funding cutback is that, this much more, perhaps
30. than the residential, is particularly important to the rural
31. and semi-rural areas of the State and to those parts of the
32. State where they may be heavily dependent for...from time to
33. time on emergency treatment and crisis intervention situations.

Page 136 - October 15, 1981

1. That is the particular area that has been cut by the Governor's
2. veto..Reduction Veto here and it is, as I indicated, particularly
3. important in the areas that do not have readily available residential
4. treatment facilities. This would, at sixteen hundred dollars per
5. slot, this would, in effect, permit a hundred and fifty extra
6. slots to be filled during the year. And I use the word slots because
7. that does not necessarily mean persons, it, in fact, would be more
8. than a hundred and fifty persons. It is...I think in its own
9. way, at least as important as the residential part of the
10. treatment, and again, I think most of us have experienced either
11. friends or people from our communities who have become victimized
12. by drug addiction and this is intended to allow us to do something
13. constructive with those who have been addicted to drugs before
14. they become totally addicted and completely out of circulation,
15. or before they end up in the criminal justice system, which is
16. where so many of them end up. It is important and in a sense,
17. it balances that which you had done earlier today with respect
18. to the residential programs. I would strongly urge your support
19. of the restoration of this amount, and I might say, incidentally,
20. because I did not earlier, that we are talking about a little
21. over two hundred thousand dollars.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is there further discussion? If not, the question is,
24. shall the items on page 4, line 13 be...of Senate Bill 308
25. be restored, the Item Reduction of the Governor..311, I'm sorry,
26. the Item Reduction of the Governor to the...contrary notwithstanding.
27. Those in favor vote Aye. Those opposed vote Nay. The voting is
28. open. Have all voted who wish? Have all voted...have all voted
29. who wish? Have all voted who wish? Take the record. On that
30. question, the Yeas are 31, the Nays are 19 and 2 Voting Present.
31. The item on page 4, line 13 of Senate Bill 311, having received
32. the required majority vote of Senators elected is declared
33. restored, the Item Reduction of the Governor to the contrary
34. notwithstanding. On Motions in Writing, restoring Item Reductions...

1. would you wait a minute...on Senate Bill 308, we had...oh, Senator
2. Philip.

3. SENATOR PHILIP:

4. Thank you, very much, Mr. President. I'd like to...verify
5. the affirmative vote.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. There has been a call for a verification of the affirmative
8. votes. Will all the members please be in their seat. Will the
9. Secretary please read the affirmative votes.

10. SECRETARY:

11. The following voted in the affirmative: Becker, Berman,
12. Bruce, Buzbee, Carroll, Chew, Coffey, Collins, D'Arco, Degnan,
13. Demuzio, Donnewald, Egan, Geo-Karis, Gitz, Hall, Johns, Jeremiah
14. Joyce, Jerome Joyce, Marovitz, McLendon, Nash, Nedza, Netsch,
15. Newhouse, Rupp, Sangmeister, Savickas, Taylor, Vadalabene,
16. Mr. President.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Is there any question of the affirmative votes? Senator
19. Philip.

20. SENATOR PHILIP:

21. Senator Chew?

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Is Senator Chew on the Floor? Senator Chew. Senator Chew.

24. SENATOR PHILIP:

25. Senator Marovitz.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Marovitz on the Floor? Senator Marovitz is in
28. his seat.

29. SENATOR PHILIP:

30. Senator Nega.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Senator Nega. I don't think his name was called. His...his
33. name is not recorded as voting.

1. SENATOR PHILIP:

2. Senator Geo-Karis.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Geo-Karis. Is Senator Geo-Karis on the Floor?

5. Senator Geo-Karis. Strike her name from the record.

6. SENATOR PHILIP:

7. Senator Joyce.

8. PRESIDING OFFICER: (SENATOR SAVICKAS)

9. Senator...

10. SENATOR PHILIP:

11. The other...the other Joyce. The...the short, ugly Joyce,
12. not the big, good-looking one.

13. PRESIDING OFFICER: (SENATOR SAVICKAS)

14. They're both...they're both on the Floor, Senator. The
15. roll call has been verified and the Ayes are 29...Senator Netsch
16. moves to postpone consideration. On Senate Bill 308, on Motions
17. in Writing to restore Item Reductions, the Chair assumed...when
18. Senator Maitland withdrew his motion, that all three motions
19. belonged to him, though we have a motion by Senator Coffey.
20. So, on Senate Bill 308, Senator Coffey. And will the Secretary
21. read the motion.

22. SECRETARY:

23. I move that the item on page 13, line 12 of Senate Bill
24. 308 be restored, the Item Reduction Veto of the Governor to
25. the contrary notwithstanding. Signed, Senator Coffey.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Coffey.

28. SENATOR COFFEY:

29. Yes, Mr. President and members of the Senate. I rise
30. to add back a reduction that was made by the Governor of some
31. five hundred and ninety-four thousand and five hundred dollars
32. to the Standard Bred Fund. The...just to point out a little bit
33. about where this money comes from and...and about the Horse
34. Racing Act, I would like to point out that the General Assembly

1. declared that if...it was a policy of the State to establish
2. and preserve the agriculture and commercial benefits of such
3. breeding and racing industries in the State of Illinois.
4. During the Calendar Year 1981 and each year thereafter, eight
5. and one-half percent of all the monies received by the State
6. as a privilege tax on harness racing meeting, shall be paid
7. into the Standard Breeders Fund. This is the fund where this
8. money that we're discussing now comes from. It's a fund that's
9. set aside specifically for purses and for the Standard Bred.
10. Fund and that amount of money has been removed. Originally,
11. the Illinois Racing Board projected a three million, one
12. hundred thousand dollar figure for 1981. That was cut down
13. to two million nine hundred thousand, and then when it got
14. down into appropriation, it ended up coming out and passing this
15. Body at two million seven hundred and sixty-five thousand
16. six hundred dollars. The Governor vetoed that down to two
17. million one hundred and seventy-one thousand dollars, which
18. made a...a very drastic cut of approximately a million dollars
19. from what the...the Racing Board projected and what they ended
20. up with after the...the veto. I'd ask...a favorable roll call
21. on this and be glad to answer any questions. I would like to
22. point out that this does affect two of these, the...the races
23. out at the State fairs, the purse money that's given out, they
24. projected for each race that there be approximately twenty-
25. two hundred and fifty dollars, now that's cut down to eighteen
26. hundred and fifty dollars with...with this cut. The cost to
27. the people that owns these horses and are continue to race has
28. increased, drastically. These people do put money into these
29. funds themselves for every race, every circuit. They have to
30. put in twenty-five dollars for every race, they have to put
31. in twenty-five dollars and then they have an entry fee of
32. thirty dollars at the county fair. At the larger races, they
33. have twenty-five dollar race for the circuit and a fifty dollar

1. fee just for the race and a hundred and thirty dollar entry fee.
2. So these people, their fees increase as well as...they would like
3. to see the purses increase, so they could, and hopefully our
4. Standard Bred Association could thrive and...because they do
5. bring a lot of revenue into the State of Illinois. This motion
6. is endorsed by Illinois Harness Horsemen's Association and I'd
7. ask for a favorable roll call.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Is there discussion? Is there discussion? The question
10. is, shall the item on page 13, line 12 of Senate Bill 308 be
11. restored, the Item Reduction of the Governor to the contrary
12. notwithstanding. Those in favor vote Aye. Those opposed vote
13. Nay. The voting is open. Have all voted who wish? Have all
14. voted who wish? Have all voted who wish? Take the record.
15. On that question, the Ayes are 33, the Nays are 17, none Voting
16. Present. The item on page 13, line 12 of Senate Bill 308,
17. having received the required majority vote of Senators elected
18. is declared restored, the Item Reduction of the Governor to
19. the contrary notwithstanding. If you will now...turn to page
20. 2 of your...to the Second Supplemental Calendar, we will start
21. with Motions in Writing to accept the Specific Recommendations
22. for Change. Senate Bill 62, Senator Collins. Senator Collins
23. is recognized. Read the motion, Mr. Secretary, please.

