

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

PRESIDENT PHILIP:

The Senate will please come to order. If the Members will please be in their seats -- will please rise, and if our friends in the gallery please rise, for the prayer. The prayer today will be by Senator Adeline J. Geo-Karis of Zion, Illinois. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

Thank you, Senator Geo-Karis. Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Thursday, September 2nd, in the year 1993, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves that the reading and the approval of the Journal be postponed, in accordance with Special Session Resolution No. 3. So ordered. Now, the following media have requested permission to videotape today: WAND, WMAQ, WCIA, Chicagoland-TV, WFLD, WCIU, WLS, WGN, Illinois Information Service, WICS; and the Chicago Sun-Times requests permission to photograph. Is leave granted? Leave is granted. Senator Mahar, for what purpose to you rise?

SENATOR MAHAR:

Thank you, Mr. President. I would seek leave, if the time is appropriate, to have my name removed as the chief sponsor of House Bill 242, and have Senator Raica shown as the chief sponsor.

PRESIDENT PHILIP:

Is leave granted? No objections. Leave is granted. All right. Rules Report. Senator Weaver. Excuse me. Committee Reports.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Education Committee - Senate Amendment No. 2 to House Bill 242; and Be Approved for Consideration - House Bill 525.

PRESIDENT PHILIP:

Senator Watson, for what purpose do you rise? Are you there? Make your announcement.

SENATOR WATSON:

Yes. Thank you, Mr. President. I'd like to announce that there'll be an Education hearing in Room 400 in the State Capitol, immediately.

PRESIDENT PHILIP:

All right. The Senate will stand in recess till the hour of 1:30. Yeah. Education Committee is at 400, immediately.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Committee Reports.

SECRETARY HARRY:

Senator Watson, Chair of the Committee on Education, reports that Amendment No. 2 to Senate <sic> (House) Bill 242 Be Adopted.

PRESIDENT PHILIP:

Yeah. I would just like to make a little announcement. As you know, we're going to be going to House Bill 242. It's going to be final passage, I hope, if everybody that's in their offices

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

would please get up here to the Floor of the Senate. I might also -- yeah, I apologize. Evidently, there's a problem with our P.A. system in Senators' offices, that evidently -- if you'll notice, the ceiling tiles that are in the back hall here are -- are down and -- and evidently there's a -- a problem with the wiring. So, if -- if -- if -- if some of the Pages would go down to those offices and notify them verbally, we certainly would appreciate it. And I might suggest this: This is a Labor Day weekend; everybody wants to get out of here. If we could hold down the rhetoric and -- and do what we've been sent down here to do, we certainly would appreciate that. Thank you.

SECRETARY HARRY:

Mr. President, for the record, the Committee on Education reports that Amendment No. 2 to House Bill 242 Be Adopted.

PRESIDENT PHILIP:

Senator Raica, do you wish to return House Bill 242 to 2nd Reading for the purpose of an amendment?

SENATOR RAICA:

Yes, Mr. President. I'd like to table Committee Amendment No. 1, if I could.

PRESIDENT PHILIP:

Okay. Senator Raica seeks leave of the Body to return House Bill 242 to the Order of 2nd Reading for the purpose of tabling an amendment. Is there any objection? If not, leave is granted, and the amendment is tabled. Okay. Senator Raica moves the Amendment No. 1 to House Bill 242 be tabled. Any discussion? If not, Senator Raica moves to table Amendment No. 1 to Senate <sic> (House) Bill 242. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion -- the amendment is tabled. Now, Mr. Secretary, are there any other Floor amendments approved for consideration?

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

Amendment No. 2, offered by Senator Watson.

PRESIDENT PHILIP:

Senator Watson, to explain the amendment.

SENATOR WATSON:

Yes. Thank you, Mr. President, Members. I understand that this amendment has been distributed. It is now on your desk. This is Amendment No. 2 to House Bill 242. I'll briefly give you a synopsis of what this amendment does. It strikes everything after the enacting clause, so now this amendment becomes -- becomes the law. It establishes a period by which there'll be interim operations for the Chicago Board of Education and the schools, hopefully from September 1st to September 12th. It establishes a means by which the schools could open without a balanced budget, and it takes that provision away from the School Finance Authority that would require them to ratify a balanced budget until the 12th of the September. It creates -- number (2) creates a hiring freeze. Position number (3) exempts the Board from being charged with unfair labor practices as a result of the hiring freeze imposed in number (2). And Section number (4) requires the Board to adopt interim appropriations for the expenditures of funds...