24. SECRETARY:

25. I move to accept the Specific Recommendations of the
26. Governor as to Senate Bill 62 in the manner and form as follows.
27. Signed, Senator Collins.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Collins.

30. SENATOR COLLINS:

31. Yes, thank you, Mr. President. Six...the part that the Governor
32. has stricken from the...Senate Bill 62, is, in fact, Senate Bill
33. 433 that...dealt with the Infant Lab Schools. At this point,

Page 141- October 15, 1981

1. I have no choice but to accept what I consider as a half a loaf
2. rather than not...receiving anything. Senate Bill 62 dealt
3. specifically with...requiring young ladies who had children
4. under the compulsory age of sixteen to continue in school. The Governor...
5. Amendatorily Vetoed the section that dealt with Senate Bill 443
6. that had been amended on this particular bill. However, in his
7. message, his...rationale is most certainly wrong because the
8. bill did not mandate that Infant Lab Schools be provided, it
9. simply stated that it gave...the district permission, if the
10. district so...choose to do so, to operate Infant Lab Schools.
11. At this point, I have no other choice but to go on and accept
12. this Recommendation for Change.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? Is there discussion? The question
15. is, shall the Senate accept the Specific Recommendations of
16. the Governor as to Senate Bill 62 in the manner and form just
17. stated. Those in favor vote Aye. Those opposed vote Nay. The
18. voting is open. Have all voted who wish? Have all voted who
19. wish? Take the record. On that question, the Ayes are 40...51,
20. the Nays are none, none Voting Present. The Senate does accept
21. the Specific Recommendation of the Governor as to Senate Bill
22. 62 and the bill having received the required constitutional majority
23. of Senators elected is declared passed. Senate Bill 431, Senator
24. Gitz. Read the motion, Mr. Secretary, please.

25. SECRETARY:

26. I move to accept the Specific Recommendations of the
27. Governor as to Senate Bill 431 in the manner and form as follows.
28. Signed, Senator Gitz.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Gitz.

31. SENATOR GITZ:

32. Thank you, Mr. President and members of the Senate. This
33. bill, in its original form, was legislation relating to the

1. dismissal of supervisors of assessors with cause. At the request
2. of Madison County, there was a provision added onto the bill
3. late in the Session because of a Supreme Court decision, the
4. City of Peoria versus Edward T. O'Connor, which upheld a lower
5. court's ruling that a town collector has the exclusive right to
6. collect real property taxes. The Governor felt that he did
7. not want to take away that local township power and many of
8. the counties have felt that that was a method by which they
9. could actually streamline the efficacy of these collections.
10. I think in the spirit of the original bill the prudent thing
11. to do is to accept those recommendations and I would so move at
12. this time.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? Senator Grotberg.

15. SENATOR GROTEBERG:

16. Yes, a question of the sponsor. Just in case the Body,
17. like me...others in the Body, like me, did not hear the details,
18. but is this, Senator Gitz, the...the bill that would have
19. abolished township collectors and the Governor vetoed it?

20. SENATOR GITZ:

21. Senator Grotberg, it didn't abolish them, but what it
22. did do is allowed them to submit those payments to the county
23. clerk because they were saying that if they had to redo the
24. notices it was going to cost, in their case, about eighty
25. thousand dollars. So, the intention of that amendment, which
26. we accepted at the request of Representative McPike was not
27. to abolish them, but to, at least, give them the option to pay
28. that through the county clerk. Now, after the Session, many,
29. many, township people and there were only five counties, by
30. the way, that were involved, Sangamon, Peoria, Will, Madison
31. and Cook, said they didn't like it, so the Governor took
32. it out. And I was not crazy about putting it in there in the
33. first place.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Grotberg.

3. SENATOR GROTEBERG:

4. Thank you, Senator Gitz. My confusion is, in my own
5. mind, are the township officials of Illinois for your motion
6. or are they again it?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Gitz.

9. SENATOR GITZ:

10. The township officials are in favor of my motion. Yes.
11. My motion will have the effect of deleting all that language
12. from the bill and leaving in tact the original provisions which
13. relate to the dismissal of supervisors of assessors with cause.
14. And that was the only thing that this...bill will do, once we
15. have concurred with the Governor's Recommendations for Change.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Grotberg.

18. SENATOR GROTEBERG:

19. And just one more question. The whole assessor thing is
20. stripped out...I mean the collector thing is stripped out of
21. your bill and we are back to an assessment bill. Thank you.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Further discussion? Senator Gitz
24. may close.

25. SENATOR GITZ:

26. Ask for a favorable roll call.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The question is, shall the Senate accept the Specific
29. Recommendations of the Governor as to Senate Bill 431 in the
30. manner and form just explained. Those in favor vote Aye. Those
31. opposed vote Nay. The voting is open. Have all voted who wish?
32. Have all voted who wish? Take the record. On that question,
33. the Ayes are 56, the Nays are none, none Voting Present. The

Page 144 - October 15, 1981

1. Senate does adopt the Specific Recommendation of the Governor
2. as to Senate Bill 431 and the bill having received the required
3. constitutional majority is declared passed. Senate Bill 443,
4. Senator Lemke. Senator Lemke on the Floor? Senator Lemke.
5. All right. Read the motion, Mr. Secretary, please.
6. SECRETARY:

7. I move to accept the Specific Recommendations of the
8. Governor as to Senate Bill 443 in the manner and form as
9. follows. Signed, Senator Lemke.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Lemke.

12. SENATOR LEMKE:

13. Just for the matter of the record. I'd like to read into
14. the record that the...the Amendatory Veto of the Governor
15. does not disqualify SOKOL or similar ethnic organizations. from
16. participating as...bingo licenses, but instead changes will
17. insure that the...these ethnic organizations will exist to
18. serve their members and general public and do not have to
19. compete with other groups which exist only to serve narrow
20. purposes. I think it's a good...bill and I ask for the adoption
21. on the motion.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. The motion is to adopt. Discussion? Senator Becker.

24. SENATOR BECKER:

25. Thank you, Mr. President and members of the Senate. I know
26. that Senator Lemke did file a motion to change the date from...
27. the effective date of July of 1982 to the immediate passage of
28. this bill, and I've been informed by John Washburn, one of the
29. Governor's staff members that it meets with his approval. The
30. effective date immediately.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Rhoads.

33. SENATOR RHOADS:

Page 145- October 15, 1981

1. If Senator Becker's...if what Senator Becker just stated
2. is correct, then, what would be the majority required to accept
3. the Amendatory Veto?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Upon the face of the motion by Senator Lemke, there is
6. nothing in his motion that relates to...a...other than the...
7. other than the date stated in the legislation. So, the Chair
8. has no knowledge of...of any changes other than what the Governor
9. specifically recommended and in his Specific Recommendation
10. no mention is made of an effective date. So, I don't know
11. whether Senator Becker has knowledge that the Chair does not
12. have, but it is not within the confines of the motion as
13. filed by Senator Lemke. The...the, I am told by my Parliamentarians
14. that the bill itself has an immediate effective date, and in that
15. regard, all we have to do is...to accept the Specific Recommendation,
16. is do that by a majority vote of the members elected. Otherwise,
17. Senator Rhoads, it flies in the face of the Constitution and...and
18. that would be each and every bill that we've voted on would have
19. required a three-fifths, because we're voting after July the 1st,
20. assuming the sponsor wanted the bill to be effective prior to
21. July 1st of next year. Yes, including appropriation bills.
22. Senator Lemke. Further discussion?

23. SENATOR LEMKE:

24. Roll call.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is, shall the Senate accept the Specific
27. Recommendation of the Governor as to Senate Bill 443 in the
28. manner and form just stated. Those in favor vote Aye. Those
29. opposed vote Nay. The voting is open. Have all voted who
30. wish? Have all voted who wish? Take the record. On that
31. question, the Ayes are 49, the Nays are 3, 2 Voting Present.
32. The Senate does adopt the Specific Recommendation of the Governor
33. as to Senate Bill 443 and the bill having received the required

1. constitutional majority is declared passed. Senate Bill 666,
2. Senator Gitz. There's an error in your Calendar, 666 has already
3. been adopted on the first Calendar and it...it should be removed.
4. Senate Bill 853, Senator Coffey. Read the motion, Mr. Secretary,
5. please, on Senate Bill 853.

6. SECRETARY:

7. I move to accept the Specific Recommendations of the
8. Governor as to Senate Bill 853 in the manner and form as follows.
9. Signed, Senator Coffey.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Coffey.

12. SENATOR COFFEY:

13. Yes, Mr. President and members of the Senate. I rise to
14. accept the recommendations of the Governor on Senate Bill 853.
15. The Governor's recommendation that the standard testing for
16. quality of gasohol confirm...conform to the American Society
17. of Testing and Materials proposed as...as specifications, which
18. is 1.25 percent water weight. Also, the Governor believes that
19. the Department of Agriculture should notify proprietors...rather
20. on the selling of gasohol rather than the Department of Revenue.
21. And I'd like to accept that proposal.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Is there discussion? The question is, shall the Senate accept
24. the Specific Recommendation of the Governor as to Senate Bill 853
25. in the manner and form just stated. Those in favor vote Aye. Those
26. opposed vote Nay. The voting is open. Have all voted who wish?
27. Have all voted who wish? Take the record. On that question, the
28. Ayes are 54, the Nays are none, none...on that question, the Ayes
29. are 56, the Nays are none, none Voting Present. The Senate does
30. adopt the Specific Recommendation of the Governor as to Senate
31. Bill 853 and the bill having received the required constitutional
32. majority is declared passed. Senator Coffey on 902. Read the
33. motion, Mr. Secretary, please.

Page 147- October 15, 1981

1. SECRETARY:

2. I move to accept the Specific Recommendations of the Governor
3. as to Senate Bill 902 in the manner and form as follows. Signed,
4. Senator Coffey.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Coffey.

7. SENATOR COFFEY:

8. Yes, Mr. President and members of the Senate. I rise to
9. accept the recommendations, again, of the Governor as to Senate
10. Bill 902. The Governor's veto deletes the funding provision
11. for the Land of Lincoln Gathering Show and the National Red
12. Angus Show and I'd ask for a favorable roll call in accepting.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The motion is...is to accept. Discussion? Senator Gitz.

15. SENATOR GITZ:

16. Question of the sponsor.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. He indicates he will yield.

19. SENATOR GITZ:

20. Senator...Coffey, is it not true that this bill...which,
21. actually, I believe the board should say is 992, is the same
22. as Senate Bill 966, and regard to the provisions that apply
23. to ten percent alcohol testing?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. It is 902, Senator.

26. SENATOR GITZ:

27. I'm sorry.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. All right. Discussion on 902? The question is, shall
30. the Senate accept the Specific Recommendation of the Governor
31. as to Senate Bill 902 in the manner and form just stated. Those
32. in favor vote Aye. Those opposed vote Nay. The voting is open.
33. Have all voted who wish? Have all voted who wish? Take the

Page 148- October 15, 1981

1. record. On that question, the Ayes are 50, the Nays are none, none
2. Voting Present. The Senate does adopt the Specific Recommendations
3. of...of the Governor as to Senate Bill 902 and the bill having
4. received the required constitutional majority is declared passed.
5. 904, Senator Coffey. Read the motion, Mr. Secretary, please.
6. SECRETARY:

7. I move to accept the Specific Recommendations of the Governor
8. as to Senate Bill 904 in the manner and form as follows. Signed,
9. Senator Coffey.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Coffey. What...Senator Coffey.

12. SENATOR COFFEY:

13. Yes, Mr. President and members of the Senate. I rise again
14. to accept the...Specific Recommendation of the Governor on Senate
15. Bill 904. The Governor's objections is the...the Governor
16. recommends the deletion of the provision of the bill which
17. allows less stringent of movement...movement of cattle between
18. Class A...Brucellosis-free states. I'd ask for us to accept
19. that provision.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Is there discussion? Discussion? The question, is shall
22. the Senate adopt the Specific Recommendation of the Governor as
23. to Senate Bill 904 in the manner and form just stated. Those
24. in favor vote Aye. Those opposed vote Nay. The voting is
25. open. Have all voted who wish? Have all voted who wish? Take
26. the record. On that question, the Ayes are 49...50, the Ayes
27. are 50, the Nays are none, none Voting Present. The Senate
28. does adopt the Specific Recommendation of the Governor as to
29. Senate Bill 904 and the bill having received the required constitutional
30. majority is declared passed. Senate Bill 992, Senator Coffey.
31. Read the motion, Mr. Secretary, please. Now, Senator Gitz.

32. SECRETARY:

33. I move...I move to accept the Specific Recommendations of the

Page 149 - October 15, 1981

1. Governor as to Senate Bill 992 in the manner and form as follows.

2. Signed, Senator Coffey.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Coffey.

5. SENATOR COFFEY:

6. Yes, Mr. President and members of the Senate. I rise again

7. to accept the Specific Recommendation of the Governor as to

8. Senate Bill 992. The Governor's objections to that...recommendation

9. authorized the Department of Agriculture to test alcohol to be

10. used in motor fuel components, which contains no more than 1.25

11. water by proof, rather than by proof of alcohol. I'd ask...to

12. accept those recommendations.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? Senator Gitz.

15. SENATOR GITZ:

16. Yes, Senator Coffey, now I'd like to ask the question. I

17. don't object to the fact that you're testing for water proof,

18. but in reading this message, it's clear that the provisions

19. that allow the Department of Agriculture to test for at least

20. ten percent alcohol are in the bill. And it seems to me, kind

21. of incongruous that in one hand the Governor says that this

22. was simply not worthwhile to have in it, and it was expensive,

23. when the bill subject happened to be Senate Bill 966. But now

24. when it appears in Senate Bill 992, it's okay, but, of course, he

25. wanted to add some other provisions to it which you don't object

26. to. And it seems to me, if it wasn't any good in 966, why

27. is it any good in 992, the waterproof provisions that the Governor

28. suggesting being added notwithstanding?