PRESIDENT PHILIP:

Could we have a little order, please? Thank you.

SENATOR WATSON:

Section number (4) requires the Board to adopt interim appropriations for the expenditures of funds for that period from September 1st through September 12th. Be glad to answer any questions, Mr. President.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, all those in -- all those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. Any further Floor amendments

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senator Raica, on House Bill 242, on the Order of 3rd Reading. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 242.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What we have before us is House Bill 242, Amendment No. 2, which, it's my understanding, was an agreement between the four Leaders and the Governor, in a hope to put in a grace period in which the schoolchildren within the City of Chicago can return to schools. It basically has about four points, Mr. President, and with your permission, I'd like to explain what they are. The first one exempts the Chicago schools from the provision in Section 34A-406 that prohibit the Board from making any expenditures unless they have a budget approved by the School Finance Authority. Number two, it imposes a hiring freeze, by prohibiting the Board, the general superintendent, Board employees and the local school councils from hiring any person as an employee or officer of the Board in any position. The third that it does is it exempts the Board from being charged with unfair labor practices as a result of the hiring freeze, if it's imposed. And the fourth thing that it does is it requires the Board to adopt interim appropriations for the expenditure of funds for the period from September 1st to September 12th. And the interim

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

appropriations would -- would meet the intent of Section 34-49. Basically, what we've done, Mr. President and Ladies and Gentlemen of the Senate, is allow the -- the Board to go in without a balanced budget being approved for the period of up to September 12th and allow the schoolchildren to return to school in hopes that the Board and the Teachers' Union can reach some type of an agreement before the General Assembly comes back to Springfield next week.

PRESIDENT PHILIP:

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would like to share with those of you who were not present in the Education Committee just a little bit of the testimony that was presented. A number of us have some serious problems with the language in here dealing with the hiring freeze. Among the witnesses that just testified a few minutes ago in the Education Committee was the counsel to the Governor, who was present during the deliberations between the four Legislative Leaders and the Governor, and in effect, in response to my questions and other questions in the committee, indicated that this is the language that was agreed to by the Governor and the four Leaders, and this is the language that must pass, if any bill is going to pass. So we are confronted with a situation which is not unique here: We have to vote Aye or Nay and weigh the pluses and minuses of a bill that is before us. Again, I don't like the hiring freeze, because it appears that there's a possibility that if the Board and the Chicago Teachers' Union reach an agreement before Wednesday, and school is opened on Wednesday, there could be as many as eighteen hundred classrooms that might not have a teacher in front of that classroom. But the alternative is to not pass this bill, and then we have classes in full-year classrooms that aren't going to be

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

staffed; there are special ed programs that are not going to be staffed. There is a lot of other children that would suffer if we didn't pass this bill. So I'm going to vote Aye on this, and I merely suggest to the Board of Education of the Chicago public schools, to the Teachers' Union of the Chicago public schools, to the administrators of the Chicago public schools: Please do your best to reach an agreement, please do your best to open the schools on Wednesday, please do your best to staff with the greatest flexibility, so that our children have a teacher, even though their title may be different than teacher. Have someone in front of that classroom so our children will be in a position of education next Wednesday, Thursday and Friday, so that we can come back here next week and hopefully get a more permanent solution to the problems of the Chicago public schools. I urge an Aye vote.

PRESIDENT PHILIP:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I speak in favor of this bill, but I want everyone to know that we who are here today are very mindful of the needs of the children of Chicago. I would like to suggest that the Chicago Teachers' Union cooperate to its fullest extent with its Board and with the Governor and with the Mayor of Chicago, so that we can reach some possible solution, because we are not doing ourselves any good, come here back and forth, without getting a solution. I understand this solution will be good until the 12th of September. By that time, I hope a solution is reached; otherwise, there are going to be problems.