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Coffey.

31. SENATOR COFFEY:

32. Well, as I understand that the Governor's Recommendations,

33. again, was to conform with the American Society of Testing for

Page 150- October 15, 1981

1. Materials proposed and on that basis, and talking to some of
2. the industry, which says this provision is easier for them to
3. regulate and for them to live with than the proposal which I
4. had earlier had in...in the legislation.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Gitz.

7. SENATOR GITZ:

8. Is it not true, though, with these changes, the Department
9. of Agriculture can still test gasohol, determine if it is
10. ten percent alcohol, that was the original provision? Now, the
11. penalty provisions are not altered, that part is not altered?
12. The DOA is additionally authorized to test alcohol before it is
13. mixed to gasoline to determine water content.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Coffey.

16. SENATOR COFFEY:

17. Well, that...that provision is still in the bill. The...the
18. procedure is somewhat different, but the penalty is still there,
19. and it's the same as it was as we earlier discussed when...they
20. are to be notified once they are found in...in violation. And
21. that penalty, then, after that notification has been made, is still
22. there to penalize them for...

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Gitz.

25. SENATOR GITZ:

26. Well, it's up to the Body, obviously, to decide what they
27. do, but I just simply want to point out that this is another example,
28. Senator Schaffer and I went through this when he put a bill in the
29. same form I had it, in Senate Bill 101, then it's presented to the
30. Governor, he vetoes the bill, but signs the other one, contrary
31. to that agreement. Now we're faced with a similar situation here.
32. And it strikes me that, apparently, the Governor changed his mind
33. in his Veto Message and 966 was not really what he thought after
34. all. It's just a game that's being played upon us.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Coffey..was that a question? Senator Coffey...further
3. discussion? Senator Coffey may close.

4.

5.

6.

7.

8.

9.

10.

END OF REEL

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.

Page 152 - October 15, 1981

1. SENATOR COFFEY:

2. Well, I'd just like to say, that...I'm not aware exactly what
3. ...was done with Senator Gitz's bill...as he's probably aware as
4. many of the members of this Body,...a year ago the Governor vetoed
5. a...the gasohol bill that I had and we had to override his veto,
6. so I...I'm not always in communications with the Governor on these
7. issues. I do think that the recommendation that's made by the
8. Governor, in this situation, is a good one. I...before accepting
9. that, talked to the people in the industry and asked if this was
10. a livable situation for them. They've said yes, and so, for that
11. reason, I accepted the Governor's proposal...on that basis, and
12. I'd ask for a favorable roll call.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Question is, shall the Senate accept the Specific Recommend-
15. ation of the Governor as to Senate Bill 992, in the manner and form
16. just stated. Those in favor vote Aye. Those opposed vote Nay.
17. The voting is open. Have all voted who wish? Have all voted who
18. wish? Take the record. On that question, the Ayes are 54, the Nays
19. are none. None Voting Present. The Senate does adopt the Specific
20. Recommendations of the Governor as to Senate Bill 992, and the bill
21. having received the required constitutional majority is declared
22. passed. Senate Bill 10...1042, Senator Grotberg. Read the motion,
23. Mr. Secretary, please.

24. SECRETARY:

25. I move to accept the Specific Recommendations of the
26. Governor as to Senate Bill 1042 in the manner and form as follows.
27. Signed, Senator Grotberg.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Grotberg.

30. SENATOR GROTEBERG:

31. Thank you, Mr. President. I believe...a speech earlier by
32. Senator Jeremiah Joyce, describes my bill where he...amended out
33. my bill and left the amendments, but it had to do with the...the...
34. specific...line of duty award he...and the Governor didn't

Page 153 - October 15, 1981

1. agree with my approach to that for corrections officers that were
2. killed in prisons...in that we already have a line of duty
3. award. Nevertheless, he left in a very needed...peace officer
4. amendment to those who may be called in case of riot, and come
5. under State authority, and I move that we do...adopt the
6. Governor's recommendation for change.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Further discussion? Further discussion? The question is,
9. shall the Senate accept the Specific Recommendation of the
10. Governor as to Senate Bill 1042 in the matter and form just
11. stated. Those in favor vote Aye. Those opposed vote Nay. The
12. voting is open. Have all voted who wish? Have all voted who
13. wish? Take the record. On that question, the Ayes are 51, the
14. Nays are none. None Voting Present. Senate does adopt the
15. specific recommendation as to Senate Bill 1042, and the bill
16. having received the required constitutional majority is declared
17. passed. We will now go to Motions in Writing to Override the
18. Specific Recommendations for Change. First motion on that order
19. of business is Senate Bill 21 by Senator Berning. Mr...
20. Secretary, read the motion, please.

21. SECRETARY:

22. I move that Senate Bill 21, Do Pass the Specific Recommend-
23. ations of the Governor to the contrary notwithstanding. Signed,
24. Senator Berning.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Berning is recognized.

27. SENATOR BERNING:

28. Well, Ladies and Gentlemen of the Senate, we had a rather
29. heavy vote on the first motion, which was to concur. I am now
30. offering you the opportunity of overriding, because I think
31. from the reading of the...of the vote at the last time, there was
32. no willingness to transfer the cost to the districts...to the
33. systems, and consequently, I would urge your Aye vote and let

Page 154 - October 15, 1981

1. this obligation become a part of the State. This is the way
2. the bill was originally passed.
3. PRESIDING OFFICER: (SENATOR BRUCE)
4. Further discussion? Senator Weaver.
5. SENATOR WEAVER:
6. Senator Berning, what fiscal cost will there be to the
7. downstate and all the fire and police pension funds throughout
8. the State? What...is this going to cost them somewhere in the
9. neighborhood of a three thousand dollars a year for this?
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Senator Berning.
12. SENATOR BERNING:
13. No, by changing this word from "may" back to "shall", it
14. becomes the State's obligation, there will be no obligation on
15. the part of the systems.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Senator Weaver.
18. SENATOR WEAVER:
19. What...what will it cost the State, then?
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Senator Berning.
22. SENATOR BERNING:
23. It's variously estimated at from a thousand dollars per
24. system to a maximum of fifty thousand dollars, perhaps, for
25. the State.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Senator Weaver.
28. SENATOR WEAVER:
29. What real benefit are these systems going to obtain from
30. this legislation, Senator Berning?
31. PRESIDING OFFICER: (SENATOR BRUCE)
32. Senator Berning.
33. SENATOR BERNING:

Page 155 - October 15, 1981

1. As I attempted to point out earlier, we are shortly to
2. be faced with the possibility of the enactment of PERISA, the
3. Federal mandate on the regulations for all pension systems.
4. We have taken one short step with the fiduciary standards, which
5. we have passed. This is the next step, the reporting standards.
6. It is elemental that...the participants in the systems ought to
7. know what the condition of those systems are, and this is part
8. of and the requirement that will be there when PERISA is passed.
9. That can happen...within the next thirty days or the next two
10. or three years. The...the bill is already filed in Congress.
11. It will be under consideration, shortly. What we hope, what I
12. hope, and the position of the Pension Laws Commission is that,
13. we would like to take the steps necessary to prevent the preemption
14. of our control of our own systems by the Federal Government,
15. and that's the reason for the bill. The cost is minimal.
16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Egan.

18. SENATOR EGAN:

19. Yes, thank you, Mr. President and members of the Senate.
20. I rise in support of Senator Berning's motion, because the
21. object here is to make sure that the downstate systems are
22. sound. This is the step in the right direction. The only reason
23. the Governor vetoed it is because he doesn't want to spend up
24. to fifty thousand dollars to do that. That's understandable
25. when he takes a hundred and some million dollars out of the
26. State supported systems, but there's no sense of hiding anything...
27. this is a good motion. I ask for your support.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Hall.

30. SENATOR HALL:

31. Will the sponsor yield for a question?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Indicates he will yield, Senator Hall.

Page 156 - October 15, 1981

1. SENATOR HALL:

2. Senators, I look upon this board...awhile ago this bill
3. was up and it got 6 Aye votes and 49 No votes. Now what
4. has happend, now, to make this a good bill, now?

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Berning.

7. SENATOR BERNING:

8. Senator, with this new motion, we should have 6 red ones
9. and 59 green ones, because it is now changed from a potential
10. small expense to the systems, to a small expense for the State.
11. The State will...will be required to assume all costs. That's
12. the difference.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Hall.

15. SENATOR HALL:

16. Well, I just want to be sure, because every fireman that
17. I've seen and all that's contacted me and said, it's bad, and
18. I want to be sure, now, that you've changed it to where you
19. say they would be supporting this now?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Berning.

22. SENATOR BERNING:

23. So...yes, so far as I know, their big objection was the
24. potential cost to the systems which might be as much as a
25. thousand dollars for each system. So, the change of the word
26. from "shall" to "may" has now gone back from "may" to "shall",
27. meaning that the State shall provide the reports, and that was
28. the cost.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Further discussion? Further discussion? Senator Berning
31. may close.

32. SENATOR BERNING:

33. If I haven't made it clear by now, there isn't anything

Page 157 - October 15, 1981

1. more I can say. This is a...a necessary step in the State's
2. qualifying for exemption under the Federal regulations which are
3. coming, and the cost is minimal. So, I respectfully suggest
4. that now, we ought to have a preponderance of green lights,
5. whereas, last time we had a preponderance of red ones.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Question is, shall Senate Bill 21 pass, the Specific
8. Recommendations of the Governor to the contrary notwithstanding.
9. Those in favor vote Aye. Those opposed vote Nay. The voting
10. is open. Have all voted who wish? Have all voted who wish?
11. Have all voted who wish? Take the record. On that question,
12. the Ayes are 23, the Nays are 20, 2 Voting Present. The
13. Senate does...and the motion to override the specific recommend-
14. ation of the Governor is lost. Senate Bill 446, Senator Vadalabene.
15. Read the motion, Mr. Secretary, please.

16. SECRETARY:

17. I move that Senate Bill 446 Do Pass, the Specific
18. Recommendations of the Governor to the contrary notwithstanding.
19. Signed, Senator Vadalabene.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Vadalabene.

22. SENATOR VADALABENE:

23. Yes, thank you, Mr. President and members of the Senate.
24. This legislation has been formulated and developed over the
25. last three Legislative Sessions and passed the House 148
26. to nothing, and passed the Senate 57 to nothing. Senate Bill
27. 446 requires nothing more than what a prudent person would
28. expect by requiring that the official authorizing an expenditure
29. of public monies must, first, certify that the expenditure is
30. lawful, that the expenditure is being charged to an appropriation
31. of the organization which is making use of the results of the
32. expenditure, and that the amount, service times and other
33. pertinent data are correct. This is a product of the Legislative

S.B. 446
passed on
10-15-81

Page 158 - October 15, 1981

1. Audit Commission. Senator Angelo is the hyphenated...DeAngelis
2. is a hyphenated sponsor of this bill, and I would ask for a
3. favorable roll call.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Further discussion? Senator DeAngelis.
6. SENATOR DeANGELIS:
7. Thank you, Mr. President...I stand in support of this
8. motion. There seems to be a paranoia that pervades every one of
9. these agencies when you ask them to legitimately perform the
10. function that they're supposed to perform. The Veto Message
11. is so erroneous, I won't even dwell on it, but most of the things
12. that were said in here are absolutely incorrect. All we're
13. saying to these people is, if you have an employee, say, this
14. is my employee. If you're going to pay employee, this is what
15. I'm going to pay them, if you're going to turn around and
16. transfer that employee, your just going to say, I transfer
17. this employee. There is nothing at all sinister in this bill,
18. and I cannot understand the constant...the constant badgering
19. by the Executive, when we turn around and attempt...force them
20. to do what they're supposed to do.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Further discussion? The question is...question is, shall
23. Senate Bill 446 pass, the Specific Recommendations of the Governor
24. to the contrary notwithstanding. Those in favor vote Aye. Those
25. opposed vote Nay. The voting is open. Have all voted who wish?
26. Have all voted who wish? Take the record. On that question,
27. the Ayes are 53, and Nays are 20, none Voting Present. Senate
28. Bill 446 having received the required three-fifths vote is declared
29. passed, the Specific Recommendations of the Governor to the
30. contrary notwithstanding. Senate Bill 513, Senator Egan.
31. Read the motion, Mr. Secretary, please. For what purpose does
32. Senator Egan rise?
33. SENATOR EGAN:

Page 159 - October 15, 1981

1. I would like to withdraw the motion, Mr. President and
2. in lieu thereof, substitute a motion to...accept, and if this
3. is improper time, then I'll wait, but I would like to do
4. it.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Well, Senator Egan, if you would just hold your motion
7. till we have Senator Berman, then we can go to the Order of
8. Motions to Accept. All right. With that leave, we'll get
9. to you right after Senator Berman. Senator Berman is recognized
10. on Senate Bill 633, on the Motion to Not Accept the Specific
11. Recommendation of the Governors. Senator Berman.

12. SENATOR BERMAN:

13. Thank you, Mr. President and Ladies and Gentlemen of the
14. Senate. The only portion of Senate Bill 633 that the Governor's
15. ...Amendatory Veto dealt with was the requirement under the...sales
16. tax...exemption from machinery and equipment, the requirement
17. upon the...manufacturers to file certain documents with the
18. Department of Revenue. It was adopted in the...Spring Session
19. it...at the request of the IMA, Illinois Manufacturer's Assoc-
20. iation, because the paper work was a substantial burden and it
21. really wasn't necessary to the...monitoring of the exemption...
22. the Governor...amendatorily vetoed that portion of it, but with
23. ...in subsequent conversations with the Governor's Office and the
24. Department of Revenue...their position has been reversed, and
25. I would now move to a...a pass the bill, notwithstanding the
26. Amendatory Veto...Minority Leader has been discussed and the
27. Legislative Branch, of the Governor's Office also is in concurrence.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Is there any discussion? Senator McMillan.

30. SENATOR MC MILLAN:

31. Mr. President and members of the Senate, I do rise in
32. opposition to the motion to override. I understand, clearly,
33. the reason behind the attempt to eliminate this reporting, but

Page 160 - October 15, 1981

1. in fact, this is a program of tax relief that was implemented,
2. that is difficult to keep...it's difficult to determine the
3. magnitude of it. We, in the Legislative Branch, have altered
4. definitions a couple of times and it's a under controversy
5. and...well, I'm just told by the powers that be that the Governor
6. has now blessed this, and I appoglyze, Senator Berman, we are
7. in agreement.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Berman.