PRESIDENT PHILIP:

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

SENATOR RAICA:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

Senate. Senator Berman has worked on the issues of education reforms in the City of Chicago, along with Senator Watson, and before Senator Watson, Senator Kustra. I think what's very important -- and -- and Senator Berman did touch on it - and I wanted to speak right after he spoke - but when the Governor's people were speaking before the Education Committee -- and -- and they were asked about the word "appointment," where it comes -- or came to schoolchildren possibly going back to school and not having teachers in front of them, we were afraid that they would get into a situation where they were being asked a legal opinion, and it could hamper any type of contract negotiations or collective bargaining that the Teachers' Union, the City of Chicago, and the Board would get into. They were not trying to avoid the question of appointments whatsoever. It has been Senator Watson's feelings, my feelings, and the feelings of the Governor, that when we used the word "appointment" or a teacher being appointed, it was in a temporary basis where the child would not go unsupervised in a classroom setting. This -- when the Governor called the General Assembly back to Session this week and for Special Session, the -- or the Governor felt very strongly that the General Assembly do something in order to allow the schools this grace period, in which they can go back and at least get the children into school and start the process going. We as the General Assembly, myself as the sponsor, Senator Philip and the four Leaders, encouraged the Teachers' Union, the Mayor of the City of Chicago and the Board -- the Teachers' Union and the Board to continue ongoing negotiations and have a contract settled before the General Assembly get into Session next week. It's imperative that they do so, at least for the benefits of the children. Mr. President, Ladies and Gentlemen of the Senate, this is all we have before us today. If this is not passed, I -- I -- I dare say we should hang our heads in shame that nothing was done

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

for the children of the City of Chicago, enabling them to go back to school. Therefore, I would just solicit an Aye vote, Mr. President.

PRESIDENT PHILIP:

I might remember -- remind the Membership, it takes thirty-six affirmative votes. All right. The question is, shall House Bill 242 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 46 Ayes, 7 Nays, 1 voting Present, 5 not voting. House Bill 242, having received the required three-fifths majority, is declared passed. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution No. 1, offered by Senator Weaver.

(Secretary reads SJR No. 1)

PRESIDENT PHILIP:

Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Mr. President, just a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR CRONIN:

I'd like to -- the record to reflect that I traveled back twelve hundred miles to cast a vote on that matter, and when I pushed my button on my box here, it didn't work, and the key had not been turned on, and my desk is locked. And so, I -- I would have loved to vote for that wonderful piece of legislation, had I been able to. Thank you.

PRESIDENT PHILIP:

The record will so indicate, Senator Cronin. Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

I'd move for the suspension of the rules for the immediate consideration and adoption of Senate Joint Resolution No. 1.

PRESIDENT PHILIP:

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution No. 1. All those in favor, signify by saying Aye. Those opposed, Nay. The rules are suspended. Senator Weaver now moves to -- the adoption of Senate Joint Resolution 1. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The resolution is adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

With leave of the Body, we will go to Supplemental Calendar No. 1. On that Calendar is House Bill 525. Senator Watson, do you wish... Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 525.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Is there any further business to bring before the Senate? For what purpose does Senator Stern arise?

SENATOR STERN:

Mr. President and Members of the Senate, my light has been on since Senator Cronin made his point. I just would like to add that as one who traveled about ten thousand miles to come back to this eminent Body, I am honored that my key was on and I was able to vote for that legislation and send four hundred and eleven

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

2nd Legislative Day

September 3, 1993

thousand children back to school.

PRESIDING OFFICER: (SENATOR WEAVER)

Well, it's nice to have both of you back. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 2, Constitutional Amendment, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR WEAVER)

Executive. Is there any further business to bring before the Senate? If not, Senator Watson moves that the Senate stand adjourned till Thursday noon, September the 9th.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX
SPECIAL SESSION # 1

94/11/29
14:02:51

SEPTEMBER 03, 1993

HB-0242	RECALLED	PAGE	3
HB-0242	THIRD READING	PAGE	5
HB-0242	OTHER	PAGE	1
HB-0525	SECOND READING	PAGE	10
SJR-0001	ADOPTED	PAGE	10
SJR-0001	RESOLUTION OFFERED	PAGE	9
SJR-0002	RESOLUTION OFFERED	PAGE	11

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-SENATOR GEO-KARIS	PAGE	1
JOURNAL-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
RECESS	PAGE	2
SENATE RECONVENES	PAGE	2
COMMITTEE REPORT	PAGE	2
ADJOURNMENT	PAGE	11