10. SENATOR BERMAN:

11. Roll Call.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Question is, shall Senate Bill 633 pass, the Specific
14. Recommendations of the Governor to the contrary notwithstanding.
15. Those in favor vote Aye. Those opposed vote Nay. The voting
16. is open. Have all voted who wish? Have all voted who wish?
17. Take the record. On that question, the Ayes are 54, the Nays
18. are none. None Voting Present. The Senate does...Senate Bill
19. 633 having received the required three-fifths vote is declared
20. passed, the Specific Recommendations of the Governor to the
21. contrary notwithstanding. Is Senator Carroll on the Floor?
22. Senator Netsch, you placed a motion on the Order of Postponed
23. Consideration, is that correct? Did you wish...well, Senator
24. Egan has a motion pending to accept. Under our procedure, we
25. have to get that from the LRB and they are in the process of
26. putting it in the computer and getting it back. We can't...on
27. specific recommendations we must have...their computer print
28. to make sure it gets into the big Statue books when we pass
29. it...and so, as soon as we get that up, we will get to Senator
30. Egan, but Senator Netsch, on what bill did you postpone
31. consideration?

32. SENATOR NETSCH:

33. Senate Bill 311.

Page 161 - October 15, 1981

1. Discussion? Senator Philip.

2. SENATOR PHILIP:

3. Thank you, Mr. President and Ladies and Gentlemen of the
4. Senate. So far, our record today has been, we've overridden
5. the Governor's Veto to the point of one million seven hundred
6. thousand dollars. Here we come again with another two hundred
7. and thirty-three thousand dollars, and quite frankly, we simply
8. don't have the money. Now is not the time to do it. If we
9. keep doing this, you know, the big rush will be on, coming
10. after the first of the year, for some kind of tax increase...
11. to support all of this...additional funds, and I'm just going to
12. wonder where that Senator on the other side of the aisle is
13. going to be when we need a tax increase to balance the budget.
14. I know where she's going to be.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Further discussion? Senator Nimrod,
17. did you wish...Senator Nimrod.

18. SENATOR NIMROD:

19. Thank you, Mr. President. A question of the sponsor...
20. Senator Netsch, what is the...total amount of money that we are
21. now investing in this...in this drug program?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Netsch.

24. SENATOR NETSCH:

25. I didn't hear the...the latter part of your question,
26. Senator Nimrod.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Nimrod.

29. SENATOR NIMROD:

30. What...what is the total amount of money that we have
31. in...that we are spending on the drug program?

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Netsch.

Page 162 - October 15, 1981

1. SENATOR NETSCH:

2. On this particular program, the total amount is four...
3. well, with this amount restored would be four million six
4. hundred and thirteen thousand dollars...four million six
5. hundred and thirteen thousand four hundred dollars.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Nimrod.

8. SENATOR NIMROD:

9. Well, we're spending four hundred million and we're
10. talking about two...or four million in...in this one program,
11. and then, we have other monies that we're spending on the Drug
12. Program. I think that trying to restore the two hundred thousand
13. dollars is certainly going beyond. I think the Governor has
14. already left you enough money in those programs to take care
15. of them. Seems to me, that we constantly keep adding back,
16. inching back for every little program. There are many good
17. programs, and I think Senator Philip said, If we're going to
18. keep putting money back in, we're going to have to be facing a
19. tax increase, and I think we ought to just hold the line.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Senator Netsch, you may close.

22. SENATOR NETSCH:

23. Well, two hundred thousand dollars is not a substantial
24. sum, but it does, in this kind of outpatient treatment program,
25. provide, as I indicated earlier, a hundred and fifty slots,
26. which means more that a hundred and fifty persons...would be
27. served. Again, my...my strong urging is that we have already
28. indicated that we wanted restored money for the Residential
29. Drug Abuse Treatment Programs. This simply equalizes the
30. availability of some treatment in those parts of the State where
31. the residential is not readily available. I would urge your
32. support.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Page 163 - October 15, 1981

1. The question is, shall the item on page 4, line 13 of
2. Senate Bill 311 be restored, the Item Reduction of the Governor
3. to the contrary notwithstanding. Those in favor vote Aye.
4. Those opposed vote Nay. The voting is open. Have all voted
5. who wish? Have all voted who wish? Have all voted who wish?
6. Take the record. On that question, the Ayes 32, the Nays are 18,
7. 3 Voting Present. The item on page 30...on page 4, line 13
8. of Senate Bill 311, having received the required majority vote
9. of Senators elected is declared restored, the Item Reduction of
10. the Governor to the contrary notwithstanding. For what purpose
11. does Senator Philip rise?

12. SENATOR PHILIP:

13. Verification of affirmative votes.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Will the members please be in their seats. The
16. Secretary will call those who voted in the affirmative. When
17. your name is called, will you please respond.

18. SECRETARY:

19. The following voted in the affirmative: Berman, Bruce,
20. Buzbee, Carroll, Chew, Collins, D'Arco, Dawson, Degnan, Demuzio,
21. Donnewald, Egan, Geo-Karis, Gitz, Hall, Johns, Jeremiah Joyce,
22. Jerome Joyce, Lemke, Mahar, Marovitz, McLendon, Nash, Nedza,
23. Netsch, Newhouse, Rupp, Sangmeister, Savickas, Taylor,
24. Vadalabene, Mr. President.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Philip, do you question the presence of any member?

27. SENATOR PHILIP:

28. Senator Chew.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Is Senator Chew on the Floor? Strike his name.

31. SENATOR PHILIP:

32. Senator Sangmeister.

33. PRESIDING OFFICER: (SENATOR BRUCE)

Page 164 - October 15, 1981

1. Senator Sangmeister is on the Floor near the telephone
2. booth.
3. SENATOR PHILIP:
4. Senator Nedza.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Is Senator Nedza on the Floor? Senator Nedza. Strike
7. his name.
8. SENATOR PHILIP:
9. Senator Newhouse.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. Is Senator Newhouse on the Floor? Senator Newhouse.
12. Strike his name.
13. SENATOR PHILIP:
14. Senator Mahar.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Is Senator Mahar on the Floor? Strike his name. On the
17. verified roll call, there are 28 Ayes, 18 Nays, and the motion
18. is lost. Senator Egan, your motion has just arrived. With
19. leave of the Body we will return to Motions in Writing to
20. accept the specific recommendations for change and Senate Bill
21. 513. Is there leave? Leave is granted. Senator Egan is recogn-
22. ized on his motion.
23. SENATOR EGAN:
24. Thank you, Mr. President and members of the Senate. I
25. think that...after a good look at the Governor's Veto Message,
26. that...we have to consider the three reasons, very seriously...
27. relative to the General Assembly Retirement System. I think
28. he makes a valid objectionable three points...and first, this
29. part of the bill would set a precedent...with all public employee
30. systems in the State...secondly, it...it allows...a further
31. erosion in the General Assembly System and...to what amount...
32. to what amount, excuse me, is...is debatable but...certainly,
33. to some degree, I...it would...but for all other public employees

1. retirement systems, there would be no such similar provision
2. and...it allows, thirdly that the board...rather...would increase
3. the...power of the Pension Board, itself, to do that which we
4. have in prior years kept to the General Assembly to do, and so,
5. I...I would certainly ask your support in voting Aye on a motion
6. to accept the specific recommendations for change.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there discussion? Is there discussion? Question is,
9. shall the Senate accept the Specific Recommendations of the
10. Governor as to Senate Bill 513 in the manner and form just
11. stated. Those in favor vote Aye. Those opposed vote Nay.
12. The voting is open. Have all voted who wish? Have all voted
13. who wish? Take the record. On that question, the Ayes are
14. 48, the Nays are 3, 5 Voting Present. The Senate does accept
15. the Specific Recommendations of the Governor as to Senate Bill
16. 513 and the bill having received the required constitutional
17. majority is declared passed. On your Supplemental Calendar,
18. Supplemental 1, Senator...on the Order of Motions in Writing
19. to Override Total Vetos, is Senate Bill 1148. Senator Dawson,
20. are you ready, you...you postponed consideration of a motion
21. on that bill. Senator Dawson is recognized on a motion.

22. SENATOR DAWSON:

23. Mr. President and Ladies and Gentlemen of the Senate. I
24. hope we've clarified a few of the...problems with this here,
25. and explain them, and...I ask for a favorable roll call, because
26. the original reason why I couldn't answer a couple of the
27. questions was this is Representative Dolly Hallstrom's bill
28. and she's the expert on this here, being that she wears one of
29. these limbs and that, and I hope we have...it straightened out,
30. and I ask for a favorable roll call.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Is there discussion? Is there discussion? The question
33. is, shall Senate Bill 1148 pass, the Veto of the Governor to the
34. contrary notwithstanding. Those in favor vote Aye. Those opposed

SB 1148
motion in writing

Page 166 - October 15, 1981.

1. vote Nay. The voting is open. Have all voted who wish?
2. Have all voted who wish? Take the record. On that question,
3. the Ayes are 42, the Nays are 14, none Voting Present. Senate
4. Bill 1148 having received the required three-fifths vote is
5. declared passed, the Veto of the Governor to the contrary
6. notwithstanding. Alright, now, where is Howie Carroll?
7. Senator Carroll. Senator Carroll postponed consideration on
8. Senate Bill 308, Senator Carroll.

9. SENATOR CARROLL:

10. Please.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Alright, Senate Bill 308. Senator Carroll is recognized

13. on the motion.

14. SENATOR CARROLL:

15. Oh, I'm sorry, is that...isn't it 313?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Alright, Senate Bill 313, and Senator Carroll, if you

18. would state your motion.

19. SENATOR CARROLL:

20. The Clerk has it.

21. SECRETARY:

22. I move that the items on page 1, line 24 through 26 of

23. Senate Bill 313 Do Pass, the Item Veto of the Governor to

24. the contrary notwithstanding. Signed, Senator Carroll.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. One moment, Senator Carroll, there's a question. Senator

27. Walsh.

28. SENATOR WALSH:

29. Mr. President, a point of parliamentary inquiry.

30. Apparently, that bill on which we just acted was on the

31. Order of Postponed Consideration...is this...motion also on

32. postponed consideration?

33. PRESIDING OFFICER: (SENATOR BRUCE)

Page 167 - October 15, 1981

1. Yes, we had three motions on postponed...sure, the Chair
2. announced that we would pick up those three.
3. SENATOR WALSH:
4. My recollection is it's somewhat irregular to be considering
5. postponed consideration before the last day of the Session.
6. Are we going to be doing that for the rest of today, too? Or...
7. I...I mean everybody who lost one going to keep getting a second
8. try today, or what?
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. This is the last one, Senator. There were only three
11. postponed, today. Yes, Senator.
12. SENATOR WALSH:
13. Will we be considering these again tomorrow, then or...
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Well, under the Constitution, I...I don't think the
16. Chair could preclude a sponsor or any other member.
17. SENATOR WALSH:
18. Well, it's just a matter of procedure, Mr. President.
19. Postponed consideration has...my recollection has always been
20. the last day for...in which we've heard motions, or bills
21. whatever it may be, and now, we are doing it on the second
22. to last day. Will it be done again tomorrow, can you tell me?
23. PRESIDING OFFICER: (SENATOR BRUCE)
24. On postponed?
25. SENATOR WALSH:
26. Yes.
27. PRESIDING OFFICER: (SENATOR BRUCE)
28. ...I was trying to indicate that I...I don't know whether
29. the Chair can preclude, given the fact the Constitution allows
30. a sponsor fifteen days to...
31. SENATOR WALSH:
32. What your saying is, anything goes?
33. PRESIDING OFFICER: (SENATOR BRUCE)

Page 168 - October 15, 1981

1. ...file motions. Well, the Constitution sort of precludes our
2. stopping a sponsor within the fifteen-day constitutional dead-
3. ling from filing...he filing another motion or any other member
4. of the Senate.

5. SENATOR WALSH:

6. Well, Mr. President.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Yes, Senator Walsh.

9. SENATOR WALSH:

10. You can file it, but hearing it is something else again...

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. That is true.

13. SENATOR WALSH:

14. ...the procedure has always been that they be heard on the
15. last day, and I think you must admit that we're departing from
16. the standard procedure.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Carroll is recognized, on Senate Bill 313.

19. SENATOR CARROLL:

20. Thank you, Mr. President and Ladies and Gentlemen of the
21. Senate. As we had discussed, this deals with the amounts of
22. money the State is required by law to pay to the counties for
23. jailing State prisoners, while in the counties. Under Statutory
24. Law, the county picks up the first twenty-five hundred dollars per
25. prisoner and the State would pay the rest of the cost, which
26. in this year would have been a million dollars. The Governor did
27. not explain what he did, and this is for the medical expenses
28. of the inmates. All he said is, I eliminate the program, and no
29. reason was given. I think it is important, again, that we
30. do not pass on to the county property taxpayers the cost that
31. the State is, by law, supposed to bearing for the medical costs
32. of people while in jail. Again, the county through it's base pays
33. the first twenty-five hundred. This million will be the
34. Governor's increase of county property taxes in order to

Page 169 - October 15, 1981

1. pay what had been a State expense, and I would ask that
2. we override the Governor's Line Item Veto of this important
3. Medical Assistance Program.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Is there discussion? Senator Grotberg.

6. SENATOR GROTBORG:

7. Thank you, Mr. President. Again, on the same issue...
8. in this past year, ninety-seven percent of the claims did come
9. from the City of Chicago...jail system on this, I just wanted
10. you to know where the money has gone. But on my former statement,
11. I have a message from Bill Wall and the Chief of the Court
12. of Claims in Chicago, and under the Statutes...under the
13. special awards bill, they can pay all claims if a bill is less
14. than a thousand dollars, they at a Court of Claims. And because
15. our Statute that Senator Bower and all of us cooperated on
16. said they shall pay, it eliminates that provision where it is
17. necessary to lapse an appropriation. The court can pay, as is
18. authorized by the Statute, based on the opinion of the court
19. itself, I thought I would add that to the record.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Further discussion? Further discussion? Senator Carroll
22. may close.

23. SENATOR CARROLL:

24. I believe, Senator Grotberg, just to respond, there still
25. has to be an appropriation. They cannot shall pay if the General
26. Assembly did appropriate the money. So, once again, that would
27. not be an adequate remedy, and that the smarter remedy is, and
28. to those who feel that it is a legitimate bill and should be
29. paid, then let's appropriate the funds so to do like we do...
30. everywhere else. It would be silly to go through a subterfuge
31. of saying, pay it next year, or the year after, or the year
32. after that. If you admit that we are responsible for this payment,
33. I think we should be paying it, and not asking the county taxpayers

Page 170 - October 15, 1981

1. to pick it up in their real estate taxes. I would urge a
2. favorable vote.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The question is, shall the item on page 1, lines 24 through
5. 26 of Senate Bill 313 pass, the Item Veto of the Governor
6. to the contrary notwithstanding. Those in favor vote Aye.
7. Those opposed vote Nay. The voting is open. Have all voted who
8. wish? Have all voted who wish? Have all voted who wish? Have
9. all voted who wish? Take the record. On that question, the
10. Ayes are 33, the Nays are 24, and the motion to override the Item
11. Veto of the Governor is lost...our motion. We have some house-
12. keeping items to take care of.

13. SECRETARY:

14. Committee reports.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. For what purpose...well, go ahead Mr. Secretary.

17. SECRETARY:

18. Senator Egan, Chairman of Executive Committee, reports Senate
19. Bill 242 with the recommendation Do Pass as Amended. Or 1242,
20. I'm sorry. Senate Bill 1242.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. For what purpose does Senator Ozinga arise?

23. SENATOR OZINGA:

24. An announcement, if you're ready for that.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Well, we're not to announcements, Senator. We'll just...
27. were going to get to...

28. SENATOR OZINGA:

29. Okay.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there leave to go to the order of Introduction of Bills?

32. Leave is granted. Introduction of bills.

33. SECRETARY:

Page 171 - October 15, 1981

1. Senate Bill 1258, introduced by Senator Jerome Joyce,
2. Sangmeister, and Demuzio.
3. (Secretary reads title of the bill)
4. Senate Bill 1259, introduced by Senators Jerome Joyce,
5. Rock, Buzbee and Sangmeister and Demuzio.
6. (Secretary reads title of the bill)
7. Senate Bill 1260, by the same sponsors.
8. (Secretary reads title of the bill)
9. Senate Bill 1261, by Senator Schaffer, Sims and Bloom
10. and others.
11. (Secretary reads title of the bill)
12. Senate Bill 1262, by Senators Lemke and Sangmeister.
13. (Secretary reads title of the bill)
14. 1st reading of the bills.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. Motions in Writing.
17. SECRETARY:
18. Motion in Writing. I move to waive Senate Rule 5 so
19. that the following bills can be acted upon in this Session of the
20. General Assembly: Senate Bills 1258, 1259, 1260. Signed,
21. Senator Jerome Joyce.
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. Senator Joyce. Alright. The motion is to suspend the
24. rules so that Senate Bills 1258, 1259 and 1260 might be considered
25. in committee. You've heard the motion. Discussion of the motion?
26. All in favor say Aye. Opposed Nay. The Ayes have it. Rules are
27. suspended. The motion prevails. Further discussion? For what
28. purpose does Senator Grotberg arise?
29. SENATOR GROTBORG:
30. I believe I have a Motion in Writing. As regards...
31. House Bill on 1st reading, House Bill...
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. All right. We'll stay on the Order of Motions in Writing.

Page 172 - October 15, 1981

1. Senator Grotberg, read...the motion Mr. Secretary, please.

2. SECRETARY:

3. I move that House Bill 561 be read a first time and

4. advanced to the Order of 2nd reading without reference to

5. committee. Signed, Senator Grotberg.

6. SENATOR GROTERBERG:

7. Mr...Mr...Mr. President...

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. That's alright, Senator...the motion is that House Bill

10. 561, which appears on our Calendar on the Order of 1st reading

11. be read a first time, advanced to the Order of 2nd reading without

12. reference to committee. On that motion, is there discussion?

13. All in favor say Aye. Opposed Nay. The Ayes have it. The

14. motion prevails. Is there leave to go to the Order of House

15. Bills 1st reading? Leave is granted. House Bills 1st reading,

16. House Bill 561. Mr. Secretary, read the bill, please.

17. SECRETARY:

18. House Bill 561, Senator Grotberg is the Senate sponsor.

19. (Secretary reads title of bill)

20. 1st reading of the bill.

21. PRESIDING OFFICER: SENATOR BRUCE)

22. That bill shall go to the Order of 2nd reading without

23. reference to committee, pursuant to the suspension of the rules.

24. Is there leave to go to the Order of Resolutions? Leave is

25. granted. Resolutions.

26. SECRETARY:

27. Senate Resolution 322, offered by Senators Lemke, Degnan

28. and all Senators. It's congratulatory.

29. Senate Resolution 323, offered by Senator Becker. It's

30. congratulatory.

31. Senate Resolution 324, offered by Senator Demuzio and all

32. Senators, and it's congratulatory.

33. Senate Resolution 325, offered by Senators Savickas,

Page 173 - October 15, 1981

1. D'Arco, Rock, Lemke and others and it's commendatory.
2. Senate Resolution 326, offered by Senators Philip,
3. Weaver, Grotberg and DeAngelis and it's a death resolution.
4. PRESIDING OFFICER: (SENATOR BRUCE)
5. Resolution Consent Calendar.
6. SECRETARY:
7. Senate Resolution 327, offered by Senators Buzbee, Totten,
8. Bloom and Sangmeister.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Executive Committee.
11. SECRETARY:
12. Senate Resolution 328, offered by Senators Mahar, DeAngelis
13. and Ozinga.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Executive Committee. Any further business to come before
16. the Senate? Senator Ozinga for an announcement.
17. SENATOR OZINGA:
18. There will be a Republican Caucus in...in Senator Philip's
19. office immediately following adjournment today. Short caucus.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Is that Republican and Democratic or just...okay, all
22. Senators then. Senator Buzbee for an announcement.
23. SENATOR BUZBEE:
24. Yes, Mr. President, I would ask Senator Ozinga...we have
25. scheduled, and, in fact, it's on the Calendar, we have scheduled
26. a hearing by the Appropriations II Committee, of two departments
27. this afternoon on Block Grants and Reduction Vetoes, et cetera.
28. It's the Department of Public Health and the Department of Public
29. Aid. We don't anticipate either one of them would take longer
30. than thirty to forty minutes apiece, but about what time can we
31. expect your members down to that committee meetings?
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Ozinga.

Page 174 - October 15, 1981

1. SENATOR OZINGA:

2. The caucus will be less than ten minutes.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Buzbee.

5. SENATOR BUZBEE:

6. Yes...thank you, Mr. President. Then...the Senate

7. Appropriations II Committee will convene at ten minutes after

8. the Senate adjourns in Room 212 for hearing Public Health and

9. Public Aid, and I would ask all members of both sides to

10. please attend.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Any further business to come before the Senate? Senator

13. Vadalabene moves that the Senate stand adjourned until Friday,

14. October the 16th at the hour of nine o'clock. Nine o'clock.

15. On the motion to adjourn, is there discussion? All in favor say

16. Aye. Opposed Nay. Ayes have it. The Senate stands adjourned

17. until tomorrow at nine.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.